

Before the Hon'ble National Green Tribunal
 Eastern Zone Bench, Kolkata
 Original Application No.102/2024/EZ

In the matter of : -

Ramchandrapur Kalyan Samity and Others.
 Applicants

-Versus-

The State of West Bengal & Others.
 Respondents

Counter Affidavit on behalf of the Respondent

No. 4, Panihati Municipality

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Filed by

Soumyajit Bhatta.

Soumyajit Bhatta.

Advocate

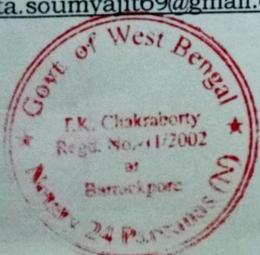
High Court, Calcutta,

Bar Association

Room No.-13

9830413068, 9874944303

bhatta.soumyajit69@gmail.com



Ashim Kumar Banerjee

Executive Officer
 Panihati Municipality

06 AUG 2024

Before the Hon'ble National Green Tribunal

Eastern Zone Bench, Kolkata

Original Application No.102/2024/EZ

In the matter of : -

Ramchandrapur Kalyan Samity and Others.

.... Applicants

-Versus-

The State of West Bengal & Others.

BEFORE THE NOTARY
BARRACKPORE, 24-PGS (N), INDIA

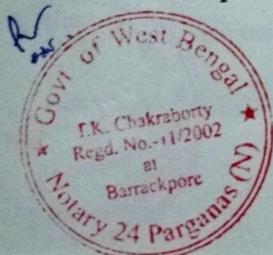
.... Respondents

Counter Affidavit on behalf of the Respondent

No. 4, Panihati Municipality

I, Ashim Kumar Biswas, son of Late Khagendra Nath Biswas, aged about 62 years, by faith- Hindu, by occupation - Service in Panihati Municipality as Executive Officer, by Nationality Indian, residing at 41/16/A, Shibtala Road, P.O. Non Chandanpukur, P.S. Titagarh, District - North 24-Parganas, Pin- 700 122, do hereby solemnly affirm and say as follows : -

1. That I am working as Executive Officer since 14th December, 2023 of Panihati Municipality and as such I am well aware of the facts and circumstances. Upon proper enquiry from the department from which the instant application arises. I have



Ashim Kumar Biswas
Executive Officer
Panihati Municipality

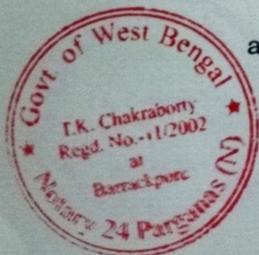
Sd/-
Akr-

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been also duly authorised to affirm this affidavit on behalf of the Panihati Municipality and I am competent to do so.

2. That a copy of a letter dated 26.05.2024 vide Memo. No.1850/Com/BKP, issued by Sub-Divisional Officer, Barrackpore, North 24-Parganas was served to the Municipality annexing the mail from the Learned Advocate Sagarmay Ghosh, High Court, Calcutta with a cause list dated May 27th, 2024. After going through the documents, I collected the copy of the order dated 27.05.2024 and understood the contents of the instant case. Immediately thereafter I talk with my officer regarding the subject issue of the instant case and a letter dated 07.06.2024 Memo. No.PM/LC/2024-25/12 was served upon Mr. Biswajit Marik, Secretary, Ramchandrapur Kalyan Samity with a request for copy of the Original application, so that as per direction of the Hon'ble Tribunal, I can deal and prepare the counter affidavit in compliance of solemn order dated 27.05.2024. After collecting the copy of the Original Application. I proceed with the instant case upon discussion with the concern department and Chairman of the Panihati Municipality.

Photo copy of Communication dated 26.05.2024, cause list and order dated 27.05.2024 and Letter dated 07.06.2024 are annexed herewith and marked by the Letter - "A"



Ashim Kumar Biswas
Executive Officer
Panihati Municipality

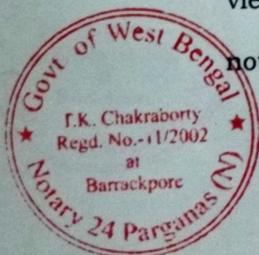
Siddhanta
Adv.

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3. That this affidavit is filed in compliance to the solemn order dated 27.05.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata. I submit that there is no intentional latches and negligence on the part of the Municipality to discharge all duties at trenching ground of night soil, carcasses, garbage and solid waste.
4. That in compliance of the order dated 27.05.2024. I communicated a letter dated 07.06.2024 vide Memo. No.PM/LC/2024-25/11, addressing the respected Senior Scientist, WBPCB, The Senior Scientist, CPCB and The District Magistrate to arrange a meeting so that we can decide to visit the site in question.

Photo copy of the Letter dated 07.06.2024 is annexed herewith and marked by the Letter - "B".

5. That the Additional Secretary, UD&MA Department & Additional Director, SUDA communicated a letter dated 12.06.2024 to the Executive Officer, Panihati Municipality for comprehensive report with geo-tagged photograph and paragraph wise statement of facts as per prescribed format in view of Notification dated 06.06.2024. But no copy of such notification was provided to the Municipality. That Kolkata



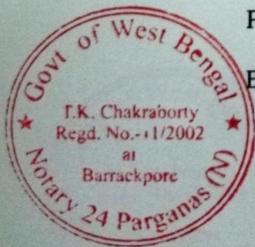
Ashim Kumar Biswas
Executive Officer
Panihati Municipality

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Metropolitan Development Authority, from the desk of Superintending Engineer (Civil), North Circle, Circulated a tender dated 13.06.2024 vide Memo. No.678/SE (NC)/SD & SWM/KMDA/G-27 which is as under : -

ABRIDGED NOTICE INVITING REQUEST FOR PROPOSAL

1. Invitation: The Superintending Engineer, North Circle, Sewerage, Drainage and Solid Waste Management Sector, Kolkata Metropolitan Development Authority invites online e-Request for Proposal in two part system (Part-1 Technical Bid and Part-II Financial Bid) from reliable, resourceful, bonafide and experienced firms/companies/ Individual contractors/ Special Purpose Vehicle/Joint Ventures, having experience and capability in executing projects of Solid Waste Management (SWM) work in any Government/ Government Undertaking/ Autonomous Bodies/Semi-Government/ Statutory Bodies and Local Bodies, within the last 5 (five) years from the date of issuance of this Request for Proposal, for the work of "Biomining of legacy waste and reclamation of land of dumpsite utilising scientific method located at Panihati Municipality in North 24 Parganas district, West Bengal on turnkey basis":



As him *Kusumade Biswas*
Executive Officer
Panihati Municipality

SPECIAL
ADVN

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Name of the Works, EMD and time of completion are mentioned below:

Sl. No.	Name of Work	Estimated value of the work	Earnest Money Deposit (EMD)	Total Time of Completion
1.	Biomining of legacy waste and reclamation of land of dumpsite utilising scientific method located at Panihati Municipality in North 24 Parganas District, West Bengal on turnkey basis.	Rate to be Quoted	2% of the contract amount. Initial EMD : Rs.10,00,000/-	450 days (Four Hundred and Fifty days).

Note:

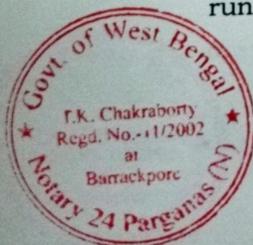
(1) Corrigendum/addendum if any will be published on

<https://wbtenders.gov.in> and/or on

<https://kmda.wb.gov.in/only>.

(2) Installation of weighbridge and processing timeline:

The successful bidder shall be given maximum of 75 days to install the weighbridge system (permanent) and other machineries required for processing of legacy waste. This includes the installation of weighbridge along with calibration, operationalising the real time monitoring system and all other necessary machineries and a successful trial run (minimum of 7 working days).

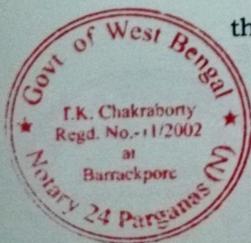


Ashim Kumar Biswas
Executive Officer
Panihati Municipality

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Physical work on biomining must begin within 75 days from the work order issuance date. However, processing activities of legacy waste should not commence until of the real-time monitoring system is fully installed, operational, and verified, b) weighbridge Calibration Certificate is duly submitted to EIC. It is to be kept in mind that Time is the essence of this contract, and the agency shall complete the work within the scheduled time of completion, failing to meet this deadline will result in penalties, including potential liquidated damages.

- (3) The successful bidder has to install permanent weigh bridge of minimum of 40MT capacity (preferably pit-less type) and 12m length. The processing capacity of the plant should be atleast 500 MT per day from the date of commencement of legacy waste processing, so that, the operator can process and remove minimum of 500 MT of waste per day, positively. Accordingly the agency shall design and install the number of trommel/machineries required for processing of atleast 500MT per day of legacy waste.
- (4) The successful bidder has to submit balance of 2% of the contract amount, as earnest money deposit, as mentioned, at the time of execution of formal agreement.



Ashim Kumar Biswas
Executive Officer
Panihati Municipality

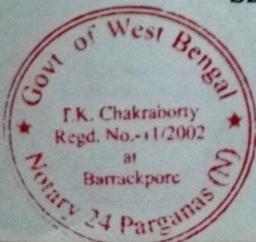
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2. Intending bidders may download the tender documents from <https://wbtenders.gov.in> indirectly with the help of his/her Digital Signature Certificate and the Earnest Money should be deposited online either by Net Banking (through any Nationalised Bank/Scheduled Bank) or through RTGS/NEFT as per requirement of the system, as per GO no. 3975-F(Y) dt. 28.07.2016 of Finance Department, Government of West Bengal. Further details may be available from the office of the undersigned or from the KMDA website: <https://kmda.wb.gov.in/>.
3. Last date & time of submission of bids through online is 16.07.2024 up to 14:55 hours.

Photo copy of the Letter dated 12.06.2024 and communication dated 13.06.2024 are annexed herewith and marked by the Letter - "C".

6. That a joint field verification was made by the Committee formulated by the Hon'ble Tribunal and a draft report was prepared on 08.07.2024 which is as follows :-

IN PRESENCE OF THE SENIOR SCIENTIST C.P.C.B, THE SENIOR SCIENTIST W.B.P.C.B, A.D.M(LR), N 24 PARGANAS,



Ashim Kumar Biswas
Executive Officer
Panihati Municipality

Selling
Adv.

