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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 16/2024/EZ

MD. HUMAYUN ABBAS

.....APPLICANT(S)

VERSUS

STATE OF WEST BENGAL & ORS.

.....RESPONDENT(S)

COMMITTEE REPORT ON AFFIDAVIT FILED BY
THE WEST BENGAL POLLUTION CONTROL
BOARD.

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI
ADVOCATE

SL. NO. 17 Dt. - 14 MAR 2024

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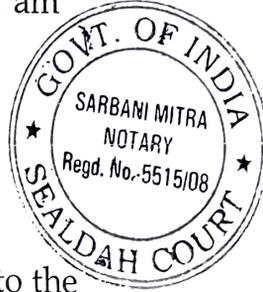
COMMITTEE REPORT ON AFFIDAVIT FILED BY
THE WEST BENGAL POLLUTION CONTROL
BOARD.

Most Respectfully Sheweth

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged
about 60 years, by faith-Hindu, Occupation- Service,
residing at Narkelbagan, Gorosthan, Chinsurah, District -
Hooghly, do hereby solemnly declare and say as follows:-

14 MAR 2024

01. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 01, to affirm this Affidavit on its behalf and as such, I am competent to do so.

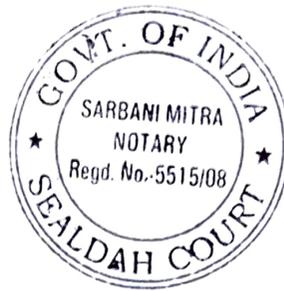


02. That, this affidavit is being affirmed in pursuant to the order passed by this Hon'ble Tribunal dated 25.01.2024.

03. That, the Hon'ble National Green Tribunal vide order dated 25.01.2024, constituted a committee comprising of the following members: -

i) Senior Scientist, West Bengal Pollution Control Board;

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ii) Senior Scientist, Central Pollution Control Board, and

iii) Commissioner, Presidency Division, Kolkata, or his representative not below the rank of Additional District Magistrate.

04. That, in compliance to the order of the Hon'ble National Green Tribunal dated 25.01.2024, the Committee visited the said site. The primary allegation is that an illegal construction of unauthorized building is being carried out at 7A, Tiljala Road, Circus Avenue, Kolkata- 700017, P.S.- Karaya. The Committee inspected the said site on 16.02.2024 between 11.45 to 1.00 PM.

05. That, from the joint inspection conducted on 16.02.2024, the Committee members made the following observations:

a) In the alleged site of premises no. 7A, Tiljala Place, Kolkata 700017, construction of a residential building

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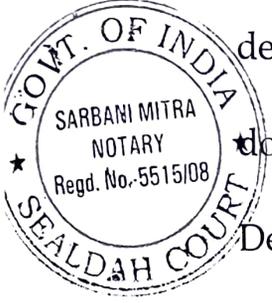
comprising of 02 no. of towers, i.e. G+7 and G+6 with 5067.149 sq m area is proposed.

b) As per the documents produced by Mr. Javed Akhtar, premises no. 7B, 7C, 7E and 7F Tiljala Place have been deleted and amalgamated with Premises 7A (Ref: KMC document from Assessment Collection (South Department)).

c) KMC has already served notice regarding demolition (u/r 20, KMC Building Rule 2009) of existing old building structure on July, 2023.

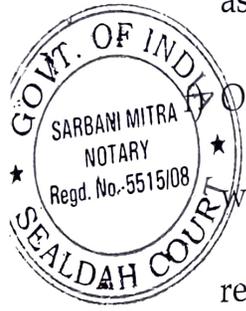
d) As per the KMC's sanctioned plan, which is provided by Mr. Javed Akhtar, the total area of the land is 2066.684m², in which area of the water body is mentioned as 96.1525m² (1.7 katha). Further, in the sanctioned plan (BP No. 2023070080 dated 15/07/2023) the water body is termed as Tank.

e) The water body (tank) is located at eastern side of the said plot which is surrounded by temporary bamboo



14 MAR 2024

embankment. From the structure and outlook of the water body it seems that in the recent past digging activity was carried out on all sides of the pond. As informed by the representative of the unit the maximum depth of the pond is 8 ft, however in absence of any expertise it could not be ascertained by the Committee.



