

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 83 of 2023/EZ

Ankur Sharma

...Applicant

-Versus-

The State of West Bengal &Ors.

...Respondents

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Date: .07.2024

Amrita Pandey

Filed by

Amrita Pandey, Advocate
(F/747/2009)

HMC (Respondent no.4)

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Room No. 6, Kolkata - 700
001



12 JUL 2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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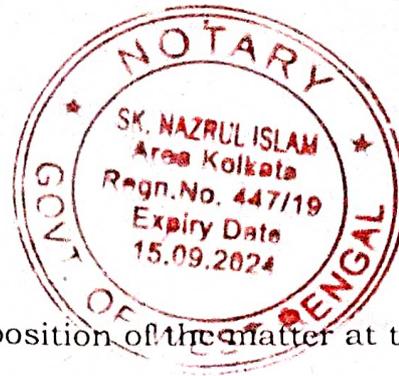
...Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 4 IN TERMS OF THE ORDER OF THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA.

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

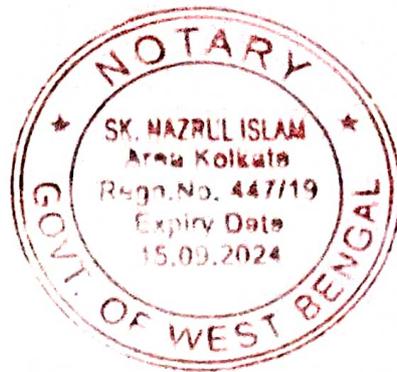
1. I am the Commissioner of the Howrah Municipal Corporation and the authorized signatory of the respondent no. 4 herein (hereinafter referred to as the "answering respondent"). I am acquainted with the facts and circumstances of the case, and I am competent to affirm this affidavit on behalf of the respondent no. 4.
2. That I affirm this Affidavit in terms of the directions passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That nothing contained in this Affidavit shall be construed as admission of any statement unless specifically admitted by me. I

12 JUL 2024



reserve the right to deal with legal position of the matter at the time of hearing.

4. That the respondent vide its letter dated April 22, 2023 had requested the West Bengal State Pollution Control Board to advise the answering respondent the suitable alternative economic and environmental friendly technology to substitute the usage of hot mix plant for repaired and maintenance of existing macadam surfaced roads of HMC. In this regard, copy of the letter dated April 22, 2023 is annexed hereto and marked with Letter R/1.
5. That the respondent repeats and reiterates that the work order given by HMC mentions that the contractor has to maintain all norms of the government hence the onus of the environmental compensation should rest with the contractor.
6. The answering respondent respectfully states that the answering respondent while issuing the work order had specifically directed the contractor to follow the environmental norms.
7. The answering respondent was not a party in OA no. 171 of 2016/EZ and/or the West Bengal State Pollution Control Board had served any notification and/or order and/or circular communicating the orders passed therein.
8. The answering respondent states that answering respondent had all along requested the contractors to comply with the yardsticks in the Memorandum issued by the Public Works Department (PWD) dated 30th March, 2023.
9. That the answering respondent states that Concrete, a hardened product made of Portland cement, aggregate (stone), reinforcing steel, and water, is the most common alternative to bitumen (asphalt) for hard surface road construction. However, for that the entire existing



structure/road has to be removed and it's very expensive and more so it shall result in more carbon emission as to remove the existing road.

10. The answering respondent to repair the roads is presently undertaking patchwork repairs of the crater-like potholes that have made the roads by fixing small cements blocks but due to heavy rain and plying of heavy vehicles, the same is not sustaining.
11. That the answering respondent respectfully submits that answering respondent is ready and willing to abide by the order/s and direction/s made by this Hon'ble Tribunal and has and shall take all possible steps to comply the directions of the Hon'ble Tribunal.
12. That the statements made in paragraphs 1 to 8 are true to my knowledge and are information derived from records and the rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me
& Prepared at my office.

Anurita Pandey
Advocate

Smr. Anurita Pandey

Deponent

VERIFICATION

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

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

[Signature]
Notary

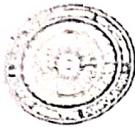
SK. Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Calcutta

Smr. Anurita Pandey

Deponent

Identified by me
Anurita Pandey
[Signature]

12 JUL 2024



HOWRAH MUNICIPAL

4, MAHATMA GANDHI
Tel: (+91-33) 2638-3211-13

CORPORATION

HOWRAH - 711 101
(+91-33) 2641-5218/2214

No. 05 /Gen (S.C. Cell)/Commr./2024-25

Dated : April 22, 2024.

To,
The Member Secretary,
West Bengal Pollution Control Board,
"Parivesh Bhavan",
Building 10A, Block - LA,
Sector - III, Bidhan Nagar,
Kolkata - 700106.

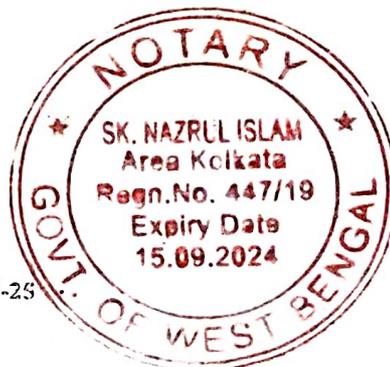
Sub : Direction of the Hon'ble NGT, EZ dated 02.08.2023 passed in connection with the O.A. 83/2023/EZ - Ankur Sharma vs. State of West Bengal & Ors - Request for suggesting alternative technology of Hot Mixing for repair and maintenance of the existing macadam road of HMC - Reg.

Sir,

Apropos of the above, this is to bring your kind notice that in the instant O.A., the Hon'ble NGT, Eastern Zone in the above-mentioned interim Order has taken a note for not adhering to the directions given in the final order of the Tribunal dated 18.09.2018 & 01.10. 2018 passed in the O.A. No. 171/2016/EZ with M.A. No. 57/2018/EZ (Subhas Dutta vs State of West Bengal & Ors.) which inter-alia put a ban on the usage of Hot Mix Asphalt Plant including its smaller and mobile version within Howrah boundaries. Since, HMC was not a respondent in OA No 171/2016/EZ, we may kindly be advised for adopting a suitable alternative economic and environmental-friendly technology to substitute the usage of hot mix asphalt plant for repair and maintenance of the existing macadam surfaced roads of HMC at the earliest convenience please.

A line in confirmation is solicited.

Thanking you,



Yours faithfully,

[Signature]
Commissioner

Howrah Municipal Corporation

Endt. No. 05 /Gen (S.C. Cell)/Commr./2024-25

Dated : April 22, 2024.

Copy forwarded for favour of information to:

- 1) The Special Secretary, Urban Development & Municipal Affairs Dept, Govt. of West Bengal, "NAGARAYAN", DF - 8, Sector - I, Salt Lake City, Kolkata - 700064.
- 2) The Secretary, HMC;
- 3) The Exe. Engineer (Roads), HMC - He is requested to co-ordinate with the concerned official of the WBPCB for such alternative technology;
- 4) The OSD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 5) Dept. Guard File.

[Signature]
Commissioner

Howrah Municipal Corporation

ofe *15/4/24*

"VAKALATNAMA"

Before the Learned National Green Tribunal,
Eastern Zone
O.A. No. 83/2023/EZ

KNOW ALL MEN by these presents that I/We Howrah Municipal Corporation), do hereby in my/our name and my/our behalf constitute and appoint Ms. Amrita Pandey, Advocate, High Court, Calcutta, as our true and lawful Pleader/Advocate & Attorneys to appear and act for me/us in the matter noted above to file suit, written statement, conduct suit, appeal from original suit, order etc., And for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter depositing in or withdrawing money from, filing or taking out of appear, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty to file fresh suit, sending properties released from attachment, filing execution or miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us out of Court withdrawing custody and other fees and doing on my/our behalf other acts, in the above matter as are necessary and proper. I/We hereby agreeing to ratify and confirm all acts so done by the said advocate or attorneys as my/our own acts and as if done by me/us to all intents and purposes.

Date: ~~12/12/2023~~

Accepted by me

Amrita Pandey

Advocate

F/747/2009

Amrita Pandey F/747/2009
Advocate, High Court, Calcutta
Hastings chamber, 7C, Kiran Shankar Ray Road,
2nd Floor, Room no. 206, Kolkata - 700 001
Email id: amritalegal@gmail.com
M: 9830609262

*Kindly accept
&
Satisfied
by me
Amrita
Pandey*

*Sanjay Kumar Mishra
Commissioner
Howrah Municipal Corporation*