

SL No. 13)

**BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 85/2024/EZ



In the Matter of:

Subhas Dutta

...Applicant

-Versus-

State of West Bengal &Ors.

...Respondents

**AFFIDAVIT OF THE COMMISSIONER, HOWRAH MUNICIPAL CORPORATION,
HOWRAH IN COMPLIANCE WITH THE ORDER OF THE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH**

I, Smrutiranjana Mohanty, son of Sri Nabaghana Mohanty, aged about 34 years, working for gain at 4, Mahatma Gandhi Howrah 711101 do hereby solemnly affirm and say as follows:

1. I am the commissioner of the Howrah Municipal Corporation, the respondent no.6 herein. I am acquainted with the facts and circumstances of the case and I am competent to affirm this affidavit on behalf of the respondent no.6.

11 JUN 2024

Smutiranjana Mohanty
Commissioner
Howrah Municipal Corporation

2. I affirm this affidavit in terms of the solemn orders passed by the Hon'ble Justice B. Amit Sthalekar and Hon'ble Justice (Dr.) Arun Kumar Verma, National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That a copy of the solemn orders of the Hon'ble Tribunal has been taken from the server and I have read and understood the contents and purport thereof. Nothing contained in this affidavit shall be construed as admission of any statement unless specifically admitted by me. I reserve the right to deal with legal position of the matter at the time of hearing.
4. That Respondent No. 6 has stated that extensive efforts were undertaken to identify alternative locations for the establishment of a Trenching Ground around the city. However, these initiatives did not come to fruition due to non-availability of suitable parcel of land required for setting-up of another Dump Site which can cater to the need of the city of Howrah where waste generation is on average 670 MT per day.
5. That the Respondent No. 6 has undertaken significant initiatives, in conjunction with the State Government, SUDA & KMDA to manage waste at the existing Belgachia dump site through the bio-mining method, which is utilized for the processing of legacy waste and there-by reclaiming land for setting-up of the facilities required for processing of fresh waste in accordance with the provisions of SWM Rule, 2016.



Soumitrajit Das
Commissioner
Howrah Municipal Corporation

6. The Respondent no. 6 stated that Segregated Waste collection services at sources are currently operational in 11 wards, namely ward No. 8, 11, 13, 17, 18, 29, 33, 40, 42, 43, and 44. Plans are in place to extend these services to an additional 14 wards, specifically wards 2, 3, 4, 5, 9, 10, 21, 25, 26, 27, 28, 32, 34, 37, and 38, by September 2024. It is anticipated that these services will be implemented in all fifty wards of HMC within the current financial year. Photographs of the same are annexed hereto as Annexure-R/1.
7. That Respondent No. 6 further stated that presently garbage collection operations are conducted in the rest 39 wards out of the 50 wards of the ULB in conventional modewhere-atun-segregated municipal solid waste being transported to secondary collection points(vat) before being deposited at the Belgachia Dumping Ground on regular basis. Copy of the Documentation detailing this process is annexed hereto as Annexure-R/2.
8. That Respondent No. 6 stated that the city is kept clean through both manual and mechanical sweeping operations, and regular de-silting activities are conducted to mitigate water-logging issues. Photographs of the same are annexed hereto and marked as annexure R/3



Sumitranandan Mohanty

Commissioner
Howrah Municipal Corporation

9. That Respondent No. 6 stated that Identified garbage vulnerable points at secondary collection sites are regularly monitored, and waste is systematically cleared from these locations.

10. That Respondent No. 6 has also ensured that the Ganga Ghats are cleaned regularly, and idol structures are removed during relevant periods to maintain cleanliness in accordance with the extant environmental norms. Photographic evidence of this process is annexed hereto as Annexure-R/4.

11. Further Respondent No. 6 stated that to mitigate environmental pollution, water is sprayed on city roads using sprinkler vehicles. Photographs documenting this activity are annexed hereto as Annexure-R/5.

12. That the Respondent No. 6 stated that Waste collection operations are efficiently managed throughout the HMC area, facilitated by four operational compactor stations. Photographs illustrating these operations are annexed hereto as Annexure-R/6.

13. That Respondent No. 6 stated that the legacy waste processing at the Belgachia Dumping Ground commenced in July 2023 under the aegis of KMDA, targeting the processing of estimated 10 lakh metric tons of legacy waste within another 39 months. The bio-mining process has already commenced, and there is a proposal to establish a Bio-City to


Commissioner
Howrah Municipal Corporation



handle segregated wet waste from the wards. The byproducts of legacy waste processing, including inert materials, good earth, and RDF, are being disposed of to various off-takers in accordance with the provisions of SWM Rules, 2016. A certificate in this regard will be available from KMDA, the nodal agency. Presently, more than 2.7 lakh metric tons of legacy waste have already been processed and 1.74 acre of land have been reclaimed at Zone 3 of the Belgachia Trenching Ground where SUDA is planning to establish a 100 TPD capacity of Biogas Plant for processing a portion of segregated fresh wet waste. Photographs are annexed hereto as Annexure-R/7

14. Further it is stated that 10 metric ton capacity plastic waste management project under UNDP has already been completed and installed at MRF, Belgachia, Howrah. We are in the process of selecting an operation and maintenance agency to run it in accordance with the provisions of Plastic Waste Management Rules, 2019.

15. The Conservancy Department also maintains efforts to remove accumulated garbage during various festivals to keep the city clean.

