

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

Miscellaneous Application No.12/2024/EZ

In

Original Application No.14/2017/EZ

Tribunal on its own motion

Re: Kestopur and Bagjola Canals

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 11.09.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

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

For Respondent(s) : Mr. Rajib Ray, Adv. for R-1,2,4&6 (in Virtual Mode),
Ms. Paushali Banerjee, Adv. for R-3,
Mr. Dipanjan Ghosh, Adv. for R-7

ORDER

1. Mr. Subhas Datta, the Applicant is present in person.
2. Affidavit dated 22.07.2024 has been filed by the Principal Secretary, Environment Department, Government of West Bengal; the same is taken on record.
3. The affidavit which has been filed is very sketchy in detail and we will give the illustration why we say so.

4. **With regard to Pollution Abatement at Keshtopur Canal**

It is stated that the Detailed Project Report (D.P.R. hereinafter) has been modified for pollution abatement of the said Canal. It is stated that joint site visit was scheduled on 16.07.2024; DPR will be ready for submission to Works Committee of KMDA; Tender will be invited for execution of the project after acceptance of the DPR and allocation of fund; 24 months will be required to complete the project construction activities after issuance of Work Order.

No timeline has been given for acceptance of the DPR or Financial Sanction or for inviting Tenders or acceptance of tenders.

5. **For Bonhooghly in Baranagar Municipality**

It is stated that the proposed capacity of STP is 8.7 MLD; due to uncertainty of land filling quantity/area-development cost issue; tender has not matured even after the 5th call.

Question is if nobody is responding to the Tender notices, is the State Government handicapped to proceed with the setting up of the STP of its own rather than put the environment or inhabitants of the city to risk?

6. **For Prafullakanan in North Dum Dum Municipality**

It is stated that the proposed capacity of STP is 33 MLD; the competent authority had issued letter to Irrigation & Waterways Department for the Inter Departmental Transfer (IDT) of proposed land which is required to be used for the construction of STP; the Principal Secretary, Irrigation & Waterways Department has informed that the matter will be taken up by Land and land Reforms Department and Refuge, Relief and Rehabilitation Department.

Question is when? No timeline has been given which does not show the seriousness of the Government.

7. **For Prafullakanan STP-I in South Dum Dum Municipality**

It is stated that proposed capacity of SPT is 27 MLD; Administrative Approval and Financial Sanction has been issued by UD&MA

Department requesting the I&W Department to process the Inter Departmental Transfer of proposed land;

Here also it is stated that the matter will be taken up by the Land and Land Reforms Department and Refuge, Relief and Rehabilitation Department. Question is when? No date or timeline has been given which does not show the seriousness of the Government.

8. **Action Taken Report by South Dum Dum Municipality**

It is stated that only the Bagjola Canal falls under the jurisdiction of South Dum Dum Municipality; the respective Wards nos. are 06, 10, 11, 13, 14, 18, 20, 21, 22 & 28; the areas around the banks of Bagjola canals are being mapped and listing will be completed within 15 days.

It is remarkably stated that **“presently there is no mechanism for real-time monitoring”**; General manual monitoring done by Ward Sardar on daily basis;

Question is why is there no mechanism in place for real-time monitoring?

It is further stated that **“presently data regarding number of outfalls into Bagjola Canal is not available”**; a survey is being conducted within 30 days to determine the actual number of outfalls.

We are informed that the Bagjola Canal is a very old canal existing from the British time and is at least a century old. We are shocked to know that the State Government is not even

aware of the number of outfalls into the Bagjola canal and till date no one has done any survey in this regard.

It is stated that the number of encroachers and the nature of encroachment (residential/commercial) on both sides of the canal can be ascertained after completion of listing.

We do not understand what is the meant by “listing”.

It is also stated that fine has been imposed U/S 333 of Municipal Act, 1993. to prevent people from dumping garbage into the canal.

The amount of fine imposed and collected has not been disclosed.

9. **For Action Taken Report by New Town Kolkata Development Authority**

It is stated that there is encroachment on the stretch along Bagjola Canal from Jatragachi Bridge to the newly developed MS Bridge at Gouranganagar area and beyond i.e. from AB Block in Action Area-I to DH Block upto to Candor Techspace, Residential Plots. It is also stated that at present, the encroachment directly is inside the Bagjola Canal at Jyangra Hatiara 2 No. Gram Panchayat area and there are 14 encroachers and more encroachers have occupied the area just beside the Canal Bank road which has recently been developed by HIDCO.

Question is what action has been taken to reclaim the environment?

It is also stated that the real time monitoring is done through drone surveillance along the peripheral areas of New Town including the

Bagjola & Keshtopur canal side areas as per weekly program scheduled by the authority.

Question is what remedial action has been taken in this regard?

It is also stated that number of drains and outfalls falling into Bagjola-Keshtopur canal from New Town is approximately 20 (Twenty). It is also stated that **“Most of these”** are through Sewage Treatment Plants managed by Public Health Engineering Department.

The number of those outfalls have not been disclosed. To say “Most of these” means that the concerned Government Department does not even know how many drains and outfalls are connected to STPs.

10. **For Action Taken Report of Bidhannagar Municipal Corporation (BMC)**

It is stated that mapping the areas around both banks of Bagjola and Keshtopur canals falling within the jurisdiction of Bidhannagar Municipal Corporation will be taken up jointly with Irrigation and Waterways Department.

When will these be taken up, has not been indicated. No timeline for action has been disclosed.

It is also stated that listing of residential, non-residential, commercial units around the banks of Bagjola & Keshtopur canals will be taken up by Bidhannagar Municipal Corporation with concerned authority of police.

No timeline for action has been disclosed.

11. In view of the factual gaps and deficiencies in the affidavit, we direct the Principal Secretary, Department of Environment, Government of West Bengal to file a fresh affidavit giving current Status Report as on the date his affidavit will be prepared, with regard to the inadequacies in his Report noted hereinabove and also with regard to the remedial measures proposed to be taken in the affidavit itself.
12. We also direct the West Bengal State Pollution Control Board to place before this Court on affidavit the Water Sample Report of the entire stretch of the area covered by the Keshtopur Bagjola Canals taken every three months and if any of the parameters are found to be beyond the permissible limits, appropriate communication will be issued by the West Bengal Pollution Control Board to the Departments concerned.
13. **List on 04.12.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

September 11, 2024,
Miscellaneous Application No.12/2024/EZ
In
Original Application No.14/2017/EZ
SKB