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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 25/2022/EZB**

IN THE MATTER OF:

SUBHAS DATTA

.... APPLICANT

-VERSUS -

STATE OF WEST BENGAL & ORS.

... RESPONDENT(S)

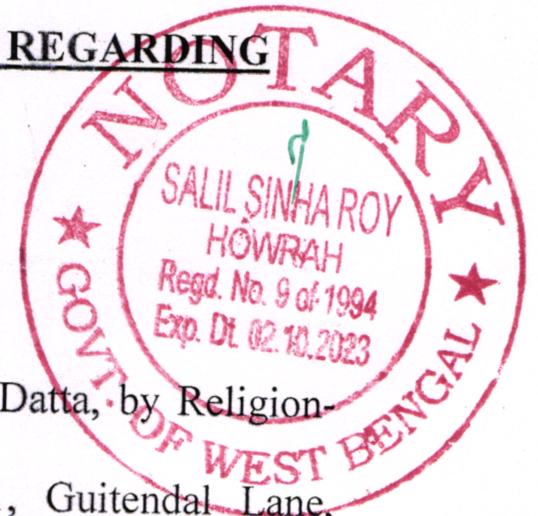
SUPPLEMENTARY AFFIDAVIT OF THE APPLICANT REGARDING

SARASWATI RIVER

Most Respectfully Sweath:

I, Subhas Datta, aged about 73 years, son of Late Baneswar Datta, by Religion- Hindu, by Occupation-Chartered Accountant, residing at 25/1, Guitendal Lane, P.S.+P.O.+Dist. – Howrah, Pincode-711101, do hereby solemnly declare and say as follows:

1. That I am the Applicant of the application, which relates to the river Saraswati. Vide order dated 12.12.2022 the Hon'ble Court had granted me time to file reply to the affidavits of the Respondents. Accordingly this affidavit is being filed.
2. That the applicant prefers to deal with such points on which the true and correct position on the issues raised in the O.A. have not been placed by the concerned Respondents.



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ON AFFIDAVIT OF NATIONAL MISSION FOR CLEAN GANGA (NMCG)

3. That vide paragraph 5, page 137 it has been stated by NMCG..... *“The river flows through Bansberia Municipality, Chinsurah Mogra Block, Singur Block, Chanditala II Block, Dankuni Municipality, Domjur Block in Hooghly district and Domjur and Sankrail Block in Howrah district. Thereafter it merges into River Hooghly at Sankrial in Hooghly district. The river historically was used as navigation channel”.*

THIS AVERMENT SPECIFIES THAT BANSBERIA AND DANKUNI MUNICIPALITY AREAS CONTRIBUTE TO THE POLLUTION LOAD ON RIVER SARASWATI AND THE REST AREAS FALL WITHIN PANCHAYAT ZONES ONLY.

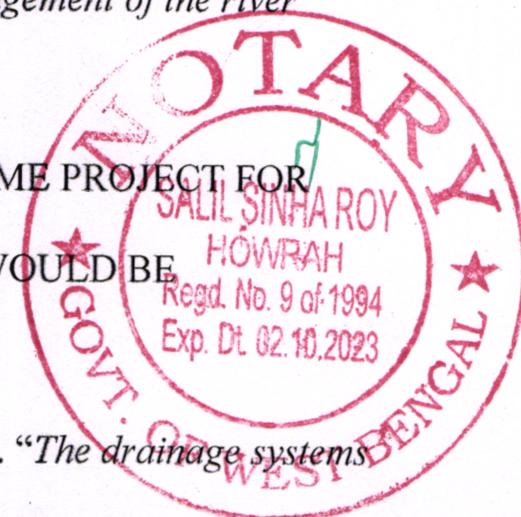
4. That vide paragraph 3, page 136 it has been stated by NMCG that they supplement the efforts of State Govts in their projects for *“abatement of pollution and management of the river Ganga and its tributaries”*

THIS AVERMENT MEANS THAT THERE MUST BE SOME PROJECT FOR POLLUTION ABATEMENT OF SARASWATI, WHICH WOULD BE SUPPLEMENTED BY THEM.

