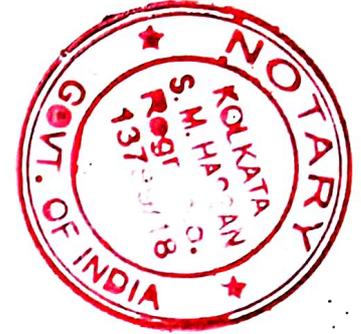


Serial No. 08 05/10/2023

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EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN
MEMORANDUM OF APPLICATION

Original Application No. 104 of 2023/EZ

IN THE MATTER OF:



Subhas Dutta

....Applicant

----VS----

State of West Bengal & Ors

....Respondents

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Vakalatnama

105

Paushali Banerjee

Advocate

7A, Kiron Shankar Roy Road, Kolkata-700001

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL
FINANCE CENTRE, 3RD FLOOR, NEW TOWN
MEMORANDUM OF APPLICATION

Original Application No. 104 of 2023/EZ

IN THE MATTER OF:

Subhas Dutta

....Applicant



----VS----

State of West Bengal & Ors

....Respondents

Affidavit on behalf of Syamaprasad Mukherjee Port Kolkata:

I, Avishek Raut, s/o Pradip Kiran Raut, aged about 36 years, by occupation-service, do solemnly affirm and say as follows:

1. I say that I am the Resolution Officer-legal of, Shayma Prasad Mukherjee Port Kolkata, I have read and understood the Original application affirmed by Subhas Dutta, I am well acquainted with the facts and circumstances of the case. I have been duly authorized by the respondent no.4 to affirm this Affidavit on its behalf and as such I am competent to do so.

2. That before dealing with the Original Application, I say that Syama Prasad Mookerjee Port, Kolkata (in short SMPK) is the owner of certain land parcels opposite to the Eastern Railway, Howrah station, Howrah. The area stretches from Riverfront areas of Chandmari Ghat opposite to Howrah Railway Station. In and around, the riverfront areas of Chandmarighat opposite to Howrah railway station zone, land parcels/public premises of SMPK approximately msg. about 1766 Sq.mts, were previously allotted to different parties/tenants since 1940. But at present, tenancies of those land parcels/public premises are terminated and Eviction orders were obtained under the provisions of S.2(g) & S.5 of the Public Premises (Eviction of Unauthorised Occupants), Act, 1971.
3. That the Chief Scientist & Head-Technical Cell, West Bengal Pollution Control Board, vide its Memo No.1715-4A-2/2007 dated 03.09.2007, directed nine numbers of hotels/eateries operating at the bank of River Ganga at Chandmarighat, Howrah, to shift their activity from their present premises to any other location within six months which was by then January 2008, as they were operating without obtaining "Consent to Operate" from West Bengal Pollution Control Board & without any Effluent Treatment Plant (ETP).
4. That the hotel units preferred appeals against the said direction dated 03.09.2007, before Pollution Control Appellate Authority, West Bengal for modification and rehabilitation. But the Appellate authority vide its Order dated 08.04.2008 directed closure of the hotels (unauthorised occupants) at Chandmarighat area and also directed the police authorities to extend necessary assistance for enforcing the closure of the above hotel units. Photocopy of the order dated 08/04/2008 is



annexed herewith and marked as Annexure-A. Details of the Appeals by the hotel units are furnished hereunder:-

Sl.No.	Appeal No.	Cause Title
1	Appeal No. A-16/2007	M/s. Dutta Cabin -Vs- W.B. Pollution Control Board
2	Appeal No. A-17/2007	M/s. Hotel (Prop. Dilip Sonkar) -Vs- W.B. Pollution Control Board
3	Appeal No. A-18/2007	M/s. Jay Bijay Hindu Hotel -Vs- W.B. Pollution Control Board
4	Appeal No. A-19/2007	M/s. Durga Mukesh Hindu Hotel -Vs- W.B. Pollution Control Board.
5	Appeal No. A-20/2007	M/s. Sai Ganga Hindu Hotel -Vs- W.B. Pollution Control Board
6	Appeal No. A-21/2007	M/s. Islamia Hotel -Vs- W.B. Pollution Control Board
7	Appeal No. A-22/2007	M/s. Abhishek Hotel -Vs- W.B. Pollution Control Board
8	Appeal No. A-23/2007	M/s. Sonkar Hindu Hotel -Vs- W.B. Pollution Control Board

5. That one of the unauthorised occupant viz., Md. Zafirul Islam filed writ petition before High Court, Calcutta, being W.P No.10158 (W) of 2008, challenging order dated 08.04.2008 of the pollution control board, the Hon'ble High Court transferred the matter before the National Green Tribunal as the matter relates to pollution of environment and coming U/s.2(m) of the National Green Tribunal Act, 2010. The National Green Tribunal, Principal Bench, New Delhi in Appeal No.54/2013 (THC) (W.P No.10158/2008 of Calcutta HC): Md. Zafirul Islam Vs State of West Bengal & Ors., did



not modify the order dated 08.04.2008 of the Pollution Control Appellate Authority, West Bengal but granted liberty to the applicant to approach West Bengal Pollution Control Board, and disposed off of the appeal on 16.07.2013. Photocopy of the order dated 16/07/2013 is annexed herewith and marked as Annexure-B

6. I say that accordingly in terms of Order dated 08.04.2008 & 16.07.2013, SMPK is constantly pursuing with the Commissioner of Police, Howrah and Howrah Municipal Corporation through various correspondences and reminders for removal of the encroachments and unauthorised occupants from the Chandmarighat area, Howrah. Photocopies of all correspondence dated 19.01.2015, 02.06.2016, 06.03.2017, 04.07.2017, 14.09.2018, 14.12.2018, 16.09.2019, 14.01.2021, 23.09.2022 & 07.09.2023 are Annexed herewith and marked as Annexure-C.

7. The respective details and layout of the hotels and encroachments, to be removed and evicted, under the NGT Order, unauthorisedly occupying SMPK premises, and their status are furnished hereunder:-

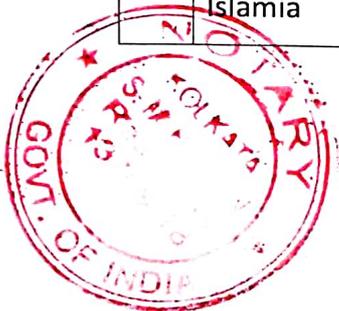
Sl. No	Name of the Hotel Unit	Details of occupied SMPK premises (Area & Plate No.)	Name of the erstwhile SMPK tenancy/ Rank outsider	Status
1	M/s. Abhishek Hotel	50.91 Sq.mts HL-24/1 & HL-24/1/1	Udai Bhan Singh	Eviction order passed by Ld. Estate Officer. No court case is pending.



2	M/s. Abhishek Hotel	28.15 Sq.mts HL-22 & HL-22/1	Abilakh Singh	Eviction order passed by Ld. Estate Officer. No court case is pending.
3	M/s. Sai Ganga Hindu Hotel	11.705 Sq.mts NHB-17 & NHB-17/A	S.K Chatterjee (Bela Chatterjee)	Unauthorised. No court case is pending.
4	M/s. Sai Ganga Hindu Hotel	3.902 Sq.mts NHB-18	B.C Rakshit	Unauthorised. No court case is pending.
5	M/s. Sai Ganga Hindu Hotel	7.8 Sq.mts NHB-16	G.B Saha	Unauthorised. No court case is pending.
6	M/s. Sai Ganga Hindu Hotel	3.9 Sq.mts NHB-23	Estate Bhanu Bhagat	Unauthorised. No court case is pending.
7	M/s. Sai Ganga Hindu Hotel	3.9 Sq.mts NHB-20	Fauzdar Khatic	Unauthorised. No court case is pending.



8	M/s. Sai Ganga Hindu Hotel	Open adjacent space in between Plate No(s).NHB-17, NHB-17/A, NHB-16, NHB-18, NHB-20 & NHB-23.	Open Space	Unauthorised/ Encroachment.
9	M/s. Jay Bijay Hindu Hotel	83 Sq.mts	Rajbali Sonkar (rank outsider)	Unauthorised. No court case is pending.
10	M/s. Hotel	7.8 Sq.mts HL-15	Mohanlal Sil	Unauthorised.
11	M/s. Sonkar Hotel	14.4 Sq.mts HL-13	Estate Rai Bahadur Mukram Kanoria	Unauthorised. T.S No.106/2005 & Misc. Appeal No.54/2007, filed by rank outsider/unauthorised occupants, pending before Howrah Court without any stay order.
12	M/s. Islamia	20.067 Sq.mts HL-21 &	Estate Karim Bux Khan	Eviction order passed by Ld. Estate Officer.



