

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH; KOLKATA
ORIGINAL APPLICATION NO. 51 OF 2023



Chinmaya Das

....

APPLICANT

V E R S U S

STATE OF ODISHA

& OTHERS

....

RESPONDENTS

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO.8.

I, Shri Saroj Kumar Swain, aged about 47 years, Son of Late Keshab Chandra Swain, at present working as Executive Officer, Puri Municipality, At/P.O./Dist. Puri, do hereby solemnly affirm and state as follows:-

1. That I am the responded No.08 in the aforesaid original application thus, competent to swear this affidavit.
2. That, I have gone through the contents of the original application and have understood the same. I am also otherwise acquainted with the facts of the case.
3. That, in the original application, the applicant has made the following prayer ;
 - (a) Direction may be given to State authorities for Restriction may be imposed on burning of waste and steps may be taken for proper disposal or recycle of plastic and polythene wastes.
 - (b) Direction may be given to State authorities to limit dumping of waste and divert excess of waste that is being dumped in the said area to some other place.
 - (c) Direction may be given to State authorities to take

Saraj Kumar Swain
Executive Officer,
Puri Municipality, Puri.

D. Mohant
Notary

By

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

appropriate steps so that pungent smell which is created from the said area is not created.

(d) Direct State authorities to regularly clean the said area.

4. That, the applicant has made the aforesaid prayer on the basis of all misconceived facts and law, which are traversed in view of the averments made herein below, while in course of replying to the averments made in the original application, in view of which the O.A is liable to be dismissed, being not sustainable in the eye of law.

5. That, the averments made in para-1 of the original application, needs no reply.

6. That, the averments made in para-2 of the original application, needs no reply.

7. That, in reply to the averments made in para-3 of the original application, it is humbly submitted that, Puri Municipality is not dumping waste at Baliapanda dumping yard it was previously used as dumping site from the year 1984 to till 2019. But after SOP issued by H&UD department vide letter no.13408/dt.30.07.2019, Puri Municipality has adopted decentralized waste processing method and constructed MCC (Micro Composting Centre) and MRF (Material Recovery Facility) for processing of waste.

8. That, the averments made in para-4, 5 & 6 of the original application, needs no reply.

9. That, in reply to the averments made in para-7 of the original application, it is humbly submitted that, Baliapanda Dumping site is not used as Material Recovery Facility. Besides, Puri Municipality has constructed 2 nos. of MCC (Micro Composting Centre) of 5 TPD capacity each for processing of wet waste and 1 no. of MRF (Material Recovery Facility) of 10 TPD capacity for processing of dry waste at same location under decentralized solid waste management SOP issued by H & UD department.

Sarvoja Kumar Shreein
Executive Officer,
Puri Municipality, Puri.

10. That, in reply to the averments made in para-8 of the original application, it is humbly submitted that, as stated in the RTI report the appellant has only asked about MCC constructed under Puri Municipality which is 09 nos. Besides, Puri Municipality has constructed 06 nos of MRF (Material Recovery Facility) for processing of dry waste worth capacity of 60 TPD at different locations.

11. That, in reply to the averments made in para-9 of the original application, it is humbly submitted that, Puri Municipality is not dumping waste at Baliapanda dumping ground instead of that Puri Municipality has constructed 09 nos. of MCC and 06 nos. MRF for processing of solid waste. Beside this Puri Municipality is generating compost namely "MO Khata" through processing of wet waste, selling recyclable dry waste through identified sellers and sending non-recyclable dry waste materials to cement factory to be used as fuel which detailed report is given below :-

<u>Wet Waste</u>	<u>Dry Waste</u>
Total Compost generated – 265.51 Ton	Total Dry Waste generated -822 Ton
Total Compost sold – 110.56 Ton	Total Dry Waste Sold – 370.11 Ton
Total Revenue generated – Rs.2192330	Total Revenue generated – Rs.2296873
Total Refuse derived fuel sent to cement Factory – 6.92 Ton	

12. That, in reply to the averments made in para-10 of the original application, it is humbly submitted that, no waste is burnt by Puri Municipality or its employees. The main reasons of fire at dump site is the biodegradable fraction, increasing the temperature of the heap to beyond 70-80 degree Celsius with the presence of methane like green houses gases. Besides the unauthorized habitation built near this legacy waste are also responsible for fire as for various reasons such as throwing burning cigarettes. Since municipality is converting waste to wealth, burning of waste is not at all a practice. However, whenever such fire incident occurs the Puri Municipality takes the help of fire station to extinguish it.

13. That, in reply to the averments made in para-11 of the original application, it is humbly submitted that, Puri Municipality has taken necessary measures for non catching of fire at dumpsite such as sprinkling of water but in summer days due to high temperature small fire incidents

Sarojini Kema Swain
Executive Officer,
Puri Municipality, Puri.

happens which is solved through fire department as soon as possible. Besides, H & UD department has floated RFP No.1/HUD (SAN) dt.19.11.2022 for bio-mining for above said legacy waste and also department has finalized agency for the above said purpose. Further the bio-mining work is going to be started very soon.

14. That, the averments made in para-12 & 13 of the O.A. has already been replied, while in course of replying to the averments made in paras 7 & 11 of the O.A. Besides, no such cases of air borne diseases has been reported in the Puri Municipality area.

15. That, in reply to the averments made in para-14 of the O.A., it is humbly submitted that, mosquito oil and larvicide spraying is done around all areas of Puri Municipality in regular intervals. Besides the habitation built around Baliapanda dumping area is un-authorized.

16. That, since the averments made in para-15 of the O.A., has already been replied in the foregoing paragraphs, the same needs no further reply, however, it is further humbly submitted that, the assessment of waste for bio-mining is already done and the same is also checked by drone survey on 13.06.2023 by the agency named as Rohini Fire Safety Pvt. Ltd.

17. That, the averments made in para-16 of the original application needs no reply.

18. That, the averments made in para-17 and 18 of the O.A. has already been replied, while in course of replying to the averments made in paras 10, 12 & 13 of the O.A., thus needs no further reply.

19. That, the averments made in para-19 of the original application needs no reply.

20. That, in reply to the averments made in para-20 of the original application, it is humbly submitted that, H & UD department has floated RFP No.1/HUD (SAN) dt.19.11.2022 for bio-mining for above said legacy waste and also department has finalized agency for the above said purpose. Further the bio-mining work is to be started very soon.

21. That, apart from the aforesaid submission, the deponent, being a public authority, discharges its duty and responsibility in an efficient manner, also keeping in mind the protection of the environment in course of execution of various projects and schemes and here in the instant case also, the deponent would like to further submit the following actions taken as well

as achievements made by Puri Municipality, for kind appreciation of the Hon'ble Tribunal, which are as follows :

(a) Puri Municipality has deployed **60 numbers** of compartmentalized waste collection vehicles to collect domestic waste with source segregation. Further under the Express Cleaning service waste from the commercial establishment's i.e. hotels and restaurants are being collected. All the wet waste so collected is being processed in **9 numbers of Micro Composting Centres (MCC)** and the dry recyclable waste are being recycled in **6 numbers of Material Recovery Facilities (MRFs)**. The organic waste termed as **"Mo Khata"** is being sold to different departments and farmers for use in different types of cultivation. Plantation etc.

(b) The refuse from the MCCs and MRFs which are non recyclable waste including those collected through road sweeping were sent to Cement Factory by Puri Municipality to Rajgangpur. Till date Puri Municipality has sent 6.92 Ton of Refuse derived fuel to Rajgangpur ULB for further transmission of RDF to cement factory to be used as fuel.

(C) Puri Municipality has taken visible steps to curb Single Use Plastic (SUP) in the town, which included mass citizen mobilization, engagement with vendors, awareness rallies and robust enforcement through Notification and fine against SUP use.

(d) In order to eliminate Single Use Plastic pollution in the Beach area and consequently in the ocean Puri Municipality has been active through introduction of innovative campaigns such as "Mo Beach", Tourist and Citizen awareness drive against SUP, Mass pledge to avoid SUP. To convert the awareness against use of SUP into action a Novel Programme named "Beach Connect" involving citizens, tourists, vendors etc. has been initiated on alternate Sundays. Now on every Saturday Beach cleaning activity is taken up by the Beach vendors association and Puri Municipality.

(e) "Badadanda Seva" a unique collaborative initiative by Puri Municipality with participation of citizen and vendors was introduced on the Grand Road to mobilize vendors, tourists and general public on non littering. SUP ban and use of double dustbins in all Commercial Establishments etc. Plastic exchange and promotion of Jute Bags, Kiosks were put up along the Grand

Road at several points to collect Plastic Waste and to educate the Mass on recycling of plastic waste.

* Saroja Kumar Swain
Executive Officer,
Puri Municipality, Puri.

(f) Puri has been awarded with the Plastic Waste Management Award, 2020 by Department of Drinking Water and Sanitation, Ministry of Jalashakti, Govt. of India for better management of Plastic Waste.

(g) Previously Puri Municipality has achieved rank of 125 in all India basis under Swachha Surveskhyan, 2021 but this year Puri has worked hard and enhanced his performance from 125 to 58 in Swachha Surveskhyan, 2022 organized by GOI. Besides this Puri also achieved an award in "Best Innovation and Practices" under 1 to 3 Lakh population in all over India.

22. That, the rest of the averments which have not been specifically admitted in this affidavit, may be deemed to have been denied.

23. That, in view of the averments made, considering the facts and circumstances of the case, the O.A. being devoid of any merit, is liable to be dismissed with cost.

24. That, the deponent craves leave of this Hon'ble Tribunal, to file any such further affidavit, if so required, in the course of hearing, for proper adjudication of the matter.

25. That, the facts stated above are true to the best of my knowledge, belief & materials on record.

Identified by
Ratikanta Barik
Advocate & Clerk.
At 4-7-2023

Saroja Kumar Swain
DEPONENT
Executive Officer,
Puri Municipality, Puri



VERIFICATION

I, Shri Saroja Kumar Swain, aged about _____ years, Son of Late Keshab Chandra Swain, at present working as Executive Officer, Puri Municipality, At/P.O./Dist.Puri, do hereby verify that the contents of the above affidavit are true to my knowledge, belief and materials on record, and nothing has been concealed there from.

[Handwritten signature]

Verified at Cuttack, on 04 day of July, 2023.

Being identified by
R.K. Barik
04/07/2023
At Cuttack Town
Wt 04/07/2023
P.K. Mohanty, Notary, Cuttack
Regd No-01-0411995

Saroja Kumar Swain
VERIFICANT
Executive Officer,
Puri Municipality, Puri.

CERTIFICATE

Due to non-availability of Cartridge Papers, Plain thick white papers have been used in this matter.

Cuttack.

Dt. 4 .07.2023


ADVOCATE
PRNOY MOHANTY
ENROLMENT NO.734/2016
MOBILE NO.8658525777

Dt. 04/07/2023

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