

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

*M.A. No. 21/2023/EZ*  
*(Arising out of O.A. No. 115/2021/EZ)*  
Tribunal on its own motion  
Re: Illegal filling of Bijuli Bandh  
(Water Body), Sundargarh, Odisha, ..... Applicant (S)

**-Versus-**

State of Odisha & others ..... Respondent (S)

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**By the Respondents through**

**Place: Cuttack.**

**Date: 06.10.2023**

**Addl. Standing Counsel.**

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

*M.A. NO. 21/2023/EZ*  
*Arising out of O.A. No. 115/2021/EZ)*

Tribunal on its own motion  
Re: Illegal filling of Bijuli Bandh  
(Water Body), Sundargarh, Odisha, ..... Applicant (S)

**-Versus-**

State of Odisha & others ..... Respondent (S)

**COMPLIANCE AFFIDAVIT FILED ON BEHALF  
OF COLLECTOR, SUNDARGARH**

I, Dr. Gavali Parag Harshad aged about 38 years, S/o. Harshad Gavali at present working as Collector & District Magistrate, Sundargarh, At/Po/Dist.- Sundargarh, do hereby solemnly affirm and state as follows:

1. That, I am the respondent in this Original Application and well acquainted with the facts of the case and swear this affidavit.
2. That, I have gone through the Original Application as well as the documents annexed thereto and understood the contents thereof. I am acquainted with the facts of this case on the basis of official records.
3. That, for the purpose of determination of Environmental Compensation and cost of restoration / restitution of the Water Body i.e. Bijuli Bandha in the

*BY  
ACC*

*dy*

**PRADIPTA KUMAR MUHANTI**  
Notary, Cuttack Town  
Regd. No-ON-04/1995



*Gavali*  
*Parag Harshad*  
**Collector,  
Sundargarh**

O.A No. 115/ 2021/E, a Committee was Constituted consisting the Sub-Collector, Sadar, Sundargarh, Tahasildar, Sadar, Sundargarh, Superintending Engineer (R&B) Division, Sundargarh and the DEE, Regional Office, State Pollution Control Board, Rourkela vide this Office Letter No.3248/ Dtd.03.09.2022.

Copy of Office Letter No.3248 Dtd.03.09.2022 is annexed here with as Annexure-A

4. That, in order to comply the Point No. 25 the Committee has re-visited the field on Dtd. 26.09.2023, along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Regional Officer, State Pollution Control Board, Rourkela and Superintending Engineer (R&B) Division, Sundargarh in presence of the members and Secretary of Sri Aurobinda Integral Education & Research Centre, Sundargarh to determine the status & present position of the revenue records i.e Khatian number, Plot number, Area of the Bijuli Bandh as well as of Sri Aurobinda Integral Education & Research Centre, Sundargarh to ascertain the actual encroachment area of the water body of Bijuli Bandh. The Memorandum Dtd. 26.09.2023 pertaining to the joint field enquiry on illegal filling of Bijuli Bandha in O.A No.115/2021/EZ of National Green Tribunal, Eastern Zone Bench, Kolkata.

SM  
APZ

Parag  
Kishore  
Collector  
Sundargarh

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No-ON-04/1995

Copy of Memorandum Dtd.26.09.2023 is annexed here with as **Annexure-B**

5. That, the actual Khata No. is 460/340, where the Aurobinda Integral Education & Research Institute is stand with comprising a total area of Ac. 1.37 dec under the following 04 nos. of Plots. The land schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kisam</u>	<u>Area</u>
Sundargarh Town	460/340	770/2125	GB-I	Ac. 0.50
		773/2122	GB-I	Ac. 0.32
		770/2123	GB-I	Ac. 0.34
		770/2124	GB-I	Ac. 0.21
<b>Total:</b>				<b>Ac.1.37</b>

6. That, Sri. Aurobinda Integral Education & Research Institute has obtained the said schedule land vide lease of Govt. land Case No. 302/1977 and 11/1989 for the purpose of construction of school building.

7. That, the actual area and land Schedule of Bijuli Bandh is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kisam</u>	<u>Area</u>
Sundargarh Town	465	779	Kata	Ac. 20.99
<b>Total:</b>				<b>Ac. 20.99</b>

Gavali  
Marshad  
Collector  
Sundargarh  
Parag

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PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No-ON-04/1995

8. That, the actual encroachment area of Sri Aurobinda Integral Education & Research Centre out of the area of Bijuli Bandh is Ac. 0.615 dec.

