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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MISCELLANEOUS APPLICATION NO. 20/2024/EZ
IN
ORIGINAL APPLICATION NO. 65/2022/EZ

SUBHAS DATTAAPPLICANT

VERSUS

STATE OF WEST BENGAL & ORS.RESPONDENTS

STATUS REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF SECRETARY,
 GOVERNMENT OF WEST BENGAL.

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Filed by:

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Advocate, Calcutta High Court

SL. NO. 65 × Dt.- 11 APR 2025

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

MISCELLANEOUS APPLICATION NO. 20/2024/EZ

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SUBHASDATTA

.....APPLICANT

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STATE OF WEST BENGAL & ORS.

.....RESPONDENTS

STATUS REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF SECRETARY, GOVERNMENT OF WEST BENGAL.

Most Respectfully Sheweth

I, Dr. Manoj Pant, S/o Dharmanand Pant, aged about 59 years, by faith- Hindu, by Occupation- Government Service, working as the Chief Secretary, Government of West Bengal having office Nabanna, 325, Sarat Chatterjee Road, Howrah, , do hereby solemnly declare and say as follows:-

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1. That, I am holding the post of Chief Secretary, Government of West Bengal and I have made myself well acquainted with the facts and circumstances of instant case and have gone through the documents and reports pertaining to the subject matter of the instant Miscellaneous Application. Hence, I am competent to affirm the instant affidavit before the Hon'ble Tribunal.
2. That, this affidavit is being affirmed in pursuant to the solemn Order passed by this Hon'ble National Green Tribunal, Eastern Bench dated 17.01.2025 and 06.03.2025 wherein the Chief Secretary, Government of West Bengal was directed to file affidavit stating the current status of Tolly Nullah Pollution Abatement Project for Rejuvenation of river Adi Ganga, Kolkata, West Bengal under Namami Gange Program and removal of encroachments.
3. That the Kolkata Municipal Corporation (KMC) has reported that the Detailed Project Report on Sewage Treatment Plants was submitted to National Mission for Clean Ganga (NMCG) on October, 2022 to a tune of Rs. 934.76 Crore. Revised Administrative Approval & Expenditure Sanction (AA&ES) was approved in the 46th Executive Committee (EC) meeting held on 23.12.2022, (agenda item No. 46.01) to an amount of Rs 653.72 Crores (including cost of Operation and Maintenance for 15 years -Rs 211.53 Crores) under Design Build Operate Transfer (DBOT) mode in connection with the Tolly's Nullah Project.



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Tendering was done on 29.08.2023. The tendering opening date was extended up to 10.01.2024. The bid was opened on 15.01.2024 and it was found that, three (3) nos. of bidder participated on response to this tender. On basis of the submitted bids and as per observations obtained from World Bank, KMC evaluated the technical bid and submitted the Revised Technical Bid Evaluation Report (TBER) to NMCG through West Bengal State Program Management Group (WBSPMG) on dated 21.06.2024 for further direction. After complying few observations from World Bank, the World Bank through NMCG and WBSPMG has provided its No Objection to the Technical Bid Evaluation Report recommendation on dated 16.09.2024 and subsequently informed to open the financial bids of all three technically qualified bidders. Financial Bid was opened on 18.09.2024.

L1 bidder- M/s EMS Limited- M/s Neercare India Private Limited (JV) - Rs. 781.98 Crore. No Objection Obtained from World Bank through NMCG on the Combined Bid Evaluation Report (CBER) on 17.12.2024.

The revised Proposal including all components with cost enhancement amounting to Rs. 817.30 Crore has been placed before 59th EC Meeting. As per discussion thereafter, a team of KMC and WBSPMG officials have visited NMCG Office at New Delhi and submitted the financial justification report for consideration of L1 bidder on 03.01.2025 for granting of revised AA&ES in the upcoming EC meeting.



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KMC has not received any fund from NMCG till now. However, the project is under active consideration of Government of India for according revised AA& ES based on the tender findings. Thereafter, fund will be released phase-wise as per progress of the project.

All the lands for Sewage Treatment Plants (STP)s and Sewage Pumping Stations (SPS)s are encumbrance free. As the networking has drastically changed in the revised scope of “pollution abatement of Tolly’s Nullah”, only 08 (Eight) families needs to be rehabilitated near Madan Pal lane which will be well taken care by Banglar Bari Project at Shashi Shekar Bose Row in the same ward of KMC. The tender for the same has been finalized and the work order will be issued shortly.

Copy of the report of Kolkata Municipal Corporation is marked and annexed as **Annexure R/1.**

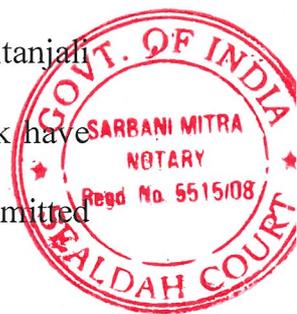
4. That Kolkata Metropolitan Development Authority (KMDA) has reported that in the proposed stretch of Tolly Nullah starting from Boat canal and Tolly Nullah junction to Metro Pier No. 229 at Kamdahari Bridge, the construction of 750mm dia. Piles, RCC pedestals and laying of 1600mm dia. MS pipe were completed within 31.12.2023. The balance pipe laying work measuring 40 m stretch has been completed on 27.07.2024. Apart from the bank /Slope of Tolly Nullah, there are 03(three) no trenchless/jack push work underneath the existing



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road adjacent to metro Stations which falls within the said stretches at three different Metro Railway Stations at Masterda Surya Sen, Netaji and Gitanjali Metro Railway Stations, all the three are related jackpus/trenchless work have also been completed on 31.08.2024. An affidavit of compliance was submitted by KMDA before this Hon'ble Tribunal on 13.09.2024.



Copy of the report of Kolkata Metropolitan Development Authority is marked and annexed as **Annexure R/2**.

5. That work has been taken up by West Bengal Housing Infrastructure Development Corporation Ltd. (WBHIDCO) for landscaping and beautification of Adi Ganga for a stretch of about 1000m from Kalighat bridge to Alipore bridge (Alipore Museum side) in Alipore, Kolkata. Out of the above stretch, work has been executed for a length of 260 m. The remaining work could not be undertaken due to non-availability of encumbrance free land.

Copy of the report of West Bengal Housing Infrastructure Development Corporation Ltd is marked and annexed as **Annexure R/3**.

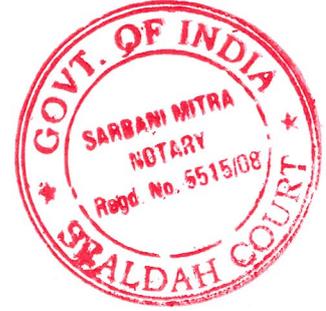
That the reply is true to my knowledge and belief, which I derived from the office record.


DEPONENT

11 APR 2025

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VERIFICATION



I, Dr. Manoj Pant, Chief Secretary, Government of West Bengal do hereby solemnly affirm and declare that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 11th day of April, 2025.

Manoj Pant
DEPONENT

Solemnly Affirmed &
Declared Before Me
On Identification By: *Manoj Pant*
SARBANI MITRA
NOTARY
Regd. No.- 5515/08

Identified By Me
Manoj Pant
Advocate

11 APR 2025

Actions and plannings already taken for pollution Abatement of Tolly's Nullah (Adi-Ganga) as per Miscellaneous Application No. 20/2024/EZ in Original Application No. 65/2022/EZ

Sl. No.	Observations by Hon'ble NGT	Action taken by KMC
D)	<p>DETAILED PROJECT REPORT (DPR)</p> <p>The contention of the Applicant is that the Sewerage Treatment Plants (STPs) have still not been constructed in spite of the observation of the Tribunal in para 25 of the order dated 09.01.2023 which also shows that Rs.934.76 crores have been paid by the Kolkata Municipal Corporation through the West Bengal State Program Management Group (WESPMG) on 31.08.2022 and three new Sewerage Treatment Plants (STPs) having a total capacity 25.10 MLD (10 MLD, 11.6 MLD and 3.5 MLD capacity) were to be constructed for collection of sewage from 23 Dry Weather Flow Pumping Stations. Further contention of the Applicant is that encroachments have yet not been removed along the Adi Ganga Canal.</p>	<p>1. Detailed Project Report has been submitted to NMCG on October 2022 at a tune of Rs. 934.76 Crore.</p> <p>Revised AA&ES approved in the 46th EC Meeting held on 23/12/2022, Agenda Item No. 46.01 at an amount of Rs 653.72 Crores (including cost of O & M for 15 years -Rs 211.53 Crores) under DBOT mode in connection with the Tolly's Nullah Project.</p> <p>Tendering done on 29.08.2023. Tender opening date extended upto 10.01.2024.</p> <p>The bid has been opened on 15.01.2024 and it has been found that, three (3) nos. of bidder has participated on response to this tender. On basis of the submitted bids and as per observations obtained from World Bank, KMC has evaluated the technical bid and submitted the Revised Technical Bid Evaluation Report (TBER) to NMCG through SPMG on dated 21.06.2024 for further direction. After complying few observations from World Bank, the World Bank through NMCG and WB-SPMG has provided it's No Objection to the Technical Bid Evaluation Report recommendation on dated 16.09.2024 and subsequently informed to open the financial bids of all three technically qualified bidders.</p> <p>Financial Bid Opened On: 18.09.2024</p> <p>L1 bidder- M/s EMS Limited- M/s Neercare India Private Limited (JV) – Rs. 781.98 Crore</p>



No Objection Obtained from World Bank through NMCG on the CBER: 17.12.2024.

The revised Proposal including all components with cost enhancement amounting to Rs. 817.30 Crore has been placed before 59th EC Meeting. As per discussion thereafter, a team of KMC and WBSPMG officials have visited NMCG Office, New Delhi and submitted the financial justification report for consideration of L1 bidder on 03.01.2025 for granting of revised AA&ES in the upcoming EC meeting.

KMC has not received any fund from NMCG, Gol till now. However, the project is under active consideration of Gol for according revised AA&ES based on the tender findings. Thereafter, fund will be released phase-wise as per progress of the project.

2. All the lands for STPs and SPSs are encroachment free. As the networking has drastically changed in the revised scope of "pollution abatement of Tolly's Nullah", only 08 (Eight) families needs to be rehabilitated near Madan Pal lane which will be well taken care by "Banglar Bari Project" at Shashi Shekar Bose Row in the same ward of KMC. The tender for the same has been finalized and the work order will be issued shortly.

[Signature]

5.4.25.

O.S.D & E.O
Exe. Eng. (Civil) P & D
K. M. C.

[Signature]
05/4/25
Dy. CE(C) / P & D
KMC

[Signature]
05/04/25
D. G (P & D)
KMC



Annexure R/05

LAW CELL, K.M.D.A.

Diary No. 730

Date 24/3/25

Nandini Ghosh, IAS
Secretary, KMDA



KOLKATA METROPOLITAN DEVELOPMENT AUTHORITY

Unnayan Bhavan

CJ-164, 2nd Avenue, DJ Block, Sector II,

Bidhannagar, Kolkata, 700091

Phone: 033-2358 0021

Email: secykmda@gmail.com

Date: 26.03.2025

Memo No. 39/Secy-34/KMDA/2025

To,
The Chief Environment Officer,
Department of Environment,
Government of West Bengal,
Prati Sampad Bhawan, 5th Floor,
LB-2, Sector-III, Salt Lake, Kolkata-106

LO
26/3
24/3/25

Sub: In the matter of M.A. No.20/2024/EZ in O.A.No.65/EZ [Subhas Datta - Vs - State of West Bengal & Ors.] (Ref. Adi Ganga).

Ref: Your Letter No.552/ENV-15017/21/2024, Dated:17.03.2025

Sir,

In reference to the above-mentioned subject matter, I am sending herewith the latest Action Taken Report for compliance of the orders and directions of Hon'ble NGT for your kind perusal and further necessary action.

Yours faithfully,

Secretary, KMDA

Enclosure: As stated above

Memo No. 39/1(3)/Secy-34/KMDA/2025

Date: 26.03.2025

Copy forwarded for kind information to:

- a) CEO, KMDA
- b) Chief Engineer, W&S Sector, KMDA
- ✓ c) Deputy Secretary, Law Cell KMDA.

Secretary, KMDA



Submission of Compliance Report

Ref: M.A No.20/2024/EZ in O. A. No. 65/2022/EZ

Subhas Dutta

-Vs-

The State of West Bengal & Ors.



Rajpur-Sonarpur Municipal Area, part of South Kolkata (Garia/Tollygunge Area) and Baruipur Municipal area were facing severe water crisis as ground water in these areas depleted considerably. Moreover, since these areas are lying in the eastern part of the River Ganga, so said areas are at risk due to the presence of arsenic in ground water beyond permissible limit. Then it has been decided by the Urban Development & Municipal Affairs (UD&MA) Department, Govt. of West Bengal that the surface water (From River Ganga) could be supplied after conventional treatment in above mentioned areas. Accordingly, water supply projects for Rajpur-Sonarpur Municipality, Baruipur Municipality and a part of South Kolkata (Garia/Tollygunge area) have been sanctioned under Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Scheme.

