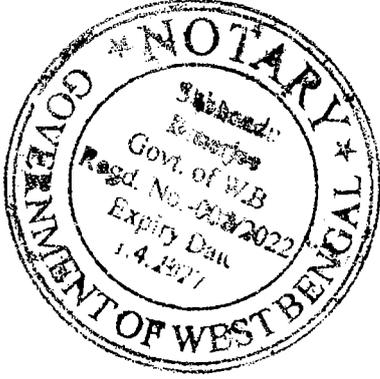


SL. No.- 20/23

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No.152/2022/EZ



In the matter of:

Ankur Sharma

.... Applicant

-Versus-

The State of West Bengal & Ors.

..... Respondents

Compliance Report in the Form of Affidavit on behalf of the respondent Number 06, Kolkata Municipal Corporation.

INDEX

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1.	Affidavit		1-6
2.	The copy of the said proposal dated 28.02.2023	'R-1'	7-8A
3.	Copy of the report dated 17.03.2023	'R-2'	9

Filed by

Susmita Chatterjee

Susmita Chatterjee
Advocate

Enrolment No.:F/377/364/2011

For The Kolkata Municipal Corporation

(M) : 9748713532

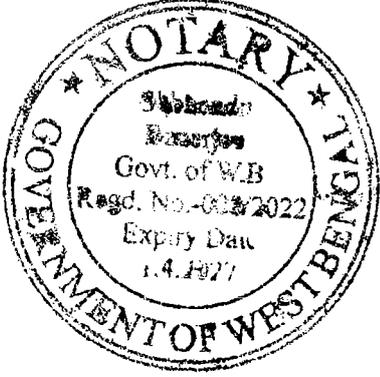
Email : advocatesusmita2018@gmail.com

30 MAR 2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No.152/2022/EZ



In the matter of:

Ankur Sharma

.... Applicant

-Versus-

The State of West Bengal & Ors.

..... Respondents

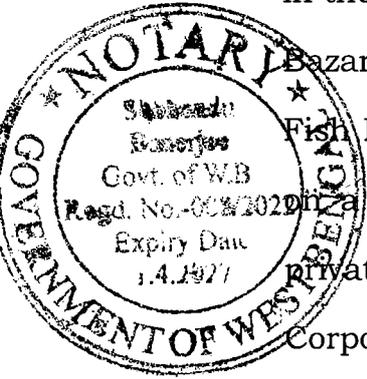
COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 06, KOLKATA MUNICIPAL CORPORATION.

I, Sanjib Kumar Bose, son of Late Rabindra Nath Bose, aged about 57 years, by faith-Hindu, by occupation- Executive Engineer (SWM-I), and presently posted in the Department of Solid Waste Management Department, Kolkata Municipal Corporation, having office at 48, Market Street, Kolkata- 700087, do hereby solemnly affirm and declare as follows:-

1. That I am presently posted as Executive Engineer Solid Waste Management Department, Kolkata Municipal Corporation, having office at 48, Market Street, Kolkata- 700087 and I am well acquainted with the facts and circumstances of the case and as such I am competent to swear, sign and affirm this affidavit.

2. That this Affidavit is being filed in compliance to the Solemn Order dated 03.03.2023, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

3. That in pursuance of the solemn Order dated 06.12.2022 and 03.03.2023, the Kolkata Municipal Corporation has conducted a joint meeting on 17.02.2023 with the B.K. Paul Bazar, Paikari Matshya Byabasayee Samity i.e. known as Patipukur Fish Market Association in the said application. It is pertinent to mention herein that B.K. Paul



Bazar, Paikari Matshya Byabasayee Samity i.e. known as Patipukur Fish Market Association in the said application carries their business on a private land which is owned by the Fish Market association i.e. the private respondent and it is not a directly Kolkata Municipal Corporation regulated market. On 28.02.2023 Patipukur Fish Market Association submitted the proposal in Bengali vernacular language before the Kolkata Municipal Corporation. The following are the proposals made by the Patipukur Fish Market Association before the Kolkata Municipal Corporation for to formulate the proper disposal plan and ongoing activity to clear municipal solid waste of the market are the followings :-

- i) The fish market association provide 8 numbers of cleaning staff to clean the inside and the outside of the market regularly.
- ii) On the basis of sales of whole sale fish the waste which were accumulated are divided in four categories (a) Plastic, (b) jute,

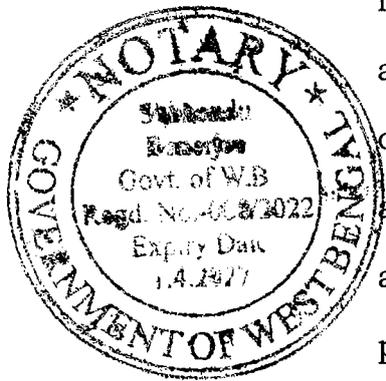
(c) broken thermacal, (d) sal leaves and others. Out of this waste plastic, thermacal and jute where again reused by the market association.

iii) Apart from the regular cleaning process on Sunday on every week special cleaning process are done by the cleaning staff of the fish market association.

iv) Presently one compactor vat is presently station near the market where the waste accumulated by the market association are not being allowed to be used by the market association by disposing the waste in the compactor vat. If the waste vat are allowed to be used by the market association then the proper and speedy disposal of the waste accumulated by the market is possible.

v) Presently there are cleaning staff employed by the market association for cleaning the frontal road area of the market.

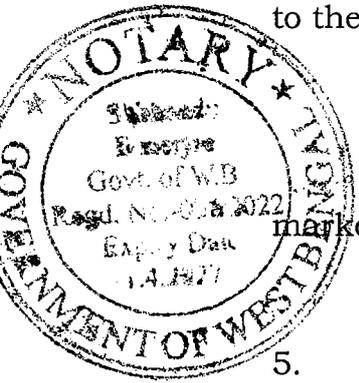
vi) The market association also observe that apart from the waste accumulated due to the daily business of the market association the waste of the neighboring slum area of the other neighborhood where also disposed in the waste disposal vat of the market area for which the road connecting the market are field with waste as well as some time the drain was also clogged



for which one monthly cleaning shall be conducted under the supervision of the municipal authority.

The copy of the said proposal dated 28.02.2023 is annexed hereto and marked with the letter "R-1".

4. That the Kolkata Municipal Corporation has agreed with the proposals made by the Patipukur Fish Market Association with regard to the paragraph No.1, 2, 3, 5 and 7 of the letter dated 28.02.2023.



Copy of the report dated 17.03.2023 is annexed hereto and marked with the letter "R-2".

5. That with regard to the proposal No.4 as abovementioned presently the nearby compactor is assigned only to collect and dispose of dry segregated waste generated within KMC jurisdiction area. In line with the request received from the Patipukur Fish Market Associations and others, they will shortly be allowed to use the same compactor collecting wet waste and for taking dry waste another location has already been finalized.

6. That with regard to the proposal No.6 as abovementioned complaint for illegal throwing and dumping of garbage by nearby slum area, activities like continuous awareness programs and notice for imposing fine/penalty will be issued within short period for minimizing such kind of illegal activity. Regarding cleaning of

underground drain/pit near the Fish market area, C.M.E. (Civil) department of Borough-I has already been communicated for maintaining the cleaning activity of the underground drain/pit near the fish market area throughout the year.

7. As per the records from the Car parking department of Kolkata Municipal Corporation it is found that about 15 number of car parking spaces are allotted to the Patipukur Fish Market association with the agent code No.716. Such allotment were done on the exclusive basis on Khudiram Bose Sarani. The allotment are valid till 31.03.2023.

8. That it is therefore respectfully prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper in the interest of justice.

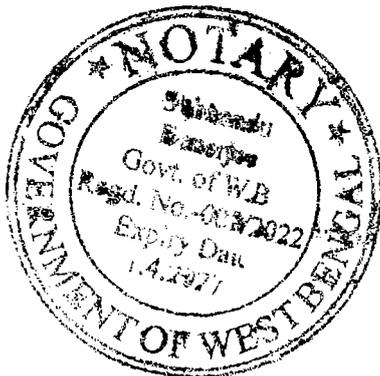
Identified by me

Susmita Chatterjee
F/377/364/2011
Advocate

For The Kolkata Municipal Corporation.

