Memo no. 38-2N–47/2014 (E)  

Date: 20.08.2019

DIRECTION

WHEREAS, M/s Rameswara Infraspace LLP located at GB Rameswara Apartment, 19 A, Sarat Bose Road, Kolkata – 700 020 (hereinafter shall be referred to as the industry) is engaged in construction of a residential complex “Rameswara River View” at J.L.No. 02, Municipal holding no. 197, Mouza- Manirampur under North Barrackpore Municipality, ward no. 22, District: 24 Parganas (North).

AND WHERAS, the industry was observed to construct boundary wall impeding the flow of the river Hooghly, which was verified during inspection by the official of the West Bengal Pollution Control Board (hereinafter shall be referred to as the State Board) on 06.08.2019.

AND WHERAS, section 24 (b) of the Water (Prevention and Control of Pollution) Act, 1974 states that “no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to substantial aggravation of pollution due to other causes or of its consequences”.

AND WHERAS, construction of boundary wall on immediate bank of the river Hooghly is a violation of section 24 (b) of the Water (Prevention and Control of Pollution) Act, 1974.

AND WHERAS, the industry was called for a hearing by the West Bengal Pollution Control Board (WBPCB) on 8th August, 2019 for the observed violation and was asked to submit the permission obtained from the concerned Kolkata Port Trust (KoPT) for such unauthorized construction impeding the flow of the river Hooghly. But the industry has failed to submit any permission from the KoPT.

AND WHERAS, Kolkata Port Trust in terms of Gazette Notification G.S.R. 439 (E) of 19.06.2001 issued by the Ministry of shipping, Government of India, part of the River Hooghly and the shores thereof as are within 45.7 m of High Water Mark at Spring Tide falls within the limits of Kolkata Port, which means that upto a distance of 45.7 m (150 feet) from the banks of River Hooghly on both sides fall within the limit of Kolkata Port. No person is allowed to undertake any construction within the said limits without the consent of Kolkata Port in terms of relevant provisions of Major Port Trusts Act, 1963 and India Ports Act, 1908.

AND WHERAS, the Hon’ble NGT, Eastern Zone Bench has issued an order on 13.09.2017 in the matter of OA No. 08/2015/EZ that any proposal on construction, beautification or other activities in the area under the jurisdiction of KoPT, which do not fall under the ambit of Environmental Impact Assessment Notification, 2006, shall not be permitted by KoPT unless a study on environmental impact of such activities is undertaken by the project proponent.
followed by a plan on environmental management of any negative impact of such activities on river ecosystem.

AND WHEREAS, the KoPT, Marine Division has already issued a notice on 5th. August, 2019 for unauthorized construction of the industry at the project site stating that “….. you have barricaded the water front area using sheet piles and erected an advertising board within the 11.0 metre corridor from High Water line that is to be left out on the river bank for construction of a paved corridor for vehicular movement which is a violation of the specified terms and conditions ….”. And the KoPT has also directed the industry to remove all constructions including the advertising board from the earmarked corridor within 15 days.

AND WHEREAS, the State Board also directed the industry not to undertake further construction activity including construction of boundary wall within the KoPT limit without obtaining necessary permission from the KoPT. But the industry has failed to submit any copy of the permission received from the KoPT in this regard.

AND WHEREAS, the concerned municipal authority, that is to say the North Barrackpore Municipality, should withdraw the permission given to the industry for the construction of the housing complex “Rameswara River View” within three days from the date of receipt of this direction and shall submit a compliance report to the State Board immediately.

AND WHEREAS, considering the precautionary principle, the further construction of the said housing complex is need to be stopped immediately and unauthorized construction to be removed within 7 days from the date of receipt of this direction or within 31st August, 2019 whichever date is earlier and shall also restore the river bank in its original form so as to maintain the normal flow of the river.

NOW THEREFORE, considering the above, M/s Rameswara Infraspace LLP located at GB Rameswara Apartment, 19 A, Sarat Bose Road, Kolkata – 700 020 is hereby directed as follows:

(i) That the industry shall remove / demolish boundary wall impeding the flow of river Hooghly and other unauthorised construction within 11 m corridor from high water line of the river Hooghly in the proposed residential complex “Rameswara River View” at J.L.No. 02, Municipal holding no. 197, Mouza- Manirampur under North Barrackpore Municipality, ward no. 22, District: 24 Parganas (North).

(ii) That the industry shall not undertake any further construction activity at the site of the project “Rameswara River View” which may impede the natural flow of the river Hooghly.

The electricity connection for the construction of the project of “Rameswara River View” is ordered to be disconnected forthwith.

The Director (HR), WBSEDCL is requested to take necessary steps for disconnection of electricity of the construction of the project “Rameswara River View” immediately.
In case M/s Rameswara Infraspace LLP fails to remove / demolish the unauthorized construction impeding the flow of river Hooghly within the stipulated time period, the District Magistrate, 24 Parganas (North) is requested to take necessary steps for proper execution of the direction. Necessary logistic support shall be provided by the WBPCB. M/s Rameswara Infraspace LLP shall reimburse the entire cost of demolishing the unauthorized construction impeding the flow of river Hooghly.

The Police Commissioner, Barrackpore Police Commissionerate is requested to oversee the matter and provide necessary administrative assistance to the District Authority for execution of the direction.

This direction is issued in exercise of the powers conferred under the provision of Section 33A of Water (Prevention & Control of Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Rules made thereunder after being approved by the Competent Authority.

Sd/-
Member Secretary