On the western side of the plot, any type of water body was not found during visit. However, a brick lined water reservoir was constructed on the north west side of the plot. At the site, machinery like JCB crane, drilling machine, old make DG Set, welding machine were found.

g) The unit has also obtained necessary permissions from the Fire Department and Airport Authority of India for construction of said residential building.

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06. That, the Committee made the following recommendation:

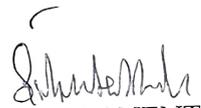
"In view of the above, the Committee members were in opinion that water body map could only be traced by Kolkata Municipal Corporation and Land department.

As Kolkata Municipal Corporation and Land department are not respondents or Committee member in this matter, necessary information about the exact location of water body and its measurement could not be assessed by the Committee."

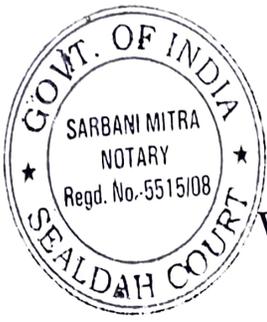
Copy of the inspection report of the Committee is annexed herewith and marked with letter "R".

07. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Identified by me
Sibajyoti Chakrobarti
Advocate
WB PCB


DEPONENT

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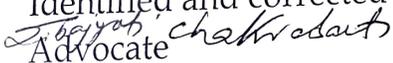


VERIFICATION

I, Sri Subrata Ghosh, son of Shri Biswanath Ghosh, aged about 60 years, by Religion - Hindu, by Occupation- Service, residing at Narkelbagan, Gorosthan, Chinsurah, District-Hooghly, do hereby solemnly declare and say as follows:-

1. That, I am the Officer on Special Duty (OSD), West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 6 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.


DEPONENT

Identified and corrected by me

Advocate
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By 

SARBANI MITRA
NOTARY
Regd. No.-5515/08

14 MAR 2024



INSPECTION REPORT

Inspection reference	Order of Hon'ble NGT in the matter OA 16/2024/(EZ) dated 25/01/2024
Address	Illegal construction of unauthorized building at 7A Tiljala Road, Kolkata 700017
P.O.: & Pin Code	Circus Avenue, 700017
P.S.:	Karaya
District	Kolkata
Local Body/Authority	KMC ; Ward No. 65
Date & Time of inspection	16/02/2024; 11:45 to 1:00 PM
Date of previous visit	--
Inspecting officers	Sri S Mardi, SEE, Kolkata RO, WBPCB Sri D Nandi, AC, Presidency Division, Kolkata Sri Sandeep Roy, Scientist D, CPCB Smt P Maitra, AEE, Kolkata RO, WBPCB
Persons met during inspection	Mr Javed Akhtar, Respondent and others

• **Observation :**

- In the alleged site of premises no. 7A Tiljala Place, Kolkata 700017. construction of a residential building comprising of 02 no. of towers i.e., G +7 and G + 6 with 5067.149 sq m area is proposed.
- As per the documents produced by Mr Javed Akhtar, premises no. 7B, 7C, 7E and 7F Tiljala Place have been deleted and amalgamated with Premises 7A (Ref: KMC document from Assessment Collection (South) Department).
- KMC has already served Notice regarding demolition (u/r 20 , KMC Building Rule 2009) of existing old building structure on July, 2023.
- As per the KMC's sanctioned plan, which is provided by Mr Javed Akhtar, the total area of the land is 2066.684 m² in which area of the water body is mentioned as 96.1525 m² (1.7 katha). Further, in the sanctioned plan (BP No. 2023070080 dated 15/07/2023) the water body is termed as **Tank**.
- The water body (tank) is located at eastern side of the said plot which is surrounded by temporary bamboo embankment. From the structure and outlook of the water body it seems that in the recent past digging activity was carried out on all sides of the pond. As informed by

the representative of the unit the maximum depth of the pond is 8 ft, however in absence of any expertise it could not be ascertained by the Committee.

- On the western side of the plot, any type of water body was not found during visit. However, a brick lined water reservoir was constructed on the north west side of the plot. At the site, machinery like JCB crane, drilling machine, old make DG Set, welding machine were found.
- The unit has also obtained necessary permissions from the Fire Department and Airport Authority of India for construction of said residential building.

