

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.

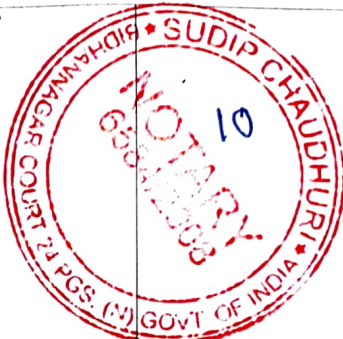
... Respondent(s)

ACTION TAKEN REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF
THE RESPONDENT NUMBER 06, DIRECTOR, STATE WATER
INVESTIGATION DIRECTORATE, WEST BENGAL.

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534

27 SEP 2024



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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

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

Versus

The State of West Bengal & Ors.

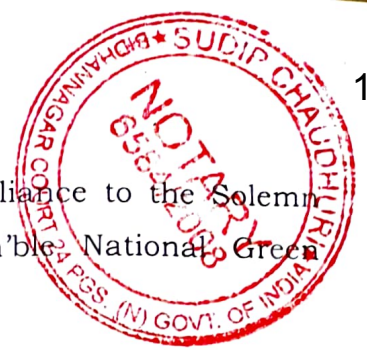
... Respondent(s)

ACTION TAKEN REPORT IN THE FORM OF AFFIDAVIT 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 made myself acquainted with the facts and circumstances of this case and am competent to affirm this affidavit.

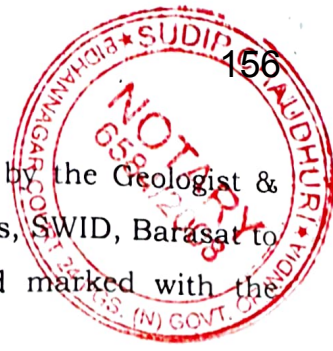
27 SEP 2024



2. That this Action Taken Report is filed in compliance to the Solemn Order dated 20.09.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That it is stated and submitted that vide letter dated 19.09.2024 the Geologist & Member Secretary, DLGWRDA, North (24) Parganas, SWID, Baarasat had informed the private respondent namely Mr. Mahadeb Dev, of Emami City Association Apartment Owners that the subject matter of the issue had been inspected on 27.08.2024 and certain queries were raised by the office of the SWID to the said private respondent vide memo dated 184 dated 27.08.2024, however reply to the letter dated 02.09.2024 was yet received and as per instructions from the Higher Authority for violation of West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005 and Rules 2006 framed there under accordingly penalty of Rs 20,000/- (Rupees Twenty Thousand) has been imposed and the said amount of penalty is required to be deposited within 15 (Fifteen) days from the receipt of the letter.
- Photocopy of the Letter dated 19.09.2024 written by the Geologist & Member Secretary, DLGWRDA, North (24) Parganas, SWID, Barasat to the private respondent is annexed herewith and marked with the letter 'R-1'.
4. That it is also submitted that Geologist & Member Secretary, DLGWRDA, North (24) Parganas, SWID, Barasat vide letter dated 20.09.2024 has again informed the Mr Mahadeb Roy the private respondent to give explanation for the existing 4 (Four) bore wells structures for which no permission could be produced and hence the private respondent was given an opportunity to of being heard and he has been directed to visit the office of the Geologist & Member Secretary, DLGWRDA, North (24) Parganas, SWID, Barasat on 23.09.2024 along with his explanation to the above effect.

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Photocopy of the letter dated 20.09.2024 written by the Geologist & Member Secretary, DLGWRDA, North (24) Parganas, SWID, Barasat to the private respondent is annexed herewith and marked with the letter 'R-2'.

5. That in pursuance to the Solemn Order as above mentioned the deponent i.e the Director, State Water Investigation Directorate, (SWID) West Bengal has issued a letter dated 23.09.2024 to the Geologist, SWID, & Member Secretary, District Level Authority, District: North (24) Parganas inter alia directing to take immediate necessary action as per the provision of section 10 and section 16 of the West Bengal Ground Water Act, 2005 with proper intimation to the District Authority, North (24) Parganas.

