

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 27/2015/EZ
With
MA No. 120/2015/EZ

**Dwaipayan Sengupta
Vs
Union of India & Ors.**

CORAM: Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Applicant	: Mr. Anindya Lahiri, Advocate Ms. Baishali Banerjee, Advocate Mr. Mainak Ganguly, Advocate
Respondent No. 2 & 10	: Mr. Bikas Kar Gupta, Advocate
Respondent No.3	: Mr. Sibojyoti Chakraborty, Advocate
Respondent Nos. 5,6 & 7	: Mr. Srijan Nayak, Advocate Ms. Rituparna Maitra, Advocate
Respondent No. 9	: Mr. Amales Roy, Advocate Mr. Deborshi Dhar, Advocate
Respondent No.8	: Mr. Ajay Datta, Advocate
CESC	: Mr. Prabir Kr. Mitra, Chief Legal Advisor

Date & Remarks	Orders of the Tribunal
<p>Item No. 6 29th October, 2015.</p>	<p>Mr. P.K.Mitra, Chief Legal Advisor, appears for CESC and submits a report on the joint inspection made by CESC and PWD. Copies have been served to the applicant and other co-respondents. He will file the report in the registry after proper pagination.</p> <p>As per our earlier direction, no action taken report has been filed by the Chief Secretary. Mr. Kargupta, Id. adv. submits that since no status report has been received from PWD and South Dum Dum Municipality as also Irrigation & Waterways Deptt., no such action taken report could be filed. He prays for some more time to file such report.</p> <p>Earlier we directed PWD to prepare a fresh scheme for restoration and reclamation of the Nayanjuli. But no such scheme has been</p>

prepared.

The Chief Secretary is directed to submit affidavit on action taken report on taking note of the respective affidavits of PWD, Water and Irrigation Deptt. and South Dum Dum Municipality as also CESC on issue of restoration of the water body concerned to its earlier stage as was stated by the Principal Secretary, Deptt. of Environment, Govt. of West Bengal as reflected in our order dt. 10.8.2015. Let such affidavit be filed by four weeks.

The South Dum Dum Municipality has filed an affidavit wherefrom it appears that they have prayed for further time of six months to complete the work as was directed. Ld. adv. appearing for the said respondents submits that map has been obtained from PWD and necessary work of identification of the water body will be made with the help of PWD and other authorities. SDDM will file further action taken report along with relevant documents within four weeks.

Mr. Kargupta, Ld. adv. submits that Irrigation Deptt. will file affidavit by tomorrow. Let copy be served to the applicant and other co-respondents. Rejoinder, if any, be filed by four weeks.

Ld. adv. for the applicant submits that GIS map as prepared by SDDM is required to be considered for effective adjudication of the issue. Ld. adv. for SDDM submits that the map was prepared by the experts but it has not yet been finally approved by the Board. Let the unapproved map and other resolutions of the Boards be filed by the Municipality before us in the form of affidavit annexing all material documents.

Considered the inspection report of CESC. It is suggested that to avoid huge amount of expenditure involved for re-location of cable line and considering non-availability of space, if the hume pipes can be laid a little deeper, there will be no difficulty for easy flow of water. Irrigation Deptt. is directed to consider the affidavit of CESC and submit the feasibility report of laying down the hume pipes a little deeper so that PWD can undertake the work without any problem. The

Chief Secretary is also to consider the issue and file an affidavit to that effect.

So far as Bangur connection is concerned, it is submitted that there is no problem as re-location can be done without any difficulty. PWD is directed to complete the job at Bangur. The representative of CESC has submitted before us that they will extend full cooperation for completing the job.

Respective parties will file work progress report on that date.

Matter is fixed on 1.12.2015.

.....
Justice Pratap Kumar Ray, JM

.....
Prof. (Dr.) P. C. Mishra, EM

