

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 82/2021/EZ

Ankur Sharma

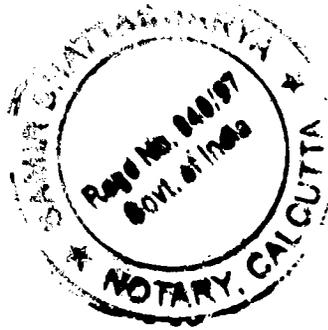
-Versus-

State of West Bengal and Others

AFFIDAVIT OF THE MEMBER SECRETARY, STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY, WEST BENGAL IN PURSUANT
TO THE ORDER PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN BENCH, KOLKATA DATED 03.01.2022

INDEX

Sl No	Document	Annexure	Page
1.	Affidavit		1-4
2.	Copy of the Inspection report of WBPCB	R/1	5-8



Submitted

Dipanj Ghosh

Dipanjan Ghosh
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL

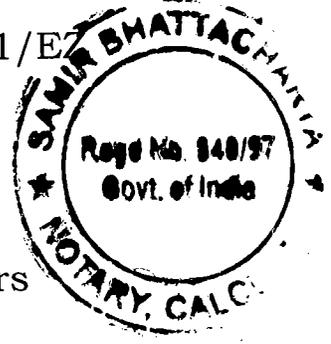
EASTERN ZONE BENCH, KOLKATA

Original Application No. 82/2021/EZ

Ankur Sharma

-Versus-

State of West Bengal and Others



AFFIDAVIT OF THE MEMBER SECRETARY, STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY, WEST BENGAL IN PURSUANT
TO THE ORDER PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN BENCH, KOLKATA DATED 03.01.2022

I, Kaliyamurthi Balamurugan, son of Shri K. Kaliyamurthi, aged 48 years, by occupation-Government Service, working as the Chief Environment Officer, Department of Environment, Government of West Bengal, having office at Prani Sampad Bhawan, 5th Floor, LB-2, Sector-III, Salt Lake, Kolkata-700106, do hereby solemnly affirm and submit as follows:-

1. That I am also holding the post of the Member Secretary, State Level Environment Impact Assessment Authority, Government of West Bengal. I have made myself acquainted with the facts and circumstances of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant Application and I am competent to file the instant Affidavit before this Hon'ble Tribunal.

2. That this Affidavit is being affirmed pursuant to the solemn Order passed by the Hon'ble Tribunal on 03.01.2022 whether Environmental Clearance is required by the Project Proponent.



3. It is most respectfully submitted before this Hon'ble Tribunal that an application for Environmental Clearance (hereinafter referred to as EC) for the residential project "NIRVANA" at Mouza Raghampur and Dhamaitala, P.S.-Sonarpur under Poleghat Gram Panchayat, District-South 24 Parganas was made in the PARIVESH' portal of Ministry of Environment, Forest and Climate Change (hereinafter referred to as MOEF & CC) bearing Proposal No.SIA/WB/MIS/107017/2019 by M/S Raghampur Project LLP on 26 th July 2019.

4. In the said application, it was mentioned that phase 1 has a sanctioned plan for 19206.25 sq. metres and after expansion the total built up area will be 49990sqm.

As per EIA Notification, 2006, Schedule 8(a) - Building Construction projects having built up area 20,000 sq. metres and more would require EC.

In the instant case, since construction of phase 1 is stated to be below 20,000 sq. metre, it would not require EC. However, construction work beyond phase 1 would require EC. The EC application (SIA/WB/MIS/107017/2019) is presently under appraisal at State Expert Appraisal Committee (SEAC).

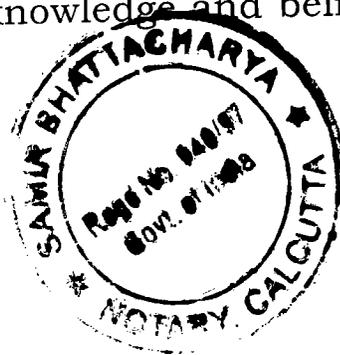
5. A complaint was received from Mr. Ankur Sharma at SEIAA, W.B. against flouting of environmental norms by the project

proponent. SEIAA.W.B. in its meeting held on 03.08.2021 decided to request West Bengal Pollution Control Board (hereinafter referred to as WBPCB) to cause an enquiry into the complaint.

6. The Inspection Report has been received from WBPCB through letter No. 593-2N-54/2019 (E) dated 01.09.21 which highlights that construction of phase -1 is ongoing and construction of phase - 2 is yet to be started. A copy of the Inspection Report of WBPCB is annexed herewith and marked as Annexure R/1.

That the reply is true to my knowledge and belief, which I derive from the office record.

Subhojit Sen
Dipayan Ghosh
Advocate
SEIAA, W.B.



21 JAN 2022

[Signature]
DEPONENT

[Signature]
Notary Seal of Samir Bhattacharya, Notary, Calcutta. Registration No. 240/97, Govt. of India.

Samir Bhattacharya
Notary, Govt. of India
Regd. No. 240/97
City Civil Court, Calcutta

VERIFICATION

I, K. Balamurugan, Member Secretary, State Level Environment Impact Assessment Authority, Government of West Bengal, do hereby verify that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 20th day of January, 2022.

Subhojit Sen
Dipayan Ghosh
Advocate
SEIAA, W.B.



[Signature]
DEPONENT



WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Govt. of West Bengal)

Paribesh Bhawan, 10A, Block - LA, Sector-III

Bidhannagar, Kolkata-700 106, India

Tel : 2335 - 9088 / 7428 / 8211 / 6731 / 0261 / 8861 / 5868 / 1625

Fax : 2335 - 5868 / 2813

City Code : 33, Country Code : 91

Website: www.wbpcb.gov.in

Memo No: 593 -2N-54/2019(E)

Dated: 01.09.2021

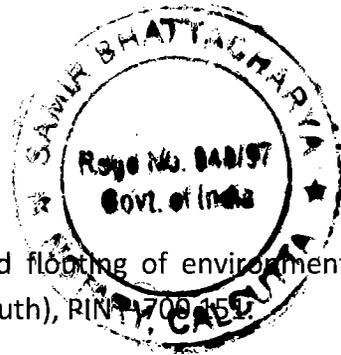
To

The Environment Officer

Dept. of Environment, Govt. of West Bengal,

Pranisampad Bhavan, Block LB-2, 5th Floor, Sector - III,

Salt Lake, Kolkata - 700 106.



Sub: Complaint against illegal filling up of water bodies and flopping of environmental norms at 'Nirvana', PS - Sonarpur, Dist - 24 Parganas (South), PIN-700159.

Ref: Your letter No. 1412/EN/T-II-1/062/2019 dated 17.08.2021.

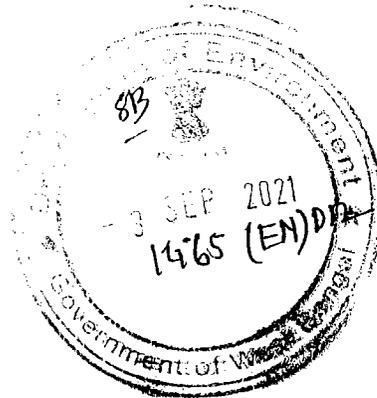
Sir,

With reference to the above, enclosed please find the Report of Inspection dated 03.08.2021 of M/s. Raghabpur Projects LLP (Residential project Nirvana).

Yours faithfully,

[Handwritten Signature]
01/09/2021

Senior Environmental Engineer (EIM Cell)
West Bengal Pollution Control Board



Encl: As stated above.

Inspection Report

Name & Address of the project proponent	M/s. Raghampur Projects LLP (Residential Project Nirvana) JL No -74, Mouza – Raghampur, JL No -75, Mouza-Dhamaitala, P.S – Sonarpur, Poleghat Gram Panchayet, Dist – South 24 Parganas, Pin - 700151
Electric Supply	CESC
Name and address of the complainant	Mr. Ankur Sharma, 13/3, Dr. P. K. Banerjee Road, Howrah – 711101.
Date & time of inspection	03/08/2021 between 14.00 pm to 15.45 pm
Name of the inspecting official(s)	Shri Anindya DasGupta, EE, Salt Lake R O, WBPCB Shri Nayan Das, AEE, Salt Lake R.O., WBPCB
Person(s) met during inspection	Shri Rajendra Kr. Agarwal, Project Representative

Nature of complaint :-

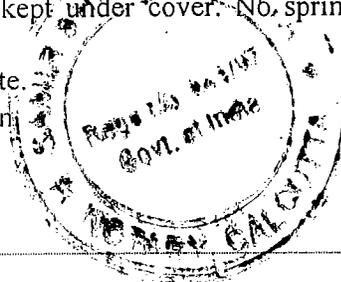
A complaint was received from Mr. Ankur Sharma regarding of construction of a real estate at JL No -74, Mouza – Raghampur, JL No -75, Mouza- Dhamaitala, P.S – Sonarpur, Poleghat Gram Panchayet, Dist – South 24 Parganas, Pin – 700151 on grounds of

1. Illegal filling up of water bodies
2. Illegal construction without obtaining Environmental Clearance from competent authority.

Observation:-

The project detail is as follows :

- The project has a total built up area 49990 sq mtrs (phase 01 – 19206.25 sq mtrs & phase 02- 30783.75 sq mtrs). The project thus turned into an EC attracting matter after it 2nd phase was included in addition to 1st phase, the built up area thus got finalised exceeding EC threshold area of 20,000 sq mtrs. The EC is still a pending matter. Its site is surrounded by vacant land to South & East, a Go-down to West and a local Mega City project to North. A single pond exists to the East of the Project area. The project has two phases. Phase 01 includes 125 Bunglows , each with G+1 structure . The phase 01 still has 08 Bunglows yet to be initiated, 17 Bunglows are under on-going construction and the rest of the project (Bunglows) are completed but by civil construction only. ~~The phase 02 is yet to be started altogether which has plans for construction of 139 Bunglows , each with G+2 structure and a club facility (new inclusion in proposal).~~ The project is already provided with boundary walls on North & East and partly with such walls on South & West.
- During the inspection limited construction activities were found running.
- No provision of dust screens for the (terminal) construction activities was found. However the granular construction materials at the site were found kept under cover. No sprinkler mechanism was found at the site.
- No batching plant or any other machinery was found at the site.
- The project is exclusively using fly ash bricks for construction.
- The project site has 01 no 650 KVA DG set.



7

- The project has plans for further (1) construction of internal drains with catch pits & a 200 KLD STP with MBBR mode of operation (2) Solar power catering to 1% of total load (3) Green cover for 8193.94 sq. mtrs. (4) Composting facilities for 945 kg/day solid waste generation (5) 05 nos. Rainwater harvesting tanks with 55 KL capacity for each.
- The roads for the project are yet to be constructed which during inspection was found extremely muddy & unpaved which made movements for inspection extremely difficult.
- No water body or wetland has been found at the project site or in the surrounding locality except the mentioned pond to the East. No existence of any pond filling operation was noted during inspection either. However widespread over flow of water from the pond into surrounding project zones following a heavy rainfall has been noted. The land documents corresponding to the project display only Bastu, Shali & Danga type of land character involved with the project.

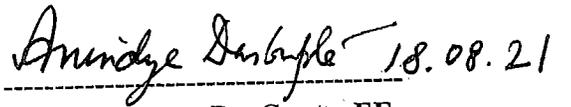
Remarks: -

The Project should not commence its Phase No 2 without obtaining EC & corresponding other statutory approval including CFE of the Board.

The Project should follow all statutory norms related to Construction of Housing Projects including no filling up of any water body particularly the pond to the East

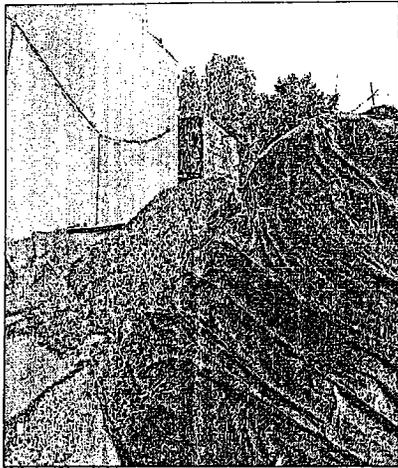

18/08/2021

Nayan Das, AEE


18.08.21

Anindya DasGupta, EE

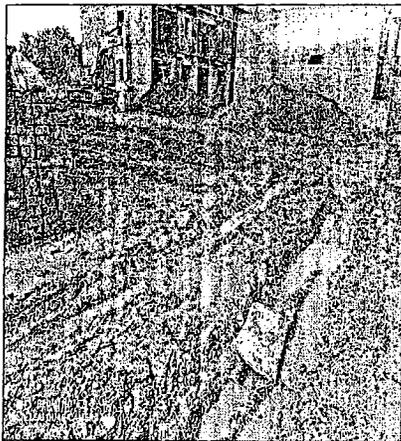
Photographs of M/s Raghavpur Projects LLP taken during inspection on 03.08.2021



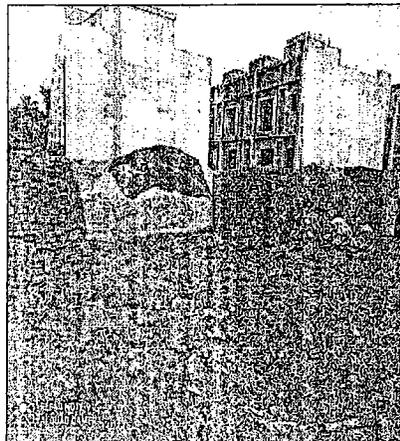
Covered storage of granular construction materials



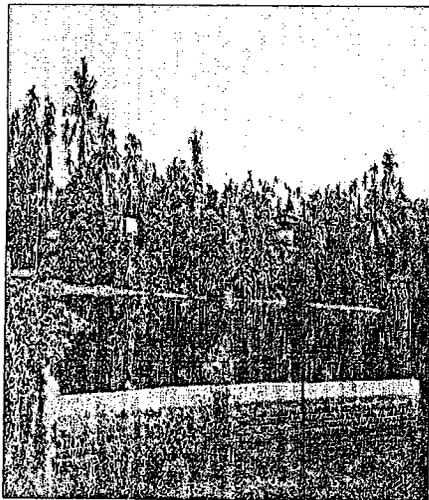
Bunglows (Phase-I) under construction



Unpaved muddy roads



Fly ash bricks



Adjacent pond with overflow into Project area

