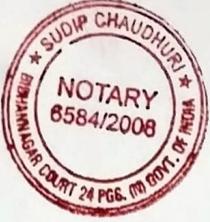


BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 151/2022/EZ



SUBHAS DUTTA

.....APPLICANT

VERSUS

STATE OF WEST BENGAL & ORS.

.....RESPONDENTS

COMMITTEE REPORT IN THE FORM OF AFFIDAVIT BY THE DIRECTOR,
INSTITUTE OF ENVIRONMENTAL STUDIES AND WETLAND
MANAGEMENT, GOVERNMENT OF WEST BENGAL.

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Filed by:

Advocate

Calcutta High Court

29 NOV 2023

Sl. NO. 543 NO. 23

BEFORE THE NATIONAL GREEN TRIBUNAL



EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 151/2022/EZ

SUBHAS DUTTA

.....APPLICANT

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

VERSUS

STATE OF WEST BENGAL & ORS.

.....RESPONDENTS

COMMITTEE REPORT IN THE FORM OF AFFIDAVIT BY THE DIRECTOR,
INSTITUTE OF ENVIRONMENTAL STUDIES AND WETLAND
MANAGEMENT, DEPARTMENT OF ENVIRONMENT, GOVERNMENT OF
WEST BENGAL.

Most Respectfully Sheweth

I, Neelam Meena, D/o. Late Shri B.R. Meena, aged about 53 years, by faith -
Hindu, by Occupation- Government Service, working as the Director, Institute of
Environmental Studies and Wetland Management as well as the Member
Secretary, West Bengal Coastal Zone Management Authority having office at

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Institute of Environment Studies and Wetland Management, DD 24, Salt Lake, Kolkata-700064, do hereby solemnly declare and say 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 and reports pertaining to the subject matter of the instant Original Application. Hence, I am competent and have been authorised to affirm the instant affidavit before this Hon'ble Tribunal.
2. That, this Affidavit is solemnly affirmed and filed in compliance of the solemn Order passed by this Hon'ble National Green Tribunal, Eastern Bench dated 28.07.2023 wherein the Tribunal was pleased to constitute a Committee to visit the site in question and submit its report particularly with regard to the photographs which has been filed along with the Original Application.
3. It is respectfully submitted before this Hon'ble Tribunal that the Committee has visited the site at Digha on 21.08.2023 and the Committee report is submitted which is marked as **Annexure R/1** .

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

Sujit Chaudhuri
Sujit Chaudhuri
 DEPONENT

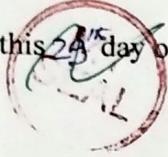
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VERIFICATION

I, Neelam Meena, Director, Institute of Environmental Studies and Wetland Management as well as the 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 29th day of November, 2023.



Neelam Meena

DEPONENT

Identified by me

Manoj Basu
Advocate

MANOJ BASU
Advocate
Enrolment No-F-247/2006
Bidhan Nagar Court
Kolkata-700091

S. Chaudhuri
S. CHAUDHURI
* NOTARY *
GOVT. OF INDIA
Regd. No.-6584/08
Bidhanagar Court
Dist.-North 24 P.S.

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PHYSICAL VERIFICATION REPORT OF THE COMMITTEE CONSTITUED BY HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN BENCH, KOLKATA i.c.w. THE ORIGINAL APPLICATION NO. 151/2022/EZ

In compliance with the direction of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata dated 28-07-2023 we, the following members of the committee namely:

1. Smt. Tripti Sah, Senior Environment Officer, Representative of West Bengal Coastal Zone Management Authority
2. Sri. Anirban Koley, WBCS (Exe), ADM (LR), Purba Medinipur, nominee of the District Magistrate, Purba Medinipur
3. Sri. Debanjan Gupta, Senior Scientist, West Bengal Pollution Control Board and
4. Sri. Debajyoti Bhowmick, Consultant, IESWM (Non- committee member)

went to Digha and visited the sites in question on 21.08.2023 along with Executive Officer, DSDA.

The committee members visited all the sites in question particularly with regards to the photographs which have been filed along with the Original Application No. 151/2022/EZ.

A. Construction of amusement Park at DHEUSAGAR, Digha:

The construction shown in the Annexure P/4, P/5, P/6, P/7 & P/8 in the original application are found in the field.