16. The Conservancy Department is also engaged in special cleaning work for VCT and pulse mode activities, etc.

17. It is therefore respectfully prayed that this Hon'ble Tribunal may graciously be pleased to allow time to the department to carry out further



Smritirajan Majumdar
Commissioner
Howrah Municipal Corporation

steps and to take further necessary steps in terms of the order passed by this Hon'ble Tribunal and to pass order or orders as deem fit and proper in the interest of justice.

18. The statements contained in paragraph nos. 1 are true to my knowledge and the statements made in paragraph nos. 2 to 16 are information derived from record and the rest thereof are my humble submissions before this Hon'ble Court.

Identified by me and

Prepared in my Office

Amrita Pandey

Advocate F/747/2009

Sourabha Ranjan Mahapatra

Deponent

Commissioner
Howrah Municipal Corporation

Before me,

Notary Public



Solely Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CrPC

[Signature]
Notary

SK, Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta

11 JUN 2024

VERIFICATION

Verified at Kolkata by the Deponent above named on this the ^{11th} day of June, 2024 and I do hereby verify that all the facts as mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

Date:- 11.06.2024

Place: Kolkata

Smriti Ranjan Halder

Deponent
Commissioner
Howrah Municipal Corporation

Identified by me
Amrita Pandey
Advocate





172/H
24-25

Note Sheet

Comm / 419 / 24-25

279/24-25
13/5/24

P.O.O
Mr. G. D. / 28-30/General

Dated : May 10, 2024.

Sub : In the matter of O.A. No. 85/2024/EZ before the Hon'ble NGT – Subhas Dutta vs State of West Bengal & Ors — Reg.

Apropos of the above, enclosed please find herewith a copy of the interim Order dated 24.04.2024 of the Hon'ble NGT in the instant O.A. along-with the Memorandum of Application of the applicant Shri Subhas Dutta, placed in the CP side, for kind perusal where-in the HMC is the Respondent No 6. As per the Order, all respondents are to file their Affidavit-in-Opposition within a period of 4 weeks. Hence, we may forward the same to the Cons. Dept. for preparation of S.F. with all necessary details and pictorial and other evidences and to submit the same positively by 18.05.2024 for onward transmission to our Ld. Counsel in the instant O.A. through OSD (Law), HMC. It may not be out of place to mention here that the ADM (LR & LA), Howrah on behalf of the District Magistrate being Respondent No 5, has recently called a meeting with all the ULBs of Howrah District in this regard. The matter is further listed on 29.05.2024.

Submitted please.

LR
Secretary

Howrah Municipal Corporation

Commission
HMC

by 18/5/24 to be submitted without fail.

AS
(~~OA~~ as left copy to
OA send High
mail)

LR
13/5/24

Secretary

Salient points of Conservancy Dept is put up.
Submitted for necessary information pl

LR
17/05/24

We may send it to OSD (Law) for making a draft Affidavit in Oppn.
by our Ld Counsel in this OA pt.

Commission
HMC

LR
18/05/24

LR
OSD (Law)

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.85/2024/EZ

Subhas Datta

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 24.04.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Subhas Datta, in person,

ORDER

1. Heard Mr. Subhas Datta, the Applicant, appearing in person.
2. The present Original Application has been filed by the Applicant appearing in person seeking a direction, inter-alia, to the Respondents to take all steps and measures to ensure dumping and disposal of municipal solid waste as per Municipal Solid Waste (Management and Handling) Rules, 2016.
3. The allegation of the Applicant is that in the city of Howrah garbage is found dumped in open drains and scavengers are daily removing such waste which has almost become a slurry; day to day life in the city of Howrah has become unbearable due to poor solid waste management; due to accumulation of garbage in open drains of the city flow of water of those drains get obstructed causing sewage water accumulation during rains and this water also enters inside the courtyards of many residents in low lying areas.
4. Photographs in support of the allegations have also been filed as Annexure-P/3 (at pages 25 to 58) to the Original Application, which

show absolutely horrible and dirty filthy condition of the various areas of Howrah such as – Sandhaya Bazar, Panchanantala Road near Belilious Lane Point, Howrah, Panchanantala Road, near Gora Bazar, Howrah, Nityadhan Mukherjee Road, Howrah, J. Road, Belgachia Dumping Ground, Howrah, Western Road side of the Belilious Park, Howrah, Kajipara to Nabanna, State H.Q. at Howrah, Chatterjee Hat Bazar, Howrah, G.T. Road Sandhya Bazar, Howrah, G.T. Road near Shibpur Bazar, Howrah, Belilious Lane, Howrah.

5. Matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Rajib Ray, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.1,3 & 5, State Respondents, Government of West Bengal.
8. Ms. Paushali Banerjee, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.2, Urban Development and Municipal Affairs Department.
9. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.4, West Bengal Pollution Control Board.
10. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.6, Howrah Municipal Corporation.
11. All the Respondents shall file their counter-affidavits within four weeks, showing what action has been taken under the Municipal Solid Waste (Management and Handling) Rules, 2016.
12. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Rajib Ray, Ms.

Paushali Banerjee, Mr. Dipanjan Ghosh and Ms. Amrita Pandey,
Counsel for the Respondents, within 48 hours.

13. **List on 29.05.2024.**

.....
B. Amit Sthalekar, JM

April 24, 2024,
Original Application No.85/2024/EZ
AK

.....
Dr. Arun Kumar Verma, EM

Salient points of Conservancy Department, HMC interest of O.A. no 85/2024/EZ before the Hon'ble NGT- Subhas Dutta Vs State of West Bengal & Ors- Reg

In order to keep the 50 wards under HMC the following processes are constantly being implemented by Conservancy Department to clean the Howrah city.

