

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE KOLKATA BENCH  
MISCELLANEOUS APPLICATION NO. 15/2024/EZ**

**IN**

**Original Application No. 11 of 2024 / EZ.**

Z1 Residents Welfare Association ..... Petitioner / Appellant

Vs.

Z Estates Pvt. Ltd. & Ors. .... Respondent / Defendant

**INDEX**

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	1 - 6
2.	<b><u>ANNEXURE-R4/G.</u></b> Photocopy of the letter No. 3626, dtd. 12.11.2024 of the Regional Officer, Bhubaneswar of R. NO.-4 Board.	6 - 7
3.	<b><u>ANNEXURE-R4/H.</u></b> Photocopy of the letter No. 18418, dtd. 12.11.2024 issued by the R. NO.-4 Board in favour of R. No. 03.	8 - 9

By the Respondent.No.4

Through

*Papiya Banerjee Bihani*

Kolkata

Date:

**Smt. Papiya Banerjee Bihani**  
Advocates for the Respondent No.3  
(State Pollution Control Board, Odisha)  
e-mail: pbanerjeebihani@gmail.com  
Phone No.:9831493390

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

MISCELLANEOUS APPLICATION NO.15/2024  
IN  
(ORIGINAL APPLICATION NO. 11 OF 2022 / EZ)

30 NOV 2024

IN THE MATTER OF:

Z1 Residents Welfare Association ...Applicant

VERSUS

Z Estates Pvt. Ltd. & Others ...Respondents

AFFIDAVIT ON BEHALF OF STATE  
POLLUTION CONTROL BOARD, ODISHA,  
RESPONDENT NO.4 IN COMPLIANCE TO  
ORDER DTD.23.08.2024.



I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD.NO.ON-71/2009  
 PH-9437627119 (M)

1. That I am the Member Secretary of the Respondent No.4 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That this Hon'ble Tribunal while taking note of the affidavit dtd.20.08.2024 filed by R-4 Board in their order dtd.23.08.2024 have directed the R-4 Board to submit the status of the notice issued vide Annexure – R4/F of the affidavit dtd.20.08.2024 in favour of applicant in the form of affidavit.
3. That the Regional Officer of the R-4 Board at Bhubaneswar vide his letter No.3626 dtd.12.11.2024 has intimated the Member Secretary of the R-4 Board that the issue involved in the case is pertaining to increase of height of the stack connected to D.G. Sets and it was found that the applicant unit has failed to comply the conditions of environmental clearance accorded by SEIAA, Odisha vide letter No.433/SEIAA dtd.16.08.2011 and accordingly the R-4 Board has

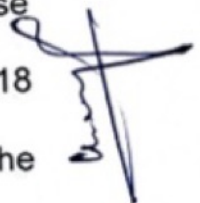


MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD.NO.ON-71/2009  
PH-9437627119 (M)



requested the Member Secretary of the SEIAA, Odisha (R-3) vide letter No.18418 dtd.12.11.2024 to initiate appropriate action for violation of the condition of environmental clearance against the project of the applicant. A copy of the letter No.3626 dtd.12.11.2024 of the Regional Officer, Bhubaneswar of the R-4 Board and letter No.18418 dtd.12.11.2024 issued by the R-4 Board in favour of R-3 is annexed to this affidavit and marked as ANNEXURE - R4/G and ANNEXURE - R4/H respectively.

4. That the R-4 Board has not yet received any response from the R-3 in response to the letter No.18418 dtd.12.11.2024 annexed as Annexure - R4/H of the present affidavit.
5. That this affidavit is filed in compliance to the direction dtd.23.08.2024 of this Hon'ble Tribunal passed in MA No.15/2024/EZ arising out of OA No.11/2022/EZ.



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD.NO.ON-71/2009  
 PH-9437627119 (M)

6. That the Respondent No.4 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
7. That the annexures annexed to the present affidavit are true and correct copies of their originals.
8. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.

  
**DEPONENT**  
 Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar

#### VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 30<sup>th</sup> day of November, 2024.



**SWORN BEFORE ME**

MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD.NO.ON-71/2009  
 PH-9437627119 (M)

  
**DEPONENT**  
 Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar

ANNEXURE-R4/G

E-mail : rospcb.bhubaneswar@ospcbboard.org

Website : [www.ospcbboard.org](http://www.ospcbboard.org)

**OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR**  
**STATE POLLUTION CONTROL BOARD, ODISHA**  
 [DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]  
 Plot No.-B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po-KIIT, Bhubaneswar -751024

No. 3626 /Dt. 12.11.2024 /By Speed Post/ By E-mail

To,

The Member Secretary  
 State Pollution Control Board  
 Bhubaneswar

**Sub: Compliance in relation to the Order passed on dated 19.03.2024 by Hon'ble NGT Eastern Bench in relation to MA No. 15/2024/EZ arising out of OA No. 11/2022/EZ -Z1 Resident's Welfare Association Vs Z-Estates Pvt Ltd & Others-Reg**

**Ref:- HO Letter No. 14776 dated 18.09.2024.**

Sir,

With reference to the subject cited above, it is to inform you that Hon'ble NGT, Eastern Bench while hearing on MA No. 15/2024/EZ arising out of OA No. 11/2022/EZ -Z1 Resident's Welfare Association Vs Z-Estates Pvt Ltd & Others on dated 19.03.2024 has stated in its order which can be read out in Point No. 3(b) as:-

**" Direct the respondent to show cause what steps they have taken to implement the order of the order of the Hon'ble NGT dated 1<sup>st</sup> May 2023 paragraph 48(Except Point D & E)."**

In the said Para 48 of order dated 1<sup>st</sup> May 2023, Hon'ble NGT while disposing the case (OA No. 11/2022/EZ) has directed SPCB regarding verification of the height of the DG sets installed which could be read out in in Sub Point No."C "as:-

**" The State Pollution Control Board, Odisha shall verify as to whether the vent height of the DG set stack which is at present 6.06 meters from the Ground level is adequate, considering that the Environmental Clearance requires the same to be more than the highest building height."**

Taking into cognizance of the above, a letter was send to M/s Z Estate Private Limited vide Lno 2531 dated 12.07.2021for necessary compliance regarding the height of the stack connected to the DG sets(3 Nos) to more than 48.89 m from Ground level. In response to the said letter, the builder has submitted a letter to this office citing various reasons that the height of the stack is adequate & it has already handed over the society of Phase I to RWA Z1 Advait. A letter was then again sent to Z1 RWA(Phase-I) from this office to comply the Hon'ble NGT order vide Letter No 2886 dated 17.08.2024. But no response has been received from RWA end. Affidavit has been already filed on dated 20.08.2024 regarding this matter by SPCB and Hon'ble NGT has also been taken in records as per the Hon'ble NGT order dtd 23.08.2024 in relation to the MA No. 15/2024/EZ.

ak

It is to mention that while granting Environmental Clearance for Phase I Project of Z1 Estate Pvt Ltd by SEIAA vide Reference No. 133/SEAA dated 16.08.2011 it has been mentioned in the stipulated conditions under "Operational Phase"(Point No. V) in relation to the height of the DG set common stack that:-

**"The height of the stack of the DG sets should be equal to the height needed for the combined capacity of all the proposed DG sets put together and should be more than the highest building height."**

The height of the nearest building is more than 40 meters and the height of the stack connected to DG sets is 6.06. mts So, as this is a gross violation of the Environmental Clearance, so direction may be given to action taking authority i.e SEIAA through proper channel for the said non-compliance and intimation regarding it may be kindly be acknowledged to Hon'ble NGT as the matter is going to be placed in the next date of hearing which is on 13.11.2024.

Yours Faithfully,

  
12/11/2024  
REGIONAL OFFICER

Memo No. 3627 /

Dtd. 12/11/2024 /

Copy forwarded to Sr. Law Officer(L-II), SPCB , Odisha, Bhubaneswar for kind information.

  
12/11/2024  
REGIONAL OFFICER



EPABX: 2561909/2562847  
 Tel: 2562822, 2560955  
 Email: [Paribesh1@ospcboard.org](mailto:Paribesh1@ospcboard.org)  
 Website: [www.ospcboard.org](http://www.ospcboard.org)

## STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]  
 Paribesh Bhawan, A/118, Nilakanthanagar, Unit – VIII,  
 Bhubaneswar – 751 012, INDIA

No. 18418  
 VII – L – Misc – 902

Date: 12-11-24

To

The Member Secretary  
 SEIAA, Odisha,  
 Qrs. No.5RF-2/1  
 Unit-IX, Bhubaneswar.

Sub: OA No.11/2022/EZ – ZI Residents Welfare Association vs. Z-Estates Pvt. Ltd. & Others.

Ref: This Board letter No.8120 dtd.22.05.2023 and your letter dtd.28.12.2023 & 16.03.2024 addressed to Sri Tapan Kumar Mohanty, MD, M/s. Z-Estates Pvt. Ltd. regarding submission of environmental compensation.

Sir,

The aforesaid OA has been finally disposed of by the Hon'ble NGT, EZB, Kolkata vide their order dtd.01.05.2023 with certain directions contained in para-48 of the order for compliance by SEIAA, SPCB, CEGWB, MOEF&CC. A copy of the order has been forwarded to you by the Board in the above referred letter. In the meantime, MA No.15/2024 has been filed by the Applicant with a prayer at (a) which reads as follows:

- a) "Direct the Respondents to show cause why the criminal proceedings shall not be initiated for violation of the order of the Hon'ble Tribunal dated 1<sup>st</sup> May 2023 paragraph 48 (except point D & E).

The Board has filed affidavit dtd.05.07.2024 indicating the step taken for compliance of the direction dtd. 01.05.2023. The said affidavit has been taken note of by the Hon'ble Tribunal in their order dtd.08.07.2024 and further directed to file affidavit of compliance with regard to the issue regarding DG Sets. Copy of the affidavit dtd.5.07.2024 and order dtd.08.07.2024 are enclosed for your reference. In compliance to the order dtd.08.07.2024 the Board has filed the affidavit dtd.20.08.2024 before the Hon'ble Tribunal which has also been taken note of by the Hon'ble Tribunal in their order dtd.23.08.2024. Copy of the affidavit dtd.20.08.2024 and order dtd.23.08.2024 are enclosed for reference.

In the meantime, it is informed by the Regional Officer, Bhubaneswar in his letter No.3626 dtd.12.11.2024 that the SEIAA, Odisha vide letter No.433/SEIAA dtd.16.08.2011

according environmental clearance for the aforesaid project has imposed a condition under the heading Special Conditions Operation Phase as at Col.(v) as follows:

- v) Diesel power generating sets proposed as source of back-up power for lifts elevators and common area illumination during operation phase should be of enclosed type and conform to Environmental Protection (EP) Rules, 1986. The height of the stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets put together and should be more than the highest building height. Low Sulphur diesel should be used. The location of the DG sets may be decided in consultation with Odisha State Pollution Control Board. Care may be taken to avoid disposal of smoke / pollutants from DG sets in the residential area.

The height of the nearest building is more than 40 meters and the height of the stack connected to DG sets is 6.06 meters. As such there is a gross violation of the conditions indicated above imposed while granting environmental clearance. Copy of the letter No.3626 dtd.12.11.2024 is also enclosed for reference.

Hence, it is requested to please initiate appropriate action for violation of the conditions of the environmental clearance indicated above against the aforesaid project. It is pertinent to mention here that the SEIAA, Odisha is also impleaded as R.No.3 in the aforesaid OA.

Encl: As above.

Yours faithfully,



Member Secretary