

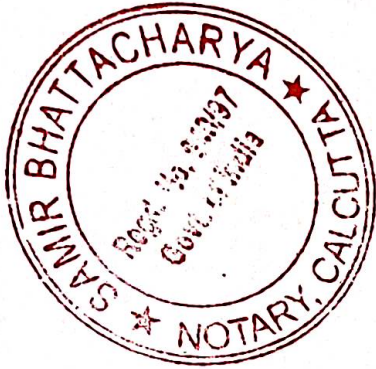


-1-

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 61/2024/EZ



In The Matter of:  
Hitesh Sharma

... Applicant

Versus

Sabyasachi Mullick Chowdhury & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 08 & 09, KOLKATA MUNICIPAL CORPORATION.

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Filed by

*Sibojyoti Chakrabarti*

SIBOJYOTI CHAKRABARTI

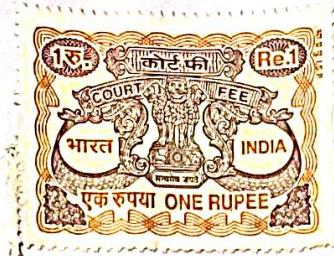
Advocate

For The Kolkata Municipal Corporation

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534

20 NOV 2024



-2-

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AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 08 & 09, KOLKATA MUNICIPAL CORPORATION.

I, Sri Brojo Kishore Dhar, S/o Late Deb Charan Dhar, aged about 59 years, by faith-Hindu, by occupation-service, and presently posted as Executive Engineer (Civil), Building department, Borough- VII, Kolkata Municipal Corporation, having office at 5, S. N. Banerjee Road, Kolkata: 700013, do hereby solemnly affirm and declare as follows:-

1. That, I am presently posted as Executive Engineer (Civil), Building department, Borough- VII, Kolkata Municipal Corporation, having office at 5, S. N. Banerjee Road, Kolkata: 700013, Kolkata Municipal Corporation, and I am well acquainted with the facts and circumstances of the case and I have been duly authorised to swear, sign and affirm this affidavit.



2. That this affidavit is filed in compliance to the Solemn Order dated 14.08.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That subsequent to the Solemn Order passed by the Hon'ble Tribunal, the following works have been undertaken by the Kolkata Municipal Corporation as per report dated 19.11.2024:
  - (i) That the following information regarding Ukil Bheri is it is situated under Mouza Nimokpoktan, Dag no 268, J.L. No-01 in ward no 57 under Borough VII, KMC.
  - (ii) As per the minutes of the meeting of the Joint Committee constituted by the order dated March 2022 of the Hon'ble Green Tribunal in OA No. 25/2016/EZ concerning the aforementioned matter, a letter was forwarded vide ref no E & H/200/2022-2023 dated 01.12.2022 to the Additional District Magistrate, (Land Reforms) ADM (LR), District- South (24) Parganas, regarding the demarcation of Ukil Bheri under Mouza-Nimokpoktan (J.L. No. 1). However, no response has been received to date.
  - (iii) It is to be stated that E & H department is undertaking a scheme namely "Rejuvenation of water body named as Ukil Bheri in ward no 57, borough -VII" with estimated cost Rs 24,28,26,467.91/-, the above scheme is under AMRUT 2.0 provision and is in tender process stage.
  - (iv) That although no reply received from ADM (LR), District South (24) Parganas further a letter was forwarded to the ADM & LR department regarding the demarcation of Ukil Bheri under Mouza- Nimokpoktan (Dag no 268, J.L. No. 1) on 21.10.2024 vide ref no E & H/273/ 24-25. But no response has been received till date.



Photocopies of the Report dated 19.11.2024 along with letters dated 01.12.2022 and 21.10.2024 are collectively annexed herewith and marked with the letter 'R-1'.

