

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No. 147/2023/EZ

Pradip Kumar Pattnaik-----Applicants(s)

Versus

Union of India & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 10 State  
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar  
Date: 22/04/2024

**Shri Apurba Ghosh**  
Advocate for Respondent No.10  
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Environment Impact Assessment Authority (SEIAA), Odisha

1. Dr. Kailasam Murugesen, IFS, son of late Paramasivam Kailasam aged 54 years, at present working as Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.

2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.10 before this Hon'ble National Green Tribunal.

3. That, I have gone through the original application order dated. 16.10.2023 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.

4. That, in reply to the averments made in the OA in regard to creation of an artificial concrete island by the respondent's



*[Signature]*  
MEMBER SECRETARY  
State E.I.A Authority  
Orissa, Bhubaneswar

obstruction the free flow of perennial water source of river Mahanadi by establishing a cafeteria, food court, liquor bar-cum-Restaurant, paid vehicle parking, paid picnic sport and large area surrounded by concrete wall and also many other constructions are going on at present by dumping and filling of sand soles of the river bed of river Mahanadi. The most of the points alleged by the petitioner are true and the details are mentions in site visit report submitted by Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha. Copy of the site visit report is attached in **Annexure-I**.

5. That, in this case the SEIAA, Odisha has not issued any environmental clearance (EC) for any types of construction and area development work.
6. That the annexure annexed to the present affidavit is true and correct copy of its original.
7. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.

That the deponent reserves the right to file further affidavit as and when necessary.



IDENTIFIED BY MB

Advocate

23.04.2024

SWORN BEFORE ME

Deponent

MEMBER SECRETARY  
State E.I.A Authority  
Orissa, Bhubaneswar

**VERIFICATION**

Verified at Bhubaneswar on this day of 23.04.2024  
that the contents of the above affidavits are true and correct on



the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: 23-04-2024

  
**Deponent**  
MEMBER SECRETARY  
State E.I.A Authority  
Orissa, Bhubaneswar

**NOTARISE**

  
23-04-2024

**DUSASAN SAMANTARAY**  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR, ODISHA  
REGD. NO. 88/2012  
MOB-9439143015



**Inspection report of Mahanadi River at Baliyatra Ground of Cuttack City in regard to OA No.147/2023/EZ-Pradip Kumar Pattnaik Vs Union of India & Ors**

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As per the direction of the Hon'ble NGT order dt.16.10.2023.in OA No 147-EZ/2023/Pradip Kumar Pattnaik Vs Union of India & Ors. with directed that all the Respondents shall file their counter-affidavits within four weeks. In this case the SEIAA, Odisha has not issued any environmental clearance (EC) for any type of construction and area development at Mahanadi River bank near Baliyatra ground of Cuttack City. Hence, before filling counter affidavit we think it is appropriate a site visit in respect to allegation made in O.A. by the petitioner. Accordingly, I Dr. Pradeept Kumar Nayak, Environmental Scientist, SEIAA, Odisha have visited the alleged site on 22.04.2024 and the following observation was as follows:

**Observations: -**

1. The Cuttack is an old city of Odisha and also was capital of Odisha till 18<sup>th</sup> August 1949 and later Bhubaneswar became a new capital on 19<sup>th</sup> August 1949 replacing Cuttack. The Cuttack city is surrounded with water in four side of both Mahanadi River and Kathajodi River (one branch of Mahanadi). The alleged site of Baliyatra Padia and its adjoining area is around 426 acres created through deposition of sand of Mahanadi River and presently looks like a River Bank. In the KML file time series starting from 2009-10 to till date it appears that earlier there was natural flow of Mahanadi river water closed to Ring Road of Cuttack city and the entire alleged area in swampy conditions and sand later sand filling at Baliyatra ground area and day-by-day no water flow or water channel appears closed at Ring Road side due to putting red morrum in that area.
2. Presently, around 138 acres land known as Baliyatra ground or Padia is covered with red morrum by District Administration and very few tree species are existing there. It is observed that cemented steps bathing place has been constructed near Gadagadia Ghata of Baliyatra Padia and maintained by Cuttack Municipality Corporation (CMC). A Children Parks exists at Baliyara ground surrounded by cemented wall with Iron sheet barricade. Some many electric poles with electric connection exist in the Baliyatra ground may be used during festival time.
3. It is observed that a Siver City Boat Club exists near to Baliyatra ground located bank of River Mahanadi River with connecting a concrete road from Ring Road to the main gate of Siver City Boat Club. Inside the club different facilities like Open Air Theater,



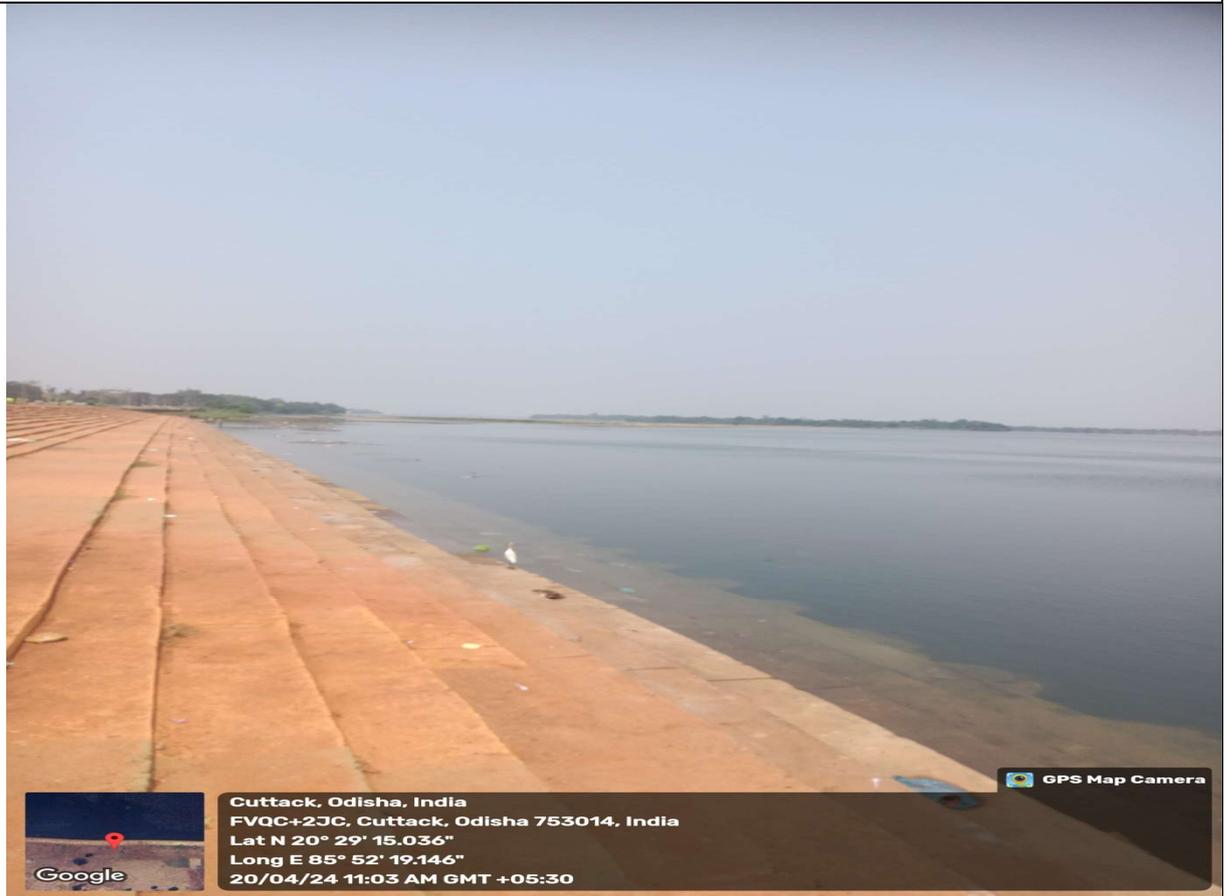
5  
Cafeteria, Multipurpose Rooms, Water Sports through boating, play area, Restaurant, Food Court etc. are exist for paid visitors. Besides that, vehicles parking facilities are available nears the left side of entry gate.

4. The right side (east direction) gate of Siver City Boat Club, there is an Indian Oil Corporation Ltd. (IOCL) Office and basically constructed for purpose to supply water for Paradip Refinery.
5. The east side /right side of Baliyatra ground which is just before the Siver City Boat Club main gate, there is a place where are some construction materials exist there was observed during visit but the exact work inside that area in not clear as it is not possible to enter that place due nasty conditions and the gate was closed.
6. It is observed that plantation was made in some part of the area opposite of side of Baliyatra ground and a small nursery also exist in right side of the Indian Oil Corporation Ltd. (IOCL) Office and closed to river Bank. The height of tree species planted forest dept. is around 1 to 1,5 meter surrounded through cemented pole with iron wire. In the KML file it is observed that nearly 2010, the IOCL construction started and some parts of Siver City Boat Club also started by Sea Shore Group of Company but during 2022-23 the building and some other facilities of Siver City Boat Club constructed.
7. It is observed that there is a Liquor Bar cum Restaurant and Paid Vehicle Parking are existed there which is located opposite side of Baliyatra ground and closed to Ring Road.
8. It is also observed that some sand dunes created and exit at Mahanadi River bank of Jobra Barrage side and may be through sand pumping system. There are excavation work going on including iron pillar posting at Jobra Barrage side of Baliyatra ground area.

 22/04/2024

Dr. Pradeep Kumar Nayak  
Environmental Scientist, SEIAA, Odisha.

Photographs of site visit at Baliyatra ground on 22.04.2024







GPS Map Camera



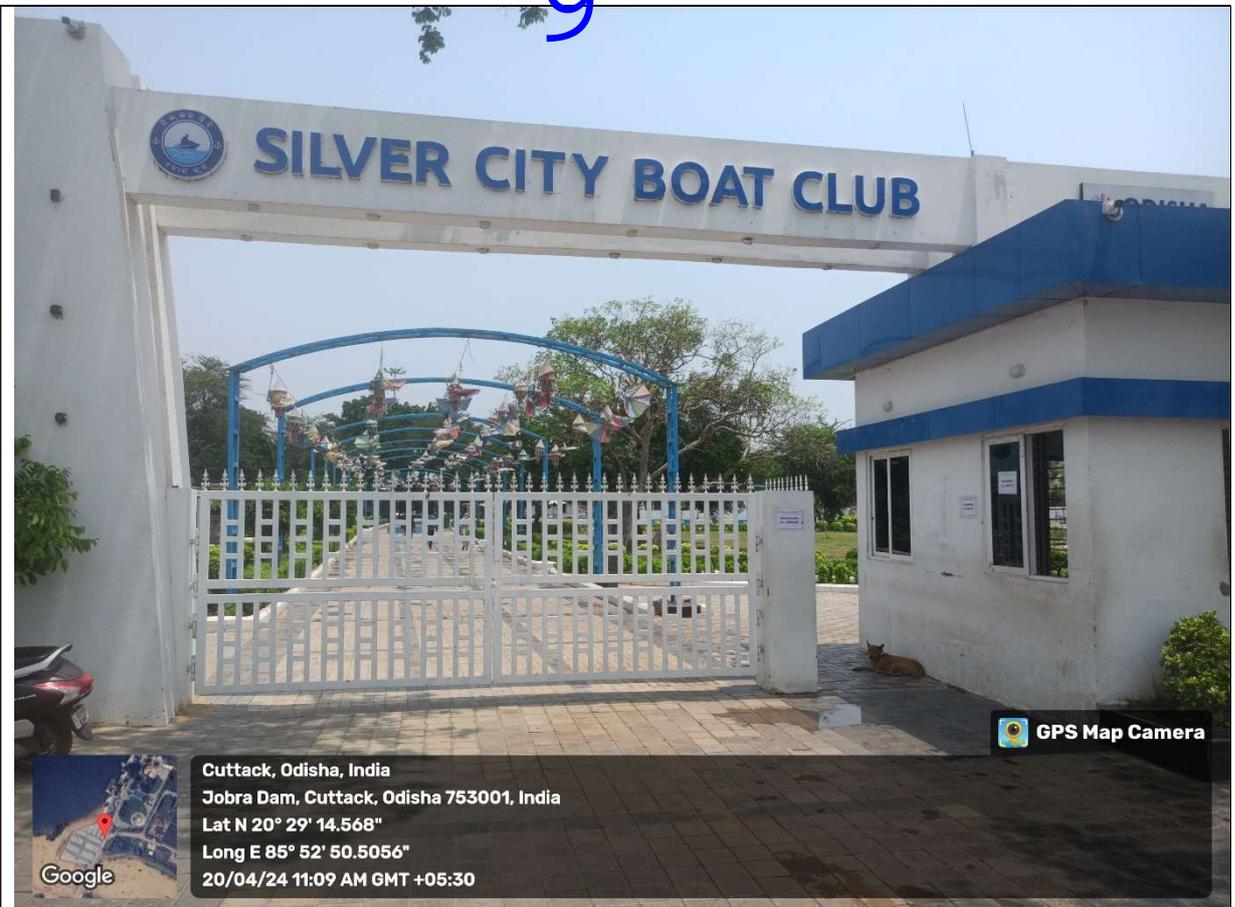
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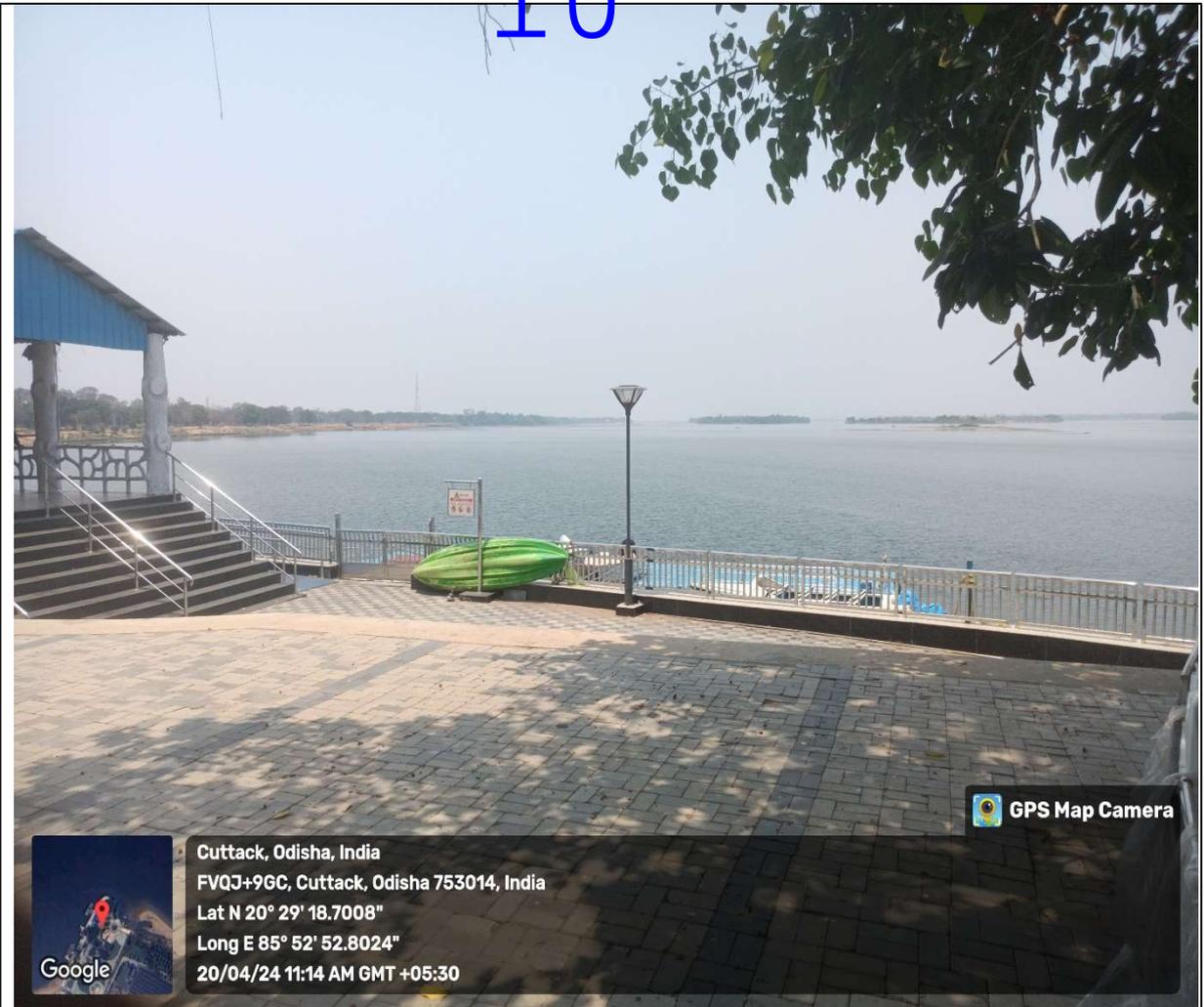


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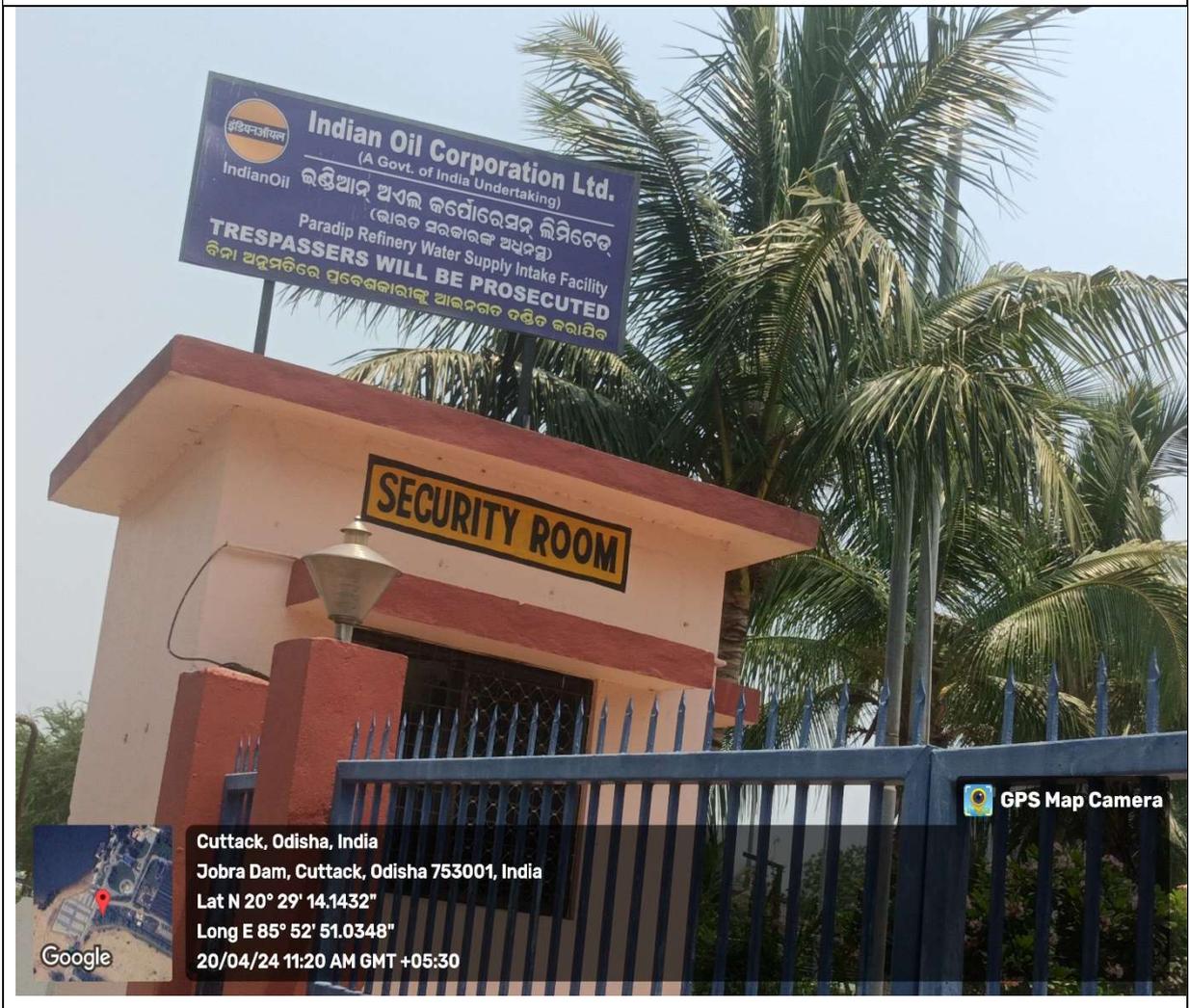
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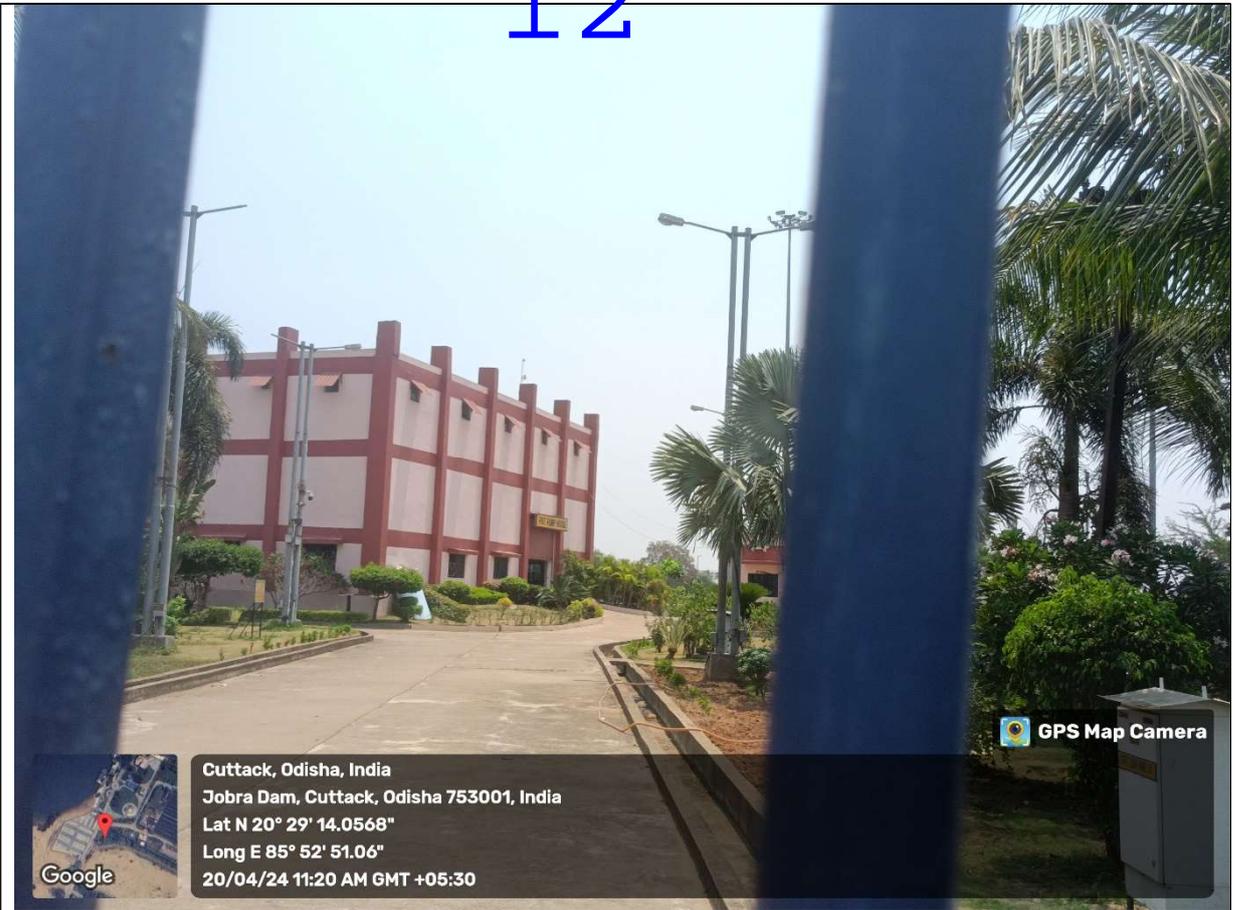
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