

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
IN
M.A. No. 33 of 2024 (EZ)
(O.A. No. 106 of 2021 EZ)

IN THE MATTER OF:
Sisir Kumar Panda

APPLICANT(S)

VERSUS

Union Of India & Others.

RESPONDENT(S)

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Mrinal Kanti Biswas
Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, Kolkata
Filed through

Ashutosh Prasad
Counsel

Dated: 18/10/2024

Place: Kolkata

18 NOV 2024

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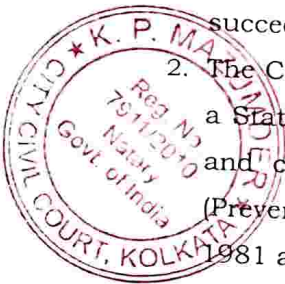
REPLY ON BEHALF OF THE RESPONDENT No. 06 & 12 (i.e.) CENTRAL
POLLUTION CONTROL BOARD (CPCB)

1. That, Hon'ble NGT vide order dated 27.08.2024 has sought the reply of respondents, including Central Pollution Control Board (hereinafter referred as 'CPCB') in the instant matter. Thereby, the reply is made in succeeding paragraphs.

2. The Central Pollution Control Board (hereinafter referred to as 'CPCB') is a Statutory Board constituted under Section 3 of The Water (Prevention and control) Act, 1974. It performs the functions under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986.

3. That the answering Respondents No. 6 and 12 herein would like to state that through the application filed, the petitioner has requested the Hon'ble Tribunal to pass necessary orders in compliance to the Hon'ble Orissa High Court order dated 21.03.2024 in the matter of W.P. (C) No. 22622 of 2022.

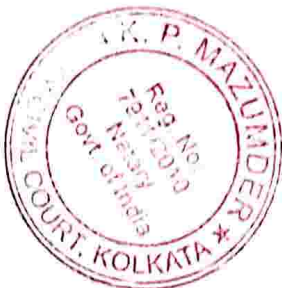
4. The Original Application No. 106 of 2021 (EZ) was filed by the present applicant seeking the removal of alleged illegal constructions by State Authorities and private persons at Agula Bandha (water body) and its embankments located in Gosaninuagaon, Odisha. In the said matter reply Affidavit dated 02.02.2022 was filed on behalf of Respondents No. 6 and 12. Hon'ble NGT vide order dated 03.08.2022, directed the State respondents i.e. Chief Secretary to Govt. of Odisha, State Secretariat, Bhubneshwar, Principal Secretary to Government- Water Resource Department, Odisha State Secretariat, Bhubaneshwar, Principal



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Secretary to Government- Home Department, Odisha State Secretariat, Bhubaneswar, Principal Secretary to Government, Forest, Environment and Climate Change Department, Odisha State Secretariat, Kharavel Bhavan, Bhubaneswar, Member Secretary, Odisha State Pollution Control Board, Commissioner-cum-Secretary to Government, Revenue and Disaster Management Department, Government of Odisha, Commissioner-cum-Secretary to Government, Urban and Housing Development Department, Government of Odisha, Revenue Divisional Commissioner, Southern Division, Collector-cum-District Magistrate, Ganjam Collectrate, Commissioner, Berhampur Municipal Corporation, Secretary, Board of Revenue to remove these illegal constructions and restore the water body. This order was then challenged by concerned petitioners before the Hon'ble Orissa High Court through W.P. (C) No. 22622 of 2022. The Hon'ble Orissa High Court while adjudicating the aforesaid petition, has set aside the aforementioned Hon'ble Tribunal's order dated 03.08.2022 and has remitted the matter back to the Hon'ble Tribunal for adjudication of the issue afresh vide order dated 21.03.2024. In response to averments made in the Miscellaneous Application wherein the applicant has requested the Hon'ble Tribunal to pass necessary orders for compliance with the Hon'ble Orissa High Court's order dated 21.03.2024 in W.P. (C) No. 22622 of 2022, it is humbly submitted that Hon'ble Tribunal may pass appropriate order in the interest of justice and Answering respondent No. 6 and 12 shall abide by all the orders / directions passed by the Hon'ble Tribunal in the instant MA.

5. It is further prayed that the present Respondents reserve their rights to put forth any other or further argument, averment, claim, response and/or documents that may need to be submitted in future through separate affidavits.



Mrinal Kanti Biswas

Mrinal Kanti Biswas

Regional Director & Scientist E,
CPCB, Kolkata

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SL. NO. 8

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH KOLKATA

IN

M.A. No. 33 of 2024 (EZ)
(O.A. No. 106 of 2021 EZ)IN THE MATTER OF:

Sisir Kumar Panda

APPLICANT (S)

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RESPONDENT(S)

AFFIDAVIT

I, Mrinal Kanti Biswas, son of Sri Saroj Kumar Biswas, aged about 42 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Identified by me

Ashok Basu
Advocate

Solemnly Affirmed & Declared
Before me on Identification

[Signature]
DEPONENT

K. P. Mazumder
K. P. MAZUMDER, NOTARY
City Civil Court, Calcutta
Reg. No. 7911/2010 Govt. of India

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VERIFICATION

Verified at Kolkata on this day of 18th October 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the 18 Day of October 2024

Identified by me

Amal Prasad
Advocate

Aditya Das
DEPONENT



Solemnly Affirmed & Declared
Before me on Identification

K. P. Mazumder

K. P. MAZUMDER, NOTARY
City Civil Court, Calcutta
Reg. No. 7911/2010 Govt. of India

18 NOV 2024

Exhibit No.

VAKALATNAMA

IN THE COURT OF National Green Tribunal AT E.Z.B

M.A NO. 33 OF 2024

Sisir Kumar Panda } * Appellant's / Applicant's
Complainant's
Petitioner's / Plaintiff's

VERSUS

Union of India & Others } * Respondent's /
Opponent's
Accused / Defendant's

* I / We The Undersigned Mrinal Kanti Biswas, Regional
Director, C.P.C.B. R.D. Kolkata

the _____ above named hereby appoint & authorise
Shri - Ashok Prasad, Advocate.

* to appear and plead for me / us as my / our Advocate/s in the matter.

* In witness where of I / we have signed below this _____

day of _____

Witness

मृनाल कान्ति बिस्वास
Mrinal Kanti Biswas
देशीय प्रदूषण नियंत्रण
Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
1582, राजदंगा मैदान
1582, Rajdanga Main
कोलकाता - 700 107
Kolkata 700 107

Accepted and filed on / / 20

Signature of Advocate/s

Vakalatnama Received
and accepted
Ashok Prasad, Advocate
9883069404

I am a member / not a member of the Maharashtra Advocates Welfare Fund & I have / have not affixed the required stamp.

* (Strike Out that which is not applicable.)