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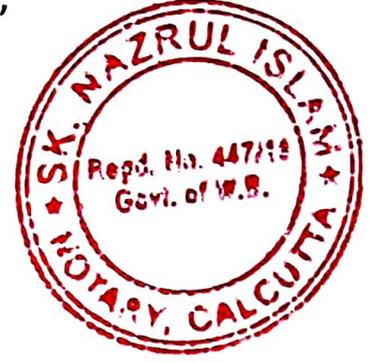
-1526-

BEFORE THE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOKATA.

Original Application No.06 of 2016/EZ

IN THE MATTER OF:



Subhas Dutta

-VS-

.....Applicant

State Of West Bengal and others

.....Respondents

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PAUSHALI BANERJEE

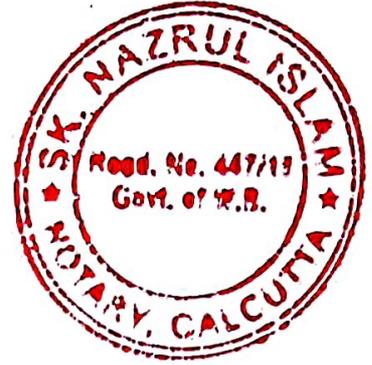
ADVOCATE

7A, KIRON SHANKAR ROY ROAD,

KOLKATA-700001

- 1527 -

BEFORE THE NATIONAL GREEN TRIBUNAL,
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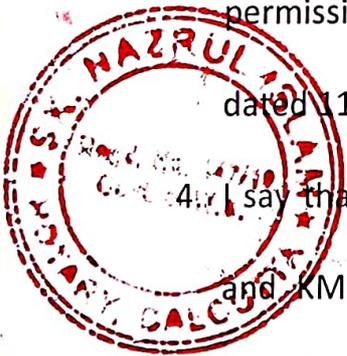
State Of West Bengal and others

.....Respondents

**AFFIDAVIT OF COMPLIANCE ON BEHALF OF KOLKATA METROPOLITAN
DEVELOPMENT AUTHORITY .**

I, Prantik Ray, son of Sri SurjyaKanta Ray, aged about 50 years, by occupation service, work for gain as Chief Engineer GAP Sector, Kolkata Metropolitan Development Authority, having office at Unnayan Bhavan , Block-A, Sector- II, Salt Lake City, Kolkata- 700-091, do hereby solemnly affirm and state as under:-

1. That I am the Chief Engineer GAP Sector, Kolkata Metropolitan Development Authority . I am well acquainted with the facts and circumstances of the case and I have been duly authorized to affirm this affidavit on behalf of the Kolkata Metropolitan Development Authority .
2. I say that in compliance of the order dated 30/09/21 of this Hon'ble Tribunal a committee was constituted to examine the DPR prepared by the KMDA , the report is annexed herewith and marked as Annexure A.
3. I say that the report was signed by all the members of the committee except the Chief Engineer Railways. The Chief Engineer Railways in his letter dated 11/02/22 to the District Magistrate Howrah, stated that only if certain points are incorporated in the report then the Chief Engineer Railways would sign. The points which included the question of permission of Tahabazari and the cost sharing ratio. Copy of the letter dated 11/02/22 is annexed herewith and marked as annexure B.
4. I say that a joint inspection was held on 9/10/21 by the railway officials and KMDA when the sewage generation was measured and it was verified as 1.303 MLD by all the parties. Copy of the minutes of the meeting dated 9/10/21 is annexed herewith and marked as annexure C.
5. I say that on 16/09/21 a meeting was held by the DM Howrah and the meeting was attended by the General Manager Railways along with others

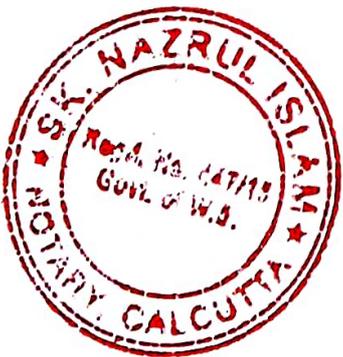


including the, Joint Secretary , UD & MA Department, Deputy Secretary, Environment Department and others. The Railways stated that Tahbazari was started by the Railways on payment of daily fees to the Railways. Copy of the minutes of the meeting dated 16/09/21 is annexed herewith and marked as annexure D.

VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge which are derived from the relevant office records. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 21st February, 2022.



The deponent is identified by me.

Paushel...
Advocate

[Signature] 18.2.22

DEPONENT

Chief Engineer,
Water & Sanitation (GAP) Sector, KMNA
Solemnly Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CPC

[Signature]
Notary

S.K. Nazrul Islam
Notary, Govt. of W.B.
Regd. No. 447/19
City Civil Court, Calcutta

21 FEB 2022

Report of the Committee Constituted by Hon'ble NGT in its Order dated 30.09.2021 on O. A. 06/2016/EZ for Pollution Abatement of Santragachi Jheel

Hon'ble N.G.T. issued Order in O.A. 06/2016/EZ dated-30.09.2021 for submission of the report by the Committee comprising of the following Members:

- i. The District Magistrate, Howrah.
- ii. The Municipal Commissioner, Howrah Municipal Corporation.
- iii. The Chief Engineer, GAP Sector, KMDA.
- iv. The Chief Engineer South Eastern Railways.
- v. Professor Amit Dutta, Civil Engineer, Jadavpur University.

Hon'ble N.G.T. issued Order that KMDA shall be the Nodal Office for all logistic purposes and for submitting the report of the committee.

Accordingly, a series of meeting are conducted between the members to discuss different issues which are as below.

- A. The District Magistrate and District Collector, Howrah held 1st meeting on 07.10.2021 (**Resolution enclosed as Annex-I&II**) at her Office along with all respondent and Professor Amit Dutta (J.U.).

In the meeting, Professor Dutta described that after detailed study and quantifying the discharge 1.5 MLD, WSP has been proposed in the DPR and also described the efficacy of proposed WSP in regard to abatement of pollution at Santragachi Jheel.

A committee has been formed for joint site inspection for verification of sewage generation considered in the DPR and the joint site verification completed on 09.10.2021. (**Site Inspection Report enclosed as Annex-III**).

The DM, Howrah stated that for relocating the encroachers, land is required to be provided by the Railway authorities and S.E. Rail cannot deny their responsibilities as they only allowed 'Tahabazari' and took revenue from those people.

- B. As per decision of the meeting held on 07.10.2021 at the chamber of the DM, Howrah all members of the committee along with Prof. Dutta again held a meeting on 22.10.2021 (**Resolution enclosed as Annex-IV**) at the chamber of the Asst. Divisional Engineer, South Eastern Railway.

The Railway authority stated that they have scrutinized the DPR and raised the point wise observations submitted to the KMDA vide memo dated-20.10.2021.

KMDA responded to their observations and on the request of the Railway Engineers submitted written reply vide memo dated-28.10.2021(**Annex-V**).

Professor Dutta stated that the WSP would least affect the biodiversity since the discharge load being the less and confirmed that no substantial amount of odour will be released from this pond.

- C. The District Magistrate and District Collector, Howrah further held a meeting on 24.11.2021 (**Resolution enclosed as Annex-VI**) at her Office along with all respondent and Professor Amit Dutta (J.U.) to resolve the issues.
- D. On 11.02.2022, the District Magistrate, Howrah convened a meeting with committee members to finalize the report of the committee.

On thread bare discussion, the committee came up with the following recommendations.

Recommendations:

- (I) **Foul Odour Issues:-** As per opinion of the expert member, Professor Amit Dutta, the committee agrees upon the technology to be adopted for STP which is WSP (Waste Water Stabilization Pond).
- (II) **Cost Sharing Issue:-** Hon'ble NGT has already issued order on 15.09.2017 where project cost sharing is 18% South Eastern Railway share and 82% Howrah Municipal Corporation share which was based upon permanent population but floating population was not been considered. However as per actual flow measurement which has been verified in Joint site inspection dated 09.10.2021 where the present sewage generation has been verified 1.303 MLD by all the stake holders. The main point of disagreement is with the proportion of sewage generation between Railways and HMC. Railways do not agree with the discharge proportion 65 : 35 as mentioned in the DPR. The drain no. 5.1, 5.2 & 5.3 are passing through Railway property but it is very difficult to determine the contribution of waste of these drains from Railway portion and HMC portion.

The Railway authority stated that proportion of discharge should be calculated based on actual numbers of population contributing waste water to SRC Jheel. At many points of measurement of outflow taken as railway outflow but water is coming from encroachment area and HMC area. Computation of discharge generation has been done on the basis of existing drain flow measurement in DPR. The water from railway station and coaching depot is not contributing to any discharge in SRC jheel. Already ETP has been commissioned in SRC coaching depot, waste water is being recycled. This was also not considered in sewage generation for SRC jheel in DPR.

- (III) **Land Lease Issue:-** The Competent Authority of UD & MA Department, Govt. of West Bengal will approach to the Competent Authority of South Eastern Railway for waiver of Land Lease or for changing nominal Land Lease because it is a Railway project on Railway Land so Railway should contribute land for public interest and Environmental conservation.

As per decision of the Higher Authority of South Eastern Railway / UD & MA Department, GoWB Land Lease Charge is to be included in the final DPR.

- (IV) **Encroachment Removal Issue:-** In the meeting held on 16.09.2021 in the presence of the Railways and the Government stakeholders, the BL&LRO, Bally-Jagacha stated that no vested land is available in the adjacent area and further the Railway authority was requested to allot land for rehabilitation of the residents of the encroachment area under State Government housing schemes like "Banglar Bari". Upon such decision, request for identifying parcel of land for rehabilitation was made from the District Magistrate, Howrah to the Railway authorities vide memo no. 2016-LR dated 16.09.2021. (Annex-VII).

As per the order of the Hon'ble National Green Tribunal, the above mentioned report is being presented.

District Magistrate, Howrah

Commissioner,
Howrah Municipal Corporation.

Chief Engineer,
GAP Sector, KMDA.

Chief Engineer
South Eastern Railways.

Professor Amit Dutta,
Civil Engineer, Jadavpur University

-1533-

Annexure - 'B'

South Eastern Railway

Office of the CE/SD,
Garden Reach, Kolkata-43
Date: 11-02-2022

To,
DM, Howrah,
West Bengal.

Sub: Report of the Committee Constituted by Hon'ble NGT in its Order dated 30.09.2021 on O. A. 06/2016/EZ for Pollution Abatement of Santragachi Jheel

This is to inform you that the if the following points are incorporated in the joint report, then the undersigned can sign the joint report.

1. Tahabazari is not authority for permanent occupation of land. Therefore, anybody who is unauthorized person, residing on the Railway land in Santragachi is encroacher.
2. It is not verified that those who have been given permission for Tahabazari, are also the same persons who are encroaching.
3. Tahabazari system has been stopped at Santragachi from March 2017.
4. Issue of cost sharing has already been decided as per NGT order O.A No.06/2016/EZ dated 15.09.2017 as project cost sharing as 18% of S.E Railway and 82% of Howrah Municipal Corporation.
Therefore, modification of the cost sharing is not within the scope of committee.

For your kind perusal please.

C. S. Pandey 11.02.2022
Chief Engineer

South Eastern Railways.

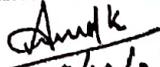
ANNEXURE - B

**Joint Finding Report of railway officials and KMDA along with consultant (EES) on
09/10/2021.**

During meeting and field survey following points was found.