Sanjib Kumar Bose.

E.E (C)/Dy. Director(SWM-I)
SWM Department, K.M.C
Deponent



30 MAR 2023

VERIFICATION

Verified at Kolkata by the deponent abovenamed on this the day of
 March, 2023 and say that the contents of this affidavit made in
 paragraph Nos.1 is true to my knowledge and those made in
 paragraph No.2 to are true to my information derived from records
 and rest are my respectful submission before this Hon'ble Tribunal.

Verified by me

Susmita Chatterjee
 F/377/364/2011
 Advocate

Sanjib Kumar
 Bose

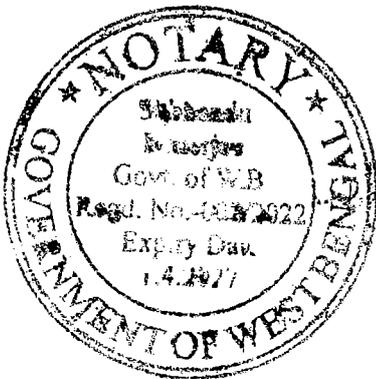
E.E (C)/Dy. Director(SWM-I)
 SWM Department, K.M.C

For The Kolkata Municipal Corporation.

Solemnly Affirmed and
 Declared before me U/S 139
 CPC, U/S 297 (C) Cr. P. C

Notary

30.3.2023



SUBHENDU BANERJEE
 Notary, Govt. of W.B.
 Regd. No.-008/2022
 Advocates, High Court, Calcutta

30 MAR 2023

- 7 -
B. K. Paul Bazar

R-2

☎ : 2558 8517

PAIKARI MATSHYA BYABASAYEE SAMITY

বি. কে. পাল বাজার পাইকারী মৎস্য ব্যবসায়ী সমিতি

62B, KHUDIRAM BOSE SARANI

KOLKATA - 700 037

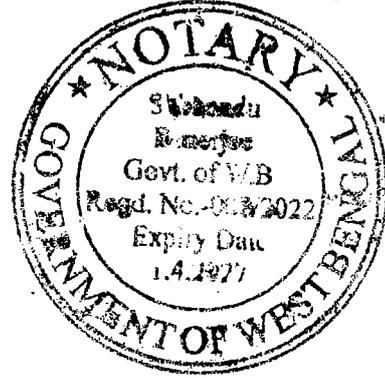
Regd. No. - S/58867



Ref. No.

Date 28/02/23

To,
The Asstt. Director,
SWM-1/BR-1,
Kolkata Municipal Corporation,
10, B.T. Road, Kolkata - 700002.



মাননীয় মহাশয়,

আপনার প্রদত্ত পত্রের তারিখঃ- ১৫.০২.২০২৩ এর জবাবে আপনাকে অবগত করার জন্য নিম্নলিখিত বিষয় গুলো নিবেদন করছিঃ-

- ১) আমরা দৈনন্দিন ভিত্তিতে মোট ৮ (আট) জন সাফাই কর্মচারী নিয়োগের ভিত্তিতে বাজারের ভিতর এবং বাইরে পরিষ্কার করে থাকি।
- ২) দৈনন্দিন মাছ বিক্রির পরিপ্রেক্ষিতে যে সকল ময়লা / আবর্জনা জমা হয়, আমরা সেগুলো চারটি পর্যায়ে বিভক্ত করি (১) প্লাস্টিক, (২) চট, (৩) ভাঙ্গা-থার্মাকল, (৪) শাল পাতা এবং অন্যান্য। প্লাস্টিক, চট এবং থার্মাকল- এইগুলো আমরা পুনর্ব্যবহারের ব্যবস্থা করে থাকি।
- ৩) এই সকল দইনন্দিন নিত্যকর্ম বাদ দিয়ে সপ্তাহে একদিন প্রতি রবিবার আমরা বিশেষ সাফাই অভিযান ও করে থাকি।
- ৪) বর্তমান বাজারের পাশে যে Compactor Vat টি আছে সেটিতে আমাদের আবর্জনা না ফেলতে দেবার দরুন আমরা এক নতুন সমস্যার সম্মুখীন হয়েছি। অনুগ্রহ করে এই vat টি তে যদি আমাদের আবর্জনা গুলো ফেলবার ব্যবস্থা করে দেন তাহলে উপকৃত হব।

৩৩৪

২৪.০২.২৩

S. Biswas

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B.K. Paul Bazar

PAIKARI MATSHYA BYABASAYEE SAMITY

62B, KHUDIRAM BOSE SARANI

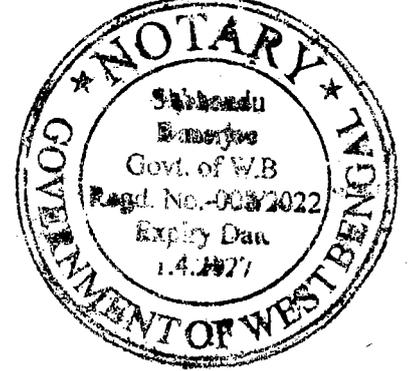
KOLKATA-700037

Regd. No.S/58867

Ref. No.....

Date : 28/02/23

To
The Asstt. Director,
SWM-1/BR-1,
Kolkata Municipal Corporation,
10, B.T. Road, Kolkata-700002.



Dear Sir,

In reply to your letter dated 15.02.2023 it is hereby informed you regarding the certain issues as mentioned below herein are the following :-

- i) The fish market association provide 8 numbers of cleaning staff to clean the inside and the outside of the market regularly.
- ii) On the basis of sales of whole sale fish the waste which were accumulated are divided in four categories (a) Plastic, (b) jute, (c) broken thermacal, (d) sal leaves and others. Out of this waste plastic, thermacal and jute where again reused by the market association.
- iii) Apart from the regular cleaning process on Sunday on every week special cleaning process are done by the cleaning staff of the fish market association.
- iv) Presently one compactor vat is presently station near the market where the waste accumulated by the market association are not being allowed to be used by the market association by disposing the waste in the compactor vat. If the waste vat are allowed to be used by the market association then the proper

- 8 -
B. K. Paul Bazar

☎ : 2558 8517

PAIKARI MATSHYA BYABAS SAMITY

বি. কে. পাল বাজার পাইকারী মৎস্য ব্যবসায়ী সমিতি

62B, KHUDIRAM BOSE SARANI

KOLKATA - 700 037

Regd. No. - S/58867



Ref. No.

Date

৫) আমাদের বাজারের সামনের রাস্তা পরিষ্কার করবার জন্য মোট ৪ জন কর্মী নিয়োগ করেছি, যারা দৈনন্দিন ভিত্তিতে দত্তবাগান মোড় থেকে পাতিপুকুর রেল-ব্রীজ পর্যন্ত সম্পূর্ণ ভাবে নোংরা ও আবর্জনা পরিষ্কার করে এবং পরিষ্কার পরিচ্ছন্ন রাখবার ব্যবস্থা করি।

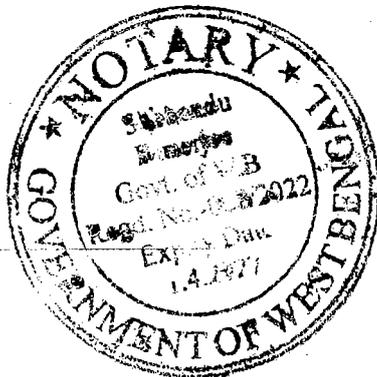
৬) বর্তমানে আমরা যে সমস্যার সম্মুখীন হয়েছি, তার মধ্যে ১) বেল্লাছিয়া বস্তি থেকে চটের বস্তা রোজ বাজারের বাইরের রাস্তায় ফেলে দিয়ে চলে যাচ্ছে, ২) বাজারের পার্শ্ববর্তী এলাকার মানুষজন তাদের সমস্ত আবর্জনা (লেপ, তোষক, গাছের ডাল ও অন্যান্য) সব সামগ্রী বাজারের সামনের রাস্তায় যখন তখন ফেলে দিয়ে চলে যাচ্ছে। এগুলোর একটা সুষ্ঠু সমাধান হবার প্রয়োজন আছে।

রাস্তার পাশে দাঁড়িয়ে থাকা গাড়ি গুলি সরিয়ে রাস্তা পরিষ্কারের জন্য আমাদের সমিতির তরফের সাফাই কর্মী আছে।

বাজারের সামনের নর্দমার পিট গুলো মাঝে মাঝে জ্যাম হয়ে যায়, সে গুলো মাসে একবার পরিষ্কার করে দিলে ভালো হয়।

বাজার এবং বাজারের বাইরে দৈনন্দিন ভিত্তিতে সম্পূর্ণ ভাবে পরিষ্কার পরিচ্ছন্ন রাখবার যে পরিকল্পনা আমরা করে চলেছি আগামী দিন গুলোতেও আপনাদের সহযোগিতায় এই কর্মকাণ্ড আমরা এগিয়ে নিয়ে যাব এবং এই কর্মকাণ্ড বিশদ ভাবে পরিস্ফুট হবার জন্য কিছু প্রতিচ্ছবি (Photo documentation) এই পত্রের সঙ্গে সংযুক্ত করলাম।

আশা করি এই পত্রের মাধ্যমে আমাদের বাজার এবং বাজারের বাইরের পরিষ্কার ও পরিচ্ছন্নতা সম্পর্কে আবগত করতে পারলাম।



ধন্যবাদান্তে,

B. K. PAUL BAZAR
PAIKARI MATSHYA BYABASAYEE SAMITY

President

২৪/০২/২৩

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B.K. Paul Bazar

PAIKARI MATSHYA BYABASAYEE SAMITY

62B, KHUDIRAM BOSE SARANI

KOLKATA-700037

Regd. No.S/58867

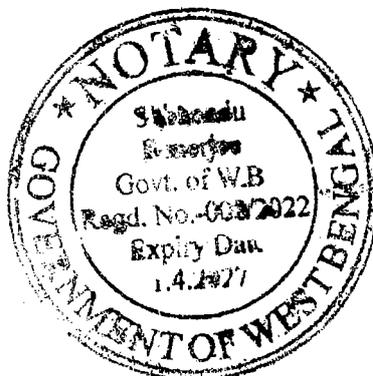
and speedy disposal of the waste accumulated by the market is possible.

- v) Presently there are cleaning staff employed by the market association for cleaning the frontal road area of the market.
- vi) The market association also observe that apart from the waste accumulated due to the daily business of the market association the waste of the neighboring slum area of the other neighborhood where also disposed in the waste disposal vat of the market area for which the road connecting the market are field with waste as well as some time the drain was also clogged for which one monthly cleaning shall be conducted under the supervision of the municipal authority.

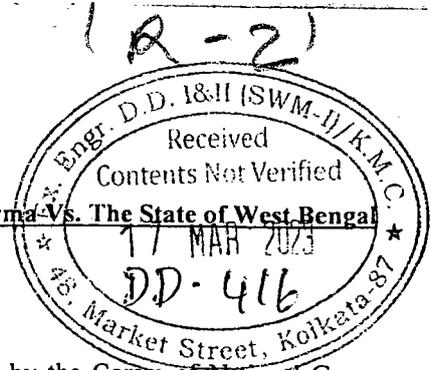
The market regularly required cleaning and for such the market association is taking several initiative to execute the cleanness programme and for which the necessary co-operation are regularly required from your office. The photos of such cleanness programme are annexed hereto with this letter.

It is expected that by this letter the present situation of the cleanness and waste disposal functions of the market and the area outside the market has been clearly informed hereby.

