

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

O.A. NO. 56/2024/EZ

Sarat Chandra and others ... Applicants

-Vrs-

State of Odisha and Others ... Respondents

I N D E X

Sl. No.	Description of Documents	Pages
1.	Counter Affidavit filed by the Respondent No. 4.	1-6
2.	<u>Annexure-A/4.</u> Copy of Letter dt.08.04.2024.	7
3.	<u>Annexure-B/4.</u> Copy of Report of the Joint Committee dt.23.04.2024.	8-17
4.	<u>Annexure-C/4.</u> Copy of Letter of Permissive Possession dt.03.11.2020.	18-19

Cuttack

Dt.13.09.2024

ADDL. GOVT. ADVOCATE

SASWAT DAS

E. NO.0-335/2004

M. NO. 9437268875

MAIL:SASWAT.DAS10@GMAIL.COM



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

O.A. NO. 56/2024/EZ

Sarat Chandra and others ... Applicants

-Vrs-

State of Odisha and Others ... Respondents

**COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO. 4: -**

I Shri Chanchal Rana, IAS, aged about 35 years
S/o. Anil Kanta Rana, at present working as Collector
& District Magistrate, Khordha, Dist-Khordha, Odisha
do hereby solemnly affirm and state as follows: -

1. That I am the Respondent No. 4 in the aforesaid
Original Application and competent in my official
capacity to swear this Affidavit.

2. That I have gone through the Original
Application and understood the contents made thereof.
I am also well acquainted with the facts of the case.

2. That the petitioners have filed the aforesaid
Original Application to close the Micro Composting
Centre established adjacent to Plot No. D-28 and in
front of Plot No. E-9 and further prayed to shift the
same to some far-away place not within their
residential areas.

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3. That it is humbly submitted that, the Hon'ble NGT, PB, New Delhi on the basis of Letter Petition received by post from the Applicants has suo motto registered a case vide Original Application bearing No. 19/2024 and constituted a Joint Committee to verify the factual position and suggest appropriate remedial action. The Joint Committee has been constituted comprising of representatives of Commissioner, BMC, Odisha Pollution Control Board and District Magistrate, Bhubaneswar. The Odisha Pollution Control Board will be the Nodal Agency for coordination and compliance. Further in the order dt.31.07.2024, the Hon'ble Tribunal has directed for listing of matter before this Hon'ble NGT, EZB, Kolkata on 17.09.2024.

4. That it is humbly submitted that, pursuant to the order dt.15.02.2024 of the Hon'ble NGT, PB, New Delhi referred above, the case has been transferred to this Hon'ble Tribunal and renumbered as Original Application bearing No. 56/2024. After receipt of the copy of the order as well as notice from the Respondent No. 3, the Nodal Officer for coordination and compliance, the Respondent No. 4 has nominated Sri Chinmaya Acharya, OAS (S), Sub Collector, Bhubaneswar to represent the Committee on behalf of Respondent No. 4 vide District Office Letter No. 4639 dtd 08.04.2024 for compliance of the direction of this

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Hon'ble Tribunal. A copy of the Letter dt.08.04.2024 is annexed herewith as Annexure A/4.

5. That it is further humbly submitted that as per the direction of this Hon'ble Tribunal vide order dt.15.02.2024, a Joint Committee has been formed consisting of Addl. Chief Environmental Scientist, State pollution Control Board Odisha, Sub-Collector, Bhubaneswar and the Municipal Commissioner, Bhubaneswar Municipal Corporation or his representative and the said Committee have made field visit on 23.04.2024 and as per the suggestion of the committee, the following course of action is required: -

- I. The committee have observed that BMC needs to have a site- Specific SOP for this type of MCCs situated near residential areas and need to develop emergency plan to accommodate waste generated during the monsoon period (almost 4 months) as it is apprehended to be a challenging month to get wastes dry and composted as per schedule.
- II. Continuous monitoring of the performance of BMC in solid waste management at these MCC sites may be performed by Regional of State Pollution Control Board, Bhubaneswar and BMC shall submit the balance sheet of processing of waste every month(by the 10th day of next month to State Pollution Control Board, Odisha ,Bhubaneswar).

