

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 20 /2022/EZ

SUPROVA PRASAD

..... APPLICANT(S)

VERSUS

MINISTRY OF ENVIRONMENT FOREST
& CLIMATE CHANGE & ORS.

..... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 03 THE
WEST BENGAL POLLUTION CONTROL BOARD.

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Filed by

Dipanjana Ghosh

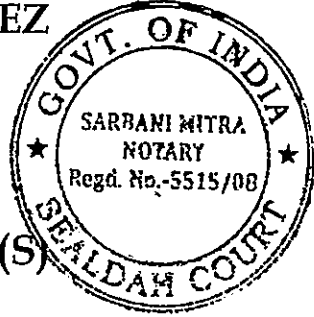
DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA

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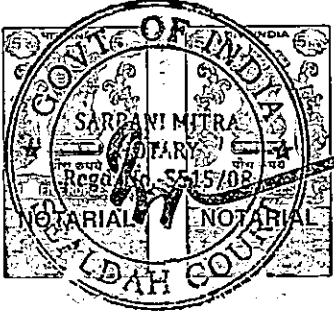
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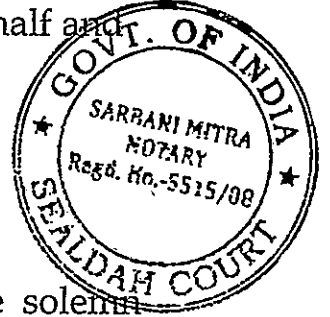
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 03 THE
WEST BENGAL POLLUTION CONTROL BOARD.

Most Respectfully Sheweth

I, Sri Tapas Kumar Gupta, son of Sri Late Priya Sankar Gupta,
aged about 61 years, by Religion - Hindu, by Occupation-Service,
working for gain at West Bengal Pollution Control Board, having
office at 10A, Block - LA, Salt Lake City, Kolkata - 700106, do hereby
solemnly declare and say as follows:-

11 MAY 2022

01. That, I am the Chief Technical Advisor, West Bengal Pollution Control Board (hereinafter will be referred to as the 'State Board') and look after this case and as such I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 03 to affirm this Affidavit on its behalf and as such, I am competent to do so.



02. That, this affidavit is being affirmed in pursuance to the solemn order passed by the Hon'ble Tribunal dated 01.04.2022.

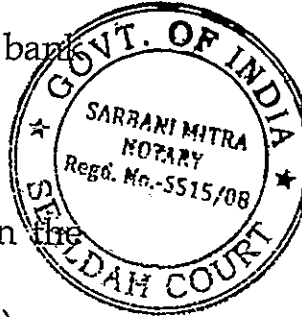
03. That, the Hon'ble National Green Tribunal vide order dated 01.04.2022, direct the Committee already constituted by the Tribunal to re-inspect the ghats and give remedial measures as well as the action plan along with penal provisions and measures for restitution of the ghats.

04. that, in compliance to the order of the Hon'ble Tribunal, on 25.04.2022, the member of the committee re-inspected the both (left and right) banks of the river Hooghly of 13.5 K.M. (approx.) from Daighat near Wattganj to Ratan Babu Ghat, Baranagar by launch along with Special Commissioner, Department of UD&MA & Assistant Project Director, WBSPMG, Chief Engineer, GAP Sector -KMDA, Executive Engineer, SUDA, Executive Engineers of KMC (Drainage, SWM, Parks & Garden), Officials of HMC, WBSPMG, WBPCB and observed the present conditions of different ghats / river banks from river side during low tide.

11 MAY 2022

05. that, the committee observed as follows on both sides of river Hooghly ;

- I. Conditions of water quality appears to be very poor near confluence point of Tolly Nullah. However, dredging works was also in progress for desiltation.
- II. Release / leakage of waste water through a good numbers of drains along left bank (Daighat - discharge of back-wash of Water Treatment Plant], ghat near Millennium Park, Sova Bazar Ghat, Bag Bazar Ghat, Dilar jang Ghat, Sutanuti Ghat, Sarbamangala Ghat, Ratan Babu Ghat etc.) and also in right bank (Shibpur-Ramkrishnapur areas).
- III. Existence of the cattle sheds and liquid waste discharge in the right bank (Ramchandrapur / Chora Bustee area of Howrah).
- IV. Non-existence as well as poor condition of screens / penstock gates in different major drains/outlets.
- V. Huge discharge noticed through open gates at Circular Canal near Belgachia under the control and managed by the Department of Irrigation.
- VI. Accumulated municipal solid waste / Construction & Demolition wastes in both bank of river Hooghly.
- VII. Encroachment of river bank near Posta/ Boro-bazar/Nimtala area in the left bank and Ramchandrapur Ghat, Howrah.
- VIII. Solid waste dump adjacent to few ghats (Judges Ghat, Babu Ghat, Phool Ghat(Mallick Ghat), near Howrah Bridge, Jagganath Ghat, Bag Bazar Ghat etc.)



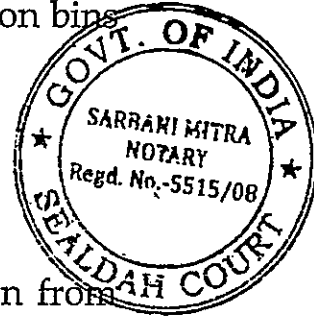
11 MAY 2022

IX. Few Ghats (Baje-Kadamtala Ghat, Takta Ghat, Princep Ghat (South), Champatala Ghat & Kumartuli ghat, Nimtala Ghat, Aheritala Ghat, Mayer Ghat etc.) were found in improved condition having IEC Material in place and waste collection bins were also provided.

X. Erosions near Millennium Park.

06. That the committee has recommended the following action from the concerned authorities:-

- i) Information has not been provided by Kolkata Municipal Corporation in the template shared with State Government for upkeeping of ghats, examine arrangements of State to keep the gats in good shape and consequent condition of ghats.
- ii) As regards control of erosion, the KoPT (Shyamaprasad Mukhopadhyaya Port Trust) may be directed to take necessary measures following the direction issued by the Hon'ble NGT Eastern Zone Bench in connection with O.A. No. 08/2015/EZ dated 13.09.2017. The KoPT, being the custodian of the land on shores within 45.7 m of High Water Mark at spring tide and the competent authority having good repository of hydro- morphological data of river Hoogli in this stretch of river with required expertise, to take up the rehabilitation work near Millennium Park covering around 1 Km, both upstream & downstream combined to prevent further erosion.
- iii) The flows into Canals/drains are controlled and regulated through an existing Lock-gate. That the Lock-gate arrangement ensures that during high tides, water from the river Hooghly flows into the



11 MAY 2022

Canals/drains while the same recedes during low tides. The cycle of high - low tides is semi-diurnal. The Canals/drains geometry has become distorted due to heavy siltation. That due to excessive siltation the longitudinal sectional profile of the Canals/drains might have been disturbed which is affecting the functioning of the Canals/drains as a mechanism to bring fresh water from Hooghly and thereafter to act as a flushing Canal connected to Bidyadhari river.

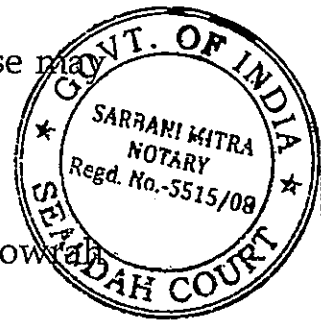
iv) The authorities of Kolkata Municipal Corporation & Howrah Municipal Corporation may be directed to take necessary measures for installation and repairing of screen / Penstock Gates as the case may be within 45 days.

v) The authorities of Kolkata Municipal Corporation & Howrah Municipal Corporation may be directed to take necessary measures to control discharge untreated domestic sewage into the river Hooghly at an earliest.

vi) The authority of Department of Irrigation, Govt. of West Bengal may be directed to take necessary measures to control untreated waste water discharge from the Circular Canal into the river.

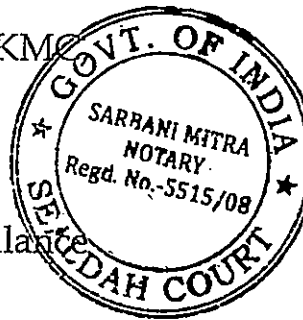
vii) The Fort William Authority may be directed to take necessary measures to control the discharge of untreated waste water into the river Hooghli within their jurisdiction.

viii) The Railway Authority (Chakra Rail) may be directed to take necessary measures for management of domestic sewage and also management of solid wastes in different railway stations within their jurisdiction in the left bank of river Hooghli.



11 MAY 2022

- ix) Howrah Municipal Corporation may be directed to take immediate measures to control the discharge of untreated waste (liquid and solid waste) into river Hooghli.
- x) The authorities of Kolkata Municipal Corporation & Howrah Municipal Corporation may be directed to clear all the accumulated garbage including C&D Waste in consultation with KoPT within 45 days.
- xi) KoPT may be directed to extend all kind of assistance to KMC, HMC, Railway Authority and other stakeholders.
- xii) KMC, HMC & KoPT may be directed to arrange strict vigilance throughout the year in different ghats and bank of the river under their respective jurisdiction to control littering of wastes.
- xiii) KMC, HMC & KoPT may be directed to arrange sufficient publicity by way of public addressing system, distribution IEC materials, fixing of permanent banners etc. involving all stakeholders in different ghats as well as on river banks.



Copy of the Report of the Committee dated 23.03.2022 is annexed herewith and marked with letter "R".

07. That during inspection the committee was apprised by the representative of the Urban Development & Municipal Affairs Department that The Principal Secretary, Department of UD&MA, Govt. of West Bengal has already constituted a high level committee with target oriented approach for better co-ordination among different agencies for improvement of conditions of different ghats in

11 MAY 2022

the KMC area. The committee will report to The Principal Secretary, Department of UD&MA, fortnightly.

08. That the representatives of the Kolkata Metropolitan Development Authority has apprised the committee about Overall status of 43 Ganga Towns in West Bengal regarding sewage generation, treatment capacity and proposal for new/renovation/under construction as reported to National Mission for Clean Ganga by West Bengal State Project Management Group, Government of West Bengal dated 22.04.2022 for a period up to

March, 2022 in compliance with Hon'ble NGT Order OA - 200/2014

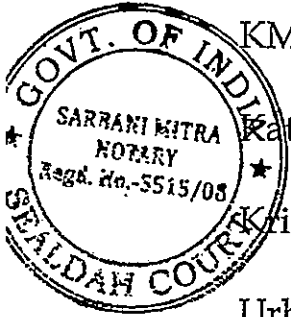
tabulated below which is as follows :-

	Estimated Sewage Generation	1401 MLD
II	Details of Sewage Treatment Plants	
	Existing no. of operational STPs and treatment capacity (in MLD): (15 nos. Ganga Town)	21 (294.75 MLD)
	No of STPs under construction (6 nos. Ganga Town)	9 (178.5 MLD)
	No of STPs under renovation (13 nos. Ganga Town)	16 (295.96 MLD)
	No of STPs under proposal/tendering stage (11 nos. Ganga Town)	15 (217.13 MLD)
	Total treatment capacity	986.34 MLD

11 MAY 2022

III	Gap in treatment capacity	414.66 MLD
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To address the gap of 414.58 MLD, List of proposals for additional treatment capacity of 550 MLD (based on estimated population in 2036) by setting up new STPs in 16 Ganga Towns and by capacity augmentation of existing STPs, estimated amount of Rs. 2,885 crores shall be sent to NMCG for consideration under Namami Gange -II project.



KMDA has already taken necessary steps for preparation of DPRs of Katwa, Chakda, Shantipur, Murshidabad, Jiajung-Ajimjung, Krishnagar, Diamond Harbour, Uluberia, Dhulial, Pujali and Haldia Urban areas. Proposal for setting up of new STPs and augmentation of existing STPs in KMC & HMC area in progress.

09. It is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Tapas Ks. Saha
DEPONENT

Identified by me

R N B
Advocate

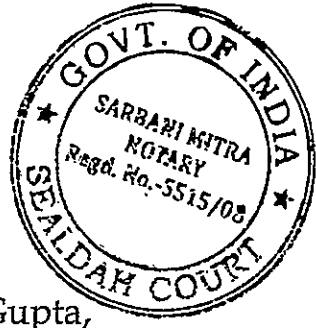
WBPCB

Solemnly Affirmed &
Declared Before Me
On Identification By...


SARBANI MITRA
NOTARY
Regd. No.-5515/08

11 MAY 2022

VERIFICATION



I, Sri Tapas Kumar Gupta, son of Sri Late Priya Sankar Gupta, aged about 61 years, by Religion - Hindu, by Occupation- Service, working for gain at West Bengal Pollution Control Board, having office at 10A, Block - LA, Salt Lake City, Kolkata - 700106, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Technical Advisor, West Bengal Pollution Control Board and I am well acquainted with the facts and circumstances of the instant Original Application.
2. That, the statements made in paragraph 1 of this affidavit is true to my knowledge and belief.
3. That, the statements made in paragraphs 2 to 8 of this affidavit are my information derived from the records available in the office of the State Board which I verily believe to be true and the rest are my respectful submission before this Hon'ble Tribunal.

Tapas Ks. Guha
DEPONENT

Identified by me

S. Das .

Advocate

WBPCB

11 MAY 2022

Brief description of the complaint in the matter of Original Application No. 20/2022/EZ:

Large scale pollution at different ghats and its adjoining areas in river bank of Hooghly and discharge of sewage into the river.

Committee details:

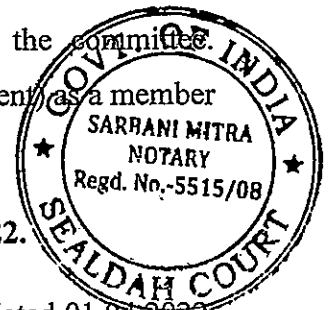
Hon'ble National Green Tribunal, Eastern Zone Bench has constituted a three-member committee comprising a senior scientist from CPCB, a Senior Scientist from the Ministry of Water Resources, River Development and Ganga Rejuvenation and Dr. T. K. Gupta, CTA, WBPCB vide order dated 16.02.2022 in connection with above O.A. Accordingly, a committee was formed comprising following officials:

1. Sri Vijay Kumar Yadav, NMCG, New Delhi, Member of the Committee
2. Dr. Tapas Kumar Gupta, Chief Technical Advisor, WBPCB, Nodal officer of the committee
3. Sri Sandeep Roy, Scientist 'D', CPCB, Member of the Committee

The Hon'ble National Green Tribunal, Eastern Zone Bench heard the matter again on 01.04.2022 and directed the committee to re- inspect the ghats and to give suggestions of measures for restitution of the ghats. The Hon'ble National Green Tribunal also considered a Senior Scientist/Technical Engineer of Kolkata Port Trust would be a member of the committee. Accordingly, Kolkata Port Trust nominated Shri P. P. Datta, Manager (Environment) as a member of the committee.

Description of the re-inspection of Ghats on river Hooghli made on 25.04.2022.

In line with the Order of Hon'ble National Green Tribunal, Eastern Zone Bench dated 01.04.2022, the members of the Committee constituted by the Hon'ble Tribunal re-inspected the both (left and right) banks of the river Hooghly of 13.5 K.M. (approx.) from Daighat near Wattganj to Ratan Babu Ghat, Baranagar by launch along with Special Commissioner, Department of UD&MA & Assistant Project Director, WBSPMG, Chief Engineer, GAP Sector -KMDA, Executive Engineer, SUDA, Executive Engineers of KMC (Drainage, SWM, Parks & Garden), Officials of HMC, WBSPMG, WBPCB and observed the present conditions of different ghats / river banks from river side during low tide. A questioner (Template) for information on different drains / sanitation facilities / cleanliness / solid waste management of different ghats prepared by NMCG were provided to authorities of Kolkata Municipal Corporation well in advance before the visit. The copy of the template is attached as an Annexure-I. **However, no information has been placed before the committee.**

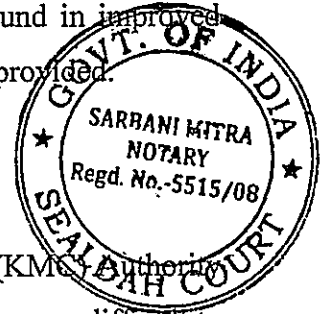


The observations of the visit on both sides of river Hooghly are as follows;

- ❖ Conditions of water quality appear to be very poor near confluence point of Tolly Nullah. However, dredging works was also in progress for de-siltation.
- ❖ Release / leakage of waste water through a good numbers of drains along left bank (Daighat - discharge of back-wash of Water Treatment Plant], ghat near Millennium Park, Sova Bazar Ghat, Bag Bazar Ghat, Dilar Jang Ghat, Sutanuti Ghat, Sarbamangala Ghat, Ratan Babu Ghat etc.) and also in right bank (Shibpur-Ramkrishnapur areas).
- ❖ Existence of the cattle sheds and liquid waste discharge in the right bank (Ramchandrapur / Chora Bustee area of Howrah).
- ❖ Non-existence as well as poor condition of screens /penstock gates in different major drains/outlets.
- ❖ Huge discharge noticed through open gates at Circular Canal near Belgachia under the control and managed by the Department of Irrigation.
- ❖ Accumulated municipal solid waste / Construction & Demolition wastes in both bank of river Hooghli.
- ❖ Encroachment of river bank near Posta/ Boro-bazar/Nimtala area in the left bank and Ramchandrapur Ghat, Howrah.
- ❖ Solid waste dump adjacent to few ghats (Judges Ghat, Babu Ghat, Phool Ghat(Mallick Ghat), near Howrah Bridge, Jagganath Ghat, Bag Bazar Ghat etc.)
- ❖ Few Ghats (Baje-Kadamtala Ghat, Takta Ghat, Princep Ghat (South), Champatala Ghat & Kumartuli ghat, Nimtala Ghat, Aheritala Ghat, Mayer Ghat etc.) were found in improved condition having IEC Material in place and waste collection bins were also provided.
- ❖ Erosions near Millennium Park.

Action Plan and measures for restitution of the Ghats

- Information has not been provided by the Kolkata Municipal Corporation (KMC) Authority in the template shared with KMC. In the absence of such information, it becomes difficult to appraise the protocols being followed for up keeping of ghats, examine arrangements of KMC to keep the gats in good shape and consequent condition of ghats.
- The Principal Secretary, Department of UD&MA, Govt. of West Bengal has already constituted a high level committee with target oriented approach for better co-ordination among different agencies for improvement of conditions of different ghats in the KMC area (copy enclosed as **Annexure-II**). The committee will report to The Principal Secretary, Department of UD&MA, fortnightly.



