

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

OA. No. 68/2024/EZ
(Earlier Original Application No. 26/2024/PB)

IN THE MATTER OF:

Dr. LAXMIDHAR BISWAL

....APPLICANTS

VERSUS

STATE OF ODISHA & OTHERS

....RESPONDENTS

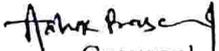
INDEX

Sl. No.	Particulars	Annexures	Page No.
1.	Counter Reply on behalf of Central Pollution Control Board, Respondent No. 5		




Sandeep Roy

Scientist D,
CPCB, Kolkata

Filed through

Counsel

Dated: 24/05/2024

Place: Kolkata

24 MAY 2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

**Original Application No. 68/2024/EZ
(Earlier Original Application No. 26/2024/PB)**

IN THE MATTER OF
Dr. LAXMIDHAR BISWAL

: APPLICANTS

VERSUS

STATE OF ODISHA & ORS.

: RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 05 i.e. CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

Brief Submissions:

1. I, Sandeep Roy son of late Shri Mahesh Chandra Roy, aged about 44 years old, working as Scientist D, at CPCB, Kolkata, having its office at Southend Conclave' Block No.502, 5th & 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby state as follows:

2. That I, in capacity of Scientist D, CPCB, have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to submit this reply on behalf of this Answering Respondent No.5.

3. That the CPCB is a statutory Board constituted under Section 3 of The Water (Prevention & Control of Pollution), Act 1974 (hereinafter referred to as "Water Act"). It performs functions under the Water Act, The Air (Prevention & Control of Pollution), Act 1981 (hereinafter referred to as "Air Act"), and under The Environment (Protection) Act, 1986. It is further submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States under the Water Act, 1974 and the Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.

4. At the very outset, it is humbly submitted that this Respondent No. 05 deny each averment and submission made in the letter petition, that are contrary to or inconsistent with the averments made and facts stated in the present Reply. It is respectfully submitted that nothing stated in the letter petition may be

24 MAY 2024

deemed to have been admitted by this Respondent unless and until the same is expressly admitted in the present Reply.

Reply to the Original Application:

5. That the letter petition submitted by the applicant is related to alleged encroachment of River Prachi during construction of the Model Bus Stand at Kakatpur, Odisha.

6. It is humbly submitted that, Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the "Requirements of prior Environmental Clearance (hereinafter referred to as EC)" and as per the above mentioned clause, the projects or activities which are falling under the category "A" of the Schedule of the EIA Notification, 2006; the project proponent therein shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent therein shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before carrying out the construction works.

7. That it is respectfully submitted that CPCB has classified industrial sectors and non-industrial sectors into Red, Orange, Green and White category based on pollution index and issued directions dated 07.03.2016, under section 18(1)(b) of the Water Act, and the Air Act to all SPCBs/PCCs to adopt and implement the same. As per the directions, Red, Orange, and Green categories are required to obtain consent from concerned SPCB/PCC and white category of industries are not required to obtain consent and intimation to concerned SPCB/PCC shall suffice. Further, SPCBs/PCCs have been directed to categorize new/left over sectors at the level of concerned SPCBs/PCCs following the CPCB methodology.

8. Further, it is humbly submitted that, in the instant matter a Joint committee (comprising of Representative of CPCB, Member Secretary, Odisha State Pollution Control Board and District Magistrate, Puri) has been constituted by Hon'ble NGT (PB) vide its order dated 16.02.2024 to ascertain the truthfulness of the allegations made in the letter petition, to suggest remedial measures and to submit a report over the same. Thereby, joint inspection has been carried out on 14.05.2024 by the Members of the Joint Committee constituted by Hon'ble NGT and report regarding the same is under preparation and the same shall be submitted by the District Magistrate, Puri (Nodal Agency) before Hon'ble NGT.

24 MAY 2024

2

9. That with regard to the averment made in Para 1 of the letter petition concerning information obtained by the applicant from Odisha State Police Housing and Welfare Corporation (hereinafter referred to as 'OPH &WC') vide RTI, it is submitted that Answering Respondent No. 05 herein is not privy to the information rendered by OPH &WC thereby no comments are offered over the same.

10. That with regard to the averments made in Paras 2, 3 and 4 of the letter petition concerning allegations about encroachment and environmental damage of River Prachi due to construction of Model Bus Stand at Kakatpur. It is humbly submitted that in the instant matter a Joint committee has been constituted by Hon'ble NGT (PB) vide its order dated 16.02.2024 to ascertain the truthfulness of the allegations made in the letter petition, to suggest remedial measures and to submit a report over the same. Thereby, the 'Joint Inspection' by the Hon'ble NGT appointed committee members, has been carried out on 14.05.2024 and report regarding the same is under preparation and the same shall be submitted by the District Magistrate, Puri (Nodal Agency).

11. In view of the above facts indicated in earlier paras, it is respectfully prayed that this Respondent No. 05 shall abide by any order or direction, passed by this Hon'ble Tribunal in the instant matter.




DEPONENT

24 MAY 2024

SL. NO. 11 4

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**IN THE MATTER OF
Dr. LAXMIDHAR BISWAL**

: APPLICANTS

VERSUS

STATE OF ODISHA & ORS.

: RESPONDENTS

AFFIDAVIT

I, Sandeep Roy son of Late Shri Mahesh Chandra Roy, aged about 44 years old, working as Scientist D, under the Central Pollution Control Board, Kolkata, having its office at Southend Conclave' Block No.502, 5th& 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm, declare on oath and state as under:-

1. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
2. That the accompanying reply has been drafted and filed under my instructions and authority, the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and based on available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

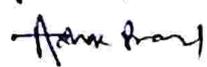

DEPONENT

VERIFICATION

Verified at Kolkata on this day of 24th, May, 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed there from or mis-stated.

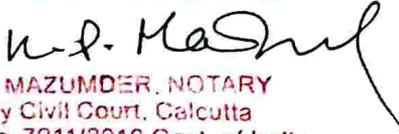
Verified at Kolkata on this the 24th Day of May, 2024


DEPONENT

Identified by me

A. Ananta



Solemnly Affirmed & Declared
Before me on Identification


K. P. MAZUMDER, NOTARY
City Civil Court, Calcutta
Reg. No. 7911/2010 Govt. of India

24 MAY 2024