

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOLKATA BENCH  
O.A NO.13 OF 2025/EZ**

**IN THE MATTER OF:**

**RASMITA PATRA.**

... APPLICANT

-VERSUS-

**CENTRAL POLLUTION CONTROL  
BOARD & OTHERS**

... RESPONDENTS

... Respondents

**INDEX**

| Sl.<br>No. | Description of documents   | Pages |
|------------|--|-------|
| 1.         | <b>Affidavit filed by the State / Respondent<br/>Nos.2,3,4 &amp; 8.</b>  | 1-3   |
| 2.         | <b>Annexure-A/3</b><br>Copy of the report submitted by<br>the committee. | 4-8   |

**CUTTACK**

**DATE: 25.04.2025**

  
**(DEBASISH TRIPATHY)**  
**ADDL. GOVT. ADVOCATE**

**E. NO.0-1254/07**

**M. NO. 9437440156**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOLKATA BENCH  
O.A NO.13 OF 2025/EZ**

**IN THE MATTER OF:**

**RASMITA PATRA.**

... APPLICANT

-VERSUS-

**CENTRAL POLLUTION CONTROL  
BOARD & OTHERS**

... RESPONDENTS

**AFFIDAVIT FILED BY THE STATE /  
RESPONDENT NOS.,2,3,4 & 8**

I, <sup>S</sup>~~A~~ Baudev Nayak, aged about 56 years, Son of late Akhila Chandra Nayak, at present working as Deputy Collector (Judl.), Collectorate Jajpur, At/P.O./Dist:Jajpur, do hereby solemnly affirm and state as follows:-

1. That, I have been duly authorised by the Respondent Nos.2,3,4 & 8 to swear this affidavit on their behalf in the aforesaid Original Application. I have gone through the petition of the aforementioned Original Application and have understood the same. I am otherwise acquainted with the facts and records of the case.

2. That, the Applicant has filed the aforesaid Original Application against gross pollution and environmental damages contemplated to be caused due to construction of

*Pradipta*  
**PRADIPTA KUMAR MOHANTI**  
Notary, Cuttack town  
Regd.No-ON-04/1995

*Basudev Nayak*  
date - 25.4.2025  
Deputy Collector, Judicial  
Collectorate, Jajpur



*[Handwritten signature]*

a retail fuel station at Plot No.227,350,351,349,350/929 under Khata No.130, Mouza-Damania, Dist:Jajpur by encroaching upon irrigation and storm water stream and by causing traffic congestion in the vicinity of the proposed fuel station.

3. That, it is humbly submitted that, in obedience to the Order dated 24.04.2025 of the Hon'ble Tribunal, the committee was constituted and the committee visited the spot on 12.03.2025.

4. That, it is submitted that the report submitted by the committee is enclosed herewith as Annexure-A/3.

5. That it is humbly submitted that Joint Committee has recommend as quoted hereunder:

*"The Proposed outlet is not confirming to the sitting criteria for M/s. HSD Retail Outlet. If the retail outlet will be allowed to continue, this may invite litigation in future from different aspects. So, the same can be shifted to some other locations."*

6. That, the averments made herein above are true to the best of my knowledge, belief and information.

7. That, it is humbly submitted that the present deponent has outmost regards for any order/direction

Basudev Nayak  
Dt. 25.4.2025  
Deputy Collector, Judicial  
Collectorate, Jajpur

*[Handwritten signature]*

*[Handwritten signature]*  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd.No-ON-04/1995

passed by this Hon'ble Tribunal and shall take all effective steps to implement the order.

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.

Identified by  
*[Signature]*  
Advocate  
**Sri Debashis Tripathy**  
Addl. Government Advocate

*Basudev Nayak*  
DEPONENT *Dt-25.4.2025*  
**Deputy Collector, Judicial**  
**Collectorate, Jajpur**

**VERIFICATION**

I, Baudev Nayak, aged about 56 years, Son of late Akhila Chandra Nayak, at present working as Deputy Collector (Judl.), Collectorate Jajpur, At/P.O./Dist:Jajpur, 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 Cuttack on this the 25<sup>th</sup> day of April, 2025.

