

IN THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE KOLKATA

MA 43 /2024

Arising Out of

O.A. NO. 36 OF 2022

Rabeya Tabassum ... Petitioner

Versus

State of Odisha and other ... Opp.Party

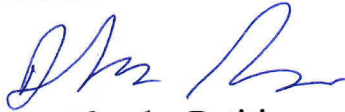
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KOLKATA

Date: 13/9/24


Advocate for the Petitioner

SYNOPSIS

That the present miscellaneous application has been filed by Applicant in Original Application 36/2022 with a prayer to implement the order dated 14/10/2022. The Hon'ble Tribunal has given set of directions to the Opp. Parties like completion of renovation of canal namely "Petanalla", connection of all drainage to nearby STP and beautification of the above-mentioned canal. Pursuant to above direction some work has begun and an affidavit has been filed showing the compliance of the above direction. But the work is far from being over. The construction work has stopped from past few months. The connection of drainage to nearby STP is not yet started and still waste water of nearby areas are being dumped in the above mentioned canal. The condition of the above mentioned-canal is still in depleted form as it was earlier.

DATE	LIST OF EVENTS
29/10/2021	Date of high level meeting under chairmanship of Chief Secretary for renovation and restoration of canal namely Petanalla
18/04/2022	Date of issuance of notice by Hon'ble Tribunal in Original Application 36/2022
14/10/2022	Date of final judgement in Original Application 36/2022

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

MISCELLANEOUS APPLICATION No _____/2024

Arising Out of

ORIGINAL APPLICATION No. 36/2022

In the Matter of :- An application under Section 25, 26 and
28 of the National Green Tribunal Act,
2010

In the Matter of:-

Rabeya Tabassum aged 56 years w/o SK Sabir
Ali At/PO- Jobra PS- Puri Sadar Cuttack-
753003 Email- afraazsuhail2@gmail.com

VERSUS

1. State of Odisha represented through Principal
Secretary of Department of Water Resource
At- Sachivalaya Marg Bhubaneswar-751001
Email- eic-wr.qd@nic.in

2. Collector and District Magistrate Cuttack AT-
Chandini Chowk Cuttack-753003 email- dm-cuttack@nic.in
3. Cuttack Municipal Corporation represented
through Commissioner At- Telenga Bazar
Cuttack-753 002 email- mccmc@nic.in
4. Water Corporation of Odisha At- Unnati
Bhawan, Satya Nagar Bhubaneswar Dist-
Khurda email- md@watcoodisha.in
5. Office of Executive Engineer, Drainage
Division At- Gandarpur Cuttack-753 003
email- eeddcuttack@gmail.com

..... **Opp. Parties/Respondents**

Humble petition of

Applicant above

named

Most Respectfully Shweth

1. The allegation of the Applicant in this Original Application is that Peta Nalla is a natural stream which connects to Mahanadi and Kathajori Rivers and this stream has now become virtually defunct due to construction of Capital Embankment on Mahanadi River. It was stated that this river now falls into the Kathajori River and is disconnected from Mahanadi River. The Kathajori River has six vented sluice gates constructed over the Kathajori embankment. It was alleged that this stream is being dumped with untreated solid and liquid wastes which has rendered its water unfit for any use.
2. That vide order dated 18/04/2022 notice was issued to all the respondents and all the respondents filed their respective affidavits with their regard.
3. That it is worthwhile to mention it was brought to record by affidavits by State respondents the said water canal is very polluted and meetings were High Level Committee

were held under the chairmanship of Chief Secretary of Odisha on dated 29/10/2021.

The report of the Chief Secretary does not mention anything about underground sewage systems connecting to the STP and the budget allocation therefor. Further, remedial measures taken to stop pollution in Petanala till the entire sewerage system is connected to the STP is also not spelled out. Vide order dated 18/07/2022 the Hon'ble Tribunal directed Chief Secretary to file his comprehensive affidavit showing action taken in pursuance of his own affidavit giving recommendations made in the proceedings on 29.10.2021 as well as affidavits filed by the Water Corporation Organization, and the Executive Engineer, Drainage Division, Gandarpur, Cuttack.

4. That pursuant to above direction a affidavit was filed filed dated 23.08.2022, reiterating that the DPR has been prepared with an estimated cost of Rs. 36.13 crores by

the Chief Engineer, Drainage, for renovation of Peta Nalla on a stretch of 3.36 kilometers and after administrative approval by the Water Resources Department, the work would be commenced by January, 2023 and would be completed within 18 calendar months and thereafter the Cuttack Municipal Corporation shall take up and complete the work of landscape, beautification and construction of bridges etc. within the next six months and the entire work would be completed within two years.

5. That after hearing parties at length the Hon'ble Tribunal was pleased to pass following order

“Considering the various affidavits which have been filed by the State Respondents, the renovation work of the Peta Nalla is stated to be completed within 18 months from the date of finalization of the contracts in January, 2023. We, therefore, direct the State Respondents, Govt. of Odisha, to complete the entire renovation work of Peta Nalla and connection of all

*drainage systems to the concerned STP by 31.07.2024
and file affidavit of compliance by 16.08.2024.”*

True copy of final order dated 14/10/2022 has been
annexed here as **Annexure 1**

6. That pursuant to above order work started for renovation and beautification of Petanalla. Works like wall, dredging and other works started and a Contractor namely Bijoy Buildcon Pvt. Ltd was handed over the Contract of the above work.
7. That it is worthwhile to mention here that pursuant to direction of the Hon'ble Tribunal a compliance affidavit was filed by Addl Chief Secretary, Department of Water Resource whereby it was stated that some works of the said canal has started. True copy of compliance affidavit by Department of Water Resource has been annexed here as **Annexure 2**
8. That the affidavit has suppressed some material facts and the work for renovation and restoration of Petanalla is far from being even started.

9. That the Contractor to whom the contract was handed over for renovating Petanalla has completely stopped his work approximately from the month of June. Hardly any work has been done. Walls has been constructed within 600metres out of 3.6 kms of canal and remaining construction has been stopped by the contractor. Dredging and other works has been done within few metres of canal and condition of remaining part of canal is as it was earlier. It was rumoured that the Contractor has left the work. That considering present pace of work it doesn't look the work of renovation will be completed anytime soon.
10. That another direction that was given in the above order was connecting the present drainage to nearby STP present near Ashwini Hospital. The work of connecting drainage system to STP was handed over to WATCO, who were directed to complete the above work before the work has begun. But nothing has been done with regards to it. Drainage water of nearby areas is still getting dumped in

the above-mentioned canal. WATCO has not started its work of connecting drainage to nearby STP. If drainage water is allowed get dumped in the above-mentioned canal, then restoration work will never be practically fruitful. True copy of photograph of drainage water getting dumped in the above-mentioned canal has been annexed here as **Annexure 3**.

11. That another work which was directed to be done was beautification and other development works around the canal which was supposed to be done by Cuttack Municipal Corporation and other State respondents. Hardly any work has started in that regard. Construction of bridge is yet to start. Not a single visible work has been done by the Opp. Parties.

12. That the condition of canal is still in depletable form. The photograph that has been filed in compliance affidavit is far from reality. Hyacinth have again regrown. Both solid and liquid wastes are still dumped in the water body. True

copy of present photograph of the above canal has been annexed here as **Annexure 4** .

13. That hardly any work has been done to renovate and restore the above canal. Even the renovation work by the above contractor has stopped for no valid reason. Other works like connecting to STP is far from being started. If work is done in present pace then it will take years to complete beautification of the above canal. The Opp. Parties are far from completing the work within the timeline provided by this Hon'ble Tribunal.

