

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
O.A. No. 38 of 2025/EZ

In the matter of:

Pintu Dutta

.....Applicant.

Versus

The State of West Bengal and Ors.

.....Respondent.

AFFIDAVIT ON BEHALF OF THE CHIEF EXECUTIVE OFFICER, ASANSOL DURGAPUR
DEVELOPMENT AUTHORITY, THE RESPONDENT NO. 9 ABOVENAMED

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Filed by:



Debasish Saha
Advocate for the
Respondent No.9



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AFFIDAVIT ON BEHALF OF THE CHIEF EXECUTIVE OFFICER, ASANSOL DURGAPUR
DEVELOPMENT AUTHORITY, THE RESPONDENT NO. 9 ABOVE NAMED

I, Sri Bratin Kumar Chatterjee, Son of Late Sourindra Nath Chatterjee, aged about 43 years, by faith Hindu, by occupation Service, working for gain as the Special Law Officer, Asansol Durgapur Development Authority, residing at 1/2, Gostha Pal Bithi, SAIL Cooperative Complex, District- Paschim Bardhaman, West Bengal, do hereby solemnly affirm and state as follows-

1. I have been authorised by the Chief Executive Officer, Asansol Durgapur Development Authority being arrayed in the Original Application as Respondent No.9 vide Memo bearing No. ADDA-11016(5)/3/2025-DGP-LAW(ADDA)/85 dated 26-03-2025 for swearing and affirming the Counter Affidavit on behalf of the Respondent aforesaid. I have duly consulted the records available in my office and thereafter, I have made myself well acquainted with the facts and circumstances of the case and, as such, am competent to affirm this Affidavit.

2. That in the instant Original Application, the Original Applicant is alleging filling up of Sinharan River in Plot No. 1677, Government Khatian No. 1, ROR classified as Nala (tributary of Sinharan River), Mouza-Mandalpur, J.L. No.-37, Block-Jamuraia, District-Paschim Bardhaman by some industries of the Jamuria Industrial area.



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3. It has also been alleged by the Original Applicant that due to expansion of the Steel Plant by the industries, further by raising a boundary wall, the tributary of the River Sinharan have been filled up and completely stopped by the Industries of the Jamuria Industrial area, following which, there is alleged violation of the provisions of the Environment (Protection) Act, 1986 and the Air (Protection and Control of Pollution) Act, 1981 against the concerned industries.

4. That this affidavit is being affirmed pursuant to the solemn order dated 04.03.2025 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct in terms of para (19) of the said order that all the respondents shall file their counter affidavits within four weeks.

5. That while adjudicating the instant Original Application, the Hon'ble Tribunal Eastern Zone Bench, Kolkata was pleased to constitute a Fact Finding Committee and directed further to submit a Fact Finding Report on affidavit within four weeks with regard to the allegations made in the Original Application.

6. That in the instant matter, one of the representatives of the Asansol Durgapur Development Authority was enlisted as member of the said Fact Finding Committee and accordingly, by way of an e-mail dated March 26, 2025, the answering Respondent has received a copy of the Report made by the members of the Fact Finding Committee.

The photocopy of the Report dated March 26, 2025 of the Fact Finding Committee is annexed hereto and marked Annexure-A.

7. That the report received by the answering Respondent has been adopted for the ends of justice and subject to any other direction to be issued in this regard by the Hon'ble N. G. T., Eastern Zone Bench, Kolkata. The said Report inter alia reveals the following:-

- (i) The unit M/s. Super Smelters' Limited should continue to take proactive measures to maintain the nallah in its original course. It should also periodically clean and restore the nallah, particularly in the section that flows through and across the unit's premises.
- (ii) No activity in any manner on the encroached lands should be conducted by the unit until and unless it obtains sanction of long term settlement by the appropriate authority.



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8. That it is being humbly submitted before this Hon'ble Tribunal that in the light of the facts and reports discussed and gathered from the records by the answering respondent may kindly be considered by the Hon'ble N.G.T., E.Z., Kolkata for disposal of the instant Original Application.

9. It is therefore respectfully prayed that Hon'ble Tribunal may pass such other order or orders as it deem fit and proper in the interest of justice.