*Basudev Nayak*  
*Dt-25.4.2025*  
VERIFICANT

Solemnly sworn before  
me by..... *Basudev Nayak* **Deputy Collector, Judicial**  
being Identified by..... *D. Tripathy* **Collectorate, Jajpur**  
at Cuttack Town Dated..... *25/04/2025*  
*[Signature]*  
**P.K. MOHANTY, Notary, Cuttack Town**  
**Regd. No-ON-04/1995**



**REPORT OF THE FACT-FINDING COMMITTEE**

*In*

*Compliance with the*

*Hon'ble NGT Order dated 27.01.2025*

*In the matter of*

*Rasmita Patra*

*Versus*

*Central Pollution Control Board & Ors.*

**In**

**OA No. 13/2025/EZ**

**-Submitted by-**

**DM Jajpur, OSPCB and CPCB**

**March, 2025**

*Rev m  
28/4/25*

**True Copy**  
**Attested**

*200*  
**25.4.2025**  
**Deputy Collector, Judicial**  
**Collectorate, Jajpur**

**Contents**

1. Background.....3  
2. Formation of the Joint Committee.....3  
3. Meeting of the Committee .....4  
4. Site Visit.....4  
5. Observations of the Joint Committee .....4  
6. Recommendations of the Joint Committee .....5  
7. Photographs of the Joint Committee Field visit on 11/01/2025 .....5

**True Copy  
Attested**



25.4.2025

**Deputy Collector, Judicial  
Collectorate, Jajpur**

**Report of the Joint Committee in Compliance to the Hon'ble NGT  
Order dated 27.01.2025 in the matter of Rasmita Patra Versus Central  
Pollution Control Board & Ors. in OA No. 13/2025/EZ**

**1. Background**

The Original Application 13 of 2025 was registered at the Hon'ble NGT, Eastern Bench, Kolkata based on the Original Application filed by Rasmita Patra against the construction of a Retail Fuel Station on Plot No. 227, 350, 351, 349, 350/929 under Khata No. 130 in Mouza - Dasmania, District - Jajpur, Odisha. The complaint alleges environmental pollution and damage due to encroachment on irrigation and stormwater streams.

Based on the complaint of the applicant, the Hon'ble NGT vide its order dated 27.01.2025 has directed the following;

*"Considering the allegations made, we deem it appropriate to constitute a Fact-Finding Committee comprising of the following Members: -*

- (i) District Collector, Jajpur or his representative not below the rank of Additional District Magistrate
- (ii) (ii) Senior Scientist, Odisha State Pollution Control Board, and
- (iii) (iii) Senior Scientist, Central Pollution Control Board

*The Committee shall inspect the site in question and submit its Report within four weeks on affidavit with regard to the allegations made in the Original Application."*

**2. Formation of the Joint Committee**

In compliance to the Hon'ble NGT Orders, a Fact-Finding Committee was constituted comprising of the following members.

|    |   |   |  |
|----|---|---|--|
| 1) | Shri Sapan K. Nanda, Additional District Magistrate | : | Kalinganagar-Jajpur  |
| 2) | Shri Sandeep Roy, Scientist-D                       | : | Central Pollution Control Board, Regional Directorate, Kolkata |
| 3) | Shri Madan M. Sahoo, Regional Officer               | : | Odisha State Pollution Control Board, Kalinganagar-Jajpur      |

**True Copy  
Attested**

**201**  
**25.4.2025**  
**Deputy Collector, Judicial  
Collectorate, Jajpur**

### 3. Meeting of the Committee

The 1st Meeting of the Fact-Finding Committee was held on 28th February, 2025 via Video Conferencing for preliminary discussions and other associated activities including schedule for site visit.

### 4. Site Visit

The Fact-Finding Committee along with Tahasildar Danagadi, Revenue Supervisor, Danagadi and Revenue Inspector, Mantira RI circle conducted site visit at the alleged area with available official map of Dasamania village on 11<sup>th</sup> March, 2025. The spot visit was made to below schedule land under Dasamania Village of Danagadi Tahasil.

| Mouza     | Khata | Plot    | Remarks                        |
|-----------|-------|---------|--------------------------------|
| Dasamania | 1     | 350/929 | All plots are acquired by IDCO |
|           |       | 351     |                                |
|           |       | 350     |                                |
|           | 97    | 349     |                                |
|           | 130   | 227     |                                |
|           | 131   | 420     |                                |

### 5. Observations of the Joint Committee

1. In absence of RoR or physical boundary of the school, the radial distance of MS/HSD Retail Outlet from plot boundary of plot no 191 on which the Dasamania Primary School is existing is around 48 meters.
2. It was also observed from the field visit that the area is water logged area. There was presence of water on the proposed land and nearby area during the field visit. There is nearby water stream from which water along with natural rain water during rain passes from the proposed land through the culvert to nearby filed.
3. Radial distance from nearby temple is around 1000 meters, nearest hospital is around 430 meters and nearest habitation is around 70 meters.

