

X

IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 92/2025/EZ

IN THE MATTER OF:
Ankur Sharma

..Applicant

Vs

The Howrah Municipal Corporation & Others

..Respondents

INDEX

Sr. No.	Description	Annexure	Page No.
1	Copy of the Counter Affidavit on behalf of Respondent No. 5 (HMC)	-	1-7
2	Updated Action Taken Report (ATR)	A	8 - 9
3	Work Order No. ED-36/EE-II/Rds/2025-26 dated 06.05.2025	B	10-12
4	Show Cause Notice (Memo No. ED-114/EE-II/Rds/2025-26 dated 24.07.2025)	C	13-14
5	Rectification Directive (Memo No. ED-42/EE-II/Rds/2025-26 dated 13.06.2025)	D	15
	Authoization		16

Filed by

Amrita Pandey

Amrita Pandey, Advocate

(F/747/2009)/ WB/1741/2009

HMC (Respondent no.4)

M: 9830609262; 9432820002

Email id: amritalegal@gmail.com

Address: Hastings Chamber, 7C,

KSR Road, 2 nd Floor, Room No. 6, Kolkata – 700 001

Date: 13.8.2025

✓

Tarak Dutta

Assistant Engineer (Road)
Howrah Municipal Corporation

X

SL NO. 01 DT. 13.08.2025

IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 92/2025/EZ

IN THE MATTER OF:
Ankur Sharma

..Applicant

Vs

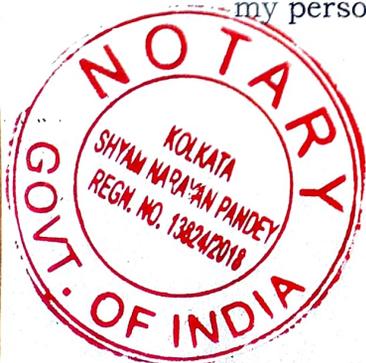
The Howrah Municipal Corporation & Others

..Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5
(HOWRAH MUNICIPAL CORPORATION)**

I, Tarak Dutta, Assistant Engineer (Roads), son of Late Balai Chand Dutta, aged about 59 years, working for the gain of Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah – 711101, do hereby solemnly affirm and state as follows:

1. That I am the Assistant Engineer (Roads) of Howrah Municipal Corporation (HMC) and am duly authorized to depose this affidavit on behalf of Respondent No.5 herein. I am fully conversant with the facts of the case.
2. That the contents of this affidavit are based on official records and my personal knowledge, and I believe them to be true and correct.



Tarak Dutta
Assistant Engineer (Road)
Howrah Municipal Corporation

X

3. The present application arises out of the Hon'ble NGT's order dated 15.07.2025 in OA No. 92/2025/EZ, directing the HMC to submit an updated Action Taken Report (ATR) regarding compliance with environmental norms in road construction activities.
4. That I affirm this Affidavit in terms of the directions passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
5. That nothing contained in this Affidavit shall be construed as admission of any statement unless specifically admitted by me. I reserve the right to deal with legal position of the matter at the time of hearing.
6. That the Original Application is inter-alia related to air pollution caused due to operation of hot mix asphalt plant during construction and repair of N.S. Road.
7. The relief sought by the applicant is amongst others, directions to the respondents to immediately stop the operation of all hot mix plants throughout areas under its jurisdiction.
8. That at the outset, the answering respondent denies all allegations, averment and contentions averred in the present original application individually and collectively, save and except to the extent specifically admitted herein below. Any allegations, averment and/or contentions not specifically admitted herein below, though not traversed, shall be deemed to have been denied categorically and individually.



Tarak Dutta
Assistant Engineer (Road)
Howrah Municipal Corporation

X

9. I deny and dispute that Howrah Municipal Corporation has caused gross pollution and environmental damage due to construction/repairing of Road.

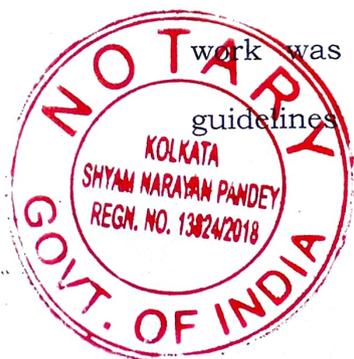
10. That Pursuant to such directions, the present affidavit is being affirmed along with the ATR as part of its response. The answering respondent submitted a report to the District Magistrate, Howrah. Copy of the Action Taken Report (ATR) submitted to District magistrate, Howrah is annexed hereto and marked with **(Annexure-A)**.

