

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 207/2025/EZ**

**IN THE MATTER OF:**

Jana Kalyan Samiti ...Applicant

Versus

Bhubaneshwar Municipal Corporation and Ors. ...Respondents

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Filed By

Through Counsel

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Place: New Delhi

Date: 27.05.2026

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 207/2025/EZ**

**IN THE MATTER OF:**

Jana Kalyan Samiti ...Applicant

Versus

Bhubaneswar Municipal Corporation and Ors. ...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5**

I, Amrit Raturaj, aged about 34 years, S/O Raj Kishore Sastri, at present working as Collector & District Magistrate, Khordha, at PO/Dist. Khordha, do hereby solemnly affirm and state as follows: -

1. That I have been arrayed as Respondent No. 5 in the aforementioned O.A. I have gone through the O.A, 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 present Original Application has been filed by the Applicant Trust challenging the setting up of a Micro-Composting Centre ("MCC") within B1-Bharatpur, GA Colony of Bhubaneswar Municipal Corporation ("BMC") on the ground of being violative of the sitting criteria prescribed for Solid Waste Management Processing Facilities. It is also alleged that the nuisance and health hazard due to the continuing operation of the Micro Compost Centre (MCC) adjoining to the residential houses without any buffer zone has made the lives of the senior citizens, women and children unbearable.



Amrit Raturaj  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

3. That, it is also alleged that the MCCs have a processing capacity of more than 10 Metric Tons per day and are being operated without obtaining the necessary Consent to Establish and the Consent to Operate from the Odisha State Pollution Control Board (OSPCB). It is further alleged that the Solid Waste Management Rules, 2016 prohibit setting up of such treatment plants within 200 meters from Human Habitation, Pond, Public Park and Water supply. It is mandatory to notify such sites selected for establishing the MCC and no such notification is made. Further, the land in question where the MCC is set up is a forest kissam land and no forest clearance has been obtained from the MOEFCC by the Bhubaneswar Municipal Corporation for non-forestry activities.
4. That upon hearing the case, the Hon'ble Tribunal vide Order dated 17.12.2025 has directed the Respondents to file responses within a period of one month. Pursuant to the aforesaid direction of the Hon'ble Tribunal, the answering Respondent constituted a committee comprising of Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar, Sub-Collector Bhubaneswar, Zonal Deputy Commissioner (South West), BMC, Bhubaneswar, and the Deputy Commissioner, Sanitation, BMC, Bhubaneswar vide Office Order No. 1713 dated 09.01.2026 to visit and inspect the alleged MCC in question and to submit a detailed report with respect to the allegations made by the Applicant Trust.
5. That pursuant to the above direction, the members of the Joint Committee visited the site in question on 21.02.2026 and conducted an inspection with respect to the allegations made by the Applicant Trust. Pursuant to the inspection, the committee has submitted a detailed report vide letter No. 4335 dated 23.04.2026.



Anant Rautray  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

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A true copy of the Joint Committee report based on the field visit conducted on 21.02.2026 is annexed herewith and marked as **Annexure-R1**.

**PARAWISE REPLY:**

6. That with respect to the averments made in Paragraphs 1 & 2 of the Original Application, it is submitted that the BMC which was constituted in the year 1948 as a Notified Area Council became a Municipality in the year 1979 and was declared as a corporation in the year 1994. The BMC is spread over 200 sq km and is divided into three zones which is further sub-divided into 67 Municipal wards.
7. It is further submitted that the BMC is responsible for maintaining sanitation and hygiene across the city by providing comprehensive sanitation services, including collection of solid waste from households, streets, and public areas, as well as its scientific processing and disposal. In accordance with the Solid Waste Management Rules, 2016, BMC is also responsible for management and disposal of construction and demolition wastes, desalting waste generated from drain cleaning activities and domestic dry and wet waste.
8. That with respect to the averments made in Paragraphs 3 to 5, the answering Respondent has no comments to offer.
9. That with respect to the averments made in Paragraphs 6 to 8, it is submitted that as per the findings of the Joint Committee, it is found that the alleged MCCs are situated over the Plot No. 65/1148 measuring an area of 1.080 acres out of 1.645 acres, Plot No. 65/1149 measuring an area of 0.265 acres out of 3.510 acres and Plot No. 62 measuring an area of 0.510 acres out of 14.575



*Anisit Rautaray*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

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acres under Government Khata 245 (Anabadi) of mouza Sampur having kissam "Chhota Jungle". BMC has constructed the above MCCs over the area earmarked for the establishment of Sewage Treatment Plant ("STP") in the plotting map of the GA Deptt, Govt of Odisha. It is also found that the distance of the MCC from the nearest habitation is approximately 50 meters. The outer boundary wall of the MCC does not obstruct any sewerage line and there is no stagnation of the liquid waste on the public road as alleged by the Applicant Trust.

10. That with respect to the averments made in Paragraph No. 9, it is submitted that the composting is carried out in scientifically designed compost tubs as prescribed under the Standard Operating Procedure by the State of Odisha and it is observed by the Joint Committee that composting and material recovery facility operations are routinely performed and therefore there is neither any objectionable storage of waste nor obnoxious odour at the site in question. Necessary site-specific civil works, including land filling, were undertaken only to ensure safe and hygienic operation of the facility.

11. That with respect to the averments made in Paragraphs 10 & 11 of the Original Application, it is submitted that as per the findings of the Joint Committee, the Micro Composting Center MCC-KHD/BHU/MCC/02 at Bharatpur receives solid waste from BMC Ward No. 22 & 24 and the Micro Composting Center MCC- KHD/BHU/MCC/03 at Bharatpur receives solid waste from BMC Ward No. 23 and 49 respectively. Therefore, there are two MCCs at Bharatpur, Bhubaneswar installed with a processing capacity of 5 TPD each, catering to four different wards. The above MCCs are established on "Chhota Jungle" and the BMC has not obtained any clearance from MOEFCC for the construction of the MCC over forest land.

Aravind Kumar  
COLLECTOR & DISTRICT MAGISTRAR  
KHORDHA



12. That with respect to the averments made in Paragraph No. 12, it is submitted that during inspection, the Committee did not find any issue pertaining to noise or dust pollution arising from the movement of trucks transporting waste to the MCC point.
13. That with respect to the averments made in Paragraph No. 13 & 14, it is submitted that since the representation dated 07.05.2021 and 07.06.2021 have been submitted to the Commissioner, BMC, the answering Respondent has no comments to offer.
14. That with respect to the averments made in Paragraphs 15 to 17, the answering Respondent has no comments to offer.
15. That with respect to the averments made in Paragraph No. 18, it is submitted that during the inspection, the Joint Committee found that the nearest habitation from the alleged MCCs is approximately 50 meters. It is also observed by the Joint Committee that shredding machines, sieving machines and conveyer belt is installed at the MCC for processing the waste into organic compost. A concrete flooring system is developed at the MCC to facilitate the collection of leachates generated during the processing and drying of waste. It is also observed that a portion of the area is being filled with sand/soil as necessary and the outer boundary wall of the MCC does not block the sewerage line.
16. That with respect to the averments made in Paragraph No. 19 it is submitted that there is no suppression of material information on the processing capacity. It is observed by the Joint Committee that there are two MCCs operating with an installed processing capacity of 5 TPD each, at Bharatpur, Bhubaneswar. No such authorization has been obtained by the BMC from the Odisha State



*Hareesh Rautaray*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

Pollution Control Board or the Pollution Control Committee since the installed capacity of the MCC does not exceed 5 TPD. It is relevant to reproduce Rule No. 15 (y) of the Solid Waste Management Rules, 2016.

*15. Duties and responsibilities of local authorities and village panchayats of census towns and urban agglomerations. The local authorities and panchayats shall, -*

*(y). make an application in Form-I for grant of authorization for setting up waste processing, treatment or disposal facility, if the volume of waste is exceeding five metric tons per day including sanitary landfills from the State Pollution Control Board or the Pollution Control Committee, as the case maybe.*

17. That with respect to the averments made in Paragraph No. 20, it is submitted that the MCCs are operated as per the Standard Operating Procedures issued by the State of Odisha which provides detailed protocols for odour control, leachate management, vector control and sanitation. The composting operations are carried out in scientifically designed compost tubs and the material recovery facility operations are routinely performed. The MCC pits were closely observed by the Joint Committee and neither any objectionable storage of waste was found nor any obnoxious odour was felt at the site. There is no issue pertaining to noise or dust pollution arising from the movement of trucks transporting waste to the MCC point.

18. That with respect to the averments made in Paragraphs No. 21 and 22, the answering Respondent has no comments to offer.



