

SL. No. 3

-1292-

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE

BENCH AT KOLKATA

Original Application 32/2019  
In the matter of :

Subhas Dutta

..... Applicant

-Versus-

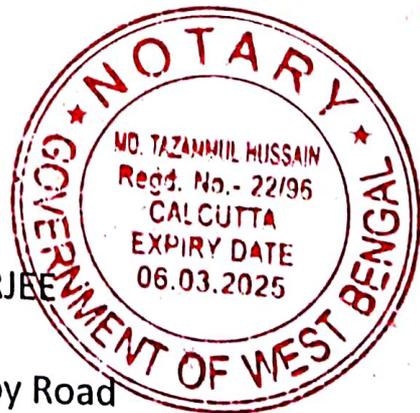
State Of West Bengal & Ors

..... Respondents

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PAUSHALI BANERJEE  
Advocate  
7A, Kiron Shankar Roy Road  
Kolkata-700001



-1293-  
2

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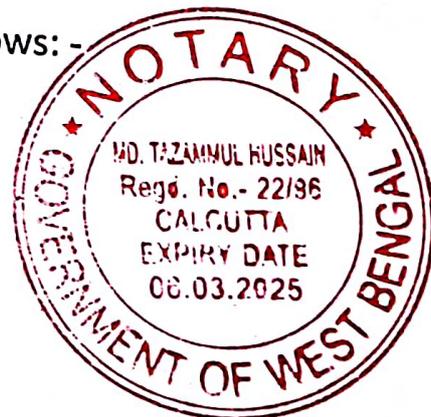
-Versus-

State Of West Bengal & Ors

..... Respondents

**Supplementary Affidavit on certain issues on behalf of the Kolkata  
Municipal Corporation**

I, Kalyan Das, son of Late Amarendranath Das, aged about 59 years, by religion Hindu, by occupation-service, working for gain as Executive Engineer (Civil) Environment & Heritage Department at the Kolkata Municipal Corporation, 5 S.N. Banerjee Road, Kolkata-700013, do hereby solemnly affirm and say as follows: -

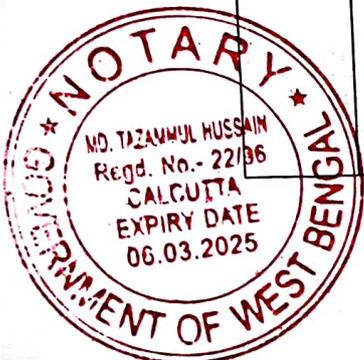


1. I know the facts and circumstances of the case. I have been duly authorised by the Kolkata Municipal Corporation and otherwise competent to affirm this affidavit on its behalf.

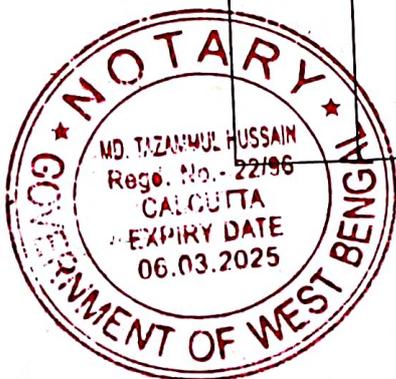
A. That the Hon'ble Tribunal was pleased to direct the Corporation to file a status report regarding mouza chowbhaga and Dhalendra with respect to the wetlands.

