



**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, EASTERN ZONE BENCH,
KOLKATA**

Original Application No. 55 /2024/EZ
(Arising out of earlier O.A. No. 17/2024/BP)

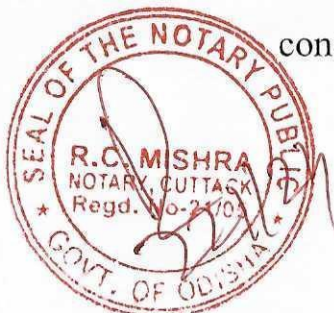
In the matter of:

Sanu Das	...	Petitioner
V e r s u s		
State of Odisha		
& Others	...	Opp. Parties

COUNTER AFFIDAVIT ON BEHALF OF OPP.
PARTY NO. 6
BHUBANESWAR DEVELOPMENT
AUTHORITY

I, Shri Dr. N. Thirumala Naik, aged about 44 years, Son of M. Ramudu, presently functioning as Vice-Chairman 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 as revealed from the Record the petitioner filed aforesaid application concerning development of the storm water drain project of Respondent No. 5 and one Trident Project. The Hon'ble Tribunal on order dated 23.4.2024 was pleased to direct impletion of Bhubaneswar Development Authority as Respondent No.6 and required the Respondent to file Counter Affidavit indicating the action taken regarding construction of the Storm Water Drain.



N. Thirumala Naik
VICE-CHAIRMAN
BHUBANESWAR DEV. AUTHORITY
BHUBANESWAR

A. Dash

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2. That the deponent appeared in the case through its Counsel and files this Affidavit for kind consideration of the Hon'ble Tribunal.

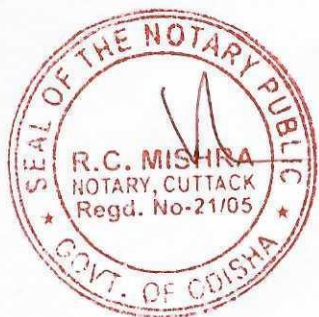
3. That pursuant to the direction of the Hon'ble Tribunal the Joint Committee submitted its report enclosed as Annexure R/3/2 COLLY in the Affidavit filed by the Respondent No.3. Paragraph 5 & 6 of the aforesaid report is relevant in the present context.

4. That at the outset it is submitted that in the meanwhile Bhubaneswar Development Authority ensured implementation of Town Planning Scheme No.1 commonly known as Paikarapur Scheme of which the constructions referred to and consequential drainage system proposed forms the part. The Town Planning Scheme covered private land within the scheme area. Thereafter, on deduction of construction (approximately 40%) new plots are carved out with provisions of common amenities particularly connecting roads and etc. In view of the changed field position and plots carved out therein the Town Planning Scheme, it is found that the previously approved planning structure for construction of drain may not serve the purpose.

5. That in order to comply with the orders of Hon'ble Tribunal, a meeting was conducted on 27.09.2024 at 3.30 P.M. comprising of Planning Member, Engineer Member, Deputy Commissioner (T.P. Scheme), Land Officer and Land Acquisition Officer. The matter was discussed in at length with

N. Thirumala Naik
VICE-CHAIRMAN
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A. Dash



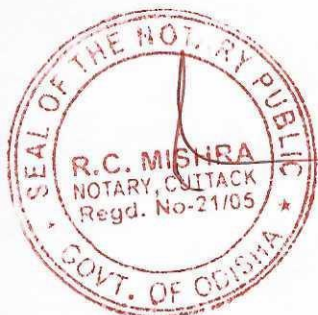
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reference to the existing field position to ensure 3 passage of storm water of at the site. In consideration of the subsequent development and change of the structure of different plots and availability of proposed common road and common amenities carved out in the scheme it was decided in the meeting to form a Committee comprised of experts to visit the spot and prepare a fresh Planning /design to ensure easy flow of storm water of both M/s KRIDEY Private Limited and M/s Trident Galaxy to the natural drain. The aforesaid Committee comprised of Executive Engineer, Division No. V, R & B Division, Bhubaneswar, Executive Engineer, Division No.1, Bhubaneswar Development Authority, Executive Engineer, Drainage Division, Khurda, Land Officer, T.P Scheme BDA, Associate Town Planner, BDA, representatives of MD WATCO. The Committee was required to inspect the site and submit a fresh proposal so as to decide about the construction of the proposed Drain through the Project Proponent at their own cost as per the revised design to be submitted by the Committee. It was also required to examine the requirement of acquiring any further Government land as stated by the Project Proponent for the purpose. Copy of the Proceeding is filed herewith and marked as ANNEXURE- R/6/1 for kind perusal.

6. That pursuant to the decision taken a Committee comprised of 5 members except representative of WATCO visited the spot on 21.10.2024. During the said

N. Thirumala Naik
VICE-CHAIRMAN
BHUBANESWAR DEV. AUTHORITY
BHUBANESWAR

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visit the representatives and Engineers of Trident Galaxy were present. The Committee after inspection on the field noted three important aspects which are quoted for kind reference.

