

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

APPEAL NO 2 OF 2025

IN THE MATTER OF

Z-Estates Private Limited & Anr.

Appellant(s)

Versus

State Environment Impact Assessment Authority,

Odisha, & Ors.

Respondent(s)

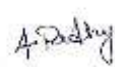
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DATE- 01/03/2025

RESPONDENT 3 THROUGH

PLACE- BHUBANESWAR



SANKAR PRASAD PANI ASHUTOSH PADHY

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-  
9437279278, Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

## 2

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APPEAL NO 2 OF 2025

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Versus

State Environment Impact Assessment Authority,

Odisha, & Ors.

Respondent(s)

**PRELIMINARY OBJECTION ONBEHALF OF THE RESPONDENT-3**

**TO THE APPEAL 2 OF 2025.**

I, Bidhubhusan Nayak, aged about 48 years, Son of Shri Bishnu Charan Nayak presently serving as Secretary of the Z1 RESIDENTS' WELFARE ASSOCIATION having its registered office at Tower 1 , Flat No.1304 ,Z1 Estate, Nandankanan Road ,Kalarahanga, Patia, Bhubaneswar, Odisha -751024, hereby solemnly affirm, and declare as under:

1. That I am the Secretary of Respondent No 3 Organisation in the above mentioned Appeal AND authorised by the society to swear this affidavit.
2. That the present appeal is being filed by the appellants praying for the below mentioned directions,

### 3

- a. An order directing stay of the Impugned Order/Direction dated February 18, 2025 passed by the Respondent No. I under Section 5 of the Environment (Protection) Act, 1986 till the disposal of the instant appeal;
  - b. In the alternative, an order be passed directing permitting the Appellants to proceed with construction work on Phase-III of the Project upon the Appellants' undertaking to carry out any rectification work for any alleged non-compliance of any conditions stipulated in the Environment Clearance within a time stipulated by this Hon'ble Tribunal, or upon such terms and:
  - c. An order directing modification, setting aside, recalling and/or quashing the Impugned Order/Direction dated February 18, 2025 as being unwarranted, unfair, unjust and/or passed without application of mind;
  - d. Ad-interim orders in terms of prayer (a) above;
  - e. In the alternative, ad-interim orders in terms of prayer (c) above; and such other or further order and/or orders, direction and/or directions Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
3. It is pertinent to mention here that the Appellant is continuously violating the conditions of Environment Clearance and Pursuant to the Order dated 20/12/2024 in MA No 15 of 2024, the SEIAA has issued a show cause

## 4

notice to comply the Conditions of Environment Clearance and failure to do so will invite action including revocation of Environment Clearance.

4. That the Appellant instead of complying the said direction, has approached this Honble Tribunal in the present Appeal and same is not maintainable as the impugned order was a show cause notice only.
5. It is further submitted that though the Appellant was directed to stop construction with immediate effect on 18th Feb 2025, but the Appellant did not follow the direction and continue to go ahead with construction activities in utter disregard to the SEIAA direction. The Photographs of 24<sup>th</sup> February is annexed here with as **ANNEXURE-1**.
6. The present deponent has also the videos of ongoing construction in violation of SEIAA direction and will place it as and when the Hon'ble Tribunal desires.
7. That in this regard the present deponent has already brought to the notice of SEIAA through his letter dated 28/02/2025 and communicated through Email on 1st March 2025. However no coercive action has been taken against the Appellant as of now. Copy of Email dated 1/03/2025 and letter dated 28/02/2025 is annexed here with as **ANNEXURE-2**.
8. That since the appellant have no respect for law and more particularly to the direction issued under Section 5 of Environmental Protection Act, hence he can not claim any equity before this Hon'ble Tribunal and this alone is a ground for dismissal of the present appeal with cost.

9. It is needless to state that the Non-compliance of EC condition is continuing since 2011 and thereafter the EC granted on 17/03/ 2020 which was pursuant to undertaking by the appellant that all the condition will be complied before 2021 and non-compliance of the EC condition led to filing of the OA 11 of 2022 and further non-compliance of the Final Order dated 01/05/2023. Hence the show cause notice dated 18/02/2025 is not an order passed in isolation for a violation of a day but continuous violation of EC conditions for last Five years and Non-compliance of Order of this Hon'ble Tribunal dated 01/05/2023 and order dated 20/12/2024.

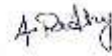
10. Further the violation is not only limited to stack height of the DG Set but also Green Belt, 5 % Solar Energy, Solar Heater, Composter, Connecting to the Municipal Drain and many other conditions in the EC letter.

11. That in view of the above mentioned paragraphs the present deponent prays for dismissal of this Appeal with cost.

DATE- 01/03/2025

RESPONDENT 2 THROUGH

PLACE- BHUBANESWAR



SANKAR PRASAD PANI

ASHUTOSH PADHY

ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

APPEAL NO 2 OF 2025

IN THE MATTER OF

Z-Estates Private Limited & Anr.