	Hotel	HL-21/1		T.S No.151/2021 filed by rank outsider/ unauthorised occupant is pending before Howrah Court without any stay order. C.O No.4145/2013 filed by rank outsider/ unauthorised occupant is pending before High Court, without any stay order.
13	M/s. Islamia Hotel	23.783 Sq.mts HL-20/A & HL-20/B	Janab Abdul Hosain Md Shabbir Khan	Eviction order passed by Ld. Estate Officer. Misc. Appeal No(s).212 & 213 of 2007 filed by rank outsider are pending before Ld. Howrah Court without any stay order.
14	M/s. Dutta Cabin	77.02 Sq.mts HL-25/1, HL-25/3, HL-25/3/1	Ashit Kumar Dutta &Ors	Eviction order passed by Ld. Estate Officer. Misc.Appeal No.291/2010 filed by unauthorised occupant is pending before Howrah Court with



				stay order.
15	M/s. Durga Mukesh Hindu Hotel	32.84 Sq.mts HL-25/4	Estate Duman Shaw	Unauthorised.

8. Now dealing with the Original Application save what are specifically admitted hereinafter I deny each and every allegation, statements, made in the said Original application (hereinafter referred to as the said Application), and put the deponent to strict proof thereof .

9. I have been advised to traverse and/or deal with only those allegations made in the said Application which are relevant for determination of the issues involved in the instant application and the rest of the allegations made therein will be deemed to have been denied by me in seriatim.

10.I say that with regard to paragraph 1,2,3 and 4 Save what are matters of record, all the allegations made in paragraphs 1, 2, 3 & 4 of the said affidavit are denied .

11.It is pertinent to mention here that, with regard to paragraph 5 of the said Application, on the SMPK premises at Chandmari Ghat, opposite Howrah railway station, all the eateries are unauthorised occupants. For the removal of those unauthorised/illegal units SMPK is pursuing with Howrah Police Authorities and Howrah Municipal Corporation, since more than a decade. But due to the non-rendering of assistance and



co-operation from the Police authorities those areas could not be vacated yet, even after much deliberation through various communications and reminders.

12. I say that with regard to paragraph 6, 7 and 8 I say that ETP system and waste disposal are under the jurisdiction of concerned municipal authority and do not fall under the purview of SMPK. At the cost of repetition, it is submitted that on the western bank of River Ganga, SMPK is the owner of approximately 1766 Sq.mts of land. These land parcels were previously allotted to different tenants since 1940. But at present, the tenancies of those land parcels/public premises were mostly terminated and Eviction orders were obtained under the provisions of S.2(g) & S.5 of the Public Premises (Eviction of Unauthorised Occupants), Act, 1971. However, those land parcels could not be recovered yet from the unauthorised occupants and no co-operation is also received from the police authorities inspite of several communications.

13. With regard to paragraph 9, 10, 11 and 12 I say that it is a matter of record, it is submitted at the cost of repetition that SMPK is constantly pursuing with the State Authorities for the removal of the encroachments and illegal occupants from its premises at Chandmarighat opposite Howrah railway station zone. Unless assistance & necessary help is extended by the State Authorities viz., Howrah Police & Howrah Municipal Corporation, the affected areas could not be protected from pollution & erosion.

14. With regard to paragraph 13 and 14 I say that the area surrounding the backyard of RMS (Railway mail Service) is not coming under SMPK jurisdiction. Regarding Hooghly Nadi Jalapath Paribahan Samabay Samity (HNJPSS), it is submitted that eviction order



had already been delivered against HNJPS by Ld. Estate Officer on 19.04.2018 in Proceedings No.1627 & 1627/R of 2018. HNJPS is occupying the area unauthorisedly and SMPK is constantly pursuing with its Authorised Officer for recovering the aforesaid premises. Again it is reiterated that unless assistance & necessary help is extended by the State Authorities viz., Howrah Police & Howrah Municipal Corporation, the affected areas could not be protected from pollution & erosion.

15. With regard to paragraph no.15 & 16, I repeat that in terms of Order dated 08.04.2008 for removal of the illegal eateries and occupants from Chandmari Ghat area opposite Howrah railway station zone, SMPK is pursuing with State authorities for more than decade, but no help has yet been provided. Also all eatery units/shops on the adjoining and adjacent SMPK premises at Chandmari Ghat are encroachers and trespassers. All of them are liable to be removed as per due process of law .

16. With regard to paragraph 17,18 and 19 I say that SMPK never permitted or allowed any entity to withdraw water directly from River Ganga or to use any kind of polluting fuel (kerosene/coal/firewood) or to dispose garbage into the river, neither is SMPK the authority to grant any such permissions.

17. With regard to paragraph 20 and 21 I say that solid and liquid waste management do not come under the purview of SMPK.

18. With regard to paragraph 21 I repeat that all the hotels units are occupying the SMPK premises illegally causing pollution and also huge revenue loss of SMPK, and they ought to be removed under earlier Order dated 08.04.2008 delivered by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) in Appeal No(s).16 to 23 of 2007



filed by shop owners/stalls at Chandmarighat, Howrah. For enforcing such Order SMPK is pursuing since long with the State Authorities viz. Howrah Municipal Corporation & Howrah Police. But so far, no assistance has yet been rendered in removing these illegal units/occupants. In fact, SMPK has no instrumentality to enforce the Orders passed by Pollution Control Board & Hon'ble NGT, unless police help is provided.

19. That with regard to the statements made in Para no.23 & 24, I say that the communications annexed with this Affidavit also show that SMPK is continuously pursuing with the concerned State authorities for removal of the hotel units from the Chandmari Ghat, Howrah opposite Howrah Railway Station Zone.

20. That the statements made in paragraphs 12, 6, 7, 12, 13, 14 are true to my knowledge, and those made in paragraph ----- are my humble submissions before this Hon'ble Court.

Avishek Raut

AVISHEK RAUT
Resolution Officer-Legal
Estate Division
Svama Prasad Mookerjee Port, Kolkata
Deponent

Prepared in my office

Panshali Banerjee
[Advocate]



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON THIS DATE OF NOTIFICATION

S. M. Hassan
S. M. HASSAN
NOTARY

05 OCT-2023

Ammeixure - 'A' - 68 -

POLLUTION CONTROL APPELLATE AUTHORITY (W. B.)
"Paribesh Bhawan", 10A, LA Block, Sector-III, Salt Lake City,
Kolkata - 700 098.

Re: Appeal No. A-16/2007
M/s. Dutta Cabin' ... Appellant.
Vs
W. B. Pollution Control Board.... Respondent.

Appeal No. A-17/2007
M/s. Hotel (Prop. Dillip Sonkar) ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

Appeal No. A-18/2007
M/s. Jay Bijay Hindu Hotel ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

Appeal No. A-19/2007
M/s. Durga Mukesh Hindu Hotel ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

Appeal No. A-20/2007
M/s. Sal Gnaga Hindu Hotel ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

Appeal No. A-21/2007
M/s. Islamia Hotel ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

Appeal No. A-22/2007
M/s. Abhishek Hotel ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

Appeal No. A-23/2007
M/s. Sonkar Hindu Hotel ... Appellant.
Vs
W. B. Pollution Control Board ... Respondent.

ORDER
08-04-2008

Shri Shyamal Sanyal, Advocate, Appeal No. A-16/2007 & A-17/2007.

Shri Avijit Basu, Ld. Advocate, Appeal No. A-18/2007 to A-23/2007.

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Prof. Arunabha Majumder, Emeritus Fellow (AICTE), Jadavpur University.

Shri Biswajit Mukherjee, Sr. Law Officer, Department of Environment, Government of West Bengal, & Member-Convenor, Ganga Monitoring Committee.

Shri S. S. Bala, Sr. Scientist, the Central Pollution Control Board and Member, Ganga Monitoring Committee.

Prof. Kalyan Rudra, River Expert and Member, Ganga Monitoring Committee.

Shri Amar Nath Goswami, Law Officer, the West Bengal Pollution Control Board.

Shri Bijan Chakraborty, Chief Engineer and Shri Pradip Mukherjee, Special Officer, Conservancy, the Howrah Municipal Corporation.

All these appeals have been heard together and will be disposed of by this common order as the appeals arise out of a common order dated 03.09.2007 passed by the Chief Scientist & Head, Technical Cell on behalf of the West Bengal Pollution Control Board.

All the appellant units are hotel-cum-restaurants situated on the bank of the river Ganga in proximity and opposite to the Howrah Railway Station. By the impugned order the appellant hotel units were directed to shift to new location elsewhere from their present sites within January, 2008 on the ground that the units (hotels and eateries) were operating without obtaining 'Consent to Operate' from the State Board and also on the ground that they were contributing in polluting the river Ganga by discharging waste effluents in the river without any treatment in absence of any Effluent Treatment Plant (ETP) and did not have even space to install ETP for treating their waste effluents. It is needless to mention that this shifting order also necessarily implies closing of the units at their present location within the specified time limit. It may also be pointed out here that all these hotels are situated closely adjacent to each other in a cluster.

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The impugned order as it stands is virtually inassailable in as much as the units cannot operate without 'Consent to Operate' from the State Pollution Control Board and undisputedly they are generating polluting effluents and passing out the same without any treatment in the absence of Effluent Treatment Plant. When the matter came up before us in appeal it was inter alia submitted on behalf of the appellants that these hotels cum eateries are operating there for very long time and are serving innumerable passengers of the Howrah Railway Station everyday. In that connection it is also submitted that a considerable number of employees are serving in these hotel units and if these units are now closed, those employees will have to face starvation apart from the colossal inconvenience to the passengers and visitors of Howrah Railway Station. Considering the situation and in response to the submission made on behalf of the appellants, we granted an opportunity to the appellants to come up with a proposal for establishing the Effluent Treatment Plant for the appellant hotel units. In view of the submission made before us that they will submit a plan and proposal for establishing a common ETP by squeezing the available space under their occupation and thus bringing out some spare space on which the treatment plant can be installed in conformity with the applicable norms and standards, we gave the appellants the opportunity they prayed for in this respect. It is, however, submitted before us on behalf of the State Board on the basis of report of inspection held that the hotels do not have any space to install the Effluent Treatment Plant. It is also submitted on behalf of the State Board before us that the hotels are unauthorizedly located on the land of the Kolkata Port Trust and no Effluent Treatment Plant can be established without the consent of the Kolkata Port Trust authority. It is further submitted on behalf of the State Board that Howrah Municipal Corporation has also stopped issuing trade licence in favour of the hotel units. To counter this, the Ld. Advocates for the appellants submit that these hotels are situated there as tenants of the Kolkata Port Trust for a long time and are operating

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without any objection from any authority whatsoever till recently in the Howrah Municipal Corporation stopped renewing trade licence. The State Pollution Control Board, in the backdrop of the report of the Monitoring Committee appointed by the Hon'ble Calcutta High Court for preventing pollution of river Ganga, refused to grant necessary permission. However, we gave an opportunity, as noted above, to the appellants to come up with their plan and proposal for establishing Effluent Treatment Plant for their hotels on the present site, in response to their submissions in this respect.

By our order dated 27.11.2007, we directed the appellant units to prepare a time-bound action plan for constructing a common Effluent Treatment Plant within the space available to them. The Ganga Monitoring Committee constituted by the Hon'ble Court as referred to above was also requested by us to look into such plan and proposal after submission of the same. Accordingly, the appellant units got their plan and proposal for Effluent Treatment Plant prepared by expert and submitted the same for consideration. The matter was taken up by us on 18.12.2007. On perusal and consideration of the plan and after hearing the Ld. Advocates for the appellants as well as Shri Basudev Das, the expert who prepared the plan on behalf of the appellant units, and also Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal and the Member-Convener of the Ganga Monitoring Committee appointed by the Hon'ble Court, we found that the proposed Effluent Treatment Plant submitted by the units was not acceptable for reasons which were pointed out by us to the Ld. Advocates of the appellant units and the expert Shri Basudev Das. The expert Shri Basudev Das, who prepared the plan, submitted that they would prepare a revised plan to meet the deficiencies pointed out by us in the plan. We also requested Prof. Arunava Mazumdar, presently Emeritus Professor, Department of Water Resources, Jadavpur University and also three technical expert members of the Ganga Monitoring



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Committee appointed by the Hon'ble Court to examine the technical viability of the plan that would be submitted afresh on behalf of the appellants. In course of time the hotel units submitted revised plan and the matter came up for hearing before us again on 22.01.2008. The committee appointed by us comprising Prof. Arunava Mazumdar and some experts of the Ganga Monitoring Committee also examined the revised plan and gave their opinion. In the report of the said appointed committee it was observed that there were several lacuna in the revised plan which was found to be totally unsatisfactory for reasons stated in the report and the committee made some ancillary recommendations in the matter. Prof. Arunava Mazumdar, who presented the report before us, also verbally explained the report. On being asked regarding the objections raised by the committee in this respect, Shri Basudev Das, the engineer who prepared the revised report on behalf of the appellant units, admitted the validity of such objections and prayed for some time to submit 2nd revised plan for installation of Effluent Treatment Plant taking care of all the points of objections raised by the appointed expert committee. Some observations and directions were also recorded by us in the said order dated 22.01.2008. The matter next came up for hearing before us on 04.03.2008 when the 2nd revised plan was submitted on behalf of the appellants.

We are now considering whether the 2nd revised plan is acceptable or not. At the time of hearing, Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal and the Member Convenor of the High Court Committee placed before us a letter issued by Kolkata Port Trust authority to him stating that all the concerned hotel units operating there adjacent to the river Ganga and opposite to Howrah Railway Station building were either rank outsiders or unauthorized occupants and accordingly Kolkata Port Trust had initiated eviction proceedings against them in Court and as such Kolkata Port Trust could not consider allotment of any alternative plot of land to

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the appellant hotel units for their rehabilitation and there was also no available vacant land of the Kolkata Port Trust in the vicinity for the purpose of alternative allotment. It may also be mentioned here that earlier the hotel units approached the Railway authority to allow them to discharge the effluents of the hotels in the Effluent Treatment Plant installed by Railway authority for the Howrah Railway Station. This request was, however, not acceded to by the Railway authority as submitted on behalf of the hotels. It was submitted before us on behalf of the appellants that a writ petition was pending before the Hon'ble High Court in which prayer was made for issuing necessary direction upon the Howrah Municipal Corporation to renew the Trade Licence in favour of the appellant hotel units.

At the time of hearing on 04.03.2008, Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal and the Member-Convenor of the Expert Committee while making his submission before us made a visual show, by presentation through projector, of the pictures taken by the committee in respect of appellant hotel units during their inspection relating to some vital aspects of their functioning as well as some discharge points of effluents on river Ganga by the side of the hotels. Such presentation was made by him in presence of the Ld. Advocates of hotel units, technical experts including the expert of the appellant hotel units as well as all those who were present in the hearing room.

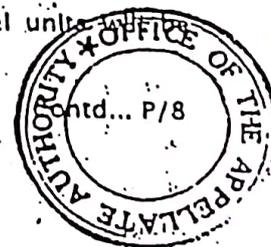
We have already pointed out that we gave repeated opportunity to the appellant hotel units for submitting proper and workable design of Effluent Treatment Plant (ETP) for the hotels as prayed for by them. The initial design submitted by them, on scrutiny was found by us to be inadequate. Further, on their request we gave a 2nd opportunity to submit a revised design which in due course was done by them. The revised design was also found inadequate by us for reasons adumbrated



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...ll order and again on their request we granted them a 3rd opportunity to submit a 2nd revised design. Accordingly, they submitted 2nd revised design. It may be mentioned here that all these designs were prepared by Shri Basudev Das, Consulting Environmental Engineer appointed for the purpose by the appellant hotel units. The 2nd revised design, as it seems, was placed by the appellant hotel units before the Faculty of Engineering and Technology, Civil Engineering Department, Jadavpur University and a team of Faculty Members of the said department including Professor Amitava Gangopadhyay visited the spot for making inspection and they recorded their observations / comments on the proposed Effluent Treatment Plant of the appellant hotel units, which have also been placed before us at the time of hearing along with the 2nd revised design.

As it appears, the effluents of the hotels contain various substances including wash water, starch bearing water generated from rice boiling, oil & grease etc. which are highly polluting ingredients. Such effluents without proper and necessary treatment should not be discharged into the river Ganga so that the contribution of undesirable pollutants in the river may be controlled. The design purports to have been prepared taking into consideration the analysis reports of the effluents prepared on the basis of collection of samples which were thereafter tested in the laboratory. According to the test report of the combined effluents (with starch) of all the hotels, BOD was found to be 1729 Mg/L, COD 3259 Mg/L, oil and grease 122 Mg/L etc. etc. Again the test report of the combined effluents except starch recorded 354 Mg/L for BOD, 185 Mg/L for oil and grease etc. Based on the test reports it is observed in the details of the design report that the starch (liquid portion of boiled rice) is contributing major portion of BOD and COD. In the waste water and during the design of Common Effluent Treatment Plant (CEPT), the waste water characteristic only (except starch) has been considered. It is further stated that the effluents generated by the hotel units...



ected in a sump well, through oil and grease trap and coarse bubble sc type aerator will be used to make the solids in suspension which will also reduce some BOD and that effluents from the sump well will be pumped into the Aeration Tank which is to be operated under extended aeration mode and air will be injected into the Aeration Tank through diffused aeration system for reduction of BOD and thereafter, the completely aerated waste water will be transferred through overflow weir to a Hopper Bottom Settling Tank for the settlement of sludge. As regards regular sampling and monitoring work, it has been mentioned in the report of the design that raw and treated waste water will be monitored by engaging a reputed laboratory recognized by the West Bengal Pollution Control Board and frequency of monitoring will be twice in a year or as suggested by the authority. The proposed site of Common Effluent Treatment Plant is situated admittedly at such a level by the side of river Ganga that the area may be submerged and therefore a RCC wall of 1 meter height is proposed to be constructed around the CETP for protecting the same from submergence. So far we have mentioned only the salient features of the 2nd revised Effluent Treatment Plant design and the connected report.

On this 2nd revised design, which was considered by the Faculty of Civil Engineering Department of Jadavpur University after making a spot inspection, some observations were made regarding the design and the report, some of which we will now mention in this connection. It has been inter alia recorded in the observations that a small quantity of water is being used repetitively for washing a large number of utensils and this appears to be responsible for generation of highly concentrated portion of effluent. It has also been stated that presently starch bearing water generated from rice boiling and waste-oil-bearing water from kitchen is getting discharged without any prior segregation and this practice may lead to enhancement of BOD as well as oil and grease value to a considerable extent. It is categorically recorded that the area

Contd... P/9



available for treatment of effluent is very meager. The proposed area is only 43.96 Sq. Meter. The above observations, apart from others, were made regarding the status of the the hotel units and effluent generation.

Regarding the proposed scheme for effluent treatment a few further observations were also made, one such observation being that the suggested extended aeration system seems to be appropriate for the effluent generated from the restaurants 'provided some separate arrangement for disposal / reuse is done for the starch portion'. It has also been mentioned that the required efficiency of treatment with respect to soluble BOD is more than 95%. This high degree of efficiency of performance requirement indeed cannot escape notice. The report also contains as many as seven recommendations one of which is that starch bearing water generated from rice boiling should neither be disposed of in the drains nor be mixed with other portion of effluents and that there should be separate arrangements for collection of the same and transportation to a place (laundry, nursery etc.) where it can be reused or to a municipal sewage treatment plant where it may be mixed with municipal waste water to increase BOD load for proper functioning of the plant. In that connection it has been specifically observed that generally municipal Sewage Treatment Plants (STP) are not functioning satisfactorily because of dearth of organic load and this alternative use of starch portion is suggested because in the present site due to paucity of space, combined anaerobic-aerobic treatment will not be possible which is almost essential for treatment of any high-strength effluent. This, therefore, makes it clear that there is inadequacy of space available for the CEPT and therefore combined anaerobic-aerobic treatment system will not be possible there although such treatment is essential for any high strength effluent. This also highlights the necessity of making separate arrangement for collection of starch bearing water generated from rice boiling and for transportation of the



same to a place like laundry, nursery etc. where it can be reused or to any municipal sewage treatment plant. The proposed design does not virtually contain any effective measure or indication for separate collection of starch bearing water, far less transportation of the same to a place like laundry, nursery etc. or to the municipal sewage treatment plant. Another observation is that the waste oil should be separately collected as far as practicable and disposed of in a manner as would be suggested by the appropriate authority so that oil and grease value of the effluent may be reduced to a reasonable extent. The suggested design and report do not contain any practicable and effective proposal in this regard. We would also like to point out one more observation where it has been recorded that there is possibility of submergence of the proposed Effluent Treatment Plant (ETP) site during some period of the year and proper safeguard has to be taken by providing boundary wall with appropriate height surrounding the proposed ETP. In the design report it has been specifically mentioned that from local enquiry it is verified that during perigean tide that invades the river in September each year submergence of the proposed Common Effluent Treatment Plant to a height of 0.3 Metre may occur and special consideration needs to be taken into account during planning and designing of the proposed ETP.

This Appellate Authority, as pointed out, also appointed an Expert Committee which includes Prof. Arunabha Majumder, Ex. Director Professor, All India Institute of Hygiene & Public Health and Emeritus Fellow (AICTE), School of Water Resources Engineering, Jadavpur University, Dr. Anjali Srivastava, Director In Charge, Regional Office of NEERI, Kolkata and Member of the High Court Committee, Shri S. Bala, In-charge, Eastern Regional Office, Central Pollution Control Board and Member, High Court, Committee, Dr. Kalyan Rudra, Rlyer, Expert and Member, High Court Committee and Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment and Convener-Member, High Court

Contd... P/11

Committee. Prof. Arunabha Majumder and other members of the committee visited the site, considered the matter and also submitted an elaborate report before us. This Expert Committee did not recommend the feasibility of the CETP there for reasons recorded in their report. In their report it has been mentioned that sampling should be of composite nature. They pointed out that the proposal for CETP does not contain operational requirement of the CETP. As we have already noticed, operational and maintenance requirement standard for such CETP must be of a very high degree and indeed the proposed design and report do not contain any precise and workable details in this regard. It has also been mentioned in this report that perigean tide that invades river during September each year may lead to submergence of the proposed CETP.

A plan received by Howrah Municipal Corporation from the Kolkata Metropolitan Development Authority which, after discussion by the Howrah Municipal Corporation authorities with the representatives of KMDA, has been submitted before us along with report of the Commissioner, Howrah Municipal Corporation. As has been submitted by the Chief Engineer of the Howrah Municipal Corporation before us at the time of hearing, the effluent discharge drain shown by the red lines in the said map leads to the river Ganga at a point at close distance from the place where the hotels are situated opposite to the Howrah Railway Station. The pictures taken by the appointed Committee during their inspection which were projected in the visual presentation made by Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment and Convener-Member of the said committee during hearing of the appeal also confirm that the exit point of the underground drainage line there opens on a nearby spot discharging the effluents in the river as has been shown in the said map produced by the KMDA before the

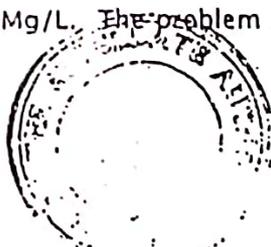
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Howrah Municipal Corporation authorities. It is evident that the effluents which are discharged through the pipelines connecting the hotels find their way into the said nearby underground drainage line which directly leads to the river Ganga at a nearby discharge point. The materials on record also show that there is overflow and spilling out of effluents from the drain to the river. It is evident from the emerging scenario that the untreated effluents which are discharged by the hotels find their destination in the nearby discharge point on the river Ganga through the underground drainage line and through spilling.

Now we come to the question as to whether the 2nd revised design which is the ultimate design submitted by the hotel units is acceptable or not. We have seen that admittedly the space available for treatment plant of effluents, as suggested in the design is 'very meager' as stated in the observations of the Civil Engineering Department, Jadavpur University. It has also been said that the combined anaerobic-aerobic treatment will not be possible to be accommodated in the available space although such combined treatment is almost essential for treatment of any such high strength effluent.