Thanking you,



9



Re: Report for arising out being Case No. OA: 152 of 2022 / EZ [Ankur Sharma Vs. The State of West Bengal & Ors.] before the Green Tribunal, Eastern Zone Bench at Kolkata.

Dy.CE(C)/SWM-I

Report followed by the Observations and Remarks / Recommendation passed by the Coram of National Green Tribunal comprising Hon'ble Justice Mr. Amit Sthalekar & Hon'ble Prof. A. Senthil Vel in line with the Case No. OA: 152 of 2022 / EZ [Ankur Sharma Vs. The State of West Bengal & Ors.] before the National Green Tribunal, Eastern Zone Bench, Kolkata dt. 10th February'2023.

Report

Market Associations have been called to attend a joint meeting on 17th February'2023 in the chamber of the undersigned and conducting site visit jointly to formulate the proper disposal plan. [Copy attached].

After the joint meeting with the Market Associations in the chamber of the undersigned on 17th February'2023 to formulate an effective disposal plan, they have submitted a brief report regarding the disposal plan on 28th February'2023 along with some color pictures substantiating the report and asking some assistance from the Kolkata Municipal Corporation.

On behalf of Solid Waste Management – I / Borough – I, we agree with the paragraph nos. 01, 02, 03, 05, 07 of the report received from the Market Associations dt. 28.02.2023 regarding disposal plan and ongoing activity to clear Municipal Solid Waste of the market.

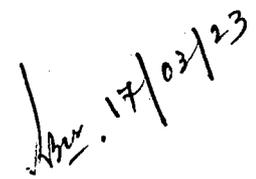
Regarding *Paragraph No 04*, presently the nearby compactor is assigned only to collect and dispose of dry segregated waste generated within KMC jurisdiction area. In line with the request received from the Patipukur Fish Market Associations and others, they will shortly be allowed to use the same compactor collecting wet waste and for taking dry waste another location has already been finalized.

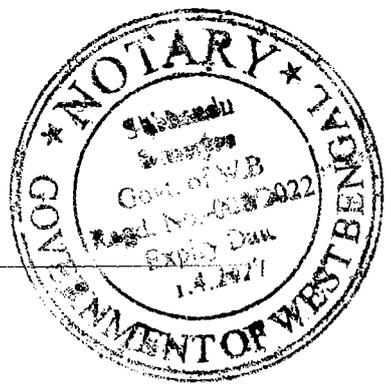
Regarding *Paragraph No 06*, complaint for illegal throwing and dumping of garbage by nearby slum area, activities like continuous awareness programs and notice for imposing fine/ penalty will be issued within short period for minimizing such kind of illegal activity.

Regarding cleaning of underground drain / pit near the fish market area, C.M.E(Civil) department of Borough – I has already been communicated for maintaining the cleaning activity of the underground drain / pit near the fish market area throughout the year.

Submitted for your kind perusal. pls.


Assistant Director (SWM-I/BR-I)


Ex. Engg(C)/Deputy Director (SWM-I)
Ex-Engr.(C)/S.W.M.I
K.M.C.



BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No.152/2022/EZ

In the matter of :
Ankur Sharma

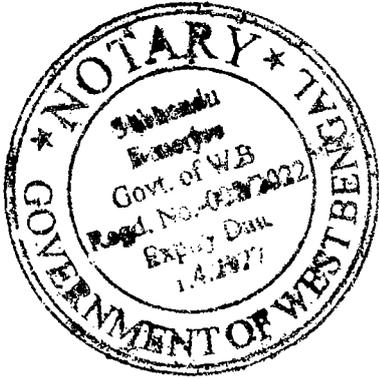
.... Applicant

-Versus-

The State of West Bengal & Ors.

..... Respondents

COMPLIANCE REPORT IN THE
FORM OF AFFIDAVIT ON
BEHALF OF THE RESPONDENT
NUMBER 06, KOLKATA
MUNICIPAL CORPORATION.



Susmita Chatterjee
Advocate
Enrolment No.:F/377/364/2011
High Court at Calcutta
Bar Association Room No.6
(M) : 9748713532
Email :

advocatesusmita2018@gmail.com

30 MAR 2023