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Filed by  
Anurita Paul  
- 15/7/24



**BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE  
BENCH, KOLKATA**

Original Application No.40/2024/EZ

In the Matter of:

Ankur Sharma

...Applicant

-VERSUS-

The State of West Bengal & Ors.

...Respondents

AFFIDAVIT FILED BY THE RESPONDENT NO. 9- HOWRAH MUNICIPAL CORPORATION IN COMPLIANCE WITH THE ORDER DATED 14.05.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH

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, the respondent no. 9 herein. 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.9.
2. I affirm this affidavit in terms of the solemn orders passed by the Hon'ble Justice B. Amit Sthalekar and Hon'ble Justice (Dr.) Arun Kumar Verma, National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That a copy of the solemn orders of the Hon'ble Tribunal has been taken from the server and I have read and understood the contents and purport thereof. Nothing contained in this affidavit shall be construed as admission of any statement unless specifically admitted by me. I reserve the right to deal with legal position of the matter at the time of hearing.

30 JUL 2024

*Smutiranjana Mohanty*  
Commissioner  
Howrah Municipal Corporation

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4. The petitioner has pointed out, that Hooghly River is being polluted by out fall drains consisting of domestic sewage and industrial wastes near Ramkrishnapur Ferry Ghat Howrah, within Howrah Municipal Corporation. Furthermore, there is another outlet situated about 86 meter North from ChintamonyDey Bathing Ghat, Ramkrishnapur. It is true that the single use plastic and other garbage are being discharged into the River Hooghly.
5. In this context a details project report for proposed Howrah STP (65 MLD capacity of SBR type) for action plane Ganga Rejuvenation under 'NAMANI GANGA MISSION FOR West Bengal has been prepared by KOLKATA METROPOLITAN DEVELOPMENT AUTHORITY' (KMDA) in the year June, 2017. It may kindly be noted that the STP catering to this Zone is at Arupara of Dharsa Area in Ward No.- 49 with in the Howrah Municipal Corporation.
6. KMDA is the sole Authority to intercept and divert all the waste water towards the river Hooghly to the STP maintain by KMDA. As such HMC has no role in treating the waste water within the city & the matter may please be taken up with KMDA for further necessity action.
7. That it is further informed by the Respondent No. 9 that the report of the Three Member Committee appointed by this Hon'ble Tribunal in the instant Original Application inter-alia mentioned existence of open defecation in the RamkrishnapurGhat Areas. It was further mentioned in the said letter that the matter has since been enquired into by the concerned department of EMC in right earnest as Howrah has already been declared an Open Defection Free (ODF) city.
8. However, the Respondent No. 9 stated that as per their observation, it was found that a large slum with approximately 500 dwellers exists in



*S. S. S. S. S.*  
 Commissioner  
 Howrah Municipal Corporation

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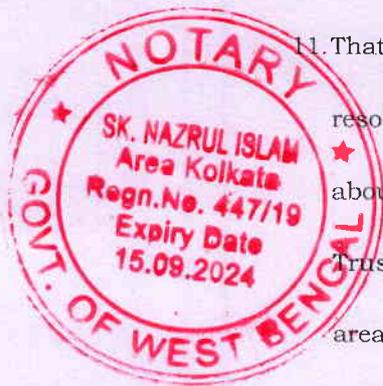
RamkrishnapurChouraBustee on the land owned by the said Port Trust. It is pertinent to mention that the said Bustee lacks community toilet facilities, which contributes to the open defecation problem.

9. That the respondent no. 9 also stated that the nearest public toilet developed by HMC is situated around 150 meters away, which is insufficient to cater to the needs of the slum dwellers and which might be the cause such act of open defecation.

10. That the Respondent no. 9 further stated that, to address the open defecation issue, HMC requests a No Objection Certificate (NOC) from the said Port Trust to construct a community toilet within the slum area. However, the respondent No. 9 still not received any reply in reference to the said letter dated 19<sup>th</sup> June 2024. It is pertinent to mention that upon receipt of the NOC, HMC will promptly initiate the construction of the community toilet in that said area. Photocopies of the concerned areas and the solemn order of this Hon'ble Tribunal also has been enclosed with the said letter dated 19<sup>th</sup> June 2024.

11. That the Respondent No. 9 stated that extensive effort were undertaken to resolve the issues in questions including the intimation to the said Port Trust about the issues in question and it was also formally requested to the said Port Trust to issue a NOC for construction of the community toilets at the concerned area. However, these initiatives did not come to fruition yet due to non-availability of the No Objection Certificate by the said port trust.

12. That the Respondent No. 9 reiterates their commitment to addressing the environmental and sanitary concerns prevalent in the Ramkrishnapur area, as highlighted in the solemn orders of the Hon'ble National Green Tribunal. It is emphasized that the unauthorized Khatal situated on the land of Shyama



*Smt. Anurupa Mondal*  
 Commissioner  
 Howrah Municipal Corporation

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Prasad Mukherjee Port Trust continues to discharge cow dung directly into the Hooghly River, thereby posing significant environmental hazards.

13. It is pertinent to note that the Respondent No. 9 has diligently pursued solutions to these pressing issues, including the development of public toilets at strategic locations. However, the proximity of the nearest public toilet, situated approximately 150 meters away from Ramkrishnapur Choura Bustee, remains inadequate to serve the needs of the slum dwellers, contributing to instances of open defecation.

14. That the present affidavit addresses the environmental and sanitary issues in the Ramkrishnapur area, particularly concerning the discharge of cow dung into the Hooghly River and open defecation in the vicinity. This is pertinent to mention that an unauthorized Khatal (cattle shed) exists on the land of Shyama Prasad Mukherjee Port Trust (formerly KoPT) in the Ramkrishnapur area. Moreover, this Khatal is causing direct discharge of cow dung into the Hooghly River, posing significant environmental hazards.

15. That Respondent No. 9 has stated that this information has been already intimated to the Chairman of the Shyama Prasad Mukherjee Port Trust vide a letter dated 19<sup>th</sup> June 2024 bearing No. 016/Gen (S.C. Cell)/Commr./2024-25 and a request has been made by the Respondent No. 9 to the Chairman of the Shyama Prasad Mukherjee Port Trust for the immediate removal of the said Khatal to mitigate this issue. A copy of the said Letter dated 19<sup>th</sup> June 2024 bearing No. 016/Gen (S.C. Cell)/Commr./2024-25 <sup>and 26.07.2027</sup> annexed herewith and marked as annexure R/1.

16. In view of the foregoing, Respondent No. 9 submits that the intervention of the Hon'ble Tribunal is required to expedite the issuance of the necessary NOC by



*Smriti Anjan Mahapatra*  
Commissioner  
Howrah Municipal Corporation

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the Shyama Prasad Mukherjee Port Trust, thereby enabling HMC to promptly proceed with the construction of a community toilet within RamkrishnapurChouraBustee. This proactive measure is essential to mitigate the environmental hazards caused by the Khatal and to uphold the sanitation standards in the area, consistent with the directives of this Hon'ble Tribunal.

17. It is therefore respectfully prayed that this Hon'ble Tribunal may graciously be pleased to allow time to the department of the Respondent No. 9 to carry out further steps and to take further necessary steps in terms, once the No Objection certificate issued by the said Port Trust of the order passed by this Hon'ble Tribunal and to pass order or orders as deem fit and proper in the interest of justice.

18. The statements contained in paragraph nos. 1 to 12 are true to my knowledge and belief, and nothing herein shall be construed as an admission of any statement unless specifically admitted. The statements made in paragraph nos. 13 to 14 is information derived from record and the rest thereof are my humble submissions before this Hon'ble Court.

Identified by me and

Prepared in my Office

*Anurita Paudyal*

Advocate

F/747/2009

*Somratirajon...*

Deponent

**Commissioner**  
**Howrah Municipal Corporation**

Before me,

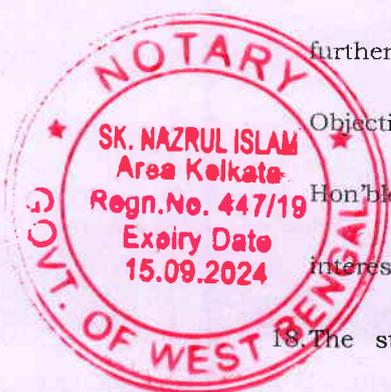
Notary Public

Solely 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

30 JUL 2024



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## VERIFICATION

I, Smrutiranjana Mohanty, son of Sri Nabaghana Mohanty, aged about 34 years, working for gain at 4, Mahatma Gandhi Howrah 711101 do hereby verify that the contents of paragraphs 2 to 8 and parts thereof are based on information and/or derived from sources which I verily believe to be true and I have not suppressed any material facts and circumstances and the rest are my humble submissions, before this Hon'ble Tribunal.



DEPONENT

*Commissioner*  
Howrah Municipal Corporation

DATE: 30. 7. 20 24

PLACE: KOLKATA



30 JUL 2024



# 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. 023 /Gen (S.C. Cell)/Commr./2024-25

Dated : July 26, 2024.

To,

The Chairman,  
Shyama Prasad Mukherjee Port Trust (Formerly KoPT)  
15, Strand Road,  
Kolkata - 700001.

Annexure R/1 colly

**Sub : O.A. No. 40/2024/EZ — Ankur Sharma vs. State of West Bengal & Ors. — Existence of un-authorised Cow Shed (Khatal) at the river bank of Hooghly near Chintamony Dey Bathing Ghat, Howrah - Reg.**

Sir,

This is further to our letter communicated vide Memo No 016/Gen.(S.C. Cell)/ Commr./2024-25, dated 19.06.2024 on the captioned subject.

The latest up-date with pictures etc with regard to the pollution of the river Hooghly in the Ramkrishnapur Ghat area of the Howrah due to direct discharge of cow-dung from an un-authorised Khatal (Cow Shed) and from open defecation by the dwellers of a large slum from the adjacent locality of Ramkrishnapur Choura Bustee, both located on the Port owned land, was reported to your good-office vide our letter ibid with request for further necessary action taken in compliance of the solemn order of the Hon'ble NGT, EZ, dated 22.02.2024 passed in the instant O.A. please. As we are yet to receive any correspondence in this regard, it is once again requested to furnish compliance at the earliest convenience please for placing the same before the Hon'ble NGT for their cognizance.

A line in confirmation is solicited.

Thanking you,

Yours faithfully,

  
Commissioner  
Howrah Municipal Corporation

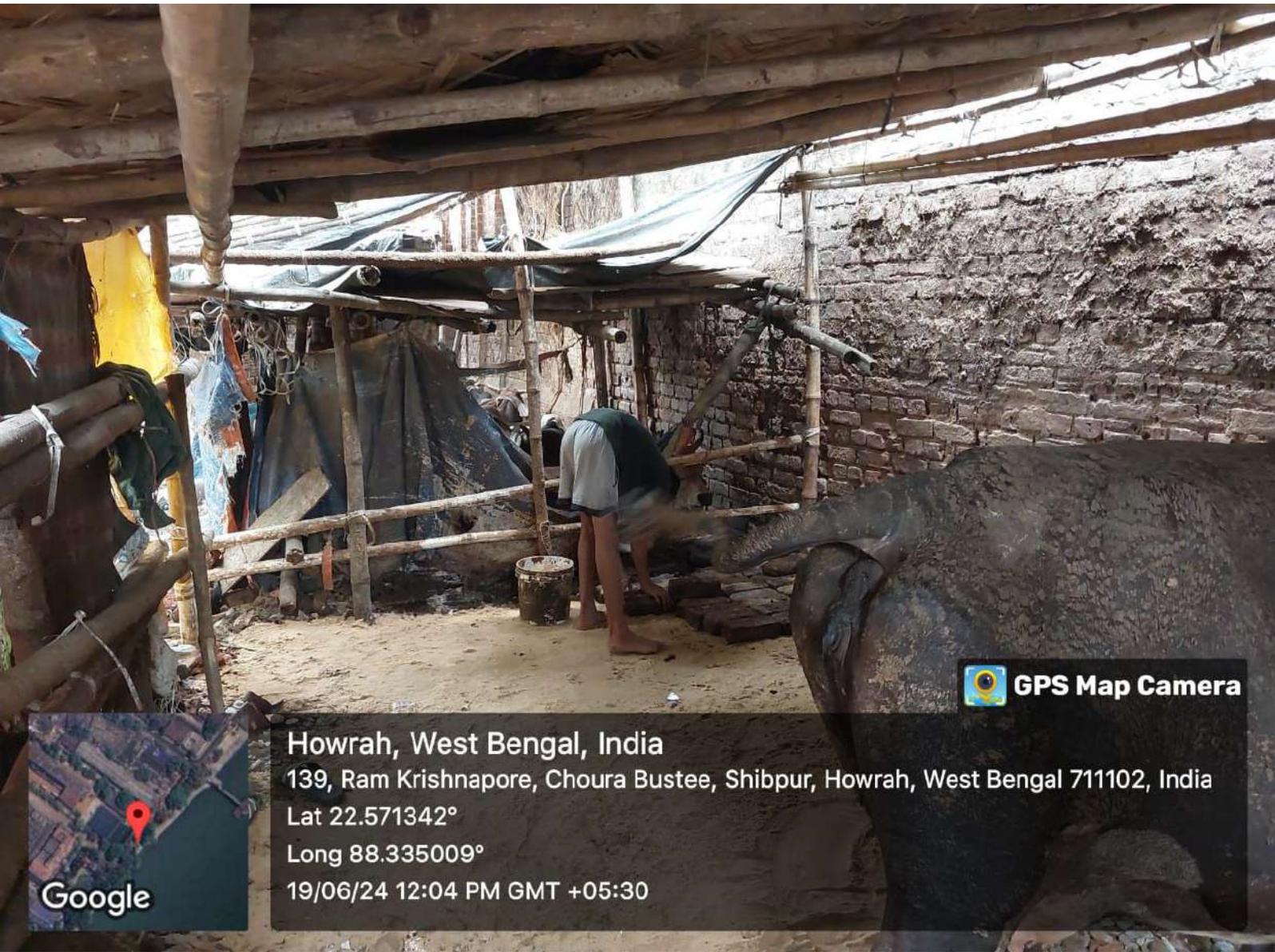
Endt. No. /1(8)/Gen (S.C. Cell)/Commr./2024-25

Dated : July 26, 2024.

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 Sr. Special Secretary, Urban Development & Municipal Affairs Dept, Govt. of West Bengal, "NAGARAYAN", DF - 8, Sector - I, Salt Lake City, Kolkata - 700064.
- 3) The Director, SUDA, "ILGUS BHAVAN", HC Block, Sector - II, Bidhannagar, Kolkata - 700106;
- 4) The District Magistrate, Howrah;
- 5) The Secretary, HMC;
- 6) The Exe. Engineer (Slum Dev), HMC - With request to co-ordinate with the concerned authority of the KoPT;
- 7) The OSD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 8) Dept. Guard File.

Commissioner  
Howrah Municipal Corporation



 **GPS Map Camera**



**Howrah, West Bengal, India**

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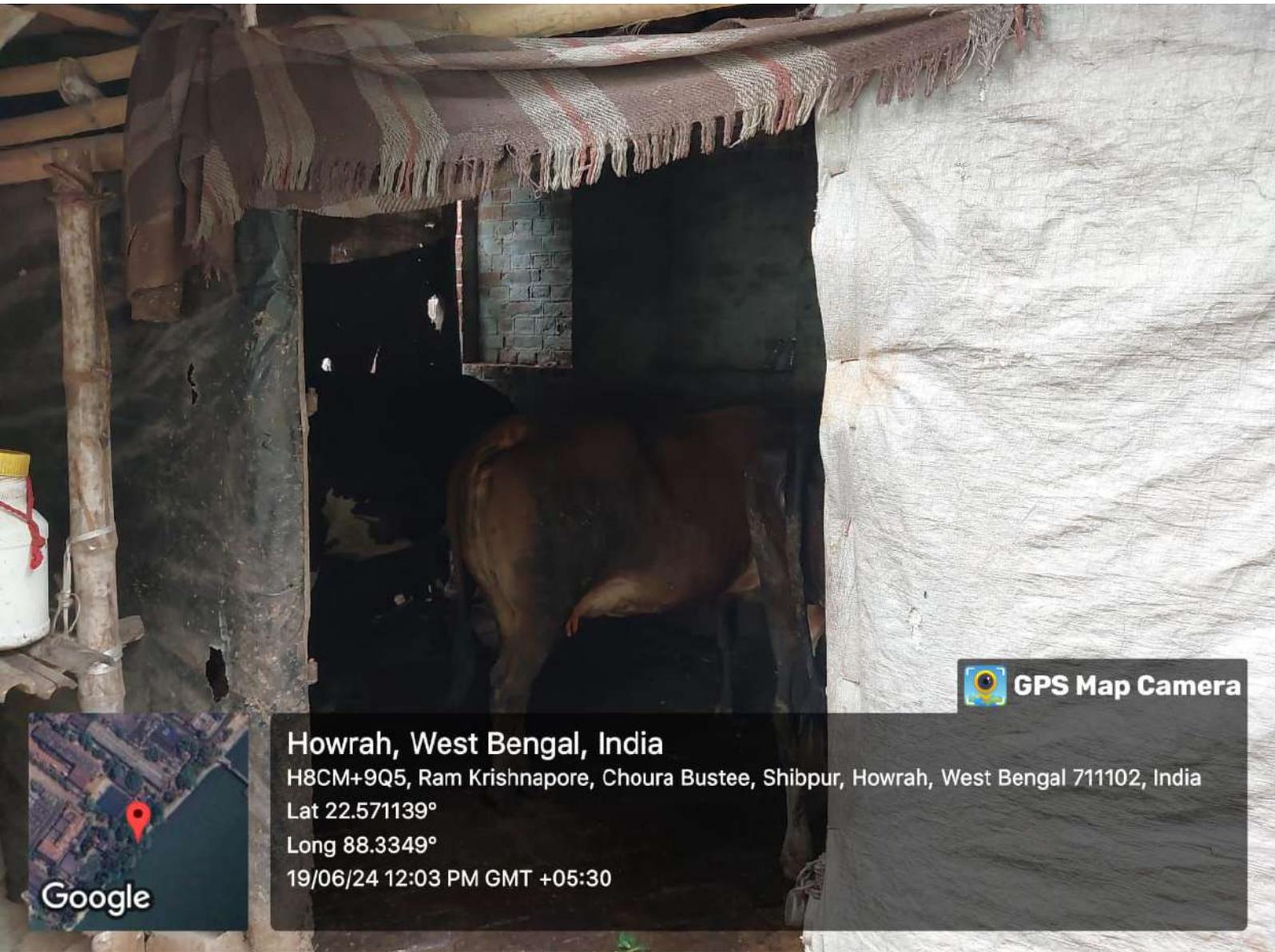
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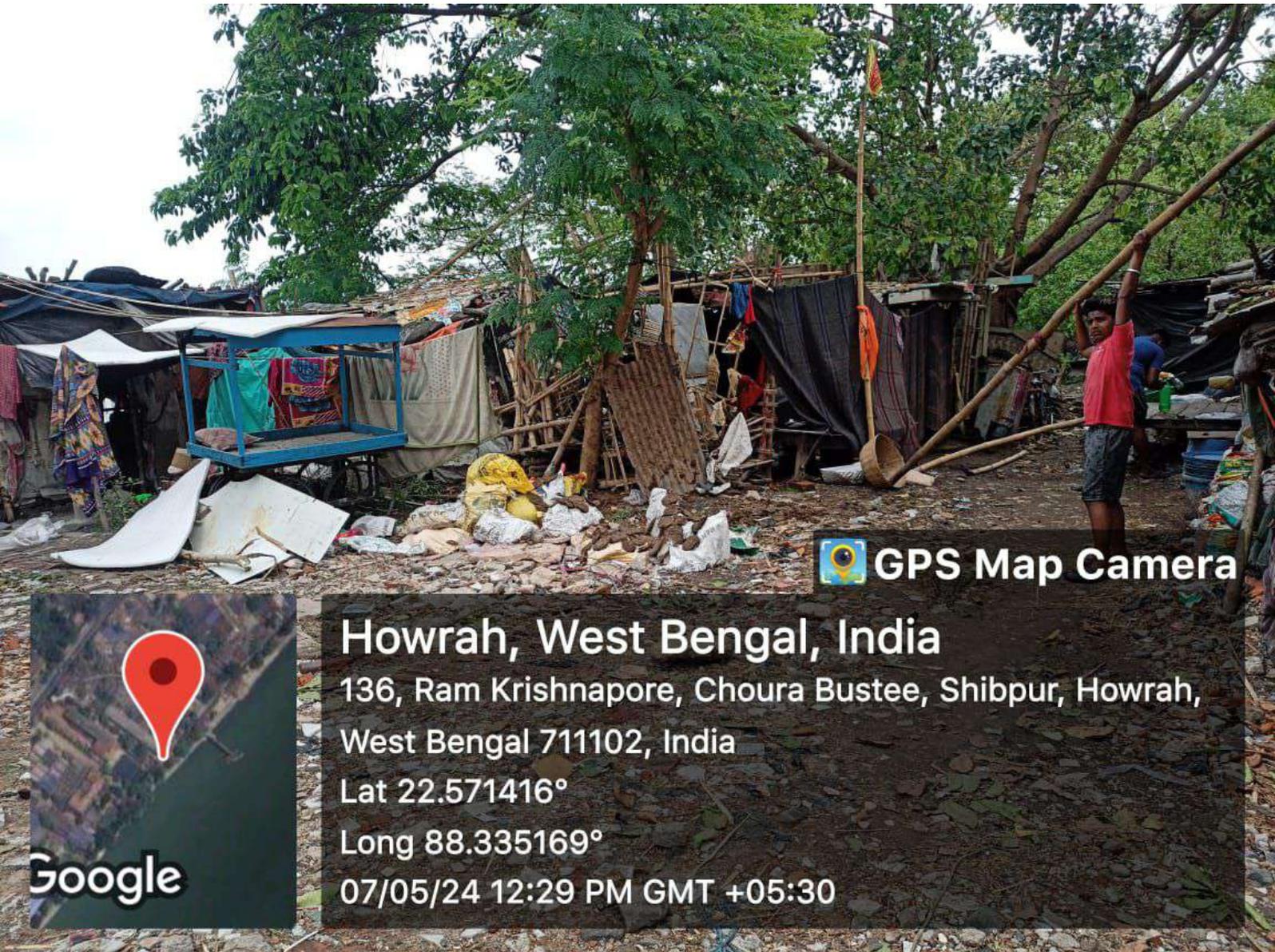
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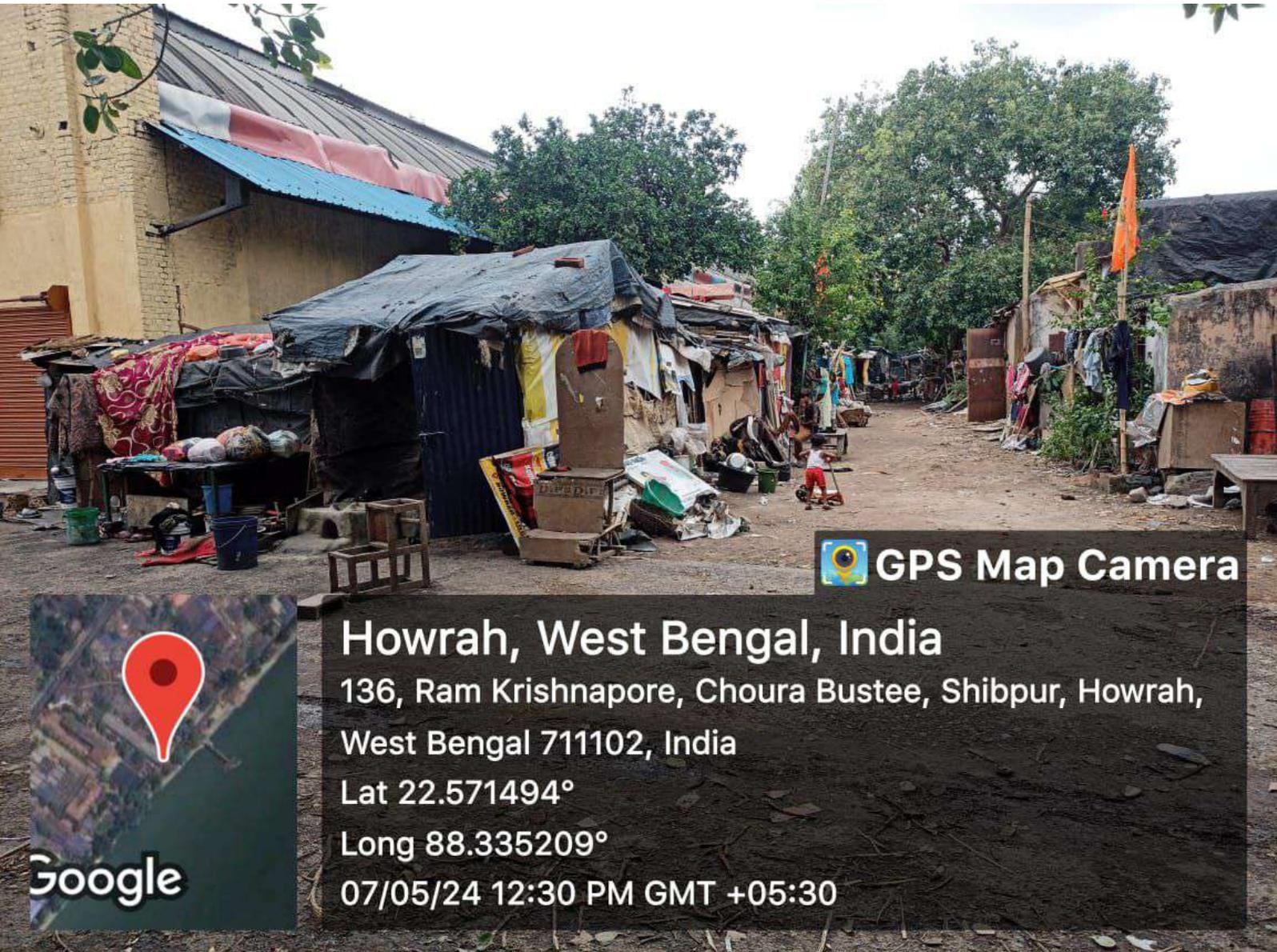
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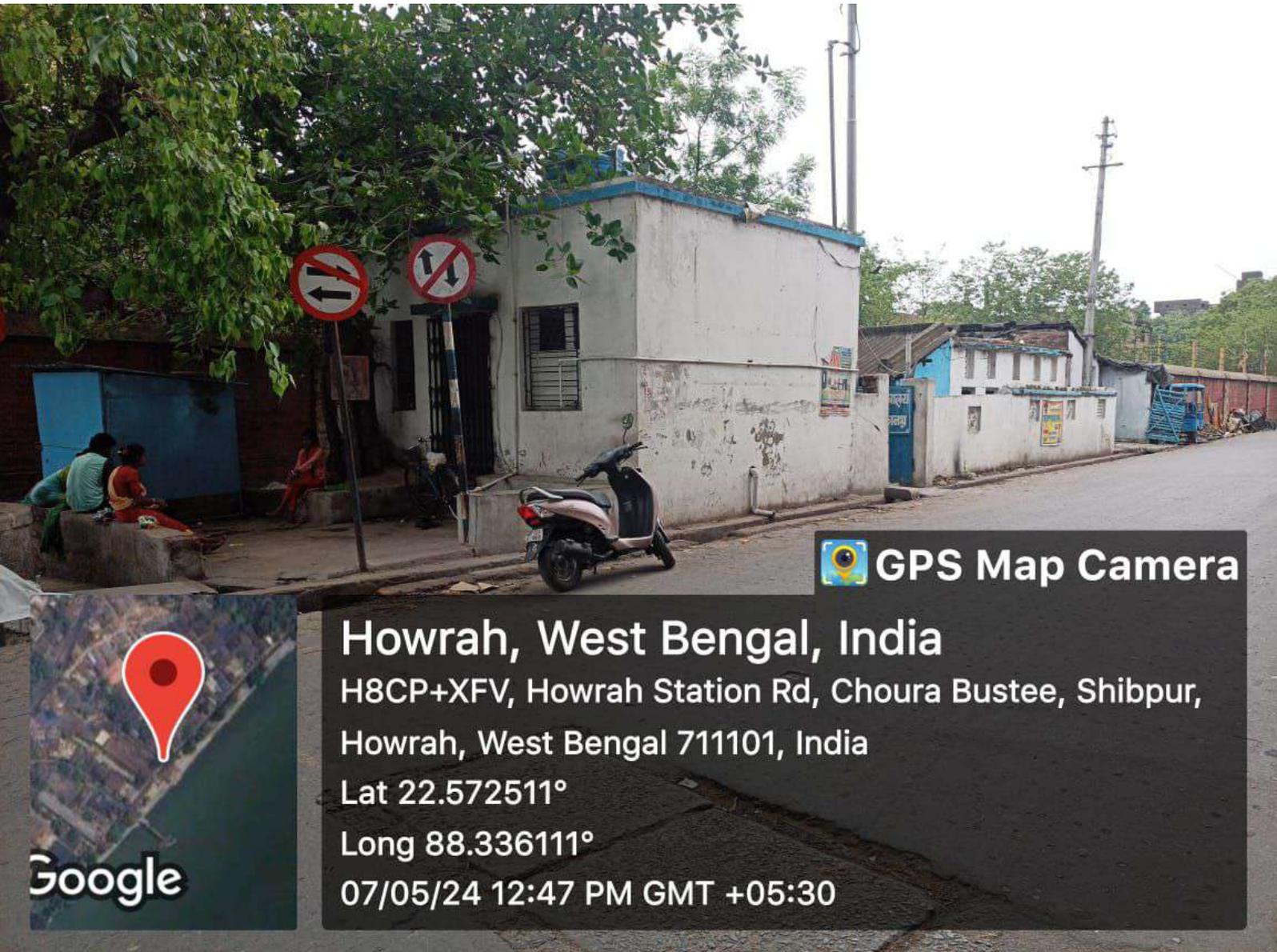
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**Howrah, West Bengal, India**