PRAYER

It is therefore prayed that this Hon'ble Tribunal may graciously please to:

- I.** To Penalize the necessary authorities Under Section 26 and 28 of NGT Act for not complying with the direction of the Hon'ble Tribunal within the time frame as directed by Hon'ble Tribunal
- II.** Direct Opp. Parties to complete beautification, renovation and restoration of Canal namely "Petanalla" within stipulated period of time.
- III.** Direct Opp. Parties to connect all drainages of nearby areas to the concerned STP. Direct all Opp. Parties not to dump liquid and solid waste in the above canal
- IV.** Direction may be given to implement order dated 14/10/2022 of Hon'ble Tribunal
- V.** Or any other order(s), direction(s) may be passed as deemed fit and proper

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

Date 13/09/2024

Kolkata

By Applicant


Advocate

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

MISC. APPLICATION _____/2024

ORIGINAL APPLICATION No. 36 of 2022

Rabeya TabassumApplicant

Versus

State of Odisha and othersRespondents

VERIFICATION

I Rabeya Tabassum aged 56 years w/o SK Sabir Ali At/PO-
Jobra PS- Puri Sadar Cuttack-753003 do hereby verify and
state that the contents of the original application and the
facts stated are true to best of my belief. And no material
facts which are available to me are being suppressed by me in
any manner whatsoever.

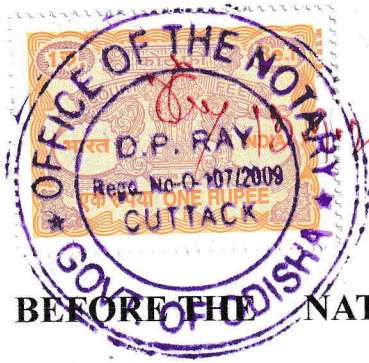
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Dm Am
Advocate

Rabeya Tabassum
Verificant

13.9.2024

**DEBENDRA PRASAD RAY
NOTARY, CUTTACK, ODISHA
REGN.No.ON-107/2009**



BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

MISC. APPLICATION _____/2024

ORIGINAL APPLICATION No. 36 of 2022

Rabeya TabassumApplicant

Versus

State of Odisha and othersRespondents

AFFIDAVIT

I Rabeya Tabassum aged 56 years w/o SK Sabir Ali At/PO-Jobra PS- Puri Sadar Cuttack-753003 hereby solemnly affirm and state as follows that,

1. That I am the applicant in this case
2. That the facts stated are true to the best of my knowledge and no materials facts which are available to me are being suppressed by me in any manner whatsoever.

Identified By

[Signature]
Advocate

Rabeya Tabassum
Deponent

Certified that the above named Deponent, being identified by.....*[Signature]* Advocate solemnly affirms and states before me that the contents of this affidavit are all true to the best of their/his/her knowledge.

[Signature] 13.9.2024
DEBENDRA PRASAD RAY
NOTARY, CUTTACK



ANNEXURE 1

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.36/2022/EZ

In the matter of:

Rabeya Tabbasum,
W/o Sk Sabir Ali,
Aged 54 years,
At-Jobra Majhi,
Cuttack – 753003

...Applicant(s)

Versus

1. Union of India,
Through Secretary,
Ministry of Water Resources, River Development and Ganga
Rejuvenation,
At-e-Gov Cell, 6th Floor Cabin,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110001,
2. Union of India,
Through Secretary,
Ministry of Environment, Forests and Climate Change,
At-Jorbagh Road, Aliganj,
New Delhi – 110003,
3. State of Odisha,
Through Addl. Chief Secretary of Department of Forest, Environment and
Climate Change,
At-Sachivalaya Marg, Bhubaneswar,
Pin – 751001,
4. State of Odisha,
Through Principal Secretary of Department of Water Resource,
At-Keshari Nagar, Bhubaneswar,
Pin – 751001,
5. State of Odisha,
Through Principal Secretary of Revenue and Disaster Management
Department,
At-Sachivalaya Marg, Bhubaneswar,
Pin – 751001,
6. Collector and District Magistrate, Cuttack,
At-Chandini Chowk, Cuttack,
Pin – 753002,

7. Central Pollution Control Board,
Through Chairman,
At-Parivesh Bhawan, East Arjun Nagar,
New Delhi – 110032,
8. Odisha State Pollution Control Board,
Through Chairman,
At-Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-8, Bhubaneswar,
Pin – 751012,
9. Cuttack Municipal Corporation,
through Commissioner,
At-Telenga Bazar, Cuttack,
Pin – 753002,
10. Engineer-in-Chief, Water Resource Department,
At-Heads of Department Building,
Bhubaneswar – 751001,
11. Water Corporation of Odisha,
Through Chairman,
At-Unnati Bhawan, Satya Nagar,
Bhubaneswar – 751007,
12. Office of Executive Engineer, Drainage Division,
AT-Gandarpur, Cuttack,
Pin – 753003,
13. Cuttack Development Authority,
Through Chairman,
At-Arundoya Bhawan, Link Road,
Cuttack – 753012,
14. Tehsildar, Cuttack Sadar,
At-Chandini Chowk, Cuttack,
Pin – 753002,

...Respondent(s)

Date of hearing: 14.10.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Afraaz Suhail, Advocate (in Virtual Mode)

For Respondent(s) : Ms. Saswata Patnaik, AGA for State of Odisha,
Mr. Debasish Ghosh, Advocate for R-2,
Mr. Rajib Ray, Advocate for R-7,
Mr. Dipanjan Ghosh, Advocate for R-8,
Mr. Biswajit Mohapatra, Advocate for R-9,
Mr. Prasanna Kumar Bhuyan, Advocate for R-11,

ORDER

1. Mr. Afraaz Suhail, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Affidavit dated 23.08.2022 has been filed on behalf of the Respondent No.9, Cuttack Municipal Corporation; the same is taken on record.
3. Personal affidavit of the Additional Chief Secretary, Govt. of Odisha, dated 11.10.2022 has been filed; the same is taken on record.
4. Heard Mr. Afraaz Suhail, learned Counsel appearing (in Virtual Mode) for the Applicant, and Ms. Saswata Patnaik, learned Additional Government Advocate appearing for the State of Odisha, Mr. Debasish Ghosh, learned Counsel appearing for Respondent No.2, Ministry of Environment, Forests and Climate Change, Mr. Rajib Ray, learned Counsel appearing for Respondent No.7, Central Pollution Control Board, Mr. Biswajit Mohapatra, learned Counsel appearing for Respondent No.9, Cuttack Municipal Corporation, and Mr. Prasanna Kumar Bhuyan, learned Counsel appearing for Respondent No.11, Water Corporation of Odisha.
5. The allegation of the Applicant in this Original Application is that Peta Nalla is a natural stream which connects to Mahanadi and Kathajori Rivers and this stream has now become virtually defunct due to construction of Capital Embankment on Mahanadi River. It is stated that this river now falls into the Kathajori River and is disconnected from Mahanadi River. The Kathajori River has six vented sluice gates constructed over the Kathajori embankment. It is alleged that this stream is being dumped with untreated solid and liquid wastes which has rendered its water unfit for any use.

