

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

O.A. No. 157/2022/EZ

In the matter of

Pratap Chandra Mohanty & others Applicant

-Versus-

State of Odisha and others. Respondents

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Date

Place


Advocate for Res. No-4.

NOTARISED

V. (X) P-15/048
SI. No.....Date.....
19 APR 2023

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In the matter of

Pratap Chandra Mohanty & others Applicants

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State of Odisha and others. Respondents

**Affidavit filed on behalf of the Respondent No.4 , Commissioner
of Bhubaneswar Municipal Corporation, Odisha**

I, Shri Vijay Amruta Kulange, aged about 45 years, Son of Shri Amruta Kulange at present working as Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar at BMC Tower, Satyanagar, PS-Kharavelanagar, Dist- Khurda, do hereby solemnly affirm and state as follows:-

1. That I am working as Commissioner, Bhubaneswar Municipal Corporation, Bhubaneswar at BMC Tower, Satyanagar, PS-Kharavelanagar, Dist- Khurda and is competent to make and affirm this Affidavit being the Respondent No. 4.
2. That the application is filed before the Hon'ble Tribunal praying for issue of a direction to the State Respondents to remove the construction from the Nayanjori land and restore the land to government control to be used for the purpose of passage of storm water and intimate prosecution against the private respondent as per MoEFCC order dtd. 12.12.2012 and impose exemplary environment



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compensation and penalty for construction without environment clearance.

3. In response to the averments made in Para 1 to Para 5 I have nothing to comment.
4. In response to the averments made in Para 6 it is humbly submitted that, after receiving the report regarding the start of construction an unauthorised proceeding bearing Case No. UAP No.28/2023 has been initiated against the Institution in the Court of Deputy Commissioner-Cum-A.O.(ODA Court), Bhubaneswar Municipal Corporation.
5. In response to the averments made in Para 7 to Para 23, it is humbly submitted that grant of Environmental Clearance, Consent to Operate and Consent to Establish etc, are coming under the jurisdiction of State Pollution Control Board. Bhubaneswar Municipal Corporation has no authority to deal with such issues.
6. In response to the averments made in Para 24 to Para 26, it is humbly submitted that Bhubaneswar Municipal Corporation has nothing to do with the allotment of Government land, change of kism of land and other related allied activities.
7. In response to the averments made in Para 27, it is humbly submitted that presently no water body exists on the disputed site.



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8. In response to the averments made in Para 28 to Para 36, it is humbly submitted that Bhubaneswar Municipal Corporation is duty bound to abide by all extant Acts, Rules and also directions issued by Hon'ble Courts in preserving all water bodies which would be transferred to its administrative control. But, once again it is reiterated that no water body exist on the present alleged site.
9. It is humbly submitted that as reported by Zonal Deputy Commissioner , North Zone, Bhubaneswar Municipal Corporation on dtd.18.04.2023, presently construction has just started on an area of Ac.5.115 on plot no.s 297, 417, 419, 296, 298, 418, 299, 420, 287, 415/4195, 416 of Khata No. 648 and plot no.s 803/4393, 295 and 413/4394 of Khata no. 649 . Further, it is submitted that the Record of Rights bearing No.s 648 and 649 stand recorded in the name of Siksha O Anusandhan University in patadar Status and the kism of the plots are Gharabari as per the Record of Rights. Further, it is humbly submitted that after receiving the report regarding the start of construction an unauthorised proceeding bearing Case No. UAP No.28/2023 has been initiated against the Institution in the Court of Deputy Commissioner –Cum- A.O.(ODA Court), Bhubaneswar Municipal Corporation.



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10. That the petitioner craves the leave of the Hon'ble Court to file fresh affidavit, if required in the interest of the lis.
11. That in light of the above submissions, it is respectfully prayed that this answering Respondent No.4 i.e. Commissioner, Bhubaneswar Municipal Corporation shall abide by any order or directions passed by this Hon'ble Tribunal.
12. That the facts stated above are true to the best of my knowledge and belief based on official records.

Vijay Amruta Kulange
Deponent

VERIFICATION

I Shri Vijay Amruta Kulange, the above named deponent do hereby verify that, the contents of the above affidavit are true and correct to my knowledge based on official records, no part of it is false and no material has been concealed therefrom.

Signed and verified on this 19th day of April at Bhubaneswar.

Identified by
S. Spanda
Advocate *19/4/23*

Vijay Amruta Kulange
Deponent

The above name deponent (s) being duly identified by Sri. *S. Spanda* Advocate, Bhubaneswar appears before me on dt. *19.04.2023* at *5.40* A.M./P.M. and State on oath that the contents of the affidavit are true to the best of his/her/their knowledge and belief



19/4/2023
KABINDRA KUMAR BARIK
NOTARY, BHUBANESWAR
GOVT. OF ODISHA, INDIA