- 4. That the deponent craves leave of this Hon'ble Tribunal to file supplementary affidavit as may be necessary for the smooth adjudication of the instant original application.
- 5. That it is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Identified by me  
*Sibgyoti Chakrabarti*  
 Advocate  
 For The K.M.C  
 20/11/2024

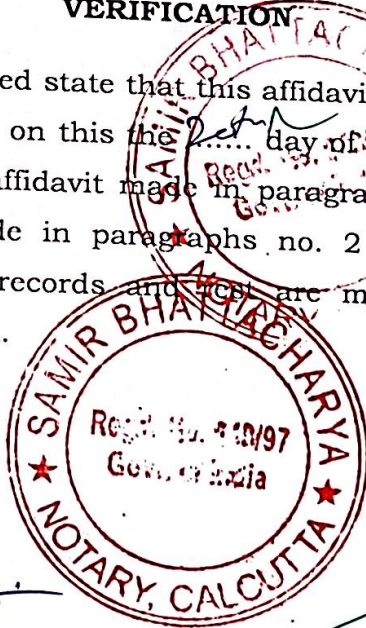
*Brojo Kumar Dhar*



Deponent  
 Ex. Engg. (C)  
 Bldg. Br. VII  
 K.M.C.

VERIFICATION

I, the deponent within named state that this affidavit is verified at Kolkata by the deponent above named on this 20 day of November, 2024 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 12, are true to my information derived from records and copy are my respectful submission before this Hon'ble Tribunal.



*Brojo Kumar Dhar*

Deponent

Ex. Engg. (C)  
 Bldg. Br. VII  
 K.M.C.

Identified by me  
*Sibgyoti Chakrabarti*  
 Advocate  
 For The K.M.C  
 20/11/2024

Solemnly Affirmed and  
 Declared before me U/S 139  
 CPC/U/S297 (C) CRFC

Notary

20.11.24

20 NOV 2024

Samir Bhattacharya  
 Notary Govt. of India  
 Regd. No. 340/97  
 City Civil Court, Calcutta


9  
Annexure - R-1  
- 5 -

Re: Original application no 61/2024/EZ & I.A No.28/22024/EZ Hitesh SahrmaVs Sabyasachi Mullick Chowdhury & I.A. No. 28/2024/EZ


This is in reference to the order of Hon'ble Member Justice Mr Arun kumar Tyagi, and Judicial Member Dr Satyagopal Korlapati, Expart member dated 14.10.2024 .

Following information regarding Ukil Bheri (Under Mouza Nimokpoktan, Dag no 268, JL no-01 ) in ward no 57 under borough VII is given below.

1. As per the minutes of the meeting of the Joint Committee constituted by the order dated March 2022 of the Hon'ble Green Tribunal in OA No. 25/2016/EZ concerning the aforementioned matter, a letter was forwarded vide ref no E&H/200/2022-2023 dated 01.12.2022 to the ADM & LR, District South 24 Parganas, regarding the demarcation of Ukil Bheri under Mouza-Nimokpoktan (J.L. No. 1). However, no response has been received to date.
2. It is to be stated that E&H department. Undertaking a scheme namely "Rejuvenation of waterbody named as Ukil Bheri in ward no 57, borough -VII" with estimated cost ₹4,28,26,467.91/- , the above scheme is under AMRUT 2.0 provision and in tendering stage.
3. Though no reply received from ADM & LR, District South 24 Parganas further a letter was forwarded to the ADM & LR department regarding the demarcation of Ukil Bheri under Mouza-Nimokpoktan (Deg no 268, J.L. No. 1) on 21.10.24 vide ref no E&H/273/24-25. But no response has been received to date.

  
19.11.24  
SAE(C)/E&H

  
19/11/24  
AE(C)/E&H

  
19.11.24  
EE(C)/E&H  
Ex. Engineer / Civi  
E. & H. Deptt  
K.M.C.

4  
Answer - P-1  
- 6 -



THE KOLKATA MUNICIPAL CORPORATION  
ENVIRONMENT & HERITAGE DEPARTMENT  
3<sup>RD</sup> FLOOR, 48, MARKET STREET, KOLKATA-700 087

No : E&H/200/2022-2023

Date: 01.12.2022

From :  
Executive Engineer (Civil)  
Environment & Heritage Department,  
Kolkata Municipal Corporation,  
48, Market Street, 3<sup>rd</sup> Floor,  
Kolkata: 700 087

To :  
ADM&LR  
Dist.-South 24 Parganas.  
Pin: 700027

Re : Demarcation & Geo-tagging of Ukil Bhari under Mouza-Nimokpoktan (J.L.-1)  
Ward No.57 under Kolkata Municipal Corporation.

Sir,

In connection with the above, minutes of the meeting of Joint Committee constituted by the order dated 03.01.2022 of the Hon'ble National Green Tribunal in O.A. No.25/2016/EZ in the matter of Sabyasachi Mallick Chowdhury Vs. State of West Bengal & others held on 27.07.2022 wherein it was decided that with the help of ADM&LR, Dist.-South 24 Parganas, KMC will demarcate Ukil Bheri boundary with concrete pillars.

In this regard, you are requested to demarcate Ukil Bheri boundary to enable the KMC to do the boundary with concrete pillars and necessary geo-tagging.

Thanking you,  
Yours faithfully,

*Qm*  
*21/12/22*  
EE (C)/E&H  
Executive Engineer (C)  
Environment & Heritage  
K.M.C

*OK*  
*21/12/22*



No: E&H/273/24-25

Date: 21/10/2024

Form,  
Executive Engineer (Civil)  
Environment & Heritage Department  
Kolkata Municipal Corporation,  
48, Market Street, 3<sup>rd</sup> floor,  
Kolkata: 700087

To  
ADM & LR  
Alipore  
Dist: South 24 Parganas,  
Kolkata: 700027

Re : Demarcation of Ukil Bheri under Mouza Nimokpoktan (Dag no 268, JL No-01) ward no 57, as per order of the Joint Committee constituted by the Hon'ble National Green Tribunal.

Respected Sir/Madam,

Regarding the above said matter and the minutes of the meeting of joint committee constituted by the order dated 03.01.2022 of the Hon'ble National green Tribunal in O.A No.25 of 2016/EZ (Sabyasachi Mallick Chowdhury Vs. State of West Bengal & others) held on 27.07.2022 at Conference Hall of Environment Department, Govt. of West Bengal it has been decided that the KMC will demarcate Ukil Bheri boundary with concrete pillars with the help of ADM&LR, district- South 24 Parganas.

It is also to be noted that KMC authority has taken one scheme for restoration of Ukil Bheri as per direction of the Joint Committee (copy enclosed). Hence before going restoration of the Ukil Bheri it is requisite to demarcate Ukil Bheri boundary on urgent basis.

In this context you are requested to provide one detail plan showing the demarcation of the Ukil Bheri for taking further course of action please.

Your cooperation in this regard is highly solicited.

Thanking you.

*[Signature]*  
Executive Engineer (C)/E&H  
Environment and Heritage Department  
Ex. Engineer / Civil  
E. & H. Deptt  
K.M.C.

Copy Enclose: Minutes of Meeting of the Joint Committee.

Copy to :

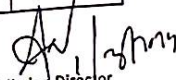
1. DG/(E&H)-- for kind information please.
2. Dy. CE (E&H)- for kind information please.

*[Signature]*  
Executive Engineer (C)/E&H  
Environment and Heritage Department

Answer R-1

- 8 -

Appraisal of Detailed Project Reports of Various Projects under AMRUT 2.0.							
SL NO	NAME OF ULB	SECTOR	TRANCHE OF SWAP	Proposed amount in SWAP (IN CR)	COMPONENTS SUBMITTED IN DPR	COST OF DPR (IN CR)	REMARKS
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
2	Kolkata MC	Water Body Rejuvenation	Modified 1st Tranche	9.10	Rejuvenation of Water Body Named As 2 No. Jheel In Ward No. 127, Br-XIV	0.92	May issue tender
					Rejuvenation of Water Body Near 15/2/46A, Jheel Road, Bank Plot, (Sweet Land) Ward-92, Br-X	0.59	May issue tender
					Rejuvenation of Water Body Near 1/1, Dum Dum Road, ward-2, Br-I	0.85	May issue tender
					Rejuvenation of Water Body named As Ukil Dheri, ward-57, Br-VII	4.28	May issue tender
			Modified 2nd Tranche	3.00	Rejuvenation of Water Body Named As Vikramgarh Jheel, Ward-93, Br-X	3.08	May issue tender

  
State Mission Director  
AMRUT, West Bengal

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KOLKATA MUNICIPAL CORPORATION.

SIBOJYOTI CHAKRABARTI

Advocate

For The K.M.C

Email: [subho.advocate@gmail.com](mailto:subho.advocate@gmail.com)

(M): 9007035534.