10. That the statements made in paragraph 1 to 4 are based on information derived from the record, which are usually kept and maintained by the answering respondent in the ordinary course of business, which I verily believe to be true, those made in paragraph (5) to (7) are true to my knowledge and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

Snatakotkar Pal
Advocate

Bratin Kumar Chatterjee
Deponent



Solemnly Affirmed before me by
Sri/Smt. *Bratin Kumar Chatterjee*
Id by *Snatakotkar Pal* Advocate
on this *27th* day of *Mar* 20*25*
Atali Banerjee
Mrs. Atali Banerjee Notary
Durgam, Burdwan, W.B.
Regn No -40/2607 Govt. of W.B.

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"Annexure-A"

REPORT OF THE FACT FINDING COMMITTEE

In
Compliance with the
Hon'ble NGT Order dated 04.03.2025

In the matter of
Pintu Dutta
Versus
The State of West Bengal & Ors.

In
OA No. 38/2025/EZ

-Submitted by-
DM Paschim Bardhaman, WBPCB, ADDA and AMC

March, 2025



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**Report of the Fact Finding Committee in Compliance with the
Hon'ble NGT Order dated 04.03.2025 in the matter of Pintu Dutta
Versus the State of West Bengal & Ors. in OA No. 38/2025/EZ**

1. Background:

The Original Application 38 of 2025 was registered at the Hon'ble NGT, Eastern Zone Bench, Kolkata based on the petition filed by Pintu Dutta on February 28, 2025. The complaint pertains to the alleged expansion of steel plant by the respondent no.11 in the name and style M/s Super Smelters' Limited at Jamuria Industrial area without any permission from the authority and alleged encroachment and permanently filling up a well and completely stoppage of the tributary of Sinharan River over Plot No.- 1677 under Government Khatian, ROR classified as - Nala (tributary of Sinharan River), Mouza- Mondalpur, J.L. No. - 37, Block - Jamuria, District- Paschim Bardhaman. It is also alleged that Respondent No.11 unit is carrying on its operations without any statutory compliance and have encroached Government vested various classified plots of land including water bodies as Plot Nos. 1651, 1667, 1669, 1670, 1671, 1675, 1678, 1680, 1681, 1683, 1687, 1700, 1711, 1719, 1720, 1724, 1736, 1737, 1752, 1753, 1758, 1759 & 1761 under Government Khatian, Mouza - Mandalpur, J.L. No.- 37, Block - Jamuria, District - Paschim Bardhaman. It is also stated that due to permanent stoppage of the natural drainage system there is huge quantum of water discharge in Jamuria and Asansol region during the rainy season and the Villages of Akhalpur, Damodarpur, Ikra and Jamuria, District - Paschim Bardhaman, are completely flooded.

The matter was subsequently heard before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata on 04.03.2025 and the Hon'ble Tribunal has been pleased to pass the solemn order as follows:

"20. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-

- i. Senior Scientist, West Bengal Pollution Control Board;*
- ii. District Magistrate, District - Paschim Bardhaman or his representative not below the rank of Additional District Magistrate (ADM);*
- iii. Representative of the Chief Executive Officer of the Asansol-Durgapur Development Authority; and*
- iv. Representative of the Municipal Commissioner of the Asansol Municipal Corporation.*



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21. The Committee shall visit the site in question and thereafter submit a Fact Finding Report on affidavit within four weeks with regard to the allegations made in the Original Application.

22. The District Magistrate, District – Paschim Bardhaman shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.”

2. Formation of the Fact Finding Committee:

In compliance with the aforesaid solemn order dated 04.03.2025 passed by the Hon'ble NGT, a Fact Finding Committee has been constituted comprising of the following members.

1)	Shri Aranya Banerjee, Additional District Magistrate and District Land & Land Reforms Officer	:	Paschim Bardhaman
2)	Shri Sudip Bhattacharya, Environmental Engineer	:	Asansol Regional Office, West Bengal Pollution Control Board
3)	Shri Arpan Chattopadhyay, T.P.	:	Asansol- Durgapur Development Authority
4)	Shri Amitava Biswas, Executive Engineer	:	Asansol Municipal Corporation

3. Site Visit:

The Fact Finding Committee conducted site visit at the alleged area on 18th March, 2025. The following officials were present during the field visit:

District Administration representatives:

1. Shri Aranya Banerjee, ADM and DL&LRO, Paschim Bardhaman
2. Shri Sanjoy Kumar Biswas, Dy. DL&LRO, Paschim Bardhaman

West Bengal Pollution Control Board (WBPCB) representative:

1. Shri Sudip Bhattacharya, Environmental Engineer

Asansol- Durgapur Development Authority (ADDA) representative:

1. Shri Arpan Chattopadhyay, T.P.

Asansol Municipal Corporation (AMC) representative:

1. Shri Amitava Biswas, Executive Engineer



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4. Observations of the Fact Finding Committee:

In compliance with the Hon'ble NGT order dated 04.03.2025 in OA No.38/2025/EZ, the Committee conducted an inspection of the premises of M/s Super Smelters' Limited situated at Mandalpur under the jurisdiction of Jamuria Block in Paschim Bardhaman district.

Major Observations

1. A major drain/ Nala, was observed flowing through the premises of the unit M/s Super Smelters' Limited.
2. During the inspection, no significant obstruction to the flow of the Nala was observed. The Nala was visited at multiple points to assess its overall flow, and no objectionable blockage was found.
3. During inspection, it has been observed that, a well is still situated on plot no. 1680 of mouza Mondalpur, J.L. No. 37.
4. No flooding situation in the area in question since last five to eight years has been reported by AMC. The drainage system of the local municipality (AMC) is completely in smooth run and some new proposals of drainage have also been taken up.
5. As per land use and the development control plan (LUDCP), the major portion of the units of the M/s Super Smelters' Limited of Jamuria Industrial area is over the light and service industrial zone.
6. Plot numbers 1651(p), 1669, 1670, 1671, 1675, 1678, 1680, 1681, 1687, 1700, 1711, 1712, 1719(p), 1720, 1648, 1724(p), 1752(p), 1753(p), 1754(p), 1761(p), 1762 and 1763(P) are the lands where a long-term settlement was granted to ADDA for a tenure of 30 years vide sanction order no. 3300/GE(M)/2L-45/04 dated 22.09.2005 of the Joint Secretary, Land & Land Reforms Department, Government of West Bengal and possession of those plots has been handed over to ADDA on 18th April 2006 vide memo no-149/BLRO/JAM/06 dated 18/04/2006. Furthermore, it has been verified that ADDA approved the allotment proposal of 10.63 acres of vested land at Mouza-Mandalpur, JL no-37 to M/s Super Smelters' Limited on 04/09/2009



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vide letter no-ADDA/ASN/554/I(I)/VII/JI/6. Additionally, ADDA has granted development permission for the integrated steel plant and gas plant over an area of 99.67 acres at Mouza-Mandalpur, JL no-37. Furthermore, considerable payment has been made by M/s Super Smelters' Limited for development charges/land premiums; therefore, the allotment process of these 10.63 acres of land is under consideration by ADDA.

7. It has been found that M/s. Super Smelters' Limited has encroached some Government vested plots being plot nos. 1667, 1683, 1758, 1680 and 1711 of mouza Mondalpur. The said company has applied for Long Term Settlement (LTS) of those plots before the Department of Land & Land Reforms and Refugee Relief and Rehabilitation and its prayer for LTS is under consideration.
8. M/s. Super Smelters' Limited, is a large-scale integrated steel plant located in Jamuria. The plant currently operates the following units:
 - Seven (07) DRI Kilns (2 x 100 TPD, 4 x 300 TPD, 1 x 200 TPD) for producing Sponge Iron (492,016 MT/Annum)
 - Two (02) 9 MVA SEAF furnaces for producing Silico Manganese/Ferro Manganese (30,000 MT/Annum)
 - Two (02) Pellet Plants (0.8 MTPA and 0.4 MTPA) for producing Pellets (1,200,200 MT/Annum)
 - Eight (08) Induction Furnaces (03 x 15 MT/Heat + 04 x 25 MT/Heat + 01 x 20 MT/Heat) with associated Rolling Mills for producing Steel Flat & Rebar (240,000 MT/Annum) and various steel products, including Angle, Channel, Joist, Flat, Square, Round, and Hexa Round (72,000 MT/Annum)
 - A Captive Power Plant with a total capacity of 109 MW (01 AFBC of 35 TPH and 02 CFBC of 110 TPH & 140 TPH)




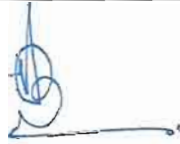
All the above-mentioned emission sources are equipped with appropriate Air Pollution Control Devices. No significant emissions were observed on the day of the inspection. The unit is also regularly monitored by the regional office of the West Bengal Pollution Control Board. The two most recent inspections, conducted on 19.11.2024 and 09.04.2024, did not record any significant non-compliance. The most recent emission monitoring was conducted on 29.05.2024, with all results remaining within permissible limits.



Regarding water pollution, domestic wastewater is partly discharged to soak pits via septic tanks. Additionally, there is one (01) 100 KLD Sewage Treatment Plant (STP) in operation, and another 25 KLD STP just started operation a few days ago. Industrial wastewater is treated and recycled through a 1,200 KLD Effluent Treatment Plant (ETP). The plant adheres to a Zero Liquid Discharge (ZLD) policy. There is provision for emergency discharge into the canal in question; however, no such incidents have been reported to date.

5. Recommendations of the Fact Finding Committee:

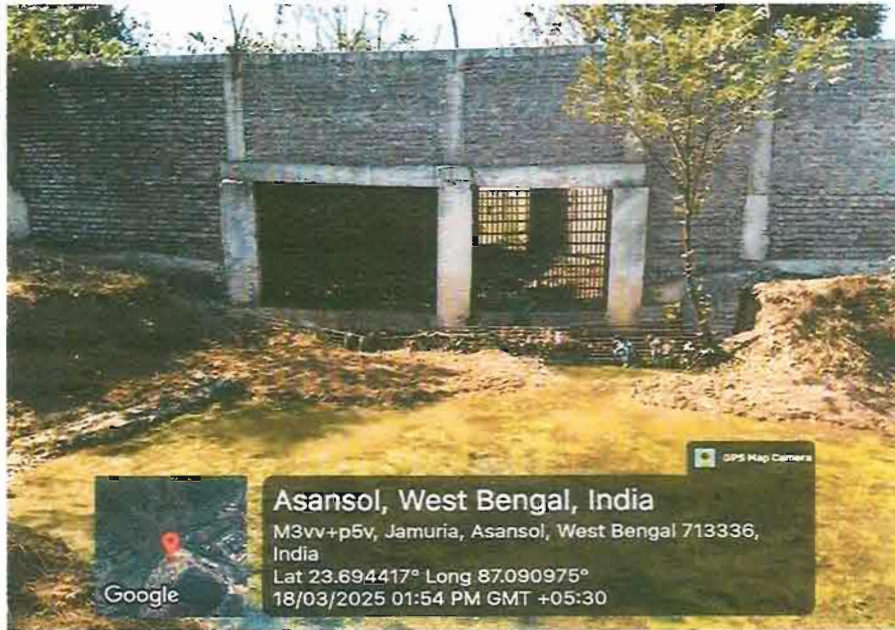
1. The unit M/s. Super Smelters' Limited should continue to take proactive measures to maintain the nallah in its original course. It should also periodically clean and restore the nallah, particularly in the section that flows through and across the unit's premises.
2. No activity in any manner on the encroached lands should be conducted by the unit until and unless it obtains sanction of long term settlement by the appropriate authority.

	
(Amitava Biswas) Executive Engineer, AMC	(Arpan Chattopadhyay) T.P., ADDA
	
(Sudip Bhattacharya) Environmental Engineer, WBPCB	(Aranya Banerjee) Additional District Magistrate, Paschim Bardhaman

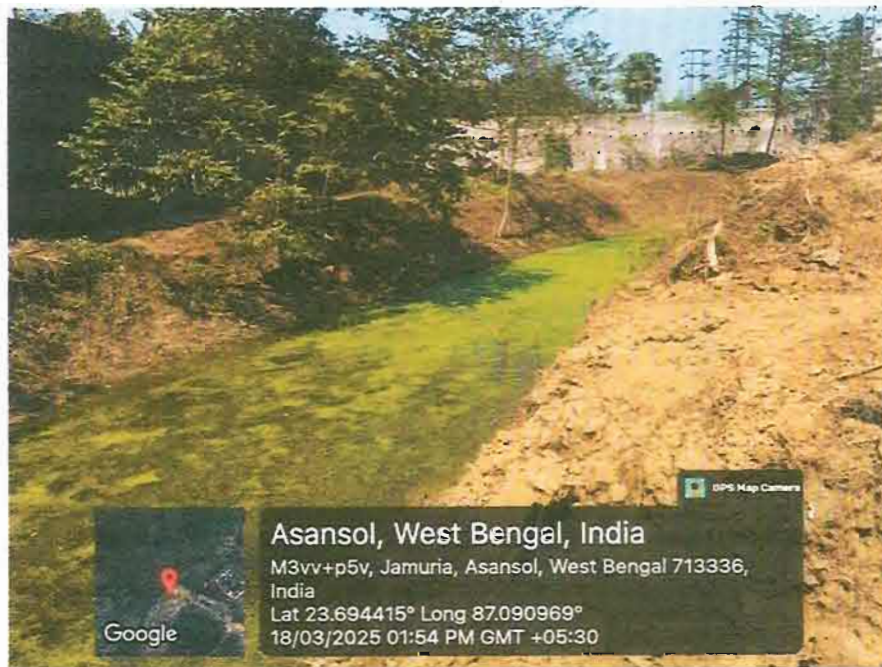


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6. Photographs taken during visit of the Fact Finding Committee on 18/03/2025