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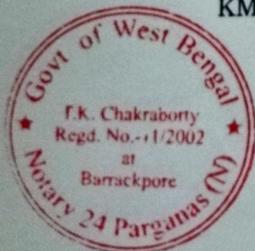
E.O PANIHATI MUNICIPALITY & C.I.C (CONSERVENCY),
 PANIHATI MUNICIPALITY, ENGINEERING OFFICIALS &
 OTHERS.

Panihati municipality situated in North 24 Parganas and it
 was established on 01.04.1900.

Municipal Trenching Ground at Ramchandrapur, Sodepur,
 Land area 1.8 acre, Holding No. 197, Mouza-Sodepur,
 Tarapukuria, Dag-763, 779, 764, 762, Khatian no.-429/3,36,
 94, J.L. No.-08, 12, has been using for dumping of waste of
 Panihati for more than 100 (one hundred) years i.e long
 before Independence.

Now, the daily waste of near about 5 (five) lakhs population of
 Panihati to be dumped in that trenching ground, has been
 stopped since 4th January, 2024 due to the objection created
 by Ram Chandrapur Kalyan Samity and others. As a result,
 the municipality is facing a major difficulty to clean & hygiene
 of daily waste which are collected from Municipal area.

In the mean time, an Intervention of UD&MA department with
 KMDA was made for an arrangement of transporting the daily



Ashim Kumar Biswas
 Executive Officer
 Panihati Municipality

S Bhalla
Adv

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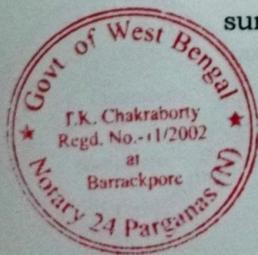
municipal waste to Dhapa Dumping Ground from 09.02.2024 and still now continuing the process. As a result no fresh waste is dumping at Ram Chandrapur Trenching Ground since 09.02.2024. (enclosed Work Order).

Also the septage and/or waste product of septic tank are disposed to the inlet of MPS of STP (WSP) in Panihatli beside Mahispota Link Road Natagarh which are maintained by KMDA. (enclosed Order).

In other hand, the processing of exlating legacy waste (about 1.20 lakh MT) at Ram Chandrapur Trenching Ground has been taken up by KMDA for Bio-Minning and Bio-remediation and the NIT has already been floated (NIT copy enclosed).

Photo copy of the Draft report dated 08.07.2024 is annexed herewith and marked by the Letter - "D".

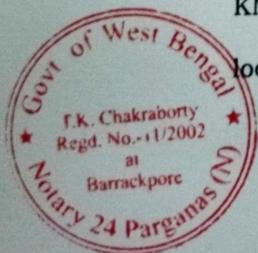
7. With reference to the Statements made in paragraph Nos. 1 to 7 of the said original application. I have no comments. But I may say that this trenching ground at Ramchandrapur is running since long time and this is the only dumping ground surrounding the area under Panihati Municipality.



Ashwin Kumar Biswas
Executive Officer
Panihati Municipality

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8. With reference to the statements made in paragraph Nos.8 to 13 of the said application. I state that more of the statements are all matter of records and anything which are contrary to establish record is denied. In a writ petition being W.P. No.15274(W) of 2001, the Hon'ble Court observed that the main grievance of the writ petitioner i.e. Ramchandrapur Bhagar Ucched Committee & others prepared a Scheme for processing and removing the Waste. The Learned Advocate of KMDA Submitted that appropriate Fund for implementation of the Project is received and it will be executed within 30 months. During the period of execution of the Scheme, the Municipality may be allowed to use such ground as waste dumping ground and the Municipality shall take all possible step to clean the same on day to day basis for the greater interest of the inhabitants of the public at large under the Municipal area.
9. With reference to the statements made in paragraph Nos. 14 to 39, I deny and dispute such allegations made against the Municipality. Because Municipality is not only responsible for dumping the garbage, night soil carcasses etc. on the said trenching ground. It is the State of West Bengal, through the KMDA to acquire the land outside the jurisdiction of the locality for trenching ground. Most of the statements made



Ashim Kumar Biswas
Executive Officer
Panhati Municipality

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therein are matters of record and I have no comments. On the otherhand the concern District Magistrate intimated the Principal Secretary of Municipal Affairs in the year 2016 for alternative Site for waste disposal. I say that the daily waste of near about 5 lakh population of Panihati has been stopped since 04.01.2024 due to objection created by Ramchandrapur Kalyan Samity and others. The Municipality is facing difficulties to clear and hygiene of daily waste which are collected from Municipal area. All other steps have already been taken as reported in draft report dated 08.07.2024, annexed in this affidavit. The other paragraphs are the submissions of the applicants before the Hon'ble Tribunal.

10. That the statements made in paragraph No. 1 to 9 are true to my knowledge, the some statements made in those paragraphs derived from records which I verify belief to be true and the rest are my humble submission before this Hon'ble Tribunal.

Ashim Kumar Biswas

DEPONENT

Executive Officer
Panihati Municipality

Identified by me & prepared in
my office

Soumyajit Bhattacharya

Advocate
WB-774/2000

T.K. Chakraborty

T.K. CHAKRABORTY
NOTARY, Regn.No.11/2002
(Govt. of West Bengal)
Barrackpore Court, INDIA

06 AUG 2024

SOLEMNLY AFFIRMED & DECLARED
BEFORE ME BY THE DECLARANT
DULY IDENTIFIED BY *Soumyajit Bhattacharya*
Advocate



- X -

Annexure - A.

LAW
For Adv. Mr. Sagmay Ghosh

Government of West Bengal
Office of the Sub-Divisional Officer,
Barrackpore, North 24 Parganas
Phone-033 2592 0616; Fax-033 2592 0814

E-mail: adobarrackpore@gmail.com / adobarrackpore@wb.gov.in

Memo No. 1850 /Con/Blcp

Date 26.05.2024

To
The Executive Officer ||
Panihati Municipality ||

Sub: In the matter of 102/OA/EZ //

Ramchandrapur Kalyan Samity

Versus

The State of West Bengal and Others

With reference to the above, please find enclosed herewith the communication made by the Ld. Advocate Sagmay Ghosh, Bar Association Room No. 06, The High Court of Calcutta, Kolkata -700001, you are requested to take necessary action in this regard, as the matter related to your office.

Encl: As stated.


Sub-Divisional Officer,
Barrackpore, North 24 Parganas

12
 National Green Tribunal Eastern Zone (Re. 102/
 OA/2004 Ramchandrapur Kalyan Samity and Others Vs.
 The State of West Bengal and Others)

Sagarmay Ghosh <sagarmayadv@gmail.com>

5:02 PM (1
 minute ago)

to secy.ma-wb, dm-bar-
 wb@nic.in, me, panihatimunicipality, wbsudadir@gmail.com, habkpc, pskhardah@g
 mail.com, net.wbpcb-wb, psecy.env-wb, msch.cpcb

In the matter of
 102/OA/EZ
 Ramchandrapur Kalyan Samity
 Versus
 The State of West Bengal and Others

Dear Sir(s),
 Enclosed herewith, please find a scanned copy of the aforesaid application with all
 annexures which has been filed in the Hon'ble National Green Tribunal, Eastern
 Zone, and which may be taken up for admission on 27th May, 2024 and/or any other
 day as the business of the Hon'ble Tribunal may permit.
 This is for your information and necessary action please. Thanking You

Yours Truly,
 Sagrmay Ghosh
 Advocate
 Bar Association Room No. 06,
 The High Court of Calcutta
 Kolkata 700001
 With
 Shobhantanu Bhattacharyya
 Uttam Baidya
 Advocates

u, LAD

24/05/24

NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE
KOLKATA
Cause List
Court-1

Date: 27th May, 2024
Time: 10:30 AM

HON'BLE MR. JUSTICE SHEO KUMAR SINGH
JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA
EXPERT MEMBER

(CASES WILL BE TAKEN UP FOR PHYSICAL HEARING (WITH HYBRID OPTION))

FOR JOINING VC HEARING, PLEASE CLICK THE FOLLOWING LINK:

<https://not.kolkata.vcbex.com/not-kolkata/?no?MTID=5a1102b5904204835acn6d1c0937052>

Meeting number (access code): 2514 009 0379 Meeting password: 2024

Sl. No	Case No.	Parties	Counsel for Parties
FOR ADMISSION			
1	Original application no. 102/2024/EZ	Ramchandrapur Kalyan Samity & Ors Vs. State of West Bengal & Ors.	Mr. Shobhantanu Bhattachryya, Mr. Sagarmay Ghosh, Sri Uttam Baidya, Adv for Applicant
FOR FILING COUNTER AFFIDAVIT BY THE RESPONDENTS			
2	Original Application No. 68/2024/EZ (Earlier OA 26/2024/PB)	Dr Laxmidhar Biswal Vs Member Secretary, Odisha State Pollution Control Board & Ors	Applicant in person Mr. Tarun Patnaik, ASC for State, Mr. Dipanjan Ghosh, Advocate for R-1, Ms. Anamika Pandey, Advocate for R-4 Mr. Ashok Prasad, Advocate for R-5
FOR FILING COUNTER AFFIDAVIT BY R.4&5			
3	Original Application No. 183/2023/EZ WITH	Vishal Kumar Vs Bihar Foundry and Casting Ltd & Ors	Mr. Akshar Bhatt, Adv a/w Mr. Ishan Agrawal, Adv for Applicant Mr. Arindam Banerjee, Adv a/w Mr. Shivam Bhimsaria, Adv for R.1 Ms. Anamika Pandey, Adv for R.2 Mr. Surendra Kumar, Adv for R.3 Mr. Sibojyoti Chakraborty, Adv for R.4 Ms. Aishwarya Rajyashree, Adv for R.5 Mr. Gigi C George, Adv for R.6
4	Original Application No. 44/2023/EZ	Rakesh Shrivastava Vs. Bihar Foundry and Casting Limited & Ors.	Mr. Joy Saha, Sr. Adv a/w Mr. Sagnik Choudhury, Adv a/w Mr. Anubhav Khastagir, Adv and Mr. Sarathi Dasgupta, Adv and Mr. Nilanjan Pal, Adv for Applicant Mr. Arindam Banerjee, Adv a/w Mr. Sandip Agarwal, Adv

			and Mr. Shivam Ghimaria, Adv for R.1&2 Ms. Anamika Pandey, Adv for R.3 Mr. Surendra Kumar, Adv for R.4 Mr. Ashok Prasad, Adv for R.5
FOR FILING COUNTER AFFIDAVIT BY R.10&11			
5	Original Application No. 85/2023/EZ	Saheen Tarannum & Anr. Vs State of Odisha & Ors	Mr. Ritwick Dutta, Adv /w Mr. Rahul Choudhary, Adv, Mr. Kaustav Dhar, Adv, for Applicant Mr. Sakil Prasad Panda, AGA a/w Mr. Tarun Patnaik, ASC for R.1&5 Mr. Dipanjan Ghosh, Adv for R.2 Mr. Ashok Prasad, Adv for R.3,4&8 Mr. Ipsit Acharya, Adv. for R-6, Mr. Abhishek Jain, Advocate a/w Mr. Kumar Gupta, Advocate, Mr. Piyush Jain, Advocate and Ms. Maenakshi Manot, Advocate for R-7&11 Mr. Surendra Kumar, Adv for R.9
FOR FILING FRESH INSPECTION REPORT			
6	Original Application No. 138/2023/EZ (Earlier OA 181/2022/PB)	Dinesh Prasad Chaurasia & Ors Vs State of Bihar	Applicant in person Mr. Adarsh Tripathi, Adv for NTPC Ms. Amrita Pandey, Adv. for Bihar SPCB,
CASE AT SERIAL NUMBER 7 WILL BE TAKEN UP ON 07.08.2024			
FOR HEARING			
7	Original Application No. 111/2023/EZ (Earlier Original Application No. 34/2023/PB)	Pradeep Kumar Singh Vs. State of Jharkhand & Ors.	Mr. Dipanjan Ghosh, Advocate and Mr. Prithwish Kumar Basu, Advocate for Applicant Ms. Aishwarya Rajyashree, Adv. for R-1&2, Mr. Kumar Anurag Singh, Adv. a/w Ms. Ekta Bhardi, Adv for R-3, Mr. Tatsat Shukla, Adv. for R-4,5,8,9,11&14

For orders, cause list and other information please visit our website: www.nectribunal.gov.in

For detailed Standard Operating Protocol for Virtual Video Conferencing in NGT please visit our link: https://nectribunal.gov.in/sites/default/files/all_documents/SOPngt.pdf

INSTRUCTIONS FOR SMOOTH VC HEARINGS

While joining, the VC room, enter details only in the following format :

Item No. (XX) - (NAME) - (PARTY)

e.g.
Item 2 - abc - Petitioner
Item 7 - abc - Adv for SPCB
Item 4 - bed - Adv. for Resp. 2 & 4
Item 1 - bed - DM for State of xyz

After joining, ensure that -

VIDEO is always on OFF mode AND MIC is always on MUTE mode

Video should be switched ON only by the parties to a case, when the concerned Item No. is called for hearing.

Mic should be UNMUTED only by the party speaking. Switching on the Video or UNMUTING the Mic otherwise will disturb the hearing of ongoing matters.

Note 1

A prayer for adjournment will be considered as per Office Order No. 33/01/2015/NGT/EZB/KOL/Judicial Matter/187 dated 19.03.2024

Note 2

As indicated in the Office Order No. NGT/PB/RO/2018/135 dated 20.02.2020, reports received in the matters are uploaded on the Website of NGT for access by all concerned. Non-availability of such report with party shall not be accepted as denial of opportunity or a ground for adjournment.

ORDER

1. Heard Mr. Secretary General, learned Counsel appearing on behalf of the Applicant.
2. It is ordered that the report filed by the Applicant regarding the matter is to be made available to all concerned parties and the same shall be uploaded on the website of the authority.
3. It is also directed that the authorities are suffering from delay in providing the report and the same shall be made available to the concerned parties within the stipulated time.
4. The matter is adjourned to the next date for further proceedings.

Annexure - A.

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.102/2024/EZ

Ramchandrapur Kalyan Samity & Ors.	Applicant(s)
Versus	
The State of West Bengal & Ors.	Respondent(s)

Date of Hearing: 27.05.2024

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sagarmay Ghosh, Advocate

ORDER

1. Heard Mr. Sagarmay Ghosh, learned Counsel appearing on behalf of the Applicant.
2. This Original Application has been filed by the Applicant alleging that there is a trenching ground of night soil, carcasses, garbage and also solid waste which situates in and around of heart of the densely and thickly populated locality of Ramchandrapur under Panihati Municipality.
3. It is also alleged that the inhabitants are suffering immensely from acute health hazards and incurable diseases due to the existence of the said trenching ground creating nuisance as well as air, water and environmental pollutions coupled with other hazards and unhygienic problems at large and the entire state of environment in the area has become dangerous for life and habitation.
4. In our opinion, matter requires consideration.
5. Issue notice to the respondents, returnable within four weeks.
6. Mr. Sudip Kumar Dutta, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 2, 9, 10 and 13, State Respondents, Government of West Bengal.