11. The HMC has taken all significant measures to reduce pollution and adhere to NGT guidelines, including:

- A. Conversion of 10.48 km of bituminous roads to concrete roads.
- B. Use of paver blocks and cement concrete for patch repairs to minimize bituminous material usage.
- C. Creation of green areas within HMC jurisdiction to mitigate air pollution.
- D. For future projects, the HMC has committed to converting all roads to concrete/paver block roads, as stated in the ATR.

12. With reference to the renovation of road work of Netaji Subhas, HMC respectfully submits that the renovation of Netaji Subhas Road was necessitated due to public grievances and its accident-prone condition. Given the urgency and upcoming festivals, bituminous

work was approved with strict conditions to comply with NGT guidelines (Work Order No. ED-36/EE-II/Rds/2025-26 dated



Tarak Saha
Assistant Engineer (Road)
Howrah Municipal Corporation

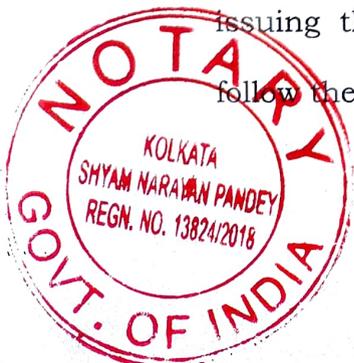
06.05.2025. Copy of the work order is annexed hereto and marked with **(Annexure-B)**.

13. That the contractor, M/s Central Co-operative Engineers Society Ltd., was issued a show-cause notice (Memo No. ED-114/EE-II/Rds/2025-26 dated 24.07.2025) for non-compliance with CPCB norms regarding the Hot Mix Plant. The said contractor has given reply dated 01.08.2025 to the said show-cause notice. Copy of the show-cause notice (Memo No. ED-114/EE-II/Rds/2025-26 dated 24.07.2025) and reply thereto dated 01.08.2025 are annexed herewith and collectively marked with **(Annexure-C)**.

14. That HMC conducted joint inspections (03.06.2025) and issued directives for rectification (Memo No. ED-42/EE-II/Rds/2025-26 dated 13.06.2025) to address manhole levels and road camber issues. Copy of the joint inspection report is annexed hereto and marked with **Annexure-D**.

15. That the HMC reaffirms its commitment to enforcing environmental norms and will ensure future projects strictly adhere to the Hon'ble NGT/CPCB guidelines.

16. That the HMC has acted in good faith and taken all possible steps to comply with the Hon'ble NGT's directions. The answering respondent respectfully states that the answering respondent while issuing the work order had specifically directed the contractor to follow the environmental norms and CPCB guidelines.



Tarak Dutta
Assistant Engineer (Road)
Howrah Municipal Corporation

X

17. The answering respondent states that the contractors are required to comply with the yardsticks in the Memorandum issued by the Public Works Department (PWD) dated 30th March, 2023, is being duly enforced by HMC.

18. That the answering respondent respectfully submits that answering respondent is ready and willing to abide by the order/s and direction/s made by this Hon'ble Tribunal and has and shall take all possible steps to comply the directions of the Hon'ble Tribunal.

19. That the statements made in paragraphs 1 to 14 are true to my knowledge and are information derived from records and the rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared at my office

Amrita Pandey
Advocate

✓ *Tarak Dutta*

Assistant Engineer (Road) Deponent
Howrah Municipal Corporation Identified by me

Amrita Pandey
Advocate WB/1741/2009

Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate

Shyam Narayan Pandey

SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

13.08.2025

13 AUG 2025



X

VERIFICATION

I, the deponent above-named, do hereby verify that the contents of this affidavit are true to my knowledge and belief, and no part of it is false or misleading. Copy of the authorization is annexed hereto

Verified at Howrah on this th 13 day of August 2025.

Tarak Dutta
DEPONENT
Assistant Engineer (Road)
Howrah Municipal Corpora.





HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH – 711 101
Tel: (+91-33) 2638-3211-13, 2641-5218; Fax: (+91-33) 2641-5218/2214

No. 027/Gen (S.C. Cell)/Commr./2025-26

Dated : August 06, 2025.