- 1) Searches were made in the past for alternative places for setting up another Trenching Ground of H.M.C in an around the city, which however could not be materialized due to want of sufficient land required for this purpose. Subsequently initiatives have been taken by State Govt & H.M.C for reclaiming of land at the existing dumpsite at Belgachia by way of processing the legacy waste through bio mining method.
- 2) Door to Door segregated waste collection is in operated for a total of 11 wards of the HMC which are ward no.- 8,11,12,22,26,29,33,40,42,43,44. Initiative have been taken from our end to do such work in another 14 wards i.e. 2,3,4,5,10,21,23,25,27,28,32,34,37,38 from next September, 2024 and after that this work will be implemented in this financial year for rest of the wards. (Photographs attached in Annexure –I)
- 3) At present the garbage collection through agencies are running in 39 wards of the HMC where garbage is picked up from secondary collection point (vat) and dumped in the Belgachia Dumping Ground. (Photographs attached in Annexure –II)
- 4) Street sweeping is done manually and by mechanical road sweeping machine to keep the city clean and drain desilting work is done regularly to save the city from water logging. (Photographs attached in Annexure –III)
- 5) Apart from secondary collection point (vat) there are some garbage vulnerable points where the accumulated garbage is cleaned regularly and bins are provided at those places.
- 6) Various Ganga Ghats are cleaned regularly and idol structures are removed during emersion period to keep the Ganga clean. (Photographs attached in Annexure –IV)
- 7) To prevent environmental pollution in the city water is spared regularly on the roads by four nos sprinkler vehicles. (Photographs attached in Annexure –V)
- 8) Cleaning services are collected throughout the HMC areas by four nos compactor stations. (Photographs attached in Annexure –VI)
- 9) Bio-mining work of Legacy Waste already started in Belgachia Dumping Ground since July, 2023 to process 10 lacks metric ton Legacy Waste At present Bio-mining work has already being completed at zone -3 of Belgachia Trenching Ground and SUDA has proposed to set up a Bio gas plant of Capacity 100tpd for processing the apportion of the segregated wet waste received from the ward where segregation work is already been started or will be started in near future. The processing of legacy waste the byproduct of inert, good earth & R.D.F which are being disposed of to various offtakers in accordance with the provision of SWM rules-2016. Certificate in this regard

will available by KMDA. Presently 2.7 lacks metric ton Legacy Waste already processed.
(Photographs attached in Annexure –VII)

- 10) 10 metric ton capacity plastic waste management project under UNDP has already being completed installed at MRF, Belgachia, Howrah and we are under the process of selecting operation and maintenance agency to run it in accordance with provision of Plastic Waste Management rules,2019.
- 11) Conservancy Department also maintained to remove the accumulated garbage in various festivals to keep the city clean.
- 12) Conservancy Department also engage is special cleaning work for VCT, Pulse mode activity etc..

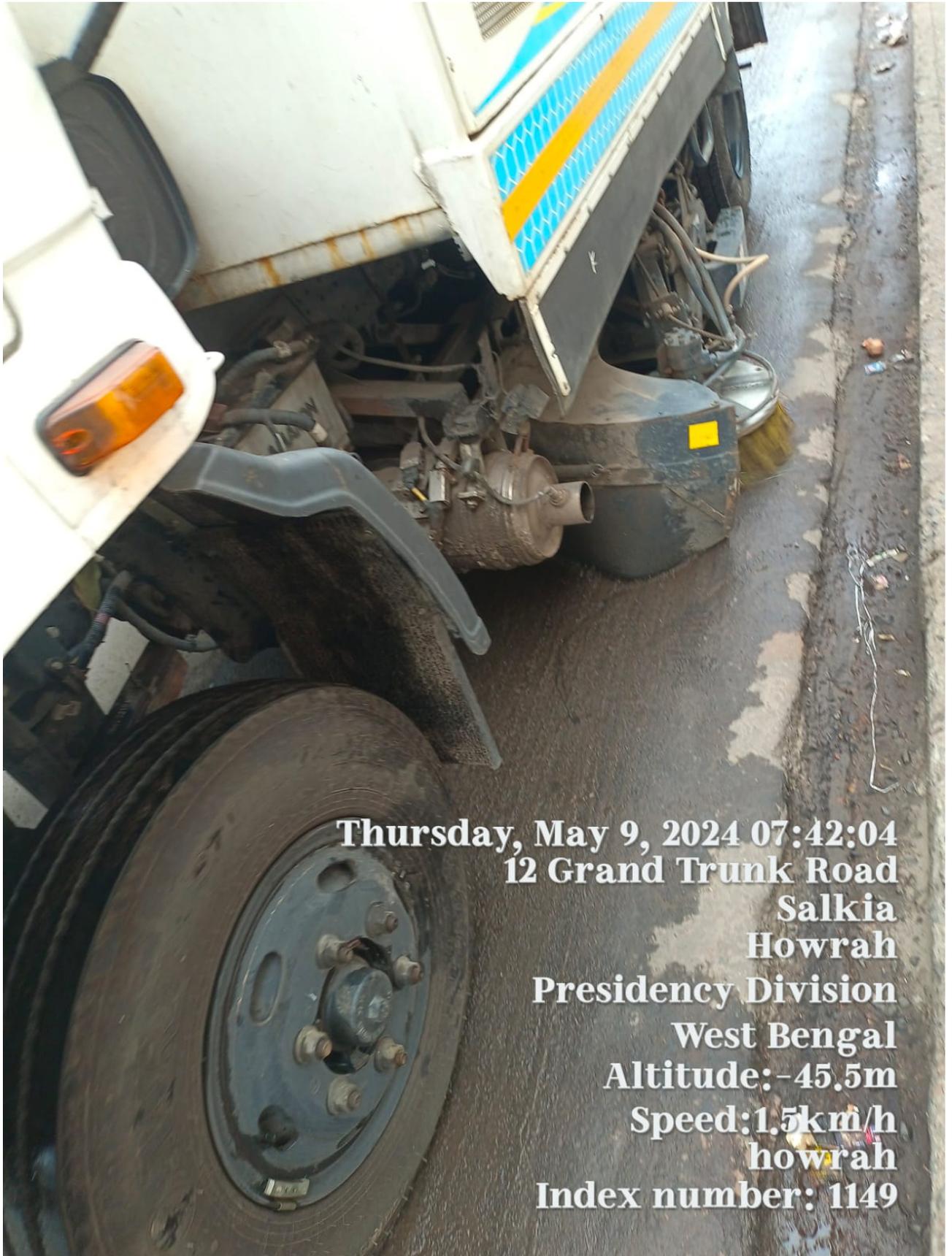
Saha
17/05/24

Annexure-I

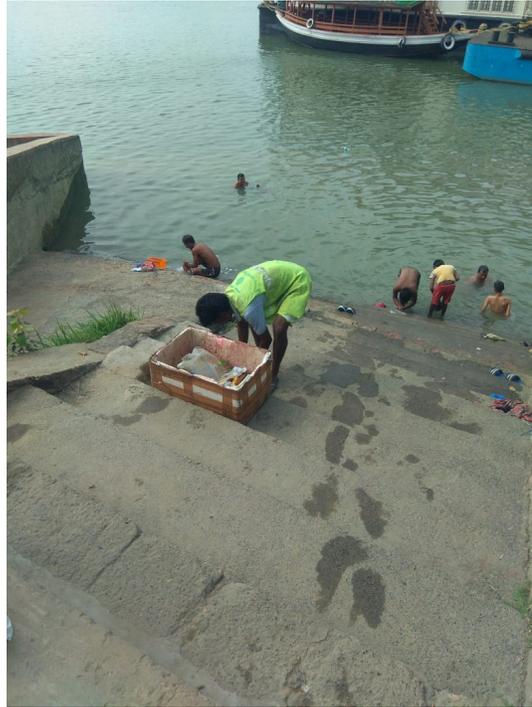


Annexure-II



Annexure-III

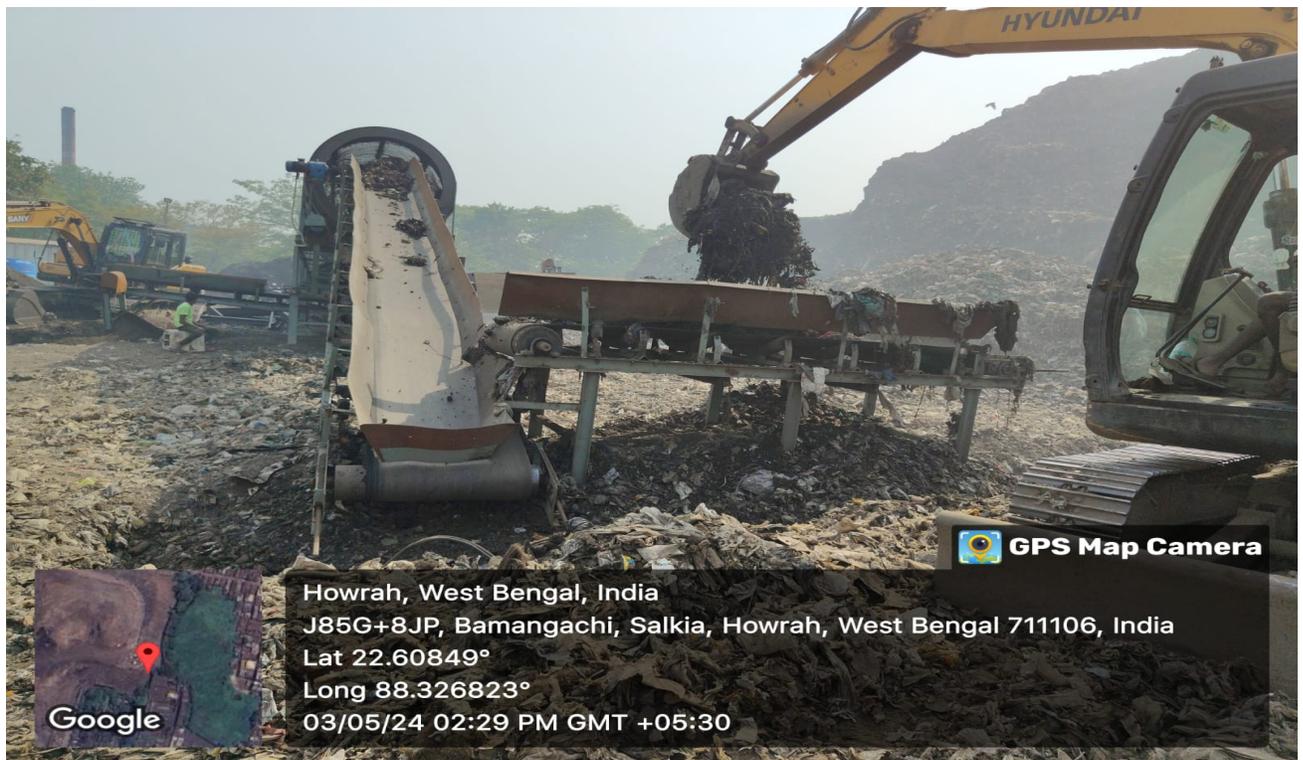
Annexure-IV



Annexure-V



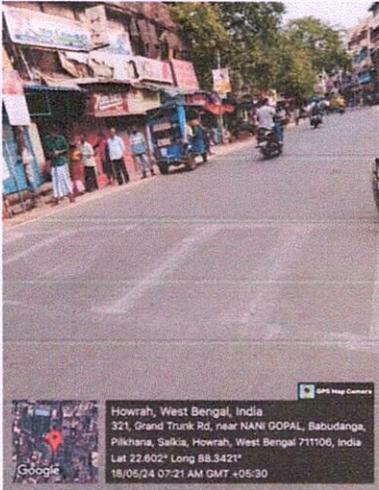
Annexure-VI



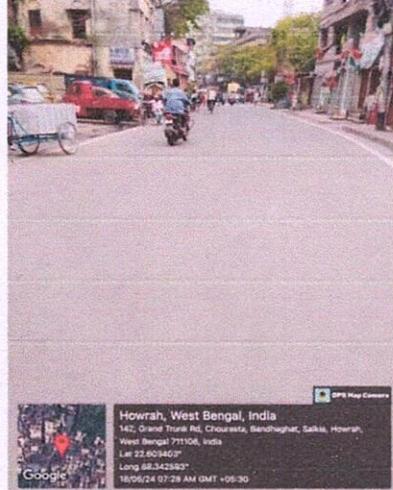


Answer - III

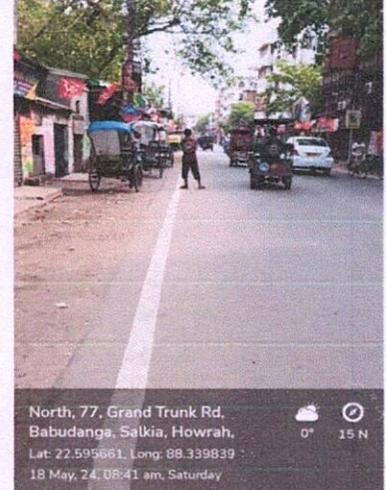
