

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

M.A. NO.25/2024

IN

(ORIGINAL APPLICATION NO. 48 OF 2021 / EZ)

Nabin Kisan

...Applicant

VERSUS

Govt. of Odisha & Others

... Respondents

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SPCB Odisha, R.No.4

Through

Sri Dipanjan Ghosh,
Advocates for the Respondent No. 4
(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
 M.A. NO.25/2024
 IN
 (ORIGINAL APPLICATION NO. 48 OF 2021 / EZ)

IN THE MATTER OF:

Nabin Kisan ...Applicant

VERSUS

Govt. of Odisha & Others ...Respondents

AFFIDAVIT ON BEHALF OF STATE POLLUTION CONTROL BOARD, ODISHA, RESPONDENT NO.4 IN COMPLIANCE TO ORDER DTD.05.07.2024 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.4 Board and, as such, am well-acquainted with the facts and

14 AUG 2024



Handwritten signature

circumstances with the case and competent to swear this affidavit.

2. That, this Hon'ble Tribunal vide their order dtd.20.5.2022 has been pleased to dispose of the aforesaid OA with certain direction contained in para-16 of the said order.
3. That it is humbly submitted that the Hon'ble Tribunal at para-16 (e) has directed as follows:

(e) The Odisha State Pollution Control Board shall determine Environmental Compensation with regard to degradation of environment on account of discharge of untreated sewage and sullage in Govt./Private land without following the guidelines of Solid Waste Management Rules, 2016. The Environmental Compensation assessed accordingly shall be paid by the Belpahar Municipality and deposited with the Odisha State Pollution Control Board. The Odisha State Pollution Control Board will utilise the amount for restoration of damage caused on account of such untreated discharge.

4. That the R-4 Board in the affidavit dtd.24.08.2022 has submitted the compliance of the direction dtd.20.05.2022 of this Hon'ble Tribunal passed in the OA.



5. That this Hon'ble Tribunal on its own motion has initiated MA No.22/2022/EZ and directed all the respondents to file a report of compliance by 30.08.2022 to the direction dtd.20.05.2022 of this Hon'ble Tribunal indicated above.
6. That the Hon'ble Tribunal vide their order dtd.17.10.2022 has been pleased to dispose of the MA No.22/2022/EZ after taking into consideration the affidavits filed by the respondents showing compliance status of their direction. As regards the R-4 Board is concerned, the same has been dealt in para-9 & 10 of the order dtd.17.10.2022, which are given below:

9. An affidavit dated 24.08.2022 has been filed by the Odisha State Pollution Control Board stating that the sum of Rs.28,00,000/- (Rupees Twenty-Eight Lakhs only) has been determined as Environmental Compensation. It is also stated that this determination of Environmental Compensation was challenged by the Respondent No.2 i.e. Belpahar Municipality before the Hon'ble Supreme Court in Civil Appeal No.5849/2022 and the said Civil Appeal has been dismissed by the



Hon'ble Supreme Court by its order dated 05.09.2022. The copy of the order of Hon'ble Supreme Court has been placed on record.

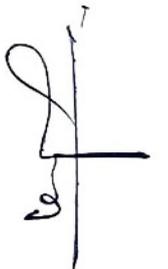
10. In this view of the matter, the Belpahar Municipality is required to deposit the Environmental Compensation of Rs.28,00,000/- (Rupees Twenty-Eight Lakhs) with the State Pollution Control Board, Odisha within Fifteen (15) days.

7. That in compliance to the direction dtd.17.10.2022 of the Hon'ble Tribunal the Board has requested the Executive Officer, Belpahar Municipality (R-2) vide letter No.19801 dtd.27.10.2022 to deposit the Environmental Compensation of Rs.28,00,000/-. A copy of the letter No.19801 dtd.27.10.2022 is annexed to this affidavit and marked as **ANNEXURE – R4/A**.

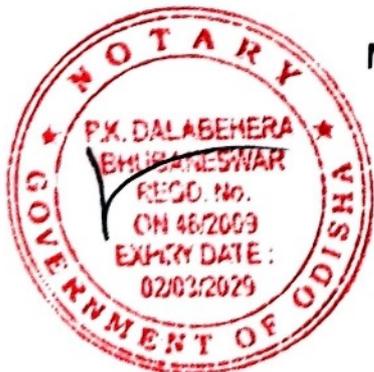
8. That in pursuance to letter dtd.27.10.2022 of the R-4 Board at Annexure-R4/A, the R-2 has deposited Rs.28,00,000/- towards Environmental Compensation in the accounts of the Board on 05.11.2022.



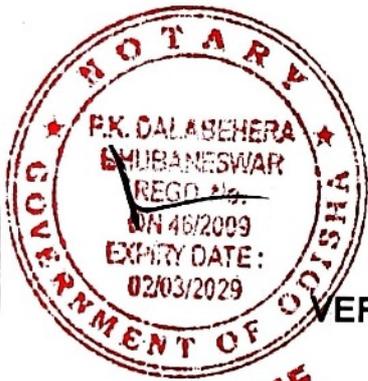
9. That the committee under the chairmanship of Chief Secretary, Govt. of Odisha has deliberated the issue regarding Environmental Compensation Fund maintained by the R-4 Board which are deposited by virtue of direction of this Hon'ble Tribunal from time to time and the Forest, Environment & Climate Change Deptt. Govt. of Odisha vide order No.6124 dtd.28.03.2024 has decided to transfer the amount of Rs.28,00,000/- deposited by the R-2 local body to the Agriculture Department, Govt. of Odisha. A Copy of Office Order No.6124 dtd.28.03.2024 dealing with the release of fund has been dealt in Sl.No.3 of the said order, which has been annexed to this affidavit and marked as **ANNEXURE – R4/B.**
10. That the R-4 Board in pursuance of the order of the FE&CC Deptt. Govt. of Odisha vide Sanction Order No.4722 dtd.30.03.2024 has sanctioned the amount of Rs.28,00,000/- in favour of Agriculture Department, Govt. of Odisha for restoration of damaged caused by untreated sewage discharged by the Belpahar Municipality. A copy of the Sanction Order dtd.30.03.2024 dealing with the issue appeared at Sl.No.13 is annexed to this affidavit and marked as **ANNEXURE – R4/C.**



11. That the R-4 Board vide letter No.11766 dtd.30.07.2024 has requested the Principal Secretary to Govt., Agriculture and Farmers Empowerment Deptt., Govt. of Odisha, Bhubaneswar to provide the necessary bank details for transferring the fund of Rs.28,00,000/- in their favour for necessary utilisation. As no response has been received to the letter dtd.30.07.2024, a reminder has been issued vide Board's letter No.12631 dtd.12.08.2024 to the Principal Secretary to Govt., Agriculture & Farmers Empowerment Deptt. A copy of letter No.11766 dtd.30.07.2024 and No.12631 dtd.12.08.2024 are annexed to this affidavit and marked as ANNEXURE – R4/D and ANNEXURE – R4/E respectively.
12. That it is further humbly submitted that the R-4 Board will release / transfer the amount soon after the bank details is received from the Agriculture & Farmers Empowerment Deptt. for utilisation of the said amount.
13. That the R.No.4 Board is filing this affidavit in compliance to order dtd.05.07.2024 of this Hon'ble Tribunal passed in MA No.25/2024/EZ in OA No.48/2021/EZ.



- 14. That the Respondent No.4 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
- 15. That the annexures annexed to the present affidavit are true and correct copies of their originals.
- 16. 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.



[Signature]
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 14th day of August, 2024.

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

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

IDENTIFIED BY ME
[Signature]
 ADVOCATE, BHUBANESWAR

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

ANNEXURE-R4/A



EPABX: 2561909/2562847
 Tel: 2562822, 2560955
 Email: Paribesh1@ospcboard.org
 Website: www.ospcboard.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. 19801

Date: 27.10.2022

VII - L - Misc - 865

Speed Post / E-mail

To

The Executive Officer
 Belpahar Municipality
 At/ PO - Belpahar
 Dist - Jharsuguda
 Odisha - 768217
 E-mail - nacbelpahar@gmail.com

Sub: OA No.48/2021/EZ - Nabin Kisan v. State Govt. of Odisha & Others.