7. Mr. Dipanjan Ghosh, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.12, West Bengal Pollution Control Board.
8. Mr. Ashok Prasad, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.14, Central Pollution Control Board.
9. Issue notice to the Respondent No.4, Panihati Municipality, returnable within four weeks.
10. All the respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
- (i) Senior Scientist, West Bengal State Pollution Control Board;
 - (ii) Senior Scientist, Central Pollution Control Board;
 - (iii) District Magistrate, North 24 Parganas or his representative not below the rank of Additional District Magistrate; and
 - (iv) The Executive Officer, Panihati Municipality.
12. The Committee shall visit the site in question and submit its report on affidavit within four weeks with regard to the allegations made in the Original Application.
13. The District Magistrate, North 24 Parganas, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
14. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sudip Kumar Dutta, Mr. Dipanjan Ghosh and Mr. Ashok Prasad, learned Counsel for the Respondents, within 48 hours.

19

List it on 07.03.2024.

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

May 27, 2024
O.A. No.102/2024/EZ
SKB



Annexure - A.

Office of the Municipal Councillors of Panihati
Panihati, North 24 Parganas,
Pin no.- 700 114
Phone: 2553-2909/2563-4457
Fax : 2553-1487
Website- www.panihatimunicipality.in
Email ID- panihatimunicipality@yahoo.co.in

Date: 07/06/2024

No. PM/LC/2024-25/12

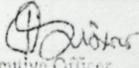
To,
Sri. Biswajit Marik,
Secretary
Ramchandrapur Kalyan Samity
Ramchandrapur, Panihati,
P.O. :- Sodepur, P.S.:- Khardah,
Kol-110.

Sub: OA/102/2024/EZ
Ramchandrapur Kalyan Samity & Ors.
Vs.
The State of West Bengal & Ors.

Sir,

You are requested kindly to provide a copy of the above original application which was moved before the National Green tribunal, Eastern Zone, on 27/05/2024, without the copy of the application we are unable to identify the spots to visit and to consider your allegations.

Thanking You.


Executive Officer
Panihati Municipality

Executive Officer
Panihati Municipality





- 22 -

Annexure - B

Office of the Municipal Councillors of Panihati
Panihati, North 24 Parganas,
Pin no. 700 114
Phone. 2553-2909/2563-4457
Fax : 2553-1487
Website- www.panihatimunicipality.in
Email ID- panihati@panihati.in

Date: 07/06/2024

No. PM/LC/2024-25/11

To,

- 1) The Senior Scientist
West Bengal Pollution Control Board
Paribesh Bhawan
10A, Block-LA, Sector-III
Bidhannagar, Kolkata-700 106
- 2) The Senior Scientist
Central Pollution Control Board
Kasba New Market, Sector E,
East Kolkata Twp, Kolkata-700107
- 3) The District Magistrate
North 24 Parganas,
Katgola, Banamalipur,
Barasat, Kolkata-700124

Sub: OA/102/2024/EZ

Ramchandrapur Kalyan Samity & Ors.

Vs.

The State of West Bengal & Ors.

Respected Sir(s),

In pursuance of the order dated 27/05/2024 passed by the Hon'ble National Green Tribunal, Eastern Zone, you are requested to constitute a committee for disposal of the allegations made in the original application.

We have received the copy of the order dated 27/05/2024, but no copy of the original application has yet been served upon us.

Therefore, you are requested to kindly fix a date for meeting in compliance of the said order and inform us accordingly.

Thanking You,



B. S. K.
Executive Officer
Panihati Municipality
Executive Officer
Panihati Municipality

- 28 -

Annexure - B

EW076885253IN IVR:6987076885253
 SP SODEPUR SO <700110>
 Counter No:1,11/06/2024,11:12
 To:DISTRICT MAGI,BANAMALIPUR
 PIN:700124, Barasat HO
 From:PANIHATI MU,B T ROAD, PANIHA
 Wt:10gms
 Amt:17.70,Tax:2.70,Amt.Paid:18.00 (Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>

EW076885240IN IVR:6987076885240
 SF SODEPUR SO <700110>
 Counter No:1,11/06/2024,11:12
 To:SR SCIENTIST,CPC BOARD KABBA
 PIN:700107, Madurdaha SO
 From:PANIHATI MU,B T ROAD, PANIHA
 Wt:10gms
 Amt:17.70,Tax:2.70,Amt.Paid:18.00 (Cash)
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear Masks, Stay Safe>

EW076885236IN IVR:6987076885236
 SP SODEPUR SO <700110>
 Counter No:1,11/06/2024,11:12
 To:SR SCIENTIST,PARIBESH BHAWAN
 PIN:700106, Bidhan Nagar IB Market SO
 From:PANIHATI MU,B T ROAD, PANIHA
 Wt:10gms
 Amt:17.70,Tax:2.70,Amt.Paid:18.00 (Cash)
 <Track on www.indiapost.gov.in>

Ameykue - C

রাজ্য নগর উন্নয়ন সংস্থা
STATE URBAN DEVELOPMENT AGENCY

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

SUDA

No. SUDA-11011(15)/7/2024-LAW SEC(SUDA)-SUDA/4514(3)

Date: 12.06.24

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

To :

1. The Chief Executive Officer, KMDA.
2. The Chairman/Chairperson, Panihati Municipality.
3. The Executive Officer, Panihati Municipality.

Sub: Original Application No.102/2024/EZ [Ramchandrapur Kalyan Samity & Ors. - Vs- The State of West Bengal & Ors.]

Sir,

Apropos, the captioned subject, I am directed to forward herewith a copy of an order dated 27.05.2024 passed by Hon'ble NGT in O.A. No. 102/2024/EZ along with the copy of the original application (petition copy) and copy of the Notification vide Memo No. 1471-UDMA-11012(99)/53/2021 dated 06.06.2024 in connection with the instant matter for your kind information with a request to look into the matter as per norms and provide a comprehensive report along with geo-tagged photographs and paragraph-wise Statement of Facts as per prescribed format within seven working days positively as the matter is related to Hon'ble NGT.

You are further requested to submit one excel/word copy and one signed PDF copy of the report through email at ngt.udma@gmail.com and sbm.wbsuda@gmail.com

This may be treated as urgent.

Encl: As stated

Yours faithfully,

Joly Chaudhuri
12.06.2024

Additional Secretary,
UD & MA Department &
Additional Director, SUDA

No. SUDA-11011(15)/7/2024-LAW SEC(SUDA)-SUDA/4514(3)/1(5)

Date: 12.06.24

Copy forwarded for kind information and necessary action to:

1. The Secretary, KMDA.
2. The District Magistrate, North 24 Parganas.
3. The Chief Engineer, S & SWM, Water & Sanitation Sector, KMDA.
4. Sr. PS to Secretary, UD & MA Department.
5. Sr. PS to Senior Special Secretary, UD & MA Department.

Joly Chaudhuri
12.06.2024

Additional Secretary,
UD & MA Department &
Additional Director, SUDA

দূরভাষ : (০৩৩) ৬৬৩৬৬০০

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

Account Section : (033) 66366627

Annexure - c

Kolkata
Metropolitan
Development
Authority

OFFICE OF THE SUPERINTENDING ENGINEER
NORTH CIRCLE, SEWERAGE, DRAINAGE AND SOLID WASTE MANAGEMENT SECTOR
KOLKATA METROPOLITAN DEVELOPMENT AUTHORITY

bkpal.kmda09@gmail.com

BLOCK - A, 5TH FLOOR, UNNAYAN BHAVAN, SALT LAKE, KOLKATA - 700 091

নগর উন্নয়ন ও পৌর বিষয়ক বিভাগ, পশ্চিমবঙ্গ সরকার

URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS DEPARTMENT
GOVERNMENT OF WEST BENGAL

e-Rfp No.: 02/SE(NC)/SD&SWM/KMDA of 2024-2025

dated: 13.06.2024

Memo No.: 678/SE(NC)/SD&SWM/KMDA/G-27

Date: 13.06.2024

ABRIDGED NOTICE INVITING REQUEST FOR PROPOSAL

1. **Invitation:** The Superintending Engineer, North Circle, Sewerage, Drainage and Solid Waste Management Sector, Kolkata Metropolitan Development Authority invites online e-Request for Proposal in two part system (Part-I Technical Bid and Part-II Financial Bid) from reliable, resourceful, bonafide and experienced firms/companies/Individual contractors/Special Purpose Vehicle/Joint Ventures, having experience and capability in executing projects of Solid Waste Management (SWM) work in any Government/ Government Undertaking/ Autonomous Bodies/Semi-Government/Statutory Bodies and Local Bodies, within the last 5 (five) years from the date of issuance of this Request for Proposal, for the work of "Biomining of legacy waste and reclamation of land of dumpsite utilising scientific method located at Panihati Municipality in North 24 Parganas district, West Bengal on turnkey basis".

Name of the Works, EMD and time of completion are mentioned below:

Sl. No.	Name of Work	Estimated Value of the work (₹)	Earnest Money Deposit (EMD) (₹)	Total Time of Completion
1.	Biomining of legacy waste and reclamation of land of dumpsite utilising scientific method located at Panihati Municipality in North 24 Parganas district, West Bengal on turnkey basis.	Rate to be Quoted	2% of the contract amount. Initial EMD: ₹10,00,000.00	450 days (Four Hundred and Fifty days)

Note:

(1) Corrigendum/addendum if any will be published on <https://wbendersr.gov.in> and/or on <https://kmda.wb.gov.in/> only.

(2) **Installation of weighbridge and processing timeline:**

The successful bidder shall be given maximum of 75 days to install the weighbridge system (permanent) and other machineries required for processing of legacy waste. This includes the installation of weighbridge along with calibration, operationalising the real-

Annexure - C

time monitoring system and all other necessary machineries and a successful trial run (minimum of 7 working days).

Physical work on biomining must begin within 75 days from the work order issuance date. However, processing activities of legacy waste should not commence until *a) the real-time monitoring system is fully installed, operational, and verified, b) weighbridge Calibration Certificate is duly submitted to EIC.* It is to be kept in mind that Time is the essence of this contract, and the agency shall complete the work within the scheduled time of completion, failing to meet this deadline will result in penalties, including potential liquidated damages.

- (3) The successful bidder has to install permanent weigh bridge of minimum of 40MT capacity (preferably pit-less type) and 12m length. The processing capacity of the plant should be at least 500 MT per day from the date of commencement of legacy waste processing, so that, the operator can process and remove minimum of 500 MT of waste per day, positively. Accordingly the agency shall design and install the number of trommel/machineries required for processing of atleast 500MT per day of legacy waste.
 - (4) The successful bidder has to submit balance of 2% of the contract amount, as earnest money deposit, as mentioned, at the time of execution of formal agreement.
2. Intending bidders may download the tender documents from <https://wbtenders.gov.in> indirectly with the help of his/her Digital Signature Certificate and the Earnest Money should be deposited online either by Net Banking (through any Nationalised Bank/Scheduled Bank) or through RTGS/NEFT as per requirement of the system, as per GO no. 3975-F(Y) dt. 28.07.2016 of Finance Department, Government of West Bengal. Further details may be available from the office of the undersigned or from the KMDA website: <https://kmda.wb.gov.in/>.
 3. Last date & time of submission of bids through online is 16.07.2024 up to 14:55 hours.

Superintending Engineer (Civil)
North Circle
Sewerage, Drainage and Solid Waste Management Sector
Kolkata Metropolitan Development Authority

Ameyou D.

DRIFT REPORT

JOINT FIELD VERIFICATION IN CONNECTION WITH O.A. NO. 102/2024/EZ
 IN PRESENCE OF THE SENIOR SCIENTIST C.P.C.B, THE SENIOR SCIENTIST W.B.R.C.B, A.D.M(LR), N
 24 PARGANAS, E.O PANIHATI MUNICIPALITY & C.I.C (CONSERVENCY), PANIHATI MUNICIPALITY,
 ENGINEERING OFFICIALS & OTHERS.

Panihati municipality situated in North 24 parganas and it was established on 01.04.1900.

Municipal Trenching Ground at Ramchandrapur, Sodapur, Land area 1.8 acre, Holding No. 197, Mouza- Sodepur, Tarapukuria, Dag- 763, 779, 764, 762, Khatian no.- 429/3,38, 94, J.L. No.- 03, 12, has been using for dumping of waste of Panihati for more than 100 (one hundred) years.

Now, the daily waste of near about 5 (five) lakhs population of Panihati to be dumped in that trenching ground, has been stopped since 4th January, 2024 due to the objection created by Ram Chandrapur Kalyan Samity and others. As a result, the municipality is facing a major difficulty to clean & hygiene of daily waste which are collected from Municipal area.

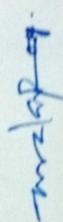
In the mean time, an intervention of UD&MA department with KMDA was made for an arrangement of transporting the daily municipal waste to Dhapa Dumping Ground from 09.02.2024 and still now continuing the process. As a result no fresh waste is dumping at Ram Chandrapur Trenching Ground since 09.02.2024. (enclosed Work Order)

Also the septage and /or waste product of septic tank are disposed to the inlet of MPS of STP (WSP) in Panihati beside Mahispota Link Road Natagarh which are maintained by KMDA. (enclosed Order).

In other hand, the processing of existing legacy waste (about 1.20 lakh MT) at Ram Chandrapur Trenching Ground has been taken up by KMDA for Bio-Minining and Bio-remediation and the NIT has already been floated (NIT copy enclosed).



Ameyou D.
 Executive Officer
 Panihati Municipality
 Executive Officer
 Panihati Municipality


 Chairman
 Panitahi Municipality

VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL AT CALCUTTA

ORIGINAL APPLICATION No. 102 OF 2024

RAMCHANDRAPUR KALYAN SAMITY & ORS

Applicants
Petitioners

-VERSUS-

THE STATE OF WEST BENGAL & ORS & ORS

Respondent
Opposite Party

Vakalatnama on behalf of _____ Respondent No. 5

Know all men these presents that by Vakalatnama, I appoint the Advocates noted

For filling memorandum appeal or petition

below or any one of them my/our lawful Advocate or Advocates-----

of entering appearance

in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/our behalf for filling, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the record and I further say any act. Done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my own true and lawful act.

And I further hereby agree and undertake to pay the said Advocate his or their fees as settled and all others sums that may be necessary to the requisition of the Court and otherwise to enable the said Advocate to conduct the case properly. Failing which the said Advocate after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I sign and execute this Vakalatnama on this the _____ day of July 2024

Soumyajit Bhatta
Advocate

Bar Association, Room No. 13
High Court, Calcutta

bhatta_soumyajit69@gmail.com

9830413068 & 9874944303

WB - 77412000



Received the vakalat nama
from the agent of the executant
and accepted with satisfaction.

Sourmyjit Bhattacharya
Advocate.

Enrol no. - WB-774/2000.

Before the Hon'ble National Green
Tribunal
Eastern Zone Bench, Kolkata
Original Application No.102/2024/EZ

In the matter of : -

Ramchandrapur Kalyan Samity and
Others.

.... Applicants

-Versus-

The State of West Bengal & Others.

.... Respondents

Counter Affidavit on behalf of the
Respondent

No. 4, Panihati Municipality

Soumyajit Bhatta.
Advocate
High Court, Calcutta,
Bar Association
Room No.-13
9830413068, 9874944303
bhatta.soumyajit69@gmail.com