

19 JUL 2022

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

19 JUL 2022

O.A. No.74/2021/EZ

Puri Bar Association, Puri, Odisha ...Applicant

VERSUS

Union of India & Others. ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.10 TO THE ADDITIONAL
REJOINDER AFFIDAVIT DTD.11.05.2022
FILED BY THE APPLICANT.

I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 54 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

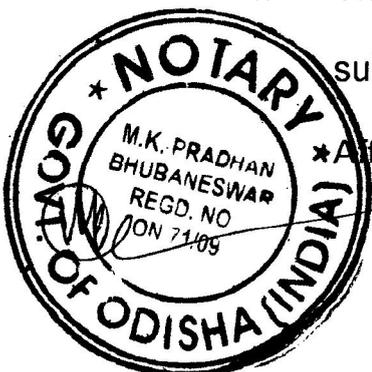
under:



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

1. That I am the Member Secretary of the Respondent No.10 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That I have gone through the copy of Additional Rejoinder Affidavit dtd.11.05.2022 filed by the Applicant in this case and understood the contents thereof.
3. That at the outset it is humbly clarified that all averments, contentions and/or statement as contained in the Additional Rejoinder Affidavit dtd.11.05.2022 filed by the Applicant which may not have been specifically denied or traversed by me herein but are in essence, contrary to the substance of this affidavit, should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the Applicant should be put to strict proof in respect thereof.

4. That as regards the averments made by the Applicant in sub-para I and II of para-21 of the Addl. Rejoinder Affidavit, it is humbly submitted that the R.No.10 Board




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is not the authority to deal with the CRZ matter. However, the Board has taken action under the provisions of Water (PCP) Act, 1974 by issuing notice to M/s. Sterling Holidays Resorts Ltd. on dtd.06.12.1996 vide Annexure-88 in compliance to the letter of the MoEF at Annexure-86, wherein this Board has been requested that the consent under the Water Act may not be granted in view of violation of CRZ Notification by the company.

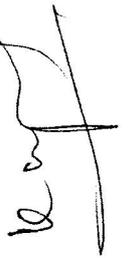
5. That as regards the averment made in sub-para-III of Para-21, it is reiterated that the R.No.10 Board is not the authority to deal with the CRZ matter and to clarify about CRZ violation. Moreover, in Annexure-86, the MoEF has only endorsed a copy of the notice to this Board with a direction not to grant consent in favour of the Company and nowhere, it had been stated to submit any document relating to CRZ violation. In consonance with the said direction of the MoEF, notice at Annexure-88 has been issued.



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6. That as regards the averments made in sub-para-IV of para-21, the same has already been explained in para-5 of the present affidavit.
7. That as regards the averment made in para-22 of the Addl. Rejoinder Affidavit, it is humbly submitted that in the earlier affidavit dtd.22.04.2022 filed by this R.No.10 Board before the Hon'ble Tribunal, it has been clearly mentioned about the applicability of public hearing for the project activities as per EIA Notification 2006, procedure to conduct public hearing and role of the R.No.10 Board to conduct public hearing. Nowhere in the said affidavit it has been mentioned that the public hearing is required to be conducted as per procedure as prescribed in EIA Notification 2006 for preparation of Coastal Zone Management Plans (CRZMPs) of Odisha and they have not followed the procedure while preparation of CRZMPs of Odisha. Therefore, the averments made by the applicant in this para about the contention of the affidavit dtd.22.04.2022 filed by the



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R.No.10 Board before this Hon'ble Tribunal is not correct.

8. That as regards the averment made in para-23 of the Addl. Rejoinder Affidavit, it is clarified that the role of Member Secretary of the R.No.10 Board and the role of Director, Environment-cum-Special Secretary to Government and Member Secretary, OCZMA are different and distinct and the same should not be interlinked and personified as alleged in this para. OCZMA constituted by the MOEF&CC, Govt. of India consist of members of expert in the respective fields in which the role of Member Secretary of the R.No.10 Board is to provide secretarial assistance. The decision of the OCZMA is always taken by all expert members collectively and not by the Member Secretary alone. Hence, the allegation of the applicant by name against the Member Secretary is irrelevant.

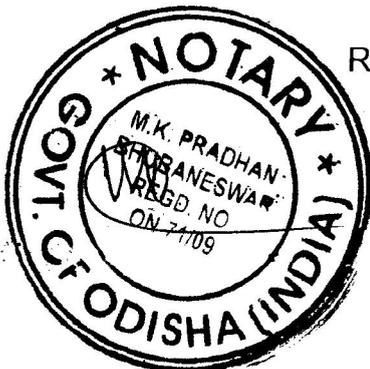
9. That in the affidavit dtd.1.10.2021 filed by the R.No.10 Board before this Hon'ble Tribunal it is clearly indicated



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in para-5 of the said affidavit that the R.No.10 Board is not the enforcing authority of the CRZ Notification and it is the authority to take action for violation of Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and the letter at Annexure-22 is an advisory letter as per the outcome of 2nd meeting of the Task Force constituted by the State Govt. In the affidavit dtd.22.04.2022 filed by the Board before this Hon'ble Tribunal at para-2(B), it is further clarified that Annexure-22 has been issued to instruct the Puri Konark Development Authority not to allow any construction activity in the said area till development plan along with proper sewer and drainage system is in place. It is also indicated in the said para that the objective of the R.No.10 Board for issuance of such letter is to stop construction activity in that area for the project coming under consent administration of the Board without consent to establish / permission from the R.No.10 Board.



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Thus, the R.No.10 Board has nowhere mentioned in the affidavits that the said village / mouza - Sipasurubali never falls under classification / categorisation of CRZ-II etc. as alleged in this para. Hence, the allegation is denied.

10. That as regards the averments made in para-25 of the Addl. Rejoinder Affidavit, it is humbly submitted that the same has already been dealt in para-9 of this affidavit.

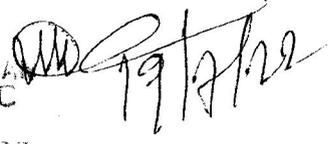
Hence, the filing of fake affidavit by R.No.10 is not correct and the same is denied.

11. That as regards the averments made in para-26 of the Addl. Rejoinder Affidavit, it is humbly submitted that in view of the facts indicated in the present affidavit in the foregoing paragraphs, the allegation made in this para is not acceptable.

12. That the Respondent No.10 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the case.



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13. 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 therefrom.


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

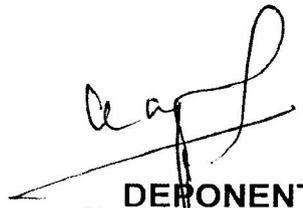
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VERIFICATION:

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 19th day of July, 2022.

SWORN BEFORE ME


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar




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