

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 131/2023/EZ



In The Matter of:

Debi Prasad Banerjee

... Applicant

Versus

State of West Bengal & Ors.

... Respondents



AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04, THE DISTRICT
MAGISTRATE & COLLECTOR, DISTRICT NORTH (24) PARGANAS, BARASAT.

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

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18 DEC 2023

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AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 04, THE DISTRICT MAGISTRATE & COLLECTOR, DISTRICT NORTH (24) PARGANAS, BARASAT.

I, Dhivya Loganathan, D/o- Late Mr. V. Loganathan, aged about 34 years, by faith- Hindu, residing at ADM LR Bunglow, Banamalipur, Barasat, Kolkata, Pin code- 700124, and presently posted as District Land and Land Reforms Officer, having office at Administrative Building, Barasat, North 24 Parganas, Pin Code- 700124, do hereby solemnly affirm and submit as follows:-

1. That this affidavit is being filed in compliance to the Solemn Order dated 04.10.2023, passed by the Hon'ble Tribunal.
2. That in obedience to the Solemn Order dated 04.10.2023 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. The Hon'ble National Green Tribunal, Eastern Zone Bench constituted a Committee, comprising Senior Scientist, West Bengal Pollution Control Board, District Magistrate, North 24 Parganas or his representative not below the rank of Additional District Magistrate, and Executive Officer, Barasat Municipality. The West Bengal Pollution Control Board was to act as the nodal agency for all logistic purpose.
4. That pursuant to the Solemn Order of the Hon'ble Tribunal, the Committee comprising of the following members was constituted as per nominations received from the participating departments/ offices:
 - (i) Additional District Magistrate and District Land & Land Reforms Officer North (24) Parganas

- (ii) Smt. Rita Datta, Environmental Engineer, Barrackpore Regional Office, WBPCB
- (iii) Sri Subhash Biswas, Executive Officer, Barasat Municipality.
5. That accordingly, the members of the committee accompanied by Smt. Nibedita Mishra, Deputy Superintendent (Non-Medical) Barasat Medical College, and others visited the area on 17.10.2023 at 13:00 hrs.
6. That the observations of the constituted Committee are as follows:
- (i) The site is located within the Barasat Medical College & Hospital at Jessore Road, P.O.- & P.S.- Barasat, 24 Pgs (North), Pin: 700124.
- (ii) The work for construction of G+9 storied buildings has been undertaken within the premises and as informed by representative of the executing agency M/s Simplex Infrastructures Ltd. during different phases of the construction work temporary toilets have been set up at various locations within the premises from time to time for the laborers working in the project.
- (iii) At present the toilet structures are located adjacent to the boundary wall and consists of 7 to 8 temporary toilets made of brick walls with metal sheet roof.
- (iv) The temporary toilets are not connected to any septic tank and is connected to temporary storage wells/Pit Dugs in the ground.
- (v) The wells were found to be filled with human excreta and were not properly covered. Foul smell was felt around the wells.
- (vi) No overflow from the wells was observed at the time of inspection but might occur at the time of heavy rains.
- (vii) Based on the observations during inspection by the committee, the Barasat Medical College & Hospital should immediately clean the temporary wells to avoid any overflow of human excreta and shift the temporary toilets to a place so as to bring back the area in question to a healthy condition. Further no unscientific method of disposal of human excreta should be adopted.
- (viii) The entire work of cleanup, shifting and restoration may be undertaken by the Barasat Medical College & Hospital and may be overseen by Barasat Municipality.

Photocopy of the Committee Report is annexed herewith and marked with the letter 'R-1'.

7. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice.

Identified by me

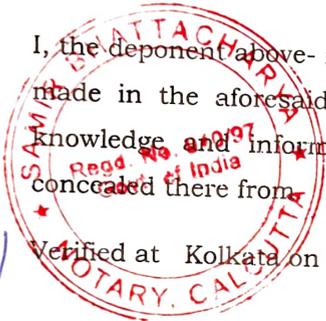
Sibojyoti Chakrabarti
Advocate 18/12/2023
State of West Bengal

Deponent



VERIFICATION:

I, the deponent above-named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from



4/ Verified at Kolkata on 18 Day of December, 2023.

Identified by me

Sibojyoti Chakrabarti
Advocate 18/12/2023
State of West Bengal

Deponent

Solemnly Affirmed and
Declared before me (U/S 1...
CPETU/S297(C)CRPC

18.12.23
Notary

18 DEC 2023
Samir Bhattacharya
Notary, Govt. of India
Regd. No.-940/97
City Civil Court, Calcutta

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(Answer - R-1)

Report in the matter of Original Application No. 131/2023/EZ vide Hon'ble NGT order (Eastern Zone Bench, Kolkata) dated 04.10.2023.

The Hon'ble National Green Tribunal, Eastern Zone Bench constituted a Committee, comprising Senior Scientist, West Bengal Pollution Control Board, District Magistrate, North 24 Parganas or his representative not below the rank of Additional District Magistrate, and Executive Officer, Barasat Municipality. The West Bengal Pollution Control Board was to act as the nodal agency for all logistic purpose.

Pursuant to the order of the Hon'ble NGT, the Committee comprising of the following members was constituted as per nominations received from the participating departments/ offices.

1. Additional District Magistrate and District Land & Land Reforms Officer North 24 Parganas
2. Smt. Rita Datta, Environmental Engineer, Barrackpore Regional Office, WBPCB
3. Sri Subhash Biswas, Executive Officer, Barasat Municipality

Accordingly, the members of the committee accompanied by Smt. Nibedita Mishra, Deputy Superintendent (Non-Medical) Barasat Medical College, and ors visited the area on 17.10.2023 at 13:00 hrs.

The observations of the constituted Committee are as follows:

1. The site is located within the Barasat Medical College & Hospital at Jessore Road, P.O.- & P.S.- Barasat, 24 Pgs (N) -700124.
2. The work for construction of G+9 storied buildings has been undertaken within the premises and as informed by representative of the executing agency M/s. Simplex Infrastructures Ltd. during different phases of the construction work temporary toilets have been set up at various locations within the premises from time to time for the labourers working in the project.
3. At present the toilet structures are located adjacent to the boundary wall and consists of 7 to 8 temporary toilets made of brick walls with metal sheet roof.
4. The temporary toilets are not connected to any septic tank and is connected to temporary storage wells/pits dug in the ground.

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5. The wells were found to be filled with human excreta and were not properly covered. Foul smell was felt around the wells.
 6. No overflow from the wells was observed at the time of inspection but might occur at the time of heavy rains.

Based on the observations during inspection by the committee, the Barasat Medical College & Hospital should immediately clean the temporary wells to avoid any overflow of human excreta and shift the temporary toilets to a place so as to bring back the area in question to a healthy condition. Further no unscientific method of disposal of human excreta should be adopted.

The entire work of cleanup, shifting and restoration may be undertaken by the Barasat Medical College & Hospital and may be overseen by Barasat Municipality.

R. Saha

Environmental Engineer
Barrackpore Regional Office,
WBPCB

ADM

ADM (LR)
24 Pgs (N)

[Signature]
17.10.23

E.O., Barasat Municipality

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