

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

Original Application No. 30/2014/EZ

JOYDEEP MUKHERJEE

VS

CHIEF SECRETARY, GOVT. OF WEST BENGAL & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mrs. Leena Mukherjee, Advocate
Respondent No. 1 & 3 to 8 : Mr. Bikas Kargupta, Advocate
Other Respondent s : None

Date & Remarks	Orders of the Tribunal
Item No. 6 31 st March, 2017.	<p>Mr. Bikas Kargupta, Ld. Govt. counsel prays for leave to file three affidavits on behalf of the District Magistrate, Birbhum, the respondent No. 3, the Chief Engineer, Public Health Engineering Directorate, Western Region, and Tarapith Rampurhat Development Authority, (TRDA), the respondent No. 214.</p> <p>Leave is granted. The affidavits are ordered to be taken on record.</p> <p>In the affidavit of the District Magistrate, respondent No. 3, it is submitted that the proposal for diversion of forest land for non-forest purpose as required under Sec. 2 of the Forest Conservation Act, 1980, in respect of the forest land identified for the purpose of Sewage Treatment Plant as part of larger proposal for tourism development in the area, is under consideration of the</p>

MOEF and the decision is still awaited.

In the affidavit of the Chief Engineer, PHE Directorate, Western zone, it has been informed as follows :-

1. In the efforts of PHE Directorate to provide for potable drinking water, two large Dia deep bore-wells have been sunk and work on the construction of over-head reservoir is in progress.

It is, however, not clarified as to the purpose for which these two bore wells have been sunk. The Chief Engineer shall clarify this by an affidavit on the next date.

2. In so far as works connected with development of sewerage system is concerned, it is stated in para 4 and 5 as follows :-

“4. I state that for development of sewerage system in Tarapith area 1st call of the e-Tender for ‘Construction of Sewage Lifting Stations, Laying Sewer Network, Rising Main and allied works under Development of Sewerage System in Tarapith area e-Tender vide NleT No. 10/2016-2017 of the Executive Engineer, Birbhum Division, PHE Directorate has been invited and the same has been circulated vide memo No. 34/BHM dated 10.01.2017. However,. The said tender had to be cancelled due to insufficient number of technically qualified bidders. The second call for the same has been invited vide e-Tender No. NleT 15/2016-2017 of the Executive Engineer, Birbhum Division, PHE Directorate and circulated vide Memo No. 459/BHM dated 17.03.2017. The technical bid will be opened on 13.04.2017. The work may be completed within 1 year after finalization of tender and issuance of work order.

Photocopy of memo dated 17.03.2017 is annexed hereto and marked “R2”.

5. Tender for construction of sewage treatment plant will be invited in second phase after getting 5.0 acres of land from the District Administration after re-classification of Forest

Land.”

Since the work is in progress, let those be expedited.

In so far as modernisation of the kitchen is concerned, it is stated in the affidavit of TRDA, respondent No. 214 as under :

I, Shri Uma Sankar S, S/O Siva Kumar P, aged 34 years by faith Hindu by occupation Govt. Service residing at Suri, Birbhum, District- Birbhum, PIN- 731101, West Bengal I had made myself acquainted with the facts and circumstances of the instant case and I am competent to make affirm this affidavit as Executive Officer, Tarapith Rampurhat Development Authority, Tarapith, Birbhum that in compliance with the order of Hon'ble Green Tribunal dated 16/01/2017.

1) That in compliance with the order of the Hon'ble National Green Tribunal, A cheque being no.551363, dt.20/03/2017 of Rs.44,21,250.00 (Rs Forty four lakhs twenty one thousand two hundred fifty only) which was received from the West Bengal Pollution Control Board, (Annexure-I) for the environmental upgradation and development of the Tarapith Mandir Area in regards to make it green as per the order dated 16/01/2017, wherein a project cost of Rs.35 lacks against Sl. No.5 namely modern kitchen alongwith renewable energy usage and Sl. No.6 for waste water treatment (miniplant) before disposal, project costing mentioned where in Rs.34 Lakhs.

2) That Tarapith Rampurhat Development Authority started the Mandir project since January 2017 vide Work Order No. 766/TRDA/2016-17 Dt. 07/12/2016. The Authority received an amount of Rs.1,68,39,000.00 for first instalment (Annexure-II)

for the entire project components from Urban Development & Municipal Deptt. . It is also assured that the works are going on full swing and expected to be completed next six months. 2017 (Phase-I) . (Photo enclosed at Annexure-III)

That as the entire cost for the project already approved and 50% amount sanctioned by the Department , the fund received from West Bengal Pollution Control Board, as per the direction of Hon'ble National Green Tribunal ,(EZ), Kolkata may be utilised for other pollution related measures as proposed below, if the Hon'ble Green Tribunal (EZ) permits.

“ Construction of Small scale Sewerage Treatment Plant at Bamdev Ghat, Tarapith to avoid the mixing of sewerage water into the “Make Shift Pond” Made within of the river “Dwarka”. The tentative cost for this project would be around 45 lakhs. So, by utilised the amount received from West Bengal Pollution Control Board, the “make shift pond” can be made pollution free one or any other measures to be taken to make Tarapith area green and clean, as the Hon'ble Tribunal deems fit.

That 23.46 acres of Govt. land under Rampurhat P.S had been transferred in favour of Tarapith Rampurhat Development Authority by the Land & Land Reforms Department for the purpose of Solid waste Management Plant (Approx) for the areas under Tarapith Rampurhat Development Authority, as per memo. No.109-G.E dt. 10/01/2017 (Annexure IV) . It is humbly submitted that the demarcation of land is under process by the Block Land & Land Reforms Officer, Rampurhat-II, Block. Once the demarcations is done and handed over to Tarapith Rampurhat Development Authority, the Swerage Treatment Plant will be operational immediately. “

It is, therefore, obvious from the above that as the

respondent No.214 has received substantial fund from the Government for the Mandir project which also includes the renovation/modernisation of kitchen, a prayer has been made for utilisation of the amount of Rs. 44,21,250/- received from the State PCB for a small waste water treatment plant to keep "Make Shift Pond" pollution free.

We are, however, not inclined to grant this permission until we are informed of the complete project indicating the details.

Let the DPR of the complete project be filed containing the estimate on each of the aspects of the project.

List on 17.5.2017.

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Justice S.P.Wangdi, JM
31-3-2017

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Prof. (Dr.)P.C.Mishra, EM
31-3-2017

