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BEFORE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH,KOLKATAI.A. No. of 2026 arising out of

ORIGINAL APPLICATION NO: 155 OF 2024

IN THE MATTER OF:

Salboni Apartment Owner's Association

.....Applicant

VS

State of West Bengal & Ors

.....Respondent

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Kolkata-700001

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AFFIDAVIT ON BEHALF OF THE APPLICANT :

I Samar Kumar Saha, son of Sudhir Kumar Saha, aged about 57 years, by occupation Business, member of Salboni Apartment Owners Association, resident of 64/98 C, Paisal Block, Salboni, Flat No.B-703, 7th Floor, Khudiram Bose Sarani, Milk Colony, Belgachia, Kolkata-700037 Solemnly Affirm and say as follows -

1. I am the authorised signatory of Salboni Apartment Owners Association, the Applicant of this instant Application, I am conversant with the facts and circumstances of the instant case. I am competent to affirm this affidavit.

1. A copy of the IA affirmed on 12/05/26 by Kolkata Municipal Corporation (hereafter the "said Application") has been served upon me. I have perused the said Application and understood the contents and purport thereof.
2. I have been advised to traverse and/or to deal with only those statements and/or allegations contained in the said Application and to refer to such facts as may be material and/or relevant for the disposal of the Original Application.
3. As such, save what would be borne out by the admitted records or what may be specifically admitted by me hereinafter, all statements and/or allegations contained in the said Application should be deemed to have been denied and disputed by me as if each one has been set out hereunder and denied in seriatim
4. Before dealing with the statements and/or allegations contained in the said Application, I beg to place the following facts and contentions on record:-

A. Revenue Records of Kolkata:

(I) Calcutta Improvement Trust Act 1911 "... extend only to the Calcutta Municipality ; but any provision which extends only to the Calcutta Municipality may be extended by the [State Government], entirely or in part, by notification, under the procedure prescribed by section 148, to any specified area in the neighbourhood of that Municipality.." under different schemes of CIT Act 1911 maps of Kolkata were drawn. CIT Act 2011 was enacted to improve Kolkata by developing roads, housing, streets, dwellings and redevelop where that is necessary. CIT in 2017 is merged with Kolkata Metropolitan Development Authority.

I say that the water body is known as Salboni lake/pond situated at premises no. 3, 3/1, 3/1/1 Jiban Krishna Ghosh Road, near 64/69 Kudirm Bose Sarani, (Belgachia milk Colony) Belgachia, ward no.3, Kolkata- 700037, covers an area measuring to more or less 32 bighas, The Mouza map of CIT SCH NO.148 annexed with the OA as Annexure A, it was prepared in 1971, that is a revenue record clearly delineates the premises no.3, 3/1 & 3/1/1 (the entire water body) as Jheel (lake).

B. Section 17 (A) West Bengal Fisheries Act 1993 – “Bar to conversion of water area etc. for other use. — (1) No person shall— (a) put any water area including embankment measuring 5 cottahs or 0.005 hactre or more, which is capable of being used as fishery, or any naturally or artificially

depressed land holding measuring 5 cottahs or 0.035 hectare or more, which retains water for a minimum period of six months in a year, to such use, other than fishery, as may result in abolition of fishery, or (b) fill up any water area including embankment or naturally or artificially depressed land holding as aforesaid, with a view to converting it into solid land for the purpose of construction of any building thereon or for any other purpose, or (c) divide any water area including embankment or naturally or artificially depressed land holding as aforesaid into parts so as to make any such part measure less than 5 cottahs or 0.035 hectare for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or artificially depressed land holding as so divided to any other person

(2) If the competent authority, on receipt of an information or on his own motion or otherwise, is satisfied that—

(a) any water area including embankment or naturally or artificially depressed land holding, referred to in clause (a) of sub-section (1), is being, or is about to be, put to any use, other than fishery, or (b) any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, filled up, or (c) any such water area including embankment or naturally or artificially depressed land holding is being, or is about to be, divided into parts, or any part of any such water area including embankment or naturally or artificially depressed land holding as so divided

is being, or is about to be transferred to any other person, in contravention of the provisions of sub-section (1), and that it is necessary for the purpose of promotion of pisciculture, checking of destruction of fisheries and prevention of environmental degradation so to do, he may, by order in writing, take over the management and control of such water area including embankment or naturally or artificially depressed land holding, as the case may be (3) An order under sub-section (2) shall be served in the prescribed manner on the owner of the water area including embankment or naturally or artificially depressed land holding, as the case may be, or, where the water area including embankment or naturally or artificially depressed land holding is in occupation of any person, not being the owner of such water area including embankment or naturally or artificially depressed land holding, on such person. (4) The management and control of such water area including embankment or naturally or artificially depressed land holding may be transferred by the competent authority to any person for proper utilization for piscicultur of such water area including embankment or naturally or (c) divide any water area including embankment or naturally or artificially depressed land holding as aforesaid into parts so as to make any such pan measure less than 5 cottahs or 0.035 hectare for any purpose other than pisciculture or transfer any part of any such water area including embankment or naturally or artificially depressed land holding as so divided to any other

person. (2) If the competent authority, on receipt of an information or on his own motion or otherwise, is satisfied that —.....”