Pic.1: Entry point of the Nala at the premises of M/s Super Smelters' Limited

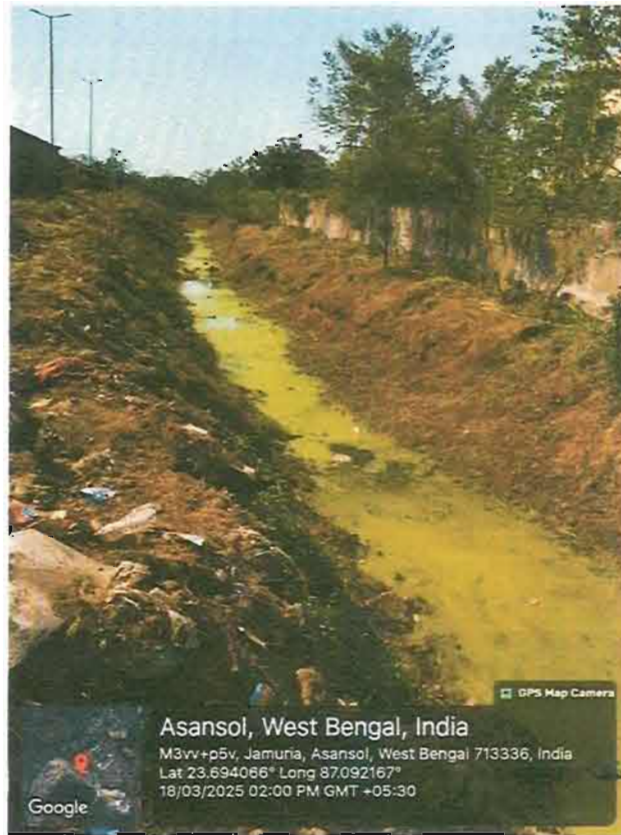


Pic.2: Nala flowing through the premises of M/s Super Smelters' Limited

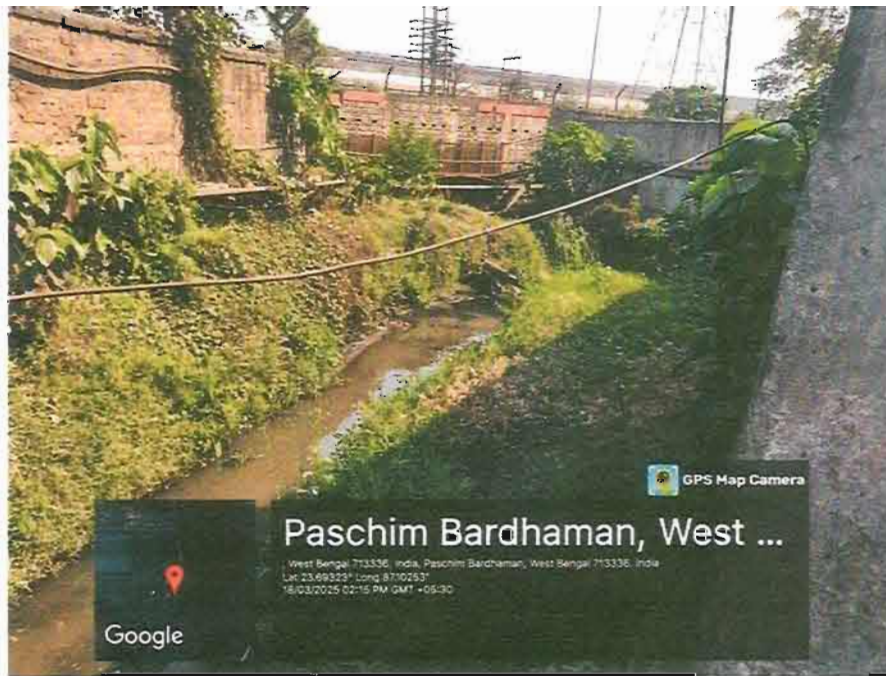


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Pic.3: Nala flowing through the premises of M/s Super Smelters' Limited



Pic.4: Exit point of the Nala from the premises of M/s Super Smelters' Limited



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

O. A. NO. 38 of 2025/EZ

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.....Applicant.

Versus

The State of West Bengal and Ors.

.....Respondent.

Affidavit on behalf of the Chief Executive
Officer, Asansol Durgapur Development
Authority, the respondent no. 9 abovenamed.

Debasish Saha
Advocate for the
Respondent No.9



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Bratin Kumar Chatterjee
 BRATIN KUMAR CHATTERJEE, W.B.L.S.
 Special Law Officer
 Assol Durgapur Development Authority
 A Statutory Authority of the
 Government of West Bengal

No. 25 **32284**

VAKALATNAMA

IN THE COURT OF THE

HON'BLE NATIONAL GREEN TRIBUNAL
 EASTERN ZONE BENCH AT KOLKATA

In case / Suit / Non GR / GR No. **10.A. No. 38 of 2025/EZ**
 Appeal / Revision / Petition

PINTU DUTTA

Compft. / Plaintiff/Petitioner/Appellant / **Applicant**



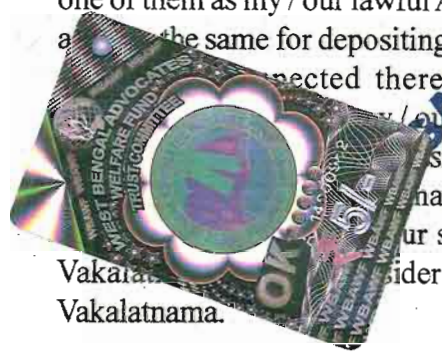
STATE OF WEST BENGAL
AND ORS.

— VS —

Accd./Defendant/Opposite Party/Respondent **NO. 9**

On behalf of

Know all men by these present that by Vakalatnama I/We appoint the Advocates noted below or any one of them as my / our lawful Advocate or Advocates on the above matter for appearing in conducting and a the same for depositing or withdrawing any money in connection herewith for moving the Court in respect thereof for preparing the paper book in the case and for putting in my / our behalf for filling or taking back any documents for withdrawing suits or for signing and filling the petitions of compromise in the matter and for taking copies of paper from the Records and I / We further say that the said Advocates or Advocates or by any one of them after accepting this Vakalatnama is considered as my/our own true and lawful act. To the above effect I/we execute this Vakalatnama.



NAME OF THE ADVOCATES

Name	Enrolment No.	Ph. No.	E-mail ID :
Debashis Saha	WB/189/1999	9830071671	dsahaassociates@gmail.com
Avirup Roy Sanyal	F/1294/861 2017	9804721466	aviruprs@gmail.com

*Chamber - 223, 2nd Floor,
 The Disha Offices, 4, Government
 Place, North, Kolkata - 700001*

Received the Vakalatnama from the
 executent / the agent of the executent
 and being satisfied accepted by me.

