

SL. No. 12/24

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH KOLKATA

Original Application No.85/2024/EZ

Subhas Dutta

..... Applicant(s)

-Versus-

State of West Bengal & Ors.

.....Respondent(s)

AFFIDAVIT OF URBAN DEVELOPMENT & MUNICIPAL AFFAIRS
DEPARTMENT, GOVERNMENT OF WEST BENGAL IN
COMPLAINCE WITH THE DIRECTION OF HON'BLE NATIONAL
GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED
24.04.2024

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1.	Affidavit.	1-3.
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4.	Report of Howrah Municipal Corporation- Annexure B	6-14



Paushali Banerjee

Advocate

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GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA DATED
24.04.2024**

I, Shri Joly Chaudhuri, son of Biswanath Chaudhuri, aged about 54 years, by occupation service, working as Additional Secretary to the Government of West Bengal, Urban Development & Municipal Affairs Department & Additional Director, SUDA, having office at 'Nagarayan', DF -8, Sector – 1, Saltlake, Kolkata – 700064, do hereby solemnly affirm and state as under:-

1. That I am the Additional Secretary to the Government of West Bengal, Urban Development & Municipal Affairs Department & Additional Director,

SUDA. 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 Urban Development and Municipal Affairs Department, Government of West Bengal.

2. That I say that the Hon'ble, National Green Tribunal, has been pleased to pass an order dated 24.04.24 directing, Urban Development and Municipal Affairs Department to file its affidavit in the aforementioned matter.

3. That I state that in compliance with the Hon'ble National Green Tribunal order dated 24.4.24, a report was sought from the Howrah Municipal Corporation by SUDA on behalf of the Urban Development and Municipal Affairs Department, Government of West Bengal, vide Memo No. SUDA 1224/2023/2919 dated 15.05.2024. A copy of the said letter dated 15.05.2024 is enclosed herewith and marked as **Annexure A**.

4. That I state that the Howrah Municipal Corporation vide Memo No. 012/Gen (S.C. Cell)/Commr./2024-25 dated 21.05.2024 has submitted a report. The report states inter-alia as follows:

(I) That the Municipal Corporation is processing legacy waste at the Belgachia Dump site through bio mining in collaboration with SUDA and KMDA.

(II) The Municipal Corporation have taken extensive efforts to identify alternative locations for establishment of trenching ground around the city, but due to non availability of land these initiatives did not see the light of the day.

(III) The Corporation uses manual as well as mechanical methods for sweeping the streets and keeping the city clean.

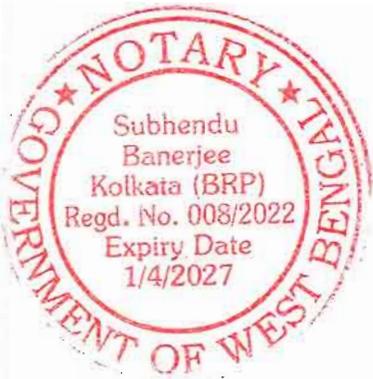
(IV) The Corporation undertakes regular de-silting activities to mitigate water logging issues.

(V) The Corporation also uses water sprinkling vehicles to spray water on roads to mitigate pollution.

A copy of the said report dated 21.05.2024 is enclosed herewith and marked as **Annexure B**.

5. That I further say that report of Howrah Municipal Corporation show that door to door waste collection is done on regular basis and all places and bins at major points in the city where waste is accumulated is cleaned on regular basis.

6. That the statements made in Paragraphs 1 to 5 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.



Joly Chaudhuri

Deponent

Joly Chaudhuri, WBCS (Exc.)
Additional Secretary
Urban Development & Municipal Affairs Department
Government of West Bengal

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true 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 ___ day of July 2024

Joly Chaudhuri

DEPONENT

Joly Chaudhuri, WBCS (Exc.)
Additional Secretary
Urban Development & Municipal Affairs Department
Government of West Bengal

The deponent is identified by me.

