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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 25/2022/EZ



In The Matter of:
Subhas Datta

... Applicant

Versus

The State of West Bengal & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 2, DEPARTMENT OF IRRIGATION & WATERWAYS, GOVERNMENT OF WEST BENGAL.

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Filed by

Sibojyoti Chakrabarti

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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(M): 9007035534

12 DEC 2022



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AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 2, DEPARTMENT OF IRRIGATION & WATERWAYS, GOVERNMENT OF WEST BENGAL.

I, Sri Rajat Nath, S/o Ramgopal Nath, aged about 53 years, by faith-Hindu, by occupation-service, and presently posted as Executive Engineer & Technical Assistant to to Superintending Engineer, Western Circle-1, having office at Jalasampad Bhawan, 8th Floor, Salt Lake City, Kolkata: 700091, do hereby solemnly affirm and declare as follows:-

1. That, I am presently posted as Executive Engineer & Technical Assistant to Superintending Engineer, Western Circle-1, Department of Irrigation & Waterways, Government of West Bengal, having office at Jalasampad Bhawan, 8th Floor, Salt Lake City, Kolkata: 700091 and I am well acquainted with the facts and circumstances of the case and as such I am competent to swear, sign and affirm this report in the form of affidavit.
2. That this affidavit is filed in compliance to the Solemn Order dated 09.11.2022, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That a Committee has been formed as per Solemn Order dated 07.04.2022 passed by the Hon'ble Tribunal.

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4. That the Committee has visited the site in question and the affidavit has been submitted by the West Bengal Pollution Control Board being the nodal office for all logistics purposes.
5. That in the affidavit filed by the West Bengal Pollution Control Board it has been interalia stated that -

“The Committee made the following observations after visiting the North Saraswati: -

a) Although some plastic and solid waste were found littered at some places, they were not of substantial volume. Rather, local municipal bodies appeared to undertake regular solid waste management measures.

b) Major concern was discharge of untreated sewage from Bansberia Municipality. It was learnt that one STP was 2 under implementation/augmentation by KMDA for the Municipality. It is the recommendation of the Committee that implementation of the proposed STP must be time bound and Municipality will have to ensure that no untreated sewage outfalls into the North Saraswati. Besides, UD&MA and P&RD Department may consider sanctioning of 2/3 FSTP in the catchment area on priority.

c) Cleaning of water hyacinth may be intensified. I&W Department may like to take up desiltation work again.

d) Major obstacle to travel of tidal water from Tribeni to northwards is the Railway bridge at Benimadhab tala, Tribeni, because the pier has obstructed the river course and the base is above the river bed. I&W Department may be more watchful before giving clearance to the Railway authority in constructing such rail overbridges. Railway authority should share some fund with the Irrigation & Waterways authority for undertaking regular cleaning activity. No substantial issue of encroachment of river or its banks came to the notice of the Committee.”

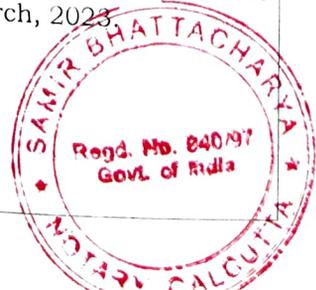
That in paragraphs 5 (c) & (d) the various works which are required to be undertaken by the Irrigation & Waterways Department, Government of West Bengal have been highlighted.



6. That it is further stated that in the Solemn Order dated 09.11.2022 in paragraph 8 it has been inter alia observed by this Hon'ble Tribunal, that in the affidavit of the West Bengal Pollution Control Board dated 03.09.2022, various works which are to be required to be carried out by the Urban Development & Municipal Affairs Department as well as Irrigation and Waterways department as have been enumerated in paragraph 5 of the said affidavit.
7. That accordingly Action Taken Report in this context is humbly submitted vide letter dated 02.12.2022, addressed to the Learned State Advocate and the proposed action which has been taken by this department is detailed below for kind consideration of this Hon'ble Tribunal, with reference to the Solemn Order dated 06.09.2022, in serial number No. II,IV,V,VI,IX and X of paragraph 07 are related to this department.

In this regard a paragraph wise reply is submitted:-

Sl. No.	Observation of Hon'ble NGT/EZ	Action Taken Report
(II)	The rail bridge of Tribunal, Nasibpur, Mashila and Jhorhat Mouza on the river bed hinder tidal/water flow and also cause excessive siltation surrounding the bridges. It needs periodically dredging to maintain the water flow.	An estimate is under preparation for periodical dredging from Tribeni Rail Bridge. At Nasibpur, the invert level of rail bridge is approximately 60 cm higher than the surrounding bed level of river South Saraswati. As the invert level is pucca construction, Eastern Railway Authority may be apprised for reducing the pucca invert level.
(IV)	At Kazidanga, Bandel the water is flowing through an underground Hume pipe due to construction of the bridge. A Notice to be served to the respective organization for early completion of the bridge.	A letter has been issued to the PWD at an earlier date. PWD had already removed the Hume pipe. As directed a notice is to be served shortly to PWD for early completion of the bridge.
(V)	The width of river near Ankurhati, Bipronoapara, Bhandardaha, under Domjur Block, is very narrow due to encroachment by the local residents, Markets, Hotel, Club, Several bridges of concrete, bamboo and Iron have been constructed in	Periodical clearance work is being carried out through AMC which is valid up to March, 2023



	those areas causing huge stagnation of the river water. Periodical clearance is needed by the developer / Entrepreneur of the bridge in coordination with the BDO, GP, and Irrigation & Waterways Department.	
(VI)	Base pillar of Saraswati Bridge (NHAI) at Domjur restricted the water flow and causing siltation. Periodical removal of silt is needed by the concerned agency.	For removal of silt, DPR is under process.
(IX)	Encroachment by the Slum, Shops, Market, Hotel and Resort in the bank of river near Domjur road and in another side of the river is encroached by the developer and entrepreneur in the Mouza Ankurhati, Prasatha, Mahiari, Bipronoapara, Bhandardaha, in Domjur Block. Encroachment need to be removed in the time bound manner.	Necessary action will be taken very shortly in consultation with District Administration and Police Authority.
(X)	Periodical dredging of the river in the Mouza Ankurhati, Prasata, Mahiari, of Domjur Block and Kazidanga, Bandel, Saptagram, Sankhanagar of Mogra Block are needed up to a certain depth to maintain the ecological water flow.	Kazidanga, Bandel, Saptagram, Sankhanagar of Mogra Block are under the NorthSaraswati river. North Saraswati river had been desilted in March, 2021. However for assessing siltation, a survey is needed to be done. Estimate for dredging in the Mouza Ankurhati, Prasata, Mahiari of Domjur Block is under process.

22/12/2022
 [Photocopy of the letter dated... is annexed herewith and marked with the letter 'R-1'.

8. That it is humbly submitted that the Irrigation & Waterways Department, Government of West Bengal seeks some time to file the further progress made in this connection.
9. That it is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

Identified by me

Sibojyoti Chakrabarti
 Advocate 12/12/2022

For The State of West Bengal

Solely Affirmed and
 Declared before me U/S 139
 CPC / U / S 297 (E) CrPC

Rijit Nath
 Deponent

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

12/12/22
 Executive Engineer &
 T.A. To The S.E./Western Circle-I
 (I&W Dte.), Govt. of W.B.
 Jalsampad Bhawan, 8th Floor,
 Salt Lake, Kolkata-91

12 DEC 2022

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VERIFICATION

Verified at Kolkata by the deponent above named on this the 12th Day of December, 2022 and say that the contents of this affidavit made in paragraph nos. 1 is true to my knowledge and those made in paragraphs no. 2 to 8, are true to my information derived from records and rest are my respectful submission before this Hon'ble Tribunal.

Identified by me

Sibajyoti Chakrabarti

Advocate
For The State of West Bengal

02/12/2022 ✓

Sujit Naha

Deponent

Executive Engineer &
T.A. To The S.E./Western Circle-I
(I&W Dte.), Govt. of W.B.
Jalasampad Bhawan, 8th Floor,
Salt Lake, Kolkata-91



Annexure - R-1

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Government of West Bengal
Office of the Superintending Engineer
Western Circle -1, Irrigation & Waterways Directorate
Jalsampad Bhawan, 8th Floor Salt Lake City, Kolkata-91.

Memo No. 41-2/22/9541

Dated: 02.12.2022

To
Mr. Shibojyoti Chakraborty
Ld. State Advocate National Green Tribunal
Eastern Zone Branch,
109, Sarat Chatterjee Road,
P.O & P.S Boral,
Kolkata-700089

Sub:-O.A No. 25/2022/EZ in the matter of Subhas Dutta - Vs - The State of West Bengal & Ors. (Re: Saraswati River).

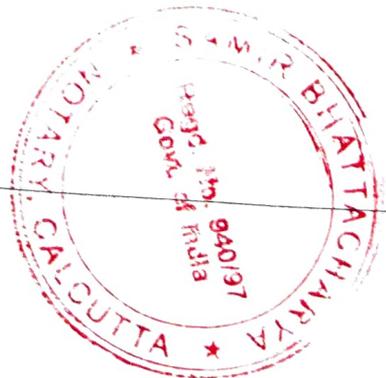
Ref: - This office No. 41-2/22/479 dated 27-05-2022

Sir,

I am submitting herewith the Action Taken Report in reference to the Original Application cited under subject matter to safe guard the interest of the department, With reference to the Order dated 06.09.2022, passed by the Hon'ble National Green Tribunal, Eastern Zone Branch, Kolkata in O.A 25/2022/EZ., Sl. No. II,IV,V,VI,IX and X of Para 07 are related to this department.

In this regard a Para wise reply is being furnished for your kind perusal.

Sl. No.	Observation of Hon'ble NGT/EZ	Action Taken Report
(II)	The rail bridge at Tribeni, Nasibpur, Mashila and Jhorhat Mouza on the river bed hinder tidal/water flow and also cause excessive siltation surrounding the bridges. It needs periodically dredging to maintain the water flow.	An estimate is under preparation for periodical dredging from Tribeni Rail Bridge. At Nasibpur, the invert level of rail bridge is approximately 60 cm higher than the surrounding bed level of river South Sarawati. As the invert level is pucca construction, Eastern Railway Authority may be apprised for reducing the pucca invert level.
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In this connection your kind action is highly solicited.

Enclosure: A copy of order dated 06.09.2022, passed by the Hon'ble N. G. T/ E. Z. Branch,.

Yours faithfully,

NR.
02/12/22

Executive Engineer & T.A to S.E
Western Circle-1, I & W Dte.

Memo No.

Dated:

Copy Submitted for favour of kind information to:-

- (i) The Chief Engineer (West), I & W. Dte. Kanainatsal, P.O -Sripally, Dist -Purba Bardhaman, Pin-713103.
- (ii) The Superintending Engineer, Western Circle-I, I&W Dte.

Executive Engineer & T.A to S.E
Western Circle-1, I & W Dte.

Memo No.

Dated:

Copy Submitted for favour of kind information to:-

- (i) The Deputy Secretary, Government of West Bengal, I & W Dpt.

Executive Engineer & T.A to S.E
Western Circle-1, I & W Dte.

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AFFIDAVIT ON BEHALF OF THE
RESPONDENT No. 2, THE
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WEST BENGAL

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534.