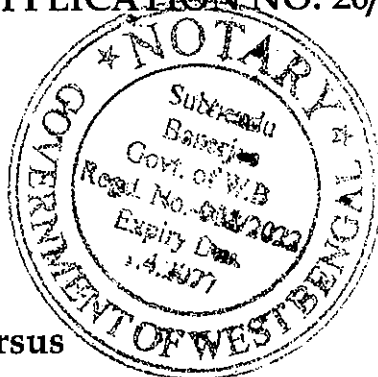


SL. No.- 16/23

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 20/2022/EZ

IN THE MATTER OF:
SUPROVA PRASAD



... Applicant

Versus

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE & ORS.


... Respondents

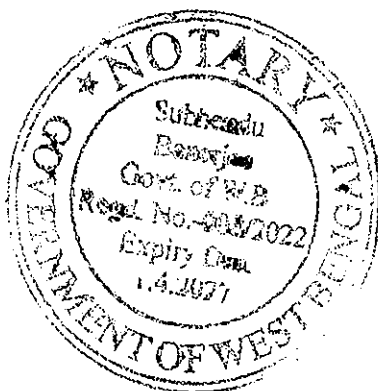
AFFIDAVIT ON BEHALF OF THE BOARD OF TRUSTEES FOR
SYAMA PRASAD MOOKERJEE PORT, KOLKATA,
RESPONDENT NO. 7 HEREIN.

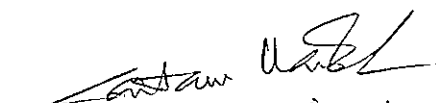
INDEX

SL No	PARTICULARS	ANNEXURE	PAGE
1.	Affidavit		
2.	Copy of the Order dated 02.02.2023 passed by the NGT	R1	

Filed by


Snehashis Sen



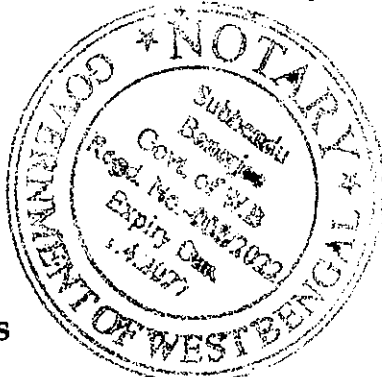

Gautam Mandal / गौतम मंडल
Chief Engineer / मुख्य अभियंता
Civil Engineering Department
SMP Port, Kolkata

ADVOCATE

18 APR 2023

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

**IN THE MATTER OF:
SUPROVA PRASAD**



... Applicant

Versus

**MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE
CHANGE & ORS.**

... Respondents


**AFFIDAVIT ON BEHALF OF THE BOARD OF TRUSTEES FOR
SYAMA PRASAD MOOKERJEE PORT, KOLKATA,
RESPONDENT NO. 7 HEREIN.**

Most Respectfully Sheweth:

I, Gautam Mandal, son of Late Amulya Kumar Mandal, aged about 59 years, by Religion - Hindu, by Occupation-Service, and working for gain at 15, Strand Road, Kolkata- 700001, do hereby solemnly declare and say as follows:-

1. That, I am the Chief Engineer and the Authorized Signatory of the Board for Syama Prasad Mookherjee Port, Kolkata (in short "SMP", the Respondent No. 7 herein and in such capacity, I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the Respondent No. 7 to make and affirm this Affidavit on its behalf and as such, I am competent to do so.
2. This affidavit is being affirmed in pursuance to the solemn order passed by the Hon'ble Tribunal on 02.02.2022, a copy whereof is annexed hereto and marked as R-1.
3. It is in pursuance to the letter dated 28.06.2022; one meeting has been held between the Officials of SMP and KMC on 30.06.2022. The said meeting was chaired by the Municipal Commissioner of Kolkata Municipal Corporation. In the said meeting, the officials of the concerned authorities discussed and have agreed on the following point:-

18 APR 2023


Gautam Mandal / गौतम मंडल
Chief Engineer / मुख्य अभियंता
Civil Engineering Department
SMP Port, Kolkata

I. SMP, Kolkata will clean the garbage from the 6 ghats including slope portion of the river for the 6 ghats as per the original application on regular basis. However, KMC officials insisted on cleaning all the ghats in the stretch of 13.5 km, but it was agreed to start with 6 ghats. This job is a continuous job and hence no timeline can be provided.

II. After cleaning the garbage, the same will be kept in the solid waste reception facility adjacent to the Ghats. KMC will install & maintain the garbage reception facility and will arrange for final disposal. Cleaning the garbage from ghats is a continuous job and hence no timeline can be provided, however, installation of garbage reception facility is the duty of the KMC and hence the answering respondent cannot comment on the same.

III. All the solid wastes will be disposed by KMC from the waste reception facility for further processing.

IV. The frequency of cleaning will be decided as per the requirement. This job is a continuous job and hence no timeline can be provided.

