

Register 01 S.L. No. 109 DL 09 AUG 2024

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Before the National Green Tribunal, Eastern Zone Bench, Kolkata

M.A No. 24 of 2024

IN

Original Application No. 152 OF 2017/EZ

Legal Aid Services-West Bengal

...Applicant

Versus

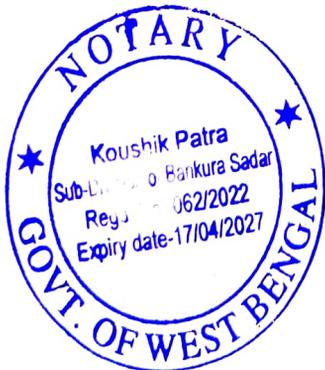
Union of India and others.

....Respondents

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6, THE DISTRICT
MAGISTRATE, BANKURA**

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Filed by:

[Handwritten signature]

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**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6, THE DISTRICT
MAGISTRATE, BANKURA**

I, Siyad N, son of Nazimudeen S, residing at Bankura, aged about 33 years, by faith: Muslim, by occupation- Government Service, now posted as District Magistrate, Bankura, do hereby solemnly verify and say as follows: -

1. I am the present District Magistrate, Bankura, the applicant/Respondent No. 6 herein. I have made myself acquainted with the facts and circumstances of this case to affirm this affidavit.
2. That this affidavit is being affirmed in pursuant to the solemn order dated 03.07.2024 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit.
3. That the project proponent, MTPS, Durlavpur under Gangajalghati Block have already deposited the amount of Rs.20,00,000,00/= (Rupees twenty crore) only with the District Magistrate, Bankura and the amount kept in a separate account bearing No -192501003062, IFSC Code- ICIC0001925 in the ICICI Bank at Bankura, JB Road, Machantala on 30.06.2022 in compliance with the Order dated 09.05.2022 passed by the Hon'ble Tribunal.

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4. That the lists of affected farmers which were published by B.D.O. Gangajalghati and the synopsis of the lists is hereby given below: -

Sl. No.	Specification of the list of the farmers	Total Nos of farmers listed for crop compensation	Total amount involved
1.	First list vide memo. No. 1550 dated.26/07/2022	2900 nos.	Rs. 6,93,70,795.06
2.	Second list vide Memo. No.1567 dated. 29/07/2022	799 nos.	Rs. 98,31,559.68
Total		3699 nos.	Rs. 7, 92,02,354.74
		Or say	Rs. 7, 92,02, 355.00

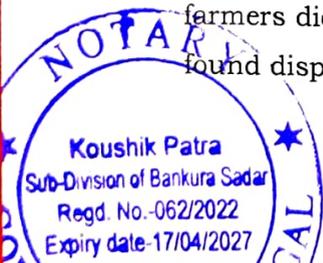
It was later found by the BDO, Gangajalghati that one name in the first list was repeated. So, the actual number of affected farmers came to 2900-1+799 i.e., 3698.

It appears from the records that there were certain inadvertent mistakes in calculating the area affected and hence the amount of compensation to be paid was reduced to Rs. 5,91,90,247.86.

5. That In compliance with the order dated 14.12.2023 passed by the Hon'ble Tribunal in connection with the O.A. No. 152/217/EZ (I.A. No. 230/2022/EZ), the answering respondent has already released **a sum of Rs. 5,91,90,248/=** (Rupees five Crore, ninety-one lakh, ninety thousand two hundred and forty-eight) only to the account of BDO Gangajalghati under office Memo. No.454/R.M. dated 23.02.2023. The answering respondent has also released a sum of **Rs.12,08,00,000/=** (Rupees twelve Crore and eight lakh) only in WBPCB's account under office Memo. No.1904(A)/R.M. dated 09.10.2023.

Photocopies of the said office Memo dated 23.02.2023 and 09.10.2023 are annexed herewith and marked with Annexure - "A" collectively.

