

PL. NO.....19.....

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 88/2021/EZ

IN THE MATTER OF:

TALAB BACHAO ABHIYAN-TBA

...APPLICANT (s)

VERSUS

GOVERNMENT OF BIHAR & ORS

...RESPONDENT (s)

COUNTER AFFIDAVIT/ REPLY ON BEHALF OF RESPONDENT

No. 5 / MINISTRY OF JAL SHAKTI

I, Sudipta Sarkar, S/o Late Bijoy Pada Sarkar, Aged 56 years, employed as Deputy Director, Monitoring & Appraisal Directorate, Central Water Commission, Kolkata, functioning at Kolkata, do hereby solemnly affirm and declare as under:

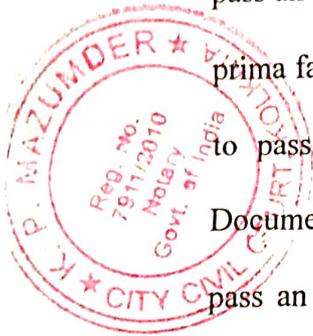
1. That I am duly authorized and competent to swear this affidavit on behalf of Ministry of Jal Shakti, in the above matter.
2. That I have read and understood the order passed by the Hon'ble NGT dated 29.10.2021 and filing this Counter Affidavit in compliance of direction passed by the Hon'ble Tribunal.
3. That the contents of the Appeal that have not been specifically admitted hereunder or are matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.

BRIEF SUBMISSIONS:

05 JAN 2022

5. That the Applicant under this O.A. seeks directions from this Hon'ble Tribunal to pass an order directing the authorities to ensure that the natural pond be maintained and preserved in its natural form and without causing any damage in the form of concretization and laying of bricks, to pass an order directing the authorities that such concretization be immediately stopped and whatever has been laid out be removed, to pass an order directing the authorities to place on record the Environmental Impact Assessment, if conducted for the project of beautification/ concretization of the pond and if not so done the EIA of entire project be concluded, to pass an order for formation of Expert Committee for review of the project, to pass an order in the nature of declaration that concretization of the Pond is prima facie harmful for the life of the pond and the creatures that live in it, to pass an order directing the authorities to place on record all the Documentation/ Orders/ Approvals with regard to the above said project, to pass an order directing the authorities to undertake dredging of the said pond and other ponds as well, to pass an order imposing heavy cost on the authorities for misusing the Public Exchequer for conducting the above said activity, to pass an order directing the authorities to ensure that the banks be planted with trees.

6. That in terms of Entry 17 in the State List, water is a State subject. Thus water resources projects are planned funded executed and maintained by the state Government themselves as per their own resources and priorities. Role of Government of India is limited to being catalytic, providing technical support and in some cases partial financial assistance in terms with the existing schemes being implemented by Ministry of Jal Shakti.



7. That It is further submitted that the construction/renovation/beautification of the Pond(s) referred to in the O.A no. 88/2021/EZ by the Petitioner(s), located in front of European Guest House at Lalit Narayan Mithila University Campus, is not being provided financial assistance under any scheme of this Ministry.

8. That It is therefore most respectfully submitted that the issue raised in ~~this~~ the ~~present~~ present petition is outside the purview of Respondent No. 5(MoJS).

**PARA WISE REPLY:**

9. The Contents of Para 1 to 22 are matter of record and does not warrant any reply from the answering respondent.

**PRAYER:**

It is respectfully submitted that the Respondent No. 5, being unconnected with the present matter, may be deleted from the array of parties, along with any ~~other~~ other orders that the Honble Tribunal finds fit and proper, in the facts and circumstances of this case.



*Sudipta Sarkar*  
उप निदेशक / Deputy Director  
प्र.एच.यू. विभाग, के.ज.आ  
M.S.A.D.S. CINC  
DEPONENT  
Kolkata

**VERIFICATION**

Verified at Kolkata on this 5<sup>th</sup> of January, 2022, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed there from.

Identified by Me  
*Ashu Band*  
Advocate

Solely Affirmed & Declared  
Before me on 5<sup>th</sup> of January, 2022

*K. P. Mazumder*  
K. P. MAZUMDER, NOTARY  
City Civil Court, Calcutta  
Reg. No. 7911/2010 Govt. of India

*Sudipta Sarkar*  
उप निदेशक / Deputy Director  
प्र.एच.यू. विभाग, के.ज.आ  
DEPONENT  
Kolkata

05 JAN 2022