

BEFORE THE NATIONAL GREEN TRIBUNAL AT KOLKATA

MISC APPLICATION NO 20 OF 2023

ARISING OUT OF ORIGINAL Application No.1 of 2023

DR BIBHU DASH & ANOTHER

Applicant

VERSUS

BHUBANESWAR MUNICIPAL CORPORATION & Others

Respondents


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DATE: 20/11/2024

BHUBANESWAR

SANKAR PRASAD PANI



ADVOCATE FOR RESPONDENT NO 1

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: sankarprasadpani@gmail.com

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RESPONSE AFFIDAVIT ON BEHALF OF RESPONDENT NO 1
MANORAMA ESTATE WELFARE SOCIETY

1. I, Sambit Kar S/o Late Radhanath Kar aged about 54 years, at present serving as **President of Manorama Estate Welfare Society** at Bomikhal, Bhubaneswar, 751010 do hereby solemnly affirm and declare as under:

2. That I am the President of the Respondent No 1 Society in the above mentioned Misc. Application and I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.

3. It is humbly submitted that the Bhubaneswar Municipal Corporation in its affidavit dated 22/09/2023 in Paragraph 5 states that Manorama estate is an old housing society constructed before



Sambit Kar
PRESIDENT
MANORAMA ESTATE WELFARE SOCIETY

2000 and it further states that the society is at comparatively lower level than the drainage passing near the Cuttack Road for which it is not possible to drain the rain water of the estate to the Main Drain.

4. That the Centralised Sewage Treatment Plant is not feasible as because the Society is an old one and located in varied contours without having any uniform gradient. As such the issue of Sewage generated by the society are being taken care at the septic tanks and periodically cleared using the Tanker which dispose the same in the nearest Sewage Treatment Plant operated by the WATCO.

5. That in view of the aforementioned paras and considering the issue of sewage being treated in septic tanks and disposed through tankers in the nearest sewage treatment plant in accordance with the approvals granted by Bhubaneswar Development Authority and as such considering the contour/topography of the area, the feasibility of a centralised Sewage Treatment Plant with in the estate is not feasible, the Hon'ble Tribunal may dispose of the Application with direction to Bhubaneswar Municipal Corporation to allow the discharge of storm water to the nearest Drain at Lane 2 Nigamanada Nagar Colony



Sp. Sankhye An.
PRESIDENT
MICRAMA ESTATE WELFARE SOCIETY

6. That the BMC in its last affidavit dated 18/08/2024, in para-5 stated about the observations made during the site inspection. Para 5 of the affidavit is reproduced as follows,

“That the said the Executive Engineer after physical verification/enquiry of the area in question duly submitted its report making the following observations:

- a. That, the Disposal capacity on Nigamananda Lane-2 is insufficient and proposal for additional storm discharge into the Nigamananda Lane-2 is inadequate
- b. That the Manorama Estate society has not done Rooftop harvesting. The Surface run off of the Manorama Society during rainfall can be addressed by adopting Rooftop harvesting, and ground recharge methodology.

The rooftop storm water drainage plan to be prepared scientifically and submitted for vetting.

- c. That, again the Sewage issues of the Manorama Society to be addressed in consultation with WATCO Sewerage for pumping station/alternative methodology for efficient disposal of household grey and black water

7. That the Respondent No. 1 society has undertaken taken the contour study of the project site and the adjoining areas to find out a feasible



Janmejaya R.
PRESIDENT
MANORAMA ESTATE WELFARE SOCIETY

solution for discharge of storm water into a drainage during monsoon season.

8. It is submitted that since the contour study reveals the site on which Manorama society exists is at least 10-12 feet at lower elevation than that of the drainage near National highway. Hence it is not possible for discharge of storm water into the drainage near national highway which is also around 1km away from the site. The contour map of the Manorama Housing Society is annexed here unto as ANNEXURE-1.

9. It is submitted that the drainage near Nigamananda Nagar on the eastern side is at lower level than that of the respondent housing society. However the BMC in it's affidavit stated that the drainage channel at Nigamananda Nagar is insufficient and inadequate.

10. It is submitted that in all cases of existing drain capacities of the drains are being increased by widening and deepening when there is increase in population. Hence the BMC may be directed to consider to increase the capacity of the existing drain at Nigamanada Nagar lane 2 so as to accommodate the storm water during monsoon season. In this regard the respondent society had already made a representation before the BMC on dated 23/09/2024 requesting for developing a Comprehensive and Integrated Storm Water Drainage and Disposal system. This request is still pending before the BMC and has not considered yet. Copy of the representation dated 23/09/2024 is annexed here unto as ANNEXURE-2.



Accounting Officer
PRESIDENT
MANORAMA ESTATE WELFARE SOCIETY

11. It is submitted that though there are recharge pits in the society to harvest the rain water but same does not work effectively during monsoon/ heavy rain because of the water table of the site is much higher than the adjoining area and hence the rain water could not be absorbed leading to inundation of the housing society during heavy rain.

12. That the society is paying the holding tax and other fees for necessary civic service by the Municipal Corporation hence it is an obligation on the part of the Municipal Corporation to provide basic civic amenities like drainage connection to a housing society which is duly approved by the development authority and in this regard the Respondent society prays for a holistic consideration of the issue of storm water drainage.

13. That the deponent of this affidavit reserves right to file further affidavit as and when required by this Hon'ble Tribunal.

Sambit Kar
PRESIDENT
MANORAMA ESTATE WELFARE SOCIETY

IDENTIFIED BY ME.

ADVOCATE, BHUBANESWAR

DEPONENT

VERIFICATION

I, Sambit Kar S/o Late Radhanath Kar aged about 54 years, at present serving as **President of Manorama Estate Welfare Society** at Bomikhal, Bhubaneswar, 751010 do hereby solemnly affirm and verify that the contents of para 1-12 of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Verified at Bhubaneswar on 20/11/2024.

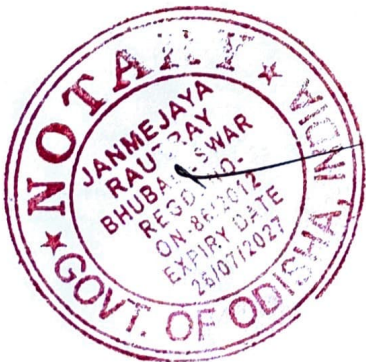
Sambit Kar
PRESIDENT
MANORAMA ESTATE WELFARE SOCIETY

VERIFICANT

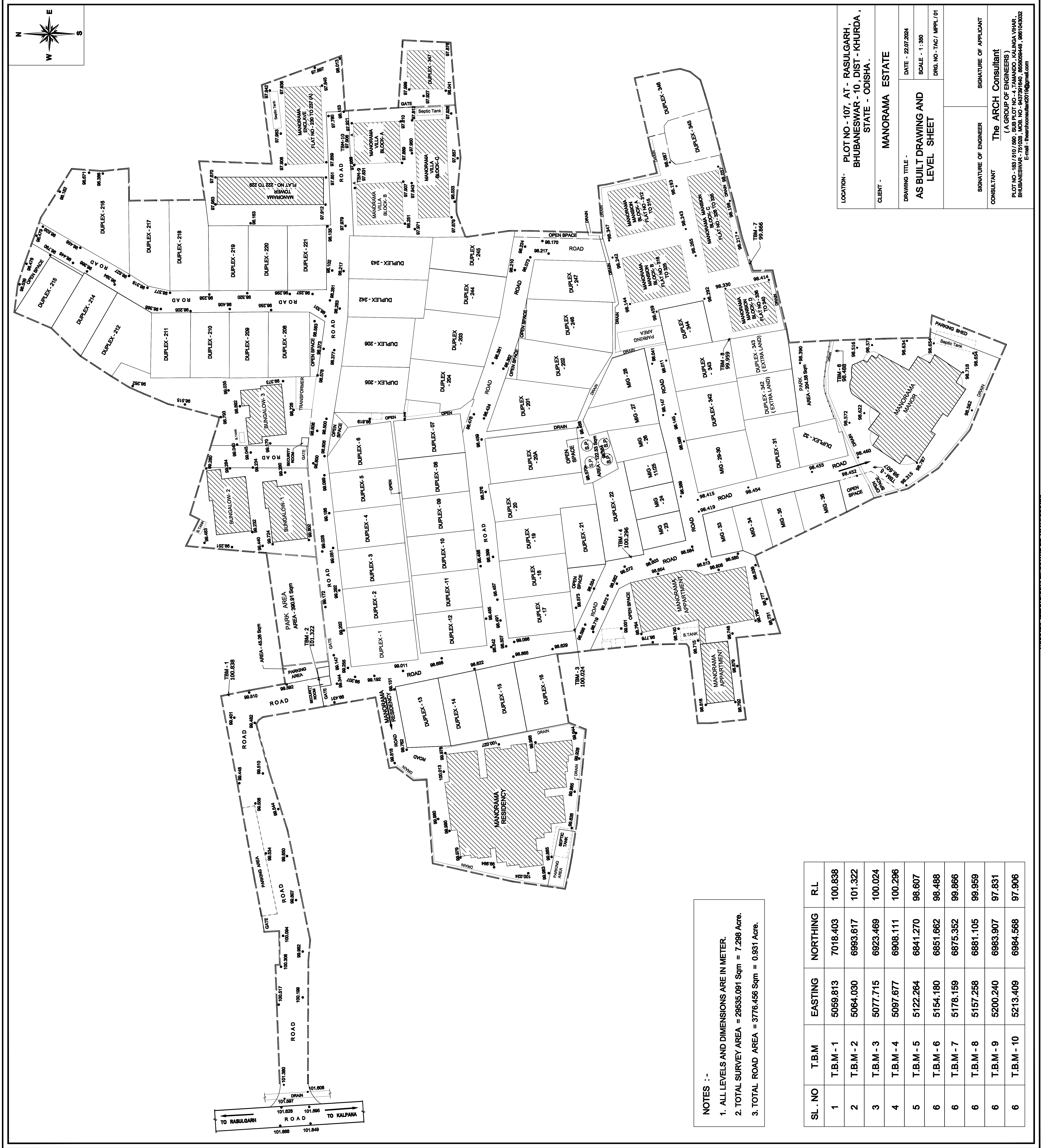
The above named deponent(s) being duly identified by *R.P. Jena* Advocate, Bhubaneswar. Appears before me on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief. Deponent(s) Notary, Bhubaneswar

20 NOV 2024
12:10 PM

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. - 04-85/2012
Mob. No. - 9337121273



ANNEXURE-1



LOCATION - PLOT NO - 107, AT - RASULGARH , BHUBANESWAR - 10, DIST - KHURDA , STATE - ODISHA .

