

*Filed by  
Ajay Singh  
Advocate*

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 40/2024/EZ

In the matter of  
ANKUR SHARMA

... APPLICANT

Versus

STATE OF WEST BENGAL & ORS.

... RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 8, THE DISTRICT  
MAGISTRATE & COLLECTOR, HOWRAH

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Filed by

RAJIB RAY

Advocate

For The State of West Bengal



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22 MAR 2024

— 1 —

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 40/2024/EZ

In The Matter of:

Ankur Sharma

... Applicant

Versus

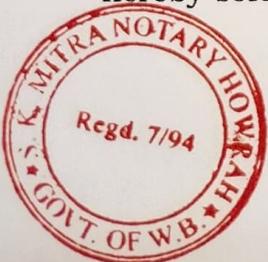
The State of West Bengal & Ors.

... Respondents

SL NO ... 1076/2024

AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 8, THE DISTRICT  
MAGISTRATE & COLLECTOR, HOWRAH

I, Dr. Deepap Priya P., daughter of Sri I. Palraj,, aged about 38 years, by  
faith: Hindu, by Occupation: Service, working for gain as the District  
Magistrate, Howrah at P.O. & P.S. Howrah, District Howrah Pin-711101 do  
hereby solemnly affirm and submit as follows:-



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1. That this affidavit is being affirmed in pursuance to the solemn orders passed by the Hon'ble Tribunal dated 22.02.2024.

2. That the Hon'ble National Green Tribunal, Principal Bench in OA 40/2024, constituted a Three Men Committee comprising State PCB, District Magistrate, Howrah and CPCB in the matter vide order dated 22.02.2024. The office of the District Magistrate Howrah was to act as the nodal agency for coordination and compliance.

3. That pursuant to the order dated 22-02-2024 of the Hon'ble NGT, Eastern Bench, Kolkata the Three Men Committee comprising of the following members was constituted as per nominations received from the participating departments/ offices.

i. Shri Jitin Yadav , IAS , ADM (LR & LA), Howrah

ii. Sri Sandeep Roy, Scientist D, CPCB Regional Office, Kolkata

iii. Shri Bimalendu Mal, Environmental Engineer , Howrah Regional Office, WBPCB.

The nomination in favour of Shri Jitin Yadav ,IAS ,ADM (LR & LA ) Howrah as representative of the DM Howrah is annexed as **Annexure ' R-1'**

4. That the committee visited the Ramkrishnapur Ferry Ghat & the Chintamani Dey Bathing Ghat on two days that is during high tide on 11-03-2024 @ 4.30 PM and low tide condition on 12-03-2024 @ 11 AM and submitted its report. The said report is annexed as **Annexure ' R-2 '**

5. That the both ghats are located at right bank of River Hooghly at a distance of 100 meters approximately.

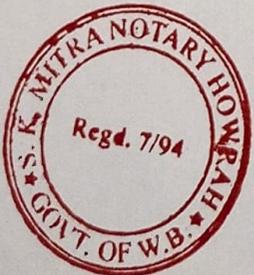


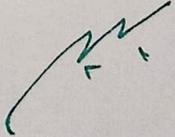
22 MAR 2024

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6. That the observations are as follows:

- i. In both the tidal condition discharge of the sewage was observed. Through underground Hume pipe, sewage was being discharged into the River Hooghly.
- ii. During site visit the committee members also interacted with the local populace of the Ramkrishnapur Ferry Ghat area and as informed by them the sewage and untreated effluent (From western direction of the Ghat) nearby industrial area is coming through this pipe.
- iii. Both the Ghats are used for bathing purpose and to carry out the religious ritual activities .
- iv. During visit it was also observed that under religious activities idols immersion were carried out in the recent time. Cleaning of the same was in progress.
- v. At Ramkrishnapur Ferry Ghat open defecation was observed. Nearby Chintamani Dey Bathing Ghat, Cow shed (Khatal) was observed. It is also observed that cow dung is being dumped on the bank of River Hooghly.
- vi. As decided by the committee, senior officer Sri P.K. Bhanja ,Executive Engineer , S & D from Howrah Municipal Corporation was also present on 12<sup>th</sup> March, 2024 at the alleged site. As informed by him. Sewage Treatment Plant (STP) capacity of 65 MLD for treatment of sewage is under construction and renovation. The construction of STP and interception of drains to STP is being carried out by Kolkata Metropolitan Development Authority (KMDA). On completion of the STP construction work all drains adjoining area will be connected with the STP & treated waste water will be discharged into the River Hooghly.
- vii. WBPCB conducts sampling of the drain near Ramkrishnapur Ferry Ghat on quarterly basis and data-base of such results are available with WBPCB. Therefore, during inspection further water samples were not collected by the committee.
- viii. The photos taken during field visit of the Committee are annexed as **Annexure ' R-3'**.



  
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7. That the statements made in the above paragraphs are true to my knowledge are belief of the record as available in the office of the deponent and the rest are humble submissions before the Hon'ble Tribunal.
  
8. That it is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to pass necessary order(s) as is deemed fit for the ends of justice.

Identified by me

*Achena Ruj Saha*

Advocate  
State of West Bengal

*[Signature]*  
Deponent



SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION

*[Signature]*

SHYAMAL KR. MITRA  
NOTARY HOWRAH

22 MAR 2024

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.

Verified at Howrah on            day of March, 2024.

Identified by me

*Achena Ruy Sachya*

Advocate

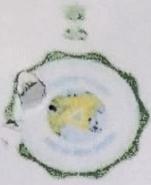
State of West Bengal

*[Signature]*  
Deponent



*[Handwritten mark]*

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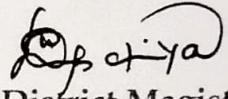
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R-1

**GOVERNMENT OF WEST BENGAL**  
OFFICE OF THE DISTRICT MAGISTRATE, HOWRAH  
HOWRAH - 711101.

**ORDER**

In pursuance of Solemn Order dated 22.02.2024 of Hon'ble NGT, Eastern Zone Bench, Kolkata in connection with O.A. No. 40/2024/EZ in the matter between Ankur Sharma -vs - The State of West Bengal & Ors., Sri Jitin Yadav, IAS, Additional District Magistrate(LA & LR) and District Land & Land Reforms Officer, Howrah is hereby nominated as the representative of the undersigned in the Three Man Committee constituted by Hon'ble NGT, Eastern Zone Bench, Kolkata.

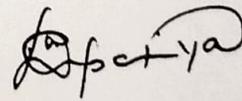
  
District Magistrate  
Howrah.

Memo. No. 208(5)/NGT/Howrah

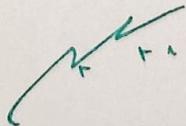
Date : 27.02.2024

Forwarded for information and taking necessary action to :

- 1) Senior Scientist, WBPCB.
- 2) Senior Scientist, CPCB.
- 3) Sri Jitin Yadav, IAS, Additional District Magistrate(LA & LR), Howrah.
- 4) Sri Rajib Ray, Advocate for State Respondent.
- 5) Office File.

  
District Magistrate  
Howrah.



  
22 MAR 2024

**INSPECTION REPORT OF THE COMMITTEE CONSTITUTED BY HON'BLE NGT VIDE THEIR ORDER DTD. 22.02.2024 IN THE MATTER OF OA NO. 40/2024/EZ-ANKUR SHARMA VRS. STATE OF WEST BENGAL & OTHERS**

The Hon'ble NGT, EZB, vide its order dated 22.02.2024 in the matter of OA NO. 40/2024/EZ- Ankur Sharma -vs.- West Bengal & others was pleased to constitute a committee comprising of the following members:

- I. Senior Scientist, West Bengal Pollution Control Board,
- II. Senior Scientist, Central Pollution Control Board,
- III. District Magistrate, Howrah, or his representative not below the rank of Additional District Magistrate

As per the order dated 22.02.2024 the following direction were issued by the Hon'ble NGT

1. The Committee shall visit the site and submit its report within one month with regard to the allegations made in the Original Application.
2. The office of the District Magistrate, Howrah, shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.

As per the direction of the Hon'ble NGT, Committee was constituted and following Officials visited the site during 11<sup>th</sup> & 12<sup>th</sup> March, 2024.

- i. Shri Jitin Yadav, IAS ,Additional District Magistrate (LR & LA), Howrah
- ii. Shri Sandeep Roy, Scientist D, Regional Directorate, CPCB, Kolkata.
- iii. Shri Bimalendu Mal, Environmental Engineer, Howrah Regional Office, WBPCB



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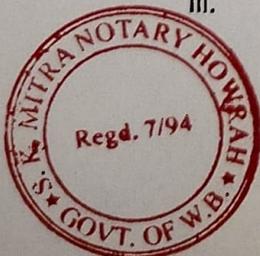
- 8 -

**Previous action taken:**

In the previous years 2019 & 2020, CPCB & WBPCB conducted joint monitoring of the Ramkrishnapur Ferry ghat and samples were collected before the confluence of drain with the River Ganga. From the analysis result of the samples, the pH was found in acidic range and metal concentration was exceeding the prescribed norms. CPCB again carried out the Monitoring work at Ramkrishna Ghat on 21/04/2022 with time series sampling. In the analysis result, parameters pH, COD, Metal concentration, TDS, COD were found exceeding the prescribed limit. Accordingly CPCB issued direction to WBPCB with copy to the District Magistrate, Howrah under Section in 18 (1)(b) of Water (Prevention and Control of Pollution) Act, 1974 vide memo no. F.No. PJ-14014(12)-/1/2022-PRJT-NGRBA-RD-Kolkata dt. 22/11/2022 to initiate necessary action. Accordingly, WBPCB conducted inspection of the nearby area and issued closure direction to 5 (five) nos. unauthorized industrial units namely (1) M/s. Ambay Engineering, 5 no. Mallickghat Road (2) M/s. Janbazar Aluminum, 5 no. Mallickghat Road, (3) M/s. Salasar Aluminum, 15 no. Charaghat 2<sup>nd</sup> By-lane, (4) M/s. Unit run Khurshid Ahmed, 9 no. Mallickghat Road Kand (5) Unit of HaJl jibraial Ansari , 1 no. Mallickghat Road, Post & P.S- Howrah, Pin-711101, and a show cause notice was issued to Kolkata Port Trust (Dr. Shyama Prasad Mukherjee Port Trust –KoPT) vide memo no. 39-IM-11/2009 (Part-V) dated 13/01/2023 for allowing such unauthorized industry to operate in their premises/land.

**OBSERVATIONS:**

- i. The committee visited alleged site that is Ramkrishnapur Ferry Ghat and Chintamani Dey Bathing Ghat under Howrah jurisdiction. Both ghats are located at right bank of River Hooghly at a distance of 100 meters appox.
- ii. The Ghats were visited two days i.e. during high tide (11/03/2024 @4:30 p.m) and low tide condition (12/03/2024 @ 11:00 a.m appox.)
- iii. In both the tidal condition discharge of the sewage was observed. Through underground Hume pipe, sewage was being discharged into the River Hooghly.



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- iv. During site visit the committee members also interacted with the local populace of the Ramkrishnapur Ferry Ghat area and as informed by them the sewage and untreated effluent (From western direction of the Ghat) nearby industrial area is coming through this pipe.
- v. Both the Ghats are used for bathing purpose and to carry out the religious ritual activities
- vi. During visit it was also observed that under religious activities idols immersion were carried out in the recent time. Cleaning of the same was in progress.
- vii. At Ramkrishnapur Ghat open defecation was observed. Nearby Chintamani Dey Bathing Ghat, Cow shed (Khatal) was observed. It is also observed that cow dung is being dumped on the bank of River Hooghly.
- viii. As decided by the committee, senior officer Sri P.K. Bhanja from Howrah Municipal Corporation was also present on 12<sup>th</sup> March, 2024 at the alleged site. As informed by him. Sewage Treatment Plant (STP) capacity of 65 MLD for treatment of sewage is under construction and renovation. The construction of STP and interception of drains to STP is being carried out by Kolkata Metropolitan Development Authority (KMDA). On completion of the STP construction work all drains adjoining area will be connected with the STP & treated waste water will be discharged into the River Hooghly.
- ix. WBPCB conducts sampling of the drain near Ramkrishnapur Ghat on quarterly basis and data-base of such results are available with WBPCB. Therefore, during inspection further water samples were not collected by the committee.

Shri Jitin Yadav, IAS  
Addl. District Magistrate (LR)  
Howrah

Shri Sandeep Roy, Scientist D,  
Regional Directorate, CPCB,  
Kolkata

Shri Bimalendu Mal,  
Environmental Engineer,  
Howrah Regional Office, WBPCB



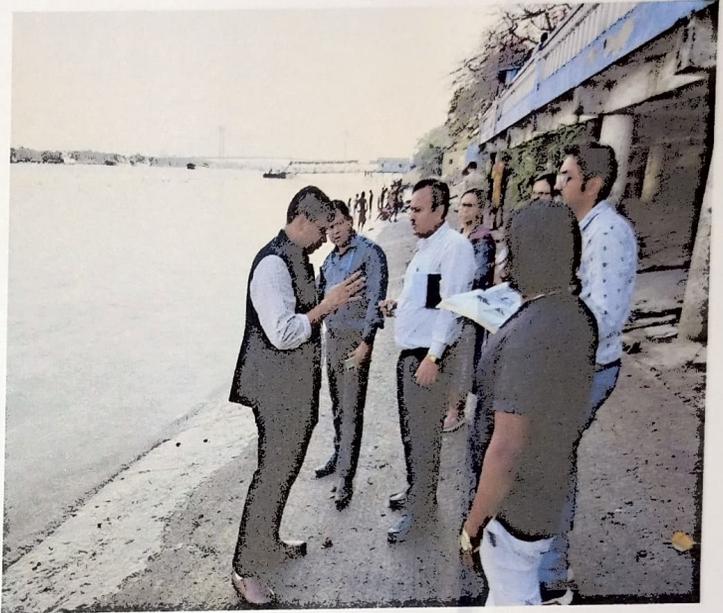
22 MAR 2024

Photos taken during field visit of 3 Men Committee i.c.w. OA No. 40/2024/EZ



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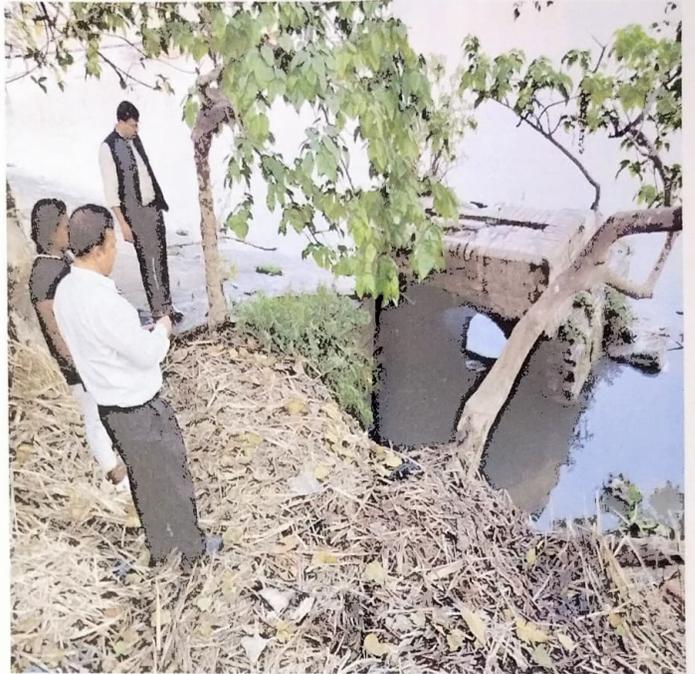
Photos taken during field visit of 3 Men Committee i.c.w. OA No. 40/2024/EZ



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22 MAR 2024

Photos taken during field visit of 3 Men Committee i.c.w. OA No. 40/2024/EZ



22 MAR 2024