(I) A notice of Kolkata Municipal Corporation dated 16.05.17 is annexed as Annexure D to the instant OA mentions that the water body is butted and bounded on the north by Vacant land , on the south by Chitpur Railway Track & Railway gate, on the west by Salboni Apartment, on the East by Sealdah Mainline Railway Track. The notice show caused the owners of the water body to restore the water body to its original condition failing which the control of the water body under section 17 A of West Bengal Fisheries Act 1993 will be taken over by KMC for 25 years. The boundary as stated in the notice dated 16.05.17 clearly show that the entire premises no.3, 3/1 & 3/1/1 is a water body.

(iii) That a new corrigendum is issued by KMC dated 30/10/24 under section 17 A of West Bengal Fisheries Act 1993, where the boundaries of the water body is changed now it is butted and bounded on the north by Vacant land , on the south by Chitpur Railway Track & Railway gate, on the west by Premises no.3,3/1 & 3/1/1, on the East by Sealdah Mainline Railway Track, if this boundary is to be considered than there is no existence of Salboni Lake/Jheel/pond.

It is pertinent to mention here that it is an admitted fact that Salboni Jheel exists, therefore corrigendum is issued by KMC dated 30/10/24 is baseless and can not be taken into consideration. the Original Application was

affirmed on 8/7/24 and notice was issued to KMC by this Hon'ble Tribunal vide order dated 7/08/24, the change in boundary was done by respondent no.2 after filing of this Original Application by issuing a corrigendum on 30.10.24. The discrepancies in notice dated 16.05.17 and 30.10.24 makes it evident that corrigendum dated 30.10.24 is an afterthought and deliberately done by respondent no.2. In any event Section 17A strictly prohibits filling up or converting any such or any naturally or artificially depressed land more than 5 cottahs for the purpose of construction or for any non-fishery use that would abolish its ability to be used as a fishery. Therefore any construction over any part of the premises no.3,3/1,3/1/1 J.K.Ghosh Road is illegal.

C. Assessment record book of KMC:

- (i) The assessment book of KMC annexed with the Application show that Ramkrishna Mission Trustees are the owners of the Lake by a resolution dated 9/02/25 MIC approved the resolution and recorded the premises no.3,3/1,3/1/1 J.K.Ghosh Road , Kolkata 700037, in favour of KMC. The listing is dated 15/09/25 in the record (after issuance of notice the OA on 7/08/24).

It is germane to state here that the resolution dated 9/02/25 is illegal as a piece and parcel of land can only be transferred by Ramkrishna Mission Trustees to KMC by way of gift/ sale/lease etc and not by way of any resolution, moreover if the premises no.3,3/1,3/1/1 J.K.Ghosh Road ,

Kolkata 700037, is taken over by KMC by invoking **Section 17 (A) West Bengal Fisheries Act 1993**, then the premises can only be used for fisheries. the resolution of KMC dated 9/02/25 as it appears from the assessment record is a desperate measure to convert the ownership of the Jheel in the name of KMC so that the illegal construction can be raised.

5. That the Water Body Information Centre of National Remote Sensing Centre is the website of Government of India that maintains maps of water bodies that is Annexure F to the Original Application, which show the entire Salboni lake/Jheel/Pond in the map dated March 2024 a new map dated May 2026 is also Annexed herewith marked as Annexure A1.

6. Affidavit of R4 : I say that the Annexure -I to the Affidavit filed by respondent no.4 affirmed on 18/12/24 is the NOC of Respondent no 4 to Respondent no.2 show that a area of the lake is on railway land, the map that is annexed demarcates railway land.

(7) I say that in December 2017 an Notice Inviting Tender was floated by the Project Management Unit (PMU) department of KMC where bids were invited **“from reputed and resourceful agency for pisciculture against each ponds”**, where in that document at serial #78 of the list depicts a pond named **Behind Salboni Apartment** located in Borough I and measuring **26,218 sq. metre**. It is pertinent to mention here this pond is the lake which is the subject

matter of this instant Original Application and that this pond refers to the location corresponding to Premises numbered 3/1/1 J. K. Ghosh Road and the area of 26,218 sq. metre is exactly equivalent to **19.47 bighas approximately in accordance with the notice inviting tender. Copy of the December 2017 Notice Inviting Tender is annexed with the Affidavit of the Applicant.**

(8) The List of ponds of ward no.03 that is listed in the website of KMC show that Salboni pond is situated near 64/99 Kudhiram Bose Sarani that is exactly opposite to the Building of the Applicant and the portion of the Jheel numbered as premises no. 3/1 & 3/1/1. Therefore the contention of the respondent no.2 that premises no. 3/1 & 3/1/1 is land is completely wrong. Copy of the list of ponds as downloaded from the website is annexed herewith and marked as Annexure A2

9. Without waiving the aforesaid, but fully relying thereon, I now deal with the statements and/or allegations contained in the said Application as under:

a. With reference to the statements and/or allegations contained in paragraphs 1,2, 3 ,4 , 5 & 6 of the said application, I deny and dispute the same. At the cost of repetition I say that I the premises no.3,3/1,3/1/1 J.K.Ghosh Road is Salboni jheel/Pond. I repeat that as per assessment book of KMC the premises no.3,3/1,3/1/1 J.K.Ghosh Road belong to Ramkrishna Mission Trustees. The piece and parcel of Salboni pond that is premises no.3,3/1,3/1/1 J.K. Ghosh Road was never transferred

to KMC by way of gift/ sale/lease etc moreover if the premises no.3,3/1,3/1/1 J.K.Ghosh Road , Kolkata 700037, is taken over by KMC by invoking **Section 17 (A) West Bengal Fisheries Act 1993, then the premises can only be used for fisheries and no construction can be raised on it.** The respondent authorities based on assumption have stated the area of water body as eleven bighas whereas the December 2017 notice inviting tender of KMC above show that the lake is more or less nineteen bighas. The Map of CIT in the year 1971 that is a revenue record also show that the area the premises no.3,3/1,3/1/1 J.K.Ghosh Road is Salboni Lake or Jheel any contention of respondent no.2 contrary to it is absolutely wrong.

- b. With regard to paragraphs 7,8,9,10,11,12,13,14 & 15 , I deny and dispute the same. I say it is an admitted fact that there exists a water body in the assessment record and list of ponds of KMC, but it is a fact that the area of the water body was never measured by KMC so the area is also not stated in the list of ponds. The order of the Hon'ble High Court that is annexed as P3 to the instant Application records that KMC have undertaken Banglar Bari Project that is at the final stage of completion will not effect Salboni Jheel. It is pertinent to state here that the KMC have just started to fill up the Jheel and no pilling work have started so it is not at the final stage of completion, KMC have misrepresented and mislead The Hon'ble High Court to extract

an order giving an undertaking before the Hon'ble High Court that the Salboni Jheel will not be filled up.

- D. It is submitted that Ram krishna Mission Trustees being the original owner of the Jheel in question (as it appears from the Assessment Book of KMC) is an necessary party for the purpose of proper adjudication of the instant OA and may be added in the array of parties.
- E. I say that public trust Doctrine applies in this matter The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes
- F. It is submitted that no case has been made out in the said Application for denying the relief as pray ed for in the Application which may not kindly be allowed.

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge which are derived from the relevant office records. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 15th May, 2026.

For SALBONI APARTMENT OWNERS' ASSOCIATION

Jamar Kumar Saha,

Authorised Signatory

Identified by me

Subhendu Banerjee
Advocate



DEPONENT



Signature of the Executant/s are Attested on the Identification of the Advocate

Subhendu Banerjee

Notary
Govt. of West Bengal
Regd. No. 008/2022

15.05.2026

SUBHENDU BANERJEE
Notary, Govt. of W.B.
Regd. No. 008/2022
Advocate High Court, Calcutta

15 MAY 2026

bhuvan-wbis.nrsc.gov.in

bhuvan WBIS
Indian Geo-Platform of ISRO

Water Bodies Information System
National Remote Sensing Centre

Spatial Map
 Water Spread Area
 Fortnightly
 Monthly
 Water Quality
 Know Your Water Body
 EAC Generation
 Regional Analytics

[FAQs](#)
[Technical Document](#)
[Disclaimer](#)

Legend
 Waterbody
 Water Spread

300 m
 1000 ft
 MAY 1FN 2026
 Lat: 22.59 N | Lon: 88.40 E

Search
 ENG IN
 12.08
 16-05-2026

Home > Pond > List Of Pond

List Of Pond

List of Pond

Search Criteria

Ward No:

003

Search

Pond Details

Street	Location	Pond Description	Status	Police Station
28 & 29, ANATH NATH DEB LANE (OPP)257A, ANATH NATH DEB LANE	(BESIDE RAILWAY...	AREA OF POND AS PER SITE CONDITION & ...		
14B, BEERPARA LANE				
14B, BEERPARA LANE				
2A/1, BUTTO KRISTO PAUL LANE		AS PER ORDER OF MUNICIPAL COMMISIO...	NOTICE	CHITPUR
2A, BUTTO KRISTO PAUL LANE				ULTADANGA
NEAR 64/99, KSHUDIRAM BOSE SARANI			COMPLAINT	
64, KSHUDIRAM BOSE SARANI		SALBONI POND	COMPLAINT	
64/1/2, KSHUDIRAM BOSE SARANI		AREA OF WATER BODY IS 705 SQM		
7, KUNDU LANE				
21, PAIKPARA RAJA MANINDRA ROAD				
22, PAIKPARA RAJA MANINDRA ROAD			COMPLAINT	
21, PAIKPARA RAJA MANINDRA ROAD			COMPLAINT	

Heritage Home
Exemption of Tax
Heritage Buildings
Conservation Architect
Composition of the Heritage Conservation Committee
Proceedings of HCC
Action Plan
Parking Policy
Measures for prevention of landfill fire
Ward Wise Pond
Ward Wise Heritage Building
Contact Details
Activities Permitted under NCAP
Swachh Vayu Survekshan ▶
Air quality status