

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

O.A NO. 88/2023/EZ

Wildlife Society of Orissa APPLICANT

-VERSUS-

State of Odisha and Others.


..... RESPONDENTS.

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Cuttack.

Dt. 30-8-2027


(Shakti Prasad Panda)
Addl. Govt. Advocate

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

O.A NO. 88/2023/EZ

Wildlife Society of Orissa APPLICANT

-VERSUS-

STATE OF ODISHA & OTHERS.

..... RESPONDENTS.

AFFIDAVIT FILED BY RESPONDENT NO.5

PURSUANT TO ORDER DTD. 16.07.2024

I, Sri Dibya Jyoti Parida, aged about 36 years, Son of Sri Prasanna Kumar Parida, at present serving as the Collector & District Magistrate, Ganjam Chhatrapur, Dist.- Ganjam, do hereby solemnly affirm and state as follows:-

1. That I have been arrayed as Respondent No.5 in the aforesaid Original Application.
2. That this affidavit is being filed pursuant to kind order dtd.16.07.2024 of this Hon'ble Tribunal.
3. That it is respectfully submitted that pursuant to order dtd.11.08.2023 of this Hon'ble Tribunal, the present Respondent No.5 has constituted the Committee vide Notification No.1054 / Judl. dtd.05.09.2023.

Forms Part of Affidavit

Executive Magistrate, Chhatrapur

Dibya Jyoti Parida

The Committee Members visited the site on 22.09.2023 and during course of visit, the Committee members opined that a detail analysis on conservation / integrated management plan of Tampara Lake for maintaining its water quality and ecology is required.

The Committee also suggested that the Addl. Secretary, Tourism Department, Govt. of Odisha / the District Tourist Officer, Ganjam, Berhampur would submit a detailed project report, proposed comprehensive environmental management plan and related regulatory compliance status for Tampara Lake site at the earliest.

4. That for kind appreciation of the Hon'ble Tribunal, it is submitted that M/s Engineering Projects (India) Ltd. (PCO, Bhubaneswar) – Respondent No. 11 has been given for construction of work. But, the construction work has been stopped vide order No.939 /Dtd.12.08.2023 as per order of this Hon'ble Tribunal. The fact of closure of work has also been reported by the Sub-Collector & SDM, Chatrapur vide letter No.5076/Dtd.12.08.2023. Further a show cause notice U/s. 91(1) of O.D.A Act, 1982 has also been issued to the executive agency on 23.09.2023. True copies of aforesaid orders are annexed herewith as **Annexure – R5/A, R5/B & R5/C.**

Forms Part of Affidavit
Executive Magistrate, Chatrapur
30/08/24

Dibya Jyoti Panda

5. That in compliance to the order dated.16.07.2024, the o.p no.5 had moved to the Director, Tourism, Odisha, Bhubaneswar regarding demolition of the structure as the structure has been erected out of Govt. allocation vide L.No.1640 dated.21.08.2024. The said letter is annexed as **Annexure – R6/D.**

6. That in response to the aforesaid letter, the Special Secretary, Tourism Department has clarified the matter with a request to appraise the fact before the Hon'ble Tribunal vide their L.No.6617 date.28.08.2024. The said letter is annexed as **Annexure – R7/E.**

7. That as intimated by the Special Secretary, Tourism Deptt., Govt. of Odisha, (1) the Tampara Lake project is funded under Central Swadesh Darshan scheme with the approval of Ministry of Tourism in 2016. (2) The State Wetland Authority recommended the proposal to the Ministry of Environment, Forest and Climate Change (MOEF&CC) for approval of the Tampara Wetland site under the provision to Rule 4(2) of the Wetland (Conservation & Management) Rule, 2017. This proposal is currently under active consideration before the National Wetland Authority.

Forms Part of Affidavit
30/08/24
Executive Magistrate, Chatrapur


Dibya Jyoti Parida

(3) It would not be fair and just to demolish the structure made bona fide by the Government in Public interest and additionally, the Government may suffer irreparable and irretrievable losses which may not be rectifiable at a later stage. (4) That the alleged structure in question is a stilt structure with a pro environment design, allowing the free flow of lake water and causing a very minimal or no damage to the flora and fauna of Tampara lake.