Ref: This Board letter no.18782 dtd.12.10.2022.

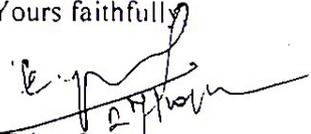
Sir.

In continuation to our above letter, this is to inform you that in the meantime, the matter was taken up for hearing by the Hon'ble Tribunal in MA No.22/2022/EZ arising out of the aforesaid OA and the Hon'ble Tribunal in their order dtd.17.10.2022 has been pleased to direct you to deposit the environmental compensation of Rs.28,00,000/- with the State Pollution Control Board, Odisha within 15 days.

Hence, you are requested to please deposit the said amount within the stipulated time fixed by the Hon'ble Tribunal indicated above in the manner mentioned in our letter under reference. A copy of the order dtd.17.10.2022 is enclosed for your reference.

Encl: As above.

Yours faithfully


 Member Secretary

Memo No. 19802 / Date: 27.10.2022

E-mail

Copy along with copy of enclosure forwarded to the Regional Officer, SPC Board, Jharsuguda for information and necessary action.

Encl: As above.


 Member Secretary

Government of Odisha
Forest, Environment & Climate Change Department

No. FE-ENV2-Meeting-0003-2024 6124 /FE&CC, Bhubaneswar, Dated the 28.03.24

ORDER

In accordance with the FE&CC Department Notification No. FE-ENV1-ENV-0103-2022/4420, Dt.13.03.2024, the Committee under the Chairmanship of the Chief Secretary approves that the following projects be taken up by the respective implementing Departments / Agencies with immediate effect.

Sl. No.	Project Description	NGT Order	Project Cost (in Rs. Lakhs)	Implementing Agency
Projects under specific list				
1	Water Conservation Programs in Tel river catchment area	OA No. 1/2026/EZB	2500.00	Water Resource Department Govt. of Odisha
2	Installation of CWQMS in Kuradibahal Nallah and Parang MIP	OA No. 141/2017/EZ	50.00	SPCB
3	Restoration of damage caused by untreated sewage discharge by Belpahar Municipality	OA No. 48/2021/EZ	28.00	Agriculture Department
4	GIS Based Decision Support System for the state of Odisha	OA No. 1038/2018	300.00	SPCB
5	Environmental monitoring of Ib valley and Jharsuguda area as per the CEPI framework	OA No. 1038/2018	100.00	SPCB
	Total		2978.00	
Projects under Non-Specific List				
6	Ground water quality monitoring in 140 stations around contaminated sites, industrial, mining, dump sites, artificial ground water recharge areas and habitational areas and developments SOPs through R&D activity for minimizing pollution of ground water		190	SPCB
7	Procurement of mobile monitoring van for waste		200	SPCB

850

6

20/5

Sr. Asst. Officer

28/3/24

Sr. Asst.

82



	water analysis.			
8	Installation of CWQMS and flow measurement stations in small rivers flowing within industrial areas (Ganda Nallah, Lingara, Karo and Kuradih Nallah)		60	SPCB
9	R&D project on Quantification of micro-plastics in soil and ground water around municipal dump sites (Procurement Micro FTIR and Pyrolyzer kit for GCMS)	OA No. 251/2022	125	SPCB
10	R&D project on Assessment of fluoride contamination in the vicinity of smelter plants.		25	SPCB
11	R&D project on assessment of water pollution in Ganga river basin covering Bhubaneswar and pilot implementation of waste water treatment water conservation measures		60	SPCB
12	R&D Project on water and waste water use in units covered under Consent Management system of SPCB piloting innovative water treatment technologies.		30	SPCB
13	Carrying capacity assessment of Brahmani-Baitarani Basin area		30	SPCB
14	Capacity audit of Common BMW treatment facility and gap analysis.		25	SPCB
	Total		745	
	GRAND TOTAL		3723	

The State Pollution Control Board shall transfer the fund amounting to Rs.3723.00 Lakhs (Rupees Three thousand Seven hundred twenty-three lakhs only) to the respective Departments/Agencies from the Environmental Compensation Fund maintained by the Board as per the above allocation.

