

(1)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH KOLKATA

Original Application No. 158/2023/EZ

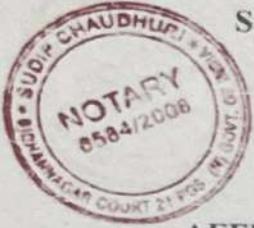
Tribunal on its own Motion

Re: "Banks of the Circular Canal are getting "Stolen regularly near Galiff

Street: wastes and garbage spreading pollution"- News item published in

Bartaman, Daily Bengali News Paper, Dt. 15.10.2023, Kolkata

..... Applicant(s)

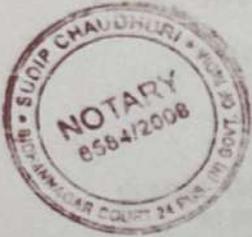


AFFIDAVIT OF COMPLIANCE OF DEPARTMENT OF URBAN
DEVELOPMENT & MUNICIPAL AFFAIRS DEPARTMENT,
GOVERNMENT OF WEST BENGAL IN COMPLAINEE WITH THE
DIRECTION OF HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA. DATED 17.10.23

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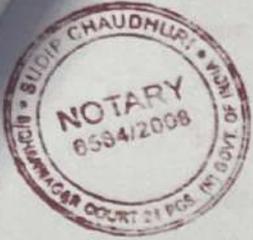


P. Banerjee

A handwritten signature in blue ink, appearing to read "P. Banerjee".

Advocate

Sl. NO. 890/2024



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH KOLKATA**

**Original Application No. 158/2023/EZ
Tribunal on its own Motion**

**Re: "Banks of the Circular Canal are getting "Stolen regularly near Galiff
Street: wastes and garbage spreading pollution"- News item published in
Bartaman, Daily Bengali News Paper, Dt. 15.10.2023, Kolkata**

..... Applicant(s)

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**

**AFFIDAVIT OF COMPLIANCE OF URBAN DEVELOPMENT &
MUNICIPAL AFFAIRS DEPARTMENT, GOVERNMENT OF WEST
BENGAL IN COMPLAINE WITH THE DIRECTION OF HON'BLE
NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA. DATED 17/10/23**

Most Respectfully Sheweth:

I, Nandini Ghosh, daughter of Samir Dasgupta, aged about 55 years, by faith- Hindu, working for gain as Senior Special Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal, having office at 'Nagarayan', DF -8, Sector - 1, Saltlake, Kolkata - 700064, do hereby solemnly affirm and say as follows-

1. That I am the Senior Special Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal, and as such I have made myself acquainted with the facts and circumstances of this case and pursuant to the direction of this Hon'ble Tribunal, I am affirming this affidavit.

25 APR 2024

2. That I say that the Hon'ble, National Green Tribunal, has been pleased to pass an order dated 17.10.23 adding the Urban Development and Municipal Affairs Department as Respondent No.3 and directing to file Counter affidavit.

3. That I state that in compliance with the Hon'ble National Green Tribunal order dated 17.10.23, departmental inspection was caused by Kolkata Municipal Corporation on 9/12/23 and the same has been reported by KMC vide a Report dated 27/12/23, and, on 31/1/24 a joint inspection was caused by the Department of Irrigation and Waterways, Kolkata Municipal Corporation and West Bengal State NGRBA Program Management Group (WBSPMG).

The photocopy of the report dated 27/12/23 and joint inspection report dated 31/01/24 are annexed herewith and marked as Annexure -A.

4. That I say that, the Report of Kolkata Municipal Corporation dated 27/12/23 reveals the following :

(a) That in order to keep Galiff Street clean, Kolkata Municipal Corporation regularly removes and collects waste from two forty Liters trash bin that are provided by the corporation in the area.

(b) That primary collection of waste from the household of the locality is also continuing, around 430 litres of trash bins each having a capacity of 10 litres are placed and collected by the Corporation.

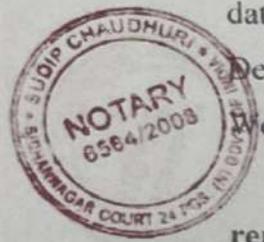
(c) Hoardings and banners to raise awareness have been erected, to make the people in the locality aware regarding littering of waste into the canal.

(d) Regular miking to raise consciousness among local people regarding littering of waste into the canal and leaflets are distributed.

5. The Joint Inspection Report dated 31/01/24 reveals the following:

(a) Kolkata Municipal Corporation has deputed an agency to clean the garbage floating in the canal.

25 APR 2024



(b) Kolkata Municipal Corporation is sprinkling insecticides on regular basis on the canal effluent.

(c) Cultivation of Gappi fish in the canal is done to reduce spreading of vector -borne disease.

(d) To clean the floating and dumped garbage, the Irrigation and Waterways Department have deputed an agency on AMC basis.

(e) Make-shift toilets and other nuisance erected on the very course of the canal may be removed on dredging etc. as may be arranged by the concerned Authority.

Copy of the initial report as received from KMC vide an email dated 25/04/24 is annexed herewith and marked as **Annexure - B**.

(f) To arrest throwing of garbage into the canal the KMC has requested the Irrigation and Waterways Department through letter dated 09/04/24 to construct fencing on the both sides of the bank of the canal.

Copy of letter dated 09/04/24 is annexed herewith and marked as **Annexure - C**.

6. I say that the Report dated 18/04/24 as received from Kolkata Municipal Corporation (KMC) reveals that KMC renders conservancy services i.e. primary collection of waste from households, street sweeping etc. at the Galiff Street area and the Irrigation & Waterways Department, GoWB, have been requested to install fencing at both the banks of circular canal near Galiff Street to protect the canal from throwing of garbage into it.