Appellant(s)

Versus

State Environment Impact Assessment Authority,

Odisha, & Ors.

Respondent(s)

**AFFIDAVIT**

01 MAR 2025

I, Bidhubhusan Nayak, aged about 49 years, Son of Shri Bishnu Charan Nayak presently serving as Secretary of the Z1 RESIDENTS' WELFARE ASSOCIATION having its registered office at Tower 1 , Flat No.1304 ,Z1 Estate, Nandankanan Road ,Kalarahanga, Patia, Bhubaneswar, Odisha -751024, hereby solemnly affirm, and declare as under:

- 1. That I am the Secretary of Respondent No 3 Association in the above mentioned Appeal AND authorised by the society to swear this affidavit
- 2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- 3. That I have read over the contents of the accompanying Preliminary Reply Affidavit in opposition to the Memorandum of Appeal and the same is true and correct and is drafted on my instruction

For Z1RWA

*Bidhubhusan Nayak*

SECRETARY  
DEPONENT

VERIFICATION

Verified on this the 01 March 2025 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Advocate

*S.P. Nayak*  
01/03/25

(the above named deponent(s) being duly identified by Sr. Advocate *S.P. Nayak* at Bhubaneswar.

Appears before me on 01 MAR 2025 at *10 A.M.* on oath the States affidavit are true to the best of my knowledge and belief

DEPONENT

For Z1RWA

*Bidhubhusan Nayak*

SECRETARY



Deponent(s) Notary, Bhubaneswar

JANMEJAYA RAUTRAY  
NOTARY GOVT. OF ODISHA  
BHUBANESWAR

PHOTOGRAPH DATED 24/02/2025 SHOWING CONSTRUCTION  
ACTIVITIES





24 Feb 2025 at 15:49:44  
Bhubaneswar 751024  
Odisha  
India  
Patia

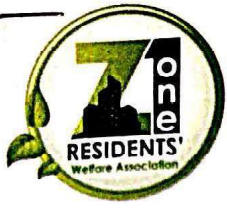




GPS Map Camera



24/02/25 04:00 PM GMT +05:30



# Z1 RESIDENT'S WELFARE ASSOCIATION

ANNEXURE-2

Registration No.: 2722-69/2020-21 under Society Registration ACT XXI of 1860

Letter No. : Z1RNA/FEB-25/132

28/02/2025

Date : \_\_\_\_\_

TO

1. MEMBER SECRETARY

Odisha State Environment Impact Assessment Authority (SEIAA) ,  
Qr. No. 5RF-2/1, Unit-IX, Bhubaneswar-751022, [seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com)

2. Member Secretary, Odisha State Pollution Control Board. A/118, Unit-  
VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha, Email:

[paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org)

3. Commissioner, Bhubaneswar Municipal Corporation, BMC -ICOMC  
Tower, Unit-IX, In front of Satya Nagar Kali Temple on Janpath,  
Bhubaneswar- 751022, Odisha, India, Email- [commissioner@bmc.gov.in](mailto:commissioner@bmc.gov.in)

4. Vice-Chairman, Bhubaneswar Development Authority. Akash Shova  
Building, Sachivalaya Marg, Bhubaneswar, Odisha 751001 Email-  
[hdabbsr1983@gmail.com](mailto:hdabbsr1983@gmail.com)

Sub- Ongoing Construction in Violation of SEIAA direction dated 18/02/2025  
with direction to suspend the construction work

Demand for prosecution under Section 19 of EP Act 1986 including revocation of  
EC letter

Dear Sir,

1. Pursuant to order of Honble NGT, SEIAA Odisha issued a letter no. 6306/SEIAA, dated 18-02-2025 to Mr Tapan Kumar Mohanty, MD of Z-Estate Private Limited, and said is reproduced as follows

Ground Floor, Tower-3, Z One (ADVAIT), Kalarahanga, Bhubaneswar  
Dist-Khordha, Odisha-751024, E-mail : [z1rwa.bbsr@gmail.com](mailto:z1rwa.bbsr@gmail.com)

“NOW THEREFORE, in view of the above evidence and in exercise of the powers vested with SELAA, Odisha under section-5 of the Environment (Protection) Act, 1986 & amended therein. the Project Proponent Sri Tapan Kumar Mohanty, MD. M/s, Z-Estates Pvt. Ltd., Bhubaneswar is directed as follows:

1. To comply to the requirement of installation of the DG stack height as recommended by SPCB (ie. 48.89 metres for Phase I and II of the construction).
2. That building & construction work for the Phase-III project shall remain suspended from date issue of this letter until further order of Authority.
3. To submit the Certified Compliance Report to the condition on point no. (i) above from the Competent Authority in reply to the above direction in point no (1) and (ii) in writing to the office of the Member Secretary, SEIAA, Odisha within 15 days from the date of receipt of this Show Cause Notice as to why the EC letter no.7991 SEIAA dated 17.03.2020 issued for expansion of housing colony and convenient shopping (Phase-111) shall not be revoked due to violation of earlier EC conditions in respect of non-compliance of EC conditions with respect to inadequate DG sets stack heights of DG sets of all phases.

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

2. It is pertinent to mention that the Non-Compliance of conditions of Environment Clearance letter dated 16/08/2011 and 17/03/2020 is not

limited to the stack height of Desel Generator but the following other conditions which are in continuous violations since 2011. The EC letter has 55 special conditions and 12 general conditions. However there have been blatant non-compliance in most of the conditions and some are summarised as follows

- I. **Green-Belt and Avenue Plantation over at least 20% of the site using native trees species/plants area not there.** SEAC Committee observes that *Green belt for Phase I is virtually absent except decorative plants such as Krushna Chuda, Ficus panda etc in the periphery of the boundary of Phase I and landscaping.*
- II. Compliance of Conditions of "NOC" from CGWA and use of Ground water for construction purpose
- III. **Absence of facility for use of Renewable/Solar Energy in Phase I against a stipulation of at least 5% of the total power consumption for Phase I for street and common area solar lighting.**
- IV. Dust control measures not adopted to control dust and noise pollution during the construction of Phase III for which the senior citizens are the worst sufferers.
- V. Rain Water harvesting/Recharge Pits reveals that water harvesting for storm water and runoff water is not available
- VI. KWIK Composter is not in working condition

3. That despite of SEIAA order to suspend the construction work, the project proponent continues to work in violation of the direction, hence we request you take cognisance of the violations of the directions and continuing non-compliance of other conditions imposed in EC apart from the Stack Height of the DG Set and do the needful to revoke the Environment Clearance along with prosecution for definance of the direction issued under section 5 of EP Act 1986

Photographs dated 24/02/2025 and 25/02/2025 is annexed here with for your kind appreciation. Along with SEIAA letter 18/02/2025

Sincerely

**For ZIRWA**

*Michelle Nayan*

**SECRETARY**



**Sub- Ongoing Construction in Violation of SEIAA direction dated 18/02/2025 with direction to suspend the construction work Demand for prosecution under Section 19 of EP Act 1986 including revocation of EC letter**

1 message

z1rwa <z1rwa.bbsr@gmail.com>

Sat, Mar 1, 2025 at 9:35 AM

To: seiaaodisha@gmail.com

Cc: paribesh1@ospcboard.org, bdabbsr1983@gmail.com

Bcc: sankarprasadpani@gmail.com

TO

THE MEMBER SECRETARY

Odisha State Environment Impact Assessment Authority (SEIAA) ,

Qr. No. 5RF-2/1, Unit-IX, Bhubaneswar-751022, [seiaaodisha@gmail.com](mailto:seiaaodisha@gmail.com)

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[paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org)

3. **Commissioner, Bhubaneswar Municipal Corporation, BMC -ICOMC**

Tower, Unit-IX, In front of Satya Nagar Kali Temple on [Janpath,](#)

[Bhubaneswar- 751022, Odisha, India,](#) Email- [commissioner@bmc.gov.in](mailto:commissioner@bmc.gov.in)

4. Vice-Chairman, Bhubaneswar Development Authority. Akash Shova

Building, [Sachivalaya Marg, Bhubaneswar, Odisha 751001](#) Email-

[bdabbsr1983@gmail.com](mailto:bdabbsr1983@gmail.com)

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Photographs dated 24/02/2025 and 25/02/2025 is annexed here with for your kind appreciation. Along with SEIAA letter 18/02/2025

Sincerely

Sd/  
Bidhubhusan Nayak  
Secretary , Z1RWA

## BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

APPEAL No. 2 of 2025

Z Estates Private Limited &amp; Anr. -----APPELLANT

Vs.

Sate Environment Impact Assessment Authority Odisha &amp; Ors....

RESPONDENT

KNOW ALL to whom these present shall come that I Bidhubhanan Nayak, aged about 49 years, Son of Shri Bishnucharan Nayak, at present serving as Secretary of the Respondent No 3 Z-1 Resident Welfare Association having its registered office at Tower 1, Flat No.1304, Z1 Estate, Nandankanan Road, Kalarahanga, Patia, Bhubaneswar, Odisha -751024

The above named RESPONDENT NO 3 do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-Sankar Prasad Pani, ASHUTOSH PADHI Advocate, Address-Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, ENROLMENT NO O-785/2007, Email-[sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up.

The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 1<sup>ST</sup> MARCH 2025.

Accepted subject to the terms of fees.

  
Advocate

Client

For Z1RWA



SECRETARY



Sankar Pani <sankarprasadpani@gmail.com>

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## Priliminary objection filed by Respondent No.3 in Appeal No.2 of 2025.

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>

Mon, Mar 3, 2025 at 9:44 AM

To: devanshi.prasad@argus-p.com, ms-seiaa-or@gov.in, SPCB Odisha <paribesh1@ospboard.org>

Dear Sir/Madam, please find the attachment.

--

Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
Cell- 9437279278  
Skype- sankar.pani

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 **objection appeal 2.pdf**  
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