The Kolkata Metropolitan Development Authority (KMDA) has received necessary No Objection Certificate (NOC) from the Kolkata Municipal Corporation (KMC) vide letter no. Con/Com/257/2018-19, Dated: 23.08.2018 and also from the Metro Railway, Kolkata vide letter no. Metro/Div./Engg./KMC/Monsoon/1697, Dated: 28.08.2019 for laying 1600 mm dia. MS pipe over concrete pedestals built over 750 mm dia. concrete piles along the bank of Tolly's Nullah.

The Kolkata Metropolitan Development Authority (KMDA) has entrusted different agencies for laying of 1600 mm dia. Mild Steel raw water rising main line from the junction point of Boat Canal and Tolly's Nullah to the Metro Pier no 229 near Kamdahari Bridge along Tolly's Nullah to transport raw Ganges water for the Water Treatment Plant (WTP) at Peyara Bagan within Rajpur-Sonarpur Municipality. The 1600 mm dia. Mild Steel (MS) pipe was laid over 750 mm dia. Reinforced Cement Concrete (RCC) piles were laid down along the embankment slope of Tolly's Nullah so that no major influence would be on the existing piles of Metro Rail Piers. The Reinforced Cement Concrete (RCC) bored cast-in-situ piles were constructed keeping a sufficient distance away from the existing piles to avoid any adverse effect. During construction of piles and laying of 1600 mm MS raw water rising main, all necessary safety and precautionary measures were taken by The Kolkata Metropolitan Development Authority (KMDA) to ensure the safety of the existing structures of Metro Railway also. In case when requisite space was not available on the bank then piles were constructed carefully on the slope. The bottom of the pile caps and the bottom members of the Trestle Bridges were placed above the Highest Flood Level (HFL) maintaining a minimum clearance (300mm or above) to ensure natural drainage of surface run off. The piles were constructed in such a way so that they would not interfere the normal functioning of the existing gravity of outfalls which were already provided with penstock gates.

The construction of 750 mm dia. Piles, RCC pedestals and laying of 1600 mm dia. MS pipe was completed in all respect within 31.12.2023 in the proposed stretch of Tolly Nullah starting from Boat canal and Tolly Nullah junction to Metro Pier No.229 at Kamdahari Bridge. Recently, the balance pipe laying work measuring 40 m stretch has been completed on

27.07.2024, which was held up due the de-silting work of Tolly Nullah by KMC near Abdul kalam Bridge at Izzatullah Lane.

Apart from the Bank/Slope of Tolly Nullah, there are 03 (three) nos trenchless/jack push work underneath the existing road adjacent to Metro Stations which falls within the said stretches at three different Metro Railway Stations, at Masterda Surya Sen Metro Station, Netaji metro Station and Gitanjali Metro Railway Station, all the three related jackpus/trenchless work have also been completed on 31.08.2024.

During execution of this project work all the restrictions and technical measures were followed by Kolkata Metropolitan Development Authority (KMDA) as well as by keeping frequent liaison with the respective Departments. The pipe laying work within the above stretch (Approx 8.5 km.) has been completed within 31.12.2023 without creating any nuisance and pollution to the adjoining area along Tolly's Nullah and all labour hutments, machineries, construction debris had been removed from the site after the completion of work. When Adi Ganga will be rejuvenated by KMC the piles constructed for laying of raw water rising main will not obstruct the movement or flow of water during high tide & low tide period as well as flow of surface run off during rain.

Now, a compliance report in this regard is hereby submitted.



S. Saha
25/09/2024
Executive Engineer
Div - NI, GR&W
W&S, KMDA

B. Banerjee
25.09.2024
EE/ECND/WS/KMDA

S. Banerjee
25/09/2024
Superintending Engineer
South Circle / W & S Sector / KMDA

Executive Engineer
W&S, KMDA

W.S.
Chief Engineer
W.&S. Sector
KMDA
25/9/24

Amennu 108



Memo No.135/HIDCO/Law-31/2022(Part-1)

Date. 07-04-2025

To,
Smt Nandini Ghosh, IAS,
Sr. Special Secretary,
UD & MA Depl, Govt of West Bengal,
Nagarayan,
DF-8, (Sector-I), Salt Lake
Kolkata -700064

Sub: M.A. No. 20/2024/EZ in OA No 65/2022/E2 in the matter of
Subhas Dutta -Vs- The State of West Bengal & Ors.

Madam,

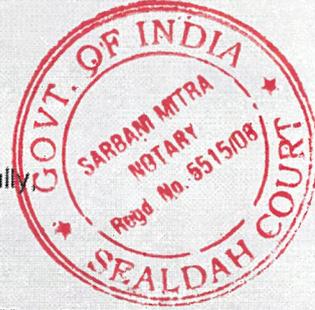
I am directed to invite attention to your letter No.18/3/(Law)/UDMA-15011(15)/7/2022-LS-UD SEC dated 18-03-2025 on the above mentioned subject, in reference to Environment Department's letter dated 17-03-2025 and to send herewith an **Updated Status Report**, in connection with the instant court case.

Encl: As stated above

Yours faithfully,

Sd/-

Joint Manager Director
WBHIDCO



Memo No.135/1/HIDCO/Law-31/2022(Part-1)

Date. 07-04-2025

Copy forwarded for information and necessary action to the Chief Environment Officer, Environment Department, Prani Sampad Bhavan (5th floor), LB-2(Sector-III), Salt Lake, Kolkata-700106 with a copy of the 'Updated Status Report' enclosed.

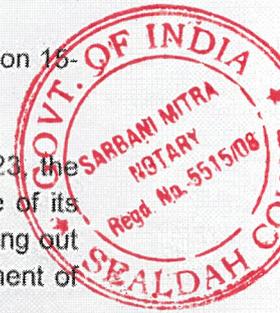
Joint Manager Director
WBHIDCO

WEST BENGAL HOUSING INFRASTRUCTURE DEVELOPMENT CORPORATION LTD.
(A Govt. of West Bengal Undertaking)

"HIDCO BHABAN", Premises No. : 35 - 1111, Biswa Bangla Sarani, 3rd Rotary, New Town, Kolkata-700156
Telephone : (033) 2324-6037/6038, Fax No. : (033) 2324-4833/3016/6009, e-mail : wbhidcoltd@gmail.com / info@wbhidco.in
Website : www.wbhidcoltd.com CIN : U70101WB1999SGC089276

**Updated Status Report: reg M.A. No. 20/2024/EZ in O.A No. 65/2022/EZ in the
matter of Subhas Datta -Vs- The State of West Bengal & Ors**

1. In its order 09-01-2023 the Hon'ble N.G.T., EZB directed Respondent No. 4 (WBHIDCO) to complete all works all related to rejuvenation of Adi Ganga, within 31-12-2023 and file 'Affidavit of Compliance' in this regard by 15-01-2024.
2. The said 'Affidavit of Compliance' was duly filed before the Hon'ble NGT. EZB on 15-01-2024 which was recorded in Hon'ble NGT's order dated 01-07-2024.
3. In spite of the submissions made in compliance of the order dated 09-01-2023, the Hon'ble Tribunal suo moto took cognizance of the apparent non- compliance of its aforesaid order and moved motion on its own bearing no MA/20/2024/ EZ arising out of OA No. 65/2022/ EZ. There were direction upon Chief Secretary, Government of West Bengal., KMC and KMDA to file affidavits on their part.
4. WBHIDCO by a letter dated 14-08-2024 informed **Environment Officer, Environment Department** that it has taken up landscaping and beautification work from Kalighat Bridge to Alipore Bridge. Out of a total stretch of 1000 m, work has been executed for 260 m. The remaining work could not be undertaken due to encroachment. It was further mentioned that for removal of encroachment, communications have been made with KMC and Kolkata Police and on that basis a joint inspection was scheduled to be held on 20.8.2024.
5. The Joint Inspection, thereafter, was duly held on 20.8.2024 in presence of officials of WBHIDCO, KMC, Kolkata Police and KMDA. It was revealed from the inspection that there are 12(twelve) unauthorized encroachments comprising of temporary hutments, khatalas constructed along the embankment.
6. A letter dated 03-09-2024 was issued to the Municipal Commissioner, KMC from this end requesting to take necessary steps for immediate removal of the aforesaid encroachments so that beautification work in compliance with the order of the Hon'ble N.G.T., EZB can be taken up (copy enclosed).
7. A reminder dated 26-03-2025 was issued to the Municipal Commissioner, KMC to take adequate steps for removal of encroachments along Adi Ganga Canal, on urgent basis, for compliance of orders of the Hon'ble Tribunal (copy enclosed).
8. WBHIDCO will take immediate necessary action for completion of the pending job of the assigned work once the encroachments, as stated above, are removed from the work site.



[Handwritten Signature]
4/4/2025
G.M. Laha
WBHIDCO