

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 21 OF 2024

IN THE MATTER OF:

Shailesh Sahoo Applicant

VERSUS


State of Odisha and Ors. Respondents

I N D E X

N.D.H.: 14.10.2024

Sl. No.	PARTICULAR	Page(s)
1.	Affidavit in reply on behalf of the Respondent No. 5 (State Pollution Control Board, Odisha)	1 - 4

New Delhi
Dated: 12.10.2024


 MANORANJAN PAIKARAY
 (Counsel for SPCB, Odisha)
 Chamber No. 5, R.K. Garg Block
 Supreme Court of India
 Tilak Marg, New Delhi-110001
 Cell: 9717666296
 Email: mpaikray@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 21 OF 2024

IN THE MATTER OF:

Shailesh Sahoo

..... Applicant

VERSUS

State of Odisha and Ors.

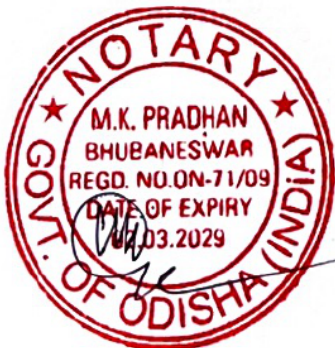
..... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF
THE RESPONDENT NO. 5**

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. I am the Member Secretary of the Respondent No. 5 Board and as such, am well acquainted with the facts and circumstances of the case and hence competent to swear this affidavit.
2. I state that I have read and understood the contents of the Original Application filed by the Applicant. I say and submit that, the averments made by the appellant in any of the paragraphs of the Appeal are denied by the Respondent No. 5 Board which are contrary to the facts on record, and/or unless specifically admitted by the Respondent No. 5 Board. The

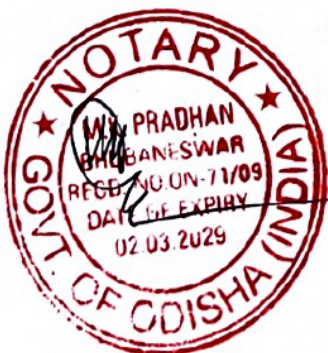
05 OCT 2024



Respondent No. 5 Board also reserves its rights to file further affidavits as and when necessary.

3. That the present Original Application is registered as O.A. No. 21/2024 on the basis of email received from the Applicant. The allegations in the Original Application is that the river Mahanadi catchments/Corridors, Barrage Wall, Boundary Walls are grossly Obstructed/Encroached upon & illegally constructed with Series of illegal constructions & boundaries after Naya Bazar areas under Chauhaganj Police Station & this has more provocatively violated by many Local People under CRR Police Station under Naya Bazar Block of Cuttack City under the Twin City Commissionerate Jurisdictions by series of local Persons who are taking advantage of the Govt Complacency and LACs of Corruptions/Bribes to the Local PS, to the Tahsildar, to the BDO, the Sub-Registrar Office, Cuttack resulting which they are just enjoying over Mahanadi River Bed which will take an ugly turn if not saved from now
4. That this Hon'ble Tribunal vide order dated 19.02.2024 in O.A No. 21 of 2024 has been pleased to pass the following order:

"4. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board, Integrated Regional Office MoEF&CC, Bhubaneswar, Odisha, Principal Secretary, Water Resource Department, Odisha, Odisha



State Pollution Control Board and the District Magistrate, Cuttack and direct the same to meet **within two weeks**, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and suggest appropriate remedial action to the concerned Authorities. The Odisha State Pollution Control Board will be the nodal agency for coordination and compliance.”

5. That pursuant to the aforesaid directions of this Hon'ble Tribunal, a joint committee was constituted comprising of representatives of Central Pollution Control Board, Integrated Regional Office MoEF & CC, Bhubaneswar, Odisha, Principal Secretary, Water Resource Department, Odisha, Odisha State Pollution Control Board and the District Magistrate, Cuttack and the Odisha State Pollution Control Board was directed to be the nodal agency for coordination and compliance
6. That in compliance with the orders dated 19.02.2024 and 22.05.2024, the Respondent No. 5 Board had already filed the Joint Committee Report along with Annexures vide its affidavit dated 16th August, 2024.
7. That the allegations raised in the complaint petition by the applicant with regard to encroachment of river Mahanadi catchments / corridors by illegal constructions / encroachments do not come under the purview of consent administration of State Pollution Control Board. Further, the Respondent No. 5 Board has no other additional points to submit in addition to



the Joint Committee Report filed before this Hon'ble Tribunal by the Respondent No. 5 Board on 17.08.2024.

- 8. That the Respondent No. 5 Board craves leave of this Hon'ble Tribunal to file further affidavit if necessary or so directed by this Hon'ble Tribunal for proper adjudication of this case.
- 9. That no new facts and grounds have been taken except replying to what has been stated in the in the Original Application.
- 10. That contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records which have been placed on records of this Hon'ble Tribunal and that nothing material has been concealed therefrom

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

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, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 5th day of October, 2024.

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH-9437627119 (M)