

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOKATA.
Original Application No.16 of 2025/EZ

IN THE MATTER OF:

Sumita Banerjee & Ors

.....Applicant

-VS-

State of West Bengal & Ors

.....Respondent

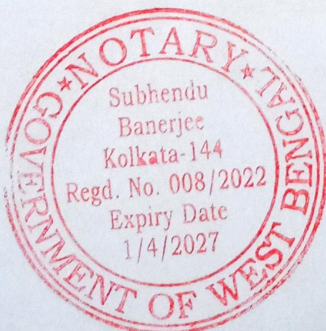
INDEX

| | |
|--------------|-----|
| Affidavit | 1-6 |
| Verification | 7 |

Paushali Banerjee
PAUSHALI BANERJEE

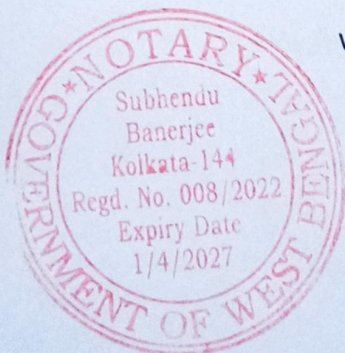
ADVOCATE

7A, KIRON SHANKAR ROY ROAD,
KOLKATA-700001



12 FEB 2025

- 2-
1. That I am the Executive Engineer , Kolkata Metropolitan Development Authority. I am well acquainted with the facts and circumstances of the case and I have been duly authorized to affirm this affidavit on behalf of the Kolkata Metropolitan Development Authority .
 2. I state that the answering respondent have complied with the orders of this Hon'ble Tribunal arising out of different matters before this Hon'ble Tribunal.
 3. I state that this Hon'ble Tribunal was pleased to dispose off the application vide order dated 15/11/17 and direct "***There shall be no new construction or extension of existing building without the leave of the Tribunal. However, repair and renovation under the supervision of KMDA shall be permissible including reconstruction of existing boundary walls of the Lake Club Ltd. that have collapsed but without creating opening on the Lake side***".
 4. Now before dealing with the Original Application I state as follows:
 - (i) The plot in question at Rabindra Sarobar where the Applicant has alleged construction is being done was lying in abandoned condition for the past 2 years.
 - (ii) The said plot was previously occupied by KIT Staff hutments which were demolished 2 years ago and the residents were

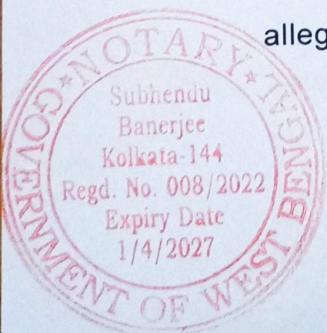


12 FEB 2025

relocated to a separate location outside Rabindra Sarobar considering the environmental aspects of the region.

- (iii) The Staff hutments were brick constructions, the walls of which were demolished but the foundation remained. Strengthening, repair and renovation of the foundation of the said hutments was carried out to provide stable base for the proposed structure, temporary in nature comprising of Mild Steel column sections and cement boards with polycarbonate sheet to be used at the roof. The entire proposed super structure can be assembled and/or unassembled easily within a short period of time if required.
- (iv) The land in question previously having the staff hutment is devoid of any major plants and trees only having wild grass & weeds. No trees or branches were cut or trimmed for the said work. Therefore this proposed structure shall in no way affect the greenery or ecological balance of the vicinity.

5. Now I propose to deal with each of the allegations contained in the application in seriatim. Save and except what are matters of record and/or specifically admitted by me hereinafter all other allegations contained in the said Application shall be deemed to



12 FEB 2025

have been denied by this answering respondent. I have been advised to traverse only those portions of the said application which are material for the purpose of disposal of the said Application.

6. With regard to paragraph 1,2,3, 5 and 6 save and except what are matters of record and/or specifically admitted by me hereinafter all other allegations are denied. I deny that there is any disruption of greenery in the lake area, rather the answering respondent maintains several species of endangered plants. **Durga Puja is on the Representative List of the Intangible Cultural Heritage of Humanity, mostly award winning Durga idols are kept in "Maa Phire Elo Art Gallery". The present Art gallery (Maa Phire Elo) is fully occupied and cannot accommodate any more MAA Durga Idol, so the place adjacent to it in question is being decorated as an extension of the present gallery where a few more award winning idols can be accommodated .**
7. With regard to paragraph 6,7 and 8 save and except what are matters of record and/or specifically admitted by me hereinafter all other allegations are denied. I say that only renovation work was started by the answering respondent that is also of temporary in nature comprising of Mild Steel column sections and cement

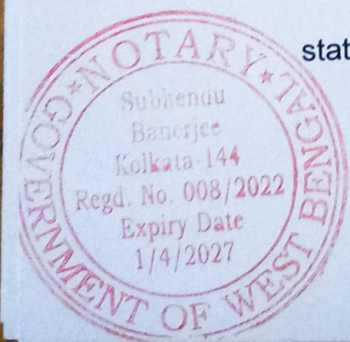


11 2 FEB 2025

-5-

boards with polycarbonate sheet to be used as roofing material, which was not continued latter on. I deny that there is any enquiry by the department of environment regarding the matter. Annexure A-7 annexed with the application is a letter that is forwarded by the environment department to the answering respondent, it is not an enquiry as alleged by the Applicant.

8. With regard to paragraph 9,10,11,12,13,14,15,16,17 and 18 save and except what are matters of record and/or specifically admitted by me hereinafter all other allegations are denied .I state that the answering respondent have set up Miyawaki forest near gate no.3. Moreover, the work was being done on 20% of the area comprising of the erstwhile staff hutment. In the balance portion of land, soft landscaping work and plantation was planned i.e. on about eighty percent of the erstwhile staff hutment area (Fifteen thousand square feet approx.) after completion of main work i.e. around three thousand five hundred square feet. (Total area being more or less twenty thousand square feet).
9. With regard to paragraph 19, 20 & 21, I state that the answering respondent is well aware of the role of the answering respondent and therefore maintains the lake where not only migratory birds come every year but also citizens can use the place for morning walk. I state that in the wetland of India portal there is national wetland atlas:

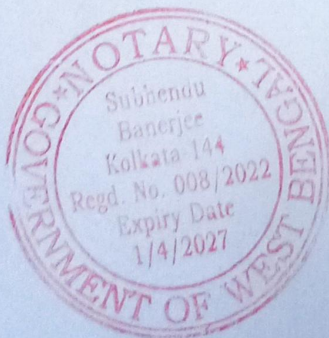


12 FEB 2025

6

West Bengal which do not contain the name of Rabindra Sarovar as a wetland as per the recent inventory, the answering respondent is unable to confirm annexure A-8 of the original application.

10. I state that grounds taken by the Applicant are same and repetition of the allegations and/or the submissions contained therein which here already been dealt with in various paras of this affidavit I repeat and reiterate the same and deny any thing contrary thereto and/or in consistent therewith. I repeat that the answering respondent was carrying out renovation work of the staff hutments that was of temporary nature comprising of Mild Steel column sections and cement boards with polycarbonate sheet to be used as roofing material, the said renovation work is stopped.
11. I say that it is further denied that this Original application is made bonafide and for the ends of justice. I say that no case has been made out in the said Application therefore the relief claimed in the said Application may not be allowed.



12 FEB 2025

7

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge which are derived from the relevant office records. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 12 FEB 2025 February, 2025 .

Identified by me

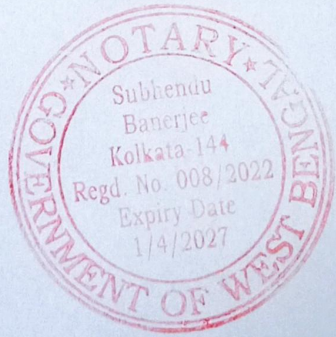
*prepared in my office
Ranchali Banerjee
V. Chatterjee*

Dipto Roy Chowdhury
**Executive Engineer
BPPD-I/E & AM Sector
KMDA
DEPONENT**

**Solemnly Affirmed and
Declared before me u/s
139 CPC and u/s 333BNSS 2023**

[Signature]
**Notary
Govt. of West Bengal 12.02.2025**

**SUBHENDU BANERJEE
Notary, Govt. of W.B.
Regd. No. 008/2022
Advocate High Court, Calcutta**



12 FEB 2025