The photocopy of the report dated 18/04/24 and the photographs of conservancy services at the Galiff Street area are annexed herewith and marked as Annexure - D.

Nandini Ghosh

DEPONENT

25 APR 2024

NANDINI GHOSH, IAS
Senior Special Secretary
Department of Urban Development &
Municipal Affairs
Govt. of West Bengal





6

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true 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 25 day of April, 2024.

Nandini Ghosh
DEPONENT

The deponent is identified by me.

P. Banerjee

P. Banerjee

Advocate

NANDINI GHOSH, IAS
Senior Special Secretary
Department of Urban Development &
Municipal Affairs
Govt. of West Bengal

S. Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regn. No.-6534/08
Bidhannagar Court
Dist.-North 24 Pgs

25 APR 2024

Report

On the matter of

Original Application No. 158/2023/EZ

Before the National Green Tribunal

Eastern Zone Bench, Kolkata

In Re: "Bank of the Circular Canal are getting Stolen regularly near Galiff Street: wastes and garbage spreading pollution"- News item published in Bartaman, Daily Bengali Newspaper, dt. 15.10.2023, Kolkata].

Order dated 29.11.2023

In compliance with the order duly passed by the Hon'ble NGT dated 29.11.2023 in connection with the above referred OA no. and subsequent direction of UD & MA Department, Govt. Of West Bengal, departmental inspection caused at case site on 09.12.2023. During inspection it was revealed that Solid Waste Management (SWM) department of the Kolkata Municipal Corporation (KMC) provide conservancy Services at the Galiff Street to keep neat and clean on regular basis by providing about 20 nos. 240 liter trash bin at there. For primary collection of waste from households of that area, about 430 nos. 10 liter trash bin have been provided. For general awareness of cleanliness within the locality, S.W.M department has hoarded banner at several places, distributed leaflets and hand miking done with the help of Health Department. Presently, this department is rendering conservancy services on daily basis at there.

[Handwritten signature]
27/12/23
27/12/23
Overseer / Ward No. -07
Wd.-7 (S.W.M.-1) Br.- I
Kolkata Municipal Corporation
[Handwritten signature] 27/12/23
Executive Engineer(C)/D. D-1/ (SWM-I)
Ex-Engr.(C)/S.W.M.I
K.M.C.

[Handwritten signature]
27/12/2023
Assistant Director (SWM-DBRC) (C)
A.D. SWM-I, BR-I
KMC
[Handwritten signature] 27/12/23
Executive Engineer (C) / SWM-I
Executive Engineer (C) / SWM-I
Kolkata Municipal Corporation

[Handwritten signature] 27/12/23
Deputy Chief Engineer (C) / S.W.M.-1
Kolkata Municipal Corporation

[Handwritten signature] 27/12/23
Chief Municipal Engineer (SWM)
CHIEF MUNICIPAL ENGINEER (SWM)
KOLKATA MUNICIPAL CORPORATION

Joint Inspection of the banks of the Circular Canal near Galiff Street with
Department of Irrigation & Waterways, KMC & WBSPMG on 31.01.2024

The observations are noted below for kind perusal of the Authority:-

1. According to smart's Mapping with KMC Circular Canal runs beside and parallel to Galiff Street [Mahatma Sisu Kumar Saram] at the South and Prankrishna Muxhengee Road at the North.
2. There is practically no noticeable encroachment on the both banks of Circular Canal a *minor* gap in between Chitpur lock gate and Chitpur Bridge.
3. As per the visual inspection, considerable encroachment with various shops or establishments is found over both southern and northern banks and over on canal slopes (along with a portion of roads) of Circular Canal from Chitpur Bridge towards the Cossipur Bridge.
4. There are a number of makeshift toilets built on propped wooded/bambos platforms over the canal-slopes (inside the canal) encroaching in to the canal waterway.
5. Evidence of dumping of municipal garbage on the canal bed and side slopes along the aforesaid stretch having, was noticed during joint inspection.
6. According to I & WD officials, the department operates the lock gates for flushing or stagnant water of the canal as per availability of required water head at river Ganga during high tide hours on regular basis. To clean the floating and dumped garbage, they have deputed agency on AMC basis.
7. As per KMC sources, the Health Deptt. KMC is applying insecticides on regular basis in the canal effluent; also cultivation of the *Gappi Fishes* done to reduce spreading of vector-borne diseases.
8. As the encroached area between the canal slope and the canal embankment-roads is quite evident, physical demarcation of area of encroachment on either side may not be necessary.

[Signature]
31.01.24
Asstt Engineer (KMC)
Ch V & S Deptt.

[Signature]

31.01.2024

CHIEF VALUER & SUPERVISOR
THE KOLKATA MUNICIPAL CORPORATION

[Signature]
BIPLAB MUKHOPADHYAY
Joint Secretary (Works)
I & W Department
Govt. of West Bengal

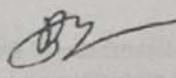
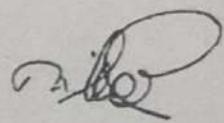
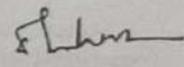
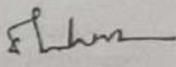
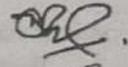
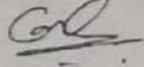
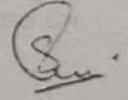
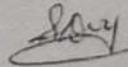
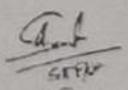
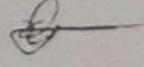
[Signature]

31.01.2024

Shri Tanas Kumar Mandal
Senior Civil Engineer
B&S Deptt. Municipal Corporation, KMC, Kolkata

Joint visit on 31.01.2024

Re: Application no. 158/2023/E2

<u>Sl. No.</u>	<u>Name / Designation</u>	<u>Contact no.</u>	<u>Signature</u>
01.	Diplab Mukherjee / JS / IRWD	9433337781	
02.	Jayas K. Mandal, Sr Civil Engineer WBSPMG	9830724324	 
03.	Debabrata Sarkar / EE-J, Canals Div. IRWD.	9830367087 9432144091	
04.	Nitish Ch. Borsak / Ch. Valves & Surveyan KMC	9836400416	
05.	Ganapati Mandal, EE(C) / Br-I	9836409850	
06.	Barun Sarkar, A.E(C) / A.D / Br-I	8670049684	
07.	Anil Kumar Pal, A.E(C), Ch. & Dept., KMC	9330042215	
08.	Satyajit Ghoshani, JE(C), WBSPMG	7872119377	
09.	Sushanta Kumar Das, S.A.E(C) - Br-I (K.M.C.)	8240189310	
10.	AYAN KUMAR KHAN, JR / IRWD.	- 9002236106	
11.	Anishan Samanta, S.A.E(C) / Br-I (KMC)	- 9932637406	
12.	Kowbar Ghosh, S.A.E(C) Ch. WBSPMG	9064148957	

Gmail

Sukdeb Das <ngt.udma@gmail.com>

Fw: Urgent- Original Application No.158/2023/EZ – In Re: “Banks of the Circular Canal are getting “Stolen” regularly near Galiff Street: wastes and garbage spreading pollution” – News item published in Bartaman, Daily Bengali Newspaper, dt. 15.10.2023,...

Jyotirmoy Tanti <jmc_dev@kmcgov.in>
 To: "ngt.udma@gmail.com" <ngt.udma@gmail.com>
 Cc: "nandinighosh.jsudma@gmail.com" <nandinighosh.jsudma@gmail.com>

Thu, Apr 25, 2024 at 1:43 PM

Kind attention: Sri Sukdeb Das Sir

Detailed Report as sent on 9th April 2024 in regard to OA No. 158 may kindly be recalled. SWM Department of KMC cleans up the areas on regular basis. Numbers of trash bins are placed for management of wastes.

May also kindly note that the AMC, as referred to, is not assignable to KMC, as the same is an I&WD Department topic. Make-shift toilets and other nuisance erected on the very course of the canal may be removed on dredging etc. as may be arranged by the concerned.

From: Sukdeb Das <ngt.udma@gmail.com>
Sent: Wednesday, 24 April 2024 5:32 PM
To: Municipal Commissioner <mc@kmcgov.in>; commissioner.hmc@gmail.com <commissioner.hmc@gmail.com>; Subhasish Chatterjee <dg_swm@kmcgov.in>; pal_amitava@rediffmail.com <pal_amitava@rediffmail.com>; Jyotirmoy Tanti <jmc_dev@kmcgov.in>
Cc: advocate.paushali@gmail.com <advocate.paushali@gmail.com>; Nandini Ghosh <nandinighosh.jsudma@gmail.com>; Sukdeb Das <sukdebdaaslaw@gmail.com>
Subject: Urgent- Original Application No.158/2023/EZ – In Re: “Banks of the Circular Canal are getting “Stolen” regularly near Galiff Street: wastes and garbage spreading pollution” – News item published in Bartaman, Daily Bengali Newspaper, dt. 15.10.2023, Kol...

Sir,

With reference to the above subject matter, I am directed to forward herewith the copy of the Joint Inspection Report dated 31.01.2024 for your kind information with a request to kindly provide a **Report with regard to the makeshift toilets built on propped wooded/bamboo platforms over the canal-slops** (Ref. Point no. 4 of the observations noted vide Joint Inspection Report dated 31.01.2024). The said Report/Action Taken Report may be urgently required for the preparation of affidavit and for compliance of the orders and directions passed by Hon'ble NGT.

This may kindly be treated as extremely URGENT.

Kindly see the attachment.

Thanking you

Regards

NGT Cell

UD &MA Department

 Joint Inspection Report dated 31.01.20240001.pdf
497K

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ANNEXURE - C.

Dhaval Jain, IAS
MUNICIPAL COMMISSIONER



KOLKATA MUNICIPAL CORPORATION
5, S. N. BANERJEE ROAD • KOLKATA - 700 013
Phone : 2286 1234 Fax : 2286 1434/1334
e-mail : mc@kmcgov.in

Memo No. *Con/Com/05/SWM/2024-25*

Date: *09/04/2024*

To
The Principal Secretary,
Irrigation and Waterways Department,
Govt. of West Bengal,
Jalasampad Bhawan, 1st floor,
Bidhannagar, Saltlake,
Kolkata-700091

Sir,

In the matter of Original Application No.158/2023/EZ before the National Green Tribunal, Eastern Zone Bench, Kolkata, in connection with wastes and garbage spreading pollution at bank of Circular Canal near Galiff Street, conservancy services are provided on regular basis by KMC. The detailed report is enclosed herewith for your kind reference.

In order to arrest indiscriminate garbage throwing in the canal, fencing may be constructed on the both the banks of the Circular Canal near Galiff Street.

Thanking you,

Yours faithfully,

Dhaval Jain
9/4/24

(Dhaval Jain, IAS)
Municipal Commissioner

Encl: One page report.

Report

On the matter of

Original Application No. 158/2023/EZ

Before the National Green Tribunal

Eastern Zone Bench, Kolkata

In Re: "Bank of the Circular Canal are getting Stolen regularly near Galiff Street: wastes and garbage spreading pollution"- News item published in Bartaman, Daily Bengali Newspaper, dt. 15.10.2023, Kolkata].

