

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE, KOLKATA

M.A. No. 20/2024/EZ

ORIGINAL APPLICATION NO 65/2022/EZ



Tribunal on its own motion

... Applicant

VERSUS

The State of West Bengal & Ors

... Respondents

INDEX

Serial No.	Particular(s)	Page(s)
1.	Affidavit of Compliance	1 to 7
2.	Verification	8
3.	Annexure "A" – Order dated January 9, 2023 passed by the Hon'ble Tribunal in O.A. 65/2022/EZ	9 to 34
4.	Annexure "B" – Affidavit of Compliance dated January 15, 2024 filed by Respondent No.4, West Bengal Housing Infrastructure Development Corporation Limited	35 to 41
5.	Annexure "C" – Letter dated August 14, 2024 by WBHIDCO to the Chief Environment Officer, Department of Environment, Government of West Bengal	42
6.	Annexure "D" – Letter dated September 3, 2024 issued by WBHIDCO to the Municipal Commissioner, KMC followed by letters issued by WBHIDCO on March 26, 2025 and May 21, 2025.	43 to 45
7.	Annexure "E" – Letter dated March 25, 2025 issued by WBHIDCO to the Municipal Commissioner, KMC	46

Filed by

Sandip Dasgupta,
Advocate,
C/o. Fox & Mandal, Advocates,
12, Old Post Office Street,
Kolkata – 700001

05 MAY 2026

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE, KOLKATA

M.A. No. 20/2024/EZ

ORIGINAL APPLICATION NO 65/2022/EZ

NO. 31

Sandeep Roy Chowdhury

SANDEEP ROY CHOUDHURY

Assistant Administrative Officer

Law Section

WBHIDCO LTD.

Filed by

Sandeep Roy Chowdhury
Advocate

Tribunal on its own motion

... Applicant

VERSUS

The State of West Bengal & Ors

... RESPONDENTS



AFFIDAVIT OF COMPLIANCE ON BEHALF OF THE RESPONDENT NO.

4 (WEST BENGAL HOUSING INFRASTRUCTURE DEVELOPMENT

CORPORATION LIMITED)

I, Sandeep Roy Chowdhury, son of Late Santi Ranjan Roy Chowdhury, aged about 64 years, by faith Hindu, by occupation service, working for gain at West Bengal Housing Infrastructure Development Corporation Limited, Premises No. 35-1111, Biswa Bangla Sarani, 3rd Rotary, New Town, Kolkata – 700156, do hereby solemnly affirm and say as follows: -

✕

Sandeep Roy Choudhury
SANDEEP ROY CHOUDHURY
Assistant Administrative Officer
Law Section
WBHIDCO LTD.

134

Filed by
Sandeep Roy Choudhury
Advocate

1. I am the Assistant Administrative Officer of the Respondent No. 4 abovenamed and I am fully acquainted with the facts and circumstances of the present case. I am competent and have been duly authorized by the Respondent No. 4 to make and affirm this affidavit on their behalf.

2. O.A. No. 65/2022/EZ was essentially filed as river Adi Ganga became polluted on account of direct discharge of untreated household sewage by encroachers on the banks of the said river and on account of dumping of industrial and solid waste.

3. During the pendency of the original application, an affidavit of compliance was filed on behalf of the Respondent No. 4 on January 15, 2024 pursuant to directions given by the order dated January 9, 2023, a copy whereof is annexed hereto and marked with the letter "A". A copy of the affidavit of compliance filed on behalf of the Respondent No. 4 on January 15, 2024, for convenience, is annexed hereto and marked with the letter "B".

4. The Respondent No. 4 had indicated in the compliance affidavit filed on January 15, 2024 that a consultant was appointed pursuant to a work order dated July 14, 2022 and the consultant was directed to perform the following works: -



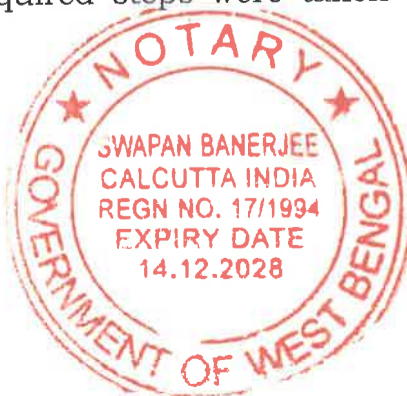
X

Sandeep Roy Choudhury
SANDEEP ROY CHOUDHURY
Assistant Administrative Officer
Law Section
WBHDCC LTD.

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Sandeep Roy Choudhury
Advocate

- i. Preparation of Draft Concept Plans of landscaping and beautification of the Canal Banks without affecting the natural flow of the Canal and without any concrete structure or structural arrangement within the Canal.
 - ii. Preparation of Final Plans of landscaping and beautification of the Canal Banks.
 - iii. Preparation & sanction of plans from statutory authority, if required.
 - iv. Periodic supervision during implementation of the landscaping and beautification work of the Canal Banks.
5. Though, the final plan for landscaping and beautification works of the canal bank was submitted by the concerned consultant, however, required steps could not be undertaken for completion of the project for reasons beyond the control of the Respondent No. 4 as enumerated in the foregoing paragraphs.
6. The Respondent No. 4 later discovered that Kolkata Municipal Corporation, the Respondent No. 3 herein, has not been successful in removing the encroachments around the canal area. As a result thereof, though preparatory and required steps were taken by the Respondent



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Sandeep Roy Choudhury
SANDEEP ROY CHOUDHURY
Assistant Administrative Officer
Law Section
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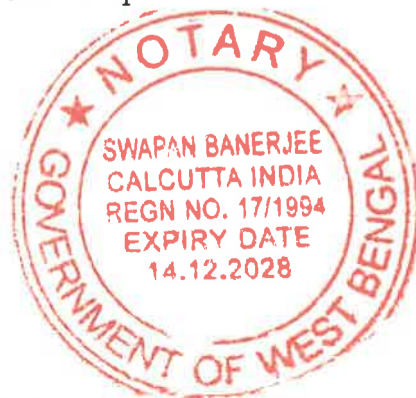
136
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Sandeep Roy Choudhury
Advocate

No. 4, however, implementation of such steps and/or additional steps could not be taken for reasons beyond the control of the Respondent No. 4.

7. After filing of the compliance affidavit on January 15, 2024, the Respondent No. 4 pursuant to a letter dated August 14, 2024 informed the Chief Environment Officer, Department of Environment, Government of West Bengal, that required steps were taken by the Respondent No. 4 for landscaping and beautification works from Kalighat bridge to Alipore bridge. Out of a total stretch of 1000 meters, works relating to landscaping and beautification were completed for 260 meters.

8. As regards the balance work of landscaping and beautification, the same could not be undertaken and/or completed on account of subsisting encroachments along Adi Ganga river. Upon discovering that there are enormous encroachments along the bank of Adi Ganga river, necessary letters and/or requests were made by the Respondent No. 4 to the Respondent No. 3 and the police authorities.

9. In fact, on the basis of letters and requests made by the Respondent No. 4, a joint inspection was even held on August 20, 2024. A copy of the letter issued by the Respondent No. 4 to the Department of

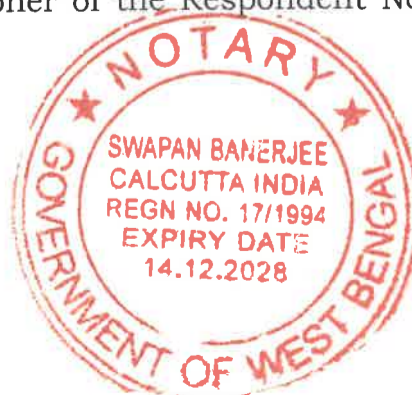


Environment on August 14, 2024 is annexed hereto and is marked with the letter "C".

10. During the course of joint inspection on August 20, 2024, the Respondent No. 4, the representatives of the Respondent No. 3, the Kolkata Police Department and the Respondent No. 2 discovered 12 unauthorized constructions comprising of temporary hutments, "khatalas" alongside the embankment of the Adi Ganga river.

11. As a result thereof, the Respondent No. 3 was required to take required steps for removal of such encroachments. The joint inspection dated August 20, 2024 was followed by a letter issued by the Respondent No. 4 on September 3, 2024 on the basis whereof the Municipal Commissioner of the Respondent No. 3 was requested to take expeditious steps for removal of the unauthorized encroachments alongside the embankment of the river Adi Ganga. The letter dated September 3, 2024 was followed by subsequent letters issued by the Respondent No. 4 on March 26, 2025 and May 21, 2025, copies whereof are chronologically annexed hereto and are collectively marked with the letter "D".

12. Lastly, a further request was also issued by the Respondent No. 4 to the Municipal Commissioner of the Respondent No. 3, inter alia, for



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Sandeep Roy Choudhury
SANDEEP ROY CHOUDHURY
Assistant Administrative Officer
Law Section
WBHIDCO LTD.

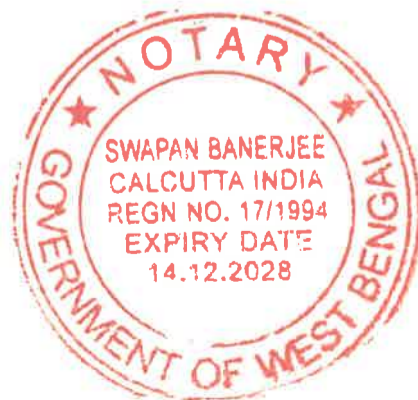
138
Filed by
Sandeep Roy
Advocate

removal of the unauthorized encroachments alongside the embankment of the river Adi Ganga. A copy of the letter issued by the Respondent No. 4 on March 25, 2026 is annexed hereto and marked with the letter "E".

13. The Respondent No.4 is not the concerned authority vested with the powers for removing of unauthorized encroachments and unauthorized constructions. In terms of the provisions of the Kolkata Municipal Corporation Act, 1980 the Respondent No. 3 is the appropriate authority to take required steps for removal of encroachments alongside the embankment of the river Adi Ganga.

14. The aforesaid would demonstrate that steps were taken for landscaping and beautification of the embankment of the canal. However, on account of the unauthorized encroachments the implementation of the landscaping and beautification works were stalled.

15. I say that the Respondent No. 4 will take expeditious steps for landscaping and beautification works from Kalighat bridge to Alipore bridge as regards the balance 740 meters only immediately upon removal of the unauthorized encroachments alongside the embankment of the river Adi Ganga.

