

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH, KOLKATA.

Original Application No.48/2021/EZ

Nabin Kisan

...

Applicant

-Versus-

State of Odisha & others ...

Respondents

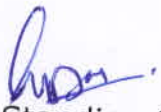
I N D E X

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Cuttack

By The Respondent No. 3 through

Date: 31/01/2022


Addl. Standing Counsel

SAILAZA NANDAN DAS
Addl. Standing Counsel
Enroll.No-O-118/2012
Mob. 9861281545



BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA.

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**AFFIDAVIT ON BEHALF OF THE RESPONDENT No.3 -
COLLECTOR & DISTRICT MAGISTRATE, JHARSUGUDA**

I, Sri Saroj Kumar Samal aged about 55 years, S/o Fakir Charan Samal, working as Collector and District Magistrate, Jharsuguda do hereby solemnly affirm and state as follows:-

1. That, I am the District Magistrate & Collector, Jharsuguda and I am swearing this affidavit in compliance with order dtd.29.09.2021&06.01.2022 passed by the Hon'ble Tribunal.
2. That, the steps taken by the Respondent No.3 in compliance with the direction of this Hon'ble Tribunal are as follows:

**A. ACTION TAKEN ON THE OBSERVATIONS, CONCLUSION
AND RECOMMENDATION OF THE COMMITTEE:**

- a. Conclusion No.1- "The allegation of discharge of wastewater of Municipality to the land of the applicant was submitted. Wastewater including sullage water

AMBIKA PRASAD RAY
NOTARY CUTTACK TOWN
REGD. NO-ON-56/2004

generated from different wards of Belpahar Municipality is discharged to nearby open low lying private lands without any treatment."

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Response-The Municipality has taken every remedial measure in ensuring that no such waste water is discharged to the private land of the Applicant. The Municipality as a temporary measure has constructed a collection tank of waste at a location in Ward No- 07 where from the dirt and sludge are being carried by cesspool vehicles at regular interval i.e. at least on four occasions everyday to the septage plant site. The carried sludge is being dropped in to the pits. Further some excess water being collected in the tank is being lifted by installed motor for discharge into an outgoing wide drain of TRL-Krosaki on their consent. In this way, discharge of waste water and sullage water to nearby low lying private lands is restricted to a great extent.

Photographs showing usage of cesspool vehicles by the Municipality are enclosed herewith and marked as Annexure-R-3/A Series.

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- b. Conclusion No.2-It has not provided proper drainage network for collection of wastewater including Sewage & Sullage water and has not installed Sewage Treatment Plant of adequate capacity.

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AMBIKA PRASAD RAY
NOTARY CUTTACK TOWN
REGD. NO-QN-56/2004

Response- As regards construction of sewage treatment plant is concerned, a proposal has been mooted by the Municipality to the Chief Engineer, Odisha Water Supply & Sewerage Board with a reminder to help them in preparation of detailed project report incorporating necessary technical specification as the ULB does not have the required expertise. A parcel of Govt. land measuring an area of Ac. 10.62 dec. pertaining to Plot No. 238 of Khata No. 1267, Mouza- Belpahar has been identified for construction of Sewerage treatment Plant (STP). Moreover the Odisha Water Supply & Sewerage Board are mandated to look after the aspect of sewerage in urban areas.

Copies of the letters dated 11.10.2021 and 13.01.2022 addressed to the Odisha Water Supply & Sewerage Board are enclosed herewith and marked as Annexure-R-3/B Series.

- c. **Conclusion No.3-Belpahar Municipality has not obtained consent to operate from SPCB, Odisha under section 25/26 of the Water (PCP) Act, 1974 for discharge of domestic wastewater into any stream or well or sewer or any land.**

Response- That on perusal of Section 25 & Section 26 of the Water (PCP) Act, 1974, the Consent to Establish/ Consent to Operate order by the SPCB is required only when some person/entity would be discharging sewage or trade effluent into a stream or well or sewer or on land.

AMBICA PRASAD RAY
NOTARY CUTTACK TOWN
REGD. NO-CN-56/2004

However, in the instant case, no such sewage is being discharged to any private land or into a stream since the mechanism for removal of sewage from each household by way of cesspool vehicle is already in place and the same is being discharged in the septage plant made operational by the Municipality for such use. It is also a matter of fact that the septage plant has been approved by the State Pollution Control Board and "Consent to Establish" order has already been obtained by the Municipality from the Board in that respect.

- hm*
- d. **Recommendation:** In view of the above, Belpahar Municipality may be directed to stop discharge of wastewater to private land of applicant through temporary flexible arrangement and submit a time bound action plan for proper collection & treatment of the domestic wastewater generated from the Municipality.

Response-

- i. As stated above, the Municipality has taken all possible steps/measures in ensuring that no such waste water is discharged or over flown to the private land of the Applicant. In so far as long term solution to the issues raised by the SPCB is concerned, the Municipality in consultation with the District administration is taking steps for construction of a Sewerage Treatment Plant and has
- Sanjay Kumar*
- Amal*

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AMBIKA PRASAD RAY
NOTARY CUTTACK TOWN
REGD. NO. 40 N-56/2004

already identified a patch of land ~~ad~~measuring Ac.10.62 dec for construction of the same. Since the Municipality does not have the budget to construct the plant on its own, the district administration is also extending all possible assistance in getting the project approved from the State Government.

- ii. Towards compliance of the order of the Hon'ble Tribunal dated. 29.09.2021 the Municipality has taken enabling measures so that discharge of the sullied water along with other waste material into the demised private land has been stopped. The Municipality as a temporary measure has constructed a collection tank of waste at a location in Ward No- 07 where from the dirt and sludge are being carried by cesspool vehicles at regular interval i.e. at least on four occasions everyday to the septage plant site. The carried sludge is being dropped in to the pits. Further some excess water being collected in the tank is being lifted by installed motor for discharge into an outgoing wide drain of TRL-Krosaki on their consent.

- iii. In the meanwhile one septage plant has been made operational in respect of the municipal area of Belpahar to turn the faecal sludge to manure. Further


AMBIKA PRASAD RAY
NOTARY CUTTACK TOWN
REGD. NO-ON-56/2004

Satyam Kumar Jena

campus of the plant has excavated pits and ditches where non-faecal sludge can be poured.

**B. LODGING OF FIR AGAINST THE SUB-COLLECTOR
CUM-ADMINISTRATOR, BELPAHAR MUNICIPALITY:**

- i. It is humbly stated that during course of review and scrutiny of presented papers by the Belpahar Municipality, it is ascertained that an amount of Rs. 25,000/- has been deposited before the Odisha State Pollution Control Board vide D.D. No. 799861, Dated. 10.11.2021. It is also ascertained from the records that the said Demand Draft was sent through registered post on 15.11.2021 which got delivered on 20.11.2021. However, due to the inadvertent absence of the counsel appearing for the Municipality on 06.01.2022, the same fact could not be brought to the notice of this Hon'ble Tribunal. The state Pollution Control Board could have brought this fact regarding payment of cost to the SPCB to the knowledge of this Hon'ble Tribunal on 06.01.2022 when none appeared for the Municipality on the said date.

Copies of the Demand Draft and the Track consignment Report are enclosed herewith and marked as Annexure-R-3/C Series.


AMBIKA PRASAD RAY
NOTARY CUTTACK TOWN
REGD. NO-ON-56/2004

- ii. The Hon'ble Tribunal may kindly appreciate the fact that the treatment of sewage has been a problem inherited by the present dispensation of the Municipality. The Sub-Collector as the Administrator of the ULB assumed charge only on 17.04.2020 and beforehand the ULB was in the hands of elected bodies in succession. The Sub-Collector as the Administrator of Belpahar Municipality has been discharging additional assignment and he has been steering the drive for containment of COVID in his jurisdiction all through the pandemic. The lapse on his part in not filing the affidavit in compliance to the order passed by this Hon'ble Tribunal is unintentional. Hence, the Deponent prays this Hon'ble Tribunal to be kind and gracious enough and may be pleased to recall the order dated 06.01.2022 in so far direction given to the Collector Jharsuguda to lodge the FIR against the Sub-collector cum Administrator, Belpahar Municipality on the grounds mentioned in the preceding paragraphs.
- iii. The Deponent would further ensure that the mistake committed by the Sub-Collector cum Administrator, Belpahar Municipality is not repeated in future. The Deponent as the head of the district administration acknowledges the relentless and valiant efforts made by the Sub-Collector cum Administrator, Belpahar Municipality in enhancing the effectiveness of the public administration in

the district and lodging of FIR against him at present would definitely affect the moral of the department at large. The Deponent has the highest regard for this Hon'ble Tribunal and holds their Lordships in high esteem and therefore prays this Hon'ble Tribunal to recall the order dated 06.01.2022 in so far direction given to the Collector Jharsuguda to lodge the FIR against the Sub-collector cum Administrator, Belpahar Municipality.

3. That, the contents of the above paragraphs are true and correct to the best of my knowledge and based on official records.
4. That the answering Deponent craves leave of this Hon'ble Tribunal to add, alter, amend the present affidavit if necessary.

Identified by


Advocate

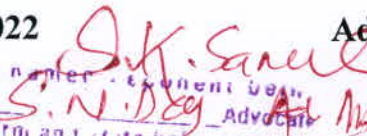

DEPONENT

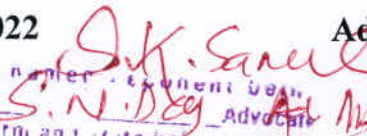
Certificate

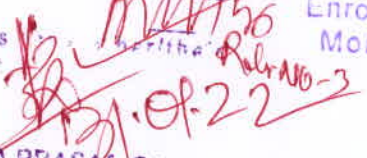
Certified that due to non-availability of cartridge papers, plain papers are used.

Date: 31.01.2022


Addl. Standing Counsel

The above named Deponent has been identified by  Advocate, who solemnly affirm and state before me that the contents of this affidavit are true to the best of his knowledge and belief.


SAILAZA NANDAN DAS
Addl. Standing Counsel
Enroll.No-O-118/2012
Mob. 9861281545


AMBIKA PRASAD RAI
NOTARY Regd. No. 104/2014

Latitude: 21.809816
Longitude: 83.859649
Elevation: 227.48±1 m
Accuracy: 3.7 m
Time: 01-27-2022 10:57
Note: 4:40pm



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Longitude: 83.855042
Elevation: 270.09+20 m
Accuracy: 2.1 m
Time: 01-27-2022 12:25
Note: 4:40pm



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Longitude: 83.846902
Altitude: 171.4±1 m
Accuracy: 92.9 m
Time: 01-27-2022 09:55
Note: 4.40pm



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☎- 06645-250458

e-mail: nacbelpahar@gmail.com.

OFFICE OF THE
MUNICIPAL COUNCIL
BELPAHAR

Anexure-R3/A series

No. 2379 /dt. 11.10.2021

To

The Chief Engineer,
Odisha Water Supply & Swerage Board,
St. Mother Teresha Road,
HB Colony, Industrial Area,
Kharabelanagar, Bhubaneswar,
Odisha-751007.

Sub:- **Construction of Sewerage Treatment Plant within Belpahar Municipality area.**

Sir,

In inviting kind reference to the subject cited above I am to say that it has been proposed to construct a Sewerage Treatment Plant (STP) within Belpahar Municipality area for treatment of waste & Sullage water flowing from the houses of inhabitants of this area. As the technical part has an important role in construction of STP appropriate plan, specification & technical advice may please be communicated to the undersigned so as to take up the work in a flagship manner.

This is for favour of kind information and necessary action.

Yours faithfully,

Executive Officer,
Belpahar Municipality.

Memo No. 2380 /dt. 11.10.2021

Copy submitted to the Sub-Collector, Jharsuguda & Administrator, Belpahar Municipality for favour of kind information and necessary action.

Executive Officer,
Belpahar Municipality.

Memo No. 2381 /dt. 11.10.2021

Copy to Regional Officer, State Pollution Control Board, Jharsuguda for kind information and necessary action.

Sub-Collector
JHARSUGUDA

True Copy
attested

29.1.22

M
Gmail

Gmail - construction of STP

-14-

nac belpahar <nacbelpahar@gmail.com>

Construction of STP

message

Belpahar Municipality <nacbelpahar@gmail.com>

Wed, Nov 10, 2021 at 2:12 PM

To: moswssb@gmail.com, Sub Collector Jharsuguda <subcoljsg@gmail.com>, "rospcb.jharsuguda" <rospcb.jharsuguda@ospcboard.org>

Cc: Loknath Kumar Tiwari <tiwariloknathkumar@gmail.com>

Dear sir

please download this attachment file

--
Regards

Belpahar Municipality

 2379.pdf
482K

True Copy attested


29.1.22

Sub Collector
JHARSUGUDA

-15-



OFFICE OF THE MUNICIPAL COUNCIL, BELPAHAR

☎-06645- 250458

FAX-06645-250236

Email- nacbelpahar@gmail.com

No. 110 / Dt. 13.01.2022

To

The Chief Engineer,
Odisha Water Supply & Sewerage Board,
St. Mother Teresha Road,
HB Colony, Industrial Area,
Kharbelanagar, Bhubaneswar,
Odisha-751007

Sub:-Construction of Sewerage Treatment Plant within Belpahar Municipality
area.

Ref:-This office letter No.2379 dtd. 11.10.2021

Sir,

In inviting your kind attention on the subject cited above, I am to say that as per direction of the Hon'ble NGT and State Pollution Control Board, Odisha a sewerage Treatment Plant (STP) has to be proposed to construct for treatment of waste and sullage water flowing from the houses of inhabitants of Malipada, Gumadera ward no.6 under Belpahar Municipality area. In this regards the Executive Officer, Belpahar Municipality has requested to submit the appropriate plan, specification and technical advice vide this office letter under reference.

In view of the above context, it is requested again to submit the detailed project report (DPR) for Construction of Sewerage Treatment Plant to this office, so as to take up the work in a flagship manner.

This is for favour of kind information and necessary action at your end.

Yours faithfully,

Sub-Collecto, Jharsuguda &
Administrator, Belpahar Municipality.

Memo No. 111 /dt. 13.01.2022

Copy to Regional Officer, State Pollution Control Board, Jharsuguda for kind
information and necessary action.

Sub-Collecor, Jharsuguda &
Administrator Belpahar Municipality.

Sub-Collector
JHARSUGUDA

Gmail

nac belpahar <nacbelpahar@gmail.com>

Construction of sewerage treatment plant

message

Belpahar Municipality <nacbelpahar@gmail.com>

Sat, Jan 15, 2022 at 11:23 AM

To: msowssb@gmail.com

Cc: "rospcb,jharsuguda" <rospcb,jharsuguda@ospcboard.org>

Dear sir

please download this attachment file

Regards

Belpahar Municipality

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True copy
attached


28.1.22

Sub-Collector
JHARSUGUDA

SESHAASAD/CTS-2010

State Bank of India
Drawing Branch: STATE BANK OF INDIA
IFS CODE No: 08445
Tel No: 06645-250271

DEMAND DRAFT

मार्गदर्शक ODISHA STATE POLLUTION CONTROL BOARD

ON DEMAND PAY
Twenty-Five Thousand Only
रुपये RUPEES

IOI 000521799864
Name of Applicant

Key: QELMOV Sr. No: 55951
SHIBA TOPPO SUB-COLLECTOR CUM ADMINISTRATOR

AMOUNT: BELOW 25001(0/5)

मूल्य प्राप्त / VALUE RECEIVED

अदा को 25000.00

Key: QELMOV
Sr. No: 55951

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AUTHORIZED SIGNATORY
श्रीमान श्रीमान
SHIBA TOPPO
SUB-COLLECTOR CUM ADMINISTRATOR

STATE BANK OF INDIA
DRAWEE BRANCH: BHUBANESWAR MAIN BRANCH
IFS CODE No: 00041

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True Copy
Attended
28.1.20
Sub-Collector
JHARSUGUDA

Sign In

Register

भारतीय डाक



India Post

 75
 Azadi Ka
 Amrit Mahotsav


सत्यमेव जयते

You are here Home>> Track Consignment

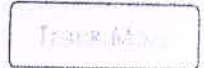
Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

EO522624633IN



Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Belpahar S.O	15/11/2021 11:29:03	751012	41.30	Inland Speed Post	Nayapalli S.O	20/11/2021 15:26:55

Event Details For : EO522624633IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
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20/11/2021	12:56:40	Nayapalli S.O	Out for Delivery
20/11/2021	11:54:36	Nayapalli S.O	Item Received
18/11/2021	13:29:03	Bhubaneswar NSH	Item Dispatched
18/11/2021	13:28:25	Bhubaneswar NSH	Item Bagged
18/11/2021	13:27:05	Bhubaneswar NSH	Item Bagged
18/11/2021	09:15:07	Bhubaneswar NSH	Item Received
15/11/2021	23:48:42	Sambalpur NSH	Item Dispatched
15/11/2021	23:39:38	Sambalpur NSH	Item Bagged
15/11/2021	23:16:13	Sambalpur NSH	Item Received
15/11/2021	13:24:24	Belpahar S.O	Item Dispatched
15/11/2021	13:14:31	Belpahar S.O	Item Bagged
15/11/2021	11:29:03	Belpahar S.O	Item Booked

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About Us
 29.1.22
 Sub-Collector
 JHARSUGUDA