

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

(Through Video Conference)

M.A. 15/2024/EZ

In

Original Application No. 11/2022/EZ

Z1 Residents' Welfare Association -----Applicant(s)

Vrs

Z Estates Private Limited & Ors.----- Respondent(s)

Affidavit on Behalf of the State Environment Impact Assessment
Authority (SEIAA), Odisha (Respondent No-3) Before the Hon'ble
National Green Eastern Zone Bench, Kolkata

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Place: Bhubaneswar
Date: 01/05/2024

Shri Apurba Ghosh
Advocate for Respondent No.03
(SEIAA), Odisha
C/o Partha Sarathi Shamajder
25/D Baderaipur Road
P:O Jadavpur, Kolkata -700032
Email-apu7law@gmail.com
Phone No.9476239442

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Affidavit on Behalf of the State Environment Impact Assessment Authority (SEIAA), Odisha (Respondent No-3) Before the Hon'ble National Green Eastern Zone Bench, Kolkata

1. Dr. Kailasam Murugesen, IFS, son of late Paramasivam Kailasam aged 56 years, at present working as Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.
2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.03 before this Hon'ble National Green Tribunal.
3. That, I have gone through the original application order dated. 01.05.2023 and present M.A. order dt.19.03.2024 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.
4. That, in reply to the averments made in the pint no. 48(A), 48(B) & 48(G) of the Hon'ble Tribunal order dt. 01.05.2023 in OA no. 11/2022/EZ, it is submitted that in order to comply the Hon'ble NGT order dated 01.05.2023, a joint committee was formed

(Signature)
 MEMBER SECRETARY
 State E.I.A Authority
 Orissa, Bhubaneswar



comprising the members i.e. Prof. (Dr.) B.K. Satapathy (Member, SEAC, Dr. Rebati Kanta Mishra, Environmental Scientist, SPCB, Odisha, Dr. Chittaranjan Panda (Member, SEAC) & Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha had visited the site on 13.07.2023 and have submitted their inspection report (copy of joint inspection report is attached in **Annexure-I**) on Phase-I building & Construction project of Z1-Apartment Complex located At-Kalarahanga, Patia, Bhubaneswar, Dist-Khordha, Odisha. In the said report, the committee have mentioned that this is a case of violation of EC conditions and the project proponent has failed in their commitments to comply EC conditions by 31.08.2023 i.e. green belt/Plantation and Solar System for energy conservation to the extent of 5% of total power through solar water heater and Solar Power Generation System for its use etc. Accordingly, environmental compensation amount of **Rs. 1,41,37,500/-** as on 13.07.2023 has been calculated. and show cause notice was issued to Z1-Estates vide letter no. SEIAA-68/07 dt. 28.12.2023 to reply within 15 days. Copy of show cause issued letter is attached in **Annexure-II**. A hearing date was fixed on 03.02.2024 and the Project Proponent, Sri Tapan Kumar Mohanty (Chief Managing Director, Z Estates Pvt. Ltd.), Sri Saty Jyoti Mohanty (Director, Z Estates Pvt. Ltd) & Sri Partha Sarathi Panda (Deputy General Manager of Z Estates Pvt. Ltd) were present physically at SEIAA, Odisha Officer, Chamber for hearing of the case matter on that date.

5. That, the Authority heard the Sri Tapan Kumar Mohanty (Chief Managing Director, Z Estates Pvt. Ltd.) stating that the 20% green belt is not achieved for Phase-I building because the entire project is an integrated and interlink building & construction project of phase-I, Phase -II & phase-III of Z1-Estates Pvt. Ltd. The Phase-I and Phase-II already completed and Phase-III is under construction. The PP agreed that he has not achieved 20% green

(Signature)
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar



belt for phase-I as there is no permanent boundary for phase-I for plantation in boundary area and only avenue plantation was done there and also phase-III is under construction so there is a chance of damage of tree species and the greenery will get disturbed. He also mentioned in their letter that the green belt can be created by the PP where the phase wise construction along with a permanent boundary wall is completed. Secondly, the Z Estates Pvt. Ltd. have completed all set-up for the roof top solar heater but the same is not working as the Z1-Residents' Welfare Association is not allowing to operate it due to some issues for pipeline connection from their side. After perusal of the order dt. 01.05.2023 of NGT and after hearing the Z Estate Pvt. Ltd. in the matter, the SEIAA decided that the PP has not installed Solar Power Generation System for Phase-I and installation of Solar Heater operation is incomplete which was required to be completed by 31.08.2022. Also, the PP has not completed of Green Belt and Avenue Plantation over at least 20% of the site area as required as per the conditions stipulated in the Environmental Clearance. The Authority concluded it was incumbent upon PP to seek amendment of EC conditions or time line for compliance due to operational difficulties before due date i.e., 31.08.2022. Raising operational issues at later stage is not acceptable. After detailed discussion in the matter the authority decided that, the PP is required to submit the Environmental Compensation amount of **Rs. 1,41,37,500/-** as on 13.07.2023 for violation of EC conditions.

6. That, the builder was intimated vide letter no. SEIAA-68/07-2023 dt. 16.03.2024 of SEIAA, Odisha for deposit of Environmental Compensation amounting of **Rs.1,41,37,500/- (i.e. Rupees One Crore Forty-One Lakh Thirty-Seven Thousand Five Hundred Only)** in the UCO Bank Account maintained at Secretariat Branch by FE & CC Department, Govt. of Odisha (Account No. 06640110075074, IFSC: UCBA0000664) and the copy of the

MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

NOTARISE

same was to be submitted at SEIAA, Odisha within 15 days of issuance of the letter. (Copy of the letter in regard to direction issued to Z1-builders for deposit of Environmental Compensation is attached in Annexure-III.)

- 7. That, the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
- 8. That, the deponent reserves the right to file further affidavit as and when necessary.

Identified by
Advocate 01-05-2024

[Signature]
Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

Verified at Bhubaneswar on this day of 01.05.2024 that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: 01.05-2024

SWORN BEFORE ME

[Signature]
Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar



[Signature]
01-05-2024
DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015

Inspection report of the Joint Committee visited on 13.07.2023, in the matter on violation of conditions stipulated in the EC by the Builders Z-Estates Pvt. Ltd on Construction of Housing colony and shopping mall (Phase-I) at Kalarahanga, Patia, Bhubaneswar.

As per the direction of the Hon'ble NGT, Eastern Zone, Kolkata order dated 01.05.2023 in O.A. No. 11/2022/EZ- Z1-Residents' Welfare Association Vrs Z- Estates Private Limited and Ors, a joint committee has been constituted comprising of the following members and the committee visited the project site on 13.07.2023:

1. Prof. (Dr.) B.K. Satapathy (Member, SEAC)
2. Dr. Rebati Kanta Mishra, Environmental Scientist, SPCB, Odisha
3. Dr. Chittaranjan Panda (Member, SEAC)
4. Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha

In addition to the above committee members, the following representatives and villagers were also present during the site visit: -

1. Sri Ashok Kumar Tripathy, IAS (Rtd.) Member/Representative, Z1-Welfare Apartment Society
2. Sri Malay Panigrahi, Member/Representative, Z1-Welfare Apartment Society
3. B. N. Panda Member/Representative, Z1-Welfare Apartment Society
4. Sri Partha Sarathi Panda, Representative Z- Estates Private Limited
5. Sri Radhaprasad Das Representative Z- Estates Private Limited

As per direction, the Joint Committee to visit the site and examine the facts and submit report on the following points:

- i. The SEIAA, Odisha, shall inspect the site in question within one month and verify whether installation of Solar Power Generation System for Phase-I and installation of Solar Heater which was required to be completed by 31.08.2022 as stated by the Project Proponent, has been completed and if not, appropriate penalty shall be imposed against the Project proponent and the same shall be recovered within two months after giving him an opportunity of being heard.

- ii. The SEIAA, Odisha, is further directed to determine Environmental Compensation against the Project Proponent for failure to install the Solar System for energy conservation to the extent of 5% of total power as required by the Environmental Clearance (EC) conditions dated 16.08.2011 and action in this regard shall be taken within two months after giving the Project Proponent an opportunity of being heard.
- iii. With regard to completion of Green Belt and Avenue Plantation over at least 20% of the site area as required by the Environmental Clearance dated 16.08.2011, the Committee constituted by the Tribunal is directed to re-visit the premises of the Project Proponent and verify whether at least 20% of the Green Belt has been achieved by the Project Proponent and if not, appropriate Environmental Compensation shall be determined against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard.

Accordingly, the Joint Committee comprising of the above-mentioned official had visited the site on 13.07.2023 and observed the following after details assessment:

Overall Observation:

1. During site inspection the Committee has observed that the Phase-I project had already been completed and people are staying there, and Phase-II project also completed and people are staying there but the Phase-III project is under construction. The Phase-I, II & III projects are integrated project in the same campus with single boundary.
2. There is no use of Solar Power Generation System for Phase-I building only installation of Solar Heater which were under process (i.e. some equipment's for connection of Solar Heaters are installed in the roof top but not completed and not operational during the time of visit) which was required to be completed by 31.08.2022 as committed by the Project Proponent, and not completed as verified by the committee during the joint visit.
3. As the Project Proponent has not installed any Solar Power Generation System i.e Solar streetlight and Solar Heater etc and nothing operational, the Solar System for

energy conservation to the extent of 5% of total power as required by the Environmental Clearance (EC) conditions dated 16.08.2011 is not complied by the Project Proponent as observed by the Joint Committee.

4. Initially, EC was issued by SEIAA, Odisha vide letter no. 433/SEIAA dt. 16.08.2011 where it was mentioned that the plot area is **1,05,962.07 sqm**, total built-up area **2,44,092.73 sqm** and condition given in EC letter for plantation that-green belt & avenue plantation of trees should be at least 20% and shall be done using native tree species/plants improving greenery. EC obtained for entire project and nowhere, it is mentioned that EC granted for Phase-I or Phase-II etc.
5. The EC amended by SEIAA; Odisha vide letter no. 827/SEIAA dt. 23.02.2016 where the plot area was revised 1,05,962.07 sqm to **1,23,717 sqm** (i.e. Phase-I + Phase-II) and built-up area revised to **2,44,092.73 sqm** to **1,85,904.880sqm**. (i.e., for phase-I + Phase-II).
6. Finally, EC obtained from SEIAA, Odisha vide letter no. 7991/SEIAA dt. 17.03.2020 where it was mentioned that the plot area for Phase-I & Phase –II is 1,23,717 sqm and total built-up area is 73,968.9 sqm (Phase-I) and 1,11,945.98 sqm (Phase-II), provision for green belt-30,929.22 sqm (i.e. for Phase-I & Phase-II). Similarly, total plot area for Phase-III is 17,873.23 sqm and Built-up area 2,09,960.21 sqm, green belt area provision is 20,922.87 sqm.
7. As per the site visit and Google earth map KML file it reveals that there is no separate boundary for phase-I, Phase-II and Phase-III. The green-belt of Phase-I is approximately 9000 sqm. area Phase-II it is approximately 11000 sqm. area and in together it is 20,000 sqm. (Phase-I & Phase-II). But in EC letter issued vide letter no. 7991/SEIAA dt. 17.03.2020 was mentioned that the green belt- area shall be 30,929.22 sqm (i.e. for Phase-I & Phase-II) which is not complied by the Project Proponent. The Green belt and Avenue Plantations are available and shown by the Project Proponent during joint visit revealed that the tree species are planted only adjacent to boundary wall of project area and rest of the area with lawns and some decorated plant. Tree species are very less with comparison to lawns area including

ornamental and decorated plant. During joint visit Z1-Residents' Welfare Association members informed that they want to remove some tree species planted in the lawn area as there is an underground basement parking and green belt i.e. lawn was developed over the underground basement parking thus, there may be chances of cracking the basement, so they want to remove the planted tree.

Environmental Compensation

Overall, the committee observed that this is a case of violation of EC conditions and the project proponent has failed in their commitments to comply EC conditions on 31.08.2023 i.e. Green belt/Plantation and Solar System for energy conservation to the extent of 5% of total power through solar water heater and Solar Power Generation System for its use etc. Hence, the environmental compensation has been calculated as below:

Environment Compensation to be levied for various violation by Industrial Units: -

In absence of any formula for calculation of Environment Compensation due to violation of EC conditions for building and construction project. The committee adopted the CPCB formula applicable for environmental compensation for the industries is calculated, following below formula:

$$EC=PI \times N \times R \times S \times LF$$

$$EC=80 \times 377 \times 250 \times 1.5 \times 1.25 = \text{Rs. 1,41,37,500/-}$$

Where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector (taken 80 red category industries)

N = Number of days of violation took place (377 days i.e. 31.08.2022 to 13.07.2023)

R = A factor in Rupees (₹) for EC (Taken Rs.250/- as per CPCB recommendation)

S=Factor for scale of operation (Taken 1.5 a= for large category)

LF = Location factor (Taken 1.25)

Pollution Index (PI)

The range of Pollution Index for Red, Orange and Green is 60 to 100, 41 to 59 and 21 to 40, respectively.

The following values of PI have been suggested in the CPCB report: —

Category	Red	Orange	Green
PI	80	50	30

Wastewater generation is 602 KLD and it will be treated in 650 KLD STP Capacity, so it is considered as Red category project as per CPCB guidelines.

Number of days (N)

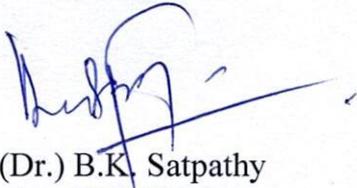
N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by Regional Office.

Factor in Rupees (R)

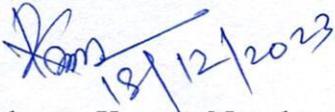
The minimum of 100 and maximum of 500 of factor in Rupees (R) mentioned in report of CPCB.

Recommendation of the Committee

The Project proponent shall deposit the above-mentioned amounting of Rs. 1,41,37,500/- to Forest, Environment & CC Dept., Govt. Odisha and that amount to be used for remedial measure for Plantation and installation of Solar light & Solar Heater of Z-1 Building.



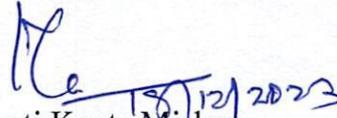
Prof (Dr.) B.K. Satpathy
(Member, SEAC)



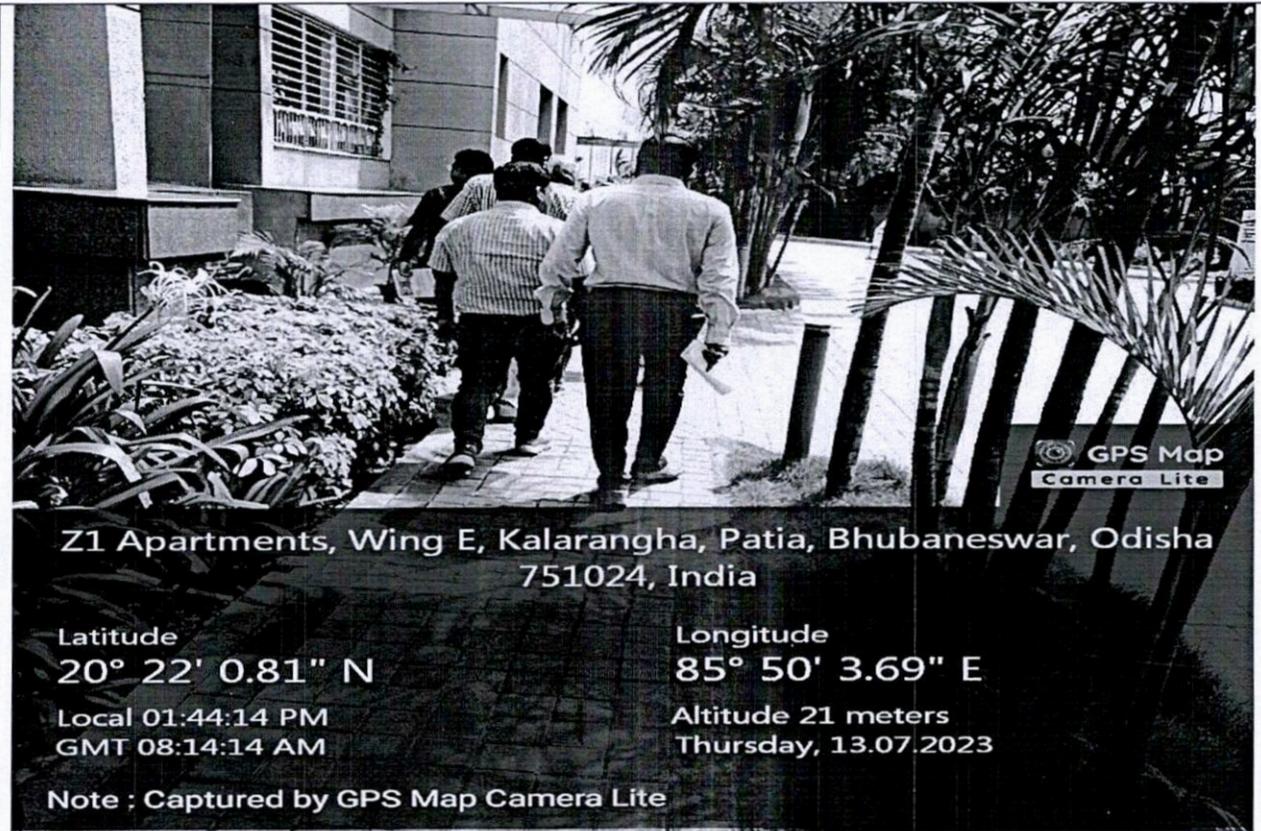
Dr. Pradeepta Kumar. Nayak,
Environmental Scientist, SEIAA, Odisha



Dr. Chittaranjan Panda
(Member, SEAC)



Dr. Rebati Kanta Mishra,
Environmental Scientist, SPCB, Odisha



Z1 Apartments, Wing E, Kalarangha, Patia, Bhubaneswar, Odisha
751024, India

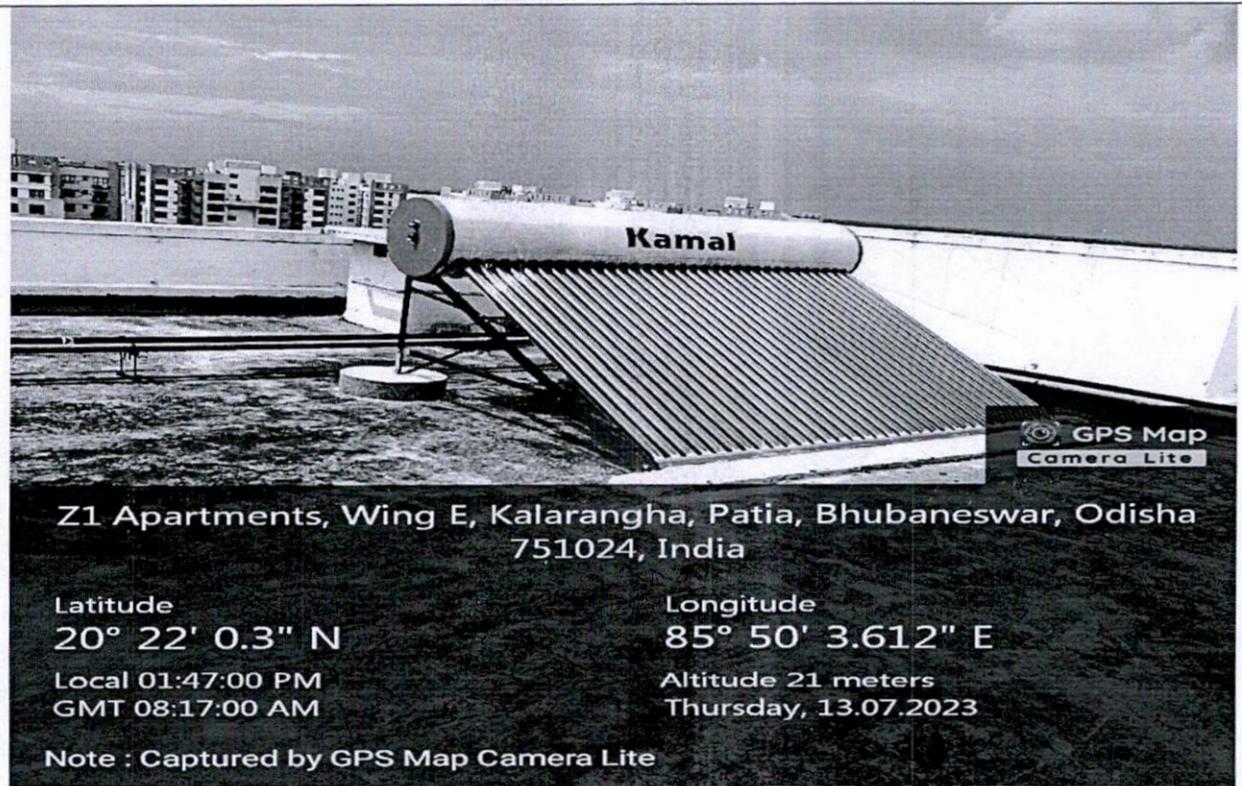
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Longitude
85° 50' 3.69" E

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GMT 08:14:14 AM

Altitude 21 meters
Thursday, 13.07.2023

Note : Captured by GPS Map Camera Lite



Z1 Apartments, Wing E, Kalarangha, Patia, Bhubaneswar, Odisha
751024, India

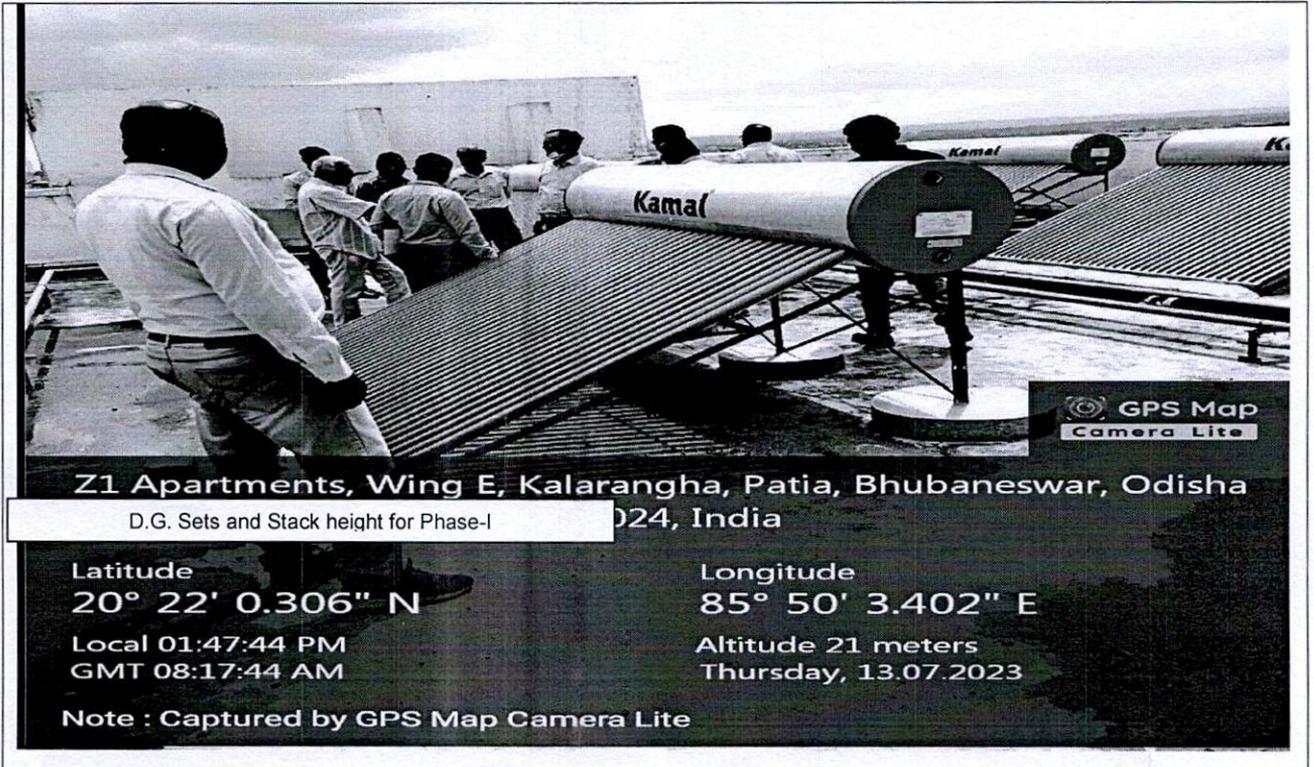
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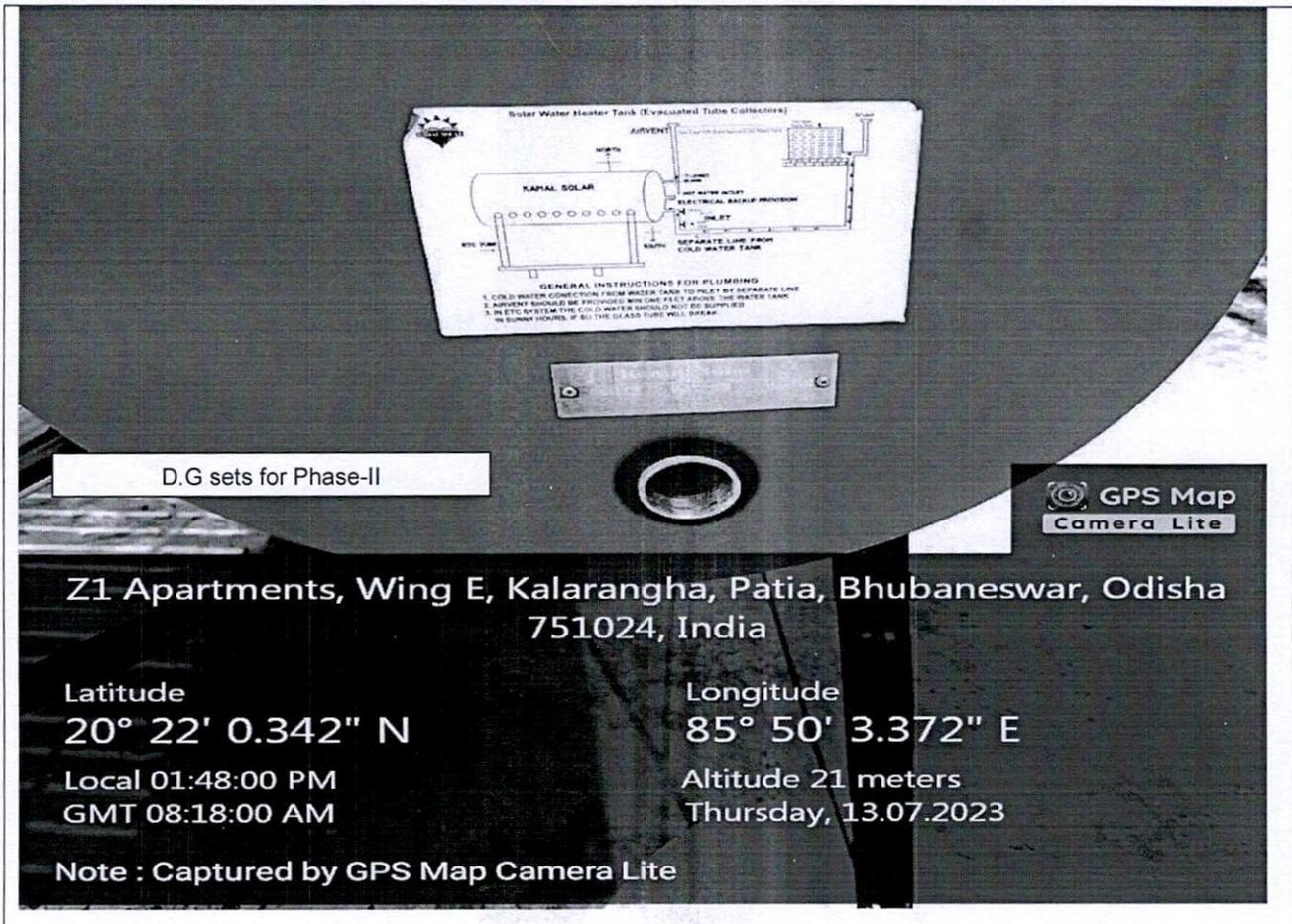
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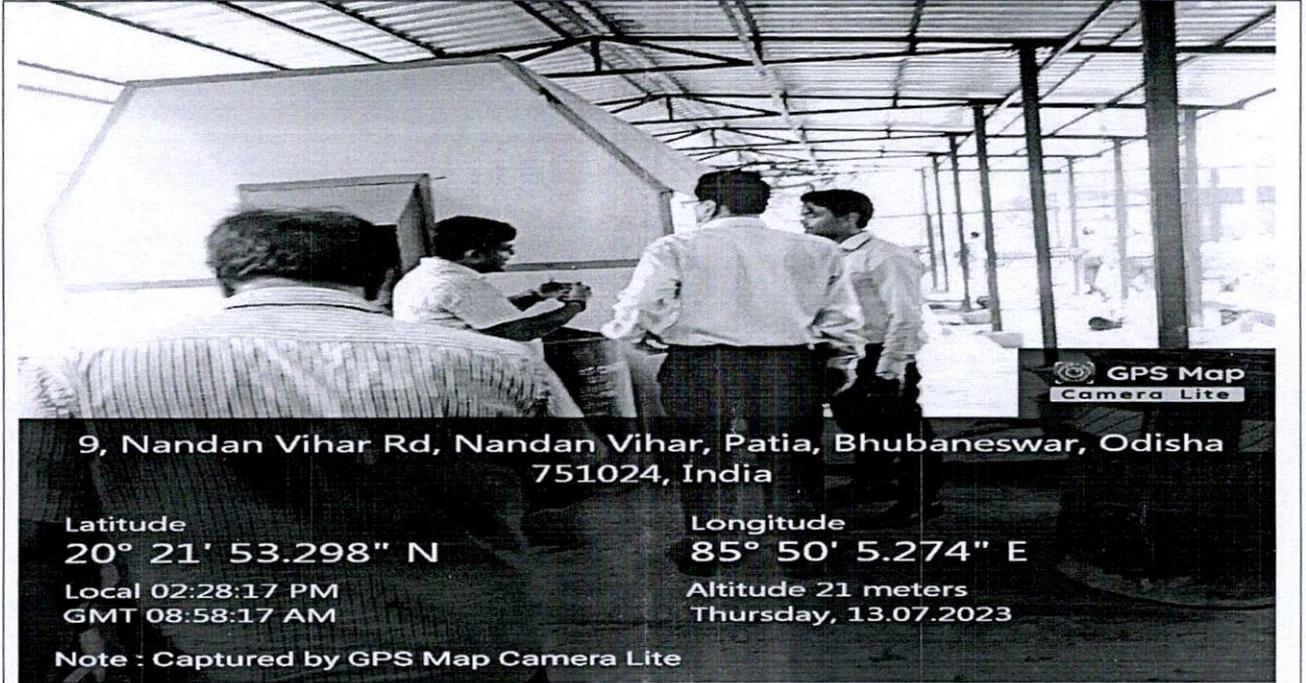
Altitude 21 meters
Thursday, 13.07.2023

Note : Captured by GPS Map Camera Lite









9, Nandan Vihar Rd, Nandan Vihar, Patia, Bhubaneswar, Odisha
751024, India

Latitude
20° 21' 53.298" N

Longitude
85° 50' 5.274" E

Local 02:28:17 PM
GMT 08:58:17 AM

Altitude 21 meters
Thursday, 13.07.2023

Note : Captured by GPS Map Camera Lite



Flat 231, Northern Heights, Kalarangha, Patia, Bhubaneswar,
Odisha 751024, India

Latitude
20° 21' 53.862" N

Longitude
85° 50' 5.718" E

Local 02:29:14 PM
GMT 08:59:14 AM

Altitude 21 meters
Thursday, 13.07.2023

Note : Captured by GPS Map Camera Lite



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
5RF-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. SEIAA-68/07-2023

Dated 28th December, 2023.

To

Sri Tapan Kumar Mohanty, MD
M/s. Z-Estates Pvt. Ltd.
M4/34, Acharya Vihar
Bhubaneswar-751013

**DIRECTIONS UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT,
1986- SHOW CAUSE NOTICE THEREOF**

Ref: Hon'ble NGT order dt. 01.05.2023 in O.A. No.11/2022/EZ, on the matter of Z1-Residents' Welfare Association Vrs Z- Estates Private Limited and Ors.

Sir/Madam,

With reference to the above cited subject, I am to inform you that a case has been filed before the Hon'ble NGT, EZ, Kolkata in O.A. No.11/2022/ on the matter of Z1-Residents' Welfare Association Vrs Z- Estates Private Limited and Ors. The Hon'ble NGT vide its order dt. 01.05.2023 have directed to SEIAA, Odisha as follows:

- i. The SEIAA, Odisha, shall inspect the site in question within one month and verify whether installation of Solar Power Generation System for Phase-I and installation of Solar Heater which was required to be completed by 31.08.2022 as stated by the Project Proponent, has been completed and if not, appropriate penalty shall be imposed against the Project proponent and the same shall be recovered within two months after giving him an opportunity of being heard.
- ii. The SEIAA, Odisha, is further directed to determine Environmental Compensation against the Project Proponent for failure to install the Solar System for energy conservation to the extent of 5% of total power as required by the Environmental Clearance (EC) conditions dated 16.08.2011 and action in this regard shall be taken within two months after giving the Project Proponent an opportunity of being heard.

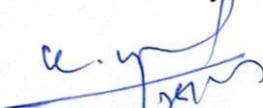
- iii. With regard to completion of Green Belt and Avenue Plantation over at least 20% of the site area as required by the Environmental Clearance dated 16.08.2011, the Committee constituted by the Tribunal is directed to re-visit the premises of the Project Proponent and verify whether at least 20% of the Green Belt has been achieved by the Project Proponent and if not, appropriate Environmental Compensation shall be determined against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard.

Accordingly, the Joint Committee comprising of the above-mentioned official had visited the site on 13.07.2023 and observed the following and after details assessment the SEIAA, Odisha has calculated amount of Rs. 1,41,37,500/- for Environmental Compensation against the Respondent Nos. 01 for non-compliance of EC conditions.

NOW THEREFORE, in view of the above observation and in exercise of the powers vested with SEIAAA, Odisha under section-5 of the Environment (Protection) Act, 1986, the Project Proponent/lessee Sri Tapan Kumar Mohanty is directed to reply by letter or to appear/present in person or through authorized person in SEIAA, Odisha office chamber within 15 days from the date of receipt of this show cause notice, why the environmental clearance (EC) amounting of Rs. Rs. 1,41,37,500/- for non-compliance of EC conditions shall not be collected from him.

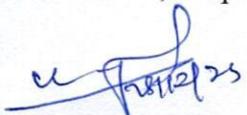
In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

Yours faithfully,


Member Secretary

Copy to

1. The Collector & District Magistrate/ADM, Khordha/Sub-Collector for his information.
2. The Member Secretary, Odisha State Pollution Control Board, A-118, Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012 for his information.
3. The Director-cum-Special Secretary to Govt. Forest, Environment & CC., Dept. Govt. of Odisha, Bhubaneswar for his information.


Member Secretary



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
5RF-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. SEIAA-68/07-2023

Dated th 16 March, 2024.

To

Sri Tapan Kumar Mohanty, MD
M/s. Z-Estates Pvt. Ltd.
M4/34, Acharya Vihar
Bhubaneswar-751013

Sub: Direction for submission of Environmental Compensation -Regarding

Whereas, the matter is already disposed of on 01.05.2023 and the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the form of Original Application No. 11/2022/EZ in the matter of the matter of Z1-Residents' Welfare Association Vrs Z- Estates Private Limited and Ors has issued direction to SEIAA, Odisha "to determine Environmental Compensation against the Project Proponent for failure to install the Solar System for energy conservation to the extent of 5% of total power as required by the Environmental Clearance conditions dated 16.08.2011 and action in this regard shall be taken within two months after giving the Project Proponent an opportunity of being heard and also with regard to completion of Green Belt and Avenue Plantation over at least 20% of the site area as required by the Environmental Clearance conditions dated 16.08.2011, the Committee constituted by the Tribunal is directed to re-visit the premises of the Project Proponent and verify whether at least 20% of the Green Belt has been achieved by the Project Proponent and if not, appropriate Environmental Compensation shall be determined against the Project Proponent and the same shall be recovered within two months after giving him an opportunity of being heard."

Whereas, a Joint Committee comprising the members i.e. Prof. (Dr.) B.K. Satapathy (Member, SEAC, Dr. Rebati Kanta Mishra, Environmental Scientist, SPCB, Odisha, Dr. Chittaranjan Panda (Member, SEAC) & Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha had visited the site on 13.07.2023 and have submitted their inspection report (copy attached in Annexure-I) on Phase-I building & Construction project of Z1-Apartment Complex located At-Kalarahanga, Patia, Bhubaneswar, Dist-Khordha, Odisha. In the said report, the committee have mentioned that this is a case of violation of

EC conditions and the project proponent has failed in their commitments to comply EC conditions by 31.08.2023 i.e. green belt/Plantation and Solar System for energy conservation to the extent of 5% of total power through solar water heater and Solar Power Generation System for its use etc.

Whereas, the Environmental Compensation against the Z- Estates Private Limited was calculated as per the" Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund". The details of which is as below: -

Calculation of Environmental Compensation of Phase-I Building of Z- Estates Pvt. Ltd. At-Kalarahanga, Patia, Bhubaneswar, Dist-Khordha, Odisha

$$\begin{aligned} EC &= PI \times N \times R \times S \times LF \\ EC &= 80 \times 377 \times 250 \times 1.5 \times 1.25 \\ &= \text{Rs. 1,41,37,500/-} \end{aligned}$$

Where,

EC -Environmental Compensation in ₹

PI = Pollution Index of industrial sector (taken 80 red category industries)

N = Number of days of violation took place (377 days i.e. 31.08.2022 to 13.07.2023)

R = A factor in Rupees (₹) for EC (Taken Rs.250/- as per CPCB recommendation)

S=Factor for scale of operation (Taken 1.5 a= for large category)

LF = Location factor (Taken 1.25)

Pollution Index (PI)

The range of Pollution Index for Red, Orange and Green is 60 to 100, 41 to 59 and 21 to 40, respectively.

The following values of PI have been suggested in the CPCB report: —

Category	Red	Orange	Green
PI	80	50	30

Wastewater generation is 602 KLD and it will be treated in 650 KLD STP Capacity, so it is considered as red category project as per CPCB guidelines.

Number of days (N)

N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by Regional Office.

Factor in Rupees (R)

The minimum of 100 and maximum of 500 of factor in Rupees (R) mentioned in report of CPCB.

Whereas, an Environmental Compensation of **Rs.1,41,37,500/-** ((i.e. **Rupees One Crore Forty-One Lakh Thirty-Seven Thousand Five Hundred Only**) was imposed upon you vide our letter no. SEIAA-68/07-2023 dt. 28.12.2023 and it was directed to reply by letter or to appear/present in person or through authorized person in SEIAA, Odisha Office chamber within 15 days from date of receipt of show cause notice, why the environmental compensation amount of Rs. 1,41,37,500/- shall not be collected from the builders for non-compliance of EC conditions.

Whereas, based on the show case notice letter file no. SEIAA-68/07 dt. 28.12.2023, the Sri R. P. Das on behalf of Z Estates Pvt. Ltd. has submitted their reply through email dt. 10.01.2024 and requested to SEIAA, Odisha to be present in person on 13.01.2024 but 13th January 2024 as a Govt. Holiday (Second Saturday) hence, it was intimated the Project Proponent (PP) that the meeting on 13th January 2024 is not possible and the next date will be intimate you shortly. Accordingly, we intimated the PP to present in SEIAA, Odisha office chamber and share their view on 03.02.2024. The Project Proponent Sri Tapan Kumar Mohanty (Chief Managing Director, Z Estates Pvt. Ltd.), Sri Saty Jyoti Mohanty (Director, Z Estates Pvt. Ltd) & Sri Partha Sarathi Panda (Deputy General Manager of Z Estates Pvt. Ltd) were present physically at SEIAA, Odisha Officer, Chamber for hearing of the case matter.

Whereas, the Authority heard the Sri Tapan Kumar Mohanty (Chief Managing Director, Z Estates Pvt. Ltd.) stating that the 20% green belt is not achieved for Phase-I building because the entire project is an integrated and interlink building & construction project of phase-I, Phase -II & phase-III of Z1- Estates Pvt. Ltd. The Phase-I and Phase-II already completed and Phase-III is under construction. The PP agreed that he has not achieved 20% green belt for phase-I as there is no permanent boundary for phase-I for plantation in boundary area and only avenue plantation was done there and also phase-III is under construction so there is a chance of damage of tree species and the greenery will get disturbed. He also mentioned in their letter that the green belt can be created by the PP where the phase wise construction along with a permanent boundary wall is completed. Secondly, the Z Estates Pvt. Ltd. have completed all set-up for the roof top solar heater but the same it is not working as the Z1- Residents' Welfare Association is not allowing to operate it due to some issues for pipeline

connection from their side. After perusal of the order dt. 01.05.2023 of NGT and after detailed deliberation in the matter, the Authority decided the PP has not installation of Solar Power Generation System for Phase-I and installation of Solar Heater operation is incomplete which was required to be completed by 31.08.2022. Also, the PP has not completed of Green Belt and Avenue Plantation over at least 20% of the site area as required by the Environmental Clearance dated 16.08.2011 and committed by the PP by 31.08.2022. It was incumbent upon PP to seek amendment of EC conditions or time line for compliance due to operational difficulties before due date i.e., 31.08.2022. Raising operational issues at this stage is not acceptable. After detailed discussion in the matter the authority decided that, the PP is required to submit the Environmental Compensation amount of **Rs. 1,41,37,500/-** for violation of EC conditions.

Now, therefore in view of the above, it is hereby directed the Builders is required to deposit the Environmental Compensation amounting of **Rs.1,41,37,500/- (i.e. Rupees One Crore Forty-One Lakh Thirty-Seven Thousand Five Hundred Only)** in the UCO Bank Account maintained at Secretariat Branch by FE & CC Department (Account No. 06640110075074, IFSC: UCBA0000664) and the copy of the same to be submitted at SEIAA, Odisha within 15 days of issuance of this letter. In case of failure to do so legal action may be initiated against you.

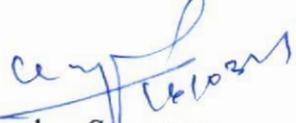
This issues with the approval of the Competent Authority.

Yours faithfully,


Member Secretary

Copy to

1. The Collector & District Magistrate/ADM, Khordha/Sub-Collector for his information.
2. The Member Secretary, Odisha State Pollution Control Board, A-118, Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012 for his information.
3. The Director-cum-Special Secretary to Govt. Forest, Environment & CC., Dept. Govt. of Odisha, Bhubaneswar for his information.


Member Secretary