

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

In the matter of:

O.A. NO. OF 2024

And

In the matter of:

Sumita Banerjee

...Applicant

-Versus-

**The Chief Executive Officer, & Ors.
....Respondents**

KMDA

INDEX

Sl. No.	Particulars	Annexure	Page Nos.
1.	List of Dates and Events		A to B
2.	Synopsis		C to D
3.	Application along with Affidavit		1 to 19
4.	Copy of the order dated 6 th August, 2014.	A	20 to 27
5.	Copy of the letter dated 30 th April, 2024.	B	28 to 30
6.	Copy of the Some of the photographs.	C	32 to 36
7.	Copies of the orders dated 26 th July, 2017 and 15 th November, 2017.	D	37 to 62
8.	Copy of the letter dated 20 th May, 2024.	E	63 to 86
9.	Vakalatnama		

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**BEFORE THE NATIONAL GREEN TRIBUNAL
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In the matter of:

O.A. NO. OF 2024

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Sumita Banerjee

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-Versus-

The Chief Executive Officer, ^{KMDA} & Ors.

....Respondents

LIST OF DATES AND EVENTS

Sl. No.	Date	Particulars
1.	May 1958	: CIT named Dhakuria Lake as Rabindra Sarobar.
2.	5 th December, 2001	: The Ministry of Environment and Forest declared Rabindra Sarobar as National Lake.
3.	6 th August, 2014	: Calcutta High Court constituted the committee in writ petition No. 33208 W of 2013 in which the applicant was nominated as one of the committee members.
4.	15 th March, 2024	: 5 Bighas of lush Green Buffer Zone of Rabindra Sarobar allotted to Calcutta Entertainment Club Foundation.

5.	30 th April, 2024	:	Applicant protested to respondent KMDA for such wrongful transfer or allotment of lush Green Buffer Zone.
6.	20 th May, 2024	:	Applicant duly filed a letter to Hon'ble Green Tribunal to take cognizance of the matter <i>suo-moto</i> .
7.	30 th May, 2024	:	The applicant sent by post the letter submitting that the Hon'ble National Green Tribunal has jurisdiction over the subject matter.
8.	20 th June, 2024	:	Respondent No. 5 Calcutta Entertainment Club Foundation started scrapping the layer of lush Green Buffer Zone and further started excavation of earth and soil.
9.	25 th June, 2024	:	The applicant filed the formal application under Section 14 and 15 of the National Green Tribunal Act, 2010.

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

In the matter of:

O.A. NO. OF 2024

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Sumita Banerjee

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-Versus-

The Chief Executive Officer, ^{KMDA} &

Ors.

....Respondents

SYNOPSIS

KMDA, the Respondent No. 1 KMDA is a custodian and/or public trustee of National Lake Rabindra Sarobar.

On about 15th March, 2024, KMDA in complete violation of Article 48 of the Constitution of India wrongfully and illegally transferred or allotted 5 bighas of lush Green Buffer Zone of National Lake Rabindra Sarobar to the Respondent No. 5 Calcutta Entertainment Club Foundation at a very nominal rent for establishment of a celebrity cricket club.

By letter dated 13.04.2024 the applicant duly protested to all the respondents for such wrongful and illegal transfer of natural

resources of National Lake Rabindra Sarobar. There is no reply to the said letter by any of the respondent.

By letter dated 20th May, 2024 the applicant inform this Hon'ble National Green Tribunal about such wrongful and illegal transfer of such lush Buffer Zone and prayed for cancellation and/or revocation of such transfer or allotment of Green Buffer Zone to Calcutta Entertainment Club Foundation.

By further letter dated 30th May, 2024 it was contended by the applicant that this Hon'ble National Green Tribunal has jurisdiction over the subject matter.

On about 25th June, 2024 applicant has filed the formal application before the National Green Tribunal under Section 14 and 15 of the National Green Tribunal Act contending that the respondent authority under the law ^{shall} not transfer and/or allot the national resources like ^{lake and its} Green Buffer Zone without any authority of law and the KMDA is a custodian ^{which} is bound to act in accordance with law.

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BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE, KOLKATA

MEMORANDUM OF APPLICATION

**(Under Section 18(1) read with Section 14 & 15 of the
National Green Tribunal Act, 2010)**

In the matter of:

O.A. NO. OF 2024

And

In the matter of:

Sumita Banerjee, residing
at 125, Rash Behari Avenue,
Kolkata - 700029

EmailId:

opjhunjhunwala@gmail.com

....Applicant

-Versus-

1. **The Chief Executive**
Officer, Kolkata Metropolitan
Development Authority,
having his office at CJ-164,

Second Avenue, DJ Block -
Sector - 2, Bidhan Nagar,
Unnayan Bhawan, Kolkata -
700091.

Email Id : ceokmda@gmail.com

2. **The Chairman, West
Bengal Pollution Control
Board**, having his office at
Paribesh Bhavan, 10A, Block -
L.A., Sector - III,
Bidhannagar, Kolkata -
700106.

EmailId-

chrnmn.wbpcb_wb@bangla.gov.in

3. **The Secretary, Ministry
of Environment, Forest and
Climate
Change, Government of
India**, Indira Paryavaran

Bhawan, Jorbagh Road,
Aliganj, New Delhi - 110003.
Email Id : secy-moef@nic.in

**4. State of West
Bengal, through the
Additional Chief Secretary,
Department of Environment,
Government of West Bengal,**
having office at Pranisampad
Bhawan, 5th Floor, Block LB -
II, Sector - III, Kolkata -
700106.

Email Id
: acsenvwb@gmail.com
psecy.env-wb@gov.in

**5. Calcutta Entertainment
Club Foundation** through its Director
Mr. Jissu Sengupta,
having his office at 116,

Haripada Lane, Kolkata -

700033

Manager Contact : (+91)

9904708172 and (+91)

78249657

email id : Not available

...Respondents

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I. The address of the applicant is as given above for the service of the notice of this application.

II. The addresses of the respondents are as given above for the service of notices of the application.

III. The applicant abovenamed begs to present the Memorandum of Application against the wrongful transfer of the Green Buffer Zone area of Rabindra Sarobar to the Respondent No. 5 on the grounds stated hereafter.

The Applicant most respectfully Sheweth:-

FACTS IN BRIEF:-

1. Your Applicant is engaged in environmental activities and is representing a Forum consisting of morning walkers, runners, joggers, young boys and girl who are interested in protection, preservation, conservation and beautification of Rabindra Sarobar. The Applicant resides at 125, Rash Behari Avenue, Kolkata - 700029 which is located in the vicinity of Rabindra Sarobar Lake and visits the Lake Rabindra Sarobar every day and takes immense care for the protection of Natural resources of Rabindra Sarobar.

2. The Applicant was also a member of a committee constituted by the Calcutta High Court by an order dated 6th August, 2014 in a Writ Petition No. 33208 (W) of 2013. A copy of such order is annexed hereto and marked with - **"A"**.

3. It is well that Rabindra Sarobar is a natural heritage and a major environmental reserve of Kolkata with the Lake Ecosystem playing an important role in the Urban Ecology of the City. It is home to variant migratory birds, fishes and other living creatures in rich Biodiversity.

4. The said Sarobar was in fact made during the British period and was originally known as Dhakuria Lake. In May 1958, Calcutta Improvement Trust previously known as Kolkata Improvement Trust renamed the lake as "Rabindra Sarobar", as a tribute to the great Bengali writer and Nobel Laureate, Rabindranath Tagore.

5. It was declared a "National Lake" on 3rd December, 2001 under National Lake Conservation Plan (NLCP) by the Ministry of Environment, Forest and Climate Change, Government of India for restoring the water quality and conserving and managing ecology of National Lake "Rabindra Sarobar". The said National Lake was previously under the custody of Calcutta Improvement Trust but subsequently in 2017 the said National Lake Rabindra Sarobar came under Custody of KMDA for its protection, preservation and conservation of the Environment Ecology and Biodiversity.

6. Over and above the said lake, there are pathways, roads, gardens, playgrounds, swimming clubs, rowing clubs, safari park, etc. inside the Sarobar. The said Sarobar is used for different purposes in different parts of the day. In the morning

and evening, the said Sarobar is mainly used in the morning/evening by walkers, joggers, swimming and bird lovers of different ages and different walks of life. Apart from these activities, the Sarobar is used by the children and family members.

7. It has come to the public notice recently that about 5 Bighas of lush Green Buffer zone land of National Lake 'Rabindra Sarobar' opposite to Calcutta Rowing Club has recently been surreptitiously transfer and/or allotted to the Calcutta Entertainment Club Foundation having its office at 60/116 Haripada Dutta Lane, Kolkata - 700033 for a nominal monthly rent for promoting celebrities cricket which is not a sports but a social event for amusement of private members. By such wrongful acts and deeds of Transfer of Land, KMDA, the Custodian, is depriving thousands of Morning Walkers, Runner, Joggers, Young Boys etc. of their daily routine exercises and for maintaining health benefits.

8. It is further stated under the guise of celebrities cricket huge crowds would gather leading to more sound causing huge air light and sound pollution. Further there may be surprise events

like social parties obtaining bar licenses which will lead to transformation into social clubs and creation of full-fledged amusement and recreational clubs for private use of the members.

9. The Applicant by letter dated 30th April, 2024 duly protested to the respondent KMDA to such illegal, wrongful and unconstitutional transfer and/or allotment of the lush Green Buffer Zone to Calcutta Entertainment Club Foundation. A copy of such letter is annexed hereto and marked with Letter - "B".

10. The Applicant states that inspite of receiving the said letter dated 30th April, 2024 respondents did not consider the grievances nor did they reply. Thereafter oral representations were also made to the respondent KMDA but nothing has been done.

11. The Applicant states that the said Calcutta Entertainment Club Foundation has now started construction on the said lush Green Buffer Zone of Rabindra Sarobar by destroying and/or cutting the grown up trees in complete violation of the provision of West Bengal Trees (Protection and Conservation in Non-Forest

Area) Act, 2006 and lush greenery and has already scrapped the top layer of Green Buffer Zone and excavated the substantial portion of earth and soil by employing men heavy machines and equipments. The lush Green Buffer Zone has now become barren land and some of the big excavated ditches have now come up. Some of big trees and valuable trees have been cut and removed and covered in complete violation of the said West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 with mud. Some of the photographs now taken are collectively annexed and marked with the Letter - "C".

12. It is further stated that high noise and high light will affect birds and other living creatures in eco-sensitive zone.

13. It is most respectfully submitted that by such wrongful acts and deeds of destroying the Green Buffer of Rabindra Sarobar and making construction on such Buffer Zone green are highly prejudicial and poses serious concern to the Environment Ecology and Biodiversity of the National Lake 'Rabindra Sarobar'. In any event it is against the spirit of the order dated 26th July, 2017 and 15th November, 2017 passed by this Hon'ble

National Green Tribunal. Copies of such order are annexed hereto and marked with the Letter - "D".

14. It is submitted that since KMDA is the sole custodian and/or Public Trustee of the National Lake Rabindra Sarobar and it is the Legal, Constitutional and moral duty and obligation under Article 48A of the Constitution of India to protect, preserve and conserve the environment ecology and biodiversity of National Lake Rabindra Sarobar and in discharge of such statutory and constitutional duties, KMDA has no right and authority to sale, lease or transfer any land of natural resources like lake, park, forest maintain etc. to any club, association, company or any third party for their private use.

15. The purported acts to transfer the 5 Bighas of Green Buffer Zone land to Calcutta Entertainment Club Foundation is wholly illegal, wrongful and high handedness and unconstitutional acts and deeds by KMDA.

16. It is further stated that in compliance of Article 51A(g) of the Constitution of India, the applicant as citizen of India has called upon KMDA by her letter dated 30th April, 2024 to immediately

cancel and revoke the transfer of the land purportedly done in favour of Calcutta Entertainment Club Foundation and restore its position for the use of the public so that the Green Buffer can be built to save the Environment Biodiversity and Ecosystem of National Lake Rabindra Sarobar. A copy of such letter is already annexed and marked with the Letter - "B".

17. That the applicant states that the KMDA has presumed itself to be an absolute owner entitled to hand over any portion of the lake in any manner it pleases, which is grossly illegal and ab initio void.

18. Your applicant states that inspite of that KMDA had not cancelled or revoked the transfer of the land in favour of Calcutta Entertainment Club Foundation forthwith upto now.

19. The applicant by letter dated 20th May, 2024 has duly made an application to the Hon'ble National Green Tribunal to take the cognizance of the matters *suo-moto* of the highhandedness, illegal, unconstitutional and wrongful act of KMDA for transferring the Green Buffer Zone land of Rabindra Sarobar without any authority of law to Calcutta Entertainment Club

Foundation for their private use. A copy of such letter is annexed hereto and marked with Letter - "E".

20. The applicant states that KMDA is a custodian of National Lake Rabindra Sarobar and stand as Public Trustee on behalf of general public of national resources like water, air, land, forest and animal belonging to public and they must be 'Safeguarded' and protected by the state for the benefit of current and future generations. The public trust doctrine requires the state to act as a trustee of natural resources, preventing their deterioration, depletion, or privatization. The theory also guarantees the public the right to utilize and enjoy these resources appropriately and sustainably. The public trust doctrine is an essential instrument for environmental conservation and management because it offers a legal foundation for contesting the states or private parties acts or inactions that jeopardize the integrity and availability of public trust resources.

21. Your Applicant states that M.C. Mehta -Vs.- Union of India, also known as the Span Motel case is the landmark case for the application of the public trust doctrine in India. Also, in the case of T.N. Godavarman Thirumulpad -Vs.- Union of India and Ors.,

the Supreme Court of India recognized and applied the public trust doctrine by stating that it is the state's responsibility to act as the Trustee of the natural resources for the welfare of the public and ascertain that the citizens should sustainably use these natural resources. The court also observed that the public trust doctrine is a part of the Indian environmental jurisprudence and is derived from the constitutional provisions, such as Article 21 (right to life), Article 48A (duty of the state to protect the environment), and Article 51A(g) (duty of the citizens to protect the environment). The court held that the public trust doctrine is not only applicable to traditional natural resources but also to modern resources, such as air quality, which are essential for the survival and well-being of the people.

22. It is most respectfully submitted that this Hon'ble National Green Tribunal be pleased to set aside or cancel or revoke the allotment of Green Buffer Zone of National Lake Rabindra Sarobar in favour of 'Calcutta Entertainment Club Foundation' forthwith to save the Environment, Ecology and Biodiversity of Rabindra Sarobar.

23. By another letter dated 30th May, 2024, the Applicant duly submitted that –

(a) The National Green Tribunal has jurisdiction over all matters relating to Rabindra Sarobar including purported transfer of its Green Buffer Zone land for the reasons that the definition, “Environment” given in Section 2(C) includes the word ‘Land’. The land referred in the definition means the land which is the part and parcel of the ecology and biodiversity of a peripheral area of a national resources like lake. Environment cannot exist without inter-relationship among and between water, air, land and human being. These cannot be separated. Environment and Ecology are undoubtedly National Assets.

(b) It is further submitted that Preamble to the National Green Tribunal Act reads as follows:-

“An act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forest and other natural

resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto”.

From the Preamble, it appears that the National Green Tribunal can try and entertain the application inter alia relating to enforcement of legal right relating to environment and property and for matters connected therewith and incidental thereto.

- (c) Section 15 of the National Green Tribunal Act which deals with the relief, compensation and restitution of property damaged and for restitution of the environment of such areas or areas as the Tribunal may think fit.
- (d) It is most respectfully submitted that in construing a statutory provision, the first and foremost rule of Construction is the literary construction. In the provision is unambiguous and if from the provision, the legislative intent is clear, the court need not call

into aid any other Rules of Construction of statutes. The other rules of constructions are called into aid only when the legislative intent is not clear.

- (e) In that view of the matter, it is most respectfully submitted that the Hon'ble National Green Tribunal has power and authority under National Green Tribunal Act, 2010 to try, deal with and entertain all application relating to the lush Green Buffer Zone land of National Lake Rabindra Sarobar.

LIMITATION

24. There is no Limitation as the cause of action arose on 15th March, 2024 when the lush Green Buffer Zone was transferred to Calcutta Entertainment Club Foundation and on 20th June, 2024 when the excavation work started at the Buffer Green Zone of Rabindra Sarobar.

RELIEF SOUGHT:

25. That this Learned Tribunal is competent to try, entertain and determine the application in respect of jurisdiction.

26. That this application is bonafide and for the ends of justice and equity.

Therefore, the applicant prays before the Hon'ble Tribunal :

- (a) To declare that KMDA being the custodian of National Lake Rabindra Sarobar has no right and authority to allot or transfer any part or parcel of land to any club, association or forum for any private use;
- (b) Transfer of land in favour of Calcutta Entertainment Club Foundation is bad and without due authority of law and as such is liable to set aside;
- (c) To direct the Calcutta Entertainment Club Foundation to restore the possession of the land to KMDA and impose upon them an environmental compensation

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of Rs. 50,00,000/- (Rupees Fifty Lakhs) for restoration of the natural asset damaged by them;

(d) Temporary or ad-interim of injunction in terms of the prayers as above;

(e) To pass such order or orders as this Hon'ble National Green Tribunal may deem fit and proper.

Sumita Banerjee

VERIFICATION

I, Sumita Banerjee, the applicant herein, do hereby declare that the statements made above in the foregoing paragraphs 1 to 23 are true to my knowledge and rest are my humble submission before this Hon'ble Tribunal.

I signed this verification on this the 25th day of June, 2024.

Sumita Banerjee

Deponent

19

S.L. No. 1124

AFFIDAVIT

I, Sumita Banerjee, daughter of Late Gobinda Gopal Banerjee, aged about 55 years, by faith – Hindu, by occupation – Activist, residing at 125, Rash Behari Avenue, Kolkata – 700029, do hereby solemnly affirm and say as follows:-

1. That I am the Applicant abovenamed ~~representing LAKE LOVERS' FORUM~~ and am fully conversant with the facts and circumstances of the above matter and as such I am competent to affirm this affidavit.
2. The statements made in paragraphs 1 to 23 are true to my knowledge and rest are my humble submission before this Hon'ble Tribunal.

S. Banerjee

Sumita Banerjee

Deponent

Identified by me **Identified by me**

A. J. Das

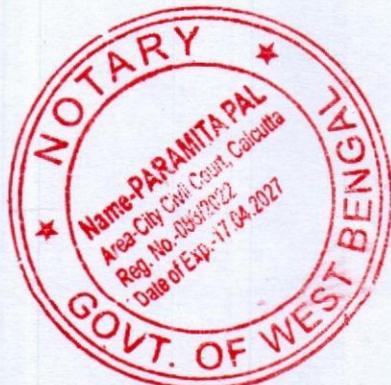
Advocate

Advocate

WB-101-1977

Prepared in my Office

Advocate



Solemnly affirmed and declared me on identification

Pal

25 JUN 2024

PARAMITA PAL
City Civil Court
Kolkata
Reg No. 083/2022

25 JUN 2024

'A' 15-20

Through Sachin Kumar Adv.

DISTRICT: KOLKATA

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W. P. NO. 33208 OF (W) OF 2013

In the matter of:

An application under Article 226 of the
Constitution of India;

And

In the matter of:

A writ of and/or in the nature of
mandamus;

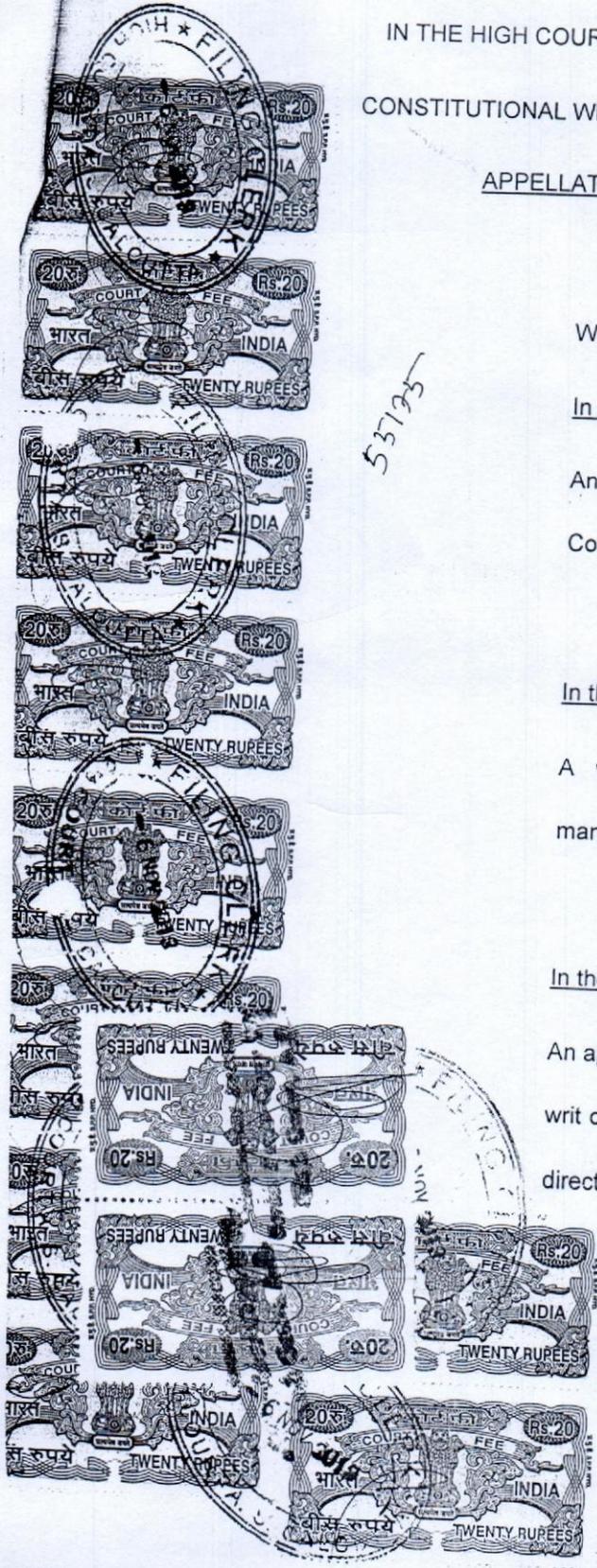
And

In the matter of:

An application for a writ and/or any other
writ or writ and/or order or orders and/or
direction or directions thereunder;

And

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In the matter of:

Preservation, prevention and maintenance of Rabindra Sarobar, a National Lake from all misuse, abuse, nuisance and pollution;

And

In the matter of:

Kolkata Metropolitan Development Authority (KMDA) Act ;

And

In the matter of:

Kolkata Improvement Trust Act;

And

In the matter of:

Water (Prevention and Control of Pollution) Act, 1974;

And

In the matter of:

Environment Protection Act, 1983;

And

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In the matter of:

National Environment Policy (NEP)
2006;

And

In the matter of:

1. CALCUTTA CITIZEN'S
INITIATIVE, a society Registered
under the West Bengal Societies
Registration Act, 1961
represented through its
Secretary, Ashok Purohit, having
its office at 3, Ho Chi Minh
Sarani, Kolkata 700071;

2. SUMITA BANERJEE,
representing LAKE LOVERS'
FORUM, an Association, having
its office at 125, Rash Behari
Avenue, Kolkata – 700 029.

... PETITIONERS

-VERSUS-

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1. STATE OF WEST BENGAL,
through the Additional Chief
Secretary, Department of
Environment, Government of
West Bengal, having office at FD-
415/A, Sector-III, Poura Bhavan,
4th Floor, Bidhannagar, Kolkata -
700 106;
2. The Principal Secretary, Urban
Development Department having
office at HIDCO BHABAN,
Premises No.35-1111, Major
Arterial Road, 3rd Rotary, New
Town, Kolkata-700156;
3. The Chairman, Kolkata
Improvement Trust, Government
of West Bengal, having his office
at P-16, India Exchange Place
Extension, Kolkata 700 073;
4. The Chairman, Kolkata
Metropolitan Development

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Authority, having his office at Prashasan Bhavan, Block-DD-1, Sector-I, Bidhan Nagar, Salt Lake, Kolkata-700 064;

5. The Chairman, West Bengal Pollution Control Board, having his office at Paribesh Bhavan, 10A, Block-L.A, Sector III, Salt Lake City, Calcutta - 700 098;
6. The Commissioner of Police, Kolkata Police Head Quarters, 18, Lalbazar Street, Kolkata-700001;
7. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office Complex, East Arjan Nagar, New Delhi 110 032;
8. The Secretary, Ministry of Environment & Forests, Government of India, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi - 110 003;

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9. The Officer-in-Charge, Lake
Police Station, 18, Gariahat Road
(South), Jodhpur Park, Kolkata-
700068.

... RESPONDENTS

To:

Sm
26.09.14



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Assigned

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
	①	06.08.2014	<p style="text-align: center;">W.P.33208 (W) of 2013</p> <p>Mr. O.P.Jhunjunwalla ... for the Petitioners.</p> <p>Mrs. Baisali Basu ... for the Calcutta Rowing Club.</p> <p>Mr. Bikash Ranjan Bhattacharya Mr. Dipayan Chowdhury Ms. Prinyanka Chowdhury ... for Lake Club.</p> <p>Mr. Partha Pratim Sarkar Mr. Surendra Kumar ... for the respondent no.7</p> <p>Mr. Tapan Chakraborti ... for the respondent nos. 8</p> <p>Mr. Partha Sarathi Basu Mr. Fazlul Haque ... for the K.M.D.A.</p> <p>Mrs. Era Ghosh ... for the K.M.C.</p> <p>Mr. Sandipto Bose ... for Bengal Rowing Club.</p> <p>Mr. N.C. Bihani ... for the P.C.B.</p> <p>There will be an order for constitution of a Committee to monitor the upkeep and maintenance of Rabindra Sarobar Lake consisting of the following persons:</p> <ol style="list-style-type: none"> 1) Chair Person of Kolkata Improve Trust - Who will act as Chairman of the Committee. 2) The Officer-in-Charge of Lake Police Station - Member. 3) The Local Councilor in whose jurisdiction the said Rabindra Sarobar is there - Member

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Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
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- 4) Smt. Sunita Banerjee, Petitioner No. 2- Member.
- 5) Mr. Tushar Talukdar, ex-Commissioner of Police, Calcutta - Member.
- 6) Mr. Mrityunjoy Chatterjee, Professor - Member.

The said committee will monitor and ensure the protection, preservation and beautification of Rabindra Sarobar. The monitoring Committee will also ensure that the water body of the Rabindra Sarobar is not encroached upon or polluted by any person and should also advice Kolkata Improvement Trust from time to time on measures to be taken regarding cleanliness and beautification of Rabindra Sarobar. No one shall make any construction in the Rabindra Sarobar.

Liberty to apply.

Sdf- G.C. Gupta, J.

(Girish Chandra Gupta, J.)

Sdf- S.S. Sadhu, J.

(Shib Sadhan Sadhu, J.)

bd.

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Ref. No. LLF/KMDA/01-2024

Dated:- 30th April, 2024

To.

Chief Executive Officer
KMDA, Government of West Bengal
CJ - 164, 2nd Avenue,
DJ Block, Sector - II
Bidhannagar, Unnayan Bhawan,
Kolkata - 700091

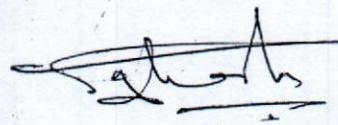
Sir(s)/Madam,

Reg:- Unlawful transfer of about 5 Bighas of land to Calcutta
Entertainment Club Foundation, Kolkata - 700033.

You are fully aware that Rabindra Sarobar is a natural heritage site. It was declared a "National Lake" on 3rd December, 2001 under National Lake Conservation Plan (NLCP) by the Ministry of Environment, Forest and Climate Change, Government of India for restoring the water quality and conserving and managing ecology of National Lake "Rabindra Sarobar". The said National Lake was previously under the custody of Calcutta Improvement Trust but subsequently in 2017 the said National Lake RabindraSarobar came under your custody for its protection, preservation and conservation of the environment ecology and biodiversity.

It has come to the public notice that about 5 bighas of Green Buffer land opposite to Calcutta Rowing Club has recently been surreptitiously transferred to the CalcuttaEntertainment Club Foundation having its office at 60/116 Haripada Dutta Lane, Kolkata - 700033 for a nominal monthly rent for promoting celebrities cricket which is not a sports but a social event for amusement. By such wrongful acts and deeds, you KMDA is depriving thousands of Morning Walkers, Runner, Joggers, Young Boys etc. of their daily routine exercises and for maintaining health benefits.

Sumita Banerjee



You are further aware that by your such wrongful acts and deeds you are causing serious concern to the environment ecology and biodiversity of the National Lake Rabindra Sarobar.

We state that under guise of Cricket, celebrities, huge crowd will gather leading to more sound and car parkings causing huge air light and sound pollutions. Further, there may be surprise events like social parties, obtaining bar licenses which will lead to transformation into social clubs and creation of full-fledged of amusement and recreational clubs.

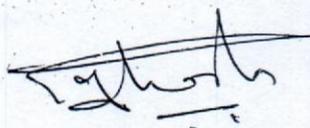
You are further aware that currently Rabindra Sarobar Lake is facing tremendous pollution in terms of Air, Noise, Light and Water surpassing the defined limits which is a serious concern for all the lake lovers and the environmentalists.

In view of aforesaid, we state that, KMDA, is the sole custodian of the National lake Rabindra Sarobar and it is the Legal and Constitutional duty and obligation under Article 48A of the Constitution of India to protect, preserve and conserve the environment ecology and biodiversity of the National Lake Rabindra Sarobar and in discharge of statutory and Constitutional duties, you have no right and authority to sale or lease or transfer any land of natural resources like lake, park, forest etc. to any club, association, company or any third party.

Your purported acts to transfer the 5 Bighas of Green Buffer land to Calcutta Entertainment Club Foundation is wholly illegal, wrongful and high handedness and unconstitutional acts and deeds.

We have accordingly taken the view of the morning walkers, runners, joggers who are regular coming to Rabindra Sarobar for their daily routine exercises and all of them have condemn at a breathe your wrongful, illegal and arbitrary act for surreptitiously transferring about 5 bighas of land to

Sumita Banerjee



the Calcutta Entertainment Club Foundation. The signed copy of the survey is enclosed for your perusal.

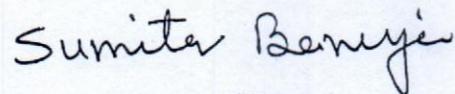
In view of above, and in compliance of Article 51(g) of the Constitution of India, we hereby call upon you to immediately cancel and revoke the transfer of the land purportedly done in favour of Calcutta Entertainment Club Foundation and restore its position for the use of the public so that the Green Barrier can be built to save the environment biodiversity and ecosystem of National Lake Rabindra Sarobar.

In spite of the above, if you do not cancel or revoke the transfer of the land in favour of Calcutta Entertainment Club Foundation forthwith, we will have no other alternative but to file the writ application under Article 226 of the Constitution of India either in the Calcutta High Court or before the National Green Tribunal against you for bringing to the notice of the High Court or National Green Tribunal your gross wrongful illegal and highhandedly acts.

Kindly treat this notice as demand for justice for the public and under Article 51(g) of the Constitution of India.

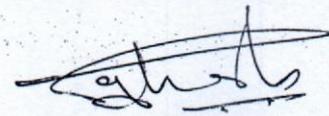
Thanking you,

Yours sincerely



Sumita Banerjee

For Lake Lovers Forum



Mr. S M Ghosh

Environmentalist &

Green Technologist

Mobile No. - 9231380855

Rb

Copy to

1. Smt. Mamta Banerjee

Chief Minister of West Bengal

Nabanna, 325, Sarat Chandra Chatterjee Road,
Shibpur, Howrah - 711102.

2. The Chairman

KMDA, Government of West Bengal

CJ - 164, 2nd Avenue,

DJ Block, Sector - II

Bidhannagar, UnnayanBhawan,

Kolkata - 700091

3. The Minister of State

National Plan for Conservation of Aquatic Ecosystem (NPCA)

Under Ministry of Forest, Environment & Climate Change,

New Delhi

4. Central Pollution Control Board

Ministry of Environment,

Forest and Climate Change

G97V + H5Q, Kasba New Market,

Sector - E, East Kolkata Trip

Kolkata - 700107

5. National Green Tribunal

Eastern Zone Bench

Kolkata

<Dial 18002666868> <Wear Masks, Stay Safe> Del

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Environmental crime











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THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

O.A. 136/2016/EZ
With
M.A. NO. 1258/2016/EZ

SUBHAS DATTA
VS
STATE OF WEST BENGAL & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : In person
Respondent Nos. 1 & 2 : Mr. Bikas Kargupta, Advocate
Respondent No. 3 : Mrs. Paushali Banerjee, Advocate
Respondent No. 4 : Mr. Gora Chand Roy Chowdhury, Advocate
Respondent No. 5 : Mr. Ankar Rai, Advocate
Respondent No. 6 : Mrs. Arpita Chowdhury, Advocate
Respondent No. 7 : Mr. Sibojyoti Chakraborti, Advocate
Respondent No. 8 : Mr. Mr. Jayajit Ganguly, Advocate
Ms. Atrayee De, Advocate for Mr. N.C. Bihani, Adv
Respondents No. 9 & 10 : Mr. Arnab Mukherjee, Advocate
Mr. Indranil Roy, Advocate
Mr. Dipanyan Chowdhury, Advocate
Respondent No. 11 : Mr. Debanik Banerjee, Advocate
Other respondents : None

O.A. NO.40(THC)/2017/EZ

CALCUTTA CITIZEN'S INITIATIVE & ANR.
Vs
STATE OF WEST BENGAL AND ORS.

M.A. NO. 222/2017/EZ
IN

O.A. NO. 40(THC)/2017/EZ
CONCERN FOR CALCUTTA
VS.

CALCUTTA CITIZEN'S INITIATIVE & ORS.

PRESENT: Applicant in O.A. : Mr. Pradip Dutta, Id. Senior Advocate
Mr. Rahul Ganguly, Advocate
Applicant in M.A. : Mr. Rahul Ganguly, Advocate
Respondents No.1,2,6&9 : Mr. Rajib Ray, Advocate
Respondent No. 5 : Mr. Sibojyoti Chakraborty, Advocate
Respondent No. 7 : Mr. Surendra Kumar, Advocate
Respondent No. 8 : Ms. Chandreyi Alam, Advocate

Other Respondents : None.

Date & Remarks	Orders of the Tribunal
Item No. 8-10 26 th July, 2017.	<p data-bbox="502 330 1197 592">Ms. Paushali Banerjee, Id. Advocate for the KIT now said to be named as KMDA files affidavit in pursuance of our directions issued vide order dated 25.05.2017.</p> <p data-bbox="502 646 1197 917">Similarly, affidavit-in-opposition filed on behalf of the Respondent No. 8, i.e., the Bengal Rowing Club by Ms. Atrayee De, Id. Advocate is ordered to be taken on record.</p> <p data-bbox="502 971 1197 1382">Mr. Indranil Roy, Id. Advocate appearing for the Respondents No. 9 and 10, i.e., the Calcutta Rowing Club and the Lake Club, prays that copy of the report of the High Powered Committee submitted before the Hon'ble High Court earlier and one filed by the Expert Committee appointed by us, be made available to him.</p> <p data-bbox="502 1452 1197 1638">So far as the report submitted in the Hon'ble High Court is concerned, he is at liberty to file application for certified copy thereof. The report of the</p>

Expert Committee submitted before us by the Expert Group shall be made available to all the parties by the KIT(now KMDA) as directed vide order dated 25.01.2017. Ms. Paushali Banerjee, Id. Advocate for Respondent No. 3 in O.A. 136/2016/EZ, shall ensure that this is complied with without fail.

It is brought to our notice by Mr. Pradip Dutta, Id. senior counsel appearing for the applicant in O.A. 40(THC)/2017/EZ that there is a proposal to construct a temple within the Rabindra Sarovar Lake area by the KMDA which is strongly denied by Ms. Paushali Banerjee on instructions. However, we make it clear that no new temple shall be constructed within the Rabindra Sarovar Lake. We also make it clear that there shall not be any other construction for extension of the existing religious or other institutions. These directions shall form part of our final order during disposal.

The respondents No. 8, 9, 10 and 11 are at

liberty to file suggestions from their part within four weeks from hence and not later than that.

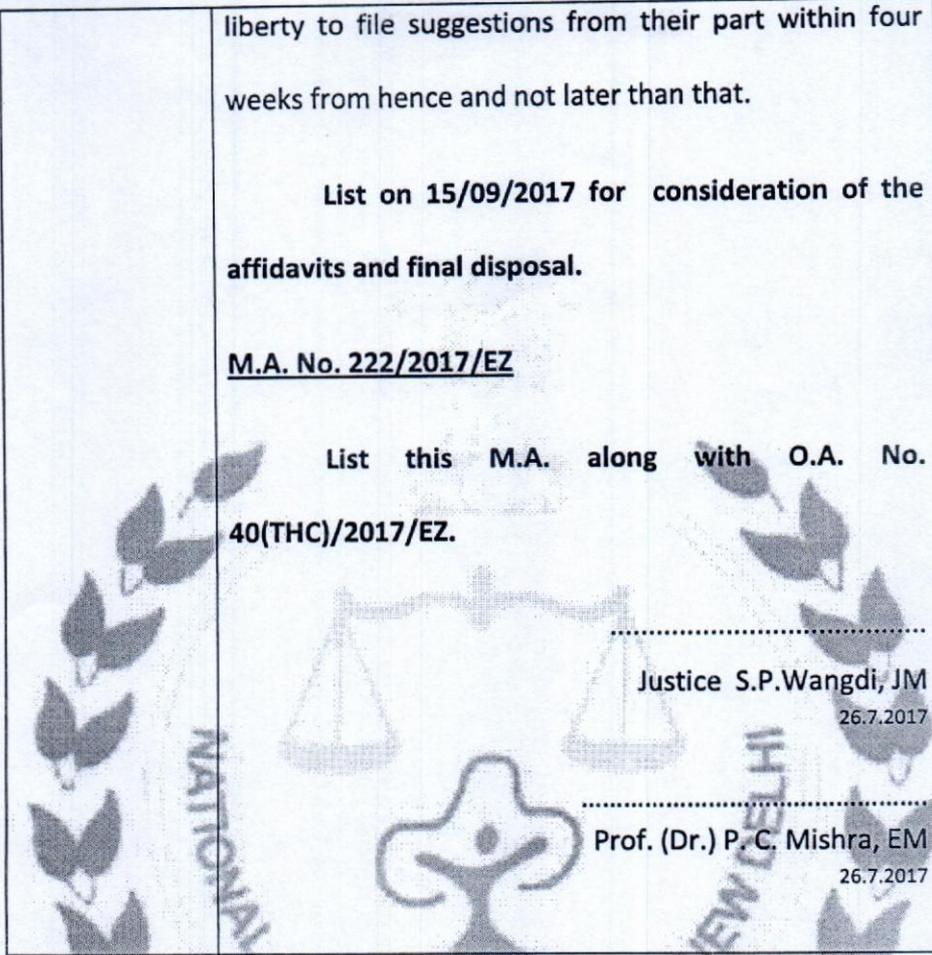
List on 15/09/2017 for consideration of the affidavits and final disposal.

M.A. No. 222/2017/EZ

List this M.A. along with O.A. No. 40(THC)/2017/EZ.

Justice S.P.Wangdi, JM
26.7.2017

Prof. (Dr.) P. C. Mishra, EM
26.7.2017





15.11.2017

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

.....
ORIGINAL APPLICATION No. 136/2016/EZ

&
M.A.1258/2016/EZ
M.A. No. 346/2017/EZ

IN THE MATTER OF:

Subhas Datta
S/o Late Baneswar Datta,
25/1, Guitendal Lane,
PO & PS, District-Howrah,
PIN : 711 101, West Bengal

..... Applicant

Versus

1. State of West Bengal,
Notice through the Principal Secretary,
Urban Development Department,
Government of West Bengal
Writers' Buildings,
Kolkata-700 001.
2. Department of Environment
Government of West Bengal
Notice through the Principal Secretary,
Department of Environment,
Poura Bhavan, 4th Floor,
FD-415/A, Sector-II,
Salt Lake City,
Kolkata-700106.
3. Chief Executive Officer,
Kolkata Improvement Trust,
P-16, India Exchange Place Extension,
Calcutta-700073.
4. Ministry of Environment, Forest & Climate Change
Represented through its Secretary,
Govt. of India,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi-110 003.
5. Managing Director,

Football Sports Development Limited,
608, I-B/2, Western Express Highway Service Road
Bandra (E), Near PF Office,
Mumbai-400051.

6. Managing Director,
Kolkata Games and Sports Pvt. Ltd.,
86 C Topsia Road,
Kolkata-700046.
West Bengal
7. West Bengal Pollution Control Board,
Notice through the Member Secretary,
Paribesh Bhawan, 10A, Block-LA,
Salt Lake city,
Kolkata-700098.
8. Bengal Rowing Club,
13/2, Baroj Road,
Rabindra Sarobar
Kolkata-700029.
9. Calcutta Rowing Club,
Kavi Bharati Sarani Road,
Rabindra Sarobar Lake,
Dhakuria,
Kolkata-700029.
10. Lake Club,
13/1, Baroj Road,
Rabindra Sarobar,
Kolkata-700 029.
11. Indian Life Saving Society (ILSS)
Sarat Bose Road,
Rabindra Sarobar (Near Nazrul Mancha)
Kolkata-700029.
12. United Mohun Bagan Football Team Pvt. Ltd.
Tent Maidan,
Kolkata-700 021.

.....Respondents

COUNSEL FOR THE APPLICANT :

In person

COUNSEL FOR RESPONDENTS:

Mr. Bikas Kargupta, Advocate, Respondents No. 1&2

Ms. Paushali Banerjee, Advocate, Respondents No. 3

Mr. Gora Chand Roy Choudhury & Ms. S. Roy, Advocates, Respondent No.4

Mr. Pratik Shanu, Advocate, Respondent No. 5

Mrs. Arpita Chowdhury, Advocate, Respondent No. 6

Mr. Sibojyoti Chakraborty, Advocate, Respondent No. 7

Mr. Achinta Banerjee, Advocate, Kolkata Municipal Corporation

Mr. Prasun Mukherjee, Siliguri Chhat Puja Seva Samiti

Ms. Anamika Pandey, Advocate for Niraja Kumar

WITH

ORIGINAL APPLICATION NO.40(THC)/2017/EZ

IN THE MATTER OF:-

1.CALCUTTA CITIZEN'S INITIATIVE & ANR.

a Society Registered under the West Bengal Societies Registration Act, 1961
Represented through its Secretary, Ashok Purohit,
Having its Office at 3, Ho Chi Minh Sarani,
Kolkata-700071.

2.Sumita Banerjee representing LAKE LOVERS' FORUM
An Association, having its office at 125, Rash Behari
Avenue, Kolkata-700 029.

.....Applicants

-Versus-

1.State of West Bengal
Through the Additional Chief Secretary,
Department of Environment,
Government of West Bengal,
Having office at FD-415/A, Sector-II,
Poura Bhawan, 4th Floor,
Bidhannagar,
Kolkata-700 106.

2.The Principal Secretary,
Urban Development Department having office
At HIDCO BHAVAN Premises,

No. 35-1111, Major Arterial Road,
3rd Rotary New Town,
Kolkata -700156,

3. The Chairman,
Kolkata Improvement Trust,
Government of West Bengal,
Having its office at P-16, India Exchange Place Extension,
Kolkata-700 073.
4. The Chairman,
Kolkata Metropolitan Development Authority
Having its office at Prashasan Bhawan, Block-DD-1,
Sector-1, Bidhannagar, Salt Lake,
Kolkata-700064.
5. The Chairman,
West Bengal Pollution Control Board
Having its office at Paribesh Bhavan,
10-A, Block-LA, Sector-III,
Salt Lake City,
Kolkata-700098
6. The Commissioner of Police,
Kolkata Police Headquarters,
18, Lalbazar Street,
Kolkata-700001.
7. The Chairman,
Central Pollution Control Board
Parivesh Bhawan,
CBD-cum-Office Complex,
East Arjan nagar, New Delhi-110032.
8. The Secretary,
Ministry of Environment & Forests,
Government of India,
Paryavaran Bhavan, CGO Complex,
Lodhi Road,
New Delhi-110003.
9. The Officer-in-Charge,
Lake Police Station,
18, Gariahat Road (South)
Jodhpur Park,
Kolkata-700 068.

.....Respondents

COUNSEL FOR THE APPLICANTS

Ms. Debanjana Ray Chaudhuri, Advocate

COUNSEL FOR THE RESPONDENTS

Mr. Bikas Kargupta, Advocate for Respondents No.1,2,6&9
Ms. Munmun Tewari, Advocate for Respondent No.3
Mr. Sibojyoti Chakraborty, Advocate for Respondent No.5
Mr. Surendra Kumar, Advocate for Respondent No.7
Mr. Gora Chand Roy Choudhury, Advocate and Ms. Subarna Roy,
Advocate for Respondent No.8

PRESENT:

Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

Reserved on: 12.10.2017
Date of Judgement: 15.11.2017

1. Whether the Judgment is allowed to be published on the net? Yes
2. Whether the Judgment is allowed to be published in the NGT Reporter? Yes

JUDGEMENT**PROF. (DR.) P.C. MISHRA, EM**

Both the applications were taken together as the issues raised are identical in nature.

O.A. 136/2015/EZ

1. This application was preferred by Mr. Subhas Datta, a social and environmental activist, being concerned by the potential threat to the environment of the Rabindra Sarobar Lake and its surrounding due to football matches held during night time and

other social activities including activities of the clubs located in the premises of Rabindra Sarobar Lake.

2. It is the case of the Applicant that Rabindra Sarobar Lake is a unique waterbody and one of its kind located in the city of Kolkata and is a home to several varieties of fish. The lake is also visited by different migratory birds during the winter season when they nest and breed. Considering its ecology and rich biodiversity, the lake has since been included in the National Conservation Programme (NSP) and National Lake Conservation Plans (NSCP) of Ministry of Environment, Forest and Climate Change.

3. The Applicant raised serious questions on the likely impact of the Indian Super League (ISL), the football tournament, being held during night time at Rabindra Sarobar Stadium, Kolkata, located in close proximity to the Sarobar lake, on the environment, biodiversity of Lake area, air and noise pollution etc. Being prima facie satisfied on the likely adverse impact of the ISL matches to be held during night time on the Lake environment, we directed constitution of a five-member Expert Committee consisting of the following eminent Scientists and Engineers to examine the impact of such tournaments on the lake environment based on a prescribed TOR:-

“(i) Dr. A.K.Sanyal, Chairman, West Bengal State Bio-Diversity Board, Kolkata, who shall head the committee as its Chairman.

- i) A Professor of Engineering from IIT, Kharagpur or such other experts from the IIT, who has the requisite knowledge on the subject to be nominated by the Director, IIT, Kharagpur.
- Member
- ii) Sr. Scientist/Sr. Environmental Engineer, CPCB, to be nominated by the Regional Head of the Board .
Member
- iii) Sr. Scientist/Sr. Environmental Engineer, State PCB, to be nominated by the Head of the State Board.
- Member
- iv) Sr. Scientist from NEERI, Regional Office, Kolkata to be nominated by the Regional Head of the Institute. - Member

4. The Committee was directed to examine the likely impact on the following terms of reference after visiting the spot and interacting with the organizers, applicant and other interested citizens:-

- A. Probable impact of the activities in the Rabindra Sarobar stadium during the nights connected with the ISL matches with specific reference to the following :-
 - i) Physical environments (air, water and land);
 - ii) On bio-diversity of the lake environment;
 - iii) On the migratory birds visiting the area and nesting of the Arian creatures;
- B. Preventive measures, if any, that can significantly reduce the impact if the activities are allowed to be undertaken -Suggestions.
- C. Whether the activities like ISL matches should be allowed during night time in the Rabindra Sarobar Stadium considering its location.”

5. The Expert Committee submitted its report on 26.09.2016. The committee in its report agreed with the applicant that the events such as ISL matches should be subject to regulations framed after conducting a detailed study on Environment Impact Assessment in the lake area and after ensuring that adequate preventive measures are put in place. The report of the Expert Committee including their observations on air, water and land environment of the lake including the residence and migratory birds, suggested preventive measures and general recommendation have been placed on record in our order dated 10.11.2016. However, at the cost of repetition, we reproduce the suggestions on preventive measures as

well as General recommendations which read as such:-

" Suggestions on preventive measures :

The committee recommends the following measures to be complied with by the organiser(s):

1. The organiser will ensure that no provisions of environmental laws (Air, Water, Noise Pollution as well as Hazardous, Solid and Plastic Waste Management Rules 2016) are violated during the entire event.
2. To ensure that load of pollution is not so much as to affect the biodiversity.
3. No garbage is dumped in the sarovar. Proper collection and disposal system of garbage in the stadium to be maintained.
4. Proper system for solid waste collection, transport and disposal in the stadium to be maintained.
5. To ensure no waste including plastic is dumped in the Rabindra Sarovar Lake and surrounding area.
6. All building materials should be removed from the stadium site to prevent air pollution due to building materials becoming air borne.
7. Modern technology to be used to minimise spillage of light outside the stadium. The committee recommends that the organiser should fix black colour screens around the upper tier of the gallery at a height of above 10 meters to prevent spillage of light on the surrounding trees and towards the sarovar.
8. The sound system/PA system should only be used for announcement purpose within the Rabindra Sarovar stadium complex and the noise level of the sound system should be maintained as per the ambient standard. No loudspeakers should be installed outside the stadium.
9. Disk Jockey (DJ) and fire cracker should not be used during the match days.
10. No body would be allowed to use burning Mosal.
11. Green (silent) Diesel Generator (DG) Set(s) complying with the prevailing regulations of Ministry of Environment & Forests (MOEF), Govt. of India should only used.
12. The pathways for exist and entrance of the viewers would be barricaded on both sides, so that the people cannot enter the park and sarovar areas and damage the environment.
13. To check the automobile pollution only the cars of the VIPs, Police, Organisers and others of special importance, will be parked in the parking

Zone. All others will not be allowed to park within 500 meters around the sarovar.

14. Environment friendly arrangements for collection and disposal of plastic materials, solid and liquid wastes and other wastes are to be made.

15. Water sprinkling need to be done for settling of dust particles”.

The Committee also recommended that the Tribunal may consider allowing ISL matches to be held during night time in the Rabindra Sarobar Stadium with strict adherence to the rules and suggestions made in the report.

6. Considering the report of the Expert Committee we permitted the organisers to conduct ISL matches during 2016 with strict adherence to the suggestions and general recommendations of the Committee. In our order dated 28.09.2016 additional restrictions were imposed on use of floodlights, parking of vehicles, buses or taxis, use of audio system etc. In order to ensure such compliance, we directed various authorities including Commissioner of Police, Kolkata to oversee the event and ensure strict compliance of the measures suggested by the Expert Committee.

7. The Respondent No.6 filed M.A. No. 1266/2016/EZ seeking modification of our order dated 28.09.2016 by granting certain relaxation to play special music before, during and after the match during conduct of semi final match. After hearing the Learned Counsel for the parties and the Applicant, we allow the prayer on the following conditions:-

(i) Special music shall be played for 30 minutes before the match and for 10 minutes each during the interval and at the end of the match as prayed for.

ii) The sound decibel shall be restricted to the permissible limit.

iii) State PCB shall furnish the permissible sound limit to the respondent No. 6 by to-morrow i.e. 8.12.2016.

iv) The organisers of the match shall ensure that 'sound limiter', a device to control the limit of sound, is installed in the PA systems. If such device is not available in the market, endeavour shall be made to ensure that the limit prescribed by the State PCB is maintained.

v) It shall be the responsibility of the State PCB to ensure that these directions are complied with".

8. Similar relief as described above and in paragraph 6, was granted to United Mohun Bagan Football Team Pvt. Ltd., the Respondent No.12 permitting them to conduct the football matches on the following conditions:-

- "
- i) Only I League matches shall be permitted to be held in the Rabindra Sarobar Lake Stadium during nights.
 - ii) The undertaking given by Mr. Jishnu Saha, Ld. Sr. Counsel on behalf of the applicant in the MA shall be strictly followed.
 - iii) KIT and the Kolkata Police shall ensure strict compliance of the terms and conditions set out in our order dated 28.9.2016.
 - iv) Henceforth no events like the present one or that of ISL nor any other mega events like cricket and football matches shall be permitted to be held in the Stadium at nights until final order is passed in the OA."

9. The Applicant, Mr. Datta, had also filed another Application, O.A. No. 136/2015/EZ raising environmental issues of North Bengal including the precarious conditions of river Mahananda due to illegal encroachments by people and even by Govt. respondents providing temporary roads over the river during Chhatpuja. Before Chhatpuja festival of 2016, the Applicant drew our attention to various photographs of Mahananda river flowing through Siliguri town in North Bengal to illustrate the enormity of pollution caused by flowers and other puja wastes thrown to the river after Chhatpuja as well as construction of temporary bamboo bridge across the river thereby causing the river to almost change its course. On a perusal of

the various photographs and the facts referred to by Mr. Datta, we found that the issue is of grave concern requiring urgent attention of the authority. Mr. Datta had also brought to our attention to the guidelines, more particularly clause 3 issued by the West Bengal Pollution Control Board vide Memo No. 242/4K-01/2015 dated 03.09.2015, which reads as under:-

"3. Worship material like flowers, vastras (clothes), decorating material (made of paper and plastic) etc. should be removed before immersion of idols. Biodegradable materials should be collected separately for recycling or composting. Non-biodegradable materials should be collected separately for disposal in sanitary landfills. Clothes may be sent to local orphan house(s)"

Considering the facts and circumstances stated above we issued some directions for organising Chhat Puja in river Mahananda at Siliguri causing negligible/no damage in river ecosystem.