1. That one Natural Nallah flowing over the T.P Scheme area which is 160 mtr. distance from the present disposal point i.e. tail end of Trident Galaxy Apartment.
2. The Natural Nallah having its bed width of 18 mtr. Having HFL depth of 2.6 mtr over the bed. The designed invert level and HFL of the Nallah is 31.21 mtr and 33.81 mtr respectively.
3. At present the Trident Galzxy Apartment is disposing the drain water which is a private plot and which is only 0.60 mtr over the invert level of natural Nallah.

Accordingly the Committee recommended as under:-

Therefore the committee recommends to fix the invert level as 34.29 mtr for the drainage disposal of Trident Galaxy Apartment near its tail end of present disposal point. From that point the drain water is to be Carried through RCC over drain along the TP road to final disposal point situated at a distance of 160 mtr to the Natural Nallah at a slope of 1: 333 as per IRC:SP:50-2013 item 3.2.2

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Copy of the said report is filed herewith and marked as ANNEXURE- R 6/2 for kind perusal.

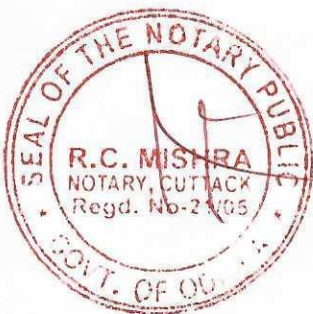
7. That in view of the changed circumstances and availability of direct connection between the natural drain and the proposed storm water drainage and as suggested by the Committee, as referred to is under further scrutiny to make it final and viable one. The authority will consider the proposal and will make a final decision within 8 weeks so that any difficulties in construction of drain for easy flow storm water can be assured. The photo copy of the layout plan is filed herewith and marked as ANNEXURE- R6/3.

8. That the facts stated and averments made in different paragraphs of this Affidavit would reveal that necessary steps have been taken to lay the said drain examining the advice of the technical persons which would redress the grievance of the applicant.

9. That the facts stated in different paragraphs of this Affidavit are based on records and documents available in the Office of Bhubaneswar Development Authority and to the personal knowledge of the deponent which he believes to be true and correct.

D. Thirumala Naik
 VICE-CHAIRMAN
 BHUBANESWAR DEV. AUTHORITY
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10. That the deponent seeks leave to file additional Affidavit (s), document (s) in case required for just adjudication of the case.

Identified by
A. Dash
Advocate
22.11.2024

N. Thirumala Naik
Deponent
VICE-CHAIRMAN
BHUBANESWAR DEV. AUTHORITY
BHUBANESWAR

DAYANANDA MOHAPATRA
Enrl No-O-563/1992
Ph No. 9861250969
dayanandamohapatra@yahoo.co.uk

solemnly affirm on in Oath by the Deponent
at Cuttack on *22.11.24* being identified
by *A. Dash*
Advocate/Adv's Clerk/A.C., AG's office/Notary
Personally, that the facts stated above are
true to the best of his/her knowledge.

22.11.24
RAMA CHANDRA MISHRA, NOTARY
CUTTACK TOWN, REGD. No-21/98



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PROCEEDING OF THE MEETING HELD ON 27.09.2024 AT 3.30 P.M. IN THE 1ST FLOOR CONFERENCE HALL, BDA UNDER THE CHAIRMANSHIP OF VICE-CHARIMAN, BDA.

The meeting was held on 27.09.2024 at 3.30 P.M. with the members (as per attendance sheet attached) to find out the means for construction of storm water drain after acquisition of private land as per the conditions stipulated in BDA letter No. 109/EM/BDA dtd. 11.02.2013 in compliance to the order dtd. 31.07.2024 passed by Hon'ble National Green Tribunal in OA Case No. 55/2024. Hon'ble National Green Tribunal vide order dtd. 31.07.2024 directed to file counter affidavit indicating what action has been taken regarding construction of storm water drain with regard to discharge of surplus water of M/S-Kridey Reality Pvt. Ltd for "ARIANA" Project.

The matter was discussed among the members with reference to existing field position for free passage of storm water. The proposed private land merges inside the T.P. Scheme No.1 of BDA. It is apparent that the previously approved planning structure for construction of drain will not serve the purpose considering the physical environment of the area and the changed situation after introduction of T.P. Scheme in the area. So a committee is here by formed comprising of the following members. They are to again visit the spot and prepare a fresh planning / design for easy flow of the storm water of both M/S-Kridey Reality Pvt. Ltd. & M/S- Trident Galaxy to the natural drain.

