

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA

Original Application No. 161/2024/EZ

In the matter of:

Jagriti Bhattacharya

... Applicant

Versus

The State of West Bengal & others

... Respondents

REPLY TO THE COUNTER AFFIDAVIT, AFFIRMED ON 05.05.2025
ON BEHALF OF THE RESPONDENT NOS. 13 AND 14

I, Lovely Mukherjee, wife of Subhajyoti Mukherjee, aged about 61 years, by occupation – Service, by religion – Hindu, residing at BL-R, Flat – 3, 40/1, Tangra Road, Government Housing Estate, Kolkata – 700 015, do hereby solemnly affirm and say as follows:

1. I am at present holding the post of the Executive Officer, South Dum Dum Municipality, I have made myself acquainted with the facts and circumstances of the present case. I am competent to affirm this affidavit.

2. In compliance with the order dated 06.05.2025, passed by the Hon'ble Tribunal in O.A. No. 161 of 2024/EZ, the Executive Officer, the respondent no. 7 files the reply to the affidavit of the respondent nos. 13 and 14 dated 05.05.2025 showing why there is allegedly shortage of the supply of water to the residence of the respondent nos. 13 and 14 and allegedly why no steps have been taken by the



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Municipality for meeting the water deficiency by providing for tap water in the following manner:

- a) It is reiterated that KMDA is supplying water of 6 MGD that means 60,00,000 Gallon (1 gallon = 4.5 litre) to cater the need of inhabitants of 22 municipal wards i.e. ward nos. 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32. The housing project of the respondent nos. 13 and 14 is located at municipal ward no 7.
- b) In the supplementary affidavit of the respondent no. 7, affirmed on 01.05.2025, the population was figured as 2,84,646 heads in the area of 22 municipal wards, as stated above, as per the census of Urban Municipal Development Authority (UMDA), but on further enquiry, it is found that the population of Ward no. 22 is ever on rise and at present it can be figured approximately as 3,35,109. In that case, the supply of water per capita in 22 municipal wards of South Dum Dum Municipality is substantially less than 94.85 litres.
- c) In fact, 6 MGD of water, being supplied by KMDA everyday is being stored in the underground reservoir of South Dum Dum Municipality, located at, Lake Town and consequently, the supply of water as per the requirement of the inhabitants of residence of the respondent nos. 13 and 14 (Emami City) which is



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located far away i.e. 10 Kms from the underground reservoir at Laketown, is not feasible.

d) In fact, there are no water supply projects in municipal ward no. 7 and in the vicinity of the said ward. It is true that it is the duty of Municipality to provide a supply of wholesome water for the domestic use of inhabitants, but while the housing project (Emami City) was launched in 2017, the then authorities of Municipality offered them to supply 1100 KLD water subject to the conditions that the developer of Emami City would provide 7 kathas of vacant land for construction of elevated / overhead reservoir therein for the supply of wholesome water to the flat owners of Emami City in the spirit of the proviso to sub-section 2 of section 226 of the West Bengal Municipal Act 1993. Even in recent past the Municipal authorities requested the office bearers of Emami City Apartment Owners Association to provide vacant land to establish a water supply project under **Amrut** scheme for the purpose of supply of wholesome water to the flat owners. But, the respondent nos. 13 and 14 are not yet agreeable with the proposal of South Dum Dum Municipality. The same has been reflected to the letter dated 09.10.2023 of the present Chairperson of South Dum Dum Municipality.



e) The fundamental issue, involved in the original application is that the respondent nos. 13 and 14 are

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wrongdoers who are extracting the water, which exists below the surface of the ground by bore wells without taking any permission from the State Level Committee in violation of Section 7 of West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005. The respondent nos. 13 and 14, the wrongdoers are trying to detract the fundamental issue involved in the instant original application by raising the question of the supply of wholesome water to the flat owners of Emami City which is not an issue in the instant original application. Moreover, the respondent nos. 13 and 14 contend that there are 5000 heads in Emami City without any break up and supporting documents, although the owners of 503 flats in Emami City mutated their names in the assessment records of South Dum Dum Municipality.

- f) Broadly, the respondent no. 7 craves leave to raise a preliminary objection that the instant original application has been filed on the ground that the respondent nos. 13 and 14 violated Section 7 of West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 which is not incorporated in Schedule-I of the National Green Tribunal Act, 2010. Furthermore, extraction of ground water without permission does not fall within the preamble of the object the Water (Prevention and Control of Pollution) Act, 1974.



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3. The statements made in paragraphs 1 and 2 true to my knowledge

Lovely Mukherjee
Deponent

Prepared in my office

Monsumi Bhowal
Advocate

Identified by me

Monsumi Bhowal
Advocate

Date: 22 MAY 2025

Place: Kolkata



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

S.M. Hassan
S. M. HASSAN
NOTARY

22 MAY 2025

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AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO. 7



Advocate-on-Record:
Ms. Mousumi Bhowal, Advocate
High Court, Calcutta
Bar Association Room no. 12
Phone – 9339697329
Email: mousumibhowal22@yahoo.in
Enrolment No. WB/1170/2007

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