

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONAL
BENCH, KOLKATA,

IN

ORIGINAL APPLICATION NO 129 OF 2022/EZB

SUBHAS DATTA

VS

VISVA BHARATI UNIVERSITY AND
OTHERS

AFFIDAVIT IN OPPOSITION ON BEHALF OF RESPONDENT NO 1

I, Ashok Kumar Mahato, son of Bhabataran Mahato, aged about 46 years, by faith – Hindu, by occupation – Service at Visva Bharati, Santiniketan, 731235, solemnly affirm and states as follows:

1. That I am the Registrar (Acting) and the authorized representative of the respondent no 1 and being such, I am duly authorized and competent to affirm this instant affidavit on behalf of the respondent no 1 before this Hon'ble Tribunal. I am well aware with the facts and



circumstances pertaining to the instant case. I have gone through the pleadings contained in the purported affidavit in operation filed by WBPCB, understood the same and I will proceed to traverse those allegations which are relevant and necessary for the appropriate disposal and dispensation of justice in the instant matter.

2. On or about 09/12/2022 I have been served with a copy of the opposition, which seems to have been affirmed in 2 December 2022. The instant petition had come up for hearing before this Hon'ble Tribunal on 05/12/2022 and upon hearing and perusal thereof this Hon'ble Tribunal was pleased to pass a direction upon the respondent no 1 above named to file opposition against the said affidavit filed by the West Bengal Pollution Control Board.
3. With reference to paragraph nos 1, 2, 3 and 4 of the said affidavit in operation I deny each and every allegation made therein save and except what are matters of record.
4. With reference to the paragraph 5 and 6 of the said opposition I deny each and every allegation made therein save and except what are matter of record. I deny that as a bulk generator, Visva Bharati is in total non-compliance with respect to the Solid Waste Management.

I say that:-



- a) A system of Solid Waste collection system exists in Visva Bharati's own areas. Visva Bharati has more than 100 conservancy workers (mainly tribal self-help group members) under its Garden Section, Sanitation Section, Sports Board, Proctor's Office and Hostel Wardens, who collect the mixed wastes from Vats located at some places of campus area and dispose that waste in pits on vacant lands within the Visva Bharati area. These pits are regularly covered with earth.
- b) Visva Bharati owned pond with 28 acres area at Bhubandanga Bundh of Ward No.-7 of Bolpur Municipality is surrounded by residential households. The waste water of the drains of Bolpur Municipality and surrounding residential houses are being channelized to this pond. These houses / hostels/ lodges are disposing their solid wastes at the bank and also inside the pond. As a result it is being polluted and filled. The three drains are connected to this water body damaging the ecosystem of the water-body. In spite of repeated efforts the University has not been able to fence the periphery of the water-body to prevent encroachment and pollution for open defecation.



5. With reference to paragraphs nos 7, 8, 9, 10, 11, 12 and 13 of the said I deny each and every allegation made therein save and accept what are matters of record. I specifically say the following:-

- a) All the areas owned and possessed by the University are not (Municipally) administered by Visva Bharati. For example, the tribal hamlets of Balipara, Kaliganj and Pearsonpalli within Visva Bharati fall within the jurisdiction of Ward No.-3 of Bolpur Municipality.
- b) Some of the own lands of Visva Bharati are administered and controlled by Visva Bharati. There is no local body to administer these lands.

I say that the said Show cause notice dated 31-12-2019 issued by the said Pollution Control Board immediately after completion of Mela 2019 (under the Air Prevention & Control of Pollution Act 1981, and the Environment Protection Act 1986) was served on the Registrar of Visva-Bharati directing her to explain why Environmental Compensation (EC) of Rs. 10.00 lakhs could not be imposed on Visva-Bharati for failure to comply or to implement the action plan "discussed" in the meeting dated 18.12.2019 chaired by the Chief Secretary. Upon receiving the notice the University had also replied to the West



Bengal Pollution Control Board on 24-01-2020. I say that WBPCB did not press the said letter in execution proceeding being no Execution Application No 02/2010/EZ.

6. Regarding inspection report dated 25-11-2022 of the West Bengal Pollution Control Board, I hereby submit my following submissions: -

a. In Visva Bharati Campus we have the following types of ownership of land and its usage :-

- i. Visva Bharati owned land having Offices, Libraries, Departments, Hostels, Hospital, Academic/Non Academic Staff Quarters and some leased out plots /shops.
- ii. Visva Bharati owned playgrounds / fields used for its sports activities and functions / festivals and fair like Anandabazar, Rathindra Mela, Vasantotsava, Nandan Mela, Pous Mela, Magh Mela etc.
- iii. Visva Bharati's land leased out to some individuals and organizations.
- iv. There are three tribal hamlets Pearsonpally, Balipara, Kaligaunge inside its campus which are now under



the jurisdiction of Bolpur Municipality / Ruppur Gram Panchayet.

- v. There are no private ownership plots for residential use, office / institute & commercial purpose. Visva Bharati leased out some of its owned area to the Forest Department, where Ballavpur Sanctuary is running.
- b. As regards installation of Solid & Liquid Waste Management system in Santiniketan area, the University does not have any technical, infrastructure and financial resources to install and operate solid waste management and sewage treatment plant "within Santiniketan" as per order of the Hon'ble Green Tribunal. The State Govt may build & operate the system for solid waste management and sewage treatment plant for Santiniketan as has already been requested for; else the University will approach to the UGC / MoE to arrange for CAPEX and OPEX of such project for Visva-Bharati area only which is outside the jurisdiction of any local body. This position of the University is known to the State Govt and the District Administration.



- c. Regarding disposal of bio medical waste in Visva Bharati Hospital, the University will follow the provisions of Bio Medical Waste Management Rules, 2016 and obtain necessary consent to operate and Bio-Medical Waste Authorization from WBPCB including installation and operation of fresh incinerator, autoclave etc for disposal of bio medical waste subject to receipt of funds from the Central Govt and the UGC.
7. On 19/8/2020 this Hon'ble Tribunal had considered the said show cause notice and its reply and thereafter passed the reasoned order. I say that no appeal has been preferred against the said order before the Hon'ble Supreme court by none of the parties herein. Therefore, the said order is binding upon by all the parties herein. I say that for compliance of the said order the State Government has already taken decision by the office order dated 22nd October 2022. I say that after taking such decisions by the State Government this application is infructuous.
8. I say that on 11/12/2019 this Hon'ble Tribunal was pleased to direct constitution of a committee comprising of the Chief Secretary of West Bengal, Vice Chancellor of Visva Bharati, the District Magistrate Birbhum, Commissioner of Bolpur Municipality, Santiniketan Trust and West Bengal State Pollution Control Board. The State



Pollution Control Board was to be the nodal agency for the same. Accountability and responsibility for waste management was to be fixed after due consideration including the source of funding for this purpose. The Member Secretary of West Bengal Pollution Control Board was directed to approach the Chief Secretary of West Bengal and meeting was to be organized within a month and all relevant decisions taken on the said project.

The photocopy of the said order is annexed hereto and marked as Annexure X.

9. By office order dated 26 October 2022 the Government of West Bengal, Department of Urban Development and Municipal Affairs has already informed this Hon'ble Tribunal that they have already taken decision that the waste management and solid waste management plant and Sewerage treatment plant will be executed by them and after execution and after completion of the said project will be hand over to the Bolpur Municipality for day to day running of the said plant.
10. Your petitioner crave leave refer to the said documents at the time of hearing, if necessary.
11. I say that after passing the said office order dated 26 October 2022 this petition is infructuous.



12. The statement made in paragraphs no 1 to 10 are true to my knowledge, statement made in paragraph no 11 is matter of record and rest are my respectfully submission before this Hon'ble Tribunal.



Ashok Kumar Ghosh

DEPONENT ^{कुलसचिव (कार्यवाहक)}
विश्वभारती
Registrar (Acting)
Visva-Bharati

Prepared in my office

Sandip Mukhopadhyay

Advocate

S-L.NO:- 05/2023
dt 12.01.2023.

Identified by me

Sandip Mukhopadhyay

Advocate

Solemnly affirmed before me
on this... 12th day of... January
Who is identified by... S.M. Mukhopadhyay
.....Advocate, Bolpur, Birbhum

Notary Public
Govt. of W.B.
Bolpur

Sayanti Goswami
SAYANTI GOSWAMI MUKHERJEE
NOTARY
BOLPUR, BIRBHUM
Govt. of W.B. Regn. No.- 69/22

12.01.23

VERIFICATION

I, Ashok Kumar Mahato, Son of Bhabataran Mahato, aged about 46 years, by faith – Hindu, by occupation – Service at Visva Bharati, Santiniketan, Pin – 731235, as its Registrar (Acting), do hereby verify that the statement made in paragraph no 1 to 10 are true to my knowledge and paragraph no 11 is matter of record and rest is my respectful submission before this Hon'ble Tribunal.

Dated on 10th January, 2023.


कुलसचिव (कार्यवाहक)
विश्वभारती
DEPONENT Registrar (Acting)
Visva-Bharati



Annexure - X

Item No. 08

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Execution Application No. 02/2019
Arising out of M.A. No. 07/2019 in
Original Application No.16/2016 (EZ)

Subhas Datta

Applicant(s)

Versus

Visva Bharati University & Ors.

Respondent(s)

Date of hearing: 11.12.2019

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): Mt. Subhas Dutta, Applicant in person

For Respondent(s): Ms. Sucharita Biswas, Advocate for R-1
Mr. Balwant Singh Billowria, Advocate for R-9
Mr. Bikas Kargupta, Advocate for R-2-4
Mr. Sibojyoti Chakraborti, Advocate for R-5
Mrs. Durba Bandyopadhyay, Advocate for R-6
Mrs. Malabik Roy Dey, Advocate for R-7
Mr. Siddhartha Ghosh, Advocate for R-8

ORDER

1. The issue for consideration is scientific management of solid and liquid waste at Visva Bharati University particularly during *Pous Mela* which is held every year on the University campus.
2. This Tribunal dealt with the issue earlier vide order dated 01.11.2017.

3. It is an admitted position that the fair in question is of great cultural significance for the State of West Bengal. The fair is organized by Shantiniketan Trust and is said to be attended by more than 2 lacs persons and the duration of fair is 3-4 days.
4. Having regard to the above, this Tribunal issued certain directions for establishment of Solid Waste Management Plant and Sewage Treatment Plant for compliance of environmental norms.
5. Present application seeks enforcement of the said directions.
6. The University is said to be funded by the Central Government with limited funds available in the form of grant. The stand of the University is that fair is allowed to be organized on its premises as a part of tradition and ownership of holding of the fair is with the Trust. The stand of the Trust is that the fair is of limited duration and the event is held as a part of tradition. It is not possible for the organizer to make any permanent arrangement but some sort of temporary arrangement is made with the assistance of the Bolpur Municipality even though the area does not fall within the jurisdiction of the said Municipality.
7. The applicant in person states that generation of Solid and Liquid Waste Management takes place throughout the year as the University has about 6500 students and faculty of 520. There are large number of quarters on the campus. The campus is in the area of about 5 sq. kms.

8. While we are in agreement that the fair in question has great cultural significance for the people of State of West Bengal and for the people of the Country in general. The Waste Management will only add value to the fair and not obstruct the same. The responsibility for the Waste Management and effective arrangements needs to be ensured with a view to effectuate the directions already issued.
9. We direct constitution of a Committee comprising of Chief Secretary, State of West Bengal, Vice-Chancellor, Visva Bharati University, the District Magistrate, Birbhum, Commissioner, Bolpur Municipality, Shantiniketan Trust and the West Bengal State PCB. The State PCB will be the Nodal agency.
10. The accountability and responsibility for waste management may be fixed after due consideration including the source of funding for the purpose.
11. Let the Member Secretary, WBPCB approach the Chief Secretary and ensure that the meeting is organized within one month and all relevant decisions taken on the subject. Let the report be furnished before this Tribunal before the next date by e-mail at judicial-ngt@gov.in.
12. In the meanwhile, the fair in question may be conducted by taking all necessary precautions, as has been done earlier and with such improvements as may be found possible.

13. The Committee already constituted may continue to operate and oversee the waste management arrangements and give their report to the State PCB which may be put up in the meeting to be presided over the Chief Secretary. The Committee may also take stock of the steps taken so far, in pursuance of directions of this Tribunal dated 01.11.2017.

14. A report may be furnished to this Tribunal by 31.01.2020 by e-mail at judicial-ngt@gov.in.

List for further consideration on 24.02.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

11th November, 2019
Execution Application No. 02/2019
Arising out of M.A. No. 07/2019 in
Original Application No.16/2016 (EZ)
SN