

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA.
I.A. No. 42 / 2024
(ARISING OUT OF ORIGINAL APPLICATION
NUMBER: 55/2024/EZ)
(Earlier O.A. 17/2024/PB)
SANU DAS
Vs.
STATE OF ODISHA**

IN THE MATTER OF:

Sanu Das

APPLICANT

Vs

State of Odisha & Others

RESPONDENTS

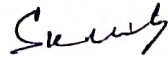
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Kolkata

By the Applicant through

Date: 27.5.2024


SAMARENDRA KUMAR MOHANTY
ADVOCATE

Enrolment No. O-905/ 1990,M-9937288006
samarendra@advocatesjs.com.

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

I.A. No. / 2024

(ARISING OUT OF ORIGINAL APPLICATION NUMBER: 55/2024/EZ)

(Earlier O.A. 17/2024/PB)

SANU DAS

Vs.

STATE OF ODISHA

IN THE MATTER OF:

An Application under section 19(4)(i) of NGT Act, Seeking direction to restrain the Promoter from carrying out the construction of 4 additional towers and retail building.

IN THE MATTER OF:

1 Sanu Das, S/O Late Bibekananda Das, resident of At Flat no 1302 & 1303, Tower 9, 13th Floor, Tata Ariana, Ghatikia, Bhubaneswar: 751029.

APPLICANT

Vs

1. State of Odisha

RESPONDENT NO.1

2. Chairman, Environment Impact Assessment Authority (SEIAA) Odisha.

RESPONDENT NO.2

3. Chairman, Odisha State Pollution Control Board

RESPONDENT NO.3

4. District Magistrate, Khurda

RESPONDENT NO.4

5. M/s Kriday Realty Pvt. Ltd.

RESPONDENT NO.5

The above-named Applicant most respectfully sheweth:

*Secretary
Khurda*

Dr

Sanu

1. That, the Applicant has filed a complain against above respondent for illegal construction of 4 nos of Residential Apartment Towers and a Retail Building.
2. That, it is submitted the Minutes of 123rd Meeting of SEIAA, Odisha Held on 19.06.2023 filed herewith as **Annexture- 1** would disclose the conditions imposed therein.

As per the SEAC recommendation (at internal Page- 4, Last Para of the MOM),

“The Proponent before implementation of the project shall convert the land to Gharabari and took ownership of the land if not already taken”.

3. That, now it has come to the notice of the Applicant, that, the 4 Towers and Retail Building being constructed on a Forest Land. The application filed by Bhubaneswar Development Authority before Learned Member, Board of Revenue for seeking conversion of Kisam of Land from Forest to homestead has been rejected. A copy of the order passed in aforesaid proceeding vide O.S.S Case no 826/2023 Dated 9.02.2024, is annexed as **Annexture-2**.

4. That, it is respectfully submitted that keeping in view a recent judgment of Honourable, Supreme Court where it has been held that, as per article 48A of our constitution envisaging protection of environment and safe guarding of forest and wildlife has a direct nexus with Citizens' right to life, therefore Honourable court had directed State Government to protect Forest lands as it the duty of State Government.

5. That, the respondent **5** however without conversion of forest land to Gharbari status and further deviating the originally represented plan is illegally taking up construction work very near to residential flats and thereby has failed to discharge it's obligation and in addition is further infringing the rights of the applicant and for which the respondent no. **5**

*Security
Held*

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should be directed to stop the construction of 4 nos of residential Tower as phase -II construction and Retail building by deviating original plan.

6. That, it is submitted the respondent no. 5 has represented false facts in the Minutes of 123rd Meeting of SEIAA, Odisha Held on 19.06.2023 (at Annexure-1), Sl.no xiv (Page-3) for number of Units of the (Table 10. Current Status of Building Project), in Work yet to be Completed column it is mentioned that, "418 Total no of LIG, Flats= 244 nos which is more than 20% of the total no of flats".

It is a false declaration submitted by the respondent 5 and which can be seen on a physical inspection at site same infringes and affects the right of applicant and prejudices the applicant .

7. That, the respondent 5 further has failed to comply the obligation as have not completed 20% Greenery as per the criteria of the SEIAA/ Pollution Control Board/ NGT and hence this application.

PRAYER

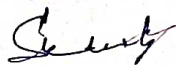
It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to restrain the Opposite Party no. 5 from going ahead with the construction of 4 nos of Residential Towers and Retail Building till Forest land is converted to Gharabari and Storm Water Drainage facility is fully constructed, 20 % Greenery as per the criteria of SEIAA/ Pollution Control Board/ NGT and to ensure if 418 numbers of LIG flats are being constructed in 4 numbers of Towers.

And for this act of kindness the Applicant shall duty bound ever pray.

Kolkata

Date: 27.5.2024

By the Applicant through


ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BRANCH, KOLKATA.

I.A. No. / 2024

ARISING OUT OF ORIGINAL APPLICATION NUMBER:
55/2024/EZ

(Earlier O.A. 17/2024/PB)

SANU DAS

Vs.

STATE OF ODISHA

AFFIDAVIT 27 MAY 2024



We, 1. Sanu Das, S/O Late Bibekananda Das, residing At: Flat No.02 & 03, Tower No.9, 13th Floor, Tata Ariana, Kalinga Vihar, Bhubaneswar-751029 do hereby solemnly affirm and state as follows:

1. That, I am the applicants and is conversant with the facts of the case.
2. That, the facts stated above are true to the best of my knowledge and belief.

Identified by

Sanu Das
27.5.2024
ADVOCATE

Sanu Das
DEPONENT



The above named deponent(s) being duly identified by Sri. *Sanu Das* Advocate, Bhubaneswar. Appears before me on dt. *27 MAY 2024* at *10.11 AM* on oath that the facts stated in the affidavit are true to the best of their knowledge and belief.

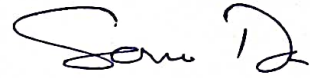
Deponent(s) *Sanu Das* Notary, Bhubaneswar *Janme Jaya Rautray*

JANME JAYA RAUTRAY
NOTARY, GOVT OF ODISHA
BHUBANESWAR
REGD. NO-ON-86/2012
Mob. No. - 9337121273

VERIFICATION

We, 1. Sanu Das, S/O Late Bibekananda Das, residing At: Flat No.02 & 03, Tower No.9, 13th Floor, Tata Ariana, Kalinga Vihar, Bhubaneswar-751029 do hereby verify and state that the facts stated above are true to the best of my knowledge and belief, and I sign this verification being present at Bhubaneswar.

Sanu Das



VERIFICANT

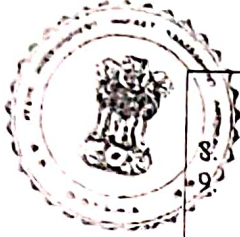
Minutes of 123rd Meeting of SEIAA, Odisha Held on 19.06.2023

AGENDA NO.123.01	
Proposal No.	SIA/OR/INFRA2/430852/2023
Date of application	26.05.2023
File No.	430852/509-INFRA2/05-2023
Project Type	EC (expansion with modification)
Category	B1
Project/Activity including Schedule No.	8(b) Townships and Area Development projects.
Name of the Project	Proposal for grant of EC for Expansion with Modification of "ARIANA", Multistoried Residential complex at Mouza- Sankarpur, Bhubaneswar, District Khorda,
Name of the company/Organization	Kriday Realty Private Limited Applicant: Siddhartha Roy; General Manager - Projects
Location of Project	At Mouza- Sankarpur, Bhubaneswar, Odisha td. at Mouza- Patia, of Bhubaneswar Municipal Corporation in the Development plan area of Bhubaneswar District Khorda
ToR Date	29.04.2022
Name of the Consultant	M/s Visiontek Consultancy Services Pvt. Ltd., Bhubaneswar

Proposal in brief:

The highlights of the proposal as ascertained from the application and as revealed from proceedings/discussion held during the meeting of SEAC/SEIAA, are given as under.

1. The proposal is for Expansion with Modification of "ARIANA", Multistoried Residential complex over a built up area-58788.51 sqm at Mouza- Sankarpur, Bhubaneswar, Odisha of Bhubaneswar Municipal Corporation in the Development plan area of Bhubaneswar District Khorda for M/s.Kriday Realty Private Limited of Sri Siddhartha Roy.
2. The project falls under category "B" or activity 8 (a)-Building & Construction projects under EIA Notification dated 14th September 2006 as amended from time to time.
3. M/s Kriday Realty Private Limited has proposed for expansion with modification of Residential Project "TATA ARIANA" located at Mouza - Sankarpur , Bhubaneswar in the district of Khurda in Odisha.
4. The project has been granted prior environmental clearance vide letter no - 1997/SEIAA on dated 24th April 2013 for construction of 12 Towers having total construction area of 1,85,176.33 m2 (including Basement) 132395.7 sqm (Excluding Basement area).
5. Later due to PPP agreement expired in the year 2017 & Extension of Time (EoT) received only in December'2021 from BDA building revised proposal for expansion and modification was submitted and recommended for the ToR .
6. Based on the same ToR was granted vide Letter No. SEIAA-File No- File No.76188/83-MIS/04-2022 dated 29.04.2022 for Expansion and Modification of Residential Project "TATA ARIANA" for total plot area of 12 Acre or 48575.31 sqm .
7. Location and Connectivity – The proposed site is located at Mouza- Sankarpur, Bhubaneswar, Odisha. The Geographical co-ordinate of the project site are Latitude: 20°15'47.40"N & Longitude: 85°45'22.72"E. The site is very near to NH 5 is approx. 0.92km.The nearest railway station is Bhubaneswar Railway Station approx. 9.3 km from the project site. Biju Patnaik International



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Airport is at a distance of approx. 7km from the project site. Chandka-Dampara Wild Life Sanctuary is about 7.71km. Nandankanan Wild Life Sanctuary is about 14km. The site is coming under Bhubaneswar Municipality area. The residential population of the project will be 2392 persons after 100% completion. The population for the project is estimated at 2392 permanent, 316 visitors, and 1133 in retail. Club & Town admin building etc.

10. The Current Status of building Project:

S. No.	Project Activity	Details	Work completed so far	Work Yet to be completed
i)	Plot Area	Total Plot Area: 48575.31 sqm. (12.00 Acre/ 4.857531 Ha), In Possession-201537.49 sqm		
ii)	Ground coverage	9,977.279 (20.5%)	6918.703 (14.2%)	3058.576 (6.3%)
iii)	Road Area	8075.162		
iv)	Green belt (plantation area)	9997.585		
v)	Green belt above Podium	8195.295		
vi)	Service Area	515.522		
vii)	Swimming Pool	269.383		
viii)	open parking area	5800.365		
ix)	Proposed FAR	Permissible -2.75 Proposed - 2.749		
x)	Built Up Area	EC obtained for 12 Towers with built-up area of 1,85,176.33 m ² (including Basement) & 132395.7 sqm (Excluding Basement area)		
		The total built-up area after modification will be decreases from 1,85,176.33 m ² (including Basement) to 171593.75 m ²	Existing-79458.56 sqm (Excluding Basement) 112805.24 sqm (Including Basement))	Proposed built up area-58788.51 sqm
xi)	Landscape Area Total Green belt (plantation area) 20.6 % Green belt above Podium 16.9 %	18192.88 sqm (37.5 %)	Green belt (plantation area) 9997.585 sqm	
			Green belt above Podium 8195.295 sqm	
xii)	Parking Area 30 % percentage of total built-up area	Total parking area - 41,685.917	Existing 8 Towers = 24377.318 Sqm (31% of Built up	Proposed 4 Towers & = 17308.599 Sqm (30% of Built up

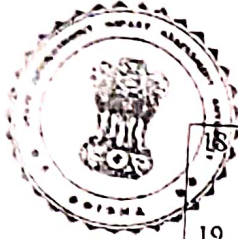
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	towards FAR		area)	area).
xiii)	Maximum height of building	66 m	-(G+13, G+14 , G+15 & G+16) -51 m	Proposed' (G+21) -66' m
xiv)	No. of Units	1210 nos.	792	418 Total no of L.I.G. Flats=244 nos (Which is more than 20% of total nos. of Flats)
xv)	Total project cost	` 557 Cr	` 346 Cr	` 211

11. Water Requirement – During Operation phase the total water requirement for proposed 4 towers is approx. 323 KLD (domestic + flushing), out of which total domestic water requirement for residential is 215 KLD, flushing water is 108 KLD. The total fresh water requirement is 215 KLD (daily basis for residential blocks for domestic requirement).It is expected that the proposed additional 4 towers will be generate approx. 269 KLD (80 % of wastewater from residential and club area. The wastewater will be treated in a STP having capacity of 860 KL (provided for Existing and proposed sewage water Treatment) provided within the complex generating 215 KLD of recoverable treated waste water from STP which will be recycled within the project. During dry season there it will be follow zero discharge of surplus treated wastewater and 140 KLD will become surplus in monsoon season and will be discharged into municipal sewer. Sewerage treated water can be used in Toilet Flushing & Irrigation to reduce the load on fresh water. Therefore, the total fresh water requirement is approx. 895 KLD (Existing +Proposed+ visitor and retail area etc.), out of which total domestic water requirement for residential is 589 KLD, flushing water is 306 KLD. The total fresh water requirement is 589 KLD (daily basis for residential blocks for domestic requirement).
12. Total no. of Rainwater Harvesting pits – 08 nos for the project.
13. Power Requirement - The overall maximum demand is approximately 4384.49 kW or 6000kVA at power factor 0.9. It is proposed to have Grid supply at 33KV from Electricity Supply Company. It is proposed to have 100% Power Backup for Common Area Services and limited for each flat. The Back-up power shall be provided by 415 Volt DG Sets. Total Backup power load is 3530 KVA which will be met by 3 nos. 1010 kVA, 1 no. 500 KVA 415 DG sets. Solar Power proposed for 4 towers is 100KW.
14. Solid waste Management - During operation phase, waste comprise of municipal waste majorly. Total waste generation after overall development of the project is estimated to be 3381 kg/day. Waste will be segregated into recyclable, compostable and inert waste. Apart from this E-waste will be generated from the project site. Hazardous waste to be generated from site is used oil only from DG sets. Presently, total solid waste generation is about 1.196 T/day. However, it is envisaged to be 3.8 T/day after 100% completion and operation of the project. The Municipal Solid Waste Management will be conducted as per the guidelines of Solid Waste Management Rules, 2016.
15. Green Belt – The project has been well planned to have sufficient open space and green coverage. The green area comprises of evergreen, tall and ornamental trees and ornamental shrubs inside the premises. The green area has been developed over total green area measuring 18192.88 sqm (37.5 %) has already been developed. The biodiversity in the area will improve due to the proposed green cover. Evergreen tall and ornamental trees and ornamental shrubs will be planted inside the premises.
16. Parking Details – Total Parking Area Provided - 41,685.917Sqm. (Existing 8 Towers = 24377.318 Sqm (31% of Built up area) & Proposed 4 Towers= 17308.599 Sqm (30% of Built up area).
17. Rain Water harvested through 08 nos. of Rain Water recharging pits. .



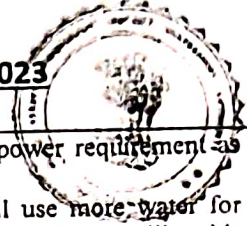
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- Fire fighting Installations: Fire fighting system will be installed as per recommendation of the Firefighting Officer, Odisha and as per the provisions given in Part-IV of National Building Code of India -2016 and relevant BIS specifications.
19. The project cost is 577 crores in total out of which for existing building is 327 crores and for proposed building is 250 crores. Environmental Monitoring Programme Cost Capital and recurring cost towards EMP will be Rs. 2058.75 lakhs and 429.9 lakhs/ annum respectively.
 20. The project proponent along with the consultant M/s Visiontek Consultancy Services Pvt. Ltd., Bhubaneswar made a detailed presentation on the proposal on 03.08.2022.
 21. The proposed site was visited by the sub-committee of SEAC on 09.11.2022. Following are the observations of the sub-committee and proponent needs to submit relevant documents as below:
 - i) No construction has been made in the proposed phase except the basement. PP and Consultant were present. PP informed that the basement approval for all 3 phases were taken earlier (PP informed to submit document). Similarly, the STP has already been installed for all 3 phases as informed by PP. Thus, calculation sheet justifying the capacity to be submitted.
 - ii) Solar power (roof top) has not been installed for earlier 2 Phases, PP informed that the same was not a requirement while the approval for the earlier 2 phases were taken. However, the solar power installations will be done for the current phase and details will be submitted.
 - iii) A drain is existing as shown by PP, thus NOC from BMC for draining excess treated water to be taken before construction.
 - iv) Stack height to be enhanced as committed in the proposal, as current height is less than Phase 3 building height.
 22. The Sub-committee of SEAC recommended EC subject to above conditions and submission of documents /compliances as asked by the committee during presentation.
 23. The PP submitted ADS on 27.09.2022.
 24. The SEAC opined that the proponent has submitted the compliance as requested earlier and it has also been mentioned in ADS.
 25. The proposal was placed in the SEAC meeting held on 13.01.2023 and the SEAC have recommended for grant of Environmental Clearance valid for 10 years with standard stipulated conditions and addition specific condition as below.
 26. Any deficiencies/omission have been noticed in the above documents- Not submitted Certified compliance report, conditions of earlier EC not complied. Storm water drain as per BDA condition yet to be complied, greenbelt development yet to be completed, CTO granted for 12 tower by SPCB, etc.

Whether SEAC recommended the proposal – Yes. The proposal was placed in the SEAC meeting held on 13.01.2023 and the SEAC have recommended for grant of Environmental Clearance valid for 10 years with standard stipulated conditions in addition to the following specific conditions.

- > Project Proponent informed that the basement approval for all 3 phases were taken earlier. Similarly, the STP has already been installed for all 3 phases as informed by Project Proponent. Project Proponent shall submit copy of basement approval for all 3 phases and calculation sheet justifying the capacity for all 3 phases before issue of Environmental Clearance.
- > The Proponent before implementation of the project shall convert the land to Gharabari and shall take the ownership of the land if not already taken.
- > The Proponent shall obtain permission/NOC from Executive Engg. (PHD) and / or from the appropriate authority for disposal of excess STP treated water to the nearest drain without which the Proponent will not start construction work. Also, in case of the connecting drain passing through others land (Govt. or Private land), the Proponent shall obtain the permission and possession as the case may be

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- The proponent shall use solar energy atleast to the tune of 5% of total power requirement as proposed.
- To reduce discharge of treated water to open drain, the proponent shall use more water for increased number of trees proposed to be planted in the green belt area & shall also utilize this treated water for car washing, floor washing to minimize the surplus discharge to drain.
- The proponent shall implement the Pollution Control Measures and safeguards as proposed in the Environment Management Plan (EMP) of project report.
- The proponent shall Comply to the provision of structural stability certificate as per the bye- law of the Development Authority.
- When the public water supply will be available adjacent to/ in the vicinity of the proposed project in future, the PP shall avail it following due procedure of the Govt if the concerned authority agrees and dispense with the drawl of ground water except one borewell for emergency purpose. The PP shall take up suitably for the purpose with the concerned authority of the Government.
- The PP shall adhere to terms of Agreement with BDA
- All compliances submitted/ committed by PP(s) shall be strictly adhered to them in addition to all the conditions/ specific conditions of EC.

2. The proposal was placed in 109th meeting of SEIAA, Odisha and After detailed deliberations, the Authority decided that the proposal be referred back to SEAC with the following observations:

- (i) As per MoEF & CC, Govt. of India circular F.No. J-11011/618/2010-IA-II(I) dated 30.05.2012,application for expansion project receipt without a certified report of the status of compliance of the conditions stipulated in the environmental clearance for the on-going/existing operation of the project by Integrated Regional Office (IRO) of MoEF & CC, Bhubaneswar, the EC shall not be accepted and placed for consideration before the SEAC. In this case, the certified compliance report of EC condition attached at annexure-6 is not certified by IRO, MoEF & CC, Govt. of India.
- (ii) The SEAC is requested to give their considered view on each of the point of EC conditions after examining the certified compliance report of IRO, MoEF & CC.
- (iii)The project has been granted prior-EC vide no. 1997/SEIAA on dated 24th April 2013 for construction of 12 Towers having total built up area of 1,85,176.33 Sq. mt. (including Basement, for Phase-I & Phase-II) and 132395.7 sqm (Excluding Basement area for Phase-I & Phase-II). Further, the CTO issued vide order no. 2866 with letter no. 1238 dated 30.01.2019 by OSPCB have been granted for the same area. Whereas, the PP has now applied the proposal for expansion of existing-79458.56 Sqm (Excluding Basement) & 112805.24 Sqm (Including Basement)) area to Proposed new built-up area-58788.51 sqm (as expansion). The discrepancy between CTO issued and work completed may be clarified.
- (iv)The EC dated 24.04.2013 was issued by SEIAA, Odisha for 5 years based on undertaking that the storm water of quantity 770 cum/hr to be discharged through the peripheral drain of M/s. Trident properties Ltd. The BDA will acquire and construct the storm water drain of approximate length 180 meter for which the PP shall bear the cost of the drain as conditions mentioned the BDA letter no. 109/EM/BDA dated 11.02.2013. The present position and status of the storm water drain may be verified from field.

3.The proposal was again placed in SEAC meeting held on 27.03.2023 and the committee opinion that

- a. Since, this is an ongoing project, the PP has to comply the lapses as pointed out in the certified compliance report as per instruction issued by the MoEF&CC, Govt. of India in their letter dated 14.03.2023. Further, certified compliance is required and PP to submit. Here, SEIAA henceforth should forward the applications to SEAC only if such a document is submitted by PP as this is a requirement in such types of projects. This will avoid delay.
- b. Reply of the proponent is convincing.
- c. The committee visited and witnessed the drain that was connected to Trident drain and necessary documents including NOC were sought for discharge of storm water from the authority. However,

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Minutes of 123rd Meeting of SEIAA, Odisha Held on 19.06.2023

documentary evidence like: agreement with Trident, BDA/BMC letter and its reply giving the consent to deposit the money for the final drain and the status of the same can be asked to PP (if not submitted earlier). The structured drain beyond Trident was to be developed / constructed after land acquisition by BDA/BMC and money to be deposited by PPs on getting the demand for the same. Thus, status of the same may be obtained in the form of documentary evidence instead of one more site visit as it is beyond the scope of the current project site.

- Finally the committee recommended the additional condition:
- The proponent shall comply to the lapses as pointed out in the certified compliance report to the earlier EC conditions as per instruction issued by the MoEF&CC, Govt. of India in their letter dated 14.03.2023.

4. Again, the proposal was put in the 116th meeting of SEIAA held on 26th -27th April, 2023. The authority had perused the recommendation of SEAC and submission of PP vide their letter no. Nil dated 05.09.2022. The following are the observation were made:

- The PP was granted EC vide letter no. 1197/SEIAA dated 24.04.2013 which was valid for 10 years i.e upto 23.04.2023.
- The EC issued for 12-Towers having a total built-up area of 1,85,1776.3 sq.m and Consent to Operate (CTO) has been obtained for the same area. There is no information regarding the built-up area for which occupancy certificate has been obtained. At present, there is no scope of further EC unless the CTO /occupancy certificate is revised.
- The undertaking given by the PP while obtaining the EC dated 24.04.2013 regarding discharge of storm water quantity of 770 cum/hour has not yet been fully complied with. Any further addition of dwelling unit only leads to increase in storm water quantity without proper arrangement for discharge.
- The original EC dated 24.04.2013 contains 50 conditions. The certified compliance report furnished by MoEF & CC, IRO, Bhubaneswar vide their file no. 109-1145/EPE after inspecting the site on 13.01.2023 shows that out of 50 EC conditions, 19 no. are fully complied, 20 no. are partially complied and 11 no. are not complied even after 10 years.

In view of the above, the Authority decided to reject the application for Expansion with Modification of "ARIANA", Multi-storeyed Residential complex at Mouza- Sankarpur, Bhubaneswar, District Khorda. The PP may apply afresh after obtaining revised CTO and occupancy certificate with full compliance of previous EC condition.

5. Now, the PP had submitted new EC application as per the decision of SEIAA and has submitted the ADS of SEIAA for consideration.

Decision of Authority: Approved

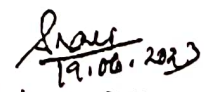
After detailed deliberation on the matter, the Authority decided as follows:

1. EC is allowed subject to closure of the IRO compliance report vide letter no. No.109-1145/EPE dated 14.03.2023 of earlier EC conditions within a period of 6 months failing which the EC will be revoked.
2. The issue of Occupancy Certificate(OC) & Consent to Operate(CTO) for the 4 nos. of Towers shall be subject to completion of storm water drain as per BDA Condition vide its letter no.109/EM/BDA, Bhubaneswar dated.11.02.2013


Member Secretary, SEIAA

APPROVED BY


Member, SEIAA 19.06.23


Chairman, SEIAA

ANNEXURE-2

-12-

THE COURT OF MEMBER, BOARD OF REVENUE, ODISHA, CUTTACK

CAMP AT BHUBANESWAR

OSS Case No. 820/2020



In the matter of : An application u/s 15 (b) of O S & S Act-1958

AND

In the matter of :

Bhubaneswar Development Authority,
represented through Secretary,
Akash Shova Building, Sachivalaya Marg,
Bhubaneswar, Dist-Khurda

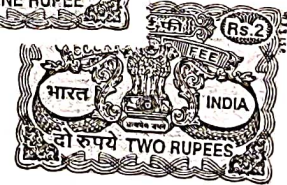
..... Petitioner

Versus

1. Additional Chief Secretary,
Revenue & Disaster Management Department,
Secretariate Building, Bhubaneswar
2. Director of Estate-cum-Additional Secretary,
G.A. & P.G. Department,
Secretariate Building, Bhubaneswar.
3. Settlement Officer,
Major Settlement,
Jobra, Cuttack, At/Po/Ps/Dist-Cuttack.
4. Tahasildar, Bhubaneswar, At/Po-Bhubaneswar,
Dist-Khordha.
5. M/s- Kriday Reality Pvt. Ltd.
(A subsidiary of TATA Housing Dev. Co. Ltd.)
Regd. Office Trade World, B-Wing, 2nd Floor,
Kamala Mills, Senapati Bapat Marg, Lower Parel (W),
Mumbai-400013.

Kabindra Kumar Saha

Secretary
Bhubaneswar Development Authority
Bhubaneswar



..... Opp. Parties

The petitioner named above, most respectfully sheweth :-

1. That the following schedule of property has been leased out by the R&D.M. Deptt., Govt. of Odisha, in favour of Bhubaneswar Development Authority for

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

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Implementation of Integrated Residential Project under PPP Mode as per letter No. 53104/R&DM dtd. 07.12.2012. The detail land schedule is as follows.

Mouza	Khata	Plot No.	Area in acre	Kisam
Sankarpur PS-Chandaka No. 55	421	87/1264	7.990	Puratana patita
		87/1263/1802	4.010	Puratana patita
Total-			12.000	

1

Accordingly, Bhubaneswar Development Authority executed the lease deed between the Collector, Khordha on behalf of the Governor of Odisha on 08.01.2013 vide Regd Deed No. 11131300839 of 2013.

Subsequently, Bhubaneswar Development Authority leased out the land in favour of M/s- Kriday Reality Pvt. Ltd. for development of Integrated Residential Project on PPP Mode and the possession of the land was delivered to M/s- Kriday Reality Pvt. Ltd. on 09.05.2013.

2. That in the meantime, the final RoR of Village-Sankarpur was published on 14.11.2013 subsequent to the execution of lease deed between Government of Odisha with BDA and BDA with M/s- Kriday Reality Pvt. Ltd. On super imposition of Hal and Sabik Map, it reveals that the allotted plot.No. 87/1264 with an area of Ac. 7.990 corresponds to the following Hal plots.

Kabindra Kumar Saha
Secretary
Bhubaneswar Development Authority
Bhubaneswar

LAND SCHEDULE

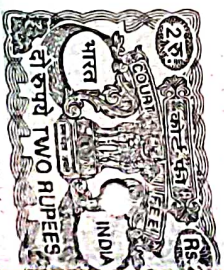
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Mouza	Khata	Plot No.	Area in acre	Kisam
Sankarpur	2076	97 (P)	Ac. 1.016	Jungle
	2075	2	Ac. 1.410	Gochar
		3	Ac. 0.200	-do-
		4	Ac. 0.200	-do-
		5	Ac. 0.300	-do-
		6	Ac. 0.150	-do-
		7	Ac. 0.150	-do-
		3141	Ac. 0.100	-do-
		3142	Ac. 0.100	-do-
		3355	Ac. 0.055	-do-
		3356	Ac. 0.060	-do-
		3357	Ac. 0.045	-do-
		3358	Ac. 0.055	-do-
		3359	Ac. 0.055	-do-
		3360	Ac. 0.040	-do-
		3361	Ac. 0.055	-do-
		3404	Ac. 0.065	-do-
		3405	Ac. 0.055	-do-
		3406	Ac. 0.065	-do-

20

Surendra Prasad
Advocate
NOTARY, CUTTACK

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	3407	Ac. 0.065	Gochar
	3422	Ac. 0.090	-do-
	4113	Ac. 3.960	-do-

Out of the above, the Hal Plot No.97(P) of area Ac.1.016 was recorded in holding No. 2076 (Jungle Bivag) in Jungle Kisam. But rest other plots are recorded in Govt, Rakhit khata no.2075 classified as Gochar.

3. That however, on comparison of the plot index of Hal Sabik references, the Hal Plot No.97 corresponds to Sabik Plot No.87. The Sabik Plot No.87/1264 and 87/1263/1802 was in Puratan patita as per the Revenue Record and the R & D.M. Deptt. have sanctioned lease accordingly. Similarly on verification of Sabik Hal co-relation as per plot index issued by Tahasildar, Bhubaneswar, it has come to notice that the following schedule of Hal Plots corresponds to Sabik Plot No.87/1263 and 87/1264.

LAND SCHEDULE

Sabik Plot No. 87/1263

Mouza	Khata	Plot No.	Area in acre	Kisam
Sankarpur	2075	96/3199	Ac. 1.428	Gochar
		96/3432	Ac. 0.950	-do-
		96/3433	Ac. 0.100	-do-
		96/3434	Ac. 0.100	-do-
		96/3436	Ac. 0.100	-do-
		96/3437	Ac. 0.100	-do-
		96/3438	Ac. 0.100	-do-
		96/3439	Ac. 0.100	-do-
		96/3440	Ac. 0.100	-do-
		96/3442	Ac. 0.100	-do-
		96/3442	Ac. 0.100	-do-
		96/3443	Ac. 0.100	-do-
		96/3444	Ac. 0.090	-do-
		96/3445	Ac. 0.090	-do-
		96/3446	Ac. 0.085	-do-
		96/3447	Ac. 0.090	-do-
		96/3448	Ac. 0.090	-do-
		96/3449	Ac. 0.090	-do-
		96/3450	Ac. 0.090	-do-
		96/3451	Ac. 0.085	-do-
		96/3452	Ac. 0.085	-do-
		96/3453	Ac. 0.085	-do-
		96/3454	Ac. 0.085	-do-
		96/3455	Ac. 0.085	-do-
		96/3456	Ac. 0.085	-do-

Kalendra Kumar Saha
 Secretary
 Bhubaneswar Development Authority
 Bhubaneswar

3

1802?
S.K. G...
A...

Surendra Prasad Dha
 Advocate
 NOTARY, CUTTACK

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		96/3457	Ac. 0.085	-do-
		96/3458	Ac. 0.050	-do-
		96/3459	Ac. 0.050	-do-
		96/3460	Ac. 0.050	-do-
		96/3461	Ac. 0.090	-do-
		96/3462	Ac. 0.090	-do-
		96/3463	Ac. 0.090	-do-
		96/3464	Ac. 0.090	-do-

Sabik Plot No. 87/1264

Mouza	Khata	Plot No.	Area in acre	Kisam
Sankarpur	2075	2/3465	Ac. 0.100	Gochar
		2/3466	Ac. 0.100	-do-
		2/3472	Ac. 0.070	-do-
		2/3404	Ac. 0.055	-do-
		2/3405	Ac. 0.055	-do-
		2/3406	Ac. 0.065	-do-
		2/3407	Ac. 0.065	-do-
		2/3420	Ac. 0.100	-do-
		2/3361	Ac. 0.055	-do-
		2/3355	Ac. 0.055	-do-
		2/3356	Ac. 0.060	-do-
		2/3357	Ac. 0.045	-do-
		2/3358	Ac. 0.055	-do-
		2/3359	Ac. 0.055	-do-
		2/3360	Ac. 0.040	-do-
		2/3142	Ac. 0.100	-do-
		2/3141	Ac. 0.100	-do-

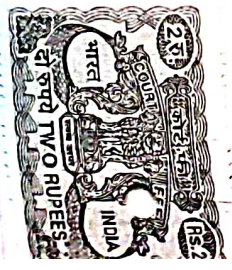
Kabindra Kumar Jha
 Secretary
 Bhubaneswar Development Authority
 Bhubaneswar

J.K. Saha

4. That the Hal Plot No.97 of Hal Khata No.2076 of Mz-Sankarpur corresponds to Sabik Plot No. 87 of Sabik Khata No. 424 but not Sabik Plot of 87/1264 or 87/1263 of Mz-Sankarpur. So the Sabik-Hal and Hal-Sabik corresponds to Sabik Plot No. 87/1264 and 87/1263 of Mz-Sankarpur as per plot index does not tally with the Sabik Hal correspondence in the map. As such, it is crystal clear that there is a mismatch in preparation of the South side boundary wall of the Hal Plot No. 97 Hal Khata No. 2076 which corresponds to Sabik Plot No. 87 of Mz-Sankarpur. So, boundary wall as shown in the map of Hal Plot No. 97 towards southern side measuring an area of Ac. 1.016 needs to be corrected.

9/19-9
 Surendra Prasad Dha
 Advocate
 NOTARY, CUTTACK

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PRAYER

It is therefore humbly prayed that your Honour would graciously be pleased to admit the revision application, call for settlement records and after hearing the parties pass an order to create a new Batta plot in respect of green marked portion to the extend of area Ac. 1.016 being carved out from Hal Plot No. 97 in lieu of corresponding Sabik Plot No. 87/1264 (P) and to be recorded in Govt. Rakhit Khata No. 2075. Tahasildar, Bhubaneswar may be directed to effect necessary changes both in Hal RoR and map accordingly for the ends of justice.

And for which act of kindness the petitioner shall as in duty bound ever pray.

Place- Cuttack
Date- 14.9.2023

By the petitioner through

J. K. Sahoo
Advocate

VERIFICATION

I, Shri Kabindra Kumar Sahoo, aged about 56 years, Son of 'Late Narayan Sahoo at present functioning as Secretary in the establishment of Bhubaneswar Development Authority, Akash Sobha Building, Sachivalaya Marg, Bhubaneswar, Dist- Khurda do hereby verify the above facts and state that the facts stated above are true to the best of my knowledge. I put my signature in this verification being present in my Advocates chamber today i.e. on

Kabindra Kumar Sahoo

Verificant
Secretary
Bhubaneswar Development Authority
Bhubaneswar

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

4/11-9
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Board of Revenue, Odisha
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PRAYER

It is therefore humbly prayed that your Honour would graciously be pleased to admit the revision application, call for settlement records and after hearing the parties pass an order to create a new Batta plot in respect of green marked portion to the extend of area Ac. 1.016 being carved out from Hal Plot No. 97 in lieu of corresponding Sabik Plot No. 87/1264 (P) and to be recorded in Govt. Rakhit Khata No. 2075. Tahasildar, Bhubaneswar may be directed to effect necessary changes both in Hal RoR and map accordingly for the ends of justice.

And for which act of kindness the petitioner shall as in duty bound ever pray.

Place- Cuttack
Date- 14.9.2023

By the petitioner through

J.K. Saha
Advocate

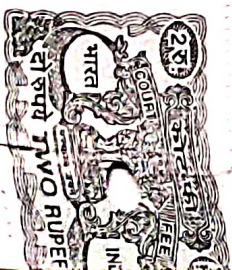
VERIFICATION

I, Shri Kabindra Kumar Sahoo, aged about 56 years, Son of Late Narayan Sahoo at present functioning as Secretary in the establishment of Bhubaneswar Development Authority, Akash Sobha Building, Sachivalaya Marg, Bhubaneswar, Dist- Khurda do hereby verify the above facts and state that the facts stated above are true to the best of my knowledge. I put my signature in this verification being present in my Advocates chamber today i.e. on

Kabindra Kumar Sahoo
Verificant
Secretary
Bhubaneswar Development Authority
Bhubaneswar

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

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Record Keeper
Board of Revenue, Odisha
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AFFIDAVIT

I, Shri Kabindra Kumar Sahoo, aged about 56 years, Son of Late Narayan Sahoo at present functioning as Secretary in the establishment of Bhubaneswar Development Authority, Akash Sobha Building, Sachivalaya Marg, Bhubaneswar, Dist- Khurda do hereby solemnly affirm and state as follows:-

1. That I am the petitioner in this case.
2. That the facts stated above are true to the best of my knowledge and belief.

Kabindra Kumar Sahoo

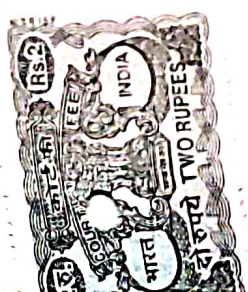
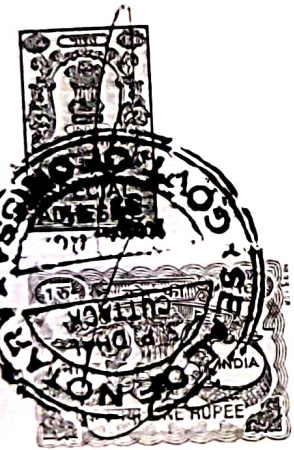
Deponent
Secretary
Bhubaneswar Development Authority
Bhubaneswar

Identified by

S. K. Sahoo
Advocate

The above named Deponent
Solemnly affirmed on *14/9/2023*
S. K. Sahoo (Advocate)
(Advocate)

14/9/2023
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK



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[Signature]
Record Keeper
Board of Revenue, Odisha
Cuttack, Date.....
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**In the Court of The Additional Commissioner,
Additional Revision Court-IV, Odisha, Bhubaneswar**
OSS Case No.826/2023
Tahasil: Bhubaneswar
Dated: 09.02.2024

Present:-

Sri Pradeep Kumar Nayak, OAS (SS),
Addl. Commissioner, Addl. Revision Court – IV,
Odisha, Bhubaneswar

**In the matter of an application:-
U/s 15(b) of the O.S.S. Act 1958
In the matter of:-**

1. Bhubaneswar Development Authority,
represented through Secretary,
Akash Shova Building, Sachivalaya Marg,
Bhubaneswar, Dist- Khurda

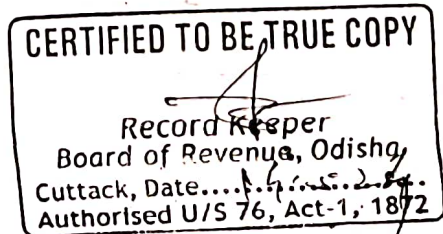
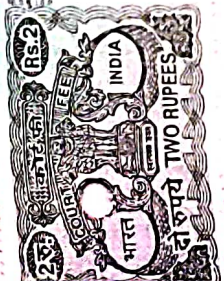
..... Petitioner.

- Vrs -

1. Additional Chief Secretary, Revenue & Disaster
Management Department, Secretariat Building,
Bhubaneswar
2. Director of Estate-cum-Additional Secretary,
G.A. & P.G. Department, Secretariat Building,
Bhubaneswar
3. Settlement Officer, At- Zobra, Dist- Cuttack
4. Tahasildar, Bhubaneswar, Dist- Khuordha
5. M/s- Kriday Reality Pvt. Ltd.
(A subsidiary of TATA Housing Dev. Co. Ltd)
Regd. Office Trade World, B-Wing, 2nd Floor,
Kamala Mills, Senapati Bapat Marg,
Lower Parel (W), Mumbai- 400013

..... Opposite Parties.

Advocate for Petitioner :- Sri Rabindra Kumar Nanda
Advocate for Opposite Party No.5 :- Sri Chandan Kumar Mohanty & Others
Standing Counsel for the State :- Sri Kishore Kumar Das



ORDER

This case is taken up today. The Learned Advocate for the Petitioner is present. The Standing Counsel and Government Advocate are also present on behalf of the State. Heard. Gone through the petition and documents submitted along with it. The prayer for condoning the delay of the Petition filed Under Section 5 of the Limitation Act, 1963 is allowed.

The petitioner prays for calling the settlement report, hear the parties and pass an order to create a new Bata plot and change the status of the land to Puratana Patita for an area of Ac.1.016 dec being carved out from Hal Plot No.97 in lieu of corresponding Sabik Plot No.87/1264 and be recorded in Government, Rakhita Khata No.2075 and direct the Tahasildar Bhubaneswar effecting necessary changes in both ROR, Map and other related records accordingly.

1. The brief background of the case is that, the R&DM Department, Government of Odisha had leased out the following suit land to Bhubaneswar Development Authority (BDA) for implementation of Integrated Residential Project under PPP Mode vide letter No.53104/R&DM dated 07.12.2012. The schedule of the suit land as submitted by the petitioner is tabulated below.

Mouza	Khata No.	Plot No.	Area in acre	Kisam
Sankarpur Ps- Chandaka No.55	421	87/1264	7.990	Puratana Patita
		87/1263/1802	4.010	Puratana Patita
		Total	12.000	

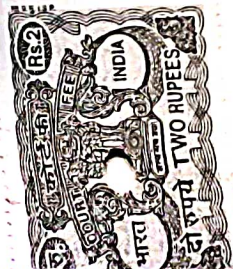
Thereafter, BDA executed lease deed with the Collector, Khordha vide deed No.11131300839 dated 08.01.2013. Subsequently, BDA leased out the suit land in favour of M/s- Kriday Reality Pvt. Ltd. for development of Integrated Residential Project under PPP Mode. The possession of the land was delivered on 09.05.2013 to O.P. No.5 (M/s- Kriday Reality Pvt. Ltd.).

2. While, the settlement operation in the village Sankarpur was going on, the lease deeds was executed between Government of Odisha with BDA (petitioner) and subsequently between BDA (petitioner) with O.P. No.5 (M/s- Kriday Reality Pvt. Ltd.).

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3. The following is the Hal-Sabik co-relation of the leasehold area bearing Sabik Plot No.87/1264 with an area Ac.7.990 dec. as submitted by the petitioner in para 2 of the petition.

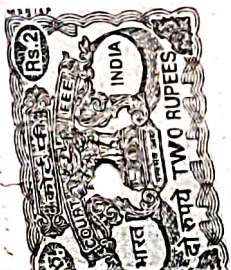
Mouza	Khata No.	Plot No.	Area in acre	Kisam
Sankarpur	2076	97(p)	Ac.1.016	Jungle
	2075	2	Ac.1.410	Gochar
		3	Ac.0.200	-do-
		4	Ac.0.200	-do-
		5	Ac.0.300	-do-
		6	Ac.0.150	-do-
		7	Ac.0.150	-do-
		3141	Ac.0.100	-do-
		3142	Ac.0.100	-do-
		3355	Ac.0.055	-do-
		3356	Ac.0.060	-do-
		3357	Ac.0.045	-do-
		3358	Ac.0.055	-do-
		3359	Ac.0.055	-do-
		3360	Ac.0.040	-do-
		3361	Ac.0.055	-do-
		3404	Ac.0.065	-do-
		3405	Ac.0.055	-do-
		3406	Ac.0.065	-do-
		3407	Ac.0.065	-do-
		3422	Ac.0.090	-do-
		4113	Ac.3.960	-do-

From the above co-relation of Hal-Sabik Plot of the suit land it is found that the Hal Plot No.97 measuring an area of Ac.1.016 is recorded in the name of Forest Department bearing Khata No.2075 but the rest of the suit land is recorded as Gochar.

4. On the other hand, the petitioner has mentioned at Para -3 of the petition that Hal Plot No.97 corresponds to Sabik Plot No.87. The Sabik Plot No.87/1264 and 87/1263 were recorded as Puratana Patita as per the Sabik Revenue record.
5. The following is the Hal-Sabik co-relation of the suit land issued by the Tahasildar, Bhubaneswar dated 28.08.2023 annexed to the petition.

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Sabik Plot No.87/1263 and correlation with Hal Plots as Issued by the Tahasildar, Bhubaneswar

Mouza Sankarpur	Plot No.
	96/3199
	96/3432
	96/3433
	96/3434
	96/3436
	96/3437
	96/3438
	96/3439
	96/3440
	96/3441
	96/3442
	96/3443
	96/3444
	96/3445
	96/3446
	96/3447
	96/3448
	96/3449
	96/3450
	96/3451
	96/3452
	96/3453
	96/3454
	96/3455
	96/3456
	96/3457
	96/3458
	96/3459
	96/3460
	96/3461
	96/3462
	96/3463
	96/3464

Sabik Plot No.87/1264 issued by the Tahasildar, Bhubaneswar

Mouza Sankarpur	Plot No.
	2/3465
	2/3466
	2/3472
	2/3404
	2/3405
	2/3406
	2/3407
	2/3420
	2/3361
	2/3355



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Board of Revenue, Odisha
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	2/3356
	2/3357
	2/3358
	2/3359
	2/3360
	2/3142
	2/3141

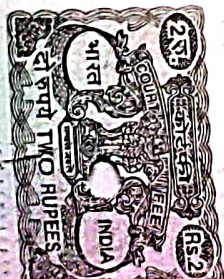
The following land schedule is submitted by the petitioner in the para 3 of the petition.

Sabik Plot No.87/1263 submitted by the petitioner

Mouza	Khata No.	Plot No.	Area in acre	Kisam
Sankarpur	2075	96/3199	Ac.1.428	Gochar
		96/3432	Ac.0.950	-do-
		96/3433	Ac.0.100	-do-
		96/3434	Ac.0.100	-do-
		96/3436	Ac.0.100	-do-
		96/3437	Ac.0.100	-do-
		96/3438	Ac.0.100	-do-
		96/3439	Ac.0.100	-do-
		96/3440	Ac.0.100	-do-
		96/3442	Ac.0.100	-do-
		96/3442	Ac.0.100	-do-
		96/3443	Ac.0.100	-do-
		96/3444	Ac.0.090	-do-
		96/3445	Ac.0.090	-do-
		96/3446	Ac.0.085	-do-
		96/3447	Ac.0.090	-do-
		96/3448	Ac.0.090	-do-
		96/3449	Ac.0.090	-do-
		96/3450	Ac.0.090	-do-
		96/3451	Ac.0.085	-do-
		96/3452	Ac.0.085	-do-
		96/3453	Ac.0.085	-do-
		96/3454	Ac.0.085	-do-
		96/3455	Ac.0.085	-do-
		96/3456	Ac.0.085	-do-
		96/3457	Ac.0.085	-do-
		96/3458	Ac.0.050	-do-
		96/3459	Ac.0.050	-do-
		96/3460	Ac.0.050	-do-
		96/3461	Ac.0.090	-do-
		96/3462	Ac.0.090	-do-
		96/3463	Ac.0.090	-do-
		96/3464	Ac.0.090	-do-

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[Signature]
Record Keeper
Board of Revenue, Odisha
Cuttack, Date.....
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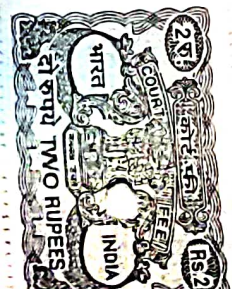
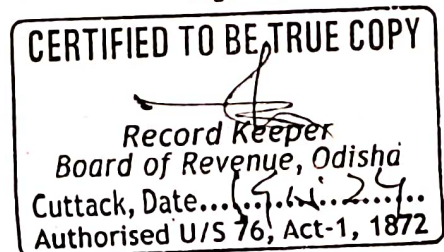
-24-

Sabik Plot No.87/1264 as submitted by the petitioner

Mouza	Khata No.	Plot No.	Area In acre	Klsam
Sankarpur	2075	2/3465	Ac.0.100	Gochar
		2/3466	Ac.0.100	-do-
		2/3472	Ac.0.070	-do-
		2/3404	Ac.0.055	-do-
		2/3405	Ac.0.055	-do-
		2/3406	Ac.0.065	-do-
		2/3407	Ac.0.065	-do-
		2/3420	Ac.0.100	-do-
		2/3361	Ac.0.055	-do-
		2/3355	Ac.0.055	-do-
		2/3356	Ac.0.060	-do-
		2/3357	Ac.0.045	-do-
		2/3358	Ac.0.055	-do-
		2/3359	Ac.0.055	-do-
		2/3360	Ac.0.040	-do-
		2/3142	Ac.0.100	-do-
		2/3141	Ac.0.100	-do-

6. The petitioner submits that Hal Plot No.97 in Hal Khata No.2076 corresponds to Sabik Plot No.87 in Sabik Khata No.424 but does not correspond to Sabik Plot No.87/1264 or 87/1263. The petitioner, therefore, submits that there is mismatch in preparation of the south side trace line of Hal Plot No.97 in Hal Khata No.2076. So, the boundary line of Hal Plot No.97 towards south side needs to be corrected with reference to Sabik map.
7. On 05.10.2023, the case was admitted in the court of the Hon'ble Member, Board of Revenue. Notices were issued to Settlement Officer, Cuttack, Tahasildar, Bhubaneswar; Director of Estate, GA & PG Department and O.P. No.5 i.e. M/s- Kriday Reality Pvt. Ltd. for further clarification.

The case was transferred by Hon'ble Member, Board of Revenue, Odisha, Cuttack to this court vide letter No.II-47/2023 No.1032/Judl., Dated 22.11.2023. On 29th November 2023, the case was taken up for hearing in this court. The Tahasildar, Bhubaneswar, S.O., Jobra, Cuttack and G.A & P.G. Department were asked to submit details of parawise report on the matter. On 18.01.2024 the case was heard. The PWR from S.O., GA & PG Department and Tahasildar, Bhubaneswar have been received.



8. The PWR from DFO, City Forest Division letter No.8159 dated 07.11.2023 is referred below.

"That Sabik Plot No.87/1264 & 87/1263 of Village- Sankarpur, Ps-Chandaka recorded in Sabik Khata No.421 correspond to series of Hal plots with Gochar classification recorded in Hal Khata No.2075 (Rakhit Khata). But on super imposition of Hal & Sabik map, it reveals that Plot No.Sabik87/1264 with an area of Ac.7.990 corresponds to several Hal plots including plot No.97(p) with an area of Ac.1.016 classified as Jungle, recorded in "Jungle Bibhag" Khata No.2076. But Hal Plot No.97 (p) as per Hal map does not tally with the Hal-Sabik & Sabik-Hal plot index co-relation. So, as it appears there is a mis-match in preparation of boundary line of Hal Plot No.97, Hal Khata 2076 with corresponds to Sabik Plot No.87 (P) of Mouza- Sankarpur.

On verification in the field, it is seen that, Forest Dept, is not in possession over the schedule area of Ac.1.016 of Plot No.97 (p) having no forest growth. Settlement Officer, Major Settlement, Cuttack is the competent authority to offer his views in the matter of change of boundary line in the Hal map, if required. We have nothing to say in the matter of correction of Hal Map as prayed for."

9. The PWR from G.A. & P.G. Department vide letter No.38594 dated 28.12.2023 reveals the following information.

"That the Bhubaneswar Development Authority has executed the lease deed on 08.01.2013 and handed over the possession on 09.05.2013 to the Project Proponent. That the Plot No.87/1264 and 87/1263/1802 of Mouza-Sankarpur are settlement plots as per the Sabik Record finally Published by the Settlement Authority during 1962.

That the suit plots were recorded in Gochar Kissam and subsequently it was changed to Puratan-Patita by the competent Revenue Authority. That the adjoining boundary of Plots No.87 and 87/1264 was a straight line in sabik RORs. The G.A & P.G. Department has not alienated any part of the Sabik Plot No.87/1264 of Sankarpur Mouza to Forest Department.

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In view of the above, the prayer of Bhubaneswar Development Authority may be considered for correction of hal RORs and map as per entitlement and field position and as per Sabik ROR and map considering the area leased out in favour of Bhubaneswar Development Authority."

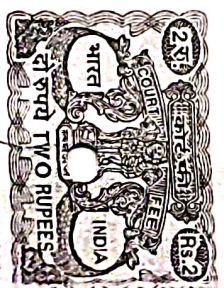
10. The PWR from S.O., Jobra, Cuttack vide letter No.5068 dated 22.12.2023 reveals the following reports.

"It is to mention that the Hal Plot No.97 area Hc.17.6894, Kisam-"Jungle", recorded in holding No.2076, corresponds to Sabik Plot No.87 of Village-Sankarpur.

On verification of the Sabik and Hal Trace Maps, it was found that, during the preparation of Hal Maps, some area/portion of Sabik Plot No.87, has mistakenly added to Hal Plot No.97 (out of Hal Plot No.97/4113), thereby reducing the area of Hal Plot No.97/4113."

11. The Tahasildar, Bhubaneswar has submitted the following PWR reports vide letter No.16096 dated 30.12.2023 and 381 dated 11.01.2024 (clarification for typo-graphical error) which is given below.

"Hal Plot No.97 stands recorded in Khata No.2076 (Jungle Bibhag) classified as jungle which corresponds to sabik Plot No.87 of Sabik Khata No.424, but doesn't corresponds to Sabik Plot No.87/1264 or 87/1263 of Mouza-Sankarpur. The Hal Plot No.97(p) towards Southern side measuring an area of Ac.1.016 is under exclusive possession of BDA which has been leased out to M/s Kriday Reality Pvt. Ltd. for Housing Project. Further, on verification, it is seen that Sabik-Hal & Hal-Sabik co-relation in corresponds to Sabik Plot No.87/1264 and 87/1263 of Mouza-Sankarpur as per plot Index does not tally with the Hal Sabik superimposition of maps leading to mismatch in preparation of the South side boundary wall of Hal Plot No.97. It may be stated here that Sabik Plot No.87/1264 and 87/1263 stands recorded in Settlement ROR No.423 (Rakhita Anabadi) which is classified as Gochara. As such, the Southern side boundary line of Hal Plot No.97 need to be corrected to the extent so as to tally with Sabik Map plot No.87."



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12. The PWR from Collector, Khordha vide letter No.912 dated 26.01.2024 submitted the following report.

"It is ascertained from the report of Settlement Officer, Cuttack that the Hal Plot No.97 17.6894 ha. Kissam- Jungle recorded in holding No.2076 corresponds to Sabik Plot No.87 of village- Sankarpur. Further, it is mentioned in the aforesaid letter that during preparation of Hal maps, some area/portion of Sabik Plot No.87, has mistakenly added to Hal Plot No.97 (out of Hal plot No.97/4113), thereby reducing the area of Hal Plot No.97/4113.

The DFO, City Forest Division, Bhubaneswar has reported that the Forest Department is not in possession over the said Ac.1.016 dec. land bearing plot No.97 (p) and no existing forest growth over the suit land.

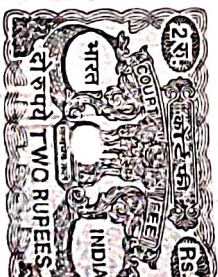
Under the above circumstances, the prayer of BDA, Bhubaneswar for correction of Hal map may be considered based on the available records."

13. In view of the above foregoing examination of reports and records available in the case record, I am inclined to believe that an apparent error has been committed by the survey and settlement staff during the last settlement operation due to which the southern side boundary line of Hal plot No.97 does not tally with the Sabik map and Sabik Plot No.87. The verification of Sabik and Hal-ROR and map co-relation correspond to Sabik Plot No.87/1264 and 87/1263 do not tally with Hal-Sabik superimposition of maps leading to mis-match in preparation of the southern side boundary map of Hal Plot No.97. The earlier PWR submitted by S.O., Cuttack vide letter No.3889 dated 17.10.2023 reveals that, Sabik Plot No.87 having area Ac.46.470 is recorded as Jungle kissam but stops giving details of the kissam of the suit land viz., 87/1264 and 87/1263.

This court only relies on records, facts and law of the land. Perusal of all these PWRs cited supra leads me to conclude that, even if the erroneous drawing of boundary line in Hal-ROR with reference of Sabik ROR is accepted, the Kissam of the suit land as Jungle Kissam cannot be changed by this revision court which is beyond its jurisdiction. For example, the Divisional Forest Officer & Wildlife Warden, Chandaka in its letter No.3107 dated 27.04.2023 has informed this court earlier in a separate case relating to change of kissam of land which is referred below.



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Prior approval of Government of India, Ministry of Environment, Forest and Climate Change is mandatory as per provision of Forest (Conservation) Act, 1980 for any non-forest use of forest kissam land with effect from date of promulgation of the Act. i.e. 25.10.1980.

In view of the forgoing examination of records, facts and law, this revision case for changing the kissam of land from Jungle to Puratana Patita is not maintainable.

This revision case is dismissed.

Pronounced in the open court on this day of 09.02.2024.

Dictated & Corrected by me.

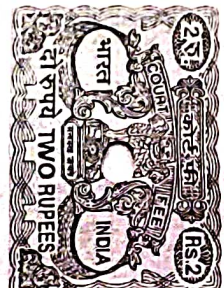
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Addl. Revision Court-IV

Addl. Commissioner,
Addl. Revision Court-IV

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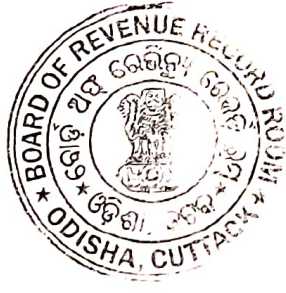
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VAKALATNAMA
IN THE COURT OF NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,
O.A. CASE No. ^{KOLKATA} 55 12024/E2

SANU DAS APPLICANT

VS

STATE OF ODISHA AND OTHERS RESPONDENTS

Know all men by these present, that by this VAKALATNAMA

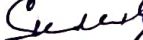
I, Sanu Das, S/o late Bibekanda Das, Resident of At Flat No- 1032 and 1303, Tower 9, 13th Floor, Tata Ariana, Ghatikia, Bhubaneswar - 751029

Appellant / Respondent / Petitioner / Opposite Party in the aforesaid case, do hereby appoint and retain **SAMARENDRA KUMAR MOHANTY, JATINDRA MOHANTY, SUBHENDRA KUMAR MOHANTY, SABYASACHI SAHOO, POONAM ACHARYA, ASHOK KUMAR BEHERA, ASHISH KUMAR MOHANTY, ANSHUMAN MOHANTY & ANANYA SWAYAMPURNA**

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


Dated the ...27...05..... 2024

Received from the Executant(s), satisfied and accepted, I/We hold no brief for the other side.


Samarendra Kumar Mohanty
ADVOCATE Advocate

Enrol. No. 0-997/1990


Accepted as above Accepted as above


(Subhadra Kuma Mahapaty, Adv.)
Advocate PC-0-2100/19


Advocate

Accepted as above

Accepted as above


Poonam.
(Poonam Acharya
0-817/2019 Advocate
773844067)

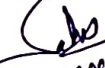
Advocate


Signature of Executant(s)

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CHAMBER-cum-Regd. OFFICE: MC-13, BADAGADA BRIT COLONY, BHUBANESWAR-751018

Mob-9937288006, Email-samarendra@advocatesjs.com


SABHASCHAMI SAHA
Enrol. No. - 0-1154/2019
Mob-9777 219611