6. It was later found by the BDO, Gangajalghati that out of a total of 3698, 543 farmers did not have the Records of Rights in their name and 68 applications were found disputed. So, the actual number of affected farmers eligible for compensation



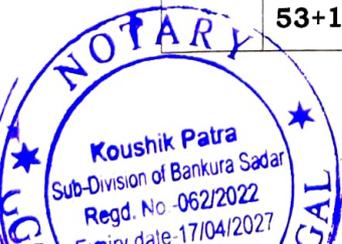
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came to 3698-543-68 i.e., 3087. After making payment for these cases, 15 cases were refunded by the bank due to failed transaction. It was found that out of these 15 farmers, 3 farmers were dead. Account details of the rest 12 cases was later reconciled and payments were made to them.

7. That BDO Gangajalghati has submitted a detailed statement of fund disbursement is given below:

Sl. No.	Particulars	No. of application	Amount (Rs)
1.	Fund received	3698	5,91,90,248.00
2.	Total number of applications having 0 (Zero) amount of compensation due to lack of ROR	(-) 543	-
3.	Disputed applications	(-) 68	-
3.	Total amount of fund disbursed against 3087 applications vide cheque No.151961 & 151962	3087	(-) 5,74,01,250.10
4.	Further Payment made against 53 applications vide cheque No. 151971 & 151972 after disposal of the 68 disputed applications	53	(-) 10,89,262.08
5.	Out of 3087 application 15 application refunded by bank as failed transaction.	15	(+) 1,70,968.32
6.	Payment made against 12 applications out of 15 applications (as stated in serial No.5) as 3 applications are dead, vide cheque No. 151980 & 151981	12	(-) 1,45,411.20
7.	Total Payment Pending (68-53+15-12) i.e., 18	18	7,25,292.94



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8. It was reported by the BDO that out of 543 cases, in 482 cases, ROR was submitted later. Also 78 fresh applications were received. Then claims for additional compensation were received in two batches for 233 and 41 cases respectively.

9. Based on the above, three lists for Crop compensation were received from the BDO Gangajalghati, Bankura through email vide office Memo. No. 2355 dated 10.10.2023, Memo. No. 2099 dated 04.09.2023 and Memo. No. 2744 dated 11.12.2023 the details of which are given below: -

Sl. No.	Memo. No. with date of letter	No. of beneficiaries affected by the fly ash of MTPS	Amount of compensation in (Rs.)
1.	2355 dated.10/10/2023	482+78 = 560	49,88,926.080
2.	2099 dated. 04/09/2023	233	23,89,150.080
3.	2744 dated. 11/12/2023	41	3,91,288.32
Total		834	77,69,364.480

10. That It is mentioned here that, previous pending amount of **Rs. 7,25,292.94** + **current amount of Rs.77,69,364 .48 aggregating to Rs.84,94,657.42** were also released to the account of BDO Gangajalghati vide Cheque No. 000135 dated 10.01.2024 issued by the Nezarath Deputy Collector, Bankura and BDO Gangajalghati has also submitted Utilization Certificate vide office Memo No. 1757(1) dated 29.07.2024.

Photocopy of the said office Memo dated 1757(1) dated 29.07.2024 is annexed herewith and marked with Annexure - "B".

11. As reported by the BDO, the unspent balance kept in her respective bank account is Rs. 14, 50,585.88/-

A photocopy of the report by BDO, Gangajalghati, vide her Memo No. 1878/BDO/G. GHATI/2024 dated 06.08.2024 is annexed herewith and marked with Annexure - "C".

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12. After making disbursements to the BDO and the West Bengal Pollution Control Board, the balance lying in the bank account of the District Magistrate is Rs. 1,15,15,095/-. The fund in balance will be disbursed on receipt of fresh applications and subsequent verification by the BDO, Gangajalghati.

13. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

14. That the statements made in paragraph 1 to 13 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

Samir Banerjee
Advocate

SAMIR BANERJEE
Advocate
District & Sessions Judge's Court, Bankura
Enrollment No.-F/125/2013
Mob-9734730298

[Signature]
Deponent

District Magistrate
Bankura

Identified by me
Samir Banerjee

Affirm before Notary
Sub-Division of Bankura Sadar
Bankura

SAMIR BANERJEE
Advocate
District & Sessions Judge's Court, Bankura
Enrollment No.-F/125/2013
Mob-9734730298



Koushik Patra
09.08.24

Koushik Patra
Notary
Govt. of West Bengal
Sub-Division of Bankura Sadar
Regd. No.-062/2022
Expiry date-17/04/2027

09 AUG 2024



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR, BANKURA
(REVENUE MUNSHIKHANA)
BANKURA- 722101

Phone No. Office: 9475900041

e-mail: rmsectionbankura2015@gmail.com

Memo No.: 454/R.M.

Dated: 23/02/2023.

To
 The Officer-in-charge,
 Mid Day Meal, Bankura.

Sub.: - Implementation of the order of the National Green Tribunal Dated 14/02/2023 in connection with the O.A. No. 152/2017/EZ (I.A. No. 230/2022/EZ).

On compliance of the order of the National Green Tribunal (Eastern Zone), Kolkata Dated 14/02/2023 in connection with the O.A. No. 152/217/EZ (I.A. No. 230/2022/EZ), the undersigned is directed to communicate you to transfer Rs. 5,91,90,248/- (Rupees five crore ninety one lakh ninety thousand two hundred and forty) only in favour of the Block Development Officer, Gangajalghati in the bank account as noted below: -

Sl. No.	Name of Block	Account No.	IFSC Code	Branch
1.	Gangajalghati	0195010184878	PUNB0019520	PNB, Amarkanan

This is top urgent and an "Action Taken Report" is urged within 28/02/2023.

Encl: Bank details of the BDO, Gangajalghati.


 Additional District Magistrate (General),
 Bankura.

Memo No. 454/1(06)/RM

Dated: 23/02/2023.

Copy forwarded for information and taking necessary action to: -

- (1). The Chief Engineer, Mejhia Thermal Power Station (DVC), P.O. – Durlavpur, P.S. – Gangajalghati, Dist. – Bankura.
- (2). The Sub-divisional Officer, Sadar, Bankura with the request to supervise into the matter.
- (3). The Nezarath Deputy Collector, Bankura.
- (4). The Block Development Officer, Gangajalghati with the request to follow up the orders as communicated vide Memo. No. 432/RM Dated: 21/02/2023 (Copy enclosed). He is also requested to convey the list of payment of crop compensation after completion of payment to the affected farmers as per lists published by you. He would check & verify the genuinity of the recipients before making payment.
- (5). CA to the District Magistrate Bankura with the request to place it before the authority for kind perusal
- (6). CA to the Additional District Magistrate (General), Bankura with the request to place it before the authority for kind perusal


 Additional District Magistrate (General),
 Bankura.



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR, BANKURA
(REVENUE MUNSIFKHANA)
BANKURA- 722101

Phone No. Office: 9475900041

e-mail: rmsectionbankura2015@gmail.com

Memo No.: 1904(A)/ R.M.

Dated: 09/10/2023.

To
The Nezarath Deputy Collector,
Bankura.

Sub.: - Implementation of the order of the National Green Tribunal Dated 14/02/2023 in connection with the O.A. No. 152/2017/EZ (I.A. No. 230/2022/EZ).

On compliance of the order of the National Green Tribunal (Eastern Zone), Kolkata Dated 14/02/2023 in connection with the O.A. No. 152/2017/EZ (I.A. No. 230/2022/EZ), the undersigned is directed to communicate you to transfer Rs. 12, 08, 00, 000 /- (Rupees twelve crore and eight lakh) only in favour of the WBPCB in the bank account as noted below:

Sl. No.	Account Name	Account No.	IFSC Code	Branch
1.	West Bengal Pollution Control Board	520141001662134	UBIN0906638	UBI, NUJS, Kolkata Branch

This is top urgent and the transfer of such amount has to be completed by 17/10/2023.

Encl: Bank details of the WBPCB.


