

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

INTERIM APPLICATION NO. OF 2024

(Arising out of OA No.109/2024/EZ)

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CUTTACK

DATE: 13.08.2024


ADDL.STANDING COUNSEL



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

INTERIM APPLICATION NO. OF 2024

(Arising out of OA No.109/2024/EZ)

IN THE MATTER OF;

An application for grant of one month time to file a detailed and comprehensive counter affidavit to the aforesaid original application as well as stating the action taken on the basis of the report;

And

IN THE MATTER OF;

Smt. Haripriya Patel

... APPLICANT

-VERSUS-

State of Odisha & others

... RESPONDENTS

The humble petition of the above named, Respondents no.3;

MOST RESPECTFULLY SHEWETH;

1. That this OA has been filed alleging as follows:

- i) There is extensive pollution of Kanjia and Kiakani lakes situated between Nandankanan Zoological park and Nandankanan Botanical garden and also depletion of ground water.
- ii) Due to urbanization and construction of buildings and share and purchase of land around of periphery of the

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

Smt. Kumar Sanyal

Nandankanan wildlife sanctuary area, there is a gradual shrinkage and depletion of forest land.

- iii) Untreated polluted effluents from the buildings are being poured into the lakes through nallas thereby polluting the water of the lakes. It is stated that water from these lakes is transported through pipes for requirement of Zoo animals of the Nandankanan Zoological Park.

2. That this Hon'ble NGT vide Order dated 04.07.24 passed in O.A No.109/2024/EZ directed to constitute a fact finding committee to elicit the veracity of the allegations comprising of the following members:

- i. Senior Scientist, Odisha State Pollution Control Board, and
- ii. Divisional Forest Officer, Khordha.

Further this Hon'ble Tribunal directed that the Divisional Forest Officer, Khordha shall be the Nodal officer for all logistic purposes and for filing the report of the committee on affidavit.

3. That the Divisional Forest Officer received the order of the Hon'ble National Green Tribunal through Member Secretary, State Pollution Control Board, Odisha on dtd.26.07.2024 wherein the Member Secretary, State Pollution Control Board nominated Dr. Sohan Giri, the Senior Environmental Scientist and Regional Officer, Bhubaneswar to represent the Board in the Committee constituted by the Hon'ble Tribunal.

4. That the regular Divisional Forest Officer is on leave from 01.08.2024 to 19.08.2024. A copy of the Govt. order dated 26.07.24 is enclosed herewith for reference as ANNEXURE-1. Accordingly the

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

Ajit Kumar Satapathy

Divisional Forest Officer, City Forest Division now in- Additional Charge of this Division had fixed a date on 02.08.2024 for site inspection. During preliminary enquiry, it was ascertained that, the area in question is under the administrative jurisdiction of the Director, Nandankanan. Hence the Director, Nandankanan was also requested to send their representative to assist the Committee on that date. A copy of the letter dated 01.08.24 is enclosed herewith for reference as ANNEXURE-2.

5. That accordingly the Divisional Forest Officer, City Forest Division now in- Additional Charge of this Division had inspected the site on 02.08.2024 along with the member of State Pollution Control Board, Odisha & Deputy Director, Nandankanan.

6. That as per documents received from Director, Nandankanan, the present position of the two lakes are under analysis as the area of two lakes are very vast i.e Lake Kanjia spreads over 75 hectres and lake Kiakani spreads over 25 hectres & comes under the protected area of Nandankanan sanctuary. Further due to the ensuing monsoon season and rain, it became difficult on the part of the Committee to ascertain the actual position.

It is relevant to state that water samples of the lake have been collected by the representative of the State Pollution Control Board, Odisha and the analysis of the same is under process. The Deputy Director, Nandankanan has been advised to find out the actual encroachment of forest area around and surrounding the Lake Kanjia and lake Kiakani and report compliance. It is humbly submitted that due to the abovementioned difficulties, the fact finding Committee

M.S.G.
NETAJI SABYASACHI GHOSE
 NOTARY PUBLIC
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 CUTTACK TOWN

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Report could not be filed within the time granted by this Hon'ble Tribunal.

7. That since several allegations have been made in the Original application against the State Respondents, the same have to be answered by way of filing of a detailed affidavit by the State Respondent No.3 with supporting documents, which will take reasonable time. Therefore, in the interest of justice, equity and fair play, at least one month further time may kindly be granted to the State Respondents for filing of the fact finding Committee Report in shape of an affidavit in the facts and circumstances of the case.

8. That this petition is made bonafide.

PRAYER

It is therefore, humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow this petition and be further pleased to grant one month time for filing of fact finding Committee Report in shape of an affidavit by the State Respondent No.3 in the facts and circumstances of the case.

And/or pass any other order/orders as this Hon'ble Tribunal may deem it fit and proper in the interest of justice.

And for this act of kindness, the state-respondents as in duty bound shall ever pray.

CUTTACK

DT. 13/8/2024

BY THE STATE/RESPONDENT NO.3
THROUGH

ADDL.STANDING COUNSEL

M.S. Ghose
13/8/2024
NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

Appt Kumar Satapathy

AFFIDAVIT

I, Sri Ajit Kumar Satpathy, OFS,(SB), aged around 58 years, son of Late Sitaram Satpathy, at present working as Divisional Forest Officer, City Forest Division with additional charge of Khordha Forest Division, at O/o the Divisional Forest Officer, Khordha ,Odisha-752055, do hereby solemnly affirm and state as follows;

1. That, I am the respondent no.3 in the original application and competent to swear this affidavit.
2. That the facts stated above are true to the best of my knowledge, belief and based on records.



Identified by
N.S. Ghose
 13/8/2024
 Advocate

Ajit Kumar Satpathy
 DEPONENT

Divisional Forest Officer
 Khordha Division, Odisha

Certified that cartridge papers are not available.

CUTTACK

DATE: 13.08.2024

[Signature]
 ADDL.STANDING COUNSEL

The above named deponent being identified by Mr./Ms. *N.S. Ghose* Advocate appear/s before me at *4 P.M.* AM/PM. on this the *13/8/2024* 20th solemnly affirms that the facts stated are true to his/her knowledge and belief.

[Signature]
 NOTARY
 CUTTACK TOWN
 13/8/2024

28
29/7/24

GOVERNMENT OF ODISHA
FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

OFFICE ORDER

Bhubaneswar, Dated the 26.07.24

No.FE-FE1-FE-0003-2022 13696 /FE&CC, Ms. Poornima P., IFS, DFO, Khurdha Forest Division is allowed to avail Earned Leave for the period from 01.08.2024 to 17.08.2024 suffixing public holidays on 18.08.2024 & 19.08.2024 along with permission to leave Headquarters (beyond India to Indonesia and Singapore) on private ground under AIS (Leave) Rules, 1955 and DFO, City Forest Division is allowed to remain in additional charge of DFO, Khordha Forest Division during said period.

[Signature]
26.7.2024

Additional Secretary to Government

Memo No. 13697 /FE&CC., Dated 26.07.24

Copy forwarded to the A.G. (A&E), Odisha/ A.G. (Audit I & II), Odisha, Bhubaneswar for information & necessary action.

[Signature]
26.7.2024

Additional Secretary to Government

Memo No. 13698 /FE&CC, Dated 26.07.24

Copy forwarded to the P.S. to Hon'ble Chief Minister for kind information of Hon'ble Chief Minister/P.S. to Hon'ble Minister, FE&CC, L& ESI for kind information of the Hon'ble Minister.

[Signature]
26.7.2024

Additional Secretary to Government

Memo No. 13699 /FE&CC., Dated 26.07.24

Copy forwarded to the P.S. to Chief Secretary, Odisha for kind information of Chief Secretary/ P.S. to Additional Chief Secretary, FE&CC Department for kind information of Additional Chief Secretary / Director, Environment, FE&CC Deptt. / Special Secretaries / Additional Secretaries, FE&CC Department for information and necessary action.

[Signature]
26.7.2024

Additional Secretary to Government



True copy attached PTD

[Signature]

Divisional Forest Officer
Khordha Division, Khordha

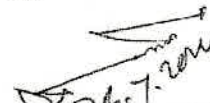
Memo No. 13700 /FE&CC., Dated 26.07.24

Copy forwarded to the GA & PG (SE) Deptt./ GA & PG (AIS) Deptt. for information and necessary action.


26.7.2024
Additional Secretary to Government


Memo No. 13701 /FE&CC, Dated 26.07.24

Copy forwarded to the PCCF, Odisha/ PCCF (WL) & CWLW, Odisha/ PCCF (KL), Odisha/ RCCF, Bhubaneswar Circle for information and necessary action.


26.7.2024
Additional Secretary to Government

Memo No. 13702 /FE&CC, Dated 26.07.24

Copy forwarded to Ms. Poornima P., IFS, DFO, Khurdha Forest Division/ DFO, City Forest Division for information and necessary action.


26.7.2024
Additional Secretary to Government

True copy attached



Divisional Forest Officer
Khurdha Division, Odisha

OFFICE OF THE DIVISIONAL FOREST OFFICER, KHORDHA DIVISION, KHORDHA
AT/PO/DIST. - KHORDHA
Tele No. (06755) 222825
Email ID - dfo.khordha@odisha.gov.in

No. 4877A 4F-Misc.-373/2024
Dated Khordha, the 01st August, 2024

To.

The Director,
Nandankanan Zoological Park,
P.O- Baranga, Dist- Cuttack.

Sub:- O.A No.109/2024/EZ, filed by Smt. HariPriya Patel Vrs State of Odisha and Others.

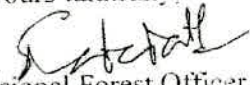
Sir,

With reference to the subject cited above, it is to inform that, as per order dated 04.07.2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata on the O.A case no. 109/2024/EZ filed by Smt. HariPriya Patel, a field verification is going to be held on 02.08.2024 at 11AM for preparation of committee report to be filed through affidavit before Hon'ble NGT,EZ Bench, Kolkata. On preliminary enquiry, it is ascertained that the proposed area belongs to your administrative jurisdiction.

Therefore, it is requested to depute a representative to attend the field verification on the scheduled date, time and venue.

Encl:-As above.

Yours faithfully,


Divisional Forest Officer,
Khordha Division, Khordha

True copy attached


Divisional Forest Officer
Khordha Division, Khordha