

Before the Notary of  
Alipore Judges Court,  
Calcutta-27

*[Handwritten signature]*

**Before the National Green Tribunal, Eastern Zone Bench,  
Kolkata**

**Original Application No. 14/2017/EZ**

4/26/9/21

Read. No. ....

Tribunal on its own motion

...Applicant

Versus

The State of West Bengal and  
others.

....Respondents

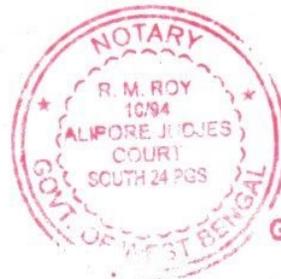


**AFFIDAVIT IN OPPOSITION ON BEHALF OF THE RESPONDENT  
NO. 4 i.e IRREGATION AND WATERWAYS DEPARTMENT ABOVE  
NAMED.**

I, Shri Prabhat Kumar Mishra, son of Late Satish Chandra Mishra, aged about 54 years, by faith: Hindu, working for gain as the Principal Secretary, Irrigation & Waterways Department, Government of West Bengal, having office at Jalsampad Bhawan, Salt Lake City, Kolkata - 700091, do hereby solemnly verify and say as follows :-

1. That I had made myself acquainted with the facts and circumstances of the instant case and am duly authorized and competent to make affirm this affidavit.

Rani Monjuri Roy  
Notary. Regd. No. 10/94  
Alipore Judges Court  
Room No. - 17  
Pond Side



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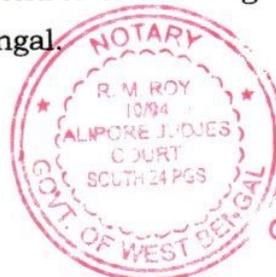
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2. That this affidavit is being affirmed in compliance to the solemn order passed by the Hon'ble Tribunal on 14.07.2021 and 23.09.2021.

3. That with full respect to the Hon'ble Tribunal, Irrigation and Waterways Department humbly submits that the status report with regard to cleaning of Bagjola and Kestopur Canal was prepared in compliance with order dated 14.07.2021 and was sent to the erstwhile Learned Advocate Sri Bikash Kargupta for settling, but the same was not received by the department from him in return. Sri Kargupta was then requested to supply the necessary instruction with regard to settling of the affidavit and supply of necessary papers and documents relating to this matter at the earliest. However, just a few days before the stipulated date for filing affidavit, erstwhile Learned Advocate Sri Bikash Kargupta informed the department that he has been replaced from conducting this case and is not in a position to settle and/or supply any papers and documents of this case to this department as requested. Immediately, thereafter, the Irrigation and Waterways Department, Govt. of West Bengal contacted the office of the Learned Legal Remembrance, Kolkata and came to know about the engagement of the present advocate in this matter at a very later stage and therefore there was no time left to settle and affirm the affidavit as directed. Hence, the affidavit in compliance with the order dated 14.07.2021 passed by the Hon'ble Tribunal could not be prepared and affirmed in due time which is neither intentional nor deliberate but due to the fact and circumstances which were beyond the control of the Irrigation and Waterways Department, Govt. of West Bengal.

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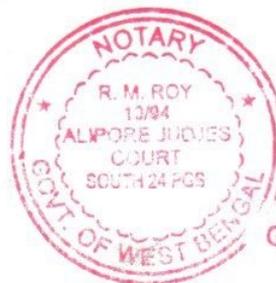
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4. That before dealing with the present status, I submit the following fact in brief before this Hon'ble Tribunal which is germane for the purpose of this adjudication of this matter :-

- (a) That the canal stretching from Dal Patti to Ultadanga Flyover is called New Cut Canal. The length of the canal is 2.0 km.
- (b) That the canal stretching from Ultadanga Flyover to Kantatala is called Kestopur Canal. The length of the canal is 16.50 km.
- (c) That the canal stretching from Kantatala to Kulti 14-vent sluice is called Bhangore Kata Khal. The length of the canal is 21.50 km.
- (d) That the aforesaid New Cut Canal, Kestopur Canal and Bhangore Kata Khal are altogether commonly known as Kestopur Canal.
- (e) That the canal stretching from B. T. Road at Kamarhati to 10-vent sluice at VIP Road is called Upper Bagjola Canal. The length of the canal is 9.235 km.
- (f) That the canal stretching from 10-vent sluice at VIP to Kulti Pump House is called Lower Bagjola Canal. The length of the canal is 28.80 km.
- (g) That the aforesaid Upper Bagjola Canal and Lower Bagjola Canal are altogether commonly known as Bagjola Canal.

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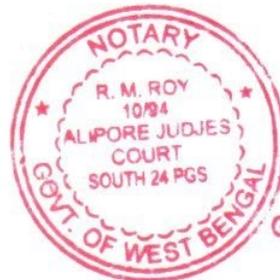
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- (h) That there are numerous drains are directly discharging untreated waters and solid waste garbage into both the said Kestopur Canal and Bagjola Canal.
- (i) That the inhabitants adjacent to both the canals are indiscriminately dumping solid wastes, plastics, thermocols and other garbage directly into the said canals bank and waterway.
- (j) That both the said canals at many places are encroached heavily by slums, temporary shops, hutments and by few pucca structures since long back.
- (k) That the said drains mostly do not have any end controlling system, like flap shutters, for preventing the backflow of water into the localities. With full respect to the Hon'ble Tribunal, Irrigation and Waterways Department humbly submits that such drains are neither constructed by nor are under the administrative control of Irrigation and Waterways Department.
- (l) That due to this solid waste dumping by the inhabitants in and around the canal and also solid waste discharge from numerous drains, these said canals are getting silted up in much higher rate than that of the normal siltation rate of these canals and which in turn reducing the capacity of these canals substantially.

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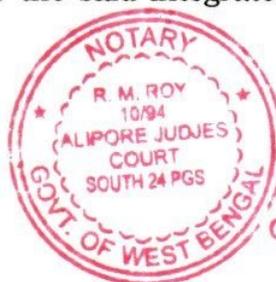
(m) That Irrigation & Waterways Department normally takes de-siltation work at the interval of 5 to 7 years depending on the siltation rate in the canals. Upper Bagjola Canal was last de-silted in the Financial Year 2019-2020. Lower Bagjola Canal was last de-silted in the Financial Year 2015-2016. New Cut, Kestopur and 15.50 km of Bhangore Kata Khal were last de-silted in the Financial Year 2014-2015.

5. That now I shall proceed to deal with the present status with regard to cleaning said canals relying upon the statement made hereinabove.

6. That Irrigation & Waterways Department is keeping both the said canals perennially clean from floating debris through Annual Maintenance Contract. This cleaning work is done by arresting floating garbage at different locations of the canals. This is a challenging task since there is unavailability of adequate suitable place for arresting, lifting and picking up garbage by trucks.

The Photographs showing canals after cleaning are annexed herewith and marked as **Annexure-R** collectively.

7. That Irrigation & Waterways Department is going to conduct a comprehensive survey work for important drainage canals responsible for draining out storm water and sewage from Kolkata Municipal Corporation and adjacent municipalities as well for assessing the siltation quantity in the canals. This includes New cut Canal, Kestopur Canal, Upper Bagjola & Lower Bagjola Canals. Accordingly, all the tender formalities for the said integrated survey



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have already been completed. The survey work will commence from 1<sup>st</sup> week of October, 2021 and will be completed within a month.

8. That after completion of survey work, Detailed Project Reports for de-siltation work will be prepared based on survey data and de-siltation at field will commence by December, 2021 and will be completed by the end of May, 2022.

9. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deem fit and proper in the interest of justice.

10. The statements made in paragraph 1 to 8 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Identified by me

Identified by me

Advocate Advocate

Solemnly affirmed and declared  
before me on identification of  
advocate at Alipore Judges Court,  
Calcutta under Notaries Act, 1952  
at.....

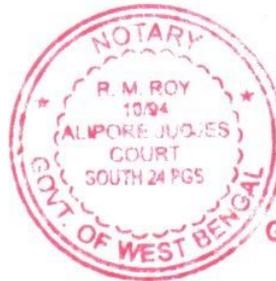
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Notary, Govt. of West Bengal  
Regd. No. 10/94

Prabhat Kumar Mishra

Deponent

Rani Monjuri Roy  
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Room No. - 17  
North Side

