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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MISCELLANEOUS APPLICATION NO. 20/2024/EZ
IN
ORIGINAL APPLICATION NO. 65/2022/EZ**

SUBHAS DATTA

.....APPLICANT

VERSUS

STATE OF WEST BENGAL & ORS.

.....RESPONDENTS

STATUS REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF SECRETARY,
GOVERNMENT OF WEST BENGAL.

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Filed by:



(Signature of Sudip Kumar Dutta)

Sudip Kumar Dutta
Advocate

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

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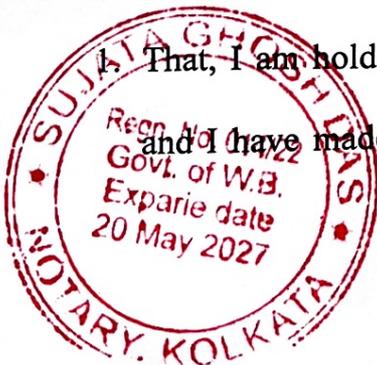
.....RESPONDENTS

STATUS REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF
SECRETARY, GOVERNMENT OF WEST BENGAL.

Most Respectfully Sheweth

I , Bhagwati Prasad Gopalika, S/o Satyanarayan Prasad Gopalika, aged about 60 years, by faith- Hindu, by Occupation- Government Service, working as the Chief Secretary, Government of West Bengal having office at Nabanna, 325, Sarat Chatterjee Road, Howrah, do hereby solemnly declare and say as follows:-

That, I am holding the post of Chief Secretary, Government of West Bengal and I have made myself well acquainted with the facts and circumstances of

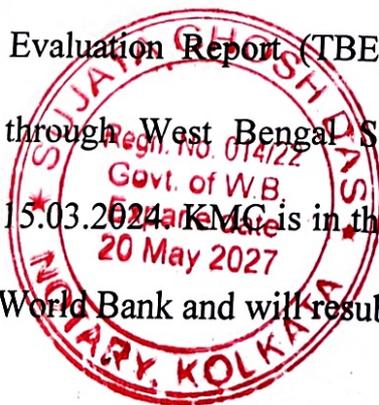


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instant case and have gone through the documents and reports pertaining to the subject matter of the instant Original Application. Hence, I am competent to affirm the instant affidavit before this Hon'ble Tribunal.

2. That, this affidavit is being affirmed in pursuance of the solemn Order passed by the Hon'ble National Green Tribunal, Eastern Bench dated 09.01.2023 and 03.07.2024 wherein Chief Secretary, Government of West Bengal was directed to submit report with regard to steps taken to prevent misuse of the river bank by throwing debris into the river (Adi Ganga) and what steps have been taken for fencing and to protect the river bank from encroachers and encroachments. The report shall address itself as to whether Khatalas namely, cow/buffalo sheds have been removed from the banks of the river or not. The report shall also examine the question of removal of the pillar which has been constructed in the middle of the River Adi Ganga.

3. That, in compliance with the directions of this Hon'ble Tribunal, Kolkata Municipal Corporation (KMC) has reported that they have evaluated the Technical Bid of the Detailed Project Report and submitted the Technical Bid Evaluation Report (TBER) to National Mission for Clean Ganga (NMCG) through West Bengal State Program Management Group (WBSPMG) on 15.03.2024. KMC is in the process to prepare the compliance report as sent by World Bank and will resubmit the Revised TBER to NMCG at the earliest.



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- Regarding removal of encroachment it has been stated that all the lands for STPs and SPSs are encroachment free. As the networking has drastically changed in the revised scope of “pollution abatement of Tolly’s Nullah”, only 08 (Eight) families needs to be rehabilitated near Madan Pal lane which will be well taken care by “Banglar Bari Project” at Shashi Shekar Bose Row in the same ward of KMC. The tender for the same has been finalized and the work order will be issued shortly.
- As per report of the Asst. Commissioner of Police (II), Kolkata dated 31.05.2023, it is stated that cow/buffalo sheds (Khatal) has been dismantled and no cattle shed are found at the banks of Adi Ganga.
- Installation of fencing across Adi Ganga at 30 nos. of Bridges is already completed. Further, fencing work along the bank of Adi Ganga at major portions specially near Market area of around 4.5 Km. have been done.
- Garbage dumping is regular arrested (by providing nets at suitable locations) and cleaning of floating materials from Adi Ganga has been taken on annual basis and the work is going on in full swing which will end by December, 2024. Also, cleanliness drive at ghats during special occasions such as Tarpan rituals, Chatt Puja, Durga Puja, Kali Puja etc. is also taken under consideration.

Further Solid Waste Management Dept. of KMC has also installed 02 nos. portable bins at major Ghats of Tolly’s Nullah.



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It has further stated that KMC is carrying out De-silting/Dredging of Tolly's Nullah (Adi-Ganga) as an interim measure to curb/minimize the pollution by maintaining the natural flow, which is stated as follows:

- 1) Dredging of Tolly's Nullah including cleaning rubbish, garbage and bushes on both banks of Tolly's Nullah from Chetla bridge to confluence point of river Ganga, Phase-1, *for a stretch of 4.7 KMs out of State funding, the work is fully completed on 31.05.2023.*
- 2) "Dredging of Tolly's Nullah including cleaning rubbish, garbage and bushes on both banks of Tolly's Nullah from Kudghat metro station to Chetla bridge including cleaning of silt and dismantling of concrete of test piles upto bed level of nullah under five metro stations, Phase-II.", *for a stretch of 5.37 KMs out of State funding, the work is going in full swing. The stretch from Chetla bridge to Kudghat Metro station is completed and further the dredging work beneath the next 5 metro station is under progress.*
- 3) "Dredging of Tolly's Nullah including cleaning rubbish, garbage and bushes on both banks of Tolly's Nullah From Kudghat Metro Station To Shahid Khudiram Metro Station Except Under Five Metro Stations, Phase-III" *for a stretch of 4.60 KMs out of State funding, the work is going in full swing. The Physical progress of work till date has been achieved as 30% (approx.).*



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- 4) "Dredging and De-silting of Tolly's Nullah from Dhalai Bridge to Tentulberia Sreenagar Bridge at Rajpur Sonarpur Municipality stated to be Phase-IV." *for a stretch of 1.15 KMs out of State funding, the tender for the work is under process, following which the work order will be issued after observing of all usual norms as vogue in KMC.*

Copy of the report of Kolkata Municipal Corporation is marked and annexed as **Annexure R/1.**

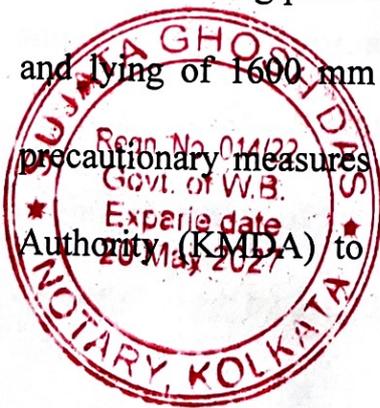
4. That Kolkata Metropolitan Development Authority has stated that Rajpur Sonarpur Municipality Area, part of South Kolkata (Garia/Tollygunge Area) and Baruipur Municipality area were facing severe water crisis as ground water in these areas depleted considerably. Moreover, since these areas are lying in the eastern part of the River Ganga, so said areas are at risk due to the presence of arsenic in ground water beyond permissible limit. Then it has been decided by the Urban Development & Municipal Affairs (UD&MA) Department, Govt. of West Bengal that the surface water (from river Ganga) could be supplied after conventional treatment in above mentioned areas. Accordingly, water supply projects for Rajpur Sonarpur Municipality, Baruipur Municipality and a part of South Kolkata (Garia/Tollygunge area) have been sanctioned under Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Scheme.



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The Kolkata Metropolitan Development Authority (KMDA) has received necessary No Objection Certificate (NOC) from the Kolkata Municipal Corporation (KMC) vide letter no. Con/Com/257/2018-19, dated 23.08.2018 and also from the Metro Railway, Kolkata vide letter no. Metro/Div/Engg./KMC/Monsoon 1697, dated 28.08.2019 for laying 1600 mm dia. MS pipe over concrete pedestals built over 750 mm dia. concrete piles along the bank of Tolly's Nallah.

