

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 155/2024/EZ

In The Matter of:-

Salboni Apartment Owner's
Association

... Applicant

-Versus-

State of West Bengal & Ors.

... Respondents

**BRIEF NOTES OF ARGUMENTS ON BEHALF OF THE KOLKATA
MUNICIPAL CORPORATION RESPONDENT NO. 02.**

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1. That the respondent number 2 being the Kolkata Municipal Corporation is an authority under Article 12 of the Indian Constitution established under the erstwhile Calcutta Municipality Act, 1951 and thereafter the Calcutta Municipal Corporation Act, 1980 and subsequently renamed as the Kolkata Municipal Corporation which has undertaken the project namely Banglar Bari/ Affordable Housing in Partnership (AHP) with the approval of Ministry of Housing and Urban Affairs, Government of India for implementation of the said project.

2. The said project is a social welfare project for rehabilitation of the poor and shelter less people.

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3. That the revenue record of the Kolkata Municipal Corporation (KMC) states that record of the existence of land measuring an area approximate 22 Bigha at premises number (3/1) & (3/1/1), Jiban Krishna Ghosh Road, Kolkata. Out of which only approximately 7 (Seven) Bigha of land has been considered and approved by the competent authorities for implementation of the said Banglar Bari/AHP project.
4. That as per the said Revenue record of KMC, Premises no. (3), Jiban Krishna Ghosh Road comprises of apprx. 9 Bigha of land + tank which is locally known as Salboni Jheel or Pond. The statement or submission made by the applicant in present Original Application before Hon'ble Tribunal that 'Salboni Lake/Pond' measuring an area of 32 Bighas situated at Premises no- 3, 3/1, 3/1/1 Jiban Krishna Ghosh Road is misleading and not true.
5. That no construction or illegal filing up of salbani jheel is taken by this respondent on the contrary for rejuvenation of the Salbani Jheel work is undertaken by this respondent/KMC.
6. It is also stated that the implementation of the said project which is taking place on premises no. (3/1/1), Jiban Krishna Ghosh Road will not affect the existing Salboni Jheel which is present on premises no.3, Jiban Krishna Ghosh Road. Infact this aspect has also been

elaborately stated by the applicant/KMC in its affidavit dated 01.11.2024 submitted before the Hon'ble Tribunal.

7. That it is also stated that in its Affidavit dated 01.11.2024 the respondent no.2/KMC has clearly denied and interalia stated that there is no filling up of jheel situated at premises no. 3, Jiban Krishna Ghosh Road as alleged by the applicants in the original Application.
8. That the premises number 3, Jiban Krishna Ghosh Road, comprises of land and tank and that the premises number 3/1 & 3/1/1 Jiban Krishna Ghosh Road comprises of land wherein the project (AHP/Banglar Bari) as above referred to is being constructed (on premises number 3/1/1), Jiban Krishna Ghosh Road where as in respect to the other two premises (3)& (3/1)Jiban Krishna Ghosh Road, the Kolkata Municipal Corporation is not implementing the said project. Moreover the three premises as stated above belong to the State Government and the land records of KMC Assessment Department in this connection have already being filed before the Hon'ble Tribunal.
9. That it is also stated that simultaneously a PIL being WPA (P) 198 of 2024 had been filed before the Hon'ble High Court, Calcutta and the same had been disposed off on 06.02.2025. In paragraphs 4 and 5 it has been observed by the Hon'ble High Court of Calcutta that KMC authorities have interalia undertaken that the project will not affect the

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Salboni Jheel and there is no contemplation for filling up the Salboni Jheel or any part thereof. Hon'ble NGT vide its order dated 15.05.2025 pleased to record that the applicant in present O.A has placed the judgment an order of Hon'ble High Court, Calcutta dated 06.02.2025 had been preferred.

10. That it is submitted that against this Order of Hon'ble High Court of Calcutta one Sri Dipanjan Bose had preferred a Special Leave Petition before the Apex Court and this fact has been completely concealed and suppressed before the Hon'ble Tribunal while making submissions which interalia include that the applicant in the OA had preferred an IA for impleadment in Special Leave Petition (Civil) No. 21674-21675 of 2025 and Special Leave Petition (Civil) Diary No. 36585/2025 before the Hon'ble Supreme Court of India. The said petition is sub-judice and pending for adjudication the Hon'ble Supreme Court of India.

11. That in the affidavit dated 30.06.2025 submitted by the respondent no.2/KMC it has been specifically stated that from the KMC Assessment Department Revenue Record comprising Inspection Book (Certified copies) it has been seen that the project Banglar Bari comprises of a land of 7 Bigha 2 Katha 15 Chatak 17 Sq. Ft. out of total land area of 31 Bighas, 10 cottahs covering the above three number of premises i.e. (3), (3/1) & (3/1/1) Jiban Krishna Ghosh Road, ward-3, Br.-I and the project at premises number 3/1/1 Jiban

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Krishna Ghosh Road is a social welfare project for the construction of 384 numbers of dwelling units for shelter for poor and slum people.

12. The Demarcation of the 3 premises following the CIT Scheme No.148 has been done and the Hon'ble Court may kindly note that for restoration of jheel, which lying neglected for years and which was taken over by KMC vide notification U/s 17A of the West Bengal Inland Fisheries act, 1993 dated 16.05.2017.
13. Restoration process of the said Salboni Jheel has already initiated by the Environment & Heritage department of the KMC as DPR submitted before UD & MA Department Govt. of West Bengal in January, 2026 So that proper restoration of the waterbody can be done.
14. That during Land development work, it is notice/found that there were some unauthorized constructions built on the access road of KMC where the Banglar Bari project to be implemented and when the officials tried to demolish the said unauthorized structure some people from the Salbani Apartment Owners Association and surrounding Birendra Nagar Area created agitation and they are also hindering the process of commencement of construction work. In this regard complaints have been made to the local police station and with assistance of concern police station the said unauthorized construction has been removed.

Submitted by me

Sibajyoti Chakrabarti

Advocate

KMC

18.05.2026

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