10. Mr. Datta also pointed out that the Rabindra Sarobar Lake at Kolkata, a water body under the National Lake Conservation Scheme, is also threatened due to throwing huge quantities of puja waste materials including plastic bags for which we directed the Kolkata Improvement Trust, the custodian of the lake not to permit the Chhat Puja at any place in the Rabindra Sarobar lake and its surrounding. However, Ms. Paushali Banerjee, Ld. Counsel for Kolkata Improvement Trust (KIT) on mentioning on 3rd November 2016, expressed grave urgency to hear her case as Chhat Puja, which has been prohibited by our order to be held in Rabindra Sarobar Lake, was at the very threshold and preparation for organising such event had already reached an advance stage. Secondly, the change in

venue at short notice would be impractical causing administrative difficulties and problems of law and orders.

11. One M.A. 1214/2016/EZ was filed on behalf of the Kolkata Municipal Corporation with the principal prayer of permitting the Chhat Puja festival in Rabindra Sarobar Lake in 2016 outlining certain measures taken by them for prevention of pollution of the water body. After considering the entire matter carefully and upon hearing the Ld. Advocates we deemed it expedient to modify our order dated 1.11.2016 as follows:-

“Order of complete prohibition of performing Chhat Puja and rituals connected therewith in the Rabindra Sarobar lake stands withdrawn allowing the Puja to be performed for this year on the following terms and conditions :-

- i) Since the rituals of Chhat Puja to be performed require access to water, we direct that Ghat like arrangement be made on the bank of the Lake to make it convenient for the devotees.
- ii) The place for performing Puja shall be at a designated area sufficient for accommodating the devotees who shall not be permitted to go beyond such area.
- iii) Within such designated area, barricades shall be erected either by split bamboo or by providing netting not more than 3 ft. in the lake from its bank.
- iv) All rituals and offerings shall be restricted to this 3 ft area and offerings shall not be permitted to be thrown into the lake beyond the barricade.
- v) Carrying of plastic bags/carry bags shall be strictly prohibited.
- vi) Bursting of crackers of any kind and use of public address system by the devotees shall not be permitted.
- vii) The concerned authorities of KMC and KIT may use Public Address system the sound of which shall be maintained within permissible decibel limits. This is being permitted considering the necessity of the authorities in making announcements of the necessity of the devotees to adhere to the stipulations and also to meet emergency situations.
- viii) The KIT and KMC shall provide sufficient number of bio-toilets to cater to the need of the devotees to avoid open defecation and urination on the lake side and the park.

- ix) The ceremony from its commencement to its culmination shall be supervised and monitored by the KMC and KIT in coordination with each other.
- x) The entire function from its beginning on the first day to its end on the last shall be video-graphed.
- xi) The PCB shall monitor the water quality and ambient air quality before, during and after the Chhat Puja. A compliance report be filed on or before 29.11.2016.
- xii) We make it clear that it shall be the responsibility of the KMC and KIT to remove all Puja materials thrown into the water body within the barricades at the designated place twice a day.
- xiii) It is needless to state that KMC and KIT shall work in coordination with each other to ensure smooth administration and implementation of various works relating to Chhat Puja at the Rabindra Sarobar lake.
- xiv) Compliance reports shall be filed by them on or before 29.11.2016.
- xv) Commissioner of Kolkata Police shall coordinate with the KMC and KIT and ensure compliance of our directions and for maintenance of law and order.

It is also needless to state that for smooth implementation of regulations and rules or orders, public awareness is an unavoidable necessity. For this reason, certain funds are earmarked for publicity. In such view of the matter, since the entire responsibility of holding Chhat Puja rests on the Kolkata Municipal Corporation and the State, we would direct the KMC to take up aggressive public awareness programme with regard to above directions. This may be by distribution of pamphlets, making announcements through various FM radio channels, All India Radio, TV channels and by issuing instructions to the concerned ward commissioners, d etc.

The KIT, on its part, shall also take up the responsibility of publicity separately from the first day of the Puja for ensuring strict compliance of the above directions."

12. In our order dated 28.09.2016 we had inter-alia expressed that whether or not events such as ISL matches should be allowed in the Rabindra Sarobar Stadium in future would be finally decided after we receive further inputs after a detailed EIA studies of the Lake Environment. Accordingly, we decided to hold a consultative meeting among the

stakeholders to decide on constitution of an Expert Committee to undertake EIA studies and areas to be covered for such study.

The Consultative Meeting held on 12.1.2017 was attended by the following members where a draft proposal prepared by us was circulated and contents were deliberated:-

1. Chairman, WBPCB
2. Chairman, State Bio-diversity Board, West Bengal
3. Director, Zoological Survey of India, Kolkata
4. Director, Botanical Survey of India, Kolkata
5. Head of the Regional Office of CPCB, Kolkata
6. Head of the Regional Office of NEERI, Kolkata
7. Secretary, Kolkata Improvement Trust
8. Mr. Subhas Datta, Applicant

Second round of the consultative meeting was held on 25.01.2017

which deals with constitution of committee and area of study which is as under:-

" In view of the above, Expert Committee is constituted with the following members with Dr. A.K.Sanyal, Chairman, West Bengal State Bio-Diversity Board as Chairman of the Expert Committee and Mr. Ashoke Kr. Das, Secretary, KIT as its convener :

1. Dr. A.K.Sanyal, Chairman, West Bengal State Bio-Diversity Board- Chairman of the Committee
2. Dr. Ujjal Kumar Mukhopadhyay, Chief Scientist, WBPCB.
3. Dr. Anirban Roy, Research Officer, West Bengal State Bio-Diversity Board.
4. Mr. Rajib Gogoi, Scientist 'D', BSI
5. Dr. Rita Saha, Scientist 'D', CPCB, Kolkata
6. Dr. Deepanjan Majumdar, Sr. Scientist, National Environment Engineering Research Institute (NEERI).
7. Dr. S.I.Kazmi, Scientist, ZSI, Kolkata
8. Mr. Ashoke Kumar Das, Secretary, KIT-Convener

We leave it open for the Expert committee to co-opt any other member or members from the institutions from where the experts have been nominated who, in their opinion, would render assistance in undertaking the work.

A. The area of studies have been set out as under :

1. Listing of plant and animal species from the aquatic body (both from primary and secondary sources).
2. List of plant (tree, shrub and herbs) and animal species from the land (both from primary and secondary sources).

3. Listing of migratory birds and animals (both from primary and secondary sources).
4. Classification of existing animals and plants according to "schedule" under Wild Life Protection act, 1972,
5. Ambient Air Quality monitoring including noise level.
6. Water quality based on CPCB classification of "designated best use".
7. Nutrients (Phosphate, Nitrate) and heavy metals (Hg, As, Cd, Pb) quantity in the water.
8. Lake sediment characteristics including nutrient (phosphate, nitrate) lead and heavy metals (Hg, As, Cd, Pb) quality.
9. Trophic status of the Lake (to find out whether the lake is in Oligotrophic, Mesotrophic or Eutrophic stage based on qualitative (colour, presence of hydrophytes) and quantitative (oxygen profile, algal diversity and dominance) studies.
10. Methodology for collection of samples (minimum No. of samples and sampling locations) and analysis will be as per recommended standards to be decided by the Committee.

B. Impact Assessment :

Probable impact on anthropogenic activities undertaken in Rabindra Sarobar Lake and stadium, particularly due to organisation of mega events like cricket and football matches with bursting of fire crackers and emission of high intensity noise, night lighting, organising chhat Puja and picnic parties, activities of various clubs existing in the premises, movement of large number of vehicles in the park area etc. on ecology, biodiversity and pollution of the lake environment.

It has also been decided that while the studies in Items No. 1 to 4 under A above shall be carried out by the ZSI, BSI and West Bengal State Bio-diversity Board, studies in items No. 5 to 9 under A shall be conducted by the expert members of the Committee belonging to NEERI, CPCB and the State PCB.

It is open to the Committee to undertake any other related studies as they may deem it necessary, fit and proper.

It has been agreed that the studies shall be completed within two months at the end of which the Committee shall prepare the EIA report containing quantitative and qualitative data including figures, photographs, references etc. within 15 days thereafter. The respective institutions shall provide the scientific, manpower and library support to the Committee and KIT shall coordinate the activities and provide other logistic support and prepare adequate copies of the report for submission before the Tribunal within 15 days of the preparation of the report by the Committee".

13. In the meanwhile, an Application, Calcutta Citizen's Initiative and Anr. Vs. State of West Bengal & Ors. , was transferred from Hon'ble Calcutta High Court to the NGT, registered as O.A. No. 40(THC)/2017/EZ. It is alleged in this application that there is a proposal to construct a temple within the Rabindra Sarobar Lake area by Kolkata Metropolitan

Development Authority. Although this was strongly denied by Ms. Paushali Banerjee, Ld. Counsel for KMDA on instruction, we prohibited the construction of any such temple in Rabindra Sarobar Lake area nor any extension of the existing religious or other institutions. Subsequently both the OAs, O.A. 136/2016/EZ and O.A. No. 40(THC)/2017/EZ was heard together as issues common to both the OAs are involved.

14. On 13th October 2017, Mr. Subhas Datta sought for an appropriate direction on organisation of Chhat Puja in the Rabindra Sarobar Lake as it is at the threshold. It was mentioned by him that the Expert Committee recommended not to organise Chhat Puja in Rabindra Sarobar lake or such other activities in view of the adverse impact on lake environment.

15. On 16th October, 2017, Mr. Feroze Edulazi, Ld. Advocate appearing with Mr. Ashok Prasad on behalf of Bihar Nagarik Sangh filed M.A. No. 330/2017/EZ with a prayer to permit the petitioners to perform "Chhat Puja" rituals in the Rabindra Sarobar Lake in terms of the guidelines issued vide order dated 3.11.2016 in O.A.136/2015/EZ. The report of the Expert Committee on the effect of 'Chhat Puja' festival and picnic being held in the lake premises is disparaging and there is clear cut recommendation not to hold such events in the lake premises. However, Mr. Feroze Edulazi, Ld. Counsel for the M.A. applicant would submit that people ought to be sensitized first and then only imposition of restriction should follow. It is undisputed that people at large were aware of our order passed last year as those are in public domain where we made it clear that further holding of festival and rituals would not be permitted in the lake and its premises.

16. Considering the fact that the 'Chhat Puja' of the year is being held after 10 days, i.e., on 26th & 27th October, 2017 in the interest of justice, we deemed it appropriate to allow the festival and rituals to be held this year on 26th evening & 27th morning as a last chance subject to the conditions imposed vide order dated 03.11.2016 in O.A. 136/2015/EZ as undertaken by Mr. Feroze Edulazi, Ld. Counsel for the Applicant in the M.A.. They were further directed to restore the conditions of the water body as it was before commencement of the festival and not to carry flowers, fire crackers, music and PA system into lake premises and not to indulge in any activity or activities which are not essentially part of the rituals.

17. On 14/11/2017 PCB, KMDA and KMC filed their respective reports of compliance. Although none of these respondents have mentioned any infraction/non-compliance of our order, we are not happy with the way the Chhat Puja was organized in Rabindra Sarobar Lake. We have also read various newspaper where non-compliance of the conditions prescribed by us including throwing of flowers & plastics to the Lake, playing of DJs and bursting of crackers in the Rabindra Sarobar Lake during Chhat Puja events were reported.

We have also perused the affidavits filed by the Respondents No. 9&10, i.e., Calcutta Rowing Club and Lake Club Ltd. respectively with some suggestions on the report of the Expert Committee. We have also taken note of the affidavit filed by The Bengal Rowing Club, Respondent No. 8 in response to M.A. No. 1258/2016/EZ.

18. Coming to the report of the Expert Committee, we have scrupulously examined the report and in our considered opinion it is a very good research based report covering all the areas prescribed therefor and will serve as an excellent document for educational and research institutions. We have thus no hesitation in accepting the entire report and the recommendations contained therein, which shall form part of our order as annexure.

Considering the entire facts and circumstances adverted to above, we deem it appropriate to issue the following directions:-

- (i) The KMDA, which is the custodian of the Rabindra Sarobar Lake shall prepare a DPR for implementation of the recommendations under "Flora and Fauna, water quality of the Sarovar (Lake) and Lake sediments & sub surface soil "in consultation with experts from Botanical Survey of India, Zoological Survey of India, the State Biodiversity Board and Water Resource Department, Govt. of West Bengal. The DPR that would include the cost estimates of the project and a time line for implementation of the Recommendation shall be filed in the Registry within six months from hence but not later than the first week of May 2018.
- (ii) While night time matches/tournaments shall be strictly prohibited in the Rabindra Sarobar Stadium, day time activities may be permitted but without bursting of fire crackers and with regulated sound intensity and regulated traffic.

- (iii) Performance of any Puja, community picnic or organisation of other social events in and around the Rabindra Sarobar Lake shall be strictly prohibited.
- (iv) There shall be no new construction or extension of existing building without the leave of the Tribunal. However, repair and renovation under the supervision of KMDA shall be permissible including reconstruction of existing boundary walls of the Lake Club Ltd. that have collapsed but without creating opening on the Lake side.
- (v) The KMDA shall introduce nominal fee for entry to the Lake with provision of free entry pass to the morning and evening walkers. This entry pass shall carry the photograph, age and address of the person. This shall be decided within two months, i.e., 4th January, 2018.
- (vi) The KMDA shall frame guidelines for operation of the clubs located in the area in question considering the recommendations of the Expert Committee and periodically monitor the activities of the clubs to ensure compliance. The KMDA shall ensure that the clubs do not have direct access to the lake area from its premises and are separated by walls, if not already existing, with entries away from the Lake side.
- (vii) For implementation of the other recommendations, a detailed phase-wise Action Plan with time line shall be prepared by

KMDA. The Action Plan shall be filed in the Registry within two months, i.e., 4th January, 2018.

(viii) We also direct the West Bengal State Pollution Control Board, to constitute an Editorial Committee consisting of at least three experts for editing the EIA report submitted by the Expert Committee. Dr. Kalyan Rudra, Chairman, West Bengal Pollution Control Board, who shall be an additional member as the Chief Editor. After it is edited, the EIA Report shall be published in a book form by the State Pollution Control Board and incorporate therein acknowledgement of the contribution of the expert members who have prepared the report. A reasonable price may be fixed for the book to recover the cost of the publication and also to make it affordable for the students, research workers and other interested persons and for libraries of educational and research institutions.

With the above observations and directions the O.A. No. **136/2016/EZ and all connected M.As stand disposed off.**

O.A. 40(THC)/2017/EZ

Since issues raised in this O.A. are identical to the ones in O.A. No. 136/2016/EZ, the order passed in O.A. No. 136/2016/EZ shall be applicable in full force in this O.A. also.

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Both the O.As stand disposed off.

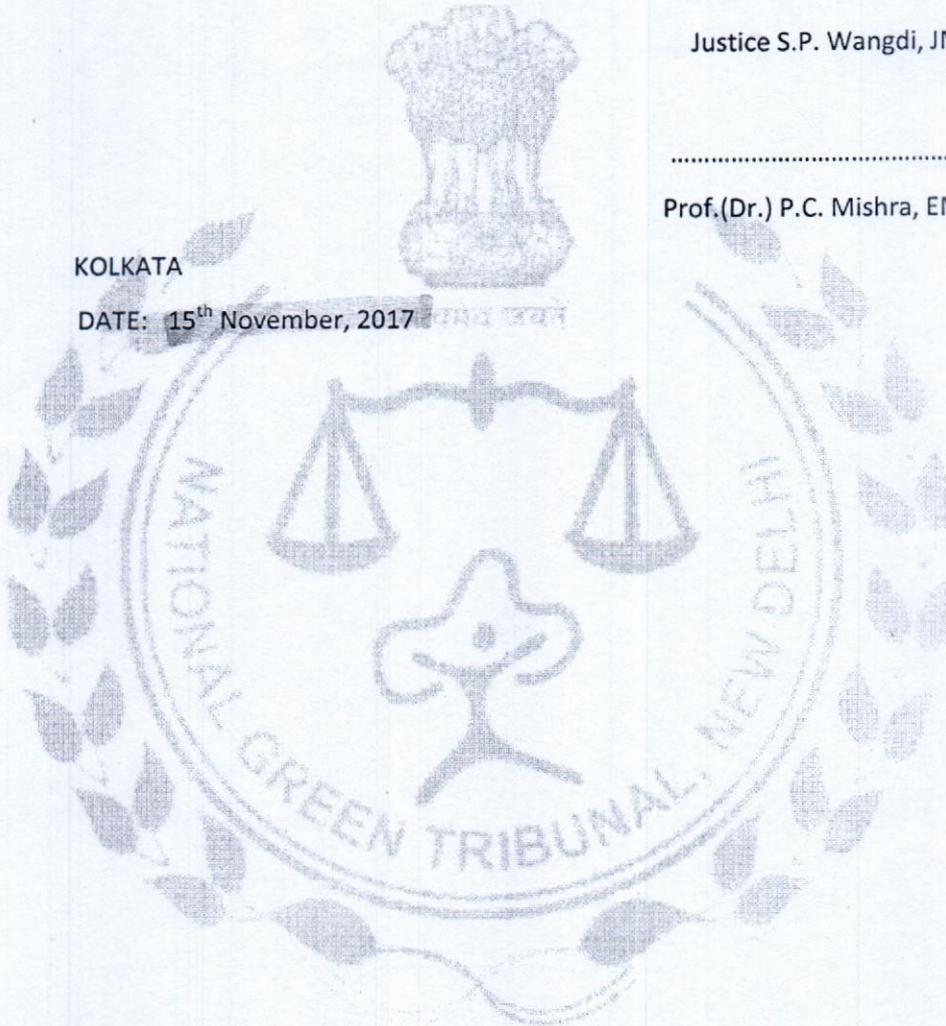
No order as to costs.

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Justice S.P. Wangdi, JM

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Prof.(Dr.) P.C. Mishra, EM

KOLKATA

DATE: 15th November, 2017



NGT

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From:
Sumita Banerjee and Others
C/o Lake Lovers Forum
125, Rashbehari Avenue
Kolkata - 700 029.

Ref. No. LLF/KMDA/02-2024

Dated:- 20th May, 2024

To
The Registrar,
National Green Tribunal,
Eastern Zone,
HFXC + VRS
Kadampukur Village, New Town
West Bengal 700 156.

Sir

Reg:- Unlawful transfer of about 5 Bighas of land belonging to National Lake Rabindra Sarobar by KMDA to Calcutta Entertainment Club Foundation, Kolkata - 700033.

It is well known that Rabindra Sarobar is a natural heritage site. It was declared a "National Lake" on 3rd December, 2001 under National Lake Conservation Plan (NLCP) by the Ministry of Environment, Forest and Climate Change, Government of India for restoring the water quality and conserving and managing ecology of National Lake "Rabindra Sarobar". The said National Lake was previously under the custody of Calcutta Improvement Trust but subsequently in 2017 the said National Lake Rabindra Sarobar came under Custody of KMDA for its protection, preservation and conservation of the Environment Ecology and Biodiversity.

It has come to the public notice that about 5 bighas of Green Buffer land of National Lake 'Rabindra Sarobar' opposite to Calcutta Rowing Club has recently been surreptitiously transferred to the Calcutta Entertainment Club Foundation having its office at 60/116 Haripada Dutta Lane, Kolkata - 700033

Sumita Banerjee



Received
22/05/2024

for a nominal monthly rent for promoting celebrities cricket which is not a sports but a social event for amusement private members. By such wrongful acts and deeds of Transfer of Land, KMDA, the Custodian, is depriving thousands of Morning Walkers, Runner, Joggers, Young Boys etc. of their daily routine exercises and for maintaining health benefits.

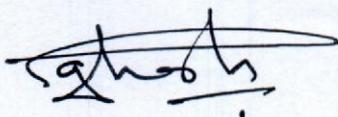
It is most respectfully submitted that by such wrongful acts and deeds KMDA is causing serious concerned to the Environment Ecology and Biodiversity of the National Lake 'Rabindra Sarobar'.

We state that under guise of celebrities cricket huge crowd will gather leading to more sound cause huge air light and sound pollutions. Further, there may be surprise events like social parties, obtaining bar licenses which will lead to transformation into social clubs and creation of full-fledged of amusement and recreational clubs for private use of the members.

It is further submitted that currently Rabindra Sarobar Lake is facing tremendous pollution in terms of Air, Noise, Light and Water surpassing the defined limits which is a serious concern for all the lake lovers and the environmentalists.

In view of aforesaid, we state that, KMDA, is the sole custodian of the National lake Rabindra Sarobar and it is the Legal, Constitutional duty and obligation under Article 48A of the Constitution of India to protect, preserve and conserve the Environment Ecology and Biodiversity of the National Lake Rabindra Sarobar and in discharge of statutory and Constitutional duties, KMDA have no right and authority to sale or lease or transfer any land of natural resources like lake, park, forest maintain etc. to any club, association, company or any third party for their private use.

Sumita Banerjee



The purported acts to transfer the 5 Bighas of Green Buffer land to Calcutta Entertainment Club Foundation is wholly illegal, wrongful and high handedness and unconstitutional acts and deeds by KMDA.

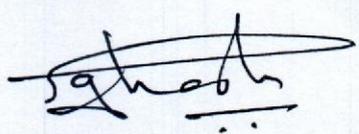
We have accordingly taken the view of the morning walkers, runners, joggers who are regular coming to Rabindra Sarobar for their daily routine exercises and all of them have condemned at a breathe their wrongful, illegal and arbitrary act for surreptitiously transferring about 5 bighas of land to the Calcutta Entertainment Club Foundation. The signed copy of the survey is enclosed for your perusal.

In view of above, and is compliance of Article 51A(g) of the Constitution of India, as Citizen of India, we have called upon KMDA by our letter dated 30th April, 2024 to immediately cancel and revoke the transfer of the land purportedly done in favour of Calcutta Entertainment Club Foundation and restore its position for the use of the public so that the Green Barrier can be built to save the Environment Biodiversity and Ecosystem of National Lake Rabindra Sarobar. A copy of such letter is enclosed for your reference.

Inspite of the above, KMDA have not cancelled or revoked the transfer of the land in favour of Calcutta Entertainment Club Foundation forthwith uptil now.

In the circumstances, we earnestly request you to place this letter as an application under Article 226 of the Constitute of India before the appropriate bench of The National Green Tribunal to take the cognizance of the matter suo-moto of the high handedness, illegal, unconstitutional and wrongful acts of KMDA for transferring the land of Rabindra Sarobar without any authority of law to Calcutta Entertainment Club Foundation for their private use.

Kindly treat this letter as an application under Environmental matter for public Importance.

Sumita Banerjee


Thanking you,

66

Yours sincerely
Sumita Banerjee
Sumita Banerjee
(For Lake Lovers Forum)

S. M. Ghosh
Mr. S. M. Ghosh
(Environmentalist & Green Technologist)

O. P. Jhunjhunwala
O. P. Jhunjhunwala
(Attorney at Law & Advocate)

Copy to

1. The Chairman
KMDA, Government of West Bengal
CJ - 164, 2nd Avenue,
DJ Block, Sector - II
Bidhannagar, Unnayan Bhawan,
Kolkata - 700091

2. The Minister of State
National Plan for Conservation of Aquatic Ecosystem (NPCA)
Under Ministry of Forest, Environment & Climate Change,
New Delhi

3. Central Pollution Control Board
Ministry of Environment,
Forest and Climate Change
G97V + H5Q, Kasba New Market,
Sector - E, East Kolkata Trip
Kolkata - 700107

5. Gungyoo Jai A

6. A. K. K. K.

7. Anam Chakraborty

8. Rahul Paswan

9. Rik Sadhekhan

10. SHAKIL AHMED

11. Anit Maunam

12. Avik Biswas

13. Ashutosh Baidya

14. Abhisek Bharti

15. Rohit Kumar

16. S Aggarwal

17. Lalit K. Choudhary

18. Manoj Kumar

19. Ratan K. Bhatnagar

20. Vijay Kumar

21. Acha Kumar

22. Manoj Kumar

23. Divakar Kataria

24. R. K. P.

25. R. Aggarwal

26. Meharika Mukherjee

27. R Chowdhury

28. Sangeeta Maheswari

29. Anjay K. K.

30. Anjali Das

31. Rupam Sarkar

32. Rinku Kundu

33. Indira

34. Anil Kumar

35. Dipankar Alamgir

36. Anurag Alamgir

37. Sruti Alamgir

38. Anabnil Das

39. S. K. Goswami

40. Abhinav Kumar

41. Md. Shahid

42. Shikhar Singh

43. Musrat Khan

44. Parth Kulkarni

45. Rakesh Kumar

46. Suchita

47. Suchita

48. Rohit Ghosh

49. Rishi Gupta

50. Santan Choudhary

51. Bikram Mohan

52. Subhes'na Harin.

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|------------------------------|----------------------------|
| Niraj Naraj | 121. Nyle 21/4/24 |
| 6. O.P. Bangar | 122. SA 21/4/24 |
| 7. Rapsy Saha | 123. Rohan 2/4/24 |
| 78. AJIT POWARI | 124. Ajit Powari |
| 99. Indira Khater | 125. Nyle - Sarkar |
| 100. Malini Agarwal | 126. Nyle |
| 01. Suman Lina | 127. Jyoti Saha |
| 02. Sangeen Lina | 128. N. C. R. Goswami |
| 103. SN Toshniwal | 129. Rekha Chopra |
| 104. Sanjay Toshniwal | 130. Rajan Chandra |
| 105. Madhu Taparia | 131. A. Bhattacharya |
| 106. Sumita Toshniwal | 132. R. Singh |
| 107. Satish Taparia | 133. Dilip Biswas |
| 108. Surya Prakash Toshniwal | 134. Debarshi |
| 109. Ganesh | 135. Shweta Agarwal |
| 110. Yantana Chandra | 136. Kusum Samwari |
| 111. Nisha Chandra | 137. Rahul Samanta |
| 112. Predeep Singh | 138. Manoj Kumar Yadav |
| 113. Kishal Khandelia | 139. Rom Narayan Yadav |
| 114. Rubina Anand Das | 140. ROHIT CHOPRA |
| 115. Roma Santosh Kumar | 141. Somak Raychaudhuri |
| 116. Rupa Roy | 142. Md. Rizwan Khan |
| 117. Anshu | 143. Md. J. J. J. |
| 118. Bani Halder | |
| 119. Jubly Ch. Saha | |
| 120. Kamalini Ghosh | |

186. Anup Chakravarty 198. DR ANIL KUMAR PODDAR
 187. 9903890811 199. ARCHANA PODDAR
 188. SHAI LENDRA LATH 200. NARESH JALAN
 9830256650 201. CHAMPA LAL DHAREWA
 202. KAMLA DHAREWA
 203. DR KAMAL SIMHA
 189. DIPANKAR SAHA 204. ATAL HEE SIMHA
 8777398542 205. SUBIR SEN
 206. ANANDITA SEN
 207. DEBACHIN ROY
 208. SASWATA
 209. NEELAM JALAN
 190. SOURAJIT PALCHANDHERI 210. Ranjana Sarkar
 9830142635 211. Kawajit Kaur
 191. C S SARDA 212. Parag. or. Berekh
 9830026790 213. Munir Chh
 192. RAHUL SWAIKA 214. Raj Kumar Agardale
 9830260415 9830089577
 193. Sushila Agarwala 215. Pintosh Naruw
 9830281661 9123657635
 194. Anupita Sen 216. Sameer Daga
 9830154028 9831097560
 195. Asit Kumar Sen 217. Arbind Rajgoria
 9830253073 218. Anuj maheshwari
 219. Anup Jhon Jhon
 196. Jogendra Das Kamalakar 220. Ajay Jain
 8240545700 221. Amit Jain
 197. Anpita Banerji 222. Predeep
 9830224973 223. Ritesh Bagriya

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| 276. Abhijit Sarkar | 302. Prabhati Sarkar |
| 277. Ushis Kuni Lahiri | 303. Tapash Dutta Gupta |
| 278. Ronne Luwed | 304. Sibir Kumar |
| 279. Manik Banerjee | 305. Prasad Banerjee |
| 280. DEEPAK JOSHI | 306. Jagan Pal Choudhury |
| 281. RAVINDRA DATTANI | 307. Sate Roy |
| 282. Santar Chaljeji | 308. (SETU Roy) |
| 283. Heli Datta Gupta | 309. SUNIL KUMAR GHOSH |
| 284. NRI Ranta Sarkar | 310. Mukesh Chandra Setu |
| 285. Ayushi Ray | 311. Srijita Sekhar Mishra |
| 286. Pawan Seksaria | 312. Anup Das |
| 287. Meera Sekaria | 313. R. N. Shewale |
| 288. Jayanta Das | 314. Gabe (Rajendra Saha) |
| 289. Shila Das | 315. Jyoti Saha |
| 290. Ranu A. | 316. Dpharai |
| 291. H. H. K. | 317. Anil Shah |
| 292. <u>B. M. S.</u> (RADNIKA RANJAN DAS) | 318. Adhara (Ananta Saha) |
| 293. Debasi Das Gupta | 319. Ananta M. (ADHITA RAY) |
| 294. Rajan Chandra | 320. Subir Ghose |
| 295. Debesh Ch. Choudhury | 321. Jyoti Roy |
| 296. Abhijit Datta | 322. Pulak Kr. Das |
| 297. Biswaji (Daha) | 323. Anup Raut |
| 298. Same Saha | 324. Sujit Kr. Datta |
| 299. Biswaji (Bipin Shah) | |
| 300. Jitendra (JAYANT BHAJ) | |
| 301. Chandrabati Saha | |

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375. ~~grom (m)~~

376. Sankar Lal Banerjee

377. Shyam Kumar D

378. Anup Partiv Agarwal

379. Shri K. Anand

380. Dheeru Anand

381. Ashish Kumar Ganguli

382. Gargee Ganguli

383. Rajesh Kumar Rungta

384. Dipendu Banerjee

385. Saibal Banerjee

386. Aadip Khan

387. Anand (R.K. Rhodni)

388. Z. Paelia

389. Ramesh Agarwal (As)

390. Anand (R.K. Dujari)

391. Jatan Lal Baschic

392. Anuj Karkya

393. Anand (R.K. Dujari)

394. Anand (R.K. Dujari)

395. Malabika Saha

396. Pampa Bhattacharya

397. Krishna Karwar

398. Bhaskar Mitra

399. S. Das

400. Kalyan Das Gupta

401. Ralindra Saradkar

402. R. N. Anand

403. Anant Singh

404. Ramesh Singh

405. Jayanti Anand

406. Deepen Kumar

407. Devesh Ghosh

408. S. Anand

409. Anand (Anand)

410. Pradeep Dhar

411. 9830078944

412. Debaraj Mitra

413. Anand

414. Anand (R.K. Dujari)

- 469) Dipa Sil.
- 470) Ashok Band
- 471) Nirmea Bhug
- 472) Jeer Mees Mees
- 473) Dinesh Ganga
- 474) Ajay Bhatia
- 475) Adesh Choudhury
- 476) Ravi Pachis
- 477) Manoj Kasat
- 478) Nil Ratan Bandyopadhyay
- 479) Kunal Murjchandani
- 480) Pooja Agarwal
- 481) Manish Agarwal
- 482) Lawan Gandhi
- 483) ~~Agarwal~~
- 484) Shiv Kumar Chharia
- 485) Jayanti Mehta
- 486) Sujit Ghosh
- 487) Anand Kumar Agarwal
- 488) Dhawal Mehta
- 489) Debdeep Kundu
- 490) Niranjana Karmakar
- 491) Palash Das
- 492) Gouranga Paul
- 493) Neela Paul
- 494) Pranayoy Majumdar
- 495) Khagarati Datta
- 496) RAJESH ARORA
- 497) REENA ARORA
- 498) Chandan Lalwani
- 499) Dr Srijan Mukherjee
- 500) Nalini Bandyopadhyay
- 501) Saikat Rajgopal
- 502) Ramesh Kumar Ghosh
- 503) Bhavani Kumar
- 504) L. S. Murthy (Chhatra Sankar Murthy)
- 505) Saikat Agarwal
- 506) Lalit Agarwal
- 507) Ratan Jena
- 508) Ritu Nayak Purohit
- 509) Gaurav Dinkar
- 510) Anil Sharma
- 511) Lalita Sharma
- 512) Jayashree Paul
- 513) Chhanda Ray
- 514) Anup Das
- 515) Saikat Das

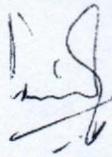
Forum. Ralindra Sarabari

76 74

662)	Pratim Ghatakcharyya	Amrita Majumdar	689
663)	Ratna D.	Santana S.	690
664)	Sandip Chatteropadhyay	Chanda Masik	691
665)	Ujjwal Kumar Saha	Sikha Saha	692
666)	Aditya Nidhi Kumar	Sunanda Sen	693
667)	Sankar Paul	Aloka Basu	694
668)	Rana Bandyopadhyay	Joyshri Paul	695
669)	Ruchira Bandyopadhyay	Mitun Basu	696
670)	Ayan Deb	Sabita Ghosh	697
671)	Moumita Deb	Rekha Rungta	698
672)	Shyam Majumdar	Pratull Shet	699
673)	Swapna Majumdar	Deb Kumar Roy	700
674)	Suchitra Dhar	Bharat Mehta	701
675)	Anaya Deb	Prihi Mehta	702
676)	Debasish Mohanta	Alina	703
677)	Biplab Basu	P. P.	704
678)	Kandarpa Kanti Dm.	Pratull	705
679)	Debalvel Saha	(Hales & Todi)	706
680)	Sukarno Dm.	Binnal K Todi	707
681)	Gantambra	Mita P. Chowdhry	708
682)	Srikalya	Shree Sgerwal	709
683)	Ashwathi Roy	Anan S Sgerwal	710
684)	Krishna Dasgupta	Dharmesh Trivedi	711
685)	Swapan Dhar	Ami Trivedi	712
686)	Subrata Basu	MANISH GUPTA	713
687)	Piyush Ranti Nayak		
688)	Vijay		

- 752) Nishant P. Satam
 753 Alok Khosale
 754 Binat Chitambar
 755 Sanjay Thodani
 757. Vandana Khosale
 758. Atka Singhania
 759 Ravinder Agarwal
 760. Lata Agarwal.
 761 K. Khandw
 762 G. B. Saraf
 763 R. P. Maskare
 764 B. C. Chakrabarti
 765 S. K. Kapoor
 766 Yogesh Agarwal
 767 Manish Arora.
 768. Ram Nath Ahuja
 769 D. B. B. B.
 770 Ashok Singh
 771 Sanjay Bora.
 772 Ashok Daryanani
 773 Ravindra Pawar
 774 Shyam Pawar
 775 Rajendra Chitambar
 776 RAJIV MEHRORA
- 777) Nishant Lal Tekriwal
 778) Deepak Agarwal.
 779) Niksh Bhatnagar
 780) Pradyip Agre
 781) Anil Jais
 782) V. Sharma
 783) Arvind Tendron
 784) Aditya Agarwal
 785) Aditya Vikram Agarwal
 786) Shreya Agarwal
 787) S. M. JAIN
 788) P. D. Go
 789) PUKUSHOTTAM
 790) DASS GOEL
 791) SANWAR MAJAN
 792) SUNIRMAL CHAKRABARTY
 793) Gautri Sankar Ghosh
 794) A. K. Maitra.
 795) Nanya Uedie
 796) R. N. Mahaveer
 797) S. Seltis
 798) Aji
 799) Anil Chandak
 800) Dr. Raghav Sachindra Rao
 801) Sri Sujay Saks
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| 835) Tanmay Agrawal | Om kumar Singh | Madhu Balamy |
| 836) Sanya Mukherjee | Kaushik Mehta | 857 Sur's Aggarwal |
| 837) Monalisa Kamdar | Rajendra Staul | 858 |
| 838) Aditya Rungta | Sushma Bhutoria | 859 |
| | L.P. Belani | 860 |
| 839) Saradha S. S. | Rajendra Chandra | 861 |
| 840)  (ASHIS ROY) | Abhis Agrawal | 862 |
| 841) Ajay Agnihotra | Mitika Misra | 863 |
| | Meena Shel | 864 |
| 842) Tanima Das | Mamata Dan | 21/04 865 |
| 843) Trishul Das | Aparna Shaw | 866 |
| 844) P. Dharmi | Han Manju Agarwal | 867 |
| 845) Dilip Kedia | Saroj Agarwal | 868 |
| 846) P.D.M. | Sarla Sethia | 869 |
| 847) Alan Singh Ray | Kavita Punjabi | 870 |
| 848) Kashi Prasad Singh | Sobit Swimal | 871 |
| 849) Vikramaditya Yadav | Kakoli Kamkar | 872 |
| 850) Sarvagya Pandey | Subodh vyad | 873 |
| 851) Sunita Kumar froy | Pushpa vyad | 874 |
| 852) Priyanshu Sahani | Molnoj Misra | 875 |
| 853) Preeti Rajadg | Laksh Shel | 876 |
| 854) Rajendra Rajadg | Bang Das | 877 |
| 855) Grotam DAN | Shanti Agarwal | 878 |
| | Laksh Jain | 879 |
| | Neelu Jain | 880 |

937. Payal Santra
- 938 Arishah Lalit.
- 939 Anubam Sarakar
- 940 AK Sarakar
- 941 Sursya Prakash Shukla
- 942 Dehdutta Chakraborty
- 943 Aman Gupta
- 944 Sudip Halder
- 945 Kingshuk Choudhury
- 946 Shampa Choudhury
947. Subhojit Saha
- 948 Sayan Choudhury
- 949 Akshay Khatun
- 950 ~~Srijit Ghosh~~
- 951 (SILAJIT GHOSH)
- 952 Pranavita Banerjee
953. An x Miji -
- 954 Anjana Seal
- 955 Anvita Mishra
- 956 Anvita (PREM CHAND KUMAR)
- 957 Ashok Kumar Agarwal
- 958 Pushpa Bansal
959. Sarad Tibrewal
960. Shyanal Sen
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961. Manika Das,
962. Boley Mita
- 963 Rajkumari Swarna.
- 964 Nirjala Saha.
- 965 Dr G.S. Roy.
- K. Bag.
- 966 Anindya Khatun
967. Sushant Khatun
- 968 An x K.
- 969 SABITA SASAL.
- 970 SURESH MINTRI
- 971 MINTU DUTTA
- 972 Debi Saha
- 973 Sharmila Mukherjee
974. Shampa Goswami.
- 975 Tapas Mukherjee
- 976 Bipin L. Mahapatra
- 977 Narech Saha
- 978 An x M.
- 979 Sutapa Mukherjee
- 980 Jayshree Maitra
- 981 BVMenta

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| 987. Binel Khemka (Sr. Cit) | 1018 | Anil B. Dutt |
| 988. Khitish Kaurai (Sr. Cit) | 1019 | Prabul Sircar. |
| 989 Jeevinda Mondol | 1020 | Anup Dalma |
| 985 Sami Kumar | 1021 | Taranjit Walia |
| 986 Talati mondol | 1022 | Ashok Khatur. |
| 987 Dipa Dutta. | 1023 | Anil Chandra |
| 988 Sajal Gupta | 1024 | Sobhjit Suman |
| 989 Lily Halderly. | 1025 | Vijaya Sharma. |
| 990 Binod Kumar Shawan | 1026 | P. K. Chandra |
| 991 Archana Shawan | 1027 | Dinesh Agrawal |
| 992 Swaraj Das. | 1028 | Ravi Sankar Das |
| 993 Shantanu Rane | 1029 | Sanjay Chisomic |
| 994 Anurag Singh | 1030 | R. K. Ladda |
| 995 Khubku Datta | 1031 | Nandan Das |
| 996 - Sandhya Sharma | 1032 | Vijaya Jala |
| 997 - Deepthi Dikakar | 1033 | Anu Jena |
| 998 - Megha Ahuja | 1034 | P. K. Kojari |
| 999 - Gaurav Das | 1035 | Chandak |
| 1000 - RAJIB BASU | 1036 | Tapan Kumar Mishra |
| 1001 - RUP CHAND SARAF | 1037 | Mang Shou |
| 1002 - Chandan Bose | 1038 | Polly Chakraborty |
| 1003 - Dhanman Trivedi | 1039 | Manisha Chandra |
| 1004 - Kamlesh Mehta | 1040 | P. L. Shah. |
| 1005 - Chandradeo Pd. Gupta | 1041 | Brataji Banerjee |
| 1006 Karbis Sen | 1042 | Munir Sen |
| 1007 Partha Mukherjee | 1043 | Biswajit Sarkar |
| | 1044 | Pradeep Das |

- 051) Keka Paul
 052) Minati Basak
 53) ESTHER DEB
 54) Kamlesh Kumar Tapani
 55) Koireri Sen Gopal
 56. Rebecca Datta
 57. Har Paul Chowdhury
 58. Hena Gupta
 59. Jayasree Roy
 60. Anka Neogi
 61. Sabitra Das
 62. Sabita Das.
 63. Sumita Ghosh
 64. Jij Gopein
 65. MOU (Sanghamitra Chakraborty)
 66. Sumita Bose
 67. Gitika Naskar
 68. Rajita Chatterjee
 69. Chandan Basu
 70. Shipra Bhattacharya
 71. Alpana Ray
 72) Paramita Saha
 73) Sukanta Saha
 1074 SUTAPA GHOSH.

- 1075) Aniba Gomes
 Monoj Sircar. 1076
 Sajal Aggarwal 1077
 SOMNATH PASU. 1078
 Madhumita Das Gupta. 1079
 Mahinder Mahinder 1080
 Chandan Kumar Saha 1081
 Anup Kumar Chatterjee 1082
 Suparna Chatterjee 1083
 Namrata Chatterjee 1084
 Sunil Nayak 1085
 Anum Kum Chatterjee (1086
 1087
 (Utpal Chakrabarti)
 Radha Rani Datta 1088
 1089) Kanak Ghosh Dastidar
 1090) Sunandita Acharya
 1091) Ananda Datta.
 1092) Meera Meera
 1093) Ananta Sr. Sankar
 1094) Rupali Chandra.
 1095) Saroj Subhra Banerjee
 1096) Gouram Baskhi

- 1097) Madhuri Himatsingkar 1119 Saijeu Sharma (SS) M
- 098 1120 Uttam Baner
- 099 1121 Jayanta Ghosh Dask'ala
- 100 Ashish Jainwal 1122 Sheuli Mutsuddi
- 1101 Shashi Redder 1123 SUNAYANA SHETTY
- 1102 Manish Bhimsenia 1124 INDRANIL GUPTA
- 1103 FROM CEMO 1125 Debasri Das Gupta
- 1104 Rabi Das 1226 RAJAN ADVANI
- 1105 Arundhati Chatterjee (CEMO) 1127 Shiman Saha
- 1106 Thameu Mitra (CEMO) 1128 SURAN BOICAIT
- 1107 Suchita Chaudhri (CEMO) 1129 Madanar PBM
- 1108 Soumitra Pandey 1130 Sudeepa hbr PBM
- 1109 Coctam Dutta 1131 Sudeepa hbr PBM
- 1110 Abhijit Das 1132 Souvik Gidhaye
- 1111 1133 Somendra Mahapatra
- 1112 Dipak K. Sen Gupta 1134 Anjantra
- 1113 Dharmesh Doshi
- 1114 Babli Satia
- 1115 Saradina Paul Majumdar
- 1116 Sowanya
- 1117 Soumik Das
- 1118 Anurag Ghosh

পাক

Deshapriya Park

দেশপ্রিয় পাক

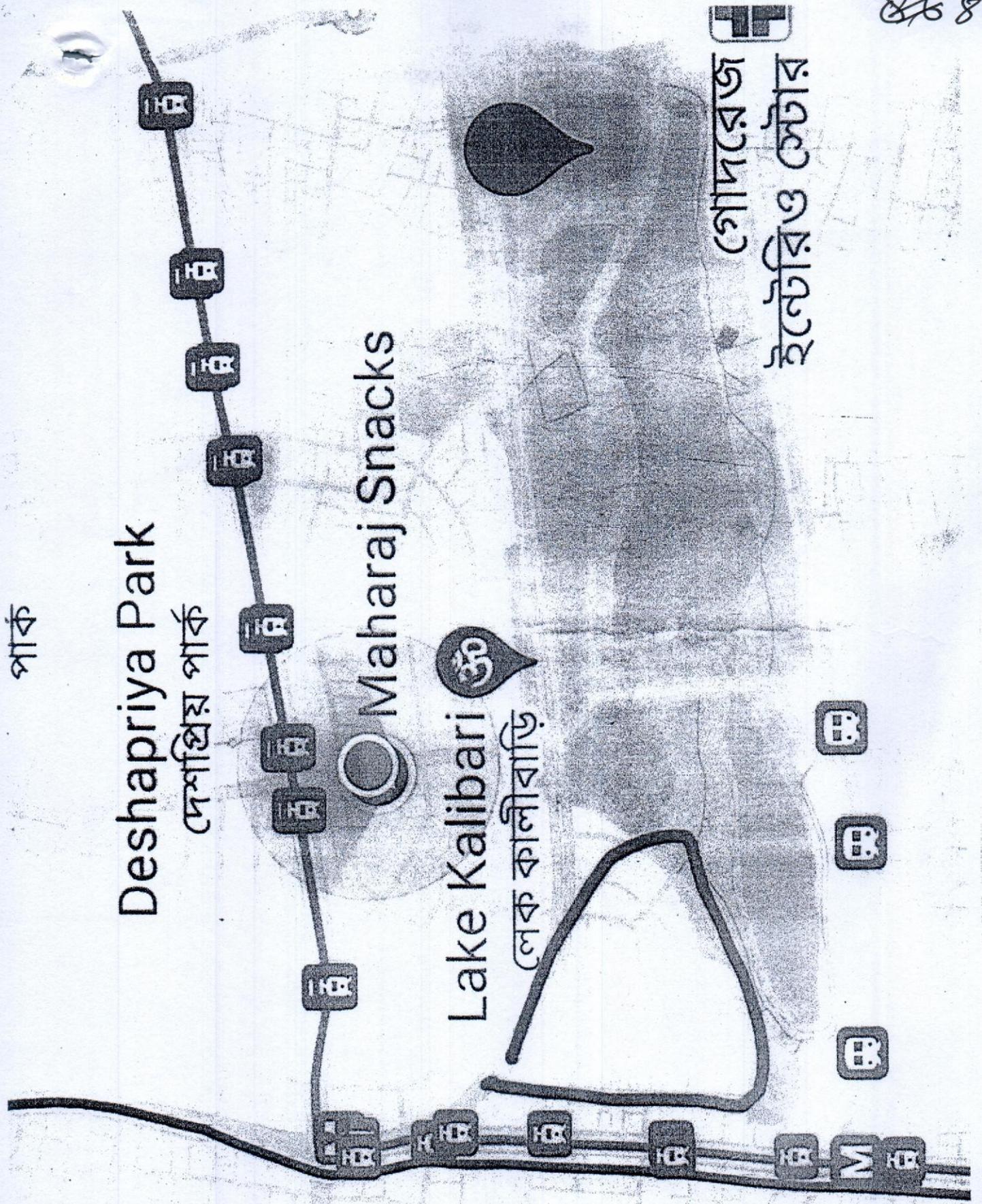
Maharaj Snacks

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গোদরেজ
ইন্টেরিও স্টোর

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30th May 2024 82
[Signature]

Ref No. LLF/KMDA/03-2-24

From
Ms Sumita Banerjee & Others
C/o Lake Lovers' Forum
125, Rashbehari Avenue
Kolkata 700029

To
The Registrar,
National Green Tribunal,
Eastern Zone,
Kadampukur Village,
New Town, West Bengal,
Kolkata - 700156

Sir(s)/Madam,

Re: Addendum to our letter dated 20.05.24

Sub : Unlawful transfer of about 5 bighas of lush Green Buffer Zone land belonging to National Lake "Rabindra Sarobar" by KMDA to Calcutta Entertainment Club Foundation, Calcutta - 700033.

1. By letter dated 20.05.2024 we have informed you that KMDA, the custodian of National Lake Rabindra Sarobar has wrongfully, illegally and unconstitutionally transferred about 5 bighas of lush Green Buffer Zone land belonging to National Lake Rabindra Sarobar to Calcutta Entertainment Club Foundation, Calcutta - 700033 without any authority of law.
2. At the time of filing of the said letter, due to inadvertence, we missed point on Jurisdiction of the Hon'ble Green Tribunal. Hence our submissions are as follows:-

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a. We state that the Green Buffer Zone land is a part and parcel and within the peripheral area of 192 acres (73 acres of water body) of bio-diversity and eco sensitive area having rich bio-diversity and ecological balance of the Rabindra Sarobar declared as "National Lake" by the Ministry of Environment, Forest and Climate Change, under National Lake Conservation Plan of the Government of India for restoring the water quality and conserving and managing ecology of National Lake Rabindra Sarobar.

b. With regard to the issue of the Jurisdiction of the Hon'ble National Green Tribunal, we state that the National Green Tribunal has jurisdiction over all matters relating to Rabindra Sarobar including purported transfer of its Green Buffer Zone land for one of the reasons that the definition, "Environment" given in Section 2 (C) includes the word 'Land'

[Section 2(c) National Green Tribunal Act defines the word "Environment" and reads as follows. "Environment includes water, air and land and the inter relationship, which exists among and between water, air and land and human beings, and other living creatures, plants, micro organism and property".]

The land referred in the definition means the land which is the part and parcel of the ecology and biodiversity of a peripheral area of a national resources like

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lake. Environment cannot exist without inter-relationship among and between water, air, land and human being. These cannot be separated. Environment and Ecology are undoubtedly National Assets.

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c. We further state that Preamble to the National Green Tribunal Act reads as follows.

"An act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forest and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

From the reading of the Preamble, it appears that the National Green Tribunal can try and entertain the application inter alia relating to enforcement of legal right relating to environment and property and for matters connected therewith and incidental thereto.

d. Section 15 of the National Green Tribunal Act which deals with the relief, compensation and restitution of property damaged and for restitution of the environment of such areas or areas as the Tribunal may think fit.

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It is most respectfully submitted that in constraining a statutory provision, the first and foremost rule of Construction is the literary construction. All that the Court has to see at the very outset is what does the provision say. If this provision is unambiguous and if from the provision, the legislative intent is clear, the court need not call into aid and the other Rules of Construction of statutes. The other rules of constructions are called into aid only when the legislative intent is not clear.

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e. In view of aforesaid submissions, it is most respectfully submitted that Hon'ble National Green Tribunal should take the liberal view in the interest of public

f. In that view of the matter, it is most respectfully submitted that in view of the Preamble Definition and Section 15 of National Green Tribunal Act, the Hon'ble National Green Tribunal has power and authority under National Green Tribunal Act, 2010 to try, deal with and entertain all application relating to the lush Green Buffer Zone land of National Lake Rabindra Sarobar. It is most respectfully submitted that Hon'ble National Green Tribunal should take the present matter suo moto relating to wrongful, illegal and unconstitutional transfer of lush Green Buffer Zone of Rabindra Sarobar".



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g Unless the Hon'ble National Green Tribunal takes up the mater Suo-
moto, public interest will suffer.

(-12) This letter application is made and for the ends of justice.

Thanking you,
Yours sincerely

Sumita Banerjee

(1) Sumita Banerjee
(For Lake Lovers Forum)

S M Ghosh

(2) Mr. S M Ghosh
(Environmentalist &
Green Technologist)

Mobile No. - 9231380855

O.P. Jhunjunwalla

(3) O.P. Jhunjunwalla
(Attorney At Law & Advocate)

Sumita Banerjee

VAKALATNAMA
IN THE HIGH COURT AT CALCUTTA
Before the National Green Tribunal

DISTRICT : _____

Constitutional Writ Civil Criminal Revisional
Appellate Jurisdiction

OA No.

Of 2024

Sumita Banerjee

Appellant
Petitioner

-Versus-

KMDA

The Chief Executive Officer & Ors

Respondent
Opposito party

Vakalatnama on behalf of applicantKnows all

men be these presents that by this Vakalatnama I/We appoint the Advocates Pleaders noted below or any one of them as my/our lawful Advocate or Advocates for filing the memorandum of appeal or petition in the above matter for appearing and conducting and arguing the same for depositing or Withdrawing any money in connection therewith, for moving the Court in any matter connected therewith for preparing the Paper Book in the case and for putting in papers, petition etc. on my/our behalf for filing or taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits, appeals, petition etc. for signing and filing the petitions of compromise in connection with the said matter and for taking copies of paper from the Record and I/We further say that any act done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocate or Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocate or Advocates to conduct the case properly, failing which the said Advocate or Advocates after notice to me/us will be at liberty to withdraw from the further conduct of the case.

IN WITNESS WHEREOF I/we sign and execute this vakalatnama, on this the day of202

NAME OF THE ADVOCATE

1. *O.P. Shekhar me.*
O.P. Shekhar me.
opshkharjha@gmail.com
9748853456