BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 606 OF 2018

In Re:

Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues.

(COMPLIANCE REPORT BY THE WAY OF AN AFFIDAVIT ON BEHALF OF THE CHIEF SECRETARY, GOVERNMENT OF WEST BENGAL, IN PURSUANCE OF THE ORDER DATED 01.09.2022 PASSED BY THIS HON'BLE TRIBUNAL)

(PAPER BOOK)
PAGE NO. (1 TO 13)

For Index: Kindly see inside

Filed by: Ms. Madhumita Bhattacharjee, Counsel for the State of West Bengal

Add.: 212, Ansal Bhawan, 16, K.G. Marg, Connaught Place, New Delhi-110001

Mob.: 9811785211; Email: <u>bhattacharjee.madhumita@gmail.com</u>

8.L. No. 53) . 2. 5.

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 606 OF 2018

InRe:

Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues

COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF SECRETARY, GOVERNMENT OF WEST BENGAL, IN PURSUANCE OF THE ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH DATED 01.09.2022

INDEX

Sl No	Document	Annexure	Page	
1.	Affidavit of Chief Secretary,			
	Govt. of West Bengal		1-4	
2.	Relevant documents as	R/1	5-12	
	received from UD &MA			
	Deptt.			

3. Proof of Service

13

FILED BY:

(Madhumita Bhattacharjee) Advocate for the State of West Bengal



2 4 NOV 2022

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 606 OF 2018

In Re:

Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues

COMPLIANCE REPORT IN THE FORM OF AFFIDAVIT BY THE CHIEF SECRETARY, GOVERNMENT OF WEST BENGAL, IN PURSUANCE OF THE ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH DATED 01.09.2022

Most respectfully sheweth

- I, Hari Krishna Dwivedi, son of Rajendra Prasad Dwivedi, aged 58 years, by occupation- Government service, having office at Nabanna, 325 Sarat Chatterjee Road, Shibpur, Howrah, do hereby solemnly affirm and state as follows:-
- 1. That I am holding the post of Chief Secretary, Government of West Bengal, and I have made myself acquainted with the facts and circumstances of the instant Original Application and have gone through the documents pertaining to the subject matter of the instant original application. Hence, I am competent to file the present affidavit before this Hon'ble Tribunal.
- 2. That the present affidavit is being affirmed pursuant to the directions in Paragraph 49 of the solemn Order dated

01.09.2022 passed by this Hon'ble Tribunal directing the State Respondents to pay compensation for past violations of solid liquid waste norms to be paid by the State Government. The amount of compensation is fixed @ Rs. 2 crore per MLD. The gap in generation and treatment in West Bengal, as per data furnished is 1490 MLD. Thus, under this head, liability of the State of West Bengal is to pay compensation of Rs. 2980 crores, rounded off to Rs. 3000 crore in view of continuing damage. For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT. This works out to Rs. 366 crore but adding 134 crore for continuing addition of unprocessed waste @ 13469.19 TPD, the total amount is rounded off to Rs. 500 crore. Thus, final amount of compensation under the two heads (solid and liquid waste) is assessed at Rs. 3500 crores which may be deposited by the State of West Bengal in a separate ring-fenced account within two months, to be operated as per directions of the Chief Secretary and utilised for restoration Theasures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, appropriate mechanism for planning and execution that may be evolved, within three months. If violations continue, liability to pay additional compensation may have to be considered.

3. It is most respectfully submitted before this Hon'ble Tribunal that in pursuance of the above-mentioned directions, Urban

Compliance will be the responsibility of the Chief Secretary.

Development and Municipal Affairs Department has created two separate ring fenced accounts vide Memo No 606(sanction)/UDMA-13014(99)/100/2022-BDG-MA Dept. of UDMA dated 04.11.2022 under the scheme "Solid Waste Management Mission" in the Public Account of State Urban Development Agency (SUDA) after getting concurrence of the Finance Department, Government of West Bengal vide (GR-N), U.O. 3405, 3406, 3407 dated 28.10.2022 and the sum of Rs 3500 crore has been deposited to the ring fenced account. The transfer of fund has the concurrence of Gr-T vide U.O. No. Group T/2022-2023/0908 dated 01.11.2022.

The relevant documents as received from UD & MA Department in this regard are annexed herewith and marked as **Annexure R/1.**

4. The fund shall be operated in accordance with the directions of the Deponent and shall be utilized for restoration measures including preventing discharge of untreated sewage and solid waste treatment/processing solid waste treatment/processing facilities etc.

That the reply is true to my knowledge and belief, which I derived from the office record.

Hari Krishna Dmbedi DEPONENT

Expiry date

VERIFICATION

I, Hari Krishna Dwivedi, Chief Secretary, Government of West Bengal, do hereby verify that the contents of the report in the form of affidavit are true to the best of my knowledge and belief. No part of the Report is false and nothing has been concealed.

Verified at Kolkata this 22 day of November, 2022.

Prithwish Kurnar Basu WBF | 1520 | 1466 | 2010. Hari Krishna Duvely DEPONENT

Solemaly Affirmed and Declared before me U/S 139 CPC, (C) CRPC

Simon Chattacher

SUMTRA BHATTACHARYYA
Regd. No. 065 of 2022
Expiry date
1.4.2027

Sumitra Bhattacharyya Notary, Govt. of W.B. Regd. No. 065 of 2000 City Civil Court, Calcusta

2 4 NOV 2022

Amenn R/1

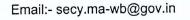


'Nagarayan', DF-8, Sector-I, Bidhannagar, Kolkata-700064

Tel: 03323349394

Fax: 03323347880

Date: 04/11/2022



Memo No: 606(sanction)/UDMA-13014(99)/100/2022-BDG-MA SEC-Dept. of UDMA

Sanction Order for Grant-in-Aid in Cash

Demand No.: 72

Department Code: UM

Financial Year:

2022 - 2023

1. Sanctioning Authority: ADDITIONAL SECRETARY, Urban Development and Municipal Affairs

2. Recipient of Grant: State Urban Development Agency

3. Category of the recipient of Grant: Others

4. Amount Sanctioned: Rs.35000000000/-

Rupees Three Thousand Five Hundred Crore Only.

5. DDO Code :- As Shown in the Annexure.

6. DDO Designation: DIRECTOR, SUDA

7. Department Code: UM-Urban Development and Municipal Affairs

8. Head of Account Code : As Shown in the Annexure.

9. Scheme Name Solid Waste Management Mission

10. Name of the Treasury/PAO & Accounts office: Pay & Accounts Officer-III, Calcutta PAO-III

11. Type of Grant:- Non-Recurring

12. Utilization Certificate Required or Not: Yes

13. Purpose of Grant: Transfer of funds in the Public Account of SUDA (Solid Waste Management Fund) as separate ring-faced account in pursuance of the Order passed by the Hon'ble NGT on 01.09.2022 as the compensation for damage to the environment due to violation of relevant sections of NGT Act.

- 14. Applicable T.R Form No:- TR Form No.31
- 15. An amount of Rs.3500000000/-(Rupees Three Thousand Five Hundred Crore Only.) is hereby sanctioned for paymen of Grant to the recipients as per SI.No.2 from the Head of Account as stated in SI.No.8 above against the Budge Provision of the Financial Year 2022 2023. The sanctioned amount will be payable through Transfer Credit into the LF/PL/Other Deposit Account/ECS/Cheque, as the case may be following the order issued by Finance Department in this regard.
- 16. Total released amount is within the Budget Provision of the Financial Year. 2022 2023
- 17. This order issues in exercise of the power delegated under Finance Department Memo. No. 1212-FB Dt 31.03.2022witl the concurrence of Finance Deptt.vide Gr. N U.O. No. 3405, 3406, 3407 Date 28/10/2022
- 18. The Principal Accountant General (A&E), West Bengal and Pay & Accounts Officer/Treasury Officer and other concerned are being informed.

