

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BRANCH, KOLKATA**

O.A. No. 65/2023/EZ

In the matter of:

Sachin Mohapatra .....Applicant

-Versus-

Bhubaneswar Development Authority & Others  
....Respondents

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Cuttack By the Respondent/ Opp. Party No.1

Date: 25/7/22

*A. Dash*  
Advocate



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BRANCH, KOLKATA  
O.A. No. 65/2023/EZ**

In the matter of:

Sachin Mohapatra .....Applicants

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Bhubaneswar Development Authority  
and Others .....Respondents



**AFFIDAVIT FILED BY OPP. PARTY NO. 1**

I Sri Kabindra Kumar Sahoo, aged about 56 years,  
Son of Late Narayan Sahoo, at present functioning as  
Secretary, Bhubaneswar Development Authority, Akash  
Sova Building, Sachivalaya Marg, Bhubaneswar, Dist.-  
Khurda, do hereby solemnly affirm and state as follows: -

1. That, the petitioner filed this letter Petition alleging illegal construction activities carried out by M/s WATCO in and around "Hanuman Pahada" over "Maa Shikharchandi" temple. According to petitioner, the proposed construction undertaken by WATCO is in violation of Forest Conservation Act, 1980, Environment Protection Act, 1986, Biological Diversity Act, 2002. The petitioner further alleged that the hill

*Kabindra Kumar Sahoo*

Secretary  
Bhubaneswar Development Authority  
Bhubaneswar



*A. Dash*  
*Adv*

*29/07/2023*  
**B.K. NAYAK**  
NOTARY  
CUTTACK TOWN

situated over impugned Khata and Plot comprises of area Ac 212.500 dec. in "Kisam Mountain" and comes under the jurisdiction of "Chandaka Wild Life Division". The petitioner alleges destruction of biodiversity because of falling of trees in the course of undertaken construction by WATCO and other allegation more-fully stated in their petition.

2. That the Hon'ble Tribunal was pleased to admit this petition and on order dtd. 12.06.2023, constituted a Four Members Joint Committee to visit the site and interact with stakeholder including WATCO and to ascertain the factual position particularly, with regard to the illegal falling of trees, loss of biodiversity and other damages to environment, including cutting of hill and submit a factual action taken report to this Tribunal in 3 weeks.

3. That the Committee constituted, visited the site and submitted the report before the Hon'ble Tribunal. At the outset, it is humbly submitted that the petition does not refer to any allegation against BDA. However, BDA feels it as bounden duty to bring such fact(s) concerning proposed development to be taken up for development of the "Maa Shikharchandi" Hill and adjoining areas situated in Bhubaneswar Municipal Corporation area with aid, advice and assistance of Government.

*Kabindra Kumar Sahoo*

Secretary  
Bhubaneswar Development Authority  
Bhubaneswar

*A. Dash  
ADV*

*B.K. NAYAK*  
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4. That at the outset, it is submitted that the Kisam of the land under "Shikharchnadi Hill" before 1980, is a Pahada/Parbata. The proposed plot is situated in two different villages, that Patharagadia under Chandaka RI circle, Patia village under Kalarahanga RI circle under Bhubaneswar Tahasil. The proposed plot is not included in DLC. Though it is nearer to the "Chandaka Wild Life Sanctuary", but it is outside of the Eco Sensitive Zone of the Wild life Sanctuary. The Hon'ble High Court while disposing of a W.P.(C) No. 202 of 1995 also waived the restriction of the construction within 1 km as is not applicable to "Chandaka Wild Life Sanctuary". The field position reveals that vegetations present at the base of the hills are shrubby.

5. That it being a place of movement of Pilgrimage, regular congregation takes place and many festive occasions are held there. As desired by the Government, BDA proposed an estimate amounting to Rs. 30 Crores approx. for redevelopment of the Temple and its peripheral region. For the purpose, it has to take few allied renovation works without affecting the main structure to secure an area of open parking over IDCO and the area available at the bottom of the hill, etc. The proposed project also ensures redensification of indigenous plant species and for the purpose; BDA shall take assistance of

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Odisha Forest Development Corporation and the expertise available with them.

It is humbly submitted that there are certain encroachments upon the hilltop and adjoining areas. BDA also proposed to make area encroachments free. BDA also restricts not to allow undertaking picnic and feasting at the hilltop. For the purpose, a special area would be carved out of IDCO area at the bottom of the hill so that the vegetation cannot be damage/affected in any manner. The deponent prepared a proposed development plan to be taken up in and around the hill top and for which it has already undertaken preliminary work and estimate.

The copy of order of Government authorizing BDA to execute the work is filed as ANNEXURE-A.

6. That the Deponent in brief, submits the following proposals and plans for development of the "Shikharchandi Hill" which will tentatively cove the following.

- I. Removal of unauthorized encroachments upon the hill area which are a threat to the natural surroundings of the hill and construction of boundary wall around the area to discourage further encroachment in future.
- II. Development of parking space down the hill area over the IDCO land where there is no tree

A. Dash  
Adv

  
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Bhubaneswar

growth so as to discourage plying of vehicles to the hill top which may cause loss to the localized eco-system.

- III. Increase the forest cover / density of the hill by way of planting indigenous plant species for its natural growth. BDA shall take assistance and support of the Odisha Forest Development Corporation and its experts in growing such species to increase the forest covers of the existing hill area.
- IV. Repair / renovation/ beautification of the temple without any additional constructions in the hill top.
- V. Recreation of the picnic spot / pindi down hill by dismantling it from the hilltop which will increase the aesthetics of the temple and also preserve the hill top from denaturalization and overcrowding. The picnic spot will be created with proper solid waste management methods to take care of the sanitation of the area.
- VI. All the plans / proposals of BDA aim completely to preserve the natural surrounding and augmenting green cover. BDA, being a responsible organisation is always duty bound to preserve the nature of its catered area.

A. Dash  
ADV

  
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Secretary  
Bhubaneswar Development Authority  
Bhubaneswar

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7. That the fact stated above would reveal that the apprehension of the petitioner and others are based on surmises only. The Government with the help of BDA and other agencies required to protect the biodiversity in the hill and to redensify the hill and proposed to clear encroachment which would be in the greater interest of Environment and the Public at large.

8. That the facts stated above are based on information(s) and record(s) / available in BDA and to the personal knowledge of the deponent which he believes to be true and correct.

Identified by  
A. Dash  
Advocate

Bhubaneswar

Date: 27/7/23

Kabindra Kumar Sahoo

Deponent  
Secretary

Bhubaneswar Development Authority  
Bhubaneswar

9.

The deponent being identified by  
A. Dash Adv./Clerk  
swears on oath & solemnly affirms  
before me on dt: 27/7/2023  
that the facts stated above are true  
to his/her knowledge.

Manan  
Notary for Cuttack Town  
Govt. of Odisha

27/7/2023

GOVERNMENT OF ODISHA  
WORKS DEPARTMENT

354  
1.3.23

No. 3114 /W., Dated 23.2.23  
07 30 20 0001 2023

From  
Shri Sibashis Dhal, OFS (SSG),  
FA-cum-Special Secretary to Government

To  
The Chief Engineer, DPI & Roads, Odisha,  
Nirman Soudha, Bhubaneswar.

Sub: Placement of funds towards "**Redevelopment of the Shikhar Chandi Temple and its peripheral region at Patia, Bhubaneswar**".

Sir,

In enclosing herewith, the copy of the letter No. 4369 dtd.06.02.2023 of Vice Chairman, BDA, Bhubaneswar alongwith its enclosure, I am directed to convey the approval of Government to place funds amounting to **Rs 30.00 Crore (Rupees Thirty Crore) only** with the Vice Chairman, Bhubaneswar Development Authority out of the funds placed at your disposal under Demand No. 07-5054-COL on R&B - Programme Expenditure-SSS-SS-04-DOR-337-RW-3428-IDH&M & TD-37114-PW (Voted) for 2022-23 towards "**Redevelopment of the Shikhar Chandi Temple and its peripheral region at Patia, Bhubaneswar**" through working (R&B) Division concerned.

*Signed*  
23/02/2023  
FA-cum-Special Secretary to Government

Memo No. 3115 /W., Dated 23.2.23

Copy forwarded to the Vice-Chairman, Bhubaneswar Development Authority for information and necessary action with reference his Letter No. 4369 dtd.06.02.2023.

*Signed*  
23/02/2023  
FA -cum- Special Secretary to Government

Memo No. 3116 /W., Dated 23.2.23

Copy forwarded to Chief Construction Engineer, Central (R&B) Circle, Bhubaneswar for information and necessary action.

*Signed*  
23/02/2023  
FA -cum- Special Secretary to Government

True copy attested  
A. Dhal  
in duplicate

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4/3/23

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9/03  
Sd/- M. Manoj Kumar  
23/02/2023

M. Manoj Kumar

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