

SL No. *06*

Before the National Green Tribunal
 Eastern Zone in Kolkata
 I.A. No.48/2024
 In connection with
 O.A. No.49/2024/EZ

Ankur Sharma

... Applicant

-vs-

The State of West Bengal & Ors ... Respondents

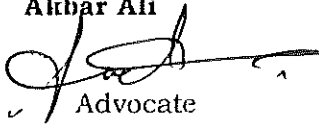
**REJOINDER for and on behalf of the CLC Tanners Association, the
 Respondent No.11 to I.A. No.48/2024 of the Respondent No.10**

INDEX

Sl.	PARTICULAR	ANNEXURE	PAGE
1.	Affidavit		1 - 7
2.	Copies Letters dated 19-10-2016 & 09-03-2018	R-1	8 - 9
3.	Copy of order dated 19-01-2016 of the Hon'ble High Court Calcutta	R-2	10 - 11
4.	Copy of order dated 05-09-2003 of the Hon'ble Supreme Court of India with unofficial typed copy thereof	R-3	12 - 21

Filed by

Akbar Ali

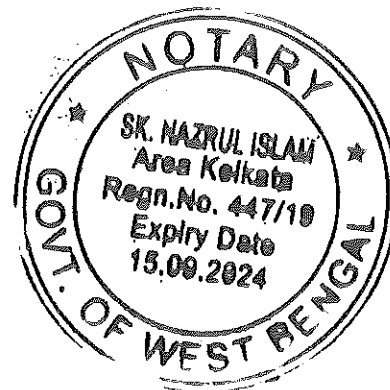


Advocate

For the Respondent No.11

Email: reach.akbar.khalid@gmail.com

(M): 7980039063/9831140924



23 AUG 2024

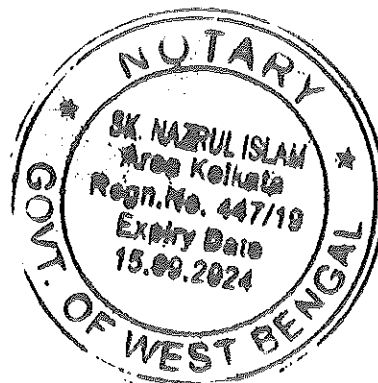
Before the National Green Tribunal
 Eastern Zone in Kolkata
 I.A. No.48/2024
 In connection with
 O.A. No.49/2024/EZ

Ankur Sharma ... Applicant
 -vs-
 The State of West Bengal & Ors ... Respondents

**REJOINDER for and on behalf of the CLC Tanners Association, the
 Respondent No.11 to I.A. No.48/2024 of the Respondent No.10**

I, MD. ZIA NAFIS son of Late Md. Nafis aged about 49 years by faith Muslim by occupation business and residing at 2B, Colonel Biswas Road, Kolkata-700019 P.S. Karaya, do hereby solemnly affirm and say as follows :-

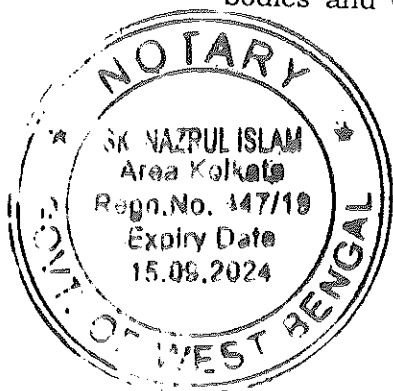
1. I am the Joint Secretary of the CLC Tanners Association, the Respondent No.11 in the instant matter (hereinafter referred to as "Answering Respondent"). I am duly authorized and empowered inter alia to represent the Respondent Association in the instant case and to sign and verify writ petition and any other papers and pleading connected thereto in the name and for and on behalf of the Respondent Association. As such I am competent and empowered to sign and verify foregoing affidavit for and on behalf of the Respondent Association.
2. That a copy of instant interlocutory application of the Respondent No.10 in O.A. No.49/2024/EZ verified by an affidavit affirmed by one Nitya Gopal Metiya and notarized on 19-07-2024 (hereinafter referred to as the "said application") has been served upon the Ld. Advocate of the Answering Respondent. I have read the contents of the said application and understood the meaning, contents and purport thereof.
3. At the very outset, I deny and dispute each and every allegation, contention and/or averment contained in the said application, as if the same has been traversed, rebutted and denied in seriatim save and except what are expressly and specifically admitted herein and save and except what are



matters of record and what are truly and correctly appearing and transpired from such records and put the Respondent No.10 into the strict proof of allegations. I humbly submit that the said application is misconceived and bad in law and not maintainable in law and on the facts and thus deserves to be dismissed with exemplary cost.

4. With reference to Paragraph 1 of the said application I say that it is incorrect and misleading to assert that consequent upon execution of the Tripartite Agreement dated 18-05-2005 between the Government of West Bengal, Respondent No.10 and the Answering Respondent, the Respondent No.10 is no longer involved with the various pollution controlling infrastructure, effluent discharge systems at the Calcutta Leather Complex (CLC). In this context it is imperative to bring the following relevant facts on record as follows:

- (i) The Respondent 10 is the Developer of Calcutta Leather Complex (CLC) land and its onsite infrastructures inclusive of pollution controlling infrastructure viz., Effluent Transportation System (ETS), Storm Water Drainage System, Canals, Water bodies and Greenery in CLC under a Built-Operate-Transfer Agreement dated 07-06-1997 (BOT Agreement) executed by and between the Government of West Bengal and the Respondent No.10. The BOT agreement is valid, subsisting and binding.
- (ii) The canals and water bodies in CLC have been developed for harvesting rainwater to meet shortage of process water for tanneries and to maintain ecological balance for better and healthy environment and climate with the assistance of Greenery which controls pollution. Canals are also designed to recycle treated effluent as process water for tanneries so as to reduce extraction of ground water such purpose. Answering Respondent had to carryout tree plantations at their own cost with the cooperation of the Government of West Bengal. Copy of payment made for plantations are annexed hereto and marked with letter R-1.
- (iii) All the infrastructures viz., Storm Water Drainage System, Canals, Water bodies and Greenery and Storm Water Lock-Gate and pumping system and

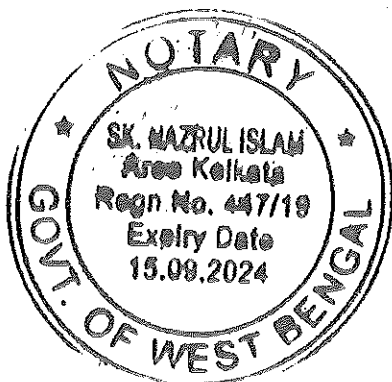


sewage system in non-tannery zones routed through tannery zones in CLC are being maintained, controlled and run by the Respondent No.10 and each of the said infrastructures are interconnected and inter-dependent for preventing pollution in CLC. To illustrate, Storm Water Lock-Gate is vital infrastructure to control back-flow and/or overflow of effluent. The Respondent No.10 has failed to discharge its responsibilities satisfactorily and properly and is also accountable and liable for contributing in causing pollution. The Respondent No.10 is necessary and proper party in the instant case.

(iv) Effluent Transportation System (ETS) is the most vital pollution controlling infrastructure, since it carries effluent from tannery units to the Common Effluent Treatment Plant (CETP) for secondary and final treatment and discharge. But the Respondent No.10 has developed brick based ETS without laying down Pipes in complete deviation from specifications in DPR which provides for laying down of HDPE pipes. In 2015 it was detected that no HDPE pipes or any other pipes were laid down.

(v) Upon detection of pipe-less ETS at several sites KLC Police Station Case No. 90 of 2015 under section 420/409/34 of IPC was registered on the complaint of the answering respondent against the respondent No.10, its directors and responsible officers. The said case is pending for adjudication. The Applicant in the Original Application no.49/2024/EZ has indeed relied upon the said police case to substantiate that the developing of defective Effluent Transportation System by the Respondent No.10 has contributed in the alleged polluting of CLC area.

(vi) The Respondent No.10 surreptitiously transferred portion of one of the water-bodies in CLC and attempt was made to fill-up such portion. The answering respondent has challenged inaction of the statutory authorities against the said illegal acts WPA No. 30367 of 2015 wherein the Hon'ble Justice Dipankar Datta upon hearing Ld. Counsels was pleased to pass an order on 19-01-2016 recording solemn undertaking of the Ld. Additional Advocate General to the effect that "water bodies in CLC shall be preserved at any cost". The said writ petition is pending adjudication and the said protective

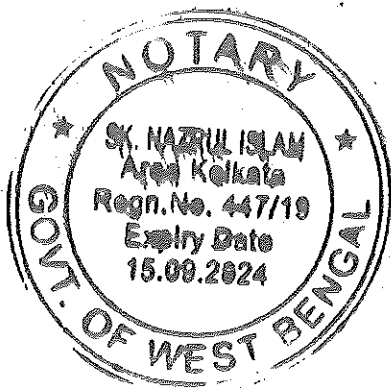


order is valid, binding and subsisting. Copy of the said order is annexed hereto and marked with letter **R-2**.

5. Statements made in paragraph 2 of the said application are correct. It is stated that the petitioner failed and neglected to complete onsite infrastructures as per approved Detailed Project of CLC as expressly agreed in the BOT Agreement. The answering respondent had to move writ petitions on two occasions being WPA No.24909 of 2008 and WPA 8239 of 2015 challenging inter alia inaction on the part of the concerned statutory authorities in enforcing terms of the BOT Agreement regarding completion of infrastructures and deviation in user pattern of CLC land and for unjust financial favour accorded to the Respondent No.10 by absolving the Respondent No.10 from financial obligations stipulated in the said BOT Agreement. Both the writ petitions are pending adjudication before PIL Bench of the Hon'ble Chief Justice of Calcutta High Court.

6. The Respondent No.10 also failed and neglected to construct CETP Modules 5 & 6 despite furnishing solemn undertaking for such construction as recorded in the final order dated 05-09-2003 of the Hon'ble Green Bench of the Honble Supreme Court of India passed in PIL W.P. (Civil) No.3727 of 1985 Re: Calcutta Tanneries Matter (M.C. Mehta & Ors -vs- Union of India while closing monitoring of relocation of tanneries and development of onsite infrastructures. The Modules 5 & 6 of CETP is constructed in 2022 with the funding of Government of West Bengal and the Government of India under Mega Leather Cluster Scheme approved by the Department of Industrial Promotion Policy (DIPP), Government of India. Copy of the said order dated 05-09-2003 is annexed hereto and marked with letter **R-3**.

