



24 APR 2023

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
Original Application No.31 of 2023/EZ.

Chandra Sekhar Roy .... Applicant

-versus

State of Odisha & Others. .... Respondents

AFFIDAVIT ON BEHALF OF STATE POLLUTION  
CONTROL BOARD, ODISHA RESPONDENT NO.9.

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:

1. That I am the Member Secretary of the Respondent No.9 Board and, as such, well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



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

24/4/23

2. That I have gone through the contents of the OA and understood the contents made therein.
3. That the main allegation raised in the OA is that Plot NO.667, Khata No.636/503, Unit-8, Jajati Nagar, Jajpur Municipality, Jajpur, Odisha is recorded in the revenue record as Jalsaya Kisam, but has been encroached by the R.No.10, who is unauthorized constructing a shopping mall on the said plot of land.
4. That at the outset, it is humbly submitted that the Regional Officer, Kalinga Nagar of the R.No.9 Board has visited the alleged site on dtd.20.04.2023 and observed that construction of one floor of about 2700 sft. has been done on the said plot and the land has lost its characteristic as Jalsaya. Copy of the inspection report is annexed to this affidavit and marked as ANEXURE-R9/1 Colly.
5. That it is humbly submitted that as per the office order dtd.26.04.2021 regarding revised classification of industrial units as per the criteria and guidelines of CPCB, the building and construction projects having built up area upto 20,000m<sup>2</sup> and waste water generation  $\geq 50$  KLD are coming under consent administration of the Board as

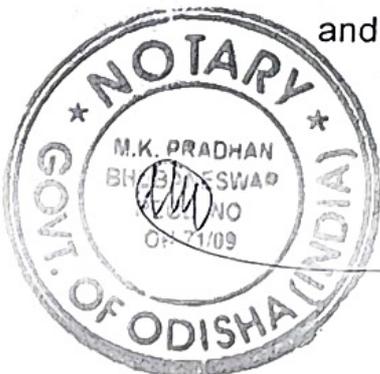


MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/11/09  
PH:-9437627119 IND

24/04/23

Orange category. But in the instant case, the waste water generation in the building will be about 2.8 kilolitres per day for which it will not come under the purview of the consent administration of the R.No.9 Board. A copy of the Office Order dtd.20.04.2021 has already been relied upon in the inspection report as Annexure-III.

6. That it is further humbly clarified that all averments, contention and / or statement as contained in the OA 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.
7. That the Respondent No.9 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the case.
8. That the annexure annexed to the present affidavit is true and correct copy of its original.



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

9. 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

**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 24<sup>th</sup> day of April, 2023.

SWORN BEFORE ME

  
**DEPONENT**  
Member Secretary  
State Pollution Control Board  
Odisha, Bhubaneswar



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

  
24/4/23

## ANNEXURE - R9/1 Colly

### Inspection Report in the matter of O.A.No. 31/2023/EZ Chandrasekhar Roy .vs State of Odisha & Ors.

The matter pertaining to the Original Application No. 31/2023/EZ is that plot no. 667, Khata no. 636/503, unit 8, Jajati Nagar, Jajpur Municipality, Jajpur, Odisha is recorded in the revenue record as Jalasaya KISSAM, but has been encroached by the respondent no 10 who is unauthorizedly constructing a shopping mall on the said plot of land which is gross violation of the provision of the Water (Prevention and Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986.

The said plot was visited by the undersigned on 20.04.2023 and it was observed that construction of one floor of about 2700 sq. ft. has been done on the said plot. The land has lost its characteristic as Jalasaya. There is a concrete storm water drain at one side of the plot.

The owner of the land was contacted and he submitted the copy of the land record (copy attached as annexure I). It was verified that the land type is of Gharabari type. It was understood that the land type was previously Jalasaya type and it has been converted to Gharabari type having plot no. 667 khata no. 636/503 of area Ac 0.15 Dec which is owned by Sri Bishnu Charan Ratha. It was submitted that application has been submitted to Special Planning Authority, Jajpur for approval of building construction for commercial cum residential purpose having ground floor, first floor and second floor having total built up area of 8145 sq ft.(757 m<sup>2</sup>). The copy of application received from the owner of the land is attached as annexure II for reference.

It is pertinent to mention here that Board has the office order vide letter no. 6606 dtd. 26.04.2021 that building and construction projects having built up area up to 20,000 m<sup>2</sup> and waste water generation more than or equal to 50 kilolitre per day is coming under consent administration of the Board as an orange category of unit as per the Board's classification. (copy attached as annexure III). It was reported that proposal has been made for 13 nos of rooms in the building including ground floor, first floor and second floor. Considering 26 persons (13 rooms x 2 persons per room) in the building and per capita water consumption as 135 ltrs as per the standard of Ministry of Housing and Urban Affairs, about 3510 litres water will be consumed in the building per day. Considering 80% of water consumption will be waste water generation, about 2808 litres (2.8 kilo litres) waste water will be generated in a day.

#### Remarks:

Board has the office order vide letter no. 6606 dtd. 26.04.2021 that building and construction projects having built up area up to 20,000 m<sup>2</sup> and waste water generation more than or equal to 50 kilolitres per day is coming under consent administration of the Board as an orange category of unit as per the Board's classification. Since, the waste water generation in this building will be about 2.8 kilolitres per day; this building will not come under the preview of the consent administration of the Board.

  
21.04.23

Regional Officer,  
State Pollution Control Board,  
Kalinganagar

Schedule I Form No.39-A

ମୌଜା : ଯୁନିଟନମ୍ବର-8 ଯଯାତିନଗର  
 ଥାନା : ଯାଜପୁର  
 ଥାନା ନମ୍ବର : 209

ଖତିୟାନ



ହେବିଲ : ଯାଜପୁର  
 ହେବିଲ ନମ୍ବର : 209  
 ଜିଲ୍ଲା : ଯାଜପୁର

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ର ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର	ଓଡିଶା ସରକାର ଖେତ୍ର ନଂ 1
୧) ଖତିୟାନର କ୍ରମିକ ନଂ	636/503
୨) ପ୍ରକାର ନାମ, ପିତା ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ	ବିଷ୍ଣୁ ଚରଣ ରଥ ପି. ଅପ୍ପା ରଥ ଜା. ବ୍ରାହ୍ମଣ ବା. ରୋରବା, ଥା. ଯାଜପୁରରୋଡ

କା) ସଂଖ୍ୟା	ସ୍ଥିତିବାନ					
	ଜଳକର	ଖଜଣା	ସେସି	ନିଗ୍ରାହ ସେସି ଓ ଅନ୍ୟାନ୍ୟ ସେସି ସିଲିଆସ	ମୋଟ	୪) କ୍ରମବିକଳଣୀର ଖଜଣାର ବିବରଣୀ
୪) ସଂଖ୍ୟା		450.00	338.00	0.00	788.00	

୬) ବିଶେଷ ଅନୁସଙ୍ଗ ସବି କିଛି ଥାଏ

ଦା. ଖା. କେସ ନଂ 2566/20 ହୁ. ମୁ. ପୂ. 667 ଖା. ଖା. 390 ରୁ 1 Misc. Case No. 05/20-21 ହୁ. ମୁ. ପୂ. 667 ଓ ବିସମ ଜଳାଶୟ-ପୁଞ୍ଜ ପରିବହନ ପ୍ରତି-କରାଗତା TOER U/S 8 (A) Case No. 3743/22 ହୁ. ମୁ. ପୂ. 667 ଓ ବିସମ ପରିବହନ ଓ ଜମାବୁଦ୍ଧି କରାଗଲା।

*Smt*  
 08/12/22  
 D.E.O.  
 Jajpur Tahasil

*Amin*  
 Amin  
 Jajpur Tahasil

*8-12-22*  
 Record keep  
 Jajpur Tahasil

*8/12/22*  
 Addl. Tahasil D.O.  
 JAJPUR

BLANK SPACE FOR STAMPING

ଅତିନ ପ୍ରକାଶନ ତାରିଖ : 31/03/1998  
 ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ : 01/04/1998

ଖତିୟାନର କ୍ରମିକ ନଂ : 636/503		ମୌଜା : ପୁନର୍ବନ୍ଧନ-୪ ପଞ୍ଚାବିନଶର			କ୍ରମା : ୧୩୭୭	
ପୁର ନମ୍ବର ଓ ବକର ନାମ	ବିଷୟ ଓ ପୁରର ଖରଣା	ବିଷୟର ବିସ୍ତାର, ବରଣା ଓ ଚୋରା	ମୂଲ୍ୟ			ମିଟର
			ଏକର	ଡି	ଫେକ୍ସ	
୭	୮		୧୦	୧୧	୧୨	
667	ଘରଖାରି	ଘରଖାରି	0 150	0 0607		
1 ପୁର			0 150	0 0607		



ରାଷ୍ଟ୍ରୀୟ ସୂଚନା ବିଜ୍ଞାନ କେନ୍ଦ୍ର, ଓଡ଼ିଶା

08/12/20

FORM-I  
(See Rule-6)  
BUILDING PLAN APPLICATION FORM

Annexure-II  
Rs. 50-00 deposited  
vide MR No. 6709/3.5.21.

[Signature]  
03.5.21.

Form No. 823

Authorized Signature

APPLICATION FOR PERMISSION FOR DEVELOPMENT OF BUILDING AND SUB-DIVISION OF LAND

From BISHNU CHARAN RATH

Name of the applicant Bishnu Charan Rath For Office use-

(in block letter)

Regd. No.-

Address Sajati Nagar, Jaipur

Scrutiny fee- Rs. 6925-00

Tel No. \_\_\_\_\_

MR No 6716/11.05.21.

To

[Signature]  
11.05.21.

The CHAIRMAN,  
SPECIAL PLANNING AUTHORITY,  
JAIPUR.

Madam/Sir,

I/We hereby apply for permission to undertake development and carry

out:-

- Construction of three store storied building
- Re-construction of an existing building
- Alternation/addition to the existing building
- Revalidation/renewal of plan for construction of all three storied building
- Sub-division of land
- \_\_\_\_\_ (if any other please specify)
- Demolition
- \_\_\_\_\_ (if any other please specify)

In respect of Plot No. 667, Khata  
No. 636/03 Village/Mouza Sajati Nagar, Unit  
No. 8 of JAIPUR Municipality/GP within the Master Plan area of  
Jaipur. The said land/building shall be used for Residential purpose.

I/We enclosed herewith the following plans (4 copies in case of privately  
owned plots/8 copies in case of Govt. leased Govt. plots) and specifications duly signed  
by me and Architect/ Engineer/ Supervisor/ Group agency \_\_\_\_\_ bearing  
Regd. No. \_\_\_\_\_ Licence/Empanelment No. \_\_\_\_\_ who has/have prepared  
the plans, designs etc. and who will supervise the developments. The building  
parameters checklist prepared by the Technical person is enclosed.

(Contd.-----P/2)

I/We the owner(s) of every part of the land/building to which this application relates, requests, permission for the above development may kindly be accorded.

Documents furnished:-

- |                                                |                       |
|------------------------------------------------|-----------------------|
| 1. Four sets of building plan:                 | Yes/No/Not applicable |
| 2. Ownership document:                         | Yes/No/Not applicable |
| 3. Supervision certificate in Form-I, Part-II: | Yes/No/Not applicable |
| 4. Affidavit for peaceful possession of land:  | Yes/No/Not applicable |
| 5. Structural stability certificate:           | Yes/No/Not applicable |
| 6. NOC from the lessee in case of Lease hold:  | Yes/No/Not applicable |
| 7. NOC from the Fire Prevention Officer:       | Yes/No/Not applicable |
| 8. NOC from the Airport Authority:             | Yes/No/Not applicable |
| 9. Environmental clearance:                    | Yes/No/Not applicable |
| 10. Check list of the proposed building:       | Yes/No/Not applicable |
| 11. Any other Certificate/NOC please specify:  | Yes/No/Not applicable |

Place:- Jaspur,  
Date:- 11/5/2024

Rishnu Charan Rath  
Signature of the Owner

Name of the Owner

FORM-I A  
(See Rule-6)  
FORM FOR SUPERVISION

I hereby certify that the development/erection/re-erection/demolition or material alteration in/of the building in respect of Plot No. 667, Khata No. 636/503, village/Mouza Jaspur Nohra, Unit No. 8 of Jaspur, Municipality/Block shall be carried out under my supervision and I certify that all the materials (type and grade) and the workmanship of the work shall be generally in accordance with the general and detailed specifications submitted along with and that the work shall be carried according to the sanctioned plans.

Date-

Signature of the Technical Person

Name of the Technical Person  
Address \_\_\_\_\_

FORM-I B  
(See Rule-6)  
CHECK LIST

1. Name of the applicant: *Bishnu Charan Rathy*
2. Name of the owner: *Bishnu Charan Rathy*
3. Name of the Builder/Developer:
4. Ownership documents: *Established/ Non-established*
5. As per Document *Building Plan* Possession

Area:

6. Tenancy: *Lease hold/Free hold/Stitiban*

If lease hold:

- i. Name of the Lessor:
- ii. Purpose of lease:
- iii. Duration of lease:

7. Existing off site Physical Infrastructure:

- a. Road: *yes*
- b. Sewerage:
- c. Drainage: *yes*
- d. Water facility: *yes*
- e. Availability of drain: *yes*
- f. Telephone: *yes*
- g. Electric: *yes*

8. Nature of construction: *New construction/Reconstruction/Addition/Alteration*

9. i. Amount of fee deposited:
- ii. Covered area on all floors:

10. Land Use

Use applied	Land use in Master Plan	Whether permissible/Not permissible/Special consideration
	<i>Residential</i>	

- 11.i. Whether first permission/Revised permission/Revalidation \_\_\_\_\_  
ii. No. of floor(s) \_\_\_\_\_

12. Contents of the Building Plan:

- i. Site Plan *ml*
- ii. Layout plan *ml*
- iii. All floor plan *ml*
- iv. Elevations- Front/Rear/Right/Left/Cross sect *ml*
- v. Plan of foundation *ml*
- vi. Septic tank and Soak pit *ml*
- vii. Recharging pit *ml*
- viii. Drain Section
- ix. Area statement
- x. Schedule of doors and windows

13. Approach road:

- i. Nature of road: *250'*
- ii. Width of road: *9.2*

As per site/ key plan	Site inspection report

- iii. Whether the approach road as shown connected to an existing public road in the site plan \_\_\_\_\_
  - iv. Whether such connection is available in settlement sheets: Yes/No
  - v. If private, whether
    - a. Transferred to the Municipality: Yes/No
    - b. Indicated in the not final settlement plan: Yes/No
    - c. Mentioned in the ownership document: Yes/No
14. Whether the plot is affected by proposed road/proposed drain/ proposed lake/ any other public use \_\_\_\_\_
15. Whether the plot is within 100 meter/ 100-300 meter of State/ASI protected monuments \_\_\_\_\_
16. Whether the plot is within 200 meter radius of important buildings:

17. Building Parameters:

Category	Requirement as per norm	Approved building plan	Proposal	Remarks
1	2	3	4	5
Basement/stilt		3800		
1st floor		3800		
2 <sup>nd</sup> floor		3800		
3 <sup>rd</sup> floor				
4 <sup>th</sup> floor				
Society room				
Front Set back		19.6'		
Rear Set back		15'		
Left side setback		5.2'		
Right side setback		5.2'		
FAR				
Parking				
Height				
No. of dwelling unit				
Population density				
No. of staircase				
No. of lift				
Recharging pit				
Scrutiny fee deposited				
Taxes				
Exemptions				
(i) Height	10.2'			
(ii) Setback				
(iii) FAR				

8. Whether falls in the Airport funnel zone: - No -

9. Provision of proposed on site physical infrastructure

- i. Water supply: Yes
- ii. Sewerage: Yes
- iii. Drainage: Yes
- iv. Electrical Installation: Yes

(Contd-----P/4)

20. Clearance/Certificate produced:

RS/RNS/NR

- i. General Affidavit- NR
- ii. Structural Stability Certificate- NR
- iii. Form of Supervision- NR
- iv. NOC from Fire Prevention Officer- NR
- v. NOC from PHED-
- vi. Undertakings with regard to quality construction/water supply/Sewerage/Drainage/Waste disposal/firefighting-
- vii. Any other (specify)-

NB: (RS: Required and submitted, RNS: Required not Submitted, NR: Not Required)

21. Involvement of Technical Person and Builder:

i. Architect/Engineer:

- a. Name:
- b. CAO No.:
- c. Empanelment No.

ii. Engineer/Structural Engineer:

- a. Name:
- b. Empanelment No.

iii. Builder:

- a. Name:
- b. Empanelment No.

iv. Any Other

A  
Signature of Technical Person.

OFFICE OF THE SPECIAL PLANNING AUTHORITY, JAJPUR.

No. 369 /SPA, Pt. 12-05-21.

From

The Special Planning Authority,  
Jajpur.

To

Shri/Smt. Bishnu Charan Ratha,  
At/PO- Sajani Nagar, Jajpur

Sub:-

**Inspection of building site.**

Ref:-

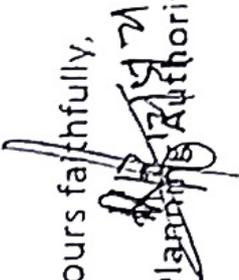
Your building plan application dated \_\_\_\_\_.

Sir/Madam,

In inviting a reference to the above subject, I am to inform you that the site will be inspected on dated 19-05-21.

You are therefore requested to attend this Office or depute your authorized person on the aforesaid date for the purpose along with original land ownership document for verification.

Yours faithfully,

  
Special Planning Authority.

Book No -

FROM NO. X (RULE -75)

**SPECIAL PLANNING AUTHORITY, JAJPUR**  
MISCELLANEOUS RECEIPT (ORIGINAL)

Date - 11-05-21 SI.No - 6716

Received From *Badrin Chandra Rath*

*Sachin Jagan* in Words (Rupees  
*Six thousand nine hundred twenty five only*)  
On account of *Scrutiny fee for 18th dt*  
*Vice*

in shape of Cash / D.D / Cheque

**Rs 6925-00**

*[Signature]*  
RECEIVING OFFICER





Tel : 0674-2564033/  
EPABX : 2561909/2562847  
E-mail: paribesh1@ospcboard.org  
Website: www.ospcboard.org

**STATE POLLUTION CONTROL BOARD, ODISHA**  
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]  
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII  
Bhubaneswar - 751 012, INDIA

No. 6606 / IND-I-CON (Misc)-1505

DI 26-04-2021

OFFICE ORDER

Revised classification of industrial units has been done by State Pollution Control Board, Odisha as per the criteria and guidelines of the Central Pollution Control Board and this Board has brought out office orders from time to time in this regard. Meanwhile, the following three units have been categorized by the Central Pollution Control Board, which shall be added in the existing list under Orange Category for the State of Odisha.

Sl. No.	Category
88	Building and construction projects having built up area up to 20,000m <sup>2</sup> and wastewater generation $\geq$ 50 KLD.
89	Construction and demolition (C & D) waste processing plants.
90	Gold Assaying & Hallmarking Centres.

Memo No. 6607 dtd. 26-04-2021 By Email  
Copy forwarded to the Member Secretary, Central Pollution Control Board, Paribesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110032 for kind information.

  
Member Secretary

Memo No. 6608 dtd. 26-04-2021  
Copy forwarded to the Additional Chief Secretary, Forest and Environment Department, Govt. of Odisha for kind information and necessary action.

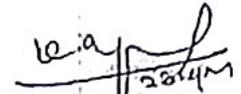
  
Member Secretary

  
Member Secretary

11211

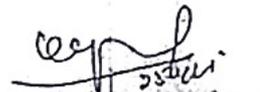
Memo No. 6609 /dtd. 26-04-2021

Copy forwarded to the Principal Secretary / Addl. Chief Secretary, Industries Deptt./ MSME Deptt./ Steel & Mines Deptt./ Energy Deptt./ Housing and Urban Development Deptt./ Health & Family Welfare Deptt./ Agriculture Deptt./ Works Deptt./ Water Resources Deptt./ F&ARD / Excise Deptt./ Commerce and Transport Deptt./ Textile & Handloom / CMD, IPCOL/ CMD, IIDCO / Special Secretary P & C Deptt./ Director, Factory and Boilers, Govt. of Odisha for information and necessary action.

  
26/04/21  
Member Secretary

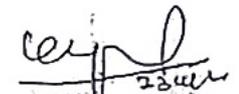
Memo No. 6610 /dtd. 26-04-2021

Copy forwarded to All CEEs/CESs/Branch Officers, SPCB, Odisha, Bhubaneswar / All Regional Officers, SPCB, Odisha for information and necessary action.

  
26/04/21  
Member Secretary

Memo No. 6611 /dtd. 26-04-2021

Copy forwarded to IT Cell for information and necessary action. It is requested to upload the Office Order in the website of the Board.

  
26/04/21  
Member Secretary