

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH: KOLKATA

Original Application No. 54/2018/EZ

MANO 01/2024/EZ

Bidu Bhusan Harichandan and Another ...Applicants.
-Vrs.-

District Collector, Khordha and othersRespondents.

I N D E X

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Identified by

RKT
Advocate

Chanchal Karna

Deponent

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH: KOLKATA**

Original Application No. 54/2018/EZ

MA NO 01/2024/EZ

Bidu Bhusan Harichandan and Another ...**Applicants.**

-Vrs.-

District Collector, Khordha and others. ...**Respondents.**

**COMPLIANCE AFFIDAVIT FILED BY
RESPONDENT NO.1**

1. I, Chanchal Rana, aged about 35 years, S/O- Anil Kanta Rana, at present working as Collector & District Magistrate, Khordha, At/PO/Dist.- Khordha do hereby solemnly affirm and state as follows: -

2. That I am working as Collector and District Magistrate, Khordha and I have gone through the Original Application, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.

3. That this Hon'ble NGT has disposed of the above Original Application vide order dated 14.10.2022.

Chanchal Rana



*RKT
Asc*

The operative portion of the order dated 14.10.2022 is extracted as under.

"26. Be that as it may, since the cost of renovation, reclamation and restitution of the quarries has been estimated at Rs. 12,00,00,000/- (Rupees Twelve crores only), we direct the Respondent No.4, Shree Jagannath Temple Administration, to deposit the amount of Rs. 12,00,00,000/- (Rupees Twelve crores only) with the Respondent No. 1, District Collector, Khurdha, who shall constitute a Committee for purposes of carrying out the work of restitution, reclamation and renovation of the excavated areas as per plan already prepared and complete the entire work within four months. An Action Taken Report on affidavit shall be filed by the District Collector, Khurdha by 31.03.2023."

4. That, in order to comply the above direction of the Hon'ble Tribunal, this deponent requested to the Administrator, Shree Jagannath Temple Administration, Puri, Respondent No. 4, to release the fund amounting to Rs. 12,00,00,000/- (Rupees Twelve crores only) for carrying out work of renovation, reclamation and restitution of the

Charchal Lave.



*RKF
ABC*

excavated area as per the plan vide letter No. 3066 dtd. 06.03.2023.

True copy of letter No. 3066 dated 06.03.2023 is annexed and marked as ANNEXURE-A/1.

5. That, in response to the letter No. 3066 dtd. 06.03.2023, the Administrator (Dev), Shree Jagannath Temple Administration, Puri informed vide letter No. 3405 dtd. 21.03.2023 that the Temple Administration, Puri has requested the Law Department, Govt of Odisha to place the said requisite funds with the Temple Administration and soon after receipt of the funds from the Govt. of Odisha the same will be placed before the District Administration, Khordha.

True copy of letter No. 3405 dtd. 21.03.2023 of Administrator (Dev), Shree Jagannath Temple Administration, Puri is annexed and marked as ANNEXURE-A/2.

6. That, due to non-receipt of funds from the Temple Administration, Puri, a reminder letter vide letter No. 16189 dtd. 23.11.2023 and another reminder vide letter No. 3193 dtd. 04.03.2024 have been issued and submitted to the

Charan Kumar



*RKX
ASL*

Administrator, Shree Jagannath Temple Administration,
Puri.

True copy of letter No. 16189 dtd. 23.11.2023 and
letter No. 3193 dtd. 04.03.2024 is annexed and marked as
Annexure-A/3 series.

7. That, in response to letters No. 16189 dtd. 23.11.2023
and letter No. 3193 04.03.2024, the Administrator (Dev),
Shree Jagannath Temple Administration, Puri vide letter No.
3133 dtd. 13.03.2024 has submitted that the Temple
Administration has filed a Writ Petition bearing W.P.(C)
No. 28386 of 2023 before the Hon'ble High Court of Orissa,
Cuttack against the impugned order dtd. 14.10.2022 passed
by the Hon'ble NGT, EZ in O.A. No. 54/2018/EZ. The
Hon'ble High Court of Orissa vide order dtd. 04.09.2023 has
passed an interim measure directing that the order dtd.
14.10.2022 passed by the Hon'ble National Green Tribunal,
Eastern Zone, Kolkata in O.A. No. 54/2018/EZA No.
39/2020/EZ shall remain stayed till 04.10.2023. Further, the
Hon'ble High Court in their order dtd. 4.10.2023 has
directed that interim order passed earlier shall continue till
the next date. In this context, the Administrator (Dev), Shree



Chanchal Karna

*RRT
Asc*

Jagannath Temple Administration, Puri has requested that release of fund amounting to Rs. 12 Crore for renovation, reclamation and restitution of the excavated area in compliance to the order of the Hon'ble Tribunal to be considered after final disposal of Writ Petition filed vide WP(C) No. 28386 of 2023 before the Hon'ble High Court of Orissa.

True copy of letter No. 3133 dtd. 13.03.2024 along with Interim order dtd. 04.09.2023 and pending status along with dtd. 04.10.2023 of the Hon'ble High Court of Orissa passed in WP(C) No. 28386 of 2023 is annexed and marked as ANNEXURE-A/4 series.

8. That the contents of the above paragraphs are true and correct to the best of my knowledge as derived from the official records and that nothing material has been concealed there from and the present deponent reserves the right to file any further affidavit as and when required and directed by this Hon'ble Tribunal.

Identified by
RKT
Advocate

Chanchal Kure,
Deponent

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA



VERIFICATION

I, Chanchal Rana, aged about 35 years, S/O- Anil Kanta Rana, at present serving as Collector and District Magistrate, Khordha, do hereby solemnly affirm and verify the contents of paragraph nos. 1 to 8 of the affidavit are true to my knowledge and that I have not suppressed any material facts. I sign this verification at my office on ___ day of April, 2024.

Chanchal Rana

VERIFICANT

AFFIDAVIT

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

NO 483 Dt 06.04.2024

The above deponent being personally known to me appears before me on *06.04.24* at *03.20* AM/PM and states on oath that the contents of the affidavit are true to the best of his knowledge based on official records.

Chanchal Rana
Deponent

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

Chanchal Rana
Executive Magistrate, Khordha.
Executive Magistrate
Khurda



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

Letter No. 3066 /Touzi, Dated. 06/03/2023

To

The Administrator,

Shree Jagannath Temple Administration, Puri.

Sub: Regarding release of funds according to order of Hon'ble NGT in O.A. No.54/2018/EZ for renovation, reclamation and restitution purpose.

Sir,

In inviting a reference to the subject cited above, I am to say that Hon'ble NGT passed an order dated.14.10.2022 in O.A. No.54/2018/EZ directing Shree Jagannath Temple Administration to deposit an amount of Rs.12,00,00,000/- (Rupees twelve crore only) with Respondent No.1 i.e. Collector & District Magistrate, Khordha for the purpose of carrying out work of renovation, reclamation and restitution of the excavated areas as per plan already prepared and to complete the entire work within four months.

As on today, the District Administration has not received the said fund for this purpose. Since, an action taken report on affidavit shall have to be filed before Hon'ble NGT on 31.03.2023 you are therefore, requested to take necessary action in this regard.

This may be treated as urgent.

Yours faithfully,


Collector, Khordha

Memo no. 3067 /Touzi, Dated. 06/03/2023

Copy forwarded to the Addl. Secretary to Govt. Revenue & Disaster Management Department, Odisha, Bhubaneswar for kind information.


Collector, Khordha

True copy attested.

Chanchal Kaur

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA





Judh



SHREE JAGANNATH TEMPLE OFFICE, PURI

No.- 3405-

Date- 21 3 23

To

The Collector & DM, Khordha,

Sub.- Regarding deposit of Rs.12.00 Crores as per the orders of Hon'ble NGT in OA No.-54/2018/EZ for renovation, reclamation & restitution purpose of the excavated areas in Khordha Tahasil area.

Ref:- Your letter No.-3066 Dtd.06.03.2023.

Sir,

With reference to the letter & subject cited above, I am to inform that SJTA has requested the Law Department to place the requisite funds with the Temple Administration. It is learnt that necessary budget provision has been made in the Annual Budget for the year 2023-24. Soon after receipt of the funds from the Govt. on this account, we will be placing the funds with the District Administration, Khordha.

This is for your kind information and necessary action.

Yours faithfully,

Administrator(Dev.)

Shree Jagannath Temple, Puri

Memo No.- 3406

Date. 21 3 23

Copy to the Addl. Secretary to Govt., Law Department) for information and necessary action.

Administrator(Dev.)

Shree Jagannath Temple, Puri

True copy attested

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA



SHREE JAGANNATH TEMPLE ADMINISTRATION, PURI
(A Statutory Body under Law Dept, Govt. of Odisha)

No. 219

Date 6.1.23

To

The Principal Secretary to Govt, Law Department

Sub: Regarding placement of Fund to the tune of Rs. 12 Crore as a Special grant in order to comply the NGT order.

Sir,

I am enclosing here with copy of minutes of the meeting on implementation of the orders dated 14.10.22 of Hon'ble NGT Kolkata in OA No-54/2018 taken by the Chief Secretary on 5.12.22 for kind information with a request for necessary placement of funds amounting to Rs. 12.00 Crore as a special grant in order to comply the NGT Order for the Financial year of 2023-24.

This is for your kind information and necessary action.

Yours faithfully

5/1/2023
Administrator (Development)

Shree Jagannath Temple Administration, Puri

Enc As above

Memo No. / 220

Dated 6-1-23

Copy Submitted to the Principal Secretary, Finance Deptt Govt of Odisha, Bhubaneswar for kind information and necessary action

Yours faithfully

25.1.2023
Administrator (Development)

Shree Jagannath Temple Administration, Puri

true copy attested.

Chanchal Kena.

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

Letter No. 16189 /Touzi, Dated. 23/11/2023

To

The Administrator,

Shree Jagannath Temple Administration, Puri.

Sub: Regarding release of funds according to order of Hon'ble NGT in O.A. No.54/2018/EZ for renovation, reclamation and restitution purpose.

Ref: This office Letter No.3066/Touzi, Dated.06.03.2023.

Sir,

In inviting a reference to the letter on the subject cited above, I am to say that Hon'ble NGT passed an order dated.14.10.2022 in O.A. No.54/2018/EZ directing Shree Jagannath Temple Administration to deposit an amount of Rs.12,00,00,000/- (Rupees Twelve crore only) with Respondent No.1 i.e. Collector & District Magistrate, Khordha for the purpose of carrying out work of renovation, reclamation and restitution of the excavated areas as per plan already prepared and to complete the entire work within four months. As on today, the District Administration has not received the said fund for this purpose.

Since, an action taken report on affidavit shall have to be filed before Hon'ble NGT, you are therefore, requested to take necessary action in this regard and intimate to this office accordingly.

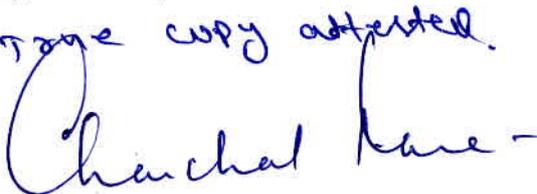
This may be treated as urgent.

Yours faithfully,


Collector, Khordha

Memo no. 16190 /Touzi, Dated. 23/11/2023

Copy forwarded to the Addl. Secretary to Govt. Revenue & Disaster Management Department, Odisha, Bhubaneswar for kind information.

same copy attested.

Chanchal Kaur -


Collector, Khordha

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA



OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

Letter No. 3193 /Touzi, Dated. 04/03/2024

To

The Administrator,
Shree Jagannath Temple Administration, Puri.

Sub: Regarding release of funds according to order of Hon'ble NGT in O.A. No.54/2018/EZ for renovation, reclamation and restitution purpose.

