

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

M.A. No. 43/2024/EZ

Arising out of

O.A. No. 36/2022/EZ

In the matter of:

Rabeya Tabassum

.... Applicant / Petitioner

Versus

State of Odisha and Others.

..... Respondents / Opp. Parties

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By the Respondent / Opp. Party Nos.1 and 5 through

CUTTACK


(SATYABRATA MOHANTY)

DATE: 23.12.2024

ADDL. GOVT. ADVOCATE

Sri Satyabrata Mohanty
Addl. Government Advocate

EN-no-1131/1995.

Mohanty12.Satyabrata@gmail.com.

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Rabeya Tabassum

.... Applicant / Petitioner

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COUNTER AFFIDAVIT FILED ON BEHALF OF
THE RESPONDENT Nos.1 & 5

I, Sri Sourav Kumar Sahoo, aged about 33 years, S/o- Mahendra Kumar Sahoo, at present working as Executive Engineer, Drainage Division, At-Gandarpur, Dist./Town- Cuttack, Odisha, do hereby solemnly affirm and state as follows: -

1. That, I have been arrayed as the Respondent / Opp. Party No.5 in the aforementioned Miscellaneous Application and I have been duly authorized by the Respondent / Opp. Party No.1 to file this affidavit on his behalf.
2. That, I have gone through the aforementioned Miscellaneous Application as well as the annexures annexed thereto and also understood the same. I am also well

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

2/27/2024

Sourav Kumar Sahoo

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acquainted with the facts of the present case to swear this affidavit in my official capacity.

3. That, the Applicant / Petitioner has filed the Misc. Application No. 43/2024/EZ on Dt. 13.09.2024 before this Hon'ble Tribunal alleging non-compliance of the order dated 14.10.2022 passed by this Hon'ble Tribunal in O.A. No. 36 of 2022 with regard to beatification, renovation and restoration of 'Peta Nalla'.

4. That, it is humbly submitted that the order dated 14.10.2022 of this Hon'ble Tribunal has already been complied with by the State Respondents and Compliance Affidavit has also been filed before this Hon'ble Court on 13.08.2024.

PARAWISE REPLIES:-

5. That, in response to the averments made by the Petitioner in para-No. 1 to 7 of M.A, it is respectfully submitted that the opposite party No.1 & 5 have no comments to offer.

6. That, in response to the averments made in Para- 8 of the MA, it is respectfully submitted here that, the renovation of Peta nalla commenced on Dt. 02.06.2023 vide Agreement No.10P1/2023-24 between Executive Engineer, Drainage Division, Cuttack and M/s Bijoy Buildcon Private Limited, Bhubaneswar.

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Sourav Kumar Sahoo

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7. That, in response to the averments made in Para- 9 of the M.A, it is respectfully submitted that out of 3.9 Km of Peta Nalla, the leading channel from RD 00 m to RD 625 m is situated inside the Kathajodi river, so there is no provision of renovation work. The renovation work of Peta Nalla is executed by Department of water resources from RD 625 m (Bellview sluice) to RD 3900 m (Sector 10 bridge).

It is humbly submitted that by June, 2024 most of the components of renovation work within scope of the Agreement were completed except part of the work as below.

Sl No.	Scope	Provision	Completion status as on June, 2024	Balance work to be completed after Monsoon	Status as on 01.12.2024 (Schedule date of completion)
1	Dredging work from RD 625m (Bellview Sluice) to RD 1920m (Krushak Bazaar bridge)	1295 m	1295m	Nil	Completed
2	Excavation work from RD 1920 m (Krushak Bazaar bridge) to RD 3900 m(Sector 10 Bridge)	1980 m	1980 m	Nil	Completed
3	Retaining wall on both sides of Petanala from RD 2700 m (Bidanasi Bridge) to RD 3900 m (Sector 10 Bridge)	1200m	1200m	Nil	Completed
4	Stone packing in Bed level of the Nalla from RD 2700m to RD 3900m	1200m	1000m	200 m	Completed
5	Borrow Earth filling work both Banks of Nalla for a length of 3300m	3300m	1200m	2100m	Completed

Saurav Kumar Sahoo

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

[Handwritten Signature]

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It is respectfully submitted that due to onset of monsoon season, work was temporarily withheld and the balance works as stated above resumed after the monsoon and has been completed on 01.12.2024.

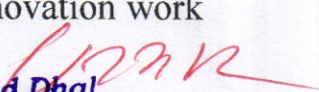
8. That in response to the averments made in Para- 10 & 11 of the M.A, it is respectfully submitted the Opposite Party No.1 & 5 have no comments to offer as the matter does not relate to Department of Water Resources, Odisha.

9. That, in response to the averments made in Para- 12 of the M.A, it is respectfully submitted here that due to unavailability of provision for treatment and as storm water drains are also being used by people for dumping garbage and as a waste water drain, both solid and liquid wastes are coming in to the Peta Nalla.

Copies of the Photographs showing status of Peta Nalla after completion of works under this agreement are annexed here as Annexure-A/5Series.

It can be seen that water hyacinth has been cleared. It is pertinent to mention that due to unavailability of adequate fresh water, growth of water hyacinth is a regular phenomenon. In view of the above, it is being proposed to add fresh water to Peta Nalla in next phase of work.

10. That in response to the averments made in Para 13 of the M.A, it is respectfully submitted here that renovation work


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Sourav Kumar Sahas


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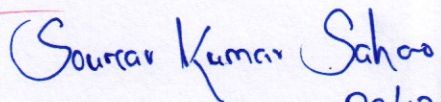
1920 m to 3900 m by excavation vide Agreement No.10P1/2023-24 has been completed on 01.12.2024. The Capping and connection of drains to STP and beautification work will be taken care of by Opp.Party No.4 and Opp. Party No.3.

11. That, in view of the above, the aforementioned M.A filed by the Applicant being devoid of any merit and same is liable to be dismissed in the interest of justice.

12. That, the facts stated above are based on the official documents / records which are believe to be true & correct.

Identified by:


Advocate


23/12/2024

Deponent
Executive Engineer
Drainage Division
Cuttack

CERTIFICATE

Certified that due to non-availability of cartridge papers, the contents of this affidavit have been typed in thick and durable white papers.

CUTTACK

DATE: 23.12.2024


(SATYABRATA MOHANTY)

ADDL. GOVT. ADVOCATE



The above named Deponent
Solemnly affirm on 23/12/2024
..... Being Identified
by S Mohanty
23/12/2024
Sudhansu Prasad Dhal
Advocate
NOTARY, CUTTACK

X

VERIFICATION

I, Sourav Kumar Sahoo, aged about 33 years, S/o- Mahendra Kumar Sahoo, At present working as Executive Engineer, Drainage Division, At-Gandarpur, Dist./Town- Cuttack, Odisha and I am duly authorized by the other Respondent do hereby verify and state that whatever is stated in the foregoing paragraphs are true to the best of my knowledge, information, belief and based on official records and I have not suppressed any material facts.

Verified on 23rd day of December, 2024 at Cuttack.

Cuttack

Date:-23.12.2024

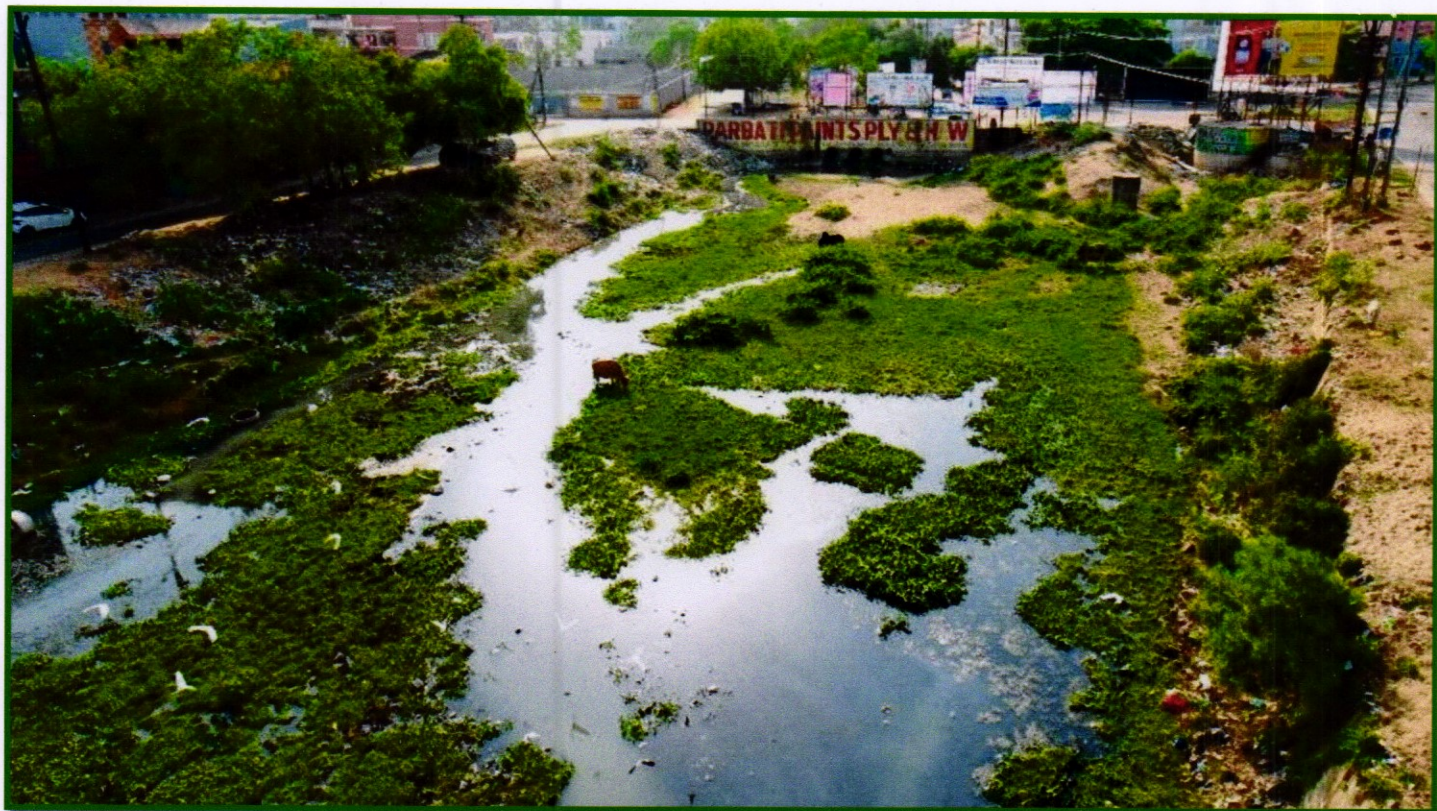
Sourav Kumar Sahoo

Verificant
Executive Engineer
Drainage Division
Cuttack

23/12/2024

Surenara Prasad Dhal
Advocate
NOTARY, CUTTACK

BEFORE RENOVATION



AFTER RENOVATION



True copy attached
23/12/23
Executive Engineer
Drainage Division
Cuttack



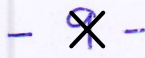
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Handwritten signature
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Executive Engineer
Drainage Division
Cuttack



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