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Howrah, West Bengal 71101, India

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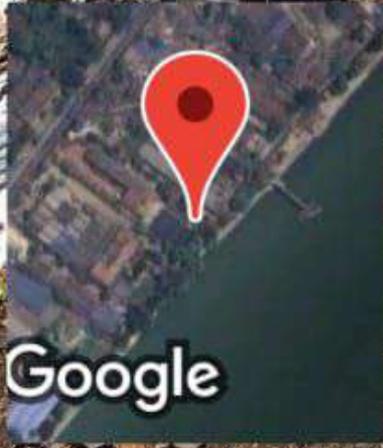
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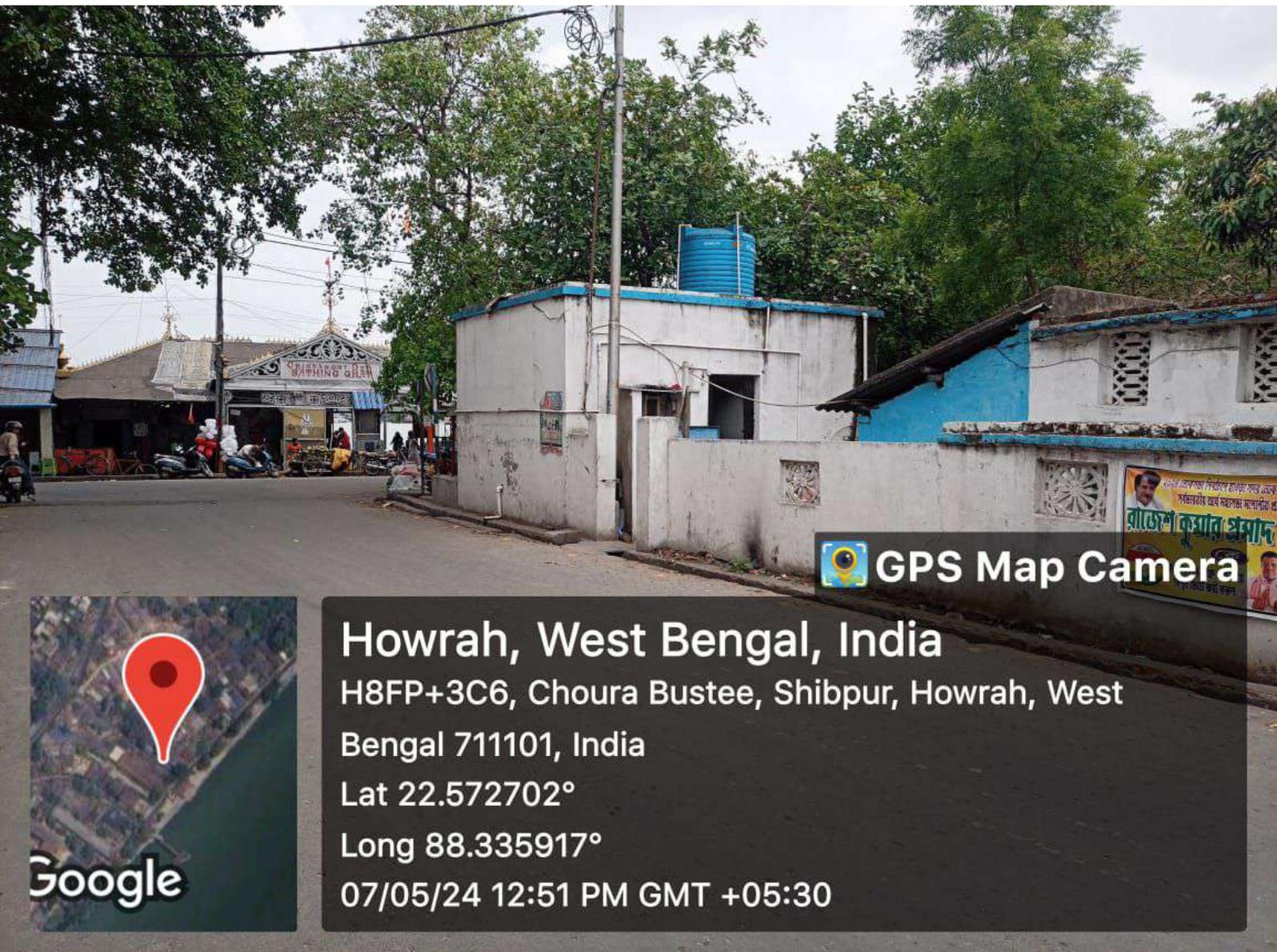
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**Howrah, West Bengal, India**

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# 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. 016 /Gen (S.C. Cell)/Commr./2024-25

Dated : June 19, 2024.

To,

The Chairman,  
Shyama Prasad Mukherjee Port Trust (Formerly KoPT)  
15, Strand Road,  
Kolkata - 700001.

Sub : O.A. No. 40/2024/EZ — Ankur Sharma vs. State of West Bengal & Ors. — Existence of un-authorised Cow Shed (Khatal) at the river bank of Hooghly near Chintamony Dey Bathing Ghat, Howrah - Reg.

Sir,

This is further to our letter communicated vide Memo No 007/Gen.(S.C. Cell)/ Commr./2024-25, dated 30.04.2024 and reply send by the Estate Manage (IC) of your esteemed organization dated 23.05.2024 on the captioned subject.

The latest picture enclosed herewith with exact Latitude & Longitude indicating the existence of a Khatal in the Ramkrishnapur area on the land of the Port Trust which may kindly be taken into consideration for removal of the same from that area at the earliest convenience to stop the menace of direct discharge of cow-dung to the river Hooghly from there-at. Moreover, the report of the 3-Member Committee appointed by the Hon'ble NGT in the instant O.A. inter-alia mentioned existence of open defecation in the Ramkrishnapur Ghat area. The matter has since been enquired into by the concerned department of HMC in right earnest as Howrah has already been declared an ODF city. In this context, our observation is that there is an existence of a big Slum with around 500 dwellers in that locality of Ramkrishnapur Choura Bustee on the Port owned land with no facility of Community Toilet which might be the cause of such act of open defecation, copy of the pictures of the slum with exact Latitude & Longitude are enclosed for ready reference please. The Public Toilet developed by the HMC in that area is around 150 mtr. away. It is, therefore, requested to kindly take note of this for effective re-dressal of the issue. In case "NOC" is issued to the HMC, steps will be taken at this end for construction of Community Toilet there-at. As desired, we further enclose a copy of the solemn order of the Hon'ble NGT, EZ, dated 22.02.2024 for reference please. A compliance report in this regard may kindly be sent to the District Magistrate, Howrah with a copy to the undersigned for placing the same before the Hon'ble NGT for their cognizance.

A line in confirmation is solicited.

Thanking you,

Yours faithfully,

*K/24*  
Commissioner

Howrah Municipal Corporation

Encls : as stated above.

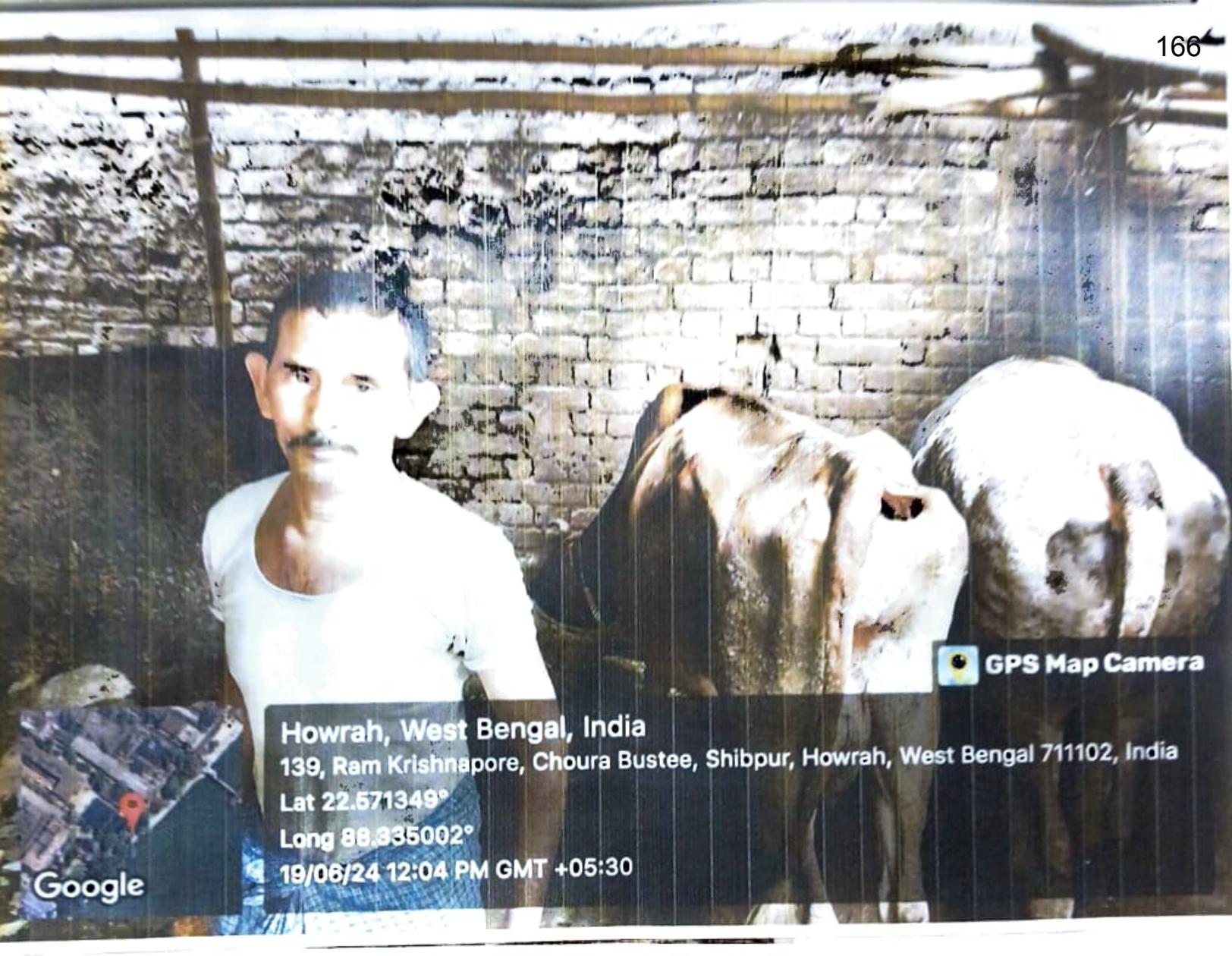
Dated : June 19, 2024.

Endt. No. 016 /1(8)/Gen (S.C. Cell)/Commr./2024-25

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- 1) The Member Secretary, WBPCB, Paribesh Bhavan, Building 10A, Block LA, Sector III, Bidhannagar, Kolkata - 700106;
- 2) The Sr. Special Secretary, Urban Development & Municipal Affairs Dept, Govt. of West Bengal, "NAGARAYAN", DF - 8, Sector - I, Salt Lake City, Kolkata - 700064.
- 3) The Director, SUDA, "ILGUS BHAVAN", IC Block, Sector - II, Bidhannagar, Kolkata - 700106;
- 4) The District Magistrate, Howrah;
- 5) The Secretary, HMC;
- 6) The Exe. Engineer (Slum Dev.), HMC - With request to co-ordinate with the concerned authority of the KoPT;
- 7) The OSD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 8) Dept. Guard File.

Commissioner  
Howrah Municipal Corporation



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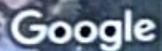
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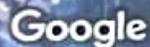
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**Howrah, West Bengal, India**

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India

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Howrah, West Bengal, India

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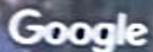
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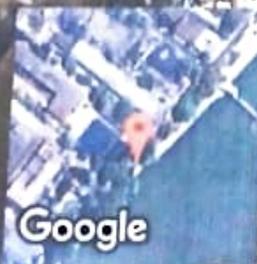
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Howrah, West Bengal, India

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