Ref: This office Letter No.3066/Touzi, Dated.06.03.2023 and No.16189/Touzi, Dated.23.11.2023.

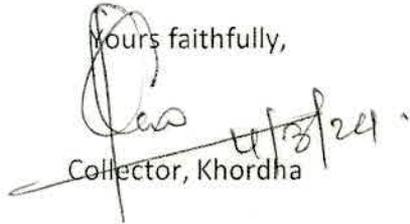
Sir,

In inviting a reference to the letter on the subject cited above, I am to say that Hon'ble NGT passed an order dated.14.10.2022 in O.A. No.54/2018/EZ directing Shree Jagannath Temple Administration to deposit an amount of Rs.12,00,00,000/- (Rupees Twelve crore only) with Respondent No.1 i.e. Collector & District Magistrate, Khordha for the purpose of carrying out work of renovation, reclamation and restitution of the excavated areas as per plan already prepared and to complete the entire work within four months.

The District Administration has not received the said fund for this purpose. Since, an action taken report shall have to be filed before Hon'ble NGT with form of an affidavit, you are therefore, requested to take necessary action and submit the detail status of the case in this regard and place the aforementioned fund to the undersigned for taking further course of action to comply with the orders of Hon'ble NGT.

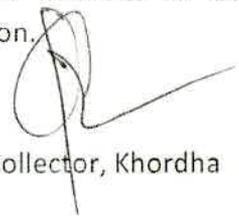
This may be treated as URGENT.

Yours faithfully,


Collector, Khordha

Memo no. 3194 /Touzi, Dated. 04/03/2024

Copy forwarded to the Addl. Secretary to Govt. Revenue & Disaster Management Department, Odisha, Bhubaneswar for kind information.


Collector, Khordha

True copy attested.

Chanchal Das

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA



SHREE JAGANNATH TEMPLE OFFICE, PURI

No. 3133 / Date. 13.03.24

To

The Collector & District Magistrate, Khordha.

Sub :- Regarding release of funds according to order of Hon'ble NGT in O.A. No. 54/2018/EZ for renovation, reclamation and restitution purpose.

Ref : Your office letter No. 16189/Touzi dtd. 23.11.2023

Sir,

In inviting a reference to the letter and subject cited above, I am to say that as per order dt. 14.10.2022 passed in O.A. No. 54/2018/ EZ by the Hon'ble NGT directing Shree Jagannath Temple to deposit an amount of Rs.12 Crores with Collector & District Magistrate, Khordha for the purpose of carrying out work of renovation, reclamation and restitution of the excavated areas as per plan already prepared and to complete the entire work within four months. The Temple Administration has filed a writ petition bearing W.P.(C) No. 28386 of 2023 before the Hon'ble High Court of Orissa, Cuttack against the impugned order dtd. 14.10.2022 passed by the Hon'ble NGT, EZ in O.A. No. 54/2018/EZ. The Hon'ble High Court of Orissa on dtd. 04.09.2023 as an interim measure directed that the order dtd. 14.10.2022 passed by the National Green Tribunal, Eastern Zone, Kolkata in O.A. No. 54/2018/EZ(I.A. No. 39/2020/EZ) shall remain stayed till 04.10.2023. Further, the Hon'ble High Court in their order dtd. 4.10.2023 directed that interim order passed earlier shall continue till the next date. (Copies enclosed)

In this context, I am ^{to} bring to your kind notice that our conducting Advocate has opined that letter dtd. 23.11.2023 by Collector, Khordha asking payment of Rs.12 Crores in terms of the impugned order dtd 14.10.2022 may not be taken into consideration until the writ petition is finally heard and disposed of (Copy enclosed).

True copy attested.

Charachal

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

In view of above facts and circumstances, release of funds for renovation, reclamation and restitution of the excavated areas may be considered after the final disposal of writ petition bearing W.P.(C) No. 28386/2023.

This is for your kind information and necessary action.

Yours faithfully,


13/3/24
Administrator (Dev.)
Shree Jagannath Temple, Puri

True copy attested.
Charhal Rao

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.28386 of 2023

*Chief Administrator, Shree
Jagannath Temple
Administration, Puri*

.....

*Petitioner**Mr. A.C. Swain, Advocate*

Vs.

*Bidu Bhusan Harichandan &
Ors.*

.....

Opposite Parties

*Mr. L. Samantaray, AGA
(O.Ps.3, 6, 7, 8, 9 &10)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

04.09.2023

W.P.(C) No.28386 of 2023AndI.A. No.13585 of 2023Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. A.C. Swain, learned counsel appearing for the petitioner and Mr. L. Samantaray, learned Additional Government Advocate appearing for opposite parties no.3 & 6 to 10.

3. The petitioner has filed this writ petition seeking to quash the order dated 14.10.2022 under Annexure-1, by which National Green Tribunal, Eastern Zone Bench, Kolkata has directed the petitioner to deposit the amount of Rs.12,00,00,000/- (Rupees Twelve Crore) with opposite party no.3-District Collector, Khurda, who shall constitute a

Chanchal Kana
COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

Committee for the purposes of carrying out the work of restitution, reclamation and renovation of the excavated areas as per plan already prepared and complete the entire work within four months and action taken report on affidavit shall be filed by the District Collector, Khurda by 31.03.2023.

4. Mr. A.C. Swain, learned counsel appearing for the petitioner contended that as per provisions contained in Section 14 of the National Green Tribunal Act, 2010, the Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule-1. But, Schedule-1 does not cover Odisha Minor Minerals (Regulation & Development) Act, 1957. Thereby, any action taken by opposite party-authority, for not carrying out mining activities on the basis of the OMMC Rules, having not covered under the National Green Tribunal Act, 2010, the order so passed by the National Green Tribunal, Eastern Zone Bench, Kolkata is in violation of Section 14 of the Act itself.

5. Issue notice to the opposite parties.

6. Let six extra copies of the writ petition be served within three days on learned Additional Government Advocate, as he appears for opposite parties no.3 & 6 to 10 to enable him to obtain instructions or file counter affidavit.

7. Requisites for issuance of notice to opposite parties no.1, 2 & 5 by Registered Post with A.D. shall be filed within three days. Office shall send notice to the said opposite parties fixing a


COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

short returnable date.

8. As an interim measure, it is directed that the order dated 14.10.2022 passed by the National Green Tribunal, Eastern Zone, Kolkata in O.A. No.54/2018/EZ (I.A. No.39/2020/EZ) shall remain stayed till 04.10.2023.

(DR. B.R. SARANGI)
JUDGE

Alok

(M.S. RAMAN)
JUDGE



Signature Not Verified

Digitally Signed
Signed by: ALOK RANJAN SETHY
Designation: Secretary
Reason: Authentication
Location: Orissa High Court
Date: 04-Sep-2023 17:02:15

Chanchal Kana

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28386 of 2023

Chief Administrator, Shree
Jagannath Temple Administration,
Puri

.....

Petitioner

Mr. A.C. Swain, Advocate

Vs.

Bidu Bhusan Harichandan &
Others

.....

Opposite Parties

Mr. L. Samantaray, AGa
Mr. S.Ku. Mishra, Advocate (O.P.4)

CORAM:

ACTING CHIEF JUSTICE DR. B.R. SARANGI
MR. JUSTICE MURAHARI SRI RAMAN

ORDER

04.10.2023

Order No.
02.

This matter is taken up through hybrid mode.

2. Mr. S.Ku. Mishra, learned counsel appearing for the Opposite Party No.4 seeks time to file counter affidavit.
3. List this matter after two weeks. Counter affidavit be filed in the meantime.
4. Interim order passed earlier shall continue till the next date.

(DR. B.R. SARANGI)
ACTING CHIEF JUSTICE

Aswini

Chanchal Karna

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

(M.S. RAMAN)
JUDGE

Signature Not Verified

Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: PA(SECRETARY-IN-CHARGE)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 05-Oct-2023 13:44:55