

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 10/2016/EZ

Joydeep Mukherjee Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 06.01.2021

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s): None

For Respondent(s): Mr. Dipanjan Ghosh, Advocate for Respondent No. 3.  
Mr. Prabal Kumar Mukherjee, Senior Advocate along with Ms. Arpita Chowdhury, Advocate for Respondent No. 6.  
Mr. Bikas Kargupta, Advocate for Respondent No. 5.  
Mr. Gora Chand Roy Chowdhury, Advocate for MOEF&CC.  
Mr. Surender Kumar, Advocate for Respondent No. 2.

**ORDER**

1. By order dated 11.07.2020, we had noted the delay in completing the STP and sewerage network project for Siliguri which was sought to be explained by the respondents as having arisen due to delay in finalization

of the Detailed Project Report (DPR). We had been informed that as a temporary measure *in-situ* Bio Medical/Phyto Remedial Structure including operation and its maintenance had been proposed in respect of the drains near STP II pumping station at (i) PWD More (ii) near Surya Sen STP-II Mahakalpally River at Geeta Devi Ghat at Samarnagar, Siliguri, for which NIT has been issued fixing 06.07.2020 as the date of opening of bids.

2. We had expressed our disappointment on the lack of diligence on the part of the authorities in completing the project. The SJDA was directed to prepare an Action Plan for completion of Sewer Treatment Plant (STP) I, II and III and other ancillary works within a timeline of one year as the outer limit. The Action Plan was required to be submitted within 30 days from the date of the order.
3. Similarly, the Respondent No. 7, Irrigation Department, had been directed to complete the exercise as set out in its report filed on that day expeditiously within a period of one year irrespective of the period prescribed in the DPR. Action Plan was also called for from the Respondent No. 7 to be filed within 30 days. The Siliguri Municipal Corporation (SMC) was directed to file a detailed report on

the steps taken by them and the status with regard to removal of encroachments and beautification of the riverfront as directed earlier.

4. Upon perusal of the records, we find that the SJDA has submitted a DPR which is dated August, 2020 prepared by M/s. Xplorer Consultancy Services Pvt. Ltd. We do not know as to whether this DPR is the final DPR or not, but going by the supplementary affidavit filed by the SJDA which is taken on record today, the DPR had been forwarded to the Kolkata Metropolitan Development Authority (KMDA) and as per the affidavit of the SJDA dated 20.09.2020, DPR was a modified one in consonance with the clarification sought for by the KMDA. The modified DPR was again submitted to the Chief Engineer, KMDA giving necessary clarifications called for by the Authority. We notice considerable delay on the part of the KMDA in dealing with the matter as would appear from the supplementary affidavit filed today. Presently, it is stated that the vetting process of the corrected estimate of the modified DPR is still pending before the KMDA.
5. The Irrigation Department, in its status report has stated that the SMC is required to remove the encroachments on

both sides of the rivers Mahananda at Santoshinagar and Ganganagar area in order to proceed with the work on the remaining 5.230 km of stretch which is to be completed by December, 2021. While we appreciate the predicament faced by the Irrigation Department due to the delay in removal of encroachments, the timeline fixed for its completion as December, 2021 does not appear to be reasonable. We expect the protective works to be completed within a period of six months and that steps are taken to adhere to this timeline.

6. None has appeared for the SMC nor has any report been filed despite specific directions. The approach of the SMC has been found to be disappointing right from the inception as it has acted only when directions were issued by the Tribunal and has failed to discharge its responsibility as vested on it by law. Removal of encroachments from the river side is imperative and cannot be avoided in public interest and in the interest of the environment.
7. In view of the continued dereliction, we direct the Commissioner, SMC to be present before us on the next date and to show cause as to why appropriate coercive

action should not be taken against him. It may be observed that the orders of the Tribunal are executable as a decree which would include detention, civil imprisonment and other coercive actions. Since, the Chief Secretary, Government of West Bengal is a respondent in the case as Respondent No. 5, we direct him to take up the matter with the KMDA for expeditious disposal of the matter relating to DPR submitted by the SJDA completion of which, in our considered opinion, ought not to take more than one month from hence. Let a compliance report be filed in this regard by the SJDA and the Chief Secretary, Government of West Bengal before the next date. The Department of Irrigation on its part shall file a report of its work, also within the said date.

8. Let a copy of this order be transmitted to the Chief Secretary, Government of West Bengal and the Chairman, KMDA for compliance.
9. List on 19.02.2021.

S.P. Wangdi, JM

Saibal Dasgupta, EM

