

EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY REPORT (2013-2014 to 2015-2016)



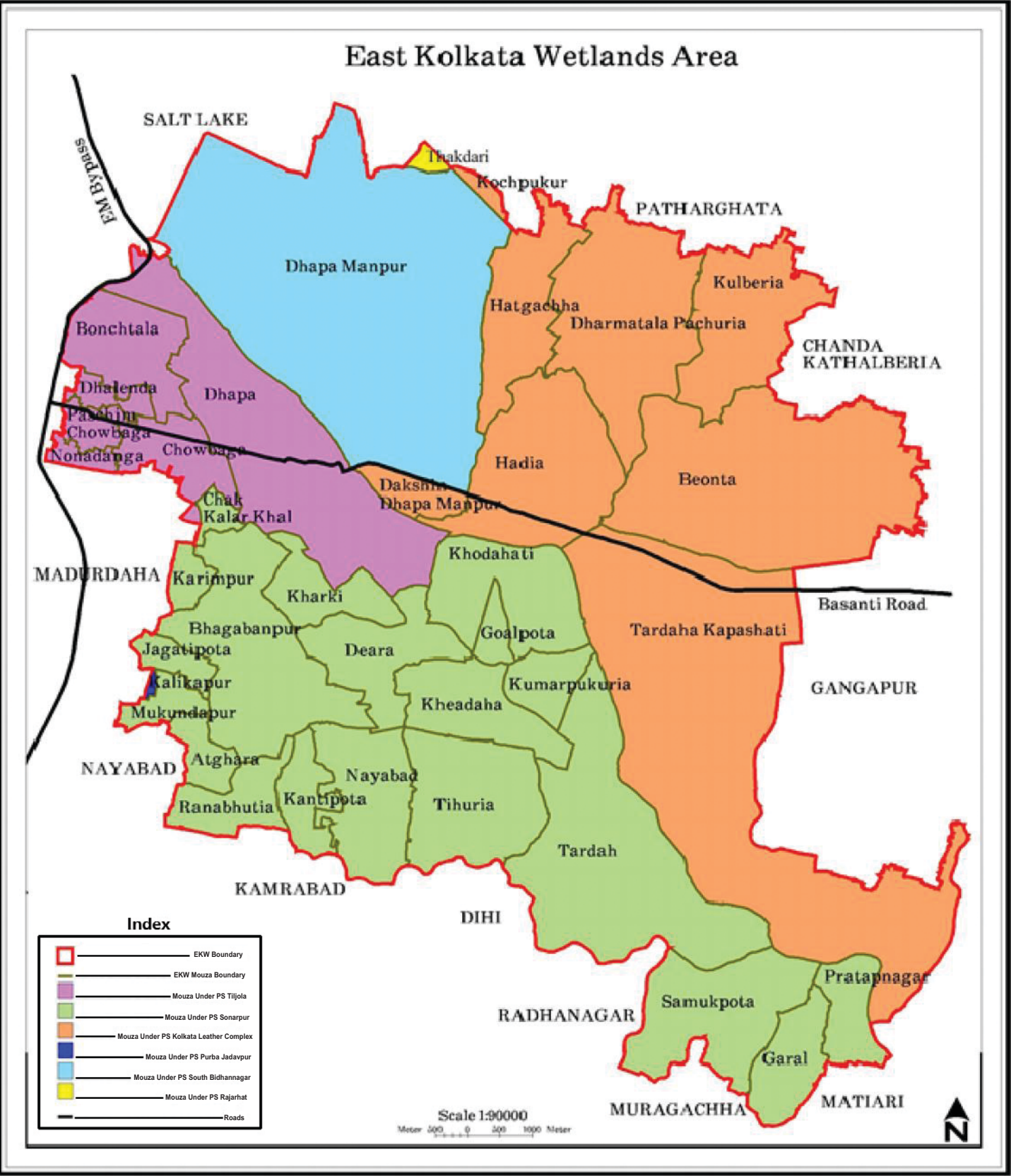
World Wetlands Day
Celebration on 2nd February



Demarcating EKW Boundary



ENVIRONMENT DEPARTMENT
GOVERNMENT OF WEST BENGAL
2016



Police Station map of East Kolkata Wetlands

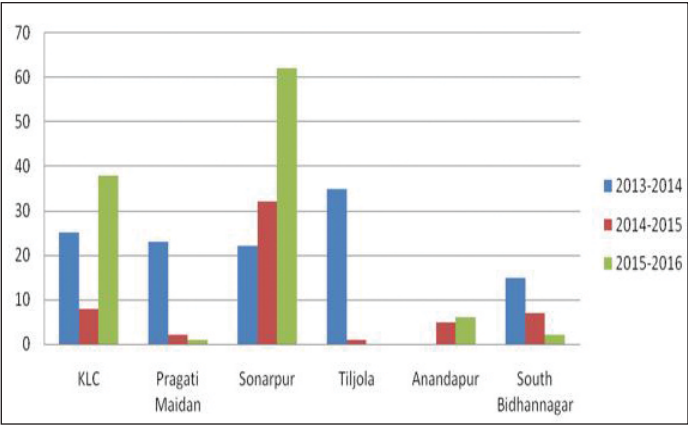


Figure 1. Year wise distribution of field inspections in different police stations in the EKW

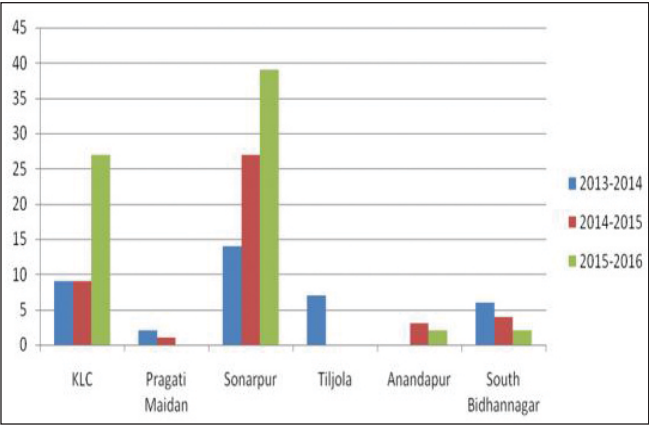


Figure 2. Year wise distribution of cases registered in different police station in the EKW

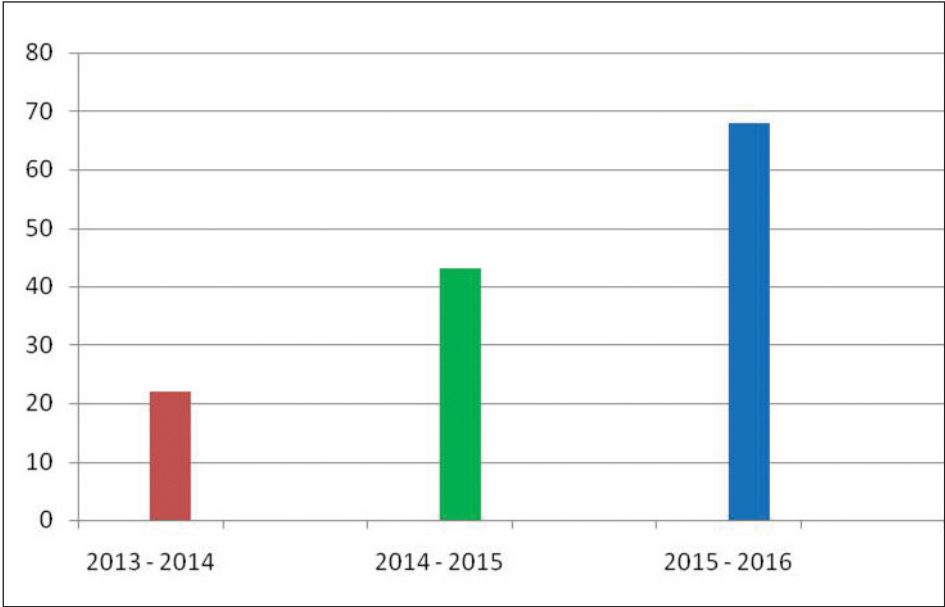


Figure 3. Trend in cases received under RTI Act, 2005

**EAST KOLKATA WETLANDS
MANAGEMENT AUTHORITY
REPORT
(2013-2014 to 2015-2016)**

**ENVIRONMENT DEPARTMENT
GOVERNMENT OF WEST BENGAL
2016**

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FRONT COVER AND BACK COVER

Inside front cover: Police Station map of East Kolkata Wetlands

This map has been prepared based on the East Kolkata Wetlands (Conservation and Management) Act, 2006.

Back cover: Some photographs of World Wetlands Day celebration and demarcating EKW boundary

THE EAST KOLKATA WETLANDS

The East Kolkata Wetlands (EKW) lying adjoining to the New Town, the Salt Lake along the eastern flank of the Eastern Bypass encompasses an area of 12,500 Ha. It comprises of 37 Mouzas (30 full and 7 part) under South 24 Parganas, North 24 Parganas and KMC. It has number of sewage-fed fisheries, agriculture and solid waste farms and some built-up settlement areas. The area and percentage under different land uses have been estimated as follows:

Categories of land use	Area in ha	Percentage
Substantially water body area (primarily sewage-fed fishery activities)	5,852.14	46.82
Agricultural area	4,718.56	37.75
Productive garbage farming area	602.78	4.82
Urban and rural settlement area	1,326.52	10.61
Total	12,500.00	100.00

Since Kolkata is sloped towards east, it was earlier developed as a natural urban waste water treatment system, besides its utility as a carbon sink. These wetlands form part of the large stretches of lowland that is extended towards the Sundarbans. It is enormously productive with respect to fish and vegetable cultivation and supplements city's requirements to a large extent besides providing livelihood to people. Annually about 10,500 tons of fishes and about 55,000 tons of vegetables are supplied to the city markets providing livelihoods to about 50,000 people directly and as many people indirectly. The fish ponds are mostly operated by worker cooperatives, in some cases in legal associations. A variety of migratory birds also visit the wetlands during winter. The EKW has been designated as 'Wetlands of International Importance' (Ramsar site no. 1208 under World Wetland Convention) since 2002.

THE EAST KOLKATA WETLANDS MANAGEMENT AUTHORITY

The East Kolkata Wetlands Management Authority (EKWMA) has been constituted under Section 3 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 for conservation and management of the EKW.

It is guided by the East Kolkata Wetlands (Conservation and Management) Act, 2006, the East Kolkata Wetlands (Conservation and Management) Rules, 2006 and the Wetlands (Conservation and Management) Rules, 2010 for conservation and management of the EKW.

2.1 Constitution of the EKWMA

The EKWMA is a nineteen (19) member body drawn 16 official members and 3 non officials represented by NGOs.

Chairperson : Chief Secretary to the Government of West Bengal.
During this period the Chairperson of EKWMA as follows
Shri Sanjay Mitra, IAS and
Shri Basudeb Banerjee, IAS (30.12.2015 till date).

Member Secretary: Additional Chief Secretary/Principal Secretary/Secretary, Department of Environment.
During this period the Member Secretary of EKWMA as follows
Shri Trilochan Singh, IAS (01.04.2013 to 13.06.2014) and
Shri Chandan Sinha, IAS (13.06.2014 to 31.03.2016).

Members

- Additional Chief Secretary/Principal Secretary/Secretary, Department of Urban Development
- Additional Chief Secretary/Principal Secretary/Secretary, Department of Irrigation & Waterways
- Additional Chief Secretary/Principal Secretary/Secretary, Department of Fisheries
- Additional Chief Secretary/Principal Secretary/Secretary, Department of Forest
- Additional Chief Secretary/Principal Secretary/Secretary, Department of Municipal Affairs
- Additional Chief Secretary/Principal Secretary/Secretary, Department of Land & Land Reforms
- Additional Chief Secretary/Principal Secretary/Secretary, Department of Panchayat & Rural Development
- Chairman, West Bengal Pollution Control Board
- Member Secretary, West Bengal Pollution Control Board
- Chief Executive Officer, Kolkata Metropolitan Development Authority
- Commissioner, Kolkata Municipal Corporation
- District Magistrate, 24 Parganas (South)
- District Magistrate, 24 Parganas (North)
- Director, Institute of Environmental Studies and Wetland Management (IESWM) or his representative (see Annexure I)

- Swami Prananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad – Non Government member (see Annexure II)
- Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramkrishna Sarada Mission– Non Government member (see Annexure II)
- Smt Bonani Kakkar, People United for Better Living in Calcutta – Non Government member (see Annexure II).

The EKWMA has a website (www.ekwma.in) which provides the details about the organization.

2.2 Organisational structure

The EKWMA functions from its office at Poura Bhavan, 4th Floor, Bidhannagar, Kolkata 700106 (see Annexure III). Day to day activities of the EKWMA is being carried out through fifteen (15) employees under the supervision of **Chief Technical Officer (CTO)**, an officer who is a deputed officer from other Department.

During this period following officers officiated as CTO:

Sl. No.	CTO, EKWMA	Duration
1	Dr. Kana Talukder, IFS	01.04.2013 to 24.02.2014
2	Dr. Jose T. Mathew, IFS	24.02.2014 to 30.11.2015
3	Shri Sandipan Mukherjee, IFS	30.11.2015 till date

2.3 Meetings of the EKWMA

During the period of the report EKWMA has had seven Authority meetings detailed in the following table. Meetings were held at Nabanna, Howrah. The minutes of the meetings are given in the Annexure IV.

Meeting No.	Meeting Date	Chairman, EKWMA	Member Secretary, EKWMA	CTO, EKWMA
21	30.12.2013	Shri Sanjay Mitra, IAS	Shri Trilochan Singh, IAS	Dr. Kana Talukder, IFS
22	03.02.2014	Shri Sanjay Mitra, IAS	Shri Trilochan Singh, IAS	Dr. Kana Talukder, IFS
23	10.06.2014	Shri Sanjay Mitra, IAS	Shri Trilochan Singh, IAS	Dr. Jose T. Mathew, IFS
24	08.09.2014	Shri Sanjay Mitra, IAS	Shri Chandan Sinha, IAS	Dr. Jose T. Mathew, IFS
25	17.11.2014	Shri Sanjay Mitra, IAS	Shri Chandan Sinha, IAS	Dr. Jose T. Mathew, IFS
26	11.02.2015	Shri Sanjay Mitra, IAS	Shri Chandan Sinha, IAS	Dr. Jose T. Mathew, IFS
27	04.03.2016	Shri Basudeb Banerjee, IAS	Shri Chandan Sinha, IAS	Shri Sandipan Mukherjee, IFS

MAJOR ACTIVITIES IN THE EKWMA

Major activities taken up during 2013-14 to 2015-16 by the EKWMA can be described as follows :-

1. Developmental activities
 - Monitoring of quality of sewage water for maintenance of the sewage quality and biodiversity in EKW area
 - Excavation/desiltation of bheries
 - Demarcation of the boundary of the EKW
 - Study to elucidate the significance of East Kolkata Wetland in carbon sequestration to mitigate the climate change
2. Field Inspection and enquiry on alleged violations of the Act and Rules pertaining to the EKW and initiating criminal cases against offenders/violators
3. Attending Court cases
 - Unnayan Developers Pvt. Ltd vs. State of West Bengal & Ors. (W.P.486 of 2012)
 - Splendour Commercial Pvt. Ltd & Anr. vs. EKWMA & Ors
 - Cases pending before the Hon'ble High Court of Calcutta and the National Green Tribunal, Eastern Bench relating to the EKW
4. Supplying information on the EKW to the general public as and when requested for or through RTI
5. Disposal of applications for NOC after due hearing

3.1 Development Activities

3.1.1 Monitoring of quality of sewage water for maintenance of the sewage quality and biodiversity in EKW area

As huge amount of fish is produced and supplied to Kolkata city regularly from the EKW utilising sewage water the main objective of this project was to highlight the average quality of sewage in main canals coming from five pumping stations and the average change in quality at inlet and outlet points of the fish bheries distributed on the both sides of the main canals.

During September, 2012 to June, 2013 water samples were collected and components such as pH, conductivity, turbidity, dissolved oxygen, BOD, COD, Total Nitrogen, Total Phosphorus, hardness, alkalinity, fecal coliform log etc. were examined for 35 number of bheries. From this study it is clear that the removal efficiency of fecal coliform and chemicals (BOD and total Nitrogen) are found comparatively more at EKW than conventional treatment technology. Considering degree of sewage rectification as assessed by National Sanitation Foundation Water Quality Index (NSF-WQI), sewage at bheri outlet is classified as good to excellent. The project was implemented through the Institute of Environmental Studies and Wetland Management.

System components	NSF-WQI values ¹	Classifications
Bantala canal		
Raw sewage	2.75	Very bad
Sewage at bheri inlet	22.26	Very bad
Sewage at bheri outlet	77.2	Good to excellent
Chingrighata		
Raw sewage	10.61	Very bad
Sewage at bheri inlet	13.88	Very bad
Sewage at bheri outlet	74.45	Good to excellent

Thus EKW plays a significant role in ameliorating the sewage water on hygienic point of view on the bheries and this sewage water is being used for irrigation of paddy fields.