Pansheli Bege

Advocate

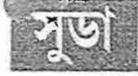
Solemnly Affirmed and
Declared before me U/S
139 CPC

[Signature]
Notary
Govt. of West Bengal

10.07.2024

10 JUL 2024

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



রাজ্য নগর উন্নয়ন সংস্থা

STATE URBAN DEVELOPMENT AGENCY

"ইলগাস ভবন", এইচসি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ
"ILGUS BHAVAN", HC Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

SUDA- 1224/2023/2919

Date: 15.05.2024

From: Shri Joly Chaudhuri, WBCS(Exe.),
Additional Secretary, UD & MA Department &
Additional Director, SUDA

To: Commissioner, Howrah Municipal Corporation

Sub: Request for submission of Action Taken Report against the order of
Hon'ble NGT OA No. 85/2024/EZ dated 24.04.2024 (Subhash Dutta vs
State of West Bengal and Ors).

Sir,

Apropos the captioned subject, you are requested to submit the Action Taken Report as per prescribed format complying the petition and order of Hon'ble NGT OA No. 85/2024/EZ dated 24.04.2024 within 20.05.2024 positively as this matter is related to Hon'ble NGT.

You are further requested to submit one excel copy and one signed PDF copy of the report through mail at sbm.wbsuda@gmail.com.

Encl: As stated.

Yours faithfully,

Dandekar
15-05-2024

Addl. Secretary, UD & MA Dept.
&
Addl. Director, SUDA

SUDA- 1224/2023/2919/1(7)

Date: 15.05.2024

Copy forwarded for kind information to:

1. Director, SUDA
2. Secretary, Howrah Municipal Corporation
3. CPM, SUDA
4. Law Officer, SUDA
5. AE, Conservancy, Howrah Municipal Corporation
6. Private Secretary to Hon'ble MIC, UD & MA Department, Govt. of West Bengal.
7. Sr. PS to Secretary, UD & MA Department, Govt. of West Bengal.

Dandekar
15-05-2024

Addl. Secretary, UD & MA Dept.
&
Addl. Director, SUDA

দুরভাষ : (০৩৩) ৬৬৩৬৬০০

Tel : (033) 66366600, E-mail : wbsudadir@gmail.com
Account Section : (033) 66366627



HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH – 711 101
Tel: (+91-33) 2638-3211-13, 2641-5218; Fax: (+91-33) 2641-5218/2214

No. 012 /Gen (S.C. Cell)/Commr./2024-25

Dated : May 21, 2024.

To,
The Addl. Secretary, UD&MA Dept &
Additional Director, SUDA,
“ILGUS BHAVAN”,
HC Block, Sector – II,
Bidhannagar,
Kolkata – 700106.



Monmita K

02/06/2024

Sub : Submission of Action Taken Report against the Order of the Hon'ble NGT in OA. No. 85/2024/EZ, dated 24.04.2024 – Subhas Dutta vs State of West Bengal & Ors – Reg.

Sir,

Kindly refer to your letter Memo No SUDA – 1224/2023/2919, dated 15.05.2024 on the captioned subject.

As desired, a para-wise statement of the instant O.A. along with the action taken report and a small process flow of the activities of the Conservancy Dept., HMC are enclosed for your kind perusal and further required action please.

Thanking you,

Yours faithfully,

21/5/24
Commissioner

Howrah Municipal Corporation

Encls : As stated above.

Dated : May 21, 2024.

Endt No. 012/1(5)/Gen (S.C. Cell)/Commr./2024-25

Copy forwarded for favour of information to :

- 1) The Member Secretary, WBPCB, Paribesh Bhavan, Building 10A, Block LA, Sector. III, Bidhannagar, Kolkata – 700106;
- 2) The Secretary, HMC;
- 3) Asst. Engineer & OSD (Cons), HMC;
- 4) OSD (Law), HMC – a copy of the above report is enclosed with request to apprise our Ld. Counsel in the instant OA. for preparation of Affidavit-in-Opposition on behalf of the HMC (Resp. No 6);
- 5) Dept. Guard File.

Commissioner
Howrah Municipal Corporation

ANNEXURE - I

O.A. No. 85/2024/EZ before the Hon'ble NGT - Subhas Dutta vs. State of West Bengal & Ors.

