

URGENT

By Speed Post



Government of Odisha
Department of Water Resources

No. 9719 /WR.,
Irr.-II-SAL-03/2021

Date:

26/3/2021

From

Ms. Archana Patnaik, **IAS**
Special Secretary to Government

To

The Consultant Judicial, National Green Tribunal,
Faridkot House, Copernicus Marg, New Delhi-110001
(Email- rg.ngt@nic.in / judicial-ngt@gov.in)

Sub: Compliance of order dated 02.02.2021 of Hon'ble NGT, Principal Bench, New Delhi passed in E.A. No.18/2020 in E.A. No.33/2019 in O.A. No. 572/2016 in the matter of Smt. Kalpana Mallik through Shri Dibakar Bhoi Power of Attorney Holder-Vrs-Chief Secretary, Govt. of Odisha & Ors.

Sir,

I am directed to enclose herewith compliance affidavit filed by Principal Secretary to Govt., Deptt. of Water Resources in E.A. No.18/2020 in E.A. No.33/2019 in O.A. No. 572/2016 in the matter of Smt. Kalpana Mallik through Shri Dibakar Bhoi Power of Attorney Holder-Vrs-Chief Secretary, Govt. of Odisha & Ors. for placing the same before the Hon'ble Tribunal.

Encl:- As above

Yours faithfully,


Special Secretary to Government



**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 18/2020

In

Execution Application No. 33/2019

In

O.A. No. 572/2016

Smt. Kalpana Mallik through Shri

Dibakar Bhoi Power of Attorney Holder

Applicant

Versus

Chief Secretary, Govt. of Odisha & Ors.

Respondent(s)

**COMPLIANCE AFFIDAVIT FILED BY THE PRINCIPAL SECRETARY
TO GOVT. OF ODISHA, DEPARTMENT OF WATER RESOURCES AS
PER ORDER DATED 02.02.2021 OF THE HON'BLE TRIBUNAL.**

I, Anu Garg, aged about 51 years, D/o- Vijai Kumar Agarwal, at present working as Principal Secretary to Government of Odisha, Department of Water Resources, Rajiv Bhawan, Bhubaneswar, Dist- Khurda, Odisha do hereby solemnly affirm and state as follows:-

1. That, I am the Respondent No.6 in the aforesaid Execution Applications. I have thoroughly and carefully gone through the contents of the Execution Applications and documents appended thereto and understood the same. I am well acquainted with the facts and competent to swear this affidavit for self before the Hon'ble Court and on behalf of the Respondent No.1 being duly authorized for the purpose.



Garg

Anu

2. That, this deponent respectfully submits that the Hon'ble Tribunal vide Order dtd.02.02.2021 has been pleased to direct/ observe as follows:-

“We find that the objection of the applicant needs to be dealt with as the report filed does not show compliance of the direction to demarcate flood zone of the river, in terms of the orders of this Tribunal passed earlier. Accordingly, we direct the Secretary, Water Resources, Odisha with the assistance of District Magistrate, Bhadrak or any other concerned authority, to ensure compliance and file his own affidavit in the matter. It is made clear that if there is still non-compliance, the tribunal may have to take coercive measures after requiring the personal presence of the Secretary”.

3. That, this deponent respectfully submits that after receipt of above order of the Hon'ble Tribunal, New Delhi, a virtual meeting was convened on 23.02.2021 under the chair of the Principal Secretary to Govt., Department of Water Resources, Odisha for discussion regarding the compliance of the order of the Hon'ble Tribunal dtd. 02.02.2021. After thorough discussion, the Collector & District Magistrate, Bhadrak was directed to ensure early compliance of order of the Hon'ble NGT Principal Bench, New Delhi in coordination with NHAI and other related line departments for disposal of the case.

4. That, the Collector & District Magistrate, Bhadrak has submitted necessary report as per direction of the Hon'ble NGT as well as instruction given in the virtual meeting dated 23.02.2021. Basing on the aforesaid report, a compliance report has been prepared as desired by the Hon'ble NGT and annexed herewith as Annexure- R/6.



5. That, this deponent has the highest regard to the orders of this Hon'ble Court and holds their lordship in highest esteem and is duty bound to comply with orders of the Hon'ble Court. In the present case, all expeditious steps have been taken by the deponent to complete the process and comply with the same.

6. That, the facts stated above are true to my knowledge and belief based on the available official records.

Identified

26/03/2021
B. R. MISHRA
ADVOCATE & NOTARY
BHUBANESWAR

Advocate, Bhubaneswar

[Signature]
DEPONENT

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26 MAR 2021

26/03/2021
NOTARISED



The deponent sworn and signed being witnessed by me
26/03/2021
BIDYUT RANJAN MISHRA
NOTARY BHUBANESWAR
ODISHA . INDIA

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 18/2020

In

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In

O.A. No. 572/2016

Smt. Kalpana Mallik through Shri

Dibakar Bhoi Power of Attorney Holder

Applicant

Versus

Chief Secretary, Govt. of Odisha & Ors.

Respondent(s)

**COMPLIANCE REPORT AS PER THE ORDER DATED 02.02.2021
OF THE HON'BLE NGT, PRINCIPAL BENCH, NEW DELHI**

That, pursuant to the order dtd. 02.02.2021 of the Hon'ble NGT, New Delhi, a virtual meeting was convened on 23.02.2021 and the Collector and District Magistrate, Bhadrak was instructed to ensure early compliance of the order of the Hon'ble NGT, Principal Bench, New Delhi in coordination with NHAI and other related line departments for disposal of the case.

Accordingly, the Collector and District Magistrate, Bhadrak has submitted necessary information. Basing on the above information, the report has been prepared as follows:

- i. Necessary slope packing from an existing retaining wall located on left side of the drain up to the compound wall has been completed by the Drainage Organization.
- ii. Protection measures from drain side compound wall upto existing ground level inside the Court building premises has also been completed by the Works Department.

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iii. As regards to the debris accumulated inside the drain due to construction of National Highway Bridge, one vent has been cleared by NHAI for free flow of water in the drain. The slab casting of the bridge is under progress as inspected by the Executive Engineer, Drainage Division, Bhadrak and the remaining vents will be cleared up by 30th April, 2021. The NHAI authorities have given commitment and district administration will ensure the same.

This is for favour of kind information.



Principal Secretary to Govt.

**Principal Secretary to Govt.
Deptt. of Water Resources**