

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.20/ 2022/EZ

In the matter of: -

Suprova Prasad

.... Applicant

Versus

Ministry of Environment, Forest and

Climate Change & Ors.

.... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO 16,
BALLY MUNICIPALITY

INDEX

<u>Sl</u> <u>No.</u>	<u>Documents</u>	<u>Annexures</u>	<u>Pages</u>
1.	Affidavit		1-7
2.	Some photographs showing installation of screens at the outlets.	R-1	8

Filed by

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High Court, Calcutta

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20 MAY 2023



1

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I, Tarun Bhattacharyya, son of Late Kali Ranjan Bhattacharyya, aged about 46 years, by faith Hindu, by occupation - Service, residing at, 69/1, S.K. Dev Road, Kolkata 700048, do hereby solemnly affirm and say as follows

1. That I am the Administrator of the Bally Municipality and as such I am well aware of the facts and circumstances from which the instant application arises. I have been duly authorised to affirm this affidavit on behalf of the Bally Municipality and I am competent to do so.
2. That a copy of an order dated 20.04.2023 passed in the above matter was served upon the Executive Officer of Bally Municipality by the Learned Advocate representing the State of West Bengal. From the said communication, the respondent no 16 became aware of the Solemn directions of the Hon'ble Tribunal. Under instructions from respondent no. 16, the Learned Advocate On Record of the respondent no. 16 contacted to the Learned Advocate representing the State of West Bengal and requested him to supply her a copy of the original



20 MAY 2023

application, so that as per directions of the Hon'ble Tribunal, the affidavit can be prepared and filed before the Hon'ble Tribunal. Pursuant to such request, a soft copy of the entire Original Application along with all annexures has been served upon the Learned Advocate On Record on 10th May, 2023 which was in turn handed over to me. I have gone through the contents of the said application and have understood the meaning and purport thereof. Since the soft copy of the application was available to the undersigned only on 10th May, 2023, there might be slight delay in filing the instant affidavit and such delay may kindly be condoned.

3. That this affidavit is filed in compliance to the Solemn order dated 20.04.2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
4. At the very outset it is very humbly submitted that there is no laches and negligence on the part of the respondent no. 16 leading to discharge of untreated garbage into the river Ganges. There is no negligence in cleaning or monitoring the ghats on the river Ganges within the territorial jurisdiction of the respondent no. 16.
5. Before dealing with the contents of the said original application paragraph wise, I humbly submit the following facts for appraisal of this Hon'ble Tribunal:
 - I. That Bally Municipality was a part of Howrah Municipal Corporation till 12.11.2021. Subsequently, Bally Municipality has been bifurcated and it is functioning independently. Since before the bifurcation, the Kolkata Metropolitan Development Authority (hereinafter referred to as KMDA) has been looking after Pollution Abatement (Interception & Diversion with STP) works for River Ganga at Howrah and Bally area. For this purpose, KMDA had engaged M/s Ganga STP Project Pvt Ltd. As the agency for Cleaning, De-silting of sewers, repairing Sewerage Network and development of STP. For such purpose the Executive Engineer of HMC was requested to provide necessary field assistance to KMDA which was always provided. ✓



20 MAY 2023

- II. After bifurcation of Bally Municipality, KMDA has issued instructions to respondent no. 16 from time to time for providing necessary assistance in the Di - siltation and drainage work including right of way permission. By a letter dated 31.01.2023, KMDA has informed the respondent no.16, that KMDA is executing a 40 MLD STP to arrest the pollution of River Ganges occurring due to discharge of sewage and waste water through various outlets/ drains. Under the scheme, a main trunk sewer line is constructed so that the entire sewage from various drains are diverted to the main STP. Construction of such main trunks sewer line was getting obstructed in various areas due to local resistance. However, such disputes have since been resolved by intervention of the officials of respondent no.16. The undersigned craves leave to produce the various communications at the time of hearing, if necessary.
- III. It is stated that under instructions of KMDA, the respondent no.16 regularly takes all measures to ensure that the various ghats within its jurisdiction are regularly cleaned and the discharge of sewage into the river is restricted. The following measures are regularly adopted to achieve this goal.
- A. All the 13 nos. of ghats within the territorial limits of Bally Municipality are regularly cleaned, twice a day to ensure that there is no accumulation of garbage near the ghats.
- B. A pair of large community Bins have been installed in all the 13 ghats to ensure that there is no spillage of garbage at the ghats.
- C. The electric crematorium situated at one of the ghats namely Pathak Ghat has been fitted with 30 meters high chimney in place of 20 meters high chimney to prevent Air pollution. It is ensured that no spillage or ashes or garbage is discharged into the River from the said crematorium.
- D. The KMDA has started a project to relocate all the outlet points by diverting them to integrated treatment plants and the said work is going on and shall be implemented in near



20 MAY 2023 ✓

future. As current measures, the respondent no. 16 upon instructions of KMDA has installed screens at all the outlets to ensure that there is no discharge of garbage into the River Ganges. Some photographs showing installation of screens at the outlets are annexed hereto and marked as R-1 collectively.

6. Status of Ghats within the Jurisdiction of Bally Municipality is summarised in tabular form.

Sl no.	Name of the ULB	Total number of Ghats	Frequency of Ghat cleaning	Manpower engaged (Ganga Bandhu) for maintenance of Ghat cleaning	Total number of Community Bins with stands installed at Ghat	GhAt Beautification Status
1.	2.	3.	4.	5.	6.	7.
1	Bally	13	Twice a day daily	12 nos	13 pairs in 13 ghats	-

Fund for installation of Bins	Number of Outfalls/ discharged into River Hooghly (Ganga)	Number of Outfalls where screen already installed	Number of Outfalls where screen not installed	Frequency Of drain cleaning	IEC activity	Remarks
8.	9.	10.	11.	12.	13.	14.
N.A.	Pakka - 8 Kuchca- 3	11	0	Twice a day daily	Done	



20 MAY 2023

7. Status of SOLID WASTE MANAGEMENT project within the Jurisdiction of Bally Municipality is summarised in tabular form.

Sl no.	Name of ULB	TOTAL NO. OF WARDS	NUMBER OF WARDS FOR DOOR TO DOOR COLLECTION	SEGREGATION STATUS	QUANTITY OF WASTE GENERATION (in TDP)	IEC FACILITY	REMARKS
1	Bally	35	35	0%	220.00	Done	

8. Without waiving the aforesaid contentions but fully relying upon the same now I shall deal with the various statements and/or allegations made in the said stay application paragraph wise.
9. With reference to the statements made in paragraph nos.1,2 and 3 of the said application, I offer no comments.
10. With reference to the statements made in paragraph nos. 4A to 4F of the said application, I state that those are all matter of records and anything which contrary to establish record is denied. The applicant is put to strict proof thereof.
11. With reference to the statements made in paragraph nos. 4G(i) to 4G (vii) of the said application, I state that those statements relate to areas beyond the jurisdiction of Bally Municipality and as such I offer no comments.
12. With reference to the statements made in paragraph no. 4H the said application, I state that those statements relate to areas beyond the jurisdiction of Bally Municipality and as such I offer no comments.
13. With reference to the statements made in paragraph nos. 4I,4 J, 4K,4L, 4M the said application, I deny and dispute everything save and except what are matters on record. It is denied that there is any negligence on the part of the answering respondent leading to pollution of River Ganges. The respondent no. 16 has taken all possible steps to prevent the alleged nuisance and rendering all cooperation to KMDA who are implementing the goal of eradicating any discharge of pollutants/ wastes into River Ganges. I crave leave



20 MAY 2023

to rely upon the statements made in paragraphs 5 ,6 and 7 above at the time of hearing.

14. With reference to the grounds made in paragraph 5 of the said application and the prayers made in paragraphs 7 and 8 of the said application, I state that those Grounds are neither cogent nor valid and no reliefs can be granted in favour of the applicant on the basis of those grounds. Applicant can not claim any reliefs against the answering respondent on the basis of the contention made in the said application. Further submissions with regard to the Grounds and prayers shall be made at the time of hearing of the instant writ application.
15. With reference to the statements made in paragraph no. 6 of the said application, I state that anything which contrary to establish record is denied. The applicant is put to strict proof thereof.
16. That the statements made in paragraphs 1 and 2 are true to my knowledge, the statements made in paragraphs 5,6 and 7 is derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. ✓

Identified by me

Debarce Shewali
Advocate

For Bally Municipality

Deponent

Jarun Mullaachayya
ADMINISTRATOR
BALLY MUNICIPALITY
ADMINISTRATOR
BALLY MUNICIPALITY



SOLEMNNY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

Jy *20.5.23*
JYAMAL KR. MITRA
NOTARY HOWRAH

20 MAY 2023

VERIFICATION

Verified at Howrah by the deponent abovenamed on this 20th Day of May, 2023 and say that the contents of this affidavit made in paragraphs 1 and 2 are true to my knowledge, the statements made in paragraphs 5,6 and 7 is derived from records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

Identified by me

Debarce Ghoshal
Advocate

For Bally Municipality

Jarun Bhattacharya
Deponent

**ADMINISTRATOR
BALLY MUNICIPALITY**



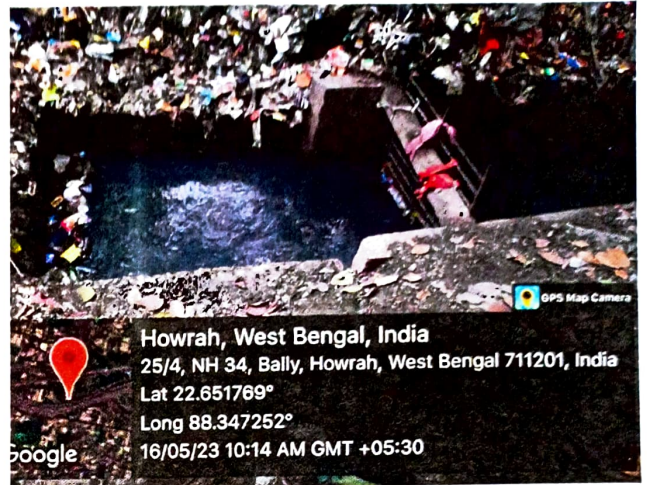
20 MAY 2023



Photographs of Present Status of Outfalls/Drains under Bally Municipality



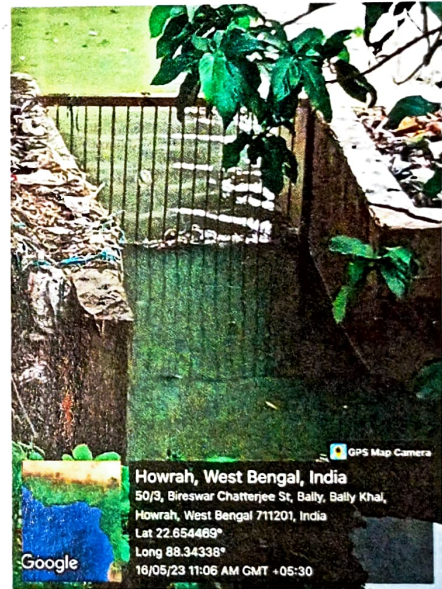
Dewangazi Ghat



A.N. Pal Lane Ghat



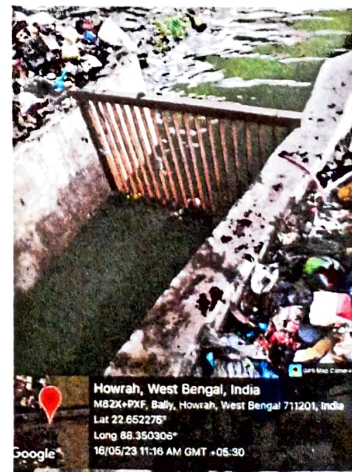
Bally Nursing Home out fall




Bally B.O.C. Ground out fall



Pal Ghat Lane Ghat



Belur Kuti Ghat


 ADMINISTRATOR
 BALLY MUNICIPALITY

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

No. ORIGINAL APPLICATION NO.20/ 2022/EZ

Supra Prasad

Petitioner

-Versus-

Ministry of Environment, Forest and Climate Change and Ors.

Respondent

Opposite Party

Vakalatnama On Behalf of

Bally Municipality

Know all men by these presents that by Vakalatnama, I/ We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for filing the memorandum or appeal or petition/of entering appearance in the above. matter for appearing, conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filling, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I/ We further say that any act done by my/our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/ our own true and lawful act. And I/ We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates alter notice to me/ us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this the 20th day of May, 2023.

Name/s of Advocate/s

Ayan Banerjee

Advocate

High Court, Calcutta

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Phn No. - 9830916210

Debasree Dhamali

Advocate

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Phn No. - 943459899

**RECEIVED THIS VAKALATNAMA FROM THE
EXECUTANT ABOVE NAMED
SATISFIED AND ACCEPTED THE SAME**

*Ayan Banerjee
Advocate*

**RECEIVED THIS VAKALATNAMA FROM THE
EXECUTANT ABOVE NAMED
SATISFIED AND ACCEPTED THE SAME**

*Saurabh Dhanali
Advocate*

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AFFIDAVIT BY BALLY MUNICIPALITY

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