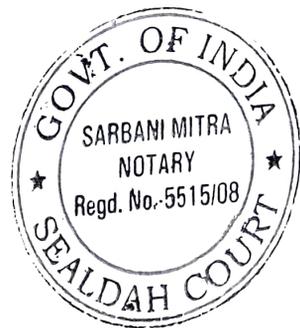
Recommendation :

In view of the above, the Committee members were in opinion that water body map could only be traced by Kolkata Municipal Corporation and land department. As Kolkata Municipal Corporation and Land department are not respondents or Committee member in this matter, necessary information about the exact location of water body and its measurement could not be assessed by the Committee.


S Mardi, SEE
Kolkata RO, WBPCB


Sandeep Roy, Scientist D
CPCB Kolkata

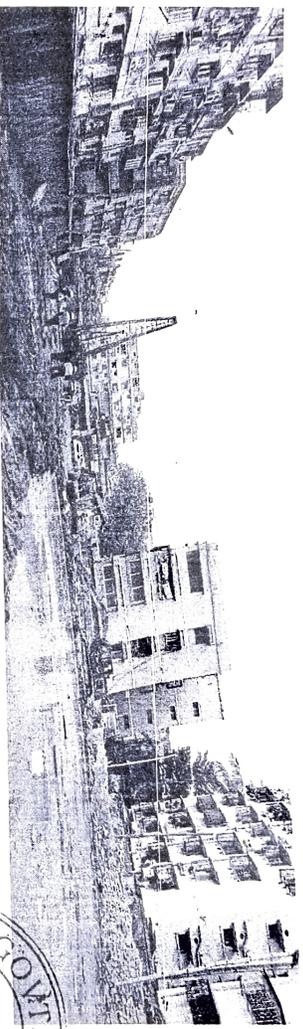

D Nandi, Asst Commissioner
Presidency Division, Kolkata



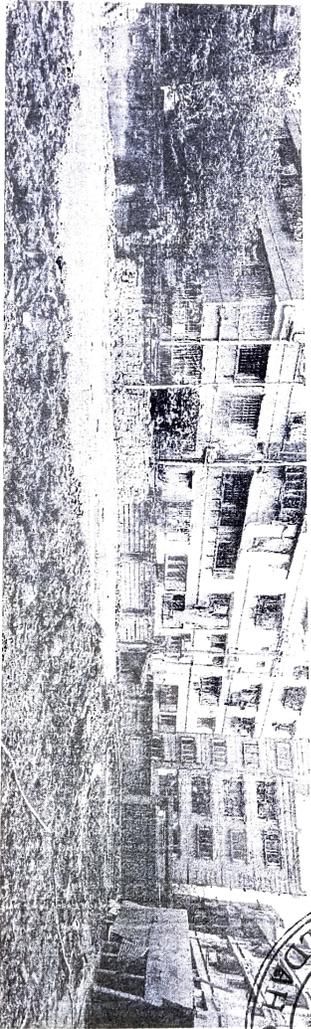
Photographs of alleged construction site taken during visit on 16/02/2024



