

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA**

I.A. NO. 51 OF 2021

IN

ORIGINAL APPLICATION NO. 15/2020/EZ

IN THE MATTER OF:

JABA MUKHERJEE

.....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & ORS.

....RESPONDENTS

NDOH: 25.05.2022

INDEX

SR. NO.	PARTICULARS	PAGES
1.	Interim Compliance Report by way of Affidavit on behalf of Respondent No. 4/Kharagpur Municipality in terms of Order dated 24.03.2022.	1-3
2.	<u>ANNEXURE R4/1</u> A copy of the Memo No. SUDA-15014(17)/1/2022-ENGG SEC(SUDA)-SUDA/7810 dated 07.03.2022	4-6
3.	<u>ANNEXURE R4/2</u> A copy of the Memo No. SUDA-787/2020/7865 dated 09.03.2022	7-8
4.	<u>ANNEXURE R4/3</u> A copy of the Memo No. 728/KM dated 05.04.2022	9-10
5.	Proof of Service	11

FILED BY:

Date: 23.05.2022



Madhumita Bhattacharjee
Advocate for the Respondent No. 4
212 Ansal Bhawan, 16, K.G. Marg,
New Delhi-110001
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

I.A. NO. 51 OF 2021

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IN THE MATTER OF:

JABA MUKHERJEE

.....APPLICANT

VERSUS

THE STATE OF WEST BENGAL & ORS.RESPONDENTS

**INTERIM COMPLIANCE REPORT BY WAY OF AFFIDAVIT ON
BEHALF OF RESPONDENT NO. 4/KHARAGPUR MUNICIPALITY
IN TERMS OF ORDER DATED 24.03.2022.**

23 MAY 2022

I, Smt. Tulika Datta Banerjee, aged about 50 years, having residence at Nidhiram Manjhi Lane, Howrah - 700001, presently at Kharagpur, do hereby take oath and solemnly affirm and state as follows:

That I am the authorized representative of Respondent No. 4 in the present Original Application, and I am posted as the Executive Officer, Kharagpur Municipality, Government of West Bengal having office at Jhapetaupur, P.O. Kharagur, Distt. Paschim Medinipur, Pin - 721301 therefore, I am well conversant with the facts and circumstances of the present case as derived from the official records and hence competent to swear this affidavit on behalf of the respondent No. 4.

2. That the present Interim Compliance Report by way of Affidavit is being affirmed pursuant to the order dated 24.03.2022 passed by this Hon'ble Tribunal in I.A. NO. 51 of 2021 in the instant original application.

3. Therefore, in compliance with the direction passed by this Hon'ble Tribunal, Kharagpur Municipality is not using the said place as dumping ground. However, the Municipality has to use the available vacant site which is reclaimed by way of bio-mining and bioremediation for processing of fresh waste. There is no other land available for this purpose. A copy of the photographs showing the reclaimed land after bio-mining the legacy waste is already annexed as ANNEXURE R4/2 to the compliance affidavit of Respondent No. 4 herein filed on 14.02.2022.

4. It is most respectfully submitted that Urban Development & Municipal Affairs Department has given Administrative Approval and Financial Sanction (AA&FS) for construction of concrete approach road towards Solid Waste Management Plant of this municipality for an amount of Rs. 1,47,84,489/- vide Memo No. SUDA-15014(17)/1/2022-ENGG SEC(SUDA)-SUDA/7810 dated 07.03.2022. A copy of the Memo No. SUDA-15014(17)/1/2022-ENGG SEC(SUDA)-SUDA/7810 dated 07.03.2022 is annexed hereto and marked as **ANNEXURE R4/1.** (Page No. 4 to 6)

5. It is most respectfully submitted that State Urban Development Agency(SUDA) has given work order to Simoco Telecommunication (South Asia) Limited & M/s. Environ Solution vide Memo No. SUDA-787/2020/7865 dt. 09.03.2022 for design, built, finance, operation and transfer of municipal wet waste processing facility, setting up Semi-Automatic Material Recovery Facility for Dry waster and construction of Sanitary Land fill site along with operation and maintenance for 10 years. The agency has started the preliminary work which is likely to be completed by 15.06.2022. A copy of the Memo No. SUDA-787/2020/7865 dt. 09.03.2022 is annexed hereto and marked as **ANNEXURE R4/2.** (Page No. 7 to 8)



23 MAY 2022

6. It is further submitted that the Municipality vide its Memo No. 728/KM dated 05.04.2022 has issued no objection letter to Simoco Telecommunications (South Asia) Limited for formation set up, design, building structure, operation and other related works regarding SWM project at Hiradihi. A copy of the Memo No. 728/KM dated 05.04.2022 is annexed hereto and marked as **ANNEXURE R4/3**. (Page No. 9 to 10)

7. That 50% of the household has been covered under house-to-house collection of segregated waste.

8. It is most respectfully submitted that the respondent no.4 herein is duty bound to comply with the orders of this Hon'ble Tribunal and is making sincere efforts to achieve the same within the stipulated timeline.

9. That I state that I have read and understood the contents of the accompanying compliance report by way of the affidavit, which has been drafted by my counsel under my instructions and facts stated herein are true and correct to the best of my knowledge and belief as derived from official records.

[Signature]
05
23/05/2022
DEPONENT
Bhola Venkatesh Pal
[Signature]

VERIFICATION:

Verified at Kharagpur on this 23rd day of May, 2022 that the contents of the paragraphs are true to my knowledge & belief and are based on information as derived from office records and rest are my humble submissions.

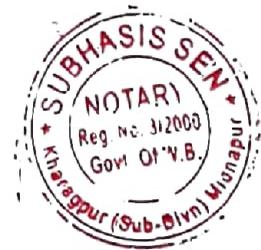
VERIFIED AT KHARAGPUR ON THIS 23RD DAY OF MAY, 2022 AT KHARAGPUR.

Deponent Identified Swearing
and Signed this affidavit on
oath in my presence

Entry No. 104 Date 23.05.2022

[Signature]
NOTARY
23/5/22

[Signature]
05
23/05/2022
DEPONENT
Bhola Venkatesh Pal
[Signature]



ANNEXURE R4/1

STATE URBAN DEVELOPMENT AGENCY

LIGUS BHAVAN, High Court Block, Sector - III, Bidhannagar, Kolkata -
700106, West Bengal

Memo No. SUDA-15014(17)/1/2022-ENGG SEC(SUDA)-SUDA/7810

Dated 07.03.2022

MEMORANDUM

Administrative Approval and Financial Sanction (AA&FC) is hereby accorded for an amount of Rs. 1,47,84,459.00 (One Crore Forty Seven Lakhs Eighty Four Thousand Four Hundred Fifty Nine Only) for Kharagpur Municipality towards the scheme “Constructio of concrete Road for Shiv Mandir to Hiradi dumping ground under Kharagpur Municipality”.

1. The site proposed for construction at all time should belong to Kharagpur Municipality.
2. Tenders are to be invited as per the extant orders of the Finance Department and the bids are to be closed and work order to be issued.
3. All the works should be done as per Schedule specification.
4. Funds to be released after receipt of the work order issued by the ULB.
5. Pre work and post work photographs are to be sent through email (sbm.wbsuda@gmail.com)

6. The work to be supervised by the Nodal Engineers of SWM from the ULB under the technical supervision of MED in consultation with programme Coordinator of Micro Planner/ Facilitation Organization.
7. Expenditure to be charged out of the SBM fund of SUDA.
8. The fund sanctioned is to be utilized for no other purpose other than the purpose for which it has been allotted.
9. Utilization Certificate is to be submitted (as per standard format, copy annexed) and mailed to sbm.wbsuda@gmail.com

All concerned be kept informed.

Sd/-

Additional Secretary, UD & MA Department

Additional Director, SUDA

No. SUDA-15014(17)/1/2022-ENGG SEC(SUDA)-SUDA/7810 Dated
07.03.2022

Copy forwarded for kind information to:

1. Executive officer, Kharagpur Municipality
2. Chief Engineer, MED.
3. Finance Officer, SUDA with the request to transfer the funds to the designated bank account of Kharagpur Municipality.
4. Finance Officer, Kharagpur Municipality.
5. PS to Principal Secretary, UD & MA Department, Govt. of West Bengal.

6. PS to Hon'ble MoS (IC), UD & MA Department, Govt. of West Bengal.

Sd/-

Additional Secretary, UD & MA Department

Additional Director, SUDA

Tel: 2358-6403/5767, fax: 23585800, Email: wesuda@gmail.com

Account Section: 23586408

//TRUE COPY //

STATE URBAN DEVELOPMENT AGENCY

ANNEXURE R4/2

“ইলগাস ভবন”, এইচসি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, HC Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

Memo No.: SUDA-787/2020/7865

Date: ০৭.০৩.২০২২

From: Shri Supriya Ghoshal, WBCS(Exe.),
Director, SUDATo: Managing Director,
Simoco Telecommunications (South Asia) Limited
& M/S Environ Solution

LETTER OF ACCEPTANCE CUM WORK ORDER

Sub: Letter of Acceptance cum Work Order for design, build, finance, operate and transfer of Municipal Wet Waste processing facility based on Composting and/or Bio-methanation Technology, setting up Semi-Automatic Material Recovery Facility for Dry Waste and construction of Sanitary Landfill (as per required size) along with operation & maintenance for 10 years (Renewable) under Swachh Bharat Mission/ Mission Nirmal Bangla for **Kharagpur Municipality** in West Bengal.

Ref: NIT No.: SUDA-787/2020/8153 dated 29.01.2021

Sir/Madam,

With reference to the above subject, this is to inform you that your offer for design, build, finance, operate and transfer of Municipal Wet Waste processing facility based on Composting and/or Bio-methanation Technology, setting up Semi-Automatic Material Recovery Facility for Dry Waste and construction of Sanitary Landfill (as per required size) along with operation & maintenance for 10 years (Renewable) under Swachh Bharat Mission / Mission Nirmal Bangla (U) for **Kharagpur Municipality** in West Bengal has been accepted by the Competent Authority of the Urban Development & Municipal Affairs Department for being the lowest financial bidder. Hence, you are requested to start the work as mentioned in the NIT at your offered rate i.e **Rs.367.00 (Rupees Three hundred Sixty-Seven only) per metric ton** inclusive of all taxes & duties and GST which will be increased by 3% after completion of every successive five (5) years. The work is to be executed in compliance with all terms and conditions as mentioned in the bid document.

You are hereby requested to please execute a formal tripartite agreement with the undersigned and Kharagpur Municipality **within fifteen (15) days** from the date of issue of this Letter of Acceptance cum Work Order and submit to this Office as per the terms and conditions mentioned in the tender document, failing which this Letter of Acceptance cum Work Order will be treated as cancelled.

The date of commencement of the said work will be reckoned from the date of receipt of this letter and shall remain valid for a period of **10 Years 09 Months**.

The entire work will have to be executed as per scope of work and terms and conditions in the NIT, tripartite agreement and as stipulated below:

1. You have to complete the entire work within stipulated time period as mentioned in the NIT.

দূরভাষ : ২৩৫৮ ৬৪০৩ / ৫৭৬৭, ফ্যাক্স : ২৩৫৮ ৫৮০০

Tel : 2358 6403/5767, Fax : 2358 5800, E-mail : wbsudadir@gmail.com

Account Section : 2358 6408

STATE URBAN DEVELOPMENT AGENCY

“ইলগাস ভবন”, এইচসি ব্লক, সেক্টর-৩, বিধাননগর, কলকাতা-৭০০ ১০৬, পশ্চিমবঙ্গ

“ILGUS BHAVAN”, HC Block, Sector - III, Bidhannagar, Kolkata - 700 106, West Bengal

2. Payment terms: As per commercial terms & conditions of NIT.
3. Penalties: As per Terms of Reference (ToR) of NIT

The work will be executed subject to the supervision and control of the Engineers of State Urban Development Agency on behalf of the Urban Development and Municipal Affairs Department, Government of West Bengal along with Engineers of ULBs and subject to periodic appraisals and on-site tests conducted by the statutory authorities including but not limited to the Central Pollution Control Board (CPCB) and West Bengal Pollution Control Board (WBPCB). Compliance to the periodic directions by the Hon'ble National Green Tribunal are to be adhered to within the given timeline.

The company shall remain fully liable and indemnify the State Government for imposition of penalty / fine in the event of any adverse reports / failure reports conducted by the WBPCB or the CPCB as the Statutory authorities.

Shri Dipak Naskar, Superintending Engineer, SUDA shall be the overall in-charge of the project assisted by other Engineers of SUDA.

You are further requested to submit acceptance letter to this end **within seven (7) days** from the date of issuance of Letter of Acceptance cum Work Order.

This communication supersedes the earlier Letter of Acceptance (LoA), issued vide memo no. SUDA-787/2020/5904 dated 23.12.2021. This letter is to be treated as Letter of Acceptance cum Work Order.

Yours faithfully,



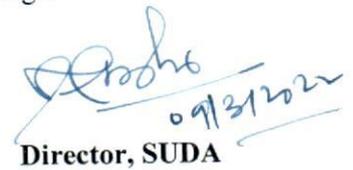
Director, SUDA

Memo No.: SUDA-787/2020/7865/1(11)

Date: 09.03.2022

Copy forwarded for kind information to:

- (1) District Magistrate, Paschim Medinipur, Govt. of West Bengal
- (2) Shri A. Kr. Sarkar, FA, UD&MA Department, Govt. of West Bengal
- (3) Shri A. Mukhopadhyay, Additional Secretary, UD&MA Department, Govt. of West Bengal
- (4) Shri J. Chaudhuri, Additional Secretary, UD&MA Department, Govt. of West Bengal
- (5) Shri A. Ray, FA, SUDA, Govt. of West Bengal
- (6) Shri A. Das, Deputy Director, SUDA, Govt. of West Bengal
- (7) Shri G. Hore, FO, SUDA, Govt. of West Bengal
- (8) Shri D. Naskar, SE, SUDA, Govt. of West Bengal
- (9) Executive Officer, Kharagpur Municipality, he has been nominated as the authorized signatory in the tripartite agreement on behalf of the Municipality.
- (10) Private Secretary to Hon'ble MIC, UD & MA Department, Govt. of West Bengal
- (11) PS to Principal Secretary, UD & MA Department, Govt. of West Bengal



Director, SUDA

ANNEXURE R4/3

OFFICE OF THE
KHARAGPUR MUNICIPALITY
P.O. – KHARAGPUR, DISTRICT- PASCHIM MEDINIPUR, PIN-
721301.

Phone No.- 03222-257080, Fax No.- 03222-255347.

e- mail: cmkgpmty@gmail.com

Memo No.: 728/K.M.

Dated: 05.04.2022.

To,

The Simoco
Simoco telecommunications (South Asia) Limited,
Godraj Genesis Bulding (2nd Floor), Block EF & GP, Sector – V
Bidhannagar, Kolkata-700091.

Sub: No.- objection letter

It is herby for your necessary information that Kharagpur Municipality has no objection regarding formation of setup, design, building structure, operation and other related works regarding SWM Project at Hiradi (SWM processing unit) under Kharagpur municipality, following the guideline of SUDA as per LOA cum Work Order (SUDA – 787/2020/7865; dated – 09.03.22).

Thanking you,

Sd/-
Chairman,
Kharagpur, municipality,

Memo No.: 728/1(6) K.M.

Dated: 05.04.2022

Copy forwarded to: -

1. The director, SUDA for information and necessary intervention.
2. Executive Officer, Kharagpur Municipality.
3. Nodal Engineer of SWM, Kharagpur Municipality.
4. Nodal Officer of SWM, Kharagpur Municipality.
5. Assistant Nodal Officer of SWM, Kharagpur Municipality.
6. Office File.

Sd/-
Chairman,
Kharagpur, municipality,

//TRUE COPY//