2. The status report is as follows.

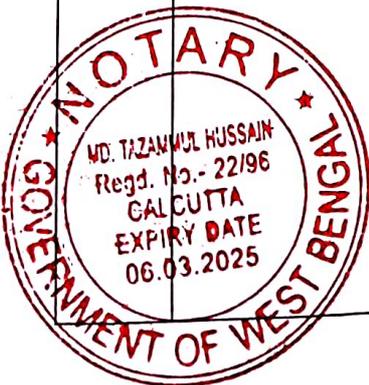
Sl.No.	Location	Violation	ATR
1	Mouza- Chowbaga, RS Dag No. 639, PS: Anandapur	Illegal two-storied building erected	Illegal structure dismantled
2	Mouza- Dhalenda, RS Dag Nos. 239, 240, 241, 242, 243, 362, 236 & 245 and Mouza- Chowbaga, RS Dag Nos. 1 to 28, 30, 31, 34, 35, 36, 47, 48, 63, 660 & 661, PS: Pragati Maidan	A vast water body has been filled up and kancha road has been constructed thereon. But, there is no illegal building.	On joint inspection dated 16.07.2020, area of the water body is ascertained as <b>64,536 sqm based on satellite imagery</b> as provided by EKWMA. Since cost of re-excavation of <b>64,536 sqm</b> water body is <b>2.17 crore as per PWD schedule</b> , it is agreed to conduct a thorough survey by engaging empanelled surveyor to prepare more accurate estimate as well as to demarcate the water body to be excavated. The engaged surveyor (A B Consultant) on 10.12.2020



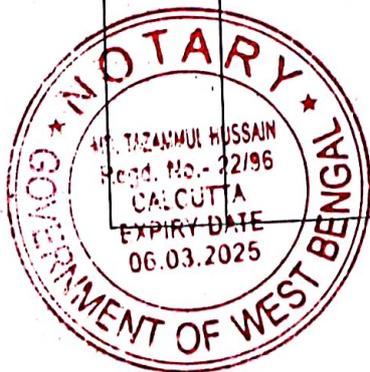
could not carry out the survey work due to presence of "very tall Hoglabon" and requested department to clean the site to facilitate the survey work. E- tender as per norms for cleaning of site for an amount of 6.51 lakh has been floated accordingly for cleaning of site to facilitate the survey work. The KMC on 20/05/2021 has sought 6.51 lakh fund from EKWMA since land is not owned by KMC. EKWMA vide letter dated 05/07/2021 directed KMC to identify the person responsible. But, the persons responsible for filling of vast water body (long ago) could not be identified by the KMC. Thereafter, KMC issued three letters to BL&LRO on 02/11/21 and 22/11/21 and 06/12/21 to inform ownership details of the land in question. No information on ownership of land is received till date. KMC on 10/12/21 again requested EKWMA to provide the necessary



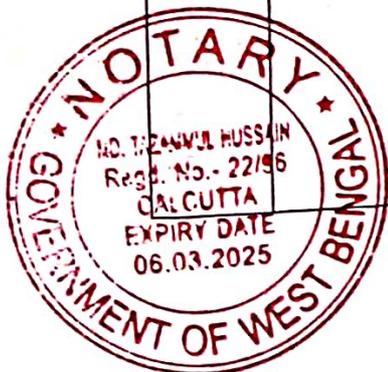
			fund. KMC is yet to receive the fund from EKWMA and so, the work could not be progressed further.
3	Mouza- Paschim Chowbaga, RS Dag No. 15, PS: Pragati Maidan	Illegal Maruti Showroom has been erected on filled up water body	A Maruti showroom cum service centre is in operation. EKW & KMC officials attempted to demolish the structure on 13/01/2020 with assistance from Pragati Maidan Police Station, but, failed. On that point of time, the owner had given an undertaking to demolish the structure at its own cost. But, the party did not demolish the structure and moved to the court. A case is pending Before the court (WP 4940(W) of 2020 Wanderland Vs State of W B). Proceedings have already been taken u/s 400 of KMC act 1980 by the Building Department of KMC against the unauthorised construction. On hearing, a demolition order has been passed on 27/08/2021 by the Special Officer (Building) and subsequently Mayor-in-Council, KMC granted approval on 21/01/2022



			vide Item No. MOA - 2.24 for demolition of the unauthorized construction.
4	Mouza-Dhalenda, RS Dag No. 305, 306 & 307, PS: Pragati Maidan	Filling up of water body and erection of unauthorised structures thereon	<b>Illegal construction was dismantled by the KMC.</b> An estimate for re-excavation / restoration of water body amounting to Rs.9, 04,780/- has been approved by CTO, EKWMA (administrative approval). E-Tender as per norms has been floated and on opening of Financial bid, EKWMA was requested to remit the fund. However, EKWMA on 31/03/21 asked KMC to identify the person responsible first. The KMC obtained the names of recorded owner from BL&LRO, but failed to indentify the persons physically as per BL&LRO record on local enquiry. KMC issued notice against Jagannath Pramanik and Madhv Pramanik, the recorded owner as per BL&LRO record and finally FIR was filed on 08/11/2021 with Pragati Maidan Police

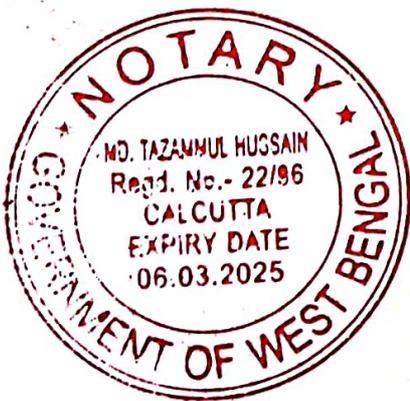


			<p>station. Meanwhile, EKWMA on 25/11/2021 remitted the necessary fund to KMC. The Work Order was issued on 21.01.2022 on observing necessary formalities. Restoration work started on &amp; from 22.01.2022 and is complete. Copy of the picture of the restored water body is annexed herewith and marked as Annexure A.</p>
5	<p>Mouza-Dhalenda, RS Dg No. 168, 173, 175, 176, 178, 179 and 186, PS: Pragati Maidan</p>	<p>An Italian marble company is running on filled up water body.</p>	<p>A Marbel factory is in operation. A case is pending before the court (W P no 12096(W) of 2017 Saraj Kumar Mondal Vs State of W B). Proceedings have already been taken u/s 400 of KMC act 1980 by the Building Department of KMC against the unauthorised construction. On hearing, a demolition order has been passed on 09/09/2021 by the Special Officer (Building) and subsequently Mayor-in-Council, KMC granted approval on 21/01/2022 vide Item No. MOA – 2.24 for demolition of the</p>



			unauthorized construction.
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That the statements made in foregoing paragraphs 1 are true to my knowledge, those made paragraphs nos. 2 are true to my information derived from records which I verily belief to be true and rest are my respectful submissions before this Learned Tribunal.



VERIFICATION

I, Kalyan Das, son of Late Amarendranath Das, aged about 59 years, by religion Hindu, by occupation-service, working for gain as Executive Engineer (Civil) Environment & Heritage Department at the Kolkata Municipal Corporation, 5 S.N. Banerjee Road, Kolkata-7000013, do hereby verify that para 1A, 2(1)(2) of the Affidavit are true to the best of my knowledge and belief, rest are humble submissions before this Hon'ble Court and no part of the report is false and nothing has been concealed therefrom.

Verified at Kolkata on this 9<sup>th</sup> day of March, 2022.

Prepared in my office

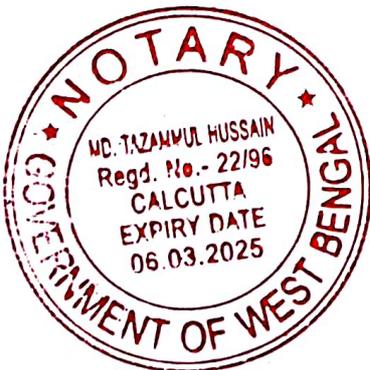
*Rausheer Banerjee*

Advocate

*Kalyan Das*

**DEPONENT**

**Ex. Engineer /**  
**E. & H. Deptt**  
**K.M.C.**



Solemnly affirmed and declared  
before me on Identification

*[Signature]*  
**MD T. HUSSAIN Notary**  
City Civil Court  
Kolkata  
egd No - 22/96 Govt. of W.B

**09 MAR 2022**

Annexure - 'A'  
-1301-