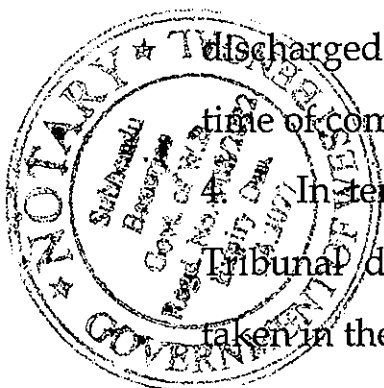
V. KMC will elaborate the assistance required from SMP, Kolkata.

VI. As a part of river front beautification, SMP, Kolkata is taking up Revitalization of Taktaghat at an estimated cost of Rs. 5.85 crore (approximately).

VII. SMP, Kolkata is going to undertake bank protection work in Outtram Ghat and Jorabagan area at an estimated cost of Rs. 10.72 crore (approximately). The tender for the work was invited on earlier occasion, twice, in the year 2022; however, the same had to be discharged. Now fresh tender has since been invited. The stipulated time of completion is 10 Month from date of Work order.

In terms of the order passed by the Hon'ble National Green Tribunal dated 12.05.2022, SMP, Kolkata further states the action taken in the subject matter, in the following manner:

i. SMP has already undertaken the renovation of number of Ghats like Mayer Ghat and Judges' Ghat. Renovation work of Mayer

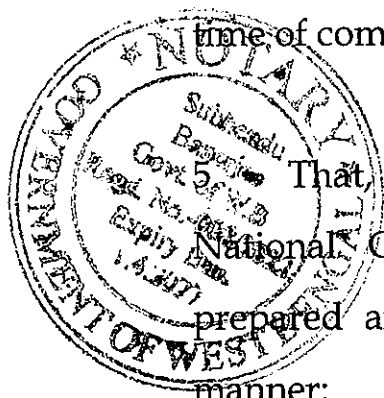


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 Chief Engineer / मुख्य अभियंता
 Civil Engineering Department
 SMP Port, Kolkata

Ghat and Judges Ghat has long been completed. Further fresh look has been given in all the six ghats for G-20 Summit during December-January, 2022-23.

- Outtram Ghat Jetty No. 2*
- ii. SMP regularly maintains ~~river~~ traffic police jetty,
 - iii. SMP provides due assistance during idol immersion like providing floating barge with crane facility to clear immersion debris at Bajekadam to laghat with technical support and man power. At Judge's Ghats both man power and technical support is provided for cleaning the river Ganges this service is provided during the days of immersion for Durga Puja and Kali Puja.
 - iv. SMP is going to take up bank protective work at Outtram Ghat and Jorabagan area for which the total estimated cost is estimated to be Rs. 10.72 crores (approximately) as already mentioned above herein. Tender for this work has since been invited. The stipulated time of completion is 10 months from date of Work order.



That, in compliance of the order passed by the Hon'ble National Green Tribunal dated 12.05.2022, SMP, Kolkata has prepared an action plan for cleaning the Ghats in the following manner:

- i. SMP will provide PVC garbage collection bin at all the six Ghats as mentioned in consultation with KMC. This job is a continuous job and hence no timeline can be provided.
- ii. SMP will provide sign boards displaying prohibition of garbage dumping at the river side and encouraging the people to use vat as provided by SMP. In this regard, action for installation of sign boards has been initiated and will be completed within one to two months.
- iii. SMP, Kolkata is carrying out inspection from time to time, both from land and also from water to check accumulation of garbage at the ghats and the municipal authority are being suitably be inform accordingly. The work for cleaning of ghats is inspected from time to time. Garbage is being collected from all the six ghats including foreshore areas. Last major inspection from land and Riverside was

Gautami Mandal
Gautami Mandal / गातम मंडल
Chief Engineer / मुख्य अभियंता
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carried out before G-20 summit during December-January 2022-23.

iv. SMP will also inform the local police authorities about prohibition of waste dumping in the river side.

v. SMP will assist Kolkata Municipal Corporation in cleaning the Ghats as mentioned in the prayer of the application and the modalities of cleaning the Ghats will be fixed after further discussions on the proposals of the K.M.C and preparation of Detail project report for beautifying the river stretch by SMP, Kolkata. This job is a continuous job and hence no timeline can be provided.

6. It is therefore respectfully prayed the Hon'ble tribunal may pass such orders/ order as it deem fit and proper in the interest of justice.

7. The statements made in paragraphs 1 and 2 herein are true to my knowledge, those made in paragraphs 3 to 5 are based on information derived from records which I verily believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

Identified by me
Snehashin Sen
Advocate
WB/1223/2012.

[Signature]
DEPONENT

VERIFICATION

Verified at Kolkata by the deponent above named on this the _____ day of April, 2023 and say that the statements made in paragraph nos. 1 and 2 herein are true to my knowledge, those made in paragraphs 3 to 5 are based on information derived from records which I verily believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.



Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) Cr. P. C
[Signature]
Notary
18-04-2023

SUBHENDU BANERJEE
Notary, Govt. of W.B
Road No. 406/2022
Advocate, High Court, Calcutta

[Signature]
DEPONENT

18 APR 2023

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.20/2022/EZ

Suprova Prasad

Applicant(s)

Versus

MoEF & Ors.

Respondent(s)

Date of hearing: 02.02.2023

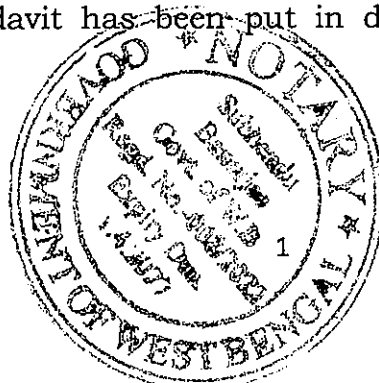
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Advocate (in Virtual Mode)

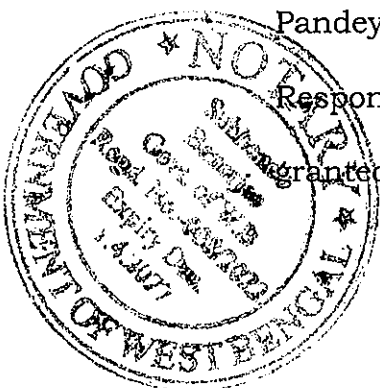
For Respondent(s): Mr. Ashok Prasad, Advocate for R-2&8,
Mr. Dipanjan Ghosh, Advocate for R-3,
Mr. Sibojyoti Chakraborty, Advocate for R-4&10,
Mr. Surendra Kumar, Advocate for R-5,
Mr. Nayan Chand Bihani, Adv. (in Virtual Mode) a/w
Ms. Susmita Chatterjee, Adv. for R-6, (in Virtual Mode)
Mr. Kallol Basu, Advocate (in Virtual Mode) a/w
Mr. Prithwish Basu, Advocate for R-7,
Mr. Sandipan Banerjee, Advocate (in Virtual Mode) a/w
Ms. Amrita Pandey, Advocate for R-9, (in Virtual Mode)

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Affidavit dated 01.02.2023 has been filed on behalf of the Respondent No.6, Kolkata Municipal Corporation; the same is taken on record.
3. Mr. Prithwish Basu, learned Counsel states that he has filed one compliance affidavit dated 20.12.2022 on behalf of the Respondent No.7, Syama Prasad Mookherjee Port, Kolkata.
4. We are, however, informed by the Office of the Tribunal that the said affidavit has been put in defective as some annexures are illegible.



5. Learned Counsel for the Respondent No.7 shall remove the defects in the affidavit and re-file the same within one week.
6. We find that in the affidavit of the Syama Prasad Mookherjee Port, Respondent No.7, dated 04.07.2022, certain works are stated to be in progress or to commence but no timelines have been given in this regard.
7. The Respondent No.7 is directed to file its fresh affidavit giving the timelines for all the works which are in progress.
8. We also find that in the affidavit of the Urban Development and Municipal Affairs Department, Govt. of West Bengal, dated 11.07.2022, 15 projects have been outlined. The said Respondent is directed to file a fresh affidavit giving the current status of the various works as indicated in their affidavit with timeline for completion.
9. We further find that the affidavit of the Respondent No.6, Kolkata Municipal Corporation, does not mention whether the queries of the National Mission for Clean Ganga (NMCG), Respondent No.8, referred to in para 10 of the Tribunal's order dated 17.11.2022 have been addressed or not.
10. The Respondent No.6 shall file its fresh affidavit in this regard within three weeks.
11. The Respondent No.9, Howrah Municipal Corporation, has not filed its counter-affidavit till date which shows a very sorry state of affairs.
12. Mr. Sandipan Banejee, learned Counsel assisted by Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode) for the Respondent No.9, Howrah Municipal Corporation, prays for and is granted three weeks for filing counter-affidavit.



13. The Howrah Municipal Corporation shall also go through the other affidavits filed by the other Respondents and specifically answer the queries pertaining to its Department.
14. Ms. Paushali Banerjee, learned Counsel is also directed to crystallize the issues that may be remaining for adjudication of the present case.
15. **List on 16.03.2023.**

.....
B. Amit Sthalekar, JM

.....
Dr.Afroz Ahmad, EM

February 02, 2023,
 Original Application No.20/2022/EZ
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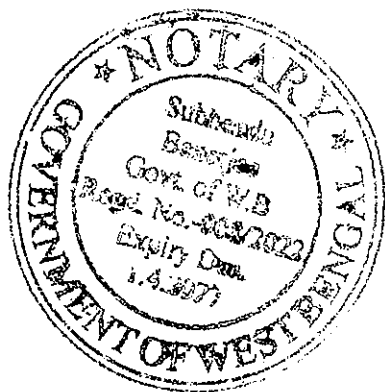
NATIONAL GREEN TRIBUNAL
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SUPROVA PRASAD
..... APPLICANT

VERSUS

MINISTRY OF
ENVIRONMENT, FORESTS
AND CLIMATE CHANGE &
ORS.

.....RESPONDENT(S)



AFFIDAVIT ON BEHALF OF
THE RESPONDENT NO. 7, THE
BOARD OF TRUSTEES FOR
SYAMA PRASAD MOOKERJEE
PORT, KOLKATA

SNEHASHIS SEN
ADVOCATE

Mobile: 9831170402

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18 APR 2022