- As regards control of erosion, the KoPT (Shyamaprasad Mukhopadhyaya Port Trust) may be directed to take necessary measures following the direction issued by the Hon'ble NGT Eastern Zone Bench in connection with O.A. No. 08/2015/EZ dated 13.09.2017 (Annexure-IV). The KoPT, being the custodian of the land on shores within 45.7 m of High Water Mark at spring tide and the competent authority having good repository of hydro- morphological data of river Hoogli in this stretch of river with required expertise, to take up the rehabilitation work near Millennium Park covering around 1 Km, both upstream & downstream combined to prevent further erosion.
- Overall status of 43 Ganga Towns in West Bengal regarding sewage generation, treatment capacity and proposal for new/renovation/under construction as reported to National Mission for Clean Ganga by West Bengal State Project Management Group, Government of West Bengal dated 22.04.2022 for a period up to March ,2022 in compliance with Hon'ble NGT Order GA 200/2014 is tabulated below;

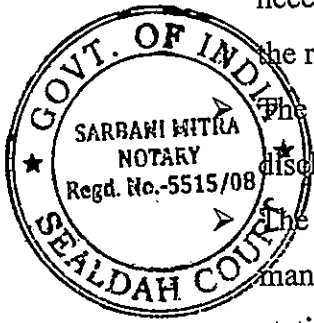
Overall status of the 43 Ganga Towns in West Bengal as Annexure - III

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	Total treatment capacity	986.34 MLD
III	Gap in treatment capacity	414.66 MLD

To address the gap of 414.58 MLD, List of proposals for additional treatment capacity of 550 MLD (based on estimated population in 2036) by setting up new STPs in 16 Ganga Towns and by capacity augmentation of existing STPs, estimated amount of Rs. 2,885 crores shall be sent to NMCG for consideration under Namami Gange –II project.

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- The flows into Canals/drains are controlled and regulated through an existing Lock-gate. That the Lock-gate arrangement ensures that during high tides, water from the river Hooghly flows into the Canals/drains while the same recedes during low tides. The cycle of high – low tides is semi-diurnal. The Canals/drains geometry has become distorted due to heavy siltation. That due to excessive siltation the longitudinal sectional profile of the Canals/drains might have been disturbed which is affecting the functioning of the Canals/ drains as a mechanism to bring fresh water from Hooghly and thereafter to act as a flushing Canal connected to Bidyadhari river.
- The authorities of Kolkata Municipal Corporation & Howrah Municipal Corporation may be directed to take necessary measures for installation and repairing of screen / Penstock Gates as the case may be within 45 days.
- The authorities of Kolkata Municipal Corporation & Howrah Municipal Corporation may be directed to take necessary measures to control discharge untreated domestic sewage into the river Hooghly at an earliest.
- The authority of Department of Irrigation, Govt. of West Bengal may be directed to take necessary measures to control untreated waste water discharge from the Circular Canal into the river.
- The Fort William Authority may be directed to take necessary measures to control the discharge of untreated waste water into the river Hooghli within their jurisdiction.
- The Railway Authority (Chakra Rail) may be directed to take necessary measures for management of domestic sewage and also management of solid wastes in different railway stations within their jurisdiction in the left bank of river Hooghli.
- Howrah Municipal Corporation may be directed to take immediate measures to control the discharge of untreated waste (liquid and solid waste) into river Hooghli.
- The authorities of Kolkata Municipal Corporation & Howrah Municipal Corporation may be directed to clear all the accumulated garbage including C&D Waste in consultation with KoPT within 45 days.
- KoPT may be directed to extend all kind of assistance to KMC, HMC, Railway Authority and other stakeholders.



- KMC, HMC & KoPT may be directed to arrange strict vigilance throughout the year in different ghats and bank of the river under their respective jurisdiction to control littering of wastes.
- KMC, HMC & KoPT may be directed to arrange sufficient publicity by way of public addressing system, distribution IEC materials, fixing of permanent banners etc. involving all stakeholders in different ghats as well as on river banks.



Tapas Kumar Gupta, WBPCB
Member



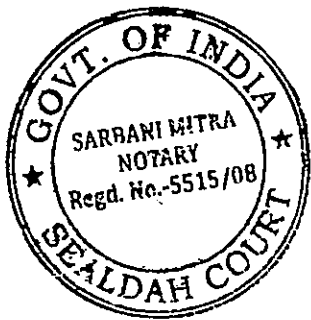
Vijay Yadav, NMCG
Member



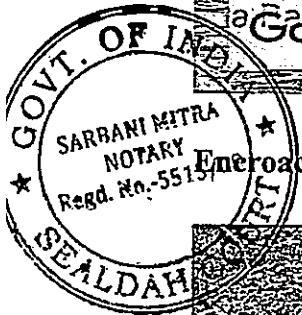
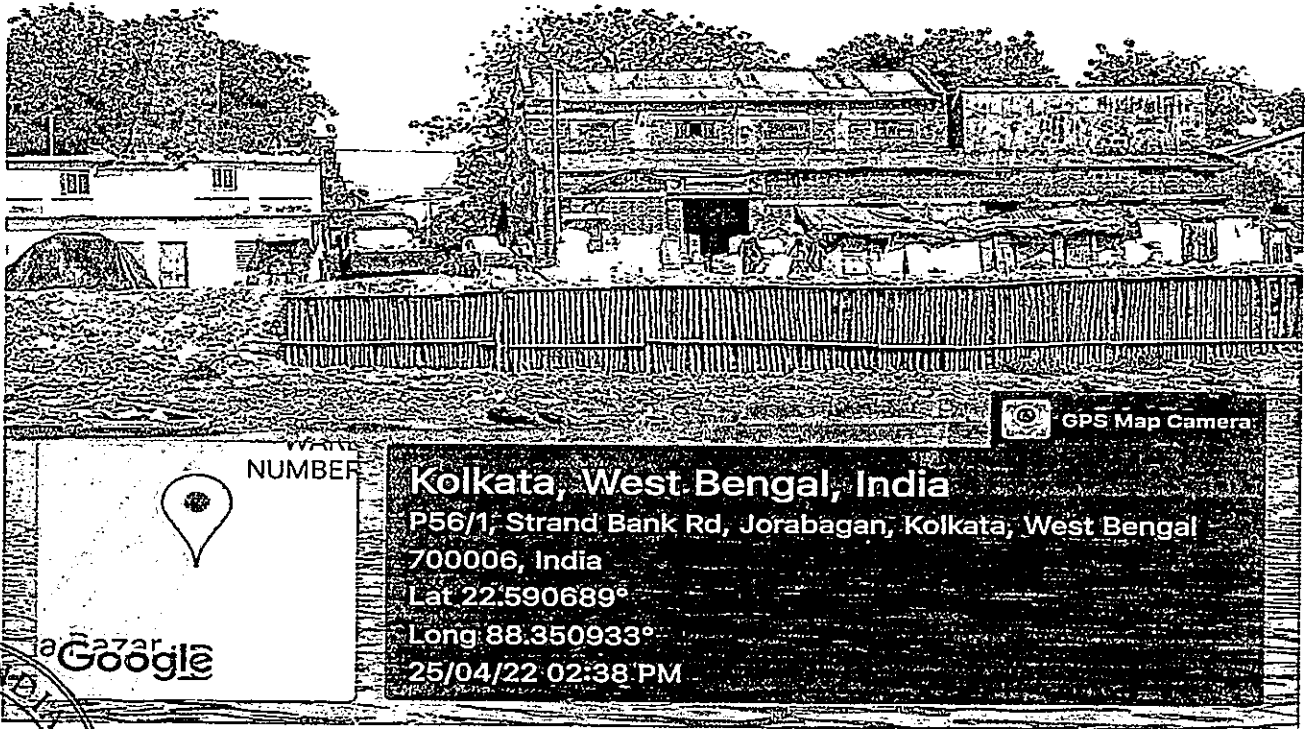
Sandeep Roy, CPCB
Member



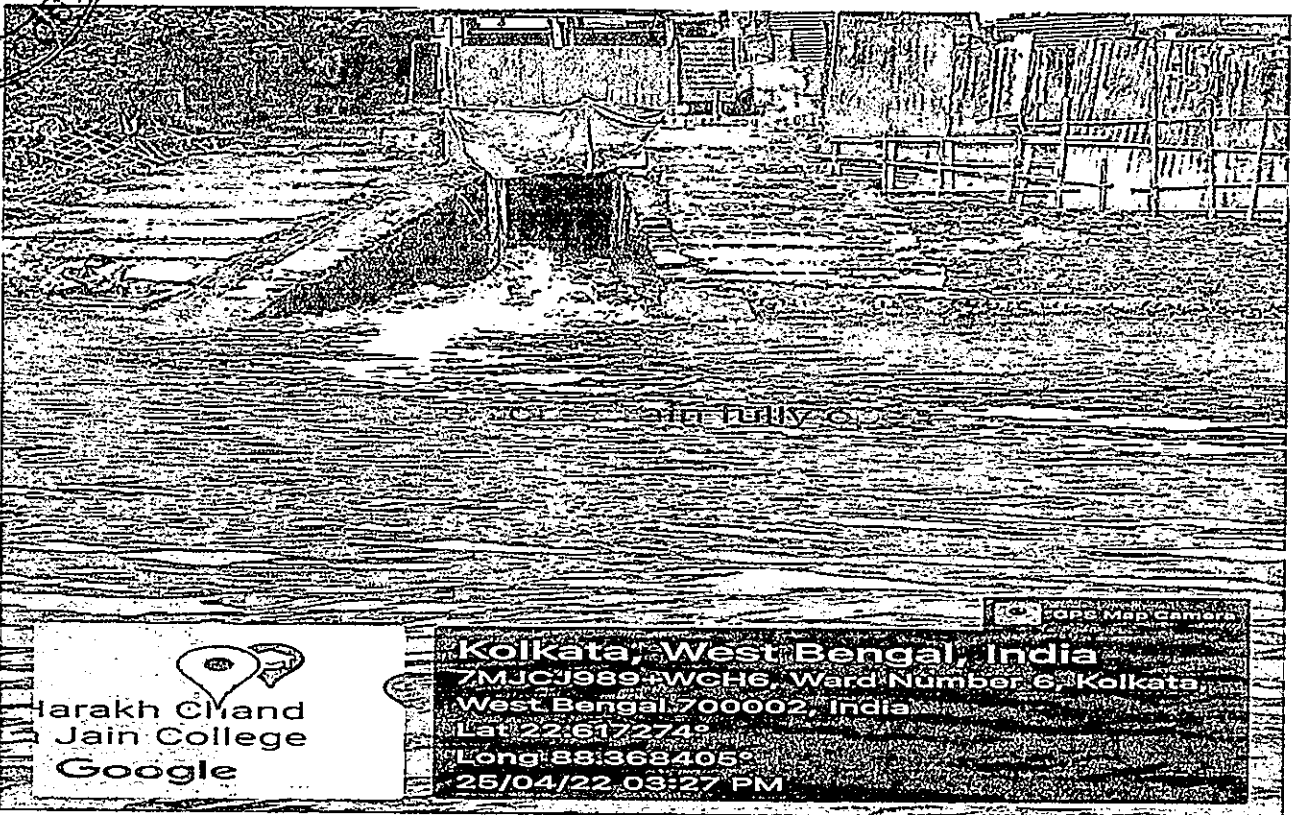
P.P. Datta
KoPT
Member



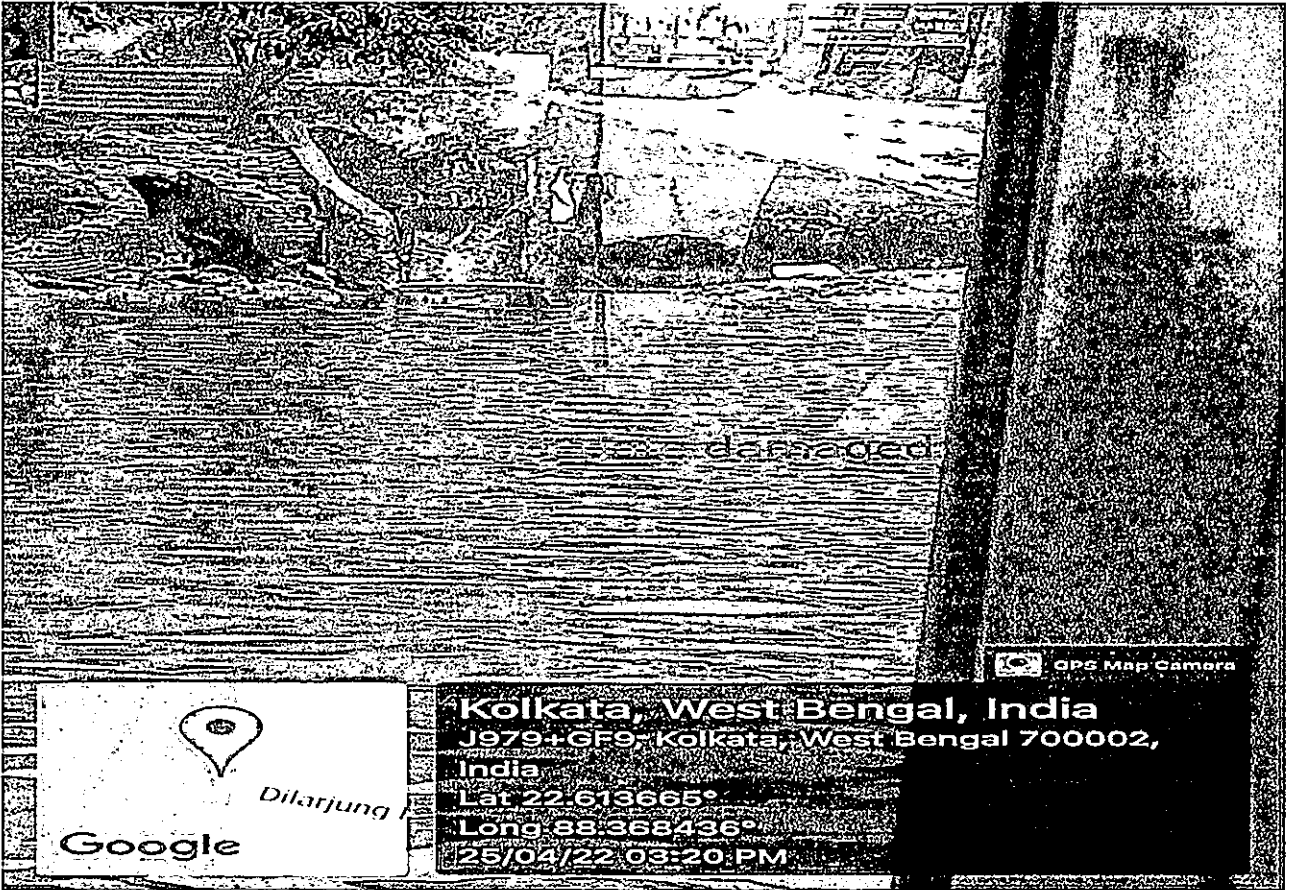
Photograph of poor condition of Ghats/Out falls along river Hooghly.



Encroachment on left bank

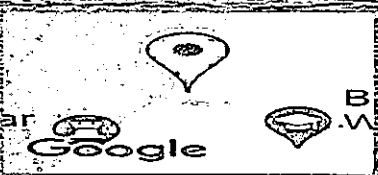
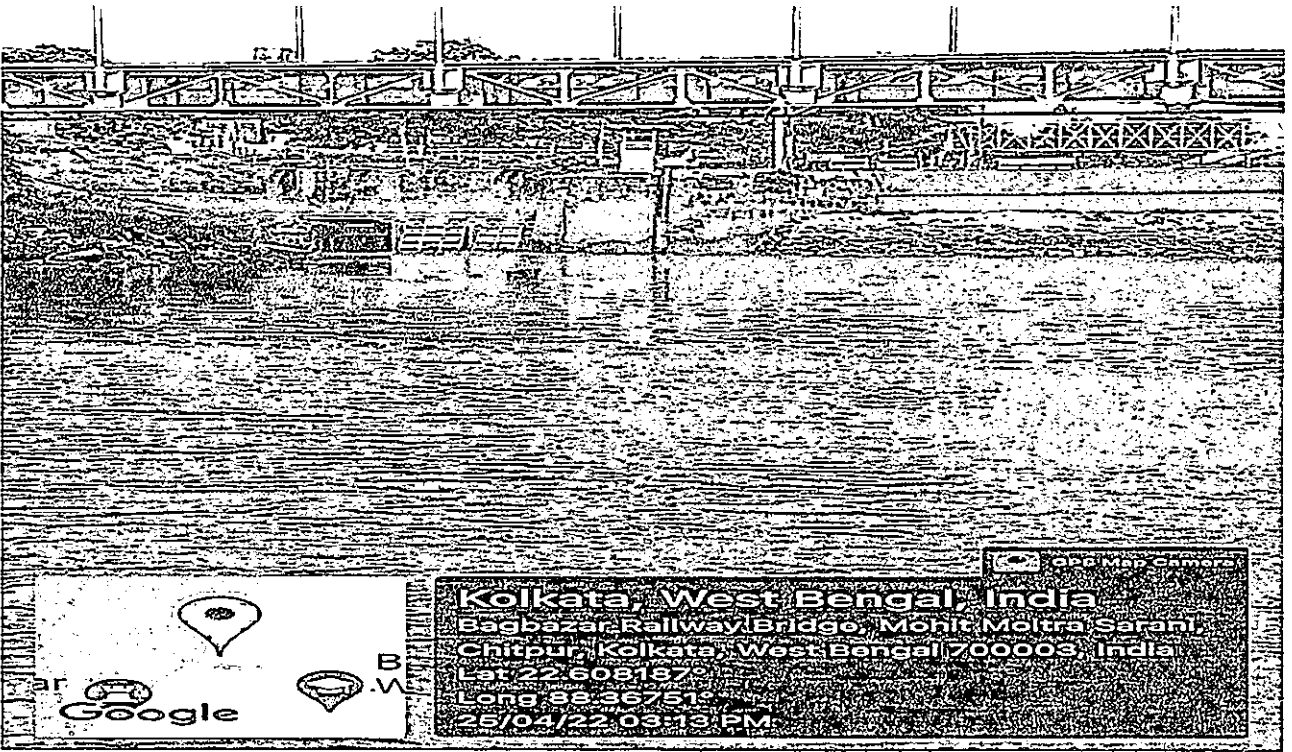


Outfall of Cosspiur drain on left bank



Kolkata, West Bengal, India
 J979+GF9, Kolkata, West Bengal 700002, India
 Lat 22.613665°
 Long 88.368436°
 25/04/22 03:20 PM

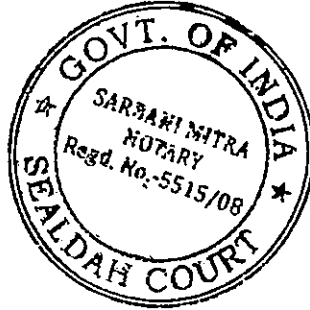
GPS Map Camera

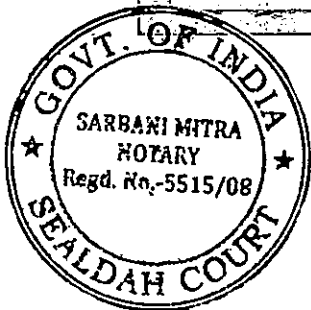
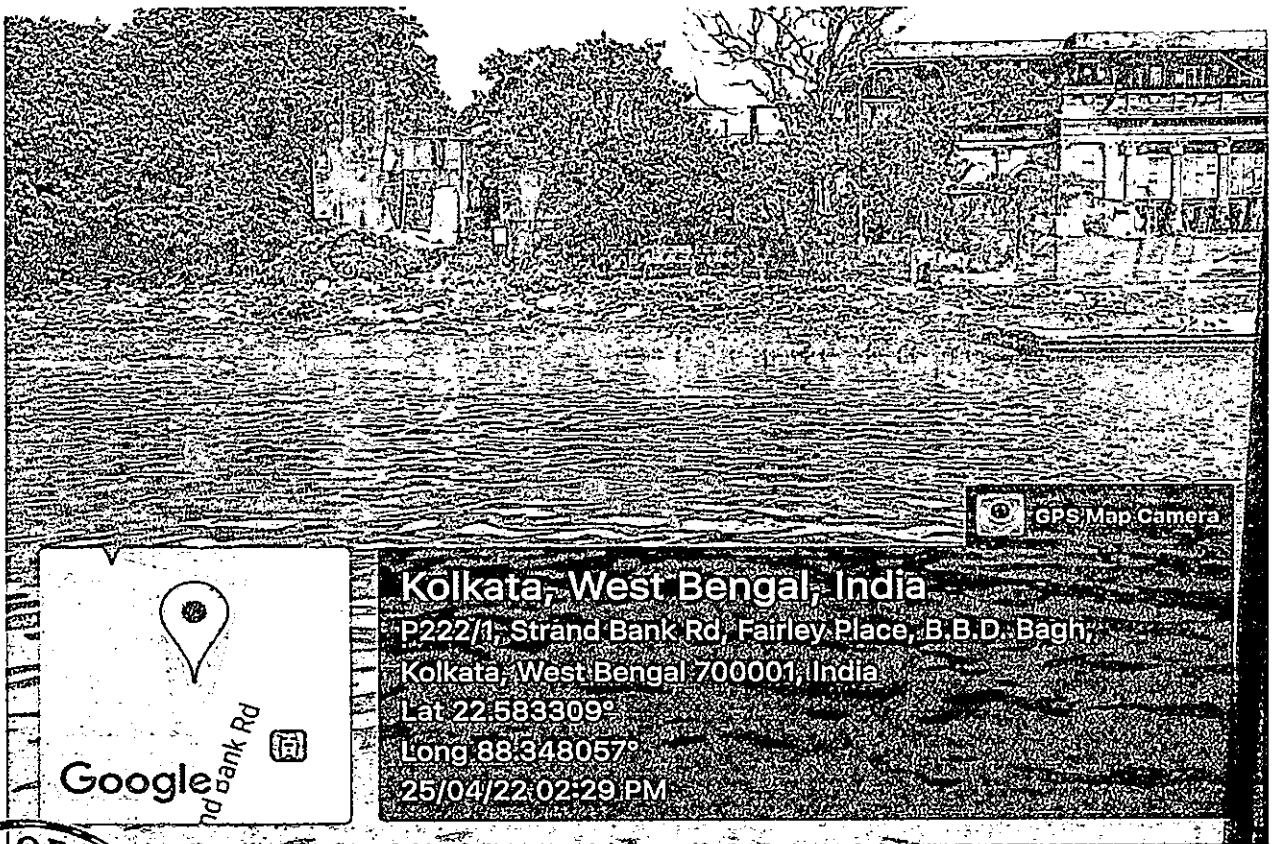
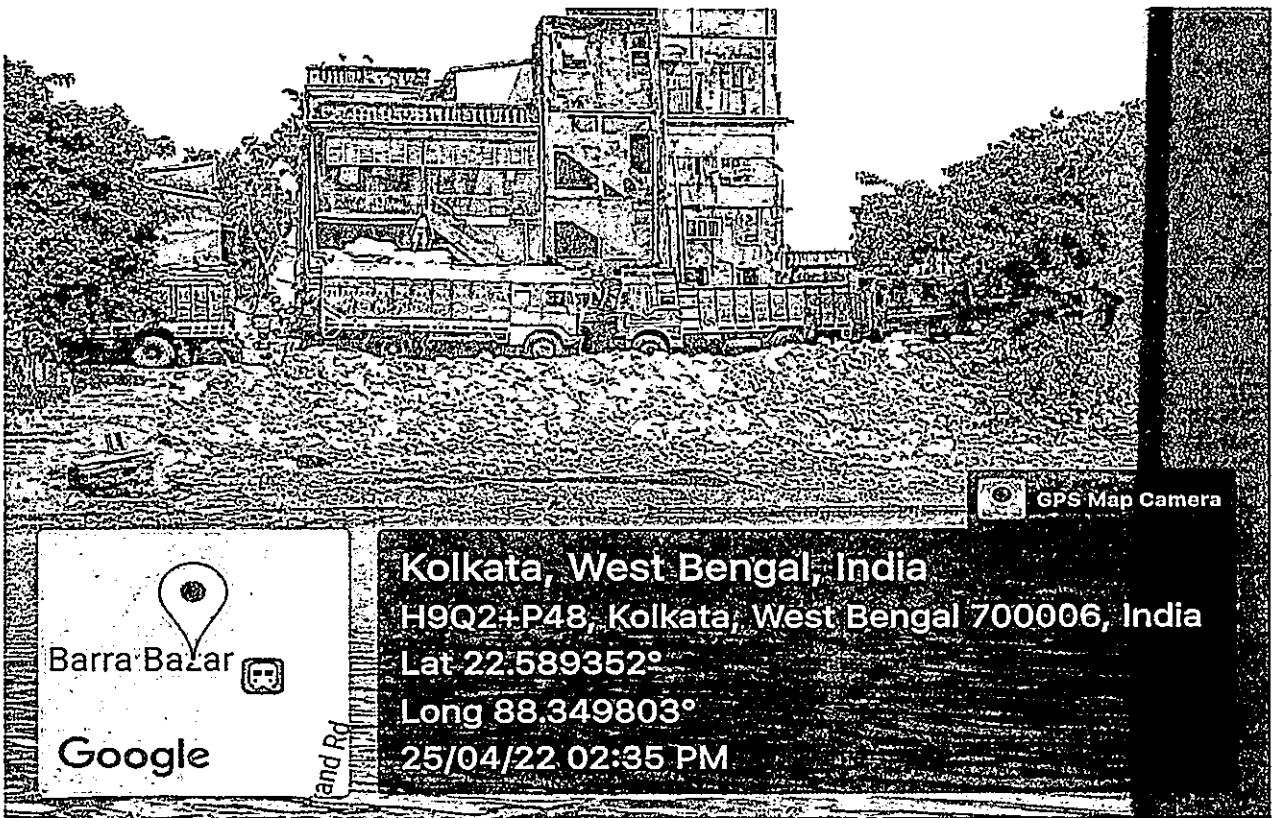


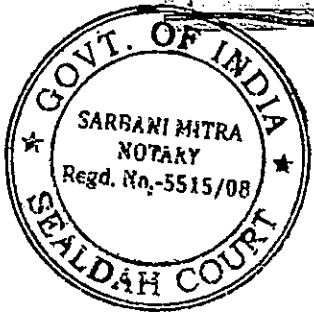
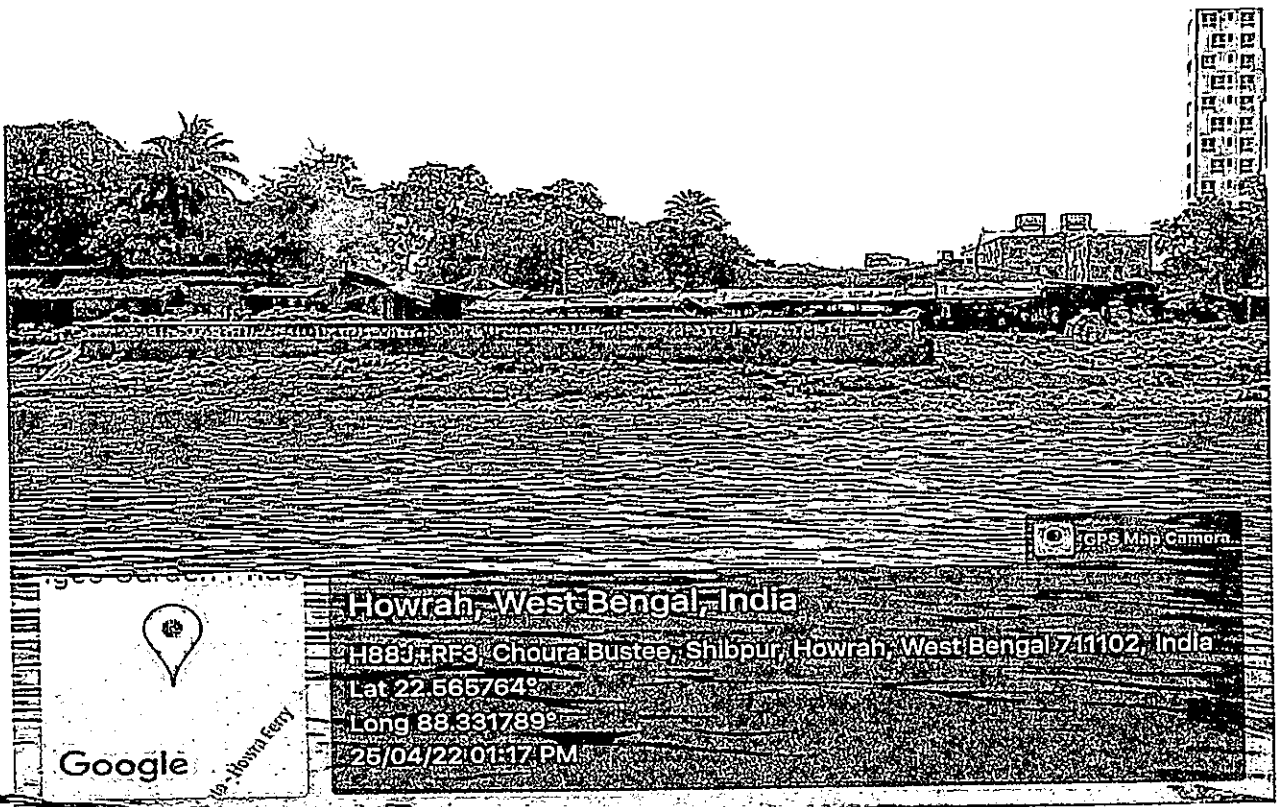
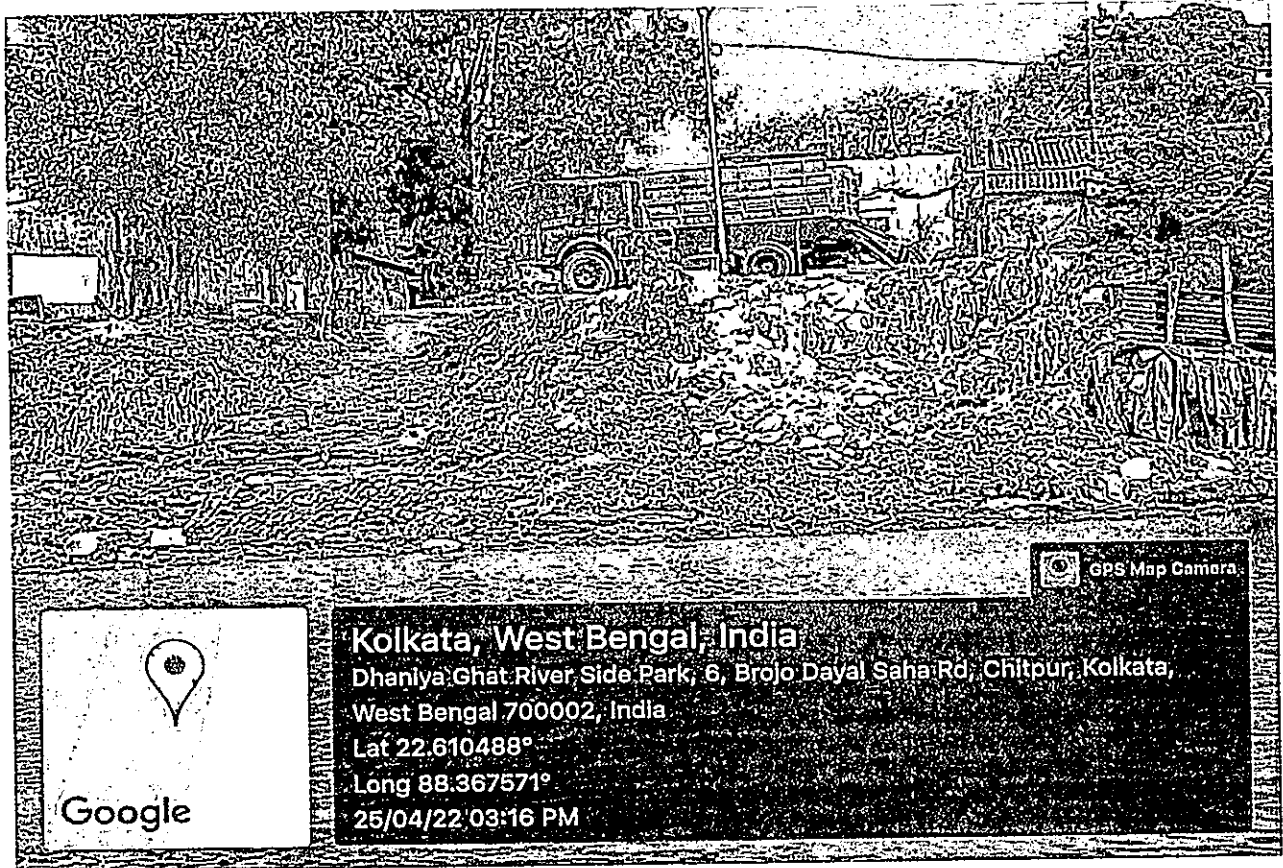
Kolkata, West Bengal, India
 Bagbazar Railway Bridge, Mohit, Moltra Sarani, Chitpur, Kolkata, West Bengal 700003, India
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 Long 88.367515°
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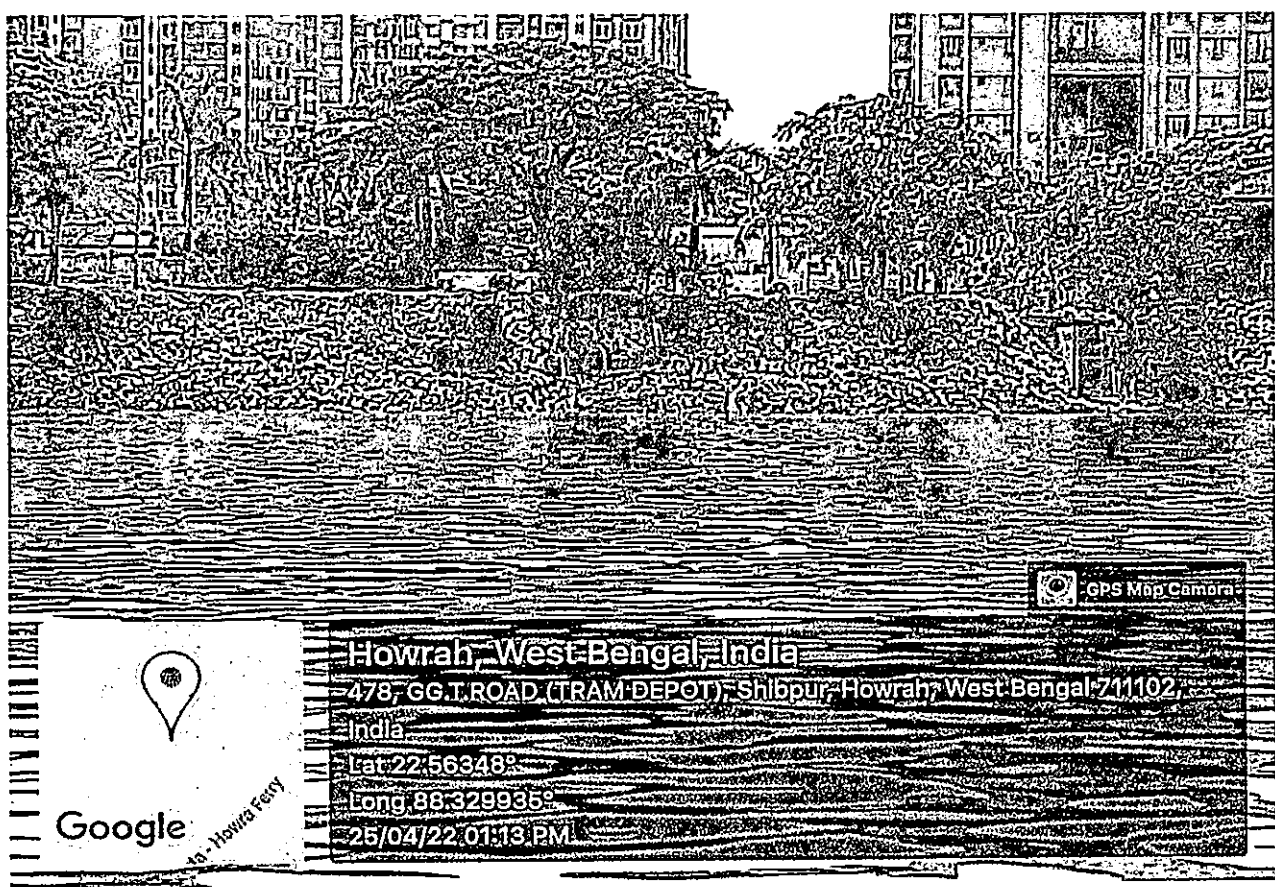
GPS Map Camera

Chitpur Khal Confluence point



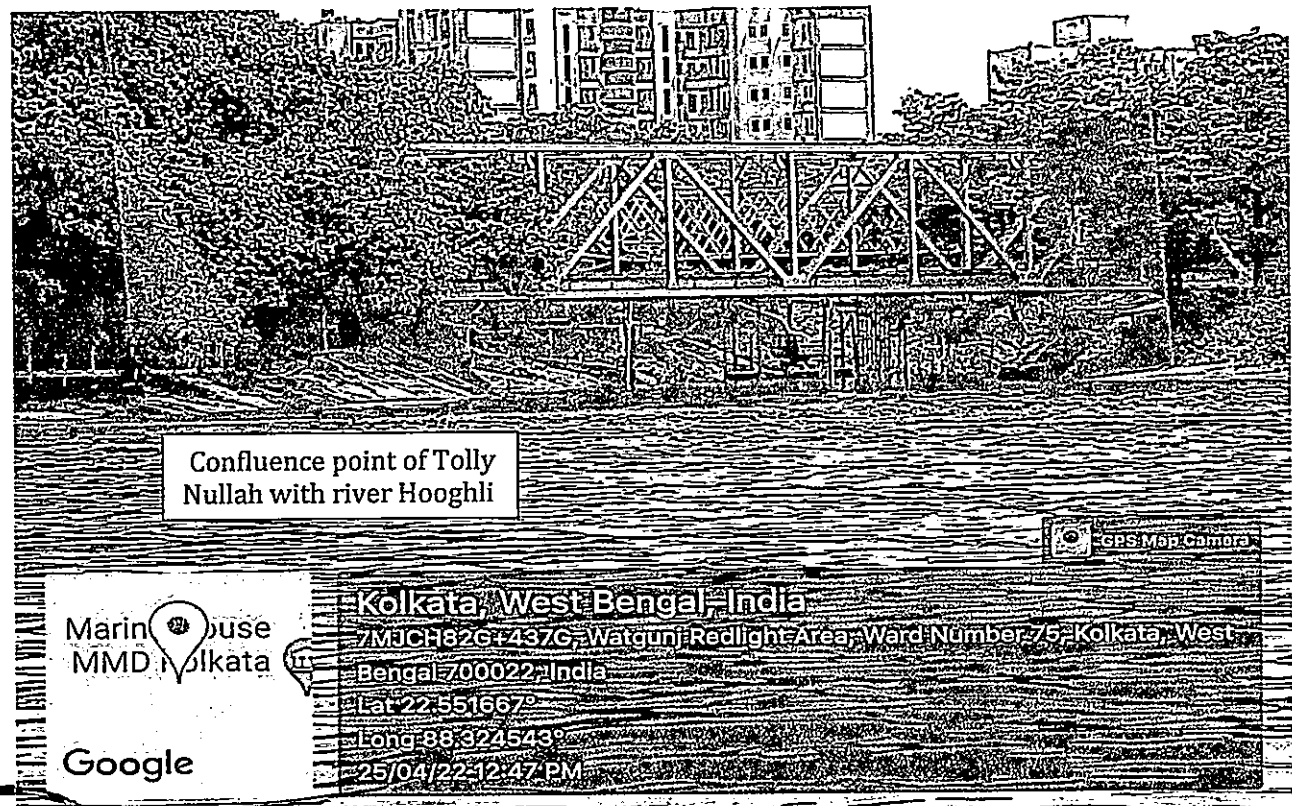






Google
to Howrah Ferry

Howrah, West Bengal, India
 478, G.G.T. ROAD (TRAM DEPOT), Shibpur, Howrah, West Bengal 711102,
 India
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 Long: 88.32935°
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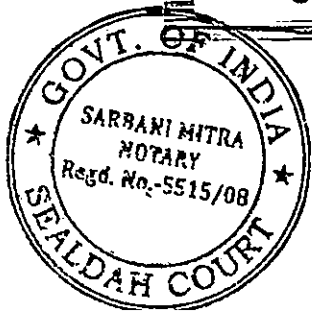


Confluence point of Tolly Nullah with river Hooghli

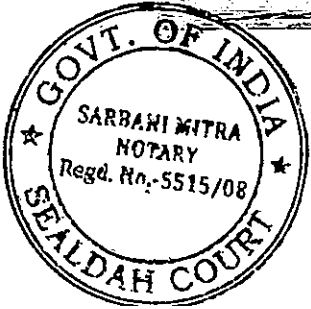
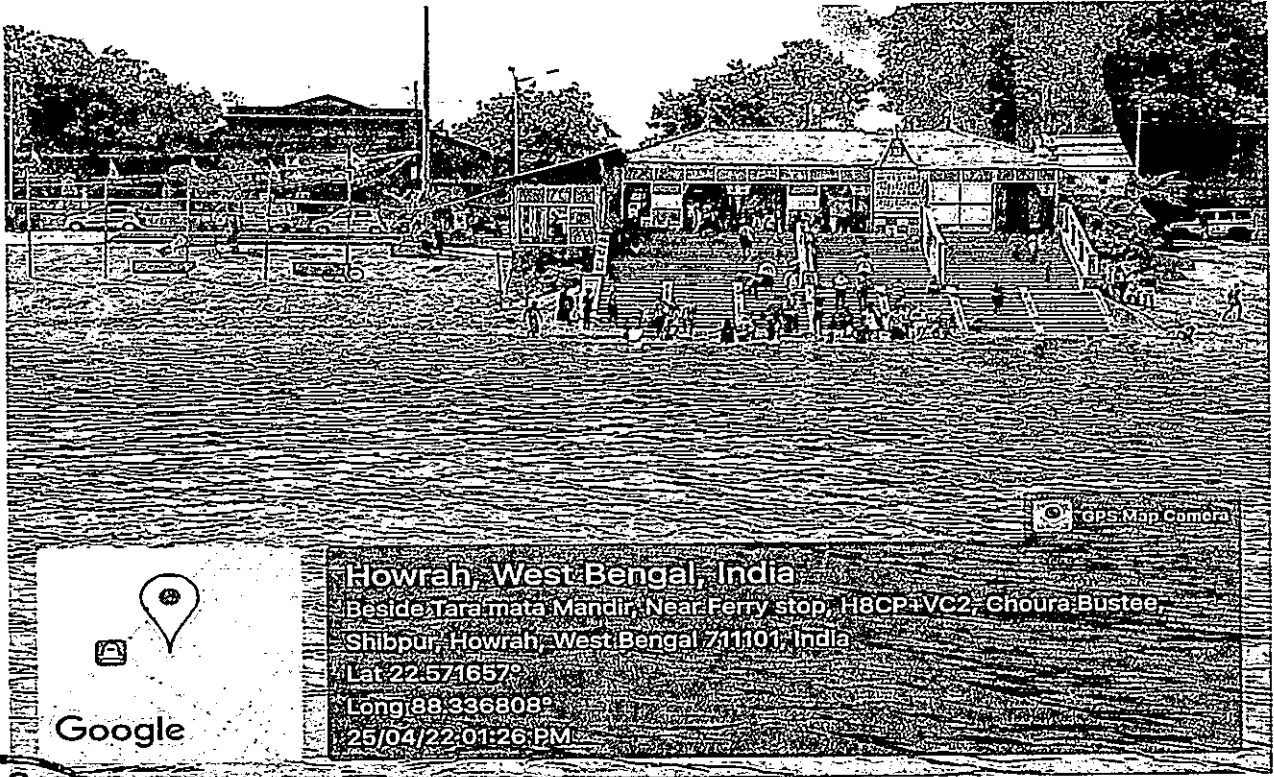
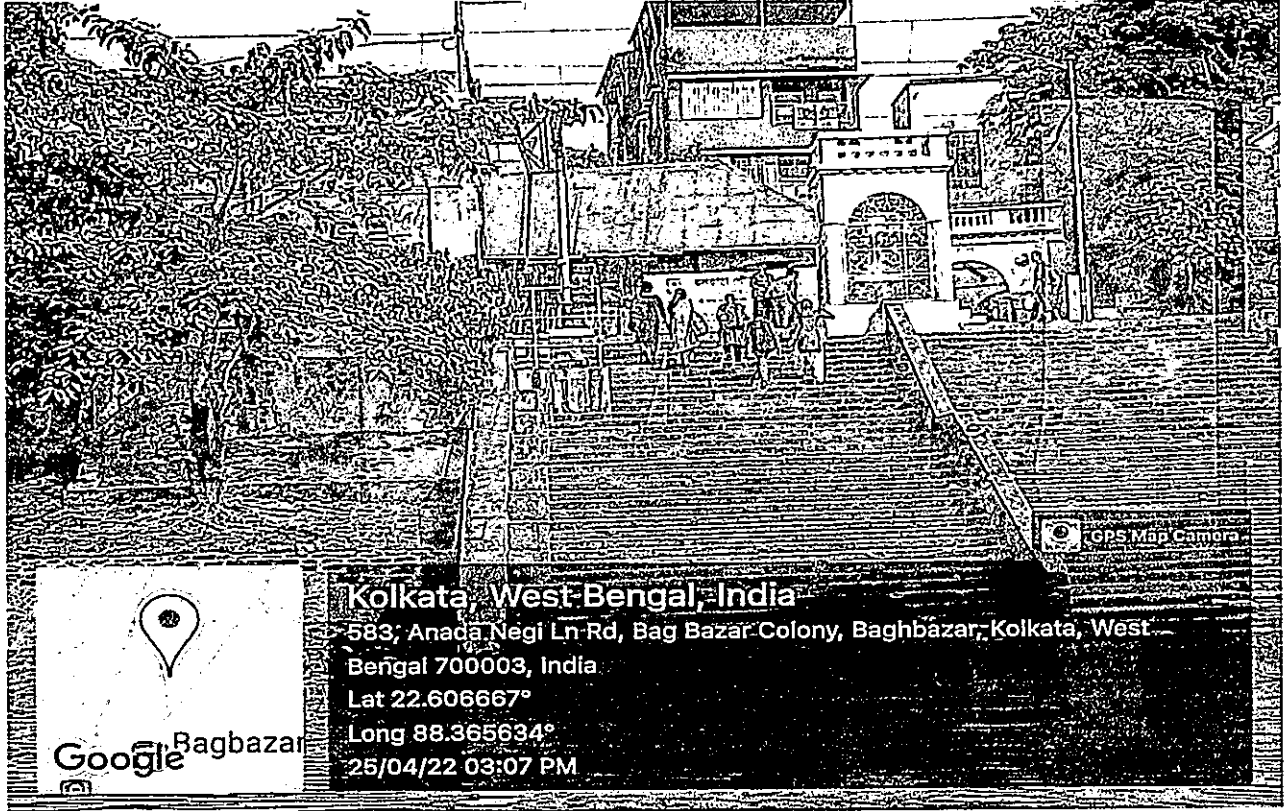
Marinouse
MMD Kolkata

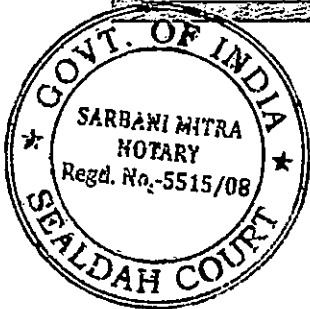
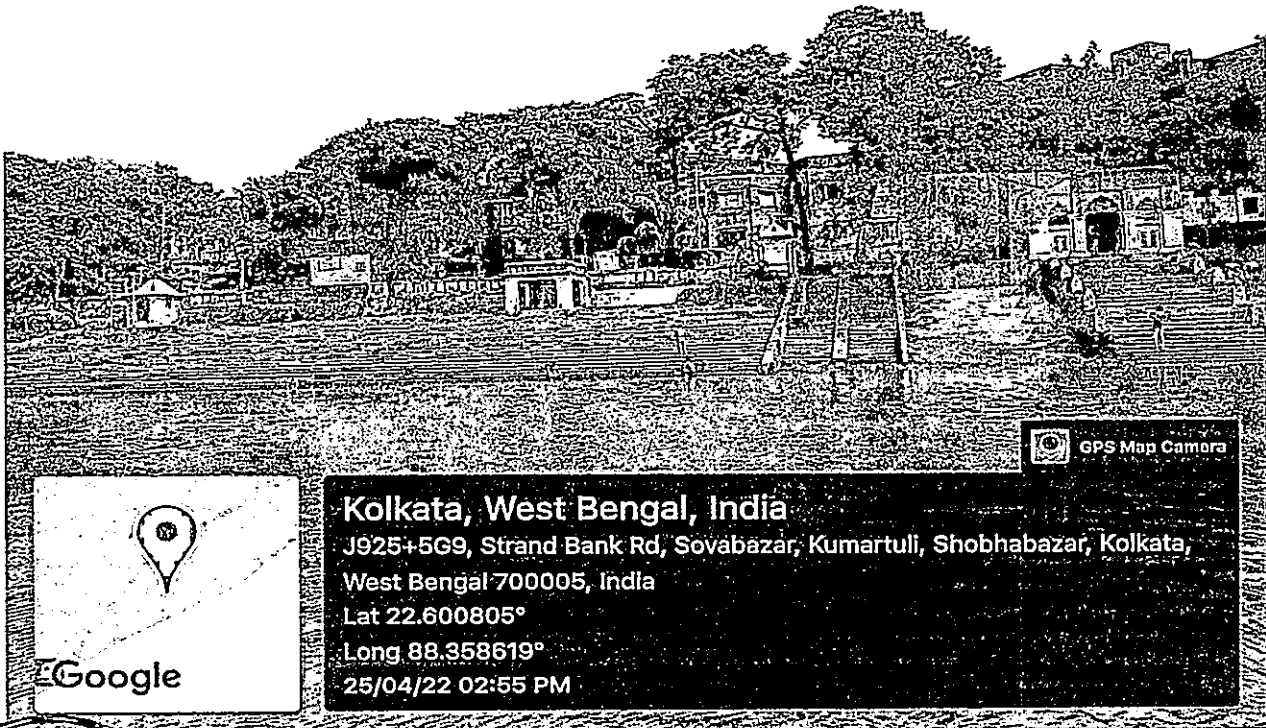
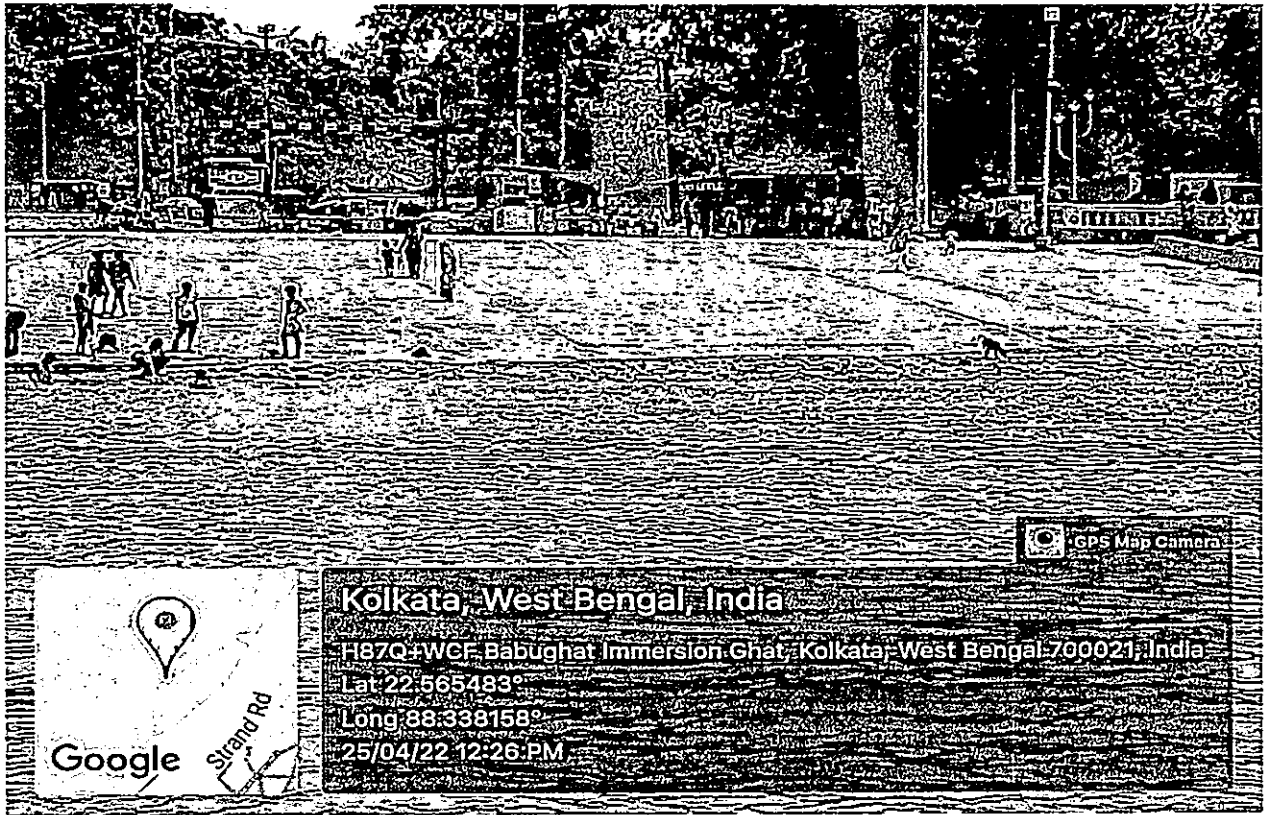
Google

Kolkata, West Bengal, India
 7MJCH82c7437G, Watgunj Redlight Area, Ward Number 75, Kolkata, West
 Bengal 700022, India
 Lat: 22.551667°
 Long: 88.324543°
 25/04/22, 12:47 PM



Photograph of good condition of Ghats/Out falls along river Hooghly.





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

ORIGINAL APPLICATION NO. 20 /2022/EZ

SUPROVA PRASAD

..... APPLICANT(S)

VERSUS

**MINISTRY OF ENVIRONMENT FOREST &
CLIMATE CHANGE & ORS.**

..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 03 THE
WEST BENGAL POLLUTION CONTROL BOARD.**

**DIPANJAN GHOSH
ADVOCATE
HIGH COURT AT CALCUTTA**