

**IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN
M.A No 29/ 2023/ EZ
(Arising out of Original Application No.51/2023/EZ)**

Chinmaya Das

..... Applicant

Vrs.

State of Odisha & Others.

..... Respondents

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Place: *Cuttack*

Date: *08.05.2024*


Advocate



IN THE NATIONAL GREEN TRIBUNAL
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IN

M.A No 29/2023/EZ

(Arising out of Original Application No.51/2023/EZ)

Chinmaya Das

.....Applicant

Vrs.

State of Odisha & Others.

.....Respondents

FURTHER AFFIDAVIT OF RESPONDENT NOS. 3 & 8
IN REPLY TO THE REJOINER AFFIDAVIT OF THE
APPLICANT AND IN COMPLIANCE OF THE ORDER
DATED 18.03.2024 OF THE HON'BLE NGT.

I, Prajnashree Prayankha W/o- Sambhoga Ranjan aged about- 41 years, working as Executive Officer, Puri Municipality, Puri in the State of Odisha, do hereby solemnly affirm and state as follows:

1. That, I am the Respondent No.8 in the aforesaid case and have been duly authorized by the Respondent No.3 to swear this affidavit on his behalf as well as for myself.
2. That, I have gone through the contents of the rejoinder affidavit of the applicant also the affidavit of the Central Ground Water

Prajnashree Prayankha
Prajnashree
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Puri Municipality, Puri.

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Board and understood the same. I am also otherwise acquainted with the facts of the case.

3. That, this present affidavit is filed in compliance to the order dated 18.03.2024 of the Hon'ble NGT, Kolkata in MA. No. 29/2023//EZ arising out of the aforesaid case as well as in response to the rejoinder affidavit filed by the applicant for kind appraisal.
4. That, the deponent craves leave of this Hon'ble Tribunal to submit only the relevant facts so far as the scope and jurisdiction of the Puri Municipality is concerned with regard to the issue involved in this case, instead of categorically replying to each of the averments made in the rejoinder affidavit.
5. That, it is humbly submitted that, the averment made in the rejoinder affidavit with regard to the burning of waste, it is to state that, no waste is being burnt by Puri Municipality and the main reason of Fire at Dumping Site is the bio-degradable fraction which composts faster, thereby increasing the temperature of the heap to beyond 70-80 degree celsius with the presence of methane like green house gasses mainly in summer season. Besides, the unauthorized habitation built near this legacy waste are also responsible for fire as for various reasons such as throwing burning cigarettes, for encroachments of lands etc. further, whenever the fire is set, immediate steps are being taken.

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Rajnarayan

**Executive Officer,
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6. That, so far as the averments made in the rejoinder affidavit with regard to the shifting of the unauthorized colony from the vicinity of the dumping site to other place, the same has already been submitted in the affidavit dt.02.01.2024 filed by the Puri Municipality, being taken on record by the Hon'ble NGT on dt.05.02.2024, however at the cost of repetition, it is humbly submitted that, the adjoining areas of the said dumping yard are Govt. land and under the control of Revenue & Disaster Management Department, Govt. of Odisha. Puri Municipality has no authority over such Govt. land. However, in due regard to the order of the Hon'ble NGT, the Executive Officer, Puri Municipality has discussed the matter with Tahasildar, Puri and caused joint inspection of the site involving revenue field functionaries and Amin of Puri Municipality. As per the preliminary report submitted by the team, such officials, approximately 3000 households are found to have been residing in the vicinity of the said dumping yard, by encroaching upon the Govt. land. It is to further submit that the colonies were surveyed in the year 2021 under the Odisha Land Rights to Slum Dwellers Act, 2017 wherein detail information of 1619 households were recorded.

That, further it is to state that, the number of households, as were then, by now has increased in last 3 years time period due to family division and other reasons. As per provision made under the Odisha Land Rights to Slum Dwellers Act, 2017, steps are also being taken jointly by the team of officials

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Executive Officer,
Puri Municipality, Puri.

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of Respondent No.8 and Govt., for redressing the land rights issues of slum dwellers residing around and/or nearby dumping yard by way of relocation and rehabilitation. Respondent No.8 alone cannot resolve this issue without having been provided with adequate Govt. land and funds being provided. Respondent No. 8 do not have its own land for such purpose of relocation and rehabilitation of slum dwellers under the Scheme of OLRSW act, 2017. Hence, suitable Govt. land has been a major constraint in Puri city for ensuring amicable settlement of the slum dwellers, particularly where in-situ settlement, it is not being immediately possible due to various such reasons. Besides the above said colonies, relocation of more than 4000 families residing over railway land or land having non-leasable category of kisams has been also a major task for revenue administration and Puri Municipality. It is further to submit that shifting of unauthorized colonies from Govt. land is governed under Revenue laws like OPLE Act and Tahasildar, Puri is the competent authority to initiate the proceedings in this matter. Executive Officer, Puri Municipality has been following up on this matter with Tahasildar, Puri and Sub-collector, Puri for early compliance of the order of the Hon'ble NGT. Considering the schedule of upcoming General Election-2024 & consequently the Car Festival (Rath Yatra), 2024, at least 6 month additional time, may be provided to address the long standing issues of

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relocation of unauthorized colonies in the vicinity of dumping yard at Baliapanda.

7. That, with regard to the direction of installation of CCTV Cameras covering the entire dumping site, it is humbly submitted that, the agency empanelled for Bio-mining of legacy waste at Baliapanda dumping yard i.e. Rohini Fire Safety Pvt. Ltd. has taken suitable steps and already installed 4 Nos. of CCTV cameras and rest CCTV cameras will be installed shortly.
8. That, with regard to the construction of boundary wall around the dumping site, it is humbly submitted that, the detailed plan and estimate has been prepared by the Municipal Engineer for construction of Boundary wall around the dumping yard at Baliapanda. The cost project is Rs.99,66,600/- (Rupees Ninety Nine Lakh Sixty Six Thousand Six Hundred) only. Tender has been finalized and work order has been issued to the successful bidder. Due to enforcement of Model Code of Conduct for SGE 2024 the work could not be started. The same will be completed within next six months.
9. That, with regard to the eradication of foul smell, it is to submit here that, the Rohini Fire Safety Pvt. Ltd., Kolkata agency is taking is steps by applying deodorizer over the waste to control the odour and prevent the foul smell in terms of the agreement and Puri Municipality is also monitoring the said work on daily basis.

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Rajnarayan

**Executive Officer,
Puri Municipality, T.U.**

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Advocate
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10. That, with regard to the treatment and removal of the entire legacy waste from the site in question, as already stated in the earlier affidavit on dt.02.01.2024 of the Puri Municipality, it is humbly submitted that, the Puri Municipality with the assistance of state authorities is ensuring the treatment and removal of the entire legacy waste from the site by 31.12.2025 and in that regard the bio mining of legacy waste has already been commenced by the empanelled agency namely Rohini Fire Safety Pvt. Ltd., Kolkata as per contract agreement executed with Puri Municipality dt.17.10.2023, who has bio-mined a quantity of 31220.01 M.T. of waste till date and the said work will be fully completed by the stipulated time period i.e by 31.12.2025.

11. That, now pursuant to the affidavit filed by the Central Ground Board, Bhubaneswar and the recommendation made by the said board in Page-15 of their affidavit in Point Nos.1 to 4, the same has been categorically replied herein below:

(1) With regards to the point no 5(1) WATCO authorities are dealing with sewerage line of the household to prevent the contamination of ground water with NO₃.

(2) That the WATCO is responsible for supply of water for drinking & domestic purpose, hence they may be directed to discontinue use of abstraction structure for water supply.

(3) That Puri Municipality has started bio-mining of legacy through an agency namely Rohini Fire Safety Pvt.

Rajendra Kumar
Executive Officer,
Puri Municipality, Puri.

Rajendra Kumar

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Ltd. vide this office agreement signed on dt.17.10.2023. Further, the agency has bio-mined a quantity of 31220.01 MT of waste till date and will be fully completed as soon as possible within the stipulated time period. Further the WATCO and Central Ground Water Board, being the concerned authorities, the said authorities may be directed to take steps on treatment of ground water, to prevent leaching of contaminants like NO3 and PAH as suggested by the CGWB.

(4) The Puri Municipality is only concerned with bio-mining of legacy waste as aforesaid and regarding treatment of the ground water, the WATCO is the competent authority.

12. That, it is humbly submitted that, the drink from tap project is operated and maintained by WATCO and is not within the scope of Puri Municipality.

13. That, with regard to the averments made in the rejoinder affidavit, so far as the identification and accountability of individuals or entity responsible for the burning of the waste and proper surveillance, it is to state here in addition to the submission made in the aforesaid Para-7, with regard to the installation of CCTV Cameras, the agency Rohini Fire Safety has engaged 02 Nos. of security guards 24 hours at the dumping site at Baliapanda for ensuring and preventing trespassing at the site.

Rajnarayan
Rajnarayan
 Executive Officer,
 Puri Municipality, Puri.

Rajnarayan
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 Surendra Prasad Dhal
 Advocate
 NOTARY, CUTTACK

- 14. That, the deponent craves leave of the Hon'ble Tribunal, and also reserve the right, to file such further affidavit and documents, if it is so required, in course of hearing of the case.
- 15. That, the facts stated above are true to my knowledge, belief and based on materials on records.

Identified by
Ratikanta Barik
 Advocate's Clerk
08-5-2024

Prasanna Kumar
 Executive Officer,
 Puri Municipality, Puri
 DEPONENT

CERTIFICATE

Certified that due to non-availability of cartridge paper, this counter has been typed in white thick papers.

Place: *Cuttack*
 Date: *08-05-2024*

[Signature]
 Advocate



The above named Deponent
 Solemnly affirm on *08/05/2024*
 Being Identified
 by *R.K. Barik (A/C)*

S. Pradyumn Choudhary
 Surendra Prasad Dhal
 Advocate
 NOTARY, CUTTACK