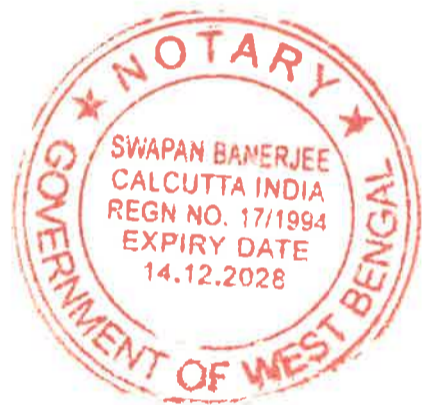


16. I humbly pray that the report of the Respondent No. 4 along with the documents annexed to this affidavit be taken on record. I humbly pray that appropriate orders be passed in the original application considering the compliance affidavit filed on behalf of the Respondent No. 4.

Sandeep Roy Choudhury
 DEPONENT

Identified by me

Sandeep Roy Choudhury
 Advocate



Solemnly affirmed and declared
 before me on identification

Swapam Banerjee
 S Banerjee Notary Calculta India
 Govt. of W B Regn. No 17/1994
 City Civil Court Bar Association
 (2nd Floor), Calculta-700 001

22 APR 2026

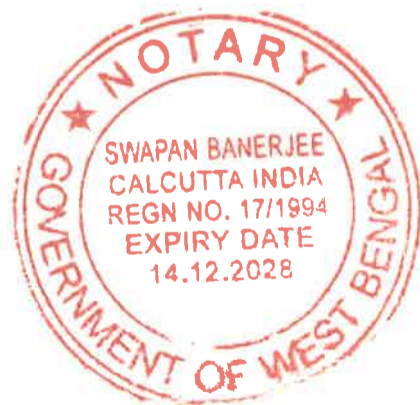


VERIFICATION

Verified at Kolkata by the Deponent abovenamed on this the ___ day of April, 2026 and say that the contents of this affidavit made in paragraph 1 to 15 of the foregoing affidavit are true to my knowledge based on information derived from the records which I verily believe to be true and the rest thereof are my respectful submissions before this Hon'ble Tribunal.

Sandeep Roy Choudhury

DEPONENT



Item Nos. 06 & 07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

ORIGINAL APPLICATION NO.65/2022/EZ

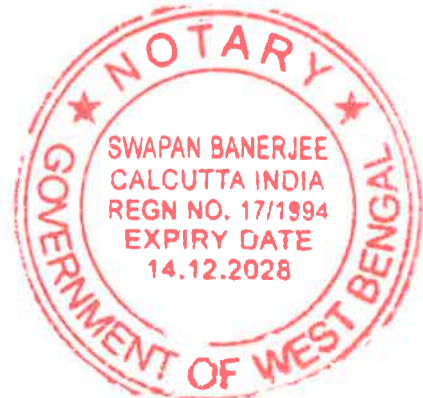
IN THE MATTER OF:-

Subhas Datta,
S/o Late Banerwar Datta,
25/1 Guitendal Lane,
P.O.+P.S.+District-Howrah,
Pin - 711101,

...Applicant(s)

Versus

1. State of West Bengal,
Through Chief Secretary,
Nabanna, 325, Sarat Chatterjee Road,
Shibpur, Howrah,
Pin - 711102,
2. Kolkata Metropolitan Development Authority, (KMDA),
Through Chief Executive Officer,
Govt. of West Bengal, Urban Development and Municipal Affairs Deptt.,
Unnayan Bhavan, DJ-II, Sector-II,
Salt Lake City, Kolkata,
Pin - 700091,
3. Kolkata Municipal Corporation,
Through Commissioner,
5, S.N. Banerjee Road, Kolkata,
Pin - 700013,
4. West Bengal Housing Infrastructure Development Corporation Limited
(HIDCO),
Through Managing Director,
Govt. of West Bengal,
HIDCO Bhaban, 35-1111, Biswa Bangla Sarani,
3rd Rotary, New Town, Kolkata,
Pin - 700156,
5. Department of Environment,
Govt. of West Bengal,
5th Floor, Pranisampad Bhawan,
Block-LB-II, Salt Lake, Sector-III,
Bidhannagar, Kolkata,
Pin - 700106,
6. National Mission for Clean Ganga,
Through Director General,
Ministry of Jal Shakti, Govt. of India,



1st Floor, Major Dhyan Chanda National Stadium,
New Delhi – 110002,

7. West Bengal Pollution Control Board,
Through Member Secretary,
Paribesh Bhawan, 10A, Block-L.A., Sector-III,
Salt Lake, Bidhannagar, Kolkata,
Pin – 700106,

...Respondent(s)

**WITH
ORIGINAL APPLICATION NO.71/2022/EZ**

People United for Better Living in Calcutta, (PUBLIC),
Through its Founder-Member Pradeep Kakkar,
R/o 11, Hindustan Park, Kolkata,
Pin – 700029,

...Applicant(s)

Versus

1. West Bengal Housing Infrastructure Development Corporation Limited,
Through its Managing Director,
Office at HIDCO Bhaban, 35-1111, Biswa Bangla Sarani,
3rd Rotary, New Town,
Kolkata – 700156,
2. Government of West Bengal,
Through Chief Secretary,
Nabanna, 325 Sarat Chatterjee Road,
Shibpur, Howrah,
Pin – 711102,
3. Department of Environment, Govt. of West Bengal,
Through Additional Chief Secretary, (Additional Charge),
Prani Sampad Bhavan, 5th Floor,
LB-2, Sector-III, Salt Lake, Kolkata,
Pin – 700098,



...Respondent(s)

Date of hearing: 09.01.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Subhas Datta, in person

For Respondent(s): Mr. Sudip Kr. Dutta, Adv. for R-1&5, (in Virtual Mode)
Ms. Paushali Banerjee, Adv. for R-2, (in Virtual Mode)
Mr. Ashok Kumar Banerjee, Sr. Adv. (in Virtual Mode) a/w
Mr. Sibojyoti Chakraborty, Advocate (in Virtual Mode) &
Mr. Prithwish Basu, Advocate for R-3,

Mr. Aritra Basu, Advocate (in Virtual Mode) a/w Mr. Ratul Das, Advocate & Mr. Saaqib Siddiqui, Advocate for R-4, Mr. Ashok Prasad, Advocate for R-6, Mr. Dipanjan Ghosh, Advocate for R-7,

(In ORIGINAL APPLICATION NO. 71/2022/EZ)

For Applicant(s) : None

For Respondent(s): Mr. Aritra Basu, Advocate (in Virtual Mode) a/w Mr. Ratul Das, Advocate & Mr. Saaqib Siddiqui, Advocate for R-1, Mr. Sudip Kr. Dutta, Adv. for R-2&3, (in Virtual Mode)

ORDER

1. Mr. Subhas Datta, the Applicant, is present in person in Original Application No. 65/2022/EZ.
2. This Original Application has been filed by the Applicant, seeking a direction to the Respondents for implementation of the judgment/order of the National Green Tribunal dated 21.09.2020 passed in Original Application No.12/2015/EZ (*Joydeep Mukherje vs. The Chairman, Pollution Control Board & Ors*).
3. The Original Application No. 65/2022/EZ and Original Application No. 71/2022/EZ are being taken up together as they involve identical questions of law and fact.
4. The matter relates to Adi Ganga River which is a tributary/distributary channel of River Ganga which flows from Hastings point Kolkata to Bidyadhari River at Samukpota. It is stated that this river has a religious significance but has been allowed to be degraded to become a virtual Nullah (Drain).
5. The Original Application No.12/2015/EZ was filed, seeking direction for restoration of the river and its rejuvenation. The Tribunal disposed of this original application vide judgment/order dated 21.09.2020 giving the following directions:-



"29. In view of the resume of facts set out above, we deem it necessary to direct as follows: -

- I. All efforts shall be made to ensure restoration and rejuvenation of the Adi Ganga. There shall be concerted efforts made by all the concerned authorities, namely the Department of Environment, the Department of Irrigation and Water Resources, Government of West Bengal, Kolkata Municipal Corporation and the State Pollution Control Board.
- II. The STPs proposed at Russa Road South, 1st Lane, KIT Scheme No. 118 handed over to the KMC on 26.07.2017, one at Garia which is the KMC's only land and at Chandi Ghosh Road, Ward No. 27, shall be expeditiously and as far as it may be practicable within 31st December 2020.
- III. The exercise for removal of all encroachments on the banks of the Adi Ganga and the related rehabilitation of the displaced persons shall be completed within six months from hence. For this purpose the onus shall be upon the State Government to identify suitable land. Use of the land of the KOPT may be negotiated by the State Government at the highest level of the administration in order to ensure expeditious completion of the exercise. This is necessary as it is said to be linked with the funds provided by the NMCGA.
- IV. The area of the river Adi Ganga shall be demarcated and the river made clear of silt and hydrophytes. This action shall be for the entire stretch of the river and not just confined to Garia onwards.
- V. The Kolkata Municipal Corporation shall prepare an action plan to deal with the accumulation of solid waste underneath the elevated station and around the piers expeditiously in consultation with the KMC and the State Pollution Control Board but not later than one month and implement the same within next month following at its own cost.
- VI. The State Pollution Control Board shall exercise its statutory powers conferred upon them under the Air and Water Acts against the metro railways for making the stretch of the river affected by the piers and the elevated stations clear of all obstructions caused by solid waste.



- 18 -

Appropriate measures shall be prescribed for ensuring that solid waste does not flow underneath the elevated railway stations for which the metro railway stations shall be made responsible to ensure regular clearance and de-siltation of the stretch within the area covered by the stations. The KMC shall collaborate with the efforts of the metro railway.

