

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

Original Application No. 48 of 2021/EZ

M.A. No. 25 of 2024/EZ

Nabin Kisan Applicant

Versus

State of Odisha & others ... Respondents

I N D E X

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Kolkata

Dt.22.08.2024

Advocate for Respondent No.2.


MADAN MOHAN DAS

- (b) After removal of the said drainage, adequate diversion shall be made by the Belpahar Municipality either on its own or by taking assistance of other State Agencies/ Authorities or District Administration for creating a diversion of the waste water as well as storm water drain to ensure that such waters do not flow over any private land.
- (c) The Executive Officer, Belpahar Municipality, shall deposit a personal cost of Rs.25,000/- (Rupees twenty five thousand only) with the Registrar, National Green Tribunal, within 10 days.
- (d) A further compensation of Rs.2,00,000/- (Rupees two lakhs only) shall be paid by the Belpahar Municipality to the Applicant for degradation and damage caused to his agricultural land.
- (e) The Odisha State Pollution Control Board shall determine Environmental Compensation with regard to degradation of environment on account of discharge of untreated sewerage and sullage in Govt./Private land without following the guidelines of Solid Waste Management Rules, 2016. The Environmental Compensation assessed accordingly shall be paid by the Belpahar Municipality and deposited with the Odisha State Pollution Control Board. The Odisha State Pollution Control Board will utilize the amount for

Surendra Prasad Dhal

Advocate

NOTARY, CUTTACK

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restoration of damage caused on account of such untreated discharge.

- (f) The executive Officer, Belpahar Municipality as well as District Magistrate & Collector, Jharsuguda, are also directed to expedite and complete the construction process of the STP in question within a period of three months.
- (g) The Principal Secretary, Housing and Urban Development Department, Govt. of Odisha and the Odisha Water Sewerage Board, Govt. of Odisha, are also directed to ensure construction of waste water treatment system (STP) in the Belpahar Municipality within a period of three months. Failure to complete the STP and make it functional will entail cost of Rs.25,000/- (Rupees twenty five thousand only) per day till completion to be deposited by the Housing and Urban Development Department, Govt. of Odisha, with the Odisha State Pollution Board.

3. That the Respondent no.2 upon going through the order of this Hon'ble Tribunal complied the said directions:

- (i) On receipt of the order of the Hon'ble Tribunal dated 29.09.2021 the Respondent No.2 moved the Govt. of Orissa for provision of necessary funds.
- (ii) Subsequently as per direction of the Hon'ble Tribunal dt.20.5.2022 a demand draft of Rs.25,000/- vide D.D.

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Sarendra Prasad Dhal
Advocate
NOTARY, CUTTACK

No.800234 dt.4.6.2022 of State Bank of India was deposited before the Hon'ble Tribunal.

- (iii) Compensation of amount Rs.2,00,000/- (Rupees two lakhs) only has been paid to the applicant Nabin Kisan vide Cheque No.002184 dt.9.9.2022.
- (iv) An amount of Rs.28,00,000/- (Rupees twenty eight lakh) has been deposited in A/c No.50100257777539 of the Member Secretary, State Pollution Control Board, Orissa on 4.11.2022 for environmental compensation.
- (v) The drainage in question has already been remand from the plot of the applicant and diversion of the drain is in progress and the Municipal Council has made a temporary suitable arrangement for storage of untreated sewerage and sullage water by constructing a storage and the Municipal Council has been lifting the said sewerage and sullage water from the storage through cesspool machine.

The Municipal Council has taken sufficient care and attention to ensure such water do not flow over the private land.

- (vi) The Municipal Council in consultation with Govt. of Orissa in Housing and Urban Department will construct adequate treatment Plant (STP) in Ward No.6 of Belpahar Municipal Council for which necessary correspondence has been made to the Principal Secretary, Housing and Urban Department, Govt. of Odisha vide letter No.1543 dt.13.5.2022 with copy to Director, Municipal Administration and Ex-Officio, Addl. Secretary to Govt. of Orissa in H & U.D. Department and to the Engineer in Chief OWSSB, Orissa, Bhubaneswar for approval.

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Sorenendra Prasad Dhai
Advocate
NOTARY, CUTTACK

After getting approval from the competent authority this Municipal Council will expedite the construction of STP Plant as per direction of this Hon'ble Tribunal.