The Kolkata Metropolitan Development Authority (KMDA) has entrusted different agencies for laying of 1600 mm dia. Mild Steel raw water rising main line from the junction point of Boat Canal and Tolly's Nallah to Metro Pier no. 229 near Kamdahari Bridge along Tolly's Nallah to transport raw Ganges water for the Water Treatment Plant (WTP) at Peyara Bagan within Rajpur Sonarpur Municipality. The 1600 mm dia. Mild Steel (MS) pipe was laid over 750 mm. dia. Reinforced Cement Concrete (RCC) piles were laid down along the embankment slope of Tolly's nallah so that no major influence would be on the existing piles of Metro Rail piers. The Reinforced Cement Concrete (RCC) bored cast-in-situ piles were constructed keeping a sufficient distance away from the existing piles to avoid any adverse affect. During construction of piles and laying of 1600 mm MS raw water rising main, all necessary safety and precautionary measures were taken by the Kolkata Metropolitan Development Authority (KMDA) to ensure the safety of the existing structure of Metro



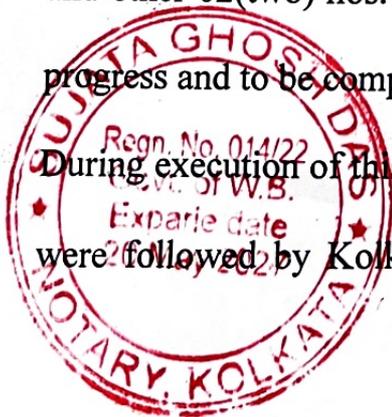
20 AUG 2027

Railway also. In case, when requisite space was not available on the bank then piles were constructed carefully on the slope. The bottom of the pile caps and the bottoms members of the Trestle Bridges were placed above the Highest Flood Level(HFL) maintaining a minimum clearance (300 mm or above) to ensure natural drainage of surface run off. The piles were constructed in such a way so that they would not interfere the normal functioning of the existing gravity of outfalls which were already provided with penstock gates.

The construction of 750mm dia. Piles, RCC pedestals and laying of 1600mm dia. MS pipe was completed in all respect within 31.12.2023 in the proposed stretch of Tolly Nullah starting from Boat canal and Tolly Nullah junction to Metro Pier No. 229 at Kamdahari Bridge. Recently, the balance pipe laying work measuring 40 m stretch has been completed on 27.07.2024, which was held up due the de-silting work of Tolly Nullah by KMC near Abdul Kalam Bridge at Izzatullah Lane.

Apart from the bank /Slope of Tolly Nullah, there 03(three) no trenchless/jack push work underneath the existing road adjacent to Metro Stations which falls within the said stretches at three different Metro Railway Stations, out of which 01(one) no. at Masterda Surya Sen Metro Station has already been completed and other 02(two) nos. at Netaji and Gitanjali Metro Railway Station are under progress and to be completed by 31.08.2024.

During execution of this project work all the restrictions and technical measures were followed by Kolkata Metropolitan Development Authority (KMDA) as



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well as by keeping frequent liaison with the respective Departments. The pipe laying work within the above stretch (Approx 8.5 km) has been completed within 31.12.2023 without creating any nuisance and pollution to adjoining area along Tolly's Nullah and all labour hutments machineries, construction debris had been removed from the site after the completion of work. When Adi Ganga will be rejuvenated by KMC the piles constructed for laying raw water rising main will not obstruct the movement or flow of water during high tide and low tide period as well as flow of surface run off during rain.

Copy of the report of KMDA along with the pictures are marked and annexed as Annexure R/2.

5. The West Bengal Housing Infrastructure Development Corporation Ltd. (WBHIDCO) has reported that they have taken up the work of landscaping and beautification of Adi Ganga for a stretch of about 1000m. from Kalighat bridge to Alipore bridge (Alipore Museum side) in Alipore, Kolkata. Out of the above stretch, work has been executed for a length of 260 metre balance stretch could not be done due to encroachment and narrow work space.

It may be further informed that for removal of encroachment from the work site, communications have been made with Kolkata Municipal Corporation and Kolkata Police. On that basis, a joint inspection is scheduled to be held at the

site on 20.08.2024 with the officials of WBHIDCO, KMC, KMDA, KMC (Borough IX), KMC Bustee Development and Kolkata Police.



20 AUG 2024

Copy of the report of WBHIDCO along with the pictures of beautification work is marked and annexed as Annexure R/3.

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

Bhagwati Prasad Gopalika

DEPONENT

~~SL. NO. 56-2024~~

VERIFICATION

I, Bhagwati Prasad Gopalika, Chief Secretary, Government of West Bengal 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 20th day of August, 2024.

Bhagwati Prasad Gopalika

DEPONENT



SOLEMNLY AFFIRMED AND DECLARED BEFORE ME ON IDENTIFICATION
S. Ghosh Das
NOTARY

20 AUG 2024

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Actions and plannings already initiated/ to be initiated for pollution Abatement of Tolly's Nullah (Adi-Ganga) as per Original Application No. 65/2022/EZ

Sl. No.	Observations by Hon'ble NGT	Response from KMC
I)	<p>DETAILED PROJECT REPORT (DPR) In order to arrest discharges of sewage water to the river, STP was to be constructed after laying pipe-lines through the banks. For this work the D.P.R. has not yet been finalized.</p>	<p>Based on the Detailed Project Report submitted to NMCG, the AA&ES for the project has been approved at the 46th EC Meeting held on 23/12/2022, Agenda Item No. 46.01. Estimated amount of Rs 653.72 Crores (including cost of O & M for 15 years -Rs 211.53 Crores) under DBOT mode. Tendering done on 29.08.2023. KMC has floated International Competitive Bidding on this work on 29.08.2023 in the e-Procurement System of Government of West Bengal vide Tender reference no. KMC/D.G.(TNP)/61/2023-2024. The bid has been opened on 15.01.2024 and it has been found that, three (3) nos. of bidder had participated in response to this Tender. KMC has evaluated the Technical Bid and submitted the Technical Bid Evaluation Report (TBER) to NMCG through WBSPMG on 15.03.2024. World Bank through NMCG has reverted with few observations/ clarifications over the TBER by mail on dated 11.07.2024 and KMC is in the process to prepare the Compliance report as sent by World Bank and will resubmit the Revised TBER to NMCG at the earliest.</p>
II)	<p>REMOVAL OF ENCROACHMENTS The direction was to remove all encroachments (both temporary as well as permanent) within 6 months. The temporary encroachers were removed initially but they have again come back and the permanent encroachers are still there.</p>	<p>All the lands for STPs and SPSs are encroachment free. As the networking has drastically changed in the revised scope of "pollution abatement of Tolly's Nullah", only 08 (Eight) families needs to be rehabilitated near Madan Pal lane which will be well taken care by "Banglar Bari Project" at Shashi Shekar Bose Row in the same ward of KMC. The tender for the same has been finalized and the work order will be issued shortly.</p>
III)	<p>REMOVAL OF COW/BUFFALO SHEDS (KHATALS) Initially such Khatalas were removed but again they have come back to the original position.</p>	<p>As per the affidavit submitted to the Hon'ble NGT against OA-12/2015 for the case to be heard on 27th Jan 2017, the cattle section, Lal Bazar, Kolkata police, had assured that all the vacant cattle shed had been dismantled and no any cattle is found as on date of Affidavit and they shall remain accountable for the revival of Khatalas on the bank of Adi-Ganga. Subsequently the order was passed by Hon'ble NGT on 27th Jan 2017, stating that "<i>we find substance in the submission of Mr. Dutta and accordingly direct the Commissioner of Kolkata Police to take Stringent measures to ensure that no Encroachment takes place on the bank of Adi- Ganga in the Area in question by any person including prevent khatalas and piggeries from being set up. As one of such measures, the concerned police stations may be directed to</i></p>



30 AUG 2024

		<i>undertake regular patrolling and maintain strict vigil to prevent such encroachment.</i> In this regard letters have been sent to Joint CP, Kolkata Police on 10.05.2022 & 20.07.2022.
IV)	NON-FENCING OF THE BANKS OF THE RIVER The direction to fence both the banks has remained unattended.	Installation of Fencing across Adi Ganga at 30 nos. of Bridges is already completed. Further, Fencing work along the bank of Adi Ganga at major portions specially near Market area of around 4.5 Km. have been done.
V)	GARBAGE DUMPING Huge Quantity of wastes has been dumped at different points of the banks.	The regular arresting (by providing nets at suitable locations) and cleaning of floating materials from Adi Ganga has been taken on annual basis and the work is going on in full swing which will end by December 2024. Also cleanliness drive at ghats during special occasions such as Tarpan rituals, Chatt Puja, Durga Puja, Kali Puja etc. is also taken under consideration. Further Solid Waste Management Dept. of KMC has also installed 02 nos. portable bins at major Ghats of Tolly's Nullah.

