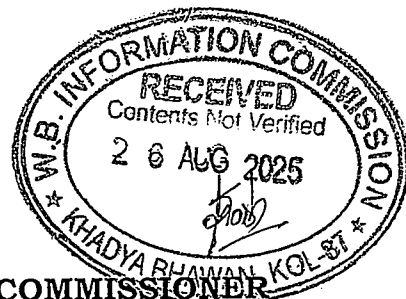


101232/ (A)
27/08/2025



BEFORE THE HONOURABLE INFORMATION COMMISSIONER

In the Office of the West Bengal State Information Commission,

Khadya Bhaban, 11A, Mirza Galib Strret, Kolkata-700087

2nd APPEAL CASE NO.

of 2025

(An Appeal under section 19(3) of the Right to Information Act, 2005)

1. NAME OF THE APPELLANT : NAWAL KISHOR SHRIVASTAV being
the Vice President of NFIRTW
(AITUC)

2. ADDRESS OF APPELLANT : 50/1, Nirmal Chandra Street,
Kolkata-700012.

3. CONTACT NO. & E-MAIL ID : a) 9163924350(M),
b) aitucwb@gmail.com/-
-nirmal.shrivastav8@gmail.com,

4. DATE OF FILING OF APPLICATION

FOR INFORMATION UNDER RTI

ACT : 11.03.2025

5. WHETHER APPLICATION FEE

PAID : Yes

If Yes, Mode of Payment : Court Fee of Rs. 10/- was affixed
on the head of the Application.

6. NAME OF THE STATE PUBLIC

INFORMATION OFFICER TO

WHOM THE APPLICATION WAS

Naval Kishor Shrivastav

MADE

: The S P I O in the office of the
Environment & Heritage Department,
Kolkata Municipal Corporation,
Kolkata.

7. ADDRESS OF THE STATE PUBLIC

INFORMATION OFFICER

: 3rd Floor, 48, Market Street,
Kolkata-700087.

8. DEPARTMENT/OFFICE

AND ADDRESS

: Office of the Environment &
Heritage Department, Kolkata
Municipal Corporation, Kolkata.
3rd Floor, 48, Market Street,
Kolkata-700087.

9. WHETHER THE RTI APPLICATION

IS TRANSFERRED TO OTHER

SPIO U/S 6(3) OF RTI ACT : No

If Yes, name and address of

such Authority : Not applicable

10. GIST OF INFORMATION

SOUGHT FOR

: a) That it is well known that from
Section 425A to 425P in CHAPTER XXIIIA in connection with
Preservation and Conservation of Heritage Buildings were incorporated
as well as amended w.e.f. 22.12.1997 upon introduction of the Calcutta
Municipal Corporation (Amendment) Act, 1997. Be it also noted here that
under section 425B ".....**it may declare such building as a**

Namra Ujjwal Shrivastava

heritage building :.....” wherefrom it reveals that Kolkata Municipal Corporation may declare any building as a Heritage Building on the basis of recommendation as stated in the above referred section accordingly. It is also not out of the way to mention here that after coming into effect of the **West Bengal Heritage Commission Act in the year 2001** which is extended to the whole of West Bengal, the sole and absolute entitlement of the Kolkata Municipal Corporation to declare any building as a heritage building is still in existence? If answer is **YES**, whether such declaratory power/entitlement can be carried out without or with the approval of the West Bengal Heritage Commission?

b) That the **West Bengal Heritage Commission Act 2001** extends to the whole of West Bengal in accordance with the section 1(2) of it and the Kolkata Municipal Corporation, 1980(as amended up to date) extends only to KOLKATA in accordance with the section 1(2) of it. Whether the Kolkata Municipal Corporation is solely entitled/empowered to declare any building as a heritage building in the area of Kolkata either the whole area of KOLKATA is excluded within the purview or periphery of the effect of the West Bengal Heritage Commission Act 2001 or the West Bengal Heritage Commission Act 2001 is not applicable to the whole area of KOLKATA? If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

c) That it is clearly stated/mentioned a portion under section 4(e) of the West Bengal Heritage Commission Act 2001 “.....**of whom not less than two shall be the Mayor, Calcutta Municipal Corporation,**

Naval Kishor Shrivastava

and the Mayor, Howrah Municipal Corporation or their nominees,.....” who will be the constituent members of the Commission along with the other members as stated in the section 4 of the West Bengal Heritage Commission Act 2001. Whether Hon’ble Mayor of the Kolkata Municipal Corporation being one of the members of constituent body of the West Bengal Heritage Commission can or will exclude the whole area of Kolkata from declaring any property to be a heritage property within the periphery of Kolkata by the West Bengal Heritage Commission?

d) That any of the provisions/ sections from 425A to 425P of the Kolkata Municipal Corporation Act, 1980(*as amended up to date*) can override/supersede the Power and Function of the West Bengal Heritage Commission as stated in the section 11 of the West Bengal Heritage Commission Act 2001. If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

e) Whether any authority of the Kolkata Municipal Corporation entitled to declare/identify/preserve/conserve as well to restore any building in the area of Kolkata in accordance with the section 425B of the Kolkata Municipal Corporation Act, 1980(*as amended up to date*) not consistent with the determination or advice of the West Bengal Heritage Commission upon overriding the sub-section (3) of the section 11 of the West Bengal Heritage Commission Act 2001 .If answer is **YES**, Please furnish/provide the copy of notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

Nawal Kishor Sinha

11. HAVE YOU RECEIVED ANY

RESPONSE / INFORMATION : Yes, Written Response dated
20.03.25 and 05.04.25

(self-attested copy of the same is
attached...annexure "A" collectively)

12. DATE OF FILING 1ST APPEAL : 21.04.2025**13. AUTHORITY TO WHOM THE
FIRST APPEAL WAS MADE
WITH ADDRESS**

:The Municipal Commissioner of
Kolkata Municipal Corporation
being the 1st Appellate Authority
under RTI Act having address at –
First Floor, CMO Building(KMC
Head Office), 5, S. N. Banerjee Road,
Kolkata-700013.

(self-attested copy of the same is
attached... annexure "B" collectively)

14. DECISION OF THE 1ST

APPEALLATE AUTHORITY, IF ANY : i) A notice dated **28.04.25** was duly
served to attend the Hearing before The 1st Appellate Authority on
07.05.25 at 3.00 pm,

ii) The scheduled hearing was duly conducted on 07.05.25 and an order
was passed on **19.05.25** which was duly communicated to the Appellant
herein and the Appellant was in receipt the same on 20.05.25,

Nawal Kishor Shrivastava

iii) A 1st Appellate Authority directed the SPIO to make reply to all the questions of the Applicant/Appellant herein within 30 days from the date of his order.

iv) In compliance with direction of the 1st Appellate Authority the SPIO sent a letter dated **10.06.25** delineating imbecile and improper reply to the questions of the Appellant herein to wipe off his responsibility.

(self-attested copy of the same is attached... annexure "C" collectively)

15. GROUNDS OF 2ND APPEAL

AND THE RELIEF SOUGHT : Some specific and pertinent information were asked in the RTI Application dated 11.03.25 but not only from the beginning the SPIO deliberately adamant and neglected to reply the questions but also he made reply in contravention and non-compliance with the RTI Laws in his reply dated 10.06.25 upon disclosing his capricious, avoiding and deceptive attitude which is fully improper and inappropriate answers to the questions being sought for as follows :-

- a) **Firstly**, the SPIO sent a reply on 20.03.25 stating "**.....you are hereby requested to consult with the provisions of laws.**" as if the SPIO is the eminent Teacher of Law to teach the RTI Applicant instead of providing the Information which shows his neglecting, arbitrary, avoiding attitude to deceive the RTI Applicant.
- b) **Secondly**, again the SPIO sent a reply on 05.04.25 stating same imbecile advice "**.....you are hereby requested to consult with the provisions of laws.**" as if the SPIO is the permanent full time eminent Teacher of Law to teach the RTI Applicant instead of

Nawase Kishor Prasad

providing the Information which shows his neglecting, arbitrary, adamant and avoiding attitude to deceive the RTI Applicant.

c) **Thirdly**, it is pertinent to mention here that in the Hearing before the 1st Appellate Authority on 07.05.25 the SPIO was present and reprimanded by the 1st Appellate Authority for his deceptive and fudged reply in the form of alleged tutorship attitude instead of providing appropriate and pertinent reply which ought to be with regard to ***the effectiveness of the section related to the heritage premises/structure of KMC Act 1980 after the West Bengal Heritage Commission Act 2001 has come in force....*** which is also reflected in the Order of the 1st Appellate Authority dated 19.05.2005 accordingly. Be it also mentioned here that the SPIO is specifically directed to reply all the questions separately in the Order dated 19.05.25 but the SPIO deliberately avoided to make reply in a specific manner keeping in mind that *effectiveness of the section related to the heritage premises/structure of KMC Act 1980 after the West Bengal Heritage Commission Act 2001 has come in force* to all the questions of the RTI Applicant.

d) **Fourthly**, the SPIO firmly declared that KMC Authority has the entitlement to declare any building as a heritage building after coming into effect of the West Bengal Heritage Commission Act 2001 but no such document/ notification/circular are available in the E&H departmental record to show it's entitlement in all the questions repeatedly which is again deceptive, arrogant, capricious and arbitrary at large.

Nawar Kishor Srivastava

- e) **Fifthly**, the SPIO reiterated that no such circular/notification/Govt. order/ Gazette is available with regard to override/supersede the power and function of the WBHC as stated in the Section 11 of the WBHC Act,2001 by the KMC Authority which is a blatant lie if the KMC Authority is entitled such power of overriding/superseding till date till date.
- f) In view of the above, the 1st Appellate Authority also failed to appreciate and look into the true compliance of his direction whether the reply dated 10.06.25 of the SPIO in consonance with all the specific, pertinent and actually desired queries made in the RTI Application dated 11.03.25 as well as 1st Appeal dated 21.04.25 accordingly.
- g) There is no ground available neither to the SPIO nor to the 1st Appellate Authority to refuse the right to seek appropriate and accurate information of the RTI Applicant/Appellant herein in accordance with the provisions of the Right to Information Act,2005.

Reliefs sought : That it is humbly prayed to Your Honour to take strict action against erring SPIO and related Officials by inter alia invoking Section 20 of the Right to Information Act,2005 with the following prayers :

- i) to provide specific information as asked for from (a) to (e) in the R.T.I. application dated 11.03.2025,
- ii) kindly impose penalty on the SPIO under section 19(8)(c) of the Right to Information Act,2005,
- iii) kindly recommend/initiate appropriate administrative step against the SPIO in accordance with section 20(2) of the Right to

Nawal Kishor Srivastava

Information Act, 2005 as the SPIO malafidely or knowingly given incorrect, incomplete and misleading information,

- iv) Concerned SPIO should be directed to provide/furnish apropos information as sought for instead of providing further vague advice to information seeker making him perplexed,
- v) kindly invoke powers under RTI Act to issue any other direction or recommendation as Your Honour may deem fit, appropriate and proper.
- vi) kindly award compensation for the Complainant for pecuniary and other loss.