8. That in view of the above submission it is prayed that the Hon'ble NGT may please graciously grant 12 weeks more time as the proposal pending before the National Wetland Committee for their inputs under proviso to Rule 4(2) of Wetlands (Conservation and Management) Rule, 2017.

9. That the facts stated above are true to the best of my knowledge, belief and based on official records.

Identified by :


20/08/24
Executive Magistrate
Chatrapur


DEPONENT.


Forms Part of Affidavit
Executive Magistrate, Chatrapur
20/08/24

VERIFICATION

I, Sri Dibya Jyoti Parida, aged about 36 years, Son of Sri Prasanna Kumar Parida, at present serving as the Collector & District Magistrate, Ganjam Chhatrapur, Dist.- Ganjam 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 there from.

Verified at Cuttack on this 30 th day of August, 2024.

Cuttack.

Dt. 30-8-2024

Dibya Jyoti Parida

VERIFICANT.

Forms Part of Affidavit


25/08/24
Executive Magistrate Chhatrapur



AFFIDAVIT

I, Sri Dibya Jyoti Parida, aged about 36 years, Son of Sri Prasanna Kumar Parida, at present serving as the Collector & District Magistrate, Ganjam Chhatrapur, Dist.- Ganjam, do hereby solemnly affirm and state as follows:-

1. That I am the Respondent No.5 in this case. I am well acquainted with the facts of the case and as such competent to swear this affidavit in my official capacity.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by :


30/08/24
Executive Magistrate, Chhatrapur

Dibya Jyoti Parida
Deponent.



The Deponent having been identified by Sri.....Advocate....., solemnly affirmed before me this day this 30/08/24 at about 3:00 A.M./P.M. Readover and explained the contents to the deponent who seemed perfectly to understand the same at the time of making this affidavit.


Executive Magistrate
Chhatrapur



**OFFICE OF THE
COLLECTOR & DISTRICT MAGISTRATE
GANJAM, CHATRAPUR
(CONFIDENTIAL SECTION)**



ANNEXURE-R5/A



06811 263700(O),

06811 263800(R),



(FAX) No. 06811 263344(F),

Email ID : dm-ganjam@nic.in

No. 939 / Conf.

Dated. 12.08.2023

OFFICE ORDER

In pursuance to order dated.11.08.2023 of Hon'ble National Green Tribunal (EZ), Kolkata passed in O.A. No. 88/2023/EZ, the construction activities on the alleged site of Tampara Lake should be stopped forthwith. The Executive agency is directed to remove all the construction materials and machinery from the case land. The OTDC officials as well as Sub-Collector, Chatrapur are hereby directed to ensure this and submit a report in this regard for appraising the same before the Hon'ble NGT.

**Collector & District Magistrate,
Ganjam, Chatrapur**

Memo No. 940 / Conf.

Date. 12.08.2023

Copy to GM, OTDC, Bhubaneswar for information and necessary action.

Copy to Sub-Collector, Chatrapur for information and necessary action.

Copy to District Tourist Officer, Ganjam for information and necessary action.

Copy to Engineering Project India Ltd. Project Coordinate Office, Flat No. 201, Plot No. 109, Unit-07, Satya Nagar Bhubaneswar for Information and necessary action.

TRUE COPY

Collector, Ganjam
Chatrapur

**Collector & District Magistrate,
Ganjam, Chatrapur**

OFFICE OF THE
SUB-COLLECTOR-CUM-SUB
DIVISIONAL MAGISTRATE CHATRAPUR
(JUDICIAL SECTION)



ANNEXURE - R5/B

06811 263700(O),
06811 263800(R),
(FAX) No. 06811 263344(F),
Email ID : dm-ganjam@nic.in

L. No. 5076/

Date. 12/09/2023

To

**The Collector & District Magistrate,
Ganjam, Chatrapur**

Sub: Submission of Filed visit report as per order no. 939/Conf Dated.
12.08.2023 in connection with O.A. No. 88 /2023/EZ

Ref: Your good office order no. 939/Conf. Dated. 12.08.2023

Sir,

In obedience to the direction, I along with Tahasildar, Chatrapur (I/c) have visited the alleged site i.e., Tampara Lake and found that no such construction activities are going on during our visit and the machineries have been removed from the alleged site.

This is for favour of your kind information and necessary action.

Yours Faithfully


12/09/23
**Sub-Collector & SDM
Chatrapur.**

TRUE COPY

Collector, Ganjam
Chatrapur

ANNEXURE - R5/c



Brahmapur Development Authority
Near Courtpetta Junction, Brahmapur, Odisha-760004
www.bdabrahmapur.in

☎ 0680 2292797(O), 0680-2292033(F)
✉ bda.brahmapur311@gmail.com

No. 1135/ (Conf.)BeDA, Brahmapur, dated.23.09.2023

SHOW CAUSE NOTICE U/S -91 (1) of O.D.A. ACT, 1982

To

The Addl. General Manager (T)
M/s Engineering Projects (India) Ltd. (PCO), Bhubaneswar,
Flat No.201, Plot No.209, Unit-7, Bamara Manor, Surya Nagar,
Bhubaneswar, Pin-751003, (Odisha).

3.

Whereas development has been commenced and carried out on the land given in schedule 'A' below by way of construction building and other development activities, by you

1. In contravention of the provisions of the development plan.
2. Without the permission, approval or sanction referred to in Section-15 of the O.D.A. Act, 1982.

Now, therefore, in pursuance of the provisions of the sub-section (1) of section-91 of the Orissa Development Authority Act, 1982, you are hereby called upon to show cause before the undersigned in writing or appear in person with all relevant documents to show cause on 30.09.2023 at 11.00 A.M. as to why you should not be directed to remove such development by demolition/filling or otherwise.

Take notice that in case of no show cause is received or non appearance for hearing on the above stipulated time and date, it will be presumed that you have no cause to show and nothing to say in the above matter.

Further, you are directed to stop the construction till obtaining permission from all Concerned Authorities failing which this Authority will be compelled to take necessary action as deemed fit.

Schedule 'A'

Mouza :Humuri Khata No.538 Plot No.1357, 1358, 1219, 1357/1598

Collector & Dist. Magistrate, Ganjam-
cum-Chairman BeDA, Brahmapur

Memo No. 1136/ (Conf.)BeDA, Brahmapur, dated.23.09.2023

Copy to the Director of Tourism, Deptt. of Tourism, Govt. of Odisha, Bhubaneswar for information and necessary action.

TRUE COPY

Collector, Ganjam
Chairman

Collector & Dist. Magistrate, Ganjam-
cum-Chairman BeDA, Brahmapur



**OFFICE OF THE
COLLECTOR & DISTRICT MAGISTRATE
GANJAM, CHATRAPUR
(CONFIDENTIAL SECTION)**



ANNEXURE R6/D

06811 263700(O),
06811 263800(R),
(FAX) No. 06811 263344(F),
Email ID : dm-ganjam@nic.in

Letter No 1640 /Res.

Dated 21.../08/2024

To

The Director, Tourism,
Odisha, Bhubaneswar.

Sub:

Implementation of order Dated : 16.07.2024 of Hon'ble NGT passed in
OA Number 88/2023/EZ filed by Wildlife Society of Orissa -Vrs, State of
Odisha & others.

Sir,

In inviting a reference on the captioned subject I am to bring to your kind notice that the Hon'ble NGT in their order dated 16.07.2024 in O.A No. 88/2023/EZ filed by Wildlife Society of Orissa -Vrs, State of Odisha & others has directed to the undersigned to file personal affidavit showing what action has been taken for removal of the concrete structures standing inside the Tampara Lake water and its conservation area and the case has been listed on 02.09.2024. (The copy of the order of Hon'ble NGT is enclosed)

In compliance to the aforesaid order, field verification was conducted by the Revenue officials along with the Tourist Officer Ganjam to ascertain the extent of encroachment of over the water bodies.

It is pertinent to mention here that, the Hon'ble NGT has specifically directed to submit affidavit on removal of concrete structures standing inside the Tampara lake water and its conservation area. It is observed that structures are exist over Ac.4.480 classified as Jalasaya Kissam which required to be removed as per the direction of the Hon'ble NGT.

In view of the above, it is submitted that as the structure has been made out of Govt. allocation, hence necessary instruction may please be issued to carry out the demolition of the structures standing over the Jalasaya kissam land at the earliest possible.

This may be treated as Extremely Urgent.

Yours faithfully

Collector & District Magistrate,
Ganjam, Chatrapur

Odisha Tourism
Paryatan Bhawan, Lewis Road
Bhubaneswar-751014
Fax No.+91 674 2430887
E-mail: info@odishatourism.gov.in



ଓଡ଼ିଶା ସରକାର
ପର୍ଯ୍ୟଟନ ବିଭାଗ



ଓଡ଼ିଶା ପର୍ଯ୍ୟଟନ
ପର୍ଯ୍ୟଟନ ଭବନ, ଲୁଇସ ରୋଡ୍,
ଭୁବନେଶ୍ୱର-୭୫୧୦୧୪

Government of Odisha
Tourism Department

No. 6617 /TSM Bhubaneswar dt. 28-08-24

TCT-COOD-SCH-0020-2018

From

Sri Balamukunda Bhuyan

Special Secretary,

Tourism Department

To

The Collector,

Ganjam

Sub: Implementation of Order dated 16.07.2024 of Honb'le NGT passed in OA No. 88/2023/EZ filed by Wildlife Society of Odisha

Ref: Your Office Letter No. 1640 Date: 21.08.2024

Sir,

In inviting a reference on the captioned subject and reference letter, I am directed to say that

1. In Order dated 16.07.2024, Hon'ble National Green Tribunal (Kolkata) directed the Collector, Ganjam to file an affidavit showing what action has been taken for removal of the concrete structures standing inside the Tampara Lake waters and its conservation area.
2. In the same Order, Hon'ble Tribunal has also been pleased to grant MoEF&CC 12 weeks time for their inputs on the recommendation made by the State government on Tampara lake under proviso to Rule 4(2) of Wetland(Conservation and management) Rules, 2017.
3. It is important to note that this project is funded under the Central Swadesh Darshan Scheme, and the proposal for developing tourism infrastructure at Tampara Lake has received approval from the Ministry of Tourism in 2016.

4. Further, the Wetland (Conservation and Management) Rules, 2017, was notified by the Ministry of Environment, Forest, and Climate Change on 26.09.2017, which is applicable to wetlands designated as 'Wetlands of International Importance' under the Ramsar Convention and/or wetlands notified by the Central, State, and UT governments. Tampara Lake was declared as Ramsar site on 13.08.2022 as per Press release dated 13.08.2022.
5. According to Rule 4(1) of the above said Rules, wetlands as defined under Rule 3 are to be conserved and managed in accordance with the principle of 'wise use'. Additionally, Rule 4(2) prohibits certain activities, including construction of a permanent nature, within wetlands. However, the proviso to Rule 4(2) empowers the Central Government to permit otherwise prohibited activities within a wetland if such proposals are submitted by the State Government.
6. It is noteworthy that, on 07.03.2024, the State Wetlands Authority recommended the proposal to the Ministry of Environment, Forest, and Climate Change (MOEF&CC) for approval of the Tampara Wetland site under the proviso to Rule 4(2) of the Wetland (Conservation and Management) Rules, 2017. This proposal is currently under active consideration before the National Wetland Authority. Furthermore, the Hon'ble Tribunal, in its order dated 16.07.2024, granted 12 weeks to the MOEF&CC to provide input on the pending proposal.
7. At this juncture, It would not be fair and just to demolish the structure made bona fide by the Government in public interest and additionally, the Government may suffer irreparable and irretrievable losses which may not be rectifiable at a later stage.
8. It is submitted that the alleged structure in question is a stilt structure with a pro-environment design, allowing the free flow of lake water and causing a very minimal or no damage to the flora and fauna of Tampara Lake.
9. We as a State player have great responsibility to strike a balance between the development vis-a-vis the other adversaries.
10. Hence, It is requested that the above facts may please be apprised to the Hon'ble Tribunal through the affidavit to be filed by you with a prayer for an affirmative consideration.

Yours faithfully,



Special Secretary

Memo No. 6618 Date: 28-08-24

Copy submitted to O/o the Learned Advocate General, Odisha, Cuttack for favour of information and necessary action.



Special Secretary