We are also carrying out De-silting/Dredging of Tolly's Nullah (Adi-Ganga) as an interim measure to curb/minimize the pollution by maintaining the natural flow, as follows:

- 1) Dredging of Tolly's Nullah including cleaning rubbish, garbage and bushes on both banks of Tolly's Nullah from chetla bridge to confluence point of river Ganga, Phase-1, *for a stretch of 4.7 KMs out of State funding, the work is fully completed on 31.05.2023.*
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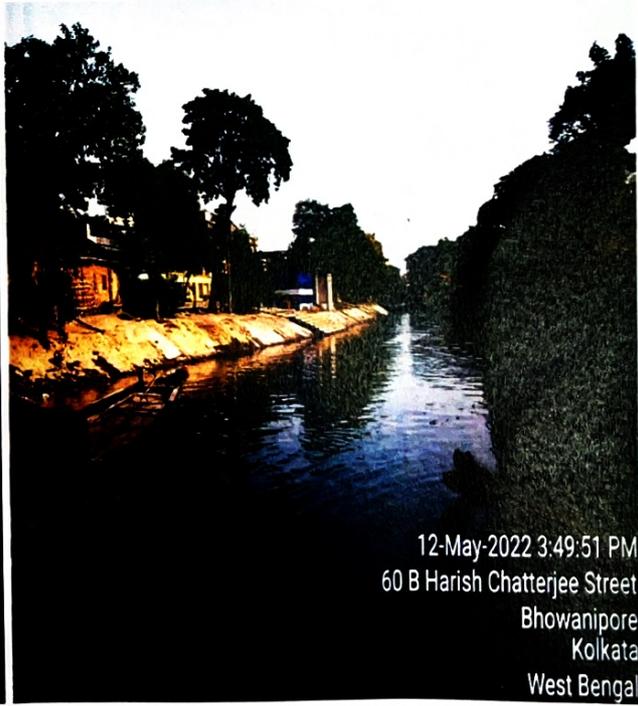
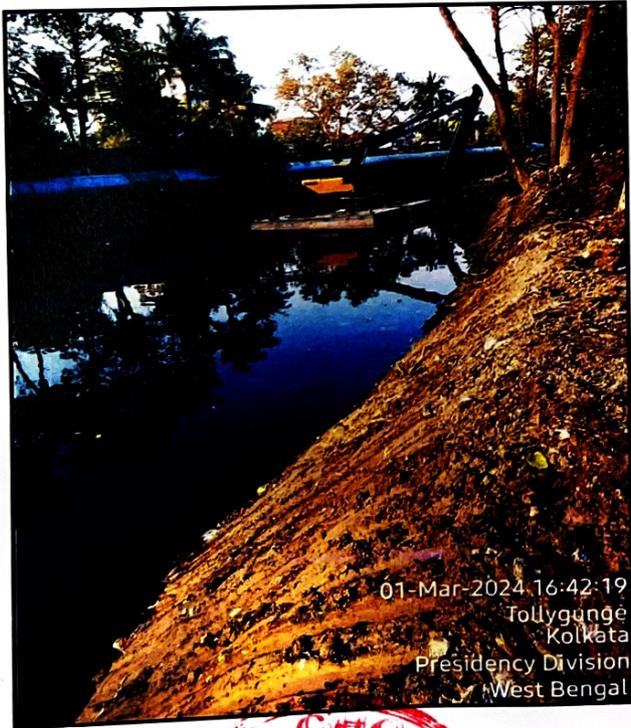


Director General
Town Planning & Development Dept.

20 AUG 2022

Annexure

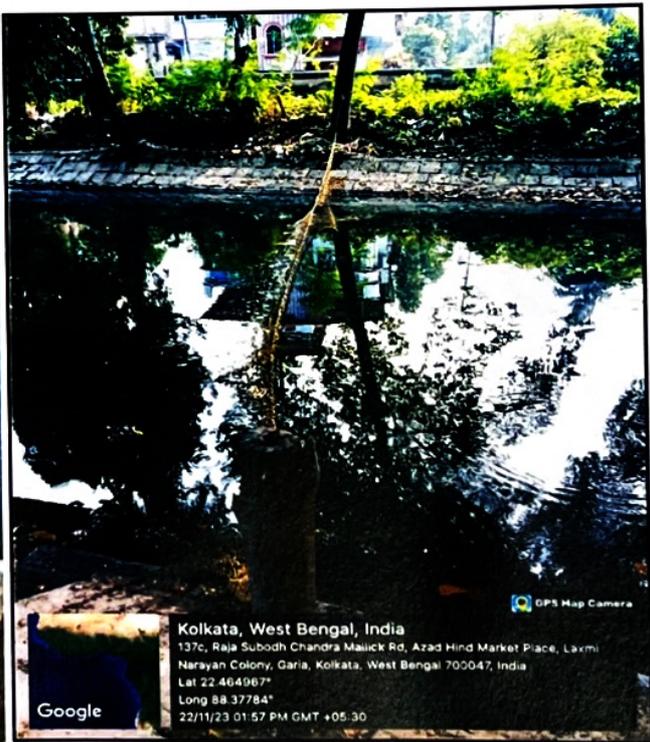
De-silting/Dredging of Tolly's Nullah (Adi-Ganga)



SHRI K. CHITOSH DAS
Regn. No. 014/22
Govt. of W.B.
Expiry date
20 May 2027
NOTARY, KOLKATA

20 AUG 2024

Cleaning of solid wastes on regular basis by 10 nos. of floating garbage arresters at Tolly's Nullah..



20 AUG 2023

04 nos. of organic Composters at different locations



Ward no. 114, Kudghatbazaar



Ward no. 115, near Karunamoyee Temple



Ward no. 82, near Chetla Bridge



Wardno. 73, Baram Bose Ghat



20 AUG 2022

Government of West Bengal
Office of the Commissioner of Police, Kolkata.
Report Section, Kolkata Police Directorate,
18, Lalbazar Street, Kolkata - 700001.

Memo No.: 8397/RPT+Encls.

Dated: 31/05/23

To
The Special Secretary,
to the Government of West Bengal,
Department of Environment,
Prani Sampad Bhawan, 5th Floor,
LB - 2, Sec - III, Saltlake City,
Kolkata - 700 106.

R-Som LO
2/16

Sub: Compliance of the Order passed by the Hon'ble National Green Tribunal,
Eastern Zone Bench against the Original Application No. 65/2022/EZ (Subhas Datta
Vs. State of West Bengal & Ors.).

Ref: Memo No: 193/EN/3C-26/2022 dated 30-01-2023.

With reference to the above, please find enclosed the report of the Deputy Commissioner of
Police, Reserve force in the aforementioned matter which is self explanatory.
This is for information.

31/5/23

Additional Commissioner of Police (II),
Kolkata.

Encls: As stated above.



20 AUG 2023

Id - 1320842

Memo No. 189 / Addl. C.P. (II) / R Dt. 27.04.23

RESERVE FORCE
KOLKATA POLICE

Memo No.: 55/RF/C

Date: 25/04/2023

To,
The Addl. Commissioner of Police (II),
Kolkata.

Sub : Report regarding shifting of un-authorized khatal from the bank of Adi Ganga at Munsiganj.

Ref : Memo No. 47/KPD/LAW dt. 03.02.2023.

Sir,

As reported by O/C Cattle Section, RF the undersigned would like to inform you that, during course of enquiry by S.I M.A. Afaqui of Cattle Section they found one (01) khatal was being operated at Munsiganj Road, on the bank of Adi Ganga under Watgunj P.S area by one namely Montu Rai, S/O Lt. Sova Rai and asked him to remove the cattles immediately. After that Watgunj P.S was contacted and with intervention of the said police station, owner of aforementioned un-authorized khatal shifted his cattles. At present, no khatal is being operating by the bank of Adi Ganga.

This is for favour of your kind perusal.

Enclosed : As stated above.

Yours faithfully

[Signature]
25/04/23

Deputy Commissioner of Police
Reserve Force, Kolkata.
Deputy Commissioner of Police
Reserve Force, Kolkata
Date:



1) Assistant Commissioner of Police, KMC, RF.
.....For information

OC, Law CPD
For me

Deputy Commissioner of Police
Reserve Force, Kolkata.

Addl. Commissioner of Police (II)
Kolkata

[Signature]
24/4/23

20 AUG 2023



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- 19 -

Annexure R/2

Kolkata Metropolitan Development Authority

No. 423/KMDA/W&S/G-92

Dated: 01/08/2024

From: The Chief Engineer,
W&S Sector, KMDA.

To: The Chief Environment Officer,
Department of Environment,
Government of West Bengal,
Prani Sampad Bhawan, 5th Floor,
LB-2, Sector-III, Salt Lake, Kolkata- 106.



Sub: In the matter of M.A. No. 20/2024/EZ in O.A. No. 65/2022/EZ [Subhas Datta -vs- State of West Bengal & Ors.].

Ref: Your letter dated 18.7.2024.

Sir,

In reference to the above mentioned subject matter, I am directed by the Competent Authority of KMDA to send herewith the latest Action Taken Report in compliance with the Affidavit submitted by KMDA for your kind perusal and further necessary action.

Thanking you,

Encl: As stated above.

Yours faithfully,

[Signature] 1/8/24

Chief Engineer,
W&S Sector, KMDA
Chief Engineer
W.&S. Sector
KMDA



20 AUG 2024



OFFICE OF THE CHIEF ENGINEER
WATER AND SANITATION SECTOR, KMDA
Unnayan Bhavan, Block-C, 1st Floor
DJ-II, Sector-I, Salt Lake-700091

Kolkata
Metropolitan
Development
Authority

Date: 07.08.2024

Memo No. 434 /KMDA/W&S/G-92

From: The Chief Engineer,
W&S Sector, KMDA



To: The Chief Environment Officer,
Department of Environment,
Government of West Bengal,
Prani Sampad Bhawan, 5th Floor,
LB-2, Sector-III, Salt Lake, Kolkata-106

Handwritten notes:
SLO
★

Sub: In the matter of M.A. No.20/2024/EZ in O.A.No.65/EZ [Subhas Datta - Vs - State of West Bengal & Ors.] (Ref. Adi Ganga)

Ref: i) Your Letter No dated:18.07.2024
ii) Letter No.136(3)/(Law)/UDMA-15011(15)/7/2022-LS-UD SEC, Dated:05.08.2024 of the Senior Special Secretary, UD & MA Department, Government of West Bengal.

Sir,

In reference to the above-mentioned subject matter, I am directed by the competent Authority of KMDA to send herewith the latest Action Taken Report along with supporting coloured geo-tagged photographs for compliance of the orders and directions of Hon'ble NGT for your kind perusal and further necessary action.

Thanking you,

Yours faithfully,

Chief Engineer
Water & Sanitation Sector, KMDA

Enclosure: As stated above

Memo No. 434/1(2)/KMDA/W&S/G-92

Date: 07.08.2024

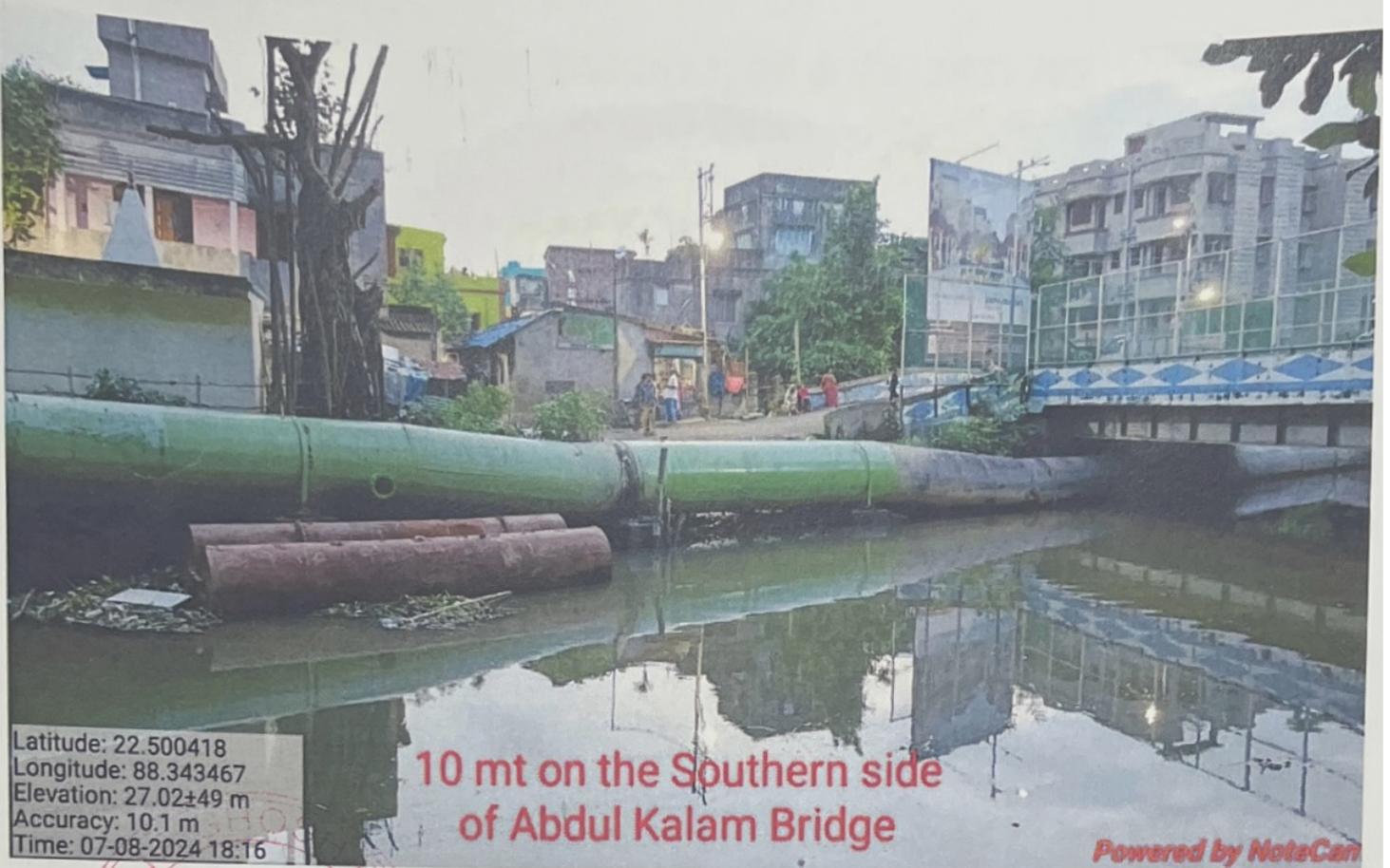
Copy forwarded for information to:

- i) The Senior Special Secretary, UD & MA Department, Government of West Bengal.
- ii) The Senior Law Officer, KMDA

Chief Engineer
Water & Sanitation Sector, KMDA



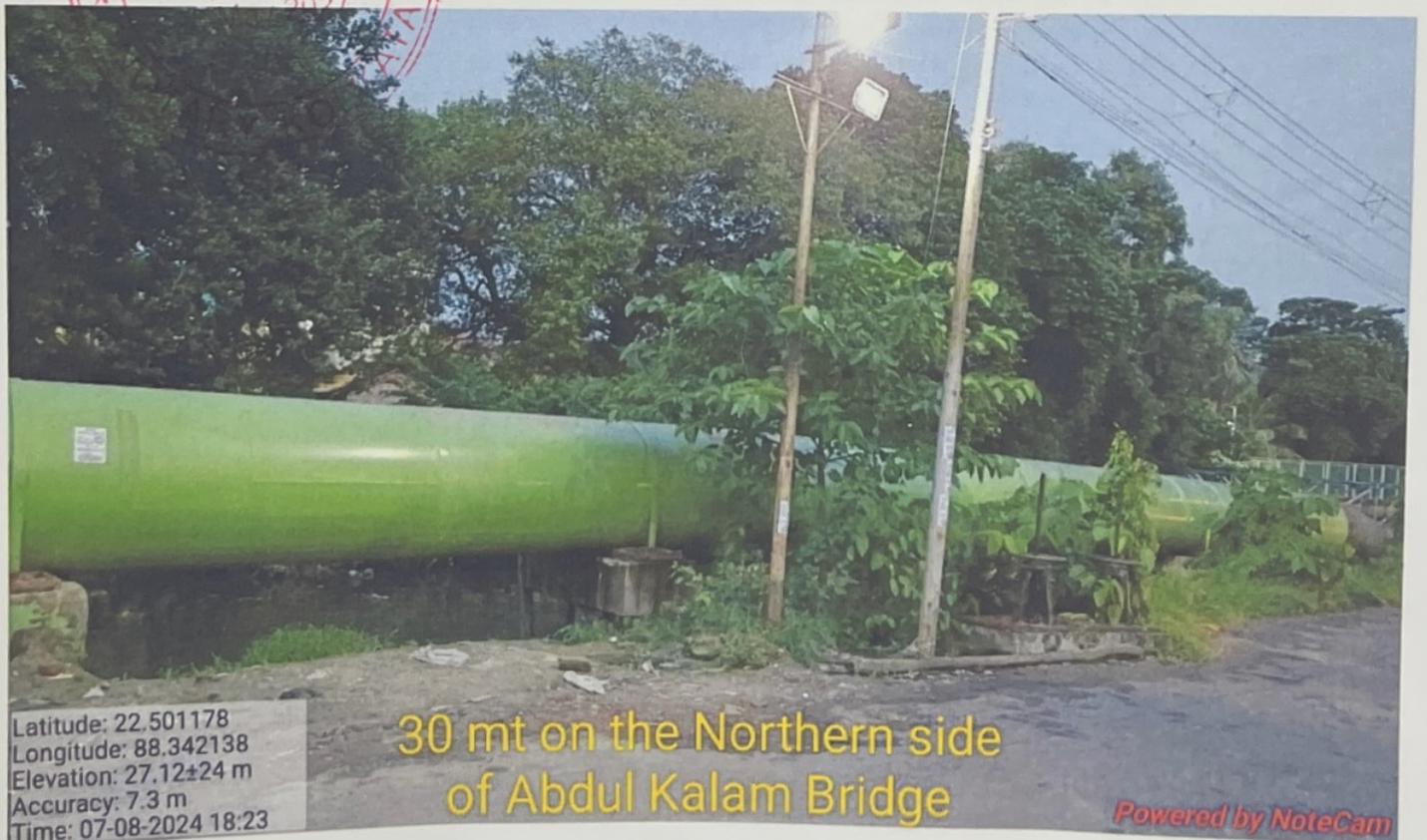
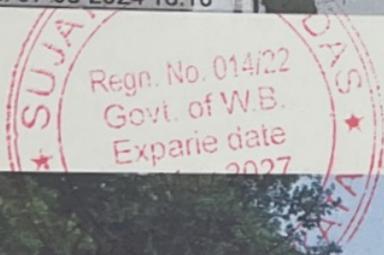
20 AUG 2024



Latitude: 22.500418
Longitude: 88.343467
Elevation: 27.02±49 m
Accuracy: 10.1 m
Time: 07-08-2024 18:16

10 mt on the Southern side
of Abdul Kalam Bridge

Powered by NoteCam



Latitude: 22.501178
Longitude: 88.342138
Elevation: 27.12±24 m
Accuracy: 7.3 m
Time: 07-08-2024 18:23

30 mt on the Northern side
of Abdul Kalam Bridge

Powered by NoteCam

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Sub: Submission of affidavit of compliance regarding completion of work undertaken under the work order dated 14.07.2022

Ref: O. A. No. 65/2022/EZ & 71/2022/EZ

Subhas Dutta

-Vs-

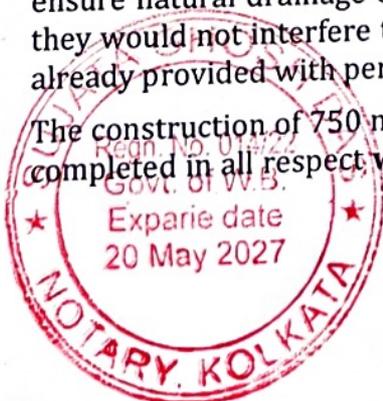
The State of West Bengal & Ors.

Rajpur-Sonarpur Municipal Area, part of South Kolkata (Garia/Tollygunge Area) and Baruipur Municipal area were facing severe water crisis as ground water in these areas depleted considerably. Moreover, since these areas are lying in the eastern part of the River Ganga, so said areas are at risk due to the presence of arsenic in ground water beyond permissible limit. Then it has been decided by the Urban Development & Municipal Affairs (UD&MA) Department, Govt. of West Bengal that the surface water (From River Ganga) could be supplied after conventional treatment in above mentioned areas. Accordingly, water supply projects for Rajpur-Sonarpur Municipality, Baruipur Municipality and a part of South Kolkata (Garia/Tollygunge area) have been sanctioned under Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Scheme.

The Kolkata Metropolitan Development Authority (KMDA) has received necessary No Objection Certificate (NOC) from the Kolkata Municipal Corporation (KMC) vide letter no. Con/Com/257/2018-19, Dated: 23.08.2018 and also from the Metro Railway, Kolkata vide letter no. Metro/Div./Engg./KMC/Monsoon/1697, Dated: 28.08.2019 for laying 1600 mm dia. MS pipe over concrete pedestals built over 750 mm dia. concrete piles along the bank of Tolly's Nullah.

The Kolkata Metropolitan Development Authority (KMDA) has entrusted different agencies for laying of 1600 mm dia. Mild Steel raw water rising main line from the junction point of Boat Canal and Tolly's Nullah to the Metro Pier no 229 near Kamdahari Bridge along Tolly's Nullah to transport raw Ganges water for the Water Treatment Plant (WTP) at Peyara Bagan within Rajpur-Sonarpur Municipality. The 1600 mm dia. Mild Steel (MS) pipe was laid over 750 mm dia. Reinforced Cement Concrete (RCC) piles were laid down along the embankment slope of Tolly's Nullah so that no major influence would be on the existing piles of Metro Rail Piers. The Reinforced Cement Concrete (RCC) bored cast-in-situ piles were constructed keeping a sufficient distance away from the existing piles to avoid any adverse effect. During construction of piles and laying of 1600 mm MS raw water rising main, all necessary safety and precautionary measures were taken by The Kolkata Metropolitan Development Authority (KMDA) to ensure the safety of the existing structures of Metro Railway also. In case when requisite space was not available on the bank then piles were constructed carefully on the slope. The bottom of the pile caps and the bottom members of the Trestle Bridges were placed above the Highest Flood Level (HFL) maintaining a minimum clearance (300mm or above) to ensure natural drainage of surface run off. The piles were constructed in such a way so that they would not interfere the normal functioning of the existing gravity of outfalls which were already provided with penstock gates.

The construction of 750 mm dia. Piles, RCC pedestals and laying of 1600 mm dia. MS pipe was completed in all respect within 31.12.2023 in the proposed stretch of Tolly Nullah starting



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1.5m Boat canal and Tolly Nullah junction to Metro Pier No.229 at Kamdahari Bridge. Recently, the balance pipe laying work measuring 40 m stretch has been completed on 27.07.2024, which was held up due the de-silting work of Tolly Nullah by KMC near Abdul kalam Bridge at Izzatullah Lane.

Apart from the Bank/Slope of Tolly Nullah, there are 03 (three) nos trenchless/jack push work underneath the existing road adjacent to Metro Stations which falls within the said stretches at three different Metro Railway Stations, out of which 01 (One) no at Masterda Surya Sen Metro Station has already been completed and other 02 (Two) nos at Netaji and Gitanjali Metro Railway Station are under progress and to be completed by 31.08.2024.

During execution of this project work all the restrictions and technical measures were followed by Kolkata Metropolitan Development Authority (KMDA) as well as by keeping frequent liaison with the respective Departments. The pipe laying work within the above stretch (Approx 8.5 km.) has been completed within 31.12.2023 without creating any nuisance and pollution to the adjoining area along Tolly's Nullah and all labour hutments, machineries, construction debris had been removed from the site after the completion of work. When Adi Ganga will be rejuvenated by KMC the piles constructed for laying of raw water rising main will not obstruct the movement or flow of water during high tide & low tide period as well as flow of surface run off during rain.

Now, an affidavit of compliance in this regard is hereby submitted.

Munda
30/07/24
Executive Engineer
Divn.-XI, GRWW
WS Sector, KMDA

Paul
30-7-24
Executive Engineer
Divn.- VII, GRWW
K.M.D.A.(W. & S. Sector)

D. Kumar
30.07.2024
Superintending Engineer
South Circle / W & S Sector / KMDA

Prakash
30/7/24
EXECUTIVE ENGINEER
K.C.M.D./W & S SECTOR/K.M.D.A

RD
31/7/24
Chief Engineer
W.&S. Sector
KMDA



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Annexure R/3



SLO
16/8/24

Memo No. 1173/HIDCO/Law -31/2022 (Part - I) Date : August 14th, 2024

-24-

To
The Chief Environment Officer,
Department of Environment
Government of West Bengal

Subject : Action Taken Report in the matter of M.A. No. 20/2024/EZ in O.A. No. 65/2022/EZ [Subhas Datta Vs. State of West Bengal & Ors.]

Reference : Your letter No. Nil, dated, 18.7.2024

Sir,

In reference to the above, kindly find enclosed a copy of Affidavit of Compliance on behalf of the respondent no. 4 (WBHIDCO) containing a report dated, 15.01.2024 in connection with solemn order dated, 09.01.2023 in this regard.

In this connection, it may be mentioned that WBHIDCO has taken up the work of Landscaping and beautification of Adi Ganga for a stretch of about 1000 m. from Kalighat bridge to Alipore bridge (Alipore museum side) in Alipore, Kolkata. Out of the above stretch, work has been executed for a length of 260 m.; balance stretch could not be done due to encroachment and narrow work space. Status of work in tabular form is enclosed.

It may further be informed that for removal of encroachment from the work site, communications have been made with Kolkata Municipal Corporation and Kolkata Police. On that basis, a joint inspection is scheduled to be held at the site on 20.8.2024 with officials of WBHIDCO, KMC, KMDA, KMC (Borough - IX), KMC Bustee Development and Kolkata Police. A few photographs of the beautification work so far undertaken are enclosed.

This is submitted for taking necessary action at your end.

Enclosure : As stated.

Yours faithfully,

Joint Managing Director
WBHIDCO Ltd.

Date : August 14th, 2024

Memo No. 1173/1(2)/HIDCO/Law -31/2022 (Part - I)

Copy forwarded for information to :

1. Senior Special Secretary, UD&MA Department, Government of West Bengal
2. The P.S. to the Managing Director, WBHIDCO

Regn. No. 014/22
Govt of W.B.
Expiry date
20 May 2027

Joint Managing Director
WBHIDCO Ltd.

WEST BENGAL HOUSING INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.
(A Govt. of West Bengal Undertaking)

"HIDCO BHABAN", Premises No. : 35 - 1111, Biswa Bangla Sarani, 3rd Rotary, New Town, Kolkata-700156
Telephone : (033) 2324-6037/6038, Fax No. : (033) 2324-4833/3016/6009, e-mail : wbhidcoltd@gmail.com / info@wbhidco.in
Website : www.wbhidcoltd.com CIN : U70101WB1999SGC089276

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SL.No. 5

1

Before the National Green Tribunal

Eastern Zone Bench, Kolkata

Original Application No. 65/2022/EZ

Subhas Datta

... Applicant

-Versus-

State of West Bengal & Others

.. Respondents

Affidavit of Compliance on behalf of the respondent no. 4

I, Partha Pratim Mallick, son of Late Kumud Behari Mallick, aged about 64 years, by occupation service, by faith Hindu, working for gain at West Bengal Housing Infrastructure Development Corporation Limited at HIDCO Bhavan, 35-1111, Major Arterial Road, 3rd Rotary, New Town, Kolkata- 700156, do hereby solemnly affirm and say as follows:-

1. I am the Special Officer (Land) of the respondent no. 4 abovenamed and I am fully acquainted with the facts and circumstances of the present case. I am competent and I have been authorised by the respondent no. 4 to make and affirm this affidavit on its behalf.

2. By the judgment and order dated 9th January, 2023 this Hon'ble Tribunal directed the West Bengal Housing Infrastructure Development Corporation Limited i.e. the Respondent No.4 (hereinafter referred to as



Partha Pratim Mallick
Partha Pratim Mallick
Special Officer (Land)
WBHIDCO Ltd.

Filed by
Janaki Deb Ghosh
Attorney

-25-



15 JAN 2024

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Panthe Pratham Mall
Patula Pramillick
Special Officer (Land)
WBHIDCO Ltd.

- 26 -

the "answering respondent") to file an Affidavit of Compliance regarding the works undertaken under the revised work order dated 14th July, 2022.

3. In terms of the revised work order dated July 14, 2022, the scope of works as earlier awarded had been modified making it incumbent on the part of M/s. C.E. testing Company Limited (in short referred to as the "consultant") to perform the following works:-

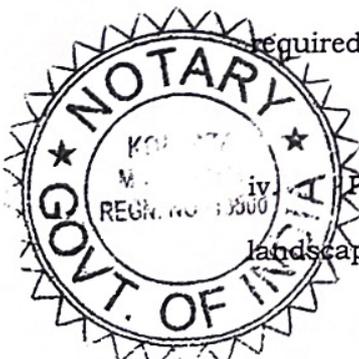
Filed by
S. P. Das

i. Preparation of Draft Concept Plans of landscaping and beautification of the Canal Banks without affecting the natural flow of the Canal and without any concrete structure or structural arrangement within the Canal.

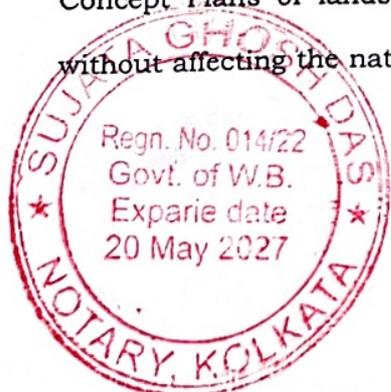
ii. Preparation of Final Plans of landscaping and beautification of the Canal Banks.

iii. Preparation & sanction of plans from statutory authority, if required.

iv. Periodic supervision during implementation of the landscaping and beautification work of the Canal Banks.



4. It is pertinent to mention that with regard to preparation of Draft Concept Plans of landscaping and beautification of the Canal Banks without affecting the natural flow of the Canal and without any concrete



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Pootha Pratim Mallick
Special Officer (Land)
WBHIDCO Ltd.

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structure or structural arrangement within the Canal the Consultant has already submitted the Draft Concept Plan on 18th November, 2022 of landscaping and beautification along canal bank without affecting the natural flow of the canal and without any concrete structure or structural arrangement the canal.

Filed by
S. K. Ghosh
Advocate

5. As regards the preparation of Final Plans of landscaping and beautification of the Canal Banks, the Consultant has submitted the final plan on 17th October, 2023 of landscaping and beautification of the canal banks without affecting the natural flow of canal and without any concrete structure or structural arrangement within the canal from Kalighat Bridge to Alipore Bridge.

6. Furthermore, in respect of preparation and sanction of plans from statutory authority the Kolkata Municipal Corporation has been approached for giving consent while the work is going on.

7. In as much as periodic supervision during implementation of the landscaping and beautification work of the Canal Banks is concerned it is most humbly stated that the Consultant has been making periodic inspection and providing supervision for execution of work.

The aforementioned status would appear from a report dated 15th January, 2024 prepared by the deponent in terms of the order dated 9th January, 2023. A copy of the report dated 15th January, 2024 is enclsd hereto and marked with the letter "A"



8. The statements contained in paragraphs 1 to 7 of the foregoing affidavit is true to my knowlodge based on information derived from the records which I verily believe to be true and the rest thereof are my respectful submissions before this Hon'ble Tribunal.

Partha Pratim Mallik
DEPONENT

Identified by me

Sandip Ghosh
Advocate

Solemnly Affirmed & Declared Before
me on Identification of I.d. Advocate

Mita Biswas

MITA BISWAS, NOTARY
Govt. of India. Regd. No -13500



15 JAN 2024



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VERIFICATION

Verified at Kolkata by the Deponent abovenamed on this the 15th day of January, 2024 and say that the contents of this affidavit made in paragraph 1 to 7 of the foregoing affidavit are true to my knowledge based on information derived from the records which I verily believe to be true and the rest thereof are my respectful submissions before this Hon'ble Tribunal.

partha pratim Mallik

DEPONENT



20 AUG 2024



Report in compliance with solemn order dated 09/01/2023 in original application no.65/2022/EZ read with original application no.71/2022/EZ passed by Mr. B. Amit Sthalekar, Learned J.M and Prof. A Senthil Vel Learned E.M of Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata.

In terms of the revised work order dated-14/07/2022 issued by WBHIDCO Ltd., following report is placed for kind perusal of the Hon'ble National Green Tribunal Eastern Zone, Kolkata.

- i) Preparation of draft concept plans of landscaping and beautification of the canal banks without affecting natural flow of canal and without any concrete structure or structural arrangement within the canal.

The Consultant has already submitted the draft concept plan on 18/11/2022 of landscaping and beautification along canal bank without affecting the natural flow of canal and without any concrete structure or structural arrangement within the canal.

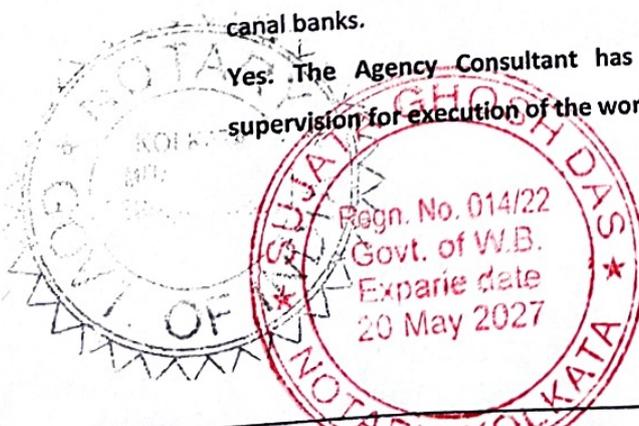
- ii) Preparation of final plan of landscaping and beautification of the canal banks.
The Consultant has submitted the final plan on 17/10/2023 of landscaping and beautification of the canal banks without affecting natural flow of canal and without any concrete structure or structural arrangement within the canal from Kalighat Bridge to Alipore Bridge.

- iii) Preparation and sanction of plans from statutory authority, if required.
Kolkata Municipal Corporation has been moved for giving consent meanwhile work is going on.

- iv) Periodic supervision during implementation of landscaping and beautification works of the canal banks.

Yes. The Agency Consultant has been making periodic inspection and providing supervision for execution of the work.


Addl. General Manager (Engg)-III
WBHIDCO Ltd.


Regn. No. 014/22
Govt. of W.B.
Expiry date
20 May 2027

WEST BENGAL HOUSING INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.
(A Govt. of West Bengal Undertaking)

"HIDCO BHABAN", Premises No. : 35 - 1111, Biswa Bangla Sarani, 3rd Rotary, New Town, Kolkata-700156
Telephone : (033) 2324-6037/6038, Fax No. : (033) 2324-4833/3016/6009, e-mail : wbhidcoltd@gmail.com / info@wbhidco.in
Website : www.wbhidcoltd.com CIN : U70101WB1999SGC089276

70 AUG 2024

BEFORE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, CALCUTTA
O.A. No. 65/2022/EZ

BETWEEN

Subhas Datta

.....APPLICANT(S)

AND

State of West Bengal & Ors.

.....RESPONDENTS



AFFIDAVIT OF COMPLIANCE OF THE
RESPONDENT NO. 4 - WEST BENGAL
HOUSING INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED



Sandip Dasgupta,
Advocate,
C/o. Fox & Mandal, Advocates,
12, Old Post Office Street,
Kolkata - 700001

20 AUG 2024

Status of Work related to "Beautification of Adi Ganga"

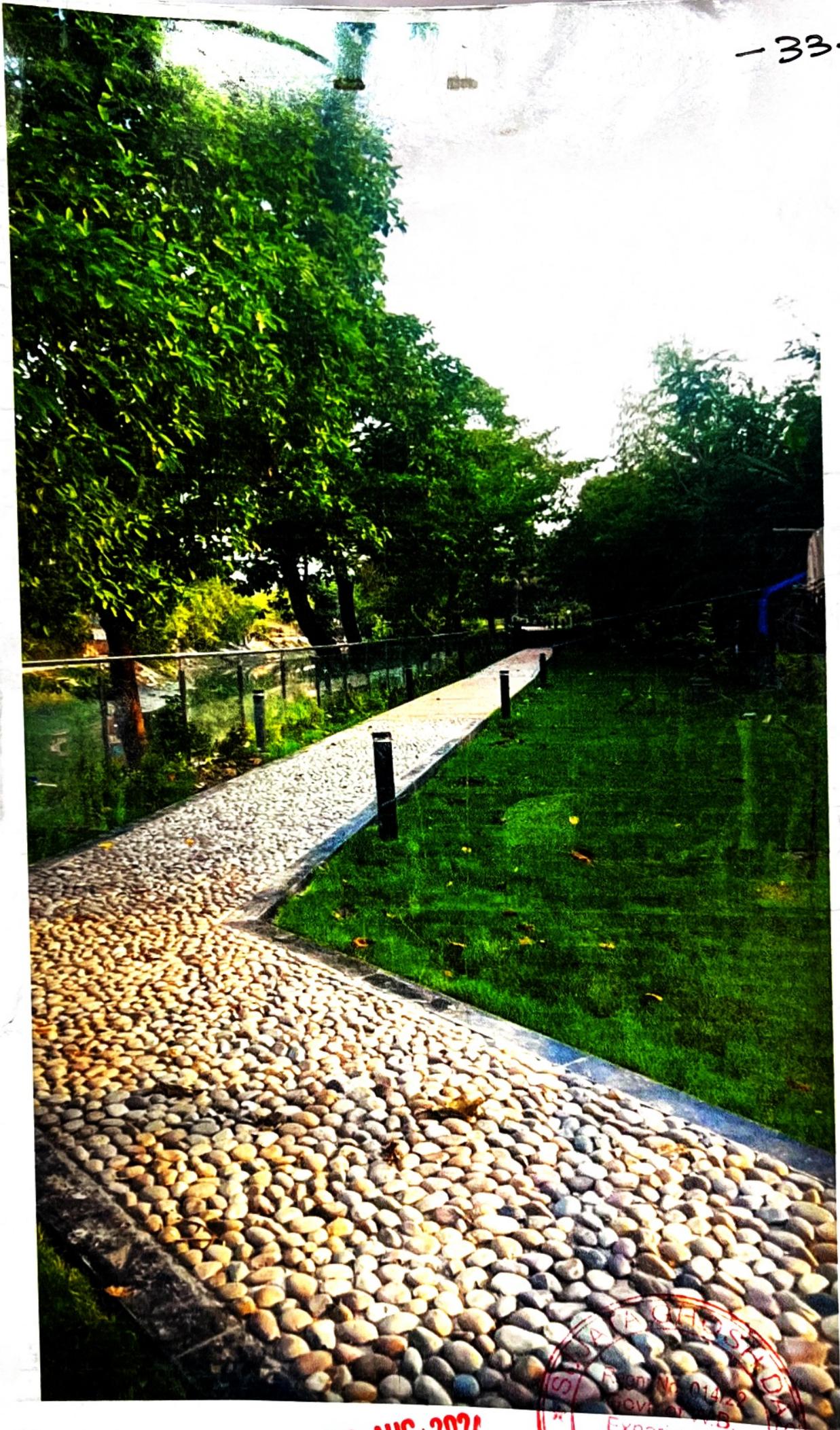
Sl. No.	Name of Work	AA & FS Amount	Estimated Amount	Tendered Amount	Executed Amount	Released Amount	Remarks
1.	Landscaping and beautification of Adi Ganga for a stretch about 1000m from Kalighat bridge to Alipore Bridge (Alipore Museum side) in Alipore, Kolkata.	Rs. 2,85,08,330.00	Rs. 2,76,84,595.77	Rs. 1,91,02,371.00	Rs. 1,20,96,727.00	Rs. 6,229,598.39	The work has been executed for a length of 260 M and balance stretch can not be done due to encroachment and narrow work and narrow work space.
2.	Selection of a Consultant for Planning Designing and Periodical Supervision for Rejuvenation of Adi Ganga (Tolly's Nullah) for a stretch of about 1,000 M between Kalighat Bridge and Alipore Bridge with Protection Of Banks under Alipore Area Development Project.	Rs. 49,80,000.00	Rs. 49,80,000.00	Rs. 49,80,000.00	Rs. 14,19,300.00	Rs. 14,19,300.00	Design Drawing for the entire Stretch has been submitted.

Handwritten signature and initials

11/06/2024
 Additional General Manager (E)-II
 W.B.HIDCO

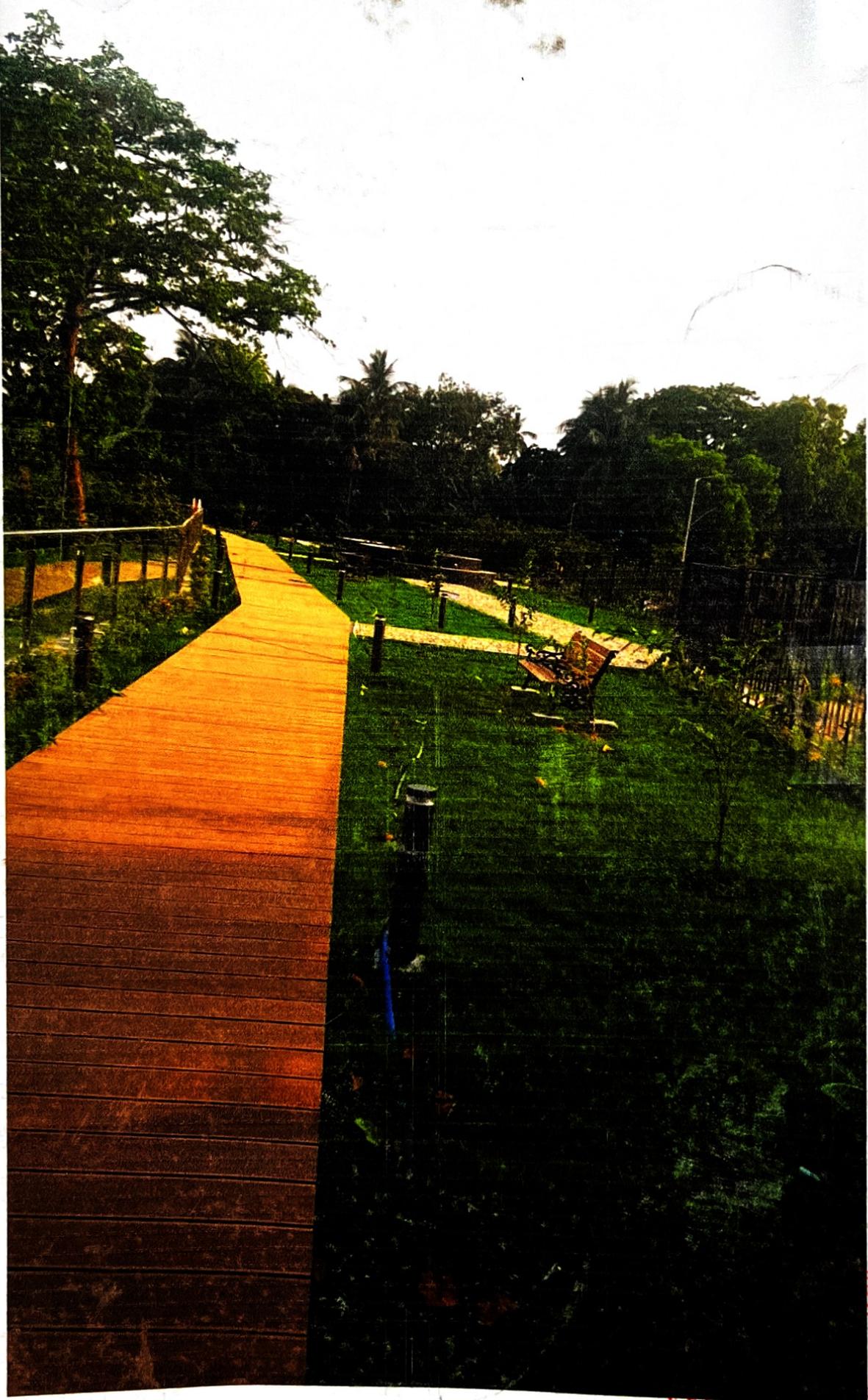


 Regn. No. 014/22
 Govt. of W.B.
 Expiry date
 20 May 2027
 20 AUG 2024



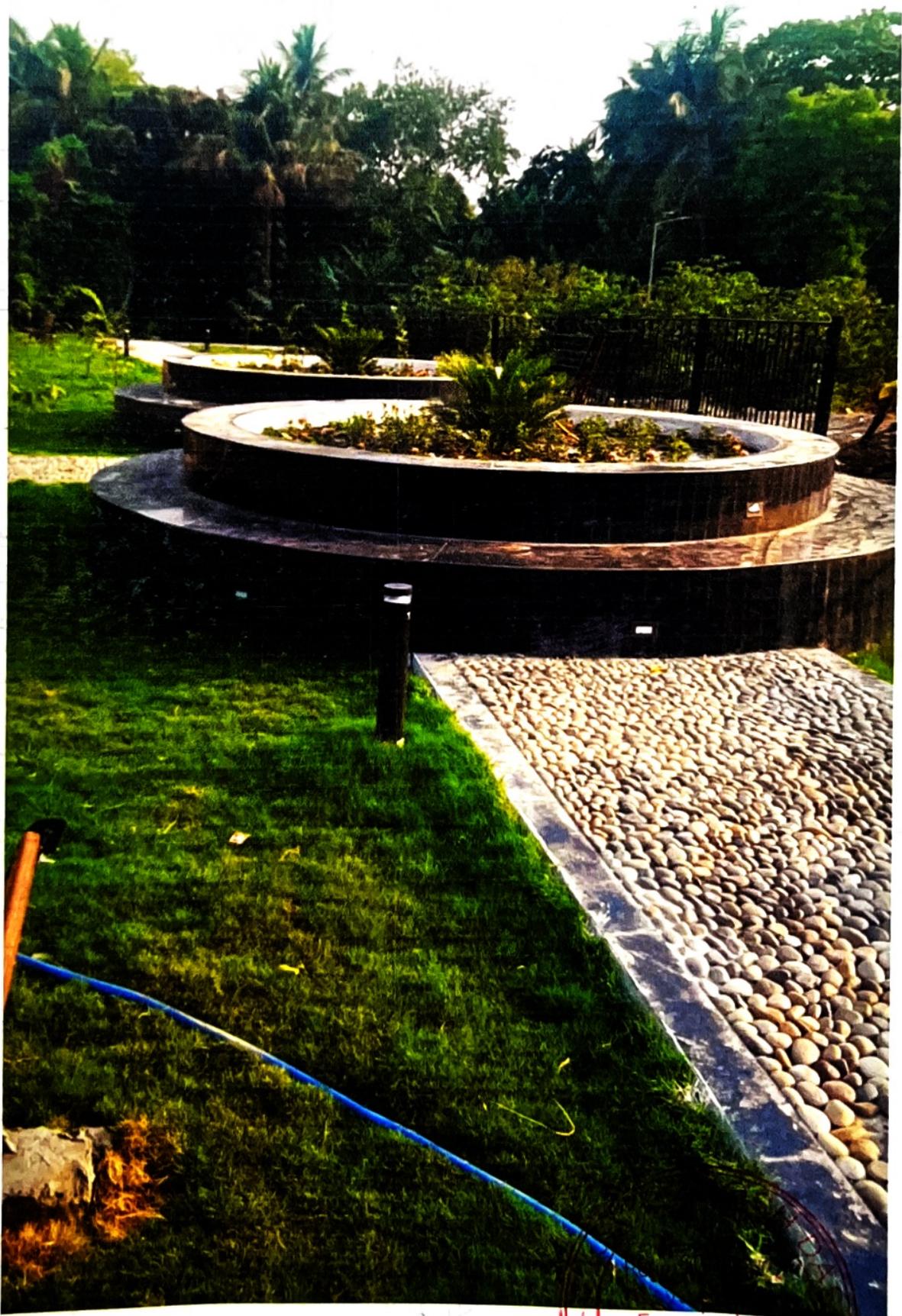
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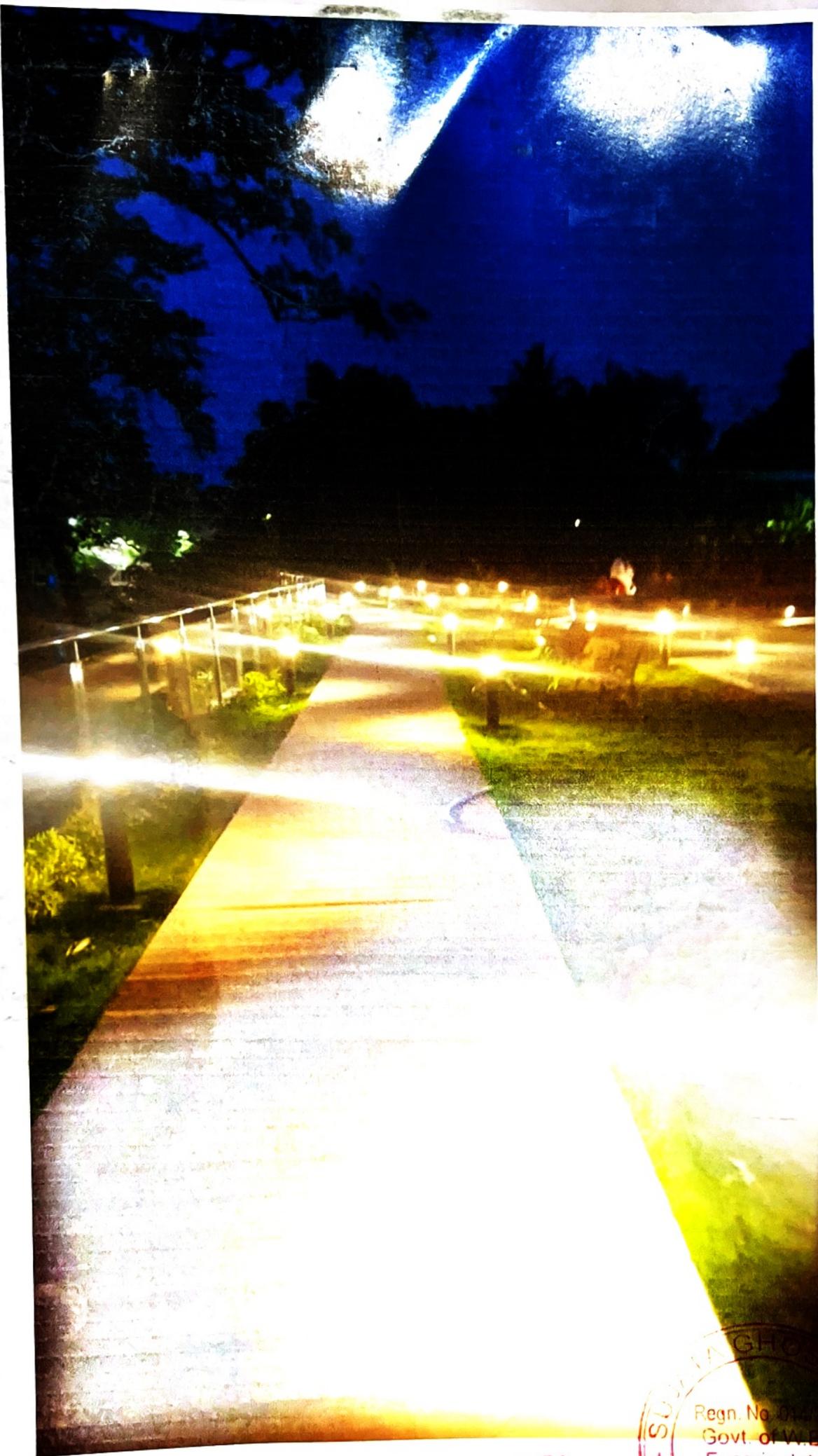
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20 May 2027
NOTARY KOLKATA ★



20 AUG 2027

Expiry date
20 May 2027
NOTARY KOLKATA



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SUBRATA GHOSH DAS
Regn. No. 0142
Govt. of W.B.
Expire date
20 May 2027
NOTARY KOLKATA