7. The averments made in paragraph 3 are matters of record. Grant of lease is part of lawful consideration for developing all onsite infrastructures as per approved DPR of CLC and for discharging financial obligations of the Government of West Bengal in the CLC project as expressly agreed upon in the BOT Agreement. The Respondent No.10 failed to complete the development of all onsite infrastructures. Construction of the boundary wall around the CLC



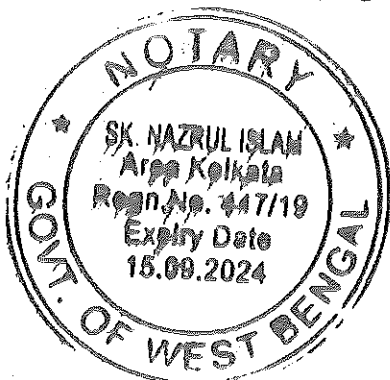
land, pavement/footpath etc., are not done and Completion Certificate of the CLC Project is yet to be issued.

8. The averments made in paragraph 4, 5 & 6 of the said application are correct. It is stated that the work for construction of the Solid Waste Management System (SWMS) and Modules 5 & 6 of the CETP were not commenced in 2005. Till date SWMS is not ready to hand over to the answering respondent and a temporary landfill site is functional near the site of (SWMS. CETP Modules 5-6 are constructed in 2022 and the same being run by the contractor in terms of construction contract. Till date no notice has been issued against the answering respondent for any breach of the terms and covenants contained in the said Tripartite Agreement.

9. In this context it is significant to mention that since 2005 till 2022 when Modules I to IV of CETP was temporarily closed down for upgrading purpose, the answering respondent has maintained, run and operated satisfactorily CETP and its components with unblemished record and till date continuing to maintain, run and operate other pollution controlling infrastructures viz., EPS, CCRU, MCRU and other common facilities in Tannery Zones on 'no profit no loss basis' under direct supervision of the West Bengal Pollution Control Board and the answering respondent has not been served with any show cause or explanation notice from any authority concerned.

10. The statements contained in paragraph 7 and its sub-paragraphs are matters of record being extracts from the Tripartite Agreement dated 18-05-2005. I say and reiterate that the Answering respondent has acted in due compliance and fulfillment the terms, covenants and undertakings contained in the said agreement and as such the same is valid, subsisting and binding.

11. With reference to paragraph 8 of the said application it is denied and disputed that the respondent No.10 has no longer any role to play with regard to the effluent treatment infrastructures at the tannery zones in CLC. It is reiterated that Canals, Water Bodies, Storm Water drainage, Storm Water Lock-Gate with pumping system, Greenery are all part of overall pollution controlling



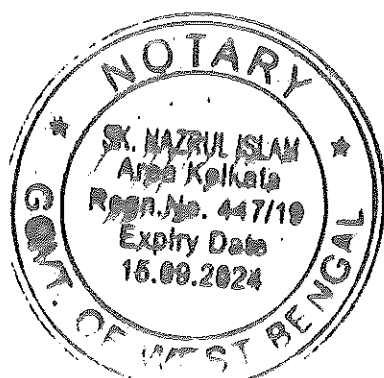
infrastructures mechanical or otherwise which are under maintenance and control of the respondent No.10 and which are directly and indirectly responsible for overall control of pollution in CLC which is the subject matter of the original application in the instant case. To avoid repetition I reiterate what have been stated hereinabove.

12. With reference to paragraph 9 of the said application it is emphatically denied and disputed that the cause of action in the present petition is regarding pollution being caused by the tanneries at CLC as alleged or at all. No pollution is being caused by the tanneries as alleged or at all. Because of faulty and sub-standard work of ETS carried out by the Respondent No.10 in deviation from DPR of CLC, laying down of ETS pipes afresh has been warranted and ongoing work of laying down pipes has indeed disrupted transportation of effluent worsened by rainwater. There was and is failure on the part of the Respondent No.10 in maintaining and operating infrastructures described in the preceding paragraph. All contrary allegations are denied and disputed.

13. With reference to paragraphs 10-11 of the said application it is reiterated that the Respondent No.10 is responsible for maintenance and operation of Canals, Water Bodies, Storm-water Drainage, Storm Water Lock-Gate with pumping system, Greenery are all part of overall pollution controlling infrastructures mechanical or otherwise. As such the respondent No.10 is necessary and proper party in the present proceedings and name of the Respondent No.10 should not be deleted or struck out. All contrary allegations or submissions are denied and disputed.

14. With reference to paragraph 12 of the said application it is denied and disputed that the Respondent No.10 has been improperly joined and that the name of the petitioner be struck out as alleged or at all.

15. With reference to paragraph 13-14 of said application it is denied and disputed that the balance of convenience is entirely in favour of the petitioner in getting the order as prayed for otherwise, a serious prejudice would be



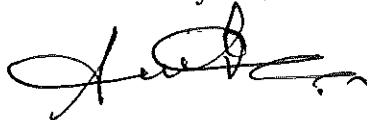
caused to the petitioner/respondent No.10 if orders are not passed or the respondent No.10 will suffer irreparable loss and injury as alleged or at all. It is humbly submitted that no prejudice will be suffered by the Respondent No.10.

16. With reference to paragraph 15 of the said application it is denied and disputed that the application is bonafide and made for the ends of justice.

17. It is humbly submitted that the presence of the Respondent No.10 being responsible person for maintaining and running part of pollution controlling infrastructure described hereinabove in CLC under a valid and subsisting BOT Agreement is essentially required for complete adjudication of all issues of accountability involved in the instant proceeding. Accordingly the said application is liable to be dismissed in limine with exemplary cost.

18. That the statements contained in paragraphs 1, 2, 4(i) to 4(vi), 5 to 11 are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal.

Prepared in my office &
Identified by me:



Advocate

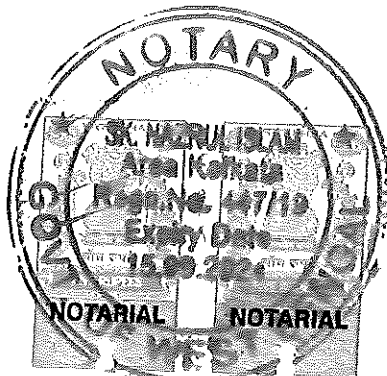
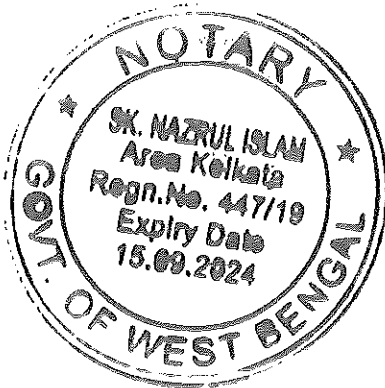
WB/274/1987

MO. LIA NAFLR
DEPONENT

Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CLPC

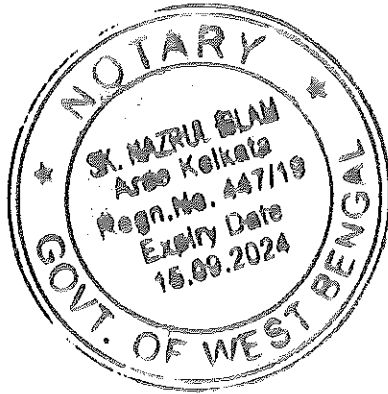


SK. Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Kolkata



23 AUG 2024

8



- 206 -

ANNEXURE "R14"

Government of West Bengal,
Department of Micro, Small And Medium Enterprises And Textiles,
Hemanta Bhaban, 4th Floor, 12, BBD Bag (East), Kolkata - 700 001

Memo No. 3198 /MSMET(V)/4M-48/15Date 19/10/2016

To
The Chief Executive Officer,
CLC Tanners Association,
Calcutta Leather Complex,
CETP, Karaidanga,
Dist.: South 24-Parganas, PIN : 743502.

Sub : Plantation programme in Calcutta Leather Complex.

Ref. : Your Memo No. CLCTA/MSME&T/553/2016 dated 26 Sept., 2016.

Sir,

With reference to the above, this is to inform that the programme of intensive plantation in the Calcutta Leather Complex was an initiative of the Department of MSME & T in collaboration with the Department of Municipal Affairs. For this purpose West Bengal Wasteland Development Corporation Ltd. (WBWDCL) under Forest Department was entrusted as the implementing agency and fund was placed with it accordingly. The project cost of ₹ 2.84 crore is shared equally by this Department and Municipal Affairs Department.

It may, therefore, be appreciated that the Sector VI Industrial Township Authority has no direct role in the programme and as such you have no reason to apprehend loss of your stand in the WP No. 2966 of 2016 by participation in/lending support to the said plantation programme.

As per discussion in the meeting on 10 August, 2016 the stake holders of the Calcutta Leather Complex are supposed to share the expenditure proportionately related to maintenance of the saplings for next few years under guidance of WBWDCL and remit the money to the said Corporation for that purpose.

A copy of the minutes of the meeting is enclosed for ready reference.

Yours faithfully,

Joint Secretary to the
Government of West Bengal

Encl : As stated.



Government of West Bengal
Department of Micro, Small And Medium Enterprises And Textiles,
Hemanta Bhaban, 12, BBD Bag (East), 4th Floor,
Kolkata - 700 001.

Memo No. 722 /MSMET(V)/7L-30/16

Dated 9.3.2018

To
The Chief Executive Officer,
CLC Tanners Association,
CETP, Karaidanga,
Calcutta Leather Complex,
Bantala, South 24-Parganas.

Accts
Please issue fresh che
Draft in favour of WBSSEF
A
9/

Sub : Remittance of part of CLCTA's share for 1st year's maintenance cost of plantation in CLC.

Sir,

In inviting a reference to your letter no. CLCTA/MSME&T/061/2018 dated 05.03.2018 enclosing a Bank Cheque bearing no. 680554 dated 03.03.2018 of Syndicate Bank, Kolkata Leather Complex Branch for ₹597600 (Rupees Five Lac Ninety Seven Thousand Six Hundred) only this is to request you to kindly issue a fresh A/c Payee Cheque for the same amount drawn in favour of WEST BENGAL STATE EXPORT PROMOTION SOCIETY and send the same to this Department.