6. The Respondent No.8, Odisha State Pollution Control Board, has filed its affidavit dated 21.05.2022 bringing on record an Inspection Report of an inspection carried out on 07.05.2022. The Observations and Conclusion in the Inspection Report read as under:- (order dt. 25.05.2022)

“Observation:

The observations made during inspection are given as follows:

1. *Petanala is a natural stream connecting Mahanadi & Kathajodi which is now defunct with the construction of capital embankment on Mahanadi River. The nalla is disconnected from Mahanadi and has become a dead stream and now it starts from Sector-10, CDA as per the information provided by the Office of the Executive Engineer, Drainage Division, Cuttack to the applicant through RTI application.*
2. *As observed during the visit, Petanala is started near Manteswarigada, Sector-10, CDA, Cuttack where the wastewater of CDA and Bidanasi area is discharged through 04 Nos. hume pipes and one open channel. The nala after passing through CDA & Bidanasi area finally falls in Kathajodi river through six vented sluice gates.*
3. *It was observed that the wastewater of Bidanasi area passing through municipality drains and finally discharged to Peta nala below the culverts at 05 points i.e., (i) opposite of the SaraswatiSishuBidya Mandir, Markat Nagar, (ii) near S.K. Motors shop, (iii) opposite of newly developed CMC Nurserve, (iv) near Sewage Pumping Station-1, Bidanasi and (v) Near Mini stadium.*
4. *Besides that, wastewater of CDA area also discharged to Petanala through underground hume pipes, unorganized water channel and culverts at several locations.*
5. *A Sewage treatment plant of Orissa Water Supply and Sewerage Board i.e., CDA STP of capacity 36 MLD is installed at CDA sector-1 to treat the sewage of CDA, Bidanasi and other area of Cuttack Municipal Corporation. The plant is in operation and the treated water of the STP is discharged to the Peta nala before the nala falls in Kathajodi river. Water sample is collected every month by the Board from the outlet of STP discharged to the Peta*

nala and analysed. The analysis results of last one year i.e., 2021-2022 is complied and given as Annexure-1. The analysis results indicates that concentration of the parameters i.e., pH TSS, BOD, COD, Total Phosphate (P) Ammonical Nitrogen as N, Total Coliform (TC) and Faecal Coliform (FC) at the outlet of STP is within the prescribed standard of the Board.

6. The water of Petanala at the upstream of CDA STP discharge point looks stagnant due to low water level. But at the downstream of CDA STP discharge point, flow in the Petanala is high due to mixing of the treated water of the CDA STP in the Petanala. The nala is mostly covered hyacinth plants and other types of weeds.
7. Water sample of the Petanala discharged to the River kathajodi through six vented sluice gates i.e., near Ajay Binay Institute of Technology (ABIT) is collected by the Board every month under NWMP (National Water Monitoring Programme) programme and analysed. The analysis results of last one year i.e., 2021-2022 is complied and given as Annexure-2. The analysis results indicate that concentration of parameters i.e., pH, TSS, BOD, COD, Total Phosphate (P), Ammonical Nitrogen as N, Total Coliform (TC) and Faecal Coliform (FC) are within the prescribed standard of the Board. This may be due to the dilution of the wastewater of the Petanala with the treated water of CDA STP.
8. The solid waste (garbage) of nearby area was also found to be dumped at several locations at the bank of the Petanala and inside it at few locations.
9. A draft proposal of the Rehabilitation & Resettlement package for Development and Renovation of Petanala was prepared by committee consists of Collector (Cuttack), Commissioner (Cuttack Municipal Corporation), General Manager (WATCO), Project Engineer (JICA), Sub Collector (Cuttack), Executive Engineer (Drainage), TahasildarSadar (Cuttack) and recommended by Revenue Divisional Commissioner, Central Division, Cuttack has been sent to the Additional Chief Secretary to Government, Revenue & D.M. department for approval vide letter No.IV/03/2022/1637/Dev.-I, dated 16.02.2022. Copy of the same is enclosed as Annexure-3.

Conclusion:

The sewage of CDA, Bidanasi and other area of Cuttack Municipal Corporation is treated in CDA STP by channelizing the

sewage through the underground sewerage network. But still then there was discharge of wastewater was observed through municipal drain, hume pipe and unorganized water channel to the Petanala which are required to be stopped and chanelise the waste water to CDA STP. Further the disposal of garbage at the bank of the Petanala and inside it should be stopped. A letter has been issued to the Cuttack Municipal Corporation vide Boards letter No.928/PC-207, dtd. 17.05.2022 to take steps to stop disposal of garbage and wastewater in the Petanal.

The draft proposal of the Rehabilitation & Resettlement package for Development and Renovation of Petanala prepared by committee indicates that for the development and Renovation of Petanala, it requires clearance of encroachment on Government land at Petanala, CDA. Considering the significance of this development and renovation the rehabilitation & resettlement policy is formulated for affected persons and institutions and the proposal has been sent by Revenue Divisional Commissioner, Central Division, Cuttack to the Additional Chief Secretary to Government, Revenue & D.M. Department for approval. If this project is accomplished then the prayer of the applicant will be addressed.

7. The Respondent No.2, Ministry of Environment, Forests and Climate Change, has filed its affidavit dated 15.05.2022, stating therein that the State Pollution Control Board is required to take action with regard to allegations of unchecked disposal of untreated solid and liquid municipal waste inside the Peta Nalla canal situated in Bidanasi area under Cuttack Municipal Corporation which has become a dumping ground of all municipal wastes of the city of Cuttack.
8. The Respondent No.11, Water Corporation of Odisha, (hereinafter referred to as 'WATCO'), has filed its counter-affidavit dated 19.05.2022, stating therein that the Cuttack Development Authority ('CDA' for short) was established in the year 1985 and sewerage and drainage systems were constructed by it and it was

the said authority which was looking after the operation and maintenance ('O&M' for short) of both the systems since 1985 to 2011. Thereafter, the operation and maintenance work of the said systems were handed over to the Cuttack Municipal Corporation w.e.f. 14.01.2011. The Cuttack Municipal Corporation thereafter handed over the operation and maintenance work of the systems to the Odisha Water Supply and Sewerage Board ('OWSSB' for short) w.e.f. 12.02.2013.

9. It is also stated in the affidavit that when the OWSSB took over the operation and maintenance charge of the systems by that time 4.5 MLD Sewage Treatment Plant (STP) as well as sewerage pumping stations were also in a defunct state and thereafter the operation and maintenance work of sewerage system of the Cuttack Development Authority (CDA) was handed over to the Public Health Department (now re-named as 'Water Corporation of Orissa (WATCO)') w.e.f. 20.01.2020 but the operation and maintenance of drainage systems is still under the control of the Cuttack Municipal Corporation.
10. It is further stated that under the OISIP/JICA Project 36 MLD STP was constructed near Aswini Hospital, Cuttack Development Authority, Cuttack, and although WATCO is trying to connect all sewerage systems into the said STP but the system being old, there is still overflow of waste water and near about 20% of liquid waste of the area flows into the Peta Nalla stream.
11. It is further stated that a meeting was held on 28.10.2021 under the Chairmanship of the Chief Secretary, Government of Odisha, in which the following decisions were taken which read as under:-

- “1) WATCO is required to cap all the sewerage points to link them to sewerage Treatment Plant (STP), which is located at Bidanasi near the outfall point of the Nalla within 2-3 months time.*
- 2) Water Resources Organization shall then take up the renovation work out of their own funding.*
- 3) The renovation work includes removal of slushy soil and organic matters from the bed, so that good quality of water shall flow all the time.*
- 4) That width of the Nalla is to be kept about 15 metr. By making both sides of the bank with good quality of borrowed earth and then turfing is to be done.*
- 5) The space available after renovation can be developed by Cuttack Municipal Corporation as parks, parking space, cycle tracks etc.*
- 6) The unauthorized encroachment is to be removed by CMC for which a R&R package is to be proposed.*
- 7) Bore wells are to be provided by CMC for re-charging to the Nalla with fresh water with technical inputs of H&UD, if required.*
- 8) Fencing on both sides of the Nalla with wire mesh to be done by CMC, so that garbage cannot be thrown inside the Nalla.*
- 9) Provisions of bridges are to be made by H&UD Department.”*

12. It is further stated that another meeting was also held under the Chairmanship of Engineer-in-Chief, OWSSB, on 18.11.2021 with regard to diversion of all sewerage connections from Peta Nalla to the STP and the following decisions were taken which read as under:-

- “1) Diversion of sewerage water of Pettanal from part of sector-10 and sector-11 near RCC sump at Sector-10.*
- 2) 3 nos. of RCC drainage pipe line of 1200 mm dia each feeding from sector 8, 9 and part of sector 10 failing into Petanal.*
- 3) 13 nos. of undergrounds drainage pipe line in between Sector 10 to Sector-6 connecting to Petanalla.*

4) 1200 mm dia RCC pipe line connecting to Petanalla adjacent to the boundary wall of 36 MLD STP, CDA, Bidanasi, Cuttack.

5) Regarding encroachment of maximum number of sewerage and drainage Manholes by the different households of CDA, Bidanasi by construction of ramps, verandahs and compound walls etc.”

13. An affidavit dated 07.07.2022 has been filed by the Executive Engineer, Drainage Division, Gandarpur, Cuttack, on behalf of the Respondent Nos. 4, 10 & 12, wherein it is stated that the Peta Nalla starts from Sector-10 of Cuttack Development Authority (CDA) and its outfall is in the Kathajodi River near Belleview through six vented sluice gates constructed over the Kathajodi left embankment i.e., on Cuttack Development Authority Ring Road. The said drain covers a total length of 3.30 kilometers.
14. It is further stated that a meeting was also held under the Chairmanship of Chief Secretary, Government of Odisha, with regard to unhealthy and unhygienic condition of the Peta Nalla on 29.10.2021 and it was decided to renovate the said drain to bring the same into better condition. It is also stated that the Water Resources Department, Government of Odisha, has been entrusted with the following works:-

“(i) The renovation work in respect of removal of slushy soil and organic materials from the bed,

(ii) Width of drain shall be 15m by making both side of the ank with good quality of borrow earth and the turfing,

(iii) RCC toe wall is to be provided to retain the both bank slope,

(iv) Space available shall be developed by CMC for park etc. &

(v) Construction of 2 nos. of bridge.”

15. It is further stated that a Detailed Project Report (DPR) was also prepared for this purpose for Rs. 3613.40 lakhs (Rupees Thirty Six Crores Thirteen Lakhs Forty Thousand only) by the Water Resources Department which was approved in the 136th TAC meeting of the State Flood Control Board held on 14.12.2021 and is awaiting administrative approval. It was also decided for capping of the inlet points to the drain and linking the same to the STP which is to be done by WATCO. In support of his contentions, the proceedings of the meeting held on 29.10.2021 have been filed with the affidavit.
16. The Respondent No.11, WATCO, has filed its counter-affidavit dated 13.07.2021, stating therein that the Peta Nalla is a natural stream connecting to Mahanadi and Kathajodi Rivers which is now disconnected from Mahanadi River due to construction of capital embankment on Mahanadi River. The Peta Nalla now runs from Sector-10, Cuttack Development Authority (CDA), Cuttack, and falls in Kathajodi River through sluice gate at the embankment of River Kathajodi. It is also stated that at Mateswari Gada, Sector-10 of Cuttack Development Authority, though waste water is discharged through drains but the drains are managed and controlled by the Cuttack Municipal Corporation.
17. The Central Pollution Control Board, Respondent No.7, has filed its counter-affidavit dated 29.07.2022, referring to a Revised Action Plan for Restoration of Polluted Stretches of;

(1) *River Kathajodi along Cuttack to Urali under priority Category-III;*

(2) River Serua along Khandaeta to Sankhatrasa under priority Category-V, prepared by the State Pollution Control Board, Odisha dated July, 2020.

18. It is also mentioned in this Report that waste water from all the sectors of Cuttack Development Authority and Bidanasi were being discharged through the Peta Nalla prior to November, 2018, through sluice gate after commissioning of 36 MLD Sewage Treatment Plant (STP) in the area based on Activate Sludge Process (operational w.e.f. 26.11.2018). The waste water of the area is now being diverted to the STP and the treated waste water is being discharged through the Peta Nalla into the Kathajodi River. The report further mentions that the parameters of BOD level in the ground water remains below 3.0 mg/l indicating no adverse effect on ground water quality.
19. It is also stated that the water quality of Kathajodi River which is monitored by the Central Pollution Control Board has deteriorated at Cuttack downstream monitoring location compared to that of the Cuttack upstream monitoring location and waste water may be a plausible reason for deterioration of the water quality.
20. The Chief Secretary, Government of Odisha, has filed its affidavit dated 12.08.2022, stating therein that DPR has been prepared at an estimated project cost of Rs. 36.13 crores for which administrative approval by the Water Resources Department is awaited and the said Department was advised to finalize the administrative formalities and initiate the tender process by September, 2022 and commence work by January, 2023 with a completion timeline of 18 months and thereafter Cuttack Municipal Corporation shall take up and complete the work of landscape,

beautification work and construction of bridges etc. within the next six months.

21. Along with the affidavit of Chief Secretary, Odisha, proceedings of the meeting held under the Chairmanship of Chief Secretary held on 05.08.2022 has been filed. The relevant extract of the meeting reads as under:-

“PROCEEDINGS OF THE MEETING UNDER THE CHAIRMANSHIP OF CHIEF SECRETARY ON 05.08.2022 FOR OA NO.36 OF 2022/EZ (REBEYA TABASSUM-VRS-STATE OF ODISHA & OTHERS) BEFORE THE HON’BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE, KOLKATA

A meeting was held under the chairmanship of Chief Secretary, Govt. of Odisha on the matter pertaining to the OA No.36 of 2022/EZ (RabeyaTabassun-Vrs-State of Odisha & others) before the Hon’ble National Green Tribunal, Eastern Zone, Kolkata and its way forward towards filing of a comprehensive affidavit by the Chief Secretary. Other members present in the meeting were Principal Secretary to Govt., H&UD Department, Special Secretary to Govt., Water Resources Department, Special Secretary Govt., H&UD Department, CMC, CEO, WATCO, RO, SPCB Cuttack and Chief Engineer, Drainage, Odisha.

At the outset, Principal Secretary to Govt., H&UD Department welcomed Chief Secretary and other members to the meeting. Further, Chairman, CDA briefed regarding the decisions of meeting held on 29.10.2021 on renovation of Petanalla and subsequent observations of Hon’ble National Green Tribunal on the OA filed in this regard.

- *Chief Secretary instructed WR Department to start the renovation work at the earliest as their work is substantial and time consuming.*
- *Chief Engineer Drainage informed that a DSR has been prepared in this regard with an estimated project cost of Rs.36.13 Cr. for the stretch of 3.36 Kms & Administrative Approval by Water Resources Department is awaited.*

- *WR Department was advised to issue Administrative Approval so as to initiate the tender process by September 2022 and commence the work by January 2023.*
- *WR Department shall complete their renovation work in 18 calendar months. Once the work of WR Department is completed, CMC shall take up and complete landscape and beautification work, bridges etc. within next 6 months. The entire work shall be completed within 2 years.*
- *WATCO shall divert all sewage points connected to Petanalla by November 2022.*
- *H&UD Department shall draft the comprehensive affidavit for the OA to be filed in Hon'ble National Green Tribuna.*
- *Chief Engineer Drainage intimated that one more PIL of similar nature has also been filed in Odisha High Court. It was decided that concerned departments can file affidavits in the similar line independently.*
- *Since there is a token budgetary provision for Petanalla work, WR Department shall take necessary steps for making provision in supplementary budget for the project.*

The meeting ended with a vote of thanks to and from the Chair.”