*Amrit Rething*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

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19. That with respect to the averments made in Paragraphs 23 & 24, it is once again re-iterated that there are two MCCs established by the BMC at Bharatpur, Bhubaneswar. MCC-KHD/BHU/MCC/02 at Bharatpur receives solid waste from BMC Ward No. 22 & 24 and the MCC- KHD/BHU/MCC/03 at Bharatpur receives solid waste from BMC Ward No. 23 and 49 respectively. No such authorization has been obtained by the BMC from the Odisha State Pollution Control Board since the installed capacity of the MCCs does not exceed 5 TPD. It is further observed that the distance of the MCC from the nearest habitation is approximately 50 meters and not 10 meters as alleged by the Applicant Trust.

20. That the averments made in Paragraphs 25 to 29 are a reproduction of various rules and schedules of the Solid Waste Management Rules, 2016 and it is submitted that the MCC's are established in compliance with the aforesaid rules.

21. That with respect to the averments made in Paragraphs 30 to 32, it is submitted that BMC is responsible for management and disposal of construction and demolition wastes, street sweeping wastes, horticulture wastes, desalting wastes generated from drain cleaning in addition to domestic dry and wet wastes by setting up of MCCs at suitable locations in compliance to Rule 19 of the Solid Waste Management Rules, 2016. Accordingly, BMC, has constructed the alleged MCCs over the area earmarked for the establishment of STP which are providing end to end sanitation services from collection of solid waste from the doorsteps and streets till its scientific disposal.

22. That with respect to the averments made in Paragraphs 33 to 35, the answering Respondent has no comments to offer.



*Anant Kumar*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

**REPLY TO THE GROUNDS AND PRAYER:**

23. That the Joint Committee made a filed visit on 21.02.2026 to the site in question in compliance with the Order dated 17.12.2025 passed by the Hon'ble Tribunal. Upon site inspection, it is observed that there are two MCCs namely MCC-KHD/BHU/MCC/02 established at Bharatpur receives solid waste from BMC Ward No. 22 & 24 and the MCC- KHD/BHU/MCC/03 established at Bharatpur receives solid waste from BMC Ward No. 23 and 49 respectively. The Committee has observed that both the MCCs are operating at an installed capacity of 5 metric tons per day. No such authorization has been obtained from the Odisha State Pollution Control Board or any Pollution Control Committee as the installed capacity does not exceed 5 TPD and hence the MCCs are in compliance with Rule 15(y) of the Solid Waste Management Rules, 2016.

24. That the Joint Committee also observed that the composting is carried out in scientifically designed compost tubs in a routine manner and therefore neither there is objectionable storage of waste nor obnoxious smell in the site in question. MRF operations are routinely performed. The boundary wall of the MCC does not block the sewerage line and hence there is no stagnation of liquid waste on the public roads. It is further observed that shredding machine, sieving machine, conveyer belt is installed at the MCC for processing waste into organic compost. A concrete flooring system is developed at the MCC to facilitate the collection of leachates generated during the processing and drying of waste. It is also observed that a portion of the area is being filled with sand/soil as necessary and the outer boundary wall of the MCC does not block the sewerage line.

*Anant Rautaray*  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA



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25. That in view of the aforesaid facts and circumstances, the OA is liable to be disposed as per law.

*Amrit Rautaraj*  
COLLECTOR & DISTRICT MAGISTRATE  
DEPONENT  
KHORDHA

Verified at Khordha on this 27th day of May 2026 that the contents of the aforesaid affidavit and annexures are true and correct to my personal knowledge and have been derived from the official records maintained by the Respondent No. 5. No part of it is false nor has anything material has been concealed therefrom.

*Amrit Rautaraj*  
DEPONENT  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

### AFFIDAVIT

No. 1646 Date 27-05-2026

The above deponent being personally known to me appears before me on 27-05-2026 at 11:50  AM /  PM and states on oath that the contents of the affidavit are true to the best of his knowledge based on official records.

*Amrit Rautaraj*  
Deponent  
COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

*Kmudra*  
27-05-2026  
Executive Magistrate, Khordha  
Executive Magistrate  
Khurda





Telephone No-(0674)2432301, Email- sdmbbsr10@gmail.com

**OFFICE OF THE SUB-COLLECTOR, BHUBANESWAR**

Letter No. 4335 / Judl. Dtd. 23.04.2026

To

The Addl. District Magistrate, Khordha.

Sub: - Submission of the committee's visit report on O.A. No. 207/2025/EZ.

Sir,

In inviting a reference to the subject cited above, I am to say that, the committee made a field visit to the site at MCC, Bharatpur, Bhubaneswar on 21.02.2026 at 11:00 AM. The committee's observation, in the form of the visit report, is sent herewith for your kind reference and necessary action.

Yours faithfully,

  
Sub-Collector, Bhubaneswar

True copy attested.

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COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

**REPORT OF THE COMMITTEE VISIT ON DTD. 21.02.2026 BEFORE THE  
HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA IN  
COMPLIANCE TO THE DIRECTION OF ORDER OF HON'BLE NGT DTD.  
17.12.2025 OF O. A. No. 207/2025/EZ FILED BY JANA KALYAN SAMITI-VRS. -  
BHUBANESWAR MUNICIPAL CORPORATION & OTHERS BEFORE THE  
HON'BLE NGT, EASTERN ZONE BENCH, KOLKATA**

**1. Constitution of Committee**

In compliance with order of Hon'ble NGT Dtd.17.12.2025 of O. A. No. 207/2025/EZ filed by Jana Kalyan Samiti-Vrs.- Bhubaneswar Municipal Corporation & others, the following committee is constituted:

- i. Divisional Forest Officer, Chandaka W.L, Division, Bhubaneswar,
- ii. Sub-Collector, Bhubaneswar,
- iii. Zonal Deputy Commissioner, (South-West), BMC, Bhubaneswar
- iv. Deputy Commissioner, Sanitation, BMC, Bhubaneswar

The members of the committee had a meeting on Dtd. 21.02.2026 at the Site of Micro Composting Centre (MCC) KHD/BHU/MCC/002&KHD/BHU/MCC/023 at Bharatpur, Bhubaneswar which has been tagged to Ward No. 22, 24 & 23,49 respectively, followed by a visit to the site in question and around the MCC site Bhubaneswar.

**2. Observations of the Joint Committee**

A) The Joint Committee made a field visit to the site at Micro Composting Centre (MCC) at Bharatpur, Bhubaneswar, Dist: Khordha to verify the issues raised in the petition on dtd.21.02.2026 at 11.00 A.M in order to look into the grievances of the applicant.

B) Upon the field verification, it is found that the MCC is situated over the plot No 65/1148 measuring an area Ac 1.080 dc out of Ac 1.645 dc, plot No 65/1149 measuring an area Ac 0.265dc out of Ac 3.510 dc and plot No 62 measuring an area Ac 0.510 dc out of Ac 14.575 dc under Govt khata 245 (Anabadi) of mouza Sampur having kism "Chhota Jungle". BMC has constructed the MCC over the plot area earmarked for establishment of STP in the plotting map of the GA Deptt.

C) The Micro Composting Centers (MCCs) KHD/BHU/MCC/002 at Bharatpur receives solid waste from BMC Ward No.22 & 24 and the Micro Composting Centre (MCC) KHD/BHU/MCC/023 receives solid waste from BMC Ward No. 23 & 49 respectively. The

*True copy attached*

*b*

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

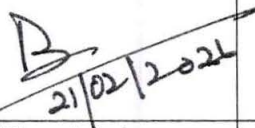
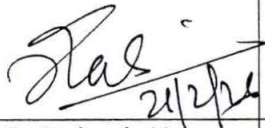
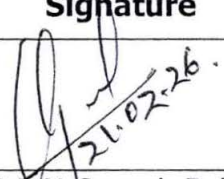
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21/2/26  
SW Zone*

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solid waste is processed as per above methods. The Committee has observed that both the MCCs are operating within capacity of 5 TPD each at Bharatpur, Bhubaneswar..

- D) The distance of the MCC from the nearest habitation is approximately 50 meter.
- E) The committee have observed that composting and MRF operations are being routinely performed and no objectionable storage of waste was found or obnoxious odour felt at these sites and there is no such stagnation of liquid waste on the side of the public road due to blockage of sewerage line.
- F) BMC has not obtained any clearance from MOEFCC for construction of MCC over forest kism land. However as per Rule No. 15 (y) of Solid Waste Management Rules, 2016 authorization for setting up waste processing treatment or disposal facility; if the volume is not exceeding 5 MT per day including sanitary landfill is exempted from concerned administration of State Pollution Control Board, Odisha.
- G) The committee have observed that composting and MRF operations are being routinely performed and no objectionable storage of waste was found or obnoxious odour felt at these sites.
- H) The MCC pits were observed very closely and the odour intensity was bearable at the site.
- I) There is no such issue regarding noise & Dust pollution for plying of trucks (50 nos daily) for carrying waste to the MCC point.
- J) It was observed by the committee that shredding machine, sieving machine, conveyer belt is installed at the MCC centre for processing the waste into organic compost. Also, concrete floor was developed in MCC centre for leachate collection system during processing and drying.
- K) It was observed that a portion of the area is being filled with sand/soil as necessary and the outer boundary wall of MCC doesn't block the sewerage line.

Signature	Signature	Signature	Signature
			
Sri Binod Acharya Divisional Forest Officer, Chandaka W.L, Division, Bhubaneswar	Dr. Manoranjan Sahu Sub-Collector, Bhubaneswar	Sri.S. Rakesh Kumar Patro Zonal Deputy Commissioner, (South-West), BMC, Bhubaneswar	Sri. N Ganesh Babu Deputy Commissioner, Sanitation, BMC, Bhubaneswar

Done with attached.



COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA

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BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH,  
KOLKATA

Original Application No.207/2025 /EZ

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IN THE MATTER OF:

Jana Kalyan Samiti .....Applicant

VERSUS

Bhubaneswar Municipal Corporation & Ors. ... Respondent(s)

VAKALATNAMA

KNOW ALL to whom those present that I **Amrit Raturaj**, Collector and District Magistrate, Khordha, At/PO/Dist. Khordha behalf of Respondent No. 5, do hereby appoint:

MR. RAMAN YADAV (D/5326/2019), ADVOCATE  
C-167, LGF, DEFENCE COLONY, NEW DELHI – 110024  
Ph.: 011-45784866, M- 8800457781 E-mail- [officeoframanyadav@gmail.com](mailto:officeoframanyadav@gmail.com)

(hereinafter called the Advocate(s) to be my/our Advocate(s) in the above- noted case authorized them:

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 also in the appellate court including High Court 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 executions 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 subjects to payment of fees of each stage.

To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or subject to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said case.

To appoint and instruct any other legal practitioner authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may thing fit 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(s) or his/their 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 court on all hearing and will inform the Advocate(s) for appearance when the case is called. I/we undersigned to hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The appointment costs whenever ordered by the court shall be of the Advocates(s) which he shall receive and retain for themselves.

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(s), 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 one the fees are paid I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 yrs. The original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the content of which have been understood by me/us on this 27<sup>th</sup> day of May, 2026.

*Raman yadav*  
Advocate(s)

*Amrit Raturaj*

Client

COLLECTOR & DISTRICT MAGISTRATE  
KHORDHA



Office of Raman Yadav &lt;officeoframanyadav@gmail.com&gt;

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**Service of Counter Affidavit on behalf of Respondent 5 in OA NO. 207/2025 titled Jana Kalyan Samiti Vs. Bhubaneswar Municipal Corporation and Ors**

1 message

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**Office of Raman Yadav** <officeoframanyadav@gmail.com>

Thu, May 28, 2026 at 11:58 AM

To: sankarprasadpani@gmail.com

Cc: GOVERNMENT ADVOCATE &lt;govtadvdelhi@gmail.com&gt;, ADVOCATE GENERAL ODISHA &lt;advgen@nic.in&gt;, info@bmc.gov.in, hudsec.or@nic.in, forestandenv1@gmail.com, revsec@ori.nic.in, dm-khurdha@nic.in, commissioneratepolice@nic.in, paribesh1@ospcboard.org, gadmin.or@nic.in, mscb.cpcb@nic.in, roez.bsr-mef@nic.in, vicechairmanbda@gmail.com, vc@bdabbsr.in

Dear All,

Please find attached a copy of the Counter Affidavit filed on behalf of Respondent No. 5 in the above-captioned matter, listed before the Hon'ble NGT, Eastern Zone Bench. Kindly treat this email as an advance service.

Regards,  
Office of Raman Yadav  
Advocate, Supreme Court of India  
C-167, LGF, Defence Colony  
New Delhi - 110024  
Mobile: +91 8800457781

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 **Counter Affidavit Janakalyn samiti vs Bubanesh municipal corporation (1).pdf**  
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