

SL No. 05

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOKATA BENCH  
ORIGINAL APPLICATION NO. 104/2023/EZ

Subhas Dutta

...Applicant

VERSUS

State of West Bengal & Ors.

...Respondents

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Date: 30.08.2024

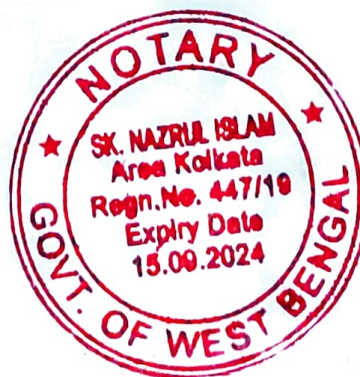
Amrita Pandey F/747/2009  
Filed by 30.8.24.

Amrita Pandey

Advocate for

Howrah Municipal Corporation

Respondent no. 6



30 AUG 2024



BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. No. 104/2023/EZ

In the matter of:

Sri Subhas Dutto

... Applicant

Versus

State of West Bengal & Ors.

....Respondents

AFFIDAVIT OF COMPLIANCE BY THE RESPONDENT NO. 6 I.E. THE  
COMMISSIONER, HOWRAH MUNICIPAL CORPORATION, HOWRAH IN COMPLIANCE  
WITH THE ORDER OF THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH

I, Bandana Pokhriyal, daughter of Sri Chandra Shashi Pokhriyal, aged about 35 years, working for gain at Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah-711101, do hereby solemnly affirm and say as follows:

1. I am the Commissioner of the Howrah Municipal Corporation and the authorized representative of the respondent No. 6. I am competent and have been duly authorized by the respondent No. 6 to make and affirm this Affidavit on behalf of the respondent No. 6. I am fully acquainted with the facts and circumstances of the case.
2. I affirm this Affidavit in terms of the solemn order passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That the answering respondent vide letter dated November 23, 2023 requested the Kolkata Port Trust and the Railway Authorities to kindly provide a detailed list of the Existing Structures along with the bank of river Ganga at Howrah Railway Station area (stretch between Chandmari Ghat and its adjacent area



*Bandana  
Pokhriyal*  
Commissioner  
Howrah Municipal Corporation

to Howrah Railway Station Complex up-to backyard RMS).

**Copy of the said letter dated 23.11.2023 is annexed hereto and marked with Letter A.** *and relevant communications thereto are*

4. That the answering respondent respectfully state that the answering respondent has issued notices on 29<sup>th</sup> September, 2023 to all the units having their place of business in and around 4/5, Rishi Bankim Chandra Road, Howrah - 711101 to submit the consent to operate/establish obtained by them from the West Bengal State Pollution Control Board.
5. That the answering respondent states and submits that upon inspection, I have learnt from the record that at the time of granting certificate of enlistment, the units were directed to obtain other licenses from the other authority i.e. clearance from the fire department and such other. The answering respondent states that the certificate of enlistment is issued as one of the first license and thereupon the other licenses are issued.
6. That the answering respondent states and submits Section 102 of the Howrah Municipal Corporation Act, 1980 specifically states granting of Certificate of Enlistment from the Corporation does not by itself pardon and/or absolve the Units/Establishment and/or person and/or factory and/or unit from taking any other license which the said establishment and/or person and/or factory and/or unit is required to take out from the appropriate authority. **Copy of the relevant portion of the Act and Rules is annexed hereto and marked with Letter B.**
7. That the answering respondent respectfully submits that HMC is ready and willing to abide by the order/s and direction/s made by this Hon'ble Tribunal and has and shall take all possible steps to comply the directions of the Hon'ble Tribunal.



*Bandana*  
*Panigrahy*  
Commissioner  
Howrah Municipal Corporation

X

8. That the statements made in paragraphs 1 to 6 are true to my knowledge and are information derived from records and the rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me

*Ananta Pandey*  
Advocate F/747/2009

*Bandana Pokhriyal*

Deponent

Identified by me

*Ananta Pandey*  
*Atli*



Solely Affirmed and  
Declared before me U/S 139  
CPC, U/S 297 (C) CrPC

*SK*  
Notary

*SK Nazrul Islam*  
Notary, Govt. of W.B.  
Regn. No. 447/19  
City Civil Court, Calcutta

30 AUG 2024

#### VERIFICATION

I, Bandana Pokhriyal, daughter of Sri Chandra Shashi Pokhriyal, aged about 35 years, working for gain at Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah-711101, do hereby verify that the contents of paragraphs 2 to 9 and parts thereof are based on information and/or derived from sources which I verify believe

X

to be true and I have not suppressed any material facts and circumstances and the rest are my humble submissions, before the Hon'ble Tribunal.

*Bangana  
Panthiyel*

Deponent

Identified by me

*Amrita Pandey*

Advocate

*F/747/2009*

DATE : 30/08/2024

PLACE : KOLKATA





# HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH - 711 101  
Tel: (+91-33) 2638-3211-13, 2641-5218; Fax: (+91-33) 2641-5218/2214

No. 069 /Gen (S.C. Cell)/Commr./2023-24

Dated : November 23, 2023.

To,

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

By Speed Post / Mail

- 2) The Divisional Railway Manager,  
Eastern Railway,  
Howrah.

**Sub : O.A. No. 104/2023/EZ — Subhas Dutta vs. State of West Bengal & Ors. — List of Existing Structure (Authorised & Un-authorised) along the river bank of Ganga at Howrah Railway Station area- Reg.**

Sir,

Apropos of the above and in pursuance of the interim order of the Hon'ble NGT, Eastern Zone, dated 06.09.2023 on the above-mentioned O.A., it is requested to kindly provide a detailed list of the Existing Structures along the bank of river Ganga at Howrah Railway Station area ( stretch between Chandmari Ghat and its adjacent area to-to Howrah Railway Station Complex up-to backyard of RMS) as per the following pro-forma latest by 30.11.2023 for preparation of Affidavit-in-Opposition and subsequent submission before the Hon'ble NGT :

Sl. No.	Details of Occupancy (Name, Area with location, Type of activity)	Details of Proprietor / Occupier	Status ( Authorised / Un- authorised)

An early response is solicited.

Thanking you,

Yours faithfully,

*[Signature]*  
Commissioner

Howrah Municipal Corporation  
Dated : November 18, 2023.

Endt.No. /Gen (S.C. Cell)/Commr./2023-24

Copy forwarded for favour of information to :

- 1) The Member Secretary, WBPCB, Paribesh Bhavan, Building 10A, Block LA, Sector III, Bidhannagar, Kolkata - 700106;
- 2) The Sr. Spl. Secretary, UD&MA Dept., Govt. of West Bengal, "NAGARAYAN", DF - 8, Sector - I, Salt Lake, Kolkata - 700084;
- 3) The Director, SUDA;
- 4) The Secretary, HMC;
- 5) The Exe. Engineer (S&D), HMC - With request to co-ordinate with all concerned for compilation of data and its onward submission;
- 6) The OSD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 7) Dept. Guard File.

*[Signature]*  
Commissioner  
Howrah Municipal Corporation





# HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH – 711 101  
Tel: (+91-33) 2638-3211-13, 2641-5218; Fax: (+91-33) 2641-5218/2214

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*[Signature]*  
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- 6) The OSD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 7) Dept. Guard File.

*[Signature]*  
Commissioner  
Howrah Municipal Corporation



Minutes of the meeting regarding preparation of an Action Taken Report and further necessary information, geo-tagged photos, etc. for compliance of Hon'ble NGT's directions passed on 06.09.2023 and 10.10.2023 against the Original Application No.104/2023/EZ [Subhas Datta-VS- State of WB & Ors.]

In the Chair :	Director, SUDA
Meeting Date :	8 <sup>th</sup> November, 2023
Meeting Venue :	Director Room, SUDA
Meeting Time :	11:00 AM onwards

- Members present: Sri Deepanjan Mukhopadhyay, Joint Director SUDA, Sri Arghya Ghosh, Joint Director SUDA, Sri Rajib Mukherjee, EE, SUDA, Sri Parthajoy Bhattacharya, Environment Specialist, WBSPMG, Sri P.K. Bhanja, EE, HMC, Sri Biswajit Mukhopadhyay, EE, KMDA/GAP, Sri A. Fouzdar, AE, WBPCB, Moumita Mitra, Law Officer, SUDA.

Director, State Urban Development Agency (SUDA) chaired the meeting.

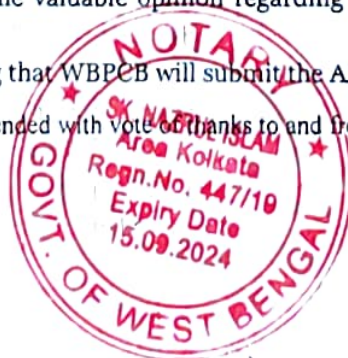
In the meeting, he welcomed all the members and explained the discussion points of the meeting. Moumita Mitra, Law Officer, SUDA, highlighted the relevant points. After that, a threadbare discussion was held among the members and following discussion and decisions were taken.

- ✓ It was suggested that UD&MA Dept. may appeal for Time prayer for extension of submission of AFFIDAFIT as this is a festive period with minimum office functioning.
- ✓ It was decided that Howrah Municipal Corporation (HMC) will provide detailed information to UD&MA Dept:
  - i. Existing structure (authorized & unauthorized) along the Ganga River bank. HMC may collect the data from Kolkata Port Trust, Eastern Railways and other govt. organizations if any.
  - ii. Detailed information of toilets along the Ganga River bank along Howrah Station area specially mentioning the discharge points.
  - iii. HMC will provide detailed information on generation and disposal of Solid and Liquid Waste along the Ganga River bank along Howrah Station area.
  - iv. Regarding the present condition of the running STPs if any along that area.
  - v. The pre activity condition of the existing area to be documented with geo tagged photograph and after action taken by HMC post activity condition to be documented with geo tagged photograph by HMC.
  - vi. Before submission of AFFIDAFIT the draft copy should be shared with the UD&MA Dept.

Reports from points (i) to (v) to be submitted by HMC to UD&MA Dept. within 17.11.2023.

- ✓ The committee has accorded a decision that after submission of the reports a joint inspection may be conducted by joint inspection team.
- ✓ KMDA and SPMG will submit the relevant reports to the UD&MA Dept. within 17.11.2023.
- ✓ WBPCB was requested to submit the valuable opinion regarding the matter and may share it with UD&MA Dept.
- ✓ AE, WBPCB reported in the meeting that WBPCB will submit the AFFIDAFIT separately.

With no other issue for discussion the meeting ended with vote of thanks to and from the chair.



*[Signature]*  
Director, SUDA



# HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH – 711 101  
Tel: (+91-33) 2638-3211-13, 2641-5218; Fax: (+91-33) 2641-5218/2214

No. 070/Gen (S.C. Cell)/Commr./2023-24

Dated : December 22, 2023.

The Sr. Special Secretary,  
Urban Development & Municipal Affairs Dept,  
Govt. of West Bengal,  
"NAGARAYAN",  
DF – 8/ Sector – I,  
Salt Lake City,  
Kolkata – 700064.

**Sub : O.A. No. 104/2023/EZ — Subhas Dutta vs. State of West Bengal & Ors. – List of Existing Structure (Authorised & Un-authorized) along the river bank of Ganga at Howrah Railway Station area- Status Report - Reg.**

Madam,

Apropos of the above and pursuant to your letter communicated vide Memo No. 108/(Law)/UDMA – 15011(15)/10/2023-LS-MA-SEC-Dept of UDMA, dated 28.11.2023, a detailed status report with regard to generation and disposal of solid waste, present condition of running of STP and position of toilets along the river bank of Ganga at Howrah Railway Station area as furnished by concerned departments of HMC and marked as Annexure "A", "B" & "C" respectively along-with relevant photographs are enclosed for kind perusal and further required action please. It may be further mentioned here that as regards the details of existing structures (both authorized & un-authorized), letters have been sent to the authorities of the Eastern Railway & SPMP (Formerly KoPT) requesting there-at to furnish the same by 30.11.2023 which, however, have not yet been received at this end, copy enclosed for ready reference please.

Thanking you,

Yours faithfully

*Sat*  
Commissioner  
Howrah Municipal Corporation  
Encls : As stated above.

Endt .No. 070/1(6)/Gen (S.C. Cell)/Commr./2023-24

Dated : December 22, 2023.

Copy forwarded for favour of information to :

- 1) The Member Secretary, WBPCB, Paribesh Bhavan, Building 10A, Block LA, Sector III, Bidhannagar, Kolkata – 700106;
- 2) The Director, SUDA;
- 3) The Secretary, HMC;
- 4) The Exe. Engineer (S&D), HMC – With request for necessary co-ordination;
- 5) The OSD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 6) Dept. Guard File.

*Law*  
Commissioner  
Howrah Municipal Corporation





~~SECRET~~  
ANNEXURE - A.

779/23-24  
29/11/23

নথি বিষয় ---

আদেশ এবং মন্তব্য শারাবাহিক ---

পাতা -

A.E (Conservancy)

This is to inform you that as per the note of Secretary on 18.11.2023 the following activities done by the Conservancy Department, H.M.C & detailed report about the generation & discharge of solid & liquid waste by the Conservancy Department, H.M.C-

1. Adequate arrangements like disposable garbage bins placed in different ghats under the jurisdiction of H.M.C at Howrah Railway Station & the bank of river Ganga attached to it for garbage disposal.
2. Day to day cleaning activity like road sweeping collecting garbages from the diffent hotels road side food outlets, restaurents etc situated in Old Chandmari Road to New Chandmari Road in ward no-14 under H.M.C is done each & every day.
3. The area of Howrah Railway station is belongs to the Railway Authority & Port trust is looking after the maintenance & cleaning of the banks of river Ganga.
4. Sprinkling of lime & bleaching powder on a frequent basis throughout the surrounding areas of Howrah Railway Station area under the jurisdiction of H.M.C.
5. Different IEC material provided by SUDA being used for Ganga Ghat cleaning awareness programmed among the people.
6. Agency is being already engaged to remove accumulated garbage from different ghats in & surrounding areas of H.M.C areas.
7. Special cleaning being done according to the direction of District Administration as per requirement.

The concerned Conservancy Officials will ensure effective monitoring & strict enforcement of the enacted rules & regulation in day to day cleaning activites.

Submitted Please.

Shahabuddin  
2A  
1/12/23

[Signature]  
01/12/23

Secretary

Forwarded for your information & I

hr  
02/12/23

[Signature]  
01/12/23





05-Dec-2023 9:08:12 am  
1/7B Service Road  
Howrah  
Presidency Division  
West Bengal



05-Dec-2023 9:09:38 am  
Rabindra Setu  
Howrah  
Presidency Division  
West Bengal



05-Dec-2023 9:07:11 am  
1/7B Service Road  
Howrah  
Presidency Division  
West Bengal



05-Dec-2023 9:09:25 am  
Rabindra Setu  
Howrah  
Presidency Division  
West Bengal



**NOTARY**  
SK. NAZRUL IBLAH  
Area Kolkata  
Regn No. 143714  
Expiry Date  
15.09.2024  
OF WEST BENGAL



05-Dec-2023 9:09:37 am  
Rabindra Setu  
Howrah  
Presidency Division  
West Bengal

- X -



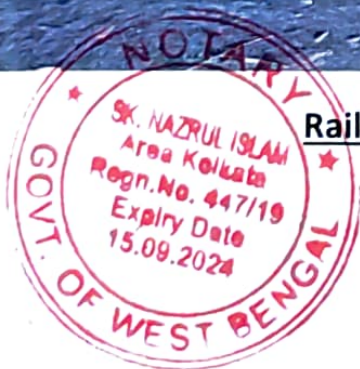
- X -



Railway Union front side



Railway Union back side



Comp/Commr/8700/23-24 p.224

30-09-2024/20-28/General  
RECEIVED  
CONTENTS NOT VERIFIED  
T.D. 24/11/24 @ 11:31 AM  
COMMISSIONER'S OFFICE  
H.M.C.



श्यामा प्रसाद मुखर्जी पोर्ट, कोलकाता  
SYAMA PRASAD MOOKERJEE PORT, KOLKATA  
Formerly Kolkata Port Trust  
General Administration Department  
Estate Division  
6, Fairlie Place, 2<sup>nd</sup> Floor, Kolkata-700001

Secretary

S.T. Sup (S.C. Cell)  
Khdg per dt 1/11/24  
19/11/24  
29/10/24

No.Lnd.5439/W.B Pollution Control Board/24/ 160

Dated:- 18 - 01 - 2024

The Commissioner  
Howrah Municipal Corporation (HMC)  
4, Mahatma Gandhi Road, Howrah  
Pin-711101

Sir

**Sub:-**O.A No.104/2023/EZ  
Before the Hon'ble NGT, Eastern Zone Bench, Kolkata, West Bengal  
Subhash Datta  
-Vs-  
State of West Bengal & Ors.

**Ref:-**Your letter No.069/Gen(S.C.Cell)/Commr./2023-24 Dated 23.11.2023  
(photocopy enclosed)

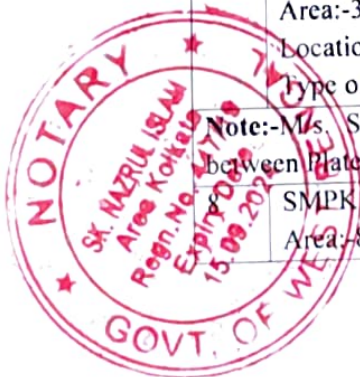
This is in connection with the subject pending NGT matter and your above referred letter dated 23.11.2023 requesting Syama Prasad Mookerjee Port Kolkata (SMPK) for providing detailed list of structures/occupants along the bank of River Ganga at Chandmari Ghat opposite to Howrah Railway Station Complex.

2. Accordingly, a detailed list and layout of the unauthorised hotels and encroachments, to be removed and evicted, in terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (WB) dated 08.04.2008, r/w Order dated 16.07.2013 passed by The National Green Tribunal, Principal Bench, New Delhi in Appeal No.54/2013 (THC) (WP No.10158 of 2008 of High Court, Calcutta) (photocopies enclosed), who are unauthorisedly occupying SMPK public premises at Chandmari Ghat opposite to Howrah Railway Station Zone, and their statuses, are furnished hereunder, as per your given format, which speaks for itself:-

SL. No.	Details of Occupancy (Name, Area with location, Type of activity)	Details of Proprietor/Occupier	Status (Authorised/ Unauthorised)
1	Name of earlier SMPK tenant:	M/s. Abhishek Hotel	Unauthorised



	Udai Bhan Singh, Plate No:-HL-24/1 & HL-24/1/1, Area:-50.91 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.		
2	Name of earlier SMPK tenant: Abilakh Singh, Plate No:-HL-22 & HL-22/1, Area:-28.15 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Abhishek Hotel	Unauthorised
3	Name of earlier SMPK tenant: S.K Chatterjee (Bela Chatterjee), Plate No:-NHB-17 & NHB-17/A, Area:-11.705 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Sai Ganga Hindu Hotel	Unauthorised
4	Name of earlier SMPK tenant: B.C Rakshit, Plate No:-NHB-18, Area:-3.902 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Sai Ganga Hindu Hotel	Unauthorised
5	Name of earlier SMPK tenant: G.B Saha, Plate No:-NHB-16, Area:-7.8 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Sai Ganga Hindu Hotel	Unauthorised
6	Name of earlier SMPK tenant: Estate Bhanu Bhagat, Plate No:-NHB-23, Area:-3.9 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Sai Ganga Hindu Hotel	Unauthorised
7	Name of earlier SMPK tenant: Fauzdar Khatic, Plate No:-NHB-20, Area:-3.9 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Sai Ganga Hindu Hotel	Unauthorised
<p>Note:-M/s. Sai Ganga Hindu Hotel is also illegally occupying adjacent open space in between Plate No(s).NHB-17, NHB-17/A, NHB-16, NHB-18, NHB-20 &amp; NHB-23.</p>			
	SMPK vacant public premises Area:-83 Sq.mts	M/s. Jay Bijay Hindu Hotel	Unauthorised



- 15 -

	Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised	Prop:-Rajbali Sonkar	
9	Name of earlier SMPK tenant: Mohanlal Sil, Plate No:-HL-15, Area:-7.8 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Hotel	Unauthorised
10	Name of earlier SMPK tenant: Estate Rai Bahadur Mukram Kanoria, Plate No:-HL-13, Area:-14.4 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Sonkar Hotel	Unauthorised
11	Name of earlier SMPK tenant: Estate Karim Bux Khan, Plate No:-HL-21 & HL-21/1, Area:-20.067 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised.	M/s. Islamia Hotel	Unauthorised
12	Name of earlier SMPK tenant: Janab Abdul Hosain Md Shabbir Khan, Plate No:-HL-20/A & HL-20/B, Area:-23.783 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised	M/s. Islamia Hotel	Unauthorised
13	Name of earlier SMPK tenant: Ashit Kumar Dutta & Ors, Plate No:-HL-25/1, HL-25/3 & HL-25/3/1, Area:-77.02 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised	M/s. Dutta Cabin	Unauthorised
14	Name of earlier SMPK tenant: Estate Duman Shaw, Plate No:-HL-25/4, Area:-32.84 Sq.mts, Location:-Chandmarighat, Howrah, Type of activity:-Unauthorised	M/s. Durga Mukesh Hindu Hotel	Unauthorised

3. You may be aware that in the aforesaid matter, a joint inspection/assessment for the eviction of the unauthorised hotels from SMPK public premises at Chandmari Ghat area at Howrah, was recently conducted on 22.12.2023, by the officials of HMC, SMPK, Golabari P.S, Howrah Police Commissionerate and CESC Ltd., in the presence of SDM Howrah.



- X6 -

4. This is for your kind information please and you are also earnestly requested to expedite the process of the eviction and removal of the unauthorised hotels at Chandmari Ghat area at Howrah and protect the interest of SMPK under the control of the Ministry of Ports Shipping & Waterways, Govt. of India.

**Encl**:-As stated.

Yours faithfully,



Estate Manager (I/C)



# HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH - 711 101  
 Tel: (+91-33) 2638-3211-13, 2641-5218; Fax: (+91-33) 2641-5211

6448 30/11/23  
 Regd. No. 6448  
 Dated: November 23, 2023

No. 069 /Gen (S.C. Cell)/Commr./2023-24

U-0208  
 29/11/23

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

✓ 2 m / 1/1/23  
 By Speed Post.

2) The Divisional Railway Manager,  
 Eastern Railway,  
 Howrah.

**Sub : O.A. No. 104/2023/EZ — Subhas Dutta vs. State of West Bengal & Ors. — List of Existing Structure (Authorised & Un-authorised) along the river bank of Ganga at Howrah Railway Station area- Reg.**

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Thanking you,

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*[Signature]*  
 Commissioner

Howrah Municipal Corporation  
 Dated : November 18, 2023.