- VII. *The entire project for cleaning Adi Ganga shall be completed in terms of the action plan submitted by the Chief Secretary strictly within the stipulated time frame.*
- VIII. *The NMCG shall explore possibility of releasing the funds approved for the project having regard to the importance of the Adi Ganga and the necessity for its speedy restoration and rejuvenation in the interest of the environment.*
- IX. *The State Pollution Control Board shall maintain strict vigil and be diligent in ensuring that the removal of the solid waste and diversion of the sewage from the Adi Ganga is completed expeditiously. While discharging this responsibility, the State PCB shall be at liberty to take coercive action against those violating the Environmental norms which may include assessing and recovering environmental compensation for the damage caused.*
- X. *In order to ensure compliance of the directions, we deem it necessary to constitute a committee comprising of the following:-*
- (i) The Additional Chief Secretary/Principal Secretary, Department of Environment.*
 - (ii) The Additional Chief Secretary/Principal Secretary, Department of Irrigation and Water Resources.*
 - (iii) Chairman/Member Secretary or an Officer of equivalent rank, Kolkata Municipal Corporation.*
 - (iv) Director General of Tolly's Nullah Project. (v) The Head of the Kolkata Metro Railway or his Senior Representative.*
 - (v) West Bengal State Pollution Control Board.*
- XI. *The Kolkata Municipal Corporation shall be the nodal agency for coordination. The Chief Secretary shall supervise the function of the committee and oversee the progress made in the project."*



6. The Tribunal had further directed the Respondents to file a Report of Compliance by 04.02.2021. We called for the records of Original Application No. 12/2015/EZ and we find that no affidavit of compliance has been filed by the Respondents.
7. The Applicant in the present Original Application submits that even after (19) nineteen months, nothing has been done towards rejuvenation of the said river. The allegations contained in the Original Application broadly stated are extracted herein below:-

"The brief of the unresolved major issues is as follows:

- I) DETAILED PROJECT REPORT (DPR)**
In order to arrest discharges of sewage water to the river, STP was to be constructed after laying pipe-lines through the banks. For this work the D.P.R. has not yet been finalized.
- II) REMOVAL OF ENCROACHMENTS**
The direction was to remove all encroachments (both temporary as well as permanent) within 6 months. The temporary encroachers were removed initially but they have again come back and the permanent encroachers are still there.
- III) REMOVAL OF COW/BUFFALO SHEDS (KHATALS)**
Initially such Khatalas were removed but again they have come back to the original position.
- IV) NON-FENCING OF THE BANKS OF THE RIVER**
The direction to fence both the banks has remained unattended.
- V) NO ACTION BY WBPCB AGAINST METRO AND OTHER OFFENDERS**
State Pollution Control Board was directed to take actions, even coercive measures against the offenders but no such steps is visible.
- VI) GARBAGE DUMPING**
Huge Quantity of wastes has been dumped at different points of the banks.



There are other adverse developments concerning Adi Ganga as follows:-

- a) HIDCO has taken up a programme to rejuvenation the river by concrete covering 1 km stretch from Alipur Bridge to Kalighat Bridge.
- b) Pipe-lines are being laid by KMDA at both the banks for a water supply project to Rajpur/Sonarpur.
- c) Low-height bridge has been constructed at Kalighat point in such a manner that flow of the river is obstructed and floating garbages are accumulated.

The above works will directly clash with the rejuvenation programme of Adi Ganga, which has been undertaken by National Mission for Clean Ganga (NMCG) as per the directions of the Hon'ble Tribunal.

State Pollution Control Board Water Quality reports for this river show very high contamination of Adi Ganga. The test reports for 15th February, 2021 on Fecal Coliform and Total Coliform show as follows: -

Parameter	Bansdroni (High Tide)	Kalighat (Low Tide)	Unit
Faecal Coliform	1700000	4600000	MPN/100ml
Total Coliform	3300000	1100000	MPN/100ml

Note:- safe limit a) For total Coliform 5000/MPN/100ml & b) For fecal Coliform 500-2500/MPN/100ml"

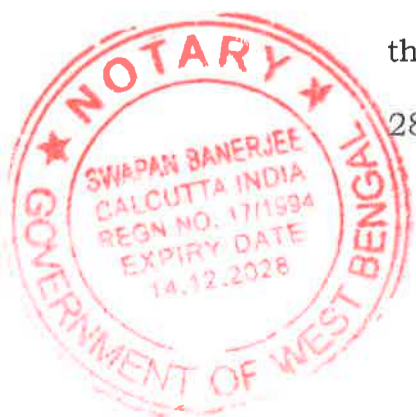
- 8. In support of the contentions raised in this Original Application, photographs have also been filed by way of evidence to show that a proposed Nullah has been constructed with its pillars and its foundation standing in the middle of the river which is not permissible. Certain constructions are also shown to have been made in the river thereby virtually blocking it. The photographs also show immense quantity of garbage scattered all over the place, virtually converting a pristine river into a foul-smelling gutter.



9. At the time of admission, the Tribunal constituted a Committee comprising of the following members: -
- (i) *A Senior Scientist from West Bengal Pollution Control Board;*
 - (ii) *A Senior Scientist from Central Pollution Control Board, Regional Office, Kolkata;*
 - (iii) *Kolkata Municipal Corporation through Municipal Commissioner or his representative of a senior rank;*
 - (iv) *Smt. Antara Acharya, C.E.O. from Kolkata Metropolitan Development Authority;*
 - (v) *Mr. Rabijyoti Majumdar, Sr. Special Secretary (Retd.), Department of Environment, Government of West Bengal; and*
 - (vi) *Dr. Tapas Gupta, Chief Technical Advisor, West Bengal Pollution Control Board.*
10. The Committee was directed to examine the point-wise allegations made in the Original Application and submit its report by the next date of listing giving its suggestions with regard to rejuvenation of the river and action taken in pursuance of the previous directions given by the Tribunal in Original Application No.12/2015/EZ.
11. A compliance affidavit dated 20.07.2022 has been filed on behalf of the Respondent No.2, Kolkata Metropolitan Development Authority, ('KMDA' for short), stating therein that regarding laying of pipelines on both the banks of the river for a water supply project for Rajpur-Sonarpur Municipality, a survey was carried out for both sides of the road along the left bank and right bank of Tolly's Nullah, since Rajpur-Sonarpur area being a part of South Kolkata (Garia/Tollygunge area) and Baruipur Municipal area are facing severe water crisis as ground water in these areas have depleted considerably.

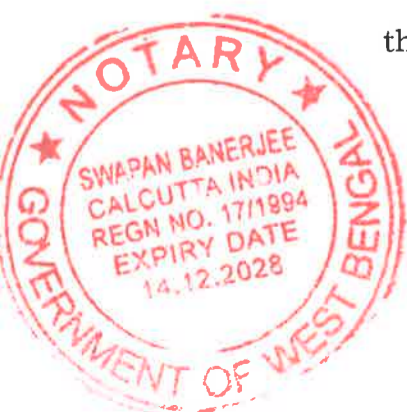


12. It is stated that a decision was taken by the Urban Development and Municipal Affairs Department, ('UDMA' for short), Government of West Bengal, that the surface water (from river Ganga) could be supplied after conventional treatment in above mentioned areas. Accordingly, water supply projects for Rajpur-Sonarpur Municipality, Baruipur Municipality and part of South Kolkata (Garia/Tollygunge area) have been sanctioned under Atal Mission for Rejuvenation and Urban Transformation Scheme.
13. In the affidavit, it is also stated that the KMDA is laying 1600mm Diameter MS (Mild Steel) Raw Water Rising Main for carrying raw water from the River Ganga for the three water supply projects for which the KMDA has been entrusted with the construction of 124 Million Litres Per Day capacity Water Treatment Plant (WTP) for Rajpur-Sonarpur Municipal area. It is also stated that a part of the raw water will also be diverted and transmitted to South Kolkata Garia area where separate Water Treatment Plant of 45 Million Litres Per Day capacity will be constructed by the Kolkata Municipal Corporation ('KMC' for short).
14. In the affidavit, it is further stated that KMDA has sought 'No Objection Certificate' ('NOC' for short) from the Metro Railway, Kolkata, for laying 1400/1600mm diameter pipeline over 750m diameter RCC Pile along the embankment slopes of Tolly's Nullah to carry raw water from River Hooghly via Remount Road, Alipore and Gitanjali Metro Station for 124 Million Litres Per Day Water Treatment Plant at Rajpur-Sonarpur Municipality under the Atal Mission for Rejuvenation and Urban Transformation Scheme, and the Metro Railway, Kolkata, has issued NOC vide their letter dated 28.08.2019. NOC was also sought from the Shayamaprasad



Mukherjee Port Trust Authority which has been granted by the said Authority vide their letter dated 15.07.2021. Relevant documents to that effect have been filed along with the affidavit. It is also stated that the pipeline laying work is under progress, however, no timeline for completion has been given.

15. Considering that the work is in progress and the requisite NOCs were also granted on 28.08.2019 and 15.07.2021 by the Metro Railways, Kolkata, and the Shayamaprasad Mukherjee Port Trust Authority, we direct the KMDA, Respondent No.2, to complete the entire work of laying of pipeline by **31st December, 2023** and file an affidavit of compliance in this regard by **15.01.2024**.
16. The Respondent No.4, West Bengal Housing Infrastructure Development Corporation Limited ('HIDCO' for short), has filed its affidavit dated 03.09.2022, stating therein that tender process was initiated by the HIDCO for Planning, Designing and Periodical Supervision for Rejuvenation of Adi Ganga (Tolly's Nullah) for a stretch of 1,000 meters between Kalighat Bridge and Alipore Bridge with protection of banks under Alipore Area Development Project with protection of banks under the said Project area. It is stated that C.E. Testing Company Limited ('Consultant' for short) was the successful bidder and work order has been issued by the Respondent No.4, HIDCO, to the said Company on May 17th, 2022. However, the said work order was cancelled on 14.07.2022 and after receipt of a feedback from the Consultant, a revised work order was issued on 14.07.2022 by the said Respondent.
17. In terms of the revised work order dated 14.07.2022, the scope of the works as earlier awarded has been modified, making it



incumbent on the part of the Consultant to perform the following works:-

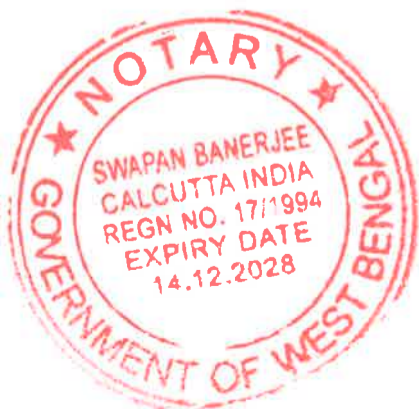
- i. Preparation of Draft Concept Plans of landscaping and beautification of the Canal Banks without affecting the natural flow of the Canal and without any concrete structure or structural arrangement within the Canal.
- ii. Preparation of Final Plans of landscaping and beautification of the Canal Banks.
- iii. Preparation & sanction of plans for statutory authority, if required.
- iv. Periodic supervision during implementation of the landscaping and beautification work of the Canal Banks.”

18. In the affidavit of the HIDCO, it is also stated that this Project was carried out for identified areas of Ward No. 74 and 82 of Kolkata Municipal Corporation in which Rejuvenation of Adi Ganga was also included.