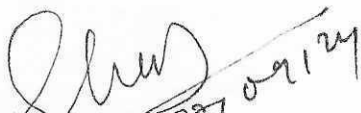
1. Executive Engineer, Divn-V, R&B , Sri Bibhu Prasad Lenka.
- 2 Executive Engineer, Divn-I, BDA, Sri Rakesh Sahu
3. Exeutive Engineer, Drainage Division, Khurda,
Sri Purna Chandra Swain
4. Land Officer, T.P. Scheme, BDA, Sri Sipak Patra
5. Associate Town Planner, BDA, Sri Omkar Mohanty
6. Representative of M.D, WATCO,




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The committee shall submit the fresh proposal within 10 days. It was further decided that the drain shall be constructed by the project proponent at his own cost as per the revised design to be submitted by the committee. The proposal of construction by the project proponent on the Govt. land shall be examined and decision shall be taken accordingly.


The meeting ended with thanks to the chair.


Secretary


Vice-Chairman


Dy. Commissioner (T.P. Scheme)


Associate Town Planner


Land Acquisition Officer


Asst. Executive Engineer

in Reply

in Reply

T.C. Member
of Drain
Advocate

PROCEEDING OF THE FIELD VISIT HELD ON DT-22.10.2024 AT 11.00 A.M. AT TRIDENT GALAXY APARTMENT COMPLEX IN COMPLIANCE OF THE ORDER DTD-17.09.2024 OF HON'BLE NGT IN OA NO.55/2024/EZ.

Following members were present during the field visit.

- 1- Sri Bibhu Prasad Lenka, Superintending Engineer, Divn.V, R & B, Bhubaneswar
- 2- Sri Purna Chandra Swain, Executive Engineer, Drainage Division, Khurda
- 3- Sri Rakesh Kumar Sahoo, Executive Engineer, Division No.I, BDA, Bhubaneswar
- 4- Sri Sipak Patra, Land Officer, T.P.Scheme, BDA, Bhubaneswar
- 5- Sri Omkar Mohanty, Associate Town Planner, BDA, Bhubaneswar

The committee members visited the tail end of disposal point of Trident Galaxy Apartment on dtd-22.10.2024 at 11.00 A.M. to ascertain the flow of storm water of both the project i.e. M/S Kriday Reality Pvt. Ltd. & M/S Trident Properties Pvt. Ltd. to the natural Nallah flowing over the T.P. Scheme area. The representatives of Trident Galaxy along with their engineers were also present. The field members observed the followings.

1-That one Natural Nallah flowing over the T.P. Scheme area which is 160 mtr. distance from the present disposal point i.e tail end of Trident Galaxy Apartment.

2-The Natural Nallah having its bed width of 18 mtr having HFL depth of 2.6 mtr. over the bed. The designed invert level & HFL of the Nallah is 31.21 mtr & 33.81 mtr respectively.

3-At present the Trident Galaxy Apartment is disposing the drain water which is a private plot and which is only 0.60 mtr over the invert level of natural Nallah.

Recommendation of the committee.

After thread bare discussion and feasibility study, it is found that, Trident Galaxy Apartment has constructed its internal drainage system without considering the design section of Natural Nallah and disposing the drain/ storm water at an invert level of 31.81 mtr where as the Natural Nallah is flowing with a designed invert level 31.21 mtr & HFL 33.81 mtr.

Therefore the committee recommends to fix the invert level as 34.29 mtr for the drainage disposal of Trident Galaxy Apartment near its tail end of present disposal point. From that point the drain water is to be carried through RCC cover drain along the TP road to final disposal point situated at a distant of 160mtr to the Natural Nallah at a slope of 1:333 as per IRC:SP:50-2013 item 3.2.2.

The detailed plan & layout of drainage disposal system to Natural Nallah is hereby enclosed.

Omkar Mohanty
22/10/24
(Sri Omkar Mohanty)
A.P, BDA, Bhubaneswar

Saha
22.10.24
(Sri Sipak Patra)
Land Officer, T.P.Scheme, BDA

Rakesh
22/10/2024
(Sri Rakesh Kumar Sahoo)
EE, Division No.I, BDA






Purna
22/10/24
(Sri Purna Chandra Swain)
EE, Drainage Division, Khurda

Bibhu
22/10/24
(Sri Bibhu Prasad Lenka)
SE, Divn.V, R & B, Bhubaneswar

TC Attested
of Dash
Advocate



LEGEND

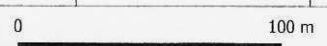
-  Proposed Drain to Disposal Point
-  TP Scheme Boundary
-  Village Boundary
-  TP Scheme 1 Roads
-  Natural Nallah

Layout Plan for Disposal of Drainwater to Natural Nallah



Map No - 1

Scale - 1:2,000



[Signature]
 22/10/24
 Asst. Executive Engineer
 Division No. 1, B.D.A.

[Signature]
 22/10/24
 Asst. Executive Engineer
 Division No. 1, B.D.A.

[Signature]
 22/10/24
 Executive Engineer
 Division No. 1, B.D.A.

TC Attested *[Signature]*