

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 151/2022/EZ

*Filed by
Rajib Ray
Advocate*

SUBHAS DATTA
-Versus-
STATE OF WEST BENGAL & ORS.

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 & 11 i.e.
PRINCIPAL SECRETARY, ENVIRONMENT DEPARTMENT &
MEMBER SECRETARY, WEST BENGAL COASTAL ZONE
MANAGEMENT AUTHORITY IN PURSUANT TO THE ORDER OF
HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN BENCH DATED
21.11.2022

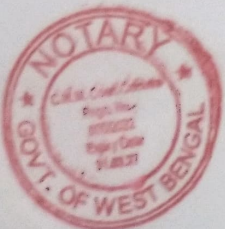
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Filed by

R. R.

RAJIB RAY
Advocate



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.151/2022/EZ

SUBHAS DUTTA

-Versus-

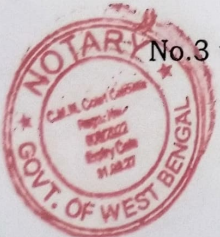
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HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN BENCH,
DATED 21.11.2022

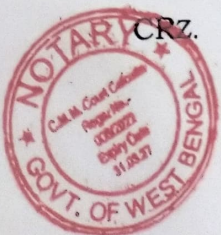
I, Neelam Meena, D/o. Late Shri B.R.Meena, aged 52 years, by
faith -Hindu, by occupation Government service, working as the
Member Secretary, West Bengal Coastal Zone Management
Authority having office at *Prani Sampad Bhawan*, 5th Floor, LB-2,
Sector-III, Salt Lake City, Kolkata-700106, do hereby solemnly
affirm and submit as follows :-

1. That I have made myself acquainted with the facts and
circumstances of the instant Original Application and have gone
through the documents pertaining to the subject matter of the
instant application. I have been duly authorised by Respondent

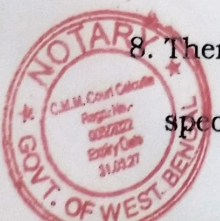
No.3 to file the instant Affidavit before this Hon'ble Tribunal.



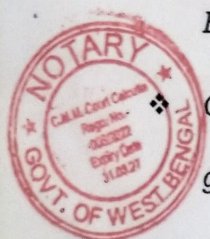
2. That this Affidavit is being solemnly affirmed and filed in compliance of the solemn Order passed by this Hon'ble Tribunal on 21.11.2022, wherein the Tribunal was pleased to direct the State Respondents to file counter affidavits.
3. Regarding construction of Jagannathdham Sanaskriti Kendra at Digha by West Bengal Housing Infrastructure Development Corporation Ltd (WBHIDCO), it is stated that WBHIDCO approached the WBSCZMA for Coastal Regulation Zone (CRZ) recommendation of their proposed project, 'Jagannath Dham Temple Complex' at Mouza - Bhagibahrampur, J.L. No. - 79, P.S. - Digha, Block - Ramnagar I (Near Digha Railway Station) on 09.06.2022.
4. That the said project was discussed by WBSCZMA in its meeting dated 04.07.2022. The Authority observed that as per the CRZ Report prepared by IESWM, the proposed project site is entirely on the landward side of Digha foreshore road and from the total Area of Interest (AoI), only 52.52 % of the project area (42,653.50 sq. mts out of total area of 81,214.08sq mt) falls within CRZ II area (wherein construction is permissible as per CRZ Notification, 2011, if the construction falls on landward side of authorized road). The total built up area of the project is 11,293.404 sq mts out of which only 3182.84 sq. mts falls within