Encl. No. /Gen (S.C. Cell)/Commr./2023-24

Copy forwarded for favour of information to :

- 1) The Member Secretary, WBPCB, Paribesh Bhavan, Building 10A, Block I.A, Sector III, Bidhannagar, Kolkata - 700106;
- 2) The Sr. Spl. Secretary, UD&MA Dept., Govt. of West Bengal, "NAGARAYAN", DF - 8, Sector - I, Salt Lake, Kolkata - 700084;
- 3) The Director, SUDA;
- 4) The Secretary, HMC;
- 5) The Exe. Engineer (S&D), HMC - With request to co-ordinate with all concerned for compilation of data and its onward submission;
- 6) The USD (Law), HMC - with request to keep apprise the Ld Counsel of the HMC in the instant OA.
- 7) Dept. Guard File.

BAEM-II  
*[Signature]*

EB (K-2)  
*[Signature]*

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 27/12/23

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Commissioner  
 Howrah Municipal Corporation

**POLLUTION CONTROL APPELLATE AUTHORITY (W. B.)**  
 "Paribesh Bhawan", 10A, LA Block, Sector-III, Salt Lake City,  
 Kolkata - 700 098.

Re: **Appeal No. A-16/2007**  
 M/s. Dutta Cabin' ... Appellant.  
 Vs  
 W. B. Pollution Control Board.... Respondent.

**Appeal No. A-17/2007**  
 M/s. Hotel (Prop. Dillip Sonkar) ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**Appeal No. A-18/2007**  
 M/s. Jay Bijay Hindu Hotel ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**Appeal No. A-19/2007**  
 M/s. Durga Mukesh Hindu Hotel ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**Appeal No. A-20/2007**  
 M/s. Sal Gnaga Hindu Hotel ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**Appeal No. A-21/2007**  
 M/s. Islamia Hotel ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**Appeal No. A-22/2007**  
 M/s. Abhishek Hotel ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**Appeal No. A-23/2007**  
 M/s. Sonkar Hindu Hotel ... Appellant.  
 Vs  
 W. B. Pollution Control Board ... Respondent.

**ORDER**  
**08-04-2008**

Shri Shyamal Sanyal, Advocate, Appeal No. A-16/2007 & A-17/2007.

Shri Avijit Basu, Ld. Advocate, Appeal No. A-18/2007 to A-23/2007.

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Prof. Arunabha Majumder, Emeritus Fellow (AICTE), Jadavpur University.

Shri Biswajit Mukherjee, Sr. Law Officer, Department of Environment, Government of West Bengal, & Member-Convenor, Ganga Monitoring Committee.

Shri S. S. Bala, Sr. Scientist, the Central Pollution Control Board and Member, Ganga Monitoring Committee.

Prof. Kalyan Rudra, River Expert and Member, Ganga Monitoring Committee.

Shri Amar Nath Goswami, Law Officer, the West Bengal Pollution Control Board.

Shri Bijan Chakraborty, Chief Engineer and Shri Pradip Mukherjee, Special Officer, Conservancy, the Howrah Municipal Corporation.

All these appeals have been heard together and will be disposed of by this common order as the appeals arise out of a common order dated 03.09.2007 passed by the Chief Scientist & Head, Technical Cell on behalf of the West Bengal Pollution Control Board.

All the appellant units are hotel-cum-restaurants situated on the bank of the river Ganga in proximity and opposite to the Howrah Railway Station. By the impugned order the appellant hotel units were directed to shift to new location elsewhere from their present sites within January, 2008 on the ground that the units (hotels and eateries) were operating without obtaining 'Consent to Operate' from the State Board and also on the ground that they were contributing in polluting the river Ganga by discharging waste effluents in the river without any treatment in absence of any Effluent Treatment Plant (ETP) and did not have even space to install ETP for treating their waste effluents. It is needless to mention that this shifting order also necessarily implies closing of the units at their present location within the specified time limit. It may also be pointed out here that all these hotels are situated closely adjacent to each other in a cluster.

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The Impugned order as it stands is virtually inassailable in as much as the units cannot operate without 'Consent to Operate' from the State Pollution Control Board and undisputedly they are generating polluting effluents and passing out the same without any treatment in the absence of Effluent Treatment Plant. When the matter came up before us in appeal it was inter alia submitted on behalf of the appellants that these hotels cum eateries are operating there for very long time and are serving innumerable passengers of the Howrah Railway Station everyday. It is also submitted that a considerable number of employees are serving in these hotel units and if these units are now closed, those employees will have to face starvation apart from the colossal inconvenience to the passengers and visitors of Howrah Railway Station. Considering the situation and in response to the submission made on behalf of the appellants, we granted an opportunity to the appellants to come up with a proposal for establishing the Effluent Treatment Plant for the appellant hotel units. In view of the submission made before us that they will submit a plan and proposal for establishing a common ETP by squeezing the available space under their occupation and thus bringing out some spare space on which the treatment plant can be installed in conformity with the applicable norms and standards, we gave the appellants the opportunity they prayed for in this respect. It is, however, submitted before us on behalf of the State Board on the basis of report of inspection held that the hotels do not have any space to install the Effluent Treatment Plant. It is also submitted on behalf of the State Board before us that the hotels are unauthorizedly located on the land of the Kolkata Port Trust and no Effluent Treatment Plant can be established without the consent of the Kolkata Port Trust authority. It is further submitted on behalf of the State Board that Howrah Municipal Corporation has also stopped issuing trade licence in favour of the hotel units. To counter this, the Ld. Advocates for the appellants submit that these hotels are situated there as tenants of the Kolkata Port Trust for a long time and are operating

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without any objection from any authority whatsoever till recently in the Howrah Municipal Corporation stopped renewing trade licence. The State Pollution Control Board, in the backdrop of the report of the Monitoring Committee appointed by the Hon'ble Calcutta High Court for preventing pollution of river Ganga, refused to grant necessary permission. However, we gave an opportunity, as noted above, to the appellants to come up with their plan and proposal for establishing Effluent Treatment Plant for their hotels on the present site, in response to their submissions in this respect.

By our order dated 27.11.2007, we directed the appellant units to prepare a time-bound action plan for constructing a common Effluent Treatment Plant within the space available to them. The Ganga Monitoring Committee constituted by the Hon'ble Court as referred to above was also requested by us to look into such plan and proposal after submission of the same. Accordingly, the appellant units got their plan and proposal for Effluent Treatment Plant prepared by expert and submitted the same for consideration. The matter was taken up by us on 18.12.2007. On perusal and consideration of the plan and after hearing the Ld. Advocates for the appellants as well as Shri Basudev Das, the expert who prepared the plan on behalf of the appellant units, and also Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal and the Member-Convenor of the Ganga Monitoring Committee appointed by the Hon'ble Court, we found that the proposed Effluent Treatment Plant submitted by the units was not acceptable for reasons which were pointed out by us to the Ld. Advocates of the appellant units and the expert Shri Basudev Das. The expert Shri Basudev Das, who prepared the plan, submitted that they would prepare a revised plan to meet the deficiencies pointed out by us in the plan. We also requested Prof. Arunava Mazumdar, presently Emeritus Professor, Department of Water Resources, Jadavpur University and also three technical expert members of the Ganga Monitoring

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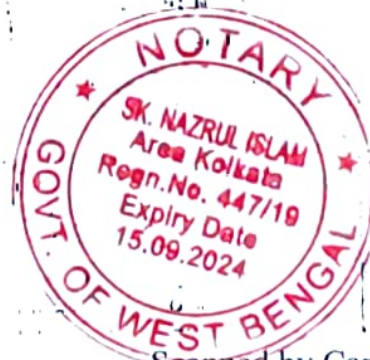
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Committee appointed by the Hon'ble Court to examine the technical viability of the plan that would be submitted afresh on behalf of the appellants. In course of time the hotel units submitted revised plan and the matter came up for hearing before us again on 22.01.2008. The committee appointed by us comprising Prof. Arunava Mazumdar and some experts of the Ganga Monitoring Committee also examined the revised plan and gave their opinion. In the report of the said appointed committee it was observed that there were several lacuna in the revised plan which was found to be totally unsatisfactory for reasons stated in the report and the committee made some ancillary recommendations in the matter. Prof. Arunava Mazumdar, who presented the report before us, also verbally explained the report. On being asked regarding the objections raised by the committee in this respect, Shri Basudev Das, the engineer who prepared the revised report on behalf of the appellant units, admitted the validity of such objections and prayed for some time to submit 2<sup>nd</sup> revised plan for installation of Effluent Treatment Plant taking care of all the points of objections raised by the appointed expert committee. Some observations and directions were also recorded by us in the said order dated 22.01.2008. The matter next came up for hearing before us on 04.03.2008 when the 2<sup>nd</sup> revised plan was submitted on behalf of the appellants.

We are now considering whether the 2<sup>nd</sup> revised plan is acceptable or not. At the time of hearing, Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal and the Member Convenor of the High Court Committee placed before us a letter issued by Kolkata Port Trust authority to him stating that all the concerned hotel units operating there adjacent to the river Ganga and opposite to Howrah Railway Station building were either rank outsiders or unauthorized occupants and accordingly Kolkata Port Trust had initiated eviction proceedings against them in Court and as such Kolkata Port Trust could not consider allotment of any alternative plot of land to

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the appellant hotel units for their rehabilitation and there was also no available vacant land of the Kolkata Port Trust in the vicinity for the purpose of alternative allotment. It may also be mentioned here that earlier the hotel units approached the Railway authority to allow them to discharge the effluents of the hotels in the Effluent Treatment Plant installed by Railway authority for the Howrah Railway Station. This request was, however, not acceded to by the Railway authority as submitted on behalf of the hotels. It was submitted before us on behalf of the appellants that a writ petition was pending before the Hon'ble High Court in which prayer was made for issuing necessary direction upon the Howrah Municipal Corporation to renew the Trade Licence in favour of the appellant hotel units.

At the time of hearing on 04.03.2008, Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal and the Member-Convenor of the Expert Committee while making his submission before us made a visual show, by presentation through projector, of the pictures taken by the committee in respect of appellant hotel units during their inspection relating to some vital aspects of their functioning as well as some discharge points of effluents on river Ganga by the side of the hotels. Such presentation was made by him in presence of the Ld. Advocates of hotel units, technical experts including the expert of the appellant hotel units as well as all those who were present in the hearing room.

We have already pointed out that we gave repeated opportunity to the appellant hotel units for submitting proper and workable design of Effluent Treatment Plant (ETP) for the hotels as prayed for by them. The initial design submitted by them, on scrutiny was found by us to be inadequate. Further, on their request we gave a 2<sup>nd</sup> opportunity to submit a revised design which in due course was done by them. The revised design was also found inadequate by us for reasons adumbrated

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After order and again on their request we granted them a 3<sup>rd</sup> opportunity to submit a 2<sup>nd</sup> revised design. Accordingly, they submitted 2<sup>nd</sup> revised design. It may be mentioned here that all these designs are prepared by Shri Basudev Das, Consulting Environmental Engineer appointed for the purpose by the appellants hotel units. The 2<sup>nd</sup> revised design, as it seems, was placed by the appellants hotel units before the Faculty of Engineering and Technology, Civil Engineering Department, Jadavpur University and a team of Faculty Members of the said department including Professor Amitava Gangopadhyay visited the spot for making inspection and they recorded their observations / comments on the proposed Effluent Treatment Plant of the appellants hotel units, which have also been placed before us at the time of hearing along with the 2<sup>nd</sup> revised design.

As it appears, the effluents of the hotels contain various substances including wash water, starch bearing water generated from rice boiling, oil & grease etc. which are highly polluting ingredients. Such effluents without proper and necessary treatment should not be discharged into the river Ganga so that the contribution of undesirable pollutants in the river may be controlled. The design purports to have been prepared taking into consideration the analysis reports of the effluents prepared on the basis of collection of samples which were thereafter tested in the laboratory. According to the test report of the combined effluents (with starch) of all the hotels, BOD was found to be 1729 Mg/L, COD 3259 Mg/L, oil and grease 122 Mg/L etc. etc. Again the test report of the combined effluents except starch recorded 354 Mg/L for BOD, 185 Mg/L for oil and grease etc. Based on the test reports it is observed in the details of the design report that the starch (liquid portion of boiled rice) is contributing major portion of BOD and COD in the waste water and during the design of Common Effluent Treatment Plant (CEPT), the waste water characteristic only (except starch) has been considered. It is further stated that the effluents generated by the hotel units



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ected in a sump well, through oil and grease trap and coarse bubble  
 sc type aerator will be used to make the solids in suspension which  
 will also reduce some BOD and that effluents from the sump well will be  
 pumped into the Aeration Tank which is to be operated under extended  
 aeration mode and air will be injected into the Aeration Tank through  
 diffused aeration system for reduction of BOD and thereafter, the  
 completely aerated waste water will be transferred through overflow  
 weir to a Hopper Bottom Settling Tank for the settlement of sludge. As  
 regards regular sampling and monitoring work, it has been mentioned  
 in the report of the design that raw and treated waste water will be  
 monitored by engaging a reputed laboratory recognized by the West  
 Bengal Pollution Control Board and frequency of monitoring will be twice  
 in a year or as suggested by the authority. The proposed site of  
 Common Effluent Treatment Plant is situated admittedly at such a level  
 by the side of river Ganga that the area may be submerged and  
 therefore a RCC wall of 1 meter height is proposed to be constructed  
 around the CETP for protecting the same from submergence. So far we  
 have mentioned only the salient features of the 2<sup>nd</sup> revised Effluent  
 Treatment Plant design and the connected report.

On this 2<sup>nd</sup> revised design, which was considered by the Faculty of Civil  
 Engineering Department of Jadavpur University after making a spot  
 inspection, some observations were made regarding the design and the  
 report, some of which we will now mention in this connection. It has  
 been interalia recorded in the observations that a small quantity of  
 water is being used repetitively for washing a large number of utensils  
 and this appears to be responsible for generation of highly concentrated  
 portion of effluent. It has also been stated that presently starch bearing  
 water generated from rice boiling and waste-oil-bearing water from  
 kitchen is getting discharged without any prior segregation and this  
 practice may lead to enhancement of BOD as well as oil and grease value  
 to a considerable extent. It is categorically recorded that the area

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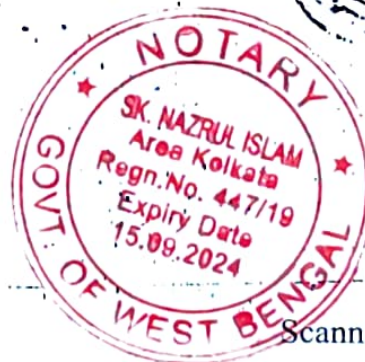


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available for treatment of effluent is very meager. The proposed area is only 43.96 Sq. Meter. The above observations, apart from others, were made regarding the status of the the hotel units and effluent generation.

Regarding the proposed scheme for effluent treatment a few further observations were also made, one such observation being that the suggested extended aeration system seems to be appropriate for the effluent generated from the restaurants 'provided some separate arrangement for disposal / reuse is done for the starch portion'. It has also been mentioned that the required efficiency of treatment with respect to soluble BOD is more than 95%. This high degree of efficiency of performance requirement indeed cannot escape notice. The report also contains as many as seven recommendations one of which is that starch bearing water generated from rice boiling should neither be disposed of in the drains nor be mixed with other portion of effluents and that there should be separate arrangements for collection of the same and transportation to a place (laundry, nursery etc.) where it can be reused or to a municipal sewage treatment plant where it may be mixed with municipal waste water to increase BOD load for proper functioning of the plant. In that connection it has been specifically observed that generally municipal Sewage Treatment Plants (STP) are not functioning satisfactorily because of dearth of organic load and this alternative use of starch portion is suggested because in the present site due to paucity of space, combined anaerobic-aerobic treatment will not be possible which is almost essential for treatment of any high-strength effluent. This, therefore, makes it clear that there is inadequacy of space available for the CEPT and therefore combined anaerobic-aerobic treatment system will not be possible there although such treatment is essential for any high strength effluent. This also highlights the necessity of making separate arrangement for collection of starch bearing water generated from rice boiling and for transportation of the



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same to a place like laundry, nursery etc. where it can be reused or to any municipal sewage treatment plant. The proposed design does not virtually contain any effective measure or indication for separate collection of starch bearing water, far less transportation of the same to a place like laundry, nursery etc. or to the municipal sewage treatment plant. Another observation is that the waste oil should be separately collected as far as practicable and disposed of in a manner as would be suggested by the appropriate authority so that oil and grease value of the effluent may be reduced to a reasonable extent. The suggested design and report do not contain any practicable and effective proposal in this regard. We would also like to point out one more observation where it has been recorded that there is possibility of submergence of the proposed Effluent Treatment Plant (ETP) site during some period of the year and proper safeguard has to be taken by providing boundary wall with appropriate height surrounding the proposed ETP. In the design report it has been specifically mentioned that from local enquiry it is verified that during perigean tide that invades the river in September each year submergence of the proposed Common Effluent Treatment Plant to a height of 0.3 Metre may occur and special consideration needs to be taken into account during planning and designing of the proposed ETP.

This Appellate Authority, as pointed out, also appointed an Expert Committee which includes Prof. Arunabha Majumder, Ex. Director Professor, All India Institute of Hygiene & Public Health and Emeritus Fellow (AICTE), School of Water Resources Engineering, Jadavpur University, Dr. Anjali Srivastava, Director in Charge, Regional Office of NEERI, Kolkata and Member of the High Court Committee, Shri S. Bala, In-charge, Eastern Regional Office, Central Pollution Control Board and Member, High Court, Committee, Dr. Kalyan Kumar, Rayer, Expert and Member, High Court Committee and Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment and Convener-Member, High Court

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Committee. Prof. Arunabha Majumder and other members of the committee visited the site, considered the matter and also submitted an elaborate report before us. This Expert Committee did not recommend the feasibility of the CETP there for reasons recorded in their report. In their report it has been mentioned that sampling should be of composite nature. They pointed out that the proposal for CETP does not contain operational requirement of the CETP. As we have already noticed, operational and maintenance requirement standard for such CETP must be of a very high degree and indeed the proposed design and report do not contain any precise and workable details in this regard. It has also been mentioned in this report that perigean tide that invades river during September each year may lead to submergence of the proposed CETP.

A plan received by Howrah Municipal Corporation from the Kolkata Metropolitan Development Authority which, after discussion by the Howrah Municipal Corporation authorities with the representatives of KMDA, has been submitted before us along with report of the Commissioner, Howrah Municipal Corporation. As has been submitted by the Chief Engineer of the Howrah Municipal Corporation before us at the time of hearing, the effluent discharge drain shown by the red lines in the said map leads to the river Ganga at a point at close distance from the place where the hotels are situated opposite to the Howrah Railway Station. The pictures taken by the appointed Committee during their inspection which were projected in the visual presentation made by Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment and Convener-Member of the said committee during hearing of the appeal also confirm that the exit point of the underground drainage line there opens on a nearby spot discharging the effluents in the river as has been shown in the said map produced by the KMDA before the

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Howrah Municipal Corporation authorities. It is evident that the effluents which are discharged through the pipelines connecting the hotels find their way into the said nearby underground drainage line which directly leads to the river Ganga at a nearby discharge point. The materials on record also show that there is overflow and spilling out of effluents from the drain to the river. It is evident from the emerging scenario that the untreated effluents which are discharged by the hotels find their destination in the nearby discharge point on the river Ganga through the underground drainage line and through spilling.

Now we come to the question as to whether the 2<sup>nd</sup> revised design which is the ultimate design submitted by the hotel units is acceptable or not. We have seen that admittedly the space available for treatment plant of effluents, as suggested in the design is 'very meager' as stated in the observations of the Civil Engineering Department, Jadavpur University. It has also been said that the combined-anaerobic-aerobic treatment will not be possible to be accommodated in the available space although such combined treatment is almost essential for treatment of any such high strength effluent.

However, the submitted design contains proposal for extended aeration but no arrangement for anaerobic treatment is there for want of necessary space. To overcome this difficulty it has been suggested in the design that the effluent (except starch) will be treated in the plant through extended aeration. The question, therefore, naturally arises what is to happen to the starch pollutant in the combined effluent. The BOD level of the combined effluent has been found to be as high as 1729 Mg/L whereas the permissible limit for BOD in storm water is only 30 Mg./L. In the analysis report attached with the 2<sup>nd</sup> revised design the BOD level in the combined effluent (except starch) has been found to be 354 Mg./L which is still much higher than the standard storm water limit of 30 Mg/L. The problem of reducing this BOD level to the permissible



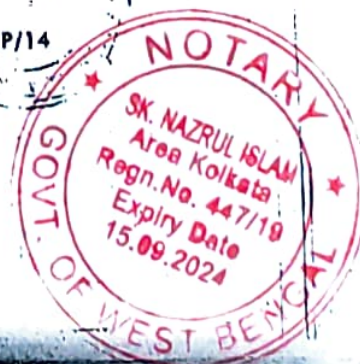
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limit for storm water discharge is expected to be solved by treating starch-free combined effluents in the proposed treatment plant by aerobic treatment and extended aeration. Even assuming that this can be achieved by the proposed treatment plant, the question yet remains as to how the combined effluents can be rendered starch-free before sending the effluents to the treatment plant. The major contributor to the high level of BOD in the combined effluents is the liquid portion of boiled rice cooked in these hotels. It is not at all clear from the report and the design as to how the liquid portion of boiled rice can be segregated. In the report nothing is specifically mentioned as to how the starch or for that matter the liquid portion of boiled rice was segregated and separated from the raw effluents. It is presumed that while taking the 3<sup>rd</sup> sample on 24.02.2008 as mentioned in the report of the design the liquid portion of boiled rice was separated and collected at the cooking point itself in the hotels / restaurants so that the same might not get mixed up with the other raw effluents when collected, thereby rendering such raw effluents free from starch bearing boiled rice liquid. But the problem still remains that such separate collection of starch bearing liquid at the cooking point obviously by manual means will be almost impossible to be maintained perpetually on a regular basis day in and day out through out the year. Manual means of collection of huge quantity of liquid portion of boiled rice at the cooking point which will depend upon the efficiency, sincerity and commitment of human agency cannot for obvious reasons be a safe, reliable and workable procedure for all time to come, particularly where the perspective is a large scale one as here. It is highly likely that such manual effort to separately collect liquid portion of boiled rice at the cooking point will fail wittingly or unwittingly and there will be easy recourse of getting the liquid portion of boiled rice mixed up with the other effluents thereby finding its way to the treatment plant which is obviously not intended for the purpose and the system will thus reduce itself to a meaningless or unworkable show-piece. Presumably, keeping this possibility in mind

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Jadavpur University Faculty team in their observations have laid emphasis on making separate arrangement for disposal / reuse of the starch portion and have explicitly recommended for making separate arrangement for collection and transportation of the same to places like laundry, nursery etc. This itself is a stumbling block for the proposed design, if for nothing else. It is needless to mention that in environmental matters we cannot leave things to chances. 'Precautionary approach' is warranted in environment matters as is by now established and whenever there is any threatened possibility of damage being inflicted on the environment, preemptive action will have to be taken for avoiding such possibility. It is, therefore, evident that the proposed design for the treatment plant suffers major defect and it is difficult to ignore such defect while considering whether green signal should be given to the same. In the Jadavpur University Civil Engineering Department's report it has been stated that the required efficiency of the treatment with respect to soluble BOD is more than 95%. Such high degree of perfection obviously requires extreme efficiency and very high cost, not only in the matter of installation of the plant but even thereafter in the matter of continuous operation and maintenance. There is no concrete proposal in the design report as to how such objectives will be practically attained and what may be the probable cost for the same and whether it will be possible for the hotel units to financially afford the same, in the absence of which the proposed plant cannot be certified for effective installation and operation. As regards collection of grease and oil and disposal of the same, the Jadavpur University Civil Engineering Department team recommends that the same should be separately collected as far as practicable and disposed of in a manner as will be suggested by the appropriate authorities so that the oil and grease value may be reduced to the prescribed limit. In the design report there is practically no suggestion of A to Z steps for collection and disposal of oil and grease mixed with the effluents and

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this aspect of the deficiency in the proposed design also cannot be ignored. There is also another very important aspect which looms large in the matter. It is an admitted fact that perigean tide that invades river Ganga during September each year is likely to submerge the proposed Common Effluent Treatment Plant site and that is why both in the design report and in the recommendations of the Jadavpur University it has been suggested that proper safeguard is to be taken by providing boundary wall with proper height surrounding the proposed Common Effluent Treatment Plant. It is a matter of common knowledge that tide in the river Ganga is highly forceful and this is more so during the perigean tide. It is highly probable, if not certain, that any such wall to protect the Common Effluent Treatment Plant there may collapse on being unable to withstand the powerful force of the tide, unless it is made foolproof which will require high class expertise and enormous cost about which there is no feasibility assessment or lay out in the report and design.

Having regard to the facts, circumstances and materials including the different reports placed before us and on being circumspect we are unable to accept the proposed design of Common Effluent Treatment Plant as a practicable, workable and effective one. That being the situation and having regard to the fact that we have given series of opportunity to the appellant hotel units to come forward with workable proposal for establishing an effective Effluent Treatment Plant at the site available to them in the present location, we have no other alternative but to require the appellant hotel units to close down their units at its present location. Having regard to the fact that a good number of employees are working in these hotels for their livelihood we are giving them a breathing time to close and in the meantime find an alternative solution to their problem elsewhere, if possible.

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therefore, direct the hotel units to close down their operation within a period of two months irrespective of the question whether it is possible for them to find any alternative accommodation elsewhere. (It will indeed be a good gesture on the part of Howrah Municipal Corporation, Kolkata Port Trust and Kolkata Metropolitan Development Authority to help the appellant hotel units to solve their problem, if possible, by arranging any alternative location for them if they approach for the same now or in future.) In the event the appellant hotel units do not close down within a period of two months as directed above, the appropriate authorities including the West Bengal Pollution Control Board will take necessary action for implementation of the closure order in accordance with law. 14

Contribution of Howrah Municipal Corporation to the pollution level of Ganga by discharge of effluents through its sewer lines and otherwise has also to be seriously looked into. The State Pollution Control Board will take necessary steps in that direction, seeking, if necessary, collaboration of other authorities and bodies as may be considered necessary by it.

Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal is appointed Monitoring Officer for monitoring the implementation of all the directions given by us in this order. He will be at liberty to take the assistance of other authorities and bodies as may be considered necessary, and such authorities and bodies shall extend all necessary assistance as may be required by him in this connection.

The concerned Electricity supply Authority shall disconnect electricity supply to the appellant hotels/ eateries after the expiry of two months for enforcing closure.

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The Police Authorities shall also extend necessary assistance, if required, for enforcing closure after the expiry of time granted by us.

The appeals stand disposed of accordingly.

Sd/-

(Prof. Pinaki Bhattacharjya)  
Dept. of Chemical Engineering  
Jadavpur University  
And  
Member, Appellate Authority

Sd/-

(Prof. D. J. Chattopadhyay)  
Department of Bio-Technology,  
Calcutta University  
And  
Member, Appellate Authority

Sd/-

(Justice Gitesh Ranjan Bhattacharjee)  
Chairman, Appellate Authority

Memo No. 630 -A-16/2007 . . . Dated: 9.08.2008.

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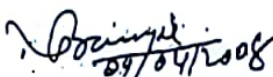
1. M/s. Dutta Cabin, 4/3, R.B.C. Road, Howrah-1.
2. Sri Dilip Sonkar (M/s. Hotel), 4/3, R.B.C. Road, Howrah-1.
3. M/s. Jay-Bijay Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
4. M/s. Durga Mukesh Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
5. M/s. Sai Ganga Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
6. M/s. Islamia Hotel, 4/3, R.B.C. Road, Howrah-1.
7. M/s. Abhishek Hotel, 4/3, R.B.C. Road, Howrah-1.
8. M/s. Sonkar Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
9. West Bengal Pollution Control Board, Salt Lake City, Kolkata-700098.
10. The Principal Secretary to the Government of West Bengal, Department of Environment & Chairman, Hon'ble High Court, Calcutta Ganga Monitoring Committee, Writers' Buildings, Kolkata-700001.
11. The Chairman, Kolkata Port Trust, 15, Stand Road, Kolkata-700001.
12. The Chief Executive Officer, Kolkata Metropolitan Development Authority (KMDA), Prashasan Bhawan, Salt Lake, Kolkata.
13. The Commissioner, Howrah Municipal Corporation, 4, M. G. Road, Howrah, Pin - 711 101.
14. Prof. Arunabha Majumder, Emeritus Fellow (AQTE), School of Water Resources Engineering, Jadavpur University, AA-268, Sector-1, Salt Lake City, Kolkata-700064.
15. Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal, & Member-Convenor, Hon'ble High Court, Calcutta Ganga Monitoring Committee, Writers' Buildings, Kolkata-700001.

Contd. P/18



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16. The Executive Director, CESC Ltd., CESC House, Chowrighee Sqr. Kolkata-700001.
17. The District Magistrate Howrah, Dist. Howrah, West Bengal.
18. The Superintendent of Police, Dist. Howrah, West Bengal.
19. The Officer-In-Charge, Golabari Police Station, Howrah, West Bengal.
20. The Chief Engineer, In-Charge Consent Cell & Camac Street Circle, WBPCB.
21. The Senior Environmental Engineer, Project & Planning Cell, WBPCB.
22. The Environmental Engineer, Howrah R.O., WBPCB.
23. The In-Charge, Computer Cell (For Website), WBPCB.
24. The P.A. to Member Secretary, WBPCB.

  
09/04/2008

(D. P. Banerjee)  
Registrar

Pollution Control Appellate Authority (W.B.)



Appeal No. 54/2013 (T<sub>HD</sub>)  
(W.P. No. 10158/2008 of Calcutta HC)

MD Nazrul Islam V/a State of West Bengal & Ors.

CORAM: HON'BLE SHRI JUSTICE V. R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. P.C. MISHRA, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE SHRI BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Applicant / Appellant : Ms. Tatmi Basu, Adv.  
Respondent No.1 : Mr. Bikas Kar Gupta, Adv.  
Respondent No. 2 : Mr. Amit Agarwal, Adv.  
Respondent No. 4 : Mr. Pratik Batta, Adv.  
Respondent No. 5 : Mr. Aditya Ganju, Adv.  
Respondent No.6 : Mr. Raunak Jain, Adv. for Mr. Buddy Ranganadhan, Adv. ✓

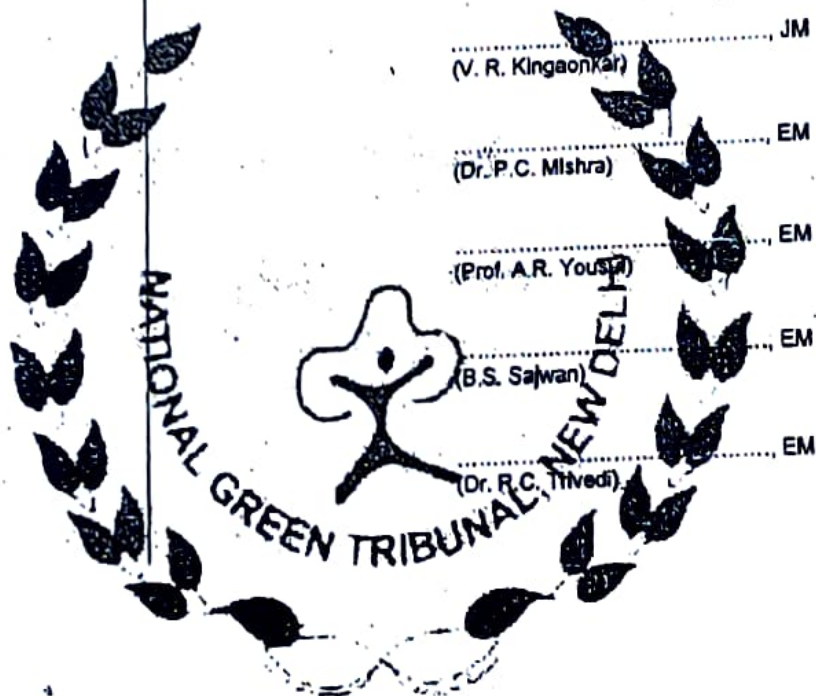
Date and Remarks	Orders of the Tribunal
Order No. 4 July 16, 2013	<p>We have heard Learned Counsel to the parties.</p> <p>The service is complete. Affidavit of service is filed. The Counsel for Respondent No. 4 submits that he has not received copy of the order passed by the Hon'ble High Court of Calcutta. Bunch of documents received from the Counsel of the Appellant contains only upto Page No. 54. The Counsel for the Appellant/Applicant seeks leave to furnish the copies beyond page no. 54.</p> <p>Counsel for the Appellant/Applicant points out that Hon'ble High Court of Calcutta in similar matters as indicated in Page No. 2 onwards of the application filed today, granted permission to other similarly situated traders to file appropriate Application before the West Bengal Pollution Control Board so as to allow him to permit use of the premises. She seeks withdrawal of the petition with a liberty to permit filing of representation to the Pollution Control Board for grant of necessary permission.</p> <p>We deem it appropriate to allow the withdrawal of the Petition/Application with liberty to the Applicant/Appellant to</p>



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make representation to the West Bengal Pollution Control Board so as to grant necessary permission to use the premises, if the request is within the framework of the pollution laws, particularly, Water (Prevention & Control of Pollution) Act, 1974.

The Application is accordingly dismissed as withdrawal with a liberty as stated.



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*The Howrah Municipal Corporation Act, 1980.*

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LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
E. Incidence and payment of <sup>2</sup>[property tax] on lands and buildings.—  
Sections 100, 101.—F. Application fee for enlistment of professions,  
trades and callings.—Section 102.)

(b) as a commutation of all refunds in respect of the huts which are vacant or which may be removed or destroyed during the period the <sup>2</sup>[property tax] on lands and buildings remains in force.

100. If any surcharge is levied on the <sup>2</sup>[property tax] on any land or building under sub-section (2) of section 88, the person liable to pay such surcharge, may recover the same from the occupier of such land or building who uses it for non-residential purpose:

Person liable to pay surcharge to recover it from the occupier.

Provided that if there is more than one such occupier, the amount of surcharge may be rateably apportioned among them by such person for the purpose of recovery under this section.

101. When a person liable for the payment of the <sup>2</sup>[property tax] on lands and buildings or surcharge on the <sup>2</sup>[property tax] defaults to pay the sum due within the prescribed period, a sum not exceeding twenty-five per cent. of the amount of the <sup>2</sup>[property tax] or the surcharge, as may be determined by the Corporation by regulations, may be recovered from him by way of penalty, in addition to the amount of the <sup>2</sup>[property tax] or the surcharge payable by him.

Penalty in case of default in payment of <sup>2</sup>[property tax] or surcharge.

(2) The amount due as penalty under sub-section (1) shall be recoverable as an arrear of tax under this Act.

<sup>3</sup>[F. Application fee for enlistment of professions,  
trades and callings.]

<sup>4</sup>102. (1) Every person engaged or intending to be engaged in any class of profession, trade or calling in Howrah, as specified in Schedule III, either by himself or by an agent or representative, shall obtain a certificate of enlistment from, or, as the case may be, get the same renewed annually by, the Commissioner upon presentation of an application together with such application fee, not exceeding rupees five hundred, as may be determined by the Corporation <sup>5</sup>[by regulation]:

Certificate of enlistment for profession, trade and calling.

<sup>1</sup>See foot-note 1 on page 446. *ante*.

<sup>2</sup>See foot-note 3 on page 395, *ante*.

<sup>3</sup>Sub-heading F. was substituted for the sub-heading "F. Tax on professions, trades and callings" by s. 3(c) of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

<sup>4</sup>Section 102 was substituted by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000). Prior to this substitution firstly, the same section was substituted by s. 3(c) of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992). Secondly, sections 102, 102A and 102B were substituted by s. 12 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>5</sup>The words within the square brackets were inserted by s. 14 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000).



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*The Howrah Municipal Corporation Act, 1980.*

[West Ben. Act

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
<sup>2</sup>[F. Application fee for enlistment of professions, trades and callings.]—  
 Sections 102A, 102B.—G. Tax on advertisements.—Sections 103, 104.)

Provided that such enlistment or renewal thereof shall not absolve such person from any liability to take out any licence under this Act or any other law for the time being in force.

(2) The Commissioner shall, after making such enquiry as may be necessary and within thirty days of the receipt of the application, grant him such certificate if the application is in order, or shall reject the application if it is not in order.

**102A.** [Enlistment for payment of tax on profession, trade and calling.—Omitted by s. 3 of the *Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000).*]

**102B.** [Fine for not paying tax under section 102.—Omitted by s. 4 of the *Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000).*]

**G. Tax on advertisements**

Tax on, and  
 license for,  
 advertise-  
 ments.

**103.** (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post, kiosk or structure on, upon, or in any vehicle any advertisement, or who displays any advertisement to public view in any manner whatsoever visible from a public street or other public place, shall pay for every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax at such rate not exceeding the rate mentioned in Schedule IV, as may be determined by the Corporation.

(2) When any person pays any tax for any advertisement under subsection (1), the Commissioner shall grant him a licence in respect of such advertisement specifying the period for which it is valid.

(3) The Corporation may by regulation determine the conditions for the grant of licence under this section and the time for, and the manner of, payment of the tax under this section.

Prohibition  
 of advertise-  
 ments  
 without  
 payment of  
 tax.

**104.** No advertisement for which tax is payable under section 103 shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure or shall be displayed to public view in any manner whatsoever in any place unless the tax is paid.

<sup>1</sup>See foot-note 1 on page 446, ante.

<sup>2</sup>See foot-note 2 on page 457, ante.