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III. The organic Manure and good earth produced in this MCC may be used by Horticulture Department of Government for Odisha of horticulture and to uplift the aesthetic aspect of the city.

A copy of the Report of the Joint Committee dt.23.04.2024 is annexed herewith as **Annexure B/4**.

6. That it is humbly submitted that, the Hon'ble NGT, PB, New Delhi is also monitoring the compliance of Municipal Solid Wastes Management Rules, 2016 and other environmental issues for the entire country including the State of Odisha.

7. That this deponent being the highest District Revenue Authority and Collector, Khordha, it is humbly submitted that, the land used for establishment of Micro-Composting Centre (MCC) belongs to GA & PG Department, Government of Odisha and control, management of the said land was done by the aforementioned Department. Accordingly, permissive possession has been sanctioned by GA & PG Department, Government of Odisha vide Letter No. 24400/CA dt.03.11.2020 in favour of Housing and Urban Development Department, Government of Odisha to be used by BMC to manage the Micro-Composting Centre (MCC) as per Solid Wastes Management Rules as applicable time to time. A copy

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of the Letter of permissive possession dt.03.11.2020 is annexed herewith as Annexure C/4.

8. That, it is humbly submitted that this deponent has highest regard for the Hon'ble Tribunal and held their lordship in great esteem and is duty bound to implement the order of the Hon'ble Tribunal.

9. That this deponent craves leave of this Hon'ble Tribunal to file further affidavit, if required at the later stage.

10. That the facts stated in this Affidavit are true to my knowledge and belief and based on official records.

Charuhal Karna

Deponent

The above named deponent personally known to me appears before me on dated ...13.9.2024 at about ...10:40 AM/PM and swears on oath that the contents of this affidavits are true to the best of his knowledge.

Bhubaneswar

Executive Magistrate, Bhubaneswar.

Date: 13.9.2024

CERTIFICATE

Certified that Cartridge papers are not readily available.

Cuttack

Dt. 13.09.2024

ADDL. GOVT. ADVOCATE



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12/04/24

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KHORDHA

(Judicial Section)

Letter No- 4639 Dt- 08.04.2024

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To

The Regional Officer,
State Pollution Control Board, Odisha, Bhubaneswar.

Sub:- O.A. No. 56/2024/EZ filed by Sarat Chandra and others-vrs-State of Odisha and others before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata.

Ref:- Notice dtd. 21.03.2024 of the Deputy Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata.

Sir,

With reference to the Notice received from the Deputy Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata on the subject cited above, I am directed to say that in pursuance of the order dtd. 15.02.2024 passed by the Hon'ble NGT, PB, New Delhi in O.A. No. 56/2024/EZ (Earlier O.A. No. 19/2024/PB) filed by Sarat Chandra and others -vrs-State of Odisha and others, Collector & District Magistrate, Khordha has been pleased to nominate Sri Chinmaya Acharya, OAS(S), Sub-Collector, Bhubaneswar (Mob-9437348825) as his representative in the Committee constituted for the purpose.

This is for favour of your information and necessary action

Yours faithfully

Addr. District Magistrate, Khordha

Memo No. 4640 Date 08.04.2024

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

Addr. District Magistrate, Khordha

Memo No. 4641 Date 08.04.2024

Copy to the Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar for kind information and necessary action.

Addr. District Magistrate, Khordha

True copy attached

[Signature]

Collector, Khordha



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ANNEXURE - B/4

**REPORT OF THE JOINT COMMITTEE VISIT ON DTD. 23.04.2024
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA IN COMPLIANCE TO THE DIRECTION OF
ORDER OF HON'BLE NGT DTD. 15.02.2024 OF O. A. No. 56/2024/EZ
(IN THE MATTER OF ORIGINAL APPLICATION NO. 19/2024/PB)**

1. Background:


The present Original Application has been taken up on the basis of letter petition received by post from Mr. Sarat Chandra and others, residents of B. J. B. Nagar, Bhubaneswar, Odisha, bringing to the notice of the Hon'ble National Green Tribunal, Principal, Bench, New Delhi, which has been treated and registered as O. A. No. 19/2024/PB.