5. That vide paragraph 4, pages 136 & 137 it has further been stated *“The drainage systems in the form of canals, irrigation channels, navigation canals etc. however are not been envisaged under the NGP as these drainage systems usually carry fresh water/storm water in huge quantities. Obviously diverting huge quantity of flows (containing diluted sewage) in these drainage systems without segregating the sewage at sewage outfall locations for treatment at Sewage Treatment Plant will not be techno-commercially prudent and there not acceptable”*

IT IS NOT CLEAR FROM THE AFORESAID AVERMENT WHETHER NMCG CONSIDERS THE CONSTRUCTION OF STP FOR ABATEMENT OF POLLUTION OF SARASWATI RIVER AS ACCEPTABLE TO THEM OR NOT.

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6. That vide paragraph 6, page 137 it is claimed..... *“Due to loss in gradient/slope and rise in bed level of the river due to excessive siltation from discharge of sewage and soil waste etc. the river flow as well as its flushing action has been compromised”.*

THE HIGHER RIVER-BED NECESSITATES THAT DISTILLATION NEEDS TO BE DONE FOR THIS PART OF THE RIVER.

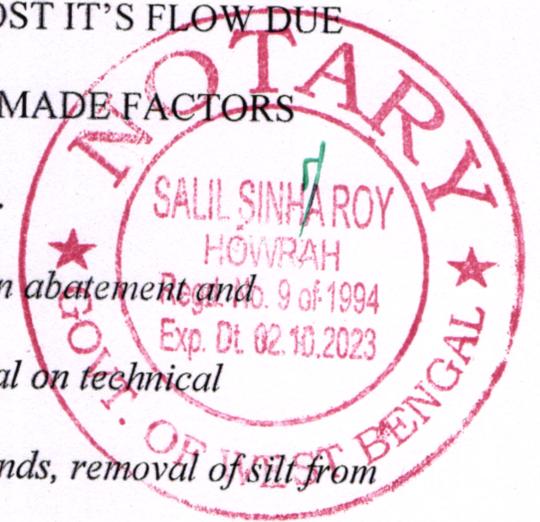
7. That vide paragraph 7, page 138 it is stated *“Historically this river has been a navigation channel carrying water from river Hooghly during high tide/storm water but at present it is converted into drainage channel carrying a mixture of sewage and storm water. As the flow of the river has been affected due to distorted slope/cross section and siltation, it is stagnant and acting as a carrier of pollution”*

In the backdrop of the above averment IT IS ACCEPTED THAT THE FORMER NEVIGATION CHANNEL (SARASWATI RIVER) HAS NOW LOST IT'S FLOW DUE TO DISTURBED SLOPE CAUSING SILTATION. THESE MAN-MADE FACTORS SHOULD BE ADDRESSED WITHOUT ANY FURTHER DELAY.

8. That in paragraph 8, page 138 it has been stated.... *“For the pollution abatement and rejuvenation of Saraswati River, the State Government of West Bengal on technical considerations suggests to excavate the river bed by cutting at both ends, removal of silt from the river bed and stabilization the river slope. However, the State has submitted that for this purpose, wide stretch of land acquisition is required along both banks of river Saraswati as well as at outfall point. Moreover, there are number of road bridges and rail bridges on the river that would be required to be replaced with longer and higher bridges. Roads have also been constructed by local authorities along river bank at few places, which would also be required to be reconstructed at suitable location. Non-resolution of these impediments amongst others by the State Government and its agencies have thus been stated to be a major bottleneck for rejuvenation of this river”.*

As per the aforesaid averment IT HAS BEEN ADMITTED THAT NON-RESOLUTION OF SOME OF THE IMPEDIMENTS TO BE DONE BY THE

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*

STATE GOVT. IS A MAJOR BOTTLENECK FOR REJUVENATION OF RIVER SARASWATI. This aspect should be resolved.

9. That vide paragraph 10, page 139 it is claimed that the "*Natural flow in the drain has been mixing with sewage out falling at various locations. Using the population in different blocks through which the river Saraswati flows, it is estimated that present sewage generation in the catchment area of Saraswati River is approx. 170 MLD*".

TOTAL SEWAGE GENERATION TO THIS RIVER IS APPROX 170 MLD (Million Liter Per Day).

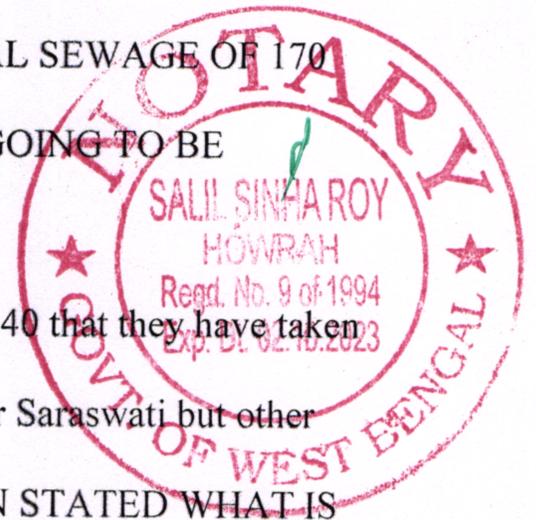
10. That out of total sewage of 170 MLD (Million Liter Per Day) NMCG has recently completed rejuvenation work of STP in Bansberia Municipality area having the capacity of 300 KLD (Kilo Liter Per Day), MEANING THAT THE OPERATIONAL CAPACITY OF THE EXISTING STP WILL BE ONLY 0.30 MLD AGAINST THE TOTAL SEWAGE OF 170 MLD MEANING THAT ONLY 0.1765% IS NOW TREATED OR GOING TO BE TREATED.
11. That it has been claimed by NMCG vide paragraph 12, pages 139 & 140 that they have taken up the projects to bring the sewage from larger catchment area of river Saraswati but other than 0.30 MLD of sewage treatment at Bensberia IT HAS NOT BEEN STATED WHAT IS PLAN AND PROGRAMME FOR THE TREATMENT OF THE ENTIRE 170 MLD OF UNTREATED SEWAGE TO THIS RIVER.

12. That NMCG has claimed that the outfall point of the river is under the control of Irrigation and Waterways Directorate, Govt. of West Bengal and the later should "*focus on prevention of throwing garbage into the river a part from restoring the drains cross section by excavation etc*". THIS AVERMENT SHIFTS THE ONUS TO THE STATE OF WEST BENGAL.

ON AFFIDAVIT OF THE RESPONDENT NO 6, URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS DEPARTMENT, GOVT. OF WEST BENGAL.

Ref. Point No 5. A.I. page 145 SHORT TERM MEASURES.

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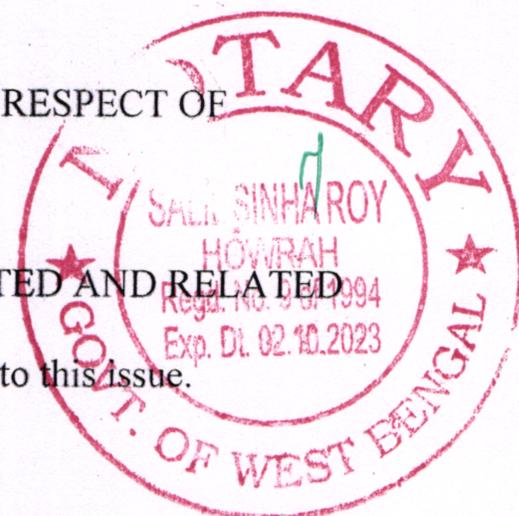
13. That Howrah Municipal Corporation (HMC) AREA DOES NOT FALL TO THE STRETCH OF SARASWATI RIVER. It is therefore not relevant to describe the measures taken by the said civic body.

Ref. Point No. 5.B.1, page 146 – LONG TERM MEASURES IN CONNECTION WITH SOILD WASTE MANAGEMENT

14. That HOWRAH MUNICIPAL CORPORATION AREA DOES NOT TOUCH ANY STRETCH OF RIVER SARASWATI. It is therefore not relevant to state the work done by the said Municipality.