4. That the deponent being a law abiding Govt. servant having greatest regard to the orders of this Hon'ble Tribunal has complied the orders of this Hon'ble Tribunal which is within her perview. The council has published a notice invite expression of interest for construction of sewerage treatment plant on 17.8.2024.

The copy of the letter No.1543 dt. ^{Letter No-2089 dt. 20.06.2022,} 13.05.2022, minutes of the review meeting dt.16.8.2024, copy of the notice No.2942 dt.17.8.2024, copy of photographs taken during field inspection of the committee and construction of temporary diverted sewerage and storage of sewerage and sullage water are annexed herewith as **Annexures-A/2, B/2, C/2, D/2 and E/2 series** for kind reference.

5. That the directions of this Hon'ble Tribunal have been duly complied hence further continuation of the case is not warranted and needs to be dropped.

That the facts stated above are true to the best of my knowledge.

Identified by
M. M. Das
Advocate

The above named Deponent
Solemnly affirm on 22.8.2024
Being Identified
by M. M. Das

Executive Officer
Belpahar Municipality

Deponent

Sarenara Prasad Dhal
Advocate
NOTARY, CUTTACK



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ANNEXURE- A/2E-mail: nacbelpahar@gmail.com.

**OFFICE OF THE
MUNICIPAL COUNCIL
BELPAHAR**

No. 1543 /dt. 13-05-2022

To

The Principal Secretary to Govt.,
Housing & Urban Development Deptt.,
Odisha, Bhubaneswar.

Sub:- **Construction of STP within Belpahar Municipality.**

Ref:- Letter No.317 dt.31.01.2022 of Engineer-in-Chief, OWSSB, Bhubaneswar.

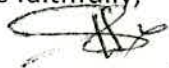
Sir,

In inviting kind reference to the letter on the subject cited above I am to say that this ULB desires to construct an adequate treatment plant (STP) for a part of the town (W.No.06) for treatment of Waste & Sullage Water as per direction of Hon'ble NGT, Eastern Zone Bench, Kolkata passed on dt.29.09.2021 filed by Nabin Kisan-Vrs-State of Odisha and others vide O.A.No.48/21 (Copy enclosed). In this context this office was communicated to Engineer-in-Chief, OWSSB, Bhubaneswar for providing plan, estimate and necessary technical support vide this office letter No. 110 dt. 13.01.2022 for construction of the same. In reply, he has informed by this office (Copy of the letter enclosed) that the ULB authority will send the proposal to H&UD Deptt. Odisha for approval and issue of necessary direction to OWSSB to proceed with proposal for construction of STP including provision of necessary funds.

Hence, it is earnestly requested to accord necessary approval and necessary direction may please be issued to OWSSB, Odisha to proceed with the proposal for construction of STP as mentioned above.


This is for favour of kind information and necessary action.

Yours faithfully,


Executive Officer,
Belpahar Municipality.

Memo No. 1544 /dt. 13-05-2022

Copy submitted to the Director Municipal Administration & Ex-officio Additional Secretary to Govt., H&UD Deptt. Odisha, Bhubaneswar for favour of kind information and necessary action.


Executive Officer,
Belpahar Municipality.

Memo No. 1545 /dt. 13-05-2022

Copy submitted to the Engineer-in-Chief, OWSSB, Odisha, Bhubaneswar for favour of kind information and necessary action.

OF NO.

T. C. A.


- 7 -

Memo No. 1546 /dt. 13-05-2022.

Copy submitted to the Collector & District Magistrate, Jharsuguda for favour of kind information and necessary action.


Executive Officer
Belpahar Municipality

Memo No. 1547 /dt. 13-05-2022.

Copy submitted to the Project director DRDA-Cum-Project Director DUDA Jharsuguda for favour of kind information and necessary action.


Executive Officer
Belpahar Municipality

T. C. A


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**OFFICE OF THE
MUNICIPAL COUNCIL
BELPAHAR.**

ANNEXURE - 13/220

No 2089 /dt. 20-06-22

To
The Project Director, R & R,
Collectorate, Jharsuguda.

Sub:- Submission of compliance report to the order dated 20/05/2022 passed by the Hon'ble n NGT, EZ, Kolkata in the O.A. No.48/2021/EZ filed by Nabin Kisan S/o-Bira Kisan, Gumadera, Belpahar.

Ref:- Your Letter No5747/G&M, dt02/06/2022 of Project Director, R&R, Collectorate, Jharsuguda and this office letter No.1683, Dtd.04/06/2022.

Respected Sir/Madam

With reference to the aforesaid letters and the subject matter cited above, I have the honour to furnish herewith the necessary compliance to the order dtd.20/05/2022 passed by Hon'ble NGT, EZ, Kolkata in the OA NO.48/2021/EZ filed by Nabin Kisan S/o-Bira Kisan, Gumadera, Belpahara as under:-

1. That , this office has already complied the direction of Hon'ble NGT EZ, Kolkata in the O.A. No.48/2021/EZ as per the direction as mentioned in point no.16(a) and 16(c) in the previous letter of this office vide no.1683, dtd.04/06/2022.
2. That, the drainage in question has already been removed but adequate diversion of said drain is still in progress, This council has made a temporary suitable arrangement for storage of untreated sewage and sullage water by construction a storage thereon. This municipal council has been lifting the said sewage and sullage water from the said storage through cesspool machine. This municipal council has taken sufficient care and attention to insure that such water do not flow over the private land.

T. C. A
M. B. N.

Further it is also essential to inform you that this municipal council has taken serious action for construction of adequate treatment plant (STP) in ward no.6 for the treatment of water and sullage water as per the direction of Hon'ble Tribunal. In order to materialise such proposed project, this council has placed a proposal before Govt., for which this municipal council has made correspondences to Principal Secretary, Housing and Urban Department, Govt. Of Odisha, Bhubaneswar vide letter no.1543, dtd.13/05/2022 with a copy to Director, Municipal Administration and Ex-Officio, Additional Secretary to Govt. H & U Dept., Odisha, Bhubaneswar and also Engineer in chief, OWSSB, Odisha, Bhubaneswar.

3. That, so far as further compensation of Rs.2,00,000/- (Rupees Two Lakh), which is to be paid by this council to the applicant towards degradation and damage caused to the agricultural land of applicant, this office would like to say that as per the provision of Municipality Act, it require to be placed before the council meeting for its approval. The matter will be placed before next council meeting for its approval and thereafter it will be paid to the applicant.
4. That, so far as order of NZT, EZ, Kolkata, dated 20/05/2022 as mentioned in para no.16 (e), this office would like to inform you that Odisha Stat Pollution Control Board has not determined environmental compensation with regards to degradation of environment on account of discharge of untreated sewage and sollage water till now. Soon after its assessment this office will comply the same.
5. That, in compliance to para no.16 (f) and (g), this office would like to inform you that this office has already placed a proposal before the govt.for construction of adequate treatment plant (STP) in ward no.6 of Belpahar Municipal Council, for which this municipal council has made correspondences to Principal Secretary, Housing and Urban Department, Govt. Of Odisha, Bhubaneswar vide letter no.1543, dtd.13/05/2022 with a copy to Director, Municipal Administration and Ex-Officio, Additional Secretary to Govt. H & U Dept., Odisha, Bhubaneswar and also Engineer in chief, OWSSB, Odisha, Bhubaneswar for its approval. After getting approval from the competent authority, this office will expedite the construction of STP plant as per the direction of Hon'ble Tribunal.

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

Yours faithfully,


20/6/22

Executive Officer,
Belpahar Municipality

T. C. A.



MINUTES OF THE REVIEW MEETING ON NON COMPLIANCE OF HON'BLE NATIONAL GREEN TRIBUNAL ORDERS AT THE COLLECTOR, JHARSUGUDA'S CHAMBER UNDER THE CHAIRMANSHIP OF COLLECTOR, JHARSUGUDA ON 16.08.2024 AT 5PM.


A review meeting on the non compliance of orders of Hon'ble National Green Tribunal was held under the chairmanship of Collector, Jharsuguda on 16.08.2024 at 5PM at the Collector's chamber.

1. Mr Nabin Kisan a resident of Malipada, Gumadera under Belpahar ULB jurisdiction has again filed a case at the Hon'ble NGT against the Belpahar ULB claiming that the ULB is not complying the orders of Hon'ble NGT which was passed on 20.05.2022 having OA No.48/2021/EZ. Belpahar Municipality had already made the following compliance in 2022.