 Additional District Magistrate (General),
 Bankura.

Memo. No. 1904(A)/ 1(7)/ RM

Dated: 09/10/2023.

Copy forwarded for information and taking necessary action to: -

- (1). The Chief Engineer, West Bengal Pollution Control Board, Paribesh Bhawan, 10 A, Block-LA, Sector-III, Bidhannagar, Kolkata – 700106 (WB) (ce1.wbpcb-wb@bangla.gov.in).
- (2). The Chief Engineer, Mejhia Thermal Power Station (DVC), P.O. – Durlavpur, P.S. – Gangajalghati, Dist. – Bankura.
- (3). The Sub-divisional Officer, Sadar, Bankura with the request to supervise into the matter.
- (4). The Nezarath Deputy Collector, Bankura.
- (5). The Block Development Officer, Gangajalghati.
- (6). CA to the District Magistrate Bankura with the request to place it before the authority for kind perusal
- (7). CA to the Additional District Magistrate (General), Bankura with the request to place it before the authority for kind perusal


 Additional District Magistrate (General),
 Bankura.

GFR 19 - A
(See Rule 212 (1))
Form of Utilization Certificate

Sl. No.	Letter No. And Date	Amount (Rs.)
1.	National Green Tribunal (Crop Compensation, MTPS)	Rs 8494657.00

Certificate that out of Rs. **8494657.00** of Grants during the years 2023-24 in favour of **Gangajalghati Development Block**, a sum of Rs. **7769364.48** has been utilized for the purpose to Meet up expenditure for Crop Compensation to the affected farmer's by MTPS ash (for which it was sanctioned) and that the balance of Rs. **725292.52** remain unspent.

1. Certified that I have satisfied myself that the conditions on which the grant-in-aid was sanctioned have been duly fulfilled / are being fulfilled and that I have exercised that following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kind of checks exercised: *Allotment Register, Bill & Voucher.*


29.07.24
Block Development Officer
Gangajalghati, Bankura

Government of West Bengal
Office of the Block Development Officer
Gangajalghati, Bankura

Memo No :- 1757/1

Date :- 29/07/2024.

Copy forwarded for information and taking necessary action to:-

1. The Additional District Magistrate (General), Bankura.
2. The Officer-in-Charge, Revenue Munshikhana, Bankura.


Block Development Officer
Gangajalghati, Bankura



Government of West Bengal
Office of the Block Development Officer
Gangajalghati Development Block
 Amarkanan, Bankura, Pin-722133, e-mail: gghati@gmail.com

Memo No : 1878/BDO/G.GHATI/2024

Date : 06/08/2024

To
 The District Magistrate,
 Bankura.

Sub:- Report regarding payment of crop compensation made due to breach of ash pond in MTPS.

Ref.:- Memo no. 1371/RM dated 06/08/2024 of the District Magistrate, Bankura.

Sir,
 With reference to the above subject, I am sending herewith the brief payment history of crop compensation made to the affected farmers due to breach of ash pond in MTPS. This is for your kind information and taking necessary action.
 Thanking you.

Encl.: As stated.

Yours faithfully,

Mayer
 06.08.24
Block Development Officer
Gangajalghati Development Block
Amarkanan, Bankura

Date : 06/08/2024

Memo No : 1878/1(2)/BDO/G.GHATI/2024

Copy forwarded for information to-

1. The Additional District Magistrate (Gen.), Bankura.
2. The Officer-in-Charge, Revenue Munsikhana, Bankura.

Mayer
Block Development Officer
Gangajalghati Development Block
Amarkanan, Bankura

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Brief Payment History for Crop Compensation to the affected farmers due to breach of Ash Pond of MTPS

On receiving the direction of the Hon'ble NGT, applications for crop compensation were invited from the affected farmers at Panchayat level. The affected mouzas were identified through a joint inspection of ADA, BL&LRO and BDO of Gangajalghati Block.

- ✓ As per Memo No. 432/RM dated 21.02.2023 of the District Magistrate, Bankura and memo no. 454/1(06)/RM dated 23/02/2023 of the Additional District Magistrate (General), Bankura, an amount of Rs. 59190248 (Rupees five crore ninety one lakh ninety thousand two hundred forty eight) was transferred to BDO, Gangajalghati for payment of crop compensation to the affected farmers as per lists published vide memo no. 1550 dated 26.07.2022, memo no. 1567 dated 29.07.2022 and memo no. 1635 dated 04.08.2024 from BDO, Gangajalghati.

As per the three lists mentioned above, there were 3701 number of applications. Out of these 3701, 3 applications were found duplicate. Therefore nos. of actual applications was 3698.

- Out of these 3698, 543 number of applications got 0 (zero) amount of compensation as they were lacking proper land document as per RoR in their names and 68 nos. of applications were found disputed. As such, payment was made against (3698-543-68) =3087 nos. of applications for an amount of Rs. 57401250.10 (Rupees five crore seventy four lakh one thousand two hundred fifty and ten paisa) only.
- Out of 3087 applications, 15 applications were refunded by Branch Manager, Amarkanan, PNB due to failed transaction (Rs. 170968.32).

After careful verification it was found that out of 15 applications, 3 applicants are dead. Hence the payment of Rs. 145411 20 against 12 applications was made.

- Again out of the above 68 applications, payment of Rs. 1089262.08 was made against 53 applications. (15 remaining, still disputed).
- Pending for payment 3+15 = 18 no of applications.

Hence, Rs. 59190248.00 was received, out of which Rs. 58464955.06 was disbursed.

Rs. 59190248.00 - Rs. 58464955 06 = RS. 725292.94 remain unspent in the account of BDO, Gangajalghati.

- ✓ Previously many farmers could not claim the actual amount due to lack of RoR in their names. Later several times demand for additional payment as well as fresh applications came up. Total 834 applications were found from which 756 applications were made for Additional Payment and 78 Fresh applications. Hence, an allotment of Rs. 8494657.42 was received from the Additional District Magistrate (Gen.), Bankura vide memo no. 17/RM/NGT/2024 dated 04.01.2024. Accordingly the block office disbursed the following amount.

Office Memo	Ref. Memo No.	No. of Applications	Zero compensation (Due to Lack of RoR)	Actual nos. of Payment was done	Amount Disbursed
Memo no. 2355 dated 10.10.2023	Memo no. 1608/RM dated 24.08.2023 & 1238/1(4)/RM dated 23.06.2023	560 (482 for Additional Payment and 78 Fresh applications)	277	283	4988926.08
Memo no. 2099 dated 04 09.2023	Memo no. 369/RM DATE 16.02.2023 & 2189/1(3)/RM dated 09.12.2022	233 (For additional payment)	82	151	2389150.08
Memo no. 2744 dated 11.12.2023	Memo no. 1987/RM dated 31.10.2023	41 (For additional payment)	3	38	391288.32
Total		834	362	472	7769364.48

Total amount of Rs. 7769364.48 is disbursed against 472 nos. of applications for payment of new and additional claims.

Rs. 8494657.42 - Rs. 7769364.48 = Rs. 725292.94 remains unspent in the account of BDO, Gangajalghati.

- ✓ **Total remaining unspent balance is RS. 725292.94 + Rs. 725292.94 = Rs. 1450585.88.**


AHC,

Gangajalghati Dev. Block


PA&AO,

Gangajalghati Dev. Block


Block Dev. Officer,

Gangajalghati Dev. Block

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

M.A No. 24 of 2024

IN

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In the matter of:

Legal Aid Services-West Bengal

...Applicant

Versus

Union of India and others.

... Respondents.

Affidavit on behalf of the
respondent no.6, the District
Magistrate, Bankura

RAJIB RAY

Advocate

Bar Association Room No. 13,
High Court, Calcutta

Mob-9830132729/7980422764

Chamber: 28, Fakir Chand Mitra
Street, Kolkata- 700009.

Email: rajib.ray23@gmail.com