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BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA

ORIGINAL APPLICATION NO. 151 OF 2022/EZ

Subhas Datta

TOR
5/1/2023

...Applicant

Versus

State of West Bengal and others.

....Respondents

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Before the National Green Tribunal, Eastern Zone Bench, Kolkata

Original Application 151/2022/EZ

Subhas Datta

...Applicant

Versus

State of West Bengal and others.

...Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9, STATE LEVEL

GROUND WATER AUTHORITY

I Smt. Aparna Samadder, daughter of Late Bibhuti Bhushan Biswas, aged about 55 years, by faith: Hindu, by occupation – Government Service, now posted as Superintending Engineer, IPD Circle, SWID with an additional charge of Superintending Geologist & Member Secretary, State Level Ground Water Authority, 4th Floor, Bikash Bhawan, Kolkata – 700091, do hereby solemnly verify and say as follows:-

1. I am in charge of Superintending Geologist & Member Secretary, State Level Ground Water Authority and I have made myself acquainted with the facts and circumstances of this case and am competent to affirm this affidavit.

2. That by an order dated 21.11.2022 the Hon'ble National Green Tribunal, Eastern Zone, Kolkata, was pleased to implead State Level Ground Water Authority through its Member Secretary, in the array of Respondents as 'Respondent No.9' and further directed the respondents to file counter-affidavit.

3. That this affidavit is being affirmed in pursuant to the solemn order passed by the Hon'ble Tribunal on 21.11.2022.

4. That the instant writ petition is filed alleging illegal and indiscriminate lifting of underground water in Digha and noncompliance of the West Bengal Ground Water Resources (Management and Regulation) Act 2005.

5. That by letter dated 09.12.2022, the Member Secretary, DLGWRDA & Geologist, Geological SubDivision No. 1/D, SWID Tamluk, Purba Medinipur informed that 12 nos. of permissions for groundwater have been granted and as per report from DSDA an approximate no of 600 hotels are present, however during field inspections it was noted that there are other commercial and industrial units and accordingly



notices were served for unauthorized abstraction and also submitted an inspection cum action taken report dated 20.12.2022.

The photocopy of the said letter dated 09.12.2022 and report dated 20.12.2022 are annexed and marked as Annexure-"R-1" collectively.

6. That it is submitted that Member Secretary, District Level Authority, Purba Medinipur organised Mass Awareness Campaign for 2 days for the awareness of The West Bengal Ground Water Resources (Management and Regulation) Act 2005. All hoteliers and persons related to the use of groundwater were invited in the said campaign. The process for applying of Permit under the said Act was explained and arrangements were made for distribution of Form 1.

7. It is submitted that regular revisit to the permit holders are being done by the district member secretary for proper functioning of the Act. Any deviation from the conditionality given thereof alongwith the Permit, actions are taken consequently.

8. It is submitted that regular raid for the unauthorized abstraction of ground water also takes place and notices are served so that illegal pumping can be stopped.

9. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.

10. The statements made in paragraph 1 to 8 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

[Signature]
Advocate



[Signature]
NIRMALYA DASGUPTA
Advocate Cum Notary
REGN NO.-806/2022
C.M.M. Court Calcutta

[Signature]
03/01/22

DEPONENT
Substantive Officer
Geological Circle, SWID
State Water Investigation Office
Govt. of West Bengal
Kolkata

SOLEMNLY AFFIRMED
&
Declared Before me
an Identification Adv.

[Signature]
NOTARY
NIRMALYA DASGUPTA
Calcutta, Court
Govt. W.B.

Dated, Tamluk, Purba Medinipur

Memo No.308

To
The Superintending Geologist
Geological Circle, State Water Investigation Directorate
&
The Member Secretary,
State Level Ground Water Resources Development Authority
Water Resources Investigation & Development Department
Bikash Bhawan (4th Floor), Bidhannagar
Government of West Bengal.

Sub: NGT, OA NO. 151/2022/EZ.