True Copy  
Attested

  
25.4.2025.

Deputy Collector, Judicial  
Collectorate, Jajpur

6. Recommendations of the Joint Committee

The Proposed outlet is not confirming to the sitting criteria for M/s HSD Retail Outlet. If the retail outlet will be allowed to continue, this may invite litigation in future from different aspects, So, The same can be shifted to some other locations.

(Sandeep Roy)  
Scientist D  
CPCB RD, Kolkata

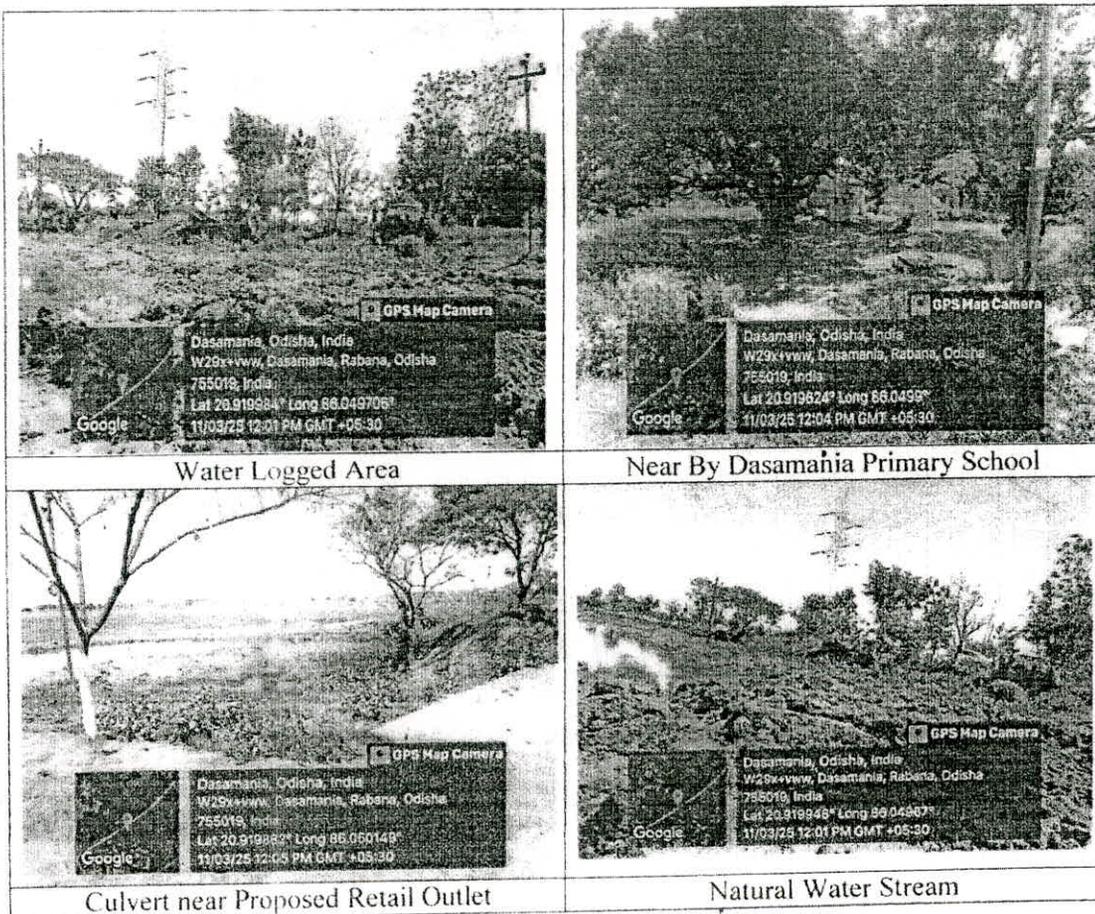
M. M. Sahoo  
11/03/25

(Madan M Sahoo)  
Regional Officer  
Kalinganagar, OSPCB

S. K. Nayak  
11/03/25

(Sapan K. Nayak)  
Additional District Magistrate  
Kalinganagar, Jajpur

7. Photographs of the Joint Committee Field visit on 11/03/2025



Water Logged Area

Near By Dasamania Primary School

Culvert near Proposed Retail Outlet

Natural Water Stream

True Copy  
, Attested

25.4.2025

Deputy Collector, Judicial  
Collectorate, Jajpur