19. However, we find that in this affidavit no timeline has been give for completion of the works undertaken under the work order of 14.07.2022. We accordingly direct the Respondent No.4, HIDCO, to complete all the works mentioned hereinabove as also contained in para 9 of their affidavit within **31st December, 2023** and file affidavit of compliance in this regard by **15.01.2024**.

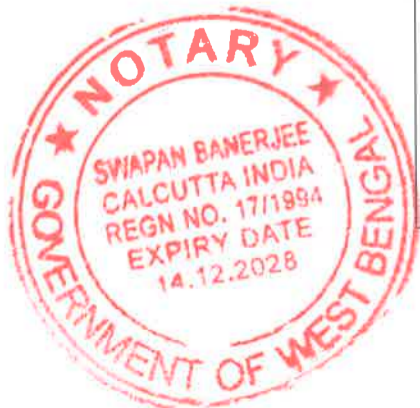
20. The Respondent No.4, Kolkata Municipal Corporation, has filed its affidavit dated 05.09.2022. Along with this affidavit, “Actions and Planning already initiated/to be initiated for Pollution Abatement of Tolly’s Nullah (Adi-Ganga)” has been filed which read as under:-

“Actions and Plannings already initiated/to be initiated for Pollution Abatement of Tolly’s Nullah (Adi-Ganga) as per Original Application No. 65/2022/EZ

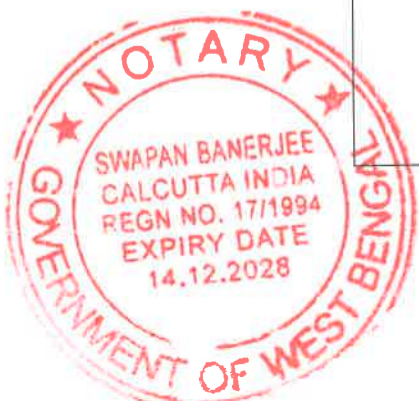


Sl. No.	Observations by Hon’ble NGT	Response from KMC

I)	<p>DETAILED PROJECT REPORT (DPR)</p> <p>In order to arrest discharges of sewage water to the river, STP was to be constructed after laying pipe-lines through the banks. For this work the D.P.R. has not yet been finalized.</p>	<p>The Revised Draft DPR for "Pollution Abatement of Tolly's Nullah", has been submitted to WBSPMG on 12.08.2022 and further it has been submitted to NMCG on 23.08.2022 by WBSPMG.</p>
II)	<p>REMOVAL OF ENCROACHMENTS</p> <p>The direction was to remove all encroachments (both temporary as well as permanent) within 6 months. The temporary encroachers were removed initially but they have again come back and the permanent encroachers are still there.</p>	<p>All the lands for proposed STPs and SPSs are encroachment free.</p> <p>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 process for getting AA&FS is underway.</p>
III)	<p>REMOVAL OF COW/BUFFALO SHEDS (KHATALS)</p> <p>Initially such Khatalas were removed but again they have come back to the original position.</p>	<p>As Per The Affidavit Submitted To The Hon'ble NGT Against OA-12/2015 For The Case To Be Heard On 27th Jan 2017, The Cattle Section, Lal Bazar, Kolkata Police, had assured that all the vacant cattle shed had been dismantled and no any cattle is found as on date of Affidavit and they shall remain accountable for the revival of Khatalas on the bank of Adi-Ganga.</p>



		<p>Subsequently the order was passed by Hon'ble NGT on 27th Jan 2017, stating that "we find substance in the submission of Mr. Dutta and accordingly direct the Commissioner of Kolkata Police to take Stringent measures to ensure that no Encroachment takes place on the bank of Adi-Ganga in the Area in question by any person including prevent khatala and piggeries from being set up. As one of such measures, the concerned police stations may be directed to undertake regular patrolling and maintain strict vigil to prevent such encroachment."</p> <p>In this regard letters have been sent to Joint CP, Kolkata Police on 10.05.2022 & 20.07.2022.</p>
IV)	<p>NON-FENCING OF THE BANKS OF THE RIVER</p> <p>The direction to fence both the banks has remained unattended.</p>	<p>Fencing on Kalighat Bridge over Adi-Ganga has been done and it is observed that the habit of throwing flowers by the pilgrims has been arrested. Some portions adjacent to Kalighat Bridge, along both the banks are also fenced.</p>



		We are planning to put fencing on all the 33 nos. of bridges across Tolly's Nullah and have started the same from Kali Bari Bridge (Bansdroni).
V)	<p>GARBAGE DUMPING</p> <p>Huge Quantity of wastes has been dumped at different points of the banks.</p>	<p>These wastes are collected after arresting the floating garbage across Tolly's Nullah and are being taken care of by the Solid Waste Department of KMC on regular basis and the Dept. has also taken a planning to install 02 nos. portable bins at major Ghats of Tolly's Nullah. It is also planned to install more floating Garbage arrester on either sides of Major Ghats and to fence the market area lying on the embankments of Tolly's Nullah where the space is available.</p>

We are also carrying out De-silting/Dredging of Tolly's Nullah (Adi-Ganga) as an interim measure to curb/minimize the pollution by maintaining the natural flow, as follows :

- 1) "Dredging of Tolly's Nullah including cleaning rubbish, garbage and bushes on both banks of Tolly's Nullah from Chetla Bridge to confluence point of river Ganga, Phase-1", **for a stretch of 4.7 KMs out of State funding for an approved cost of Rs.11.16 Crs., the Physical progress of work till date has been achieved as 40% (approx..)**
- 2) "Dredging of Tolly's Nullah including cleaning rubbish, garbage and bushes on both banks of Tolly's Nullah from Kudghat metro station to Chetla Bridge including cleaning of silt and dismantling of concrete of test piles up to bed level of Nullah



under five metro stations (Ph-II), for a stretch of 5.37 KMs out of State funding for an approved cost of Rs.14.99 Crs., has been tendered and processed for getting clearance of Departmental Tendering Committee, GoWB.

Based on the observations of the Second meeting after joint site inspection of the Committee constituted by Hon'ble NGT in its order dated 20.05.2022 in connection with OA No.65/2022 related to rejuvenation of Adi-Ganga the following details are furnished for its perusal:

- 1) *As per the direction of the Concerned authority a scheme for the construction of Barrage/Sluice gate with pumping Station has been prepared near Confluence point of River Ganga (Doi Ghat), to curb down the pollution of River Ganga due to tidal effect and to pump out the SWF during Monsoon Season. The over flooding of Tolly's Nullah at many vulnerable Places such as Kalighat Temple Area is expected to be controlled, once the proposed Barrage/Sluice gate and Pumping Station gets Operational. The DPR for the same has been submitted to UD&MA Dept. GoWB vide memo no. TPDD/O/193/2022-23 dated 28/07/2022. The Irrigation & Waterways Dept., GoWB has already been communicated their observation regarding the project for inclusion and Water Resource Dept., Jadavpur University has also been engaged for the Hydraulic Model studies alongwith allied technical surveyings."*

21. The Respondent No.7, West Bengal Pollution Control Board, has also filed its affidavit dated 21.11.2022, bringing on record the Report of the Committee constituted by the Tribunal. The Observations and Recommendations of the Committee's Report read as under:-

“Substance of the Report

The Committee held two meetings on 10.06.2022 and 31.08.2022 and conducted inspection of the different stretches of Adi Ganga from Dai Ghat near Hastings (confluence with River Hooghly) to Ganga-Joara within Rajpur-Sonarapur Municipality area on 15.07.2022, 17.08.2022 and 19.08.2022.



The Committee also examined the allegations made in the two Original Applications and examined the reports submitted by the concerned authorities. The observations of the Committee are detailed below:

Detailed Project Report (DPR) : The Revised Draft DPR for "Pollution Abatement of Tolly's Nullah", has been submitted to WBSPMG and it has been submitted to NMCG by WBSPMG for approval. The DPR has been divided into two Tranches, Tranche-I and Tranche-II. The estimated cost for Tranche-I, comprising of three (3) new STPs (10 MLD, 11.6 MLD, 3.5 MLD), one (1) new MPS, augmentation and refurbishment of seventeen (17) Lifting Stations (LSs) and five (5) new mini Pumping Stations (PSs), is Rs.939 crore. The estimated cost for Tranche-II, comprising of rehabilitation of sewerage network, is Rs.220 crore.

Removal of encroachments : The KMC reported that all the lands for proposed Sewage Treatment Plants (STPs) and Sewerage Pumping Stations (SPSs) are encroachment free. As the networking has drastically changed in the revised scope of DPR for "Pollution Abatement of Tolly's Nullah", only eight (8) families need 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 process for getting AA&FS is underway.

Removal of Cow/Buffalo Sheds (Khatals) : As per the affidavit submitted in connection with O.A. No. 12/2015/EZ, the Cattle Section, Lal Bazar, Kolkata Police, had assured that all the vacant cattle shed had been dismantled and no cattle is found as on date of Affidavit and they shall remain accountable for the revival of Khatals on the bank of Adi Ganga. The KMC reported that they have sent letters in this regard on 10.05.2022 and 20.07.2022 to the Joint Commissioner of Police, Kolkata Police. During physical inspection on 15.07.2022, the Committee observed that cattle sheds (Khatals) are operating near on Munshi Gunj Road, Hastings, Ward No. 75, Kolkata-700022. Photographic evidences are given below:

Non-fencing of the Banks of the River : During inspection of different stretches of the Adi Ganga, the Committee observed



that the banks of Adi Ganga has not been fenced. However, fencing on Kalighat bridge and Kalitala Bridge (Bansdroni) over Adi-Ganga have been done to restrict throwing garbage and flowers. Photographic evidences are given below:

The KMC reported that they are planning to put fencing on all the thirty three (33) nos. of bridges across Adi Ganga.

Responsibility of Metro and Others :The Metro Railway authority had the responsibility of cleaning the base all Metro Stations over the Adi Ganga. The Department of Urban Development and Municipal Affairs, Govt. of West Bengal and KMC had meetings with Metro Railway authority in this regard. Metro Rail has demolished all its test piers for maintaining & ensuring a flow.