- RCC drain constructed over the land of Mr Kisan.
- Magic soak pit for management of drain water is constructed.
- An amount of Rs.25000.00 vide Demand Draft no 800234 on 04.06.2022 has been paid to the Registrar, National Green Tribunal.
- Compensation of amount Rs.200000.00 is paid to Mr Kisan by cheque bearing No.002184 on 09.09.2022
- An Amount of Rs.2800000.00 was deposited in account no 50100257777539 of the Member Secretary, State Pollution Control Board, Bhubaneswar on dt.04.11.2022 for environmental compensation.

2. As again the Applicant has filed the same case at hon'ble NGT claiming Rs.1000000.00 as compensation, the collector directed the Executive officer, Belpahar to construct Sewage Treatment Plant (STP) through proper technical process as soon as possible to avoid such cases in future.


Project Director
DUDA, Jharsuguda

T. C. A.




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OFFICE OF THE MUNICIPAL COUNCIL, BELPAHAR

ANNEXURE D/2

No. 2942 / dt. 17.08.24

☎-06645-356292

FAX-06645-250236

Email- municipalitybelpahar@gmail.com

NOTICE INVITING EXPRESSION OF INTEREST

Expression of Interest (EOI) are invited in two bid system from eligible reputed Consultants / Architects/ Firms/ Technical institutions/ Specialized experts for preparation of plan, design, detailed estimate, rate analysis, supervision of work, field survey, suitable feasibility test, Soil bearing capacity test, study of required data as per OPWD and related guidelines governing stipulations for preparation of a **DETAILED PROJECT REPORT (DPR)**, including plan, site map, detailed drawing, structural design, estimate, SBC test in respect of following projects to be executed in Belpahar Municipality, Belpahar Dist. Jharsuguda-768218, Odisha on percentage rate basis.


Sl. No.	Title of Project	Security Deposit	Time for Submission of DPR	Tender Documents Cost
01	Construction of Sewage Treatment Plant (Gray Water) within Belpahar Municipality Area.	Rs. 6,000/-	45 Days	Rs. 2,000/-

The Bid documents to be downloaded from the official Website of Jharsuguda District www.jharsuguda.nic.in from dt. **20.08.2024** to **30.08.2024**. Last date and time of receipt of bid is **5.00 PM, 30.08.2024** through Speed Post/ Registered Post only. Belpahar Municipality will in no way be responsible for any postal delay in receipt of the Bid documents.


17-8-24
Executive Officer,
Belpahar Municipality.

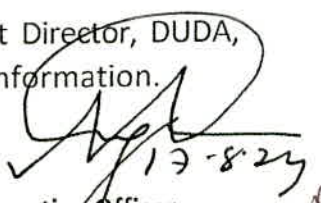
Memo No. 2943 / dt. 17-08-24

Copy submitted to the Director Municipal Administration, Housing & Urban Development Deptt., Odisha, Bhubaneswar for favour of kind information.


17-8-24
Executive Officer,
Belpahar Municipality.

Memo No. 2944 / dt. 17-08-24

Copy submitted to the District Magistrate & Collector, Jharsuguda/ Project Director, DUDA, Jharsuguda/ Project Director, R&R, Collectorate, Jharsuguda for favour of kind information.


17-8-24
Executive Officer,
Belpahar Municipality.

Memo No. 2945 / dt. 17.08.24

Copy forwarded to the General Manger, WATCO, PH Division, Jharsuguda/ Superintending Engineer, R&B, Division, Jharsuguda for information with a request to display the same in their respective notice board for wide publication.

Executive Officer,
Belpahar Municipality.

Memo No. 2946 / dt. 17.08.24

Copy submitted the District Information Officer, NIC, Jharsuguda with a request to publish this EOI notice on the portal of District website www.jharsuguda.nic.in.

Executive Officer,
Belpahar Municipality.

T. C. A

PHOTOGRAPHS TAKEN DURING THE FIELD INSPECTION OF THE COMMITTEE.



T.C.A
[Signature]



Handwritten signature or initials.

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2018



Latitude: 21.810322
 Longitude: 83.856123
 Elevation: 181.59±120 m
 Accuracy: 10.3 m
 Time: 01-15-2022 08:43
 Note: 4:40pm

Powered by NoteCam



Latitude: 21.809663
 Longitude: 83.858443
 Elevation: 190.78±111 m
 Accuracy: 10.8 m
 Time: 01-15-2022 08:14
 Note: 4:40pm

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T-C-A
 [Handwritten signature]

-17-



T.C.A
[Signature]



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