

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

Original Application No.20/2022/EZ

Suprova Prasad

Applicant(s)

Versus

Ministry of Environment
Forest & Climate Change & Ors.

Respondent(s)

Date of hearing: 18.01.2024

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

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent(s): Mr. Soumitra Mukherjee, Adv. for R- 1, (in Virtual Mode)
Mr. Ashok Prasad, Adv. for R-2,8 & 13,
Mr. Dipanjan Ghosh, Advocate for R-3,
Mr. Surendra Kumar, Advocate for R-5,
Mr. Nayan Chand Bihani, Advocate a/w
Ms. Susmita Chatterjee, Adv. (in Virtual Mode) for R-6,
Mr. Sibojyoti Chakraborty, Advocate for R-10,
Mr. Kollol Basu, Advocate (in Virtual Mode) a/w
Mr. Prithwish Basu, Advocate for R-7
Ms. Amrita Pandey, Adv. for R-9,11&12, (in Virtual Mode)
Mr. Abhrajit Roy Chowdhury, Adv. for R-14, (in Virtual Mode)
Mr. Soumyajit Bhatta, Adv. for R-15, (in Virtual Mode)
Ms. Debasree Dhamali, Adv. for R- 16, (in Virtual Mode)
Mr. Ankan Das, Adv. for R- 17,

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present for the Applicant.
2. Status Report on affidavit dated 17.01.2024 has been filed the Chief Secretary, Government of West Bengal; the same is taken on record.
3. Annexure-R/3 to this affidavit is a Report of the District Magistrate, Hooghly, which we find to be absolutely vague. For example – it mentions that sewage generation is 162.83 MLD and in urban areas there are six Sewage Treatment Plants (STPs) existing; one STP is under construction at Hooghly-Chinsurah and two

elsewhere. What is the total capacity of the STP has not been mentioned. It leaves gaps with regard to sewage generated and sewage treated being unanswered.

4. Likewise, septage management, it is stated that septage is being regularly co-treated in the existing STPs and three Faecal Sludge Treatment Plants at Uttarpara, Bhadreswar and Bansberia have been proposed. The present status of treatment of Faecal Sludge has not been mentioned in the report.
5. This is only illustrative of the vagueness of the report filed by the District Magistrate, Hooghly. We are not satisfied with this report as we find that there are gaping omissions in facts, whether deliberate or otherwise, cannot be said at this stage.
6. The reports of other District Magistrates, Municipal Corporations/Municipalities or Gram Panchayats, as the case may be, which are covered by the flow of Hooghly river, are required to take steps for protection of environment and quality of water, have not been placed on record. It is for this reason we had directed the Chief Secretary, Government of West Bengal, to examine the matter at his level. No explanation has been given in the affidavit of the Chief Secretary, Government of West Bengal, as to why the affidavits of other District Magistrates, Municipal Corporations/Municipalities or Gram Panchayats, have not been filed.
7. The very purpose of directing the Chief Secretary to look into the matter was that none of the District Magistrates, Municipal Corporations/Municipalities or Gram Panchayats be found wanting with regard to execution of environmental laws and norms. We are not satisfied with the affidavit filed by the District Magistrate,

Hooghly, as we have already noted hereinabove, there are gaping holes in the facts disclosed by him. Such affidavit should not have been filed.

8. Mr. Sibojyoti Chakraborty, learned Counsel prays for and is granted four weeks time for filing fresh affidavit of the Chief Secretary, Government of West Bengal.
9. Ms. Paushali Banerjee, learned Counsel for the Applicant states that no reply affidavit has been filed by the State Respondents to her affidavit dated 05.10.2023.
10. The Chief Secretary shall also examine the said affidavit of 05.10.2023 filed by the Applicant and ensure that any affidavit or report that is filed is not deficient in factual material.
11. **List on 05.03.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 18, 2024,
Original Application No.20/2022/EZ
AK