Paragraph / Point No.	Comment	Action Taken	Remarks
01 - 07	Matter of self declaration by the Applicant, no comment	N.A.	N.A.
8	Generic observation	HMC is well aware of the importance of maintenance of Dump Site as envisaged under SWM Rules, 2016. Accordingly, initiatives have already taken for reclamation of land at the existing Belgachia Trenching ground, the only Dump Site of HMC, by way of Bio-mining of legacy waste so that processing facility for fresh waste can be installed there-at by 2026.	
9	Matter of record, no comment	N.A.	N.A.
10	Matter of record, no comment	N.A.	N.A.
11	HMC has not taken part in "SWACHHI SURVEKSHAN", hence yardstick of the survey is not known		
12	Matter of historic records, no comment		
13	The book is not in circulation for past so many years. However, limited copies are available with the HMC for reference purpose.		
14 - 15	Personal observation of the Applicant, not fully true, denied and disputed.	HMC is trying hard to implement 100 percent door-to-door collection with source segregation from all of its wards in a time bound manner in compliance of the provisions of SWM Rules, 2016. Once the same is put in place, the problems of un-cleaned open vat, existence of GVPs etc will automatically cease to exist. Meanwhile, to improve efficiency, HMC has taken initiative to keep all the major vats including noted GVPs cleaned through out the day on Quick Response mode, to strengthen its enforcement team to take punitive measures against erring officials / agencies & frequent offenders littering the public places.	All the places as shown in the Annexure P -3 have been cleaned, report of which with pictorial evidences are shown separately.
16	HMC has a legacy of existence of considerable amount of open drains. Contrary to its twin city Kolkata, underground sewage system is absent in most part of the city resulting in such undesirable situations.	Sincere efforts are being taken for de-silting of all major drains on regular basis apart from cleaning of out-falls, natural reservoirs etc. in close co-ordination with other stakeholders, viz. Railways, I&WD etc. to keep the problems of water-logging at minimal stage during the monsoon period. Further, efforts have been taken to cover the major drains in a phased manner to avoid recurrence of this problem.	

ANNEXURE - I

17 - 18	Availability of suitable quantity of vacant land in HMC at one parcel for setting-up of another Trenching Ground by way of closing the present one is next to impossible considering the extremely high population density of HMC, i.e., 20,817 per Sq. Km as per last recorded Census in 2011 against the national average of 481 per Sq. Km.	As the only available alternative, efforts have already been taken for Bio-mining of the legacy waste (approx 10.00 lakh MT) of the Belgachia Trenching Ground for reclamation of its entire land with the financial and technical assistance from SUDA & KMDA respectively in a time bound manner so that processing facility of fresh waste can be established there-at in accordance of the provisions of the SWM Rules, 2016.	
19	Occurrence of fire incidents at the Dump site is a normal phenomenon which occurs mainly in the dry season due to spontaneous combustion by chemical oxidation and biological degradation. BTG is also no exception to that.	The incidents of fire at the Belgachia Trenching Ground is being closely monitored so that it can be mitigated locally by using HMC's own Water Sprinklers on regular basis.	Photographs are enclosed.
20	Matter of records.		
21	Matter of Rule provision, no comment		
22	The existence of one major open drain going to the oxidation pond through the BTG is a historical legacy.	A scheme has already been drawn for jacketing the drain in that portion to prevent spillage of garbage from the heaps.	
23	The W.O. to M/s Aakansha for the process of Bio-mining of legacy waste at the BTG has been awarded by KMDA who are in better position to give the present status of its performance including disposal of the bye-products.		
24-25	Door-to-Door collection with source segregation has started in 11 no of wards of HMC which will be escalated to 25 by September, 2024. Rest of the wards will also come under it by the end of the financial year. At present, therefore, only plastic wastes from these 11 wards come to the MRF set-up under UNDP for processing 10 TPD capacity.	The agreement with its present Operator has been ended. Initiatives have taken for finding out another O&M Partner to run the MRF & the Plant for processing the plastic waste in accordance with the provisions of the Plastic Waste Management (Amendment) Rules, 2022.	
26-27	HMC being the "State" as per Art. 12 of the Constitution of India is duty-bound to adhere all the environmental norms in true letter and spirit while disposal of its solid waste from the City..		
28	Matter of records, No comment.		

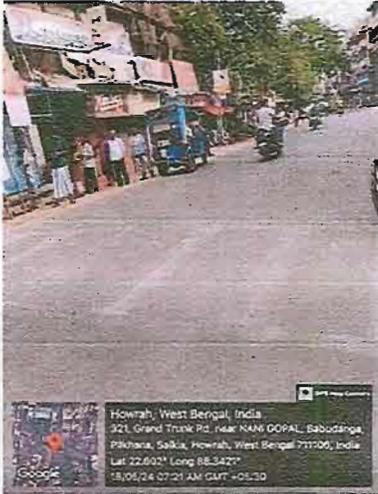
Stuha
21/05/24

- 9 -
ANNEXURE - II

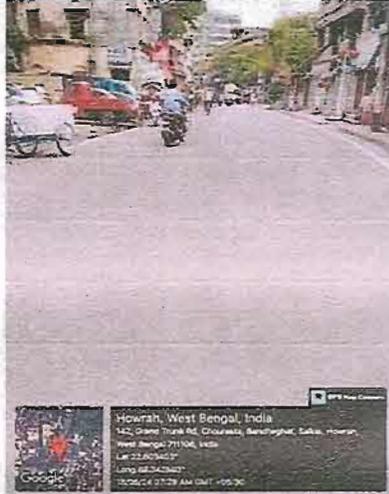
Area in question	LAT/LONG	Action taken with regard to SWM rules	Remarks
Sandhya Bazar	22.577115, 88.330314	Cleaned regularly	Photographs attached in Annexure-3
Panchamanta Road near Bellibios Lane point, Howrah	22.58465, 88.331304	Cleaned regularly	Photographs attached in Annexure-3
Panchamanta Road Near Gora Bazar, Howrah	22.58465, 88.331144	Cleaned regularly	Photographs attached in Annexure-3
Nityadhan Mukherjee Road, Howrah	22.581541, 88.333823	Cleaned regularly	Photographs attached in Annexure-3
J. Road	22.586907, 88.324771	Cleaned regularly	Photographs attached in Annexure-3
Belgachia Dumping Ground, Howrah	22.610176, 88.324120	Cleaned regularly	Photographs attached in Annexure-3
Kajipara to Nabanna State H.Q at Howrah	22.565517, 88.316305	Cleaned regularly	Photographs attached in Annexure-3
Chatterjee Hat Bazar, Howrah	22.572116, 88.327646	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-3	22.603403, 88.342593	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-5	22.602, 88.3421	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-10	22.595661, 88.339839	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-12	22.595661, 88.339839	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-11	22.588096, 88.33596	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-15	22.595661, 88.339839	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-16	22.591179, 88.337821	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-17	22.582536, 88.333098	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-27	22.5773481, 88.3303394	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-28	22.5773481, 88.3303394	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-29	22.577701, 88.330521	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-31	22.57082991, 88.32668929	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-34	22.569924, 88.326061	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-36	22.570152, 88.326096	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road W-37	22.564647, 88.32185	Cleaned regularly	Photographs attached in Annexure-3
G.T. Road near Shibpur Bazar, Howrah	22.569924, 88.326061	Cleaned regularly	Photographs attached in Annexure-3
Bellibios Lane, Howrah	22.597521, 88.328344	Cleaned regularly	Photographs attached in Annexure-3