Garbage Dumping : The KMC reported that solid wastes are collected after arresting the floating garbage across Adi Ganga and are being taken care of by the Solid Waste Department of KMC on regular basis and has also taken a planning to install two (2) nos. portable bins at major Ghats of Adi Ganga. KMC has also planned to install more floating Garbage arrester on either sides of major Ghats and to fence the market area lying on the embankments of Adi Ganga where the space is available. The Committee observed that solid waste collection bins have been placed at Dai Ghat and Kalighat and hoardings are displayed to inform the general public not to throw flowers and other solid wastes. However, near Garia Bridge within KMC area and Garia Station area within RajpurSonarpur Municipality area, dumping of garbage on both the banks of Adi Ganga was observed. Photographic evidences are given below:

Programme taken by HIDCO :It was reported by the applicants in O.A. No. 65/2022/EZ and O.A. No.71/2022/EZ, that the HIDCO has taken up a programme to rejuvenation the river by concrete covering 1 km stretch from Alipur Bridge to Kalighat Bridge. The HIDCO has informed that they have taken up a development programme for beautification of Adi Ganga. The development proposal will not affect or change the flow canal hydrology in any manner. The proposal is mainly for beautification and landscape development on the side of the river bank (like installation of new points/hedges/flowering

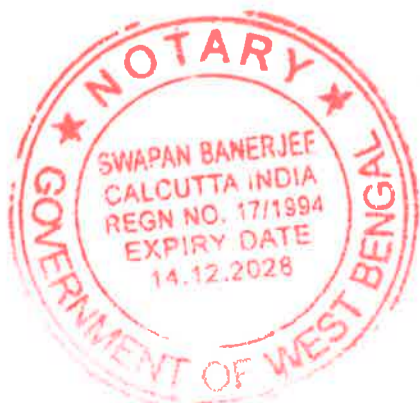


plants, grass lawn, gravel / wooden deck / earthen walkway, decorative lights, sitting arrangement etc.). HIDCO declared that concreting on canal bed wouldn't be done.

Pipe-lines by KMDA : The Committee observed that the Kolkata Metropolitan Development Authority (KMDA) has partly completed laying of pipe-lines for water supply to Rajpur Sonarpur Municipality area starting from chetla Boat Canal to Naktala. The pipe-line passes along the bank of the Adi Ganga as far as practicable and is not obstructing the natural flow of the river. At some areas, due to presence of RCC piers of Metro Rail along the River, the water supply pipe could not be laid along the same bank and in those cases, the pipe line has been taken along the opposite bank. In case the requisite space is not available in the bank, the pier/columns have been constructed on the slope keeping a suitable clearance to ensure natural drainage of surface run off. KMDA has obtained necessary permission from KMC, Kolkata Port Trust and Metro Railway in this respect. Part of the pipe-line also passed through underground of the right of way wherever adequate spaces were available avoiding the Adi Ganga. Report submitted by KMDA is annexed. Photographic evidences are given below:

Low-height bridge at Kalighat : The Committee observed that the Irrigation and Waterways Department has constructed a foot bridge at Kalighat. The height of the foot bridge appears to be low due to non-availability of adequate space for access to the bridge. However, the natural flow of the Adi Ganga is not obstructed by the bridge. It was reported that during highest high tide and in extreme weather condition in one or two times in a year, the water flows above the foot bridge. No garbage accumulation could be observed due to the foot bridge. Documents submitted by Irrigation and Waterways Department is annexed which indicates that free space is available in the bridge during normal tide level. Photographic evidences are given below:

Further, as submitted by KMC it appears that they have prepared a scheme for construction of Barrage/Sluice gate with Pumping Station near confluence point of Adi Ganga and River Ganga (at Doi Ghat), to curb down the pollution of River Ganga



due to tidal effect and to pump out the Storm Water Flow (SWF) during monsoon season. The over flooding of Adi Ganga at many vulnerable places such as Kalighat Temple area is expected to be controlled, once the proposed Barrage/Sluice gate and Pumping Station gets operational. The DPR for the same has been submitted to the UD&MA Department, GoWB vide memo no. TPDD/O/193/2022-23 dated 28.07.2022. The Irrigation & Waterways Dept., GoWB has already been communicated their observation regarding the project for inclusion and Water Resource Dept., Jadavpur University has also been engaged for the Hydraulic Model studies along with allied technical surveys.

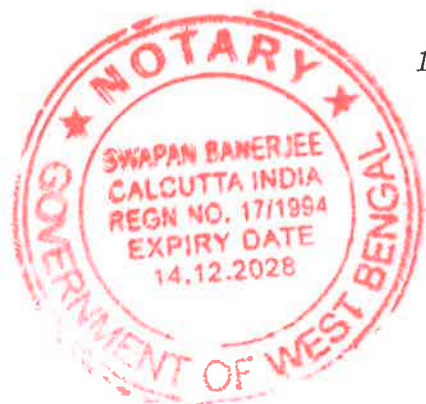
De-silting/Dredging of Adi Ganga :The KMC reported that they are carrying out the de-silting/dredging of Adi Ganga to clean the river by maintaining the natural flow of the river. Photographic evidences are given below, Phase-I of the dredging work within the stretch from Chetla bridge to confluence point of river Ganga (4.7 Km.) includes cleaning rubbish, garbage and bushes on both banks of the river and the cost will be Rs.11.16 Crores. About 40% of work has been completed. The Phase-II work from Kudghat Metro Station to Chetla bridge including cleaning of silt, for a stretch of 5.37 Km., involving an expenditure of Rs.14.99 Crores, is under process for issuing work order after observing all usual norms as in vogue in KMC.

During inspection the Committee observed that dredging work is in progress in different parts of the river. WBHIDCO has allotted about 25 cottah land behind bungalow of District Magistrate, South 24 Parganas in favour of KMC for temporary disposal of dredged material

Solid waste management : The KMC reported that Organic Waste Composters are operating at different locations along the stretch of the River. The KMC has identified location for setting up an Organic Waste Composter near Kalighat Temple as well.

Recommendations of the Committee :-

1. The entire stretch of Adi Ganga is under I&W Dept., Govt. of West Bengal. Although, the I&W Dept. has given responsibility of maintenance of Adi Ganga to KMC, the principal authority lies



with the I&W Dept. Therefore, any activities on or along Adi Ganga or river bank by any authority needs prior permission from I&W Dept.

2. NMCG should approve the revised proposal of Tolly Nullah rejuvenation and KMC should undertake the work on war footing to complete task within the scheduled period. WBSPMG and UD&MA Dept., Govt. of West Bengal will monitor this programme.
3. KMC and Rajpur Sonarpur Municipality should put up net above man-height on all the bridges across the Adi Ganga to stop disposal of garbage or plastics into the river.
4. KMC and Rajpur Sonarpur Municipality should put up net across the river to arrest floating of solid wastes and should ensure cleaning of floating solid wastes at regular intervals.
5. Kolkata Police should take action to remove all khatalas and piggeries from the banks of Adi Ganga at an earliest. Kolkata Police to take stringent measures to ensure that no further encroachment takes place on the banks of Adi Ganga. Concerned police stations may be directed to undertake regular patrolling and maintain strict vigil to prevent such encroachments.
6. Metro Railway authority should ensure regular cleaning of Adi Ganga near Metro piers and Metro Railway Stations. The Metro Railways Authority should make provision for waste collection bins at Metro Stations.
7. Large waste bins to be placed by KMC on all the ghats surrounding Kalighat temple so that puja offerings are not dumped into the river.
8. KMC should make facility of Organic Waste Composter (OWC) near Kalighat temple, at the designated site identified by KMC during inspection, within one year.
9. There should not be any sewer line carrying untreated sewage into Adi Ganga.
10. All drainage channels need to be kept open as far as possible for better maintenance and upkeep.



11. *HIDCO will have to give adequate space in the open land behind bungalow of District Magistrate, South 24 Parganas in favour of KMC for collecting silt from river before its transportation, to be done to the satisfaction of relevant department of KMC.*

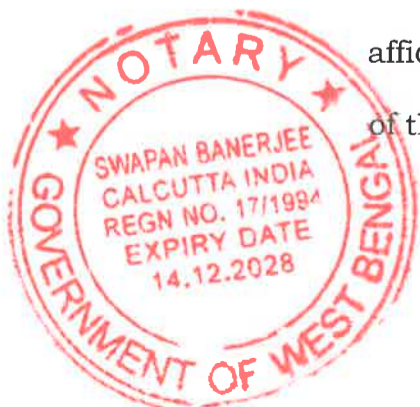
12. *KMC and RajpurSonarpur Municipality to put up display boards near major market places and religious places informing general public not to throw or dispose garbage into the Adi Ganga.*

13. *IEC to be done in association with concerned Bazar Committees on a regular basis."*

22. From the above recommendations of the Committee's Report, we find that several Projects are to be completed by the Metro Rail Authority, Kolkata Municipal Corporation, HIDCO, Kolkata Police and Rajpur-Sonarpur Municipality.

23. The Respondent No.6, National Mission for Clean Ganga ('NMCG' for short), has also filed affidavit dated 21.11.2022, wherein it is stated that a Detailed Project Report (DPR) for Tolly Nallah Project was first submitted on 31.08.2022 and again re-submitted after bifurcating into two stages of implementation on 16.09.2022. The said DPR proposal includes construction of 22.655 kilometers long new sewer network besides de-silting and lining of 26.468 kilometers existing sewer network, penstock gates and three new Sewerage Treatment Plants (STPs) of total treatment capacity of 25.10 MLD (10 MLD, 11.6 MLD and 3.5 MLD capacity) which will be getting sewage from 23 Dry Weather Flow Pumping Stations. It was also stated that the said DPR is under appraisal with the IIT, Roorkee and NMCG.

24. Accordingly, the Respondent No.6, NMCG, was directed to file affidavit, bringing on record the Final Detailed Project Report (DPR) of the said Project.

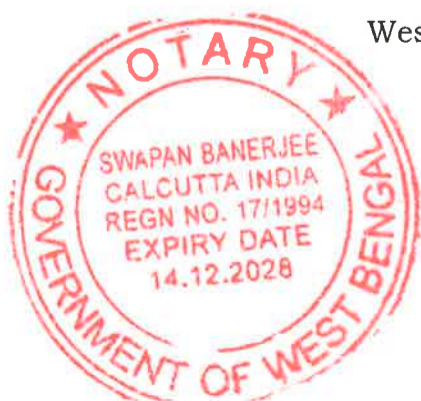


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25. In compliance thereof, the NMCG, Respondent No.6, has filed affidavit dated 05.01.2023, stating therein that the Detailed Project Report (DPR) for 'Tolly Nullah Pollution Abatement Project for Rejuvenation of River Adi Ganga, Kolkata, West Bengal, under 'Namami Gange Program' was prepared and Rs. 934.76 crores has been provided by the Kolkata Municipal Corporation through the West Bengal State Program Management Group (WBSPMG) on 31.08.2022. The said proposal includes construction of 22.655 kilometers long new sewer network besides de-silting and lining of 26.468 kilometers existing sewer network, penstock gates and three new Sewerage Treatment Plants (STPs) of total capacity 25.10 MLD (10 MLD, 11.6 MLD and 3.5 MLD capacity) which will be getting sewage from 23 Dry Weather Flow Pumping Stations.
26. It is also stated that the DPR was sent to the Indian Institute of Technology, Roorkee, ('IITR' for short), for third party appraisal and the IITR examined the said DPR technically and financially, and recommended a cost of Rs. 653.67 crores as against Rs. 934.76 crores.
27. In the affidavit, it is further stated that in the 46th Meeting of the Executive Committee of the NMCG held on 23.12.2022, and the Project for the Pollution Abatement work for Rejuvenation of River Adi Ganga, Kolkata, West Bengal, under Namami Gange Program, including 15 years Operation & Maintenance (O&M) of the sewerage infrastructure created, has been approved under the Namami Gange Program at an estimated cost of Rs. 653.67 crores. The scope of the Project comprises of major components/activities/works has been given in para 5 of the affidavit which are as follows:-



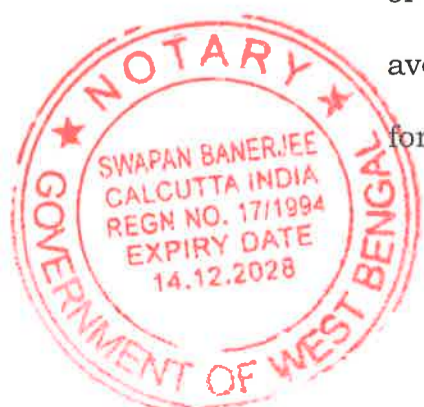
S. No.	Components/Activities/Works	Quantities
1.	I&D Network	23.6 Kms.
2.	STPs, 100 MLD, 11.60 MLD, 3.5 MLD	3 Nos.
3.	Sewage Pumping Stations (new) and Mini Pumping Stations	7 PS + 5 Mini PS
4.	Renovation of existing Sewage Pumping Stations	11 NOs.
5.	Pressure Main (including 4 nos. of Trestle Bridge)	25.9 Kms.
6.	New Penstock Gates	6 Nos.
7.	Renovation of Penstock Gates	68 Nos.

28. The copy of the DPR has been filed as annexure to the affidavit, however, in the affidavit it is stated that the time period for completion of the works under the said Project is estimated as 30 months after signing of the contract.
29. Mr. Kumar Ajitab, Project Officer (Legal), National Mission for Clean Ganga (NMCG), is present in Court and informs that the foundation laying stone for the Project of cleaning of Adi Ganga had already been done on 30th December, 2022. He further submits that this Project is monitored by the Central Monitoring Committee (CMC) constituted in Original Application No. 673/2018 (*Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.*) and monthly Reports are being filed before the Principal Bench by the said Committee.
30. Mr. Kumar Ajitab further informs that a River Rejuvenation Committee (RRC) headed by the Chief Secretary, Government of West Bengal, is also monitoring this Project and other similar



projects which have been prioritized for attention as highly polluted river stretches.

31. We, therefore, direct that the Report which will be submitted by the Chief Secretary, Government of West Bengal shall also address itself to the question as to whether the steps to prevent misuse of the river bank by throwing debris in it has been taken in the form of fencing or otherwise, as also to protect the river bank from encroachers and encroachments. The Report of the Chief Secretary shall also address itself to the question as to whether the khatala, namely, cow/buffalo sheds, have been removed from the banks of the river or not. The Report shall also examine the question of removal of the Pillar which has been constructed in the middle of the River Adi Ganga, if feasible.
32. We further direct that the Report which shall be submitted in Original Application No. 673/2018 by the Chief Secretary, Government of West Bengal, a copy of the same shall also be provided to Mr. Subhas Datta, the Applicant in the present Original Application, who will be at liberty to approach this Tribunal or the Principal Bench, as the case may be, if any matter still remains to be addressed.
33. Mr. Prithwish Basu, learned Assisting Counsel of Mr. Ashok Kumar Banerjee, learned Senior Counsel appearing (in Virtual Mode) for the Respondent No.3, Kolkata Municipal Corporation, was directed to take instructions from the Department to apprise this Court with regard to the signing of the contract in respect of the various works of Rejuvenation of Adi Ganga Project, particularly in view of the averments made in para 6 of the affidavit of the National Mission for Clean Ganga (NMCG).

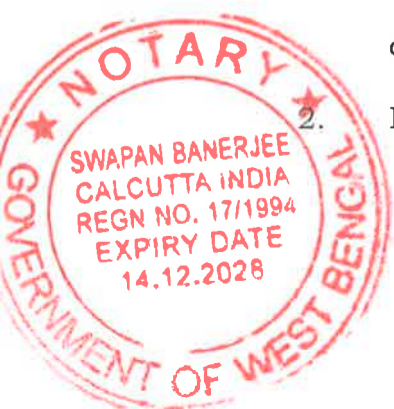


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34. Mr. Basu informs that the timeline for signing of the contract is also to be decided by the NMCG.
35. However, since in the affidavit of the NMCG, Respondent No.6, it is stated that the said Project is to be completed within 30 months from the date of signing of the contract, we direct the Respondents to complete the entire Project covered by the DPR of Pollution Abatement of Tolly's Nullah for Rejuvenation of River Adi Ganga, Kolkata, West Bengal, under Namami Gange Program, positively by **30th September, 2025** and file affidavit of compliance in this regard by **15th October, 2025**.
36. With the aforesaid directions, the Original Application No. 65/2022/EZ is disposed of.
37. There shall be no order as to costs.

(ORIGINAL APPLICATION NO. 71/2022/EZ):-

1. This connected Original Application has been filed by the Applicant, on the allegation that under the garb of rejuvenation of the Adi Ganga River, the Respondents are trying to cover 1,000 meters stretch from Kalighat Bridge to Alipore Bridge by creating bed of canal with bounded U-Trough for dry weather flow through rectangular RCC U-Trough, the vertical retaining wall separating the ground level pathway with bed level promenade. It is also alleged that the two banks of this Nullah/Canal will be protected from the immediate floor upto the canal top by vertical RCC retaining wall and at the canal top level there will be concrete pathway on either side and both ends of the stretch will be controlled through sluice gate to be installed at both ends.

2. No one has put in appearance on behalf of the Applicant.

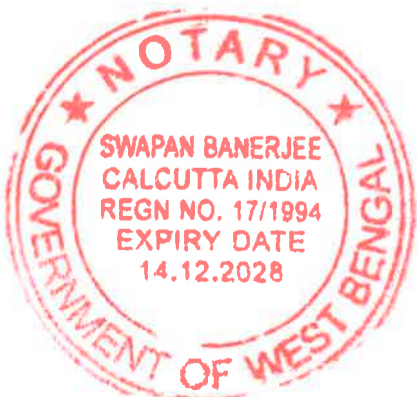


3. Mr. Subhas Datta, the Applicant, in the connected Original Application No. 65/2022/EZ, submits that the reliefs claimed in this Original Application would be covered by the Project DPR of Pollution Abatement of Tolly's Nullah for Rejuvenation of River Adi Ganga, Kolkata, West Bengal, under Namami Gange Program, as submitted in Original Application No. 65/2022/EZ which are already on record in the said Original Application.
4. We accordingly dispose of this Original Application in the light of the directions given in Original Application No. 65/2022/EZ.
5. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Prof. A. Senthil Vel, EM

January 09, 2023,
Original Application No.65/2022/EZ
With
Original Application No.71/2022/EZ
AK



Annexure "B"

Partha Pratim Mallick
Partha Pratim Mallick
Special Officer (Land)
WBHIDCO Ltd.

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SL No. 5 DL

Before the National Green Tribunal

Eastern Zone Bench, Kolkata

Original Application No. 65/2022/EZ

Subhas Datta

... Applicant

-Versus-

State of West Bengal & Others

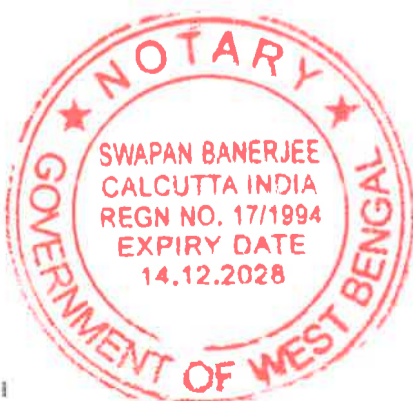
.. Respondents

Affidavit of Compliance on behalf of the respondent no. 4

I, Partha Pratim Mallick, son of Late Kumud Behari Mallick, aged about 64 years, by occupation service, by faith Hindu, working for gain at West Bengal Housing Infrastructure Development Corporation Limited at HIDCO Bhavan, 35-1111, Major Arterial Road, 3rd Rotary, New Town, Kolkata- 700156, do hereby solemnly affirm and say as follows:-

1. I am the Special Officer (Land) of the respondent no. 4 abovenamed and I am fully acquainted with the facts and circumstances of the present case. I am competent and I have been authorised by the respondent no. 4 to make and affirm this affidavit on its behalf.

2. By the judgment and order dated 9th January, 2023 this Hon'ble Tribunal directed the West Bengal Housing Infrastructure Development Corporation Limited i.e. the Respondent No.4 (hereinafter referred to as



5 JAN. 2024

Filed by
Somya de Jha
Advocate

Panthe Pratham Madrik
Pratima Prasad Ghosh
Special Officer (Land)
WBHIDCO Ltd.

the "answering respondent") to file an Affidavit of Compliance regarding the works undertaken under the revised work order dated 14th July, 2022.

3. In terms of the revised work order dated July 14, 2022, the scope of works as earlier awarded had been modified making it incumbent on the part of M/s. C.E. testing Company Limited (in short referred to as the "consultant") to perform the following works:-

i. Preparation of Draft Concept Plans of landscaping and beautification of the Canal Banks without affecting the natural flow of the Canal and without any concrete structure or structural arrangement within the Canal.

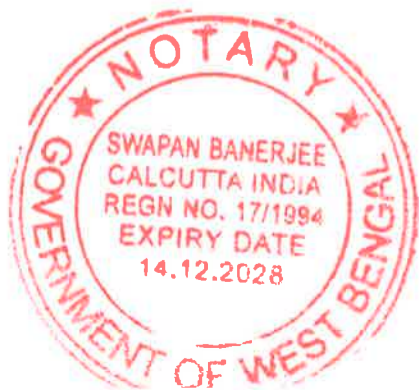
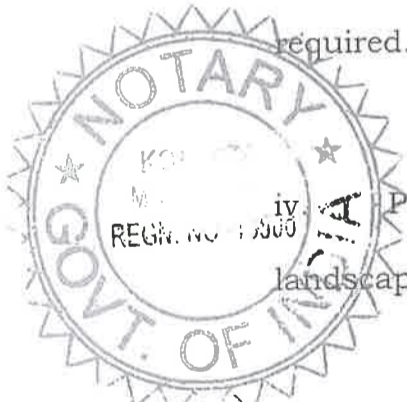
ii. Preparation of Final Plans of landscaping and beautification of the Canal Banks.

iii. Preparation & sanction of plans from statutory authority, if required.

iv. Periodic supervision during implementation of the landscaping and beautification work of the Canal Banks:

4. It is pertinent to mention that with regard to preparation of Draft Concept Plans of landscaping and beautification of the Canal Banks without affecting the natural flow of the Canal and without any concrete

Filed by
Sudip Ghosh
Advocate



Panthe Pratik Mallik
Special Officer (Land)
WBHIDCO Ltd.

Filed by
J. K. Banerjee
Advocate

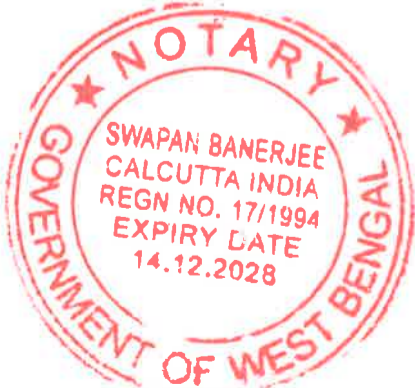
structure or structural arrangement within the Canal the Consultant has already submitted the Draft Concept Plan on 18th November, 2022 of landscaping and beautification along canal bank without affecting the natural flow of the canal and without any concrete structure or structural arrangement the canal.

5. As regards the preparation of Final Plans of landscaping and beautification of the Canal Banks, the Consultant has submitted the final plan on 17th October, 2023 of landscaping and beautification of the canal banks without affecting the natural flow of canal and without any concrete structure or structural arrangement within the canal from Kalighat Bridge to Alipore Bridge.

6. Furthermore, in respect of preparation and sanction of plans from statutory authority the Kolkata Municipal Corporation has been approached for giving consent while the work is going on.

7. In as much as periodic supervision during implementation of the landscaping and beautification work of the Canal Banks is concerned it is most humbly stated that the Consultant has been making periodic inspection and providing supervision for execution of work.

The aforementioned status would appear from a report dated 15th January, 2024 prepared by the deponent in terms of the order dated 9th January, 2023. A copy of the report dated 15th January, 2024 is enclsd hereto and marked with the letter "A".



8. The statements contained in paragraphs 1 to 7 of the foregoing affidavit is true to my knowledge based on information derived from the records which I verily believe to be true and the rest thereof are my respectful submissions before this Hon'ble Tribunal.

Partha Pratim Mallik
DEPONENT

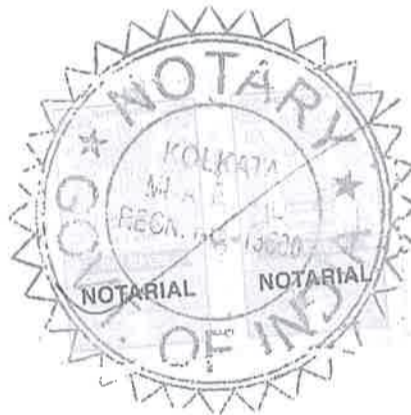
Identified by me

Sandip Dasgupta
Advocate

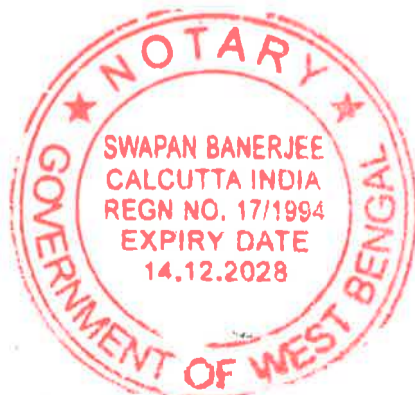
Solemnly Affirmed & Declared Before
me on Identification of I.d. Advocate

Mita Biswas

MITA BISWAS, NOTARY
Govt. of India. Regd. No -13500



15 JAN 2024



- 89 -

VERIFICATION

Verified at Kolkata by the Deponent abovenamed on this the 15th day of January, 2024 and say that the contents of this affidavit made in paragraph 1 to 7 of the foregoing affidavit are true to my knowledge based on information derived from the records which I verily believe to be true and the rest thereof are my respectful submissions before this Hon'ble Tribunal.

partha pratim Mallik

DEPONENT





Report in compliance with solemn order dated 09/01/2023 in original application no.65/2022/EZ read with original application no.71/2022/EZ passed by Mr. B. Amit Sthalekar, Learned J.M and Prof. A Senthil Vel Learned E.M of Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata.

In terms of the revised work order dated-14/07/2022 issued by WBHIDCO Ltd., following report is placed for kind perusal of the Hon'ble National Green Tribunal Eastern Zone, Kolkata.

- i) Preparation of draft concept plans of landscaping and beautification of the canal banks without affecting natural flow of canal and without any concrete structure or structural arrangement within the canal.

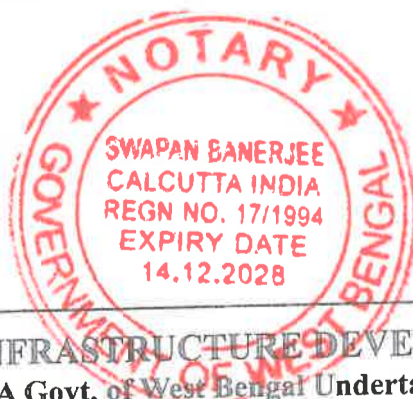
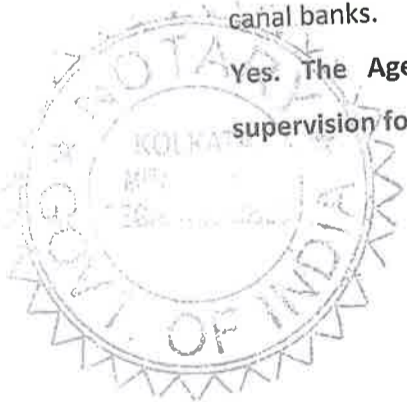
The Consultant has already submitted the draft concept plan on 18/11/2022 of landscaping and beautification along canal bank without affecting the natural flow of canal and without any concrete structure or structural arrangement within the canal.

- ii) Preparation of final plan of landscaping and beautification of the canal banks. The Consultant has submitted the final plan on 17/10/2023 of landscaping and beautification of the canal banks without affecting natural flow of canal and without any concrete structure or structural arrangement within the canal from Kalighat Bridge to Alipore Bridge.

- iii) Preparation and sanction of plans from statutory authority, if required. Kolkata Municipal Corporation has been moved for giving consent meanwhile work is going on.

- iv) Periodic supervision during implementation of landscaping and beautification works of the canal banks.

Yes. The Agency Consultant has been making periodic inspection and providing supervision for execution of the work.



15/01/2024
Addl. General Manager (Engg)-III
WBHIDCO Ltd.

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

BEFORE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, CALCUTTA
O.A. No. 65/2022/EZ

BETWEEN

Subhas Datta

.....APPLICANT(S)

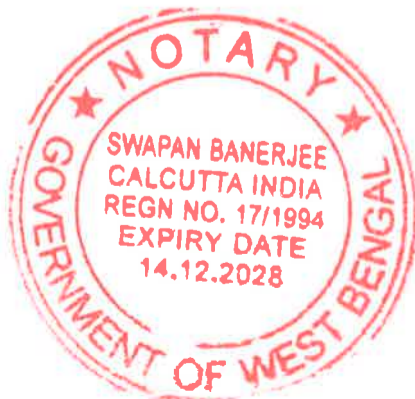
AND

State of West Bengal & Ors.

.....RESPONDENTS



AFFIDAVIT OF COMPLIANCE OF THE
RESPONDENT NO. 4 - WEST BENGAL
HOUSING INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED



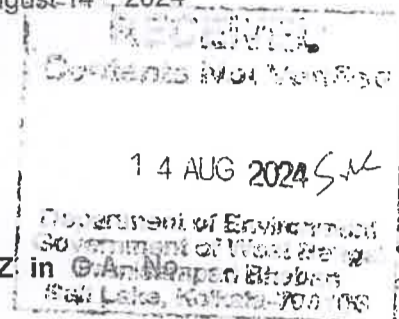
Sandip Dasgupta,
Advocate,
C/o. Fox & Mandal, Advocates,
12, Old Post Office Street,
Kolkata - 700001



Memo No. 1173/HIDCO/Law -31/2022 (Part - I)

Date : August 14th, 2024

To
The Chief Environment Officer,
Department of Environment
Government of West Bengal



Subject : Action Taken Report in the matter of M.A. No. 20/2024/EZ in 65/2022/EZ [Subhas Datta Vs. State of West Bengal & Ors.]

Reference : Your letter No. Nil, dated, 18.7.2024

Sir,

In reference to the above, kindly find enclosed a copy of Affidavit of Compliance on behalf of the respondent no. 4 (WBHIDCO) containing a report dated, 15.01.2024 in connection with solemn order dated, 09.01.2023 in this regard.

In this connection, it may be mentioned that WBHIDCO has taken up the work of Landscaping and beautification of Adi Ganga for a stretch of about 1000 m. 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.; balance stretch could not be done due to encroachment and narrow work space. Status of work in tabular form is enclosed.

It may further be informed that for removal of encroachment from the work site, communications have been made with Kolkata Municipal Corporation and Kolkata Police. On that basis, a joint inspection is scheduled to be held at the site on 20.8.2024 with officials of WBHIDCO, KMC, KMDA, KMC (Borough - IX), KMC Bustee Development and Kolkata Police. A few photographs of the beautification work so far undertaken are enclosed.

This is submitted for taking necessary action at your end.

Enclosure : As stated.

Yours faithfully,

[Signature]
Joint Managing Director
WBHIDCO Ltd.

Memo No. 1173/1(2)/HIDCO/Law -31/2022 (Part - i)

Date : August 14th, 2024

Copy forwarded for information to :

1. Senior Special Secretary, UD&MA Department, Government of West Bengal
2. The P.S. to the Managing Director, WBHIDCO

[Signature]
Joint Managing Director
WBHIDCO Ltd.

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





Memo No.1181/HIDCO/Law-31/2022 (Part-I)

Date: 03 -09- 2024

To
The Municipal Commissioner
Kolkata Municipal Commission
Kolkata

**Sub: - Removal of encroachment from DM Banglow to Alipore
Bridge along Adi Ganga Embankment.**

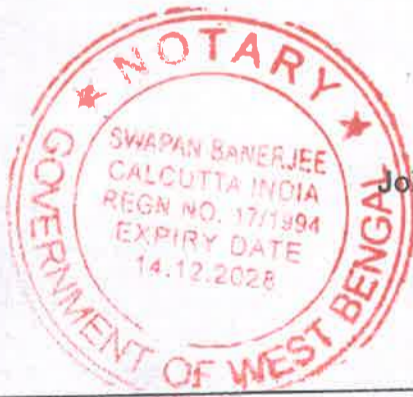
Ref: - Memo No. 1169/HIDCO/Law-31/2022 (Part-I) dated 07-08-2024

Sir,

I am directed to draw your attention to the above noted subject and to state that a joint inspection was held on 20-08-2024 on the instant matter in the presence of concerned officers of WBHIDCO, KMC, Kolkata Police and KMDA. On spot verification of the area it has been noticed that there are 12 (twelve) unauthorized encroachments comprising of temporary hutments, khatalas constructed along the embankment of Tully Nullah. It is also noticed that the said embankment area has been forcefully occupied by the residents of RR colony, leaving behind little or no passage for walking. The inspection has revealed that until and unless the encroachments are removed, the residual portion of the beautification work upto Alipore Bridge cannot be done.

In view of the above, you are requested to take necessary steps for immediate removal of the aforesaid encroachments so that beautification work along the embankment of Adi Ganga can be resumed, which is urgently required for compliance of the orders of the Hon'ble National Green Tribunal, Eastern Zonal Bench. A few photographs of encroachments are appended hereto for proper appreciation of the matter.

Enclo: As stated above



Yours faithfully,


Joint Managing Director
WBHIDCO Ltd.

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
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Website : www.wbhidcoltd.com CIN : U70101WB1999SGC089276



Memo No.126/HIDCO/Law-31/2022 (Part-I)

Date: 26 -03- 2025

To
The Municipal Commissioner
Kolkata Municipal Commission
Kolkata

**Sub: - Removal of encroachment from DM Banglow to Alipore
Bridge along Adi Ganga Embankment.**

Ref: - Memo No. 1181/HIDCO/Law-31/2022 (Part-I) dated 03-09-2024

Sir,

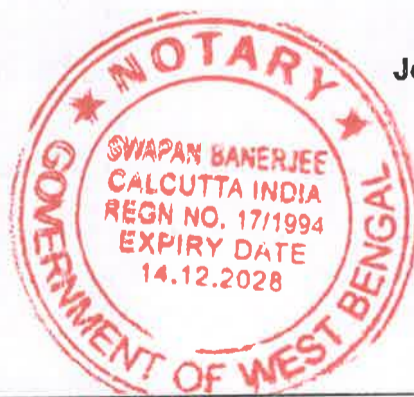
In enclosing herewith a copy of this office Memo No.1181/HIDCO/Law-31/2022(Pt-I) on the above mentioned subject, which is self-explanatory, I am directed to say that the encroachments along the Adi Ganga Embankment is yet to be removed. It appears that no progress has been made towards removal of encroachments after the joint inspection held on 20-08-2024 on the instant matter.

The issue has also been raised by the appellant before of the Hon'ble National Green Tribunal in MA No. 20/2024/EZ read with OA No.65/2022/EZ and the Hon'ble Tribunal has taken cognizance of the matter in its order dt 17-01-2025(copy enclosed). We are also unable to complete the residual portion of the beautification work upto Alipore Bridge.

Under the circumstances cited above, you are once again requested to take adequate steps to remove the encroachments along the Adi Ganga Canal, on urgent basis, for compliance of orders of the Hon'ble National Green Tribunal and in order to enable WBHIDCO to complete the residual beautification work.

Yours faithfully,

Enclo: As stated above



[Signature]
Joint Managing Director
WBHIDCO Ltd.

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

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Telephone : (033) 2324-6037/6038, Fax No. : (033) 2324-4833/3016/6009, e-mail : wbhidcoltd@gmail.com / info@wbhidco.in
Website : www.wbidcoltd.com CIN : U70101WB1999SGC089276

**Reminder - II**

Memo No. 145/HIDCO/Law-31/2022 (Part-I)

Date : 21-05-2025

To
The Municipal Commissioner,
Kolkata Municipal Corporation,
Kolkata.

Sub : Removal of encroachment along Adi Gang Embankment.

**Ref : Memo Nos. 126/HIDCO/Law-31/2022 (Part-I) dated 26-03-2025
and 1181/HIDCO/Law-31/2022 (Part-I) dated 03-09-2024.**

Sir,

In enclosing herewith, a copy each of this office MemoNos.126/HIDCO/Law-31/2022(Pt-I) dated 26-03-2025 and 1181/HIDCO/Law-31/2022 (Part-I) dated 03-09-2024 on the above mentioned subject, which would speak for itself, I am directed to statethat there has been no progress regarding removal of encroachment along the embankment of Tully Nullah, after the joint inspection which was held on 20-08-2024 on the instant matter in the presence of concerned officers of WBHIDCO, KMC, KMDA& Kolkata Police.

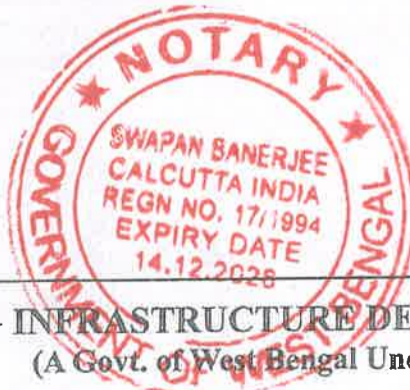
The Hon'ble National Green Tribunal, Eastern Zonal Bench, in M.A. No. 20/2024/EZ read with O.A. No.65/2022/EZ has taken suo moto cognizance of the matter. In its order dated 16-04-2025(copy enclosed) the Hon'ble Tribunal has observed that the fencing work has been completed for only 4.5 kms out of a total stretch of 15 kms along the Adi Ganga, within city limits. WBHIDCO is unable to complete the residual portion of the fencing work and beautification work due to the aforesaid constraints.

In view of the above circumstances, you are further requested to take necessary action regarding removal of the encroachments along the Adi Ganga, on urgent basis, in order to enable WBHIDCO to complete the residual fencing and beautification work, for compliance of the orders of the Hon'ble National Green Tribunal.

Enclo : As stated above

Yours faithfully,


Joint Managing Director
WBHIDCO Ltd.



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

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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



Memo No.13/HIDCO/Law-31/2022 (Part-I)

Date: 25 -03- 2026

To
The Municipal Commissioner,
Kolkata Municipal Commission,
Kolkata.

Sub : Removal of encroachment along Adi Ganga Embankment.

**Ref : Memo Nos. 145/HIDCO/Law-31/2022(Part-I)dated21-02- 2025;126/
HIDCO / Law-31/2022(Part-I)dated26-03-2025 and1181/HIDCO/
Law-31/2022 (Part-I) dated 03-09-2024.**

Sir,

In enclosing herewith a copy each of this office Memos under reference, on the above mentioned subject, which is self-explanatory, I am directed to say that there has been no progress towards removal of the encroachments along the Adi Ganga Embankment, till date.

We are also unable to complete the residual portion of the beautification work upto Alipore Bridge, in compliance of Hon'ble N.G.T.'s order, pending removal of the encroachments. The matter is being repeatedly raised by the petitioner before the Hon'ble Tribunal.

Under the above circumstances , you are once again requested to take adequate steps for removal of the encroachments along Adi Ganga, on urgent basis, in order to enable WBHIDCO to complete the residual beautification work.

Yours faithfully,

Enclo: As stated above


Joint Managing Director
WBHIDCO Ltd.



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
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Website : www.wbhidcoltd.com CIN : U70101WB1999SGC089276

Memo No. 107/HIDCO/LawCell/Misc-05/2025

Date : 24th January, 2025

To :
Shree Sandeep Roy Choudhury
Assistant Administrative Officer
West Bengal Housing Infrastructure Dev. Corpn. Ltd.
Newtown, Kolkata – 700 156.

This is to inform you that the Competent Authority of WBHIDCO has authorised you to swear affidavits on behalf of WBHIDCO in any Court of Law, viz. High Court at Calcutta, District Courts, Tribunals / Commissions, etc. whenever considered necessary.


Joint Managing Director
WBHIDCO Ltd.

Memo No. 107/1(2)HIDCO/LawCell/Misc-05/2025

Date : 24th January, 2025

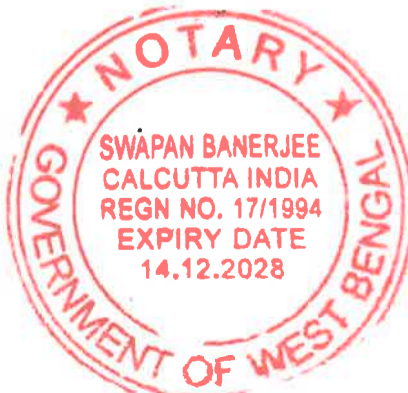
Copy forwarded to :

1. General Manager (Law)
2. General Manager (Admn) ... for information

Joint Managing Director
WBHIDCO Ltd.

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

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Website : www.wbhidcoltd.com CIN : U70101WB1999SGC089276



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BEFORE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, CALCUTTA
M.A. 20/2024/EZ
O.A. No. 65/2022/EZ

BETWEEN

Tribunal on its own motion

.....APPLICANT

AND

State of West Bengal & Ors.

.....RESPONDENTS



AFFIDAVIT OF COMPLIANCE DATED ^{22nd} 20th
APRIL, 2026 OF THE RESPONDENT NO. 4 -
WEST BENGAL HOUSING
INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED

Sandip Dasgupta,
Advocate,
C/o. Fox & Mandal,
Advocates,
12, Old Post Office
Street,
Kolkata - 700001