



**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 46/2024/EZ**

Sridhar Samal Applicant

-Versus-

State of Odisha & Others Respondents

**PRELIMINARY COUNTER AFFIDAVIT FILED ON
BEHALF OF THE RESPONDENT NO. 8 (NHAI)**

I, Jai Prakash Verma, aged about 45 years, Son of Shri ram Rup Verma, at present working as PD, NHAI, PIU, Dhenkanal, Plot No. 1768, Near Kalinga Eye Hospital, Dakhinakali Road, Dhenkanal, Pin- 759001, Odisha, do hereby solemnly affirm and state as follows:

1. That I am working as Project Director, NHAI, PIU, Dhenkanal and competent to represent the Respondent No. 8 i.e. National Highways Authority of India, Regional Office, At- 301-A, 3rd Floor, Pal Heights, Jayadev Bihar, Bhubaneswar-751013, Email- roodisha@nhai.org in this case and otherwise acquainted with the facts of the case. I have gone through the Original Application and understood the contents thereof.

2. That, the applicant filed the above mentioned Original Application with the following prayer:


UMESH CHANDRA MOHANTY
(Advocate) E.No-O-643/1991
Mob-9338855711


NETAJI SANKU GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN.


परीयोजना निदेशक
PROJECT DIRECTOR
भारतीय राष्ट्रीय राजमार्ग प्रीधिकरण
National Highways Authority of India
प का.इ., डेकानाल / P.I.U., Dhenkanal

- I. Direction may be given to Opp. Parties to take steps to regularly clean the affected areas and take steps to reduce the accumulation of dust in the affected areas.
- II. Direction may be given to Opp. Parties to sprinkle water in the affected areas to reduce spreading of coal dust in the air.
- III. Direction may be given to Opp. Parties to take regular plantation programme in the affected areas as mentioned above.
- IV. Direction may be given to Opp. Parties to keep check on the trucks or other vehicles transporting coals or other minerals so that they transport those minerals properly by covering it properly. And if any trucks are found violating it heavy penalty may be imposed against those vehicles. Even direction may be given to install GPS in every trucks, so that there movement can be tracked.
- V. Direction may be given to Opp. Parties to properly function committee formed under National Clean Air Programme (NCAP) who at regular interval shall report the Hon'ble Tribunal



Adv.
UMESH CHANDRA MOHANTY
 (Advocate) E.No-Q-643/1981
 Mob-9338855711

W.S. Ghose
6/5/2014
NETAJI BABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-26/03
CUTTACK TOWN

Jai Prakash
 परियोजना निदेशक
 PROJECT DIRECTOR
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 प.का.इ., डेकानाल / P.I.U., Dhenkanal

about what steps has been taken to reduce the pollution of Talcher City.

VI. Or any other order(s), direction(s) may be pleased as deemed fit & proper.

But the aforesaid prayer as advanced against the answering Respondent No. 8 is wholly misconceived and there is no cause of action against the answering Respondent as such the same is liable to be rejected for the following facts stated herein below.

3. That, it is respectfully submitted that in the O.A No. 46/2024/EZ has been examined and it is found that matter is relates to alleged pollution issues arises due to the various plants & factories established along NH-149. The villages/locations mentioned in the writ petition stated to be exists along NH-149 does not pertain to NHAI. The small portion of NH-149 comes within the purview of NHAI which are also in traffic worthy conditions and there is no issues of pollutions as these are newly constructed. The details stretches of NH-149 which comes within the jurisdiction of NHAI vis-à-vis its status are given as under:-

4. That, The DPR of Banarpal to Ballahar Chhak & Ballhar Chhak to Godiabandha at Km 75+200 to Km 84+000 of NH-149 and at Km.314.130 to Km.321.000 of NH-53 (erstwhile Km.0.000 to km 8.800 of NH-23 & Km.




UMESH CHANDRA MOHANTY
 (Advocate) E.No-0-643/1997
 Mob-9338855714


NETAJI SABYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

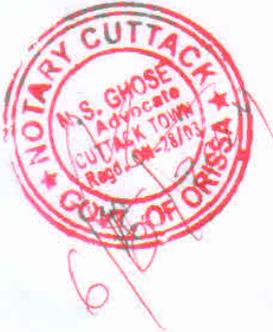

 परियोजना निदेशक
 PROJECT DIRECTOR
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 प.का.इ., डेकानाल, / P.I.U., Dhenkanal

295.020 to Km. 301.890 of NH-200 is under progress by NHAI. However, the stretch has not been handed over to NHAI by Govt. of Odisha. The stretch is being taken care of, by National Highways Division, Pallahara, Govt. of Odisha with regards to operation, repairs & maintenance of the said stretch.

5. That, a small portion of the stretch i.e. from Km. 8.844 to Km. 15.7215 comes within Project stretch of "Talcher to End of Kamakhyanagar Bypass Section of (Km. 8.844 – Km 15.7725) of NH 23 (New NH-149) and (Km 301.875- Km 335.946) of NH 200 (New NH 53) in the State of Odisha". The four laning of this section has already been completed and the stretch has been opened to traffic.

6. That, the Project stretch of NH-149 from Km 0.000 to 68.280 Km (Pallahara to Pitiri Section) to two lanes with paved shoulders was handed over to NHAI in the year 2020 which is also in traffic worthy condition.

7. That, in view of the statements made on behalf of the Respondent No. 8, NHAI above, the O.A filed by the Petitioner is liable to be rejected in limine and the answering Respondent No. 8 is no way responsible pertaining to any latches as alleged by the Applicant. Hence the Original Application against the Respondent



Umesh Chandra Mohanty
UMESH CHANDRA MOHANTY
 (Advocate) E.No-O-643/1991
 Mob-9338855711

M.S. Ghose
NETAJI SABYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

Jai Prakash
 परियोजना निदेशक
 PROJECT DIRECTOR
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 प.का.इ., डेकानाल, / P.I.U., Dhenkanal

No. 8 is liable to be rejected in limine. Thus in view of the above, no Parawise reply in the Original Application is necessary on behalf of the Respondent.

8. That, however the Respondents No. 8 craves the indulgence of this Hon'ble Tribunal to file further reply/objection at the time of hearing in the event of necessity and it is further humbly that the facts which are not specifically replied, the same are deemed to have been disputed and denied.

9. That the facts stated above are true to the best of my knowledge and belief.

Identified by

[Handwritten signature]

Advocate
UMESH CHANDRA MOHANTY
(Advocate) E.No-O-643/1991
Mob-9338855711

Jai Prakash Singh

परियोजना निदेशक
PROJECT DIRECTOR
DEPONENT
भारतीय राष्ट्रीय राजमार्ग प्रौद्योगिकी
National Highways Authority of India
ब.का.इ., देकानाल, P.I.U., Dhenkanal

CERTIFICATE

Due to non-availability of cartridge papers this matter has been typed in thick white papers.

Cuttack

Date : 06/05/2024

[Handwritten signature]

Advocate
UMESH CHANDRA MOHANTY
(Advocate) E.No-O-643/1991
Mob-9338855711

no above named deponent being identified by Mr./Ms. *U. Ch. Mohanty* Advocate appears before me *[Signature]* AM/PM. on this the *06/05/2024* 20..... solemnly affirms that the facts stated are true to his/her knowledge and belief.

[Handwritten signature]
NOTARY
CUTTACK TOWN
06/05/2024