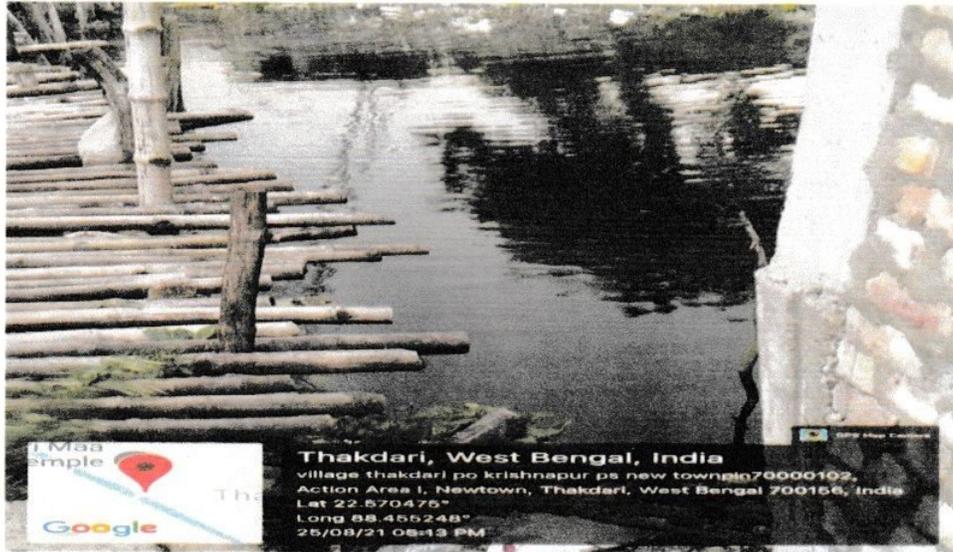


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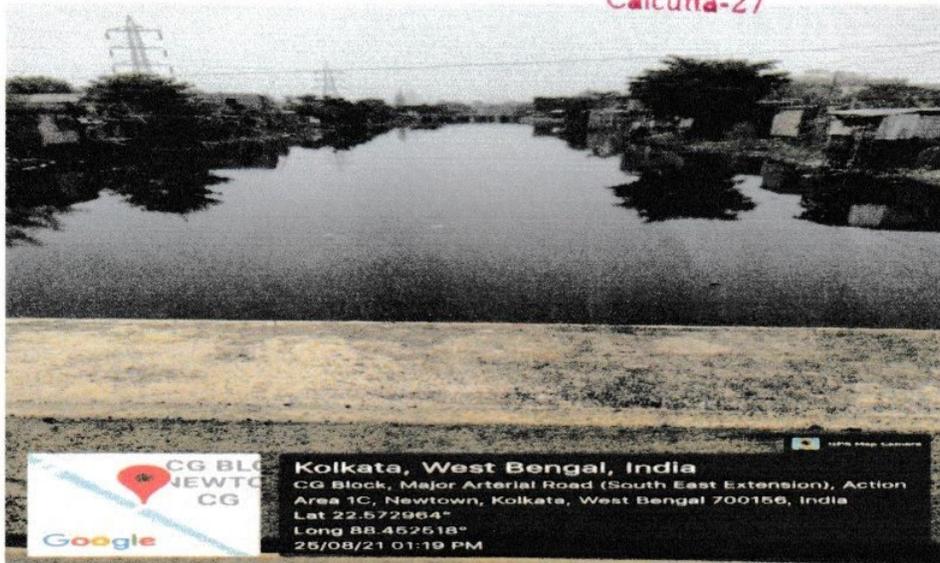
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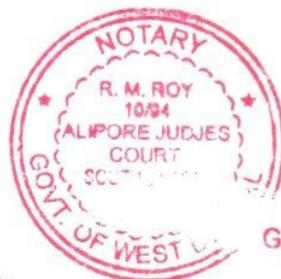
Annexure-R



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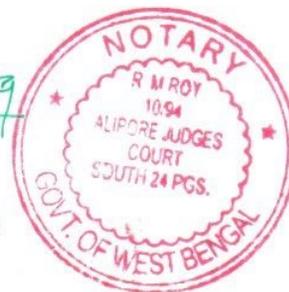
Photographs of Kestopor Canal (on 25/08/2021)



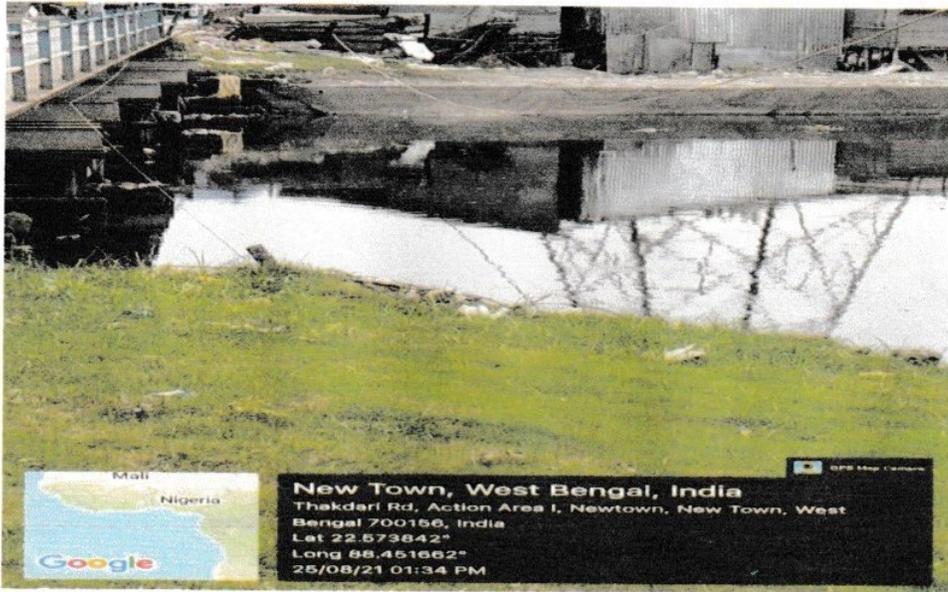
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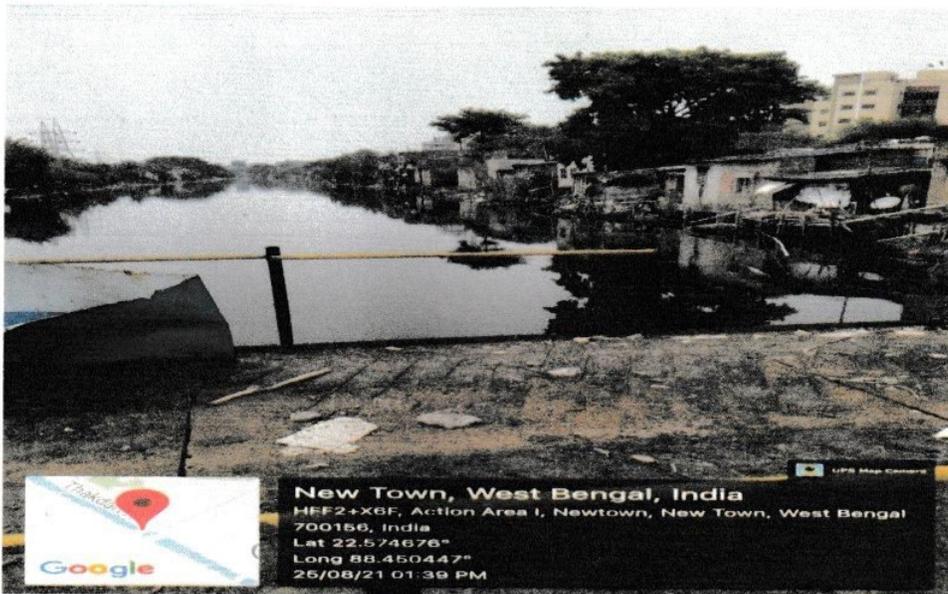
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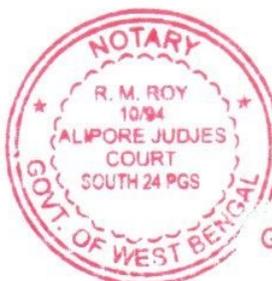
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Photographs of Kestopur Canal (on 25/08/2021)

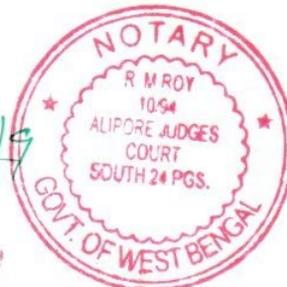
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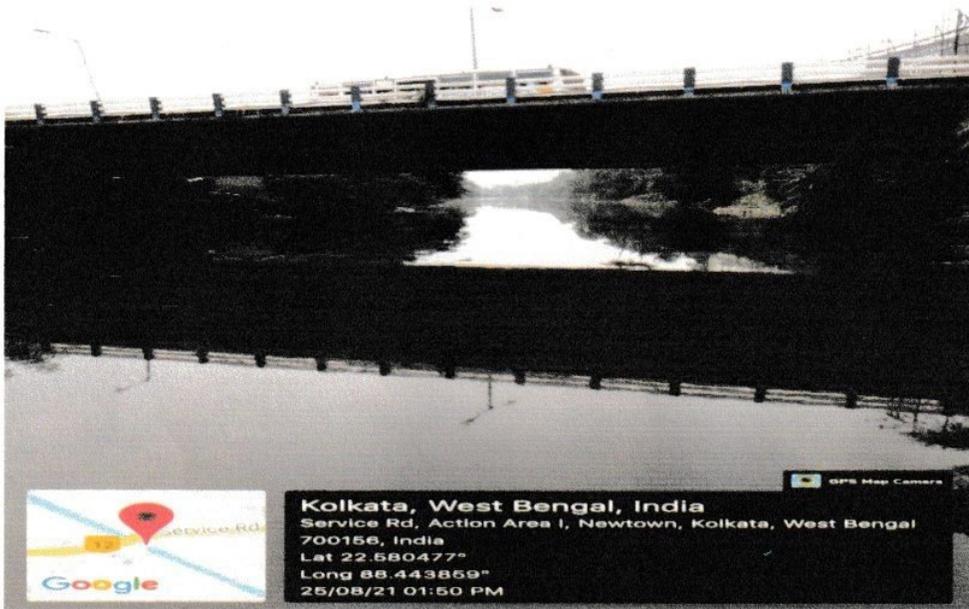
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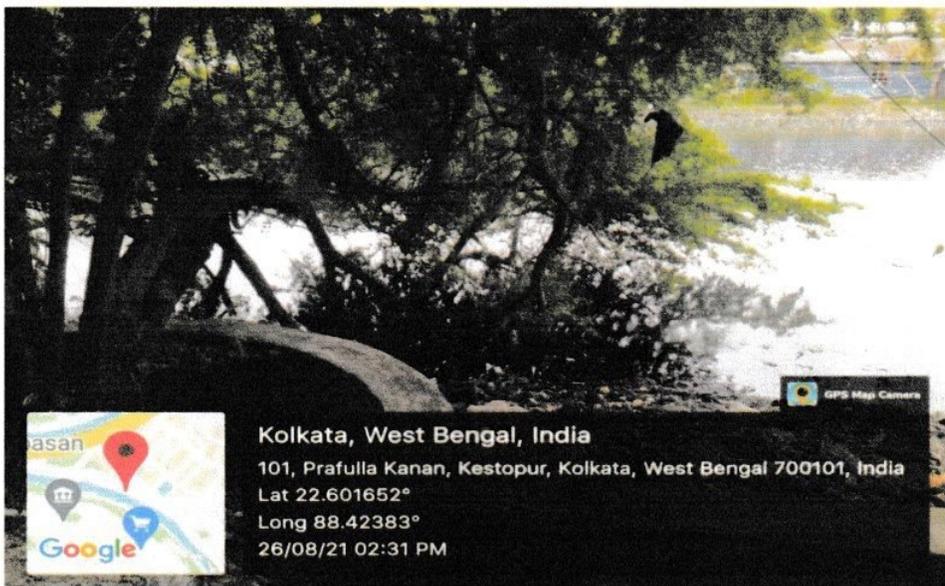
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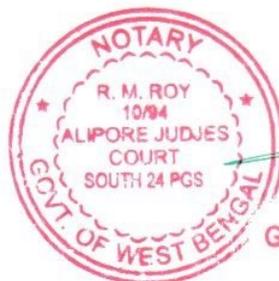


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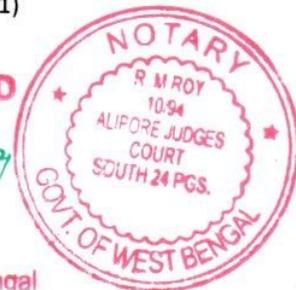


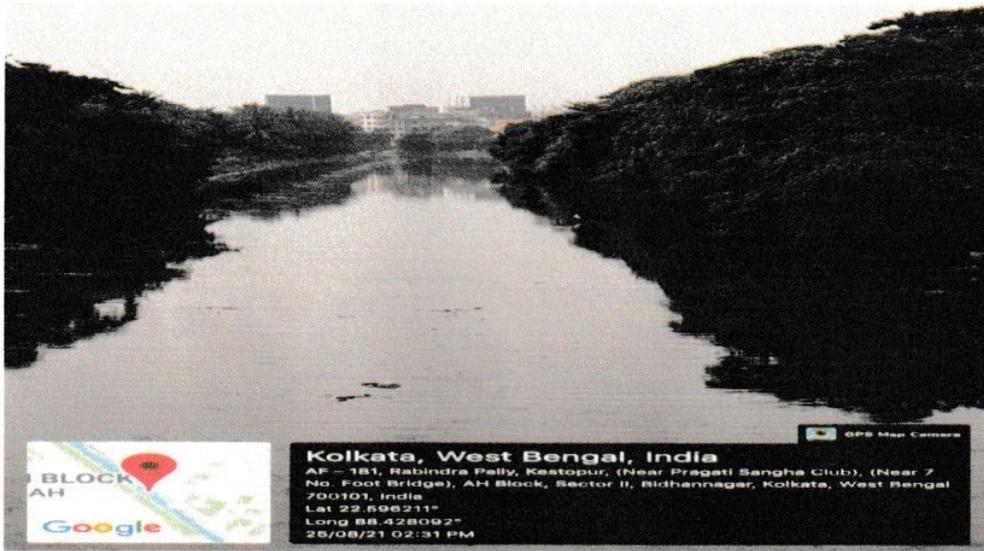
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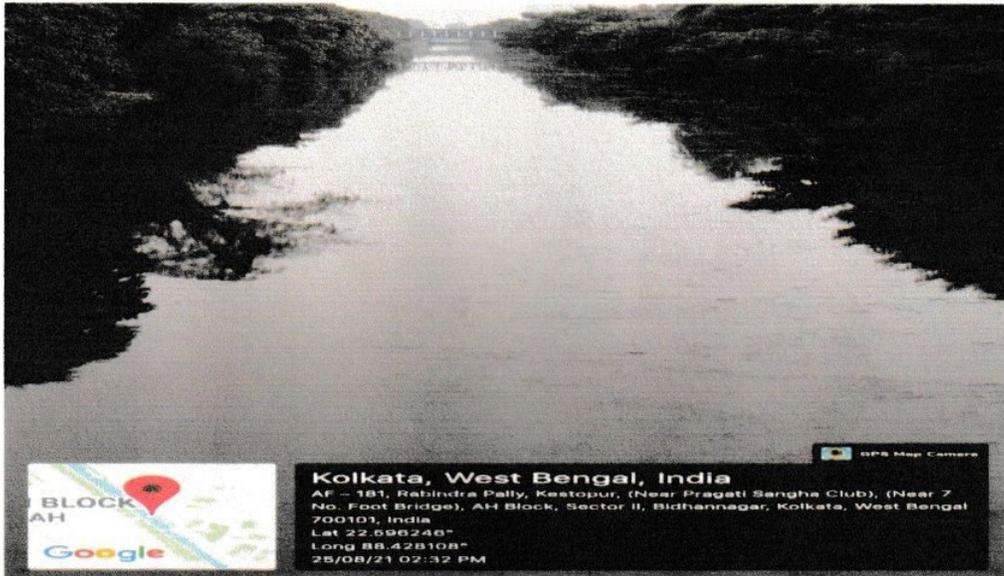
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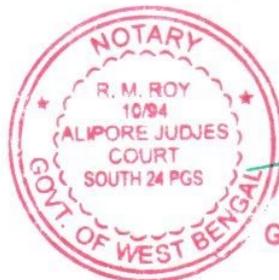


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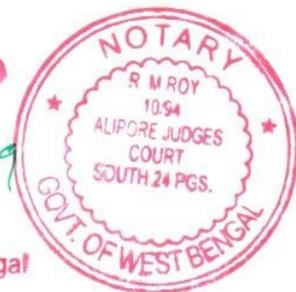


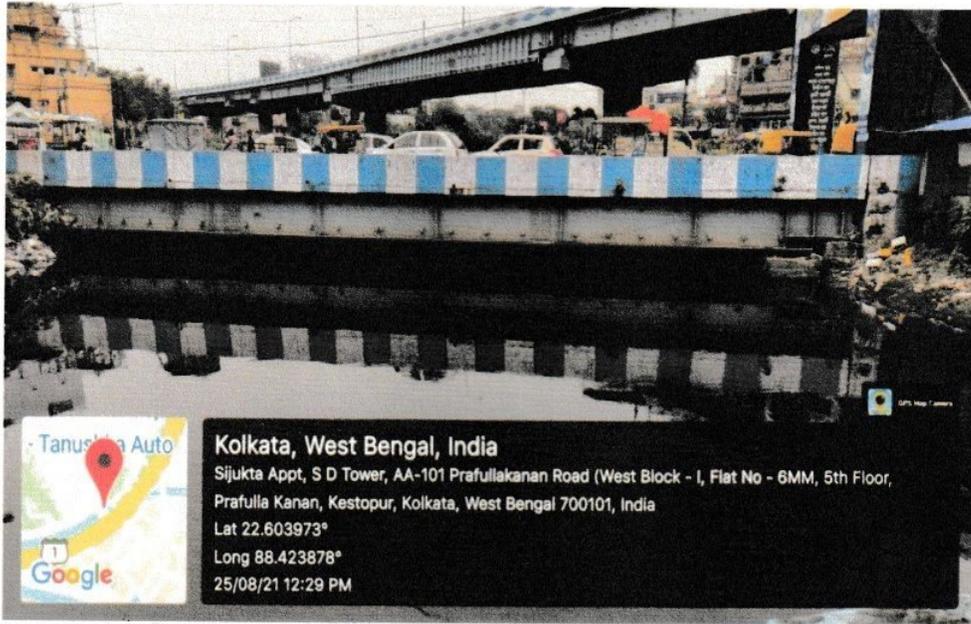
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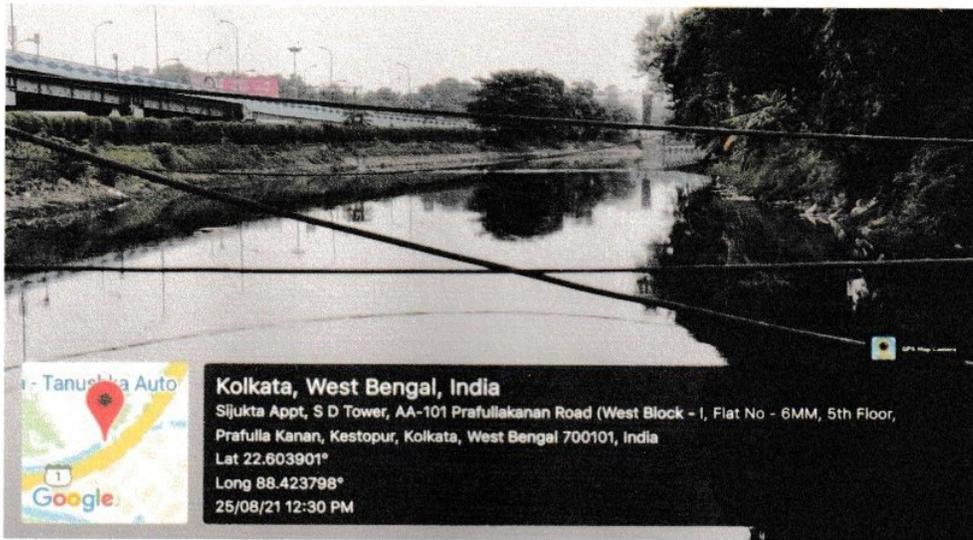


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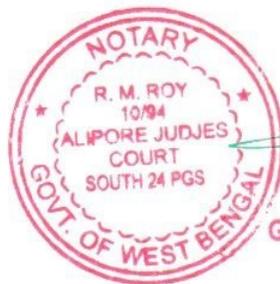




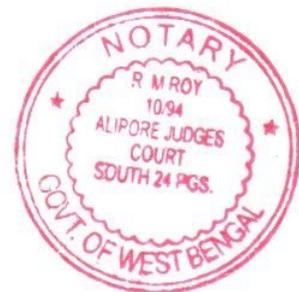
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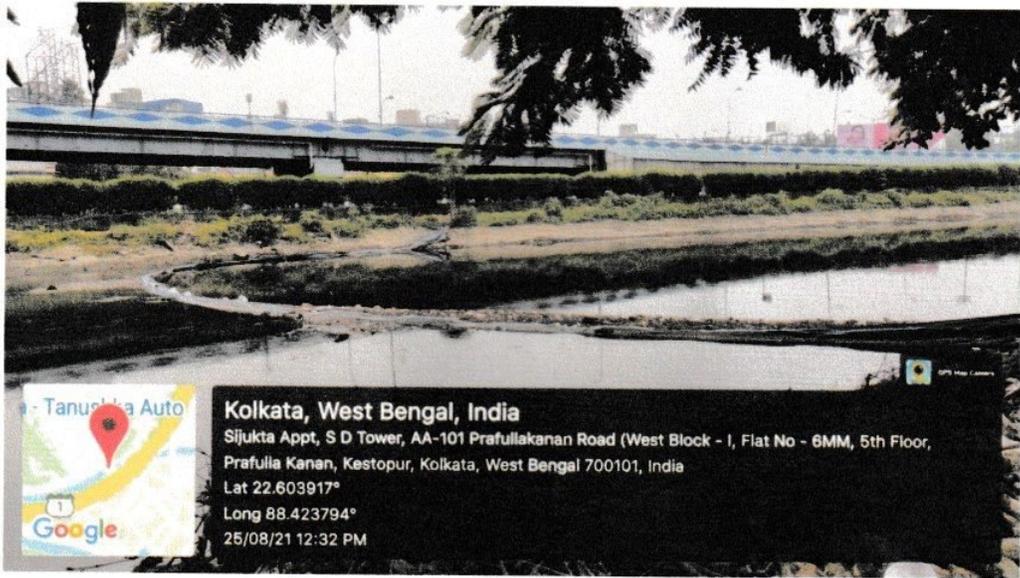
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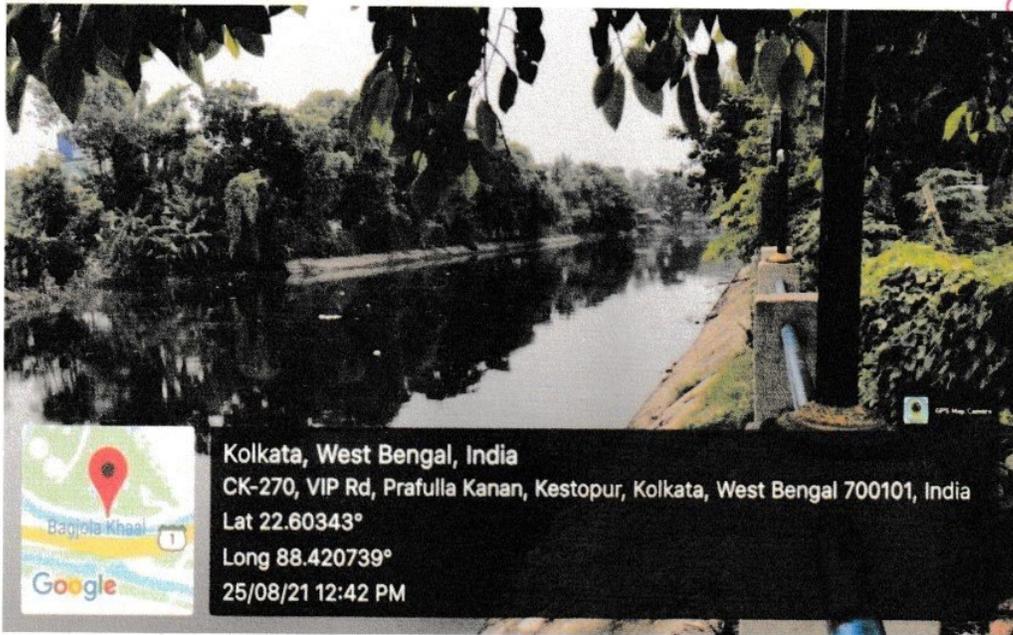
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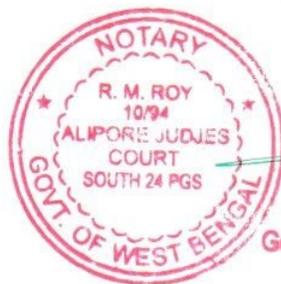
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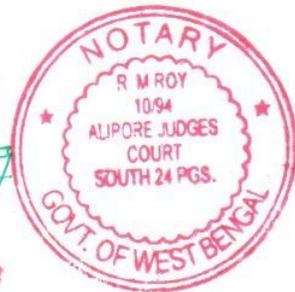
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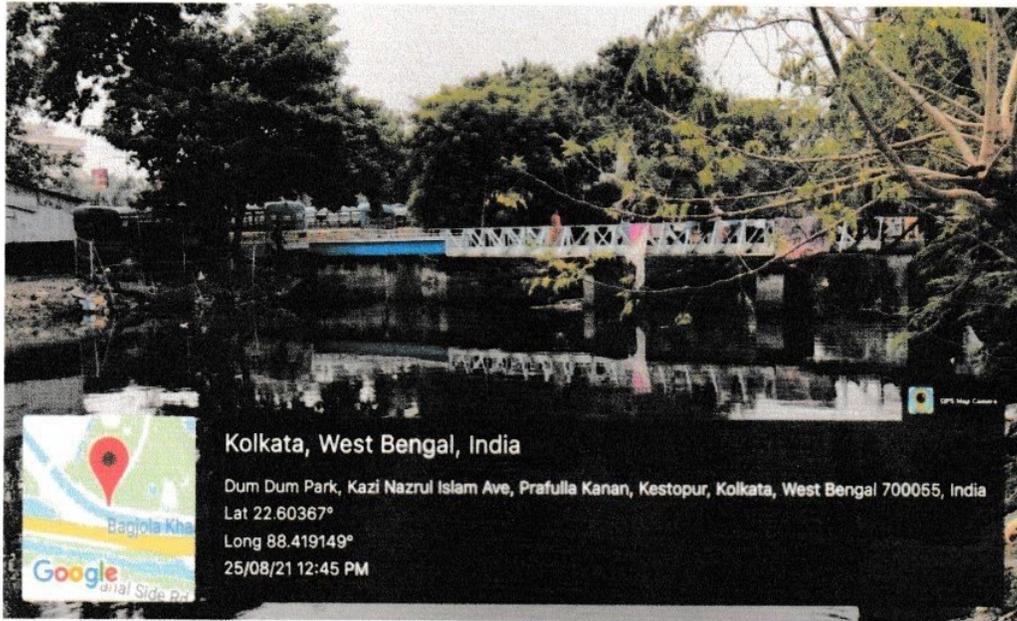
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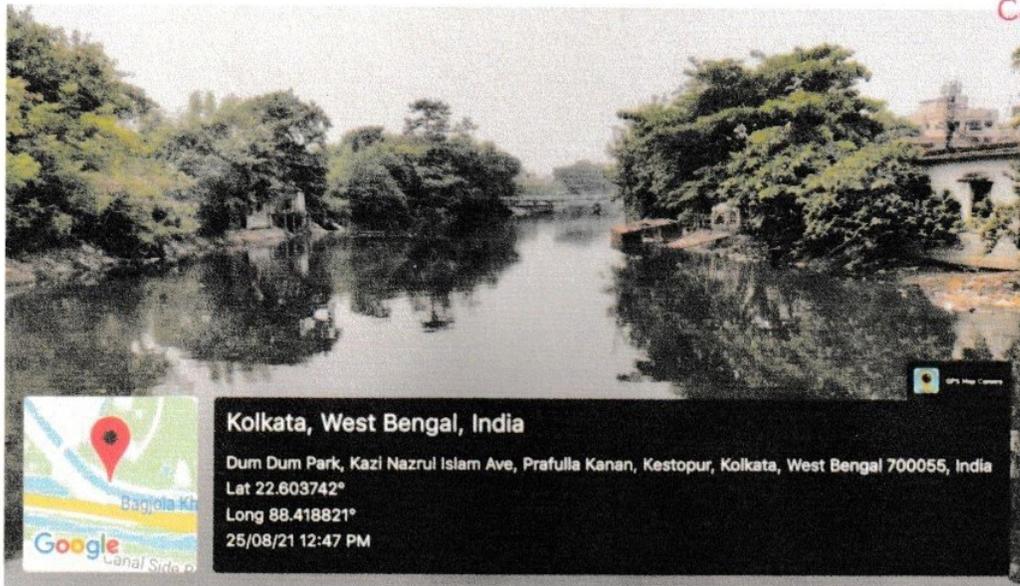
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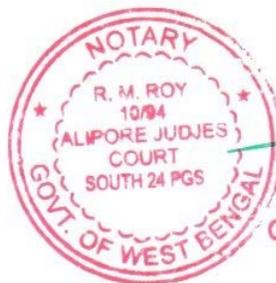


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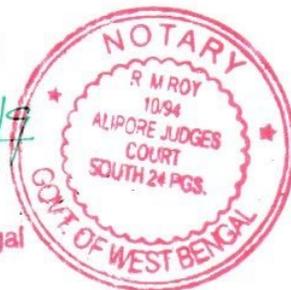