Water body on the eastern side of the plot

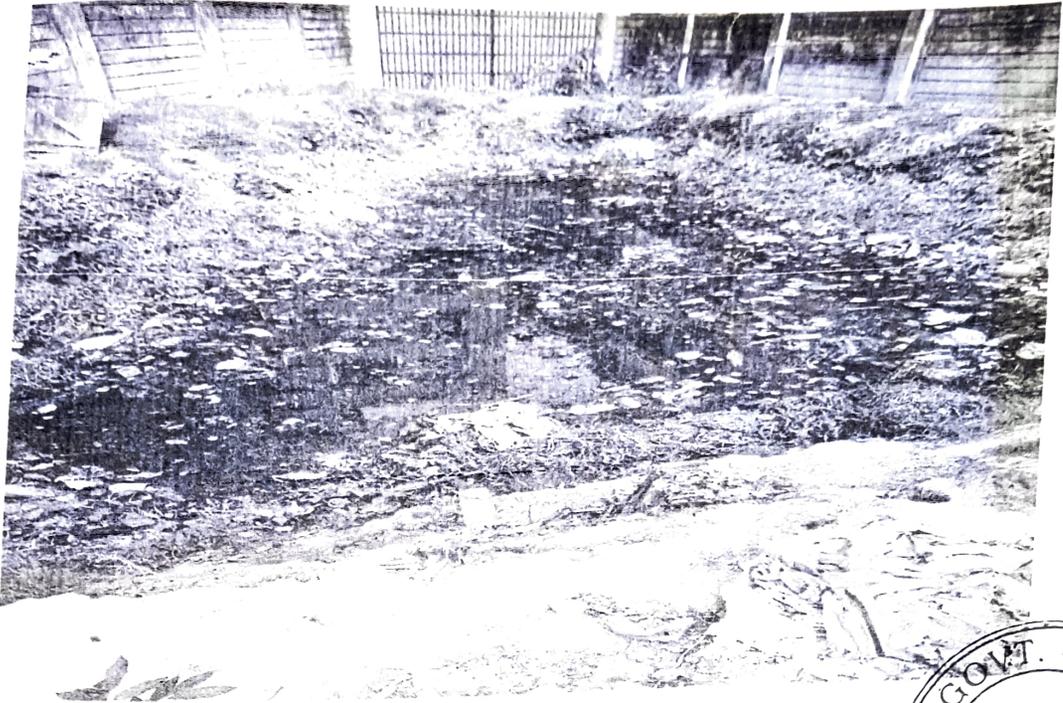


Construction site

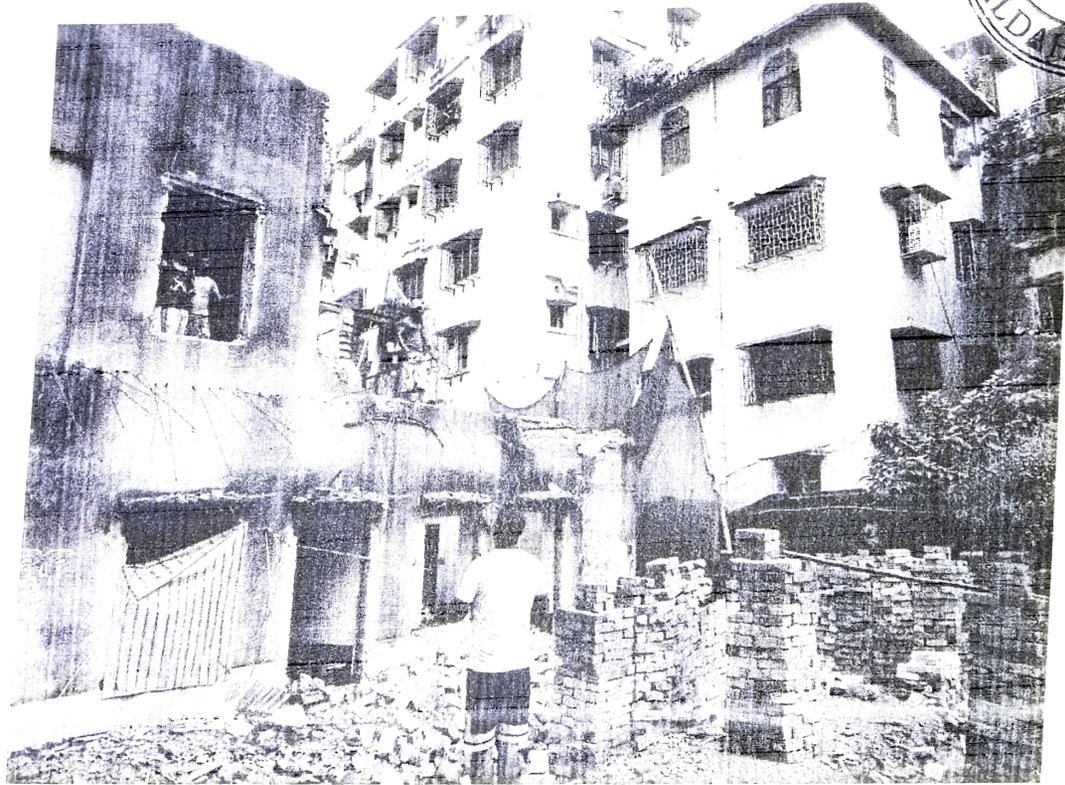


Construction site

Photographs provided by the owner taken before starting of construction work



Water body



Demolition work of old building structure

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