The copy of the letter has also been forwarded to the District Magistrate, North (24) Parganas and Superintending Geologist & Member Secretary, State Level Authority, Salt Lake, Kolkata.

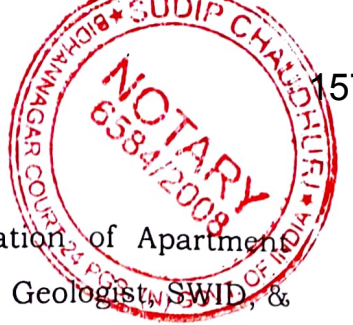
Photocopy of the Letter dated 23.09.2024 written by the Director State Water Investigation Directorate, (SWID) West Bengal to the Geologist, SWID, & Member Secretary, District Level Authority, District: North (24) Parganas is annexed herewith and marked with the letter 'R-3'.

6. That the Geologist, SWID, & Member Secretary, District Level Authority, District: North (24) Parganas vide letter dated 24.09.2024 has inter alia informed the Director, SWID, regarding the action taken apropos to the direction dated 23.09.2024 issued by the Director, SWID.

Photocopy of the letter dated 24.09.2024 written by the Geologist, SWID, & Member Secretary, District Level Authority, District: North (24) Parganas to the Director, SWID, indicating action taken in that regard is annexed herewith and marked with the letter 'R-4'.

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7. That the President of the Emami City Association of Apartment Owners vide letter dated 25.09.2024 written to the Geologist, SWID, & Member Secretary, District Level Authority, District: North (24) Parganas interalia informed the response to the letter dated 02.09.2024 issued by the SWID.

Photocopy of the letter dated 25.09.2024 written by the President of the Emami City Association of Apartment Owners to the Geologist, SWID, & Member Secretary, District Level Authority, District: North (24) Parganas is annexed herewith and marked with the letter 'R-5'.

8. 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
27.09.2024

Advocate

State of West Bengal

Alk Sam
Deponent 27.9.24

DIRECTOR
State Water Investigation Directorate
Government of West Bengal

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

27 SEP 2024



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

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.

Sl
AK Verified at Kolkata on the *27th* Day of September, 2024.

Identified by me

Sibojyoti Chakrobarti
Advocate *27.09.2024*

State of West Bengal


Alok Sam

Deponent *27.09.24*

DIRECTOR
State Water Investigation Directorate
Government of West Bengal

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

27 SEP 2024


 Government of West Bengal
 Office of the Geologist, Geological Sub. Division-III/D *Annex- R1*
 State Water Investigation Directorate
 Water Resources Investigation & Development Department
 2nd Floor, Jalaswampad Bhawan
 Barasat, North 24 Parganas
 E-mail: geolswidnorth24pgs@gmail.com

Memo No: 211

Date: 19.09.2024

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

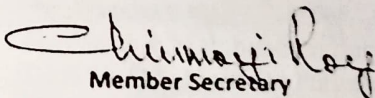
Sub: Notice for illegal extraction of groundwater

Ref: National Green Tribunal, O.A No-161/EZ/2024, between Smt. Jagriti Bhattacharya vs. State Of West Bengal, Dated on 14/08/2024 & Memo 189 dt 02.09.2024

Sir,

In reference to the above subject the site was inspected dated 27.08.2024 and certain queries were sent vide memo No 184 dt 27.08.2024. Whereas the reply to the letter no 184 was received to this office dated 18.09.2024. However the reply of letter 189 dt 02.09.2024 is still awaited. Hence as per the instructions from Higher Authority and as per the violation of the West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005 & Rules thereof 2005 and extracting ground water without any permission from the Member Secretariat Office of the State Water Investigation Directorate, District North 24 Parganas and whereas on and from the date of coming into force of the Act, no user shall sink any well fitted with electrical/ mechanical device for extracting or using ground water without obtaining a Permit issued by District Level Ground Water Resources Development Authority under section 7 of the said Act.

Hence, you are directed to obtain "Permit" from the concerned authority of West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005 and a penalty of Rs 5000/- (Rupees Five Thousand) only U/S 16 of West Bengal Ground Water Resources (Management, Control & Regulation) Act, 2005 & Rules 2006 there under **for each tube well** for violating the Law is hereby imposed upon you. The penalty should be deposited under the Head of account "0702-80-800-002-27" by T.R.:7 Challan in the Treasury link Bank or the Reserve Bank of India or through the online mode vide <https://wbifms.gov.in/GRIPS/> within 15days from the date of receipt of his letter. Hence you are instructed to deposit a total of Rs20,000/- (Twenty Thousand) only for the functioning 4 Tube wells in your premises within 15 days from the receipt of this letter.


 Member Secretary

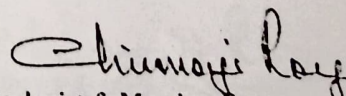
DLGWRA. District North 24 Parganas &
 Geologist Geological Sub Divn-III/D
 Barasat, North 24 Parganas

Memo No: 211/1(3)

Date: 19.09.2024

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

~~X~~

Amrta-R2

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, Jalswampad Bhawan
Barasat, North 24 Parganas
E-mail: geoloswidnorth24pgs@gmail.com

Memo No: 215

Date: 20.09.2024

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

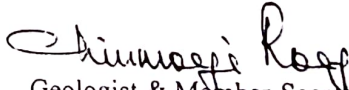
Sub: Visit to the Undersigned office dated 23.09.2024
Ref: National Green Tribunal, O.A No-161/EZ/2024, between Smt. Jagriti
Bhattacharya vs, State Of West Bengal, Dated on 14/08/2024 & Memo 189 dt
02.09.2024, Memo 211 dt 19.09.2024

Sir,

In reference to the above and for the explanation for the existing 5 bore well structures for which no permits could be submitted from your end, you are called upon to visit the Office of the undersigned on 23.09.2024.

It is to be mentioned that your reply to the memo 189 dt 02.09.2024 is still awaited and in consequence to that a penalty notice was issued to you vide Memo No 211 dt 19.09.2024.

Hence the undersigned is again giving an opportunity to be heard and said, so you are directed to visit the Office of the undersigned on 23.09.2024 at 11.30 hrs.

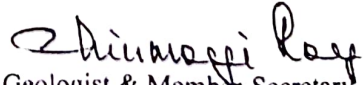

Geologist & Member-Secretary
DLGWRDA, North 24 Parganas
SWID, Barasat

Memo No: 215/1(3)

Date: 20.09.2024

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

X

Annexure - R3

Government of West Bengal
Office of the Director
State Water Investigation Directorate
Water Resources Investigation & Development Department
Nirman Bhaban , 3rd floor, Salt Lake City
Kolkata-700091.

Memo No: 1227 /GW88/ N-24pgs

Dated, Kolkata, the, 23.09.2024

To,
 The Geologist, SWID
 & Member Secretary , District Level Authority,
 District-N-24 Parganas

Sub: Direction for taking immediate action against illegal abstraction at the premises of "Emami City" u/s (10) and (16) of WBGWR ACT, 2005 in reference to your office Memo. 186 dated 29.08.24 and 189, dated 02. 09. 24; in connection to the OA 161 of 2024 under National Green Tribunal.

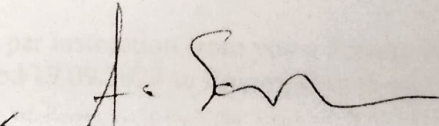
Ref: Order dated,20.09.24 in connection to OA 161 of 2024/ EZ

Please find the above mentioned Order dated 20.09.24 of OA 161 of 2024 attached herewith which is self explanatory.

You are directed to take immediate necessary action as per the provision of section (10) and section (16) of the West Bengal Ground Water Act, 2005 with proper intimation to the District Authority, N-24 Parganas. The affidavit has to be filed within 28th of September, 2024.