Hon'ble NGT has passed an order on Dtd. 15.02.2024, the relevant portion of which is reproduced as under:

"In view of the averments in the application, we consider it appropriate to have response of (1) State of Odisha through Chief Secretary, Government of Odisha, (2) Commissioner, Bhubaneswar Municipal Corporation, (3) Odisha Pollution Control Board, through its Member Secretary and (4) District Magistrate, Bhubaneswar who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application and issue notice to respondents No. 1 to 4 requiring them to their reply/response within two months.

In view of the averments made in the application, we also consider it appropriate that Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Commissioner, Bhubaneswar Municipal Corporation, Odisha Pollution Control Board and District Magistrate, Bhubaneswar and direct the same to

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Collector, Khordha





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meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The Odisha Pollution Control Board will be the nodal agency for coordination and compliance.”

2. Constitution of Joint Committee

In compliance with order of Hon'ble NGT, the following committee is constituted:


- i. Dr. Binod Bihari Dash, Additional Chief Environmental Scientist, State Pollution Control Board, Odisha, Bhubaneswar
- ii. Sri Chinmaya Ku. Acharya, Sub-Collector, Bhubaneswar (representative of District Magistrate, Khordha
And
- iii. Dr. Manoranjan Sahu, Deputy Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar.

The members of the committee had a meeting on Dtd. 23.04.2024 at the Site of MCC at Mahinsakhal, BJB Nagar, Bhubaneswar, followed by a visit to the site in question and around the MCC site Bhubaneswar.

3. About Bhubaneswar Municipal Corporation and its responsibility in Solid Waste Management

Bhubaneswar Municipal Corporation (BMC) which was constituted in the year 1948 as a Notified Area Council became a Municipality in the year 1979 and finally was declared as a corporation in the year 1994. The area of BMC is spread over 200 sq. K.M. which is divided into Three Zones (South East, South West & North) and further subdivided into 67 Municipal wards.

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Collector, Khordha



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BMC is responsible for City sanitation and hygiene to provide end-to-end sanitation services from collection of solid waste from doorsteps and streets till its scientific disposal. As per Solid Waste Management Rules 2016, BMC is also responsible for management & disposal of Construction & Demolition wastes, street sweeping wastes, horticulture wastes, desilting wastes generated from drain cleaning in addition to domestic dry and wet wastes.


4. Solid Waste Generation Potential in Bhubaneswar Municipal Area

As per the 2011 Census, the population of the city is 8,86,397, the census data for 2021 is yet to be published and therefore, it is estimated that the population under BMC jurisdiction is anticipated to be approximately 13 lakhs at present and being the capital city of the State, the daily influx of floating population is estimated to be around 2 lakhs thereby leading to approximately 15 lakhs waste generators.

The current potential generation of Municipal Solid Waste in 67 wards of BMC is approximately 800 tonnes per day (800 TPD). The wet waste is approximately 384 tons/day of the total mixed waste and dry waste is 416 tons/day.

5. Present Management Practice of MSW in Bhubaneswar:

The Government of Housing & Urban Development Department, Odisha issued a Standard Operating Procedure (SOP) envisaging a unique Decentralized Waste management model by involving community participation and empowerment of Women Self Help Group (SHG) members. As per the Standard Operating Procedure, the ULB have its own fleet of vehicles equipped with separate compartments for segregated collection of dry and wet waste. Members of SHGs are responsible for Door to Door collection of segregated waste and transport the same to a Micro Composting Centre (MCC) and Material Recovery Facility (MRF). In Bhubaneswar city, there are 22 such "Wealth Centres" where both MCC and MRF coexist. In addition to these, there

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are independent MCCs (14 nos.) in addition to the 22 MCCs existing at "Wealth Centres". At these centres segregated Wet waste goes for Composting at MCC and Dry waste is sorted into various categories and further channelized to recyclers directly or through authorized agencies. Each MCC and MRF shall have maximum throughput capacity of 5 TPD which is entirely being operated and managed by the SHG groups and total installed capacities to handle 110 TPD (Tonne per day) MRF and 180 TPD MCC are located in the Wealth centres.

A. Collection and Transportation of Wastes:


In order to ensure door-to-door collection of the MSW generated in the city, BMC has currently engaged 435 nos. specially designed Light Commercial Vehicles and 55 nos. Battery Operated Vehicles have separate compartments for segregated collection of dry and wet waste. In addition to these, 200 manual push carts are also engaged for door-to-door collection of segregated waste where access to narrow lanes, and by-lanes in residential areas by LCVs/BOVs is not possible. The transport activity from households to treatment facilities is being managed through the involvement of seven (7) NGOs.

The door-to-door collection efficiency is more than 90% whereas the source segregation efficiency is around 50%-60% as reported by BMC. The optimum processing efficiency of Municipal Solid Waste can be achieved by proper segregation of Municipal Solid Waste at the source of generation. In order to source segregation and to inculcate the habit of source segregation in the citizens of Bhubaneswar BMC has taken several initiatives which are as follows:

- Engagement of 4 nos. Swachha Sathis in each ward for day-to-day awareness by reaching out to the households daily. The performance effectiveness of the awareness campaign is being assessed and monitored.

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- The door-to-door collection vehicles were specifically designed with separate compartments and signages were fixed in each vehicle to generate awareness of source segregation.
- All the vehicles are equipped with a public address system (Mike) to request and make the citizens aware to provide segregated waste i.e., wet & dry. The vehicles are continuously playing jingles and songs to attract, convince, and request the citizens to provide segregated waste on daily basis while executing the door-to-door collection activities.
- Several other methods of IEC campaigns such as meetings, rallies, door to door campaigns are being organized by BMC from time to time to inculcate behavioural changes in citizens to enhance collection & segregation efficiency to 100%.

The segregated waste is transported to the Decentralized Wealth Centres established in different wards of the city. The available waste treatment facilities are tagged with designated wards (in group or individual) in such a way that the collected waste can reach the respective designated wealth centre (Consisting of Micro Composting Centre & Material Recovery Facilities MRF) or standalone Micro Composting Centre (MCC) for their scientific disposal within the stipulated time.

B. Activities performed in Wealth Centres

(I) Micro Composting Centre:

- Segregated wet waste collection from door steps.
- Unloading of Wet Waste at MCC
- Secondary sorting of dry components by Swacch Karmis
- Shredding of Wet Waste mixed with EM Solution and Rice husk

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Collector, Knordha





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- Shredded waste put into pit
- Turning of waste for aeration every 3-4 days
- Degraded waste in 42-45 days.
- Drying of degraded waste
- Sieving of waste
- Retrieving of compost
- Packaging and releasing to market for sale

The wealth centres are operated by Women SHGs daily for the recovery of compost, Recyclables, and RDF materials. The compost is collected and packaged in different-sized bags as per the requirement of the customer and sold under the brand name of "Mo Khata" (My Fertilizer) to various downline departments and other customers.

(II) Material Recovery Facility:

- Segregated dry waste collection from door steps
- Unloading of dry Waste at MRF
- Sorting of recyclables
- Bailing of recyclable material and stacking
- Lifting by Authorised channel partners for sale to recyclers
- Non-recyclable materials transportation to Cement Factory kiln

Salient Observations of the Joint Committee

A) The Joint Committee made a field visit to the site at B.J.B Nagar, Bhubaneswar, Dist: Khordha to verify the issues raised in the petition on dtd.23.04.2024 at 11.00 A.M in order to look into the grievances of the applicant.

True copy attached

[Signature]

[Signature]
Collector, Khordha

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- L, - prior to the site visit by the Joint Committee dtd.23.04.2024, a letter was issued to the petitioner /applicant vide letter No.5782 dtd.15.04.2024 (Annexure -I) through speed post/e-mail for prior intimation regarding the inspection of the joint Committee. Smt. Pratibha Mishra wife of the Sri Sarat Ch. Mishra has received the letter as Sri Mishra is no more.
- C) During the site visit the Committee interacted and discussed regarding the grievances with Smt. Pratibha Mishra wife of the petitioner /applicant Sri Sarat Ch. Mishra. The committee also interacted with the resident of the area Sri Tapas Roy, Plot No. E-9 in front of the MCC site.
- D) With respect to Grievances, Smt. Pratibha Mishra informed that in the last 2 months the foul smell has increased a bit where there was no smell prior to this period.
- E) Smt. Mishra also acknowledged that BMC has taken right decisions processing waste of the ward inside the same ward and she don't have any issues however she urged BMC to check the foul orders emanating sometime from the compost processing area.
- F) The Joint Committee along with Smt. Pratibha Mishra & Sri Tapas Roy visited both Micro Composting Centre (MCC) and Material Recovery Facility (MRF) and after thread bear discussion these are recommended as follows:
- i) The side wall facing to home of Smt. Pratibha Mishra to be covered to check the foul smell.
 - ii) The Turbo fans not working in the plant are to be repaired and made functional.

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Collector, Kuordha





iii) After matured composts are out of the pit to be shifted to the centralised drying yard for further processing and drying of matured compost to be completely avoided in the centre.

G) This Micro Composting Centre (MCC) at Mahinsakhal, B.J.B. Nagar receives solid waste from BMC Ward No. 56 & 57 and solid waste are processed as per above methods. The Committee has observed that this MCC is operating with capacity of 5 TPD Solid waste at Mahinsakhal, BJB Nagar, Bhubaneswar

H) The GA&PG Deptt., Govt of Odisha vide its letter No.24400 dtd.03.11.2020 (*Annexure -II*) has accorded permissive possession of Government land in favour of Housing & Urban Development Department to be used by Bhubaneswar Municipal Corporation for construction of Micro Composting Centre and the land details is as bellow,

Sl. No.	Mouza	Khata No.	Plot No.	Area	Kissam
9	BJB Nagar, Unit-29	348 (GA Deptt.)	494 (pt.)	Ac.0.298 dec.	Gharabari-II

I) As per Rule No. 15 (y) of Solid Waste Management Rules, 2016. Authorization for setting up waste processing treatment or disposal facility; if the volume is not exceeding 5 MT per day including sanitary landfill is exempted from concerned administration of State Pollution Control Board, Odisha.

J) The MCC is situated at distance of more than 5 meter from the house of Smt. Mishra, w/o Late Sri Sarat Ch. Mishra in the East direction and there is Road existing in between MCC and house of Smt. Mishra. The MRF is situated in the East adjacent to the MCC. In the South, there exist a Road and other residential houses are situated.

K) The committee have observed that composting and MRF operations are being routinely performed and no objectionable storage of waste was found or obnoxious odour felt at these sites.

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Collector, Khordha



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- L) The MCC pits were observed very closely and the odour intensity was bearable at the site.
- M) It was observed by the committee that shredding machine, conveyer belt is installed at the MCC centre for processing the waste into organic compost. Also, concrete floor was developed in MCC centre for leachate collection system during processing and drying.
- N) The MCCs having cover shed has been categorised as white category and the same has been exempted from Consent administration of the Borad vide Board's Notification No. 6488 Dtd. 08.05.2017 (Annexure-III).
- O) After the discussion the Asst. Commissioner (MCC & MRF), BMC has shared his mobile no. with Smt. Pratibha Mishra to communicate and raise grievances at point of time to address the same immediately.

Conclusions

1. The committee have observed that BMC needs to have a Site-Specific SOP for this type of MCCs situated near residential areas and need to develop emergency plan to accommodate waste generated during the monsoon period (almost 4 months) as it is apprehended to be a challenging month to get wastes dry and composted as per schedule.
2. Continuous monitoring of the performance of BMC in Solid waste management at these MCC sites may be performed by Regional office of State Pollution Control Board, Bhubaneswar and BMC shall submit the balance sheet of processing of waste every month (by the 10th day of Next month to State Pollution Control Board, Odisha, Bhubaneswar).
3. The Organic Manure and Good earth produced in this MCC may be used by Horticulture Department of Government of Odisha for horticulture and to uplift the aesthetic aspect of the city.