1. The present sewage generation has measured (at outflow) in DPR is 1.303 MLD has been verified.
2. The main point of disagreement with the proportion of sewage generation between railways and HMC.
3. Computation of sewage generation has been done on the basis of existing drain flow measurement.
4. The record of quarter in DPR about the waste water discharge in SRC JHEEL is not correct. 595 nos of Quarter were considered in DPR, but only 313 nos quarter (Out of which 225 nos of occupied quarters and 88 nos of quarter are vacant) are discharging waste water into SRC JHEEL, Rest quarters are discharging there waste water to MAUKHAAL.
5. Waste water discharge from Encroachments has also been considered in railway share.
6. i) KMDA's view point is that Outfall no 5.1,5.2 and 5.3 are passing through railway property line that is why considered in railway portion in DPR.
ii) As per railway opinion Outflow No 5.1,5.2 and 5.3 is mainly from nearby Bazaar area and encroachments, but considered in railway discharge which is incorrect, which is to be modified based actual nos of railway staffs residing in that area.
7. The water from railway station and coaching depot is not contributing any discharge to SRC JHEEL. Already ETP has been commissioned in SRC Coaching Depot, waste water is being recycled. This was also not considered in sewage generation for SRC JHEEL in DPR.
8. The Railway portion of discharge should be calculated based on actual nos of population contributing waste water discharge to SRC JHEEL. Because at many points of Measurements of outflow taken as railway outflow ,water is coming from Encroachments and HMC area. Computation of sewage generation has been done on the basis of existing drain flow measurement in DPR.
9. Railway had provided septic tanks in all the quarters.
10. The Staff of railway is reducing Day By Day, by using modern technology as a result there will be no expansion of the existing settlement.
11. Moreover after removal of the encroachments waste water discharge will further reduce. As well as solid waste disposal and open defecation which is directly dumped in SRC JHEEL will be stopped and improve the condition of SRC JHEEL.


09/10/2021
Niranjana Das
Dy CE/SD & Works/GRC


09/10/21
Anand Kumar
Dy CENHM/GRC


Ravi Kumar Gautham
DEN/Engg/KGP


09.10.2021
Abhijit Paul
Project Manager/
Environmental Engineering Services(EES)


09/10/21
Madhusudan Biswas
Executive Engineer/ KMDA



GOVERNMENT OF WEST BENGAL
Office of the District Magistrate, Howrah

Resolution of meeting in connection with compliance to the order of Hon'ble NGT in O.A. No. 06/2016/EZ(MA No. 297/2017/EZ)

Venue: Conference Hall, 3rd Floor, New Collectorate Building, Office of the District Magistrate, Howrah
Date-16/09/2021, Time-12 P.M.

Persons Attended: List enclosed

The District Magistrate and District Collector, Howrah, presided over the meeting and initiated the discussion.

1. The District Magistrate requested the representative of General Manager, South Eastern Railways & DRM, Kharagpur to briefly describe the issue of encroachment.
2. The Representative of Railway stated that 128 No. of Shops were allotted in the area concerned under a system of "TAHBAZARI", under which these people were allowed to run their shop from morning to evening on payment of daily fees. This amount had been collected by the Inspector of Works and deposited in the Railway accounts regularly. No permanent construction of shops was allowed and neither any written permission to run the shop had been issued. Gradually these shop owners began to erect permanent construction. However Railway authority had no record of first incidence when such permanent construction was erected for the first time.
3. Subsequently in the year 2016 these illegal constructions were accounted for by Railway authority and eviction process was started and finally the eviction order was issued in 2018. Presently as per Railways authority identification, a total 160 no. of families had made permanent construction in the area. However a survey of the no of encroachments in the area had been made by the Howrah District Administration and the same had been placed in the meeting.
4. The District Magistrate requested the representative of Railway authority to share the list of shops and houses in permanent construction immediately.
5. The BL&LRO, Bally-Jagacha stated that no vested land is available in the adjacent area.
6. The Commissioner UD & MA Department, Government of West Bengal, informed that the DPR of proposed STP at Santragachi had been prepared and as per the DPR the oxidization pond is to be erected inside Santragachi Jheel and therefore there was no obstruction for the proposed work due to the unauthorized encroachment as the proposed STP channels would be laid underground.

7. The Commissioner further informed that Bio-toilets would be set up in the area along with Bins for the use of the residents of the encroachment area and the department would request issue of NOC from the Railway authority for the same work. The representative of Environment Department also agreed with the proposal of Commissioner UD & MA Department, Government of West Bengal.
8. The representative of Environment Department further cited examples of cases like in Tolly Nalah or Adi Ganga, where the requiring body was asked to provide land for rehabilitation purpose and State Government agreed to fund for construction of dwelling houses under housing schemes.
9. The representative of Bio-diversity Board informed that the Board had already issued engagement letter to the concerned agency for Bio-diversity management of Santragachi Jheel.
10. The Commissioner, Howrah Municipal Corporation, informed the members that HMC had taken up regular cleaning activities in the municipal area .IEC boards had been placed and during regular house to house survey people were made aware not to release household water and waste into the Jheel.
11. The Railway authority was further requested to allot land for rehabilitation of the residents of encroachment area and it was made clear that the construction of dwelling houses for the rehabilitation work would be borne from state Government fund.
12. However, the representative of Railway authorities could not ensure the availability of land citing that the matter is of policy decision of the Railway Board. Further it was decided that the District Magistrate would write a letter to the concerned Railway authority requesting allotment of land for rehabilitation of residents of encroachment area under State Govt. housing schemes like "Banglar Bari".It was further decided that DICO, Howrah, would organize an IEC activity emphasising the benefits of sanitation for individual health and hygiene in the area.
13. It was decided in the meeting that a joint inspection would be made involving all the Govt. level stake holders at the Santragachi Jheel area for identification of space for erection of Bio-toilet and Bins on 20th September, 2021 at 3 P.M.
14. It was further decided that a periodical report regarding water quality of Santragachi Jheel would be submitted to the Hon'ble NGT regularly.

The District Magistrate ended the meeting with vote of thanks.


District Magistrate
Howrah

Memo No: 2017(8)-JK

Date: 16/09/2021

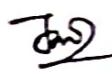
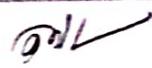
Copy forwarded for information to:

1. The Additional Chief Secretary, Environment Department, Government of West Bengal;
2. The Principal Secretary, Urban Development & Municipal Affairs Department, Government of West Bengal;
3. The Member Secretary, West Bengal Pollution Control Board;
4. The Commissioner of Police, Howrah Police Commissionerate;
5. The General Manager, South Eastern Railways;
6. The Divisional Railway Manager, Kharagpur;
7. The Member Secretary, West Bengal Biodiversity Board;
8. The Commissioner, Howrah Municipal Corporation;


District Magistrate
Howrah

Attendance sheet of meeting in connection with the compliance of the direction vide order dated 13.08.2021 of Hon'ble NGT passed in O.A. No. 06/2016/EZ in the matter of Subhas Datta Vs the State of West Bengal held on 16.09.2021 at 12 PM at the Chamber of District Magistrate, Howrah.

SI No	Name & Designation	Department	Signature	Mo. No. & Mail ID
1	Smt Mukta Arya, IAS District Magistrate, Howrah			
2	Naandini Ghosh	UO & MA		9830193174
3	Pratiksha Ghosh	Dep South HRC		9073343131
3	Ashwat Rai	HMC		
4	A. Ghosh	L & LR.		
5	A. Sarkar	Dy. Secy. Environment Dept.		9475468869
6	R.K. GAUTAM	S.E. RAILWAY DEN/EAST		4002081202
7	B. B. Saha	S.E. Railway ADEN/SRE		9002081219
8	S. Chakraborty	Secy. HRP		833507917
9	Dr. S.N. Ghosh Sr. Res. Officer	W.B. Biodiversity Board		9433535937 sr.wb@bcb.nic.in
10	Dr. NUPUR SENGUPTA, AEE	WBPCB, Howrah R.O.	Nupur Sengupta	9830797474
11	KOUSHIK CHAKRABORTY	L & LR Dept.		8336916314
12	POMPALI BAGCHI	Law cell D-LSL-170		7003087582
13	Suman Pal SRO-TI	L & LR	 16/09/21	9903916170
14	Soukanti Ghosh ADFO	Forest	 16/09/21	8927448488

Sl No	Name & Designation	Department	Signature	Mo. No. & Mail ID
15	Tarun Bhattacharya SDO (Sadar), Howrah	DM Office Howrah		9830571856 sdoBwh@gmail.com
16	DE N.C. MITTAL C.M.H.	Dept of H&FW		9874518646 cmh.hn@gmail.com
17	Lina Biswas	Law Officer DLERO, Howrah		7998189608 sony.lina@gmail.com
18	P. B. DR SUKDEB DAS	St. Law Officer UD & MA Dept.		8777838130 sgt.udma@gmail.com
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