

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

ORIGINAL APPLICATION No. 28/2022/EZ

Rabeya Tabbasum Applicant

vrs

Union of India and othersRESPONDENTS

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE
RESPONDENT NO.10**

I, Deba prasad Bal, aged about 47 years, S/o- Pramod Kumar Bal, Executive Officer, Kendrapara Municipality, At/Po/Dist - Kendrapara, Pin - 754211 do here by solemnly affirm and state as follows :-

1. That the application filed by the applicant is not maintainable and also there is no cause of action to file the present application.
2. That para 1 and 2 needs no reply.
3. That the averments made in para 3 to 5 needs no comment as those are matter of records and the applicant is put to strict proof of the same.
4. That the contents of para 6 to 9 are denied. It is humbly submitted here that it is not a fact that river Govari has been badly affected by disposal of solid and liquid waste by the Opp.party No.10 and dumping of waste in



*S. Day
Adv*



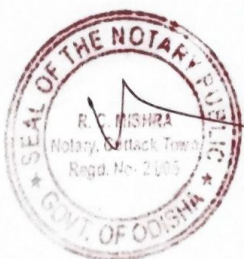
*Deba prasad Bal
Executive Officer
Kendrapara Municipality*

Khadianga, Jaipura, Sunailo, Ekanakhandi and NayaIdga.

It is not a fact that the water quality of river Govari has been badly degraded and the water has become completely unfit for any type of use. It is also not a fact that NayaIdga untreated waste water is directly being dumped inside the river through drain and it pollutes river Govari and makes it unfit for any use.

5. That the contents of para 10 to 12 are denied. It is humbly submitted here that the river Govari is not been affected by the disposal of solid and liquid waste by the Opp.party No.10. There is on an average of 14 tons per day (T.P.D) of waste/garbage materials being generated and collected from ward no.1 to 21. Out of which 7 Ton are wet waste and 7 Ton are dry waste. In order to collect the waste materials there are 15 numbers of Battery operated vehicles that are used for door to door collection from house hold of each ward on daily basis. The Opp.party No.10 has engaged 16 numbers of "Swachhasathi" and 3 numbers of "Supervisors" in order to operate proper sanitation work and door to door collection of waste/garbage of source of segregation from the house hold level on daily basis.

S. Das
8/12



It is pertinent to mentioned here that the Opp.party No.10 has also engaged 35 numbers of conservancy staffs

Subscribed And
Executive Officer
Kendrapara Municipality

in Ward No.1 to 7 for day to day sanitation work and from Ward No.8 to 21 sanitation work is maintained by private agency i.e. L & K Pvt Ltd and the agency has engaged 94 numbers of cleaning staffs for day to day sanitation work. Apart from that 20 "Swachha Karmi" were also engaged for collection of segregation from house hold level on daily basis.

It is also not a fact that due to pollution, the area has been infected with mosquitoes and many people have to suffer with water borne diseases.

6. That the contents of para 13 and 14 are denied. It is humbly submitted here that it is not a fact that construction in the river bed is expanding and the eco system of the river has been badly affected due to destruction caused in order to remove unauthorized encroachers which has badly affected the riverine aquatic system of the said river.

It is also not a fact that due to unauthorized encroachment and unchecked pollution of river Govari the ground water of the town could not be recharged and has been badly contaminated which has caused scarcity of drinking water in the area and underground water have been contaminated.

Subscribed and
 Executed Office,
 Kendrapara Municipality

S. Day
Adv



7. That the contents of the para 16 to 20 are denied. It is humbly submitted here that in order to process wet waste/garbage there are two numbers of Micro Composite Center (M.C.C.) installed. One M.C.C. is installed and operating at Village Hajaribagicha under Ward No.12 whose capacity is 5 Ton per day. The other M.C.C. is under construction at Village- Odisho in Ward No.5 whose capacity is 3 Ton per day and the same will be completed and operated very soon.

It is pertinent to mention here that there are two Material Recovery Facility (M.R.F.) installed for dry waste like plastic, glasses and polythin etc. One is installed and operated at Hajaribagicha whose capacity is 10 Ton per day and the other one is installed at Kajala whose capacity is 10 Ton per day. All the centers (M.C.C. and M.R.F.) are functioning in full phase.

The Opp.party No.10 have also provided Sewage Treatment Plant (S.T.P.) for better treatment of liquid waste and all liquid waste (Drain + Soak pit) are dumped in this plant with waste Village- Odisho. The S.T.P. capacity of 20 KLD is under trial and has already done by 30th March 2022 and it will function within 2 to 3 months.

8. That it is humbly submitted here that there is no waste (solid and liquid) dumped in river area like Khadinga,

Subpoenaed By
Executive Officer
 Kendrapada

S. Day
 ADV



Jaipura, Sunailo, Ekanakhandi, NayaIdgha and other place of Hajzaribagicha therefore, the question of polluting air, soil and water in Municipal area does not arise at all.

9. That the applicant has filed this application only with an ulterior motive thereby has misled this tribunal with concocted facts. The present affidavit filed by the applicant is baseless and false and the applicant should be prosecuted for filing such false affidavit.
10. That considering the facts stated above the application filed by the applicant may kindly be dismissed.
11. That the Opp.party No.10 craves liberty to file further affidavit if required by this Hon'ble court for adjudication of the case.
12. That the facts stated above are true to the best of my knowledge, information and based on records, which I believe to be true

Identify by

S. Das

Advocate

17.4.22

Debenprasad Dal

Deponent
Executive Officer
Kendrapara Municipality

Certificate

That due to non-availability of cartridge paper this petition has been typed in this thick paper.

Cuttack

Solemnly affirm on oath by the Deponent at Cuttack on being identified by Date 17.4.22
Advocate Notary
Personally related above are true to the knowledge.

RAMA CHAN NOTARY
CUTTACK TOWN, Regd. No-21/35

S. Das

Advocate

SOMDEET DAS

Encl NO. 0-634/15
MOB. 9437878219

VAKALATNAMA

~~IN THE HIGH COURT OF JUDICATURE ODISHA, CUTTACK.~~

IN THE OFFICE / COURT OF THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
Original Application No. 28 of 2022/EZ

No

Rabeya Tabbasum ^{Applicant}
Complainant / Plaintiff / Petitioner
Appellant

Between

Versus

Union of India & others ^{Defendant / Opposite / Party}
Respondent / Accused

Know all men by these presents that by this Vakalatnama

I/We Deba Prasad Bal, aged about 47 years,
S/o - Pramod Kumar Bal, Executive Officer,
Kendrapara Municipality, At/Po/Dist -
Kendrapara, pin - 754211

Plaintiff, Defendant, Appellant, Respondent, Petitioner, Opposite Party, Complainant, Accused in
the aforesaid suit, case, appeal, do hereby appoint & retain Sri TANMAY MISHRA,
S.S. PARIDA, S. DAS, O-888/2010
O-598/2017 O-634/2015

Advocate(s), to appear for me / us in the above case and to conduct and prosecute or (befend the same and all proceeding that may be taken in respect of any application connected with the same) or any decree, order passed there in including all application for return of documents or receipt of any amount of money that may be payable to me / us in the said case and also in applications for review and appeals under Orissa High Court order and applications for leave to appeal to Supreme Court I/We authorise my our Advocate (s) to admit any compromise lawfully entered in the said case.

Date 17.4.2022

Received from the Executant (s)
satisfied and accepted as I hold
no brief the other said.

Tanmay Mishra
O-888/2010
Advocate



Deba Prasad Bal
Signature of Executant (s)
Executive Officer
Kendrapara Municipality

Accepted as above

S.S. Parida
O-598/17
Advocate

S. Das
Advocate