However, the submitted design contains proposal for extended aeration but no arrangement for anaerobic treatment is there for want of necessary space. To overcome this difficulty it has been suggested in the design that the effluent (except starch) will be treated in the plant through extended aeration. The question, therefore, naturally arises what is to happen to the starch pollutant in the combined effluent. The BOD level of the combined effluent has been found to be as high as 1729 Mg/L whereas the permissible limit for BOD in storm water is only 30 Mg./L. In the analysis report attached with the 2nd revised design the BOD level in the combined effluent (except starch) has been found to be 354 Mg./L which is still much higher than the standard storm water limit of 30 Mg/L. The problem of reducing this BOD level to the permissible



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limit for storm water discharge is expected to be solved by treating starch-free combined effluents in the proposed treatment plant by aerobic treatment and extended aeration. Even assuming that this can be achieved by the proposed treatment plant, the question yet remains as to how the combined effluents can be rendered starch-free before sending the effluents to the treatment plant. The major contributor to the high level of BOD in the combined effluents is the liquid portion of boiled rice cooked in these hotels. It is not at all clear from the report and the design as to how the liquid portion of boiled rice can be segregated. In the report nothing is specifically mentioned as to how the starch or for that matter the liquid portion of boiled rice was segregated and separated from the raw effluents. It is presumed that while taking the 3rd sample on 24.02.2008 as mentioned in the report of the design, the liquid portion of boiled rice was separated and collected at the cooking point itself in the hotels / restaurants so that the same might not get mixed up with the other raw effluents when collected, thereby rendering such raw effluents free from starch bearing boiled rice liquid. But the problem still remains that such separate collection of starch bearing liquid at the cooking point obviously by manual means will be almost impossible to be maintained perpetually on a regular basis day in and day out throughout the year. Manual means of collection of huge quantity of liquid portion of boiled rice at the cooking point which will depend upon the efficiency, sincerity and commitment of human agency cannot for obvious reasons be a safe, reliable and workable procedure for all time to come, particularly where the perspective is a large scale one as here. It is highly likely that such manual effort to separately collect liquid portion of boiled rice at the cooking point will fall wittingly or unwittingly and there will be easy recourse of getting the liquid portion of boiled rice mixed up with the other effluents thereby finding its way to the treatment plant which is obviously not intended for the purpose and the system will thus reduce itself to a meaningless or unworkable show-piece. Presumably, keeping this possibility in mind

Contd... P/14

Jadavpur University Faculty team in their observations have laid emphasis on making separate arrangement for disposal / reuse of the starch portion and have explicitly recommended for making separate arrangement for collection and transportation of the same to places like laundry, nursery etc. This itself is a stumbling block for the proposed design, if for nothing else. It is needless to mention that in environmental matters we cannot leave things to chances. 'Precautionary approach' is warranted in environment matters as is by now established and whenever there is any threatened possibility of damage being inflicted on the environment, preemptive action will have to be taken for avoiding such possibility. It is, therefore, evident that the proposed design for the treatment plant suffers major defect and it is difficult to ignore such defect while considering whether green signal should be given to the same. In the Jadavpur University Civil Engineering Department's report it has been stated that the required efficiency of the treatment with respect to soluble BOD is more than 95%. Such high degree of perfection obviously requires extreme efficiency and very high cost, not only in the matter of installation of the plant but even thereafter in the matter of continuous operation and maintenance. There is no concrete proposal in the design report as to how such objectives will be practically attained and what may be the probable cost for the same and whether it will be possible for the hotel units to financially afford the same, in the absence of which the proposed plant cannot be certified for effective installation and operation. As regards collection of grease and oil and disposal of the same, the Jadavpur University Civil Engineering Department team recommends that the same should be separately collected as far as practicable and disposed of in a manner as will be suggested by the appropriate authorities so that the oil and grease value may be reduced to the prescribed limit. In the design report there is practically no suggestion of A to Z steps for collection and disposal of oil and grease mixed with the effluents and

Contd... P/15



this aspect of the deficiency in the proposed design also cannot be ignored. There is also another very important aspect which looms large in the matter. It is an admitted fact that perigean tide that invades river Ganga during September each year is likely to submerge the proposed Common Effluent Treatment Plant site and that is why both in the design report and in the recommendations of the Jadavpur University it has been suggested that proper safeguard is to be taken by providing boundary wall with proper height surrounding the proposed Common Effluent Treatment Plant. It is a matter of common knowledge that tide in the river Ganga is highly forceful and this is more so during the perigean tide. It is highly probable, if not certain, that any such wall to protect the Common Effluent Treatment Plant there may collapse on being unable to withstand the powerful force of the tide, unless it is made foolproof which will require high class expertise and enormous cost about which there is no feasibility assessment or lay out in the report and design.

Having regard to the facts, circumstances and materials including the different reports placed before us and on being circumspect we are unable to accept the proposed design of Common Effluent Treatment Plant as a practicable, workable and effective one. That being the situation and having regard to the fact that we have given series of opportunity to the appellant hotel units to come forward with workable proposal for establishing an effective Effluent Treatment Plant at the site available to them in the present location, we have no other alternative but to require the appellant hotel units to close down their units at its present location. Having regard to the fact that a good number of employees are working in these hotels for their livelihood we are giving them a breathing time to close and in the meantime find an alternative solution to their problem elsewhere, if possible.

Contd. P/16



, therefore, direct the hotel units to close down their operation within a period of two months Irrespective of the question whether it is possible for them to find any alternative accommodation elsewhere. (It will indeed be a good gesture on the part of Howrah Municipal Corporation, Kolkata Port Trust and Kolkata Metropolitan Development Authority to help the appellant hotel units to solve their problem, if possible, by arranging any alternative location for them if they approach for the same now or in future.) In the event the appellant hotel units do not close down within a period of two months as directed above, the appropriate authorities including the West Bengal Pollution Control Board will take necessary action for implementation of the closure order in accordance with law. 14

Contribution of Howrah Municipal Corporation to the pollution level of Ganga by discharge of effluents through its sewer lines and otherwise has also to be seriously looked into. The State Pollution Control Board will take necessary steps in that direction, seeking, if necessary, collaboration of other authorities and bodies as may be considered necessary by it.

Shri Biswajit Mukherjee, Senior Law Officer, Department of Environment, Government of West Bengal is appointed Monitoring Officer for monitoring the implementation of all the directions given by us in this order. He will be at liberty to take the assistance of other authorities and bodies as may be considered necessary, and such authorities and bodies shall extend all necessary assistance as may be required by him in this connection.

The concerned Electricity supply Authority shall disconnect electricity supply to the appellant hotels/ eateries after the expiry of two months for enforcing closure.

Contd... P/17



The Police Authorities shall also extend necessary assistance, if required, for enforcing closure after the expiry of time granted by us.

The appeals stand disposed of accordingly.

Sd/-

(Prof. Pinaki Bhattacharjya)
Dept. of Chemical Engineering
Jadavpur University
And
Member, Appellate Authority

Sd/-

(Prof. D. J. Chattopadhyay)
Department of Bio-Technology,
Calcutta University
And
Member, Appellate Authority

Sd/-

(Justice Gitesh Ranjan Bhattacharjee),
Chairman, Appellate Authority

Memo No. 630 -A-16/2007 Dated: 9.08.2008.

Copy forward to: -

- ✓ 1. M/s. Dutta Cabln, 4/3, R.B.C. Road, Howrah-1.
2. Sri Dillip Sonkar (M/s. Hotel), 4/3, R.B.C. Road, Howrah-1.
3. M/s. Jay-Bijay Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
4. M/s. Durga Mukesh Hindu Htel, 1/7B, R.B.C. Road, Howrah-1
5. M/s. Sai Ganga Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
6. M/s. Islamla Hotel, 4/3, R.B.C. Road, Howrah-1.
7. M/s. Abhishek Hotel, 4/3, R.B.C. Road, Howrah-1.
8. M/s. Sonkar Hindu Hotel, 1/7B, R.B.C. Road, Howrah-1
9. West Bengal Pollution Control Board, Salt Lake City, Kolkata-700098.
10. The Principal Secretary to the Government of West Bengal,
Department of Environment & Chairman, Hon'ble High Court, Calcutta
Ganga Monitoring Committee, Writers' Buildings, Kolkata-700001.
11. The Chairman, Kolkata Port Trust, 15, Stand Road, Kolkata-700001.
12. The Chief Executive Officer, Kolkata Metropolitan Development
Authority (KMDA), Prashasan Bhawan, Salt Lake, Kolkata.
13. The Commissioner, Howrah Municipal Corporation; 4, M. G. Road,
Howrah, Pin - 711 101.
14. Prof. Arunabha Majumder, Emeritus Fellow (AICTE), School of Water
Resources Engineering, Jadavpur University, AA-268, Sector-1, Salt
Lake City, Kolkata-700064.
15. Shri Biswajit Mukherjee, Senior Law Officer, Department of
Environment, Government of West Bengal, & Member-Convenor,
Hon'ble High Court, Calcutta Ganga Monitoring Committee, Writers'
Buildings, Kolkata-700001.

Contd. P/18

16. The Executive Director, CESC Ltd., CESC House, Chowringhee Sqr.
Kolkata-700001.
17. The District Magistrate Howrah, Dist. Howrah, West Bengal.
18. The Superintendent of Police, Dist. Howrah, West Bengal.
19. The Officer-In-Charge, Golabari Police Station, Howrah, West Bengal.
20. The Chief Engineer, In-Charge Consent Cell & Camac Street Circle, WBPCB.
21. The Senior Environmental Engineer, Project & Planning Cell, WBPCB.
22. The Environmental Engineer, Howrah R.O., WBPCB.
23. The In-Charge, Computer Cell (For Website), WBPCB.
24. The P.A. to Member Secretary, WBPCB.

D. P. Banerjee
24/04/2008

(D. P. Banerjee)
Registrar

Pollution Control Appellate Authority (W.B.)



Appeal No. 54/2013 (T_{HO})
(W.P. No. 10150/2008 of Calcutta HC)

MD Zafrul Islam V/o State of West Bengal & Ors.

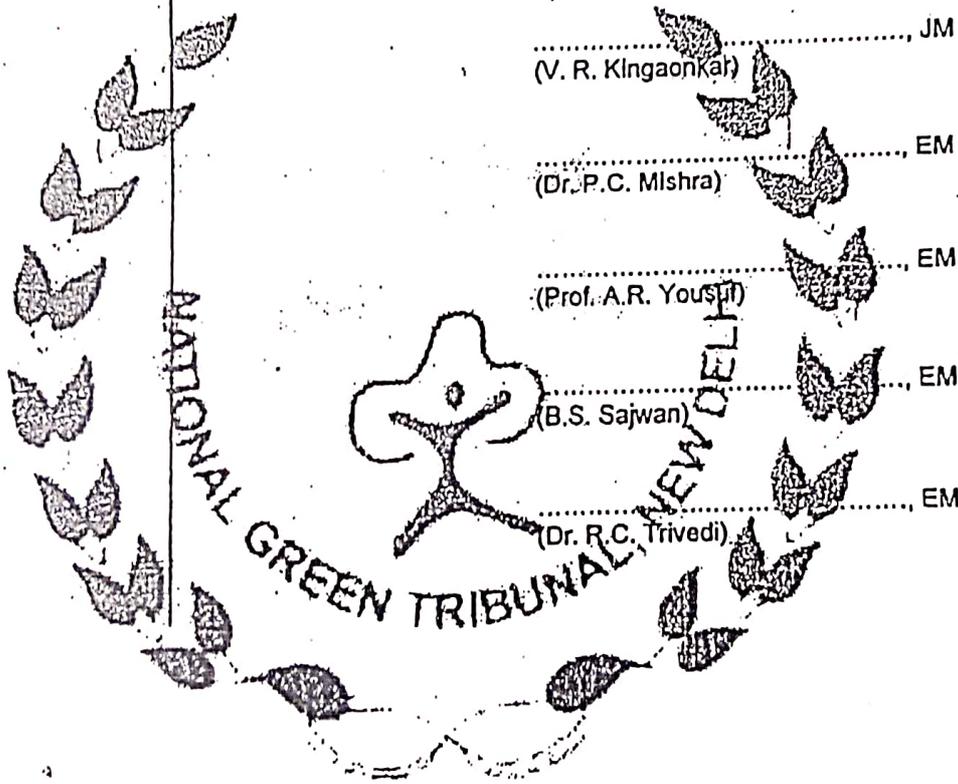
CORAM: HON'BLE SHRI JUSTICE V. R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. P.C. MISHRA, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE SHRI BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Applicant / Appellant : Ms. Tallmi Basu, Adv.
Respondent No.1 : Mr. Bikas Kar Gupta, Adv.
Respondent No. 2 : Mr. Amit Agarwal, Adv.
Respondent No. 4 : Mr. Pratik Batta, Adv.
Respondent No. 5 : Mr. Aditya Ganju, Adv.
Respondent No.6 : Mr. Raunak Jain, Adv. for Mr. Buddy Ranganadhan, Adv. ✓

Date and Remarks	Orders of the Tribunal
Order No. 4 July 16, 2013	<p>We have heard Learned Counsel for the parties.</p> <p>The service is complete. Affidavit of service is filed. The Counsel for Respondent No. 4 submits that he has not received copy of the order passed by the Hon'ble High Court of Calcutta. Bunch of documents received from the counsel of the Appellant contains only upto Page No. 54. The Counsel for the Appellant/Applicant seeks leave to furnish the copies beyond page no. 54.</p> <p>Counsel for the Appellant/Applicant points out that Hon'ble High Court of Calcutta in similar matters as indicated in Page No. 54 onwards of the Application filed today, granted permission to other similarly situated traders to file appropriate Application before the West Bengal Pollution Control Board so as to allow him to permit use of the premises. She seeks withdrawal of the petition with a liberty to permit filing of representation to the Pollution Control Board for grant of necessary permission.</p> <p>We deem it appropriate to allow the withdrawal of the Petition/Application with liberty to the Applicant/Appellant to</p>

make representation to the West Bengal Pollution Control Board so as to grant necessary permission to use the premises, if the request is within the framework of the pollution laws, particularly, Water (Prevention & Control of Pollution) Act, 1974.

The Application is accordingly dismissed as withdrawal with a liberty as stated.





Annexure - 'e' - 88-2
KOLKATA PORT TRUST
GENERAL ADMINISTRATION DEPARTMENT
ESTATE DIVISION
15, STRAND ROAD, KOLKATA-700 001



TELE FAX No. 033-2210 7364

EPBX No.033-2230-3451 (Extn.242,255)
Website-www.kolkataporttrust.gov.in

No. Lnd.5439/10/15/ 3097

19 JAN 2015

To,
The Commissioner of Police, Howrah.
Howrah City Police,
Howrah,
Pin - 711 101.

01309

Sub : Removal of encroachment from Chandmari Ghat, Howrah.

Sir,

1. Please take note that as per the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08-04-2008, the following Appeal matters (Shop/Stalls at Chandmari Ghat, opposite Howrah Railway Station) are disposed of :-
 - i. Appeal No. A-16/2007 : M/s. Dutta Cabin -vs- W.B. Pollution Control Board.
 - ii. Appeal No. A-17/2007 : M/s. Hotel (Prop.Dilip Sonkar) -vs- W.B. Pollution Control Board.
 - iii. Appeal No. A-18/2007 : M/s. Jay Bijay Hindu Hotel -vs- W.B. Pollution Control Board.
 - iv. Appeal No. A-19/2007 : M/s. Durga Mukesh Hindu Hotel -vs- W.B. Pollution Control Board.
 - v. Appeal No. A-20/2007 : M/s. Sai Ganga Hindu Hotel -vs- W.B. Pollution Control Board.
 - vi. Appeal No. A-21/2007 : M/s. Islamia Hotel -vs- W.B. Pollution Control Board.
 - vii. Appeal No. A-22/2007 : M/s. Abhishek Hotel -vs- W.B. Pollution Control Board.
 - viii. Appeal No. A-23/2007 : M/s. Sonkar Hindu Hotel -vs- W.B. Pollution Control Board.
2. The above appellants were directed to close down their operation within a period of two months from the date of the impugned order, copy of which is enclosed for your ready reference.
3. Further, the police authorities was also directed in terms of the impugned order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08-04-2008, to extend necessary assistance for enforcing the closure of the above units after the expiry of the period of two months.

4. Therefore, you are requested to render your assistance, in the removal of encroachment of the Chandmari Ghat area, which is under the ownership of Kolkata Port Trust, by the above hotels and their antecedents immediately, as there is a lapse of considerable period of time.

Expecting your co-operation for protecting the interest of the public premises of Kolkata Port Trust.

Encl :- Photocopy of the order.

Yours faithfully,



(S.K.Das)

Senior Assistant Estate Manager -II
For Estate Manager (I/C).



01310

Copy to Officer-in-Charge, Golabari Police station, Howrah for information and necessary action.

01311

Copy to the Mayor, Howrah Municipal Corporation, Howrah (Kind attention : Smt. M.Adhikari, Dep.Mayor, HMC & Chairperson HSZD) for information and necessary action. This has reference to HMC's Letter No. 79/DY.Mayor/2014-15 dated 15-09-2014.

Copy to Chief Law Officer for information. She is requested to kindly let this office know the present status of the matters before the National Green Tribunal.

Joint to
recombinant
20/11/15

Encl :- Photocopy of the order.