19. Remarks: Fund is released for depositing in Public Account for "So!id and Liquid Waste Management Fund" as specified in the F.D. (Gr-N) U.O. 3405, 3406, 3407 all dtd. 28.10.2022 (enclosed herewith). This transfer of fund has the concurrence of Gr-T vide U.O. No. Group T/2022-2023/0908 dtd. 01.11.2022 (enclosed herewith). SUDA will take n/a as per the F.D. (Gr-N) U.O. No. 3406 dtd. 28.10.2022. This is a system generated Memo & does not require signature.

ADDITIONAL SECRETARY

Urban Development and Municipal Affairs





Memo No:606(sanction)/UDMA-13014(99)/100/2022-BDG-MA SEC-Dept. of UDMA

Memo Date:04/11/2022

Sub-Alloting Officer / DDO wise Alloted Amount Summary

Amour	Sub-Alloting Code / DDO Code Designation	SI No.
35,000,000,000.0	CAFUDA002-DIRECTOR, SUDA	1.
35,000,000,000.0		

ADDITIONAL SECRETARY



Annexure of Memo No- 606(sanction)/UDMA-13014(99)/100/2022-BDG-MA SEC-Dept. of UDMA Date- 04/11/2022

Allotment From Department - UM-Urban Development and Municipal Affairs to - CAFUDA002-DIRECTOR, SUDA

Treasury Name : Calcutta PAO-III Pay & Accounts Office-III,

ID	Head of Account	Scheme Description	Object of Expenditure	Alloted Amount
423244	72-2217-03-191-003-31-02-V	Solid Waste Management Mission	Other Grants	14282500000
423241	72-2217-03-192-002-31-02-V	Solid Waste Management Mission	Other Grants	20717500000

35,000,000,000.00

ADDITIONAL SECRETARY





Finance Department Group N - Budget Branch

File No. : UDMA-13014(99)/100/2022-BDG-MA SEC-Dept. of UDMA/FIN-30014/344/2022-GROUP R SEC-Dept. of FIN

Development and Municipal Affairs Department]

Sl.	Heads of Account	Earmark	Budget Amount (₹)	Re-App Amount (₹)	Augment Amount (Surrender Amount (₹)	Current Ceiling	Cumulative Ceiling (₹)
1	UM-72-4217-01-051-010-53-00-V	JNURMS	64,05,00,000	0	0	-50,00,00,000	0	77,00,000

We may agree to surrender Rs. 50,00,00,000/- under the H/A "72-4217-01-051-010-53-00-V" from revised balance of Budge Provision, 2022-23 to provide equivalent sum under the H/A "72-2217-03-192-002-31-02-V" towards transfer of said fund to a separate ring-faced account as compensation in pursuance to the Order passed by Hon'ble NGT on 01.09.2022.

This U.O. may be read with U.O. No. 3406 & 3407 dated 28.10.2022.

Sd/- S. Hasan, Assistant Secretary 20.10.2022

Sd/- A. K. Mondal, Special Secretary 20.10.2022

Sd/- S. Gourisaria, Senior Special Secretary 20.10.2022

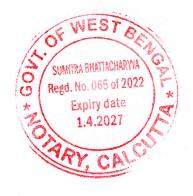
Sd/- Manoj Pant, Additional Chief Secretary 21.10.2022

U.O. No. : 3405 U.O. Date : 28/10/2022

To
Urban Development and Municipal Affairs
Department

(Section Officer)
Finance Department, Budget Branch

Sd/-Chandrima Bhattacharya (Minister-Of-State)





Government of West Bengal

Finance Department

Group N - Budget Branch

File No.: UDMA-13014(99)/100/2022 (FD Computer No. 605523)

New Head of Account

- 1. 8448-00-120-159-07-R Solid and Liquid Waste Management Fund
- 2. 8448-00-120-159-23-D Solid and Liquid Waste Management Fund
- I. We may agree to open following Heads of Account in the Public Account as separate ring-faced account for depositing Rs. 3500 Crore in pursuance of the Order passed by the Hon'ble National Green Tribunal on 01.09.2022 as the compensation for damage to the environment due to violation of relevant Sections of NGT Act by the State. The said account to be operated as per directions or the Chief Secretary and utilized for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution in pursuance of aforesaid Order of the Hon'ble NGT:
- (i) 8448-00-120-Other Funds-159-Solid and Liquid Waste Management Fund-07-Deposits [Receipt Side]
- (ii) 8448-00-120-Other Funds-159-Solid and Liquid Waste Management Fund-23-Withdrawal [Disbursement Side]
- II. Fund of Rs. 3500 Crore has been released vide U.O. No. 3407 dated 28.10.2022 for transfer of same to the aforesaid ring-faced account.
- III. We may have no objection towards operating of the captioned by State Urban Development Authority (SUDA), subject to the concurrence of Group-T.
- IV. Considering the urgency to comply the Court Order, the aforesaid fund has been opened in Public Account. The UD&MA Department may be requested to approach the office of the Pr. Accountant General (A&E), West Bengal for post-facto approval.
- Sd/- S. Hasan, Assistant Secretary 20.10.2022
- Sd/- A. K. Mondal, Special Secretary 20.10.2022
- Sd/- S. Gourisaria, Senior Special Secretary 20.10.2022
- Sd/- Manoj Pant, Additional Chief Secretary 21.10.2022

U.O. No.

: 3406

U.O. Date

: 28/10/2022

Sd/-

Chandrima Bhattacharya (Minister-Of-State)

28/10/2022

SECTION OFFICER
Finance (Budget) Department





Finance Department Group N - Budget Branch

File No.: UDMA-13014(99)/100/2022-BDG-MA SEC-Dept. of UDMA/FIN-30014/344/2022-GROUP R SEC-Dept. of FIN [Urban Development and Municipal Affairs Department]

Development and Mannespartation 2 - pro-								
S1.	Heads of Account	Earmark	Budget Amount (₹)	Re-App Amount (₹)	Augment Amount (₹)	Surrender Amount (₹)	Current Ceiling	Cumulative Ceiling (₹)
1	UM-72-2215-01-101-005-31-02-V		21,21,00,000	0	0	-10,00,00,000	-2,40,11,080	8,20,38,920
2	UM-72-2217-01-193-008-31-02-V		42,45,00,000	0	0	-10,00,00,000	-7,20,350	14,52,90,858
3	UM-72-2217-01-193-008-35-00-V		140,00,00,000	. 0	0	-70,00,00,000	-5,01,426	37,07,65,557
4	UM-72-2217-03-191-003-31-02-V		126,00,00,000	0	1318,87,67,000	0	1419,67,67,000	1444,87,67,000
5	UM-72-2217-03-192-002-31-02-V		185,85,00,000	0	1910,11,51,000	0	2058,79,51,000	2095,96,51,000
6	UM-72-2217-05-191-001-35-00-V		61,95,00,000	0	0	-39,00,00,000	-6,79,10,334	5,59,89,666
7	UM-72-2217-05-191-005-31-02-V		10,50,00,000	0	0	-5,00,00,000	-39,13,000	1,70,87,000
8	UM-72-2217-05-191-019-36-00-V		940,00,00,000	0	0	-90,00,00,000	-90,00,00,000	850,00,00,000
9	UM-72-2217-05-191-020-36-00-V		39,00,00,000	0	0	-3,00,00,000	-3,00,00,000	36,00,00,000
10	UM-72-2217-05-191-043-35-00-V		45,00,00,000	0	0	-5,00,00,000	-514	29,21,35,652
11	UM-72-2217-05-191-062-31-02-V		140,00,00,000	0	0	-49,00,00,000	0	77,77,66,000
12	UM-72-2217-05-192-007-36-00-V		679,00,00,000	0	0	-100,00,00,000	-100,00,00,000	579,00,00,000
13	UM-72-2217-05-192-008-36-00-V		25,00,00,000	0	0	-3,00,00,000	-3,00,00,000	22,00,00,000
14	UM-72-2217-05-192-016-31-02-V		180,00,00,000	0	0	-71,00,00,000	0	108,53,94,000
15	UM-72-2217-05-192-051-35-00-V		52,50,00,000	0	0	-25,00,00,000	0	18,98,03,000
16	UM-72-2217-05-193-007-35-00-V		10,50,00,000	0	0	-5,00,00,000	-1,88,97,000	21,03,000
17	UM-72-2217-05-193-079-35-00-V		10,50,00,000	0	0	-7,00,00,000	-1,88,62,235	21,37,765
18	UM-72-2217-05-789-009-35-00-V		21,00,00,000	0	0	-8,00,00,000	0	12,35,71,000
19	UM-72-2217-05-789-025-31-02-V		100,00,00,000		0	-25,00,00,000	0	57,40,89,000
20	UM-72-2217-05-796-013-31-02-V		27,00,00,000	0 (0	-5,00,00,000	0	15,58,36,000
21	UM-72-2235-60-200-097-31-02-V		115,00,00,00	0 (0	-25,00,00,000	-8,51,00,000	14,49,00,000
22	UM-72-4216-02-101-021-53-00-V		9,90,00,00	0	0	-3,00,00,000	-53,11,051	5,44,12,281
23	UM-72-4217-01-051-011-53-00-V		328,16,25,00	0	0	-102,00,00,00	0	201,12,39,619
24	UM-72-4217-60-001-004-53-00-V		250,00,00,00	0	0	-150,00,00,00	-9,89,943	49,90,10,057
	UM-72-4217-60-050-002-53-00-V		52,50,00,00		0	-30,00,00,00	-10,50,00,000	C
25	UM-72-4217-60-051-014-53-00-V		790,62,50,00		0	-390,00,00,00	0 0	192,34,25,767
26	UM-72-4217-60-051-018-53-00-V		367,50,00,00		0 (-187,30,30,00	0 -6,57,09,648	80,82,01,540
27	UM-72-4217-60-051-022-53-00-V		70,00,00,00		0 (-40,00,00,00	0 -2,23,80,321	11,76,19,679
28	UM-72-4217-60-191-002-53-00-V		350,00,00,00		0	-200,00,00,00	0 -1,63,92,052	83,64,87,948
30			341,25,00,00		0	-220,00,00,00	0 -297	68,24,99,703
			620,00,00,00		0	-370,00,00,00	-27,10,82,774	131,89,17,220
31	UNI-12-4211-00-193-002-33-00-V							



Sl.	Heads of Account	Earmark	Budget Amount (₹)	Re-App Amount (₹)	Augment Amount ()	Surrender Amount (₹)	Current Ceiling	Cumulative Ceiling (₹)
32	UM-72-4217-60-789-004-53-00-V	<u> </u>	173,25,00,000	0	0	-103,11,79,000	-2,60,49,170	37,47,02,155
	Total		6325,64,75,000	0	3228,99,18,000	-2350,42,09,000	3209,18,86,805	6292,38,41,393

I. In accordance with the Order passed by Hon'ble NGT on 01.09.2022 in the case O.A. 606 of 2018 in respect of State of WB- compliance of SWM Rule 2016 & other environment issues, we may agree to release the total amount of Rs. 3478,47,18,000/- under the heads of account "72-2217-03-192-00-002-31-02-V" [Rs. 2058,79,51,000/-] and "72-2217-03-191-00-003-31-02-V" [Rs. 1419,67,67,000/-] and request the Admn Dept. to utilize e-Bantan Balance of Rs. 21,52,82,000/-, out of which Rs. 12,95,49,000/- under the H/A "72-2217-03-192-00-002-31-02-V" & Rs. 8,57,33,000/- under the H/A "72-2217-03-191-00-003-31-02-V" to meet the total requirement of Rs. 3500,00,00,000/- relating to Solid & Liquid Waste Management, to enable the UD&MA Department to deposit the said amount in a separate ring-faced account under the H/A "8448-00-120-Other Funds-159-Solid and Liquid Waste Management Fund-07-Deposits/23-Withdrawal" opened vide U.O. No. 3406 dated 28.10.2022.

II. To provide the aforesaid fund, we may agree to (A) surrender total amount of Rs. 2400,00,00,000/-, out of which the (i) Rs. 2350,00,00,000/- vide instant U.O. No. under 30 above mentioned Heads of Account of which Rs. 269,28,31,195/- from revised balance of Budget Provision, 2022-23 and Rs. 2080,71,68,805/- from available e-Bantan Balance with Admn Dept. and (ii) Rs. 50,00,00,000/- under the H/A "72-4217-01-051-010-53-00-V" from from revised balance of Budget Provision, 2022-23 vide U.O. No. 3405 dated 28.10.2022 and (B) also agree to provide additional fund of Rs. 1910,11,51,000/- under the H/A "72-2217-03-192-002-31-02-V" & Rs. 1318,87,67,000/- under the H/A "72-2217-03-191-003-31-02-V" to enhance the total available ceiling to Rs. 3500 Crore.

III. The UD&MA Department may take appropriate action to transfer the fund of Rs. 3500 Crore to the separate ring-faced account as stated in Para-I above in pursuance of the Order of Hon'ble NGT.

Sd/- S. Hasan, Assistant Secretary 20.10.2022

Sd/- A. K. Mondal, Special Secretary 20.10.2022

Sd/- S. Gourisaria, Senior Special Secretary 20.10.2022

Sd/- Manoj Pant, Additional Chief Secretary 21.10.2022

U.O. No.: 3407 U.O. Date: 28/10/2022



To
Urban Development and Municipal Affairs
Department

(Section Officer)
Finance Department, Budget Branch

Sd/-Chandrima Bhattacharya (Minister-Of-State)





Workflow Based File Tracking System Government of West Bengal Finance - Group T

File No: 603674UDMA-13014(99)/100/2022-BDG-MA SEC-Dept. of

Subject: O.A. 606 of 2018 in respect of State of WB- compliance of SWM Rule 2016 & other environment issues. (C-12/Misc/3S-17/2018(Pt-I)

Department: Finance

Group T eOffice File No. 605523 FIN-30014/344/2022-GROUP R SEC-Dept. of FIN

We may accord concurrence to the proposal of UDMA Dept to open Separate Deposit Account under the scheme description 'Solid & Liquid Waste Management Fund', as separate ring-faced account for depositing Rs. 3500 Crore in pursuance of the Order passed by the Hon'ble National Green Tribunal on 01.09.2022 as the compensation for damage to the environment due to violation of relevant Sections of NGT Act by the State, under payment control of Pay and Account Office - III with Director, SUDA as Operator of that Deposit Account. The Receipts HOA of the Deposit account will be 8448-00-120-Other Funds-159-Solid and Liquid Waste Management Fund-07-Deposits and Disbursement HOA will be 8448-00-120-Other Funds-159-Solid and Liquid Waste Management Fund-23-Withdrawal.

We may further concur to the proposal of UDMA Dept towards transfer Rs. 3500 Crore of fund released by GR-N, FD vide UO No 3407 dt. 28.10.2022 to the above mentioned Deposit Account as per the Order of Hon'ble NGT.

ACS (FIN) 29.10.2022

UO NO: Group T/2022-2023/0908

UO Date: 01/11/2022

Sd/-

ACS (FIN)

29/10/2022

To FD, Group R / UDMA Deptt

Section Officer

