

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

Original Application No.147 of 2023/EZ.

Padip Kumar Pattnaik Applicant

-versus

Union of India & Others. Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	<u>ANNEXURE-R9/1</u> Photocopy of the inspection report carried out on dtd.22.11.2023	

SPCB Odisha, R.No.9

Through

Kolkata

Date:

Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.9
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com
Phone No.:9831493390

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH

Original Application No.147 of 2023/EZ.

Pradip Kumar Pattnaik Applicant

-versus

Union of India & Others. Respondents

AFFIDAVIT ON BEHALF OF STATE POLLUTION
CONTROL BOARD, 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, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



K. Y. S.
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar-12

M.K. PRAJHAN
BHU. NO. 71/2009
REGD. NO. ON-71/2009
PH:-9437627119 (M)

2. That issue raised in the OA is regarding creation of an artificial concrete island by the respondents obstructing the free flow of perennial water source of river Mahanadi by establishing a cafeteria, food court, liquor bar – cum-Restaurant, paid vehicle parking, paid picnic spot and large area surrounded by concrete wall and also many other constructions are going on at present by dumping and filling of sand soles of the river bed of river Mahanadi.

30 NOV 2023

3. That at the outset, it is humbly submitted that the applicant has also earlier approached the Hon'ble Tribunal in OA No.68/2020/EZ, which was finally disposed of vide order dtd.21.09.2022. Copy of the said order has been annexed as Annexure-3 in the present OA.

4. That in order to submit the status report of this case, the R.No.9 Board through Er. (Ms) R. Priyadarshini, Regional Officer, Cuttack along with Mr. B. Sethy, Asst. Environmental Scientist, Regional Office, Cuttack has inspected the site on dtd.22.11.2023 and submitted a report with certain observation. Copy of the inspection



30/11/23

Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar-12

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

report referred above is annexed to this affidavit and marked as ANNEXURE – R9/1.

- 5. That the Respondent No.9 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary.
- 6. That the annexure annexed to the present affidavit is true and correct copy of its original.
- 7. 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.

30 NOV 2023

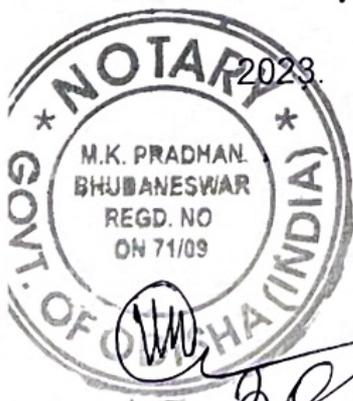
[Signature]
DEPONENT

Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar-12

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 30th day of November,



SWORN BEFORE ME

[Signature]
DEPONENT

Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar-12

[Signature]
30/11/23

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

INSPECTION REPORT IN CONNECTION WITH CASE MATTER FILED BEFORE
HON'BLE NATIONAL GREEN TRIBUNAL VIDE OA No. 147/2023/EZ- PRADIP
KUMAR PATTNAIK VS. UNION OF INDIA & ANR.

In order to submit the status report an inspection of the river bed of Mahanadi River near Baliyatra ground in Cuttack district was conducted on dtd. 22.11.2023 in connection with the case matter filed before Hon'ble National Green Tribunal vide OA No. 147/2023/EZ- Pradip Kumar Pattnaik Vs. Union of India & Anr. In the said Original Application the applicant has alleged that the free flow of perennial water source of river Mahanadi obstructed by establishing a Cafeteria, Food Court, Liquor Bar cum Restaurant, Paid Vehicle Parking, Paid Picnic Spot and area surrounded by concrete wall etc.

OBSERVATION:

The Silver City Boat Club, Water intake point of Indian Oil Corporation Limited (IOCL), Cuttack in Cuttack, Gadagadia Ghat, vehicles Parking area of Cuttack Municipal Corporation (CMC) located near Baliyatra ground and Iron sheet barricade provided along the river bank of Mahanadi were inspected in connection with the allegation raised by the applicant in the Original Application filed before the Hon'ble NGT. The observations made during inspection are given as follows;

1. The Silver City Boat Club exists near Baliyatra ground on the banks of the River Mahanadi is operated by Odisha Tourism Department Corporation (OTDC). Inside it different facilities like Open Air Theatre, Cafeteria, Multipurpose Rooms, Water Sports, Play Area, Restaurant, Food Court, and Bistro are existed for visitors. Besides that parking facilities are provided for vehicles near the entry gate.
2. The water intake point of IOCL is located adjacent to the Silver City Boat Club towards Eastern direction. During inspection the undersigned discussed with Mr. Sunil Mohanty, Sr. Manager of the unit. He informed water from River Mahanadi is supplied to Paradip Refinery of IOCL through this water intake point.
3. A site office of Water Corporation of Odisha (WATCO) is operated near IOCL intake point. Mr. Achyuta Bijayananda Behera, General Manager (Drainage) of WATCO informed that raw materials and machineries required for construction of drainage work are stored at the said site. He informed that earlier this site office was operated by

Orissa Water Supply and Sewerage Board (OWSSB) and WATCO is functioning at the said site office since last six months.

4. Cuttack in Cuttack is an open area having brick wall with iron fencing is located near Baliyatra ground and it is maintained by Cuttack Municipal Corporation (CMC). There is a children's park and some plantations are existed inside it. Mr. Basanta Pattnaik, License In-Charge of CMC informed different programmes/ activity are organised inside it with approval of CMC.
5. Gadagadia Ghat is located near Baliyatra ground. The said ghat is provided with concrete staircase of approximately 400m length along the river bank of Mahanadi for easy access to river water.
6. It was observed that Iron sheet barricade are provided at several location of bank of River Mahanadi to prevent erosion of soil due to river water.
7. Two Nos. of vehicles parking stands of Cuttack Municipal Corporation are existed adjacent to the Ring road towards Mahanadi River Bed side. One vehicle parking stand is located opposite to M/s. Shreema Hospital and other one is opposite to M/s. Srusti Hospital.

Biswanath sethy
29/11/2023
(Mr. B. Sethy)
Asst. Env. Scientist

Priyadarshini
29/11/2023
(Er. R. Priyadarshini)
Regional Officer