

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 66 / EZ OF 2023**

In the matter of:

Brundaban Das Azad

... APPLICANT

-VERSUS-

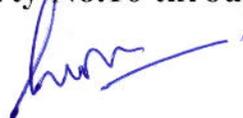
Union of India & Others

... OPP. PARTIES

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By the Opp. Party No.10 through



CUTTACK

DATE: 04.08.2023

ADVOCATE

(SAILAZA NANDAN DAS)

Mob:- 9861281545



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**COUNTER AFFIDAVIT FILED ON BEHALF OF
THE OPP. PARTY No.10 i.e. OWSSB**

I, Sri Prashanta Kumar Mohapatra, aged about 58 years, S/o- Late Narasingh Mohapatra, at present working as Engineer-in-Chief, Odisha Water Supply & Sewerage Board (OWSSB), At-Unnati Bhawan, Satya Nagar, Bhubaneswar, Dist.-Khurda, Odisha, do hereby solemnly affirm and state as follows:-

1. That, the OWSSB has been arrayed as the Opp. Party No.10 in the present case.
2. That, I have gone through the Original Application along with the Annexures appended thereto and understood the content thereof, I am well acquainted with the facts of the case and thus competent to swear this affidavit.

Prashanta Kumar Mohapatra
Prashanta Kumar Mohapatra

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

24/8/2023

3. That, the Applicant has preferred the present Original Application challenging the disposal of waste into Gangua Canal making the water body as dump yard. Further, the Applicant alleges that the waste dumped into the canal directly affects water of Daya River as well as Chilika Lake as all these water bodies are interlinked to each other.

4. That, on perusal of the prayer made in the Original Application, it can be found that there is no specific claim against the present Opp. Party No.10 i.e. Odisha Water Supply and Sewerage Board, Bhubaneswar.

5. That, all averments, contentions and/or statement contained in the Original Application which may not have been specifically denied or traversed, but are in essence, contrary to the substance of this Counter Affidavit, should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the Applicant (s) should be put to strict proof in respect thereof.

6. That, the Odisha Water Supply & Sewerage Board (OWSSB) was entrusted with the responsibility of


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Prasanta Kumar Mohapatra

Construction as well as Operation & Maintenance (O&M) of all Sewerage and Septage Systems (except Government Quarters & Institutions) whereas PHEO was entrusted with the responsibility to look after construction, operation and maintenance of all drinking water supply systems/water works as well as sewerage systems of Government Quarters and Institutions vide this Department Resolution No.27572/HUD., dated 25.11.2017. However, after full-fledged functioning of WATCO with effect from 01.06.2019 and for smooth distribution of responsibilities among all Government entities i.e. OWSSB, PHEO and WATCO and in partial modification to the Department Resolution No.27572/HUD., dated the 25.11.2017 read with subsequent Resolution No. 13643/HUD., dated 02.08.2019, the Government after careful consideration was pleased to decide that the Construction and Operation & Maintenance of all Sewerage and Septage projects/systems in the WATCO area i.e. Bhubaneswar, Jatni and Khurda ULBs shall be looked after by WATCO henceforth. In addition, the on-going Sewerage Projects/ Systems in Sewerage Districts I, II, III and IV along with the proposed septage

Prasanta Kumar Mohapatra


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

projects at Bhubaneswar were transferred to WATCO by OWSSB to continue further activities.

Copy of the Resolution dated 10.09.2019 passed by the Housing & Urban Development department is enclosed herewith and marked as Annexure-A/10.

7. That, it is respectfully submitted here that in pursuance to the aforesaid Resolution, Operation and Management of all septage and sewerage projects in Bhubaneswar have been transferred to WATCO with effect from 10.09.2019.

8. That in view of the aforesaid facts and circumstances, the Opp. Party No.10 i.e. Odisha Water Supply and Sewerage Board (OWSSB) is no more in charge of operation and maintenance of any sewerage & septage work under the territorial jurisdiction of Bhubaneswar Municipal Corporation and this Hon'ble Tribunal may summon authorities concerned to ascertain the work undertaken by them in the areas in question.

Prasanta Kumar Mahapatra

Surendra Prasad Dhal 
Advocate
NOTARY, CUTTACK

9. That, in view of the aforesaid facts and circumstances, the prayers made in the Original Application are devoid of merit and the same is liable to be rejected. Consequently, the Original Application being bereft of any merit is also liable to be dismissed in limine.

10. That, the Opp. Parties further crave leave of this Hon'ble Court to file further Affidavit / Counter, if the same is deemed necessary.

11. That, the facts stated above are based upon the official records which are true to the best of my knowledge and belief.

Identified by:


 Advocate
 (SAILAZA NANDAN DAS)


 Prasanter Kumar Mahapatra

DEPONENT
 Engineer-in Chief,
 OWS & SB, BBSR

CERTIFICATE

Certified that due to non-availability of cartridge papers, thick and durable white papers have been used.

CUTTACK

DATE: 04.08.2023

ADVOCATE
 (SAILAZA NANDAN DAS)

Mob:- 9861281545

The above named Deponent
 Solemnly affirm on.....
 Being Identified
 by.....

Prasanter Kumar Mahapatra
Sailaza Nandan Das

Jayendra Prasad Dhal
 Advocate
 NOTARY, CUTTACK

4.8.2023



- 6 -

Government of Orissa
Housing & Urban Development Department

No. 16614 AIUD..Bhubaneswar Dated 10.9.2019
HUD-WS-SCH-0064-2019

RESOLUTION

Sub:- Re-distribution of Work and responsibilities among Public Health Engineering Organization (PHEO), Orissa Water Supply & Sewerage Board (OWS & SB) and WATCO.

Orissa Water Supply & Sewerage Board (OWS & SB) was entrusted with the responsibility of Construction as well as Operation & Maintenance (O & M) of all Sewerage and Septage Systems (except Government Quarters & Institutions) whereas PHEO was entrusted with the responsibility to look after construction, operation and maintenance of all drinking water supply systems/water works as well as sewerage systems of Government Quarters and Institutions vide this Department Resolution No.27572/HUD. dated 25.11.2017. However, keeping in view the inadequate and inexperienced human resources in OWS & SB, constraints are being faced in respect of construction, operation and maintenance of the sewerage and septage systems in various Urban Local Bodies of the State. Hence, Operation and Maintenance of sewerage and septage projects in Puri have subsequently been transferred to PHEO vide this Department Resolution No. 13643/HUD dated 02.08.2019 in modification of the earlier Resolution.

However after full fledged functioning of WATCO with effect from 01.06.2019 and for smooth distribution of responsibilities among all Government entities i.e OWS & SB, PHEO and WATCO and in partial modification to this Department Resolution No.27572/HUD. dated 25.11.2017 read with subsequent Resolution No. 13643/HUD dated 02.08.2019, Government after careful consideration have been pleased to further decide the following:

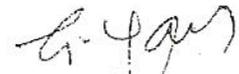
- i. Construction and O & M of all Sewerage and Septage projects systems in the WATCO area i.e Bhubaneswar, Jatni and Khurda ULBs shall be looked after by WATCO henceforth. In addition, the on-going Sewerage Projects/Systems in Sewerage Districts I, II, III and IV alongwith the proposed septage projects at Bhubaneswar shall be transferred to WATCO by OWSSB to continue further activities.
- ii. The construction, O&M of all Sewerage and Septage Projects/Systems in all other ULBs shall be looked after by PHEO on transfer of the same by OWSSB except that the on-going work of Sewerage Systems at Sambalpur & Roarkela towns are to be completed and commissioned by OWSSB and thereafter to be transferred the same to PHEO for O&M.
- iii. The construction of Sewerage Systems in District-VI, Bhubaneswar shall be continued under Chief Engineer, OISIP. The same after completion and commissioning shall be handed over to WATCO for O&M. However, the Sewerage System & Drainage System, Cuttack shall continue under Chief Engineer, OISIP, Cuttack and shall be transferred to PHEO and Cuttack Municipal Corporation respectively for O & M after completion and commissioning.
- iv. The OWS & SB shall have the core function of providing technical support on Sewerage and Septage systems, technical support in the Quality Assurance and Quality Control alongwith Regulatory functions of clear water and waste water management, capacity building in the above matters etc.

Contd.. P 2

2. Order:

- (i) The Resolution shall come into force from the date of issue.
- (ii) Ordered that the Resolution be published in the Odisha Gazette and copies thereof be forwarded to all Departments and all Heads of the Departments and the Principal Accountant General, Odisha, Bhubaneswar with 50 copies to this Department.

By order of the Governor



(G. Mathi Vathanani)
Principal Secretary to Government

93270
31811

Memo No. 16615 /HUD., dated 10.9.2019

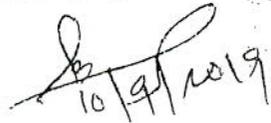
Copy forwarded to the Officer-in-Charge, Gazette Cell, Odisha Secretariat for information and necessary action. He is requested to publish the same in the extra ordinary issue of the Odisha Gazette and supply 50 copies of the same to this Department.



Under Secretary to Government

Memo No. 16616 /HUD., Date. 10.9.2019

Copy forwarded to the Engineer-in-Chief, PHEO, Odisha/ Member Secretary, Orissa Water Supply & Sewerage Board/ Chief Engineer, OISIP, Cuttack/ Municipal Commissioners of Bhubaneswar Municipal Corporation, Cuttack Municipal Corporation, Sambalpur Municipal Corporation and Rourkela Municipal Corporation/ M.D, WATCO, Bhubaneswar/ All Superintending Engineers, PH/ All Project Directors of OWS & SB/ P.D, OISIP, Cuttack/ All Executive Engineers, PH/ All PEs of OWS & SB/ All Directors/General Managers of WATCO for information and necessary action.



Under Secretary to Government

Memo No. 16617 /HUD., Date. 10.9.2019

Copy forwarded to all Departments/ all Heads of Departments/ all RDCs/ All Collectors/ All Urban Local Bodies (ULBs) for information.



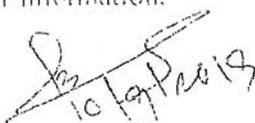
Under Secretary to Government

Memo No. 16618 /HUD., Date. 10.9.2019

Copy forwarded to all Officers/ all Sections of this Department for information.

Now copy attached

ADVOCATE
(SAILAZA NANDAN DAS)



Under Secretary to Government