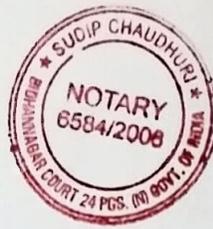
Page No. 22-23 (Annexure P/4): shows the pictures of a resort in Dheusagar, having rooms constructed over the existing toilet complex and shops (permanent in nature) by its vertical expansion. 1st floor of the said structure is made with wood and brick wall, having corrugated sheet roof, and found vacant during visit. The ground floor is found to be used for commercial stalls at present. Rooms with attached toilets found on the first floor with amenities like curtains, AC and TV.

CRZ Status: From the CRZ status report prepared by IESWM it is found that the said construction lies with CRZ II (seaward side of existing road) and a small portion of it also lies within CRZ IA.

Page No. 24-25 (Annexure P/5): shows the construction of a peacock shaped ornamental boat. It is found to be made up of container and Fibre Reinforced Plastic (FRP) which is temporary in nature. The structure is constructed on a concrete base.

CRZ Status: The CRZ status report states that the whole structure lies within the CRZ II (seaward side of existing road).

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Page No. 26 (Annexure P/6): which appears to show construction of temporary habitations within the Dheusagar complex area at Digha, are found to be raised structures made up of container, Corrugated sheets, wood, FRP structure and standing on concrete pillar.

CRZ Status: From the CRZ status report it is found that the whole structure lies within CRZ II (Seaward side of existing road).

Page No. 27 (Annexure P/7): which shows a restaurant under the name and style of Dheusagar Restaurant on the sea-beach at Digha, is a structure made up of container, wood, corrugated sheets, PVC material, glass, ACB and structural beams etc.

CRZ Status: As per the CRZ status report, the whole structure lies within the CRZ II (Seaward side of existing road).

Page No. 28 (Annexure P/8): shows construction of a commercial centre having fish spa. It is made up of corrugated sheets with glass walls and concrete pillars (ACB). At the foundation; a brick wall measuring about two and a half feet is present. The first floor is made by vertical extension of the same pillars. The roof of first floor is made up of corrugated sheets.

CRZ Status: The CRZ status report states that the whole structure lies within the CRZ IA.

Permissibility of the activity:

As per Para 8(i) I(i) of CRZ Notification, 2011, no new construction can take place in CRZ I except;

- a) Projects relating to Department of Atomic Energy;
- b) Pipelines, conveying systems including transmission lines;
- c) Facilities that are essential for activities permissible under CRZ-I;
- d) Installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
- e) Construction of trans harbour sea link without affecting the tidal flow of water, between LTL and HTL.
- f) Development of Green field airport already approved at only Navi Mumbai.

As per Para 8(i) II(i) of CRZ Notification, 2011, buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.

B. Concrete constructions at the sea beach:

Page No. 38-38A (Annexure P/12) & Page 39 (Annexure P/13): The constructions shown in the Annexure P/12 (called as Satyajit Ray Museum and Cafeteria) & P/13 (named as Khadya Chhaya) in the original application were visited in the field.

Both the structures shown in the original application at **Page No. 38-38A & Page 39** are made up of concrete.

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CRZ Status: The CRZ status report states that both the structure lay within the CRZ II (seaward side of existing road). However, in case of Khadya Chayya, a part (approx. 30-40%) also falls within CRZ IA.

Permissibility of the activity:

As per Para 8(i) I(i) of CRZ Notification, 2011, no new construction can take place in CRZ I except;

- a) Projects relating to Department of Atomic Energy;
- b) Pipelines, conveying systems including transmission lines;
- c) Facilities that are essential for activities permissible under CRZ-I;
- d) Installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
- e) Construction of trans harbour sea link without affecting the tidal flow of water, between LTL and HTL.
- f) Development of Green field airport already approved at only Navi Mumbai.

As per Para 8(i) II(i) of CRZ Notification, 2011, buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures.

Solid Waste Management:

The members of the committee visited the dumping site of Solid waste management unit along with the representative of DSDA. It was found that at present, solid waste is being dumped at an area on western side of Dhewsagar, on a considerable stretch of land, next to a Casuarina plantation.

The Executive Officer, DSDA informed the visiting team that "At present, solid waste is being dumped in an area belonging to DSDA on the Western side of Dhewsagar. However, under the guidance of the State Urban Development Authority (SUDA), construction of solid waste management unit as well as collection of segregated waste at source was planned to be undertaken. Accordingly, an expert agency, BITAN was engaged by SUDA for micro planning. The said agency conducted a field enquiry and prepared a micro plan with regard to quantity of waste generated on a daily basis and the required vehicular and machinery arrangements that are required to be made for the proper functioning. Accordingly, series of awareness programmes in respect of method of collection of waste in accordance with Solid Waste Management Rules, 2016 among different sections of society, such as frontline workers, floating vendors, permanent shop owners, hotel and restaurant staff, bulk waste generator, market committee, aggregator, government and private institutions, school students, bus operators, tour cab association, toto-auto-van association, civic volunteers and coastal guards etc have been organized by the BITAN and the Digha Shankarpur Development Authority jointly. As per guidelines under Solid Waste Management Rules, 2016, DSDA has taken various steps in order to stop the use of single use plastic and thermocol throughout the coastal area of Digha by regular campaigning through public address system, holding rallies etc".

As stated by Executive Officer, DSDA, "such Solid Waste Management Project could not commence earlier due to the resistance from the local inhabitants. After several persuasion

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with the local people, construction of a central processing unit has been started in Mouza Paschim Gadadharpur, situated on the western side of the existing dumping ground. The said plan will be executed with the funding of SUDA. The details of the same have been sent to the SUDA for taking necessary permission from the CRZ Authority. He also mentioned that in compliance of Solid Waste Management Rules, 2016, solid waste is being collected from hotels/ houses following segregation method."

C. Sewage treatment Plant, extraction of under-ground water:

Page No. 66-67 (Annexure P/22): The members of the committee visited the alleged site along with the representative of DSDA. It was found that the STP is not fully functional and only few of the motors are working.

The Executive Officer, DSDA informed the visiting team that "Digha Sewerage Treatment Plant (STP) was constructed by the Public Health Engineering Department, Government of West Bengal with the financial support rendered by the World Bank. The said STP is also maintained by the PHE Department. The project is running properly but due to addition of extended planning area along with numerous hotels, the whole system is required to be modified and upgraded thoroughly. PHE Department has redesigned the plant at the behest of DSDA. The DSDA has approved financial sanction to the tune of Rs. 2,34,82,071 /- in favour of PHE Department for upgradation of the said project on urgent basis. Besides, the policy of Ground Water Extraction is maintained by the PHE Department. However, DSDA will take necessary steps for promotion of rain water harvesting among the hotels situated in areas under the administrative control of the Authority."

D. Plastic Waste:

During enquiry about the management of plastic waste the Executive Officer, DSDA accompanying the visiting members of the committee, replied that "DSDA had previously taken numerous measures to restrict the rampant use of single-use plastic and thermocol in Digha. DSDA had also undertaken various programmes such as holding rallies, making posters to make people / tourist aware and prohibiting use of plastic, carrying out search and seizure from shops, among others, under the guidance of State Urban Development Agency (SUDA). However, plastic items such as wrappers etc. carried by tourists are often disposed of hither and thither. In order to curb such rampant disposal of plastic, DSDA installed coloured bins at regular intervals which are to be used as dustbin or disposal of such plastic waste. Also, daily collection of waste is carried out by the DSDA as per regular mechanism."

E. Jagannath Dham Sanskriti Kendra:

The team visited the site where the construction work of Jagannath Dham Sanskriti Kendra is in progress. The CRZ clearance has already been taken by West Bengal Housing Infrastructure Development Corporation (HIDCO), a State Government Undertaking under the Urban Development & Municipal Affairs Department, GoWB from the competent

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authority for the said construction along with special terms and conditions applicable for the said project.

The site falls partly within CRZ II area (approx. 52.5%) and is partly falling outside the CRZ extent (approx. 47.5%). The project site is entirely on the landward side of Digha Foreshore Road. As per **Para 8(i) II(i) of CRZ Notification, 2011**, construction of buildings is permissible on the landward side of the existing road, or on the landward side of existing authorized structure. From the site visit it appears that some sand dunes present in the area may have got altered. The Committee was informed that this may be due to the movement of vehicles for the ongoing construction work and which was not of permanent nature.

Ms. Tripti Sah, IFS
Senior Environment Officer,
Environment Department,
Govt. of West Bengal

Sri. Anirban Koley, WBCS(Exe),
ADM (LR), Purba Medinipur,
Nominee of the District Magistrate,
Purba Medinipur

Sri. Debanjan Gupta,
Senior Scientist,
West Bengal Pollution Control Board

Sri. Debajyoti Bhowmik,
Consultant, IESWM

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