G. T. Road, Ward - 5



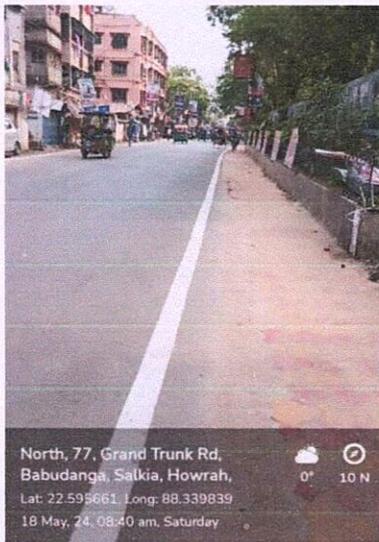
G. T. Road, Ward - 3



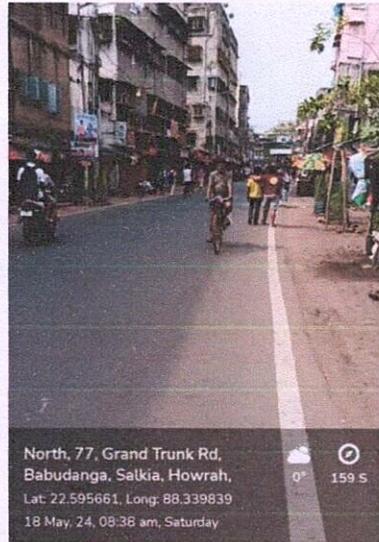
G T Road, Ward - 10



G T Road, Ward - 12



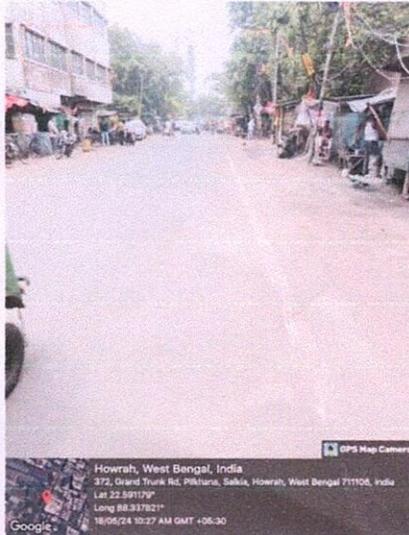
G T Road, Ward - 15



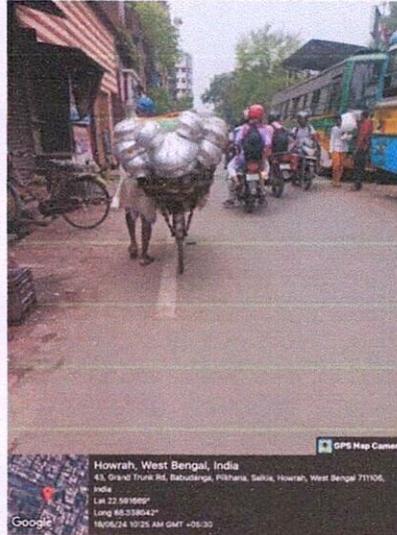
G T Road, Ward - 14



G T Road, Ward-16



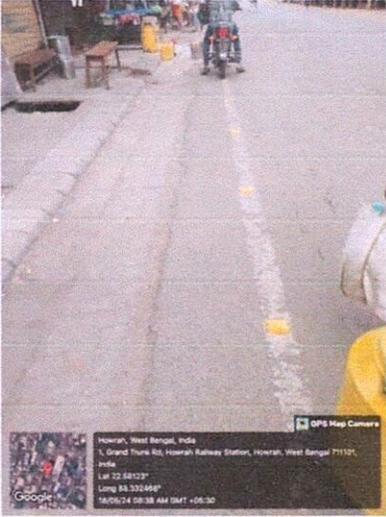
G T Road, Ward-13



