

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**M.A 154/2015/EZ**

**In**

**OA 08/2015/EZ**

**2<sup>ND</sup> Vivekananda Bridge Toll Way Co. Pvt. Ltd.**

**VS**

**Subhas Datta & Ors**

**CORAM:** Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

**PRESENT:** Applicants of MA : Mr. Dhruba Ghose, Advocate  
: Mr. Samik Chakraborty, Advocate  
Respondent No. 1 & 2 : Mr. Bikas Kar Gupta, Advocate  
Respondent No. 3 : Ms. Arpita Chowdhury, Advocate  
Respondent No. 11 : Mr. Achintya Kr. Banerjee, Advocate  
Mr. Sourav Chowdhury, Advocate  
Other Respondents : None

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 5 10<sup>th</sup> July, 2015.</b>	<p>Heard Id. Advocates appearing in this MA seeking to intervene in this proceeding for the limited purpose. They pray that they may be granted permission to install a temporary floating jetty on the bank of river Hooghly near Pier P2 for providing transportation of sand-filled bag and sand bolder-crate for completing the maintenance and repair work of P4. (river well of 11 metre diameter). In paragraph 3 the necessity of such repair work has been highlighted which read as such :-</p> <p style="padding-left: 40px;">“ 3. It is pertinent to mention that Nivedita Bridge has eight river-well of 11 metre diameter. These wells are about 50 metre deep inside river bed and provide support structure on which the bridge currently stands. During inspection it was noticed that the scoured depth of the P-4 well was recorded as (-)21.93 during November 2012 and (-)17.89 in November 2014 which is very close to the danger mark and will affect the stability of the bridge.”</p> <p>In paragraph 5 it is contended that Inland Water Ways Authority of India vide their letter dt. Dated 20<sup>th</sup> Jan 2015 have granted permission and on receipt of such permission the applicant company wrote to the KPT for granting necessary approval to construct a temporary floating jetty to facilitate the repair work. But the KPT authority refused to grant necessary permission citing the order dt. 13.2.2015 passed by this Tribunal whereby any construction on the river bed was restrained. Now the applicant has sought for installation of a floating jetty and has contended that no construction is to be made on the river bed and such floating jetty will be required for a</p>

short period only for the purpose of repairing and maintenance work of the bridge. It is assured that after the work is completed, the jetty will be dismantled.

Having considered the matter carefully, we are of the view that the prayer should be allowed in public interest.

The applicant is added as party respondent for the limited purpose only and the interim order d t. 13.2.2015 passed in the OA restraining any construction on the river bed, is modified only in respect of the present applicant's functioning relating to completion of repairing job by installation of temporary floating jetty with the rider that no construction on the river bed is to be made. The KPT is directed to accord necessary permission and to keep proper vigil and to take all steps so that the order is complied with strictly. If there is any default on the part of the applicant, the KPT will be at liberty to withdraw permission.

The MA is thus allowed on the aforesaid terms.

As per our earlier order, the applicant will take necessary step for impleadment with the registry.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM