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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.161/2024/EZ

In The Matter of:
Jagriti Bhattacharya
... Applicant



Versus
The State of West Bengal & Ors.
... Respondent(s)

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NUMBER 06, DIRECTOR, STATE WATER INVESTIGATION
DIRECTORATE, WEST BENGAL.

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	Development Authority for the District of North (24) Parganas, is annexed herewith		
3.	Photocopy of the letter dated 23.08.2024 written by the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas to the respondent number 14 is annexed herewith	'R-2'	-13-
4.	Photocopy of the letter dated 27.08.2024 issued by the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas to the Emami City Apartment Owners' Association with certain queries is annexed herewith	'R-3'	-14-
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	above referred to are annexed herewith		
7.	Photocopy of the letter dated 02.09.2024 issued by the Geologist, SWID, N-24 Parganas to the 'Emami City Apartment Owners Association' is annexed herewith	'R-6'	22
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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534

Solemnly Affirmed and
Declared before me U/S 13A
CPC/U/S 13A CRPC

Notary
Samir Bhattacharya
Notary Govt. of India
Regd. No. 940197
City Civil Court, Calcutta



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AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NUMBER 06, DIRECTOR, STATE WATER INVESTIGATION
DIRECTORATE, WEST BENGAL.

I, Shri Alok Sarkar, Son of Late Subal Chandra Sarkar, aged about 59 years, by faith: Hindu, by occupation- Government Service, residing at 26P, DPP Road, P.O-Naktala, Kolkata- 700047, presently posted as Director, State Water Investigation Directorate, under Water Resources Investigation & Development Department, Government of West Bengal having its office at Nirman Bhawan (3rd Floor), Bidhannagar, Kolkata:700091, do hereby solemnly affirm and state as follows:-

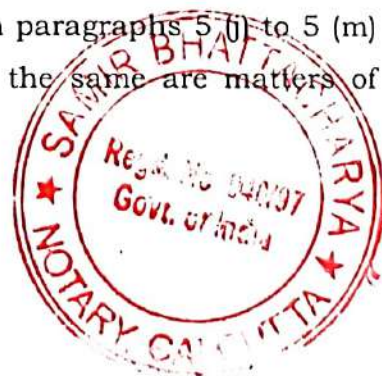
1. That I am presently posted as Director, in the office of the State Water Investigation Directorate, under Water Resources Investigation & Development Department, Government of West Bengal and I have received Copy of Solemn Order and also copy of original application from the Learned State Advocate engaged in the instant matter. I

11 9 SEP 2024

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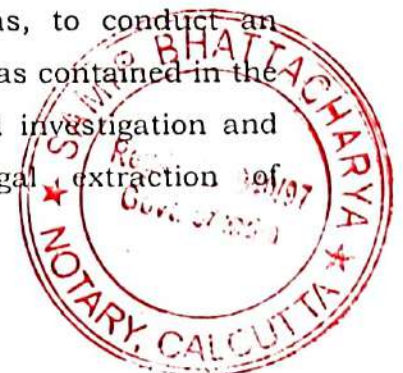
made myself acquainted with the facts and circumstances of this case and am competent to affirm this affidavit.

2. That this affidavit-in-opposition is filed in compliance to the Solemn Order dated 12.98.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That save and except those which are matters of record and which are specifically admitted by me herein below, each and every allegation, and/or contention, and/or submission, contained in the said Original Application, is denied and disputed as if the same is set out in seriatim herein and specifically traversed.
4. That with respect to the statements made in paragraphs 5 (a) of the original application it is stated that the same is a matter of record and this deponent does not comment on the same.
5. That with respect to the statements made in paragraphs 5 (b) to 5 (e) of the original application it is stated that the same are matters of record and this deponent does not comment on the same.
6. That with respect to the statements made in paragraphs 5 (f) (g) (h) of the original application it is stated that the same is being dealt in subsequent paragraphs specifically paragraph number 16, 17 & 20, of this affidavit-in-opposition.
7. That with respect to the statements made in paragraphs 5 (i) of the original application it is stated that the same is a matter of record and action has been initiated accordingly.
8. That with respect to the statements made in paragraphs 5 (j) to 5 (m) of the original application it is stated that the same are matters of record.



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9. That with respect to the statements made in paragraphs 5 (n) of the original application it is stated that the same is absolutely false and this deponent denies and disputes the same.
10. That with respect to the statements made in paragraphs 5 (o) to 5 (q) of the original application it is stated that already action has been taken started against the violators and the same is in progress in as much as show cause has been issued to Emami City Owners Association.
11. That with respect to the statements made in paragraphs 5 (r) to 5 (s), 5 (u) of the original application it is stated that the same are denied and disputed by this deponent and this deponent is having highest respect for the law of the law and also to the Solemn Orders as passed by this Hon'ble Tribunal.
12. That with respect to the statements made in paragraphs 5 (t) 5 (v) to 5 (z) of the original application it is stated that the same are matters of fact and this deponent does not comment on the same.
13. That with respect to the statements made in paragraphs 5 (aa) to 5 (ff) of the original application it is stated that the same are matters of fact and record and this deponent does not comment on the same.
14. That the Director, State Water Investigation Directorate, Government of West Bengal (S.W.I.D) vide letter dated 22.08.2024 had interalia directed the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas, to conduct an enquiry in connection with regard to the allegation as contained in the instant original application and submit a detailed investigation and action taken report in connection with illegal extraction of



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underground water at Emami City, 2, Jessore Road, Golpark, Kolkata: 700028 and send to the office of the Director SWID by 29.08.2024.

Photocopy of the letter dated 22.08.2024 written by the Director, SWID to the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas, is annexed herewith and marked with the letter 'R-1'.

15. That subsequently the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas had vide letter dated 23.08.2024 informed the respondent number 14 that an inspection will be made ON 27.08.2024 in pursuance to the letter of the Director, SWID.

Photocopy of the letter dated 23.08.2024 written by the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas to the respondent number 14 is annexed herewith and marked with the letter 'R-2'.

16. That thereafter the Geologist visited the Emami City site at 2, Jessore Road along with a team on 27th August, 2024 and had explained the Emami City Apartment Owners' Association, the need for furnishing the existing tube well details which are using for extraction of ground water and operating illegally or any existing Permits for Ground water extraction and therefore, issued an official letter vide memo 184 dated 27.08.2024 with certain queries.



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Photocopy of the letter dated 27.08.2024 issued by the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas to the Emami City Apartment Owners' Association with certain queries is annexed herewith and marked with the letter 'R-3'.

17. That the Geologist, Geological Sub Division No III/D, North 24 Parganas State Water Investigation Directorate (S.W.I.D) & the Member Secretary of the Ground Water Resources Development Authority for the District of North (24) Parganas vide letter dated 29.08.2024 forwarded the inspection of the site in question i.e at 2, Jessore Road, Eamami City, Kolkata: 700028 along with colour photographs.

That the detailed investigation report which confirms the existence of five (5) bore wells whose details are given in a tabular form:

Existing TW	Power of submersible Pump Motor as per the statement	Remarks/ Present Status
TW1	7.5 H.P	Working
TW2	7.5 H.P	Working
TW3	5 H.P	Working
TW4	5 H.P	Working
TW5	5 H.P	Defunct/ nor in working condition

TW=TubeWell

H.P= Horse Power

Photocopy of the Inspection Report forwarded to the Director, SWID is annexed herewith and marked with the letter 'R-4'.



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18. That it is pertinent to bring to the kind knowledge of this Hon'ble Tribunal that two (2) Permit records were found in the Name of '**Oriental Sales Agencies (India) Pvt. Ltd**' which is now under 'Emami Realty Ltd.' as per the information furnished by owners association as well as from the office record of the Geologist & member Secretary, DLA, N-24 Parganas. This need an affirmation to authenticate the same of the 'Emami City' by means of land records details.

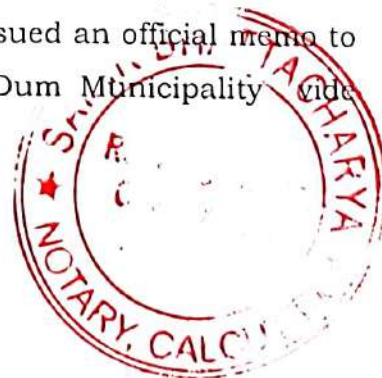
Photocopies of the Permits as above referred to are annexed herewith and marked with the letter 'R-5'.

19. That it is also stated that no official record of name change (conversion) to Emami City Realty Ltd can be traced in support of the said Permits.

20. That consequent to the violations as observed in the inspection report the Geologist, SWID, N-24 Parganas sought an explanation and issued a show cause letter vide memo no. 189 dated 02.09.2024 to the 'Emami City Apartment Owners Association' for the various violations observed in the inspection report.

Photocopy of the letter dated 02.09.2024 issued by the Geologist, SWID, N-24 Parganas to the 'Emami City Apartment Owners Association' is annexed herewith and marked with the letter 'R-6'.

21. That the Geologist, North (24) Parganas sought an confirmation of address of available SWID Permits in favour of 'Oriental Sales Agencies (India) Pvt. Ltd. at South Dum Dum Municipality, Ward no.- 7 , Dum Dum House, J.L 19, Plot 248 and/or Barrackpur -II, Dum Dum house, JL-19, Plot 297 and therefore, issued an official memo to Respondent No. 8, Chairman, South Dum Dum Municipality vide



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memo no. 196 dated 10.09.2024 for confirmation on the said two locations for project Emami City.

Photocopy of the letter dated 10.09.2024 written by the Geologist, North (24) Parganas to the Chairman South Dum Dum Municipality is annexed herewith and marked with the letter 'R-7'.

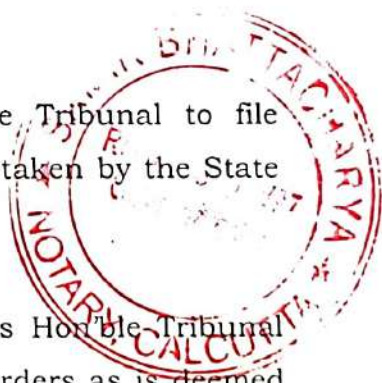
22. That it is further submitted that 4 (Four) wells are presently operating illegally without any permission of the District Level Ground Water Authority and liable to deposit penalty for each tube well under the provision of section (16)(a) & (b) of West Bengal Ground Water Resources Act, 2005 (WBGWR) Act, 2005.

A Copy of the West Bengal Ground Water Resources Act, 2005 is annexed herewith and marked with the letter 'R-8'.

23. That the Emami City Apartments Owners' Association have not complied with any of the queries till date and appropriate action will be taken by the SWID in this regard.

24. The deponent craves leave of this Hon'ble Tribunal to file supplementary affidavit with respect to the action taken by the State Water Investigation Directorate in this regard.

25. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.



Identified by me
Sibojyoti Chakrabarti
Advocate 19/09/2024
State of West Bengal
Enrolment No:-WB/1730/2010

Alot Sam
Deponent
DIRECTOR
State Water Investigation Directorate
Government of West Bengal

19 9 SEP 2024

Samir Bhattacharya
Notary Govt. of India
Regd. No. 340/97
City Civil Court, Calcutta

Solemnly Affirmed and
Declared before me
CPC, U/S 25(1)(C) O.C.

19-9-24 Notary

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VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information as per records available in the office of the State Water Investigation Directorate, Government of West Bengal and I believe that nothing material has been concealed there from.

Verified at Kolkata on theDay of September, 2024.

Identified by me

Dr. Joyoti Chakrabarti
Advocate

State of West Bengal

Enrolment No: WB/1730/2010.

19/09/2024



Alot Sam

Deponent

DIRECTOR

State Water Investigation Directorate
Government of West Bengal

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GOVERNMENT OF WEST BENGAL
WATER RESOURCES INVESTIGATION AND DEVELOPMENT DEPARTMENT
OFFICE OF THE DIRECTOR
STATE WATER INVESTIGATION DIRECTORATE
NIRMAN BHAVAN (3RD FLOOR), BIDHAN NAGAR
KOLKATA-700091, E-mail: directorswid@gmail.com

Memo NO 1097

Date: 22.08.2024

To
The Geologist & Member Secretary
North 24 Parganas, Sub-Div. IIID
SWID

Sub: Immediate site enquiry and action taken report on present illegal withdrawal of GW at the premises of Emami City, 2, Jessore Road, Golpark, Kolkata-28 .

Ref: National Green Tribunal, OA. No. 161/EZ/ 2024 between Smt. Jagriti Bhattacharya vs. State of West Bengal.

You are hereby directed to submit a detailed investigation and action taken report on the illegal extraction of Ground water at the premises of Emami City, 2, Jessore Road, Golpark, Kolkata-28 (Copy attached).

It is also instructed to submit the report by 29th of August 2024 (within 7 Days) after necessary field visit.

Treat it as urgent.

Encl. As stated

A. Samanta
22/8/24
DIRECTOR

STATE WATER INVESTIGATION DIRECTORATE

Memo No. _____/1(2)

Date: 22.08.2024

Copy forwarded for information to:

1. Superintending Geologist, Geological Circle, SWID
2. Senior Geologist, Geological Div.III, Berhampur

DIRECTOR
STATE WATER INVESTIGATION DIRECTORATE

"Annexure-R-2"

-13-

Government of West Bengal
 Office of the Geologist, Geological Sub. Division-III/D
 State Water Investigation Directorate
 Water Resources Investigation & Development Department
 2 nd Floor, Jalaswampad Bhawan
 Barasat, North 24 Parganas
 E-mail. geoloswidnorth24pgs@gmail.com

Memo No : 182

Date: 23.08.2024

To.
 Mr. Mahadeb Dev
 Emami City Association of Apartments owners
 2, Jessore Road
 Kol - 700028

Sub: District Geologist's site visit to EMAMI for immediate action in response to higher authority directive

Sir,

In reference to the NGT, OA No-161/EZ/2024 dt 14/08/2024 through Jagriti Bhattacharya, and its subsequent court order an inspection of your location is scheduled for August 27th, 2024.

Therefore, it will be beneficial to us if you assist or cooperate so that the investigation can be done.

Thanking you.



Receipt -
 Anil Kumar
 27/08/24
 UD: SIAm

Geologist & Member-Secretary
 DLGWRDA, North 24 Parganas
 SWID, Barasat

- 14 - "Ameny Care - R - 3"

Government of West Bengal
Office of the Geologist, Geological Sub. Division-III/D
State Water Investigation Directorate
Water Resources Investigation & Development Department
2 nd Floor, Jalaswampad Bhawan
Barasat, North 24 Parganas
E-mail: geoloswidnorth24pgs@gmail.com

Memo No: 184

Date: 27.08.2024

To,
Mr. Mahadeb Dev
Emami City Association of Apartments Owners
2, Jessore Road
Kol - 700028

Sub: Inspection By District Geologist, North 24Parganas dated 27.08.2024
Ref: National Green Tribunal, O.A No-161/EZ/2024, between smt, Jagriti Bhattacharya vs,
State Of West Bengal, Dated on 14/08/2024

Sir,
In reference to the above 5 existing bore well structures were noted, out of which 1 was non functional and no Permits could be exhibited from your end.

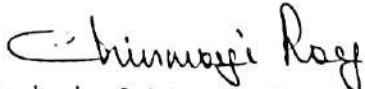
Now the undersigned is requesting you to furnish the information on the following facts for necessary actions thereafter.

1) The technical details of the existing borewells in the below format.

Sl No	Latitude & longitude of the Borewell	Housing (....mmX....mm) of the Borewell	Discharge in m ³ /hr	HP	Remarks if any
1					
2					
3					
4					
5					

- 2) A copy of the site plan with markings of the existing bore wells
- 3) Details of the rain water harvesting if done from your end.
- 4) Details of the STP and the fate of the treated water if STP is present and functioning
- 5) Land Records of the Project and documents establishing the relation between Oriental Sales Agencies (India) Pvt. Ltd. and Emami City.
- 6) DPR furnishing the details of the no of flat, residence & tower, their corresponding area, green belt area and any information that you desire to furnish for justifying your water demand.

Thanking You,


Geologist & Member-Secretary
DLGWRDA , North 24 Parganas
SWID, Barasat

-15- "Annexure - R-4"
Government of West Bengal
Office of the Geologist, Geological Sub. Division-III/D
State Water Investigation Directorate
Water Resources Investigation & Development Department
2 nd Floor, Jalaswampad Bhawan
Barasat, North 24 Parganas
E-mail. geoloswidnorth24pgs@gmail.com

Memo No : 186

Date: 29.08.2024

To,
The Director
State Water Investigation Directorate
3rd floor Nirman Bhawan
Salt lake City , Kol - 700091

Sub: The inspection report on present illegal withdrawal of GW at the premises of Emami City, 2, Jessore Road, Golpark, Kolkata-28.

Ref: Memo No 1097 dated 22/08/2024 Director Swid and NGT O.A No 161/EZ/2024

Respected Sir,

In reference to the above subject an inspection was carried out dated 27/08/2024 regarding the unauthorized drilling and bore well in the premises of Emami City and its report is given herewith.

- 1) The site was already visited dated 09.04.2024 by the then Geologist on the basis of a complaint dated on 27.03.2024 by Jagriti Bhattacharya. (Annexure 1)
- 2) A letter was issued having memo no 100 dated 9/04/2024 for certain queries regarding the bore well in the above mentioned site on the basis of the above mentioned inspection by the then Geologist. (Annexure II)
- 3) The queries in reference to the Geologist letter were answered by a letter from Emami City Association of Apartment Owners dated on 28/04/2024 which states that the number of working borewell is 3 and 2 are not working properly.

No new boring was done recently; only surging of existing boring was done. They also stated that no Permits were handed over to them. However they mentioned that Chairman, South Dumdum Municipality addressed the then developer M/S Oriental Sales Agency (India) Pvt. Ltd now under Emami Reality Ltd to obtain supply facility for Emami City Housing Complex. (Annexure III)

- 4) Consequently an RTI was filed by Jagriti Bhattacharya dated 16.04.2024 regarding the permissions of Bore wells in Emami City, 2, Jessore Road. (Annexure IV)

- 5) Subsequently a reply having memo no 113 dated 09/05/2024 which states that no Permit was granted from the Office in the name and address of Emami City, 2 Jessore Road, Golpark, Kolkata-700028 was submitted. (Annexure V)
- 6) At present Jagriti Bhattacharya filed a case in NGT having OA 161/ EZ/ 2024 which was forwarded by your good office dated 22.08.2024 having memo 1097 with instructions for submission of a report. (Annexure VI)
- 7) Subsequently an inspection was carried out by Geologist accompanied by Geological Assistant and UDC dated 27.08.2024 in the presence of the members from Emami City Association of Apartment Owners. (Annexure VII)

It was found that there are 5 existing borewells whose details are given in the tabular form below.

No tubewell	Power (HP) (As per the statements of the members present)	Remarks
1	7.5	Working condition
2	7.5	Working condition
3	5	Working condition
4	5	Working condition
5	5	Not in working condition

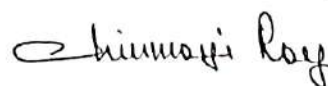
However a letter was issued to the Emami City Association of Apartment Owners dated 27.08.2024 asking for the technical details for the existing tube wells and some other documents. (Annexure VIII)

It is to be mentioned that Permit records are found in the name of Oriental Sales Agencies (India) Pvt Ltd. and Emami Ltd. from the Office of the undersigned. However the mentioned Permits need an affirmation to be the same in the Emami City by means of land records. Moreover it is to be mentioned that no name change took place for the said Permits to Emami City Realty Ltd.

It is to be mentioned that the project caters nearly 5000 residents and they are in a paucity of potable water as the Municipality also could not cater the required amount. Taking into account the purpose of the bore wells (drinking water) the matter needs a more detailed investigation and actions thereafter.

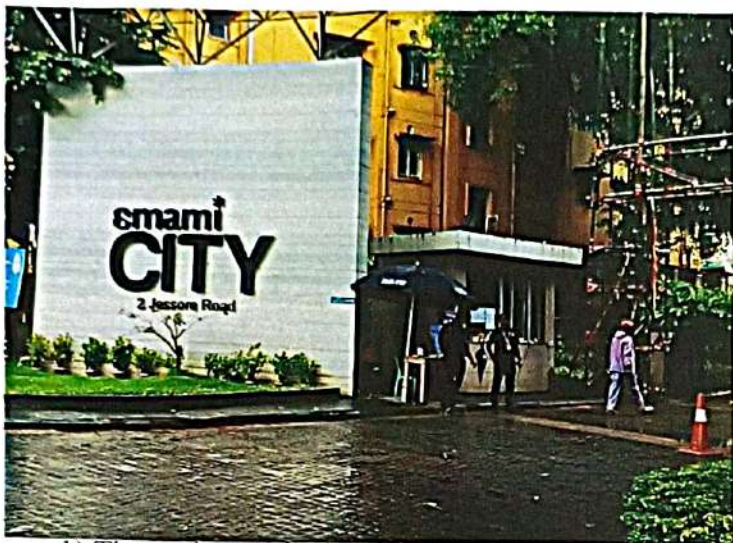
The photographs regarding the above inspection are also attached for your vivid understanding.

Thanking you



Geologist & Member-Secretary
DLGWRDA , North 24 Parganas
SWID, Barasat

Site Inspection of Emami City 2, Jessore Road, Golpark, 2, dated 27.08.2024



1) The project under inspection



2) Clearing the doubts of the aggrieved residents



3) Bore Well (1st) working condition



4) Bore Well (2nd) working condition



5) Bore Well (3rd) Non Functional



6) Bore Well (4th) Functional but totally cemented

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7) Bore Well (5th) Functional

8) Natural Water Body



9) Residential towers of the above site

Memo No: 186/1 (2)

Date: 29.07.2024

Copy forwarded for information and taking necessary action to:

1. The Superintending Geologist, Geological Circle, Bikash Bhawan 4th floor, Salt lake City , Kol - 700091
2. The Sr.Geologist, Geological division III, Berhampur, Murshidabad

Chinnuaji Ray

Geologist & Member-Secretary
DLGWRDA , North 24 Parganas
SWID, Barasat

-19- Annexure R-5

6269

R5

FORM 4

[See Rules 9(3) and 10(5)]

EMBLEM OR LOGOGRAM OF THE CONCERNED AUTHORITY

PERMIT FOR SINKING OF NEW WELL.

[S. 7(3)(b) / 7(4)(b) / 7(5)(a) of the West Bengal Ground Water Resources (Management, Control and Regulation) Act 2005.]

PERMIT NO. P-1407019 00297000001 TSE

1. (a) Name of the applicant (user)
- (b) Son / Daughter of
- (c) Address of the applicant
- (d) Category of farmer (Please tick) (in case of irrigation well)
- (e) Serial No. of application Form and date of submission
- (f) Specimen signature of the user
2. Location particulars---
- (a) District
- (b) Block, Mouza, J. L. No., Plot No.
- (c) Municipality / Corporation Ward No. / Borough No., Holding No.
3. Particulars of the proposed well and pumping device---
- (a) Type of the well
- (b) Approx. depth of the well (m)
- (c) Purpose of the well
- (d) Assembly size (for tube well)
- (e) Approx. strainer length (for tube well)
- (f) Diameter (for dug well)
- (g) Type of pump to be used
- (h) H. P. of the pump
- (i) Operational device
- (j) Rate of withdrawal (m³/hr.)
- (k) Maximum allowable running hours per day

Small Farmer / Marginal Farmer / Other
 NA Oriental Sales Agencies India Pvt Ltd.
 687, Ananda Pur E.M. Bypass, 2nd Floor, Kolkata-700106

BP/A0047, SI NO. 60.de - 02.06.2011

North 24 Parganna
 Barrackpore II, Dum Dum House, 19, 297

Tube well
 200m construction
 mm. X mm.
 150m. X 100mm
 18 m.
 NA
 Submersible
 3.5 HP
 Electric Motor
 20m³/hr
 6 hrs/day.

This permit authorizes the owner applicant (user) to sink a well in the location specified at S1. (2) for extraction of ground water at a rate not exceeding that as shown at S1. (3) (j) and for running hours/day as shown at S1. (3) (K), and is valid subject to the observance of the conditions stated overleaf.

Place: Exa road
 Date: 19.10.2012

Received
 19/10/12
 Office of the Geologist, Geological Survey of India

C Roy
 Competent Issuing Authority
 and Restriction.
 73345
 (11)

Conditions:

- (1) In case of any change of ownership of the proposed well, fresh registration has to be obtained.
- (2) No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at S1. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this permit.
- (3) In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect on verification at any subsequent stage, this permit is liable for cancellation.
- (4) Any other condition imposed by the concerned Authority.



62927

FORM 4

[See Rules 9(3) and 10(5)]

(EMBLEM OR HOLOGRAM OF THE CONCERNED AUTHORITY)

PERMIT FOR SINKING OF NEW WELL

[U/S 7(3)(b) / 7(4)(b) / 7(5)(a) of the West Bengal Ground Water Resources (Management, Control and Regulation) Act 2005.]

732

PERMIT NO. P1407019002480000001TSE

- 1. (a) Name of the applicant (user) : Shri/Smt. Oriental Sales Agencies (India) Pvt. Ltd.
- (b) Son / Daughter of
- (c) Address of the applicant : NA
- (d) Category of farmer (Please tick) : 687, Anandapur, E.M. Bypass, 2nd floor, Kolkata - 70010
Small Farmer / Marginal Farmer / Others
- (e) Serial No. of application Form and date of submission : EP/A-0721, SL NO-59, dt-19.10.2012
- (f) Specimen signature of the user : [Blank Box]
- 2. Location particulars---
 - (a) District : North 24 Parganas.
 - (b) Block, Mouza, J. L. No., Plot No. : Dum Dum House, 19, 248.
 - (c) Municipality / Corporation : South Dum Dum Municipality.
 - Ward No. / Borough No., Holding No. : Ward No-7.
- 3. Particulars of the proposed well and pumping device---
 - (a) Type of the well : Tube Well.
 - (b) Approx. depth of the well (m) : 150 m.
 - (c) Purpose of the well : Irrigation & mm.
 - (d) Assembly size (for tube well) : 200 m. 150
 - (e) Approx. strainer length (for tube well) : 12 m.
 - (f) Diameter (for dug well) : NA
 - (g) Type of pump to be used : Submersible
 - (h) H. P. of the pump : 3 H.P.
 - (i) Operational device : Electric Motor.
 - (j) Rate of withdrawal (m³ / hr.) : 15 m³ / hr
 - (k) Maximum allowable running hours per day : 6 hr / day

This permit authorizes the owner applicant (user) to sink a well in the location specified at S1. (2) for extraction of ground water at a rate not exceeding that as shown at S1. (3) (j) and for running hours / day as shown at S1. (3) (K), and is valid subject to the observance of the conditions stated overleaf.

Place : Barisal.
Date : 2/1/14



Signature of the Issuing Authority and Designation.

Geologist & Member Secretary
D. A. North 24 Parganas
Geological Sub-Division
Barisal

- Conditions :
- (1) In case of any change of ownership of the proposed well, fresh reservation has to be obtained.
 - (2) No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at S1. (2) and (3) (j) and (k) shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this permit.
 - (3) In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
 - (4) Any other condition imposed by the concerned Authority.

Receive for
Netai Roy 02/1/2014



P.T.O. for Conditions

- 22 - 9 Annexure - R-6

Government of West Bengal
Office of the Geologist, Geological Sub. Division-III/D
State Water Investigation Directorate
Water Resources Investigation & Development Department
2 nd Floor, Jalaswampad Bhawan
Barasat, North 24 Parganas
E-mail: geoloswidnorth24pgs@gmail.com

Date: 02.09.2024

Memo No: 189

To,
 Mr. Mahadeb Dev
 Emami City Association of Apartments Owners
 2, Jessore Road
 Kol - 700028

Sub: Explanation for the illegal abstraction structures at your premises
Ref: National Green Tribunal, O.A No-161/EZ/2024, between Smt. Jagriti Bhattacharya vs,
 State Of West Bengal, Dated on 14/08/2024 & Inspection dt 27.08.2024

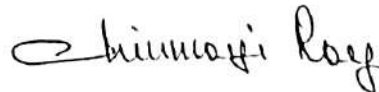
Sir,

In reference to the above and for the existing 5 bore well structures for which no permits could be submitted from your end, you are directed to give an explanation regarding the existing structures in the tune of replies for the questions cited below.

In accordance to the office records only 2 permits could be found in the name of Oriental Sales Agencies (India) Pvt. Ltd. but the accordance of the address mentioned in the permit and the address of Emami City is yet to be established.

- 1) Why no Permits for the existing structures were submitted from your end even after the handover of the project to your end?
- 2) Even if 2 of the above mentioned permits hold to be in concurrence to your address but then 3 of the existing structures are illegal. Hence why the undersigned should not penalize for the illegal structures?
- 3) In reference to the NGT O.A No-161/EZ/2024 you are directed to show a cause for not dismantling or sealing the illegal structures.
- 4) In reference to the NGT O.A No-161/EZ/2024 the undersigned seeks an explanation for not applying as per Ground Water Act 2005 for the existing structures

Thanking You,



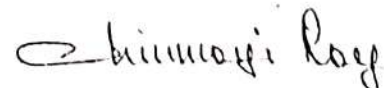
Geologist & Member-Secretary
 DLGWRDA , North 24 Parganas
 SWID, Barasat

Memo No: 189/1(3)

Date: 02.09.2024

Copy forwarded for necessary information please to

- 1) Director, SWID, Nirman Bhawan
- 2) Superintending Geologist, Bikash Bhawan, 4th Floor
- 3) Senior Geologist, Berhampore



Geologist & Member-Secretary
 DLGWRDA , North 24 Parganas
 SWID, Barasat

- 23 - Annexure - R-7

Government of West Bengal
Office of the Geologist, Geological Sub. Division-III/D
State Water Investigation Directorate
Water Resources Investigation & Development Department
2 nd Floor, Jalaswampad Bhawan
Barasat, North 24 Parganas
E-mail: geoloswidnorth24pgs@gmail.com

Memo No: 196

Date: 10.09.2024

To,
The Chairman
South Dum Dum Municipality
Nager bazaar, DumDum Road
Kolkata - 700074

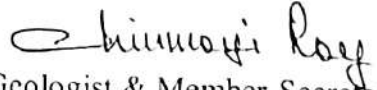
Sub: Assertion of Addresses to be the same and one
Ref: National Green Tribunal, O.A No-161/EZ/2024, between smt, Jagriti Bhattacharya vs, State Of West Bengal, Dated on 14/08/2024

Sir,
In reference to the above subject the site of Emami City, 2 Jessore Road was inspected dated 27.08.2024. Five (5) existing bore well structures were noted; out of which 1 was non functional and no Permits could be exhibited from their end.

Now the undersigned is requesting you to check and verify the addresses given in the table below, to be the same and one or not with respect to Emami City, 2, Jessore Road, PO & PS – Dumdum, Kolkata- 700028.

Sl No	Address that needs the assertion to be the same and one from your end
1	Name – Oriental Sales Agencies (India) Pvt. Ltd. South Dum Dum Municipality, Ward no 7, Dum Dum House, JL 19, Plot 248
2	Name – Oriental Sales Agencies (India) Pvt. Ltd. Barrackpore II, Dum Dum House, JL 19, Plot 297

Thanking You,

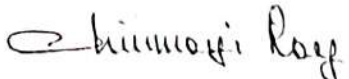

Geologist & Member-Secretary
DLGWRDA , North 24 Parganas
SWID, Barasat

Memo No: 196

Copy forwarded for necessary information please to

- 1) Director, SWID, Nirman Bhawan, 3rd Floor, Kol -700091
- 2) Superintending Geologist, Bikash Bhawan, 4th Floor, Kol -700091
- 3) Senior Geologist, Berhampore, Murshidabad

Date: 10.09.2024


Geologist & Member-Secretary
DLGWRDA , North 24 Parganas
SWID, Barasat

"Annexure - R-8"

- 24 -

WEST BENGAL GROUND WATER RESOURCES
(MANAGEMENT, CONTROL & REGULATION ACT, 2005)

&

WEST BENGAL GROUND WATER RESOURCES
(MANAGEMENT, CONTROL & REGULATION RULES, 2006
& AMENDMENTS)



सत्यमेव जयते

Department of Water Resources Investigation & Development
Government of West Bengal
September, 2011


Registered No. WB/SC-247

No. WB(Part-III)/2005/SAR-14

- 25 -

The

Kolkata



सत्यमेव जयते

Gazette

Extraordinary
Published by Authority

BHADRA 9]

WEDNESDAY, AUGUST 31, 2005

[SAKA 1927

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No. 2110-L.—31st August, 2005.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVIII of 2005

THE WEST BENGAL GROUND WATER RESOURCES
(MANAGEMENT, CONTROL AND REGULATION) ACT, 2005.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette. Extraordinary, of the 31st August, 2005.]

- 26 -

The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Sections 1,2.)

An Act to manage, control and regulate indiscriminate extraction of ground water in West Bengal and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to manage, control and regulate indiscriminate extraction or use of ground water;

AND WHEREAS it is further expedient to provide against the widespread contamination of ground water with arsenic, fluoride, chloride, iron, other heavy metals or metalloids, organic and inorganic pesticides, fungicides, and rodenticides;

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(2) It extends to the whole of the State of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Corporation Level Authority" means the Kolkata Municipal Corporation Level Ground Water Resources Development Authority established under sub-section (1) of section 5;

(b) "District Level Authority" means the District Level Ground Water Resources Development Authority established under sub-section (1) of Section 4;

-27-

The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 2.)

(c) "ground water" means the water which exists below the surface of the ground at any particular location;

(d) "notification" means a notification published in the *Official Gazette*;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "sink", with all its grammatical variations and cognate expressions, includes, in relation to a well, any digging, drilling or boring of a well or deepening of an existing well.

Explanation—"Drilling" includes re-drilling or re-sinking;

(g) "State Government" means the Government of West Bengal;

(h) "State Level Authority" means the West Bengal State Level Ground Water Resources Development Authority established under sub-section (1) of section 3;

(i) "user" means—

i) an individual, or

ii) an institution, organization or establishment, whether or not owned, maintained and managed by the State Government or the Central Government, or

iii) a company, including a Government company, as defined in the Companies Act, 1956, or

iv) an industry, major, medium or minor, owning or using, on personal or community basis, ground water resources for domestic, agriculture, or industrial purpose or for any other purpose;

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 3.)

(j) "well" means a well sunk for the search of extraction of ground water by any user, and includes an open well, dug well, bore well, dug-cum-bore well, tube-well, filter point, collector well or infiltration gallery, but does not include a well sunk by the Central Government or the State Government for carrying out any scientific investigation or exploration work for the survey and assessment of ground water resources.

Establishment
of State Level
Authority.

3. (1) The State Government shall, by notification, establish, with effect from such date as may be specified in the notification, an authority at the State level to be known as the West Bengal State Level Ground Water Resources Development Authority.

(2) The State Level Authority shall consist of the following members:—

(i) Director, State Water Investigation Directorate, Water Investigation and Development Department, Government of West Bengal, Chairman,

(ii) an officer not below the rank of Chief Engineer, Water Investigation and Development Department, Government of West Bengal, Member,

(iii) an officer not below the rank of Chief Engineer, Irrigation and Waterways Department, Government of West Bengal, Member,

(iv) an officer not below the rank of Joint Secretary, Department of Panchayats and Rural Development, Government of West Bengal, Member,

(v) an officer not below the rank of Joint Secretary, Department of Agriculture, Government of West Bengal, Member,

(vi) an officer not below the rank of Chief Engineer, Public Health Engineering Department, Government of West Bengal, Member,

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*The West Bengal Ground Water Resources (Management, Control
and Regulation) Act, 2005.*

(Section 3.)

- | | |
|--|-------------------|
| (vii) an officer not below the rank of Joint Secretary, Department of Science and Technology, Government of West Bengal, | Member, |
| (viii) an officer not below the rank of Joint Secretary, Department of Environment, Government of West Bengal, | Member, |
| (ix) an officer not below the rank of Joint Secretary, Forests Department, Government of West Bengal, | Member, |
| (x) one representative of the Central Water Commission, | Member, |
| (xi) Director, All-India Institute of Hygiene and Public Health, | Member, |
| (xii) Regional Director, Central Ground Water Board, Eastern Region, | Member, |
| (xiii) one representative of the Director-General, Geological Survey of India, Eastern Region, | Member, |
| (xiv) an officer not below the rank of Joint Secretary, Department of Municipal Affairs, Government of West Bengal, | Member, |
| (xv) one eminent hydro-geologist from any institution or organisation working in connected field at national level, to be appointed by the State Government, | Member, |
| (xvi) one expert from the National Remote Sensing Authority, to be appointed by the State Government, | Member, |
| (xvii) two Chairman of any of the two District Level Authorities to be appointed by the State Government by rotation for a term of one year. | Member, |
| (xviii) Superintendent Geologist, State Water Investigation Directorate, Government of West Bengal, | Member-Secretary, |

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 4.)

(3) The State Level Authority shall have the power to invite any eminent person and technical expert in its meetings for deliberation if it feels necessary so to do in the public interest.

(4) The term of office and the other conditions of service of the Chairman, the Member-Secretary, and other members of the State Level Authority shall be such as may be prescribed.

(5) The State Water Investigation Directorate under the Water Investigation and Development Department of the State Government shall act as the functional organ of the State Level Authority in the discharge of its functions under this Act.

(6) The office of the Superintendent Geologist of the State Water Investigation Directorate shall be the secretariat of the State Level Authority and shall act as the nodal office.

Establishment of District Level Authority.

4. (1) The State Government may, for the purpose of enabling the State Level Authority to perform its functions and exercise its powers under this Act efficiently, by notification, establish, with effect from such date as may be specified in the notification, for every District other than Kolkata, an authority at the district level to be known as the District Level Ground Water Resources Development Authority bearing the name of the district.

(2) The District Level Authority shall have jurisdiction over every area within the jurisdiction of a Municipality, or a Block, or a notified Area Authority, established or constituted under any law for the time being in force, within the jurisdiction of the concerned district.

(3) A District Level Authority shall consist of the following Members: —

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*The West Bengal Ground Water Resources (Management, Control
and Regulation) Act, 2005.*

(Section 4.)

- | | |
|---|-------------------|
| (i) District Magistrate of the district, | Chairman, |
| (ii) Karmadhakshya, <i>Krishi-Sech-O-Samabaya Sthayee Samity</i> of the <i>Zilla Parishad</i> of the district. | Member, |
| (iii) Karmadhakshya, <i>Janasasthya-O-Paribesh Sthayee Samity</i> of the <i>Zilla Parishad</i> of the district. | Member, |
| (iv) Executive Engineer of the district under the Water Resources Development Directorate, Government of West Bengal. | Member. |
| (v) Executive Engineer of the district under the Public Health Engineering Directorate, Government of West Bengal, | Member, |
| (vi) Executive Engineer of the district under the Irrigation and Waterways Directorate, Government of West Bengal, | Member, |
| (vii) Principal Agricultural Officer of the district, | Member, |
| (viii) Chief Medical Officer of Health of the district, | Member, |
| (ix) Divisional Forest Officer of the district, | Member, |
| (x) one representative of the West Bengal State Pollution Control Board, | Member, |
| (xi) two representatives of the Department of Municipal Affairs, Government of West Bengal, | Member, |
| (xii) any other officer of the State Government as the State Government may think fit, | Member, |
| (xiii) Geologist of the State Water Investigation Directorate, Government of West Bengal, having jurisdiction: | Member-Secretary. |

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 5.)

Provided that where there is no Geologist having his office in the district, the Geologist of the State Water Investigation Directorate, Government of West Bengal, shall act as a member of that district as the State Government may, by notification, appoint.

(4) The total number of members of the District Level Authority shall be limited to twenty.

(5) The office of the Member-Secretary shall be the secretariat of the District Level Authority and shall act as the nodal office.

Establishment
of Corporation
Level
Authority.

5. (1) The State Government may, for the purpose of enabling the State Level Authority to perform its functions and exercise its powers under this Act efficiently, by notification, establish, with effect from such date as may be specified in the notification, an authority for the area Kolkata Municipal Corporation as specified in Schedule I to the Kolkata Municipal Corporation Act, 1980, to be known as the Corporation Level Ground Water Resources Development Authority.

West Ben.
Act LIX of
1980.

(2) The Corporation Level Authority shall have jurisdiction over the area of the Kolkata Municipal Corporation as Specified in Schedule I to the Kolkata Municipal Corporation Act, 1980.

(3) The Corporation Level Authority shall consist of the following members:—

- | | |
|--|-----------|
| (i) the Municipal Commissioner of the Corporation, | Chairman, |
| (ii) the Chief Executive Officer, Kolkata Metropolitan Development Authority, | Member, |
| (iii) two elected representatives of the Kolkata Municipal Corporation, to be nominated by the Mayor, Kolkata Municipal Corporation. | Members, |

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 6.)

(iv) one expert from the Central Ground Water Board as may be nominated by the Regional Director, Central Ground Water Board, Member,

(v) two experts in the field of conservation, protection, or development of ground water resources as the State Government may, by notification appoint, Member,

(vi) two eminent persons of the locality as the State Government may, by notification, appoint, Member,

(vii) one representative of the Public Health Engineering Directorate, Government of West Bengal, Member,

(viii) one representative of the West Bengal State Pollution Control Board, Member,

(ix) Superintendent Geologist, State Water Investigation Directorate, Government of West Bengal, Member Secretary.

(4) The office of the Superintendent Geologist, State Water Investigation Directorate, Government of West Bengal, shall be the secretariat of the Corporation Level Authority and shall act as the nodal office.

6. (1) The State Level Authority shall be under the administrative control of the Water Investigation and Development Department, Government of West Bengal and shall be the apex body of all the District Level Authorities and the Corporation Level Authority.

(2) The State Level Authority shall—

(a) take into consideration every aspect to manage the ground water resources in West Bengal including issuing of certificate of registration or permit in accordance with the provision of the Act;

Powers and duties of State Level Authority.

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 7.)

(b) initiate a policy to conserve the ground water resources by way of recharging, replenishing, recycling or reusing, in a co-ordinated manner;

(c) create mass awareness and encourage interaction between modern technologies and age-old practices of ground water conservation and management by harnessing traditional knowledge in sustainable water management and dovetailing such traditional knowledge with modern technologies;

(d) organise people's participation and involvement in planning and actual management of ground water resources;

(e) keep under constant review area-specific ground water levels and publishing the revised data periodically for wide circulation for mass awareness and for devising and implementing plans and programmes of use such water;

(f) continuously analyse, study and review the physical, chemical, bacteriological, and virological qualities of ground water and devise and implement pragmatic strategies;

(g) promote and implement modern and traditional water harvesting technologies to ensure minimum extraction of ground water;

(h) maintain separate registers for issuing permit or certificate of registration granted by it in the manner as may be prescribed.

Sinking of wells for extracting or using ground water on and from date of coming into force of Act.

7. (1) On and from the date of coming into force of the Act, no user shall sink any well for extracting or using ground water without obtaining a permit issued by the State Level Authority or the District Level Authority or the Corporation Level Authority, as the case may be, as stated in sub-section (3), sub-section (4) or sub-section (5), in such Form as may be prescribed:

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 7.)

Provided that where any user extracting or using ground water for irrigation or domestic purposes, sinks—

(a) any tube-well or hand-pump; or

(b) any well from which such extraction or use is made without the help or any mechanical or electrical devices,

such user may sink tube-well or hand-pump or well, as the case may be, without obtaining a permit of the concerned authority as provided in this section:

Provided further that where the State Government is of the opinion that the sinking of any well or category of wells for extracting or using ground water is necessary for the public interest, the State Government may, by notification, exempt such well or category of wells from the purview this section.

(2) Any user desiring to sink a well for any purpose other than the purposes as stated in the first proviso to sub-section (1) shall make an application in such Form and on payment of such fees, as may be prescribed, to the State Level Authority or the District Level Authority or the Corporation Level Authority, as the case may be, for obtaining a permit as stated in sub-section (1).

(3) (a) The District Level Authority shall, on receipt of any application as stated in sub-section (2) within its jurisdiction, scrutinize the application in terms of the assessment of the ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a permit may be issued to the applicant for sinking such well.

(b) The District Level Authority shall have power to issue a permit for sinking a well for extraction or use of ground water at the rate not exceeding 50 cubic metre per hour from each well under intimation to the State Level Authority.

- 36 -
*The West Bengal Ground Water Resources (Management, Control
and Regulation) Act, 2005.*

(Section 7.)

(c) The application for sinking a well for the purpose of extracting or using ground water exceeding 50 cubic metre per hour, shall be forwarded to the State Level Authority within a period of one month of receipt of such application alongwith the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(4) (a) The Corporation Level Authority shall, on receipt of the application as stated in sub-section (2) within its jurisdiction, scrutinize the application in terms of assessment of ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a permit may be issued to the applicant for sinking such well.

(b) The Corporation Level Authority shall have power to issue a permit for sinking a well for extraction or use of ground water at the rate not exceeding 100 cubic metre per hour from each well under intimation to the State Level Authority.

(c) The application for sinking a well for the purpose of extracting or using ground water exceeding 100 cubic metre per hour, shall be forwarded to the State Level Authority within a period of one month of receipt of such application alongwith the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

- 37 -
*The West Bengal Ground Water Resources (Management, Control
 and Regulation) Act, 2005.*

(Section 8.)

(5) (a) On receipt of an application forwarded by the District Level Authority or the Corporation Level Authority, as the case may be, for issuing of a permit of sinking a well for the purpose of extracting or using ground water exceeding 50 cubic metre per hour or 100 cubic metre per hour, as the case may be, the State Level Authority may, if it is satisfied that it is necessary so to do in the public interest, grant a permit, subject to such conditions or restrictions as may be specified therein:

Provided that the State Level Authority may, for reasons to be recorded in writing, refuse to grant any such permit after giving the applicant an opportunity of being heard by itself, or by authorising the District Level Authority or the Corporation Level Authority, as the case may be, to give the applicant an opportunity of being heard and convey its recommendations to the State Level Authority, for the purpose of disposal of such application.

(b) Any decision regarding grant or refusal of permit by the State Level Authority shall be intimated to the applicant within a period of four months from the date of receipt of the application by the District Level Authority or the Corporation Level Authority, as the case may be. If such an application is not disposed of within a period of four months as aforesaid, it shall be deemed to have been granted by the State Level Authority.

Extracting
or using
ground
water
before
date of
coming
into force
of Act.

8. (1) Any user who has sunk a well for extracting or using ground water in an area before the date of coming into force of the Act shall make an application, within such period, in such Form and in such manner, as may be prescribed, to the District Level Authority of such area or the Corporation Level Authority of such area, as the case may be, for obtaining a certificate registration authorising such user the extraction or use of ground water:

Provided that where any user has sunk—

(a) any tube-well or hand-pump; or

(b) any well from which such extraction or use is made without the help of any mechanical or electrical devices,

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*The West Bengal Ground Water Resources (Management, Control
and Regulation) Act, 2005*

(Section 8.)

for extracting or using ground water before the date of coming into force of the Act for irrigation or domestic purposes, such user may continue to use such tube-well or hand-pump or well, as the case may be, without obtaining a certificate of registration from the concerned authority as provided in this section:

Provided further that where the State Government is of the opinion that the extracting or using of ground water from any well or category of wells is necessary for the public interest, the State Government may, by notification, exempt such well or category of wells from the purview of this section.

(2) (a) The District Level Authority shall, on receipt of any application as stated in sub-section (1) within its jurisdiction, scrutinize the application in terms of the assessment of the ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a certificate of registration may be issued to the application for authorising such user the extraction or use of ground water.

(b) The District Level Authority shall have power to issue a certificate of registration for extraction or use of ground water at the rate not exceeding 50 cubic metre per hour from each well under intimation to the State Level Authority.

(c) The application for the purpose of issuing of certificate of registration with a view to authorising the applicant extracting or using ground water exceeding 50 cubic metre per hour shall be forwarded to the State Level Authority within a period of one month of receipt of such application alongwith the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water

— 39 —

The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 8.)

behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(3) (a) The Corporation Level Authority shall, on receipt of the application as stated in sub-section (1) within its jurisdiction, scrutinize the application in terms of assessment of ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a certificate of registration may be issued to the applicant for authorising such user the extraction or use of ground water.

(b) The Corporation Level Authority shall have power to issue a certificate of registration for extraction or use of ground water at the rate not exceeding 100 cubic metre per hour from each well under intimation to the State Level Authority.

(c) The application for the purpose of issuing of certificate of registration with a view to authorising the applicant for sinking a well for the purpose of extracting or using ground water exceeding 100 cubic metre per hour, shall be forwarded to the State Level Authority within a period of one month of receipt of such application alongwith the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(4) (a) On receipt of an application forwarded by the District Level Authority or the Corporation Level Authority, as the case may be, for issuing of a certificate of registration for the purpose of authorising the applicant extracting or

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 9.)

using ground water exceeding 50 cubic metre per hour or 100 cubic metre per hour, as the case may be, the State Level Authority may, if it is satisfied that it is necessary so to do in the public interest, grant a certificate of registration, subject to such conditions or restrictions as may be specified therein :

Provided that the State Level Authority may, for reasons to be recorded in writing, refuse to grant any such certificate of registration after giving the applicant an opportunity of being heard by itself, or by authorising the District Level Authority or the Corporation Level Authority, as the case may be, to give the applicant an opportunity of being heard and convey its recommendations to the State Level Authority, for the purpose of disposal of such application.

(b) Any decision regarding grant or refusal of certificate of registration by the State Level Authority shall be intimated to the applicant within a period of four months from the date of receipt of the application by the District Level Authority or the Corporation Level Authority, as the case may be.

Powers and functions of District or Corporation Level Authority.

9. The District or Corporation Level Authority shall, in such manner as may be prescribed,—

(a) prepare district profile on ground water resources in the district or corporation, as the case may be, in every five years;

(b) issue permit or certificate of registration under clause (b) of sub-section (3) of section 7 and sub-section (2) of section 8, respectively or under clause (b) of sub-section (4) of section 7 and under sub-section (2) of section 8, respectively;

(c) keep a regular vigil on the quality and quantity of water available from the ground water resources in the district or the corporation, as the case may be, and promptly bring to the notice of

The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 10.)

the State Level Authority and sudden deterioration in ground water resources or contamination of ground water resources with poisonous metals or chemicals or otherwise;

(d) ensure that the provisions of this Act or the rules made, orders or directions issued, thereunder have been complied with in respect to the existing or new ground water resources in the district or the corporation, as the case may be;

(e) help to prepare a plan for conservation, maintenance and utilization of ground water within the district or the corporation, as the case may be, and send such plan to the State Level Authority for enforcement during the next five years;

(f) bring to the notice of the State Level Authority, if any unexpected deterioration or contamination of ground water resources is reported within the said plan period and after necessary investigation into the cause, take step to rectify the situation under the guidance and supervision of the State Level Authority;

(g) maintain separate registers for issuing permit or certificate of registration granted by the District Level Authority under clause (b) of sub-section (3) of section 7 or under sub-section (2) of section 8, as the case may be, and the Corporation Level Authority under clause (b) of sub-section (4) of section 7 or under sub-section (2) of section 8, as the case may be.

Authoriza-
tion by
State
Level
Authority
for
enforcement
of the
provision
of the Act.

10. The State Level Authority may, by order in writing, authorize a District Level Authority of the Corporation Level Authority or any institution of organization or any person—

(a) to enter at any reasonable time any land or building in order to investigate, take samples of water and make any measurement of ground water structure located within such land or building, as the case may be;

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*The West Bengal Ground Water Resources (Management, Control
and Regulation) Act, 2005.*

(Section 10.)

(b) to inspect any well which is being sunk or has been sunk and the soils and other materials excavated therefrom;

(c) to take specimens of such soils and other materials or water extracted from such wells;

(d) to require any person sinking a well to keep and preserve in the prescribed manner specimens of soils or any material excavated therefrom for such period, not exceeding three months from the date of completion or abandonment of the work, as may be specified by the State Level Authority;

(e) to inspect, and to take over, the relevant records or documents, and to ask any question necessary for obtaining any information (including diameter or depth of the well which is being, or has been, sunk, the level at which the water is, or was, struck and subsequently restored or rested, static water level, seasonal variation of water level, types of *strata* encountered in the sinking of the well and quality of the water), required for carrying out the purposes of this Act;

(f) to require any user to install a water-measuring device on any water-supply installation to properly administer ground water, where there is reason to believe that the user does not comply with the provisions of this Act, or for any other sufficient reason in the public interest:

Provided that where the user does not comply with any such requirement within a period of thirty days from the date of the order as aforesaid, the State Level Authority may itself install such water-measuring device and recover the cost from such user in such manner as may be prescribed;

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*The West Bengal Ground Water Resources (Management, Control
 and Regulation) Act, 2005.*

(Section 11.)

(g) to seize any mechanical equipment utilised for illegal sinking and to destroy or dismantle the work executed fully or partly;

(h) to require any user, who does not comply with the provisions of this Act or the rules made thereunder, to destroy or damage any hydraulic work done, in contravention of the provisions of this Act or the rules made thereunder:

Provided that where the user does not comply with such requirement within a period of sixty days from the date of the order as aforesaid, the State Level Authority may itself carry out the necessary work and recover the cost from such user;

(i) to enter and search any place at all reasonable times with such assistance, if any, as it may consider necessary, if it has reason to believe that an extraction or use of ground water has been, or is being, made in contravention of the provisions of this Act or the rules made thereunder;

(j) to direct the user who has been or is committing an offence under the Act, to stop committing such offence;

(k) to inspect any place or object, to interrogate any person, and to cause necessary investigation, for detecting ground water;

(l) to take such other steps as may be necessary for carrying out the purposes of this Act or the rules made thereunder.

Service of
orders etc.

11. (1) Every order under clause (d), or clause (f), or clause (h), of section 10 shall be served—

(a) by giving or tendering the order, or by sending it by registered post, to the user for whom it is intended, or

The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 12-14.)

(b) if such user cannot be found, by affixing the order on some conspicuous part of his last known place of residence or place of business, or by giving or tendering the order to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the land or the building in which the well is being sunk or the water-measuring device is required to be installed or the water-supply system is required to be closed down or the hydraulic work is required to be destroyed, as the case may be.

(2) Where the person on whom an order is to be served is a minor, service of such order upon his guardian in the manner provided in sub-section (1) shall be deemed to be service upon the minor.

Delegation of powers and duties.

12. The State Level Authority may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances or conditions, if any, as may be specified in the order, be exercised or discharged by the District Level Authority or the Corporation Level Authority, as the case may be.

Members and employees of State Level Authority, District Level Authority, Corporation Level Authority to be public servants.

13. The members and the officers and other employees of the State Level Authority, the District Level Authority and the Corporation Level Authority and the person authorized by the State Level Authority shall, while acting, or purporting to act, in pursuance of any provision of this Act or the rules made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860

Protection of action taken in good faith.

14. No prosecution, suit or other legal proceeding shall lie, or shall be instituted, against the State Level Authority, the District Level Authority, or the Corporation Level Authority or any member or officer or other employee of, or any person authorized by, the State Level Authority for anything done or intended to be done in good faith under this Act or the rules made thereunder.

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*The West Bengal Ground Water Resources (Management, Control
 and Regulation) Act, 2005.*

(Section 15-18.)

Cognizance
and trial of
offence.

15. No prosecution for any offence under this Act shall be instituted except with the written consent of the State Level Authority.

Offences
and
penalties.

16. If any person, in the matter of sinking, or construction, or use, of any well,—

(a) contravenes, or fails to comply with, any of the provisions of this Act or the rules made thereunder, or

(b) obstructs the State Level Authority, or the District Level Authority or the Corporation Level Authority, or any person authorized by the State Level Authority, he shall be punishable,—

(i) for the first offence, with fine which may extend to five thousand rupees; and

(ii) for the second or subsequent offence, with fine which may extend to ten thousand rupees.

Compoun-
ding of
offences.

17. Any offence under this Act may, before or after the institution of any proceeding, be compounded by the State Level Authority in such manner as may be prescribed.

Offences
by
companies.

18. (1) where an offence under this Act has been committed by a company, every person who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 19-20.)

by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

Appeal.

19. (1) Any user, aggrieved by any action taken, or any decision made, by the State Level Authority or the District Level Authority or the Corporation Level Authority or any other person authorized by the State Level Authority under this Act, may, within a period of sixty days from the date on which such action was taken or such decision was communicated to him, and on payment of such fee as may be prescribed, prefer an appeal to such authority as may be prescribed (hereinafter referred to as the appellate authority):

Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

Power to make rules.

20. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter, which may be or is required to be prescribed.

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The West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

(Section 21-22.)

(3) All rules made under this section shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fifteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rules of the State Legislature agrees that such rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification of annulment shall be without prejudice to the validity of anything previously done under those rules.

Act to have overriding effect.

21. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any judgement, decree or order of any court, tribunal or other authority, or in any instrument having effect by virtue of any law other than this Act.

Power to remove difficulties.

22. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of the Act or the rules made thereunder, as the State Government may consider necessary for removing such difficulty.

By order of the Governor,

MD. HESAMUDDIN,
*Secy.-in-charge to the Govt. of West Bengal,
 Law Department.*


Registered No. WB/SC-320

No. 480(III)

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The

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FRIDAY, DECEMBER 29, 2006

[SAKA 1928

PART III.—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No.1672-L.—29th December, 2006.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXVII of 2006

THE WEST BENGAL GROUND WATER RESOURCES
(MANAGEMENT, CONTROL AND REGULATION) (AMENDMENT)
ACT, 2006.

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 29th December, 2006.]*

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*The West Bengal Ground Water Resources (Management, Control And Regulation)
(Amendment) Act, 2006
(Sections 1-4.)*

*An Act to amend the West Bengal Ground
Water Resources (Management, Control and
Regulation) Act, 2005.*

WHEREAS it is expedient to amend the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005, for the purposes and in the manner hereinafter appearing :

West Ben.
Act XVIII
of 2005.

It is hereby enacted in the Fifty-seventh Years of the Republic of India, by the Legislature of West Bengal, as follows:—

- | | |
|--|---|
| Short title and commencement. | <p>1. (1) This Act may be called the West Bengal Ground Water Resources (Management, Control and Regulation) (Amendment) Act, 2006.</p> <p>(2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint.</p> |
| Amendment of section 2 of West Ben. Act XVIII of 2005. | <p>2. In clause (j) of section 2 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (hereinafter referred to as the principal Act), for the words "search of extraction", the words "search of extraction" shall be substituted.</p> |
| Amendment of section 3. | <p>3. In section 3 of the principal Act,—</p> <p>(1) in sub-section (2), in clause (xviii), for the words "Superintendent Geologist", the words "Superintending Geologist" shall be substituted ;</p> <p>(2) in sub-section (6), for the words "Superintendent Geologist", the words "Superintending Geologist" shall be substituted.</p> |
| Amendment of section 5. | <p>4. In section 5 of the principal Act,—</p> <p>(1) in sub-section (3), in clause (ix), for the words "Superintendent Geologist", the words "Superintending Geologist" shall be substituted ;</p> |

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The West Bengal Ground Water Resources (Management, Control And Regulation)
(Amendment) Act, 2006.

(Section 5.)

(2) in sub-section (4), for the words "Superintendent Geologist", the words "Superintending Geologist" shall be substituted.

Amendment
of section 7.

5. In section 7 of the principal Act,—

(1) in sub-section (1), in the first proviso,—

(a) for paragraph (a), the following paragraph shall be substituted :— "(a) any tube-well or any well fitted with hand-pump ; or" ;

(b) for the words "such user may sink tube-well or hand-pump or well, as the case may be," the words, letters and brackets "such user may sink any tube-well or any well fitted with hand-pump as mentioned in paragraph (a) or any well as mentioned in paragraph (b), as the case may be", shall be substituted ;

(2) in sub-section (2), for the words "make an application in such Form on payment of such fees, as may be prescribed," the words "shall make an application in such Form, in such manner and on payment of such fees, as may be prescribed," shall be substituted ;

(3) in clause (b) of sub-section (3), for the words "power to issue a permit for sinking a well", the words "power to issue a permit on receipt of such fees, as may be prescribed, for sinking a well" shall be substituted ;

(4) in clause (b) of sub-section (4), for the words "power to issue a permit for sinking a well", the words "power to issue a permit on receipt of such fees, as may be prescribed, for sinking a well" shall be substituted ;

(5) in clause (a) of sub-section (5), for the words "grant a permit, subject to such conditions or restrictions as may be specified therein:", the words "grant a permit on receipt of such fees, as may be prescribed, subject to such conditions or restrictions as may be specified therein:" shall be substituted,

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*The West Bengal Ground Water Resources (Management, Control And Regulation)
(Amendment) Act, 2006.
(Section 6.)*

Amendment
of section 8.

6. In section 8 of the principal Act,—

(1) in sub-section (1), in the first proviso,—

(a) for paragraph (a), the following paragraph shall be substituted :— “(a) any tube-well or any well fitted with hand-pump ; or” ;

(b) for the words “such user may continue to use such tube-well or hand-pump or well, as the case may be,” the words, letters and brackets “such user may continue to use any tube-well or any well fitted with hand-pump as mentioned in paragraph (a) or any well as mentioned in paragraph (b), as the case may be”, shall be substituted ;

(2) in clause (c) of sub-section (2), for the words “with a view to authorising the applicant extracting or using ground water”, the words “with a view to authorising the applicant for extracting or using ground water” shall be substituted ;

(3) in clause (c) of sub-section (3), for the words “authorising the applicant for sinking a well for the purpose of extracting or using ground water”, the words “authorising the applicant for extracting or using ground water” shall be substituted.

By order of the Governor,

A. BHATTACHARYYA,

*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*


Registered No. WB/SC-320

No. WB(Part-I)/06/BCL-17

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MONDAY, JULY 31, 2006

[SAKA 1928

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
WATER INVESTIGATION & DEVELOPMENT DEPARTMENT

NOTIFICATION

No. 2109-WI.BP.— the 31st July, 2006.— WHEREAS the draft of the West Bengal Ground Water Resources (Management, Control and Regulation) Rules, 2006, was published as required under sub-section (1) of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005) *vide* this department notification No. 1172 - WI.BP., dated the 26th June, 2006, in the *Kolkata Gazette, Extraordinary*, PART I, dated the 26th June, 2006, for inviting objection or suggestion in writing from all the persons likely to be affected thereby, within a period of fifteen days from the date of its publication;

AND WHEREAS no objection or suggestion has been received by the State Government within the said period;

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NOW, THEREFORE, in exercise of the powers conferred by sub-section (1), and sub-section (2), of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005), the Governor is pleased hereby to make the following rules, namely:—

Rules

1. Short title and commencement.— (1) These rules may be called the West Bengal Ground Water Resources (Management, Control and Regulation) Rules, 2006.

(2) They shall come into force on the 1st day of August, 2006.

2. Definitions.— (1) In these rules, unless the context otherwise requires, —

(a) "Act" means the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005);

(b) "Challan" means challan in T.R. Form No. 7 appended to the West Bengal Treasury Rules, 2005;

(c) "Form" means Form appended to these rules;

(d) "Section" means section of the Act.

(2) Words and expressions used but not defined in these rules, shall have the same meanings as respectively assigned to them in the Act.

3. Term of office of members of State Level Authority.— (1) The Chairman, the Member-Secretary and the members specified in clauses (xi) and (xii) of sub-section (2) of section 3, shall be the permanent members of the State Level Authority.

(2) The term of office of members, other than the permanent members referred to in sub-rule (1), of the State Level Authority, shall be for three years.

4. Term of office of members of District Level Authority.— (1) The Chairman, the Member-Secretary and the members specified in clauses (ii), (iii), (vii), (viii) and (ix) of sub-section (3) of section 4, shall be permanent members of the District Level Authority.

(2) The term of office of members, other than the permanent members referred to in sub-rule (1), of the District Level Authority, shall be for three years.

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5. Term of office of the members of Corporation Level Authority.—

(1) The Chairman, the Member-Secretary and the member specified in clause (ii) of sub-section (3) of section 5, shall be the permanent members of the Corporation Level Authority.

(2) The term of office of members, other than the permanent members referred to in sub-rule (1), of the Corporation Level Authority, shall be for three years.

6. Conduct of meeting of State Level Authority.— (1) The State Level Authority may meet once in every month to conduct the business for carrying out the purposes of the Act.

(2) Notwithstanding anything contained in sub-rule (1), the State Level Authority may meet such other times, as may be appointed by the Member-Secretary on advice of the Chairman of the State Level Authority.

(3) The Chairman, or in his absence, one of the members of the State Level Authority, elected from amongst those present, shall preside at meetings of the State Level Authority, and the Chairman or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes.

(4) No business shall be transacted at any meeting of the State Level Authority unless a quorum of 1/3rd of the total members is present.

7. Conduct of meeting of District Level Authority or Corporation Level Authority.— (1) The District Level Authority, or as the case may be, the Corporation Level Authority, shall meet once in every month to conduct the business for carrying out the purposes of the Act.

(2) Notwithstanding anything contained in sub-rule (1), the District Level Authority, or as the case may be, the Corporation Level Authority, may meet such other times, as may be appointed by the Member-Secretary on advice of the Chairman of the Authority concerned.

(3) The Chairman, or in his absence, one of the members of the concerned District Level Authority, or as the case may be, the Corporation Level Authority, elected from amongst those present, shall preside at meetings of the concerned Authority, and the Chairman or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes.

(4) No business shall be transacted at any meeting of the concerned Authority unless a quorum of 1/3rd of the total members is present.

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8. Procedure for filing application for obtaining permit for sinking of well.— (1) Any user desiring to sink a well for any purpose, excepting tubewell fitted with hand-pump or a well from which extraction or use made without the help of any mechanical or electrical device, shall make an application referred to in sub-section (2) of section 7, to the Member-Secretary of the concerned District Level Authority or, as the case may be, the Corporation Level Authority in Form 1 accompanied by a Challan showing the payment of non-refundable fee for filing application as specified in column (3) of Table to sub-rule (1) of rule 15, for the purpose of obtaining a permit as stated in sub-section (1) of section 7 and the serial number of the application form shall be mentioned on the backside of the Challan :

Provided that a user desiring to sink more than one well shall be required to submit separate application form for each well.

(2) Form I shall be available free of cost in the office of the Member-Secretary of the concerned District Level Authority or the Corporation Level Authority.

(3) Improper filling up of, and failure to annex all necessary documents specified in, Form 1 shall make the application liable to be rejected.

9. Disposal of application for permit by District Level Authority or Corporation Level Authority.— (1) On receipt of the application under rule 8, if—

- (a) the District Level Authority considers that the application is for issuance of a permit under clause (b) of sub-section (3) of section 7, or
- (b) the Corporation Level Authority considers that the application is for issuance of a permit under clause (b) of sub-section (4) of section 7, it shall, after being satisfied in its meeting, approve the case and give an intimation in Form 2 to the user to deposit the non-refundable fee payable after acceptance of the application as specified in column (4) of Table to sub-rule (1) of rule 15.

(2) The user shall, on receipt of the intimation under sub-rule (1), deposit the non-refundable fee payable after acceptance of the application as specified in column (4) of Table to sub-rule (1) of rule 15, in the same manner and under the same Head of Accounts as provided in sub-rule (2) of rule 15 and after such deposit, the user shall give an intimation in Form 3 along with the original Challan showing such payment and a photocopy of such challan to the concerned District Level Authority, or as the case may be, the Corporation Level Authority.

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(3) The concerned District Level Authority, or as the case may be, Corporation Level Authority shall, on receipt of intimation in Form 3, issue permit in Form 4 to the user.

(4) If the concerned District Level Authority or the Corporation Level Authority, after discussion in its meeting, refuses to grant permit to the user, it shall give intimation of such refusal to the user in Form 5.

(5) Any decision taken by the concerned District Level Authority or the Corporation Level Authority, as the case may be, shall be intimated to the user by registered post with acknowledgement due, within a period of four months from the date of receipt of such application by such concerned District Level Authority or such Corporation Level Authority, as the case may be, and a copy of the intimation shall also be affixed to the Notice Board of the office of the Member-Secretary of the concerned District Level Authority or the Corporation Level Authority:

Provided that the user may receive the copy of the intimation by hand from the office of the Member-Secretary of the concerned District Level Authority, or as the case may be, the Corporation Level Authority.

10. Disposal of application for permit by State Level Authority.—

(1) On receipt of the application under rule 8, if—

- (a) the District Level Authority considers that the application is for issuance of a permit of sinking a well for the purpose of extracting or using ground water exceeding 50 cubic meter per hour as mentioned in clause (c) of sub-section (3) of section 7, or
- (b) the Corporation Level Authority considers that the application is for issuance of a permit of sinking a well for the purpose of extracting or using ground water exceeding 100 cubic meter per hour as mentioned in clause (c) of sub-section (4) of section 7, it shall forward the case to the State Level Authority and the State Level Authority shall after being satisfied in its meeting, approve the case for granting a permit to the user.

(2) The State Level Authority shall, on approval of the case as stated in sub-rule (1) or refusal of the case as stated in sub-rule (2), forward the case to the concerned District Level Authority or as the case may be, the Corporation Level Authority, for intimation to the user.

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(3) On receipt of the approval of the case, the District Level Authority or the Corporation Level Authority, as the case may be, shall give intimation in Form 2 to the user to deposit the non-refundable fee after acceptance of the application, as specified in column (4) of the Table to sub-rule (1) of rule 15.

(4) The user shall, on receipt of the intimation in Form 2, deposit the non-refundable fee referred to in sub-rule (4) under the same Head of Accounts as provided in sub-rule (2) of rule 15 and after such deposit, the user shall give an intimation in Form 3 along with the original challan, and a photocopy of such challan, showing such payment to the concerned District Level Authority, or as the case may be, Corporation Level Authority.

(5) The concerned District Level Authority or the Corporation Level Authority shall, on receipt of intimation in Form 3, issue permit in Form 4 to the user.

(6) If the State Level Authority, after discussion in its meeting, refuses to grant permit to the user and forwards its decision to the District Level Authority or the Corporation Level Authority, as the case may be, such District Level Authority, or as the case may be, the Corporation Level Authority, shall give intimation of such refusal to the user in Form 5.

(7) Any decision taken by the State Level Authority regarding grant or refusal of permit shall be intimated to the user by the concerned District Level Authority or the Corporation Level Authority, as the case may be, by registered post with acknowledgement due, within a period of four months from the date of receipt of such application by such District Level Authority or Corporation Level Authority, as the case may be, and a copy of the intimation shall also be affixed to the notice board of the office of the Member-Secretary of the concerned District Level Authority or the Corporation Level Authority :

Provided that the user may receive the copy of the intimation by hand from the office of the Member-Secretary of the concerned District Level Authority, or as the case may be, the Corporation Level Authority.

11. Procedure for application for registration for existing well.—

(1) Any user, who has sunk a well for extracting or using ground water in any area before the date of coming into force of the Act, shall make, in Form 6, an application referred to in sub-section (1) of section 8, within a period of six months from the date of coming into force of these rules, to the authorised officer:

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Provided that a user who has sunk more than one well for extracting or using ground water in the area shall be required to submit separate application Form for each well.

Explanation :— For the purpose of this rule, "authorised officer" means —

- (a.) in case of the District Level Authority, the Sub-Assistant Engineer (Civil/Mechanical/Electrical) of the Water Investigation and Development Department posted in the concerned Block, or any other officer duly authorised on this behalf, by the concerned District Level Authority for discharging functions under the Act;
 - (b) in case of the Corporation Level Authority, the officer of concerned Borough offices, under the Kolkata Municipal Corporation, designated as such by the Corporation Level Authority for discharging functions under the Act.
- (2) (a) In case of registration of a well in a district, the authorised officer shall, through the concerned Block Development Officer, forward the applications to the Member-Secretary of the concerned District Level Authority with a consolidated statement at the close of every month.
- (b) In case of registration of a well in the Kolkata Municipal Corporation area, the authorised officer shall forward such applications to the Member-Secretary of the Corporation Level Authority with a consolidated statement at the close of every month.
- (3) Form 6 shall be available free of cost in the office of the authorised officer.
- (4) Improper filling up of, and failure to annex all necessary documents specified in, Form 6 shall make the application liable to be rejected.

12. Disposal of application for certificate of registration by District Level Authority or Corporation Level Authority.— (1) On receipt of the application under rule, 11, if —

- (a) the District Level Authority considers that the application is for issuance of a certificate of registration under clause (b) of sub-section (2) of section 8, or
- (b) the Corporation Level Authority considers that the application is for issuance of a certificate of registration under clause (b) of sub-section (3) of section 8, it shall, after being satisfied in its

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meeting, approve the case and grant certificate of registration in Form 7 to the user and if the concerned District Level Authority, or as the case may be, the Corporation Level Authority is not satisfied with the case, it shall refuse to grant certificate of registration and shall intimate accordingly to the user in Form 8.

(2) Any decision taken by the concerned District Level Authority, or as the case may be, the Corporation Level Authority, under this rule regarding grant or refusal of certificate or registration shall be intimated to the user by registered post with acknowledgement due, within a period of four months from the date of receipt of such application and a copy of the intimation shall also be affixed to the notice board of the office of the Member-Secretary of the concerned District Level Authority or the Corporation Level Authority:

Provided that the user may receive the copy of the intimation by hand from the office of the Member-Secretary of the concerned District Level Authority, or as the case may be, the Corporation Level Authority:

13. Disposal of application for certificate or registration by State Level Authority.— (1) On receipt of the application under rule 11, if—

- (a) the District Level Authority considers that the application is for issuance of a certificate of registration for the purpose of authorising the applicant extracting or using ground water exceeding 50 cubic meter per hour as mentioned in clause (c) of sub-section (2) of section 8, or
- (b) the Corporation Level Authority considers that the application is for issuance of a certificate of registration for the purpose of authorising the applicant extracting or using ground water exceeding 100 cubic meter per hour as mentioned in clause (c) of sub-section (3) of section 8, it shall forward the case to the State Level Authority and the State Level Authority may, after being satisfied in its meeting, approve the case for granting certificate of registration to the user.

(2) The State Level Authority shall, on approval of the case as stated in sub-rule (1) or refusal of the case as stated in sub-rule (2), forward the case to the concerned District Level Authority or as the case may be, to Corporation Level Authority.

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(3) If the State Level Authority approves the case for granting certificate of registration, the concerned District Level Authority or as the case may be, the Corporation Level Authority shall issue certificate of registration in Form 7 to the user.

(4) If the State Level Authority, after discussion in its meeting refuses to grant approval for issue of certificate of registration, the concerned District Level Authority, or as the case may be, the Corporation Level Authority shall give intimation to the user in Form 8.

(5) Any decision taken by the State Level Authority under this rule regarding grant or refusal of permit shall be intimated to the user by the concerned District Level Authority or the Corporation Level Authority, as the case may be, by registered post with acknowledgement due, within a period of four months from the date of receipt of such application by such District Level Authority or Corporation Level Authority, as the case may be and a copy of the intimation shall also be affixed to the notice board of the office of the Member-Secretary of the concerned District Level authority or as the case may be, the Corporation Level Authority:

Provided that the user may receive the copy of the intimation by hand from the office of the Member-Secretary of the concerned District Level Authority, or as the case may be, the Corporation Level Authority.

14. Registers for permit and certificate of registration.— Each District Level Authority and the Corporation Level Authority shall maintain separate registers for issuing permit in Form 9 and certificate of registration in Form 10.

15. Application Fee.— (1) A user shall deposit such an amount of non-refundable fee —

- (a) for filing application for obtaining permit for sinking a new well as stated in sub-rule (1) of rule 8; and
- (b) after acceptance of application as stated in sub-rule (1) of rule 9, as mentioned in column (3) and column (4) respectively, of the Table below, on the basis of category of discharge range of the well as mentioned in column (2) of the said Table.

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TABLE

Sl. No.	Discharge range of well for which permit is sought for.	Non-refundable fee for filing application for obtaining permit for sinking well. (Rs.)	Non-refundable fee after acceptance of application. (Rs.)
(1)	(2)	(3)	(4)
1.	When the discharge range is upto 30m ³ /hr.	500.00	1000.00
2.	When the discharge range exceeds 30m ³ /hr. upto 50m ³ /hr.	1000.00	2000.00
3.	When the discharge range exceeds 50m ³ /hr. upto 100m ³ /hr.	1500.00	3000.00
4.	When the discharge range is above 100m ³ /hr.	2500.00	5000.00

(2) The application fee referred to in sub-rule (1) shall be paid by Challan to the Treasury link bank or the Reserve Bank of India or any duly authorised Public Sector Undertaking Bank under the Head of A/C "0702-80-800-OTHER RECEIPTS-002-Other Items-27-Other Receipts" (Code : 0702-80-800-002-27).

16. Preparation of district profile.— (1) The District Level Authority of each district, or as the case may be, the Corporation Level Authority, shall prepare district profile on ground water resources once in every five years.

(2) Every district profile shall contain details of ground water resources available as assessed by the State Water Investigation Directorate in accordance with the existing methodology approved by the present Ground Water Estimation Committee and the Research and Development Advisory Committee of the Government of India and any such committee or authority as may be constituted by the Government of India for deciding about such methodology and the estimated draft relating to different uses viz. irrigation, industry, domestic, etc. in accordance with the guidelines issued by such committee or authority from time to time.

17. Appellate authority. — (1) A user aggrieved by any action taken or decision made by the District Level Authority or the Corporation Level Authority or the State Level Authority or any other person authorised by the State Level Authority, as the case may be, may prefer an appeal —

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(a) to the officer not below the rank of a Joint Secretary to the Government of West Bengal, duly authorised by the Secretary, Water Investigation and Development Department, Writers' Buildings, Kolkata-700 001, if the discharge range of the well for which the permit or certificate of registration, as the case may be, is within the category specified in Sl. No. 1 or Sl. No. 2 of Table to sub-rule (1) of rule 18;

(b) to the Secretary to the Government of West Bengal, Water Investigation and Development Department, Writers' Buildings, Kolkata-700001, if the discharge range of the well for which the permit or certificate or registration, as the case may be, is within the category specified in Sl. No. 3 or or Sl. No. 4 of Table to sub-rule (1) of rule 18, and such authority shall be the appellate authority for the purpose of the Act.

Explanation :— For the purpose of this rule, "Secretary" or "Joint Secretary" include the person discharging the function of the Secretary or the Joint Secretary, as the case may be.

18. **Fee for appeal** :— (1) A user may prefer an appeal to the appellate authority under the Act on payment of such fee as specified in column (3) of Table below, on the basis of category of discharge range of the well as mentioned in column (2) of the said Table :—

TABLE

Sl. No.	Discharge range of well for which permit / registration is sought for.	Appeal fee (in Rs.)
(1)	(2)	(3)
1.	When the discharge range is upto 30m ³ /hr.	500.00
2.	When the discharge range exceeds 30m ³ /hr. upto 50m ³ /hr.	1000.00
3.	When the discharge range exceeds 50m ³ /hr. upto 100m ³ /hr.	1500.00
4.	When the discharge range is above 100m ³ /hr.	2500.00

(2) The fee referred to in sub-rule (1) shall be paid in the same manner and in the same Head of Account as specified in sub-rule (2) of rule 15.

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Form I
(See rule 8)

Issued to : Shri / Smt.

BOOK NO. Application Form Sl. No.

APPLICATION FOR OBTAINING PERMIT FOR SINKING OF NEW WELL

[U/S 7(2) of the West Bengal Ground Water Resources (Management, Control and Regulation) Act 2005.

1. Particulars about the applicant (user) :-

- (a) Name of the applicant (IN BLOCK LETTERS) :
(Please attach proof of ownership of land)
- (b) Date of birth :
- (c) Sex (Please tick) : M/F
- (d) Social Status (Please tick) : ST/SC/OBC/GENERAL
- (e) Nationality :
- (f) Son / Daughter of :
- (g) Address of the applicant:
- (h) Category of farmer (Please tick) :
Small Farmer / Marginal Farmer / Others.
(in case of application of permit for sinking irrigation well)

2. Particulars of location of the proposed well:

- (a) District :
- (b) Block, Mouza, J.L.No., Plot No.
- (c) Municipality/Corporation, Ward No./Borough No., Holding No. :

3. Particulars of the proposed well:

- (a) Type of the well viz. Dug Well/Tube Well / :
Others (Please specify)
- (b) Approx. depth of the well (m) :
- (c) In case of Tube Well :
 - (i) Approx. length (m) & diameter (mm) of the housing pipe (if any)
 - (ii) Approx. length (m) & diameter (mm) of the strainer
 - (iii) Material of the housing pipe & blank pipe
 - (iv) Material of the strainer

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- (d) In case of Dug Well :
- (i) Diameter of the Dug Well (m)
 - (ii) Type of structure of the Dug Well (Please tick) :
Kuchcha / Pucca
4. Distance of the proposed well from nearby wells (in metres) :
- (a) From the nearest shallow tube well fitted with centrifugal pump :
 - (b) From the nearest shallow tube well fitted with submersible pump :
 - (c) From the nearest deep tube well:
 - (d) From the nearest drinking water tube well :
5. Particulars of proposed pumping device :
- (a) Type of pump to be used (Please tick) :
(Centrifugal / Submersible / Turbine / Ejecto pump, etc.)
 - (b) Pump Capacity (m^3 / hr.) :
 - (c) H.P. :
 - (d) Operational device (Please tick) : Electric Motor / Diesel Engine.
6. Particulars of usefulness of proposed well:
- (a) Purpose of the proposed well :
(Irrigation / Domestic / Industrial / Others (Please specify))
 - (b) Proposed command area in ha (for irrigation well) :
 - (c) Owner's share of land within the command area indicated :
in 6. (b) above.
 - (d) Area proposed to be irrigated in different crop seasons as under :
(i) Kharif- ha, (ii) Rabi- ha, (iii) Boro- ha,
(iv) Perennial- ha.
 - (e) Proposed annual running hours (in case of irrigation well) :
 - (f) Whether the proposed command area or any portion of it falls :
within the command area of any other Minor Irrigation Scheme.
If so, give details.
 - (g) Proposed number of users of the well if used for domestic purpose :
 - (h) Proposed daily running hours in case of domestic /other :
category of wells

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- (i) Whether the area receives supply through piped water supply :
YES / NO (Please tick one)
scheme(s) of any Govt. organization / Local bodies
(In case of drinking water wells).
(If 'YES', give details)
7. Particulars of earlier application, if any :
- (a) Whether the applicant applied for permit of sinking of well :
YES / NO
on any previous occasion. (Please tick)
- (b) If 'YES', furnish the references to the previous application and indicate
about grant or refusal of permit. (Attach copies).
8. Details of payment of application fee :
- (a) Amount of Application Fee paid - Rs.
- (b) Voucher No. and date-
- (b) Name of Treasury / Sub-Treasury / P.S.U. Bank where Application
Fee has been paid-
- (c) Name of Bank Branch (if payment has been made in a Bank)-
9. Any other information which the applicant would like to furnish :

Signature of the applicant (user)

Place:

Date :

DECLARATION BY THE APPLICANT (USER)

I do hereby declare that the particulars furnished hereinabove are correct and true. I understand that in case any of the information and particulars is found to be incorrect at any stage of scrutiny and investigation or afterwards, my application / permit is liable to be rejected / cancelled.

Signature of the applicant (user)

Place :

Date :

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NOTE:

1. Separate application form should be submitted for each individual well.
2. The application form should be completed in all respect before submission. Incomplete applications are liable for rejection. Any correction / alteration in the entry shall be duly authenticated.
3. In case any of the particulars / information is found to be incorrect at any stage of verification / scrutiny, the application is liable for rejection.
4. In case any of the particulars/ information is found to be incorrect at any stage even after issue of the permit, the permit is liable for cancellation.
5. Please write 'N.A.' against those items which are not applicable.
6. Please attach the following documents along with the application.
 - (i) Document showing proof of ownership of land;
 - (ii) The Power of Attorney in favour of the applicant, in case the plot of land where the proposed well is to be constructed belongs to more than one persons;
 - (iii) Photocopy of voter ID / Ration Card / such other proof of identification;
 - (iv) Mouza map showing location of the proposed well, the proposed command area and the existing wells which have been referred to in item No. 2 (a), (b) and (c).
7. The concerned Authority reserves the right to ask for any other document(s) from the owner applicant for examination of his application.
8. Farmers having land holding 0-1 ha, are 'Marginal Farmers' and those having land holding 1-2 ha, are 'Small Farmers' (Item No. 1 (i))
9. The figure indicated in 6 (d) should be the sum total of the running hours in different crop seasons viz., Kharif, Rabi, Boro, Perennial.
10. The concerned Authority reserves the right to reject any application for permit in areas where the categorization of the Block and / or other technical criteria do not permit its consideration.

.....
Signature of the applicant(user)
 (To be affixed in the certificate of Permit)

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Form 2

[See rule 9(1) and 10(4)]

OFFICE SEAL

To

Shri/Smt.

Sub: Acceptance of your application for obtaining permit for sinking a well.

Ref: Your application No. submitted on.....

Sir/Madam

This is to inform you that your application No.....submitted on..... for obtaining permit for sinking a well specifying the type of the well....., approximate depth of the well..... (as mentioned in Form I), has been accepted at this end. You are now requested to deposit the prescribed non-refundable fee payable after acceptance of the application of Rs. (Rupees.....) only by Challan in T.R. Form No. 7 in Treasury/sub-Treasury/P.S.U. Bank/Reserve Bank of India under the Head of Account: "0702-80-800- OTHER RECEIPTS-002-Other Items-27-Other Receipts" (Code: 0702-80-800-002-27).

The original Challan making such payment and a photocopy of the same is to be deposited in this office along with duly filled up Form No. 3 enclosed herewith within 30 (thirty) days of receipt of this letter failing which your application for obtaining permit will be treated as cancelled. The application No. must be mentioned at the back of the Challan.

End. : as stated

Yours faithfully,

Signature of the issuing authority.

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Form 3

[See rule 9(2) and rule 10(5)]

To

The
(Name of the Authority).....
(Address of the Authority)

Sir,

Sub:- Deposit of non-refundable fee payable after acceptance of the application.

In response to your letter mentioned above accepting my application for permit for sinking of a well specifying the type of the well....., approximate depth of the well..... (as mentioned in Form 1), I am submitting herewith the original Challan along with a photocopy of the same showing payment of non-refundable fee payable after acceptance of the application of Rs..... (Rupees) as per the following details :-

1. Name of user : .
2. Application form No. and date:
3. Amount of non-refundable fee deposited after acceptance of the application:
4. Voucher No. of Challan and date:
5. Name of Treasury / Sub-Treasury / P.S.U. Bank where payment has been made:
6. Name of Bank branch when payment has been made in a Bank:

Yours faithfully,

Place :

Date :

(Signature of user)

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- (i) Operational device:
- (j) Rate of withdrawal ($m^3 / hr.$):
- (k) Maximum allowable running hours per day:

This permit authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3) (j) and for running hours / day as shown at Sl. (3) (K), and is valid subject to the observance of the conditions stated overleaf.

Place: _____ Signature of the Issuing Authority
Date: _____ and Designation.

OFFICE
SEAL

CONDITIONS:

- (1) In case of any change of ownership of the proposed well, fresh registration has to be obtained.
- (2) No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this permit.
- (3) In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- (4) Any other condition imposed by the concerned Authority.

OFFICE
SEAL

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Form 5
[See rules 9(4) and 10(6)]

OFFICE SEAL

No.

Dated.....

To

Shri / Smt.
.....
.....

Sub : Rejection of your application for Permit for sinking of well.

Ref : Your Application No. submitted on.....

Sir / Madam,

This is to inform you regretfully that your Application No.
submitted on seeking for a Permit of sinking well has been refused because of the
following reason(s):

- (1) Incomplete application
- (2) Non-submission of requisite documents
- (3) Shortfall in payment of requisite Application Fee
- (4) Incorrect Head of A/C for deposition of Application Fee
- (5) Non-Maintenance of spacing criteria
- (6) Unsuitable water quality
- (7) Non-availability of adequate ground water resource

Yours faithfully,

Signature of Issuing Authority

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Form 6

[See rule 11(1)]

Issued to: Shri / Smt.

BOOK NO. Application Form Sl. No.

FORM OF APPLICATION FOR REGISTRATION OF EXISTING WELL
*(U/S 8(1) of the West Bengal Ground Water Resources (Management, Control
 and Regulation) Act 2005.)*

1. Particulars about the applicant :

- (a) Name of the owner applicant (IN BLOCK LETTERS) :
 (Please attach proof of ownership of land)
- (b) Date of birth : ;
- (c) Sex (Please tick): M / F;
- (d) Social Status (Please tick): ST / SC / OBC / GENERAL;
- (e) Nationality: ;
- (f) Son / Daughter of :
- (g) Address of the applicant ;
- (h) Category of farmer (Please tick): Small Farmer / Marginal Farmer / Others.
 (in case of application for registration of existing irrigation well)

2. Location particulars of the existing well :

- (a) District :
- (b) Block, Mouza, J.L. No., Plot No. :
- (c) Municipality/ Corporation, Ward No./Borough No., Holding No. :

3. Particulars of the existing well :

- (a) Date of construction / sinking of the well :
- (b) Type of the well viz. Dug Well / Tube Well / :
 Others (Please specify)
- (c) Depth of the well (m) :
- (d) In case of the Tube Well:
- (i) Length (m) & diameter (mm) of the housing pipe (if any) :
- (ii) Length (m) & diameter (mm) of the strainer :

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- (iii) Material of the housing pipe & blank pipe :
- (iv) Material of the strainer :
- (e) In case of Dug Well:
- (i) Diameter of the Dug Well (m) :
- (ii) Type of structure of the Dug Well (Please tick): Kuchcha / Pucca
- (f) Whether there has been any adverse report regarding water quality :
of the well. If 'Yes', give particulars.
4. **Distance of the existing well from nearby wells (in metres):**
- (a) From the nearest shallow tube well fitted with centrifugal pump :
- (b) From the nearest shallow tube well fitted with submersible pump :
- (c) From the nearest deep tube well :
- (d) From the nearest drinking water tube well :
5. **Particulars of existing pumping device :**
- (a) Type of pump to be used (Please tick) : (Centrifugal / Submersible /
Turbine / Ejecto pump, etc.)
- (b) Length of column pipe (in case of submersible / turbine pump):
- (c) Pump Capacity (m^3 / hr.): ; (d) H.P. : ;
- (e) Operational device (Please tick): Electric Motor / Diesel Engine.
- (f) Date of energisation (in case of electricity driven pump):
6. **Particular of usefulness of proposed well:**
- (a) Purpose of the existing well :
Irrigation / Domestic / Industrial / Others (Please specify)
- (b) Cultural command area in ha (for irrigation well) :
- (c) Owner's share of land within the command area indicate in 6.
(b) above :
- (d) Out of the area indicated in 6 (b) above, area irrigated by the well in
different crop seasons :
- (i) Kharif- ha; (ii) Rabi- ha; (iii) Boro- ha;
- (iv) Perrenial- ha;

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- (e) Total annual running hours (in case of irrigation well) :
- (f) Daily running hours in case of domestic / other category of wells :
7. Any other information which the applicant would like to furnish :

Signature of the owner applicant

Place :

Date :

DECLARATION BY THE APPLICANT

I do hereby declare that the particulars furnished hereinabove are correct and true. I understand that in case any of the information and particulars is found to be incorrect at any stage of scrutiny and investigation or thereafter, my application / registration is liable to be rejected / cancelled.

Signature of the owner applicant

Place :

Date :

Note :

1. Separate application form should be used for registration of each individual well.
2. The application form should be completed in all respect before submission. Incomplete applications are liable for rejection. Any correction / alteration shall be duly authenticated.
3. In case any of the particulars/ information is found to be incorrect at any stage of verification / scrutiny, the application is liable for rejection.
4. In case any of the particulars/ information furnished is found to be incorrect at any stage even after issue of the registration, the registration is liable for cancellation.
5. Please write 'N.A.' against those items which are not applicable.
6. Please attach the following documents along with the application :
 - (a) Document showing proof of ownership of land ;
 - (b) Photocopy of voter ID / ration card / any other proof of identification;

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- (c) Mouza map showing location of the existing well, the command area and the existing wells which have been referred to in item no. 2(a), (b) and (c).
7. The concerned Authority reserves the right ask for any other document(s) from the owner applicant for examination of the merit of the case.
 8. Farmers having land holding 0-1 ha are 'Marginal Farmers' and those having land holding 1-2 ha are 'Small Farmers' (Item No. 1(i))
 9. The figure indicated in 6 (d) should be the sum total of the running hours in different crop seasons viz., Kharif, Rabi, Boro, Perennial.

.....
Signature of owner applicant
(To be affixed in the certificate of registration)

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Form 7

[See rules 12(1) and 13(3)]

(EMBLEM OR HOLOGRAM OF THE CONCERNED AUTHORITY)
CERTIFICATE OF REGISTRATION OF EXISTING WELL

[U/S 8(2)(b)/8 (3)(b)/8(4)(a) of the West Bengal Ground Water Resources
(Management, Control and Regulation) Act 2005.]

REGISTRATION NO.

1. (a) Name of the owner applicant : Shri / Smt.
 (b) Son / Daughter of :
 (c) Address of the applicant :
 (d) Category of farmer (Please tick) : Small Farmer / Marginal Farmer / Others
 (in case of registration of existing irrigation well)
 (e) Application Form Serial No.
 and date of submission :
 (f) Specimen signature :
2. Location particulars :
 (a) District :
 (b) Block, Mouza, J.L. No., Plot No. :
 (c) Municipality / Corporation, Ward No./ Borough No., Holding No.:
3. Particular of the existing well and pumping device :
 (a) Date of construction / sinking of the well :
 (b) Type of the well :
 (c) Depth of the well (m):
 (d) Purpose of the well :
 (e) Assembly size (for tube well) : mm. X mm.
 (f) Strainer position (for tube well) : (i) ; (ii) ; (iii) ; (iv)
 (g) Diameter (for dug well) : m.
 (h) Type of pump used :
 (i) H.P. of the pump :
 (j) Operational device

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(k) Rate of withdrawal ($m^3/hr.$) :

(l) Date of energisation (in case of electric pump) :

This certificate of registration is issued on the basis of the information furnished by the applicant subject to the conditions stated overleaf.

Place :

Signature of the Issuing Authority and

Date :

Designation.

OFFICE
SEAL

CONDITIONS

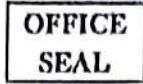
- (1) The rate of extraction of ground water from the well shall not exceed that as shown in item 3(k). The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands.
- (2) In case of any change of ownership of the existing well, fresh registration has to be obtained.
- (3) No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration.
- (4) In case, any of the particulars / information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage, this registration is liable for cancellation.
- (5) Any other condition(s) that may be imposed by the concerned Authority.

OFFICE
SEAL

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Form 8

[See rules 12(1) and proviso to 13(4)]



No.

Dated.....

To

Shri / Smt.....
.....

Sub : Rejection of your application for registration of well

Ref: Your application No.submitted on

Sir / Madam,

This is to inform you regretfully that your Application No.
submitted on for registration of your well has been refused because of the following
reason(s) :

- (1) Incomplete application
- (2) Non-submission of requisite documents
- (3) Others

Yours faithfully,

Signature of Issuing Authority

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Form 10
(See rule 14)

FORMAT OF REGISTER TO BE MAINTAINED UNDER THE WEST BENGAL GROUND WATER RESOURCES (MANAGEMENT,
CONTROL AND REGULATION) ACT, 2005, FOR ISSUANCE OF CERTIFICATE OF REGISTRATION

Sl. No.	Name of the user	Sl. No. of application form and date	Location Details				Details of structure and pumping device			
			Block/ Borough No.	Mouza/ (J.L. No.)/ Ward No.	Plot No./ Holding No.	Type	Size	Discharge (m ³ /hr)	Pumping device	H. P. of Pump
1	2	3	4	5	6	7	8	9	10	11

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Whether Registration is granted or not (Yes / No)	Reason in case of rejection	Registration No. and Date	Dated initial of subordinate official	Dated initial of Member - Secretary
12	13	14	15	16

By order of the Governor

K. John Koshy


Principal Secy. to the Govt. of West Bengal

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Registered No. WB/SC-320

No. WB(Part-1)/07/BCL-26

The



Kolkata **Gazette**

सत्यमेव जयते

Extraordinary
Published by Authority

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THURSDAY, MAY 17, 2007

[SAKA 1929

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
WATER RESOURCES INVESTIGATION AND DEVELOPMENT DEPARTMENT
WRITERS' BUILDINGS
KOLKATA - 700 001

No. 995-BP/9M-28/98(Pt. IV)-2004

Dated, Kolkata, the 17th May, 2007

NOTIFICATION

WHEREAS the draft amendment of the West Bengal Ground Water Resources (Management, Control and Regulation) Rules, 2006 (hereinafter referred to as the said rules) was published as required under sub-section (1) of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005) *vide* this department notification No. 740-MI/O/BP/9M-28/98 (Pt. IV)-2004, dated the 11th April, 2007, in the *Kolkata Gazette, Extraordinary*, Part I, dated the 11th April, 2007, for inviting objection or suggestion in writing from all the persons likely to be affected thereby, within a period of fifteen days from the date of its publication;

85 82

AND WHEREAS no objection or suggestion has been received by the State Government within the said period ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1), and sub-section (2), of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005), the Governor is pleased hereby to make, with immediate effect, the following amendment in the said rules :

Amendment

In sub-rule (1) of rule 11 of the said rules, for the words "within a period of six months", *substitute* the words "within a period of one year"

By order of the Governor,

Sd/- K. John Koshy,
Principal Secretary to the Government of West Bengal.

Registered No. WB/SC-320

No. WB(Part-I)/07/BCL-32


The
Kolkata **Gazette**
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WEDNESDAY, SEPTEMBER 5, 2007

[SAKA 1929

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
WATER RESOURCE INVESTIGATION AND DEVELOPMENT DEPARTMENT
WRITERS' BUILDINGS
KOLKATA - 700 001

No. 1708-/BP/9M-28/98(Pt IV)-2004

Dated, Kolkata, the 3th September, 2007

NOTIFICATION

WHEREAS the draft amendment of the West Bengal Ground Water Resources (Management, Control and Regulation) Rules, 2006 (hereinafter referred to as the said rules) was published as required under sub-section (1) of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005) vide this Department notification no. 1536-MI/O/BP/9M-28/98(Pt IV)-2004, dated the 6th August, 2007, in the *Kolkata Gazette, Extraordinary*, Part I, dated the 6th August, 2007, for inviting objection or suggestion in writing from all the persons likely to be affected thereby, within a period of fifteen days from the date of its publication;

-83- 24

AND WHEREAS no objection or suggestion has been received by the State Government within the said period;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1), and sub-section(2), of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005), the Governor is pleased hereby to make, with immediate effect, the following amendment in the said rules :-

Amendment

In sub-rule (1) of rule 11 of the said rules, for the words "within a period of one year", *substitute the words "within a period of three years"*.

By order of the Governor,

Sd/- K. John Koshy

Principal Secretary to the Govt. of West Bengal.

Registered No. WB/SC-247

No. WB(Part-I)/2009/SAR-275

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THURSDAY, JULY 30, 2009

[SAKA 1931

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Water Resources Investigation & Development Department
Writers' Buildings, Kolkata - 700 001

NOTIFICATION

No. 1397-/BP/9M-28/98(Pt-IV) –2004.– the 29th July, 2009.– WHEREAS the draft amendment of the West Bengal Ground Water Resources (Management, Control and Regulation) Rules, 2006 (hereinafter referred to as the said rules) was published as required under sub-section (1) of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005) *vide* this department notification No. 945 – /BP/9M-28/98(Pt-IV) –2004, dated the 26th May, 2009, in the *Kolkata Gazette, Extraordinary*, Part I, dated the 8th June, 2009, for inviting objection or suggestion in writing from the persons likely to be affected thereby, within a period of fifteen days from the date of its publication;

— 85 — 26

AND WHEREAS no objection or suggestion has been received by the State Government within the said period;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1), and sub-section(2), of section 20 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (West Ben. Act XVIII of 2005), the Governor is pleased hereby to make, with immediate effect, the following amendment in the said rules:—

Amendment

In sub-rule (1) of rule 11 of the said rules, for the words “within a period of three years”, *substitute* the words “within a period of five years”.

By order of the Governor,

TRILOCHAN SINGH,
Principal Secretary to the Government of West Bengal.

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH,
KOLKATA

ORIGINAL APPLICATION
NO.161/2024/EZ

In The Matter of:

Jagriti Bhattacharya

... Applicant

Versus

The State of West Bengal & Ors.

... Respondent(s)

AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF THE RESPONDENT
NUMBER 06, DIRECTOR, STATE
WATER INVESTIGATION
DIRECTORATE, WEST BENGAL.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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