9. That, the Tahasildar, Sadar, Sundargarh drew a map on the spot in this regard, showing the actual land that Sri Aurobinda Integral Education & Research Institute encroached upon by an area Ac. 0.615 (marked by Green colour).

Copy of sketch is annexed here with as

**Annexure-C**

The land Schedule is as follows.

<u>Mouza</u>	<u>Khata</u>	<u>Plot No.</u>	<u>Kisam</u>	<u>Area</u>
Sundargarh Town	465	779/P	Khata	Ac.0.615
Total.				Ac. 0.615

10. That, as the Aurobinda Integral Education & Research Institute temporarily encroached an area of Ac. 0.615 dec out of the area Ac. 20.99 dec of Bijulibandh by constructing a temporary barricade with the help of some tin sheets for the safety and security of children studying at that institute.

11. That, the encroached land of Ac. 0.615 dec. of Bijuli Bandh had already been vacated by the Aurobinda Integral Education & Research Institute, Sundargarh and was now free from encroachment. The same area is found to be un encroached during the field visit.

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4/12

Ganesh

Varshad

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Collector  
Sundargarh

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PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No-ON-04/1995

12. That, the cost of restoration and Environmental Compensation determined by the committee earlier is shall be considered as same even for now. The calculation of the earlier committee are as follows:

Volume of water body to be = Ac.0.615 X 2.50 m.  
restored

$$= 2488.82\text{m}^2 \times 2.50 \text{ m.}$$

$$= 6222.05 \text{ m}^3$$

Rate of excavation in ordinary soil and disposal of excavated soil by mechanical means = 6222m<sup>3</sup>@Rs.36.56=Rs.2,27,476.00 (as per the rate of PWD Deptt. Of Odisha)

Cost of eviction and recovery of encroached land = 20 hrs X Rs.730.43=Rs.14,609.00

The cost of restoration =		
Rs.2,27,476 + Rs.14,609.00	=	Rs.2,42,085.00
Add 1% for labour cess	=	Rs.2,421.00
Total		Rs.2,44,506.00
Add 9% for CGST	=	Rs.22,006.00
Add 9% for SGST	=	Rs.22,006.00
Total Cost of restoration	=	<b>Rs.2,88,518.00</b>

As there is no specific guideline of CPCB for calculation of Environmental Compensation for encroached water body by an Educational Institution, the Committee is of opinion that it may be considered as non-polluting category (White Category) whose average Pollution Index (P.I.) is 10 as per CPCB

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No-ON-04/1995

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Parag  
Collector  
Sindargarh

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guideline. Location Factor (L.F.) is 1 as the Sundargarh is a town having population less than 1 Million.

$$\begin{aligned} \text{Hence, Environmental Compensation (E.C.)} &= PI \times N \times R \times S \times LF \\ &= 10 \times 1 \times 100 \times 0.5 \times 1 \\ &= \text{Rs.5000/day} \end{aligned}$$

Minimum Environmental Compensation in any case is also Rs.5000/day as per CPCB guideline for Environmental Compensation.

Number of days of encroachment of water body =  $2 \times 365 = 730$  days

$$\begin{aligned} \text{Total environmental Compensation} &= \text{Rs.5000} \times 730 = \\ &= \text{Rs.36,50,000.00} \end{aligned}$$

$$\begin{aligned} \text{Total cost of Environmental compensation and cost of restoration} &= \text{Rs.36,50,000.00} + \\ &= \text{Rs.2,88,518.00} \\ &= \text{Rs.39,38,518.00} \end{aligned}$$

That, the cost of restoration is shown as **Rs. 2,88,518/-** (Rupees Two lakhs Eighty- Eight Thousand Five Hundred Eighteen only) and Environmental Compensation has been computed at **Rs. 36,50,000/-** (Rupees Thirty Six Lakh Fifty Thousand only). Total amounting to **Rs. 39,38,518/-** (*Rupees Thirty-Nine Lakhs Thirty-Eight Thousand Five Hundred Eighteen only*)

BY  
MS

Parag  
Marshed  
Ganesh  
Collector  
Sundargarh

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No-ON-04/1995

13. That, the petitioner craves the leave of the Hon'ble Court to file fresh affidavit, if required in the interest of the lies.

14. That, the facts stated above are true to the best of my knowledge and belief and based on the official records.

Identified by

*SM* Samapika Mishra

Advocate

*Panag Harshad Karvadi*

DEPONENT  
Collector  
Sundargarh

**CERTIFICATE**

Certified that cartridge papers are not available.

Cuttack

Date: 06.10.2023

*SM*

Addl. Standing Counsel.



Solemnly sworn before *P.K. Mohanty*  
me by.....  
being identified by..... *S. Mishra, Adveck*  
at Cuttack Town Dated..... *06/10/2023*

*06/10/2023*  
P.K. MOHANTY, Notary, Cuttack Town  
Regd. No-ON-04/1995

*06/10/2023*  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No-ON-04/1995

**VERIFICATION**

I, Dr. Gavali Parag Harshad aged about 38 years, S/o. Harshad Gavali at present working as Collector & District Magistrate, Sundargarh, At/Po/Dist.- Sundargarh, do hereby verify and state that the facts stated above in the affidavit are all based on official records and I signed on this verification being present in the office of my Advocate at Cuttack, on this the 6th day of Oct, 2023.

Parag Harshad Gavali

**VERIFICANT**  
Collector  
Sundargarh

By 06/10/2023  
**PRADIPTA KUMAR MOHANTY**  
Notary, Cuttack Town  
Regd. No-ON-04/1995



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Annexure - A  
Court Matter/Urgent 71  
(21)

**OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, SUNDARGARH**  
(JUDICIAL SECTION)  
E-mail: [dm-sundargarh@nic.in](mailto:dm-sundargarh@nic.in), [dcjudicialsng@gmail.com](mailto:dcjudicialsng@gmail.com), FAX-06622-  
273166, PIN- 770001

No. 3248 Date. 3.9.2022

To,

The Regional Officer,  
State Pollution Control Board, Rourkela,  
At-Near Panposh Hockey Chowk, PO-Panposh, Rourkela-769004  
Dist-Sundargarh.

The Sub-Collector, Sadar, Sundargarh,  
At/Po-Sadar, Sundargarh.

The Superintending Engineer, PWD, Division, Sundargarh,  
At/Po/Dist- Sundargarh.

The Tahasadar, Sundargarh,  
At/Po-Sadar, Sundargarh.

Sub: Regarding determination of Environmental compensation and Cost of restoration in O.A No.115/221/EZ filed by tribunal on its Own Motion (Re-Illegal filing of Bijuli Bandh (Water Body) Sundargarh-vrs-State of Odisha and Others and compliance of Order dtd.08.04.2022 of the National Green Tribunal, Eastern Zone Bench, Kolkata.

Ref: - Letter No.15650 dtd.29.08.2022 of Member Secretary, State Pollution Control Board, Odisha.

Sir,

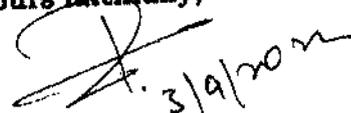
Enclosed, Please find the letter No.15650 dtd.29.08.2022 of Member Secretary State Pollution Control Board, Odisha in which the member Secretary State Pollution Control Board, Odisha has suggested for constitution of a committee involving the Revenue and PWD authorities, Regional Officer State Pollution Control Board, Rourkela as member of the committee, since the issue involved is encroachment and building construction work and assessment of environmental damage to the water body in compliance with the Order dtd.08.04.2022 of Hon'ble NGT/EZ, Kolkata.

Accordingly, you are hereby nominated as the members of the committee. You are also requested to do the needful as per the direction of the Hon'ble NGT for recovering and restoration of encroached land measuring an area of AC 0. 615 acres and determination of the cost of environmental compensation & cost of restoration/reconstitution of this land as water body reforming part of Bijuli Bandh.

Your report on the above should reach the undersigned within 7 days for next course of action.

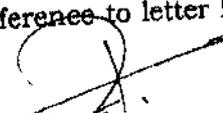
This is for favour of your information and necessary action.

Yours faithfully,

  
3/9/2022  
Collector, Sundargarh

Memo No. 3249 /Judl. Dtd. 3.9.2022 /

Copy submitted to the Member Secretary, State Pollution Control Board, Odisha for kind information and necessary action with reference to letter No.15650 dtd.29.08.2022.

  
Collector, Sundargarh

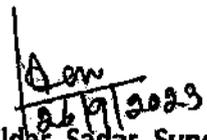
near copy at 23/8/22  
Sub-Collector  
Sadar, Sundargarh

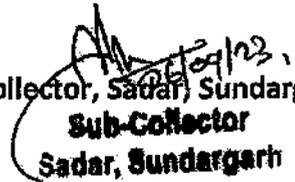
**OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARH**

**MEMORANDUM OF JOINT FIELD ENQUIRY ON ILEGAL FILLING OF BIJULIBANDH IN O.A NO. 115/2021/EZ OF NGT, EZ BENCH, KOLKATTA**

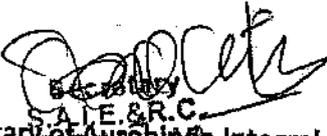
Date of Joint Enquiry: 26.09.2023

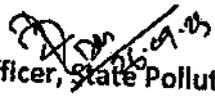
I have conducted joint field enquiry at the spot along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Superintending Engineer, R&B Division, Sundargarh and Regional Officer, State Pollution Control Board, Rourkela on illegal filling of Bijulibandh in O.A No. 115/2021/EZ of NGT, EZ Bench, Kolkatta in presence of Member & Secretary of Aurobinda Integral Education & Research Centre, Sundargarh.

  
26/9/2023  
Tahasildar, Sadar, Sundargarh  
**Tahasildar**  
Sadar, Sundargarh

  
26/09/23  
Sub-Collector, Sadar, Sundargarh  
**Sub-Collector**  
Sadar, Sundargarh

  
Executive Officer, Sundargarh  
**Executive Officer**  
Sundargarh Municipality

  
Secretary  
S.A.E.&R.C.  
Secretary of Aurobinda Integral  
Education & Research Centre, Sundargarh

  
26.09.23  
Regional Officer, State Pollution  
Control Board, Rourkela

  
26/09/23  
Superintending Engineer,  
R&B Division, Sundargarh  
Superintending Engineer  
Sundargarh (R & B) Division

True copy attached

  
Sub-Collector  
Sadar, Sundargarh

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**OFFICE OF THE SUB-COLLECTOR, SADAR, SUNDARGARH.**  
(Revenue & Disaster Management Department, Govt. of Odisha)



Office of the Sub-Collector, Sadar,  
Sundargarh - 770001  
Tel / Fax No. 06622-272234  
E-mail - subcol.sund-od@nic.in

No: 8252 /date 30.09.2023 /

To

The Collector, Sundargarh

Sub: Submission of re-joint enquiry report on illegal filing of Bijulibandha for compliance in OA NO. 115/2021/EZ and thereof.

Ref: Letter no. 4607 dated 21.09.2023

Sir,

In inviting a kind reference to the letter on the subject cited above, I am to intimate that, I have conducted field enquiry at the site on date 26.09.2023 along with Tahasildar, Sadar, Sundargarh, Executive Officer, Sundargarh Municipality, Regional Officer, State Pollution Control Board, Rourkela and Superintending Engineer, R&B Division, Sundargarh in presence of the members and Secretary of Sri. Aurobinda Integral Education & Research Centre, Sundargarh to determine the status & present position of the revenue records of i.e Khatian number, Plot number, Area of the Bijulibandh as well as of Sri. Aurobinda Integral Education & Research Centre, Sundargarh to ascertain the actual encroachment area of the water body of Bijulibandh. The facts are found in the said enquiry are as follows:

That, the actual Khata no. is 460/340 where the Aurobinda Integral Education & Research institute is stand with comprising a total area of Ac. 1.37 under the following 04 nos. of Plots. The land schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	460/340	770/2125	GB-I	Ac. 0.50
		773/2122	GB-I	Ac. 0.32
		770/2123	GB-I	Ac. 0.34
		770/2124	GB-I	Ac. 0.21
<b>Total</b>				<b>Ac. 1.37</b>