Nityadhan Mukherjee Road, Ward - 29



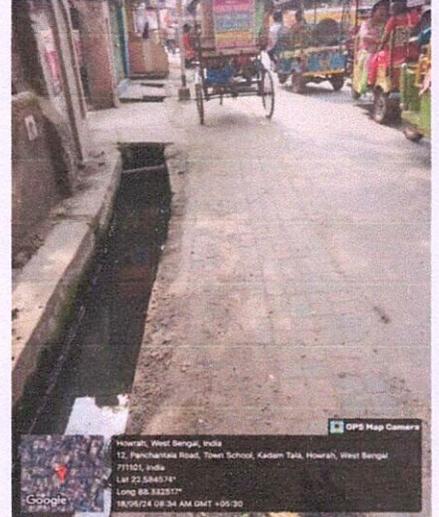
G T Road, Ward- 29



G T Road, Ward- 17



Panchanantala Road, Gora Bazar, Ward - 17



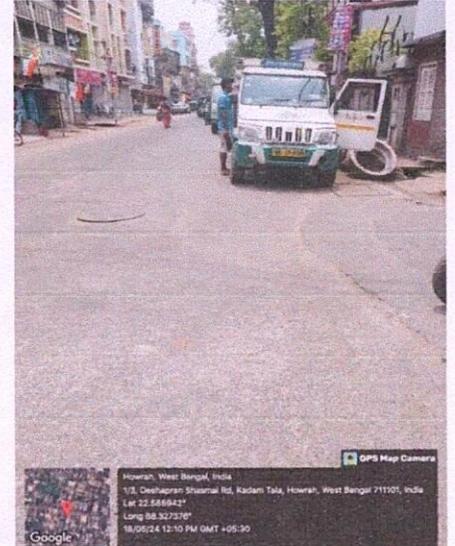
Panchanantala Road, Ward - 18



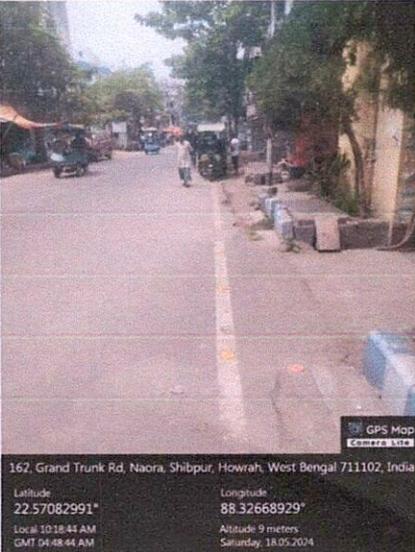
Panchanantala Road, Ward - 19



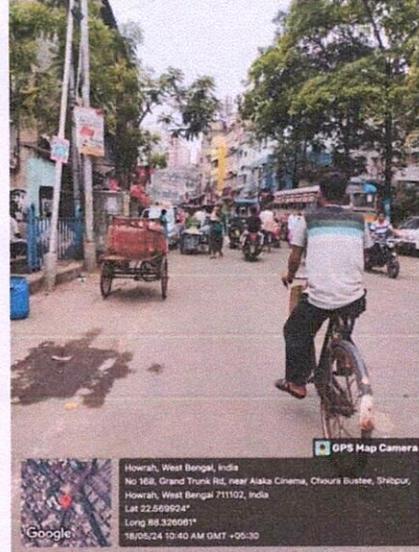