22. The Respondent No.9, Cuttack Municipal Corporation, has filed its affidavit dated 23.08.2022, reiterating that the DPR has been prepared with an estimated cost of Rs. 36.13 crores by the Chief Engineer, Drainage, for renovation of Peta Nalla on a stretch of 3.36 kilometers and after administrative approval by the Water Resources Department, the work would be commenced by January, 2023 and would be completed within 18 calendar months and thereafter the Cuttack Municipal Corporation shall take up and complete the work of landscape, beautification and construction of bridges etc. within the next six months and the entire work would be completed within two years.

23. The Additional Chief Secretary, Government of Odisha, has filed his personal affidavit dated 11.10.2022, stating therein that the renovation of Peta Nalla from RD 00m to 3900m at Cuttack Development Authority in Cuttack City, has been entrusted to the Water Resources Department with construction of RCC toe wall which has also got the approval in 136th TAC meeting of State Flood Control Board held on 14.12.2021 for an amount of Rs. 3613.40 lakhs (Rupees Thirty Six Crores Thirteen Lakhs Forty Thousand only). It is also stated that administrative approval has been accorded by the Government in the Department of Water Resources vide letter no.25183 dated 26.09.2022 under State fund scheme 'Drainage Improvement Programme' (DIP) and the renovation work of Peta Nalla would be completed within 18 calendar months from the date of agreement.
24. Considering the various affidavits which have been filed by the State Respondents, the renovation work of the Peta Nalla is stated to be completed within 18 months from the date of finalization of the contracts in January, 2023. We, therefore, direct the State Respondents, Govt. of Odisha, to complete the entire renovation work of Peta Nalla and connection of all drainage systems to the concerned STP by 31.07.2024 and file affidavit of compliance by **16.08.2024**.
25. Though, it has been stated that the work of landscape, beautification and construction of bridges etc. will be commenced within six months after the expiry of the timeline of 18 months, we are of the view that the work of landscaping, beautification and construction of bridges etc. should be taken up simultaneously by

the State Respondents and be completed within the timeline of 18 months.

- 26. We, therefore, direct the State Respondents to also complete the work of landscaping, beautification as well as construction of bridges etc. by **31.07.2024** and file a detailed affidavit of compliance by **16.08.2024**.
- 27. With the aforesaid directions, the Original Application No. 36/2022/EZ is accordingly disposed of.
- 28. The parties shall bear their own costs.

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

October 14, 2022
Original Application No.36/2022/EZ
AK

ANNEXURE 2

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

O.A. No.36 of 2022/EZ.

Rabeya Tabassum. ... Applicant.

-Versus-

Union of India & others.... Respondents.

: I N D E X :

Sl. No.	Description of Documents	Pages.
1.	Compliance Affidavit filed by the Respondent Nos.4, 10 & 12 pursuant to the direction dated 14.10.2022.	1 - 5
2.	Annexure-C/4. Copy of front page of the Agreement.	- 6 -
3.	Annexure-D/4. Copy of the work order issued vide Office Letter No.1596 dated 02.06.2023.	7-8
3.	Annexure-E/4 Series. Copies of Photographs of the renovation work of Petanala.	9-13
3.	Annexure-F/4. Copy of proceeding of the meeting under the Chairmanship of Chief Secretary, Govt. of Odisha dated 5.08.2022.	14-15

Cuttack

Date: 13.08.2024.


Addl. Govt. Advocate.

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

O.A. No.36 of 2022/EZ.

Rabeya Tabassum. ... Applicant.

-Versus-

Union of India & others.... Respondents.

**COMPLIANCE AFFIDAVIT ON BEHALF OF
RESPONDENT NOS.4, 10 & 12 PURSUANT TO
THE DIRECTION/ORDER DATED 14.10.2022.**

I, Anu Garg, IAS, aged about 55 years, daughter of Late Vijai Kumar Agarwal, at present working as Additional Chief Secretary to Government of Odisha, Water Resources Department, Rajiv Bhawan, Bhubaneswar, Dist: Khurda do hereby solemnly affirm and state as follows:-

1. That the case has been filed by the applicant before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata challenging the unchecked disposal of untreated solid and liquid municipal waste inside Peta Nala Canal situated in Bidanasi area under Cuttack Municipal Corporation and has prayed for a direction to the Respondents to restrict the dumping of municipal waste into the said canal, to take steps to clean all the waste and other pollutants that has been dumped in the said canal, to convert the said canal into



Garg

m

AK

AK
7/5.08.24
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

water body, to develop the said water body for tourism purpose, to remove all the sand and shoals from the said river and to re-open the Peta Nala and ensure free flow of waters removing all the obstruction ensuring the decent livelihood of the people.

2. That the Hon'ble National Green Tribunal vide order dated 14.10.2022 has been pleased to direct the State Respondents to also complete the work of landscaping, beautification as well as construction of bridges etc by 31.07.2024 and file a detailed affidavit of compliance by 16.08.2024.

3. That it is respectfully submitted that the details execution for the work "Renovation of Petanala from RD 00M to 3900M at CDA in Cuttack City" are as follows:-

(i) The Agreement was executed on 02.06.2023 between Executive Engineer, Drainage Division, Cuttack with M/s. BIJOY BUILDCONS PVT. LTD vide Agreement No.10P1/2023-24 for renovation of Petanala from RD 00M to 3900M at CDA in Cuttack city and work order has been issued in favour of the said contractor vide office letter No.1596/WE dated 02.06.2023. Copies of the front page of the Agreement and the work order issued vide Office Letter No.1596 dated 02.06.2023 are

Carg
m

AK


AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

annexed herewith as **Annexures-C/4 & D/4** respectively.

(ii) As per the agreement, the date of commencement of the work is 2.06.2023 and completion of the work is fixed to 01.12.2024 respectively.

(iii) The leading channel from RD 00M to RD 625M is situated inside the Kathajodi River, so there is no provision of renovation work. The existing Petanala drain starts from Sector-10 of CDA i.e. 3900M & outfalls into Kathajodi River near Belleview through six vented sluice gates constructed over the Kathajodi left embankment i.e. on RD 625M of Petanala.

(iv) The renovation work of Petanalla from RD 625M to 1920M by dredging and from RD 1920M to 3900M by excavation is almost completed. The RCC retaining wall for a length of 1200M on both side of Petanala i.e from RD 2700M to 3900M near Bidanasi Bridge to Sector-10 is completed as per the Agreement. Copies of Photographs of the renovation work of Petanala are annexed herewith as **Annexure-E/4 Series**.

Handwritten signature in blue ink.

Handwritten signature in blue ink.




Handwritten signature in red ink.

AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

(v) The width of the Petanalla is kept 15M. The earth work from RD 3900M to RD 2700M is almost over. Earth work on slope and turfing from RD 2700M to 625M will be taken up after monsoon. Pursuant to the direction of this Hon'ble Court dated 14.10.2022, the deponent takes sincere steps for completion of the work in question and almost 80% of the work is completed by 31.07.2024.


(vi) The work for the landscaping, beautification as well as construction of bridges over the petanala is not coming under the purview of Water Resources Department. In this context, it is submitted that the Cuttack Municipal Corporation is the competent authority to execute the work of landscaping, beautification and construction of bridges as per proceeding of the meeting under the Chairmanship of the Chief Secretary, Odisha on 05.08.2022. Copy of proceeding of the meeting dated 5.08.2022 is annexed herewith as **Annexure-F/4**.


4. That the petitioner carves the leave of the Hon'ble Court to file fresh affidavit, it required in the interest of the lis.




AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

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

Identified by:-


 Advocate


 Deponent.

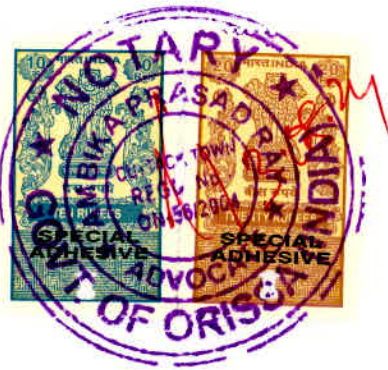
Certificate

Certified that the cartridge papers are not readily available.

Cuttack

Date: 13.08.2024


 Addl. Govt. Advocate.



Arun Garg

The above named deponent being identified by S. Pattnaik Adv solemnly affirm and states before me that the contents of this Compliance MT are true to the best of his/her/their knowledge and belief.

13.08.24

AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
Regd. No.-ON-56/2004

e-Procurement Notice No.-CE-DR-CTC- 02/2022-23
Bid Identification No.-CE-DR-CTC-DD-CTC-02/2022-23



GOVERNMENT OF ODISHA
DEPARTMENT OF WATER RESOURCES
DRAINAGE DIVISION, CUTTACK

AGREEMENT

FOR THE WORK

Renovation of Petanala from
RD 00 M. to 3900 M. at CDA in
Cuttack City.

AGREEMENT NO.

: 10 P1/ 2023-24

NAME OF THE AGENCY

: M/S BIJOY BUILDCONS PVT. LTD.,
'SUPER' CLASS CONTRACTOR
M.D.: SRI BIJOY KUMAR ROUT
Flat No.104, 1st Floor, Malati Mansion,
Niladri Vihar, Chandrasekharpur,
Bhubaneswar, Pin -751021

AGREEMENT AMOUNT

: ₹ 25,76,14,147.00 (Excluding GST)
₹ 30,39,84,693.00
(Including @18% GST)

DATE OF COMMENCEMENT

: Dt. 02.06.2023

STIPULATED DATE OF COMPLETION : DL 01.12.2024

*Photocopy
attested.
Smbms
12/08/2024
Under Secy. to Govt
Dept. of Water Resources*

*Sandeep Kumar
Executive Engineer,
Drainage Division,
Cuttack
02/11/23*



37

ANNEXURE-2/4

OFFICE OF THE EXECUTIVE ENGINEER
DRAINAGE DIVISION, CUTTACKE-mail ID: eeddcuttack@gmail.com, eedrductc-eicwr.od@nic.in
*****No.DDC-ESTR-TENP1-05/2023- 1596/UE. /Date 2.6.23

To

M/s Bijoy Buildcons Pvt. Ltd., 'Super' Class Contractor
Managing Director: Sri Bijoy Kumar Rout,
Flat No. 104, 1st Floor, Malati Mansion,
Niladri Vihar, Chandrasekharpur,
Bhubaneswar-751021

Sub.: - Work Order for the work: " **Renovation of Petanala from RD 00 M to 3900 M at CDA in Cuttack City**" vide Agreement No.10 P1/ 2023-24.

Agreement amount: ₹ 25,76,14,147.00

₹ 30,39,84,693.00 (Including 18% GST)

Ref:- e-Procurement Notice No.CE-DR-CTC-02/2022-23 of Chief Engineer, Drainage, Cuttack,

Sir,

In enclosing herewith the certified copy of the Agreement No.10 P1/2023-24, you are hereby requested to commence the aforesaid work from dt.02.06.2023 positively after taking the detail initial level/ layout from the Sub-Divisional Officer, Drainage Sub-Division No.I, Cuttack and complete the work within the stipulated date of completion i.e. 01.12.2024.

- 1) Further, you are requested to submit the detailed work programme within 5 days of commencement of the work.
- 2) You are requested to submit and labour license within fourteen days of commencement of the work.
- 3) You shall have to show your proportionate progress otherwise you shall be liable to pay compensation as per clause 2(a) & (b) of the contract.
- 4) You are further requested to note carefully that no extension of time will be entertained for what-so-ever the reasons may be except those agreed upon under clauses 4(four) & 10(Ten) of contract.
- 5) Apart from the above, it is also for your information that any failure to proceed with the works with due diligence or any violation of any provision of the contract shall make you liable for penalty under clause 3 & 12 of contract.
- 6) Before commencement of the work, a sign board displaying all information may be fixed at the site positively.
- 7) Photographs before execution, during execution and after completion must be taken and submitted along with the final bill to the Division office.
- 8) Quality test of construction materials and concrete before execution and during execution must be carried out under the direction of field in-charge and the test report must be submitted to this office without fail.
- 9) The payment will be made as per availability of funds/ L.C. Nobody can demand/claim for payment and interest thereof.

Encl.: - As above.

Photocopy
attached
Submitted
Under Secy. to Govt.
Deptt. of Water Resources

Sandeep Kumar
Executive Engineer, 02/06/23
Drainage Division, Cuttack.
02/06/23
Contd.../2
02.6.23

Memo No. 1597/UE / dt. 2.6.23

Copy along with certified copy of the above said agreement submitted to the Chief Engineer, Drainage, Cuttack/ Addl. Chief Engineer, Drainage Circle, Cuttack / Accountant General, (A&E), Puri Branch, Puri, Odisha for favour of information.

Encl.: - As above.

(W) Sandeep Kumar
Executive Engineer
02/6
02.06.23
02.06.23

Memo No. 1598/UE / dt. 2.6.23

Copy along with certified copy of the above said agreement submitted to the Superintending Engineer, Quality Assurance Division, Jagatpur, Cuttack for favour of information and necessary action.

Encl.: - As above.

(W) Sandeep Kumar
Executive Engineer
02/6
02.06.23
02.06.23

Memo No. 1599/UE / dt. 2.6.23

Copy along with certified copy of the above said agreement forwarded to the Sub-Divisional Officer, Drainage Sub-Division No.I, Cuttack for information and necessary action. He is requested to ensure that the detailed layout is given and the alignment is demarcated properly and the work is commenced on the date fixed above. In addition to this he is further requested to confirm that the initial level is taken by himself along with the Junior Engineer / Assistant Engineer concerned and got checked from the undersigned and accepted by the contractor and a site history book is maintained properly by the Junior Engineer concerned. Any failure by the contractor to proceed with the work with due diligence or any violation of any provision of the contract should please be taken to the notice of the undersigned immediately whenever it takes place. The Junior Engineer / Assistant Engineer concerned may be instructed accordingly. The photographs of the site and sign board at the site must be ensured.

Encl.: - As above.

(W) Sandeep Kumar
Executive Engineer
02/6
02.06.23
02.06.23

Memo No. 1600/UE / dt. 2.6.23

Copy along with Original Agreement No.10 P1/2023-24 forwarded to Auditor-I, Sub-Division No.-I, Cuttack for information and necessary action.

Encl.: - As above.