¹The National Sanitation Foundation Water Quality Index (NSF-WQI) ranging from 63-100 is classified as excellent, from 50-63 as medium to good, from 38-50 as bad and less than 38 bad to very bad

3.1.2 Excavation/desiltation of bheries

During the Financial year 2013-14 EKWMA released the fund of Rs. 80,98,000/- from Ministry of Environment and Forests (MoEF) project to Fisheries Department, Government of West Bengal for excavation of bheries for EKWMA.

3.1.3 Demarcation of the boundary of the EKW

In view of increasing incidents of violations and consequent destruction of wetlands, there was a dire necessity for demarcation of the East Kolkata Wetlands.

As a prerequisite, various waypoints (coordinates) were selected from the satellite image using remote sensing and GIS. During 2014-15 ground truthing for verification of waypoints was started with the help of district officials of North 24 Parganas and South 24 Parganas. Virtual demarcation is almost complete whereas physical demarcation is pending.

3.1.4 Study to elucidate the significance of East Kolkata Wetland in carbon sequestration to mitigate the climate change

East Kolkata Wetlands has a potential role as carbon (C) sink for the city of Kolkata. Thus EKW performs the dual role of carbon sequestration as well as sewage purification. The study is aimed at quantifying carbon sequestration potential of the wetlands. The project is being implemented through the Institute of Environmental Studies and Wetland Management.

3.2 Field Inspection and filing of FIR

In order to enforce the East Kolkata Wetlands (Conservation and Management) Act, 2006 and Wetlands (Conservation and Management) Rules, 2010 to stop illegal change of land use, or to stop unauthorized construction, filling up water body etc. within the East Kolkata Wetlands area field visits are conducted as and when required. Beside this, field visits are also conducted based on requirements of the EKWMA. After inspection field report is submitted to the CTO. During the time period, there were 284 field inspections. The police station-wise details of field inspection report submitted are given in Table 1. Figure 1 shows year wise distribution of field inspections in different police stations in the EKW.

District	Police Station	No. of field inspection report submitted		
		2013-2014	2014-2015	2015-2016
	KLC	25	8	38
	Pragati Maidan	23	2	1
24 Parganas (South)	Sonarpur	22	32	62
	Tiljola	35	1	0
	Anandapur	0	5	6
24 Parganas (North)	South Bidhannagar	15	7	2
Total		120	55	109

Table 1. Police Station wise number of field inspection report submitted

Based on field inspection reports, if necessary, show cause /stop work notice directing to restore the subject plot to its original character or mode of use under section 11(1) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 is served. If required FIR is lodged with the concerned police station within whose jurisdiction the unauthorized activity is going on. Police station wise cases registered during the period of the Report are given in Table 2 and Figure 2. Mouza wise distribution of FIRs is shown in Table 3.

District	Police Station	No. of Cases registered		
		2013-2014	2014-2015	2015-2016
24 Parganas (South)	KLC	9	9	27
	Pragati Maidan	2	1	0
	Sonarpur	14	27	39
	Tiljola	7	0	0
	Anandapur	0	3	2
24 Parganas (North)	South Bidhannagar	6	4	2
Total		38	44	70

Table 2. Police Station wise number of Cases registered

District	Mouza	No. of FIRs lodged		
		2013 - 2014	2014 - 2015	2015 - 2016
24 Parganas (South)	Dharmatala Panchuria	4	2	9
	Kulberia	0	6	7
	Beonta	0	0	1
	Tardaha Kapashati	0	1	3
	Hadia	1	0	4
	Dakshin Dhapa Manpur	0	0	2
	Hatgachha	3	0	1
	Kochpukur	1	0	0
	Dhalenda	1	1	0
	Dhapa	1	0	1
	Deara	1	0	2
	Goalpota	4	0	0
	Karimpur	1	3	4
	Kheadaha	2	0	0
	Khodahati	1	0	0
	Nayabad	1	0	1
	Ranabhutia	2	0	5
	Tardaha	2	1	0
	Chak-Kolar-Khal	0	1	1
	Jagatipota	0	6	11
	Mukundapur	0	2	0
	Atghara	0	6	0
	Bhagabanpur	0	7	11
	Kharki	0	1	4
	Chowbaga	5	2	1
	Nonadanga	1	1	0
	Paschim Chowbaga	1	0	0
24 Parganas (North)	Dhapa Manpur	6	4	2
Total		38	44	70

Table 3. Mouza wise number of FIRs lodged

3.3 Court Cases

3.3.1 Unnayan Developers Pvt. Ltd vs. State of West Bengal & Ors. (W.P.486 of 2012)

During 22nd Meeting of the EKWMA on 3.2.2014 at Nabanna unanimously decided to adopt the same resolution taken during the 18th Meeting of the EKWMA on 24.2.2012 of canceling NOC for fencing relating to ecotourism projects given earlier to Bengal Sunny Rock Estates Housing Development Company Ltd., Unnayan Developers (P) Ltd., Greentech Farms & Agro Private Limited, Green Concretex Developers Pvt. Ltd., Shyam Greenfield Developers Pvt. Ltd., Sankalp Vanijya Pvt. Ltd. and Kalyan Bharati Foundation. It was observed that required quorum was present during the meeting on 3.2.2014. Accordingly a Reasoned Order for cancellation of NOC for fencing around projects sites for development of eco-tourism within the EKW was issued vide no. CTO/EN/060/161/2009-10 dated 14.2.14. Copy of the Reasoned Order is at Annexure V.

3.3.2 Splendour Commercial Pvt. Ltd & Anr. vs. East Kolkata Wetlands Management Authority & Ors.

Splendour Commercial Pvt. Ltd. through Sri Hari Narayan Bihani, Director applied in Form-I for change of character or mode of use of land in the East Kolkata Wetlands area (under Rule 8 of the East Kolkata Wetlands (Conservation and Management) Rules, 2006) on 24.1.2011. The purpose of application was conversion of land classification from “Shali” to “Bastu” for construction of school building and EKWMA did not issue No Objection Certificate (NOC) for the requested conversion. Subsequently Splendour Commercial Pvt. Ltd. approached the Hon’ble High Court of Calcutta in WP No.23860(W) of 2012 against EKWMA and vide Order dated 15.7.2013 the said Writ Petition was rejected.

Splendour Commercial Pvt. Ltd. challenged the Order dated 15.7.2013 (against WP No.23860(W) of 2012) vide M.A.T 1122 of 2013 and C.A.N 7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. vs. EKWMA & Ors. and the Hon’ble High Court, Calcutta passed an Order on 2.8.2013 in M.A.T.1122 of 2013 and C.A.N.7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. vs. EKWMA & Ors. with the direction to the competent authority “to consider the aforesaid prayer of the appellants strictly in accordance with law upon giving an opportunity of hearing to the authorized representative of the said appellants without any further delay but positively within a period of six weeks from the date of communication of this order”.

After giving an opportunity of hearing, Chief Technical Officer issued a Reasoned Order vide No. CTO/EN/242/349/13 dated 12.9.13 in terms of Order dated 2.8.2013 passed by Hon’ble High Court, Calcutta in M.A.T.1122 of 2013 and C.A.N.7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. vs. EKWMA & Ors. Copy of the Reasoned Order is at Annexure VI.

3.3.3 Cases pending before the Hon’ble High Court of Calcutta and the National Green Tribunal, Eastern Bench relating to the EKW

The list of cases pending before the Hon’ble High Court of Calcutta and the National Green Tribunal, Eastern Bench relating to the East Kolkata Wetlands is given in Annexure VII.

3.4 Right to Information

The basic object of the Right to Information (RTI) Act, 2005 is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make the democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. Being a ‘Public Authority’, the EKWMA is under obligation to furnish information sought for in various RTI applications that are received.

During this period of this Report, 133 cases under RTI Act, 2005 were received and subsequently replied. Number of cases received and disposed under RTI Act, 2005 during 2013-14 to 2015-16 is at Table 4. Figure 3 gives the concerned graph showing a steep rise in the number of cases at an exponential rate.

Year	No. of RTI application received	No. of RTI application disposed
2013-2014	22	20 (Two applications were replied in the next financial year)
2014-2015	43	41 (Two applications were replied in the next financial year)
2015-2016	68	72 (Four applications received during last financial year were replied in this financial year)

Table 4: Trend in cases received and disposed under RTI Act, 2005

3.5 Disposal of application for NOC to the EKWMA

During 2013-14 three members of same family (Partha Pratim Guha, wife Chhanda Guha and son Suhrid Guha) applied through post for NOC for housing in mouza Goalpota after FIRs had been lodged with P.S Sonarpur for illegal construction. CTO gave the mandated hearings and issued a Reasoned Order vide No.CTO/EN/039/373/2013-14 dated 29.1.2014 (Annexure VIII).

As per the decision of the 26th meeting of the EKWMA held on 11.02.2015, a five Member Committee headed by the Chief Secretary has been constituted to conduct hearings under Rule 8 of the EKW(C&M) Rules, 2006 for speedy and fair disposal of the applications received for change of character or mode of use of land in the EKW vide Order No. 530/EN/T-II-2/008/2005 dated 26.02.2015 (Annexure IX). The Committee has passed three 'Reasoned Order' rejecting the application for conversion of land within the EKW. All three Reasoned Orders are at annexure X.

AWARENESS GENERATION ACTIVITIES

4.1 World Wetlands Day

World Wetlands Day is observed on 2nd February every year all over the world to commemorate the signing of Ramsar Convention on Wetlands of International Importance in 1971 in the city of Ramsar (Iran). It provides an occasion to increase awareness on the importance and values of wetlands. Abstract is at Table 5.

Year	Theme	Programme
2014	Wetlands and Agriculture	Field trip in the EKW with students
2015	Wetlands for our future	Field trip in the EKW with students
2016	Wetlands for our future: Sustainable Livelihoods	At Sunderbans wetland at the National level

Table 5. Celebration of World Wetlands Day

4.2 Educational and training trips to East Kolkata Wetlands

Students from different Universities and State Forest Services and Forest Range Officer trainees have at different intervals visited the East Kolkata Wetlands for educational/training purposes. Table 6 presents the abstract.

Date	Purpose	Participants
July, 2013	Study of Wetland Management	Forest Range Officers Trainees (2013-14) of Uttarakhand Forestry Training Academy, Haldwani
December, 2013	Study Trip to Wetlands Ecosystem	Students of Environmental Science (Hons.) of Netaji Nagar College for Women, Kolkata
April, 2014	Study Trip to the EKW	Students of B.A./B.Sc.(General) of Maharaja Srischandra College
May, 2015	Study on Eco-tourism in the EKW	Students of Bachelor of Architecture (5th Year) of L.S. Raheja School of Architecture
December, 2015	Study Trip to Wetlands Ecosystem	Students of Environmental Science (Hons.) and Zoology (Hons) of Netaji Nagar College for Women, Kolkata

Table 6. Study tours conducted within EKW

FINANCES

In terms of section 13 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 the EKWMA has to maintain proper accounts which are audited by the Accountant General, West Bengal. Abstract of receipts and expenditure of EKWMA for the period of 2013-14 to 2015-16 and Budget Estimate of 2013-14 to 2015-16 are given at Table 7 and Table 8 respectively.

Financial Year	Name of Head	Opening Balance (Rs.)	Receipts (Rs.)	Expenditure (Rs.)	Closing Balance (Rs.)
2013-2014	3435-03-102 -SP-002-V-31-01	0.00	25,00,000.00	25,00,000.00	0.00
	3435-03-102 -SP-002-V-31-02	0.00	35,80,000.00	5,84,807.00	29,95,193.00
2014-2015	3435-03-102 -SP-002-V-31-01	0.00	24,79,216.00	24,79,216.00	0.00
	3435-03-102 -SP-002-V-31-02	29,95,193.00	0.00	0.00	29,95,193.00
2015-2016	3435-03-102 -SP-002-V-31-01	0.00	27,92,102.00	27,92,102.00	0.00
	3435-03-102 -SP-002-V-31-02	29,95,193.00	19,62,796.00	7,80,196.00	41,77,793.00
	3435-04-800 -SP-001-V-31-02	0.00	5,50,000.00	5,50,000.00	0.00
	3435-03-003 -SP-002-V-31-02	0.00	67,783.00	67,783.00	0.00
	3435-03-003 -SP-001-V-75	0.00	1,85,470.00	1,85,470.00	0.00

Table 7: Abstract of receipts and expenditure of EKWMA for 2013-14 to 2015-16

Name of Head	Budget Estimate		
	2013-2014 (Rs.)	2014-2015 (Rs.)	2015-2016 (Rs.)
3435-03-102-SP-002-V-31-01	25,00,000.00	25,00,000.00	30,00,000.00
3435-03-102-SP-002-V-31-02	50,00,000.00	20,00,000.00	20,00,000.00

Table 8: Budget for 2013-14 to 2015-16

Government of West Bengal

Annexure I

Department of Environment

Writers' Buildings, G-Block, 2nd Floor. Kolkata-1.

No. EN/1310/EKW-02/2013

Date : 20th May, 2013.

ORDER

The undersigned is directed by order of the Governor to say that the Governor is pleased to nominate the Director, Institute of Environmental Studies and Wetland Management as the representative to the East Kolkata Wetlands Management Authority under clause 3(2)(xvii) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 with immediate and until further orders.


Sd/- A.K.Roy
Deputy Secretary
to the Govt. of West Bengal.

No. EN/1310/EKW-02/2013/1(6)

Date : 20th May, 2013.

Copy forwarded for kind information to :-

1. The Director, Institute of Environmental Studies and Wetland Management.
2. The Chief Technical Officer, East Kolkata Wetlands Management Authority.
3. The P.S. to the MIC of this Deptt.
4. The P.S. to the Chief Secretary, West Bengal.
5. The P.A. to the Additional Chief Secretary of this Deptt.
6. The P.A. to the Secretary of this Deptt.



Deputy Secretary

**Government of West Bengal
Department of Environment
Poura Bhawan, 4th Floor, 415/A, FD Block, Sector-III, Salt Lake, Kolkata-106.**

No. EN/3001/T-II-2/007/2007

Dated, Kolkata, the 10th December, 2013.

ORDER

WHEREAS it has been considered necessary to nominate representatives of organizations under clause (xvi) of sub-section (2) of Section 3 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Ben. ACT VII of 2006) (hereinafter referred to as the said Act) and Rule 3(1) of the East Kolkata Wetlands (Conservation and Management) Rules, 2006 as Members of East Kolkata Wetlands Management Authority;

NOW, THEREFORE, in exercise of the power conferred by clause (xvi) of sub-section 2 of Section 3 of the said Act, the Governor is pleased hereby to nominate representatives of the following organisations as Members of the East Kolkata Wetlands Management Authority for a term of three years from the date of issue of this order or till further orders:

1. Ramakrishna Mission Lokashiksha Parishad, Ramakrishna Mission Ashrama, Narendrapur, Kolkata 700103
2. Ramakrishna Sarada Mission & Sri Sarada Math, Dakshineswar, Kolkata 700076
3. People United for Better Living in Calcutta (PUBLIC), Kolkata 700029.



**Secretary to the Govt. of West Bengal
Department of Environment**

No. EN/3001/T-II-2/007/2007/1(8)

Dated, Kolkata, the 10th December, 2013.

Copy forwarded for kind information and necessary action to :-

- 1) Chairperson, East Kolkata Wetlands Management Authority & Chief Secretary to the Government of West Bengal
- 2) Member Secretary, East Kolkata Wetlands Management Authority & Addl. Chief Secretary, Department of Environment, Government of West Bengal,
- 3) Chief Environment Officer, Department of Environment, Government of West Bengal
- 4) Chief Technical Officer, East Kolkata Wetlands Management Authority
- 5) Ramakrishna Mission Lokashiksha Parishad, Ramakrishna Mission Ashrama, Narendrapur, Kolkata 700103.
- 6) Ramakrishna Sarada Mission & Sri Sarada Math, Dakshineswar, Kolkata 700076
- 7) People United for Better Living in Calcutta (PUBLIC), Kolkata 700029.
- 8) Nodal Officer for display in departmental website & EKWMA website.



Deputy Secretary

Government of West Bengal
Department of Environment
FD-415/A, Sector-III, Poura Bhavan, 4th Floor,
Bidhannagar, Kolkata-700 106.

Annexure III

EN/2498/EKW-06/2013

Dated, Kolkata the 09th October, 2013.

NOTIFICATION

The Governor is pleased to hereby notify that the office of the East Kolkata Wetlands Management Authority, Department of Environment, Government of West Bengal, has been shifted from the DD-24, Sector-I, Salt Lake, Kolkata-64 to the present address at Poura Bhavan, 4th Floor, Bidhannagar, Kolkata-700 106. All concerned are being informed accordingly.

All correspondences with EKWMA will henceforth be made in the changed address.

By order of the Governor,

Sd/-A.K.Roy

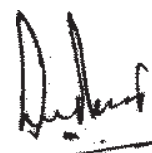
Deputy Secretary to the Govt. of West Bengal

EN/ 2498 /EKW-06/2013/1(17)

Dated, Kolkata the 09th October, 2013.