Obuna
21/05/24

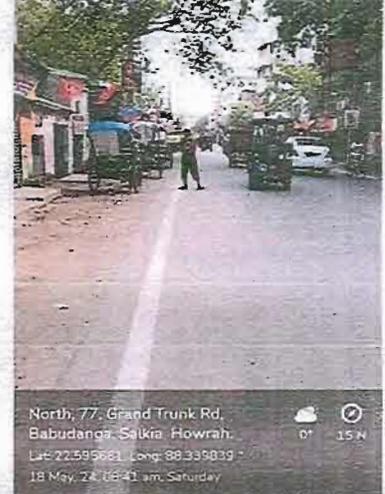
G. T. Road, Ward - 5



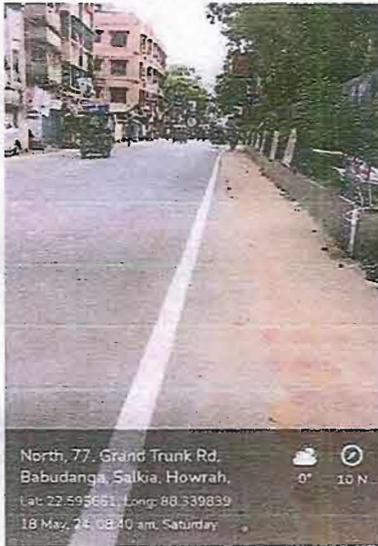
G. T. Road, Ward - 3



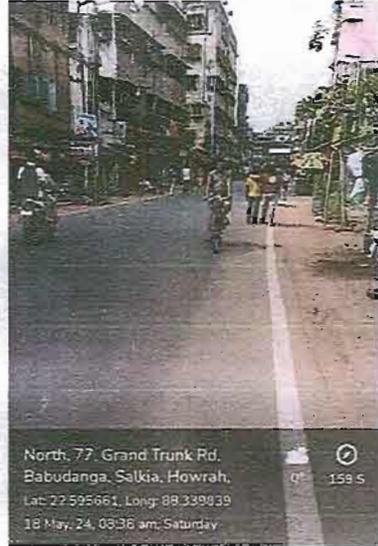
G T Road, Ward - 10



G T Road, Ward - 12



G T Road, Ward - 15



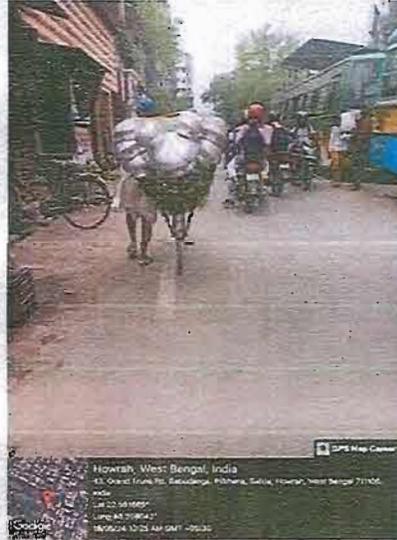
G T Road, Ward - 14



G T Road, Ward- 16



G T Road, Ward- 13



Nityadhan Mukherjee Road, Ward - 29



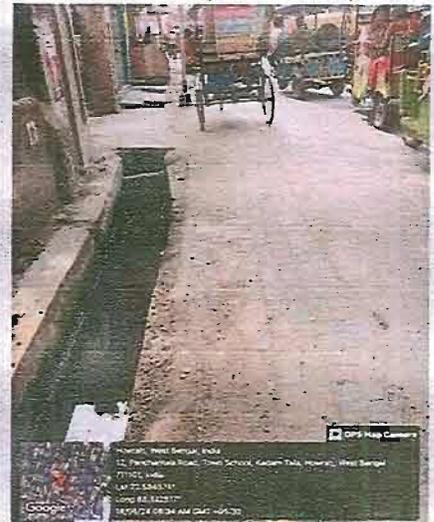
G T Road, Ward- 29



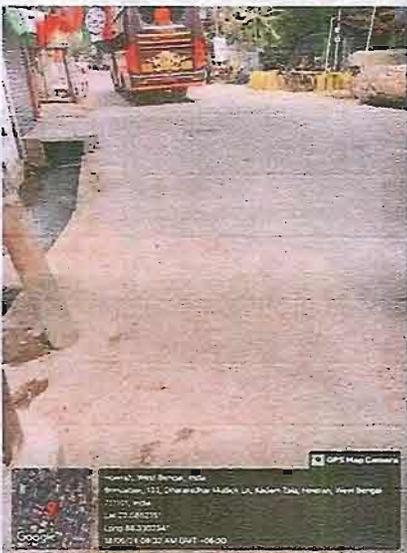
G T Road, Ward- 17



Panchanantala Road, Gora Bazar, Ward - 17



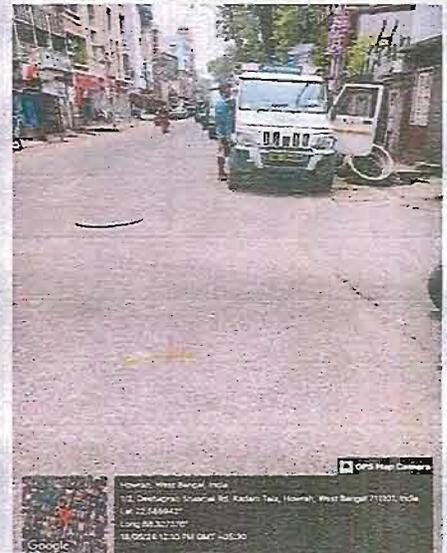
Panchanantala Road, Ward - 18



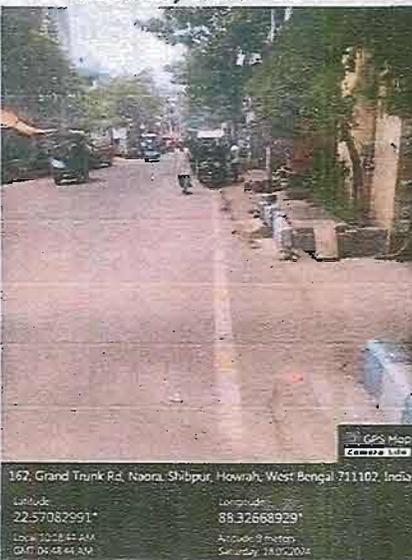
Panchanantala Road, Ward - 19



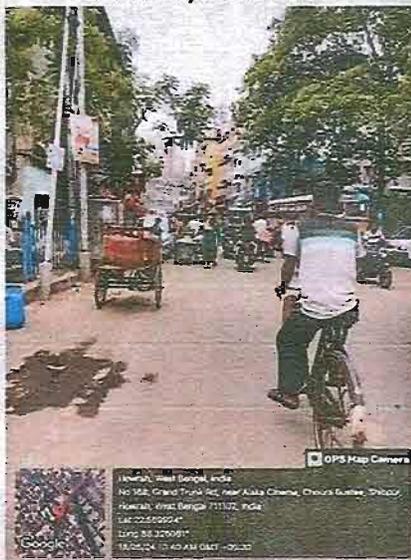
P T Road Near Bellilious Lane, Ward - 19



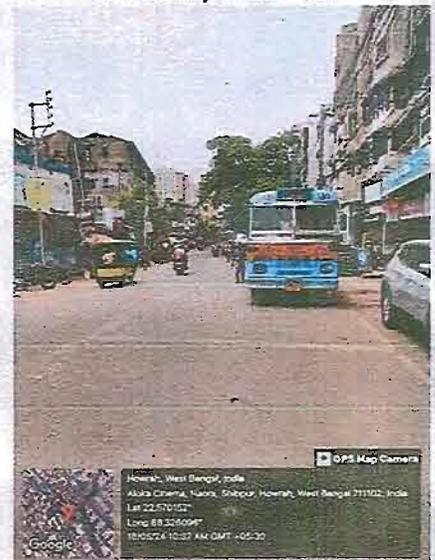
G T Road, Ward - 31



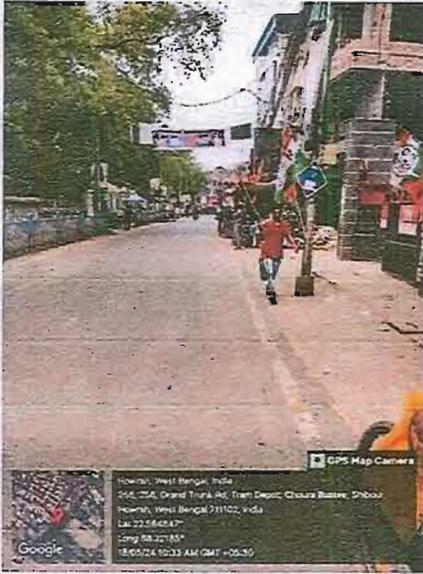
G T Road, Ward - 34



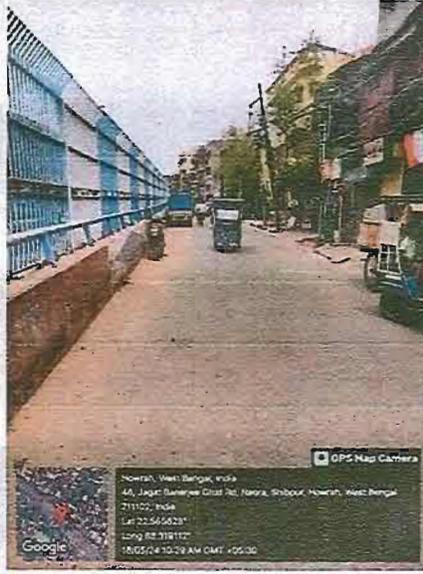
G T Road, Ward - 36



GT Road, Ward - 37



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



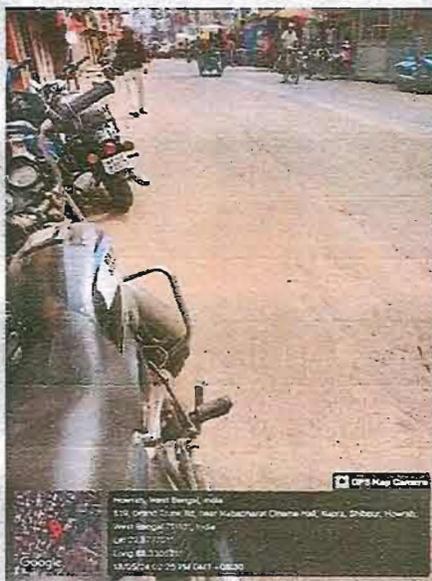
GT Road, Ward - 27



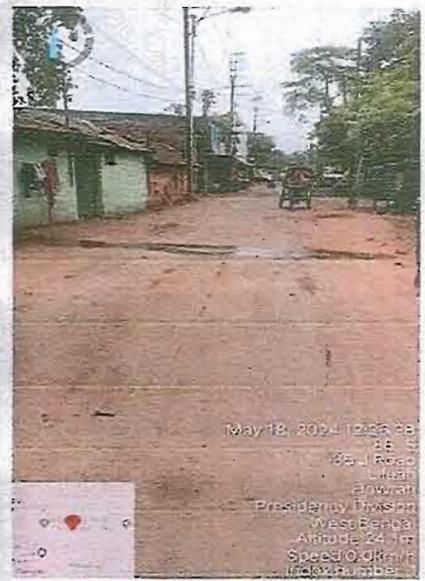
GT Road, Ward - 28



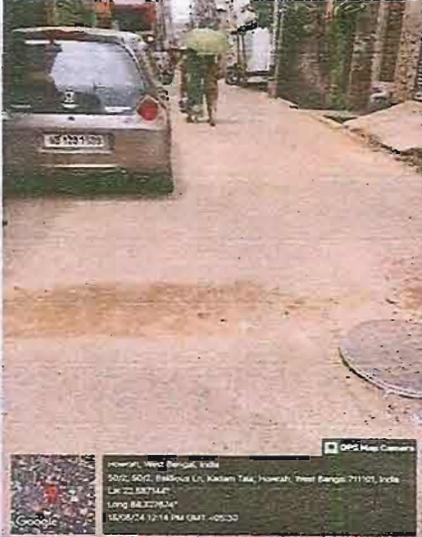
Sandhya Bazar, Ward - 29



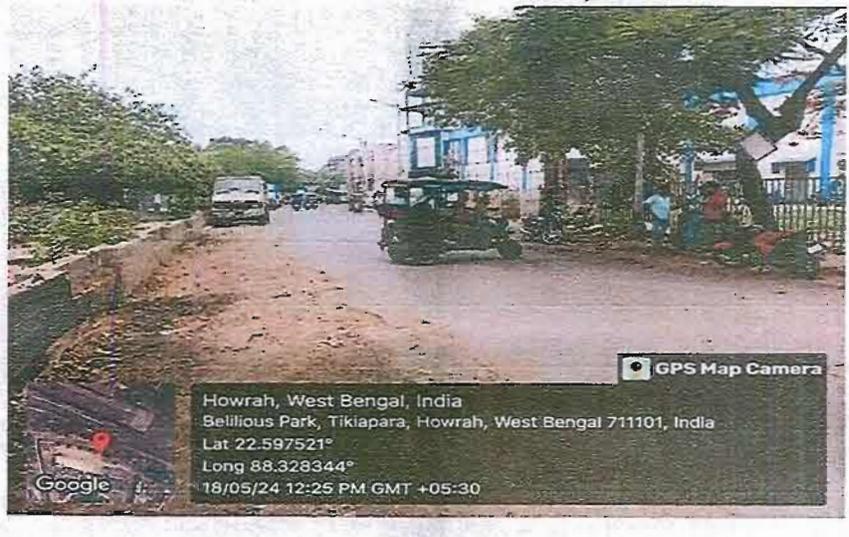
J Road, Ward - 8



Belilious Lane, Ward - 19



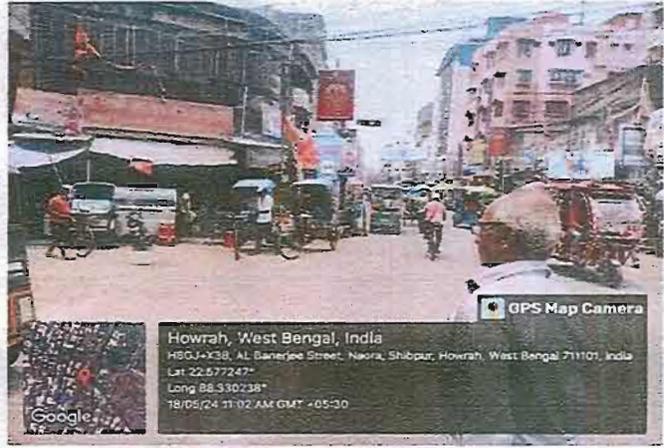
Western Road Side of Belilious Park, Ward - 22



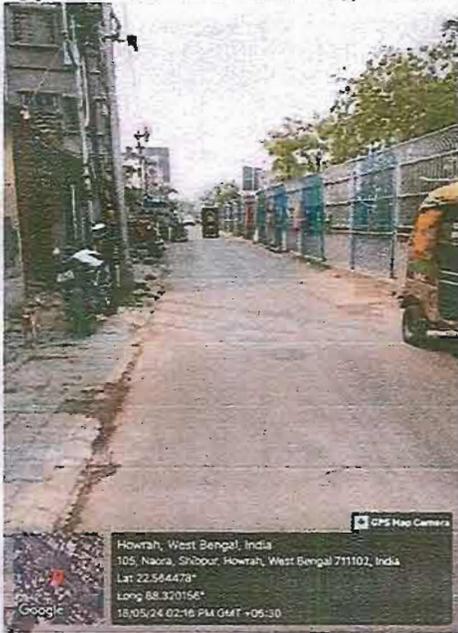
Belgachia Dumping Ground, Ward - 8



Sandhya Bazar, G T Road, Ward - 30



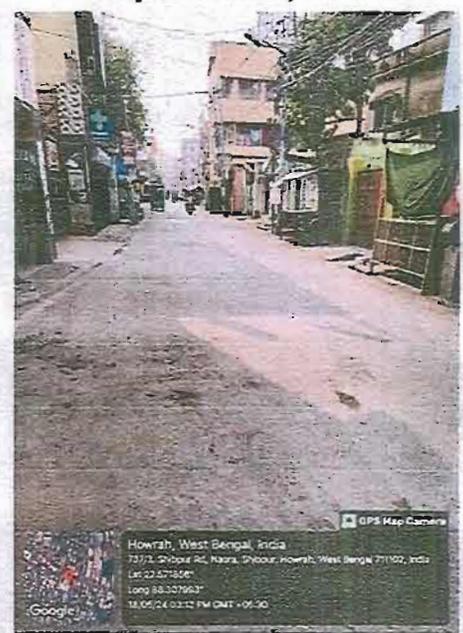
Kajipara to Nabanna State H.Q., Ward - 40



G T Road, Ward - 40



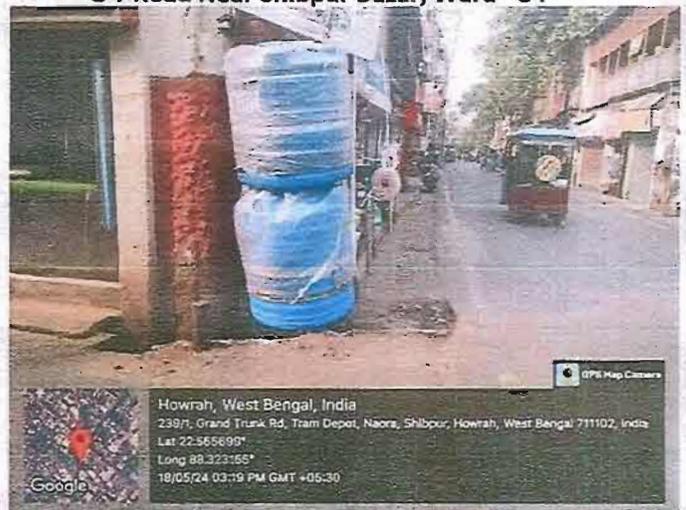
Chatterjee Hat Bazar, Ward - 38



G T Road Near Shibpur Bazar, Ward - 37



G T Road Near Shibpur Bazar, Ward - 34



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

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

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

Strina
21/05/24