The fund under the projects shall be utilized for the specific purpose as above following OGFR Rules and the utilization certificate may be submitted to the Member Secretary, State Pollution Control Board, Bhubaneswar.

[Signature]
29/03/24

Additional Chief Secretary to Government

Memo No. 6125 / FE&CC, Dt. 28.03.24

Copy forwarded to the Gazette Cell, Commerce & Transport Department (Commerce) for publication of the Notification in the next issue of the Odisha Gazette and supply 25 copies of the same to this Department.

[Signature]
28/03/24
Director, Environment-cum-Special Secretary to Government

Memo No. 6126 / FE&CC, Dt. 28.03.24

Copy forwarded to the Principal Secretary to Govt., Agriculture & Farmers' Empowerment Department, Govt. of Odisha for information and necessary action.

[Signature]
28/03/24
Director, Environment-cum-Special Secretary to Government

Memo No. 6127 / FE&CC, Dt. 28.03.24

Copy forwarded to all members of the Committee for information and necessary action.

[Signature]
28/03/24
Director, Environment-cum-Special Secretary to Government

Memo No. 6128 / FE&CC, Dt. 28.03.24

Copy forwarded to all Departments of Government / All Heads of Department / All Revenue Divisional Commissioners / All Collectors for information.

[Signature]
28/03/24
Director, Environment-cum-Special Secretary to Government

ANNEXURE-R4/C



FAX : 2564033/2560955

Tel : 2564033/2563924

EPABX : 2561909/2562847

Website: www.ospcheard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]

ParibeshBhawan, A/118, Nilakantha Nagar, Unit - VIII

Bhubaneswar - 751 012, INDIA

No. 4222 / II/Accts/75/2023-24Dt: 30/03/2024 /**SANCTION ORDER**

Pursuant to the Order No.-6124, dated 28.03.2024 of Govt. of Odisha in Forest, Environment & Climate Change Department, sanction is hereby accorded for a sum of Rs. 12,23,00,000/- (Rupees twelve crore twenty-three lakh) only in favour of the following implementing Agencies towards utilization of Environmental Compensation fund by implementing different project proposals approved by the designated Committee as mentioned below.

Sl. No.	Implementing Agency	Sanctioned Amount	Approved Project
1	SPCB, Odisha	50,00,000/-	Installation of CWQMS in Kuradibahal Nallah and Parang MIP
2	-Do-	3,00,00,000/-	GIS Based Decision Support System for the State of Odisha.
3	-Do-	1,00,00,000/-	Environmental monitoring of Ib valley and Jharsuguda area as per the CEPI framework.
4	-Do-	1,90,00,000/-	Ground water quality monitoring in 140 stations around contaminated sites, industrial, mining, dump sites, artificial ground water recharge areas and habitational areas and developments SOPs through R&D activity for minimizing pollution of ground water.
5	-Do-	2,00,00,000/-	Procurement of mobile monitoring van for waste water analysis.
6	-Do-	60,00,000/-	Installation of CWQMS and flow measurement stations in small rivers flowing within industrial areas (Ground Nallah, Lingara, Karo and Kuradih Nallah)
7	-Do-	1,25,00,000/-	R&D project on Quantification of micro-plastics in soil and ground water around municipal dump sites (Procurement Micro FTIR and Pyrolyzer kit for GCMS).
8	-Do-	25,00,000/-	R&D project on Assessment of fluoride contamination in the vicinity of smelter plants.
9	-Do-	60,00,000/-	R&D project on assessment of water pollution in Ganga river basin covering Bhubaneswar and pilot implementation of waste water treatment water conservation measures.
10	-Do-	30,00,000/-	R&D project on water and waste water use in units covered under Consent Management system of SPCB piloting innovative water treatment technologies.
11	-Do-	30,00,000/-	Carrying capacity assessment of Brahmani-Baitarani Basin area.

12	-Do-	25,00,000/-	Capacity audit of Common BMW treatment facility and gap analysis.
13	Agriculture Dept., Govt. of Odisha	28,00,000/-	Restoration of damage caused by untreated sewage discharge by Belpahar Municipality
	TOTAL	12,23,00,000/-	

The above expenditure will be made from the existing fund available under "Environmental Compensation fund"

[Signature]
30/03/24
Member Secretary

Memo No. 4723 (A) /Dt. 30.03.24

Copy forwarded to the Sr. Administrative Officer for information and necessary action. He is requested to transfer the amount from E.C. fund to the Account of respective implementing Agencies.

[Signature]
30/03/24
Member Secretary

Memo No. 4723 (B) /Dt. 30.03.24

Copy forwarded to the Additional Chief Secretary to Govt. FE&CC Department, Government of Odisha for information and necessary action.

[Signature]
30/03/24
Member Secretary

Memo No. 4723 (C) /Dt. 30.03.24

Copy forwarded to the Principal Secretary to Government, Agriculture & Farmers Empowerment Department, Government of Odisha for information and necessary action.

[Signature]
30/03/24
Member Secretary



Tel : 2562368/2562847
E-mail: paribesh1@ospcboard.org
Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
Bhubaneswar - 751 012, INDIA

No. 11766 / II/Accts-75/2023-24 Date. 30.07.24

To

The Principal Secretary to Govt.
Agriculture & Farmers' Empowerment Department,
Government of Odisha, Bhubaneswar.

Sub: Utilisation of Environmental Compensation Fund.

Ref: i) Govt. Notification No.-FE-ENV1-ENV-0103-2022/ 4420/FE&CC, Dtd.13.03.2024.

ii) Govt.Order No.-FE-ENV 2-Meeting-0003-2024/6124/FE&CC, Dtd.28.03.24.

iii) Sanction Order(Memo) No. 4723@, dtd.30.03.2024 of the Board.

Sir,

In inviting a reference to the Govt. Order on the subject cited above, it is to inform that the State Pollution Control Board, Odisha has been directed to transfer a sum of Rs.28.00Lakh to the Agriculture Department, Government of Odisha out of E.C fund towards implementation of the approved project "Restoration of damage caused by untreated sewage discharge by Belpahar Municipality" as per the order of Hon'ble NGT in OA No.48/2021/E7 A copy of the Govt. Order No.-FE-ENV 2-Meeting-0003-2024/6124/FE&CC, Dtd.28.03.24 is enclosed for ready reference. The above amount has also been sanctioned in favour of the Department and communicated vide Sanction Order (Memo) No.- 4723(c) dtd.30.03.2024. In order to transfer the said amount, Board has contacted the Department so many times to get the required bank Account details of the Department to which the amount will be transferred. But, so far, no response has been received.

Therefore, it is requested to provide the necessary bank details to the Board for transferring the above fund to the Department for necessary utilization.

Encl.: As above.

Yours faithfully,


Member Secretary



Tel : 2562368/2562847

E-mail: paribesh1@ospcboard.org

Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII

Bhubaneswar - 751 012, INDIA

No. 12631 / III/Accts-75/2023-24 Date. 12.08.24

To

The Principal Secretary to Govt.
Agriculture & Farmers' Empowerment Department,
Government of Odisha, Bhubaneswar.

Sub: Utilisation of Environmental Compensation Fund.

Ref: i) Govt. Notification No.-FE-ENV1-ENV-0103-2022/ 4420/FE&CC, Dtd.13.03.2024.

ii) Govt.Order No.-FE-ENV 2-Meeting-0003-2024/6124/FE&CC, Dtd.28.03.24.

iii) Sanction Order(Memo) No.- 4723@, dtd.30.03.2024 of the Board.

iv) Letter No.-11766, dtd.30.07.2024 of the Board.

Sir,

In inviting a reference to the above on the cited subject, it is to inform that the Environmental Compensation amounting to Rs.28.00Lakh imposed by Hon'ble NGT and deposited by Belpahar Municipality with the Board has to be transferred to Agriculture Department, Govt. of Odisha for utilization as per Govt.Order No.-FE-ENV 2-Meeting-0003-2024/6124/FE&CC, Dtd.28.03.24.

In this connection, the Bank Account details has been sought for vide Letter No.-11766, dtd.30.07.2024 of the Board for necessary transfer of the fund. But, so far, no response has been received.

Therefore, it is once again requested to provide the necessary bank details to the Board for transferring the above fund to the Department for necessary utilization.

Yours faithfully,


Member Secretary
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar