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

Original Application No. 19/2025/EZ

Shukadev Mohanty…….. …Applicant.

-Vrs.-

State of Odisha and others . … Respondents

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padmeshmishra
Padmesh Mishra
Advocate for the Respondent No.5,
Collector & District Magistrate ,Khordha
Addl. Govt. Advocate

Cuttack.

Dt. 25.03.2025.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA.

Original Application No. 19/2025/EZ

Shukadev Mohanty…….. …Applicant.

-Vs.-

State of Odisha and others …Respondents.

COUNTER AFFIDAVIT FILED BY COLLECTOR & DISTRICT MAGISTRATE, KHORDHA, RESPONDENT NO 5.

Chanchal Rana

COURT OF THE EXECUTIVE MAGISTRATE KHURDA सत्यमेव जयते

I, Chanchal Rana, aged about 36 years, S/O- Anil Kanta Rana, at present working as Collector & District Magistrate, Khordha, At/PO/Dist.- Khordha do hereby solemnly affirm and state as follows:

1. That, I am working as above and have been arrayed as Respondent No.5 in the aforesaid Original Application. I have gone through the Original Application, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.

2. That the applicant has filed the aforesaid application being aggrieved by the proposed site for setting up of new CNG and Piped Natural Gas(PNG) station at Chandrasekharpur Mouza in the Bhubaneswar Municipal Corporation Area alleging that the same is not in conformity with Standard Operation Procedure (SOP) issued by the Central Pollution Control Board (CPCB) guidelines dated 07.01.2020 and has prayed for a direction to the Respondent Company to relocate the Unit to some other locations in conformity with CPCB guidelines.

3. That, the Hon'ble Tribunal has been pleased to pass an interim order vide order dated 11.02.2025 in Original Application No. 19/2025/EZ directing all the respondents to file counter-affidavits within four weeks.

4. That, in reply to the averments made in Paragraph-1 of the Original Application, it is humbly submitted that one Kiran Kumar Gudla, CM(CGD), Bhubaneswar had filed an application dated 15.07.2024 along with copy of lease deed, lay out of CNG Station and other relevant documents before this deponent for issue of No Objection Certificate (NOC) in favor of M/S-GAIL INDIA Ltd. for construction

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of CNG station over the land bearing Khata No. 619/4495, Plot No. 457/12285 having area Ac 0.300 dec of Mouza-Bhubaneswar Sahar, Unit No. 41, Chandrasekharpur, under Bhubaneswar Tahasil within the BMC area.

5. That, after receipt of the said proposal, the same has been sent to the Deputy Commissioner of Bhubaneswar/ Asst. Fire Officer, Bhubaneswar/ Tahasildar, Bhubaneswar for conducting field visit and to report with specific views for grant of NOC in favor of M/S-GAIL INDIA Ltd. for construction of CNG station at Chandrasekharpur, Bhubaneswar vide letter No. 8088 dated 19.07.2024. But, till date, no report has been received from the above inquiring authorities and hence, no NOC has yet been issued in favor of M/S-GAIL INDIA Ltd for setting up of alleged CNG station.

True copy of letter No. 8088 dated 19.07.2024 is enclosed herewith as **ANNEXURE-A/5**.

6. That, in reply to the averments made from Paragraph-2 to 4 of the Original Application, it is submitted that after receipt of the order dated 11.02.2023 of the Hon'ble

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Tribunal passed in the above case and gone through the allegations raised by the applicant in the above said original application, the matter has been enquired into by the Sub-Divisional Magistrate-cum-Sub-Collector, Bhubaneswar and Tahasildar, Bhubaneswar jointly and as per the joint inquiry report, it has been found that though, the M/S-GAIL INDIA Ltd has not been issued NOC from the District Administration for setting up of the alleged CNG Station over the case land some constructions have been found to have been made over the site in question illegally by the project proponent for which this deponent has issued Show Cause Notice to the CM(CGD), Bhubaneswar, M/S-GAIL INDIA Ltd vide letter No. 5615 dated 25.03.2025.

True copy of letter No. 5615 dated 25.03.2025 is enclosed herewith as **ANNEXURE-B/5.**

7. That, in reply to the averments made in Paragraph-5 of the Original Application, it is submitted that the Government of Odisha, General Administration and Public Grievance Department has allotted Govt. land measuring an area of

Ac.0.300 dec. in respect to Khata No. 619/4495, Plot No. 457/12285 of Mouza- Chandrashekharpur in favor of GAIL(India) India ltd. for establishment of CNG station and the lease deed has been executed in favour of the lessee on 08.08.2022.

8. That, in reply to the averments made from Paragraph-6 to 9, it is submitted that from the report of Sub-Collector, Bhubaneswar, it has been found that some construction work is being carried out over the case land by the GAIL INDIA Ltd without obtaining NOC from the District Administration. Hence, the authority of GAIL INDIA LTD has been directed to stop further construction work until further order and has been issued notice to submit show cause as to why action as per law shall not be taken against him for such illegal construction without having valid permission, thereby, endangering the life & property of the inhabitants of the neighborhood.

9. That, in reply to the averments made from Paragraph-10 to 23, this deponent has no comments to offer in this regard.

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10. 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 there from and the present deponent reserves the right to file further affidavit as and when required and directed by this Hon'ble Tribunal.

DEPONENT

VERIFICATION: COLLECTOR & DISTRICT MAGISTRATE KHORDHA

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 and nothing material has been concealed therefrom.

Verified at Collectorate, Khordha on this 25th day of , 2025.

COLLECTOR & DISTRICT MAGISTRATE KHORDHA

DEPONENT

CERTIFICATE

Certified that Cartridge papers are not available.

Addl. Govt. Advocate

Affidavit No. 1005/25.03.25

The above deponent being personally known to me appears before me on 25.03.25 at 2:10 ~~AM~~ / PM and states on oath that the contents of the show cause reply are true to the best of his knowledge based on official records.

Deponent

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

25-03-25

Executive Magistrate, Khordha.

Executive Magistrate
Khurda

COURT OF THE EXECUTIVE MAGISTRATE KHURDA

2 रु. कोर्ट फी Rs.2 COURT FEE भारत INDIA दो रुपये TWO RUPEES

1 रु. कोर्ट फी Re.1 COURT FEE भारत INDIA एक रुपया ONE RUPEE

Annexure- A/5

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, KHORDHA

(Judicial Section)

Letter No-....8088.....**Dt-**..19-07-2024

To

The Deputy Commissioner of Police, Bhubaneswar.

Sub:- Grant NOC for CNG Station at Chandrasekharpur, Bhubaneswar.

Sir,

I am to say that vide letter No- **Nil Dtd.15.07.2024** of CM(CGD), GAIL(India) Limited , Bhubaneswar has requested to grant NOC in favour of GAIL India Limited for proposed CNG station, Chandrasekharpur At Plot No-**457/12285,** Khata No-**619/4495** ,Mouza-Chandrasekharpur, Tahasil- Bhubaneswar ,Dist- Khordha (**Copy Enclosed**).

I would therefore, request you to please enquire into the matter by visiting the spot and furnish the report with your specific views for taking further action at this end.

Yours faithfully,

19.7.24

Addl.District Magistrate, Khordha

Memo No-....8089.....Dt-..19-07-2024....

Copy forwarded to the Asst. Fire Officer, Bhubaneswar Fire Station for information. He is requested to submit his report on the fire safety point of view.

19.7.24

Addl.District Magistrate, Khordha.

Memo No-.....8090.....Dt-..19-07-2024.....

Copy forwarded to the Tahasildar, Bhubaneswar for information. He is requested to submit his report on the following point through Sub-Collector, Bhubaneswar **1)** Right, title & possession over the land, conversion / use for commercial purpose if any & fixation of premium thereof, **2)** Kisam of land, **3)** Actual distance of the land from the public road & NH & S.H, Public Sector 4) Whether any public institution is there, if so the distance, **5)** Public objection if any.

19.7.24

True copy attested. Addl.District Magistrate, Khordha

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

Annexure- B/5

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

(JUDICIAL SECTION)

Letter No....5615.....Dt..25/03/2025...

To

Sri Kiran Kumar Gudla,

C.M, (C.G.D), Bhubaneswar-

9012454999

GAIL (India) Limited,

2nd Floor, Block-1, BMC-Bhawani Office Complex,

Saheed Nagar, Bhubaneswar, Odisha- 751107

Sub:- Show cause Notice

Apropos to the petition received from Hon'ble NGT pertaining to O.A Petition No-19/2025/EZ filed before NGT, Eastern Zone, Kolkata, it has come to the notice of the District Administration that construction of CNG Station at Chandrasekharpur has been started over Khata No.619(GA Deptt.), Plot No-457(P) without obtaining valid NOC from the appropriate authority i.e District Magistrate, Khordha.

You are hereby, directed to show cause in writing within 7 days as to why action as per law shall not be taken against you for beginning construction at the aforesaid facility without valid permission, thereby, endangering life & property of the inhabitants of the neighbourhood. Further, you are directed to stop the construction work immediately until getting prior permission from the competent authority.

Failure to submit the response within stipulated time will be construed as admission of guilt and will invite necessary action as per law.

25/3/25

District Magistrate-cum-Collector,

Khordha

Memo No.....5616.....Dt..25/3/2025...

Copy to the Deputy Commissioner of Police, Bhubaneswar/ U.P.D/ Sub-Collector, Bhubaneswar for information and necessary action.

District Magistrate-cum-Collector,

Khordha

Memo No...5617.....Dt...25/3/2025..

Copy to the Deputy Chief Controller of Explosive, Bhubaneswar, Petroleum & Explosives Safety Organization (**PESO**), F-35/A, BJB Nagar, Bhubaneswar/ Regional Officer, State Pollution Control Board, Bhubaneswar for information and necessary action.

True copy attested

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA