

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.25/2022/EZ
(I.A. No.09/2023/EZ)

Subhas Datta

Applicant(s)

Versus

State of West Bengal &Ors.

Respondent(s)

Date of hearing: 01.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) :Mr. Subhas Datta, in person

For Respondent(s) :Mr. Sibojyoti Chakraborty, Adv. for R-1 to 3 & 6 (in Virtual Mode),
Mr. Ashok Prasad, Advocate for R-4,
Mr. Dipanjan Ghosh, Advocate for R-5,
Ms. Anamika Pandey, Advocate for R-7,
Ms. Paushali Banerjee, Advocate for R-8,
Mr. Surendra Kumar, Advocate for CPCB

ORDER

1. Mr. Subhas Datta, the Applicant is present in person.
2. Affidavit dated 28.02.2023 has been filed on behalf of the Respondent No.6, Urban Development & Municipal Affairs Department, Government of West Bengal; the same is taken on record.
3. In para 8 of this affidavit it is stated that the Bansberia Municipality is not involved in the construction of roads in the river banks and that the Municipal Authority has not encroached any land near the river bank of river Saraswati for development of roads and pavements. It is not in dispute that the Bansberia Municipality is located on the bank of the river Saraswati and therefore, the Municipality is answerable as to how and where the sewage wastes and drains of the Municipality are being discharged and therefore,

reference to construction of roads for encroachment of banks is nothing more than an eyewash.

4. We therefore direct the Chairman of the Bansberia Municipality to be present in the Court (in Virtual Mode) on the next date of listing and answer the query as to why such misleading information was given by him to the Urban Development and Municipal Affairs Department.
5. The Urban Development and Municipal Affairs Department will also explain as to why they have accepted such a reply from the Bansberia Municipality without raising the queries which we have raised today and why this slipshod affidavit was filed in the Tribunal.
6. In para 6 of this affidavit, certain short term and long term measures have been outlined. But again, there is no mention as to where the sewage drains are being emptied.
7. This affidavit also does not explain that the Bansberia Municipality has a capacity of 300 KLD of sewage whereas the capacity of the existing STP is 0.30 MLD for treatment of sewage. Therefore, question that arises is where is the rest of the sewage being diverted, if not into the Saraswati River? These facts are borne out from the affidavit of National Mission for Clean Ganga (NMCG) dated 08.12.2022.
8. No one has appeared on behalf of the Respondent No.7, Eastern Railway till date even though notices were issued to it on 09.11.2022 and there are strong allegations against them that they have established pillars of the Railway Line Bridge in the river Saraswati itself.

9. Ms. Anamika Pandey, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.7, Eastern Railway. She may file counter affidavit by 27.03.2023.

10. **List on 27.03.2023.**

I.A. No.09/2023/EZ

1. Interlocutory Application No. 09/2023/EZ has been taken up.
2. The prayer in this I.A. is to waive the cost imposed upon the Director General, National Mission for Clean Ganga (NMCG) vide order of the Tribunal dated 09.11.2022.
3. We have gone through the I.A. and we find that grounds for waiver of the cost have been adequately explained.
4. We accordingly modify our order of 09.11.2022 and waive the directions given in para 4 of our said order.
5. Interlocutory Application No. **09/2023/EZ** is accordingly disposed of.

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March 01, 2023
Original Application No.25/2022/EZ
(I.A. No.09/2023/EZ)
SKB