That for act of kindness your appellant as in duty bound shall ever pray.

16. AS THE 2ND APPEAL

IS FILED WITHIN MANDATED

TIME PERIOD

: After passing the Order by the 1st Appellate Authority on **19.05.25** which was in receipt on **20.05.25** by the Appellant herein along with the receipt of the letter dated **10.06.25** of the SPIO, this 2nd Appeal is filed within the Prescribed time limit in accordance with the section 19(3) Of the RTI Act, 2005.

Nawal Kishor Srivastava

I, NAWAL KISHOR SHRIVASTAV being the Vice President of NFIRTW(AITUC) son of Late Janardan Prasad Shrivastav, aged about 69 years being an Indian citizen do hereby solemnly affirm that the statements made herein above are true to the best of my knowledge based on records and the rest are my humble submission before the **HON'BLE WEST BENGAL INFORMATION COMMISSION.**

I also declare that this matter is not previously filed with this Commission nor is pending with any Court or Tribunal or authority.

Place: Kolkata

Date: 26.08.2025

Naval Kishor Shrivastav
SIGNATURE OF THE APPELLANT

NAWAL KISHOR SHRIVASTAV

NAME OF THE APPELLANT

50/1 NIRMAL CHANDRA STREET,
P.S.-MUCHIPARA, DIST.-KOLKATA,
PIN- 700012

aitucwb@gmail.com/-
nirmal.shrivastav8@gmail.com

Full address of correspondence/
Email address

9163924350(M)

Contact no.

ENCLOSURES /DOCUMENTS ATTACHED::

- (i) Self Signed 2nd Appeal in the prescribed Format(**Page** 1-10),
- (ii) Self attested copy of address poof(Aadhar Card) (**Page** 11),
- (iii) Self attested copy of RTI Application dt. 11.03.25 (**Page** 12-14),
- (iv) Self attested copy of RTI Fee Payment(Rs. 10/- Court fee (**Page** 15),
- (v) Written response of the SPIO - Annexure - "A" (**Page** 16 & 17)
- (vi) Self attested copy of 1st Appeal - Annexure- "B" (**Page** 18-33),
- (vii) Annexure "C" (**Page** 34-36),

ভারত সরকার
Government of India

নওল কিশোর শ্রীবাস্তব
Nawal Kishor Shrivastav
জন্মতারিখ / DOB : 01/01/1953
পুরুষ / MALE

2468 0562 2941

আমার আধার, আমার পরিচয়

ভারত সরকার
Government of India

আধার
UIDAI
Unique Identification Authority of India

ঠিকানা: C/O লেট জনার্দন প্রসাদ
শ্রীবাস্তব, 160/1, সিআইটি আর, স্কিম -
আইভি - এম, বেলঘাটা, কোলকাতা, পশ্চি
ম বঙ্গ, 700010

Address: C/O Late Janardan Prasad
Shrivastav, 160/1, CIT Road, Scheme - IV
M, Belaghata, Kolkata, West Bengal,
700010

2468 0562 2941



1947



help@uidai.gov.in

www

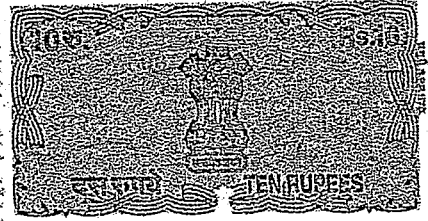
www.uidai.gov.in

Nawal Kishor Shrivastav

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:



Date:

Dated: 11/03/2025

By Speed Post

To
The State Public Information Officer,
In the Office of the West Bengal Heritage Commission,
1, Satyen Roy Road,
P.O. -Behala,
Kolkata -700034.

**Sub: Request to provide information
under the provisions of the
Right to Information Act 2005.**

Sir,

With due respect I want to seek following information :-

1. That it is commonly known that the West Bengal Heritage Commission Act 2001 extends to the whole of West Bengal in accordance with the section 1(2) of it.
- i) **Whether** the area of whole KOLKATA is excluded from the operation all the sections of the West Bengal Heritage Commission Act 2001 or in other way to say that the West Bengal Heritage Commission Act 2001 is not applicable to the whole area of KOLKATA as Section 425A to 425P in CHAPTER XXIIIA of the Kolkata Municipal Corporation Act, 1980(as amended up to date) have been already in operation to the city of Kolkata in connection with Preservation and Conservation of Heritage Buildings since 22.12.1997 upon introduction of the Calcutta

Contd-P/2

Nawal Kishor Shrivastav

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:

(2)

Date:

Municipal Corporation (Amendment) Act, 1997?

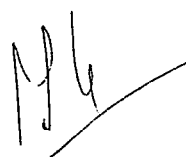
ii) If answer is **YES, whether** such declaratory power/entitlement of the Kolkata Municipal Corporation can be carried out without or with the approval of the West Bengal Heritage Commission? Please furnish / provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

1. That it is clearly stated/mentioned a portion under section 4(e) of the West Bengal Heritage Commission Act 2001 **".....of whom not less than two shall be the Mayor, Calcutta Municipal Corporation, and the Mayor, Howrah Municipal Corporation or their nominees,....."** who will be the constituent members of the Commission along with the other members as stated in the section 4 of the West Bengal Heritage Commission Act 2001.

i) **Whether** Hon'ble Mayor of the Kolkata Municipal Corporation being one of the members of constituent body of the West Bengal Heritage Commission can or will exclude the whole area of Kolkata from declaring any property to be a heritage property within the periphery of Kolkata by the West Bengal Heritage Commission?

2. That any of the provisions/ sections from 425A to 425P of the Kolkata Municipal Corporation Act, 1980(as amended up to date) can override/supersede the Power and Function of the West Bengal Heritage Commission as stated in the section 11 of the West Bengal Heritage Commission Act 2001.

Contd-P/3



Nawal Kishor Shrivastav

Nawal Kishor Shrivastav

Vice President National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.: (3) Date:

i) If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

3. **Whether** any authority of the Kolkata Municipal Corporation is entitled to declare/identify/preserve/conserve as well to restore any building in the area of Kolkata in accordance with the section 425B of the Kolkata Municipal Corporation Act, 1980(as amended up to date)not consistent with the determination or advice of the West Bengal Heritage Commission upon overriding the sub-section (3) of the section 11 of the West Bengal Heritage Commission Act 2001?

i) If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any

Now in view of the above quarries you are requested to provide/supply the informations for which a primary fee of Rs.10/- in the form of Court fees is affixed/attached herewith. If necessary, additions and/or urgent fees will be paid to you on demand to obtain further information and relevant certified copies thereof if needed in due course accordingly.

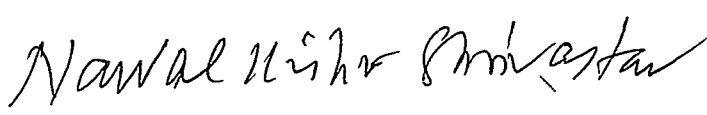
An early initiation in this regard shall be highly appreciated.

Thanking you,

Yours faithfully



(Nawal Kishor Shrivastav)

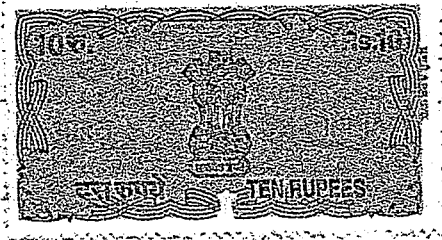


EW180390424IN IIR:6987180390424
SP ESPLANADE SO <700069>
Counter No:2,11/03/2025,14:13
To:THE SP10 ,WD HERITAGE COMM
PIN:700034, Behala SB
From:K K SRIVAST,50/1 NIRMAL CH S
Wt:20gms
Amt:17.75,Tax:2.75,Amt Paid:20.50(Cash)
(Track to www.indiapost.gov.in)

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:



Date:

Dated: 11/03/2025

By Speed Post

To
The State Public Information Officer,
In the Office of the West Bengal Heritage Commission,
1, Satyen Roy Road,
P.O. -Behala,
Kolkata -700034.

**Sub: Request to provide information
under the provisions of the
Right to Information Act 2005.**

Sir,

With due respect I want to seek following information :-

1. That it is commonly known that the West Bengal Heritage Commission Act 2001 extends to the whole of West Bengal in accordance with the section 1(2) of it.
- i) **Whether** the area of whole KOLKATA is excluded from the operation all the sections of the West Bengal Heritage Commission Act 2001 or in other way to say that the West Bengal Heritage Commission Act 2001 is not applicable to the whole area of KOLKATA as Section 425A to 425P in CHAPTER XXIIIA of the Kolkata Municipal Corporation Act, 1980(as amended up to date) have been already in operation to the city of Kolkata in connection with Preservation and Conservation of Heritage Buildings since 22.12.1997 upon introduction of the Calcutta

Contd-P/2

Nawal Kishor Shrivastav



Environment & Heritage Department
The Kolkata Municipal Corporation
3rd. Floor, 48, Market Street, Kolkata - 700 087

No: E&H/RTI/89/24-25

Dated: 20.03.2025

To
Nawal Kishor Shrivastav
Vice President,
NFIRTW (AITUC),
50/1, Nirmal Chandra Street,
Kolkata - 700012

Sub:- R.T.I. application dated 11.03.2025

In reply to the above-said RTI application, you are hereby requested to consult with the provisions of respective laws.

For your kind information.


SPIO

Environment & Heritage Department
The Kolkata Municipal Corporation

SPIO
Environment & Heritage Deptt.
The Kolkata Municipal Corporation

Nawal Kishor Shrivastav



Environment & Heritage Department
The Kolkata Municipal Corporation
3rd. Floor, 48, Market Street, Kolkata – 700 087

No: E&H/RTI/02/25-26

Dated: 05.04.2025

To
Nawal Kishor Shrivastav
Vice President,
NFIRTW (AITUC),
50/1, Nirmal Chandra Street,
Kolkata - 700012

Sub:- R.T.I. application dated 11.03.2025

In reply to the above-said RTI application, you are hereby requested to consult with the provisions of respective laws.

For your kind information.


SPIO

Environment & Heritage Department
The Kolkata Municipal Corporation
SPIO

Environment & Heritage Deptt.
The Kolkata Municipal Corporation

Nawal Kishor Shrivastav

**FIRST APPEAL UNDER SECTION 19 OF THE RIGHT TO
INFORMATION ACT, 2005**

To
The Municipal Commissioner,
Kolkata Municipal Corporation
Being the Appellate Authority,
(Under the Right to Information Act)
First Floor, CMO Building,
(KMC Head Office)
5, S. N. Banerjee Road,
Kolkata-700013.

EW164207235JH IVR:69871642072
SP ESPLANADE SB (700069)
Counter No:1,21/04/2025,12:47
To:THE MUNICIPAL COMMISSIONER,,
PIN:700013, Dharmatala SB
From:NAWAL KISHOR,50/1 N C ST
Wt:80gms
Amt:29.50,Tax:4.50,Amt.Paid:30.00(Cash)
(Track on www.indiapost.gov.in)

Sir,

As I have not received any appropriate and specific Information/Decision from the State Public Information Officer (SPIO), in the Office of the Environment & Heritage Department, Kolkata Municipal Corporation, Kolkata having office at 3rd Floor, 48, Market Street, Kolkata-700087.

I hereby file this appeal. The particulars of my application are as under.

1. NAME OF THE APPELLANT : NAWAL KISHOR SHRIVASTAV being the Vice President of NFIRTW (AITUC)
2. ADDRESS OF APPELLANT : 50/1, Nirmal Chandra Street, Kolkata-700012.
3. NAME OF THE STATE PUBLIC INFORMATION OFFICER : The S P I O in the office of the Environment & Heritage Department, Kolkata Municipal Corporation, Kolkata.

Naval Kishor Shrivastava

4. ADDRESS OF THE STATE PUBLIC

INFORMATION OFFICER

: 3rd Floor, 48, Market Street,
Kolkata-700087.

5. DEPARTMENT/OFFICE

AND ADDRESS

: Office of the Environment &
Heritage Department, Kolkata
Municipal Corporation, Kolkata.3rd Floor, 48, Market Street,
Kolkata-700087.

6. DATE OF APPLICATION SUBMITTED

FOR SEEKING INFORMATION : Application dated 11.03.2025
submitted through speed post which
was received and duly acknowledged
on 12.03.2025 through a forwarding
letter delineating the details to seek
required and necessary information.7. DETAILS OF INFORMATION
SOUGHT: (a) The appellant herein delineated
some details in the RTI Application
dated 11.03.2025, the copy of which
is attached herewith.(b) The information sought for stated
therein concisely as follows:-

a) That it is well known that from Section 425A to 425P in CHAPTER XXIIIA in connection with Preservation and Conservation of Heritage Buildings were incorporated as well as amended w.e.f. 22.12.1997 upon introduction of the Calcutta Municipal Corporation (Amendment) Act,

Naval Kishor Singh

1997. Be it also noted here that under section 425B ".....*it may declare such building as a heritage building :.....*" wherefrom it reveals that Kolkata Municipal Corporation may declare any building as a Heritage Building on the basis of recommendation as stated in the above referred section accordingly. It is also not out of the way to mention here that after coming into effect of the **West Bengal Heritage Commission Act in the year 2001** which is extended to the whole of West Bengal, the sole and absolute entitlement of the Kolkata Municipal Corporation to declare any building as a heritage building is still in existence? If answer is **YES**, whether such declaratory power/entitlement can be carried out without or with the approval of the West Bengal Heritage Commission?

b) That the **West Bengal Heritage Commission Act 2001** extends to the whole of West Bengal in accordance with the section 1(2) of it and the Kolkata Municipal Corporation, 1980(*as amended up to date*) extends only to KOLKATA in accordance with the section 1(2) of it. Whether the Kolkata Municipal Corporation is solely entitled/empowered to declare any building as a heritage building in the area of Kolkata either the whole area of KOLKATA is excluded within the purview or periphery of the effect of the West Bengal Heritage Commission Act 2001 or the West Bengal Heritage Commission Act 2001 is not applicable to the whole area of KOLKATA? If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

c) That it is clearly stated/mentioned a portion under section 4(e) of the West Bengal Heritage Commission Act 2001 "*.....of whom not less than two shall be the Mayor, Calcutta Municipal Corporation, and the Mayor, Howrah Municipal Corporation or their nominees,.....*" who will be the constituent members of the Commission along with the other members as stated in the section 4 of the West Bengal Heritage Commission Act 2001. Whether Hon'ble Mayor of the Kolkata Municipal Corporation being one of the members of

Naval Kishor Sinha

constituent body of the West Bengal Heritage Commission can or will exclude the whole area of Kolkata from declaring any property to be a heritage property within the periphery of Kolkata by the West Bengal Heritage Commission?

d) That any of the provisions/ sections from 425A to 425P of the Kolkata Municipal Corporation Act, 1980(as amended up to date) can override/supersede the Power and Function of the West Bengal Heritage Commission as stated in the section 11 of the West Bengal Heritage Commission Act 2001. If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

e) Whether any authority of the Kolkata Municipal Corporation entitled to declare/identify/preserve/conservate as well to restore any building in the area of Kolkata in accordance with the section 425B of the Kolkata Municipal Corporation Act, 1980(as amended up to date)not consistent with the determination or advice of the West Bengal Heritage Commission upon overriding the sub-section (3) of the section 11 of the West Bengal Heritage Commission Act 2001 .If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

8. REASONS/GROUNDS FOR APPEAL:

(a) Information as requested by appellant was not replied in an appropriate and specific manner within 30 days of receipt of the application by the SPIO as per the provisions of the Act instead of which the SPIO responded in his letter dated 20.03.2025 bearing No. E&H/RTI/89/24-25 wherein stated "**.....you are hereby requested to consult with the provisions of respective laws.**"clearly reflects negligence and avoiding attitude rather to cover up and shroud his ignorance in connection with the information as sought for.

Naval Kishor Sinha

(b) The SPIO not only failed to provide the information sought for but also to communicate the rightful, cogent and required information within the time frame in accordance with the provisions of the Right to Information Act for which the SPIO made another imbecile approach upon sending another letter dated 05.04.2025 bearing No. E&H/RTI/02/25-26 wherein stated "**.....you are hereby requested to consult with the provisions of respective laws.**"clearly repeatedly reflects negligence and avoiding attitude rather to cover up and shroud his ignorance in connection with the information as sought for any intimation to the appellant with regard to the specific status of each query as stated therein from (a) to (e).

(c) The SPIO did not make any positive step to get any feedback from it's concerned department as well as other respective departmental offices of Kolkata Municipal Corporation in connection therewith.

(d) The SPIO failed to show any positive step being initiated by him to acknowledge proper and specific feedback from the concerned department and/or offices of Kolkata Municipal Corporation for furnishing/providing appropriate answers to the information sought for after getting any one respective department in connection with the detailed queries as sought for by the Appellant within the permissible time being provided in accordance the provisions of the R.T.I. Act, 2005.

(e) The SPIO office is repeatedly making an imbecile stand upon shifting his ignorance to the Appellant to consult with the provisions of laws which is a clear picture of a gross negligent as well as ignoring approach leading to this appeal.

(f) The SPIO office is in a imbecile attitude showing his direction to consult the laws instead of his prudent effort to provide information sought for which is a total failure on the part of the SPIO to furnish /provide the information sought for which leads to this appeal.

Naval Kishor Sinha

In view of the above referred grounds the appellant is compelled to file this appeal under the provisions of the R.T.I. Act.

9. PRAYER FOR RELIEF SOUGHT:

a) Point wise information as asked for from (a) to (e) in the R.T.I. application dated 11.03.2025.

(b) The information as requested may be provided free of cost only as the dead limits of 30 days under RTI Act but also after lapse of 40 days or more has already been crossed/over.

(c) Concerned SPIO may be given appropriate training as required so as to provide/furnish the information to any senior citizen in a pertinent, perfect and justified manner within the time limit prescribed under the provisions of the Right to Information Act as the appellant is in a try to obtain the information properly.

(d) Concerned SPIO should be directed to provide/furnish apropos information as sought for instead of providing further vague advice to information seeker making him/her perplexed.

(e) Any other direction or order as the first appellate authority considers best in the interest that the information is expediently made available to the appellant.

10. DOCUMENTS ATTACHED:

- (i) Copy of the R.T.I. application dated 11.03.2025,
- (ii) Postal Receipt of Acknowledgement,
- (iii) Copy of the letter dated 20.03.2025-
bearing No. E&H/RTI/89/24-25,
- (iv) Copy of the letter dated 05.04.2025-
bearing No. E&H/RTI/02/15-26.

Nawal Kishor Shrivastava

11. DECLARATION:

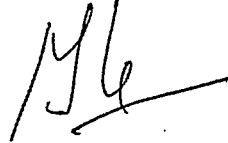
I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any court or tribunal or authority.

Place: Kolkata

Date: 21.04.2025

NAWAL KISHOR SHRIVASTAV

NAME OF THE APPELLANT



SIGNATURE OF THE APPELLANT

50/1 NIRMAL CHANDRA STREET,
P.S.- MUCHIPARA, DIST.-KOLKATA,
PIN- 700012

Full address of correspondence

aitucwb@gmail.com/nirmal.shrivastav8@gmail.com

EMAIL ID

9163924350 (M)

Contact no.

Nawal Kishor Shrivastav

SPEED POST

No. 884195/2025-26 Date 19/09/2025



TO

Nawal Kishor Shrivastava
Vice President, NFRTW (AIZW)
50/1, Nimal Chandra Street
Kolkata - 700012

Dy. Chief Engineer (C)
E&H Department
K.M.C.
48, Market Street
Kolkata - 700087

KOLKATA MUNICIPAL CORPORATION

C.P. 435-28022024-20000



Nawal Kishor Shrivastava

Good night

EM 64183391H
Counter No: 9, 19/05/2025, 15:38
Amt: 17.70, Mt: 100ms, Amt. Paid: 18.00 (Cash)
From: HEN MARKET SD <700087>
From: Sealdah ICH Hub
To: Sealdah ICH Hub

 Bank 123

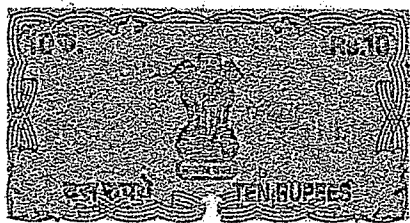
Nawal Kishor Shrivastava

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:

Date:



Dated: 11/03/2025

By Speed Post

To
The State Public Information Officer,
Executive Engineer,
In the Office of Heritage & Environment Department,
Kolkata Municipal Corporation,
48, Market Street, 3rd Floor,
Kolkata - 700087.

**Sub: Request to provide information
under the provisions of the
Right to Information Act 2005.**

Sir,

With due respect I want to seek the following information:-

1. That it is well known that from Section 425A to 425P in CHAPTER XXIIIA in connection with Preservation and Conservation of Heritage Buildings were incorporated as well as amended w.e.f. 22.12.1997 upon introduction of the Calcutta Municipal Corporation (Amendment) Act, 1997. Be it also noted here that under section 425B ".....it may declare such building as a heritage building :....." wherefrom it reveals that Kolkata Municipal Corporation may declare any building as a Heritage Building on the basis of recommendation as stated in the above referred section accordingly. It is also not out of the way to mention here that after coming into effect

Contd-P/2

Nawal Kishor Shrivastav

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:

(2)

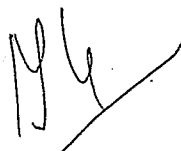
Date:

of the West Bengal Heritage Commission Act in the year 2001 which is extended to the whole of West Bengal, the sole and absolute entitlement of the Kolkata Municipal Corporation to declare any building as a heritage building is still in existence? If answer is **YES**, whether such declaratory power/entitlement can be carried out without or with the approval of the West Bengal Heritage Commission?

2. That the West Bengal Heritage Commission Act 2001 extends to the whole of West Bengal in accordance with the section 1(2) of it and the Kolkata Municipal Corporation, 1980(as amended up to date) extends only to KOLKATA in accordance with the section 1(2) of it. Whether the Kolkata Municipal Corporation is solely entitled/empowered to declare any building as a heritage building in the area of Kolkata either the whole area of KOLKATA is excluded within the purview or periphery of the effect of the West Bengal Heritage Commission Act 2001 or the West Bengal Heritage Commission Act 2001 is not applicable to the whole area of KOLKATA? If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

3. That it is clearly stated/mentioned a portion under section 4(e) of the West Bengal Heritage Commission Act 2001 ".....of whom

Contd-P/3



Nawal Kishor Shrivastav

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:

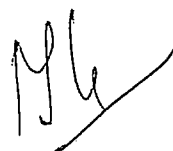
(3)

Date:

not less than two shall be the Mayor, Calcutta Municipal Corporation, and the Mayor, Howrah Municipal Corporation or their nominees,....." who will be the constituent members of the Commission along with the other members as stated in the section 4 of the West Bengal Heritage Commission Act 2001. Whether Hon'ble Mayor of the Kolkata Municipal Corporation being one of the members of constituent body of the West Bengal Heritage Commission can or will exclude the whole area of Kolkata from declaring any property to be a heritage property within the periphery of Kolkata by the West Bengal Heritage Commission?

4. That any of the provisions/ sections from 425A to 425P of the Kolkata Municipal Corporation Act, 1980(as amended up to date) can override/supersede the Power and Function of the West Bengal Heritage Commission as stated in the section 11 of the West Bengal Heritage Commission Act 2001. If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

5. Whether any authority of the Kolkata Municipal Corporation entitled to declare/identify/preserve/conservate as well to restore any building in the area of Kolkata in accordance with the section 425B of the Kolkata Municipal Corporation Act, 1980(as amended up to date)not consistent with the determination or advice of the West



Contd-P/4

Nawal Kishor Shrivastav

Office : 50/1, Nirmal Chandra Street, Kolkata - 700 012

Mobila : 91638 24350 / 90738 20992

Email : aituwb@gmail.com

Nawal Kishor Shrivastav

Vice President, National Federation of Indian
Road Transport Workers (AITUC), Member, National Council, AITUC
& Secretary, AITUC, West Bengal Committee

Ref. No.:

(4)

Date:

Bengal Heritage Commission upon overriding the sub-section (3) of the section 11 of the West Bengal Heritage Commission Act 2001 .If answer is **YES**, Please furnish/provide the copy of Notification/Circular/Government order/Court Order/Gazette Notification to that effect, if any.

Now in view of the above quarries you are requested to provide/supply the informations for which a primary fee of Rs.10/- in the form of Court fees is affixed/attached herewith. If necessary, additions and/or urgent fees will be paid to you on demand to obtain further information and relevant certified copies thereof if needed in due course accordingly.

An early initiation in this regard shall be highly appreciated.

Thanking you,

Yours faithfully

(Nawal Kishor Shrivastav)

EW19039043BIN IVR:6987180390438
SP ESPLANADE SO <700069>
Counter No:2, 11/03/2025, 14:13
To: THE SP10 (EXE, 48 MARKET ST
PIN: 700087, New Market SO
From: K SRIVAST, 50/1 NIRMAL CH S
Wt: 30gms
Amt: 17.70, Tax: 2.70, Amt. Paid: 18.00 (Cash)
<Track on www.indiapost.gov.in>
(Dist: 1800244422222222) Please mark - Stay safe



Handwritten signature

Nawal Kishor Shrivastav



Sign In

Register



PA

ॐ

हिन्दी



भारतीय डाक
डाक सेवा-जन सेवा



India Post
Dak Seva-Jan Seva



You are here Home>> Track Consignment

Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

EW180390438IN



Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Esplanade SO	11/03/2025 14:09:57	700087	17.70	Inland Speed Post	New Market SO	12/03/2025 16:41:31

Event Details For : EW180390438IN

Current Status : Item Delivered [To: Beat 1 (Addressee)]

Date	Time	Office	Event
12/03/2025	17:03:24	New Market SO (Beat Number:1)	Item Delivered [To: Beat 1 (Addressee)]
12/03/2025	16:41:31	New Market SO	Item Delivered(Addressee)
12/03/2025	10:51:21	New Market SO	Out for Delivery
12/03/2025	09:48:08	New Market SO	Item Received
12/03/2025	06:42:06	Kolkata RMS Mails TMO	Item Dispatched
12/03/2025	06:12:54	Kolkata RMS Mails TMO	Item Received
12/03/2025	05:13:55	KOLAP TMO	Item Dispatched
12/03/2025	04:15:00	KOLAP TMO	Item Received
12/03/2025	04:03:22	Kolkata NSH	Item Dispatched
12/03/2025	02:41:48	Kolkata NSH	Item Bagged
11/03/2025	23:56:53	Kolkata NSH	Item Received
11/03/2025	21:28:15	KOLAP TMO	Item Dispatched
11/03/2025	21:08:06	KOLAP TMO	Item Received
11/03/2025	19:01:24	Kolkata RMS Mails TMO	Item Dispatched
11/03/2025	18:56:06	Kolkata RMS Mails TMO	Item Received
11/03/2025	16:18:58	Esplanade SO	Item Dispatched
11/03/2025	16:09:49	Esplanade SO	Item Bagged
11/03/2025	14:09:57	Esplanade SO	Item Booked

Naval Kishor Sharma



Environment & Heritage Department
The Kolkata Municipal Corporation
3rd. Floor, 48, Market Street, Kolkata - 700 087

No: E&H/RTI/89/24-25

Dated: 20.03.2025

To
Nawal Kishor Shrivastav
Vice President,
NFIRTW (AITUC),
50/1, Nirmal Chandra Street,
Kolkata - 700012

Sub:- R.T.I. application dated 11.03.2025

In reply to the above-said RTI application, you are hereby requested to consult with the provisions of respective laws.

For your kind information.


20/3/25
SPIO

Environment & Heritage Department
The Kolkata Municipal Corporation

SPIO
Environment & Heritage Deptt.
The Kolkata Municipal Corporation

Nawal Kishor Shrivastav



Environment & Heritage Department
The Kolkata Municipal Corporation
3rd. Floor, 48, Market Street, Kolkata - 700 087

No: E&H/RTI/02/25-26

Dated: 05.04.2025

To
Nawal Kishor Shrivastav
Vice President,
NFIRTW (AITUC),
50/1, Nirmal Chandra Street,
Kolkata - 700012.

Sub:- R.T.I. application dated 11.03.2025

In reply to the above-said RTI application, you are hereby requested to consult with the provisions of respective laws.

For your kind information.


SPIO

Environment & Heritage Department
The Kolkata Municipal Corporation
SPIO

Environment & Heritage Deptt.
The Kolkata Municipal Corporation

Nawal Kishor Shrivastav

To,
Nawal Kishor Shrivastav
Vice President, NFIRTW(AITUC)
50/1, Nirmal Chandra Street,
Kolkata - 700 012

Re : Order on the 1st appeal under RTI Act, 2005 dated 22.04.2025 of Nawal Kishor Shrivastav

Sir,

Please find the enclosed order on 1st appeal submitted by you to Environment & Heritage Department, KMC on dated 22.04.25.

SA
12/05/25
A.O.(E&H)
Administrative
Officer / E & H

Nawal Kishore Shrivastav



Memo No: E&H/95/2025-26

Date: 19/05/2025

**ORDER ON THE 1ST APPEAL UNDER RTI ACT, 2005 SUBMITTED ON 22.04.2025 BY
NAWAL KISHOR SHRIVASTAV**

Being aggrieved by the reply of the SPIO, the applicant Sri Nawal Kishor Shrivastav submitted an appeal before the 1st Appellate Authority.

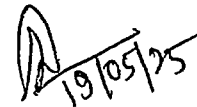
In the hearing the applicant Sri Shrivastav was present along with his Ld. Advocate Subhendra Mohan Saha. The SPIO of Environment & Heritage Department was also present.

The Ld. Advocate of the applicant and the applicant himself were heard separately. The SPIO was also heard.

From the submission it transpired that the applicant wanted to know about the effectiveness of the section related to the heritage premises / structure of KMC Act 1980 after the West Bengal the Heritage Commission Act 2001 has come in force. The SPIO has to provide the 'information' which he possesses from the records.

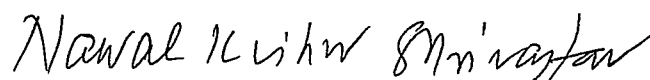
ORDER

The SPIO is directed to reply all the questions individually and separately submitted by the applicant from the records under his possession within 30 days from the date of order.


19/05/25

1st Appellate Authority
Environment and Heritage Department
The Kolkata Municipal Corporation

1st Appellate Authority (RTI)
Environment & Heritage Deptt.
The Kolkata Municipal Corporation





-36-

Environment & Heritage Department
The Kolkata Municipal Corporation
3rd. Floor, 48, Market Street, Kolkata - 700 087

No: E&H/RTI/26/25-26

Dated: 10.06.2025

To
Nawal Kishor Shrivastav
Vice President,
NFIRTW (AITUC),
50/1, Nirmal Chandra Street,
Kolkata - 700012.

Sub:- R.T.I. application dated 22.02.2025 & 11.03.2025.

In compliance of the order of 1st Appellate Authority, Environment & Heritage department dated 19.05.2025 the replies to the above mentioned RTI application are furnished below.

1. As on date KMC is entitled to declare any building as a heritage building within the KMC area u/s 425B of KMC Act'1980. There is no such documents are available in the E&H departmental record that such declaratory power needs approval of WBHC Act'2001 within the KMC area at this point of time.
2. KMC is entitled/ empowered to declare any building as a heritage building within the KMC area u/s 425B of KMC Act'1980. No such documents are available in the E&H departmental record, regarding the jurisdiction of WBHC within KMC area.
3. Beyond our scope as it is related to power / responsibility of the WBHC.
4. Any Notification/ Govt. order/ Gazette/Circular etc. are not available in the E&H departmental records at this point of time regarding overriding/superseding the power and function of the WBHC as stated in the section 11 of the WBHC Act'2001.
5. There is no such circular/ notification/ Govt. order etc. are available in the E&H departmental records at this point of time stating the procedure if the decision of KMC does not consistent with the determination or advice of the WBHC related to the difference in opinion of KMC with WBHC.

This is for your kind information.

Nawal Kishor Shrivastav

[Signature]
10/6/25

SPIO

Environment & Heritage Department
The Kolkata Municipal Corporation
SPIO

Environment & Heritage Dept.
The Kolkata Municipal Corporation