P T Road Near Belilious Lane, Ward - 19



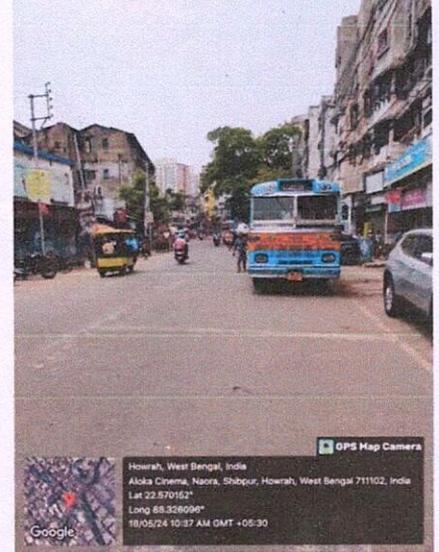
G T Road, Ward - 31



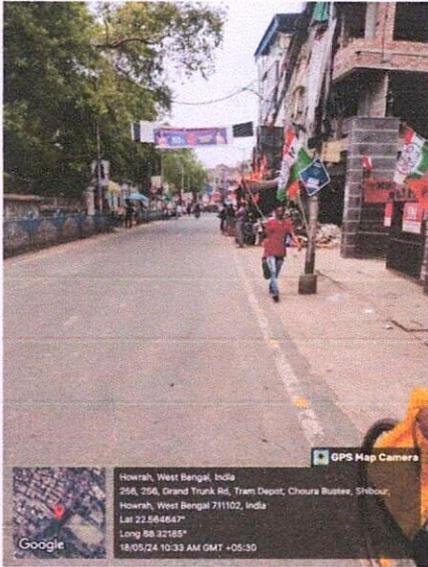
G T Road, Ward - 34



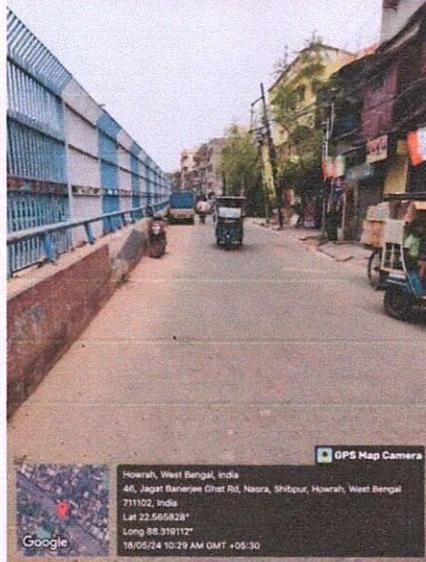
G T Road, Ward - 36



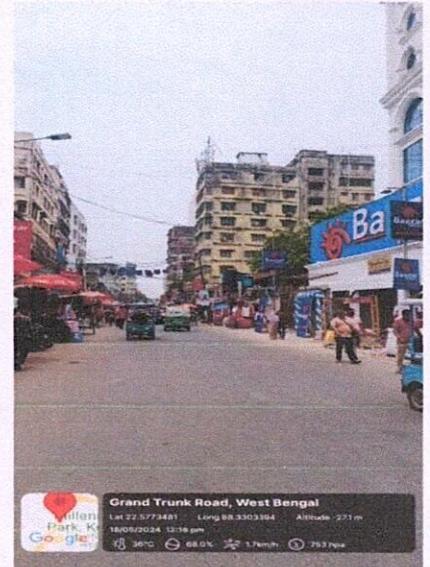
G T Road, Ward – 37



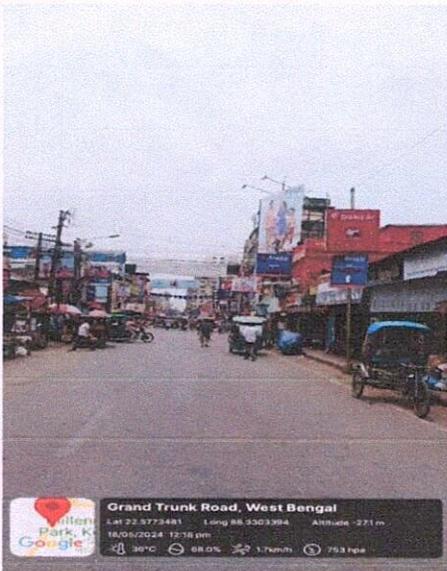
Kajipara to Nabanna State H.Q., Ward – 37



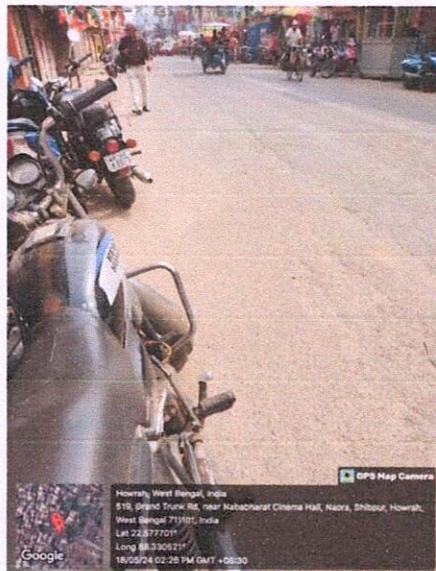
G T Road, Ward – 27



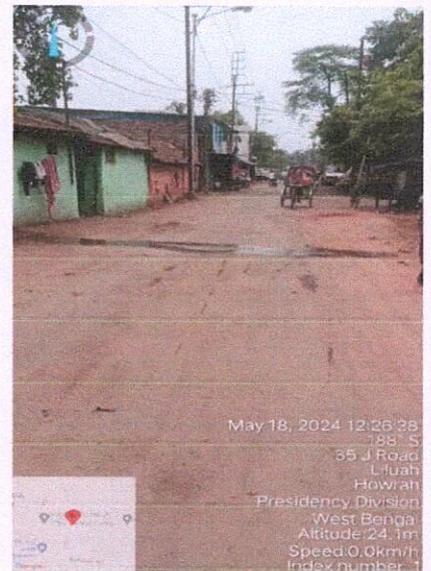
G T Road, Ward – 28



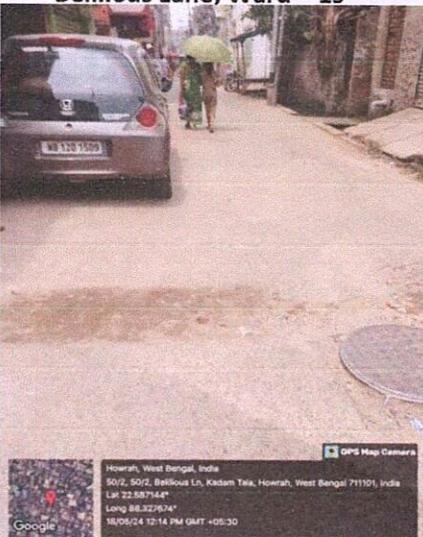
Sandhya Bazar, Ward – 29



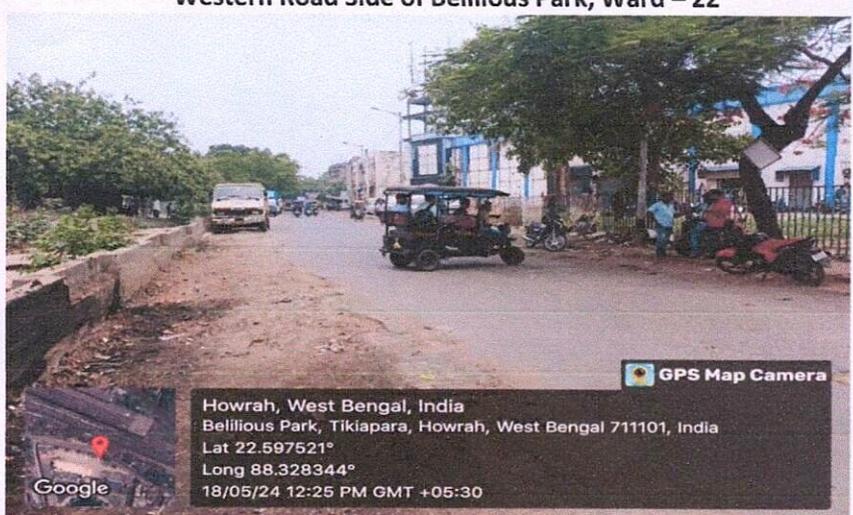
J Road, Ward - 8



Belilious Lane, Ward – 19



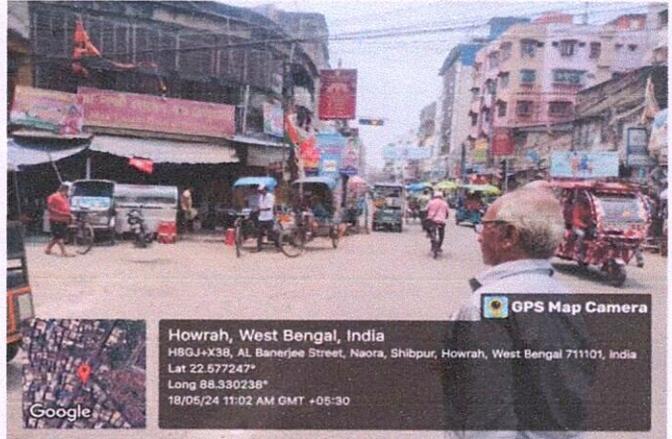
Western Road Side of Belilious Park, Ward – 22



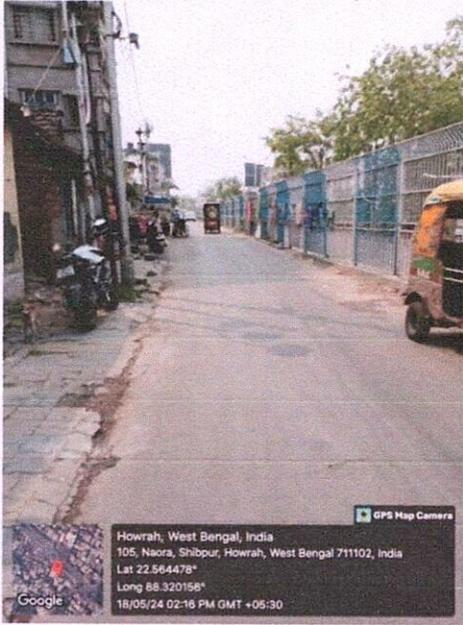
Belgachia Dumping Ground, Ward – 8



Sandhya Bazar, G T Road, Ward - 30



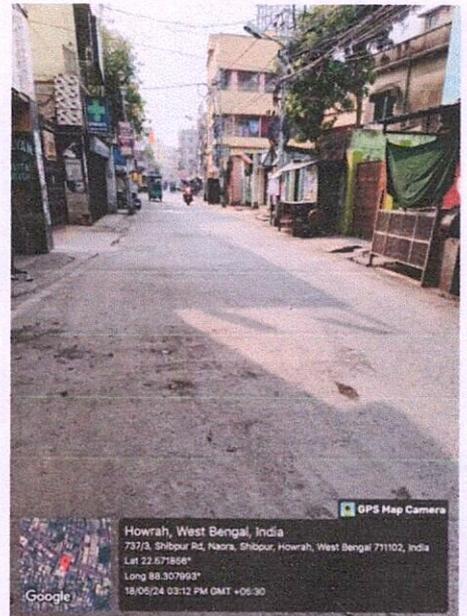
Kajipara to Nabanna State H.Q., Ward –40



G T Road, Ward – 40



Chatterjee Hat Bazar, Ward - 38



G T Road Near Shibpur Bazar, Ward – 37



G T Road Near Shibpur Bazar, Ward - 34

