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

I. A. No. **78** of 2024/EZ

(Arising out of ORIGINAL APPLICATION NO. 169/2024/EZ)

In The Matter of:

An application Under Section 19(4)(k) read with Under Section 18 (1) of the National Green Tribunal Act, 2010 for Modification of the Solemn Order dated 16.08.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed in the instant original application No. 169/2024/EZ for reconstitution of the Committee constituted in the said Order;

AND

In The Matter of:

Urban Development & Municipal Affairs department, Government of West Bengal, represented through its Secretary, having office at Nagarayan, DF-8, Sector-I, Salt Lake City, Kolkata: 700064.

E-mail: secy.ma-wb@gov.in



..... Applicant.

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-Versus-

1. Shri Nabendu Kumar Bandyopadhyay, Son of Late Nikhil Chandra Banerjee, residing at 3rd Floor, B-35/8, Kalindi Housing Estate, lake Town, Kolkata: 700089, West Bengal.

Email: nabendubanerjee@yahoo.com

... Respondent No.

1/Applicant in O. A

2. The Union of India, service through the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh, New Delhi: 110003.

E-mail: secy-moef@nic.in

3. The State of West Bengal through the Chief Secretary, Government of West Bengal, Nabanna, 325, Sarat Chatterjee Road, Shibpur, Howrah, Pin: 711102.

Email: cs-westbengal@nic.in



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4. The State of West Bengal, through the Principal Secretary, Department of Environment, Government of West Bengal, Prani Sampad Bhawan 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata: 700106, West Bengal.

Email: psecy.env.wb@gmail.com



5. The West Bengal Pollution Control Board, service through the Member Secretary, having office at Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata: 700106.

Email: ms.wbpcb-wb@bangla.gov.in

6. The Chief Environment Officer, Department of Environment, Government of West Bengal, Prani Sampad Bhawan 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata: 700106, West Bengal.

Email: environmentwb@gmail.com



7. The State of West Bengal through the Secretary, Public Works department, Government of West Bengal, Nabanna, 325, Sarat Chatterjee Road, 8th Floor, Howrah: 711102.

Email: secypwd@wb.gov.in



8. Public Works department, Government of West Bengal, through the Secretary having office at Nabanna, 325, Sarat Chatterjee Road, 8th Floor, Howrah: 711102.

Email: secypwd@wb.gov.in

9. The Executive Engineer, Barasat Highway Division No.1, PW (Roads) Directorate, MBL House, 5th Floor, DD-18/8, Sector-I, Salt Lake, Kolkata: 700064.

Email: eebhd1@gmail.com

10. South Dum Dum Municipality through its Executive Officer,

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Nagerbazaar Dum Dum Road, Kolkata:
700074.

Email: southdumdum74@gmail.com



11. The Chairperson South Dum Dum Municipality through its Executive Officer, Nagerbazaar Dum Dum Road, Kolkata: 700074.

Email: southdumdum74@gmail.com

12. The Commissioner of Police, Bidhannagar Police Commissionerate, No. 3, Salt Lake Stadium, R.D., JB Block, Sector-III, Bidhannagar, Kolkata: 700106.

Email: cpbdn@police.gov.in

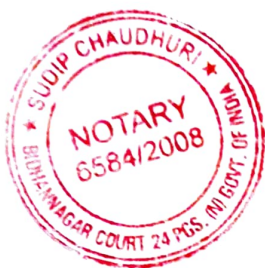
13. The Chief Executive Officer, Kolkata Metropolitan Development Authority, Unnayan Bhawan, DJ-11, Sector-II, Salt Lake, Kolkata: 700091.

Email: ceokmda@gmail.com

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14. The Principal Secretary, Irrigation & Waterways department, Government of West Bengal, Jalsampad Bhawan, 1st Floor, DF-Block, Sector-I, Bidhannagar, Kolkata: 700091.

Email: iwd.prsecy@gmail.com



15. The Executive Engineer, Canal Division, Irrigation & Waterways department, Government of West Bengal, 9, Galiff Street, Kolkata: 700003.

Email: ee-mayuscnlavn@wbiwd.gov.in

16. State Environment Impact Assessment Authority, (SEIAA), West Bengal, through its Principal Secretary, having office at Prani Sampad Bhawan 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata: 700106, West Bengal.

Email: environmentwb@gmail.com

.....Respondents

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Filed by

Sibojyoti Chakrabarti

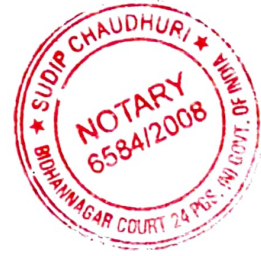
SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534



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

I. A. No. of 2024/EZ

(Arising out of ORIGINAL APPLICATION NO. 169/2024/EZ)



In The Matter of:

An application Under Section 19(4)(k) read with Under Section 18 (1) of the National Green Tribunal Act, 2010 for Modification of the Solemn Order dated 16.08.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed in the instant original application No. 169/2024/EZ for reconstitution of the Committee constituted in the said Order;

AND

In The Matter of:

Urban Development & Municipal Affairs department, Government of West Bengal, represented through its Secretary, having office at Nagarayan, DF-8, Sector-I, Salt Lake City, Kolkata: 700064.

E-mail: secy.ma-wb@gov.in

..... Applicant.

-Versus-

✕

1. Shri Nabendu Kumar Bandyopadhyay, Son of Late Nikhil Chandra Banerjee, residing at 3rd Floor, B-35/8, Kalindi Housing Estate, lake Town, Kolkata: 700089, West Bengal.

Email: nabendubanerjee@yahoo.com

... Respondent No.

1/Applicant in O. A



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E-mail: secy-moef@nic.in

3. The State of West Bengal through the Chief Secretary, Government of West Bengal, Nabanna, 325, Sarat Chatterjee Road, Shibpur, Howrah, Pin: 711102.

Email: cs-westbengal@nic.in

4. The State of West Bengal, through the Principal Secretary, Department of

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Environment, Government of West Bengal, Prani Sampad Bhawan 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata: 700106, West Bengal.

Email: psecy.env.wb@gmail.com



5. The West Bengal Pollution Control Board, service through the Member Secretary, having office at Paribesh Bhawan, 10A, Block-LA, Sector-III, Salt Lake City, Kolkata: 700106.

Email: ms.wbpcb-wb@bangla.gov.in

6. The Chief Environment Officer, Department of Environment, Government of West Bengal, Prani Smpad Bhawan 5th Floor, LB-2, Sector-III, Bidhannagar, Kolkata: 700106, West Bengal.

Email: environmentwb@gmail.com

7. The State of West Bengal through the Secretary, Public Works department, Government of West Bengal, Nabanna,

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325, Sarat Chatterjee Road, 8th Floor,
Howrah: 711102.

Email: secypwd@wb.gov.in



8. Public Works department,
Government of West Bengal, through
the Secretary having office at Nabanna,
325, Sarat Chatterjee Road, 8th Floor,
Howrah: 711102.

Email: secypwd@wb.gov.in

9. The Executive Engineer, Barasat
Highway Division No.1, PW (Roads)
Directorate, MBL House, 5th Floor, DD-
18/8, Sector-I, Salt Lake, Kolkata:
700064.

Email: eebhd1@gmail.com

10. South Dum Dum Municipality
through its Executive Officer,
Nagerbazaar Dum Dum Road, Kolkata:
700074.

Email: southdumdum74@gmail.com

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11. The Chairperson South Dum Dum Municipality through its Executive Officer, Nagerbazaar Dum Dum Road, Kolkata: 700074.

Email: southdumdum74@gmail.com



12. The Commissioner of Police, Bidhannagar Police Commissionerate, No. 3, Salt Lake Stadium, R.D., JB Block, Sector-III, Bidhannagar, Kolkata: 700106.

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Email: ceokmda@gmail.com

14. The Principal Secretary, Irrigation & Waterways department, Government of West Bengal, Jalasampad Bhawan, 1st Floor, DF-Block, Sector-I, Bidhannagar, Kolkata: 700091.

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Email: iwd.prsecy@gmail.com

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Email: environmentwb@gmail.com

.....Respondents

To,

The Hon'ble Chairperson and His Companion Member of the said Hon'ble Tribunal.



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The Humble petition on behalf of the applicant as above named most respectfully

SHEWETH:

1. That the instant original application has been filed by the applicant and the same is 'Lis Pendens' for adjudication before this Hon'ble Tribunal.

2. That the deponent in the instant application has been authorized to file the instant application and swear affidavit by the Secretary of the Urban Development & Municipal Affairs Department, Government of West Bengal.

Copy of the authorization to the deponent to file the instant application and swear affidavit by the Secretary of the Urban Development & Municipal Affairs department, Government of West Bengal is annexed herewith and marked with the letter 'P-1'.

3. That the present application is preferred by the applicant that is the Urban Development and Municipal Affairs Department, Government of West Bengal, Respondent no. 3 ^{in the O.A.} herein interalia praying for reconstitution of the Committee constituted vide Solemn Order dated 16.08.2024 passed by the Hon'ble Tribunal and to implement the directions of this Hon'ble Tribunal in its true letter and spirit.

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4. That it is stated that Hon'ble National Green Tribunal, has been pleased to pass an order dated 16.08.24 directing inter-alia that-

"... considering the allegations made, Hon'ble National Green Tribunal deemed it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members:-

(i) Senior Scientist, West Bengal Pollution Control Board,

(ii) Representative of Urban Development & Municipal Affairs Department, Government of West Bengal,

(iii) Executive Officer or Senior Representative, South Dum Dum Municipality, and

(iv) Executive Engineer or Senior Representative, Canal Division, Irrigation and Waterways Department, Government of West Bengal..."

Copy of the Solemn Order dated 16.08.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone, Kolkata is annexed herewith and marked with the letter 'P-2'.

5. That moreover in the said Solemn Order the Hon'ble Tribunal, has been pleased to direct the Urban Development & Municipal Affairs Department, Government of West Bengal, to be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.

6. That it is humbly submitted that it is a fact, the Public Works Department is the custodian of the VIP Road for construction of which the "Nayanjuli" was excavated. In this regard to inspect the area in question and to elicit the veracity of the allegations made in the Original Application bearing O.A. No. 169 of 2024/EZ, the Public Works Department, Government of West Bengal has a vital role and not the present applicant.



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7. That it is also stated that with regard to the issues, coordinated effort by various agencies is essential, in which case the Urban Development & Municipal Affairs Department shall cooperate and provide necessary support as and when required.

8. That it is most respectfully submitted that the Hon'ble Tribunal may pass necessary orders for reconstitution of the Committee and Nodal Agency and direct the Public Works department to be the nodal agency for all logistic purposes and also for filing the report of the Committee for smooth adjudication of the instant original application.

9. That this application is made bonafide and unless this application is allowed by this Hon'ble Tribunal the applicant will suffer irreparable loss and injury.

10. That this application is made '*Intra Legem*', and as such is '*Intra* ~~res~~' the Hon'ble Tribunal to adjudicate this application.



Under the above circumstances it is most humbly prayed before Your Lordships may kindly be pleased to allow this application and modify the Solemn Order dated 16.08.2024 passed by this Hon'ble Tribunal in connection with the instant original application and to reconstitute the Committee and Nodal Agency for implementation of the directions passed by this Hon'ble Tribunal by directing the PWD to be the Nodal



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Agency for logistics and for filing Report of the Committee and to pass such further Order/Orders as to this Hon'ble Tribunal may deem fit and proper for the ends of justice.

And For This Act of Kindness Your Applicant as in duty bound shall ever pray.

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**

Through
Sibajyoti Chakrabarti
Advocate
State of West Bengal

VERIFICATION:

I, the deponent  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 and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 23rd Day of September, 2024.

Identified by me

Sibajyoti Chakrabarti
Advocate 24.09.2024

State of West Bengal

Nandini Ghosh

Deponent

NANDINI GHOSH, IAS
Senior Special Secretary
Department of Urban Development &
Municipal Affairs
Govt. of West Bengal

Sudip Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regn. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs
17

24 SEP 2024

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS

— X —
AFFIDAVIT



I, Nandini Ghosh, daughter of Samir Dasgupta, aged about 55 years, by occupation - service, working for gain as Senior Special Secretary, Urban Development and Municipal Affairs Department, Government of West Bengal, having office at "Nagarayan", DF-8, Sector-I, Salt Lake City, Kolkata: 700064, do hereby solemnly affirm and state as follows :-

1. That I am presently posted as Senior Special Secretary, Urban Development & Municipal Affairs Department, Government of West Bengal, having office at "Nagarayan", DF-8, Sector-I, Salt Lake City, Kolkata: 700064 being the applicant in the instant Interlocutory Application and well conversant with the fact and circumstance of the case and I am competent to sign and swear this affidavit.
2. That I have been duly authorized by the Secretary, Urban Development & Municipal Affairs Department to swear this affidavit on behalf of the Urban Development & Municipal Affairs department, Government of West Bengal.
3. That I have read and Understood the contents of the accompanying application and say that the facts stated above are true and correct as per the records as available in the department and legal advice received by me are the best of my knowledge and belief.

Identified by me

Subjoyoti Chakrabarti
Advocate
State of West Bengal
24.09.2024

Nandini Ghosh

Deponent

NANDINI GHOSH, IAS
Senior Special Secretary
Department of Urban Development &
Municipal Affairs
Government of West Bengal

S. CHAUDHURI
NOTARY
GOVT. OF INDIA
Regn. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

24 SEP 2024

"Annexure - R-1"

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Government of West Bengal
 Department of Urban Development & Municipal Affairs
 "NAGARAYAN"
 DF-8, Sector-I
Salt Lake City, Kolkata 700 064

No. 165 (Law)/UDMA-15011(15)/12/2024-LS-MA SEC-Dept. of UDMA Dated, Kolkata, the 23th September, 2024
 From: The Secretary, Government of West Bengal

TO WHOM IT MAY CONCERN

Madam/Sir,

I am to authorize Smt. Nandini Ghosh, Senior Special Secretary, Department of Urban Development and Municipal Affairs to file an Interlocutory Application and swear affidavit in respect of the matter arising out of Original Application No. 169/2024/EZ

Secretary,
 Department of UD & MA,
 Govt. of W.B.

Signature of Nandini Ghosh is attested below.

Nandini Ghosh

(Nandini Ghosh)

NANDINI GHOSH, IAS
 Senior Special Secretary
 Department of Urban Development &
 Municipal Affairs
 Govt. of West Bengal

Secretary, UD & MA Department
 Govt. of West Bengal

"Annexure - P-2"

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Item No.01

Court No.1

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

Original Application No.169/2024/EZ

Shri Nabendu Kumar Bandyopadhyay

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.08.2024

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

For Applicant(s) : Mr. Subham Kumar Das, Adv. (in Virtual Mode) a/w
Mr. Shubhayu Roy, Adv. and
Mr. Dipankar Saha, Adv. (in Virtual Mode)

ORDER

1. Heard Mr. Subham Kumar Das, learned Counsel assisted by Mr. Shubhayu Roy, learned Counsel and Mr. Dipankar Saha, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant, seeking a direction to the Respondent authorities to take immediate steps to stop illegal filling of water body commonly known as 'Nayanjuli' and to take steps to determine as to how long ago such filling up of the water body was carried out on the said premises.
3. Reference has also been made to certain Original Applications which were filed in this regard earlier such as – Original Application No.27/2015/EZ (*Dwaipayana Sengupta Vs. Union of India & Ors.*) and the directions issued therein.
4. Photographs have also been filed along with the Original Application to show that the water body in question is almost covered with plant growth and filled with garbage apart from

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certain constructions of shops and high-rise buildings in the area showing garbage lying all around.

5. Matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court accepts notice on behalf of the State of West Bengal.
8. Mr. Dipanjan Ghosh, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent no.5, West Bengal Pollution Control Board.
9. At this stage, this Court is not issuing any notice to the Respondent No.16, State Environment Impact Assessment Authority (SEIAA) West Bengal.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, we deem it appropriate to constitute a Committee to elicit the veracity of the allegations comprising of the following Members:-
 - (i) Senior Scientist, West Bengal Pollution Control Board,
 - (ii) Representative of Urban Development & Municipal Affairs Department, Government of West Bengal,
 - (iii) Executive Officer or Senior Representative, South Dum Dum Municipality, and
 - (iv) Executive Engineer or Senior Representative, Canal Division, Irrigation and Waterways Department, Government of West Bengal,
12. The Committee shall inspect the site in question and submit its Report within four weeks with regard to the allegations made.



13. The Urban Development & Municipal Affairs Department, Government of West Bengal, shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.
14. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon the Counsel for the Respondents who have accepted notices in the case, within 48 hours.
15. **List on 27.09.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Satyagopal Korlapati, EM

August 16, 2024,
Original Application No.169/2024/EZ
AK

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Compose

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SERVICE OF IA in O. A. No. 169/2024/EZ (Urban Development & Municipal Affairs department, Govt. of West Bengal)

Navigation icons: close, print, share

- Inbox 33
- Starred
- Snoozed
- Sent
- Drafts 1
- More



Sibojyoti Chakrabarti <subho.advocate@gm...> 6:55 PM (57 minutes ago)
to Dipanjan, advsubhamdas93, Shri, ceokmda, bcc: southdumdum74

Dear Sir/Madam,

Kindly find enclosed soft copy of the IA Application to be filed in connection with the above captioned matter on behalf of the Urban Development & Municipal Affairs department, Government of West Bengal, before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

Enclosed as above.

Thanks & Regards,

Sibojyoti Chakrabarti
Advocate
State of West Bengal

One attachment • Scanned by Gmail

Small text at the bottom of the attachment area.

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA
I.A. No. of 2024/EZ

(Arising out of ORIGINAL
APPLICATION NO. 169/2024/EZ)

In The Matter of:

The Urban Development &
Municipal Affairs department,
Government of West Bengal,

... Applicant

Versus

Sri Nabendu Kumar
Bandopadhyaya & Ors.

... Respondents

**INTERLOCUTORY
APPLICATION ON BEHALF OF
THE APPLICANT**

Filed by

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email:

subho.advocate@gmail.com

(M): 9007035534