

Before the National Green Tribunal, Eastern Zone Bench, Kolkata
OA No. 34 of 2023

In Re-News Item published in The Times of India Newspaper, Calcutta edition dated 23.03.2023 titled Kolkata Water Table Dips 2m in 5 years, Experts flag rise in arsenic, salinity

Versus

Central Ground Water Authority
and others

...Respondents

AFFIDAVIT FILED BY THE RESPONDENT NO. 3 WITH THE ORDER
OF THE HON'BLE GREEN TRIBUNAL, EASTERN ZONE ORDER
DATED 24.03.2023.

I Smt. Aparna Samadder, daughter of Late Bibhuti Bhushan Biswas aged about 55 years, by faith: Hindu, by occupation - Government Service, residing at 12/3, Sitsar Nivedita Road, P.O-Thaurpukur, Kolkata- 700063, now posted as Superintending Engineer, I.P.D Circle, S.W.I.D with an additional charge of Superintending Geologist & Member Secretary, Corporation Level Ground Water Resources Development Authority (C.L.A), 4th Floor, Bikash Bhawan, Kolkata - 700091, do hereby solemnly verify and say as follows:-

1. I am in charge of Superintending Geologist & Member Secretary, Corporation Level Ground Water Resources Development Authority (C.L.A) and as authorized by the Director, State Water Investigation Directorate (S.W.I.D) I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.



26 APR 2023

2. That by an order dated 24.03.2023 the Hon'ble National Green Tribunal, Eastern Zone, Kolkata, was pleased to implead State Water Investigation Directorate (SWID), in the array of Respondents as 'Respondent No. 3' and further directed the respondents to file counter-affidavit.

3. That an act was passed by the West Bengal Legislature and was published in the Kolkata Gazette Extraordinary on 31st August 2005 to manage, control and regulate indiscriminate extraction of ground water in West Bengal and to provide matters connected therewith or incidental thereto. This Act was called 'The West Bengal Ground Water Resources (Management, Control and Regulation) Act 2005' (mentioned herein after as the Ground Water Act). After that came The West Bengal Ground Water Resources (Management, Control and Regulation Rules, 2006 & Amendments, the latest amendments being via Notification No. 1473/WI/O/Law-20/2014, Dated 14.09.2022).

4. That Formation of "Corporation Level authority" or Corporation Level Ground Water Resources Development Authority (C.L.A) under section (5) has been made to regulate the ground water extraction within the jurisdiction of Kolkata Municipal Corporation (K.M.C) Area as specified in Schedule 1 to the KMC Act, 1980. This authority consists of the following members:-

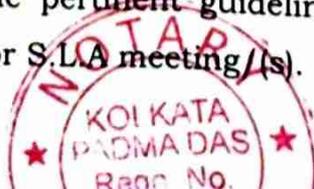
- (i) The Municipal Commissioner of the Corporation as Chairman
- (ii) The Chief Executive officer, Kolkata Metropolitan Development Authority as a Member.
- (iii) Two elected representatives of the Kolkata Municipal Corporation, to be nominated by the Mayor, Kolkata Municipal Corporation as Members
- (iv) One expert from the Central Ground Water Board as may be nominated by the Regional Director, Central Ground Water Board as a Member
- (v) Two experts in the field of conservation, protection, or development of ground water resources as the State Government may, by notification appoint as Members



- (vi) Two eminent persons of the locality as the State Government may, by notification, appoint as Members
- (vii) One representative of the Public Health Engineering directorate, Government of West Bengal as a Member
- (viii) One representative of the West Bengal pollution Control Board as a Member
- (ix) Superintending Geologist, State Water Investigation Directorate, Government of West Bengal as the Member Secretary

5. The Superintending Geologist, being the Member Secretary, Corporation Level Ground Water Resources Development Authority (C.L.A) and In-charge officer of the Nodal Office of the C.L.A, provides sheer effort in the work of issuance of the Permit and/or Registration Certificates in compliance with the said Ground Water Act in the Kolkata District (K.M.C Area) which includes

- a. Distribution and receiving of the Application Forms in stipulated format i.e. Form-I for Domestic Sector through offline and Form-IA for Industrial, Commercial and Infrastructural Sector through online for obtaining of Permit Certificates.
- b. Carrying out the inspection visits along with K.M.C officials to every individual site of the applicants/ project proponents for the necessary field surveys for both domestic and commercial purposes.
- c. Imposing penalty u/s (16) or various restrictions u/s (10) to the illegal ground water users for various offences.
- d. Appraising the Municipal Commissioner, K.M.C & Chairman. C.L.A and other respective members present in the meetings of the C.L.A for processing of the application forms to approve and / or reject them in terms of the prevailing hydro geological condition of the concerned area and the pertinent guidelines approved from the respective C.L.A and/or S.L.A meeting/(s).



e. If approved or rejected thus preparation of the various formats i.e. Form 2, Form 3, Form 4 (Permit Certificate) in case of approval, if rejected then Form 5 and their subsequent disbursement from the Nodal Office.

6. That effective Involvement in ground water assessment work with the acquired DTWL (Depth To Water Level) Data and Ground Water Samples collected on periodical basis i.e. 4 times in a year (January - April - August - November) from the different PHS (Permanent Hydrograph Station)s situated all over the K.M.C area. This finally leads to the Estimation Work of Ground Water Resources which is performed jointly with Central Ground Water Board Eastern Region (CGWB, ER).

7. That monitoring of water quality by chemical analysis of the samples taken 2 times in a year (Pre Monsoon in April and Post Monsoon in November).

8. That delineation of Aquifers containing Salinity, Arsenic, Fluoride, Iron etc.

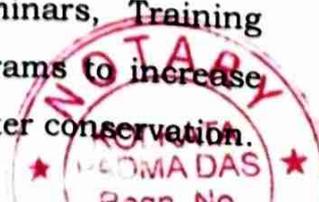
9. In alliance with the Geo Physicists conduction of Geo Physical Investigation of Ground Water Resources

10. Collection, Preservation and Interpretation of Hydro-Meteorological data

11. Playing meticulous role in apt public dealings i.e. effective public grievance redress, resolving different civil court related disputes rose in connection with the work of implementation of Ground Water Act in the K.M.C area

12. Keeping proper coordination with the State Level Authority (S.L.A) for proper functioning of the committee

13. Arrange & attend all kinds of Meetings, Seminars, Training Programs, Public Hearings, and Mass Awareness Programs to increase the awareness among common people for apt ground water conservation.



14. That the answering respondents submits that so the Permit Certificates (Approvals) within K.M.C area are being given prudently after enough cautious consideration on every single application. Thus there no such question should arise on random extraction of ground water in K.M.C area without any regulation.

15. That in compliance of the order dated 24.03.2023, this affidavit is being affirmed and prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.

16. The statements made in paragraph 1 to 14 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 belief to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office

Sudip Das-Dutta
Advocate

Deponent

Asamadder
26.04.23

**Superintending Geologist
& Member Secretary, C.L.A
& S.L.A WBGWRAct, 2005**

SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

[Signature]

PADMA DAS
NOTARY



26 APR 2023