Kolkata Port Trust
15, Strand Road, Kolkata- 700001

-30-/-

Fax No 033-2230-4901
Telephone No. 2230-3451
Email: cptedl@glasco101.voninot.in
Website: www.kolkataporttrust.gov.in

**General Administration Department
Estate Division**

No. Lnd.5439/W.B.Pollution Control Board/16/892

The Commissioner of Police, Howrah,
28, Nityadhan Mukherjee Road,
P.O. & District :- Howrah,
Pin :- 711101

- 2 JUN 2016

RECEIVED
CONTENTS NOT VERIFIED
SECTION
OFFICE OF THE COMMISSIONER OF POLICE
HOWRAH

Sir,

Sub :- Request for providing Police assistance for removal of unauthorised occupants/encroachment/unauthorised Hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letter No.Lnd.5439/10/15/3097 dated 19.01.2015 on the above subject. Photocopy of which is enclosed for your ready reference.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal No.54/2013 (THC) (W.P.No.10158 of 2008 of High Court, Calcutta) :- Md.Zafirul Islam -Vs- State of West Bengal (photocopy enclosed), you are again requested to render your assistance by fixing up a date for the removal operation of the unauthorised occupants/ encroachment/ unauthorised hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

3. Since a considerable period of time has already elapsed, your kind co-operation is earnestly expected for protecting the interest of the public premises and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining land as per the above order of the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008.

Encl :- As stated.

হাওড়া পোর্ট ট্রাস্ট
কলকাতা
3 JUN 2016
চিফি নিয়ন্ত্রক

Yours faithfully,

(S.K.Das)

Sr.Asstt.Estate Manager-II
for Estate Manager

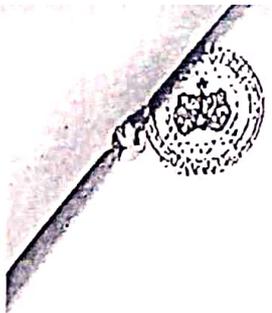
Copy to :

1. The Mayor, Howrah Municipal Corporation, Howrah for information and necessary action please.

2. The Officer-in-Charge, Golabari Police station, Howrah for information and necessary action.

RECEIVED
03.06.16
Contents Not Verified
Golabari P.S. H.P.C

(S.K.Das)
Sr.Asstt.Estate Manager-II
for Estate Manager



Kolkata Port Trust
15, Strand Road, Kolkata-700001

- 91 -

Fax No 033-2230-4901/2210 7364
Telephone No. 2230-3451
Email: calport@vsnl.net.in
cptedi@gias101.vsnl.net.in
Website: www.kolkataporttrust.gov.in

General Administration Department
Estate Division

No.Lnd.3164/9/17/56

4585

06 MAR 2017

✓ The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:- Howrah,
Pin :- 711 101

Sir,

Sub:- Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorised Hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letter Nos.Lnd.5439/10/15/3097 dated 19.01.2015 and Lnd.5439/W.B Pollution Control Board/16/892 dated 02.06.2016, on the above subject. Photocopies of which are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (THC) (W.P.No.10158 of 2008 of High Court, Calcutta) :- Md.Zafinul Islam -Vs- State of West Bengal (photocopies are enclosed), you are again requested to render your assistance by fixing up a date for the removal operation of the unauthorised occupants/encroachment/unauthorised hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

3. Since a considerable period of time has already elapsed, your kind co-operation is earnestly solicited for protecting the interest of the public premises; and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl - As stated.

Yours faithfully,

Sd/-

(S.K.Das)
Sr.Asstt.Estate Manager-II
for Estate Manager (I/C)

✓ Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please / Officer-in-Charge, Golabari Police station, Howrah for information and necessary action:

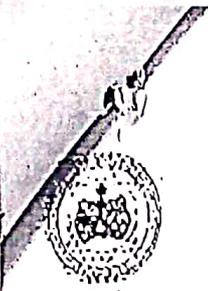
4583

Juana

4584

Sr.Asstt.Estate Manager-II
for Estate Manager (I/C)

28/3/17



Speed post - 92-

BY 455
512

Kolkata Port Trust
15, Strand Road, Kolkata- 700001

Fax No 033-2230-4901/2210 7364
Telephone No. 2230-3451
Email: calport@vsnl.net.in
cpledi@giasc01.vsnl.net.in
Website: www.kolkataporttrust.gov.in

General Administration Department
Estate Division

No.Lnd.5439/W.B.Pollution Control Board/17/10/08

10 4 JUL 2008

The Commissioner of Police, Howrah 13387
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:- Howrah, 13385
Pin :- 711 101

Sir,

Sub:- Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorised Hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letter Nos.Lnd.5439/10/15/3097 dated 19.01.2015 and Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, on the above subject. Photocopies of which are enclosed for ready reference and perusal please.

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Encl:- As stated.

Yours faithfully,

(S.K.Das)

Sr.Asstt.Estate Manager-II
for Estate Manager (I/C)

Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please / Officer-in-Charge, Golabari Police station, Howrah for information and necessary action.

13386

Sr.Asstt.Estate Manager-II
for Estate Manager (I/C)

Speed post - 93 - 9/2 457



कोलकाता पत्तन त्वास्त्र
KOLKATA PORT TRUST
General Administration Department
Estate Division
15, Strand Road, Kolkata-700001



514



Date:-14.09.2018

No.Lnd.5439/W.B.Pollution Control Board/18/2018

✓ The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:-Howrah,
Pin:-711101

25419
(25419)

Sir,

Sub:-Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorised Hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letter nos.Lnd.5439/10/15/3097 dated 19.01.2015, Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, and Lnd.5439/W.B.Pollution Control Board/17/1988 dated 04.07.2017 on the above subject. Photocopies of the above mentioned letters are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (THC) (W.P.No.10158 of 2008 of High Court, Calcutta):- Md.Zafirul Islam -Vs- State of West Bengal (photocopies are enclosed), you are again requested to render your assistance by fixing up a date for the removal operation of the unauthorised occupants/encroachment/unauthorised hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

3. Since a considerable period of time has already elapsed, your kind co-operation is earnestly solicited for protecting the interest of the public premises

- 94 -

and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl:- As stated.

Yours faithfully,



(S.K.Das)

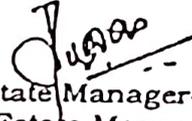
Sr. Asst. Estate Manager-II
For Estate Manager

✓ Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please.

- 25420

✓ Copy to:- The Officer-in-Charge, Golabari Police station, Howrah, for information and necessary action please.

- 25421



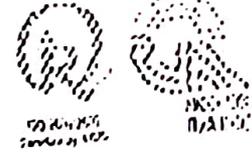
Sr. Asst. Estate Manager-II
For Estate Manager

-95-

510

459

কোলকাতা পোর্ট ট্রাস্ট
KOLKATA PORT TRUST
General Administration Department
Estate Division
15, Strand Road, Kolkata-700001



14 DEC 2018

No.Lnd.5439/W.B.Pollution Control Board/18/2802

The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:-Howrah,
Pin:-711101

32891

Sir,

Sub:-Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorized Hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letter nos.Lnd.5439/10/15/3097 dated 19.01.2015, Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, Lnd.5439/W.B.Pollution Control Board/17/1988 dated 04.07.2017 and Lnd.5439/W.B.Pollution Control Board/18/2080 dated 14.09.2018, on the above subject. Photocopies of the above mentioned letters are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (THC) (W.P.No.10158 of 2008 of High Court, Calcutta):- Md.Zafirul Islam -Vs- State of West Bengal (photocopies are enclosed), you are

-96-

515



again requested to render your assistance by fixing up a date for the removal operation of the unauthorised occupants/encroachment/unauthorised hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

3 Since a considerable period of time has already elapsed, your kind co-operation is earnestly solicited for protecting the interest of the public premises and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl:- As stated.

Yours faithfully,

S.K. Chowdhury

(S.K. Chowdhury)

Asst. Estate Manager-Howrah

For Estate Manager

32892

✓ Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please,

✓ Copy to:- The Officer-in-Charge, Golabari Police station, Howrah, for information and necessary action please.

32893

S.K.

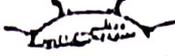
Asst. Estate Manager-Howrah

For Estate Manager

-97- 518 460 04

कोलकाता पोर्ट ट्रस्ट
KOLKATA PORT TRUST
General Administration Department
Estate Division
15, Strand Road, Kolkata-700001




SAGARMALA

16 SEP 2019

No.Lnd.5439/W.B.Pollution Control Board/19/2124

✓ The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:-Howrah,
Pin:-711101

53131

Sir,

Sub:-Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorized Hotels from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letter nos.Lnd.5439/10/15/3097 dated 19.01.2015, Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, Lnd.5439/W.B.Pollution Control Board/17/1988 dated 04.07.2017, Lnd.5439/W.B.Pollution Control Board/18/2080 dated 14.09.2018 and Lnd.5439/W.B.Pollution Control Board/18/2802 dated 14.12.2018, on the above subject. Photocopies of the above mentioned letters are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (TMC) (W.P.No.10158 of 2008 of High Court, Calcutta):- Md.Zafirul Islam -Vs- State of West Bengal (photocopies are enclosed), you are again requested to render your assistance by fixing up a date for the removal operation of the unauthorised occupants/encroachment/unauthorised hotels

-98-

517

from Kolkata Port Trust property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

3. Since a considerable period of time has already elapsed, your kind co-operation is earnestly solicited for protecting the interest of the public premises and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl:- As stated.

Yours faithfully,



(S.K. Chowdhury)

Asst. Estate Manager-Howrah

For Estate Manager

53132

53133

✓ Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please,

✓ Copy to:- The Officer-in-Charge, Golabari Police station, Howrah, for information and necessary action please.



Asst. Estate Manager-Howrah

For Estate Manager

श्यामा प्रसाद मुखर्जी पोर्ट, कोलकाता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
FORMERLY P. O. TRUST

दूरभाष/Phone : 2230-2045
फैक्स/Fax : 033-2230-4901

No.Lnd.5439/W.B.Pollution Control Board/21/124

17 JAN 2021

The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:-Howrah,
Pin:-711101

597

Sir,

Sub:-Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorized Hotels from Syama Prasad Mookerjee Port (SMP) property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letters being letter nos.Lnd.5439/10/15/3097 dated 19.01.2015, Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, Lnd.5439/W.B.Pollution Control Board/17/1988 dated 04.07.2017, Lnd.5439/W.B.Pollution Control Board/18/2080 dated 14.09.2018, Lnd.5439/W.B.Pollution Control Board/18/2802 dated 14.12.2018 and Lnd.5439/W.B.Pollution Control Board/19/2124 dated 16.09.2019, on the above subject. Photocopies of the above mentioned letters are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (THC) (W.P.No.10158 of 2008 of High Court, Calcutta):- Md.Zafirul Islam -Vs- State of West Bengal (photocopies are enclosed), you are again requested to render your assistance by fixing up a date for the removal operation of the unauthorised occupants/encroachment/unauthorised hotels from SMP property erstwhile Kolkata Port Trust (KoPT) at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

-100-

3. Since a considerable period of time have already been elapsed without any development, your kind co-operation is again earnestly solicited for protecting the interest of the public premises and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl:- As stated.

Yours faithfully,

sd-

(M.Kumar)

Exe-Engineer-H-II
For Estate Manager

Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please. **599**

Copy to:- The Officer-in-Charge, Golabari Police station, Howrah, for information and necessary action please. **598**



Exe-Engineer-H-II
For Estate Manager





-101-

ofc


श्यामा प्रसाद मुखर्जी पोर्ट, कोलकाता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
Formerly Kolkata Port Trust

दूरभाष/Phone : 2230-2045
फैक्स/Fax : 033-2230-4901

No.Lnd.5439/W.B.Pollution Control Board/22/ 2899

dt - 23 - 09 - 22

The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:-Howrah,
Pin:-711101

13452

Sir,

Sub:-Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorized Hotels from Syama Prasad Mookerjee Port (SMP) property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letters being letter nos.Lnd.5439/10/15/3097 dated 19.01.2015, Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, Lnd.3164/9/17/56 dated 06.03.2017, Lnd.5439/W.B.Pollution Control Board/17/1988 dated 04.07.2017, Lnd.5439/W.B.Pollution Control Board/18/2080 dated 14.09.2018, Lnd.5439/W.B.Pollution Control Board/18/2802 dated 14.12.2018, Lnd.5439/W.B.Pollution Control Board/19/2124 dated 16.09.2019 and Lnd.5439/W.B.Pollution Control Board/21/124 dated 14.01.2021, on the above subject. Photocopies of the above mentioned letters are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (THC) (W.P.No.10158 of 2008 of High Court, Calcutta):- Md.Zaffrul Islam -Vs- State of West Bengal (photocopies are enclosed), you are again requested to render your assistance by fixing up a date for the removal operation of the unauthorized occupants/encroachment/unauthorised hotels from SMPK property erstwhile Kolkata Port Trust (KoPT) at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

-102-

3. Since a considerable period of time have already been elapsed without any development, your kind co-operation is again earnestly solicited for protecting the interest of the public premises and also to expedite the removal operation of unauthorised occupants (hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl:- As stated.

Yours faithfully,

Handwritten signature
(P.K. Hajra)

Asst. Estate Manager-H-II

For Estate Manager (I/C)

13454

Copy to:- The Mayor, Howrah Municipal Corporation, for information and necessary action please,

Copy to:- The Officer-in-Charge, Golabari Police Station, Howrah, for information and necessary action please.

13453

Asst. Estate Manager-H-II

For Estate Manager (I/C)

-103-

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श्यामा प्रसाद मुखर्जी पोर्ट, कोलकाता
SYAMA PRASAD MOOKERJEE PORT, KOLKATA
Formerly Kolkata Port Trust
General Administration Department
Estate Division
6, Fairlie Warehouse, 2nd Floor
Kolkata-700001

No.Lnd.5439/W.B.Pollution Control Board/23/2330A

Date: 07/09/2023

The Commissioner of Police, Howrah,
Howrah City Police,
28, Nityadhan Mukherjee Road,
P.O & District:-Howrah,
Pin:-711001

20863

Sir,

Sub: Request for providing necessary police assistance for removal of unauthorised occupants/encroachment/unauthorised Hotels from Syama Prasad Mookerjee Port.(SMP) property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

This has reference to this Office letters being letters Nos.Lnd.5439/10/15/3097 dated 19.01.2015, Lnd.5439/W.B.Pollution Control Board/16/892 dated 02.06.2016, Lnd.3164/9/17/56 dated 06.03.2017, Lnd.5439/W.B.Pollution Control Board/17/1988 dated 04.07.2017, Lnd.5439/W.B.Pollution Control Board/18/2080 dated 14.09.2018, Lnd.5439/W.B.Pollution Control Board/18/2802 dated 14.12.2018, Lnd.5439/W.B.Pollution Control Board/19/2124 dated 16.09.2019, Lnd.5439/W.B.Pollution Control Board/21/124 dated 14.01.2021 and Lnd.5439/W.B.Pollution Control Board/22/2899 dated 23.09.2022, on the above subject. Photocopies of the above mentioned letters are enclosed for ready reference and perusal please.

2. In terms of the Order passed by the Ld. Registrar, Pollution Control Appellate Authority (West Bengal) dated 08.04.2008 read with the Order dated 16.07.2013, passed by the National Green Tribunal, Principal Bench, New Delhi in Appeal no.54/2013 (THC)

RC(i)
Pl. view.
27/09/2023
[Signature]

-104-

(W.P.No.10158 of 2008 of High Court, Calcutta):- Md.Zafirul Islam -Vs- State of West Bengal & Ors., you are again requested to render your assistance by fixing up a date for removal of the unauthorised occupants/encroachment/ unauthorised hotels from SMPK property at Chandmari Ghat, opposite to Howrah Railway Station, Howrah.

3. Since a considerable period of time have already been elapsed without any development, your kind co-operation is again earnestly solicited for protecting the interest of the public premises and also to expedite the removal operation of unauthorised occupants (Hotels) from Chandmari Ghat area (Howrah Station Zone) and the adjoining public premises.

Encl: As stated.

Yours faithfully,



(V.K. Prasad)

Executive Engineer (Howrah-II)

For Estate Manager (I/C)

VA for
Chandmari Ghat

20864

Copy to: The Mayor, Howrah Municipal Corporation, for information and necessary action please.

Copy to: The Officer-in-Charge, Golabari Police Station, Howrah, for information and necessary action please.

20865

Copy to: Estate Manager (I/C) for information & kind perusal please.

Avishek Raut

AVISHEK RAUT
Resolution Officer-Legal
Estate Division
Syama Prasad Mookerjee Port, Kolkata

-105-

VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

District: Kolkata

OA/MA/RA/Contempt No. 104 of 2023

Subhas Datta (Appellant
(Petitioners)

- Versus -

State of West Bengal & ors. (Respondent
(Opposite Party)

Vakalatnama on behalf of Syama Prasad Mookerjee Port, Kolkata
Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for filing the memorandum or appeal or petition or entering appearance in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filing, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I / We further say that any act. Done by my / our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this the 5th day of October 2023

Paushali Banerjee
Name of Advocates
Ms. Paushali Banerjee,
High Court, Calcutta,
NPS Business Centre,
Ground Floor, Kolkata - 700001
M- 9433253274

*Received & Accepted
on behalf of Party
(Syama Prasad Mookerjee Port)
Paushali Banerjee
Advocate*