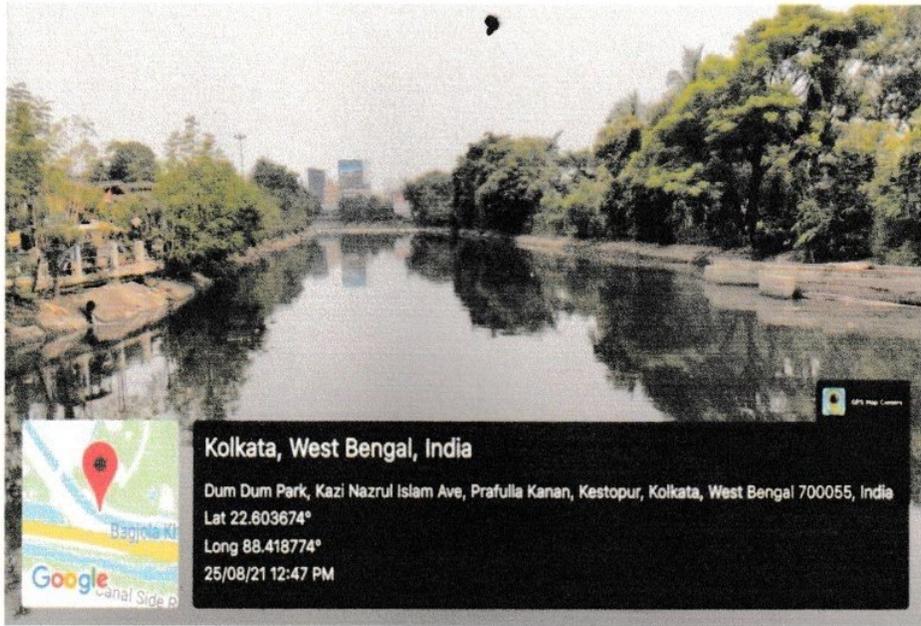
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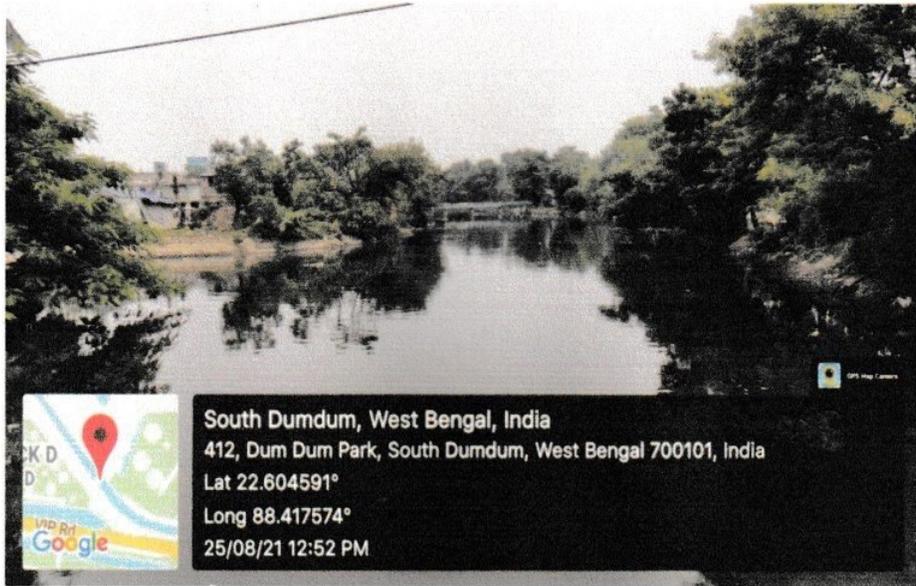


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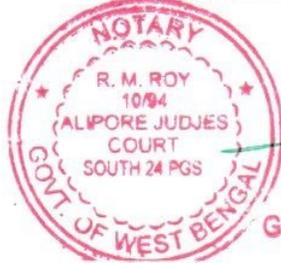


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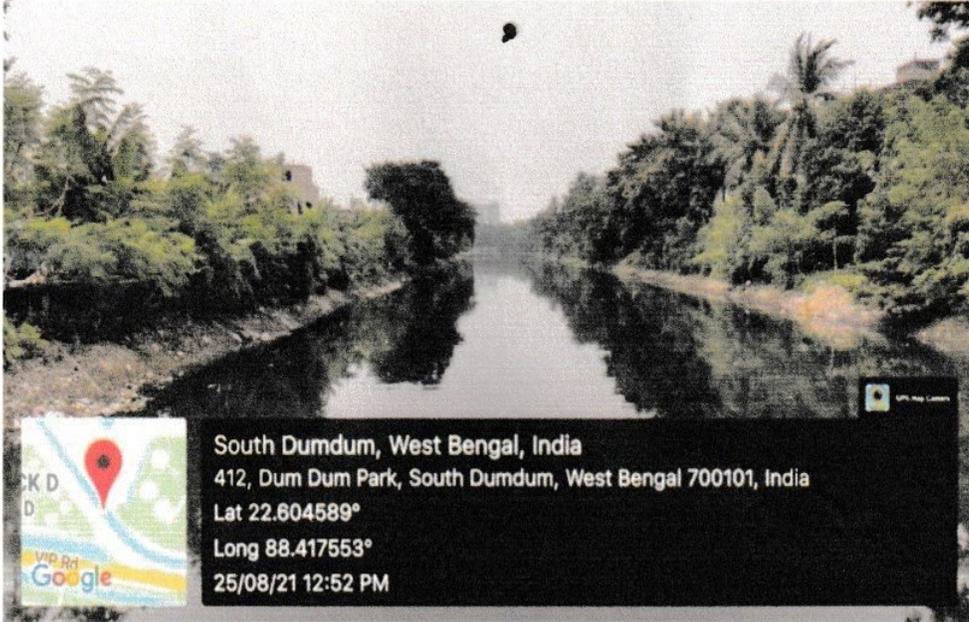


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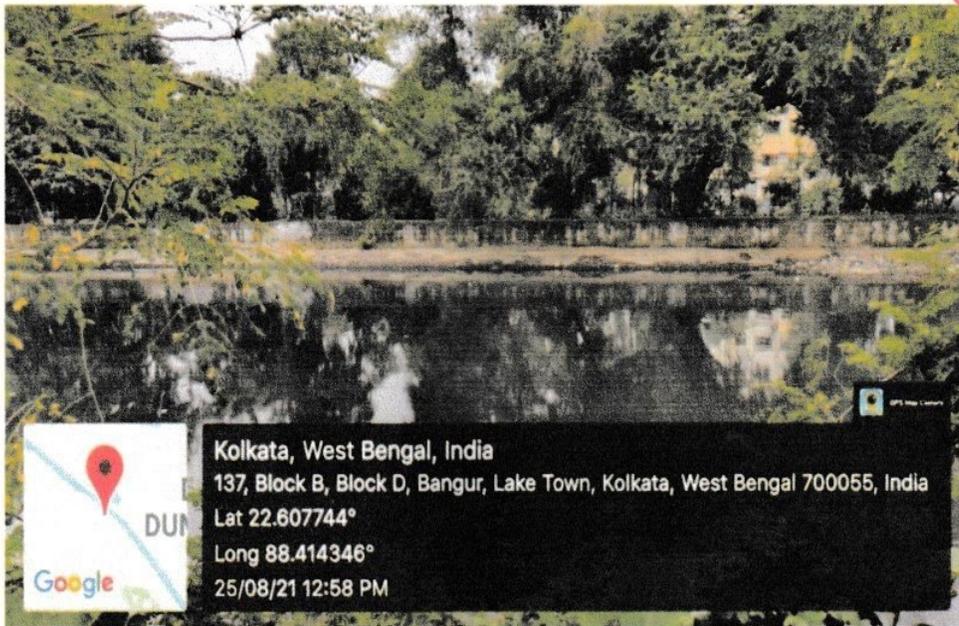
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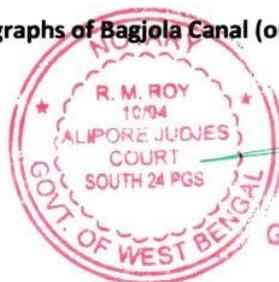




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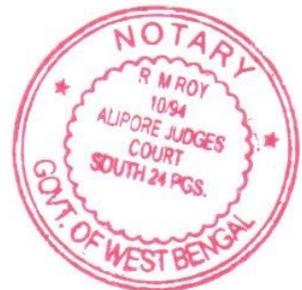
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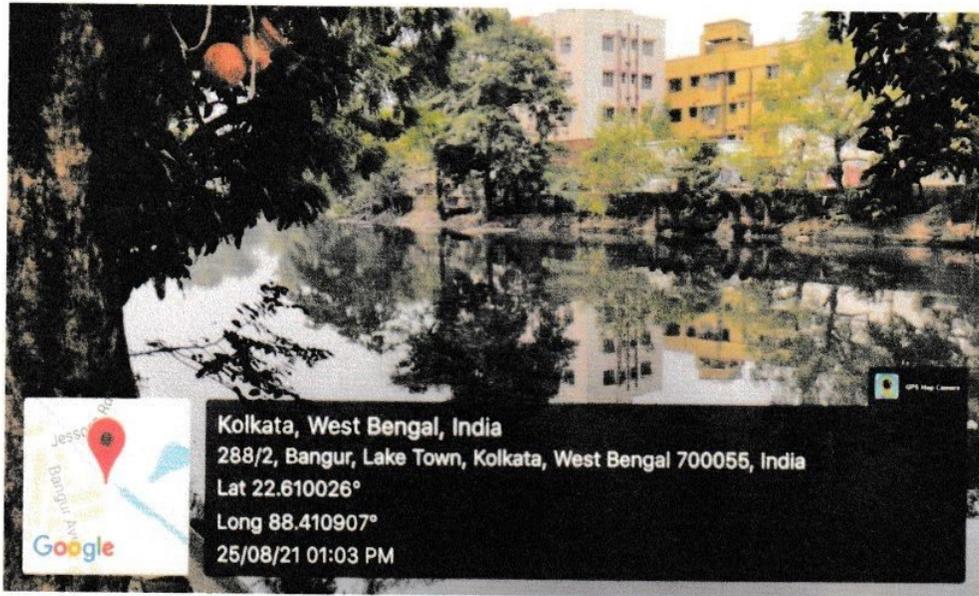
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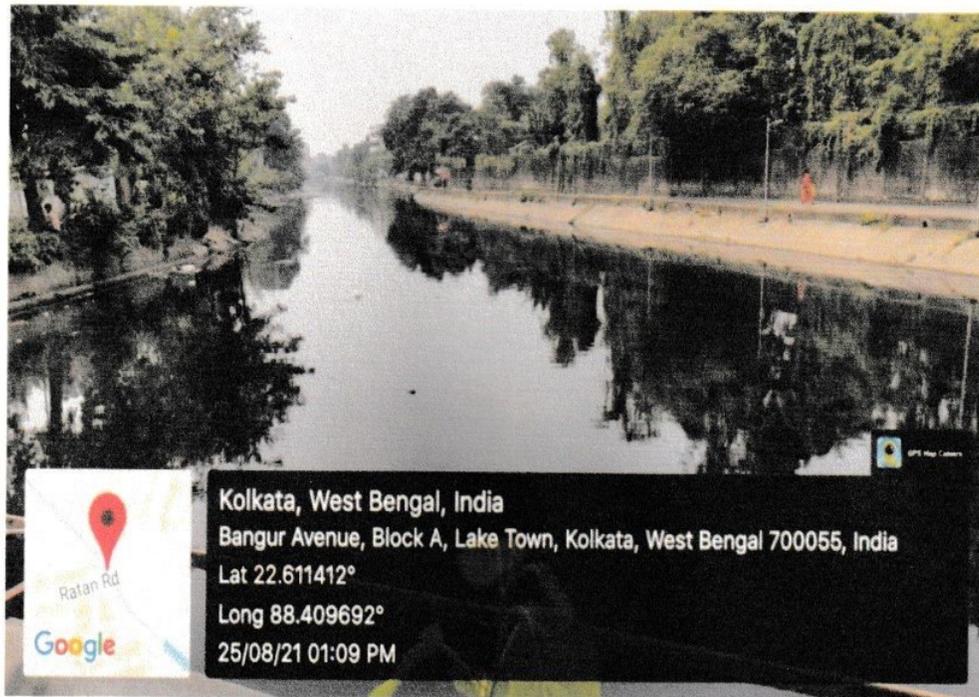
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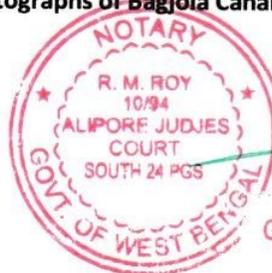


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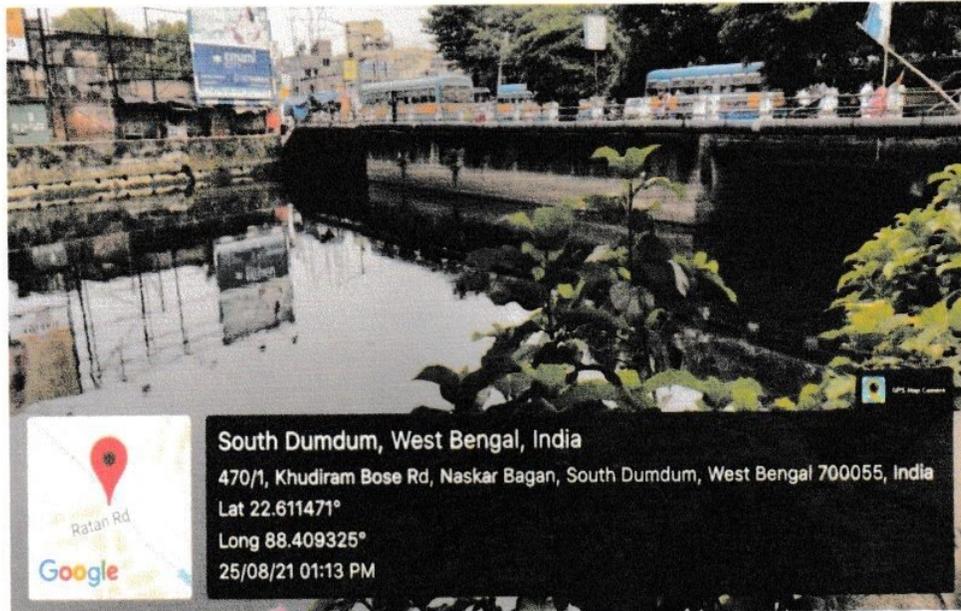
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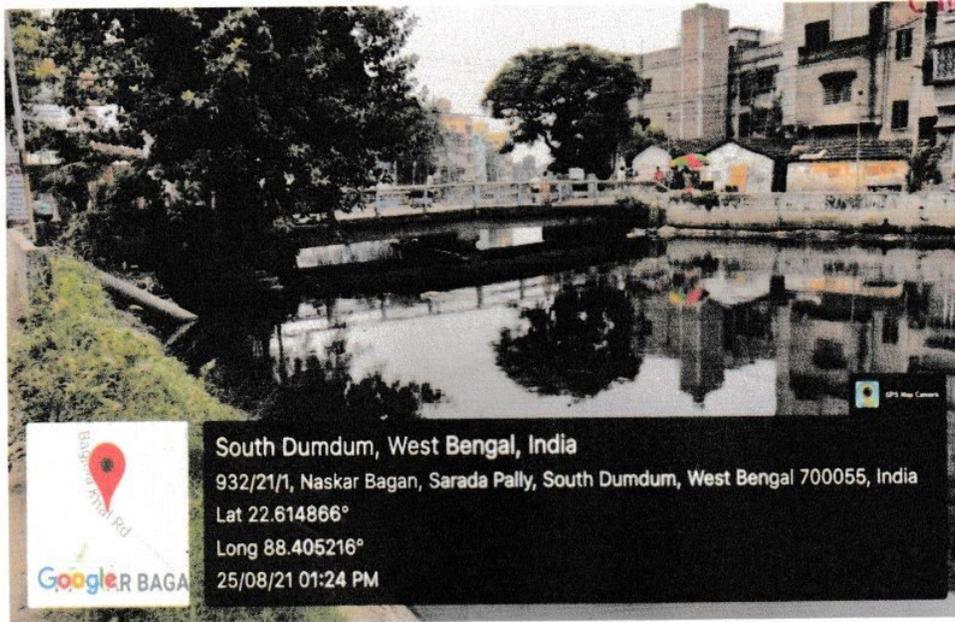
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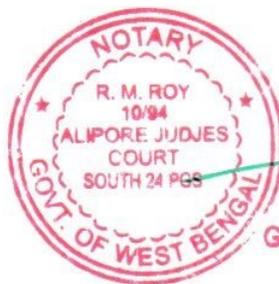




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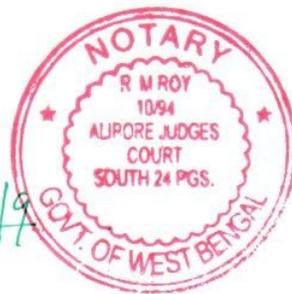


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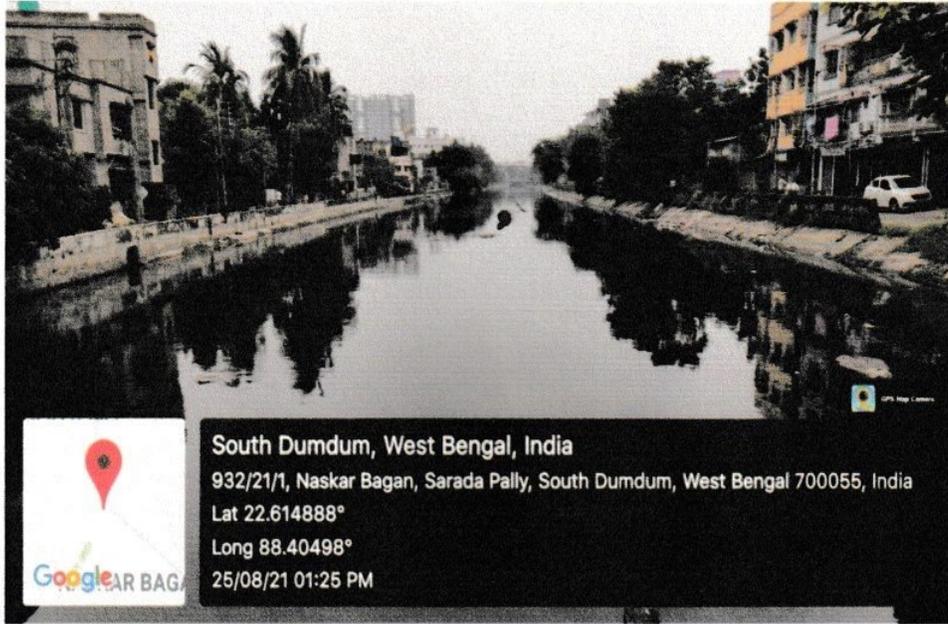


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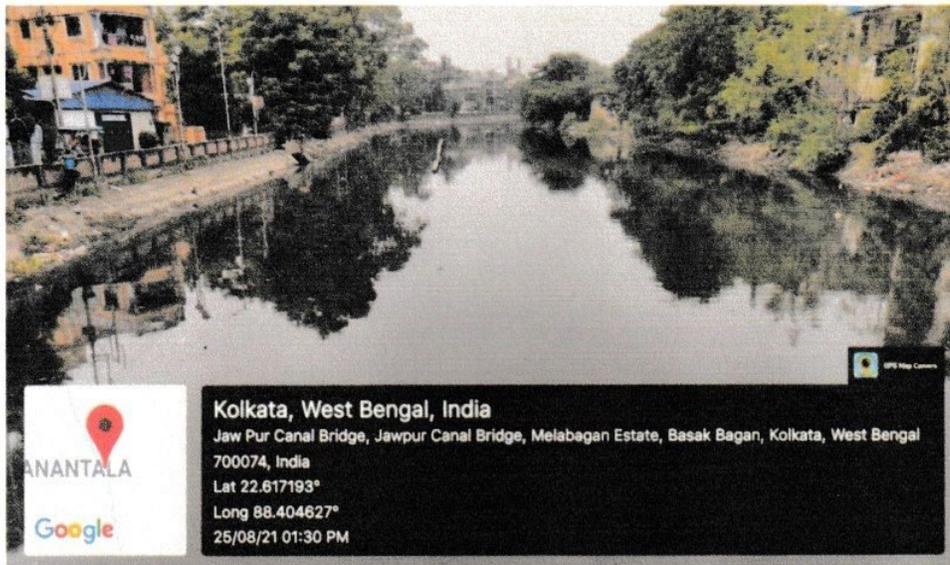
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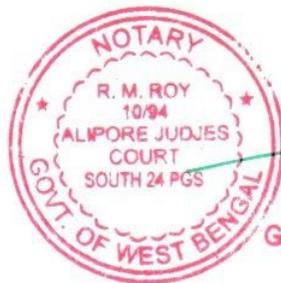


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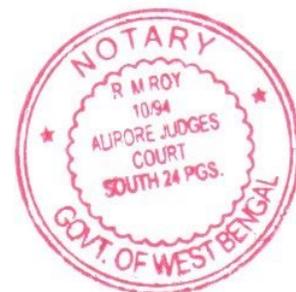


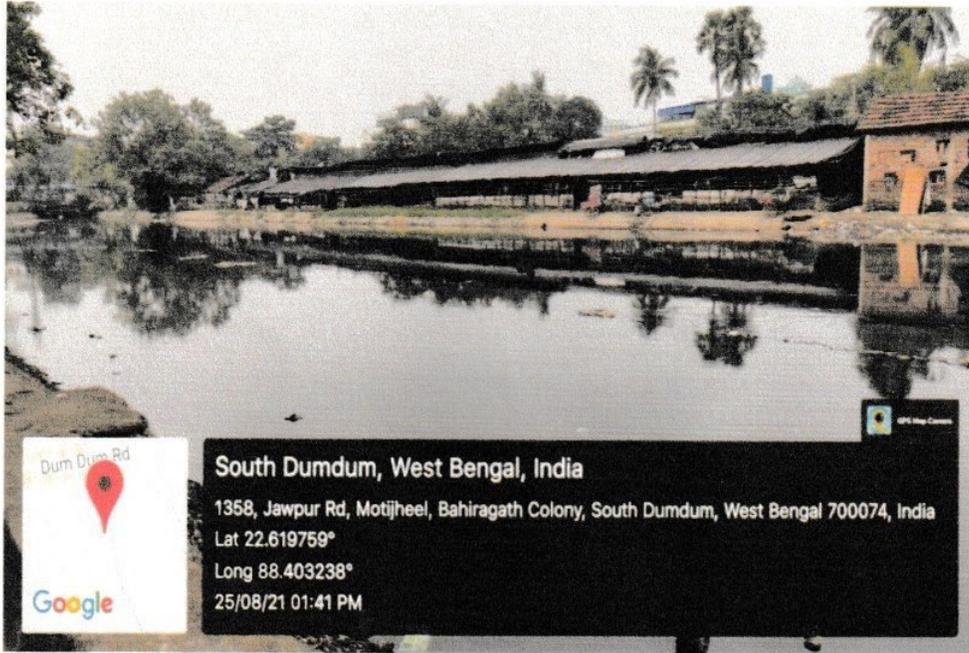
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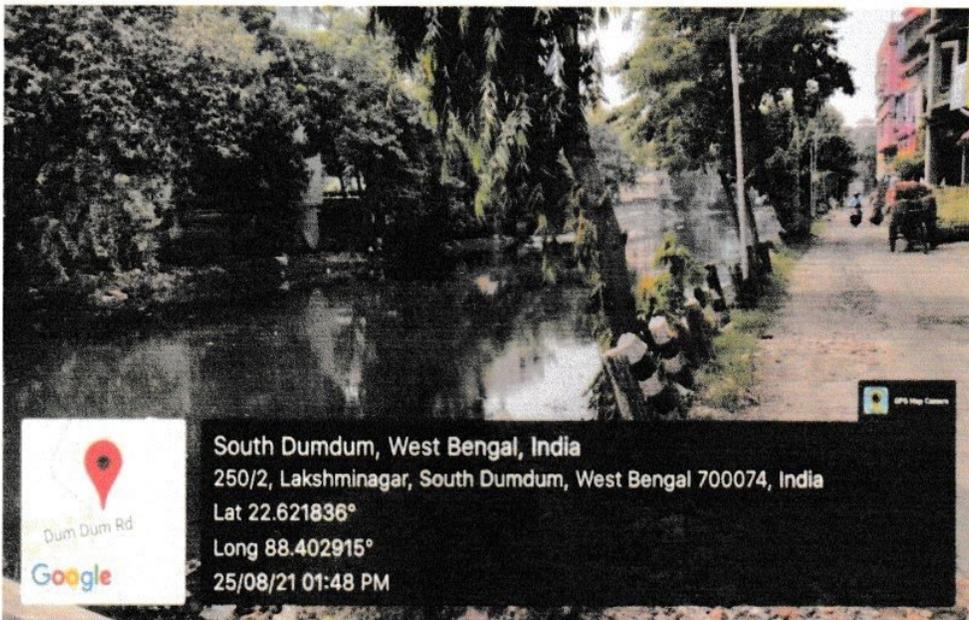
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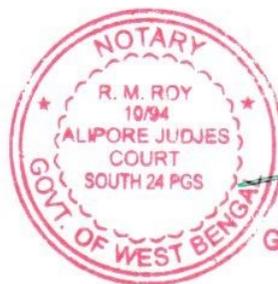


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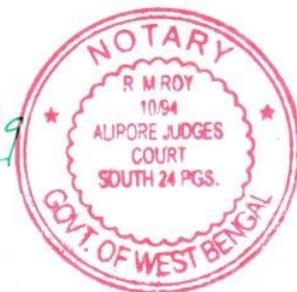


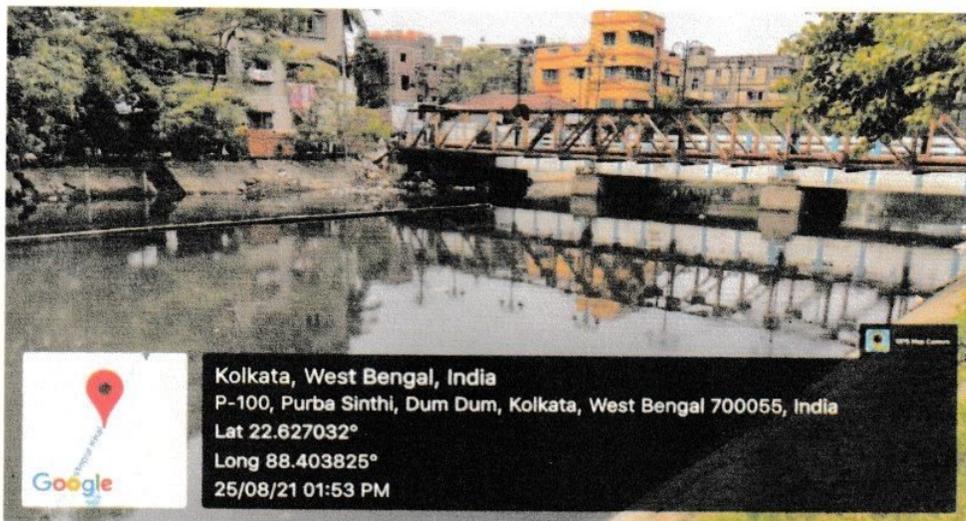
Photographs of Bagjola Canal (on 25/08/2021)

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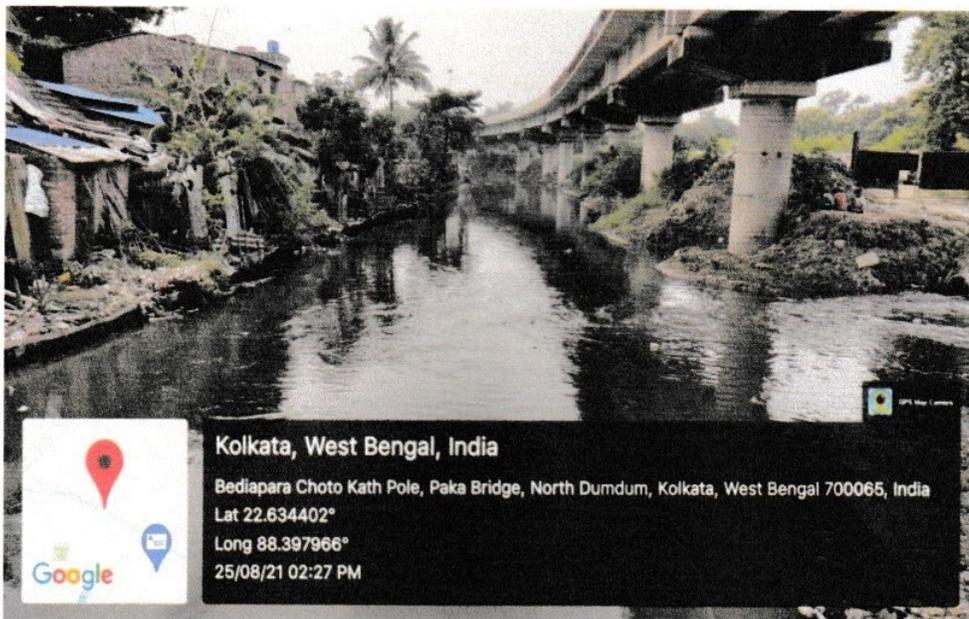


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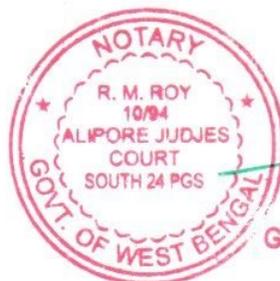




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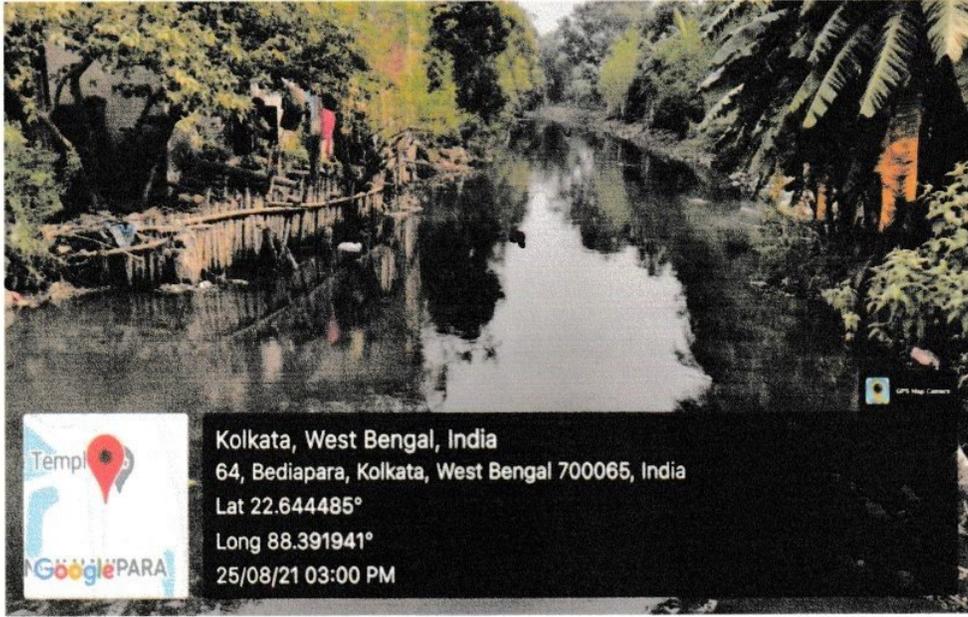


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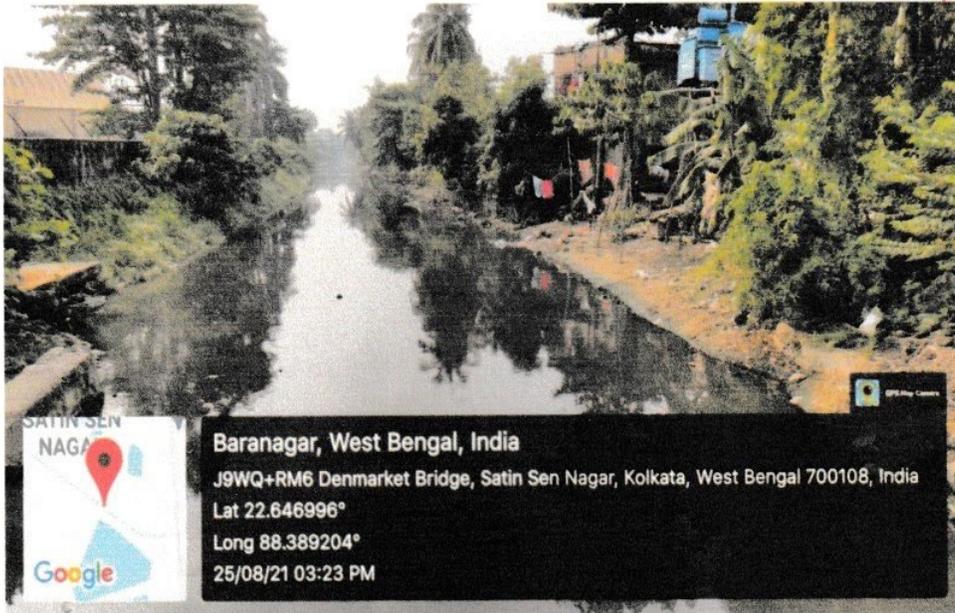
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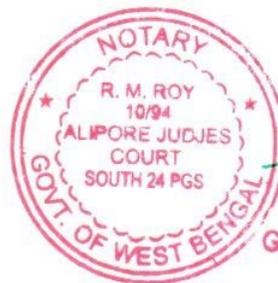
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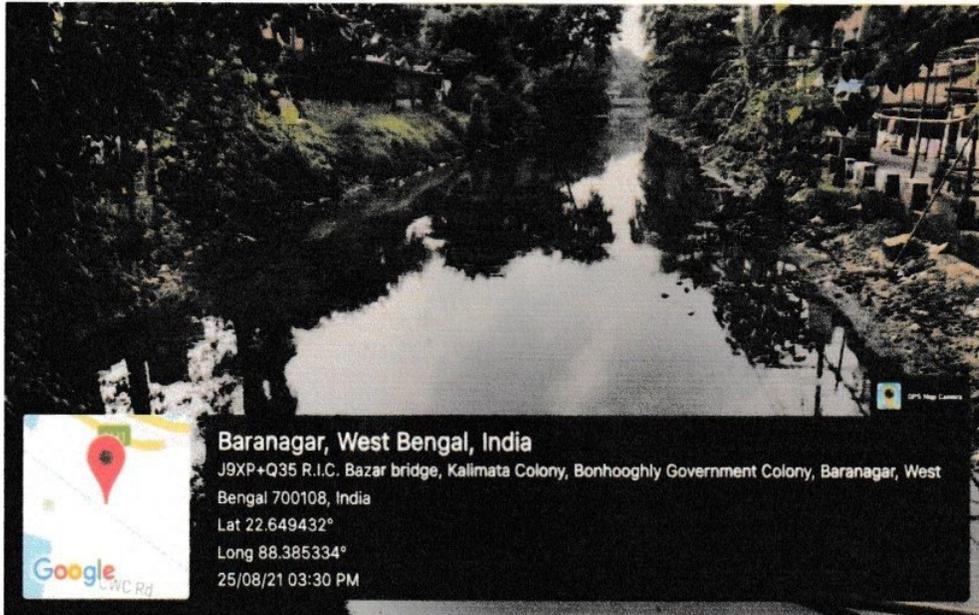
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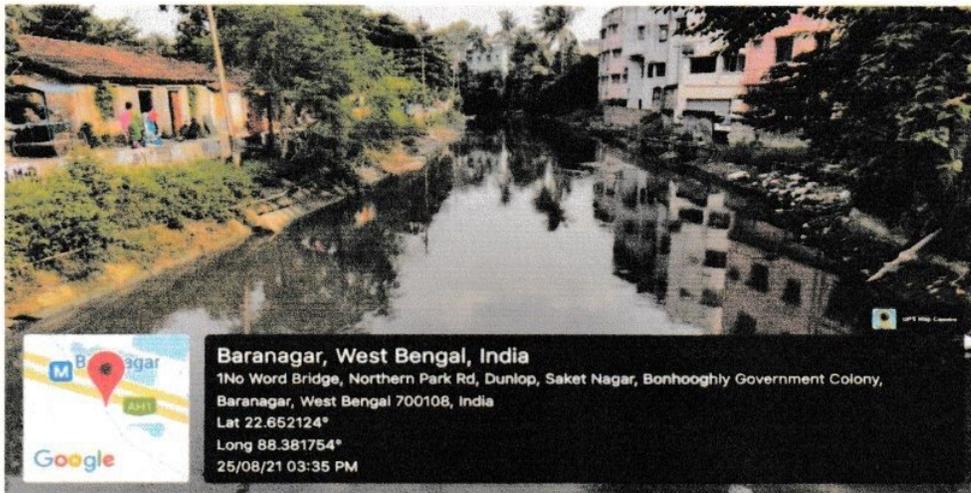
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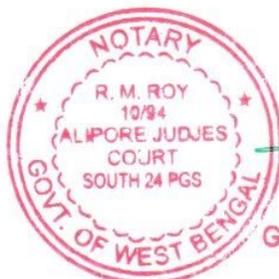
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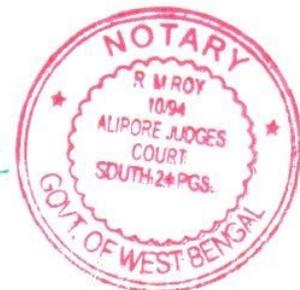


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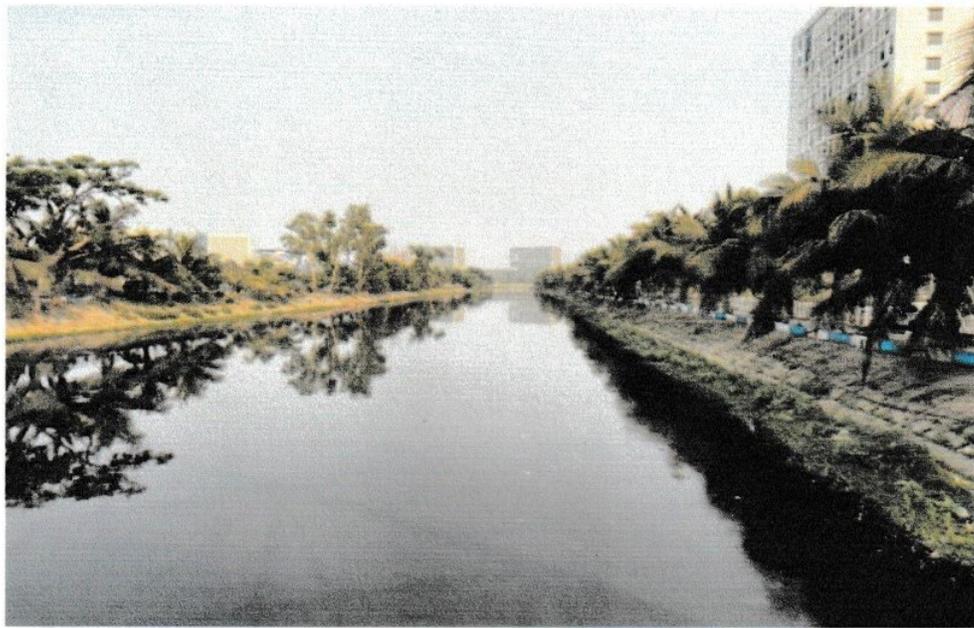
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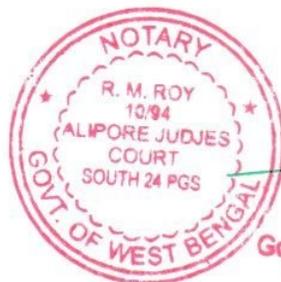


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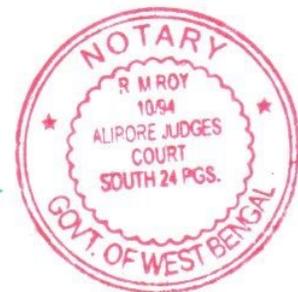


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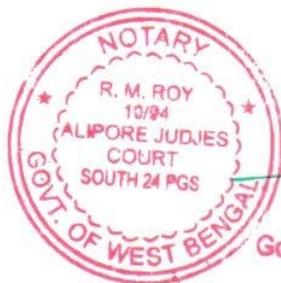
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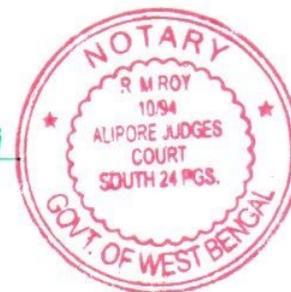
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