To,
The District Magistrate,
Howrah.

Annexure A

Sub : Submission of an up-dated Action Taken Report in connection with the solemn order dated 15.07.2025 passed by the Hon'ble NGT in OA 92/2025/EZ — Reg.

Madam,

This has reference to your letter communicated vide Memo No. 166(2)/Env./Howrah, dated 28.07.2025 on the captioned subject.

In this connection, enclosed please find herewith an up-dated Action Taken Report of the HMC with regard to the instant O.A. on the basis of which counter Affidavit would be filed and averments would be made by the HMC being respondent No. 5 for your kind perusal and further required action please.

Thanking you,

Yours faithfully

Commissioner
Howrah Municipal Corporation
Encls : As stated above.

Endt. No. 027/1/(5) /Gen (S.C. Cell)/Commr./2025-26

Copy forwarded for information together with a copy of the ATR ibid with all enclosures to :

Dated : August 06, 2025.

1. The Member Secretary, WBPCB, Paribesh Bhavan, Building 10A, Block LA, Sector III, Bidhannagar, Kolkata – 700106;
2. The Secretary, HMC;
3. The E.E. (Roads), HMC ;
4. The OSD (Law), HMC – with request for necessary co-ordination with our Ld. Counsel in the instant OA for preparation & filing of the Affidavit-in-Opposition plz;
5. Dept. Guard File.

Commissioner
Howrah Municipal Corporation

REPORT

- 1) HMC has taken up up gradation / renovation of road for 32.0207 km during the period from July'2024 to July'2025. Out of this length 27.44 km concrete road has been constructed.
- 2) It may be mentioned that to reduce pollution & to follow NGT guidelines 10.48 km out of above 27.44 km bituminous road has been converted to concrete road during this period.
- 3) Most of the patch repairing on the existing bituminous road has been executed by paver blocks and remaining by cement concrete. For upcoming schemes estimates has been considering non bituminous work.
- 4) In case of Netaji Subhas Road the renovation work had been taken up as per public grievance (Soratori Mukhyomntri)
- 5) The condition of a stretch of the said road was damaged & became accident prone. During vehicle movement the area was used to be dusty as the road surface was damaged & rough. It was essential to take up the road work urgently. Considering existing utilities and considering its busy nature & upcoming festivals like Ram Thakur Bisorjan, Durga Puja etc. bituminous road was considered with a terms & condition to follow NGT guideline specifically mentioned in the work order.
- 6) Further, to control air pollution HMC has taken initiatives and created green area within its jurisdiction.
- 7) However for future this road will also be converted to concrete road / Paver block road.
- 8) Work Order for Improvement of N.S. Road work issued vide Memo No. – Ed-35/EE-II/Rds/25-26 Dt.06.05.2025.
- 9) A complain through mail was received on 14.05.2025 regarding hot-mix plant.
- 10) After receiving the complain the contractor was called & instructed verbally to follow the NGT guidelines mentioned in the work order.
- 11) A letter dated 25.05.2025 has been received from contractor where he has requested for site visit.
- 12) The site was visited on 03.06.2025 & it has found that the agency had completed the work partly. On spot verbally instruction was given to the agency & also a letter was issued vide memo no ED/42/Roads/2025-26, dated:- 13.06.2025 with a direction for rectification work & complete balance work following NGT guidelines.
- 13) A show cause notice has been issued vide Memo No. – ED-114/EE-II/Rds/2025-26 Dt. – 24.07.2025 to the agency Central Co-operative Engineer's Society Ltd with a direction to explain cause of violation of N.G.T. guidelines.
- 14) Reply of show cause notice yet to be received.

[Handwritten signature]
02/08/25



HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH-711 101

● 033 2638 3211/12/13 ● 033 2641 0830

Visit us www.hmc.org.in

Engineering Department

No.- ED- 36/E.E-II/Rds/2025-26

Date:- 06.05.2025

From:- Executive Engineer (Roads)
Howrah Municipal Corporation

To
Central Co-Operative Engineers Society Limited
34/2, Halder Para Lane
Howrah- 711101.

Sub:- L.O.I cum work order of "Improvement of road by Mastic Asphalt at Netaji Subhas Road from Peoples Meditrate to Vidyasagar statue under ward no-24,25,26 & 43 of HMC".

Ref NIT No:- WB-HMC/NIT/ED/27/EE-II/24-25 Date:- 21.03.2025 SL No:- 13.

Estimated Amount:- 65,67,928.00

Tender Amount:- 65,67,928.00

Earnest Money:- 1,31,359.00

Project ID:- 2025_MAD_829839_13

AA&FS No:- GO2425022515UM Date:- 27.08.2024.

Dear Sir,

Your offer for the above mentioned Tender amounting to Rs 60,57,600.00 (Sixty lakh fifty seven thousand six hundred only) @ 7.77% Less on the departmental estimated cost put to Tender for Rs. 65,67,928.00 (Sixty five lakh sixty seven thousand nine hundred twenty eight only) has been accepted by the undersigned for and on behalf of Howrah Municipal Corporation strictly as per stipulation contained in the HMC tender documents and under the following terms and conditions:-

1. That you will carry out work strictly as per N.I.T, Special Terms and Conditions and Technical specifications laid down in the Tender Documents.
2. That the above accepted price shall remain firm and no price variation shall be allowed under any circumstances. The above prices are inclusive of all charges eg. Service tax, Income tax, local charges, GST for the project and all other charges are applicable. Nothing extra in regard to statutory increase in taxes and duties during the contractual period shall be paid.
3. That the above rate shall be inclusive of all costs for all components of the job as provided in the tender documents read with all clarifications confirmed by you.

That you have to abide by all applicable clauses, rules, regulations, laws, acts/etc including environmental norms/standards as laid down by the Govt. for time to time & in force at present or any other applicable rules in force which are relevant in the context of this job or would be in force during the period of the contract.

- a. The bituminous Hot Mix plant (both Batch, Drum type & Mini hot-mix plant) should have appropriate pollution control unit (primary and/or, secondary, as the case may be) as per provision of IRC: 90-2010 to meet up prevailing guidelines of Central Pollution Control Board (C.P.C.B) in regard to Hot Mix Plant.
- b. In case of any dispute for confirmatory testing, the report of NABL accredited Laboratories/IIT/CRRRI/RBRI will govern.
5. That this letter shall be treated as **Letter of Intent cum Work Order** and shall constitute a part of the contract agreement.
6. That the Executive Engineer (Roads)/HMC will be the Engineer-In-Charge of the said work.
7. That you shall have to execute the formal Tender Agreement from the office of the Ex. Engineer (Roads)/HMC within 07 (Seven) days from the date of receiving of this order.
8. That time of completion for this work is 60 (Sixty) days from the date of issuance of work order, and please treat this work is very urgent in nature, so you are requested to start the work immediately, with written intimation to the E.E. (Rds).
9. That you have to install **requisite display board** as instructed by Engineer-In-Charge and have to maintain that board at his own cost. No payment shall be made in this regard from HMC.
10. That all necessary testing will have to be carried out at your own cost.
11. That you have to submit the **requisite nos of photos**, each of the road at the time of work order, **during execution and at the time of completion** prescribed format as per the direction of the E.I.C. The total work will be under HMC App monitoring protocol and you need to upload photographs during the work execution and completion.
12. That Defect Liability Period for the respective work is **5(five) years** from the actual date of completion of the said work.

Release of Security deposit:-

The security money (10% of executed value) will be released to the agency subject to proper maintenance of the work including all of its components for a period of 05 (five) years from the date of completion and handing over of the project to HMC in proper format.

The schedule for release would be as below:

- (i) **No security deposit shall be refunded for 1st to 3rd years from the date of completion of work.**
 - (ii) **After 4th year from the date of completion of work- 30% of SD.**
 - (iii) **After 5th year from the date of completion of work- 70% of SD.**
13. That as per new rules of GST necessary tax will be deducted from the progressive bill from time to time.
 14. That you have to abide by all applicable clauses, rules, regulations, laws, acts etc. in force at present and or any other applicable rules in force which are relevant in the context of this job or would be in force during the period of the contract.

5. That you are to produce documents of labour license issued by the labour department, Govt. of West Bengal in your favour under the contract labour (Regulation & Abolition) Act, 1970 and West Bengal contract labour (Regulation & Abolition) Rules, 1972 as soon as possible failing which payment for the work executed by you may be held up.
16. That the offered rate will remain same till completion of the work.
17. That the work should not be executed beyond the permissible limit of the contract without prior approval in writing of the appropriate authority.
18. That any additional work, if required beyond the tender amount, should be taken up strictly with the concurrence of the EE/HMC, a site book will have to be maintained by the contractor for recording the observation/remarks of HMC Engineers during the course of execution.
19. The agency shall comply with all the rules and regulations regarding safety, security and other statutory obligations of its workers.

