

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

O.A. NO.147 OF 2023/EZ

In the Matter:

Pradeep kumar Pattanaik ...

Applicant

-Versus-

Union of India & others ...

Respondents

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1. Counter Affidavit on behalf of  
the Respondent No.11.

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Place: *Cuttack* By the Respondent No.11 through

Date: *24.05.2024*

*[Signature]*  
Advocate

Tarun Patnaik

O-663/2013

Email: [tarun.patnaik87@gmail.com](mailto:tarun.patnaik87@gmail.com)

Mob: 8447484424

Dr. Lalatendu Sahoo  
O.A.S.(S)  
General Manager  
OTDC Ltd.

*Lalatendu Sahoo*

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

O.A. NO.147 OF 2023/EZ

In the matter:

Pradeep kumar Pattanaik ... Applicant

-Versus-

Union of India & others ... Respondents

**AFFIDAVIT FILED ON BEHALF OF  
RESPONDENT NO.11, OTDC**

I, Dr. Lalatendu Sahoo , aged about 47 years,  
son of Sri Sartwaki Sahoo at present serving as  
General Manager, OTDC, Bhubaneswar, Dist. Khurda,  
do hereby solemnly affirm and state as follows:-

1. That, I am filing this affidavit in my capacity of being the General Manager, OTDC and have been duly authorised to sign and file the instant affidavit on behalf of the Managing Director, OTDC i.e. Respondent No.11 .
2. That, I have thoroughly gone through the contents of the Original Application and the Annexures filed therewith and have understood the contents thereof. I am well acquainted with the facts and circumstances of the case and as such competent to swear this affidavit.
3. That on a bare perusal of the Original Application will indicate that allegation against

*Surendra Prasad Dhal*  
Advocate  
NOTARY, CUTTACK

Dr. Lalatendu Sahoo  
O.A.S.(S)  
General Manager  
OTDC Ltd.

*Lalatendu Sahoo*



OTDC has been made only with respect to construction of Boat Club. Therefore, the deponent in the present affidavit limits its averment concerning the BOAT Club and its peripheral areas.

4. That, it is stated that the respondent no. 11 has not constructed any permanent structure in the river bed of Mahanadi, which changes the nature and character of the river bed violating the previous orders of the Honb'le Tribunal, as alleged by the applicant. It is also not a fact that that the respondent has created an artificial concrete island obstructing the free flow of perennial water source of River Mahanadi by creating a cafeteria, food court, liquor bar cum restaurant, etc. as stated by the applicant.

5. That the Department of Tourism has developed tourism facilities at the Silver City Boat Club constructed in the year 2008 over plot no. 93 (part), 94 (part), 95 (part) admeasuring a total of Ac 2.832. **Boat club has been constructed on the land along the river Mahanadi which has existed from times immemorial. The aforesaid plots of land over which BOAT Club existed is a separate and independent land parcel land and are not part of reclaimed land as mentioned in the**

Dr. Lalatendu Sahoo  
O.A.S.(S)  
General Manager  
OTDC Ltd.

Lalatendu Sahoo

*SPD-5*  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

application. The course of river has not changed due to construction of BOAT Club. The deponent states that no change has been to the land dimensions from the date of construction of Boat Club which will be evident from the photographs taken from Nov2010 onwards. The deponent craves leave of this Honb'le Tribunal to refer and rely on the photographs at the time of hearing, if necessary.

6. That the averment made in Para 10(vi) pertaining to obstruction of flow of Mahanadi and alterations of water pressure in 36 villages are disputed and denied. Such averments are not supported by any cogent evidence.
7. That it is pertinent to submit that the Original Application under reply primarily contains averments relating to the alleged impact of the reclaimed land of BARFI. The deponent has no role to play in the reclamation activity carried out by State Respondents.
8. That it is pertinent to submit that in the year 2022-23, due to paucity of land in the vicinity of the BOAT Club, an open parking abutting to the club with paver flooring was laid for the convenience of public. It is submitted that the pavers which have been laid are of a temporary

*Pras*  
**Surendra Prasad Dhal**  
 Advocate  
 NOTARY, CUTTACK

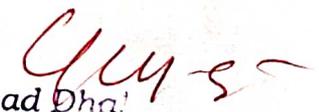
Dr. Lalatendu Sahoo  
 O.A.S.(S)  
 General Manager  
 OTDC Ltd.

nature and has no adverse effect on the free flow of water.

It is stated that the Parking area of BOAT Club has been surrounded by small brick wall as a security measure. Such parking area comes within the reclaimed area.

9. That in the year 2008, Administrative Approval for development of Tourism facility which includes floating jetty, illumination, restaurant, landscaping, etc. was accorded by the Department of Tourism. Subsequently, in the year 2020 and 2021, in the interest of Public and benefit of Tourist; administrative Approval were accorded by the Department of Tourism for renovation and up-gradation of the BOAT Club which includes food court, restaurant block, toilet block, children play area etc.
10. That the deponent humbly submits that the Google earth time-lapse video and Google earth images of the location will clearly show the naturally existence of the land mass on the bank of the river before any land reclamation was done for BARFI. It further submitted that there has been no change in the shape/ contour or the area where the Boat Club is existing.

Dr. Lalatendu Sahoo  
 O.A.S.(S)  
 General Manager  
 OTDC Ltd.

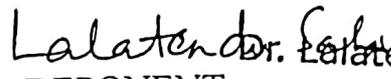
  
 Surendra Prasad Dha  
 Advocate  
 NOTARY, CUTTACK

- 11. That the deponent craves leave of this Honble Tribunal to alter/add/modify the present affidavit, if the same is necessary, in the interest of justice.
- 12. That, the facts stated above are true to the best of my knowledge and belief based on the available official records.

Identified by

  
Advocate

✓

  
Lalatendu Sahoo  
DEPONENT  
O.A.S.(S)  
General Manager  
OTDC Ltd.

VERIFICATION

I, Dr. Lalatendu Sahoo , aged about 47 years, son of Sri Sartwaki Sahoo at present serving as General Manager, OTDC, Bhubaneswar, Dist. Khurda do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed therefrom.

Verified at Cuttack on this the 04 day of May, 2024.



  
Lalatendu Sahoo  
VERIFICANT

The above named Deponent  
Solemnly affirm on 04-5-2024  
..... Being Identified  
by J. P. Choudhary (A/c)

04/5/2024  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK