

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

Original Application No. 55/2024/EZ

(I.A. No. 42/2024/EZ)

(Earlier O.A. 17/2024/PB)

Sanu Das-----Applicant

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 02 State
Environment Impact Assessment Authority (SEIAA), Odisha

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Place: Bhubaneswar
Date: 28/01/2025

Shri Apurba Ghosh
Advocate for Respondent No.02
(SEIAA), Odisha
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Affidavit on Behalf of the Opposite Party/Respondent No. 02 State
Environment Impact Assessment Authority (SEIAA), Odisha

1. Shri Prem Kumar Jha, IFS, son of late Dr. Harihar Jha aged 56 years, at present working as Director Environment-cum-Special Secretary to Govt. in Forest, Environment & Climate Change Department and Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.

2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.02 before this Hon'ble National Green Tribunal.

3. That, I have gone through ~~the order passed by the Hon'ble NGT~~ on 17.09.2024, 27.11.2024 & Interlocutory Application No. 42/2024/EZ filed by the Applicant and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or

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Orissa, Bhubaneswar**



avermment not dealt with in the present affidavit shall be construed as denied.

4. That, in reply to the averments made in the Interlocutory Application point no. 01 to 07 of I.A., the deponent humbly submits the following:

i. The SEIAA, Odisha vide its letter no. 1997/SEIAA dt. 24.04.2013 has issued environmental clearance (EC) for construction of 12 towers of Multi-Storied Residential apartment over plot no. 87/1263, 87/1264, Khata no. 421 covers 48575.31 sqm (12.0 acres), total built-up area-1,85,176.33 sqm (i.e. Phase-I + Phase-II) at Mouza-Sankarpur, Tahasil-Bhubaneswar, Dist-Khordha in favour of M/s. Kriday Realty Pvt. Ltd and subsequently expansion of EC was issued vide EC identification no. EC23B039OR184012 dt. 30.06.2023 for increasing built-up area 1,85,176.33 sqm to 1,12,805.24 sqm.

ii. The project proponent has submitted the land documents during EC & expansion of application where it is mentioned that the Govt. of Odisha Revenue & Disaster Management vide order No. 53104 dated 07.12.2012 have sanctioned the lease area of Govt. land measuring 12.00 acres in Mouza-Shankarpur in favour of Bhubaneswar Development Authority (BDA) bearing Khata no. 421, Plot No. 87/1264 & 87/1263/1802, Kissam-Puratan Patita. Thereafter, BDA executed lease deed with the Collector, Khordha vide deed No. 11131300839 dated 08.01.2013. Subsequently, the BDA




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lease out the land in favour of M/s. Kriday Reality Pvt. Ltd. for development of Integrated Residential Project under PPP Mode.

iii. During issue of expansion of EC, the SEIAA, Odisha given condition that

a. EC is allowed subject to closure of the IRO compliance report vide letter no. No.109-1145/EPE dated 14.03.2023 of earlier EC conditions within a period of 6 months failing which the EC will be revoked.

b. The issue of Occupancy Certificate (OC) & Consent to Operate (CTO) for the 4 nos. of Towers shall be subject to completion of storm water drain as per BDA Condition vide its letter no.109/EM/BDA, Bhubaneswar dated.11.02.2013.

c. The Project Proponent (PP) before implementation of the project shall convert the land to Gharabari and shall take the ownership of the land if not already taken.

iv. The Project proponent (PP) has failed to submit compliance of EC conditions basically on the above-mentioned points. Hence, a Show Cause Notice is issued by SEIAA, Odisha vide letter no. ~~6261/SEIAA~~ dated 27.01.2025 for non-compliance of EC conditions. Also, direction was given to M/s. Kriday Realty Private Limited that no building & construction work shall be proceed of the said project from date issue of this letter until further order of Authority. After received of reply of Show Cause notice dated 27.01.2025 from project proponent action will be taken accordingly.

Copy of Show Cause letter dated 27.01.2025 is attached in Annexure - I.



R. K. S.

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5. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
6. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by
Advocate

[Signature]
28.01.2025

[Signature]

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

VERIFICATION

Verified at Bhubaneswar on this day of 28-01-2025 that the contents of the above affidavits are true and correct on the basis of the records maintained by the respondent in the daily course of its business, no part of it is false and nothing has been concealed therefore.

Place: Bhubaneswar

Date: 28-01-2025

[Signature]

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

[Signature]
28.01.2025

DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015





STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3512840, Email:

seiaaodisha@gmail.com

(A statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986)

File No. SEIAA-430852/509-INFRA2/05-2023

Letter no 6261/SEIAA

Dated 27.01.2025

To

Sri Sidhartha Roy, General Manager-Projects
M/s. Kriday Realty Pvt. Ltd.
Plot No. 87/1263 & 87/1264, Zone-20, Mouza-Sankarpur,
Algenia, Tahasil-Bhubaneswar
Dist-Khordha, Pin-751029
[Email-siddhartharoy@tatarealty.in](mailto:siddhartharoy@tatarealty.in)

**DIRECTIONS UNDER SECTION-5 OF ENVIRONMENT (PROTECTION) ACT, 1986-
SHOW CAUSE NOTICE THEREOF**

Ref: 1. Environment Clearance (EC) letter no. 1997/SEIAA dated 24.04.2013 & Expansion of EC Identification No. EC23B039OR184012 dated 30.06.2023

2. Hon'ble NGT order dt. 17.09.2024 and 27.11.2024 on O.A. No.55/2024/EZ (I.A. No. 42/2024/EZ) in the matter of Sanu Das & Ors Vrs State of Odisha & Ors.

Sir/Madam,

With reference to the above cited subject, I am to inform you that initially, the environment clearance (EC) was issued vide letter no. 1997/SEIAA dated 24.04.2013 in favour of Mr. Bachan Singh (Vice President) of M/s. Kriday Realty Pvt. Ltd. for construction of Multi Storied Residential Apartment having built up area 1,85,176.33 sqm (including basement area) for Phase-I + Phase-II over plot no. 87/1263, 87/1264, Khata no. 421 covers 48575.31 sqm (12.0 acres) area at mouza-Sankarpur, Tahasil-Bhubaneswar, Dist-Khordha, Odisha. The EC given to the said project with general and specific conditions and in the original EC dated 24.04.2013 contains 50 conditions and out of the 50 conditions some important conditions are as follows:

1. The Diesel Power generating sets (DG sets) should be equal to more than the height of the building and shall be constructed after consultation with Odisha State Pollution Control Board (OSPCB).

2. Green-belt & avenue Plantation of tree cover at least 20% of the site area and the plating pattern of different species shall be decided by the project proponent (PP) in consultation with forestry/horticulture specialist.
3. As per the undertaking given by the PP while obtaining the EC dated 24.04.2013 regarding discharge of storm water based on Bhubaneswar Development Authority (BDA) vide letter no. 109/EM dt. 11.02.2013 that out of the total storm water 960 cum/hr only 190 cum/hr (i.e. 20%) should be considered for discharging in 19 nos. of recharge pits. The balance storm water i.e. 770 cum/hr is recommended to be discharged through the peripheral drain of M/s. Trident Properties Pvt. Ltd. M/s. Kriday Realty Pvt. Ltd. may obtain the required invert levels & accordingly a revised storm water drainage plan may be furnished for approval by BDA. M/s. Kriday Realty Pvt. Ltd. should bear the land acquisition charges to be incurred by BDA for acquiring land acquisition for an approximate length of 180 m along the proposed 200'-0' master plan road. Accordingly, EC conditions given vide letter no.1997/SEIAA dt. 24.04.2013 for construction of storm water drain quantity of 770 cum/hour shall be complied with.

Further, with the expansion of project built-up area, the PP had submitted a modification of EC proposal vide application no. SIA/OR/MIS/78819/2022 dt, 16.05.2023 and the Authority rejected the proposal on the ground that validity period of earlier EC was expired, non-compliance of EC condition in regard to BDA letter no. 109/EM dt. 11.02.2013 in regard to the storm water discharge and non-compliance of earlier EC conditions issued by Integrated Regional Office of MoEF & CC, Bhubaneswar in his report dated 14.03.2023.

Again, the PP had submitted the fresh EC application vide SIA/OR/INFRA2/430852/2023 dt. 26.05.2023 with attaching certified compliance of EC conditions and other required documents and finally, the proposal was placed in 123rd SEIAA, Odisha meeting held on 19.06.2023 and after detailed deliberation on the matter, the Authority decided as follows:

- (i) EC is allowed subject to closure of the IRO compliance report vide letter no. No.109-1145/EPE dated 14.03.2023 of earlier EC conditions within a period of 6 months failing which the EC will be revoked.
- (ii) The issue of Occupancy Certificate (OC) & Consent to Operate (CTO) for the 4 nos. of Towers shall be subject to completion of storm water drain as per BDA Condition vide its letter no.109/EM/BDA, Bhubaneswar dated.11.02.2013.

Accordingly, EC was issued vide EC identification no. EC23B039OR184012 dt. 30.06.2023 with standard and above-mentioned specific conditions.

Accordingly, the expansion of EC was issued by SEIAA, Odisha vide EC Identification No. - EC23B039OR184012 dated 30.06.02023 with some important conditions are as follows:


1. EC is allowed subject to closure of the IRO compliance report vide letter no. No.109-1145/EPE dated 14.03.2023 of earlier EC conditions within a period of 6 months failing which the EC will be revoked.
2. The issue of Occupancy Certificate (OC) & Consent to Operate (CTO) for the 4 nos. of Towers shall be subject to completion of storm water drain as per BDA Condition vide its letter no.109/EM/BDA, Bhubaneswar dated.11.02.2013.
3. The Project Proponent (PP) before implementation of the project shall convert the land to Gharabari and shall take the ownership of the land if not already taken.

After, one & half years of issuance of EC letter dated 30.06.2023, the PP has partially complied the above point no. 02 but not complied the point no. 01 & 03 which is a violation of EC conditions for non-compliance of EC conditions due time period.

NOW THEREFORE, in view of the above observation and in exercise of the powers vested with SEIAAA, Odisha under section-5 of the Environment (Protection) Act, 1986, the Project Proponent of Siddhartha Roy; General Manage on behalf of M/s. Kriday Realty Private Limited is directed to reply through letter or presence by person or through authorized person in SEIAA, Odisha office within 15 days from the date of receipt of this show cause notice, why the environment clearance will not be revoked due to non-compliance of EC conditions. Further, it is direct that the M/s. Kriday Realty Private Limited shall not proceed any building & construction work of the said project from date issue of this letter until further order of Authority.

In the event of failure to comply with the above directions within the stipulated time frame, action as deemed appropriate shall be initiated against the Project Proponent in accordance with the provisions of the law.

By order and Authority of SEIAA, Odisha


Member Secretary

Copy to

1. The Collector & District Magistrate/ADM/Sub-Collector, Khordha for his information.
2. The Bhubaneswar Development Authority (BDA) for his information & necessary action.
3. The RO, SPCB, Bhubaneswar Odisha for his information and necessity action.
4. The Integrated Regional Office of MoEF & CC, Bhubaneswar for his information.


Member Secretary