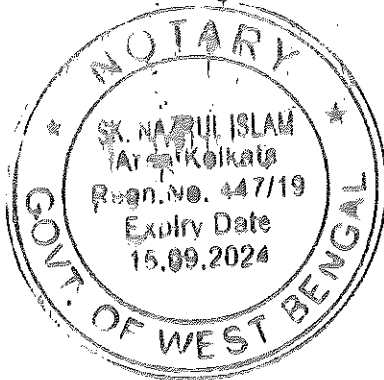
Since the Department does not hold any Bank Account, it has been decided that the contribution towards the plantation maintenance cost from the different stake holders would be collected at one place and the same would be remitted to the West Bengal Wasteland Development Corporation Ltd.

The Bank Cheque of the above description as issued by you and sent to this Department with your letter referred to above is hereby returned for issue of a fresh Cheque in the above manner.

Yours faithfully,

Joint Secretary to the
Government of West Bengal

Encl : As stated.



Annexure - R-2

1

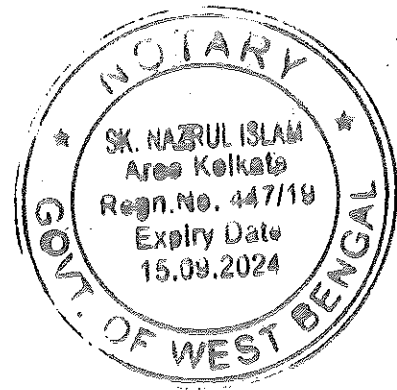
19.1.16

W. P. No. 30367 (W) OF 2015
-----CLC Tanners Association & Ors.
-vs.-
State of West Bengal & Ors.Mr. Bimal Chatterjee
Mr. Akbar Ali
Ms. Rekha Bose.

.....For the Petitioners.

Mr. Lakshmi Kumar Gupta
Mr. Abhrotosh Majumder
Mr. T. M. Siddique.

.....For the State.

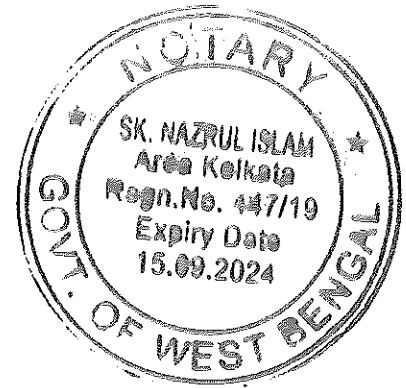
Mr. S. N. Mookerji
Mr. S. Basu
Mr. Amitesh Banerjee
Mr. B. Borai
Mr. Sarvapriya Mukherji......For the Respondent
No.9.Mr. Abhrajit Mitra
Mr. Jishnu Chowdhury
Mr. Soumabho Ghosh
Mr. S. K. Singhi
Ms. Riti Basu
Mr. Ashique Mondal......For the Respondent
No.10.

Inter alia, transfer of land measuring 25 acres within Calcutta Leather Complex by the respondent no.9 in favour of the respondent no.10 in violation of the Detailed Project Report and Build Operate & Transfer Agreement, is under challenge in this writ petition on various grounds.

Having heard Mr. Chatterjee, learned senior advocate for the petitioner, Mr. Mookerji, learned senior advocate for the respondent no.9, Mr. Mitra, learned advocate for the respondent no.10 and Mr. Gupta, learned Additional Advocate General representing the State, I am of the view that the writ petition ought to be heard on affidavits.

//

2



Keeping the point of maintainability open, the writ petition is admitted.

Let affidavit-in-opposition be filed by six weeks; reply thereto, if any, may be filed by two weeks thereafter;

The writ petition shall be listed for final disposal in the Combined Monthly List of April, 2016.

Mr. Chatterjee has prayed for interim relief. According to him, the respondents should be restrained from filling up a water-body (the one at the extreme top left corner of the plan at page 133 of the writ petition) as well as to allow the petitioners access thereto.

Insofar as preservation of the water-body is concerned, the parties are not at loggerheads. In fact, it has been submitted by Mr. Gupta that the water-body shall be preserved at any cost. In view thereof, no interim order in this behalf is called for. I express hope and trust that the respondents shall ensure that the water-body is preserved, as it is.

The parties have, however, joined issue regarding access to the water-body. According to Mr. Gupta and Mr. Mookerji, the petitioners never had access to the water-body. Per contra, Mr. Chatterjee has contended that access was available all through out.

In view of the conflicting claims, *prima facie*, this Bench is of the view that no mandatory order for ensuring the petitioner's access to the water-body is called for; the prayer made in this behalf is refused.

It is, however, made clear that any construction made by the respondent no.10 in terms of the transfer effected in its favour by the respondent no.9 as well as such transfer, which forms the crux of the writ petition, shall abide by its result.

(Dipankar Datta, J.)