(W) Sandeep Kumar
Executive Engineer
02/6
02.06.23
02.06.23

Photo Copies
attested
Smt. Smta
12/08/2023
Under Secy. to Govt.
Deptt. of Water Resources

**RENOVATION OF PETANALA
FROM RD 00 M TO RD 3900 M
AT CDA IN CUTTACK CITY**



10.09.2023.

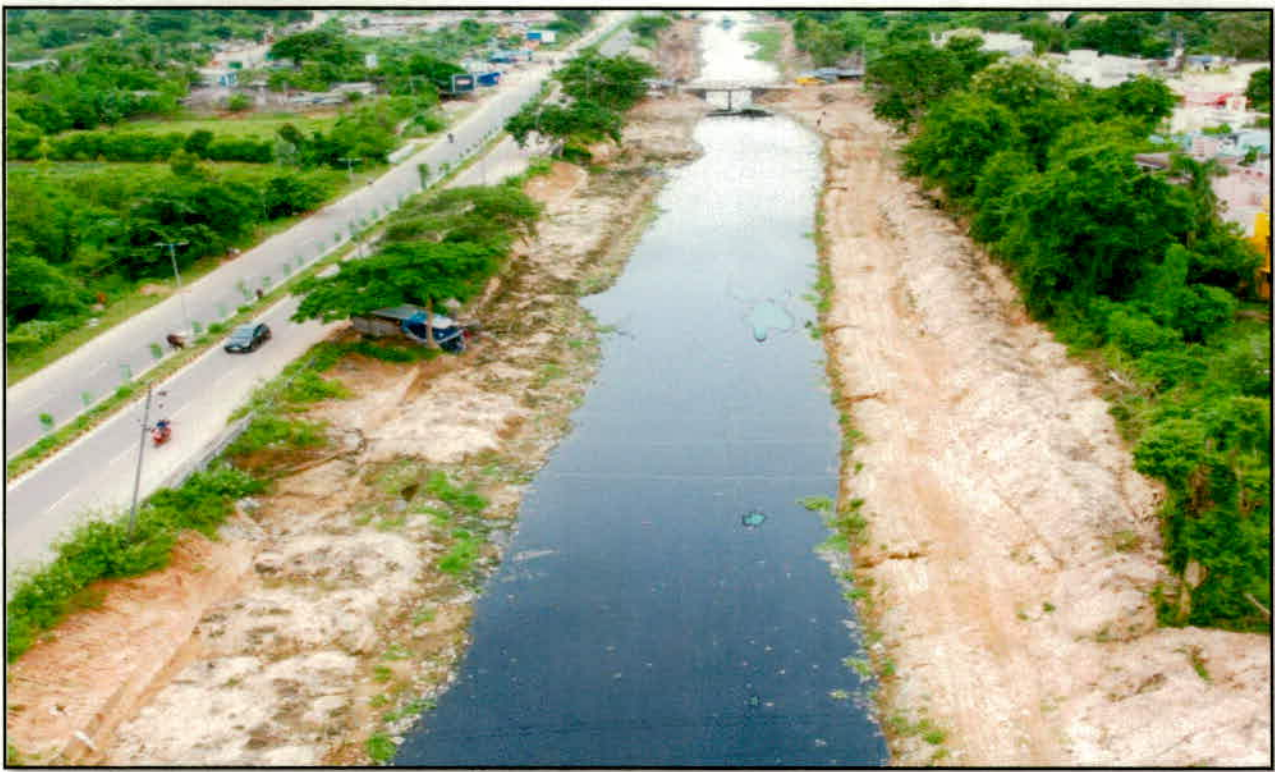


Before

28.11.2023



After



Photography
attested by
S. Mishra
12-08-2024
Under Secy. to Govt.
Deptt. of Water Resources

**RENOVATION OF PETANALA
FROM RD 00 M TO RD 3900 M
AT CDA IN CUTTACK CITY**



30.10.2023.



27.01.2024.



*Photocopy
attested
Smt. Ushra
12-01-2024*
**Under Secy. to Govt.
Deptt. of Water Resources**



**RENOVATION OF PETANALA
FROM RD 00 M TO RD 3900 M
AT CDA IN CUTTACK CITY**

30.10.2023.



28.11.2023.



*Physician
attestd.
Smtm
12-08-2024,
Under Secy. to Govt.
Deptt. of Water Resources*



**RENOVATION OF PETANALA
FROM RD 00 M TO RD 3900 M
AT CDA IN CUTTACK CITY**

27.03.2024.



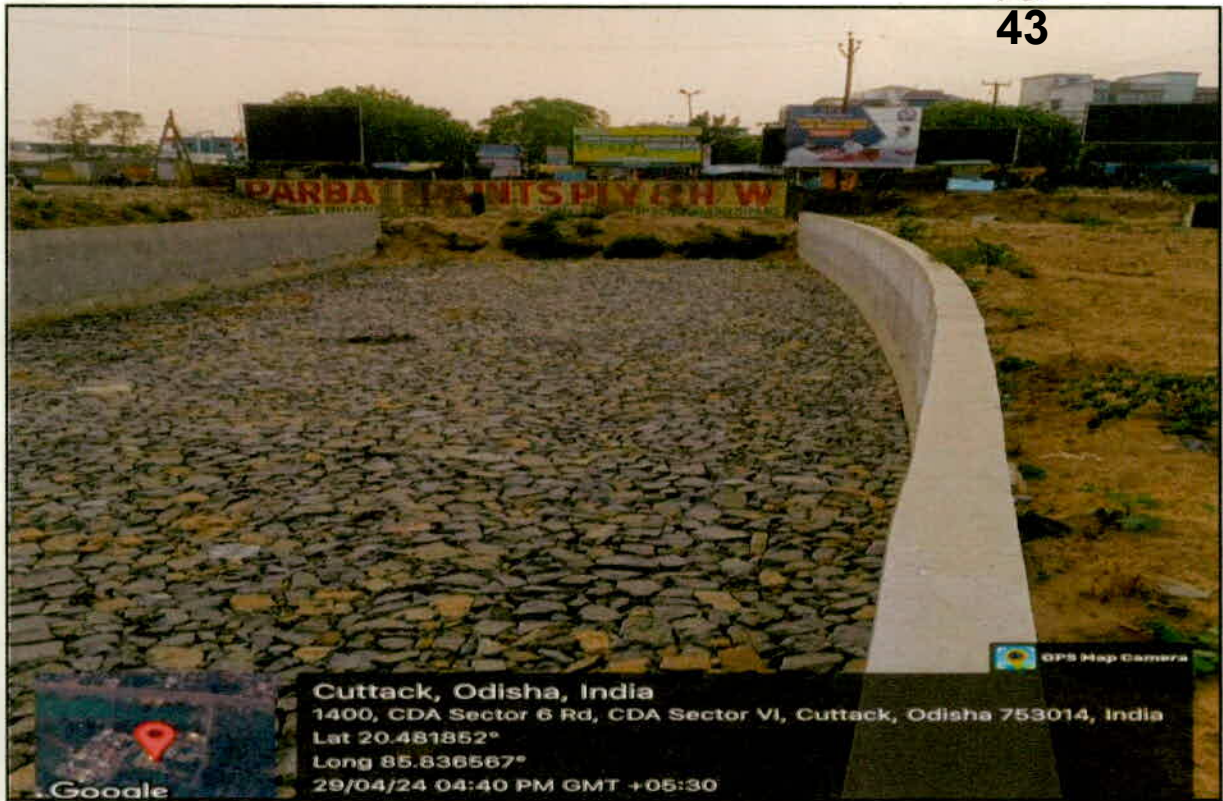
27.03.2024.

Construction of retaining wall



*Photo Copy
cuttack
Smriti
12.08.2024*
Under Secy. to Govt.
Deptt. of Water Resources

**RENOVATION OF PETANALA
FROM RD 00 M TO RD 3900 M
AT CDA IN CUTTACK CITY**



Stone packing at bed level

Cuttack, Odisha, India
 1400, CDA Sector 6 Rd, CDA Sector VI, Cuttack, Odisha 753014, India
 Lat 20.481852°
 Long 85.836567°
 29/04/24 04:40 PM GMT +05:30



Stone packing at bed level

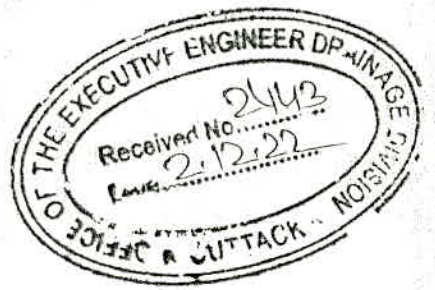
*Photography
 attested
 Smt. Smt. / 12-08-2024
 Under Secy. to Govt.
 Dept. of Water Resources*

Cuttack, Odisha, India
 FRJG+RF2, CDA Sector-9, Cuttack, Odisha 753014, India
 Lat 20.482961°
 Long 85.826°
 29/04/24 04:41 PM GMT +05:30

Government of Odisha
Housing and Urban Development Department

File No. HUD-TP-MISC-0023-2022 13818 Bhubaneswar, the 10.08.2022

From
Sushanta Kumar Mishra,
Additional Secretary to Government.



To
The Special Secretary to Govt., Water Resources Department,
The Chairman, CDA, Cuttack,
The Commissioner, CMC, Cuttack,
The Chief Engineer, Drainage, Odisha,
The CEO, WATCO, Bhubaneswar,
The RO, SPCB, Cuttack.

Sub: - Proceedings of the meeting under the chairmanship of Chief Secretary held on 05.08.2022 for OA NO.36 of 2022/EZ (Rabeya Tabassum-vrs-State of Odisha & others) before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata

Madam/Sir,

I am directed to enclose herewith the proceedings of the meeting under the chairmanship of Chief Secretary held on 05.08.2022 for discussing matters relating to OA NO.36 of 2022/EZ filed by Rabeya Tabassum-vrs-State of Odisha & others before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata for kind information and necessary action.

*Bipada to file in file
as per NHT & PIL file,
Prasad Panda, AE & SPO-I for
inf. & n/a
SLC
02/12/22*

Yours faithfully,

[Signature]
10/8/22
Additional Secretary to Government

Memo No.....13819...../HUD, dated 10.08.2022

Copy forwarded to PS to the Chief Secretary, Odisha/PS to the Principal Secretary to Govt., H & UD Department/ PS to the Special Secretary to Govt., H & UD Department for kind information.

[Signature]
Additional Secretary to Government

OW-1-17-84/22
Memo No. — 5510/ee
copy alongwith enclosure forwarded
to the Addl. CE, DE, etc / EO, DD Cuttack for
information & n/a.

[Signature]
30.11.22
ACE Drainage, etc

*Phup copy
attested on
Sankha
12.08.2024,
Under Secy to Govt.
Deptt. of Water Resource.*

PROCEEDINGS OF THE MEETING UNDER THE CHAIRMANSHIP OF CHIEF SECRETARY ON 05.08.2022 FOR OA NO.36 OF 2022/EZ (RABEYA TABASSUM-VRS-STATE OF ODISHA & OTHERS) BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE, KOLKATA

A meeting was held under the chairmanship of Chief Secretary, Govt. of Odisha on the matter pertaining to the OA No.36 of 2022/EZ (Rabeya Tabassum-Vrs-State of Odisha & others) before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata and its way forward towards filing of a comprehensive affidavit by the Chief Secretary. Other members present in the meeting were Principal Secretary to Govt., H&UD Department, Special Secretary to Govt., Water Resources Department, Special Secretary Govt., H&UD Department, Chairman, CDA, Cuttack, Director Environment AP & FE, Commissioner, CMC, CEO, WATCO, RO, SPCB Cuttack and Chief Engineer, Drainage, Odisha.

At the outset, Principal Secretary to Govt., H&UD Department welcomed Chief Secretary and other members to the meeting. Further, Chairman, CDA briefed regarding the decisions of meeting held on 29.10.2021 on renovation of Petanalla and subsequent observations of Hon'ble National Green Tribunal on the OA filed in this regard.

- Chief Secretary instructed WR Department to start the renovation work at the earliest as their work is substantial and time consuming.
- Chief Engineer Drainage informed that a DPR has been prepared in this regard with an estimated project cost of Rs.36.13 Cr. for the stretch of 3.3 Kms & Administrative Approval by Water Resources Department is awaited.
- WR Department was advised to issue Administrative Approval so as to initiate the tender process by September 2022 and commence the work by January 2023.
- WR Department shall complete their renovation work in 18 calendar months. Once the work of WR Department is completed, CMC shall take up and complete landscape and beautification work, bridges etc. within next 6 months. The entire work shall be completed within 2 years.
- WATCO shall divert all sewage points connected to Petanalla by November 2022.
- H&UD Department shall draft the comprehensive affidavit for the OA to be filed in Hon'ble National Green Tribunal.
- Chief Engineer Drainage intimated that one more PIL of similar nature has also been filed in Odisha High Court. It was decided that concerned departments can file affidavits in the similar line independently.
- Since there is a token budgetary provision for Petanalla work, WR Department shall take necessary steps for making provision in supplementary budget for the project.

The meeting ended with a vote of thanks to and from the chair.

Photocopy attested.
Sms
12-08-2022
Under Secy. to Govt.
Deptt. of Water Resources

[Signature]
10/8/2022
Chief Secretary

ANNEXURE 3







ANNEXURE 4

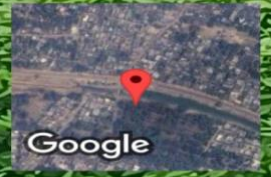






 **GPS Map Camera**

Cuttack, Odisha, India
FRMQ+324, CDA Sector-9, Cuttack, Odisha 753014, India
Lat 20.482328°
Long 85.837439°
12/09/24 11:51 AM GMT +05:30



Google



VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL EASTERN ZONE

Between

Rabeya Tabassum

... Petitioner

Versus

... Respondent

State of Odisha and Ors.

Know all men by these presents, that by Vakalatnama. I/we,
Rabeya Tabassum aged 56 years w/o SK Sabir Ali At/PO- Jobra PS- Puri Sadar
Cuttack-753003

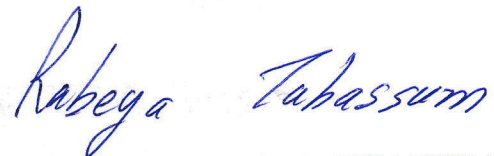
]]Plaintiff/Defendant/Appellant/Respondent/ Petitioner/ Opposite Party in the
aforesaid Suit/Appeal/ Case do hereby appoint and retain, **AFRAAZ SUHAIL O-
367-2017 M-9040535655**

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 moneys that may be payable to
me/us in the said case and also in applications for review in 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 13/9/24

Received from the executant(s)
through certify that I hold no
brief for the other side,
satisfied and accepted


Advocate


SIGNATURE OF THE EXECUTANT(S)

Accepted as above

Advocate
Accepted as above