CLIENT - MANORAMA ESTATE

DRAWING TITLE - AS BUILT DRAWING AND LEVEL SHEET

DATE - 22.07.2024
SCALE - 1 : 300
DRG. NO. - TAC / MPPL / 01

SIGNATURE OF ENGINEER
SIGNATURE OF APPLICANT

CONSULTANT
The ARCH Consultant
(A GROUP OF ENGINEERS)
PLOT NO - 183/610/590, SUB PLOT NO - 4, TAMANCO, KALINGA VIHAR, BHUBANESWAR - 751028, MOB. NO - 9437391640, 8658698448, 981043832
E-mail - thearchconsultant2019@gmail.com

NOTES :-
1. ALL LEVELS AND DIMENSIONS ARE IN METER.
2. TOTAL SURVEY AREA = 29535.091 Sqm = 7.298 Acre.
3. TOTAL ROAD AREA = 3776.456 Sqm = 0.931 Acre.

SL. NO	T.B.M	EASTING	NORTHING	R.L
1	T.B.M - 1	5059.813	7018.403	100.838
2	T.B.M - 2	5084.030	6993.617	101.322
3	T.B.M - 3	5077.715	6923.469	100.024
4	T.B.M - 4	5097.677	6908.111	100.296
5	T.B.M - 5	5122.264	6841.270	98.607
6	T.B.M - 6	5154.180	6851.662	98.488
6	T.B.M - 7	5178.159	6875.352	99.866
6	T.B.M - 8	5157.258	6881.105	99.959
6	T.B.M - 9	5200.240	6983.907	97.831
6	T.B.M - 10	5213.409	6984.568	97.906

MANORAMA ESTATE WELFARE SOCIETY

(REGN. NO. 6702-384 OF 1995-96)

RASULGARH, BHUBANESWAR - 751 010, PHONE : 0674-2549578

Ref. No. ME/NS/24-35/365Date 23/9/2024

To,
The Commissioner
Bhubaneswar Municipal Corporation
Bhubaneswar

Sub: Storm Water Disposal

Dear Sir,

This is to bring to your kind notice that our society has 199 houses, which includes independent houses and flats at Manorama Estate, Rasulgarh which are duly approved by Bhubaneswar Development Authority from 1994 till 2003.

The storm water disposal remains the perennial & main issue of our estate because of lack of integrated drainage management of the city. In this connection, it is pertinent to state that the National Highway on the western side of our society is on a higher level at 101m approx.. and the lowest part of Manorama Estate is at 97m approx... (*level drawing is attached for your reference*). The adjoining housing outside Manorama Estate at Nigamananda Nagar on the eastern side is also at the lower level, which is below 97m.

It is fervently requested for developing a Comprehensive and Integrated Storm Water Drainage and Disposal system involving Department of Water Resources (DOWR), Housing & Urban Development (HUD), National Highway (NH) & other stakeholders for

- Disposal of storm water.
- Avoiding waterlogging in Manorama Estate due to higher water table & phreatic line caused by rain water on western side through under flow inside Manorama Estate, which is already experiencing issues due to high water table.

This is our humble submission to take necessary & urgent steps for the storm water disposal of our society, which forms an integral part of the aforesated Comprehensive Drainage & Disposal System of the entire city.

Looking forward to your favourable action in this regard.

Thanking you,

Yours truly,

PRESIDENT

MANORAMA ESTATE WELFARE SOCIETY

Letter no. _____

Copy to Principal Secretary, Housing & Urban Development, Govt of Odisha for necessary information and action.

भारतीय डाक
India Post

EOB10321695 IN IVR:6979810321695
SP RASULGARH S.O <751010>
Counter No:1,28/09/2024,10:22
To:COMMISSIONER,BMC,,
PIN:751022, Bhoinagar S.O
From:MANORAMA ES,BESR
Wt:20gms
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002668868> <Wear Masks, Stay Safe>



Sankar Pani <sankarprasadpani@gmail.com>

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT-1 IN MA20/2023

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Wed, Nov 20, 2024 at 12:33 PM

To: Tarun Patnaik <tarun.patnaik87@gmail.com>, "Rajib Ray, Advocate" <rajib.ray.official23@gmail.com>, pbanerjeebihani@gmail.com, PRADEEP BHUYAN <pradeep.bhuyan80@gmail.com>, apurba ghosh <apu7law@gmail.com>

DEAR SIR /MADAM, PLEASE FIND THE ATTACHMENT.

--

Sankar Prasad Pani, Environment Lawyer
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**COUNTER 20-11-2024.pdf**

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