Treat this as extremely urgent.

Encl: As stated.


 Director, SWID

& Chairman, State Level Ground Water Development Authority

Memo No: _____/GW88/ N-24pgs

Dated, Kolkata, the, 23.09.2024

Copy forwarded for information to:

1. District Magistrate & Chairman , DLA, N-24 Parganas
2. Superintending Geologist & Member Secretary, SLA, Salt Lake, Kolkata -700091

Director, SWID
 & Chairman, State Level Ground Water Development Authority

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

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Memo No: 224

Date: 24.09.2024

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

Sub: Direction for taking action against illegal abstraction at the premises of "Emami City" u/s (10) and (16) of WBGWAR Act 2005

Ref: Order dated 20.09.2024 of 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 the inspection report was also submitted dated 29.08.2024 vide Memo 186
- Prior to the inspection report a letter was issued to Emami City regarding certain queries vide Memo No 184 dt 27.08.2024 which they replied dated 19.09.2024 via speed post & subsequently forwarded to you dated 19.09.2024 vide Memo 212.
- In the meantime an explanation regarding the illegal boring was also asked for vide Memo No 189 dt 02.09.2024 to Emami City
- Since there was a delay in response from their part and as per instruction from you a Penalty Notice u/s (16) of Rs 20,000/- was issued vide Letter No 211 dated 19.09.2024 to Emami City (First Offence)
- A letter for visiting the Office of the undersigned was also issued vide Memo 215 dt 20.09.2024
- Two persons alongwith Mr Mahadev Deb visited the Office of the undersigned dt 23.09.2024 & collected 5 Form I having Book No BID/A 126 with Sl No 13,14,15,16 & 17 for application for the existing tubewells. They also apologized regarding their delay in answering to the letter dt 27.08.2024 and also affirmed regarding the compliance for letter no 189 dt 02.09.2024 and 211 dt 19.09.2024.
- As per you instruction the undersigned have also put up a notesheet to the District Magistrate and Chairman DLA, North 24 Parganas intimating all the records and points in reference to the above OA No 161/EZ/2024 dated 24.09.2024

Thanking you

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

Annexure - R5

Date: 25/09/2024

To
 Chinmoyi Roy
 Geologist & Member Secretary
 Office of the Geologist, Geologist Sub. Division -III/D
 State Water Investigation Directorate
 Water Resource Investigation & Development Department
 2nd Floor, Jalaswampad Bhawan
 Barasat, North 24 Parganas, WB-700124
 E-mail : geoloswidnorth24pgs@gmail.com

Sub: Response to Memo#189 dated 02.09.2024
 Ref: National Green Tribunal, O.A No-161/EZ/2024, between Smt. Jagriti Bhattacharya vs, State of West Bengal, Dates on 14.08.2024 & Inspection dt. 27.08.2024

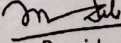
Respected Madam/Sir

This is to state that M/S Oriental Sales Agencies (India) Pvt. Ltd. Had taken all permission or secured the permits for the Housing Complex "Emami City" at premise No. 2 Jessore Road, Holding No. 380 (new), 1108 (old), JL No. 19, Mouza- Dumdum House, South Dumdum Municipality, Ward no. 7, PO & PS - Dumdum, Kolkata- 700028, West Bengal. It is evident from your above-mentioned letter that permit for two (02) number of borewell exists, however address of the Emami City, 2 Jessore Road to be verified.

Please find the responses below as requested through Memo No# 189 dated 02.09.2024.

1. Association has taken over Emami City from the developer, Emami Realty Limited, on 'as is where is' basis. We could not take permission for the existing structures only because we were not aware of this and we were in the impression that permit exists for structure.
2. We are obliged to know the fact that there are required permit for 2 of the structures. It will be great help, if we can get a copy of these after following the proper process. Rest of the three (3) structures have been inherited from the developer and we don't have permit documents for the same. If needed, we will consult with developer and make arrangement for the penalty amount imposed by you.
3. Daily water requirement for Emami City residential complex is of 1125 KLD Approx.
 - a. SDDM has agreed to arrange about 1100 KLD of water from its own source with Memo# SDM/0819/XXIV Dated 24.07.17. But the arrangement was not in placed till late 2023.
 - b. Emami City residents observed acute water crisis in month of May 2023 and with intervention of Ward Councilor and MLA, SDDM has make arrangement of about 120 KDL of daily water post Oct 2023.
 - c. As per the communication via Memo #SDM/1589/XXIV dated 09.10.2023, SDDM has informed their ability to provide only about 150 KL to 200 KL per day and requested housing complex authority to arrange any substitute way to fulfil the daily requirement of water.
4. We don't have any idea the explanation seeks us on the process part and did not get any direction during the handover of common area maintenance from the developer to secure the permits for existing structures.

Thanking you


 President, 25/09/24

Emami City Association of Apartment Owners

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Office of the Municipal Councillors of South Dum Dum
Nager Bazaar, Dum Dum Road, Kolkata-74

Phone: 2560 2357, 2560 2743; Fax: 2560 8388, 2560 6001
E-mail: sddm10@gmail.com

Date: 24th July 2017

Memo No. SDM/0819/XXIV

The Director,
Oriental Sales Agencies (India) Private Limited,
687 Anandapur, E.M. Bypass,
Kolkata-107.

Sub: Permission for obtaining water supply facilities for your housing complex at Premises No. 2 Jessore Road, Holding No. 380(N), 1108(O), Cal-Jessore Road, Ward No. 7, R.S. Plot No. 111, 247, 246, 113, 251, 275, 112/154, 245/297, 248/298, 275/1344, 112, 109, 248/276, 248, 153, L.R. Plot No. 268, 406, 407, 271, 413, 408, 270, 406, 412, 409, 269, 264, 410, 411, 267, L.R. Khatian No. 1, J.L. No. 19, Mouza - Dum Dum House, P.S. Dum Dum, North 24 Parganas District.

Sir,

Please refer to your application and our earlier concurrence letter.

In furtherance to our sanction of your Project at Holding No. 380(N) referred in the subject matter and your assessment of water quantity, we hereby undertake to supply potable water to flat occupants to the extent of about 1100 KLD on daily basis from our own source, in the operation phase.

The charges for the aforesaid facility, if any, will be intimated to you in due course.

Yours faithfully

Pachu Ray

Chairman 24.07.2017
Pachu Ray
Chairman
South Dum Dum Municipal



South Dum Dum Municipality

Nager Bazaar, Dum Dum Road, Kolkata-74

Phone: 2560 2357, 2560 2743; E-mail: southdumdum74@gmail.com

Memo No. SDM/1589/XXIV

Date: 9th October 2023

The Authorized Signatory,
Emami Realty Limited,
Regd Office: Aeropolis, 13th Floor,
1858/1 Rajdanga Main Road, Kasba, Kolkata-700107.

Sub: Bulk Water supply to "Emami City Residential Complex".

Ref: Your letter dated 7th June 2023.

Sir,

With reference to above I am to state that this Municipality does not have any objection for fulfillment of water supply 150 KI to 200 KI. per day if they can arrange any substitute way for their sufficient requirement of water by their own complex authority.

This is for your kind information.

Yours faithfully

K.C. 9/10/23

Kasturi Chowdbury
Chairperson
Kasturi Chowdhury
Chairperson
South Dum Dum Municipality



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

ORIGINAL APPLICATION
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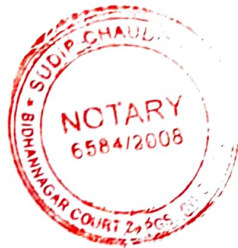
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ACTION TAKEN REPORT IN THE
FORM OF AFFIDAVIT ON
BEHALF OF THE RESPONDENT
NUMBER 06, DIRECTOR, STATE
WATER INVESTIGATION
DIRECTORATE, WEST BENGAL.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.

27 SEP 2024