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27/12/23
27/12/23
Oversee / Ward No. -07
K.M.C.
Executive Engineer(C)/D. D-1/ (SWM-I)
Ex-Engr.(C), S.W.M.I
K.M.C.

27/12/2023
Assistant Director (SWM-DBR-I)
A.D. SWM-I, BR-I
KMC
27/12/2023
Executive Engineer (C) / SWM-I
Executive Engineer (C) / SWM-I
Kolkata Municipal Corporation

Deputy Chief Engineer (SWM)
Kolkata Municipal Corporation
Chief Municipal Engineer (SWM)
CHIEF MUNICIPAL ENGINEER (SWM)
KOLKATA MUNICIPAL CORPORATION

I & W Department, Govt of West Bengal
may be requested to
install fencing at the
both banks of circular
Canal near Galiff Street
to protect the Canal from throwing of Garbage or
littering into it
Sub D)

09.12.23
EE(C)/SWM I

Original Application No. 158/2023/EZ

Before the National Green Tribunal

Eastern Zone Bench, Kolkata

In Re: "Bank of the Circular Canal are getting Stolen regularly near Galiff Street: wastes and garbage spreading pollution"- News item published in Bartaman, Daily Bengali Newspaper, dt. 15.10.2023, Kolkata].

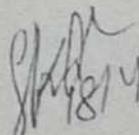
Report

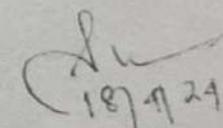
Kolkata Municipal Corporation (KMC) render conservancy services i.e. primary collection of waste from households, street sweeping etc. at the Galiff Street area. KMC has distributed about 430 nos. 10 litre trash bins to the households at there and about 20 nos. 240 litre trash bin have been placed on footpaths. For general awareness of cleanliness within the locality, S.W.M department has hoarded banner at several places, distributed leaflets.

Irrigation & Waterways Department, GoWB have been requested to install fencing at both the banks of circular canal near Galiff Street to protect the canal from throwing of garbage into it (copy of letter enclosed).

Some Geo tagged photos of conservancy services at the Galiff Street area are enclosed herewith.


18/04/24
E.E (C) / SWM-I
K.M.C.


18/4/24
By CE (SWM)
Col Mpl. Coron


18/4/24
C.M.E (SWM)
The Kolkata Municipal Corporation



GPS Map Camera

Kolkata, West Bengal, India
J94C+FJ5, Gallif St, Ghosh Bagan, Baghbazar, Kolkata, West Bengal 700003,
India
Lat 22.606105°
Long 88.371651°
16/04/24 09:30 AM GMT +05:30





কলকাতা পৌরসংস্থা কর্তৃক শহরের নাগরিকবৃন্দের প্রতি আবেদন

বর্তমানে কলকাতা শহরের প্রত্যেকটি ওয়ার্ডে উৎস থেকেই জড়াল
পৃথকীকরণে নিয়ন্ত্রিত নিম্নোক্ত নিয়মানুযায়ী মনে শহরকে পরিষ্কার পরিচ্ছন্ন রাখুন।

পাচনশীল বর্জ্য

বাগিচা থেকে খসড়া করা কাঁচা ও পচে যাওয়া
ফলসহ সবজি, ফলসহ সবুজ পাতা
কাঁচা মাছ, মাছের হাড়
কাঁচা মাংস, মাংসের হাড়
চা, চা-পত্রিকা
(সীলিত সাকে)

- পাচনশীল বর্জ্য নির্দিষ্ট পণ্ডিত বিনে ফেলুন।
- অপচনশীল বর্জ্য নির্দিষ্ট পণ্ডিত বিনে ফেলুন।

অপচনশীল বর্জ্য

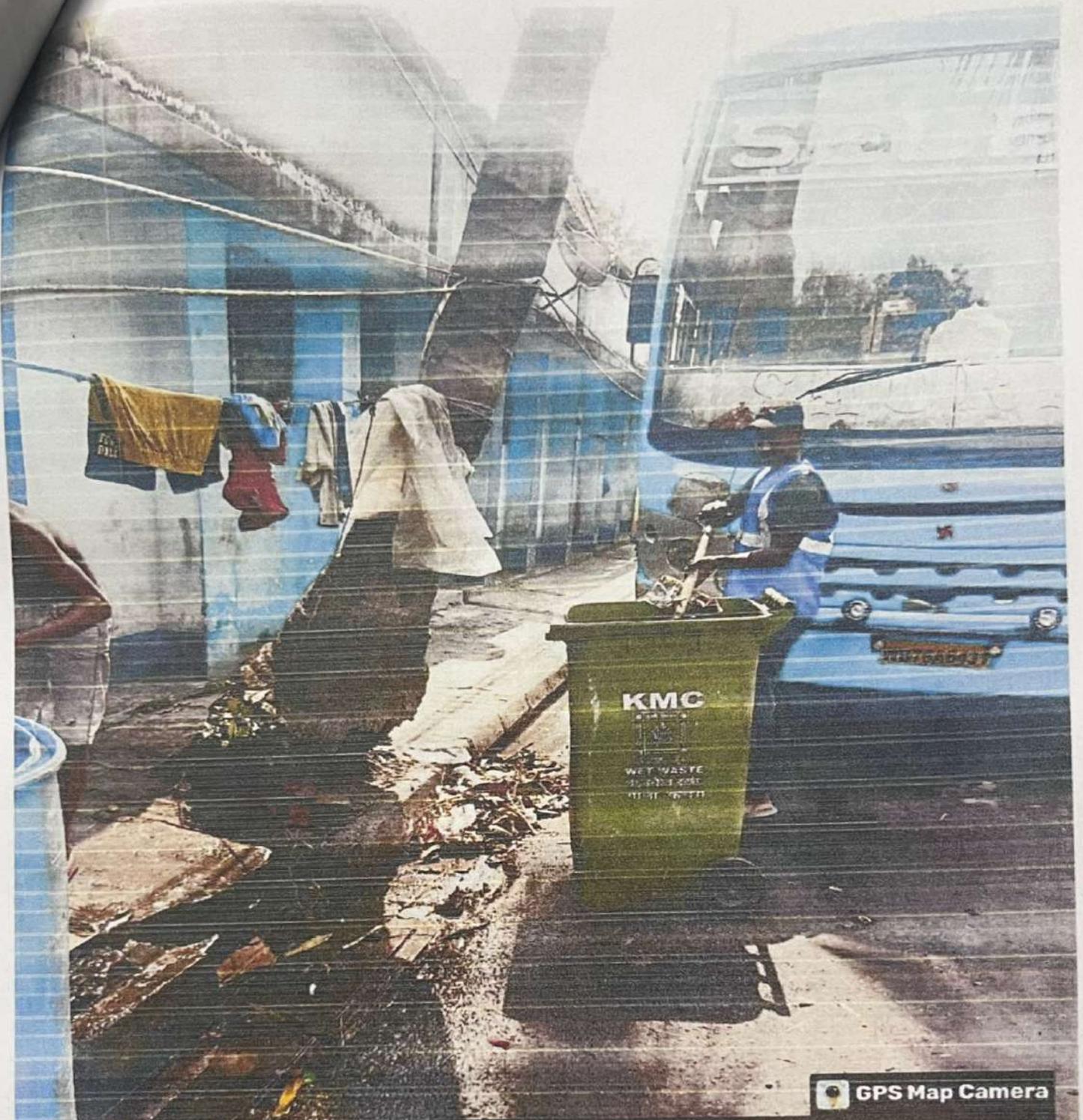
বস্ত্রের কাগজ, কাপড়, / স্ট্রাইকের কাপ ও গুটি,
স্টে ও অস্বাদনীয়, রাস, পানির টানা ও তার, স্ট্রাইক,
কাগজের টুকরা, চেনডার ও রেজিনের টানা, কাঁচা /
সালফার, বস্তুর টানা, মারকারের খেলা / ক্রয়,
চা, খনিজাঙ্কুর / প্লাস্টিক এর জিনিস

শহর পরিষ্কার ও পরিচ্ছন্ন রাখার জন্য পৌরসংস্থার কর্মীরা
শহর জুড়ে পৌরসংস্থার আবর্জনাগুলোর সঠিক ব্যবস্থাপনা
করছেন।

GPS Map Camera

Kolkata, West Bengal, India
J94C+FJ5, Gallif St, Ghosh Bagan, Baghbazar, Kolkata, West Bengal 700003,
India
Lat 22.606179°
Long 88.371604°
16/04/24 10:09 AM GMT +05:30





 **GPS Map Camera**

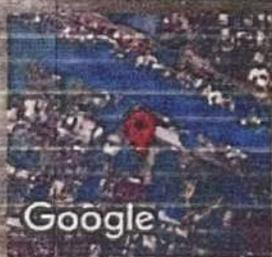
Kolkata, West Bengal, India
J94C+FJ5, Gallif St, Ghosh Bagan, Baghbazar, Kolkata, West Bengal 700003,
India
Lat 22.606152°
Long 88.37164°
16/04/24 09:26 AM GMT +05:30



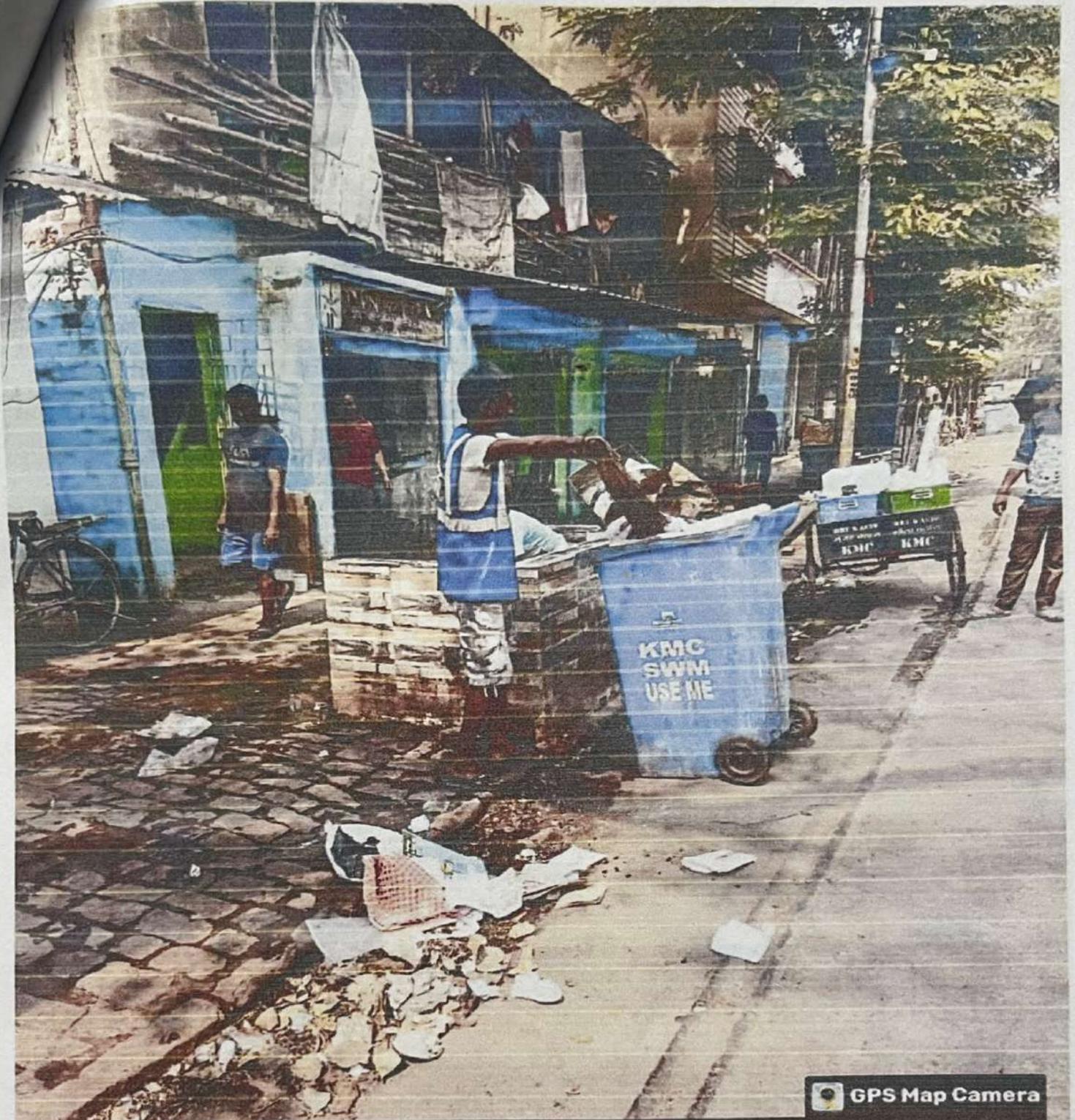


GPS Map Camera

Kolkata, West Bengal, India
near Mahatma Sisir Kumar Sarani, Ghosh Bagan, Baghbazar, Kolkata, West
Bengal 70, Ghosh Bagan, Chitpur, Kolkata, West Bengal 700003, India
Lat 22.606143°
Long 88.371753°
16/04/24 09:30 AM GMT +05:30



Google



GPS Map Camera



Kolkata, West Bengal, India
7MJCJ94C+HC25, Ward Number 7, Kolkata, West Bengal 700003, India
Lat 22.606375°
Long 88.371056°
16/04/24 09:03 AM GMT +05:30

Google



GPS Map Camera

Kolkata, West Bengal, India
7MJCJ94C+HC25, Ward Number 7, Kolkata, West Bengal 700003, India
Lat 22.606393°
Long 88.371084°
16/04/24 09:05 AM GMT +05:30



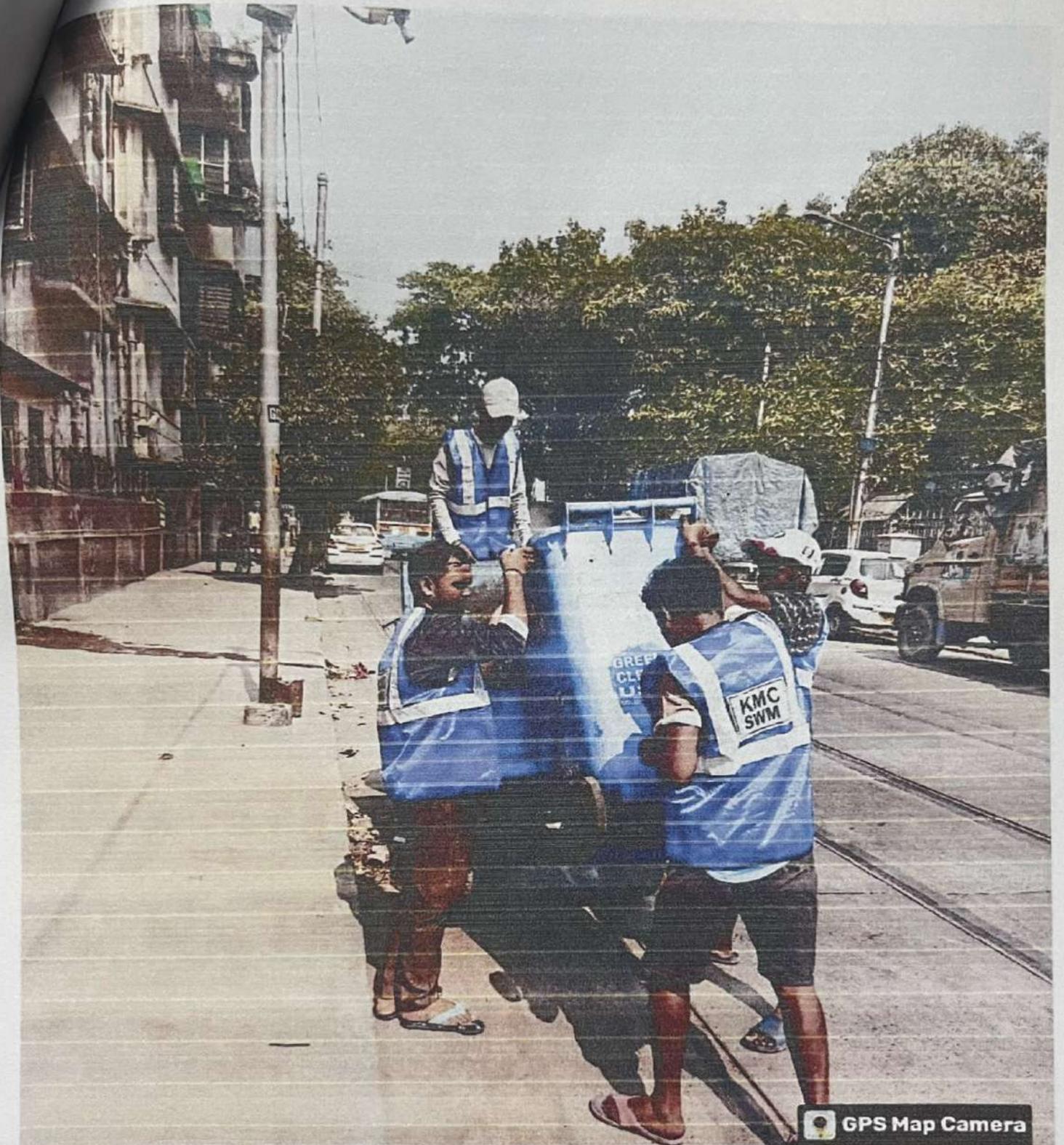
Google



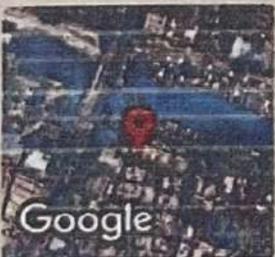
GPS Map Camera



Kolkata, West Bengal, India
P-31/A, Rabindra Sarani, Bag Bazar Colony, Baghbazar, Kolkata, West Bengal
700003, India
Lat 22.606839°
Long 88.369989°
16/04/24 09:17 AM GMT +05:30



GPS Map Camera



Kolkata, West Bengal, India
P-31/A, Rabindra Sarani, Bag Bazar Colony, Baghbazar, Kolkata, West Bengal
700003, India
Lat 22.606844°
Long 88.369986°
16/04/24 09:17 AM GMT +05:30

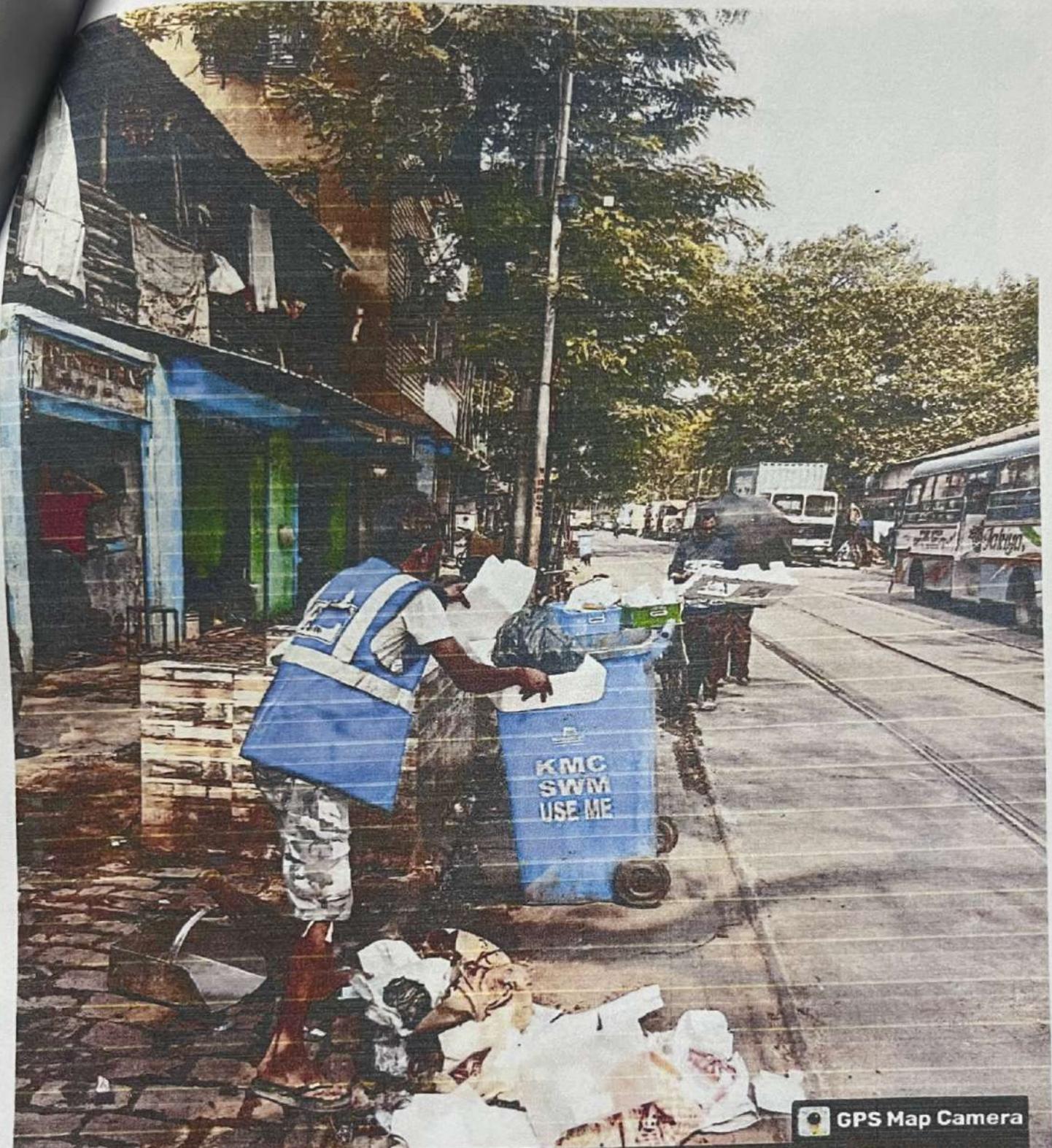


 **GPS Map Camera**



Kolkata, West Bengal, India
near Mahatma Sisir Kumar Sarani, Ghosh Bagan, Baghbazar, Kolkata, West
Bengal 70, Ghosh Bagan, Chitpur, Kolkata, West Bengal 700003, India
Lat 22.606218°
Long 88.37174°
16/04/24 09:26 AM GMT +05:30

Google



 GPS Map Camera

Kolkata, West Bengal, India
7MJCJ94C+HC25, Ward Number 7, Kolkata, West Bengal 700003, India
Lat 22.606323°
Long 88.371077°
16/04/24 09:02 AM GMT +05:30

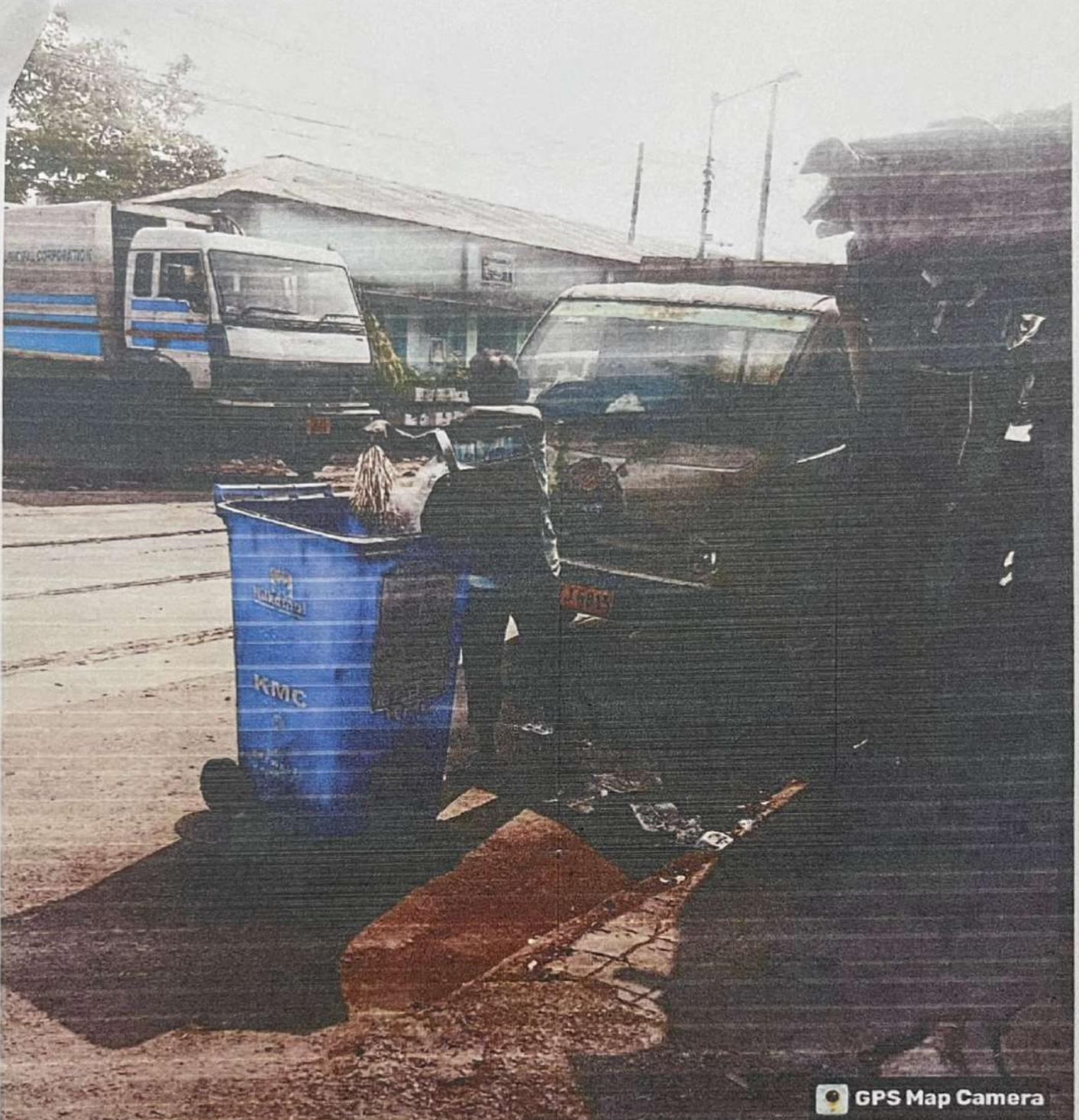




GPS Map Camera

Kolkata, West Bengal, India
7MJCJ94C+HC25, Ward Number 7, Kolkata, West Bengal 700003, India
Lat 22.606431°
Long 88.371085°
16/04/24 09:02 AM GMT +05:30





 GPS Map Camera



Kolkata, West Bengal, India
J94C+9VF, Mahatma Sisir Sarani, Block C, Shyam Bazar, Baghbazar, Kolkata,
West Bengal 700004, India
Lat 22.606021°
Long 88.372104°
16/04/24 08:44 AM GMT +05:30



 **GPS Map Camera**



Kolkata, West Bengal, India
J94C+CPX, Mahatma Sisir Kumar Sarani, Ghosh Bagan, Baghbazar, Kolkata,
West Bengal 700003, India
Lat 22.606024°
Long 88.371876°
16/04/24 08:45 AM GMT +05:30



GPS Map Camera



Kolkata, West Bengal, India
7MJCJ94C+HC25, Ward Number 7, Kolkata, West Bengal 700003, India
Lat 22.606402°
Long 88.371104°
16/04/24 09:05 AM GMT +05:30