

BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA

Misc.Application No. 21/2023/EZ

IN

O.A.No.115 of 2021/EZ.

IN THE MATTER OF:

TRIBUNAL ON ITS OWN MOTION .....APPLICANT.

VERSUS

UNION OF INDIA & ORS. ....RESPONDENTS.

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Respondent No. 7

Through

Dated: 27.10.2023.

  
PRATAP SAHANI & ASSOCIATES  
Advocate(s) for respondent No.7  
B-203(LGF), Lajpat Nagar-I  
New Delhi-110024.  
Mob.No – 9871437605  
En.no.D/336/94.  
Email: pratapsahni@yahoo.co.in



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
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**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT**

**NO. 7**

I, Niranjan Mohanty aged about 88 years, S/o. Late Sh. Gopal Charan Mohanty, At/po/dist- Sundargarh, Odisha-770001, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby solemnly affirm and states as under: -

1. I say that the deponent is the secretary of respondent No.7 and am well acquainted with the facts and circumstances of the case and competent to swear this affidavit.
2. I say that the deponent joined the enquiry on dated 26/09/2023 at the spot along with the officials. A copy of the enquiry report dated 26/09/2023 was handed over to the deponent. Copy of the enquiry report dated 26/09/2023 is annexed as **ANNEXURE R-7/1.**
3. I say that the deponent has taken the photographs of the spot and the same are filled for perusal of this Hon'ble Tribunal. Copy of the Photographs are annexed herewith as **ANNEXURE R-7/2.**



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4. I Say that the officials have also handed over a copy of the letter dated 30/09/2023 addressed to the Collector Sundargarh along with the enquiry report dated 26/09/2023 to the deponent and the same is annexed herewith as ANNEXURE R-7/3.

*Deponet*  
DEPONENT  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh  
*(Niranjan Mohanty)*

**VERIFICATION**

I, Niranjan Mohanty aged about 88 years the above named deponent, S/o Late Sh. Gopal Charan Mohanty, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby verify that the contents of paras Nos.1 to 4 are true to my personal knowledge and I have not suppressed any material fact. The annexures enclosed with the counter affidavit are true copies of their respective originals.

*Verified by Me  
Niranjan Mohanty  
25/10/2023  
Sundargarh*

*Deponet*  
DEPONENT  
S.A.I.E.&R.C.  
MATRUVIHAR  
Sundargarh  
*(Niranjan Mohanty)*



**Solemnly affirmed & declared  
before me on Identification**

*(Signature)*  
PRAHALLAD AGARWALLA  
NOTARY, SUNDARGARH  
GOVT. OF ODISHA  
REGD. NO: 11/94  
-EXP. ON DT. 05/05/2025

OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARHMEMORANDUM OF JOINT FIELD ENQUIRY ON ILEGAL FILLING OF BIJULIBANDH IN O.A NO. 115/2021/EZ OF NGT, EZ BENCH, KOLKATTA

Date of Joint Enquiry: 26.09.2023

I have conducted joint field enquiry at the spot along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Superintending Engineer, R&B Division, Sundargarh and Regional Officer, State Pollution Control Board, Rourkela on illegal filling of Bijulibandh in O.A No. 115/2021/EZ of NGT, EZ Bench, Kolkatta in presence of Member & Secretary of Aurobinda Integral Education & Research Centre, Sundargarh. to determine the status & present position of the revenue records of i.e Khatian number, Plot number, Area of the Bijulibandh as well as of Sri. Aurobinda Integral Education & Research Centre, Sundargarh to ascertain the actual encroachment area of the water body of Bijulibandh. The facts and findings in the said enquiry are as follows:

1. That, the actual Khata no. is 460/340 where the Aurobinda Integral Education & Research institute is stand with comprising a total area of Ac. 1.37 under the following 04 nos. of Plots. The land schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	460/340	770/2125	GB-I	Ac. 0.50
		773/2122	GB-I	Ac. 0.32
		770/2123	GB-I	Ac. 0.34
		770/2124	GB-I	Ac. 0.21
<b>Total</b>				<b>Ac. 1.37</b>

2. That, Sri. Aurobinda Integral Education & Research institute has obtained the said schedule land vide lease of Govt. land case no. 302/1977 and 11/1989 for the purpose of construction of school building.

3. That, the actual area and land Schedule of Bijulibandh is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779	Kata	Ac. 20.99
<b>Total</b>				<b>Ac. 20.99</b>

4. That, the actual encroachment area of Sri. Aurobinda Integral Education & Research Centre out of the area of Bijulibandh is Ac. 0.615.

5. That, the actual encroachment area of Sri. Aurobinda Integral Education & Research Centre out of the area of Bijulibandh is Ac. 0.615.

P.T.O

6. That, the Map has been prepared on the spot in this regard by the Tahasildar, Sadar, Sundargarh showing the actual area which was encroached by Sri. Aurobinda Integral Education & Research Institute of an area Ac. 0.615 (marked by Green colour). The land Schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779/P	Kata	Ac. 0.615
		<b>Total</b>		<b>Ac. 0.615</b>

7. That, as the Aurobinda Integral Education & Research Institute is sharing his boundary with the Bijulibandh boundary, they had temporarily encroached an area of Ac. 0.615 out the area Ac. 20.99 of Bijulibandh by making a temporary barricade with the help of some tin Sheets for safety & security of children studying in that institute.
8. That, the encroached area of Ac. 0.615 of Bijulibandh was already been evicted and freed from encroach by the Aurobinda Integral Education & Research Institute, Sundargarh. The same is also found free from encroachment during the time of field visit.
9. That, one drain is passing over there in front side of the Institute where the sewage of different Government quarters is being discharged into the Bijulibandh water body.

*[Signature]*  
26.9.2023

Tahasildar, Sadar, Sundargarh  
**TAHASILDAR  
SUNDARGARH**

Sub-Collector, Sadar, Sundargarh

*[Signature]*  
Executive Officer, Sundargarh  
**Executive Officer  
Municipality Sundargarh**

*[Signature]*  
Secretary of Aurobinda Integral  
Education & Research Centre, Sundargarh  
**MATRUVIHAR  
Sundargarh**

Regional Officer, State Pollution  
Control Board, Rourkela

Superintending Engineer,  
R&B Division, Sundargarh

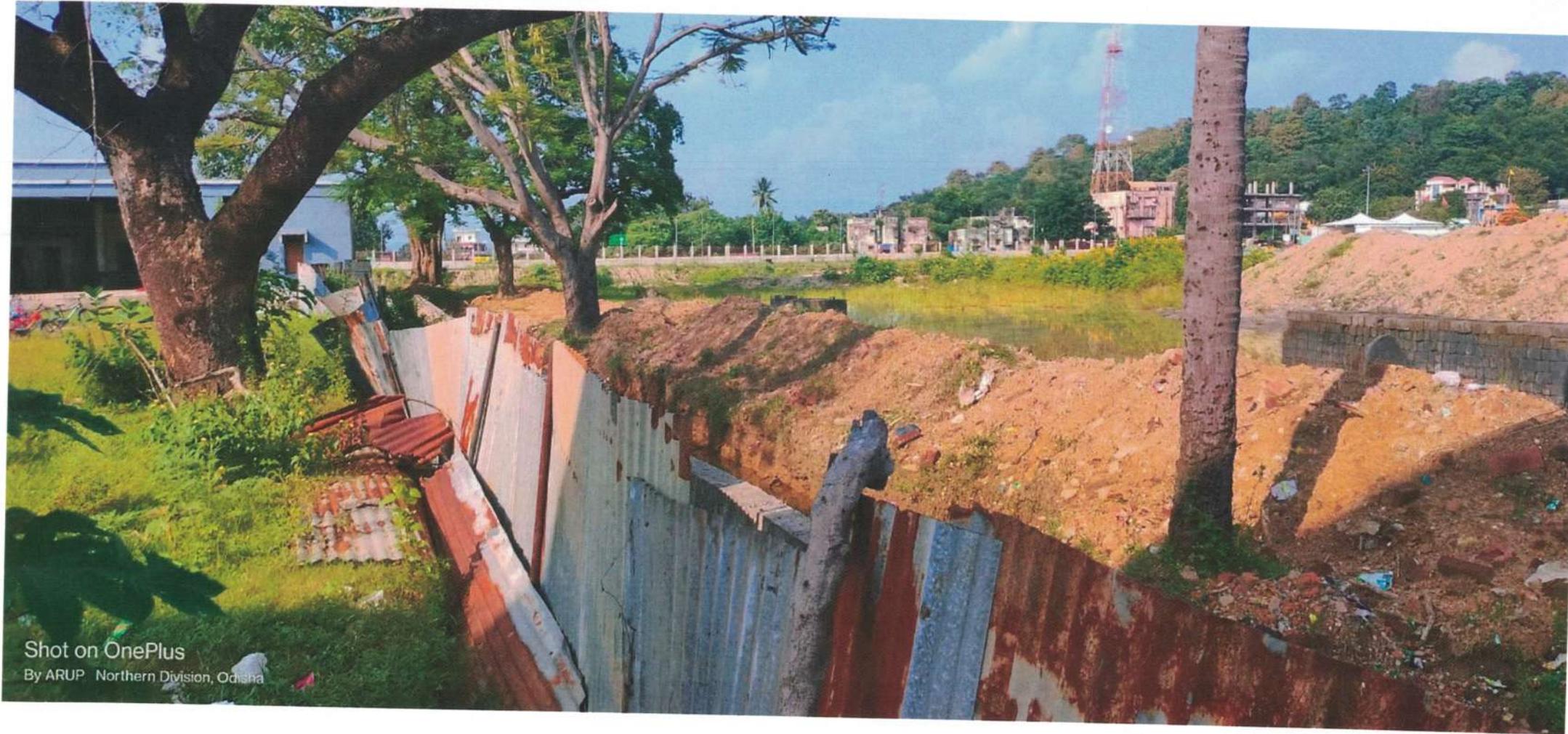
Annexure R-7/2 (COLLY)

5



Shot on OnePlus  
By ARUP Northern Division, Odisha

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By ARUP Northern Division, Odisha

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By ARUP, Northern Division, Odisha

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By ARUP Northern Division, Odisha

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By ARUP Northern Division, Odisha



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By ARUP Northern Division, Odisha

do  
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OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARH.  
(Revenue & Disaster Management Department, Govt. of Odisha)



Office of the Sub-Collector, Sadar,  
Sundargarh - 770001  
Tel / Fax No. 06622-272234  
E-mail - subcol.sund-od@nic.in

No: 8252 /date 30.09.2023 /

To

The Collector, Sundargarh

Sub: Submission of re-joint enquiry report on illegal filing of Bijulibandha for compliance in OA NO. 115/2021/EZ and thereof.

Ref: Letter no. 4607 dated 21.09.2023

Sir,

In inviting a kind reference to the letter on the subject cited above, I am to intimate that, I have conducted field enquiry at the site on date 26.09.2023 along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Regional Officer, State Pollution Control Board, Rourkela and Superintending Engineer, R&B Division, Sundargarh in presence of the members and Secretary of Sri. Aurobinda Integral Education & Research Centre, Sundargarh to determine the status & present position of the revenue records of i.e Khatian number, Plot number, Area of the Bijulibandh as well as of Sri. Aurobinda Integral Education & Research Centre, Sundargarh to ascertain the actual encroachment area of the water body of Bijulibandh. The facts are found in the said enquiry are as follows:

1. That, the actual Khata no. is 460/340 where the Aurobinda Integral Education & Research institute is stand with comprising a total area of Ac. 1.37 under the following 04 nos. of Plots. The land schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	460/340	770/2125	GB-I	Ac. 0.50
		773/2122	GB-I	Ac. 0.32
		770/2123	GB-I	Ac. 0.34
		770/2124	GB-I	Ac. 0.21
<b>Total</b>				<b>Ac. 1.37</b>

Recd  
30/09/23

2. That, Sri. Aurobinda Integral Education & Research institute has obtained the said schedule land vide lease of Govt. land case no. 302/1977 and 11/1989 for the purpose of construction of school building.

3. That, the actual area and land Schedule of Bijulibandh is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779	Kata	Ac. 20.99
		<b>Total</b>		<b>Ac. 20.99</b>

4. That, the actual encroachment area of Sri. Aurobinda Integral Education & Research Centre out of the area of Bijulibandh is Ac. 0.615.

5. That, the Map has been prepared on the spot in this regard by the Tahasildar, Sadar, Sundargarh showing the actual area which was encroached by Sri. Aurobinda Integral Education & Research Institute of an area Ac. 0.615 (marked by Green colour). The land Schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779/P	Kata	Ac. 0.615
		<b>Total</b>		<b>Ac. 0.615</b>

6. That, as the Aurobinda Integral Education & Research Institute is sharing his boundary with the Bijulibandh boundary, they had temporarily encroached an area of Ac. 0.615 out the area Ac. 20.99 of Bijulibandh by making a temporary barricade with the help of some tin Sheets for safety & security of children studying in that institute.

7. That, the encroached area of Ac. 0.615 of Bijulibandh was already been evicted and freed from encroach by the Aurobinda Integral Education & Research Institute, Sundargarh. The same is also found free from encroachment during the time of field visit.

8. That, the cost of restoration and Environmental Compensation determined by the committee earlier is shall be considered as same even for now. The calculation of the earlier committee are as follows:

$$\begin{aligned} \text{Volume of water body to be restored} &= \text{Ac. } 0.615 \times 2.50\text{m} \\ &= 2488.82 \text{ m}^2 \times 2.50\text{m} \\ &= 6222.05 \text{ m}^3 \end{aligned}$$

Rate of excavation in ordinary soil and disposal of excavated soil by mechanical means =  $6222 \text{ m}^3 @ \text{Rs. } 36.56 = \text{Rs. } 2,27,476.00$  (as per the rate of PWD Deptt. of Odisha)

$$\begin{aligned} \text{Cost of eviction and recovery of encroached land} &= 20 \text{ hrs} \times \text{Rs. } 730.43 \\ &= \text{Rs. } 14,609.00 \end{aligned}$$

P.T.O.

The cost of restoration = Rs. 2,27,476.00 + Rs. 14,609.00  
= Rs. 2,42,085.00

Add 1% for labourcess Total= Rs. 2,44,506.00  
Add 9% for GGST = Rs. 22,006.00  
Add 9% for SGST = Rs. 22,006.00  
Total Cost of Restoration = Rs. 2,88,518.00

As there is no specific guideline of CPCB for calculation of Environmental Compensation for encroached water body by an Educational Institution, the committee is of opinion that it may be considered as non-polluting category (White Category) whose average Pollution Index (P.I.) is 10 as per CPCB guideline, Location Factor (L.F.) is 1 as the Sundargarh is a town having population less than 1 million.

Hence Environmental Compensation (E.C.) =  $PI \times N \times R \times S \times LF$   
=  $10 \times 1 \times 100 \times 0.5 \times 1$   
= Rs. 5,000/- per day

Minimum Environmental Compensation in any case is also Rs. 5,000/- per day as per CPCB guideline for Environmental Compensation.

Number of days of Encroachment of water body =  $2 \times 365 = 730$  days

Total Environmental Compensation = Rs. Rs. 5000/- x 730  
= Rs. 36,50,000.00

Total cost of Environmental Compensation and cost of restoration  
= Rs. 36,50,000.00 + Rs. 2,88,518.00  
= Rs. 39,38,518.00

That, the cost of restoration is shown as Rs. 2,88,518/- (Rupees Two lakhs Eighty- Eight Thousand Five Hundred Eighteen only) and Environmental Compensation has been computed at Rs. 36,50,000/- (Rupees Thirty Six Lakh Fifty Thousand only). Total amounting to Rs. 39,38,518/- (Rupees Thirty-Nine Lakhs Thirty-Eight Thousand Five Hundred Eighteen only)

This is submitted for favour of your information and necessary action.

Encl: Copy of Sketch Map, RORs  
& other related documents

Yours faithfully,

*[Signature]*  
22/09/23  
Sub-Collector,  
Sadar, Sundargarh

Sub-Collector  
Sadar, Sundargarh

**OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARH**

**MEMORANDUM OF JOINT FIELD ENQUIRY ON ILEGAL FILLING OF  
BIJULIBANDH IN O.A NO. 115/2021/EZ OF NGT, EZ BENCH, KOLKATTA**

Date of Joint Enquiry: 26.09.2023

I have conducted Joint field enquiry at the spot along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Superintending Engineer, R&B Division, Sundargarh and Regional Officer, State Pollution Control Board, Rourkela on Illegal filling of Bijulibandh in O.A No. 115/2021/EZ of NGT, EZ Bench, Kolkatta in presence of Member & Secretary of Aurobinda Integral Education & Research Centre, Sundargarh.

*[Signature]*  
26/9/2023  
Tahasildar, Sadar, Sundargarh  
**Tahasildar**  
Sadar, Sundargarh

*[Signature]* 26/9/23  
Sub-Collector, Sadar, Sundargarh  
**Sub-Collector**  
Sadar, Sundargarh

*[Signature]*  
Executive Officer, Sundargarh  
**Executive Officer**  
Sundargarh Municipality

*[Signature]*  
Secretary  
S.A.E.&R.C.  
Secretary of Aurobinda Integral  
Education & Research Centre, Sundargarh

*[Signature]* 26/9/23  
Regional Officer, State Pollution  
Control Board, Rourkela

*[Signature]*  
26/09/23  
Superintending Engineer,  
R&B Division, Sundargarh  
Superintending Engineer  
Sundargarh (R & B) Division

*[Signature]*  
11 True Copy 11

Advance Service of Additional affidavit filed by Respondent No. 7 in M.A.No. 21/2023 in O.A.No. 115/2021/EZ.

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From: Pratap Sahni (pratapsahni@yahoo.co.in)

To: scori@nic.in; paribesh1@osocboard.org; dm-sundargarh@nic.in; fsec.or@nic.in; seiaaodisha@gmail.com; egov-mowr@nic.in

Date: Friday, 27 October, 2023 at 06:11 pm IST

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Sir/Ma'am,

Please find attached PDF copy of Additional affidavit along with annexures filed by Respondent No. 7 in the captioned matter and treat it as advance service. Matter fixed on 06.11.2023.

Pratap Sahani & Associate's  
Advocate for Respondent No. 7  
M.No. 9871437605



Additional Affidavit.pdf  
3.1MB

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