Ref. Point No 5 C page 146- LONG TERM MEASURES IN RESPECT OF LEGACY WASTE MANAGEMENT

15. That HOWRAH MUNICIPAL CORPORATION IS NOT CONNECTED AND RELATED TO THE RIVER SARASWATI. HMC is therefore not at all relevant to this issue.
REF. POINT NO 7 A),B),C), PAGE 149 AND 150



16. That it has been claimed that KMDA has initiated to engage expert consultant to prepare a Feasibility Report and Detailed Project Report. The matter has not yet been finalized for which “in Principle” approval from NMCG has been sought for. Moreover, it is relevant to state that no organization exists presently in the name as BESU as has been stated by KMDA.
17. That it has been stated that “IT IS EXPECTED THAT WITHIN NEXT THREE MONTHS DPR WILL BE READY IF CONSULTANT CAN BE ENGAGED WITHIN NEXT SEVEN DAYS”. FURTHER THREE MONTHS MAY BE REQUIRED FOR ENGAGEMENT OF CONTRACTOR FOR EXECUTION.

The above statement is not clear and the TIME FRAME FOR THE EXCUTION OF THE WORK HAS NOT BEEN SPELT OUT.

Ref. point No. 7 e), page 150

18. That it is claimed that “KMDA has recently rejuvenated one 0.3 MLD capacity at TRIBENI, BANSBERIA WHICH WILL TREAT SOME WASTE WATER COMING INDIRECTLY TO THE RIVER”. INSTEAD OF EMPHASIZING ON THE INDIRECT FLOW TO THE

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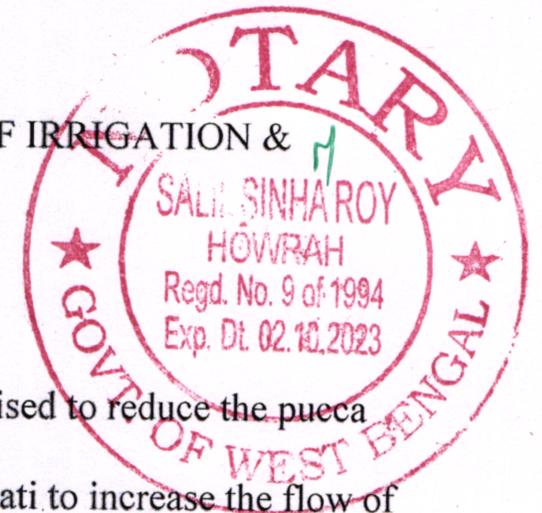
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RIVER SARASWATI, IT SHOULD HAVE BEEN A BETTER OPTION TO ARRANGE FOR THE TREATMENT OF THE DIRECT FLOW OF UNTREATED WASTE WATER TO THIS HOLY RIVER.

19. That it is most respectfully submitted that the RESPONDENT NO 6 MAY BE DIRECTED TO SPECIFICALLY STATE WHAT STEPS HAVE BEEN TAKEN AND ARE PROGRAMMED TO BE TAKEN ON THE OBSERVATIONS AND RECOMMENDATIONS MADE BY THE EXPERT COMMITTEE CONSTITUTED BY THE HON'BLE TRIBUNAL IN THE MATTER.

AFFIDAVIT OF RESPONDENT NO 2 DEPARTMENT OF IRRIGATION &
WATERWAYS, GOVT. OF WEST BENGAL.

Ref. Paragraph 7 II, Page 172



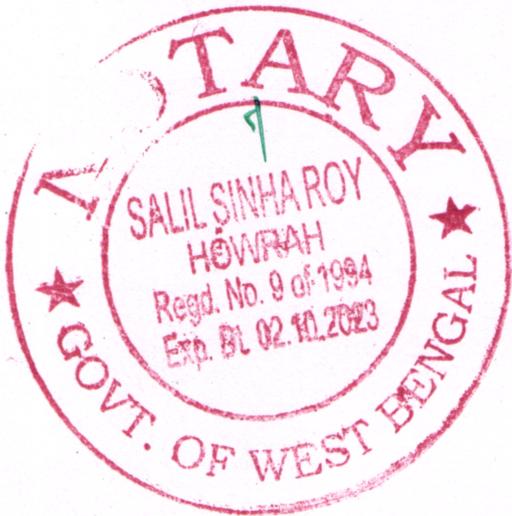
20. That it has been stated that Eastern Railway Authority may be appraised to reduce the pucca invert level, which is higher than the river bed level of South Saraswati to increase the flow of the river. It is NECESSARY THAT THE EASTERN RAILWAY AUTHORITY SHOULD BE DIRECTED IN THIS REGARD.
21. That it has been claimed that the width of the river has become narrow in some places of Domjur Block due to encroachments by local residents, Markets, Hotels, clubs etc. It is stated by the said Respondent about removal of encroachers, concrete, iron and bamboo bridges – that “NECESSARY ACTION WILL BE TAKEN VERY SHORTLY IN CONSULTATION WITH DISTRICT ADMINISTRATION AND POLICE AUTHORITY”. ONE DIRECTION BY THE HON'BLE TRIBUNAL HAS BECOME NECESSARY TO COMPLETE THE PROCESS WITHIN A TIME FRAME.
22. That it is claimed that the water flow under the bridge built by NHAI (National Highway Authority of India) is obstructed for which periodical removal of silt is needed. For removal of silt DPR is under process. Silt clearance by the Irrigation Department is a part of the regular business for WHICH A TIME FRAME MAY BE FIXED BY THE HON'BLE COURT.

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23. That in the backdrop of the affidavits filed by the respective Respondents (both of the Central and State agency) it is strongly felt that there should be specific terms of reference to rejuvenate this river under NMCG project like ADI GANGA.
24. That in the backdrop of the position as stated in earlier paragraphs the Hon'ble Tribunal may kindly pass necessary order/orders as deem fit.

Sudhakar
DEPONENT



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VERIFICATION

SL. NO. A2893

I, Sri Subhas Datta, son of Late Baneswar Datta, aged about 73 years, by occupation Chartered Accountant, by religion Hinduism, residing at 25/1 Guitendal Lane, Post Office, Police Station and District - Howrah, Pin code - 711101, do hereby declare and state that the contents of the paragraph nos 3, 6, 7, 8, 13-15, 21 are true to the best of knowledge and the contents of the paragraph no 9, 10, 16 are my information derived from the relevant records which I verily believe to be true and the rests are my respectful submissions before the Hon'ble Tribunal.

Subhas Datta
DEPONENT

Prepared by me in my office

Subhas Datta
(Subhas Datta)
Applicant-in-Person

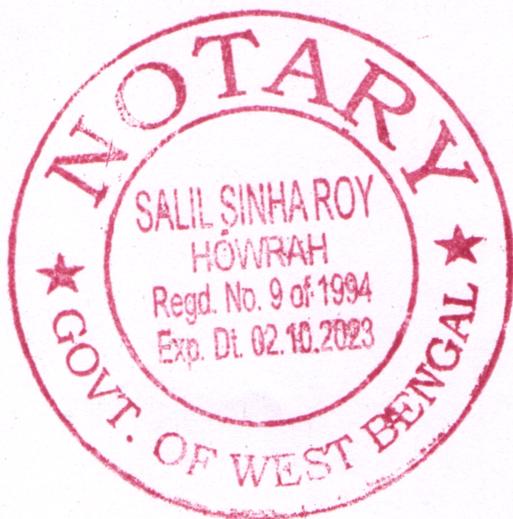
Date: 18.01.2023

Howrah

IDENTIFIED BY ME &
T.I. TAKEN IN MY PRESENCE

Jibanjib Chakraborty
Advocate

JIBANJIB CHAKRABORTY
Advocate
Howrah Judges Court
WB/1448/2000



SOLEMNLY AFFIRMED & DECLARED
BEFORE ME ON IDENTIFICATION

Salil Sinha Roy
SALIL SINHA ROY
NOTARY HOWRAH

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