5. That as per the Para 4.2(b) of CRZ Notification, 2011, Environment Impact Assessment (EIA) report is not required for construction projects listed under Para 4 (c) and 4(d). The Para 4 (d) states, "*Construction involving more than 20000sq.mts built up area in CRZ II shall be considered (for approval) in accordance with EIA Notification, 2006 and in case of projects less than 20,000 sq. mts built up area shall be approved by concerned State or Union Territory Planning Authorities in accordance with this notification.....*" and the concerned project has built up area of less than 20,000 sq mts.
6. That as per the Project Master Plan submitted by WBHIDCO, and from the presentation made by WBHIDCO it was observed that the main temple block falls outside the CRZ line. It is mostly the landscaped areas and ancillary blocks of the temple that are falling under CRZ II. As per the temple master plan submitted by WBHIDCO, only the Dala Arcade/ Souvenir Shop, Facility Block, Engineering Block, Entry Gates, Roadside Shelters, feet wash and internal roads lie within CRZ II area.
7. That the Managing Director, HIDCO during the course of the WBSCZMA meeting assured that there would be no additional construction in CRZ II area and that only small structures such as internal pathways, gates etc. will be taken up within the CRZ area.
8. Thereafter, the WBSCZMA recommended the Project after giving specific conditions, which are as follows :



- ❖ " The Project Proponent shall protect the sand dunes and interdunal areas besides creating a bio-shield to protect the Project from the sea-ingress. Indigenous species should be used for plantation in the area, in collaboration with the Forest Department.
- ❖ The project proponent shall make adequate provisions towards safety and hazard prevention and mitigation measures considering the frequent super cyclones in the coastal areas. Details of the same to be submitted for State Public Policy and Planning Board under the Department of Planning, Statistics and Programme Monitoring and WBSCZMA for further monitoring and compliances.
- ❖ Coastal shelter belt plantation shall be taken up not only inside the project area but also outside towards sea to protect the proposed structure from natural hazards such as tidal surges and cyclones.
- ❖ The Project Proponent shall develop the project in a manner to ensure that it will not pose any hazard to the environment. CRZ norms specially should be strictly followed as laid down in CRZ Notification, 2011 along with amendments from time to time.
- ❖ All necessary clearances from the concerned authorities, as may be applicable should be obtained prior to commencement of project or activity. Approval of West Bengal Pollution Control Board should be obtained prior to establishment and operation.
- ❖ Green DG sets shall be installed for controlling sound and gaseous emission.



- ❖ *Proper fire fighting equipment shall be kept ready, and occasional drills to be carried out. Storage of fuel should be as per the Rules and guidelines laid down in relevant statues.*
- ❖ *All vehicles, machinery and equipment to be engaged for construction shall conform to relevant pollution standards.*
- ❖ *There should not be any removal of vegetative cover at the establishment as well as operational stage, without the sanction of appropriate authority. Compensatory afforestation of suitable trees species five times that of the number of trees felled would have to be done with the Forest Department's clearance, in case of tree felling."*

A copy of the minutes of the WBSCZMA dated 07.07.2022 is annexed herewith and marked as Annexure **R/1**.

That the reply is true to my knowledge and belief, which I derived from the office records.

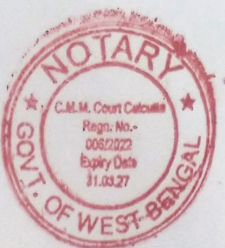
rel
DEPONENT

SOLEMNLY AFFIRMED
&
Declared Before me
at Identification Adv.

N. Das Gupta
NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.

N. Das Gupta
NIRMALYA DASGUPTA
Advocate Cum Notary
REGN NO.-006/2022
C.M.M. Court Calcutta

04 JAN 2023

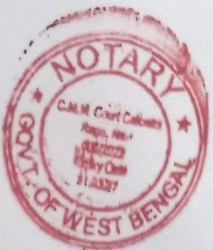


VERIFICATION

I, Neelam Meena, Member Secretary, West Bengal Coastal Zone Management Authority do hereby solemnly affirm and declare that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 4th day of January, 2023.

Neel
DEPONENT



Government of West Bengal
Department of Environment

Memo No. 69-EN/T-II-04/13/2022

Date: 07.07.2022

Minutes of the 1st meeting of the West Bengal State Coastal Zone Management Authority (WBSCZMA) held on 04/07/2022 at the Conference Hall of Environment Department.

Agenda: CRZ clearance for proposed temple complex named 'Jagannath Dham Sanskriti Kendra' at Digha, District – Purba Medinipur, West Bengal.

ACS, Environment Department & Chairman, West Bengal State Coastal Zone Management Authority chaired the meeting. He welcomed all the members who participated virtually as well as Managing Director, WBHIDCO Ltd. mentioning that this is the 1st meeting of the newly reconstituted WBSCZM Authority. The list of participants is given in the Annexure. He requested project proponent to present their proposed project and invited the members to make their observations on the same.

Shri Debashish Sen, Managing Director, West Bengal Housing Infrastructure Development Corporation Ltd (WBHIDCO) gave a presentation on the proposed project. He informed the Authority that the whole project site is on the landward side of the existing road on the beach and major part of the construction lies outside the CRZ area with only some ancillary construction viz. gates and rain shelter in CRZ-II area. Copy of the presentation is placed at Annexure 1.

Brief Description of the project:

- ❖ **Name of the Project:** Jagannath Dham Sanskriti Kendra
- ❖ **Location:** Mouza – Bhagibahrapur, J.L. No. – 79, P.S. – Digha, Block – Ramnagar I (Near Digha Railway Station)
- ❖ **Project Proponent:** West Bengal Housing Infrastructure Development Corporation Ltd.

The proposed temple complex will be constructed by the West Bengal Housing Infrastructure Development Corporation Ltd (WBHIDCO) near Digha Railway Station. The project cost is approx. 120 crores. Total project area of 20 acres, which was handed over to the Housing Department by Digha Sankarpur Development Authority, has been finally handed over to WBHIDCO for development of the Jagannath Dham Sanskriti Kendra.

Coastal Regulation Zone (CRZ) Classification of the Area:

As per the CRZ Report prepared by Institute of Environmental Studies and Wetland Management (IESWM) based on the Coastal Zone Management Plan (CZMP) 2011, the Area of Interest (AoI) of the project falls under the following CRZ categories:

Description	Approx. Area (sq. m)	Approx. Area
Total area of interest (AOI)	81214.08	~ 100 %
CRZ-II(Developed Area)	42653.50	~ 52.52 %
Outside CRZ	38560.58	~ 47.48 %

It was observed that as per the CRZ Report prepared by IESWM, the proposed project site is entirely on the landward side of Digha foreshore road and 52.52 % of the project area falls within CRZ II area (wherein construction is permissible as per CRZ Notification 2011).

Prof. Dhrubajyoti Sen asked to strengthen the buffer zone between the Area of Interest and the High Tide Line by more plantations to provide a protection buffer to the proposed structure from high speed winds, tidal surges etc.

Prof. Kalyan Kr. Chattopadhyay enquired if any further /additional construction will be taken up in CRZ II area. MD, HIDCO assured that HIDCO has prepared Master Plan and will stick to it, and there will be no additional construction in CRZ II area.

Prof. Asis Majumdar clarified that only small structures such as internal pathways, gates etc. may be taken up within the CRZ area. He also suggested plantation within the AOI alongside the boundary facing the beach/ waterside.

Ms. Ajanta Dey advised that considering the frequent cyclones in the coastal areas, a disaster mitigation and management plan should be prepared by the HIDCO. MD, HIDCO assured that a separate plan will be prepared incorporating the same.

Dr. Kalyan Rudra emphasised the need to protect the sand dunes and inter- dunal area besides creating a bio-shield to protect the Project from the sea-ingress.

The Authority recommended that coastal shelter belt plantations not only inside the project area but also outside towards sea will need to be taken up to protect the proposed structure from natural hazards such as tidal surges & cyclones. In this connection, Additional Chief Secretary, Environment Department & Chairman, West Bengal State Coastal Zone Management Authority informed the house that Forest Department has already taken an initiative for raising shelterbelt plantations after the devastating Amphan, Yaas cyclones. He also stated that WBHIDCO Ltd. could approach the Forest Department for undertaking plantations in and around the Project area.

The Authority also decided that the vegetation existing between the HTL and Jagannath Dham Sanskriti Kendra shall be protected. The sand dunes present within the project site shall also be protected.

The Managing Director, WBHIDCO informed the Authority that there is no proposal for future expansion of the Project beyond the proposed master plan.

The Project Proponent was directed to incorporate the suggestions and observations of WBSCZMA as discussed during the meeting.

DECISION: Based on the detailed deliberations and clarification given by the Project Proponent, the WBSCZMA unanimously agreed to recommend the said project to the State Public Policy and Planning Board under the Department of Planning, Statistics and Programme Monitoring, Govt. of WB subject to the observations above and the conditions specified below, for CRZ clearance as per CRZ Notification, 2011:

PART A- SPECIFIC CONDITIONS:

- ❖ The Project Proponent shall protect the sand dunes and inter- dunal areas besides creating a bio-shield to protect the Project from the sea-ingress. Indigenous species should be used for plantation in the area in collaboration with the Forest Department.
- ❖ The project proponent shall make adequate provisions towards safety and hazard prevention and mitigation measures considering the frequent super cyclones in the coastal areas. Details of the same to be submitted for Department of Planning, Statistics and Programme Monitoring, Govt. of WB and WBSCZMA for further monitoring and compliances.
- ❖ Coastal shelter belt plantation shall be taken up not only inside the project area but also outside towards sea to protect the proposed structure from natural hazards such as tidal surges and cyclones. The project proponent may approach Forest Department for undertaking plantations in and around the project area. The costs on this head may be met out of the project funds earmarked for environment protection & mitigation.
- ❖ The Project Proponent shall develop the project in a manner to ensure that it will not pose any hazard to the environment. CRZ norms specially should be strictly followed as laid down in CRZ Notification, 2011 along with amendments from time to time.
- ❖ All necessary clearances from the concerned authorities, as may be applicable should be obtained prior to commencement of project or activity. Approval of West Bengal Pollution Control Board should be obtained prior to establishment and operation.
- ❖ Green DG sets shall be installed for controlling sound and gaseous emission.
- ❖ Proper fire fighting equipment shall be kept ready, regularly maintained and occasional drills to be carried out. Storage of fuel should be as per the Rules and guidelines laid down in relevant statutes.
- ❖ All vehicles, machinery and equipment to be engaged for construction shall conform to relevant pollution standards.

- ❖ There should not be any removal of vegetative cover at the establishment as well as operations stage, without the sanction of appropriate authority. Compensatory afforestation of suitable tree species 5 times that of the number of trees felled would have to be done with the Forest Department's clearance, in case of tree felling.

PART B- GENERAL CONDITIONS:

- ❖ No excavated material during the construction shall be dumped in water bodies or adjacent areas.
- ❖ Drawal of ground water within 200m of HTL is prohibited. In no case, ground water should be extracted without permission of the Competent Authority under the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.
- ❖ Liquid waste from this area should not be allowed to drain into the river without proper treatment.
- ❖ The project Proponent shall abide by the Municipal Solid Waste (Management & Handling) Rules, 2016. The Proponent must develop the solid waste management and disposal plan ensuring storage and segregation of bio-degradable and non-biodegradable wastes. The biodegradable wastes to be composted and used as manure. The inorganic wastes should be handed over to the Municipal Authority.
- ❖ The Project Proponent shall strictly abide by The West Bengal Trees (Protection and Conservation in non-forest areas) Rules, 2007.
- ❖ The Project Proponent shall submit a half-yearly compliance report to Department of Planning, Statistics and Programme Monitoring, Govt. of WB, with a copy to WBSCZMA, in respect of compliance of the stipulated terms and conditions in hard and soft copies on 1st July and 31st December, each calendar year.
- ❖ Adequate provisions for the infrastructure facilities including water supply and sanitation shall be ensured for the labourers during the construction period in order to avoid damage to the surrounding environment. Medical aid facility to be made available quickly in the event of an accident.
- ❖ Construction materials and wastes including hazardous substances, if any, shall not be allowed to pollute the surrounding land or aquatic environment, as the case may be and should be disposed of as per prevalent rules.

- ❖ The noise level and the suspended particulate matter shall be kept within permissible levels during construction as well as operation phase.
 - ❖ First-aid kits shall be ensured at construction sites. Use of site safety equipment like goggles, helmets etc. to be ensured compulsorily.
 - ❖ The WBSCZMA shall have the power to inspect the site so as to monitor the implementation of the conditions imposed by the State authority. The Authority reserves the right to add additional safeguard measures subsequently, if found necessary.
 - ❖ Regular monitoring of the environmental parameters should be done to maintain the environmental status of the area.
- The meeting ended with a vote of thanks to all from the chair.



(Vivek Kumar)
Addl. Chief Secretary,
Environment Department
&
Chairman, WBSCZMA

Memo No. 69/1 (11) -EN/T-II-04/13/2022

Date: 07.07.2022

Copy forwarded for information to the:-

1. The Addl. Chief Secretary, Deptt. of Sundarban Affairs, Govt. of W.B.
2. The Principal Secretary, Deptt. of Urban Development & Municipal Affairs, Govt. of W.B.
3. Dr. Kalyan Rudra, Chairman, West Bengal Pollution Control Board, Govt. of W.B
4. The Addl. Principal Chief Conservator of Forests & Director, Sundarban Biosphere Reserve, Directorate of Forests, Govt. of W.B.
5. Member Secretary, West Bengal State Coastal Zone Management Authority
6. The Secretary, Deptt. of Fisheries, Govt. of W.B.
7. Director, School of Oceanographic Studies, Jadavpur University
8. Prof. Dhruvajyoti Sen, Deptt. of Civil Engineering, IIT, Kharagpur, W.B.
9. Prof. Kalyan Kumar Chattopadhyay, Deptt. of Civil Engineering, Indian Institute of Engineering Science and Technology, Shibpur, Howrah, W.B
10. Prof. Asis Mazumdar, School of Water Resources Engineering, Jadavpur University
11. Ms. Ajanta Dey, Joint Secretary and Programme Director, Nature Environment and Wildlife Society.



Member Secretary,
WBSCZMA
&
Director, IESWM

Memo No. 69/2 (3) EN/T-II-04/13/2022

Date: 07.07.2022

Copy forwarded for information to the:-

1. The Managing Director, West Bengal Housing Infrastructure Development Corporation Ltd. HIDCO Bhavan, Biswa Bangla Sarani, 3rd Rotary, New Town, Kolkata-700156
2. P.S to the Hon'ble Minister of State, Environment Department, Govt. Of West Bengal.
3. Sr. PS to the Chief Secretary, Govt of West Bengal



Member Secretary,
WBSCZMA
&
Director, IESWM

List of participants

Sl No.	Name of participant and Designation	Department
Following WBSCZMA members attended the meeting		
1.	Sri Vivek Kumar, Addl. Chief Secretary	Department of Environment & Chairman, WBSCZMA
2.	Dr. Kalyan Rudra, Chairman	West Bengal Pollution Control Board
2	Smt. Neelam Mena, Director	Member Secretary, WBSCZMA and Director Institute of Environmental Studies and Wetland Management
3	Sri Piar Chand, Addl. Principal Chief Conservator of Forests & Director, Sundarban Biosphere Reserve	Directorate of Forests
4	Aniruddha Raha, Addl. Director	Deptt. of Urban Development & Municipal Affairs,
5	Prof. Dhrubajyoti Sen	Deptt. of Civil Engineering, IIT, Kharagpur
6	Prof. Kalyan Kumar Chattopadhyay	Deptt. of Civil Engineering, Indian Institute of Engineering Science and Technology, Shibpur, Howrah
7	Prof. Asis Mazumdar	School of Water Resources Engineering, Jadavpur University
8	Ms. Ajanta Dey	Joint Secretary and Programme Director, Nature Environment and Wildlife Society
Official present in the meeting on behalf of the project proponent		
1	Sri Debasish Sen, Managing Director	West Bengal Housing Infrastructure Development Corporation Ltd (WBHIDCO)
2	Suman Neogi, Chief Engineer	WBHIDCO
3	Kaushik Mondal, Asstt. Engineer	WBHIDCO
4	Kamal Kanti Khara, Asstt. General Manager IV	WBHIDCO