Madam,

In reference to your letter No. 431 Dated 29.11.2022 the undersigned like to furnish the below mentioned points in context to the Order of the Writ Petition of Subhas Datta

1. As directed by the District Magistrate, Purba Medinipur 2 days Mass Awareness Campaign dated 16.01.2019 and 17.01.2019 was organized in the meeting hall of Saikatabas, Digha for making them (hoteliers) understand the process of Permit and make arrangement for the distribution of Form 1. Few numbers of hoteliers attended the campaign and collect the Form 1 but till date no application was submitted to the office of the undersigned.

2. 12 nos. of permissions for groundwater that have been granted under the above-mentioned area.

3. As per the report from DSDA, total 600 nos. of hotels are present in the area under DSDA. During inspection it was found that huge numbers of hotels, commercials, industrial units etc are running in this area without taking permission from DSDA so it is difficult to provide the exact figure of total numbers of units running in the above-mentioned area.

? no action taken

This is for your kind information and necessary action please.

Yours faithfully

David
09.12.2022

Member Secretary, DLGWRDA
&
Geologist
Geological Sub Division No. 1/D, SWID
Tamluk, Purba Medinipur

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Inspection cum Action Taken Report against Hoteliers around Digha

SL No.	Nature of Inspection	Permit No.	Name of the User	Name of the Block	Functioning/ Not-Functioning	Remarks	Action Taken (Penalty/ Show Cause Notice etc.)
1	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	AMANTRAN RESORT PVT. LTD. Prop.: Swapan Kr. Das & Ors. Vill. Ghersai, P.O. Alankarpur, P.S. Digha Mohana Coastal, Pin - 721441.	Ramnagar-II	Functioning	1. Unit is running since 2012 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 323 Dated 17.12.2022.
2	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL MARINE VIEW Prop.: Sudhan Sahoo Vill. Paschim Gadadharpur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 6 months as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 322 Dated 17.12.2022.
3	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL PENGUIN Prop: Amrit Dutta Vill. Paschim Gadadharpur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2021 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 321 Dated 17.12.2022.
4	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	MOHAN PALACE Prop: Mohan Chandra Kola & Jyotsna Rani Kola Vill. Palsandapur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since March 2022 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 320 Dated 17.12.2022.
5	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL PRASANT Prop: Prasanta Mavai & Rinku Rani Das (Mavai) Vill. Palsandapur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2020 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 319 Dated 17.12.2022.
	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL ASTHA Prop: Asif Sarfui Vill. Palsandapur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2010 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 318 Dated 17.12.2022.
	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL PARK POINT Prop: Kajalkumar Khamrai Vill. Paschim Gadadharpur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2020 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 317 Dated 17.12.2022.

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8	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL SILVER LAND (UNIT OF DREMLAND INN PVT. LTD.) Prop: Amit Ghosh & Mili Addya Roy Vill. Paschim Gadadharpur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2021 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 316 Dated 17.12.2022.
9	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL AMBALIKA (UNIT OF AMBALIKA HOUSING PVT. LTD.) Prop: Sachin Paik Vill. Paschim Gadadharpur, P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2016 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 315 Dated 17.12.2022.
10	Inspection cum Action Taken Report as per Memo No. 458 Dated 13.12.2022 of the SG, SWID.	NIL	HOTEL LE ROI (UNIT OF AMBITION HITECH PVT. LTD.) Prop: Sanjay Das P.O. Digha NTS, P.S. Digha, Pin - 721463.	Ramnagar-I	Functioning	1. Unit is running since 2018 as reported. 2. No Water Meter has been installed. 3. No Water Conservation Structure is present.	Issued "Stop Functioning Notice" and imposed Penalty as per the WBGWR Act, 2005 for violating the Law vide Letter No. 314 Dated 17.12.2022.

Souvik
20.12.2022

Geologist
Geological Sub Division No. I/D, SWID
&
Member Secretary, DLGWRDA
Tamluk, Purba Medinipur

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