THIS MAY BE TREATED AS FORMAL 'Letter of Acceptance cum Work Order'

Yours faithfully

Rabul 06/05/25
Executive Engineer (Roads)
Howrah Municipal Corporation

Date:- 06.05.2025

No.- ED- 36/1-9()/E.E-II/Rds/2025-26

Copy Forwarded for information to the:-

1. Hon'ble Chairman, B.O.A, HMC.
2. Commissioner, HMC.
3. C.O.F, HMC.
4. Asst. Labour Commissioner.
5. R.A.O, HMC.
6. Assistant Engineer (Roads), HMC.
7. O.S.D (Water Supply), HMC.
8. S.A.E (S.Paral), HMC.
9. Office Copy.

Rabul 06/05/25
Executive Engineer (Roads)
Howrah Municipal Corporation

6/5/25



HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH-711 101

ROADS DEPARTMENT

☎ 033 2638 3211/12/13

☎ 033 2641 0830

Memo No. :- ED/114/EE-II/Roads/2025-26

Date: -24.07.2025

ANNEXURE C

From
Executive Engineer (Roads),
Howrah Municipal Corporation

To
Central Co-Operative Engineers Society Ltd.,
34/2, Halder Para Lane,
Howrah - 711 101

Sub: - Show Cause Notice for not following the CPCB Guidelines regarding Hot Mix Plant

Ref: - Work Order No. ED-36/E.E.-II/Rds/2025-26, Dated 06.05.2025

With reference to the above, you were directed to execute the bituminous work following CPCB guidelines mentioned in the work order. But it has been found that, you have failed to follow the terms & conditions of guidelines. The hot Mix Plant was not equipped with appropriate Air Pollution Control devices & other mandatory equipments.

Now, therefore you are directed to state the reason why legal action / penalty will be not imposed against you. Your written reply shall have to reach this end within 7 (seven) days from the receipt of this letter.

Thanking you,

[Signature]
24/07/2025
Executive Engineer (Roads),
Howrah Municipal Corporation
Executive Engineer (Road)
Howrah Municipal Corporation



HOWRAH MUNICIPAL CORPORATION

4, MAHATMA GANDHI ROAD, HOWRAH-711 101

ROADS DEPARTMENT

☎ 033 2638 3211/12/13

☎ 033 2641 0830

Memo No. :- ED/42/EE-II/Roads/2025-26

Date: -13.06.2025

From
Executive Engineer (Roads),
Howrah Municipal Corporation

ANNEXURE D

To
Central Co-Operative Engineers Society Ltd.,
34/2, Halder Para Lane,
Howrah – 711 101

Sub: - Rectification of executed work

**Ref: - Work Order No. ED-36/E.E.-II/Rds/2025-26, Dated
06.05.2025**

This is to inform you that, the road mentioned above was visited jointly on 03.06.2025 with you and following observations were noted.

1. Manhole level is much bellow the road surface.
2. Road camber is not proper in different locations.

You are therefore requested to take up necessary rectification work. You are also requested to execute entire area of Mastic Work as considered in the estimate and complete balance work following N.G.T. guidelines.

Your early action in this regard is highly solicited.

Thanking you,

Halder
13/06/25
Executive Engineer (Roads),
Howrah Municipal Corporation

Executive Engineer (Road)
Howrah Municipal Corporation

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 92/2025/EZ

TO WHOM IT MAY CONCERN

That I do hereby authorize Mr. Tarak Dutta, Assistant Engineer (Roads) son of Late Balai Chand Dutta working for the gain of Howrah Municipal Corporation, 4, Mahatma Gandhi Road, Howrah-711101 to sign and affirm the Affidavit on my behalf and his signature is attested below.

Tarak Dutta

**Signature of Mr. Tarak Dutta
Signature Attested by me**

[Signature]

Assistant Engineer (Road)
Howrah Municipal Corporation

Commissioner

Howrah Municipal Corporation

Commissioner

Howrah Municipal Corporation

[Signature]

Commissioner

Howrah Municipal Corporation

Commissioner

Howrah Municipal Corporation