True copy attached?  
Sub-Collector  
Sadar, Sundargarh

2. That, Sri. Aurobinda Integral Education & Research institute has obtained the said schedule land vide lease of Govt. land case no. 302/1977 and 11/1989 for the purpose of construction of school building.
3. That, the actual area and land Schedule of Bijulibandh is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779	Kata	Ac. 20.99
		<b>Total</b>		<b>Ac. 20.99</b>

4. That, the actual encroachment area of Sri. Aurobinda Integral Education & Research Centre out of the area of Bijulibandh is Ac. 0.615.
5. That, the Map has been prepared on the spot in this regard by the Tahasildar, Sadar, Sundargarh showing the actual area which was encroached by Sri. Aurobinda Integral Education & Research Institute of an area Ac. 0.615 (marked by Green colour). The land Schedule is as follows:

<u>Mouza</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Kissam</u>	<u>Area</u>
Sundargarh Town	465	779/P	Kata	Ac. 0.615
		<b>Total</b>		<b>Ac. 0.615</b>

6. That, as the Aurobinda Integral Education & Research Institute is sharing his boundary with the Bijulibandh boundary, they had temporarily encroached an area of Ac. 0.615 out the area Ac. 20.99 of Bijulibandh by making a temporary barricade with the help of some tin Sheets for safety & security of children studying in that institute.
7. That, the encroached area of Ac. 0.615 of Bijulibandh was already been evicted and freed from encroach by the Aurobinda Integral Education & Research Institute, Sundargarh. The same is also found free from encroachment during the time of field visit.
8. That, the cost of restoration and Environmental Compensation determined by the committee earlier is shall be considered as same even for now. The calculation of the earlier committee are as follows:

$$\begin{aligned}
 \text{Volume of water body to be restored} &= \text{Ac. } 0.615 \times 2.50\text{m} \\
 &= 2488.82 \text{ m}^2 \times 2.50\text{m} \\
 &= 6222.05 \text{ m}^3
 \end{aligned}$$

Rate of excavation in ordinary soil and disposal of excavated soil by mechanical means = 6222 m<sup>3</sup> @ Rs. 36.56 = Rs. 2,27,476.00 (as per the rate of PWD Deptt. of Odisha)

$$\begin{aligned}
 \text{Cost of eviction and recovery of encroached land} &= 20 \text{ hrs} \times \text{Rs. } 730.43 \\
 &= \text{Rs. } 14,609.00
 \end{aligned}$$

P.T.O.

True copy attached  
 Sub-Collector  
 Sadar, Sundargarh

- 13 -

The cost of restoration = Rs. 2,27,476.00 + Rs. 14,609.00  
= Rs. 2,42,085.00

Add 1% for labourcess Total= Rs. 2,44,506.00  
Add 9% for GGST = Rs. 22,006.00  
Add 9% for SGST = Rs. 22,006.00  
Total Cost of Restoration = **Rs. 2,88,518.00**

As there is no specific guideline of CPCB for calculation of Environmental Compensation for encroached water body by an Educational Institution, the committee is of opinion that it may be considered as non-polluting category (White Category) whose average Pollution Index (P.I.) is 10 as per CPCB guideline, Location Factor (L.F.) is 1 as the Sundargarh is a town having population less than 1 million.

Hence Environmental Compensation (E.C.) =  $PI \times N \times R \times S \times LF$   
=  $10 \times 1 \times 100 \times 0.5 \times 1$   
= **Rs. 5,000/- per day**

Minimum Environmental Compensation in any case is also Rs. 5,000/- per day as per CPCB guideline for Environmental Compensation.

Number of days of Encroachment of water body =  $2 \times 365 = 730$  days

Total Environmental Compensation = Rs. Rs. 5000/- x 730  
= Rs. 36,50,000.00

**Total cost of Environmental Compensation and cost of restoration**  
= Rs. 36,50,000.00 + Rs. 2,88,518.00  
= **Rs. 39,38,518.00**

That, the cost of restoration is shown as **Rs. 2,88,518/-** (Rupees Two lakhs Eighty- Eight Thousand Five Hundred Eighteen only) and Environmental Compensation has been computed at **Rs. 36,50,000/-** (Rupees Thirty Six Lakh Fifty Thousand only). Total amounting to **Rs. 39,38,518/-** (Rupees Thirty-Nine Lakhs Thirty-Eight Thousand Five Hundred Eighteen only)

This is submitted for favour of your information and necessary action.

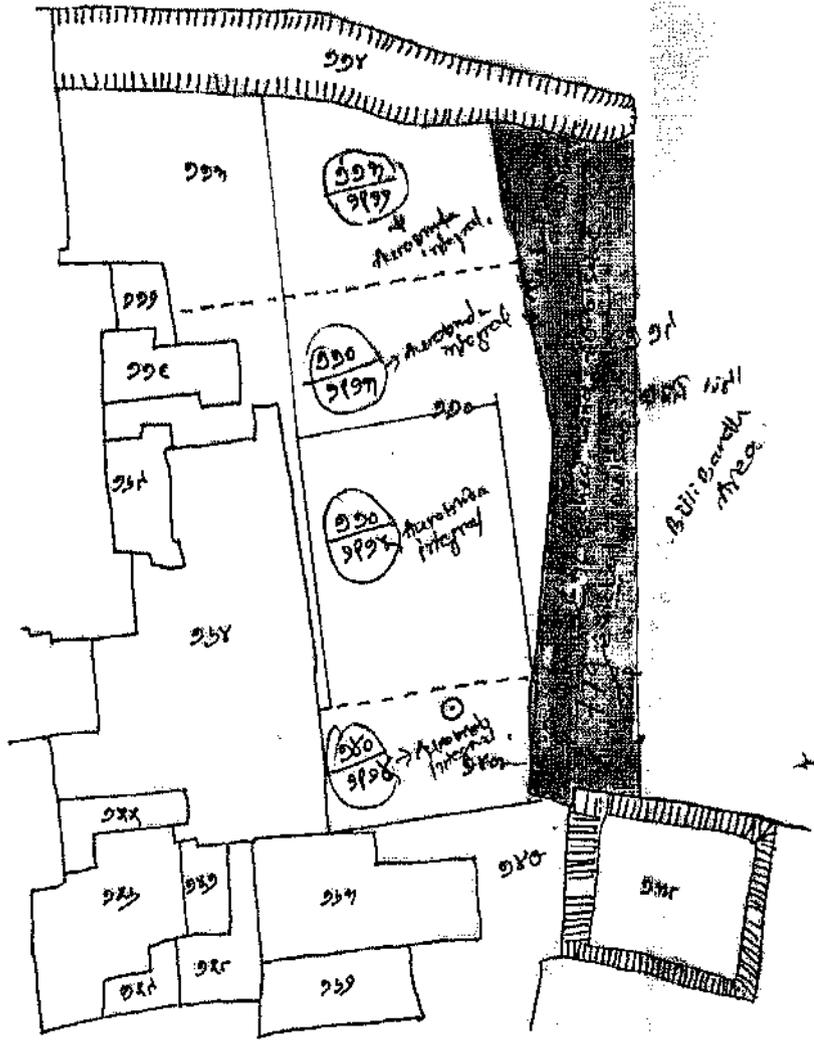
Encl: Copy of Sketch Map, RORs  
& other related documents

Yours faithfully,

*22/04/23*  
Sub-Collector,  
Sadar, Sundargarh  
Sub-Collector,  
Sadar, Sundargarh

*True copy attached*  
Sub-Collector,  
Sadar, Sundargarh

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 ୧୨୩୦୫୧୭୩  
 ୧୨୩୦୫୧୭୩  
 ୧୨୩୦୫୧୭୩  
 ୧୨୩୦୫୧୭୩



ମାପା	ପୂର୍ବ	ଅକ୍ଷ	ପୂର୍ବ
୪୨୦/୨୪୦	୨୨୭/୨୨୭	୨୨୭/୨୨୭	୨୨୭/୨୨୭
	୨୨୮/୨୨୮	୨୨୮/୨୨୮	୨୨୮/୨୨୮
	୨୨୯/୨୨୯	୨୨୯/୨୨୯	୨୨୯/୨୨୯
	୨୩୦/୨୩୦	୨୩୦/୨୩୦	୨୩୦/୨୩୦

REVENUE INSPECTOR  
 SADAR, SUNDARGARH  
 ୧୨/୧୨/୨୦୧୨  
 TDR Sundargarh

୧୨/୧୨/୨୦୧୨  
 R.S. Sarda  
 Tahsil

True copy attached  
 Sub-Collector  
 Sadar, Sundargarh