

**ORDER passed in Original Application No. 17/2024**

**From :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in> Wed, Feb 28, 2024 11:16 AM  
**Subject :** ORDER passed in Original Application No. 17/2024 3 attachments  
**To :** Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>, Judicial Section <ngtjudicial-kolkata@gov.in>  
**Reply To :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 15/02/2024 & 20/02/2024 passed in Original Application No. 17/2024 Sanu Das ...Applicant Versus State of Odisha & Ors. ...Respondents** . for your kind perusal & necessary action.

**REGARDS**  
**CONSULTANT (Judicial)**  
 & (N.G.T.)(P.B.) & New Delhi &



in the Original Application No. 17/2024 Sanu Das ...Applicant Versus State of Odisha & Ors. ...Respondents

-  **OA NO 17 of 2024.pdf**  
8 MB
-  **SanuDAS.pdf**  
96 KB
-  **Sanu Das.pdf**  
54 KB

①

1657/LP/2023  
11/7/23

Date: 06.07.2023

To:  
Public Grievance,  
National Green Tribunal,  
Faridkot House, Copernicus Marg,  
New Delhi-110001

Dear Sir,

**Sub: Non Compliance of EC issued to M/s Kriday Realty Pvt. Ltd. for "ARIANA" Project, Bhubaneswar, Odisha vide letter no: 1997/SEIAA, Dated: 24.04.2013.**

Attached the email sent to Chairman, Member and Member Secretary of SEIAA, Odisha which is self-explanatory.

Humble request and my pray to your esteem office take appropriate necessary action against M/s Kriday Realty Pvt Ltd for non-compliance of EC.

With warm regards,

(Sanu Das),  
Owner of Flat no 1302 & 1303,  
Tower-9, Tata Ariana Kalinga Vihar, Ghatikia, Bhubaneswar

[E2B]

10-7-2023  
LP

NATIONAL GREEN TRIBUNAL  
Principal Bench, New Delhi  
Receipt & Issue Branch  
Received  
10 JUL 2023  
Dairy No. 2269  
Signature

To:

The Chairman,

State Environmental Impact Assessment Authority,

5RF-2/1, Unit-IX, Bhubaneswar-751022.

AND

The Members,

State Environmental Impact Assessment Authority,

5RF-2/1, Unit-IX, Bhubaneswar-751022.

Dear Sir,

**Sub: Non Compliance of EC issued to M/s Kriday Realty Pvt. Ltd. for "ARIANA" Project, Bhubaneswar vide letter no: 1997/SEIAA, Dated : 24.04.2013.**

**Ref: Rejection of EC vide letter dated:16.05.2023 (Attached herewith for your kind ready reference) issued to M/s Kriday Realty Pvt. Ltd. for "ARIANA" Project . File no: SIA/OR/MIS/78819/2022.**

With above subject and reference it is clear that, M/s Kriday Realty Pvt. Ltd has failed to comply with all the conditions of **Environment Clearance** even after **10 years** but now wants to construct 4 new Tower for residential purpose.

One observation mentioned in letter dated: 16.05.2023 will have serious impact on not only for "Ariana" but also for neighbouring "Trident Galaxy" Apartment Complex, this is regarding discharge of 770 cum/hour Storm Water, which is yet to be fully complied with. Without proper arrangement for discharge of Storm Water, any further addition of Dwelling Units, will result in increase in

Storm Water quantity. As mentioned above this will lead to disastrous consequence not only for "Ariana" but also for "Trident Galaxy" Apartment Complex.

Attached the Occupancy Certificate (OC) Dated 30.06.2017 given for Tower no 1,2,3,4,10,11 & 12 and OC Dated 04.12.2017 for Tower 9 for your kind ready reference.

Kindly refer Sl.No 6 & 7, Page 2 of the both OC.

It is Clearly mentioned in sl.no 6 & 7 of the OC that:

Sl.NO 6. " All the stipulated Conditions of the NOC given by PHED vide Memo no. 7168 dt 18.4.2017, Certificate No.54?FPW dt 5.4.207 issued by Chief Fire Officer, No. 1997/SEIAA dated 24.04.2013 and CESU permission letter No.11310 dt 21.7.2015 shall be strictly adhered to".

Sl.No 7. " The Construction of storm water drain up to final disposal point and 20'-0" wide road in the South-West of the project area shall be developed by the applicant to facilitate the neighboring plot owners before obtaining full occupancy certificate."

It is clear now, even M/s Kriday Relaty Pvt. Ltd. yet receive the final OC as they have failed to comply with SEIAA Letter no: 1997/SEIAA.

In view of the above, I deem it as a favor and remain ever grateful to your esteem office, if fresh EC is not issued to M/s Kriday Realty Pvt. Ltd. for construction of balance 4 Towers in "ARIANA".

With Warm regards,

Sanu Das,

Flat no:1302/1303,

Tower-9, Ariana.



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

(A statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986)

File No. SIA/OR/MIS/78819/2022

Dated 16<sup>th</sup> May, 2023.

To  
Mr. Siddhartha Roy; General Manager  
M/s Kriday Realty Private Limited  
At Mouza- Sankarpur, Bhubaneswar, Odisha

Sub: Proposal for grant of EC for Expansion with Modification of "ARIANA", Multistoried Residential complex at Mouza- Sankarpur, Bhubaneswar, District Khorda, of M/s Kriday Realty Private Limited - reg.

Ref: Minutes of the 116<sup>th</sup> meeting of SEIAA held on 26.04.2023 & 27.04.2023.

Sir,

In inviting a reference to the above cited subject, I am directed to inform you that the proposal was placed in the meeting of SEIAA held on 26.04.2023 for consideration of EC. The authority perused the recommendation of SEAC and submission of PP vide their letter no. NII dated 05.09.2022. The following are the observation:

1. The PP was granted EC vide letter no. 1197/SEIAA dated 24.04.2013 which was valid for 10 years i.e. upto 23.04.2023 (as per Notification S.O.1807(E) dated 12.04.2022).
2. The EC issued for 12-Towers having a total built-up area of 1,85,1776.3 sq.m and Consent to Operate (CTO) has been obtained for the same area i.e. 1,85,1776.3 sq.m vide SPCB letter No.1238 dated 30.01.2019. Again, there is no information regarding the built-up area for which occupancy certificate has been obtained from BDA. At present, there is no scope of further EC unless the CTO/occupancy certificate is revised.
3. The undertaking given by the PP while obtaining the EC dated 24.04.2013 regarding discharge of storm water quantity of 770 cum/hour has not yet been fully complied with. Any further addition of dwelling unit will only lead to increase in storm water quantity without proper arrangement for discharge of the same.
4. The original EC dated 24.04.2013 contains 50 conditions. The certified compliance report furnished by MoEF & CC, IRO, Bhubaneswar vide their file no. 109-1145/EPE after inspecting the site on 13.01.2023 shows that out of 50 EC conditions, 19 no. are fully complied, 20 no. are partially complied and 11 no. are not complied even after 10 years.

After detailed deliberation in the matter, the Authority decided to reject the application for expansion with modification of "ARIANA", multi-storeyed residential complex located at Mouza- Sankarpur, Bhubaneswar, District Khorda. Further, the PP may apply afresh after obtaining revised CTO and occupancy certificate with full compliance of previous EC conditions.

Therefore, you are requested to comply with the observation of the Authority and submit the proposal afresh. This is for your kind information.

Yours faithfully,

*N. Nayak*  
Environmental Engineer



FORM X

**OCCUPANCY CERTIFICATE (PART)**

No. 15869 /BDA, Bhubaneswar, dated 30<sup>th</sup> June, 2017  
File No. BPBA-O-854/16

Occupancy Certificate (Part) under Regulation-15 of BDA (Planning & Building Standards) Regulations-2008 is issued in favour of Bhubaneswar Development Authority represented through M/s Kriday Realty Pvt. Ltd. in respect of Integrated Multistoreyed Residential Apartment building i.e. Tower No.1,2 (B+G+13), No. 334 (B+G+16), No.10(B+G+15), No.11&12 (B+G+14) over plot No.87/1264 & 87/1263 Khata No.421, Village-Sankarpur, Bhubaneswar.

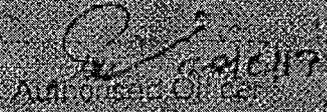
The work of erection, re-erection or for material alternation undertaken in respect of plot No.87/1264 & 87/1263 Khata No.421, Village-Sankarpur, Bhubaneswar is completed under the supervision of Ar. Debraj Behera (Empanelment No. CA/2004/33719 & Er. B.K. Bholu Structural Engineer (Empanelment No. SER/003/BDA) as per the Completion certificate submitted. On inspection, it is observed the erection, re-erection or alternation undertaken with respect to above plots conform the approved plan issued vide No.26990/BP dated 14.12.2012 and subsequent letter No.592/CSC/BDA dt.16.01.2016. The Building is permitted for Residential occupancy subject to the following.

1. All physical infrastructures like water supply, sewerage and drainage system and water harvesting structures shall be maintained.
2. At least 20% of the land shall be developed for plantation and landscaping and maintained.
3. Periodic inspection shall be made by the Fire Authority to ensure the fire safety of the building and compliance with the provisions of fire and life safety requirement (Fire and Life Safety Part-4 of NBC).
4. Periodic Occupancy renewal certificate shall be issued by the Authority on the recommendation of the Fire Prevention Officer which shall also include safe keep of the fighting installations and equipments for such building.

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- 6. The building shall not be used for any other use other than the purpose for which the permission is accorded.
- 6. All the stipulated conditions of the NOC given by PHED vide Memo No 7168 dt 18.4.2017, Certificate No.68/FP/W dt 04.2017 issued by Chief Fire Officer, No.1087/SEIA dt dated 24.04.2013 for SEIA and CESE permission letter No.11310 dt 21.7.2010 shall be strictly adhered to.
- 7. The Construction of storm water drain up to final disposal point and 20' 0" wide road in the South West of the project area shall be developed by the applicant to facilitate the neighbouring plot owners before obtaining full occupancy certificate. One set of completion plans fully certified is returned herewith.

By Approval of Vice Chairman

  
Authorized Officer

Bhubaneswar Development Authority

Memo No. 15770 BDA BT 20.05.17

Copy submitted to the Chief Fire Officer, Cuttack/City Engineer, BMC Bhubaneswar/Executive Engineer, PH Divn-II, BBSR/ Manager(tele), BCDD-II, IRC Village, Nayaboli, BBSR-15 for information and necessary action.

  
Authorized Officer

Bhubaneswar Development Authority





FORM X

OCCUPANCY CERTIFICATE (PART)

No. 30785/BDA, Bhubaneswar, dated 04.12.2017  
File No. BPBA-C-854/16

Occupancy Certificate (Part) under Regulation-16 of BDA (Planning & Building Standards) Regulations-2008 is issued in favour of Bhubaneswar Development Authority represented through M/s Kriday Realty Pvt. Ltd. in respect of Integrated Multistoreyed Residential Apartment building i.e. Tower No.9 (B+G+15) and Club House over Sabak plot No.87/1264 & 87/1263 ( Hal Plot No. 87/1263/1802) Khata No.421, Village-Sankarpur, Bhubaneswar.

The work of erection, re-erection or for material alternation undertaken in respect of plot No.87/1264 & 87/1263/1802 Khata No.421, Village-Sankarpur, Bhubaneswar is completed under the supervision of Ar. Debraj Behera (Empanelment No.CA/2004/33719 & Er. B.K. Bhoja Structural Engineer (Empanelment No.SER/003/BDA) as per the Completion certificate submitted. On inspection, it is observed the erection, re-erection or alternation undertaken with respect to above plot(s) conform the approved plan issued vide No.26990/BP dated 14.12.2012 and subsequent letter No.592/CSC/BDA dt.16.01.2016. The Building is permitted for Residential occupancy subject to the following.

1. All physical infrastructures like water supply, sewerage and drainage system and water harvesting structures shall be maintained.
2. At least 20% of the land shall be developed for plantation and landscaping and maintained.
3. Periodic Inspection shall be made by the Fire Authority to ensure the fire safety of the building and compliance with the provisions of fire and life safety requirement (Fire and Lift Safety Part-4 of NBC).
4. Periodic Occupancy renewal certificate shall be issued by the Authority on the recommendation of the Fire Prevention Officer which shall also include safe keep of the fighting installations and equipments for such building.

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- 5. The building shall not be put to any other use other than the purpose for which the permission is accorded.
- 6. All the stipulated conditions of the NOC given by PHED vide Memo No. 7168 dt. 18.4.2017, Certificate No. 54/FPW dt. 5.4.2017 issued by Chief Fire Officer, No. 1997/SEIAA dated 24.04.2013 of SEIAA and CESU permission letter No. 11310 dt. 21.7.2015 shall be strictly adhered to.
- 7. The Construction of storm water drain up to final disposal point and 20'-0" wide road in the South-West of the project area shall be developed by the applicant to facilitate the neighbouring plot owners before obtaining full occupancy certificate. One set of completion plans duly certified is returned herewith.

By Approval of Vice-Chairman

*[Signature]*  
Authorised Officer

Bhubaneswar Development Authority

Memo No. 30786 /BDA DT. 04.12.2017

Copy submitted to the Chief Fire Officer, Cuttack/City Engineer, BMC, Bhubaneswar/Executive Engineer, PH Divn-II, BBSR/ Manager(Ele), BCDD-II, IRC Village, Nayapalli, BBSR-15 for information and necessary action.

*[Signature]*  
Authorised Officer

Bhubaneswar Development Authority

*[Stamp]*

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 17/2024

Sanu Das

...Applicant

Versus

State of Odisha & Ors.

...Respondents

Date of hearing: 15.02.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. Mr. Sanu Das has sent by Post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 17/2024.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

*"Sub: Non Compliance of EC issued to M/s Kriday Realty Pvt. Ltd. for "ARIANA" Project, Bhubaneswar, Odisha vide letter no: 1997/SEIAA, Dated: 24.04.2013. ... petition received by Post*

*Attached the email sent to Chairman, Member and Member Secretary of SEIAA, Odisha which is self-explanatory.*

*Humble request and my pray to your esteem office take appropriate necessary action against M/s Kriday Realty Pvt Ltd for non-compliance of EC...."*

3. The relevant portion of the email sent to the Chairman and Members of the State Environmental Impact Assessment Authority, Odisha which is attached with the letter petition reads as under:-

*"Sub: Non Compliance of EC issued to M/s Kriday Realty Pvt. Ltd. for "ARIANA" Project, Bhubaneswar vide letter no: 1997/SEIAA, Dated : 24.04.201`.*

*Ref: Rejection of EC vide letter dated:16.05.2023 (Attached herewith for your kind ready reference) issued to M/s Kriday Realty Pvt. Ltd. for "ARIANA" Project. File no: SIA/OR/MIS/78819/2022.*

*With above subject and reference it is clear that, M/s Kriday Realty Pvt. Ltd has failed to comply with all the conditions of Environment Clarence even after 10 years but now wants to construct 4 new Tower for residential purpose.*

*One observation mentioned in letter dated: 16.05.2023 will have serious impact on not only for "Ariana" but also for neighbouring "Trident Galaxy" Apartment Complex, this is regarding discharge of 770 cum/hour Storm Water, which is yet to be fully complied with. Without proper arrangement for discharge of Storm Water, any further addition of Dwelling Units, will result in increase in Storm Water quantity. As mentioned above this will lead to disastrous consequence not only for "Ariana" but also for "Trident Galaxy" Apartment Complex.*

*Attached the Occupancy Certificate (OC) Dated 30.06.2017 given for Tower no 1,2,3,4,10,11 & 12 and OC Dated 04.12.2017 for Tower 9 for your kind ready reference.*

*Kindly refer Sl.No 6 & 7, Page 2 of the both OC.*

*It is Clearly mentioned in sl.no 6 & 7 of the OC that:*

*SLNO 6. " All the stipulated Conditions of the NOC given by PHED vide Memo no. 7168 dt 18.4.2017, Certificate No.54?FPW dt 5.4.207 issued by Chief Fire Officer, No. 1997/SEIAA dated 24.04.2013 and CESU permission letter No.11310 dt 21.7.2015 shall be strictly adhered to".*

*SL.No 7. " The Construction of storm water drain up to final disposal point and 20'-0" wide road in the South-West of the project area shall be developed by the applicant to facilitate the neighboring plot owners before obtaining full occupancy certificate."*

*It is clear now, even M/s Kriday Realty Pvt. Ltd. yet receive the final OC as they have failed to comply with SEIAA Letter no: 1997/SEIAA.*

*In view of the above, I deem it as a favor and remain ever grateful to your esteem office, if fresh EC is not issued to M/s Kriday Realty Pvt. Ltd. for construction of balance 4 Towers in "ARIANA"..."*

4. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

5. In view of the averments in the application, we consider it appropriate to have response of (1) State of Odisha through Chief Secretary, Government of Odisha, (2) Chairman, State Environmental Impact Assessment Authority, Odisha, (3) Odisha Pollution Control Board, through its Member Secretary, (4) District Magistrate, Bhubaneswar and (5) M/s. Kriday Realty Pvt. Ltd. for ARIANA Project, Mouza-Sankarpur, Bhubaneswar, Odisha who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 5 requiring them to file their reply/response within two months.

6. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board, State Environmental Impact Assessment Authority, Odisha, Odisha Pollution Control Board, and District Magistrate, Bhubaneswar and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest

appropriate remedial action. The Odisha Pollution Control Board will be the nodal agency for coordination and compliance.

7. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

8. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

9. Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed within two months before the Southern Zone Bench of this Tribunal at Chennai by email [judicial-ngtso@gov.in](mailto:judicial-ngtso@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

10. A copy of this order be sent to the Central Pollution Control Board, State Environmental Impact Assessment Authority, Odisha, Odisha Pollution Control Board, and District Magistrate, Bhubaneswar by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 15<sup>th</sup>, 2024  
AG

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 17/2024

Sanu Das

...Applicant

Versus

State of Odisha & Ors.

...Respondents

Date of correction order: 20.02.2024

17/2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. It has been brought to our notice that in paragraphs no. 7, 8 and 9 of order dated 15.02.2024 word 'Southern' was written instead of word 'Eastern' and word 'Chennai' was written instead of word 'Kolkata' due to inadvertent clerical/typographical mistakes which are ordered to be corrected accordingly.

JUDICIAL MEMBER

2. The above said corrections be made in order dated 15.02.2024 and also in copy of order dated 15.02.2024 uploaded on the website of this Tribunal.

Arun Kumar Tyagi, JM

17/2024

Dr. Afroz Ahmad, EM

February 20<sup>th</sup>, 2024  
AG