

SL. No. 30/24

BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOKATA.

MA. 20 /2024/EZ

Arising out of

Original Application No.65 of 2022/EZ

IN THE MATTER OF:

Tribunal on its own motion

.....Applicant

-VS-

The State Of West Bengal & Ors

.....Respondent



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Paushali Banerjee
 PAUSHALI BANERJEE

ADVOCATE

7A, KIRON SHANKAR ROY ROAD,

KOLKATA-700001

27 JUN 2024

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOKATA.

MA.20/2024/EZ

Original Application No.65 of 2022/EZ

IN THE MATTER OF:

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-VS-

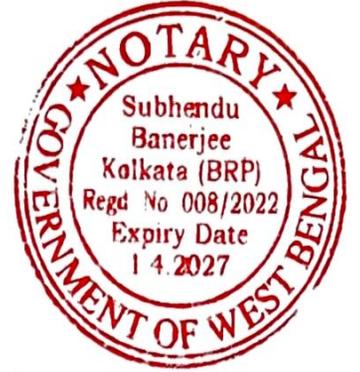
The State Of West Bengal & Ors

.....Respondent

**AFFIDAVIT OF COMPLIANCE ON BEHALF OF KOLKATA METROPOLITAN
DEVELOPMENT AUTHORITY**

I, Mrinal Kundu son of Nityagopal Kundu , aged about 59 years, by occupation service, working for gain as Executive Engineer , Water & Sanitation Sector , Kolkata Metropolitan Development Authority, having office at Unnayan Bhavan Sector- II, Salt Lake City, Kolkata- 700-091, do hereby solemnly affirm and state as under:-

That I am the Executive Engineer, Water & Satiation Sector, Kolkata Metropolitan Development Authority. I am well acquainted with the facts and circumstances of the case and I have been duly authorized to affirm this affidavit on behalf of the Kolkata Metropolitan Development Authority.



2,7 JUN 2024

1. I say that the matter originated from OA No.65 of 2024 in the Original Application wherein the Applicant alleged that huge pipelines are laid on the river Ganga as well as on the banks of the river.

2. I say that the Tribunal was pleased to constitute a committee vide order dated 20/05/22. The relevant paragraph of the Order dated 20/05/22 reads as : " **Considering the gravity of the situation of the river, we deem it appropriate to constitute a Committee comprising of the following members: - (i) A Senior Scientist from West Bengal Pollution Control**

Board; (ii) A Senior Scientist from Central Pollution Control Board,

Regional Office, Kolkata; (iii) Kolkata Municipal Corporation through

Municipal Commissioner or his representative of a senior rank; (iv) Smt.

Antara Acharya, C.E.O. from Kolkata Metropolitan Development

Authority; (i) Mr. Rabijyoti Majumdar, Sr. Special Secretary (Retd.),

Department of Environment, Government of West Bengal; and (v) Dr.

Tapas Gupta, Chief Technical Advisor, West Bengal Pollution Control

Board "

3. I say that that the committee submitted its report and the Hon'ble Tribunal was pleased to record the report of the committee vide order dated 17/05/24. The Committee stated that the laying of pipeline did not obstruct the flow of water, the pipelines are laid at some areas at the

27 JUN 2024

opposite bank. The pipe lines are laid for water supply to Rajpur Sonarpur Municipality area starting from Chetla Boat canal to Naktala area.

4. I say that it is clear from the report of the Committee in OA 65/2022 that laying of pipelines are in no way related to pollution in Tolly Nala or obstruction of water flow in Tolly Nala.
5. I say that this Hon'ble Tribunal vide order dated 9/01/23 was pleased to dispose of the application and direct the KMDA to complete the work of laying pipeline by 31/12/23 and file a report of compliance by 15/01/24.



6. I say that the Hon'ble Tribunal vide order dated 17/05/24 issued notice to KMDA to show cause as to why appropriate proceedings should not be initiated against the respondent for non-compliance of order dated 19/01/23.

7. I say that it was not intentional on the part of the answering respondent to not comply the order dated 19/01/23 of this Hon'ble Tribunal by not filling the Affidavit of compliance in time.
8. I say that on 22/11/23 & again on 26/06/24 we requested Kolkata Municipal Corporation to expedite desiltation work due to which pipelaying work is held up at the 40 m stretch of Tolly Nallah near Southside of Abdul Kalam Bridge, southern side of Kathpool Bridge and Battala near Metro Railway Pier No.40. Copies of letters dated 22/11/23 and 26/06/24 are annexed herewith and marked as annexure B.

2.7 JUN 2024

9. I say that the construction of 750 mm dia, Piles RCC pedestals and laying of 1600 mm dia MS pipe was completed in all respect within 31/12/23 in the proposed stretch of Tolly Nullah starting from Boat Canal and Tolly Nullah junction to Metro Pier No.229 at Kamdahari Bridge, except a 40 m stretch of pipe laying work which is held up due the ongoing de-siltation work of Tolly Nallah by KMC near Abdul Kalam Bridge at Izzatullah lane. Copy of the report is annexed herewith and marked as Annexure A.

10. I seek unconditional apology before this Hon'ble Tribunal for not filling the Affidavit of Compliance in time and plead before this Hon'ble Tribunal to not to draw appropriate proceedings u/s 26 of the National Green Tribunal Act 2010.

VERIFICATION

The deponent above named do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge which are derived from the relevant office records. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 27th day June, 2024.

id verified by me
Pankaj Singh
Schroeder

Minial Kundu
DEPONENT
Executive Engineer
Divn.-XI, GRWW
WS Sector, KMDA

Solemnly Affirmed and
Declared before me U/S
139 CPC & U/S 29 Cr. P.C.

Banerjee
Notary
Govt. of West Bengal
27.06.2024

SUBHENDU BANERJEE
Notary, Govt. of W.B.
Regd. No.-008/2022
Advocate, High Court, Calcutta

2.7 JUN 2024

-6-

Yahoo Mail - No subject

Annexure - 'A'
(collectively)



**Kolkata
Metropolitan
Development
Authority**

OFFICE OF THE EXECUTIVE ENGINEER, DIV-XI, GRWW (W & S),
Kolkata Metropolitan Development Authority
Garden Reach Water Works, Bidhangarh, Kolkata- 700066

No:- EE/DIV-XI/2W-01/20-21/64/1

Date: 22.11.2023

To,
The Executive Engineer (Civil)
Tolly Nullah & TPDD,
Kolkata Municipal Corporation,
19, Nellie Sengupta Sarani,
Kolkata- 700087

Sub:- Request to expedite the desilting work at Tolly's Nullah

Sir,

You are well informed about the ongoing project of Water Supply scheme for Rajpur- Sonarpur Municipality under AMRUT for laying of 1600 mm dia MS Raw Water Rising Main along Tolly's Nullah. Along Tolly's Nullah most of the stretches the pipe laying work is carried out along the Northern Flank and the pipe is being laid over concrete pedestals.

Desilting of Tolly's Nullah is also carried on simultaneously by lowering excavator by some agencies from your Department. After completion of desilting work we held up our pipe laying work at few locations for lifting the excavators from the canal. The said locations are as follows.

- i) Southern side of Abdul Kalam Bridge
- ii) Opposite to Drainage Pumping Station near Abdul Kalam Bridge.
- iii) Southern side of Kathpool Bridge and
- iv) Battala, Near Metro Railway Pier No.40

You are requested to expedite the desilting work and inform us as soon as the desilting work is completed at a certain stretch so that we can start pipelaying work there.

Please treat it as an urgent basis and do the needful.

Thanking You,

With regards

Executive Engineer
DIV-XI / GRWW
KMDA, W&S Sector

No:-EE/DIV-VII/2W-01/20-21/64/1

Date: 22/11/2023

Copy forwarded to-

- a) The Director General (Civil), TPDD, KMC
- b) The Superintending Engineer (SC), W&S, KMDA.
- c) The Assistant Engineer, Div-XI, GRWW, W&S, KMDA
- d) The Deputy Secretary, Law Cell, KMDA

Munde 22/11/2023
Executive Engineer
DIV-XI / GRWW
KMDA, W&S Sector
Executive Engineer
Divn.-XI, GRWW
WS Sector, KMDA



Sent from Yahoo Mail for iPhone



LAW CELL, K.M.D.A

Diary No. 732

Date 26.06.24

**Kolkata
Metropolitan
Development
Authority**

OFFICE OF THE EXECUTIVE ENGINEER, DIV-XI, GRWW (W & S)
Kolkata Metropolitan Development Authority
Garden Reach Water Works, Bidhargarh, Kolkata- 700066

No:- EE/DIV-XI/2W-01/20-21/16

Date:26.06.2024

To,
The Executive Engineer (Civil)
Tolly Nullah & TPDD,
Kolkata Municipal Corporation,
19, Nellie Sengupta Sarani,
Kolkata- 700087

Sub:- Request for lifting the Excavator from Tolly's Nullah after completion of desilting work
Ref. Letter No. - EE/DIV-XI/2W-01/20-21/64/1 Dated 22.11.2023

Sir,

Apropos to the earlier request letter regarding expedition of desilting work at Tolly's Nullah and removal of the Excavator from the canal we are requesting you further to free the under said two locations measuring 40 meters (Approx) so that we can complete the pipelaying work along Tolly's Nullah ..

- i) Southern side of Abdul Kalam Bridge
- ii) Opposite to Drainage Pumping Station near Abdul Kalam Bridge

Moreover this is for your kind information that under the verdict of court case before The National Green Tribunal Eastern Zone Bench, Kolkata vide Miscellaneous Application No. 20 / 2024 EZ In Original Application No. 65 / 2022 /EZ , the stipulated time of completion is already over.

So ,Therefore you are requested to complete the desilting work and remove the excavator : Please treat it with an urgency and do the needful as early as possible to comply the Court Order.

Thanking You,



With regards,

Executive Engineer
DIV-XI / GRWW
KMDA , W&S Sector

No:-EE/DIV-VII/2W-01/20-21/16

Date:26/06/2024

Copy forwarded to-

- a) The Director General (Civil), TPDD ,KMC
- b) The Superintending Engineer (SC), W&S, KMDA.
- c) The Assistant Engineer, Div-XI, GRWW,W&S,KMDA
- ✓ d) The Deputy Secretary, Law Cell, KMDA

Munshi 26/06/24
Executive Engineer
DIV-XI / GRWW
KMDA , W&S Sector
Executive Engineer
Divn.-XI, GRWW
WS Sector, KMDA

Sub: Submission of affidavit of compliance regarding completion of work undertaken under the work order dated 14.07.2022

Ref: O. A. No. 65/2022/EZ & 71/2022/EZ

Subhas Dutta

-Vs-

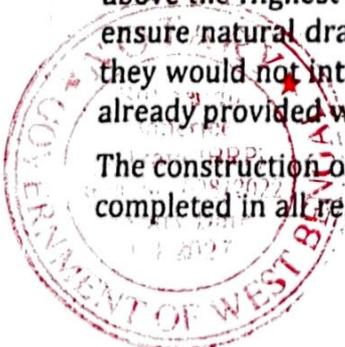
The State of West Bengal & Ors.

Rajpur-Sonarpur Municipal Area, part of South Kolkata (Garia/Tollygunge Area) and Baruipur Municipal area were facing severe water crisis as ground water in these areas depleted considerably. Moreover, since these areas are lying in the eastern part of the River Ganga, so said areas are at risk due to the presence of arsenic in ground water beyond permissible limit. Then it has been decided by the Urban Development & Municipal Affairs (UD&MA) Department, Govt. of West Bengal that the surface water (From River Ganga) could be supplied after conventional treatment in above mentioned areas. Accordingly, water supply projects for Rajpur-Sonarpur Municipality, Baruipur Municipality and a part of South Kolkata (Garia/Tollygunge area) have been sanctioned under Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Scheme.

The Kolkata Metropolitan Development Authority (KMDA) has received necessary No Objection Certificate (NOC) from the Kolkata Municipal Corporation (KMC) vide letter no. Con/Com/257/2018-19, Dated: 23.08.2018 and also from the Metro Railway, Kolkata vide letter no. Metro/Div./Engg./KMC/Monsoon/1697, Dated: 28.08.2019 for laying 1600 mm dia. MS pipe over concrete pedestals built over 750 mm dia. concrete piles along the bank of Tolly's Nullah.

The Kolkata Metropolitan Development Authority (KMDA) has entrusted different agencies for laying of 1600 mm dia. Mild Steel raw water rising main line from the junction point of Boat Canal and Tolly's Nullah to the Metro Pier no 229 near Kamdahari Bridge along Tolly's Nullah to transport raw Ganges water for the Water Treatment Plant (WTP) at Peyara Bagan within Rajpur-Sonarpur Municipality. The 1600 mm dia. Mild Steel (MS) pipe was laid over 750 mm dia. Reinforced Cement Concrete (RCC) piles were laid down along the embankment slope of Tolly's Nullah so that no major influence would be on the existing piles of Metro Rail Piers. The Reinforced Cement Concrete (RCC) bored cast-in-situ piles were constructed keeping a sufficient distance away from the existing piles to avoid any adverse effect. During construction of piles and laying of 1600 mm MS raw water rising main, all necessary safety and precautionary measures were taken by The Kolkata Metropolitan Development Authority (KMDA) to ensure the safety of the existing structures of Metro Railway also. In case when requisite space was not available on the bank then piles were constructed carefully on the slope. The bottom of the pile caps and the bottom members of the Trestle Bridges were placed above the Highest Flood Level (HFL) maintaining a minimum clearance (300mm or above) to ensure natural drainage of surface run off. The piles were constructed in such a way so that they would not interfere the normal functioning of the existing gravity of outfalls which were already provided with penstock gates.

The construction of 750 mm dia. Piles, RCC pedestals and laying of 1600 mm dia. MS pipe was completed in all respect within 31.12.2023 in the proposed stretch of Tolly Nullah starting



from Boat canal and Tolly Nullah junction to Metro Pier No.229 at Kamdahari Bridge except a 40 m stretch of pipe laying work which is held up due the ongoing de-silting work of Tolly Nullah by KMC near Abdul kalam Bridge at Izzatullah Lane).

Apart from the Bank/Slope of Tolly Nullah, there are 03 (three) nos trenchless/jack push work underneath the existing road adjacent to Metro Stations which falls within the said stretches at three different Metro Railway Stations, out of which 01 (One) no at Masterda Surya Sen Metro Station has already been completed and other 02 (Two) nos at Netaji and Gitanjali Metro Railway Station are under progress and to be completed by 31.08.2024.

During execution of this project work all the restrictions and technical measures were followed by Kolkata Metropolitan Development Authority (KMDA) as well as by keeping frequent liaison with the respective Departments. The pipe laying work within the above stretch (Approx 8.5 km.) has been completed within 31.12.2023 without creating any nuisance and pollution to the adjoining area along Tolly's Nullah and all labour hutments, machineries, construction debris had been removed from the site after the completion of work. When Adi Ganga will be rejuvenated by KMC the piles constructed for laying of raw water rising main will not obstruct the movement or flow of water during high tide & low tide period as well as flow of surface run off during rain.

Now, an affidavit of compliance in this regard is hereby submitted.

Munde
22/05/24
Executive Engineer
Divn.-XI, GRWW
WS Sector, KMDA

Hony
22-5-24
Executive Engineer
Divn.- VII, GRWW
K.M.D.A. (W. & S. Sector)

Prasanna
22/5/24
Executive Engineer (C)
K.C.M. Division, W & S Sector
K.M.D.A

S. Ramani
22/05/2024
SUPERINTENDING ENGINEER
SOUTH CIRCLE,
W & S SECTOR, KMDA

H2
24/5/24
Chief Engineer-In-Charge
W & S Sector/K.M.D.A