9.2.03

IN THE SUPREME COURT OF INDIA
 CIVIL ORIGINAL JURISDICTION
 I.A. No.19-30 & 54
 IN
 REVIEW PETITION (C) No.792 OF 1997
 IN
 WRIT PETITION (C) No. 3727 of 1985

Admitted to be true copy
 Assistant Registrar (Civil)
 Supreme Court of India
 709446

M.C. Mehta ... Petitioner
 Versus
 Union of India & Others ... Respondents

WITH

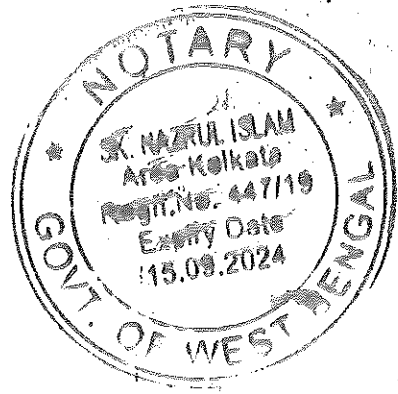
I.A. No.1168
 IN
 REVIEW PETITION (C) No.148 - 377 OF 1997
 IN
 WRIT PETITION (C) No. 3727 of 1985

Shih Mei Tannery & Others ... Petitioners
 Versus
 Union of India & Others ... Respondents

WITH

I.A. Nos.7-11
 IN
 REVIEW PETITION (C) NO. 829 OF 1997
 IN
 WRIT PETITION (C) No. 3727 of 1985

Ambudkar Tanneries Association ... Petitioner
 Versus
 Union of India & Others ... Respondents



-119- 13

WITHI.A. No.365 IN I.A. No. 88INWRIT PETITION (C) No. 3727 of 1985

M.C. Mehta ... Petitioner

Versus

Union of India ... Respondent

Re: Mlsbahul Haque, Calcutta

ANDI.A. No.366INWRIT PETITION (C) No. 3727 of 1985

M.C. Mehta ... Petitioner

Versus

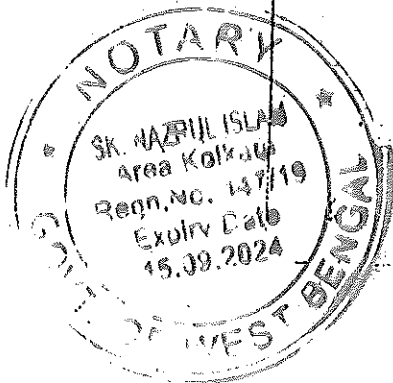
Union of India ... Respondent

Re: Titan Leather (P) Ltd., Calcutta

ORDER

As per the 24th And Final Status Report, it has been pointed out that BOT party has committed to clear the construction and commission of the Second Power Sub Station on or before 29th September, 2003.

Mr. Bhaskar P. Gupta, learned senior counsel appearing for the State of West Bengal submits that the State Government has to approve the design for the 5th and 6th modules of Common Effluent Treatment Plants which are required to be constructed by the BOT party. For this, Mr. Kapil Sibal, learned senior counsel appearing on



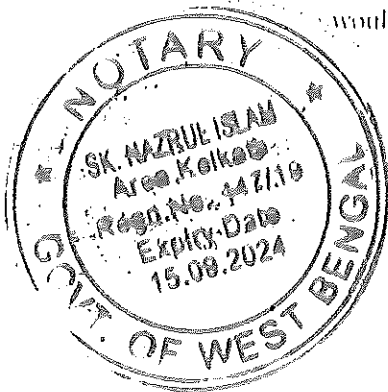
-150- 14

3

behalf of the BOT party states that within a period of two months after the approval of the design by the State Government, the BOT party would start construction of the 5th and 6th modules of the Common Effluent Treatment Plants and would complete the same within 18th months from the date of commencement of the construction. He further submits that BOT party would start construction of the said modules without waiting for the contribution by the Central Government.

Further, after hearing the learned counsel, it is directed that as soon as the BOT party completes more than 50 per cent of the work as certified by the State Government, the Central Government would release 50% of the funds mentioned in the Detailed Project Report already submitted. (in conformity with the directions issued by this Court in *M.C. Mehta v. Union of India & Ors.* [1997 (2) SCC 411 at 421 para 10].

For the remaining plots, which are to be allotted to the 98 old displaced tannery holders for whom a co-operative society or partnership is required to be formed, it is directed that BOT party would not transfer the said plots in favour of any one till it



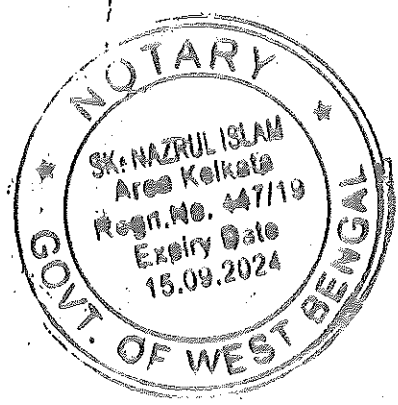
~~15~~ 15

December, 2004. By that time, the tannery holders would either form the co-operative society or partnership and apply for allocation of the said plots.

So far as remaining issues are concerned, they would be sorted out between the BOT party and the State Government.

It is also pointed out in the Status Report that the Calcutta Leather Research Institute has not yet submitted the Detailed Project Report for the safe solid waste disposal system for the Calcutta Leather Complex and therefore, the State Government has not finalised the construction with regard to the said Project. Hence, we request the Calcutta Leather Research Institute to submit a detailed Project Report as submitted by the State Government of West Bengal within a period of one month from the date of receipt of copy of this order. This order would be communicated to the Director, Calcutta Leather Research Institute by the Chief Secretary of the State of West Bengal within a period of 7 days from its receipt. Registry to send a copy of this order to the Chief Secretary, State of West Bengal.

Further, it is directed that the West Bengal Pollution Control Board will give consent to the tanneries to operate only after they



~~152~~ 16

develop proper facilities for separation of solids from other liquid wastes and for operation of chrome or other affluent after taking into consideration relevant Acts and the Rules, particularly, Entry 55 of the Environment Protection Rules, 1986 or other relevant standards.

In view of the 24th and Final Status Report, it is agreed by the learned counsel for the parties that no further applications are required to be decided. All applications, therefore, stand disposed of. No further IAs shall be filed by the parties before this Court except in case of non-implementation of the Status Report.

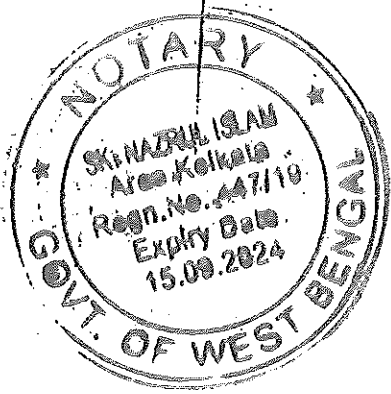
We appreciate the co-operation rendered by the learned counsel for the parties in seeing that Leather Industries Complex is shifted from the midst of the City of Calcutta and industries are re-established at a suitable place.

Ordered accordingly.

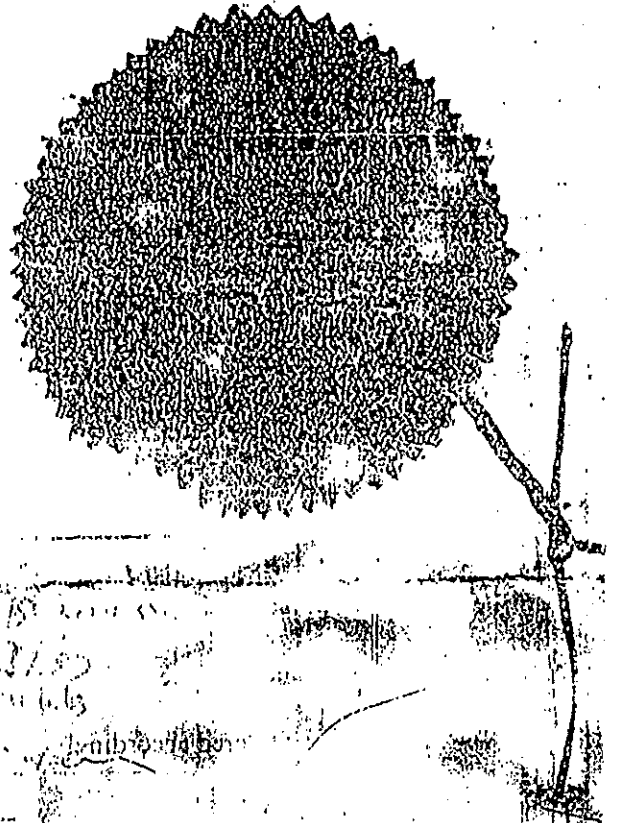
.....
(M.B. SHAH) J.

.....
(ASHOK BHAN) J.

NB, Delhi
September 5, 2003.



~~17~~ 17-

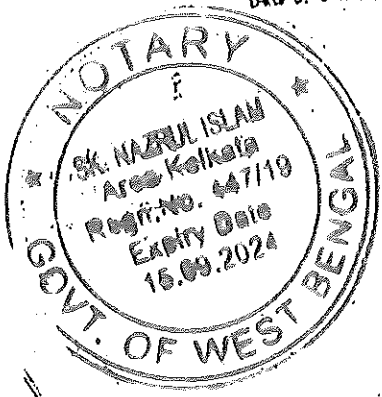


Handwritten text in Bengali script, including what appears to be a name and a date.

At: 05/10/2024
S. H. Islam

Date of...
Date of...
Date of...

13/11/23



~~154~~ 18

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. NO. 19, 30 & 54

IN

REVIEW PETITION (C) NO.792 OF 1997

IN

WRIT PETITION No.3727(C) of 1985

M.C. Mehta Petitioner

-vs-

Union of India & Ors Respondents

With I.A. No.1168

IN

REVIEW PETITION (C) NO.148-377 OF 1997
IN

WRIT PETITION No.3727(C) of 1985

SHIH MEI TANNERY & ORS Petitioners

-vs-

Union of India Ors Respondents

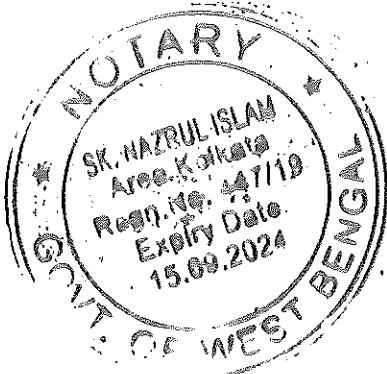
WITH

ORDER

As per the 24th And Final Status Report it has been pointed that BOT party has committed to clear the construction and commission of the Second Power Sub-Division on and before 29th September, 2003.

Mr. Bhaskar P. Gupta learned Senior counsel appearing fro the State of West Bengal submits that the State Government has to approve the design for the 5th and 6th modules of Common Effluent Treatment Plant which are required to be constructed by the BOT party. For this, Mr. Kapil Sibal, learned Senior Counsel appearing

Contd.2



~~755~~ 19

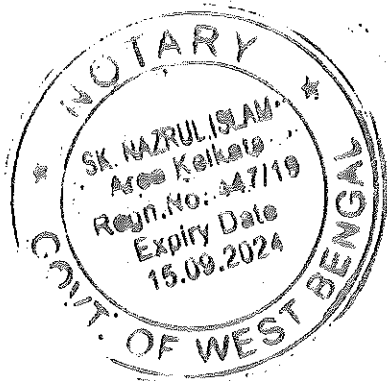
-2-

on behalf of the BOT party states that within a period of two months after the approval of the design by the State Government, the BOT party would start construction of the 5th and 6th Modules of the Common Effluent Treatment Plants and would complete the same within 18th months from the date of commencement of the construction. He further submits that BOT party would start construction of the said modules without waiting for the contribution by the Central Government.

Further after hearing the learned counsel it is directed as soon as the BOT party completes more than 50 percent of the work as certified by the State Government the Central Government would release 50% of the funds mentioned in the Detailed Project Report already submitted. (In conformity with the directions issued by this Court in M.C. Mehta v. Union of India & Ors (1997 (2) SCC 411 at 421 para 10).

For the remaining plots which are to be allotted to the 98 old displaced tannery holders for whom a co-operative society or partnership is required to be formed it is directed that BOT party would not transfer the said plots in favour of any one till 31st

Contd.3



- 156 - 20

-3-

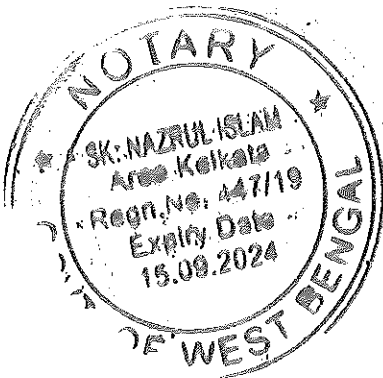
December, 2004. By that time the tannery holders would either form the co-operative society or partnership and apply for allocation of said plots.

So far as remaining issues are concerned they would be sorted out between the BOT party and the State Government.

It is also pointed out in the Status Report that the Calcutta Leather Research Institute has not yet submitted the Detailed Project Report for the safe solid waste disposal system at the Calcutta Leather Complex and therefore the State Government has not finalized the construction with regard to the said project. Hence we require the Calcutta Leather Research Institute to submit a Detailed Project Report as submitted by the State Government of West Bengal within a period of one month from the date of receipt of the copy of this order. This order would be communicated to the Director, Calcutta Leather Research Institute by the Chief Secretary of State Government of West Bengal within a period of seven days from its receipt. Registry to send the copy of this order to the Chief Secretary, State of West Bengal.

Further it is directed that the West Bengal Pollution Control Board will give consent to the tanneries to operate only after they

Contd.4



~~157~~ 21

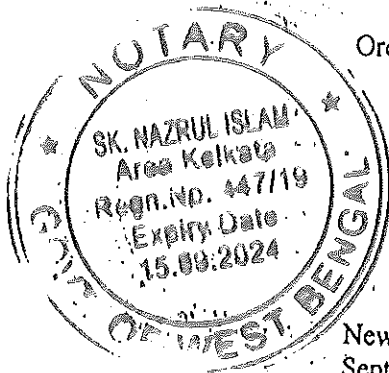
-4-

develop proper facilities for separation of solids from other liquid wastes and for operation of chrome or other affluent after taking into consideration relevant Acts and the Rules, particularly, entry 55 of the Environment Protection Rules, 1986 other relevant standards.

In the view of the 24th and Final Status Report, it is agreed by the Learned Counsels for the parties that no further applications are required to be decided. All applications therefore, stand disposed of. No further I.As. files by the parties before this Court except in the case of non-implementation of Status Report.

We appreciate the co-operation rendered by the Learned Counsels for the parties in seeing that Leather Industries Complex is shifted from the midst city of Calcutta and the industries are reestablished at a suitable place.

Ordered accordingly



New Delhi
September 5, 2003

s/d
(M.B. Shah)

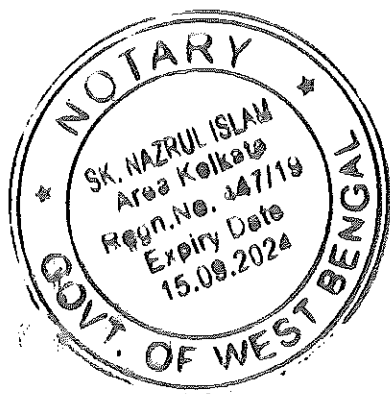
s/d
(Ashok Bhan)

Before the National Green Tribunal
Eastern Zone in Kolkata
I.A.No.48 of 2024
In connection with
O.A. No.49/2024/EZ

Ankur Sharma ... Applicant

-vs-

The State of West Bengal & Ors
... Respondents



REJOINDER
OF THE RESPONDENT NO.11
TO I.A. No. 48/2024 of the
Respondent No.10

AKBAR ALI
Advocate
10, Old Post Office Street
Room No.117 Top Floor
Kolkata-700001
Mob: 7980039063/9831140924