

India's first under-river metro tunnel owes a lot to Calcutta High Court: Project experts

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KOLKATA: The first under-river metro tunnel inaugurated by Prime Minister Narendra Modi on March 6 in Kolkata might not have become a reality today had a judge not taken a keen interest in it, experts associated with the project

said. Justice Dipankar Datta, currently in the Supreme Court, was a Calcutta High Court judge in 2012, when a difference in opinion between the Ministry of Railway and the West Bengal government brought the under-the-river project to a deadlock.

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In 2008, the Ministry of Urban

Development and the West Bengal government collaborated to constitute a special-purpose vehicle, the Kolkata Metro Rail Corporation (KMRC), to complete the 16.6 km-long East-West Metro Corridor.

The route starts from Salt Lake, Sector V (the east end) and after crossing 10 stations -- Karunamayee, Central Park, City Centre, Bengal Chemical, Salt Lake Stadium, Phoolbagan, Sealdah, Esplanade, Mahakaran, Hawrah -- it terminates at Howrah Maidan at the west end. The river tunnel part is between Mahakaran and Howrah which connects Howrah and Kolkata.

In 2010, KMRC, through international bidding, hired Afcons

Infrastructure Limited to construct the most challenging part of the project -- the tunnel and the whole section from Howrah Maidan to Esplanade, three underground stations, and one ventilation-cum-evacuation Shaft.

According to experts, the state government passed on its stake to the central government as it didn't want to bear any expense of the project.

So around 2011, it pulled out of the collaboration, rendering KMRC a completely centrally-owned body, with 74 pr cent of its stake with Railway Ministry and the rest 26 per cent with Union Urban Development Ministry.

Subsequently, the state government suggested realignment of the route between Sealdah and Howrah through Esplanade (in place of earlier Central Station) to maximize ease to the residents of the city.

The Railway Ministry, however, refused the proposal initially as it needed more money.

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People associated with the project

say that due to the dispute, Railways decided to put it on hold and focus on other parts of the project.

"We filed a writ petition in May 2014 before the Calcutta High Court against the KMRCL, West Bengal govt, Govt of India and others pleading that we should be allowed to start work as postulated in the Tender or as per new alignment for the best benefits of the people of Kolkata," Biswas said.

He added, "Justice Dutta entertained the petition and after his valued intervention realignment issue was resolved in August 2015. He spent a lot of time with all the stakeholders to bring this prestigious and iconic Project on track for the sake of its importance and benefiting the people at large."

Another expert, who was part of the case, said, "After court hearings, he used to meet all the stakeholders in his cabin and sort out the differences step by step."

He added, "It is after his intervention that the Railway approved the realignment and additional funds for the project. So far as finances are concerned, it never became a problem after 2015."

According to experts, about 90 per cent of the funding has been done by the Japan International Cooperation Agency (JICA).

Biswas said that after resolving the realignment issue, Justice Dutta didn't dispose of the petition and kept it maintainable so that in case any other hurdle comes, he could allow it a hearing and resolve it.

In 2017, three monuments protected by the Archaeological Survey of India -- Beth El Synagogue, Magen David Synagogue, and Currency buildings -- came in the way of the tunnel.

The tunnels were about 40-50 metres' distance from these monuments and the ASI Act prohibits any construction within 100 metres of a protected monument.

Biswas said that both KMRC and Afcons went to the High Court and explained to Justice Dutta how in other locations in the country ASI had permitted such tunnel constructions.

"Justice Dutta asked the Cabinet Secretary, GOI to file an affidavit to counter the said claim that there is no deviation from the relevant Acts in other places. Within a week of this order, we got the permission from the NMA/ASI to go ahead," he added.

Experts say that when the tunnel had to pass under those areas of Kolkata where hundreds of vulnerable residential buildings exit, Justice

Dutta again became a saviour of the project and helped both KMRCL and Afcons resolve the issue amicably.