Copy forwarded for kind information and necessary action to :

1. The Secretary to the Governor, Governor's Sectt., West Bengal, Raj Bhavan, Kolkata-700 001.
2. The Chief Secretary to the Government of West Bengal, 'Nabanna'. 325, Sarat Chatterjee Street, Madirtala, Howrah-711102 & Chairman, EKWMA.
3. The Secretary, West Bengal Legislative Assembly, Assembly House, Kolkata-700 001.
4. The Pr. Accountant General (A & E), West Bengal.
5. The A.G.(E & RSA), West Bengal.
6. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-III, IB Market, IB Block, Sector-III, Salt Lake, Kolkata-700106.
7. Department, Government of West Bengal.
8. The District Magistrate, 24 Parganas. District North /South.
9. The Member Secretary, West Bengal Pollution Control Board.
10. The Member Secretary, West Bengal Biodiversity Board.
11. The Director, Institute of Environmental Studies & Wetland Management Authority.
12. The P.S. to the Hon'ble M-I-C, Environment Department, Govt. of West Bengal.
13. The P.S. to the Addl. Chief Secretary, Environment Department, Govt. of West Bengal.
14. The P.A. to the Secretary, Environment Department, Govt. of West Bengal.
15. Commissioner of Police, Kolkata Police.
16. Commissioner of Police, Bidhannagar.
17. Guard File.



Deputy Secretary

Minutes of the 21st Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA attended above meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 30th December, 2013 at 2pm:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Trilochan Singh, IAS, Additional Chief Secretary, Environment Department & Member Secretary, EKWMA.
- 3) Dr Subesh Kumar Das, IAS, Additional Chief Secretary, Forest Department and Additional Chief Secretary, Fisheries Department.
- 4) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 5) Saurav Kumar Das, IAS, Principal Secretary, Panchayat and Rural Development Department.
- 6) B.P. Gopalika, IAS, Principal Secretary, Municipal Affairs Department.
- 7) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 8) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 9) Dr Binay Kumar Dutta, Chairman, West Bengal Pollution Control Board.
- 10) Dr Subrat Mukherjee, IFS, Member Secretary, West Bengal Pollution Control Board and Director, Institute of Environmental Studies and Wetland Management.
- 11) Sanjay Bansal, IAS, District Magistrate, North 24 Parganas.
- 12) Santanu Basu, IAS, District Magistrate, South 24 Parganas.
- 13) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 14) Smt Bonani Kakkar, People United for Better Living in Calcutta.

The following non-member officials also attended the meeting:

- 1) Alapan Bandyopadhyay, IAS, Chairman, Nabadiganta Industrial Township Authority (NDITA) as special invitee under Rule 7(4) of the East Kolkata Wetlands (Conservation & Management) Rules, 2006.
- 2) Dr K. Talukder, IFS, Senior Environment Officer & Chief Technical Officer, EKWMA.
- 3) Anirudha Paul, EKWMA.
- 4) Nandini Basu, EKWMA.
- 5) Tarak Nath Das, EKWMA.

The Chairman, EKWMA welcomed the newly nominated representatives of NGOs into EKWMA. Thereafter discussion of the agenda was undertaken and following decisions were taken.

- 1) Annual accounts of EKWMA for 2012-13 prepared and audited by chartered accountants was presented before the EKWMA for approval. Office of the Accountant General (Economic & Revenue Sector Audit) had audited said accounts but requested that EKWMA approve the said accounts before the audit report is issued. EKWMA approved the said accounts.
- 2) During the past year additional audit had been conducted on the accounts of EKWMA. These were as follows:
 - i. Separate Audit Report (SAR) of the Comptroller and Auditor General of India on the Accounts of the EKWMA for the year 2011-12 (duly laid before the West Bengal Legislative Assembly on 27.7.2013) (accounts approved by EKWMA in 28.12.2012 meeting). Copy of SAR was placed before EKWMA.

- ii. Inspection Report (IR) audit conducted on the accounts of EKWMA for 1.4.2011 to 31.3.2012.
- iii. Internal Audit conducted by the Finance Department, Government of West Bengal.

EKWMA was informed by the CTO that replies have been submitted based on available records. However some serious issues have been thrown up mainly regarding utilization of funds and booking of expenditure on the grants received. In order to avoid unnecessary audit complications in future, CTO proposed that EKWMA henceforth should not directly undertake such works for which there is no in-house expertise nor engage contractors to undertake the same. EKWMA endorsed this view.

- 3) Keeping in mind the mainly regulatory function of the Authority, CTO proposed that the balance funds from the MoEF project (Rs 80,98,383) should be released to the Fisheries Department, Government of West Bengal (for excavation/ re-excavation of bheries) which was approved by EKWMA. (Action: CTO EKWMA)
- 4) Disposal of pending applications to EKWMA: 774 cases of application to EKWMA for various reasons between 2007 and 2011 are still pending unaddressed. These cannot be granted because the Wetlands Rules, 2010 prohibits construction of permanent structures within the Ramsar notified wetlands and moreover these are not in compliance with the judgment of the 1992 PUBLIC case. It was decided that these may not be considered. (Action: CTO EKWMA)
- 5) MD State Fisheries Development Corporation Limited vide letter No.Dev-605/89/pt-II/199 dated 24.4.2013 had requested permission for works of masonry culverts for the Goltala Fisheries Project being undertaken by SFDC. The concerned bheris belong to the Fisheries Department and no conversion in land use is proposed. EKWMA agreed to dispose of the case along with a copy of the joint site inspection report being made available to Smt B. Kakkar. (Action: CTO EKWMA)
- 6) Chief Engineer (Projects), West Bengal State Electricity Transmission Company Limited had requested permission for right of way through the EKW area involving installation of towers in Beonta and Tardaha Kapashati mouzas. Joint field inspection revealed that six towers would be involved, no conversion of land was proposed and none of the towers fell in waterbodies. Therefore CTO recommended the case and EKWMA approved the proposal. (Action: CTO EKWMA)
- 7) Violation cases / court cases pertaining to EKWMA: A meeting chaired by the Chief Secretary, West Bengal and Chairman, EKWMA was held on 17.5.13 between EKWMA, Home Department and the DM 24 Parganas South to discuss pending FIR/GDEs for violations of the Acts / Rules governing the EKW. It was decided to have joint inspections of complaints with the police and EKWMA staff followed by legal action. Summary of FIRs lodged police station-wise was circulated among the Members present.
- 8) Reasoned Order in terms of Order dated 2.8.2013 passed by Hon'ble High Court, Calcutta in M.A.T.1122 of 2013 and C.A.N.7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. Vs EKWMA & Ors was issued by CTO after giving a hearing. Said reasoned order issued vide No.CTO/EN/242/349/13 dated 12.9.13 was endorsed by the EKWMA.
- 9) Publication of Report of EKWMA 2006 - 2013: During 2013-2014 a combined Report on activities of the EKWMA since inception (2006-2013) is being published and printed through a government printing press (Silpabarta Printing Press Limited). EKWMA noted the matter.

- 10) Change of address of EKWMA office: The Department of Environment has notified the change of address of EKWMA vide Notification No.EN/2498/EKW-06/2010 dated 9.10.2013 to be at Poura Bhavan, 4th floor, Bidhannagar, Kolkata 700106. EKWMA noted the issue.
- 11) Manpower issues of EKWMA: Finance Department vide U.O No. 1778 Gr P(2) dated 27.6.2013 has agreed to creation of 22 posts subject to Cabinet approval. Cabinet note is under process. (Action: CTO EKWMA)
- 12) The case of construction of a bye-pass road in Bidhannagar South Police Station by the Nabadiganta Industrial Township Authority (NDITA) was considered and EKWMA decided to approve the proposal. CTO agreed to issue the permission letter on the same day. (Action: CTO EKWMA).
- 13) Municipal Solid Waste (MSW) management in Beonta mouza: During meeting of State Executive Committee of State Ganga River Conservation Authority of 4.4.13 examination of the Beonta site within EKW area for MSW disposal was requested since Dhapa site was almost saturated. Principal Secretary, UD on 26.12.13 forwarded the case report to EKWMA. EKWMA decided to form an expert committee with Principal Secretary, UD, Smt B Kakkar and Chairman, NDITA to examine the case and make recommendations to EKWMA for consideration. (Action: Principal Secretary, UD)

The meeting ended with vote of thanks.



(Sanjay Mitra)

Chief Secretary, West Bengal & Chairman, EKWMA

Minutes of the 22nd Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA attended above meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 3rd February, 2014 at 11am:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Trilochan Singh, IAS, Additional Chief Secretary, Environment Department & Member Secretary, EKWMA.
- 3) Dr Subesh Kumar Das, IAS, Additional Chief Secretary, Forest Department.
- 4) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 5) S.A. Baba, IAS, Principal Secretary, Fisheries Department.
- 6) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 7) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 8) Dr Binay Kumar Dutta, Chairman, West Bengal Pollution Control Board.
- 9) Dr Subrat Mukherjee, IFS, Director, Institute of Environmental Studies and Wetland Management.
- 10) D. Mukherjee, Secretary, Irrigation and Waterways Department.
- 11) Prashanta Kumar Sarkar, Member Secretary, West Bengal Pollution Control Board.
- 12) Sanjay Bansal, IAS, District Magistrate, North 24 Parganas.
- 13) Santanu Basu, IAS, District Magistrate, South 24 Parganas.
- 14) Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.
- 15) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 16) Smt Bonani Kakkar, People United for Better Living in Calcutta.

The following non-member officials also attended the meeting:

- 1) Dr K. Talukder, IFS, Senior Environment Officer & Chief Technical Officer, EKWMA.
- 2) B.C Patra, Joint Secretary, Municipal Affairs Department.
- 3) Dr S.N. Biswas, Joint Director, Fisheries.
- 4) Anirudha Paul, EKWMA.
- 5) Nandini Basu, EKWMA.
- 6) TarakNath Das, EKWMA.

The Chairman, EKWMA welcomed the Members. Thereafter discussion of the agenda was undertaken and following decisions were taken.

1. **World Wetlands Day 2014:** The event was celebrated on 2nd February, 2014 (Sunday) jointly between PUBLIC and EKWMA. Thirty one school children, four members of PUBLIC and five staff members from EKWMA met near Bantala lockgate in the morning. Salient features of the East Kolkata Wetlands (EKW) were described to the children and everyone walked around the place. It was felt that a Wetland Interpretation Centre would have benefited the children.

EKWMA discussed the issue. It was recommended that HIDCO may further plan and develop the interpretation centre currently set up at Eco Park and Fisheries Department may plan and develop an interpretation centre at Nalban Park to better focus on EKW. EKWMA may provide financial support if required.

Smt Kakkar reported on the killings of aquatic birds around the wetlands. It was decided that Sri Ujjwal Bhattacharya, IFS, PCCF Wildlife and Chief Wildlife Warden and the Wildlife Wing of the Forest Directorate will look into the matter immediately.

(Action: ACS, Forest, Principal Secretary, UD and Principal Secretary, Fisheries)

2. Recent newspaper reports on land deals within EKW area:

Times of India on 5.1.2014 and on 9.1.2014 reported about sale of land plots within EKW area specially in mouza Hatgachha, Tardaha Kapasati, Kheyadaha, Bhagabanpur, Kulberia, Jagatipota, Karimpur, Chowbagha, etc. Matter had been referred to the DM 24 Parganas S.

The DM stated that a number of FIRs had been lodged for violation of the rules; that registration and mutation were going on and that local panchayat bodies were giving approval for the building plans. It was also reported that some realty developers had set up offices and were selling off parcels of land within EKW.

It was decided that ACS Environment will take up the issue with Land Reforms Commissioner and both DM 24 Parganas South and North for issuing necessary administrative orders to the concerned panchayat bodies. It was further decided that the matter would be referred to the DG of Police for setting up a task force with the SPs and concerned police stations for filing of charge sheet against the FIRs and expediting investigation.

(Action: ACS Environment, Land Reforms Commissioner, DM24 Parganas South /North)

3. Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South:

EKWMA was informed that a meeting was chaired by the Chief Secretary on 17.5.13 between EKWMA, Home Department and the then District Magistrate 24 Parganas South to discuss the issues relating to violations of the Acts / Rules governing the EKW. It had been decided during the meeting that "the illegal plastic and rubber factories coming up on the wetlands adjoining Basanti Highway should be removed".

Matter was subsequently referred to Kolkata Municipal Corporation (KMC) by the Member Secretary West Bengal Pollution Control Board (WBPCB) along with a site visit report. Municipal Commissioner stated that the matter would be taken up along with police support after 9th February after the Book Fair.

(Action: Commissioner, KMC and MS, WBPCB)

4. Municipal Solid Waste (MSW) Management in Beonta:

Urban Development Department informed that the proposal for Beonta has been dropped for the present.

5. Disposal of application for NOC to EKWMA:

During 2013 three members of same family (Partha Pratim Guha, wife Chhanda Guha and son Suhrid Guha) applied through post for NOC for housing in mouza Goalpota after FIRs had been lodged with P.S Sonarpur for illegal construction. CTO gave the mandated hearings and issued a reasoned order vide No.CTO/EN/039/373/2013-14 dated 29.1.2014. EKWMA endorsed said order.

6. Violation cases / court cases pertaining to EKWMA: Unnayan Developers Pvt. Ltd vs State of West Bengal & Ors:

Environment Department and EKWMA have submitted Memorandum of Appeal, Condonation of Delay and stay Application in the Hon'ble High Court at Calcutta in A.P.O.T. No. 281 of 2013 and G.A. No. 1742 of 2013. The matter is now pending.

In this context the EKWMA was informed that few years back some cases of ecotourism projects were received and granted permission for fencing though the projects themselves had not been approved. However during the 18th Meeting of the EKWMA on 24.2.2012 it was resolved to cancel the permission for fencing granted. The then CTO, EKWMA vide Order No.CTO/EN/2265/12 dated 26.3.2012 had accordingly cancelled the permission for fencing. In protest Unnayan Developers (P) Ltd. had gone to court and the Hon'ble High Court of Calcutta vide order dated 21.9.2012 in W.P.486 of 2012 had ruled that Members of EKWMA neither participated in said meeting nor they took the decision, even though the requisite quorum had in fact been present.

Members of EKWMA unanimously decided to adopt the same resolution of canceling NOC for fencing relating to ecotourism projects given earlier to Bengal Sunny Rock Estates Housing Development Company Ltd., Unnayan Developers (P) Ltd., Greentech Farms & Agro Private Limited, Green Concretex Developers Pvt. Ltd., Shyam Greenfield Developers Pvt. Ltd., Sankalp Vanijya Pvt. Ltd. and Kalyan Bharati Foundation. It was further observed that required quorum was present during this meeting on 3.2.2014.

7. Miscellaneous: Clearance for Dhapa dumpsite for World Bank funded CBIPM project by WBPCB:

The Chairman, WBPCB explained about the proposal for remediation / containment of the Dhapa MSW dumpsite for which the approval of the EKWMA was required before bid document for the remediation work was floated. There was a requirement for installation of an Effluent Treatment Plant (ETP) for the project. EKWMA agreed in principle so that the bid document could be floated, subject to site visit by the non-official Members of EKWMA along with WBPCB officials. (Action: MS WBPCB)

The meeting ended with vote of thanks.

Sd/-

(Sanjay Mitra)

Chief Secretary, West Bengal & Chairman, EKWMA

Minutes of the 23rd Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA attended above meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 10th June, 2014 at 11.30 am:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Trilochan Singh, IAS, Additional Chief Secretary, Environment Department & Member Secretary, EKWMA.
- 3) Dr. Subesh Kumar Das, IAS, Additional Chief Secretary, Forest Department.
- 4) A.K. Singh, IAS, Additional Chief Secretary, Land and Land Reforms Department.
- 5) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 6) S.A. Baba, IAS, Principal Secretary, Fisheries Department.
- 7) B.P. Gopalika, IAS, Principal Secretary, Municipal Affairs Department
- 8) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 9) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 10) D. Mukherjee, Secretary, Irrigation and Waterways Department.
- 11) Prashanta Kumar Sarkar, Member Secretary, West Bengal Pollution Control Board.
- 12) Sanjay Bansal, IAS, District Magistrate, North 24 Parganas.
- 13) Santanu Basu, IAS, District Magistrate, South 24 Parganas.
- 14) Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.
- 15) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 16) Smt Bonani Kakkar, People United for Better Living in Calcutta.

The following non-member officials also attended the meeting:

- 1) Jose T. Mathew, IFS, Chief Technical Officer, EKWMA.
- 2) Sri Ujjwal Bhattacharya, IFS, PCCF Wildlife, West Bengal.
- 3) Pravrajika Asheshaprana, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.

The Chairman, EKWMA welcomed the Members. Thereafter discussion of the agenda was undertaken and following decisions were taken.

1. Wetland Interpretation Centre (WIC):

Principal Secretary, Urban Development Department informed that HIDCO with People United for Better Living in Calcutta (PUBLIC) has already started work for development of the interpretation centre by setting apart 3 acres of land at Eco Park. For development of an interpretation centre by Fisheries Department, it was decided that Commissioner, KMC will give a copy of concept plan of interpretation centre already done by KEIP to Fisheries Department for further action and PUBLIC has assured that full cooperation shall be extended to both WIC and assist in managing the same.

(Action: Commissioner, KMC, Principal Secretary, Fisheries and Smt. B. Kakkar, PUBLIC)

2. Killings of Aquatic Birds around the Wetlands:

Sri Ujjwal Bhattacharya, IFS, PCCF Wildlife, West Bengal informed that they have identified one of the wrongdoers and a motorcycle was seized and filed a case against him. PCCF Wildlife was

asked by Chairman, EKWMA to give a report to CTO, EKWMA in this regard immediately. PCCF Wildlife assured that he will set up Awareness Boards in the vulnerable areas.

(Action: Sri U. Bhattacharya, IFS, PCCF Wildlife, West Bengal)

3. Issuance of necessary administrative orders:

Both DM 24 Parganas South and North stated that instructions issued by LRC & ACS, Land and Land Reforms Department that conversion of land cannot be done without permission of EKWMA, were informed to all concerned BL&LRO and panchayat bodies for necessary action. A copy of order may be sent to CTO, EKWMA. It was further decided that Environment Department may write to the Panchayat and Rural Development Department to issue and circulate an order that instructs its functionaries not to give approval for the building plans within EKW area as per the existing Acts/Rules.

(Action: CTO, EKWMA and Principal Secretary, Panchayat and Rural Development Department)

4. Setting up a task force for cases of violations of Rules/Act relating to EKW:

It was decided that Environment Department should personally contact again Director General of Police, West Bengal again for setting up a task force with SPs and In-Charge of the concerned police stations for filling charge sheet against the FIRs and expediting investigation within the EKW area.

(Action: CTO, EKWMA)

5. Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South:

Municipal Commissioner stated that Joint inspection with police is being completed and illegal factories are being identified. The process of removal of such illegal factories will commence with announcement through loudspeakers shortly. Eviction must be followed by immediate tree planting at the evicted site.

(Action: Commissioner, KMC)

6. Violation cases / court cases pertaining to EKWMA: Unnayan Developers Pvt. Ltd vs State of West Bengal & Ors:

CTO issued a reasoned order vide CTO/EN/060/161/2009-10 dated 14.2.14 for cancellation of NOC issued for fencing around project sites for development of ecotourism within EKW to Bengal Sunny Rock Estates Housing Development Company Ltd., Unnayan Developers (P) Ltd., Greentech Farms & Agro Private Limited, Green Concretex Developers Pvt. Ltd., Shyam Greenfield Developers Pvt. Ltd., Sankalp Vanijya Pvt. Ltd. and Kalyan Bharati Foundation. EKWMA endorsed said order.

CTO will conduct a field inspection to identify the current status of the project sites substantiated with photographs.

(Action: CTO, EKWMA)

7. World Bank funded CBIPM project for Dhapa dumpsite:

MS, WBPCB informed that evaluation of Tender was done and after getting concurrence from World Bank, work order will be issued. B. Kakkar informed that leachate from existing Dhapa dumping ground flowed to nearby water body and polluting it. It was decided that the matter would be taken care by Commissioner, KMC and MS, WBPCB for remediation measures.

(Action: Commissioner, KMC and MS, WBPCB)

8. Virtual boundary demarcation of the EKW area:

EKWMA discussed the issue. It was recommended that after completing the 'ground truthing' of the waypoints, physical demarcation by erecting pillars at regular intervals in the manner of forest boundary demarcation.

(Action: CTO, EKWMA and DM, North and South 24 Parganas)

9. Miscellaneous:

- a) Allegation regarding the filling of wetlands with desilted soil near Goltala Fisheries: It was decided that Principal Secretary, Fisheries Department would look after the matter.

(Action: Principal Secretary, Fisheries Department)

- b) Beautification at Nalban Fisheries: EKWMA would expedite the clearance. The exact boundaries of the EKW would be clearly demarcated.

(Action: CTO, EKWMA and DM, North 24 Parganas)

The meeting ended with vote of thanks.

Sd/-

(Sanjay Mitra)

Chief Secretary, West Bengal & Chairman, EKWMA

Minutes of the 24th Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA attended above meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 8th September, 2014 at 10.00am:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Chandan Sinha, IAS, Principal Secretary, Environment Department & Member Secretary, EKWMA and Principal Secretary, Forest Department.
- 3) A.K. Singh, IAS, Additional Chief Secretary, Land and Land Reforms Department.
- 4) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 5) S.A. Baba, IAS, Principal Secretary, Fisheries Department.
- 6) Saurav Kumar Das, IAS, Principal Secretary, Panchayat and Rural Development Department.
- 7) B.P. Gopalika, IAS, Principal Secretary, Municipal Affairs Department
- 8) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 9) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 10) Prasanta Kumar Sarkar, Member Secretary, West Bengal Pollution Control Board.
- 11) Sanjay Bansal, IAS, District Magistrate, North 24 Parganas.
- 12) Santanu Basu, IAS, District Magistrate, South 24 Parganas.
- 13) Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.
- 14) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 15) Smt. Bonani Kakkar, President, People United for Better Living in Calcutta.

The following non-member officials also attended the meeting:

- 1) Jose T. Mathew, IFS, Chief Technical Officer, EKWMA.
- 2) Tanmay Roychoudhury, IPS, Superintendent of Police, North 24 Parganas.
- 3) Praveen Kumar Tripathi, IPS, Superintendent of Police, South 24 Parganas.
- 4) Pravrajika Paramatmaprana, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.

The Chairman, EKWMA welcomed the Members. Thereafter discussion of the agenda was undertaken and following decisions were taken.

1. Confirmation of the minutes on the 23rd meeting of EKWMA

The minutes of the 23rd meeting of the East Kolkata Wetlands Management Authority held on 10th June, 2014 were confirmed.

2. Wetland Interpretation Centre (WIC):

Principal Secretary, Urban Development Department informed that HIDCO with the technical advice of People United for Better Living in Calcutta (PUBLIC) has already started work for development of the interpretation centre at Eco Park. No permanent constructional work will be done at that WIC. For development of an interpretation centre by Fisheries Department, it was decided that Fisheries Department will develop the wetland interpretation centre at Captain's bheri with the broader theme of the wetlands.

(Action: Principal Secretary, UD, Principal Secretary, Fisheries and Smt. B. Kakkar, PUBLIC)

3. Killings of Aquatic Birds around the Wetlands:

Principal Secretary, Environment informed that the PCCF Wildlife has already set up three hoardings on this issue.

4. Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South:

Municipal Commissioner stated that the KMC had to postpone the action for the time being.

(Action: Commissioner, KMC)

5. Violation cases / court cases pertaining to EKWMA: Unnayan Developers Pvt. Ltd vs State of West Bengal & Ors:

CTO informed that a field inspection was conducted and it was noticed that four project proponents namely Unnayan Developers (P) Ltd., Shyam Greenfield Developers Pvt. Ltd., Sankalp Vanijya Pvt. Ltd. and Kalyan Bharati Foundation did not comply with the Reasoned Order vide No. CTO/EN/060/161/2009-10 dt. 14.02.2014. It was decided that Member Secretary, EKWMA may write a DO letter to the Director General of Police, WB in this regard for necessary action.

(Action: Member Secretary, EKWMA)

6. World Bank funded CBIPM project for Dhapa dumpsite:

MS, WBPCB informed that fresh tenders have been called.

(Action: MS, WBPCB)

7. Virtual boundary demarcation of the EKW area:

CTO informed that this matter was discussed with Dy. DLLRO, 24 Parganas (South) in a formal meeting but there is no response from DM, 24 Parganas (North). The CTO informed that the tentative duration for execution the work shall be about three months.

(Action: CTO, EKWMA and DM, North and South 24 Parganas)

8. Filling of wetlands near Goltala Fisheries:

It was decided that Principal Secretary, Fisheries Department would look into the matter and take appropriate action.

(Action: Principal Secretary, Fisheries Department)

9. Beautification at Nalban Fisheries:

The plan was examined. It was found to be very construction intensive and expensive. Hence, Chairman, EKWMA constituted a Committee with following members who after a quick visit to Nalban, give suggestions on the issue. The Plan will be revised accordingly.

1. Mr. Debashis Sen, IAS, Principal Secretary, Urban Development Department—Chairman
2. Mr. Chandan Sinha, IAS, Principal Secretary, Environment Department
3. Mr. S.A. Baba, IAS, Principal Secretary, Fisheries Department
4. Smt. Bonani Kakkar, President, PUBLIC
5. Mr. Jose T. Mathew, IFS, Chief Technical Officer, EKWMA

Schedule date of visit is fixed on 13/09/2014.

10. Approval of Annual Accounts of the EKWMA for the year 2013-2014:

Annual Accounts of the EKWMA for the year 2013- 2014 prepared and audited by a Chartered Accountant Firm and was presented before the EKWMA. EKWMA approved the said accounts.

(Action: CTO, EKWMA)

11. Proposed construction of elevated corridor by HIDCO connecting EM Bypass with New Town over East Kolkata Wetlands:

EKWMA decided to defer the issue for the time being.

(Action: CTO, EKWMA)

12. Violation case involving Netaji Subhas Engineering College, Sonarpur: PIL involving Jibendra Prasad Das vs The State of West Bengal & Ors. (W.P. No. 16604 (W) of 2012):

It was decided that Member Secretary, EKWMA would write to Chief Secretary to Govt. of West Bengal in this regard, on the present status of the case.

(Action: Member Secretary, EKWMA)

13. Miscellaneous:

- a) Report of the EKWMA (November 2005 to March 2013): Report of the activities of the EKWMA (November 2005 to March 2013) was circulated among the Members of the EKWMA.
- b) Police action on 249 FIRs on violation in EKW(C&M) Act, 2006: SP, 24 Parganas (South) informed that out of 150 cases pertaining to P.S. Sonarpur and P.S. KLC 121 charge sheets were submitted. Police have perusing the 29 pending cases with BLLRO. It was decided that SP, 24 Parganas (South) will handed over the list of all cases including pending cases to LRC for necessary action.

(Action: SP, South 24 Parganas and ACS and LRC, L&LR Deptt.)

The meeting ended with vote of thanks.

Sd/-

(Sanjay Mitra)

Chief Secretary, West Bengal & Chairman, EKWMA

Minutes of the 25th Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA and invitees attended the meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 17th November, 2014 at 4.00pm:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Chandan Sinha, IAS, Principal Secretary, Environment Department & Member Secretary, EKWMA and Principal Secretary, Forest Department.
- 3) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 4) S.A. Baba, IAS, Principal Secretary, Fisheries Department.
- 5) B.P. Gopalika, IAS, Principal Secretary, Municipal Affairs Department
- 6) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 7) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 8) Subrat Mukherjee, IFS, Member Secretary, West Bengal Pollution Control Board.
- 9) Barnali Biswas, IAS, Director, Institute of Environmental Studies and Wetland Management
- 10) Sanjay Bansal, IAS, District Magistrate, North 24 Parganas.
- 11) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 12) Smt. Bonani Kakkar, President, People United for Better Living in Calcutta.
- 13) Jose T. Mathew, IFS, Chief Technical Officer, EKWMA.
- 14) Sivaji Ghosh, IPS, ADG (Law & Order), West Bengal
- 15) Praveen Kumar Tripathi, IPS, Superintendent of Police, South 24 Parganas.

The Chairman, EKWMA welcomed the Members. Decisions were taken on the following agenda items.

1. Confirmation of the minutes on the 24th meeting of EKWMA

The minutes of the 24th meeting of the East Kolkata Wetlands Management Authority held on 8th September, 2014 were confirmed.

2. Beautification at Nalban Fisheries:

Recommendation of the constituted committee following the joint inspection was approved by the EKWMA.

3. Wetland Interpretation Centre (WIC):

EKWMA approved the proposal by Fisheries Department to jointly develop Wetland Interpretation Centre at Captain's bheri.

4. Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South:

Municipal Commissioner informed that a committee was formed for undertaking the work and the eviction may be started after film festival. He also stated that the burning of plastic and rubber has been stopped right now.

It was decided that WBPCB would provide a brief report regarding air pollution at the place where illegal plastic and rubber factories coming up on the wetlands adjoining Basanti Highway.

(Action: Commissioner, KMC & MS, WBPCB)

5. Violation cases and Police action on this regard:

ADG (Law and Order) and SP, 24 Parganas (South) informed that only 34 cases were pending with Sonarpur and KLC police station and 133 violators were arrested. It was decided that SP, 24 Parganas (South) will hand over the list of all cases including pending cases to EKWMA. The SP 24 Parganas (South) was commended for the action taken against the violators.

It was also decided that based on the list from police officials CTO, EKWMA shall prepare a brief report and submit to Chief Secretary, Government of West Bengal. The report may be put up before the Hon'ble Chief Minister, West Bengal for further directions and the name of violators who got charge sheet may be published in the website of EKWMA.

(Action: SP, South 24 Parganas and CTO, EKWMA.)

Sd/-

(Sanjay Mitra)

Chief Secretary, West Bengal & Chairman, EKWMA

Minutes of the 26th Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA and invitees attended the meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 11th February, 2015 at 11.00 am:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Chandan Sinha, IAS, Principal Secretary, Environment Department & Member Secretary, EKWMA and Principal Secretary, Forest Department.
- 3) A.K. Singh, IAS, Additional Chief Secretary, Land and Land Reforms Department.
- 4) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 5) S.A. Baba, IAS, Principal Secretary, Fisheries Department.
- 6) B.P. Gopalika, IAS, Principal Secretary, Municipal Affairs Department
- 7) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 8) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 9) Subrat Mukherjee, IFS, Member Secretary, West Bengal Pollution Control Board.
- 10) Santanu Basu, IAS, District Magistrate, South 24 Parganas.
- 11) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 12) Smt. Bonani Kakkar, President, People United for Better Living in Calcutta.
- 13) G.M.P. Reddy, IPS, Director General & Inspector General of Police, West Bengal.
- 14) S. Suresh Kumar, IAS, Principal Secretary, Disaster Management Department.
- 15) Malabika Jha, IAS, Directorate of Fisheries
- 16) Jose T. Mathew, IFS, Chief Technical Officer, EKWMA.
- 17) R. Sivakumar, IPS, Addl. CP (IV), Kolkata Police
- 18) Saikat Kumar Dutta, WBCS(Exe.), ADM & AEO, North 24 Parganas ZP.

The Chairman, EKWMA welcomed the Members and invitees. Decisions were taken on the following agenda items:

1. Confirmation of the minutes on the 25th meeting of EKWMA

The minutes of the 25th meeting of the East Kolkata Wetlands Management Authority held on 17th November, 2014 were confirmed.

2. Delegation of powers vide Rules 10(3) of the East Kolkata Wetlands (Conservation and Management) Rules, 2006

EKWMA authorized the Member Secretary to issue regulatory or statutory orders with respect to EKWMA with the approval of the Chairman.

3. Formation of a committee for hearing of applications received under Rule 8 of the East Kolkata Wetlands (Conservation & Management) Rules, 2006

In the wake of applications received for change of character or mode of use of land in the East Kolkata Wetlands area, following Committee has been constituted to conduct hearings under Rule 8 of the EKW(C&M) Rules, 2006, for speedy and fair disposal of the applications and the committee's decision shall be final:

- | | |
|---------------------------------|----------|
| i) Chief Secretary, West Bengal | Chairman |
| ii) Member Secretary, EKWMA | Member |

- | | |
|---|--------|
| iii) Smt. Bonani Kakkar, PUBLIC | Member |
| iv) Swami Pranananda, Ramakrishna Mission Lokashiksha Parishad | Member |
| v) Pravrajika Atandraprana, Sri Sarada Math & Ramkrishna Sarada Mission | Member |

4. Wetland Interpretation Centre (WIC):

Principal Secretary, Fisheries Department briefly described the present status of the Wetland Interpretation Centre at Captain's bheri. He informed that a separate room has been provided to EKWMA for the WIC in the existing building with provision for further extension of building towards the back if necessity arises. EKWMA will start preparing the exhibits etc at WIC soon.

(Action: Principal Secretary, Fisheries & CTO, EKWMA)

5. Miscellaneous:

- a) Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway in district 24 Parganas South:

Municipal Commissioner informed that a survey was carried out for undertaking the work and they have identified about 380 factories. Report is under preparation which will be submitted to the Chief Secretary.

Principal Secretary, Environment Department informed that WBPCB has sent a proposal for setting up of an air pollution monitoring station adjoining Basanti Highway. The proposal was accepted.

(Action: Commissioner, KMC & MS, WBPCB)

- b) Chromium accumulation in the fishes of EKW area from the tanneries:

Smt. Kakkar raised the issue. It was decided that CETP at KLC will examine and address the issue.

- c) Smt Kakkar also informed that leachate from the Dhapa dumpsite is polluting nearby waterbodies. It was decided that KMC and WBPCB will look into the matter.

(Action: Commissioner, KMC & MS, WBPCB)

- d) Virtual boundary demarcation of the EKW area:

Sri S.K. Dutta, ADM, North 24 Parganas informed that joint inspection of the waypoints was completed in the part of Dist. 24 Parganas (N) in EKW area and in house work of preparing maps is going on. CTO stated that most of the area of the EKW area is under Dist. 24 Parganas (S) and it is taking time to complete joint survey. Chairman set a period of six months to complete the survey. CTO suggested that the District Magistrate, 24 Parganas (S) may look into the issue and take necessary action by setting up additional team/s for surveying the area.

(Action: DM, 24 Parganas (S) & CTO, EKWMA)

Sd/-

(Sanjay Mitra)

Chief Secretary, West Bengal & Chairman, EKWMA

Minutes of the 27th Meeting of East Kolkata Wetlands Management Authority (EKWMA)

The following Members of EKWMA attended above meeting held in the Conference Hall in 13th floor of Nabanna, Howrah on 04th March, 2016 at 10.30 am:

- 1) Basudeb Banerjee, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Chandan Sinha, IAS, Principal Secretary, Environment Department & Member Secretary, EKWMA and Principal Secretary, Forest Department.
- 3) Debashis Sen, IAS, Additional Chief Secretary, Urban Development Department.
- 4) Sumanta Choudhuri, IAS, Additional Chief Secretary, Fisheries Department.
- 5) Naveen Prakash, IAS, Principal Secretary, Irrigation and Waterways Department.
- 6) Md. Ghulam Ali Ansari, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 7) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 8) Dr. Subrat Mukherjee, IFS, Member Secretary, West Bengal Pollution Control Board.
- 9) Barnali Biswas, IAS, Director, Institute of Environmental Studied and Wetland Management.
- 10) Dr. P. B. Salim, IAS, District Magistrate, South 24 Parganas.
- 11) Manmeet Kaur Nanda, IAS, District Magistrate, North 24 Parganas.
- 12) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 13) Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.
- 14) Bonani Kakkar, President, People United for Better Living in Calcutta.

The following non-member officials also attended the meeting:

- 1) Sandipan Mukherjee, IFS, Chief Technical Officer, EKWMA.
- 2) Smt. V. Lalithalakshmi, Joint Secretary, Land and Land Reforms Department

The Chairman, EKWMA welcomed the Members and participants. Thereafter discussion of the agenda was undertaken and following decisions were taken.

1. Confirmation of the minutes on the 26th meeting of EKWMA

The minutes of the 26th meeting of the East Kolkata Wetlands Management Authority held on 11th February, 2015 were confirmed.

2. Committee for hearing of applications received under Rule 8 of the East Kolkata Wetlands (Conservation & Management) Rules, 2006

A Committee was constituted to conduct hearings under Rule 8 of the EKW (C&M) Rules, 2006, for speedy and fair disposal of the applications received for change of character or mode of use of land in the East Kolkata Wetlands. Pravrajika Atandraprana, Sri Sarada Math & Ramkrishna Sarada Mission expressed her unwillingness to be a member of this Committee due to her illness. The Chairman, EKWMA opined that a decision in this regard will be taken in due course.

3. Wetland Interpretation Centre (WIC):

EKWMA discussed the matter of Wetland Interpretation Centre at Captain's bheri in length. It was urged that as Captain's Bheri is already a developed spot for cultural activities, aqua hub and attraction of young students and tourists, it is utilised as Fisheries interpretation Centre. However, EKWMA will find a proper location for the Wetland Interpretation Centre and place it before the next EKWMA meeting.

(Action: MS, EKWMA & CTO, EKWMA)

4. Removal of illegal plastic, rubber and leather factories coming up on the wetlands adjoining Basanti Highway

Commissioner, Kolkata Municipal Corporation informed that land belongs to the PWD. A joint survey of Ambedkar Bridge to Bantala with the assistance of police and WBPCB was completed and half of the encroachment was removed. They are in search of land for rehabilitation. The Chief Secretary asked to put forward a detailed action plan within three months.

(Action: Commissioner, KMC)

5. Chromium accumulation in the fishes of EKW area from the tanneries and problem of leachate from the Dhapa dumpsite polluting nearby waterbodies

Commissioner, Kolkata Municipal Corporation stated that the bid process is ongoing and will be opened shortly. Chairman, EKWMA recommended to obtain special permission from election commission for opening of bids.

The Commissioner also informed that the old Dhapa dumpsite is at its saturation. New dumpsite within Dhapa has very limited area. He requested to remove some portion of land from notified EKW area. Ms. Kakkar emphasized on segregation of solid waste not on compacting.

(Action: Commissioner, KMC & MS, WBPCB)

6. Approval of Annual Accounts of the EKWMA for the year 2014-2015:

Annual Accounts of the EKWMA for the year 2014 - 2015 was prepared and audited by a Chartered Accountant Firm and was presented before the EKWMA. EKWMA approved the said accounts.

(Action: CTO, EKWMA)

7. Publication of Book: Birding in East Kolkata Wetlands area

MS, EKWMA proposed to bring out a book on 'Birding in East Kolkata Wetlands' which includes most of the birds observed in the East Kolkata Wetlands along with photographs and brief description of the habitat. In persuasion of vast experience in birding Sri Kushal Mookherjee, founder member of the renowned NGO, 'Prakriti Sansad' has been entrusted to undertake the work for an honorarium of Rs. 50,000/-. The honorarium is in conformity with the Ministry of Information and Broadcasting, Gol Office Memorandum vide No:2 /1(8)/ 08-FS dated 07/11/ 2013.

EKWMA approved the proposal.

(Action: MS, EKWMA & CTO, EKWMA)

8. Fixation of fees for the application in Form 1 for change of character or mode of use of land

EKWMA deferred the matter for next meeting.

(Action: MS, EKWMA & CTO, EKWMA)

9. Proposal for Wetland Interpretation Centre near the Munshir Bheri by Nabadiganta Industrial Township Authority (NDITA)

EKWMA deferred the matter for next meeting.

(Action: MS, EKWMA & CTO, EKWMA)

10. Miscellaneous

a) Violations of the Act/Rules governing the EKW

Considering the violations of the law the Chief Secretary desired to conduct a meeting with the Home Secretary and senior police officials so as to take legal action to discourage the violators. It was also decided that the EKWMA may purchase cars for survey and monitoring purposes.

(Action: MS, EKWMA)

b) Awareness generation and erection of boundary pillars

Besides erection of boundary pillars, the Chairman has emphasized to set up some awareness hoardings highlighting the importance of the wetlands.

(Action: CTO, EKWMA)



(Basudeb Banerjee)

Chief Secretary, West Bengal & Chairman, EKWMA

East Kolkata Wetlands Management Authority

Annexure V

Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006

Poura Bhavan, 4th Floor, Block FD-415A, Sector III,

Bidhannagar, Kolkata - 700 106.

Ph.: 91-33-23343003, Fax: 91-33-23346403

Dr Kana Talukder, IFS
Chief Technical Officer

No- CTO/EN/060/161/2009-10

Date 14.2.14

Reasoned Order for cancellation of NOC issued for fencing around project sites for development of eco-tourism within the East Kolkata Wetlands (EKW)

WHEREAS the East Kolkata Wetlands Management Authority (EKWMA) during its 22nd meeting held on 3.2.2014 at Nabanna was informed that a few years back some cases of ecotourism projects were received and granted permission for fencing though the projects themselves had not been approved;

AND WHEREAS during the 18th Meeting of the EKWMA held on 24.2.2012 it was resolved to cancel the permission for fencing granted;

AND WHEREAS the then CTO, EKWMA vide Order No.CTO/EN/2265/12 dated 26.3.2012 had accordingly cancelled the permission for fencing;

AND WHEREAS the Hon'ble High Court of Calcutta vide order dated 21.9.2012 in W.P.486 of 2012 had ruled that Members of EKWMA neither participated in said meeting nor they took the decision, even though the requisite quorum had in fact been present;

AND WHEREAS the following 16 (sixteen) Members of EKWMA present during its 22nd meeting held on 3.2.2014 unanimously decided to adopt the same resolution of canceling NOC for fencing relating to ecotourism projects given earlier:

- 1) Sanjay Mitra, IAS, Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) Trilochan Singh, IAS, Additional Chief Secretary, Environment Department & Member Secretary, EKWMA.
- 3) Dr Subesh Kumar Das, IAS Additional Chief Secretary, Forest Department.
- 4) Debashis Sen, IAS, Principal Secretary, Urban Development Department.
- 5) S.A. Baba, IAS, Principal Secretary, Fisheries Department.
- 6) S.K. Gupta, IAS, Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 7) Khaleel Ahmed, IAS, Commissioner, Kolkata Municipal Corporation.
- 8) Dr Binay Kumar Dutta, Chairman, West Bengal Pollution Control Board.
- 9) Dr Subrat Mukherjee, IFS, Director, Institute of Environmental Studies and Wetland Management.
- 10) D. Mukherjee, Secretary, Irrigation and Waterways Department.
- 11) Prashanta Kumar Sarkar, Member Secretary, West Bengal Pollution Control Board.
- 12) Sanjay Bansal, IAS, District Magistrate, North 24 Parganas.
- 13) Santanu Basu, IAS, District Magistrate, South 24 Parganas.
- 14) Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar.
- 15) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur.
- 16) Smt Bonani Kakkar, People United for Better Living in Calcutta.

AND WHEREAS any construction of a permanent nature is prohibited within East Kolkata Wetlands which is a Ramsar site and protected in addition under the Wetlands (Conservation & Management) Rules, 2010 formulated under the Environment (Protection) Act, 1986;

AND WHEREAS there is injunction on reclamation of wetland and in conversion of land use from agricultural to residential or commercial within the East Kolkata Wetlands in terms of decision dated 24.9.1992 of Hon'ble High Court of Calcutta in 1993(1)CLJ PUBLIC vs State of West Bengal & Others;

AND THEREFORE the permission for fencing of certain sites on R.S. Dag nos. specified below in the East Kolkata Wetlands area in respect of following applicants remains cancelled: -

Sl. No	Name of Applicant	R.S. Dag no.	Location mouza details	Total Area (acre)
1	Bengal Sunny Rock Estates Housing Development Company Limited Block AG -27, Sector II, Salt Lake City, Kolkata 700091	1567-1569, 1571, 1572	Dharmatala Panchuria, J.L. 6, P.S. Kolkata Leather Complex, 24 Parganas (S)	~ 20.1
2	Unnayan Developers (P) Ltd. 47/1K, Hazra Road, 1st Floor, P.S. Ballygunge, Kolkata 700 019	659-666 & 674	Kulberia, J.L.7, P.S. Kolkata Leather Complex, 24 Parganas (S)	~ 20
3	Greentech Farms & Agro Private Limited. 119/2, Matheswartala Road, Kolkata 700046	1025-1029, 1028/1084, 1028/1098, 1028/1100, 1028/1109, 1028/1114, 1028/1121, 1028/1088, 1027/1090, 1028/1087, 1028/1011, 1028/1110, 1028/1111, 1028/1043, 1029/1115 1026/1092, 1032/1113	Dhapa, J.L.2, P.S. Tiljola, 24 Parganas (S)	~ 101.8
4	Green Con Developers Pvt. Ltd., MB Tower, EM By-pass, 299 Barakhola, Mukundapur & EM By-pass Crossing, Kolkata 700099	529, 530, 531, 534, 524, 525, 557, 559, 560, 556, 566, 533, 558	Beonta, J.L.27, P.S. Kolkata Leather Complex, 24 Parganas (S)	~ 26.3
5	Shyam Greenfield Developers Pvt. Ltd. (formerly Shyam Century Plaza Makers Pvt Ltd) 29, Ganesh Chandra Avenue, 1st Floor, Kolkata 700013	432/4521, 433/4524, 434/4525, 435/4528, 450/4529, 457/4517, 451, 452, 453/4531, 476/4708, 477/4712, 679, 644, 642, 645, 701, 408/4509, 440/4511, 659, 658/4719, 655, 654, 652/4718, 399, 400, 397/4504, 458/4505, 405, 406, 407, 443 /4510, 439, 444, 398/4512, 457/4514, 676/4706, 677/471, 399, 400, 397/4504, 458/4505, 405, 406, 407, 443/4510, 439, 444, 398/4512, 457/4514, 676/4706, 677/4710, 678/4714, 662, 663, 398/4513, 436/4518, 437, 438, 445, 446,	Tardaha Kapashati, J.L.No.38, P.S. . Kolkata Leather Complex, 24 Parganas (S)	~ 138.6

		447, 448, 458, 457/4515, 676, 677, 678, 658, 653, 652, 436, 447/4519, 448/4520, 457/4516, 449, 432, 433, 434, 435, 450, 676/4707, 477/4711, 478/4715, 648, 640, 712, 713, 717, 687, 688, 703, 716, 684, 693, 700, 706, 649, 643, 679/4719, 664, 665, 664/725, 653, 651, 645, 646, 647, 641, 649/74, 636, 636/723, 706, 708, 705, 717, 718, 719, 720, 721		
6	Sanklap Vanijya Pvt. Ltd, 1st Floor, Middleton Street, Kolkata 700071	590-597, 599-604, 621, 622 Sikkim Commerce House, 4/1,	Kulberia, J.L. 7, P.S. Kolkata Leather Complex, 24 Parganas (S)	~ 24
7	Kalyan Bharti Foundation, 994 Madurdah, Chowbaga Road, Anandapur, P.O. East Kolkata Township, Kolkata 700107	108, 109, 475, 109/476, 477(P), 156(P), 160-170, 175-181, 181/407, 182	Tardaha, J.L. 15, P.S. Sonarpur, 24 Parganas (S)	~ 37.1

Sd/-

Chief Technical Officer

No- CTO/EN/060/161/2009-10

Date 14.2.14

Forwarded for kind information and necessary action to:

- 1) The Senior P.S to Chief Secretary, West Bengal & Chairman, EKWMA.
- 2) The Sr.P.S. to Additional Chief Secretary, Environment Department & Member Secretary, EKWMA.
- 3) The P.S. to Additional Chief Secretary, Forest Department.
- 4) The P.S. to Additional Chief Secretary, Land & Land Reforms Department.
- 5) The P.S. to Principal Secretary, Urban Development Department.
- 6) The P.S. to Principal Secretary, Fisheries Department
- 7) The P.S. to Principal Secretary, Panchayat and Rural Development Department.
- 8) The P.S. to Principal Secretary, Municipal Affairs Department.
- 9) The P.S. to Secretary, Irrigation and Waterways Department.
- 10) The Chief Executive Officer, Kolkata Metropolitan Development Authority.
- 11) The Commissioner, Kolkata Municipal Corporation.
- 12) The Chairman, West Bengal Pollution Control Board.
- 13) The Member Secretary, West Bengal Pollution Control Board.
- 14) The District Magistrate, North 24 Parganas.
- 15) The District Magistrate, South 24 Parganas.
- 16) The Director, Institute of Environmental Studies and Wetland Management
- 17) Swami Pranananda, Joint Director, Ramakrishna Mission Lokashiksha Parishad, Narendrapur

- 18) Pravrajika Atandraprana, Assistant Secretary, Sri Sarada Math & Ramakrishna Sarada Mission, Dakshineswar
- 19) Smt Bonani Kakkar, People United for Better Living in Calcutta.
- 20) Bengal Sunny Rock Estates Housing Development Company Limited Block AG - 27, Sector II, Salt Lake City, Kolkata 700091.
- 21) Unnayan Developers (P) Ltd., 47/1K, Hazra Road, 1st floor, P.S. Ballygunge, Kolkata 700019.
- 22) Greentech Farms & Agro Private Limited, 119/2, Matheswartala Road, Kolkata 700046.
- 23) Green Con Developers Pvt. Ltd., MB Tower, EM By-pass, 299 Barakhola, Mukundapur & EM By-pass Crossing, Kolkata 700099.
- 24) Shyam Greenfield Developers Private Limited, 29 Ganesh Chandra Avenue, 1st floor, Kolkata 700013.
- 25) Sanklap Vanijya Pvt. Ltd, 1st Floor, Sikkim Commerce House, 4/1, Middleton Street, Kolkata 700071.
- 26) Kalyan Bharti Foundation, 994 Madurdaha, Chowbhaga Road, Anandapur, P.O. East Kolkata Township, Kolkata 700171.
- 27) Guard File.

Sd/-

Chief Technical Officer

East Kolkata Wetlands Management Authority
Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
DD-24, Sector I, Salt Lake City, Kolkata- 700064
Ph.: 91-33-23343003, Fax: 91-33-23346403

Annexure VI

ORDER

No.CTO/EN/242/349/13

dated 12.9.2013

Reasoned Order in terms of Order dated 2.8.2013 passed by Hon'ble High Court, Calcutta in M.A.T.1122 of 2013 and C.A.N.7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr.- Vs- East Kolkata Wetlands Management Authority & Ors.

WHEREAS Splendour Commercial Pvt. Ltd. through Sri Hari Narayan Bihani, Director applied in Form-I (Application No.440) for change of character or mode of use of land in the East Kolkata Wetlands area (under Rule 8 of the East Kolkata Wetlands (Conservation and Management) Rules, 2006) on 24.1.2011;

AND WHEREAS the plot of land under consideration was in Mouza Jagatipota, JL No.3, RS Dag No.9/61, 9/62 and 9/65, area 188 cottah under Gram Panchayat Kheadaha No.2, Police Station Sonarpur, District 24 Parganas South and as per Record of Rights (ROR) said land was classified as Shali (agricultural land) and purpose of application was conversion of land classification from "Shali" to "Bastu" for construction of school building and East Kolkata Wetlands Management Authority (EKWMA) did not issue No Objection Certificate (NOC) for the requested conversion and the entire mouza Jagatipota falls under the jurisdiction of the EKWMA;

AND WHEREAS subsequently Splendour Commercial Pvt. Ltd. approached the Hon'ble High Court of Calcutta in WP No.23860(W) of 2012 against EKWMA and vide Order dated 15.7.2013 the said Writ Petition was rejected;

AND WHEREAS Splendour Commercial Pvt. Ltd. challenged the Order dated 15.7.2013 (against WP No.23860(W) of 2012) vide M.A.T 1122 of 2013 and C.A.N 7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. Vs East Kolkata Wetlands Management Authority & Ors.;

AND WHEREAS the Hon'ble High Court, Calcutta passed an Order on 2.8.2013 in M.A.T.1122 of 2013 and C.A.N.7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. Vs East Kolkata Wetlands Management Authority & Ors. with the direction to the competent authority "to consider the aforesaid prayer of the appellants strictly in accordance with law upon giving an opportunity of hearing to the authorised representative of the said appellants without any further delay but positively within a period of six weeks from the date of communication of this order";

AND WHEREAS the Member Secretary, EKWMA instructed the Chief Technical Officer (CTO) of EKWMA to take a hearing and place the matter for decision / orders of the Chairman, EKWMA through him and accordingly a notice for hearing was issued vide No.CTO/EN/219/349/13 dated 16.8.2013;

AND WHEREAS the hearing was held as scheduled on 23.8.2013 (Friday) at 11.30am in the Conference Room at Poura Bhavan, 4th Floor and was attended by the following:

For Appellants:

1. Hari Narayan Bihani, Director, Splendour Commercial Pvt. Ltd.
2. Tarun Bihani
3. Avik Datta, Barrister-at-law

4. Israfil Middy, Consultant

5. Sankar Bhagat, Advocate.

For EKWMA:

1. Dr Kana Talukder, IFS, CTO

2. Anirudha Paul

3. Supreet Kaur;

AND WHEREAS the CTO requested the Appellants to submit any documents they wished relating to the case and further requested them to check the available records in the file and the Appellants went through the records in file and stated them to be alright and photocopies of three additional *khajna* receipts were submitted and the original copy of ROR was shown by the Appellants during the hearing and Appellants were requested by the CTO to submit copy of the *Wakalatnama* and details of the school, which were duly submitted after the hearing and placed on record in the file;

AND WHEREAS the CTO asked the Appellants as to how their proposed project involving construction of the school building would improve the local environment in the East Kolkata Wetlands and the Appellants explained about the advantages of modern and advanced teaching methods involving computers, interactive learning systems without blackboards and that for CBSE affiliation a minimum acreage of school campus was required, which was reportedly not possible in the current school compound housing classes I to IV and children had to leave after class IV and that in the new premises classes were proposed to be extended till class XII and according to the Appellants children would get the advantages of advanced learning in the new campus and would not have to leave Kolkata for better education and this would improve the environment;

AND WHEREAS the CTO asked the Appellants as to why the new premises at Jagatipota were chosen and that the Appellants explained that all the development was happening in the area and alternative sites were too far and that the company Zee Learn Ltd. had allotted franchise of that zone to the school;

AND WHEREAS the CTO asked the Appellants the mode in which the school was proposed to be run and that the Appellants explained that the Trust would run the school;

AND WHEREAS the CTO asked the Appellants about the infrastructure and civic amenities available in the new premises and the Appellants explained that the area was under the Panchayats and not under the Kolkata Municipal Corporation (KMC), but the KMC was shortly expected to extend services to the zone and that they were going to draw ground water to meet the campus needs and that CESC was expected to provide electricity in future;

AND WHEREAS the CTO explained to the Appellants the procedure being adopted in this case, that she had been instructed to take a hearing and submit the file to the Member Secretary, EKWMA (who is also the Additional Chief Secretary, Environment) and that the matter would be thereafter placed for orders/decision of the Chairman, EKWMA (who is also the Chief Secretary, West Bengal) and the Appellants agreed.

Considering the representation submitted by the party Splendour Commercial Pvt. Ltd. and examining the available records the CTO was of the opinion that the EKWMA may not grant NOC or issue an order granting sanction under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 to the Application No.440 dated 24.1.2011 from Splendour Commercial Pvt. Ltd. due to the following reasons:

- i. Perusal of the project document revealed it to be a commercially profitable venture. The following table presents selected relevant portion of the projection of performance and profitability as given in the submitted project details (Rs in lakhs):

Particulars	F/Y	F/Y 12-13	F/Y 14-15 13-14	F/Y 15-16	F/Y 16-17	F/Y 17-18	F/Y 18-19
Profit after tax for the Company	8.78	59.48	115.40	170.47	224.82	278.67	331.84
Excess of income over expenditure for the Trust -Litera Valley	5.04	74.86	21.08	42.50	43.66	38.97	40.27

- ii. The Deed of Conveyance has a “Schedule of the said land hereby sold”. The first sentence of said schedule starts “Piece or parcel of contiguous will be used agricultural purpose agricultural land as purchased by the Vendor as per its registered deeds, documents and conveyances....”. This indicates that the `Vendor purchased and subsequently sold the land classified as agricultural (shali) for agricultural purpose. The original sellers of the plots perhaps did not sell to a commercially profitable venture.
- iii. The NOC from Kheadaha No.2 Gram Panchayat for conversion from *shali* to *bastu* land has no particular relevance in the current case since as per section 22 the East Kolkata Wetlands (Conservation and Management) Act, 2006, overrides other laws.
- iv. The school proposes to run five buses, so distance does not have much relevance. Alternative sites beyond the protected Ramsar area (East Kolkata Wetlands area) can well be chosen.
- v. The East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force on 16.11.2005, replacing the earlier Ordinance. The current school at Tollygunj has been functioning since 1.4.2007 on the project proponents own property. Land procurement activities for the project within the East Kolkata Wetlands area apparently were initiated from 2007-2008 after the East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force. Deed of Conveyance is dated 21.8.2009.
- vi. The Miscellaneous Fixed Assets in the project document lists water treatment plant, generators, transformer, electric substation, cooling tower, air conditioning, teaching aids, laboratory equipment, gymnasium equipment, five buses, etc. These are energy intensive devices. Further, the school proposes to draw ground water through tubewells to meet what seems to be its considerable water needs. The new premises housing 500 to 1000 persons are likely to generate large quantities of municipal solid waste. These cannot be said to improve the environment.
- vii. The preamble of the East Kolkata Wetlands (Conservation and Management) Act, 2006 (West Bengal Act VII of 2006) mentions that it is “an Act to provide for conservation and management of the East Kolkata wetlands and for matters connected therewith and incidental thereto. Whereas the wetlands act as regulator of water regime, source for underground water recharging...”. The project proposal does not facilitate this and therefore cannot be said to improve the environment.
- viii. As per section 10(5) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 nothing in the section empowers the EKWMA to grant sanction for change of character or mode of use of a land unless the change is for improvement of the environment.
- ix. In the 1993(1)CLJ People United for Better Living in Calcutta (PUBLIC) vs. State of W.B. decision dated 24.9.1992 (which ultimately led to the enactment of the East Kolkata Wetlands (Conservation and Management) Act, 2006) it is recorded that “There shall also be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial....”. The project proposal under consideration is not in compliance with said decision.

AND WHEREAS in terms of Order dated 2.8.2013 of the Hon’ble High Court, Calcutta, the Member Secretary, EKWMA has examined the matter elaborately and taken a decision to recommend that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 may not be granted to the petitioner Splendour Commercial Pvt. Ltd.;

AND WHEREAS the Chairman, EKWMA also has examined the matter and approved the decision not to grant NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 to the petitioner Splendour Commercial Pvt. Ltd. and to pass this order disposing of the matter and authorizing the Chief Technical Officer vide Rule 10(3) of East Kolkata Wetlands (Conservation & Management) Rules 2006 to communicate the decision to the petitioner with reasons as recorded.

Sd/-

(Kana Talukder)
Chief Technical Officer,
East Kolkata Wetlands Management Authority
& Senior Environment Officer,
Department of Environment,
Government of West Bengal.

No.CTO/EN/242/(6)/349/13

dated 12.9.2013

Copy forwarded for kind information and necessary action to:

1. Chief Secretary, West Bengal and Chairman, East Kolkata Wetlands Management Authority.
2. Additional Chief Secretary, Department of Environment, Government of West Bengal and Member Secretary, East Kolkata Wetlands Management Authority.
3. The District Magistrate, 24 Parganas South.
4. The Director, Splendour Commercial Pvt. Ltd., 2 N.C. Dutta Sarani, Sagar Estate, 4th floor, Kolkata 700001.
5. The Assistant Registrar (Court), Appellate Side, High Court, Calcutta with reference to order dated 2.8.2013 in the matter of M.A.T 1122 of 2013 and C.A.N 7606 of 2013 Splendour Commercial Pvt. Ltd. & Anr. Vs East Kolkata Wetlands Management Authority & Ors.
6. Guard file.

Sd/-

Chief Technical Officer,
East Kolkata Wetlands Management Authority

**List of Cases pending before Hon'ble High Court Calcutta & Hon'ble National Green
Tribunal, Eastern Bench relating to EKW**

Serial No.	Case Number and Year	Cause Title	Brief Particulars
Hon'ble High Court Calcutta			
1	CPAN 2189/2013 W.P.No.-24410(W) of 2007	Subal Chandra Mondal Vs The State of West Bengal & Ors.	Removal of illegal constructions in Mouza Chowbaga in the EKW.
2	C.R.R. No. 3430/ 2009, W.P. No. 349(W) of 2010	CRR 3430/2009: Souren Das Vs. State of WB & Others. W.P. 349(W)/2010: Shyamalesh Das Vs State of WB & Others	Pettiton for conversion of land use for housing.
3	CPAN No 428 of 2014. WP No 17841(W)/13. AST No 142 of 2013 with ASTA 84 of 2013.	Bikash Kumar Ray & Anr. Vs State of West Bengal & Ors.	CPAN No 428: The EKWMA filed contempt petition for erection of a boundary wall of around 9 feet height without securing permission from EKWMA and also built permanent structure of two rooms inside the boundary wall.
4	W.P.No.-3317(W)/ 15	Kalyan Bharati Foundation & Anr. Vs The Chief Secretary, GoWB and Chairman, EKWMA & Ors.	The petitioner wanted the Court to quash the Reasoned Order dt. 26/03/2012 issued by the EKWMA to remove the illegal fencing.
5	WPNo. 8456(W) of 2015	Ranjit Kumar Sanfui Vs. The State of WB & Others	Private respondents were filling up water bodies on the petitioner's land
6	W.P.No.-11403(W)/15	Shyam Greenfield Developers Pvt. Ltd. & Anr. Vs The Chief Secretary, GoWB & Ors.	To set aside the reasoned order dt. 14/ 02/2014 issued by the EKWMA to remove the illegal fencing.
7	W.P.No.-22198(W)/15	Vishal Water World Private Limited Vs EKWMA & Ors.	To revoke the reasoned order dt. 22/04/15 passed by the EKWMA for illegal change of character or mode of use of land and also to issue NOC in favour of the petitioner for construction of residential buildings on the land falls within the classification "Substantially water body oriented area (full)".
8	WP No 23246(W) of 2015	Bipinbhai Motibhai Patel Vs. The State of WB & Others	Cancellation of rejection letter by the EKWMA dt. 23.07.2015
9	CRR No. 3413 of 2015	Sukti Lahiri Vs State of West Bengal & Ors.	To quash all the orders passed by the of ACJM, Baruipur with respect to Sonarpur P.S. Case no. 1327 of 2015 lodged on the basis of the complaint of the EKWMA for illegal construction of one-storey building.

	Hon'ble National Green Tribunal, Eastern Bench		
1	O.A. 18/2016/EZ	Bishnu Pada Pakhira Vs. The Pollution Control Board of WB & Others	Unauthorized construction at Urban Sabujayan
2	O.A.No. 25/2016	Sunit Kumar Mallick Chowdhury Vs The State of West Bengal & Ors.	Filling of Ukilbheri (Outside EKW)

East Kolkata Wetlands Management Authority
 Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
 Poura Bhavan, Block 'FD'-415A, 4th Floor, Sector - III, Salt Lake, Kolkata - 700 106
 Ph.: 91-33-23343003, Fax: 91-33-23346403

ORDER**No.CTO/EN/039/373/2013-14****dated 29.1.2014****Reasoned Order issued against applications made by Sri Partha Pratim Guha, Smt Chhanda Guha and Sri Suhrid Guha to East Kolkata Wetlands Management Authority (EKWMA)**

WHEREAS it had come to the notice of EKWMA that unauthorized construction was being undertaken in R.S Dag No.9 in mouza Goalpota, JL No. 13, P.S. Sonarpur, Dist 24 Parganas South without prior sanction from EKWMA and said R.S. Dag 9 is classified as "Agricultural area (full)" or *shali* in Table 19 Schedule I of the East Kolkata Wetlands (Conservation & Management) Act, 2006 and therefore subject to jurisdiction of the EKWMA;

AND WHEREAS accordingly a notice was served on 28.5.2013 and FIR lodged with Sonarpur P.S. vide No.CTO/EN/128 & 129/108(3)/13 dated 28.5.2013 and consequently the police authorities informed the owners of the concerned plots Sri Partha Pratim Guha and his son Sri Suhrid Guha about the cases lodged against them by EKWMA;

AND WHEREAS Sri Partha Pratim Guha and his son Sri Suhrid Guha then applied in format to EKWMA (received on 2.9.2013) for permission to change of use of land from *shali* to *bastu* for construction of residential building for personal use and that the concerned plots measured 7 katha (Plot No.C3) and 5 katha (Plot No.C1) respectively being in mouza Goalpota, JL No. 13, R.S. Dag 9, L.R. Khatian No.3, C.S Dag No.2, Touzi No. 147, P.S. Sonarpur;

AND WHEREAS a field inspection was conducted by staff of EKWMA on 1.10.2013 in response to the applications in presence of police personnel from Sonarpur P.S, Sri Suhrid Guha and Sri Anirban Roy representing Sri Partha Pratim Guha and that a Report was submitted vide No. 143/FLD/EKWMA/2013 dated 7.10.2013 which confirmed existence of a boundary wall, construction work within the wall and a RCC culvert made over sewerage canal for their approach road;

AND WHEREAS the Member Secretary, EKWMA approved the proposal of the Chief Technical Officer (CTO) of EKWMA to take a hearing and place the matter for decision / orders of the Chairman, EKWMA through him and accordingly a notice for hearing was issued vide No.CTO/EN/313/373/13 dated 1.11.2013 to Sri Partha Pratim Guha and vide No.CTO/EN/314/373/13 dated 1.11.2013 to Sri Suhrid Guha and that a hearing was held on 11.11.2013;

AND WHEREAS subsequently it was noticed that a 5 katha (Plot No.C2) plot in R.S. Dag 9 in mouza Goalpota, JL No. 13, P.S. Sonarpur was held by Smt Chhanda Guha who had not approached EKWMA for permission for change in use of land though illegal construction was noticed on said plot and Field Inspection Report vide No. 146/FLD/EKWMA/2013 dated 19.11.2013 was submitted by staff of EKWMA and accordingly Notice No.CTO/EN/332/108(3)/13 dated 28.11.13 was served on Smt Chhanda Guha and FIR lodged in Sonarpur P.S. vide No.CTO/EN/333/108(3)/13 dated 28.11.13 and it was **noted that during the hearing on 11.11.13 neither Sri Partha Pratim Guha nor his son Sri Suhrid Guha had made any reference to the plot being held by Smt Chhanda Guha w/o Sri Partha Pratim Guha;**

AND WHEREAS Smt Chhanda Guha w/o Sri Partha Pratim Guha then applied in format to EKWMA on 18.12.2013 received on 26.12.2013 for permission to change of use of land from *shali* to *bastu* for construction of residential building for personal use and the concerned plot measured 5 katha (Plot No.C2) being in R.S. Dag 9, Touzi No. 147, P.S. Sonarpur under Kheyadaha Gram Panchayat-I, district 24 Parganas South;

AND WHEREAS the Member Secretary, EKWMA approved the proposal of the CTO of EKWMA to take a hearing and place the matter for decision / orders of the Chairman, EKWMA through him. Accordingly a notice for hearing for 13.1.2014 was issued to Smt Chhanda Guha vide No.CTO/EN/001/373/13 dated 2.1.2014. The notice was sent by speed post on 2.1.2014 (Rt. No.EW572329364IN) and stated clearly "any failure to attend the hearing shall lead to passing of an ex parte order;

AND WHEREAS a hearing was held as scheduled on 11.11.2013 (Monday) at 11.30am in the Conference Room at Poura Bhavan, 4th Floor and was attended by the following:

For Applicants:

1. Partha Pratim Guha
2. Suhrid Guha
3. Bhargava Bhattacharjee
4. Anirban Roy

For EKWMA:

1. Dr Kana Talukder, IFS, CTO
2. Anirudha Paul
3. Nandini Basu
4. Md. Rejaul Gain

AND WHEREAS the hearing scheduled on 13.1.2014 (Monday) at 11.30am in the Conference Room at Poura Bhavan, 4th Floor was attended by the following:

For Applicants:

No one attended.

For EKWMA:

1. Dr Kana Talukder, IFS, CTO
2. Anirudha Paul
3. Nandini Basu
4. Md. Rejaul Gain
5. Kalyan Mandal

AND WHEREAS Smt. Chhanda Guha did not appear for the hearing on 13.1.2014 and it was decided to issue an ex parte order by including her case along with the other two applicants Sri Partha Pratim Guha and Sri Suhrid Guha;

AND WHEREAS during the hearing on 11.11.2013 the CTO requested the Applicants to submit any documents they wished to relating to their applications and photocopy of a ROR (in name of Amar Kumar Malik of Tangra, P.S. Tollygunj) was shown by the Applicants during the hearing, a copy of said ROR was handed over and placed on record in the file and that the Applicants did not have ROR in their names though they claimed to have applied for mutation about a year back and that *the CTO made it clear to the Applicants that without valid ROR in their own names their applications cannot be sanctioned by EKWMA;*

AND WHEREAS the CTO asked the Applicants as to how their proposal involving construction of the residential buildings would improve the local environment in the East Kolkata Wetlands and the Applicants explained about generation of employment for domestic helps / gardeners for their houses and that this would improve the environment;

AND WHEREAS the CTO asked the Applicants as to why the new premises at Goalpota were chosen and the Applicants explained that they had heard about the available land from their business contacts in the area and that they currently resided in their flat at 181, Santoshpur East Road, Kolkata 700075;

AND WHEREAS the CTO asked the Applicants details about the proposed land use and that the previous owners reportedly had banana orchards on the land and the Applicants explained that their houses will be built with gardens and that they had already invested in the creation of the garden and that the CTO made it clear to the Applicants that under the exiting rules regulating the East Kolkata Wetlands it might not be possible to approve permanent constructions such as made of brick and RCC;

AND WHEREAS the CTO asked the Applicants about the infrastructure and civic amenities available in the new premises and that the Applicants explained that the area was under the Kheyadaha-I Gram Panchayat and not under the Kolkata Municipal Corporation (KMC) and that they were going to draw ground water through bore well to meet their needs and that WBSEDCL has already given electricity connection to Sri Suhrid Guha (copy of Money receipt No.5901530 & No.5901531 dated 3.5.2013 towards security deposit and house SC charge for Consumer No.Ref. 10104/563 had been furnished with the application);

AND WHEREAS the CTO explained to the Applicants the procedure being adopted in this case, that she had been instructed to take a hearing and submit the file to the Member Secretary, EKWMA (who is also the Additional Chief Secretary, Environment) and that the matter would be thereafter placed for orders/ decision of the Chairman, EKWMA (who is also the Chief Secretary, West Bengal) and the Applicants agreed.

Considering the applications submitted by Sri Partha Pratim Guha, Smt Chhanda Guha w/o Sri Partha Pratim Guha and Sri Suhrid Guha s/o Sri Partha Pratim Guha and examining the available records the CTO was of the opinion that the EKWMA may not grant NOC or issue an order granting sanction under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 to the concerned applications due to the following reasons:

- i. The Deeds of Conveyance dated 17.5.2012 report transfer of the land from Sri Amar Kumar Malick to Smt Kamli Jadav to Dr Sharda Fatehpuria to Partha Pratim Guha / Suhrid Guha / Chhanda Guha. *The computerized ROR copy supplied by BL&LRO, Sonarpur to EKWMA vide memo No.892/BL-SNP/12 dated 24.9.2013 regarding R.S Dag 9 of mouza Goalpota does not show any of these names on record.*
- ii. Moreover parts of the land in R.S Dag No.9 originally belonged to bargadars and the concerned land sales may not have followed all pertinent land rules strictly which will render mutation difficult. As already stated by the CTO *without valid ROR in their own names establishing their legal right to hold the land the applications by Partha Pratim Guha /Suhrid Guha / Chhanda Guha cannot be sanctioned by EKWMA.*
- iii. The Applicants have furnished copies of khajna receipts from L&LR in names of Partha Pratim Guha, Suhrid Guha and Chhanda Guha. Without mutation and issue of ROR it is not clear how such receipts have been issued.
- iv. The East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force on 16.11.2005. The Deeds of Conveyance are dated 17.5.2012 long after the East Kolkata Wetlands (Conservation and Management) Act, 2006 and the Wetlands (Conservation and Management) Rules, 2010 notified by the Government of India came into force. Undertaking of civil construction without prior sanction of the EKWMA has violated provisions of the rules and regulations governing the East Kolkata Wetlands, a protected site under the Ramsar convention. *Therefore these constructions may be deemed unauthorized and illegal.*

- v. The applicants approached EKWMA for sanction of conversion of land use only after FIR had been lodged. Sri Partha Pratim Guha and Sri Suhrid Guha made no mention of the plot in the name of Smt Chhanda Guha w/o Sri Partha Pratim Guha during the hearing held on 11.11.2013. Smt Chhanda Guha did not apply for conversion of land use from *Shali* to *Bastu* along with Sri Partha Pratim Guha and Sri Suhrid Guha and did not appear for the hearing scheduled for 13.1.2014. On the whole there appears to be an attempt at hiding of facts from the EKWMA.
- vi. The new residential buildings are likely to generate solid waste (which cannot be sanitarly disposed in absence of any municipality) in addition to depleting the ground water through bore well. These cannot be said to improve the environment vis-a-vis the earlier land use as orchard / agriculture.
- vii. Under section 10(5) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 nothing in the section empowers the EKWMA to grant sanction for change of character or mode of use of land unless the change is for improvement of the environment.
- viii. In the 1993(1) CLJ People United for Better Living in Calcutta (PUBLIC) vs. State of W.B. decision dated 24.9.1992 (which ultimately led to be enactment of the East Kolkata Wetlands Conservation and Management Act, 2006) it is recorded that **"There shall also be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial"**. The project proposals under consideration are not in compliance with said decision.

Further u/s 11(1) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 it may be ordered that the persons responsible (Sri Partha Pratim Guha, Smt Chhanda Guha w/o Sri Partha Pratim Guha and Sri Suhrid Guha s/o Sri Partha Pratim Guha) for the change in land use to restore the land, at their own expense, to the original character (orchard/agriculture after demolition of the unauthorized and illegal constructions on the plots under consideration) **within the period of one month of issue of this order** and, in case of default by them EKWMA may direct the District Magistrate 24 Parganas South and Member EKWMA, to undertake said restoration and recover the cost thereof as arrears of land-revenue;

AND WHEREAS the Member Secretary, EKWMA has examined the matter and taken a decision to recommend that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 may not be granted to the three applicants Sri Partha Pratim Guha, Smt Chhanda Guha w/o Sri Partha Pratim Guha and Sri Suhrid Guha s/o Sri Partha Pratim Guha who be directed to restore the land, at their own expense, to the original character (orchard/ agriculture after demolition of the unauthorized and illegal constructions on the plots under consideration) **within the period of one month of issue of this order** and, in case of default by them EKWMA may direct the District Magistrate 24 Parganas South and Member EKWMA, to undertake said restoration and recover the cost thereof as arrears of land-revenue;

AND WHEREAS the Chairman, EKWMA also has examined the matter and approved the decision not to grant NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 to the three applicants Sri Partha Pratim Guha, Smt Chhanda Guha w/o Sri Partha Pratim Guha and Sri Suhrid Guha s/o Sri Partha Pratim Guha and who are directed to restore the land, at their own expense, to the original character (orchard/ agriculture after demolition of the unauthorized and illegal constructions on the plots under consideration) **within the period of one month of issue of this order** and, in case of default by them the District Magistrate 24 Parganas South and Member EKWMA, is directed to undertake said restoration and recover the cost thereof as arrears of land-revenue and to pass this order

disposing of the matter and authorizing the Chief Technical Officer vide Rule 10(3) of East Kolkata Wetlands (Conservation & Management) Rules 2006 to communicate the decision to the applicants with reasons as recorded for compliance.

Sd/-

(Kana Talukder)
Chief Technical Officer,
East Kolkata Wetlands Management Authority
& Chief Environment Officer,
Department of Environment,
Government of West Bengal.

No.CTO/EN/039/373/2013-14

dated 29.1.2014

Copy forwarded for kind information and necessary action to:

1. Chief Secretary, West Bengal and Chairman, East Kolkata Wetlands Management Authority.
2. Additional Chief Secretary, Department of Environment, Government of West Bengal and Member Secretary, East Kolkata Wetlands Management Authority.
3. The District Magistrate, 24 Parganas South.
4. In Charge, Sonarpur P.S.
5. BL&LRO Sonarpur.
6. Sri Partha Pratim Guha, 181 Santoshpur East Road, Kolkata 700075, for compliance.
7. Sri Suhrid Guha, 181 Santoshpur East Road, Kolkata 700075, for compliance.
8. Smt Chhanda Guha, 181 Santoshpur East Road, Kolkata 700075, for compliance.
9. Guard file.

Sd/-

Chief Technical Officer,
East Kolkata Wetlands Management Authority

**Government of West Bengal
Department of Environment**

"Poura Bhawan", 4th Floor, 415/A, FD Block,
Sector-III, Salt Lake, Kolkata-700 106

No. 530/EN/T-II-2/008/2005

Dated: 26.02.2015

ORDER

As per the decision of the 26th Meeting of the East Kolkata Wetlands Management Authority (EKWMA) held on 11th February, 2015, a Committee is constituted to conduct hearings under Rule 8 of the EKW(C&M) Rules, 2006, for speedy and fair disposal of the applications received for change of character or mode of use of land in the East Kolkata Wetlands area with the following as members:

- i) Chief Secretary, West Bengal Chairman
- ii) Member Secretary, EKWMA Member
- iii) Smt. Bonani Kakkar, PUBLIC Member
- iv) Swami Pranananda, Ramakrishna Mission Lokashiksha Parishad Member
- v) Pravrajika Atandraprana, Sri Sarada Math & Ramkrishna Sarada Mission Member

The Committee will examine the applications in light of the hearing and its decision shall be final.

By Order of the Governor



Principal Secretary, Environment Department and
Member Secretary, EKWMA

No. 530/1 (7)/EN/T-II-2/008/2005

Dated: 26.02.2015

Copy forwarded for kind information and necessary action to :-

1. Senior P.S. to the Chief Secretary, West Bengal and Chairman, EKWMA
2. Senior P.A. to the Principal Secretary, Environment Department and Member Secretary, EKWMA
3. Smt. Bonani Kakkar, PUBLIC
4. Swami Pranananda, Ramakrishna Mission Lokashiksha Parishad
5. Pravrajika Atandraprana, Sri Sarada Math & Ramkrishna Sarada Mission
6. Chief Technical Officer, EKWMA
7. Guard file



Principal Secretary, Environment Department and
Member Secretary, EKWMA

**Government of West Bengal
East Kolkata Wetlands Management Authority**

Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
Poura Bhavan, 4th Floor, Bidhannagar, Kolkata- 700106
Ph.: 91-33-23343003, Fax: 91-33-23346403

ORDER

No.CTO/EN/ I04 /385/2014-2015

Date: 22/04/2015

Reasoned order issued against the prayer made by Vishal Water World (P) Ltd.

The Vishal Water World (P) Ltd. through Sri Kishan Sonkar, Constituted Attorney petitioned the Chief Secretary to Government of West Bengal and Chairman, East Kolkata Wetlands Management Authority (EKWMA) vide dt. 12.8.2014; the petition was forwarded to the Environment Department for necessary action. Petitioner M/s. Vishal Water World (P) Ltd. requested for correction of record/conversion from water park, restaurants, guest house etc on the *bastoo* having an area of 17 acres at Dag no. 321/615, Mouza-Kochpukur, JL No. 2, (earlier Dag nos. 771-775, Mouza-Dhapa Manpur, JL No. 1) P.S. Kolkata Leather Complex, Dist. 24 Parganas (South). Petitioner expressed the intention to construct residential buildings on the land in question and requested to be given an opportunity of being heard.

Vide letter no. CTO/EN/065/385/2014-2015 dt. 20.3.2015 notice was issued for hearing by the Member Secretary, EKWMA. A *Vakalatnama* was already submitted authorizing Sri Pushan Kar Advocate, 7C, KS Roy road, 3 rd Floor. Kolkata -1 by the constituted Attorney for the Vishal Water World Sri Kishan Sonkar. It is placed on record in the file. The hearing was held on 02.04.2015 at the Conference Hall of the Chief Secretary (who is also the Chairman, EKWMA) at Nabanna and was attended by the following:

On behalf of the Vishal Water World (P) Ltd:

1. Sri Utpal Majumdar, Advocate
2. Sri Pushan Kar, Advocate
3. Sri S.K. Himmatsingha of Ideal group

For EKWMA:

1. Sri Sanjay Mitra, Chief Secretary and the Chairman, EKWMA
2. Sri Chandan Sinha, Principal Secretary, Environment, Member Secretary, EKWMA
3. Ms Bonani Kakkar, Member, EKWMA
4. Swami Prananada, Member, EKWMA
5. Dr. Jose T. Mathew, CTO, EKWMA

Sri. Utpal Majumdar, Advocate on behalf of the Vishal Water World(p) Ltd submitted that:

- 50 acres of land were procured jointly by three firms - Vishai Water World (P) Ltd., Green Valley Towers Private Limited and Sanjeevani Projects Private Limited.
- Of the 50 acres, 17 acres of land at Dag no. 321/615, Mouza-Kochpukur, JL No. 2, P.S. Kolkata Leather Complex (KLC), Dist. 24 Parganas (South) had been recorded in the name of Vishal Water World (P) Ltd., (BL&LRO list vide 1.11.2010), while and Valley Towers Private Limited and Sanjeevani Projects Private Limited jointly hold about 31 acres of the said Dag no. 321/615.
- The Fisheries Department, Govt. of West Bengal vide its letter issued on 29.9.1997 stated that it was not possible to carry out pisciculture since no water existed there and the land was being used for paddy cultivation.

- DL&LRO, South 24 Parganas allowed the conversion of land measuring 17 acres owned by the petitioner from “Shali” to “water park” by its order dt. 29.5.2000 and issued no objection to use of the land for Restaurants, Conference hall, Towers, Water Pools, Resorts etc for commercial purposes on 01.6.2000.
- The order of conversion by DL&LRO, South 24-Parganas dt. 29.5.2000 was revoked vide letter dt. 27.12.2005 on the ground that the land in question falls within the East Kolkata Wetland area and is covered by the 1992 verdict passed by Hon’ble High Court at Calcutta.
- The Order dt. 27.12.2005 was challenged before the Hon’ble High Court at Calcutta (vide WP No. 42 of 2006).
- The matter was then taken to the Hon. Supreme Court by the owners of the balance 31 acre of the land. The Hon. Supreme Court directed the EKWMA to consider the representation.
- The petitioner has contended that the RS Dag Nos. 771-775 of Mouza-Dhapa Manpur (presently Dag no. 321/615, Mouza-Kochpukur) are recorded as “Urban/Rural Settlement area” as per the East Kolkata Wetlands (Conservation & Management) Ordinance, 2005, but in the East Kolkata Wetlands (Conservation & Management) Act, 2006 it was shown as the “Substantial water body oriented area (full)” for ‘no discernible reason.’


The respondent has prayed for granting of permission in favour of Vishal Water World (P) Ltd. to construct residential building in land in question based on the decision of the authority dated 23.10.2006 and the order of the Hon’ble Supreme Court of India dated 17.11.2006 on the ground that the Vishal water world has been discriminated against when the other two partners were granted permission to construct buildings, and has also contended that seventeen acres of area in question has already been permitted for conference hall restaurant etc. and therefore for conversion to residential construction, there should not be creation of any compensatory water body.

While considering the petition submitted by Vishal Water World (P) Ltd. as well as examining the available records the following points were considered:

- i. The RS Dag Nos. 771-775 of Mouza-Dhapa Manpur (presently Dag no. 321/615, Mouza-Kochpukur) was incorrectly shown as “Urban/Rural Settlement area” as per the East Kolkata Wetlands (Conservation & Management) Ordinance, 2005. However, this was rectified in the East Kolkata Wetlands (Conservation & Management) Act, 2006, as the “Substantial water body oriented area (full)”.
- ii. It is worthy of note that the matter was taken to the Hon. Supreme Court not by the petitioners but by the owners of the balance 31 acres of land which by the order dt. 11.9.2006 directed the EKWMA to consider their representation.
- iii. Although, as stated by the petitioner, the order of DLLRO was challenged in the the Hon . High Court, it is pertinent to note that the Hon’ble High court dismissed the W.P. and upheld the DLLRO’s order.
- iv. The preamble of the East Kolkata Wetlands (Conservation and Management) Act, 2006 mentions that it is *“an Act to provide for conservation and management of the East Kolkata wetlands and for matters connected therewith and incidental thereto. Whereas the wetlands act as regulator of water regime, source for underground water recharging...”*. But the project does not facilitate this objective and therefore would not lead to improvement in the environment. Section 10(5) of the East Kolkata Wetlands (Conservation and Management) Act, 2006 supports the argument.
- v. In the 1993(1)CLJ People United for Better Living in Calcutta (PUBLIC) vs. State of W.B. decision dated 24.9.1992 (which ultimately led to the enactment of the East Kolkata Wetlands (Conservation and Management) Act, 2006) it is recorded that *“There shall also be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial...”*. The project proposal under consideration is not in compliance with said directive.

- vi. For any construction on the said land, the status of the land must be altered in accordance with the East Kolkata Wetlands (Conservation and Management) Act, 2006. Although the 12th meeting of EKWMA on 14.9.2010 agreed for the construction of housing for local people on plots designated as settlements with a guideline that prohibits any construction beyond first floor to a maximum of 8m above GL, subsequently in the 17th meeting on 28.9.11 resolved to stop NOCs given for housing as well as to repeal those which were issued earlier. Presently no conversion is permitted by the Authority.
- vii. The Wetlands (Conservation and Management) Rules, 2010 notified by Government of India came into force on 4.12.2010. Section 4(1)(vi) of the Wetlands (Conservation and Management) Rules, 2010 prohibits any construction of a permanent nature within the East Kolkata Wetlands, a protected site under RAMSAR convention.
- viii. The contention of the petitioner regarding the applicability of the Supreme Court Judgment dated 17.11.2006 with respect to Green Valley Towers Private Limited Vs State of West Bengal & Ors. is not tenable in the present context since the Wetlands (Conservation and Management) Rules, 2010 notified by Government of India came into force on 4.12.2010 after 2006 which now, clearly prohibits any construction of a permanent nature within the East Kolkata Wetlands.

In view of the above the constituted Committee headed by the Chairman, EKWMA after due examination of the case decided that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 SHALL NOT BE GRANTED to the petitioner the Vishal Water World (P) Ltd. The decision may be communicated to the petitioner with reasons as recorded.


22/4/2015

The Chairman

East Kolkata Wetlands Management Authority

Government of West Bengal
East Kolkata Wetlands Management Authority

Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
Poura Bhavan, 4th Floor, Bidhannagar, Kolkata- 700106
Ph.: 91-33-23343003. Fax: 91-33-23346403

ORDER

No. CTO/EN/ 210/368/2013-14

Date: 30/06/2015

Reasoned Order issued against application made by Pathfinder Study Group Private Limited to the East Kolkata Wetlands Management Authority (EKWMA)

It had come to the notice of EKWMA that an unauthorized construction of boundary wall was being erected in a part of R.S. Dag No. 657, Mouza Nonadanga, JL no. 10, P.S. Tiljola (presently under P.S. Ananadapur), Dist. 24 Parganas (South) without prior sanction from EKWMA and the said R.S. Dag 657 is classified as "substantially water body oriented area" in Table 6 Schedule I of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and therefore subject to jurisdiction of the EKWMA.

Accordingly a notice vide no CTO/EN/186/108(2)/13 dt. 18/07/2013 was served and FIR was lodged with Tiljola P.S. vide No. CTO/EN/187/108(2)/13 dt. 18/07/2013 and supplementary to the FIR vide letter no. CTO/EN/193/108(2)/13 dt. 22/07/2013 and consequently the police authorities started the case vide no. 604 dt. 24/07/13 u/s 18 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and submitted charge sheet vide no. 292/13 dt. 07/10/2013 against Debdutta Sreemany, S/O-Lt-Sambhu Nath Sreemany and Smt Mukul Sreemany, W/O. Debdutta Sreemany all of 96K, S.P.Mukherjee, Kolkata - 700026.

EKWMA received two letters from Pathfinder Study Group Pvt. Ltd on 19/07/2013 & 29/10/2014 seeking permission for change classification / conversion from *Jalabhum* to *Bastu* at the land referred above for setting up of a school. This office vide letter no. CTO/EN/195/368/13 dt. 23/07/2013 and CTO/EN/322/368/13-14 dt. 28/11/2014 repeatedly informed them that no permanent construction or conversion of land use will be allowed on the said land as per the existing Act and Rules governing the EKW area.

Pathfinder Study Group Private Limited through Sri Debdutta Sreemany and Smt Mukul Sreemany, Directors applied in format to the EKWMA (received on 24/12/2014) for permission to change of use of land character from *jalabhum* to *bastu* for setting up integrated residential school at the RS Dag No. 657, Mouza Nonadanga, JL no. 10, P.S. Tiljola, Dist. 24 Parganas (South).

A hearing notice was issued vide no. CTO/EN/152/346/2012-13 dt. 25/05/2015. The hearing was held on 01/06/2015 at the Conference hall of the Chief Secretary at Nabanna and was attended by the following:

On behalf of the Pathfinder Study Group Pvt. Ltd:

1. Smt. Mukul Sreemany, Director
2. Sri Sumanta Biswas, Advocate
3. Sri Malay Adhikari
4. Sri Dibyendu Dey, Assistant
5. Sri Sanjiv Pal, Assistant

For EKWMA:

1. Sri Sanjay Mitra, Chief Secretary and Chairman, EKWMA
2. Sri Chandan Sinha, Principal Secretary, Environment and Member Secretary, EKWMA
3. Smt Bonani Kakkar, Member, EKWMA
4. Swami Pranananda, Member, EKWMA
5. Dr. Dipanjana Maulik, Senior Environment Officer, Environment Department

Sri Sumanta Biswas, Advocate of Pathfinder Study Group Private Limited submitted that:

- The concerned plot measuring 40 cottah in mouza Nonadanga, J.L. No. 10, R.S. Dag No. 657, Khatian No. 179, P.S. Tiljola was mutated to Pathfinder Study Group Private Limited on or about 01/06/2007 with Kolkata Municipal Corporation (KMC). Since then, property tax has been regularly filed to the KMC.
- The said land in question was once requisitioned under the West Bengal Fisheries (Requisition & Acquisition) Act, 1965 in LA Case No. LAXX/47/66-67. However, the Fisheries Department,

Govt. of West Bengal had subsequently relinquished possession of the said land in favour of Pathfinder Study Group by order No. 1768/ Fish/C-III/2M-60/2008 dt. 30.07.2009.

- Fisheries Department issued no objection in favour of the Pathfinder Study Group Private Limited for conversion of land from *Beel* to *Bastu* in R.S. Dag No. 657 in R.S. Khatian No. 179, measuring area 40 cottahs in mouza Nonadanga, J.L. No. 10, P.S. Tiljola for any purpose other than pisciculture thereon vide letter no. 2328/Fish/C-III/2M-60/2008 dt. 12/11/2010.
- The Competent Authority constituted under the Urban Land Ceiling and Regulation Act, 1976 mentioned that the land measuring about 2709 sq.mtr in R.S. Dag No. 657, R.S. Khatian No. 179, mouza Nonadanga, J.L. No. 10 has not come under vacant land as per section 2q of the said Act, 1976 vide order No. XVI-UL437/12 dt. 02.08.2012.

The applicants have prayed for granting permission in favour of Pathfinder Study Group Private Limited for permission of change of use of land character from *jalabhum* to *bastu* for setting up integrated residential school for larger interest of the society.

While considering the application submitted by Pathfinder Study Group Private Limited as well as examining the available records the following points were considered:

- i. The East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force on 16.11.2005. The Wetlands (Conservation and Management) Rules came in 2010. Construction of boundary wall was started around 2013. Construction of boundary wall without prior sanction of the EKWMA the applicant has violated the provisions of the said Act, 2006 and Rules, 2010. *Therefore the construction is unauthorized and illegal.*
- ii. Section 4(1)(vi) of the Wetlands (Conservation and Management) Rules, 2010 prohibits any construction of a permanent nature within the East Kolkata Wetlands, a protected site under RAMSAR convention.
- iii. Even if no objections have been granted by Fisheries Department, and by the Competent Authority constituted under the Urban Land Ceiling and Regulation Act, 1976, the applicant cannot start construction as per section 22 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.
- iv. The proposed G + 3 residential school building does not lead to any kind of improvement in the wetland environment. [Section 10(5) of the East Kolkata Wetlands (Conservation and Management) Act, 2006].
- v. The preamble of the East Kolkata Wetlands (Conservation and Management) Act, 2006 mentions that it is "an Act to provide for conservation and management of the East Kolkata wetlands and for matters connected therewith and incidental thereto. Whereas the wetlands act as regulator of water regime, source for underground water recharging... ". The said project does not facilitate this objective.
- vi. In the 1993 (1) CLJ People United for Better Living in Calcutta (PUBLIC) vs. State of W.B. decision dated 24.9.1992 (which ultimately led to the enactment of the East Kolkata Wetlands (Conservation and Management) Act, 2006) it is recorded that "There shall also be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial... ". The said project is not in compliance with said directive.
- vii. In WP 23860(W) of 2012 in the matter of Splendour Commercial Pvt. Ltd. & Anr. -vs- East Kolkata Wetlands Management Authority & Ors. the Hon'ble High Court of Calcutta vide its order dt. 15.7.2013 has accepted that construction of permanent nature within the wetlands is prohibited under Rule 4(1)(vi) of the wetlands (Conservation and Management) Rules, 2010.

In view of the above the constituted Committee headed by the Chairman, EKWMA after due examination of the case decided that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 SHALL NOT BE GRANTED to the applicants, Pathfinder Study Group Private Limited. The decision may be communicated to the applicants with reasons as recorded.

Sd/-

(Sanjay Mitra)
Chairperson,

East Kolkata Wetlands Management Authority

**Government of West Bengal
East Kolkata Wetlands Management Authority**

Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006
Poura Bhavan, 4th Floor, Bidhannagar, Kolkata- 700106
Ph.: 91-33-23343003. Fax: 91-33-23346403

ORDER

No. CTO/EN/ 209/346/2012-13

Date: 30/06/2015

Reasoned Order issued against application made by Rupa Foundation to the East Kolkata Wetlands Management Authority (EKWMA)

It had come to the notice of EKWMA that unauthorized construction was being undertaken in RS Dag No. 23 (Part), Mouza-Chak Kolar Khal, JL no. 1, P.S. Sonarpur, Dist. 24 Parganas (South) without prior sanction from EKWMA.

Accordingly a notice vide no.-CTO/EN/2453/108(3)/12 dt. 23.08.2012 was served by EKWMA directing the violators to stop construction work and restore the land to its original status.

EKWMA received a letter from Rupa Foundation on 12.09.2012 to develop the piece of land referred above to build a "free vocational training centre" for the local people. However, CTO, EKWMA with the consent of the Chief Secretary informed the Rupa Foundation its inability to accept any such project in the East Kolkata Wetlands vide letter No. CTO/EN/215/346/13 dt. 07.08.2013.

An FIR was lodged with P.S. Sonarpur vide No. CTO/EN/190/108(3)/2013-14 (Pt-2) dt. 14/07/2014 against the Rupa Foundation for the violation involving unauthorized construction and consequently the police authorities started the case vide no. 1106 dt. 14.07.14 u/s 18 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and submitted charge sheet vide No. 79 dt. 28.01.15 against Prallahad Rai Agarwala, S/O. Baijnath Agarwala of 12 Sunny Park PS. Ballygunj, 2) Mahabul Sk. (26), S/O. Sukh Chand Sk. of Kamurdiar, P.O. Mominpur, PS. Domkal, 3) Mostafa Sk. S/O. Lt. Akamuddin Sk. of-do-, 4) Morad Sk. S/O. Rajaul Sk. of-do-, and 5) Jakir Mondal, S/O. Faijuddin of-do-.

Rupa Foundation through Sri Kunj Behari Agarwala, Trustee applied in format to the EKWMA (received on 27/01/2015) for permission to change of use of land character from agriculture to *bastu* for setting up Rupa Technical Training Institute as Vocational Training Institute measuring 30000 sft at the RS Dag No. 23, Mouza-Chak Kolar Khal, JL no. 1, P.S. Sonarpur, Dist. 24 Parganas (South).

Vide letter no. CTO/EN/150/346/2012-13 dated 22/05/2015 notice was issued for hearing by the Member Secretary, EKWMA. The hearing was held on 01/06/2015 at the Conference hall of the Chief Secretary at Nabanna and was attended by the following:

On behalf of the Rupa Foundation:

1. Sri Kunj Behari Agarwala, Trustee
2. Sri Lala Shyam Sundar Lal, Vice-President

For EKWMA:

1. Sri Sanjay Mitra, Chief Secretary and Chairman, EKWMA
2. Sri Chandan Sinha, Principal Secretary, Environment and Member Secretary, EKWMA
3. Smt Bonani Kakkar, Member, EKWMA
4. Swami Pranananda, Member, EKWMA
5. Dr. Dipanjana Maulik, Senior Environment Officer, Environment Department

Sri Kunj Behari Agarwala, Trustee of Rupa Foundation submitted that:

- Rupa Foundation purchased a part of land at the RS Dag No. 23, Mouza-Chak Kolar Khal, JL no. 1, P.S. Sonarpur, Dist. 24 Parganas (South) in the year 2010.
- Rupa Foundation applied for conversion of land from wetland to *Bastu* on 25.11.2010.
- After getting sanction of building plan from Pradhan, Kheadah-II Gram Panchayat on 28.02.2011, construction was started.

- EKWMA vide no-CTO/EN/2453/108(3)/12 dt. 23.08.2012 served a notice directing to stop construction work and restore the land to its original status.
- On 12/09/2012 it was requested to allow Rupa Foundation to build a free vocational training centre at the said land.
- An FIR was lodged with P.S. Sonarpur vide No. CTO/EN/190/108(3)/2013-14 (Pt-2) dt. 14/07/2014 against the Rupa Foundation for the violation involving unauthorized construction.

The applicant has prayed for granting permission in favour of Rupa foundation for conversion of land character from agriculture to Bastu for setting up Vocational Training Institute in land in question as the intention is to impart training to youth and to make them employable. It will be a nonprofit making organization and will generate employment of at least 2000 drop out students every year.

While considering the application submitted by Rupa Foundation as well as examining the available records the following points were considered:

- i. The East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force on 16.11.2005. The Wetlands (Conservation and Management) Rules came in 2010. Deeds of Conveyance were dated 08.06.2010 and unauthorized construction appears to have started around 2012. By resorting to civil construction without prior approval of the EKWMA, the applicant has violated the provisions of the said Act, 2006 and Rules, 2010.
- ii. The Deeds of Conveyance show that the said land has been sold for the purpose of Agriculture. The original sellers of the plots perhaps did not sell for any other purpose.
- iii. Even if building plan has been sanctioned by Kheadah-II Gram Panchayat, the applicant cannot start construction as per section 22 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.
- iv. Proposed activities in the DPR do not lead to any kind of improvement in the wetland environment [Section 10(5) of the East Kolkata Wetlands (Conservation and Management) Act, 2006].
- v. The preamble of the East Kolkata Wetlands (Conservation and Management) Act, 2006 mentions that it is "an Act to provide for conservation and management of the East Kolkata Wetlands and for matters connected therewith and incidental thereto. Whereas the wetlands act as regulator of water regime, source for underground water recharging ... ". The said project does not facilitate this objective.
- vi. Section 4(1)(vi) of the Wetlands (Conservation and Management) Rules, 2010 prohibits any construction of a permanent nature within the East Kolkata Wetlands, a protected site under RAMSAR convention.
- vii. In the 1993 (1) CLJ People United for Better Living in Calcutta (PUBLIC) vs. State of W.B. decision dated 24.9.1992 (which ultimately led to the enactment of the East Kolkata Wetlands (Conservation and Management) Act, 2006) it is recorded that "There shall also be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial...". The said project is not in compliance with said directive.
- viii. In WP 23860(W) of 2012 in the matter of Splendour Commercial Pvt. Ltd. & Anr. -vs- East Kolkata Wetlands Management Authority & Ors. the Hon'ble High Court of Calcutta vide its order dt. 15.7.2013 has accepted that construction of permanent nature within the wetlands is prohibited under Rule 4(1)(vi) of the wetlands (Conservation and Management) Rules, 2010.

In view of the above the constituted Committee headed by the Chairman, EKWMA after due examination of the case decided that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 SHALL NOT BE GRANTED to the applicant, Rupa Foundation. The decision may be communicated to the applicant with reasons as recorded.

Sd/-
(Sanjay Mitra)
Chairperson,

East Kolkata Wetlands Management Authority