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Collector, Khordha




Signature	Signature	Signature
<i>Manoranjan Sahu</i>	<i>Chinmaya Kumar Acharya</i>	<i>B.B. Dash</i>
Name & Designation Dr. Manoranjan Sahu Deputy Commissioner (Sanitation), BMC	Name & Designation Shri Chinmaya Ku. Acharya. Sub- Collector, Bhubaneswar	Name & Designation Dr. B.B. Dash Additional Chief Environmental Scientist, State Pollution Control Bord, Odisha (Nodal Agency)

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Collector, Khordha

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Annexure 151
C/A



Government of Odisha
General Administration and Public Grievance Department

ORDER

No. 24400 /CA, Bhubaneswar, Date. 03/11/2020
GAD-CA4-ALLOT-0038-2019

Sub: - Sanction of permissive possession of Government lands in favour of Housing & Urban Development Department to be used by Bhubaneswar Municipal Corporation for construction of Micro Composting Centre.

Permissive possession of Government land as per the following land schedule is accorded in favour of Housing & Urban Development Department to be used by Bhubaneswar Municipal Corporation for construction of Micro Composting Centre.

LAND SCHEDULE

SL. No.	Mouza	Khata No.	Plot No.	Area	Kissam
1	Ghatikia	2339 (GA Deptt.)	8168	Ac.0.510 dec.	Patita
2	Jayadev Vihar, Unit-16	1427 (GADeptt.)	878 (pt.)	Ac. 0.240 dec.	Gharabari
3	Gopabandhu Nagar Unit-VIII	24 (GA Deptt.)	249(pt.)	Ac.0.256 dec.	Gharabari
4	Ganganagar, Unit-VI	112 (GA Deptt.)	741/967	Ac.0.160 dec.	Gharabari-II
			741/968	Ac.0.036 dec.	
			741/969	Ac.0.036 dec. Ac.0.232 dec	
5	Baramunda, Unit-19	855 (GA Deptt.)	930(pt) 932(pt.)	Ac.0.101 dec. Ac.0.358 dec. Ac.0.459 dec.	Patita
6	Gadakan, Unit-39	4689 (GA Deptt.)	6880(pt.)	Ac.0.275 dec.	Patita
7	Bapuji Nagar, Unit-1	357 (GA Deptt.)	882(pt.)	Ac.0.255 dec.	Gharabari-I
8	Ashok Nagar, Unit-2	235 (GA Deptt.)	1060 (pt.)	Ac.0.151 dec.	Gharabari-II
9	BJB Nagar, Unit-29	348 (GA Deptt.)	494(pt.)	Ac.0.298 dec.	Gharabari-II
10	Badagada, Unit- 34	1616 (GA Deptt.)	4486	Ac.0.298 dec.	Gharabari-II

The permissive possession is subject to the following terms and conditions:-

True copy attached

1. The land shall be utilized exclusively for the purpose for which permissive possession is accorded.

Collector, Khordha

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2. In case of non-utilisation of the land for the purpose for which permissive possession is accorded, the land shall be reverted back to G.A & P.G Department.
3. The land shall be demarcated and physical possession will be given to the authorised officer/ representative of H & U.D Department by the concerned Revenue Inspector of G.A & P.G Department.

By order of the Governor

[Signature]
 Director of Estates & Ex-Officio
 Addl. Secretary to Government

Memo No- 24401 /CA Date: 03/11/2020

Copy forwarded to the P. S to the Principal Secretary to Government, G.A & P.G Department/ P.S to the Director of Estates, G.A & P.G Department for kind information of the Principal Secretary and Director of Estates.

[Signature]
 Director of Estate & Ex-Officio
 Addl. Secretary to Government

Memo No- 24402 /CA Date: 03/11/2020

Copy forwarded to Housing & Urban Development Department/ Vice-Chairman. BDA/ Commissioner, BMC/ Collector. Khordha/ Director, Town Planning, Bhubaneswar/ Chief Architect, Odisha, Bhubaneswar/ Joint Director of Estates-cum-Joint Secretary to Government, G.A & P.G Department/ Tahasildar, Bhubaneswar/ Revenue Supervisor, G.A & P.G Department/ G.F (5 copies) for information and necessary action.

[Signature]
 Director of Estate & Ex-Officio
 Addl. Secretary to Government

True copy attested

[Signature]
Collector, Khordha

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