

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

Sridhar Samal

...Applicant

VERSUS

State of Odisha & Others

...Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the of letter No.10219 dtd.05.07.2024. (ANNEXURE – R5/1)	
3.	Photocopy of the letter No.2701 dtd.25.07.2024 of the Collector & DM, Angul. (ANNEXURE – R5/2)	

SPCB Odisha, R.No.5

Through

Sri Dipanjan Ghosh,
Advocates for the Respondent No.5
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

Kolkata
Date:

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.46 OF 2024 / EZ

Sridhar Samal

...Applicant

VERSUS

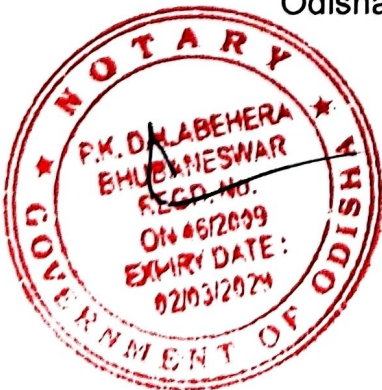
State of Odisha & Others

...Respondents

AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.5 IN COMPLIANCE TO
ORDER DTD.02.07.2024 OF THIS HON'BLE
TRIBUNAL.

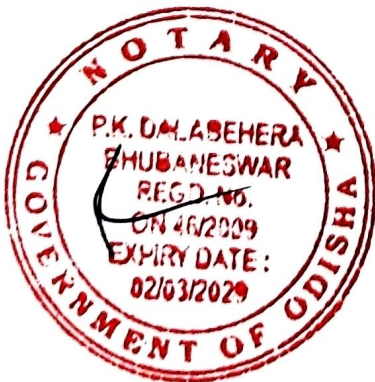


I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:



1. That I am the Member Secretary of the Respondent No.5 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That this Hon'ble Tribunal in their order dtd.02.07.2024 at para-7 has directed the R.No.5 Board to file a separate affidavit stating what action has been taken by it with regard to the observation contained in para-4 of the committee report. For proper appreciation, para-4 of the committee is extracted below.

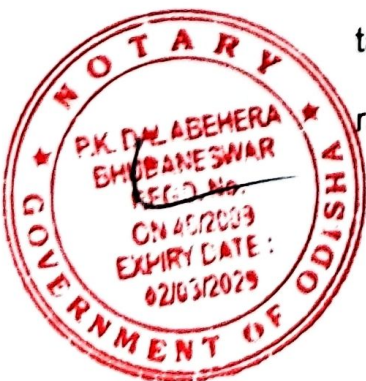
4. *The village namely Balhar, Lingaraj, Nandira, Cover belt area near Balanda, Thermal area, Tentuloi village, Badadanda Sahi, Baghamara and Diajharan are located at distance of about 5 km from the nearest coal mine of M/s. Jagannath Colliery (MCL), but these are located nearby NH-149. However, it was observed that, fugitive dust emission from the road (NH-149) during plying of vehicles were the major reason for dust nuisance in the nearby village area, which may be reduced*



through regular cleaning of deposited road dust and periodical maintenance of Roads. Also, no such damage of water bodies, cultivated land or decrease on productivity of the farming observed due to fly ash during visit.

3. That after receipt of copy of the order dtd.02.07.2024 of this Hon'ble Tribunal, the Regional Officer, Angul of the R.No.5 Board was asked vide letter No.10219 dtd.05.07.2024 to provide the status report in terms of para-7 of the order dtd.02.07.2024 for further action. A copy of letter No.10219 dtd.05.07.2024 is annexed to this affidavit and marked as **ANNEXURE – R5/1**.

4. That in pursuance of the letter dtd.05.07.2024 at Annexure-R5/1, the Regional Officer, Angul of the R.No.5 Board has taken up the matter with the Collector and D.M., Angul (R.No.3) and the R.No.3 has issued a letter No.2701 dtd.25.07.2024 to the Project Director, National Highway Authority of India (NHAI), Dhenkanal to take appropriate steps and submit the action taken report. A copy of the said letter was also provided to the



Regional Officer, Angul of the R.No.5 Board. A copy letter No.2701 dtd.25.07.2024 of the Collector & DM, Angul referred above is annexed to this affidavit and marked as ANNEXURE – R5/2.

5. That this affidavit is filed in compliance to the direction dtd.02.07.2024 of the Hon'ble Tribunal.
6. That the Respondent No.5 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
7. That the annexures annexed to the present affidavit are true and correct copies of their originals.
8. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.




DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

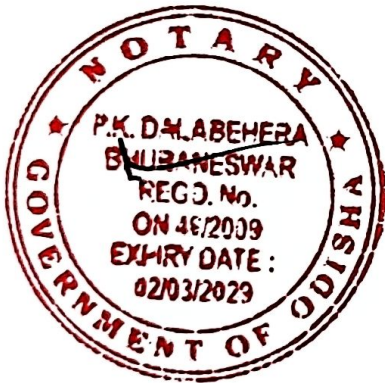
VERIFICATION:

I, the above named deponent, 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 Bhubaneswar on this the 31st day of July, 2024.

IDENTIFIED BY ME
S. Nayak
21/07/2024
ADVOCATE, BHUBANESWAR

[Signature]
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



THE ABOVE NAMED DEPONENT BEING IDENTIFIED BY.....*S. Nayak*..... ADV. BBSR APPEARS BEFORE ME AND STATE AN OATH ON.....*S. Nayak*.....AT ABOUT *3-40*.....AM/PM THAT THE CONTAINTS OF THIS AFFIDAVIT ARE TRUE TO THE BEST OF HIS/ HER KNOWLEDGE

[Signature]
P.K. DALABEHERA
Notary, Bhubaneswar
Regd. No. ON-46/09



ANNEXURE - R 5/1

EPABX: 2561909/2562847

Tel: 2562822, 2560955

Email: Paribesh1@ospceboard.org

Website: www.ospceboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]

**Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,
Bhubaneswar - 751 012, INDIA**

No. 10219

VII - L - Misc - 1081

Date: 5-7-2024

E-mail / Speed Post

To

The Regional Officer

SPC Board, Angul.

Sub: OA No.46/2024/EZ - Sridhar Samal v. State of Odisha & Others.

Sir,

The matter was taken up for hearing on 2.07.2024 and the Hon'ble Tribunal at para-7 of the order has issued direction to the Board to file a separate affidavit dealing with the action taken report with regard to the observation contained in para-4 of the committee report. A copy of the order is enclosed for your reference. You are requested to please provide the status report in terms of the order at para-7 of the Hon'ble Tribunal so that an affidavit will be filed much before 12.08.2024 the date fixed for hearing of this case.

Yours faithfully,

Encl: As above.


Member Secretary

ANNEXURE - R-5/2

ABDAAL M. AKHTAR, IAS
ଅବ୍ଦାଲ ମ. ଅଖତର, ଇ.ପ୍ର.ସେ



Collector and District Magistrate
Angul
ଜିଲ୍ଲାପାଳ ଏବଂ ଜିଲ୍ଲା ଦଣ୍ଡାଧିକାରୀ
ଅନୁଗୁଳ

Letter No. 2701 /Judl., File No. XVII-16/24, Dt 25.7.2024

To

The Project Director,
National Highway Authority of India (NHAI)
Dhenkanal.

Sub: Regular cleaning and maintenance of NH-149 passing through Talcher area in the district of Angul-reg.

Ref: Order dated 2.7.2024 of Hon'ble NGT in the matter of OA No.46/2024/EZ.

Sir,

In inviting a reference to the above cited subject, this is to inform that an Original Application is filed before Hon'ble National Green Tribunal, EZ, Kolkata by Sri Sridhar Samal alleging dust pollution in Talcher City due to plying of coal loaded trucks and damage of farm lands and water bodies due to fly ash. The matter is registered as OA No.46/2024/EZ. Upon hearing the matter on 6.3.2024, Hon'ble Tribunal has passed an order to constitute a Committee comprising of CPCB, SPCB, Collector and District Magistrate, Angul or his representative not below the rank of ADM, to inspect the site in question and submit a report. The committee comprising of ADM, Angul as Nodal Officer and Sr Scientist from CPCB, Kolkata, Regional Officer, SPCB, Angul as Members, has visited the site in question, on 20th and 21st March, 2024 on inquiry of the allegation raised in the matter and submitted the Report containing certain observations to Hon'ble Tribunal.

One of the observations of the Committee which is indicated in Para-4 of the Report, it is mentioned that fugitive dust emission was observed on the road (NH-149) during plying of vehicles being the major reason for dust nuisance in the nearby village area which may be reduced through regular cleaning of deposited road dust and periodical maintenance of roads. Hence, the Hon'ble Tribunal directed to take action on the above observation upon hearing the matter on 2.7.2024. As you are the Authority of NH-149, hence you are requested to take prompt action on maintenance of the stretch of NH-149 and its periodical cleaning to avoid re-suspension of deposited dust, near Talcher City, especially NH passing nearby village namely Balhar, Lingaraj, Nandira, Cover belt area near Balanda, Thermal area, Tentuloi village, Badadanda Sahi, Baghamara and Diajharan.

An action taken report may be submitted for appraisal of the Hon'ble Tribunal. The matter is listed next to be heard on 12.8.2024.

Yours faithfully,

Encl: 1) Hon'ble Tribunal Order dated 6.3.2024 & 2.7.2024
2) Committee Report.

Collector & District Magistrate,
Angul

Memo No. 2702 /Date 25.7.2024 /

Copy forwarded to the Regional Officer, State Pollution Control Board, Angul, Odisha for information.


Addl. District Magistrate,
Angul