

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA.**

M.A.No.23/2023/EZ

(Arising out of Original Application No.20 of 2021/EZ.

Disposed of on 28.09.2022)

Sri Swarup Kumar Rath & others. Applicants.

Versus

Union of India and Others. Respondents.

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Cuttack.

Dt. 30.12.2023.


 Addl. Govt. Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL
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(Arising out of Original Application No.20 of 2021/EZ.

Disposed of on 28.09.2022)



Sri Swarup Kumar Rath & others. Applicants.

Versus

Union of India and Others. Respondents.

**FURTHER AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NOS. 2,3,5,6 & 7.**

I, Sri Bijay Kumar Samal, aged about 58 years, S/o.Late Lokanath Samal, at present working as Chief Engineer, Drainage, Gandarpur, Cuttack, At/PO: Gandarpur, P.S.- Chauliaganj, Dist.-Cuttack, do hereby solemnly affirm and state as follows:-

1. That, I am working as Chief Engineer, Drainage, Gandarpur, Cuttack , hereinafter referred to as the answering respondent No.6 and as such I am competent and have been duly authorized by Respondents No.2,3 and 5 to swear this affidavit on their behalf.
2. That this affidavit is being filed pursuant to kind order dated 28.09.2022 passed by this Hon'ble Tribunal.

h

Samal
Bijay Kumar

Netaji Sabyasachi Ghose
NETAJI SBYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

30/12/22

3. That it is respectfully submitted that compliance affidavit filed on 16.03.2023 by Respondent No.6 may kindly be read as part and parcel of this affidavit.

4. That it is humbly submitted that advance possession of Government land measuring total Ac.285.263 dec. has been taken over by Executive Engineer, Drainage Division, Cuttack from concerned Revenue Officials as per the letter no. 40606/R&DM, Dt. 17.11.2023 of Government in Revenue and Disaster Management Department.

5. That it is humbly submitted that the financial bid for the 3rd reach i.e. "Rejuvenation of SukaPaika Drainage Channel under Cuttack Sadar Assembly Constituency of Cuttack District (RD 23280 M to RD 30850 M)" has been approved by the Procurement Committee held on 06.12.2023 under the chairmanship of the Engineer-in-Chief, Procurement. After getting the approval; Work Order for has been issued by the Executive Engineer, Drainage Division, Cuttack vide his letter no. 3955/WE, dated 20.12.2023 with scheduled date of commencement and completion as 22.12.2023 and 21.06.2025 respectively. Copy of this letter along with cover page of the agreement no. 24P1/2023-24 are annexed herewith as Annexure-R6/AA for kind perusal of this Hon'ble Tribunal.



Bijay Kumar Samal

NETAJI S. GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN
 30/12/23

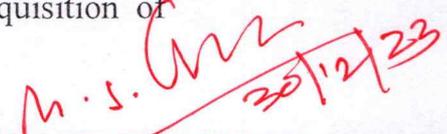
6. That it is humbly submitted that rejuvenation work of Sukapaika River/Drainage channel is going on in full swing on the available Govt. land in all the three reaches.

7. That it is humbly submitted that Work Order has already issued for execution of the work "Construction of one Cross Drainage work on distributary No.1 of Taladanda Canal System at RD 29635 m. of Sukapaika Drainage Channel" by Superintending Engineer, Mahanadi South Division-I, Cuttack vide his letter no. 10591/WE, dated 06.12.2023 with scheduled date of commencement and completion as 08.12.2023 and 07.09.2024 respectively. Copy of this letter along with cover page of the agreement no. 270P1/2023-24 are annexed herewith as Annexure- R6/AB for kind perusal of this Hon'ble Tribunal.

8. That it is respectfully submitted that all relevant works relating to the acquisition of private land through direct purchase method in consultation with the Collector, Cuttack is going on in full swing. Already 31 nos. of land owners have submitted their consent letter for total land measuring area of Ac.14.156 Dec. Already three nos. of private land owners have executed sale deeds till date in favour of Deptt. of Water Resources for five nos. of plots of Ac. 0.61 Dec. Efforts are being made for acquisition of balance land at the earliest.



Rajay Kumar Samal


 NETAJI SABYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

VERIFICATION

I, Sri Bijay Kumar Samal, aged about 58 years, S/o.Late Lokanath Samal, at present working as Chief Engineer, Drainage, Gandarpur, Cuttack, At/PO: Gandarpur, P.S.- Chauliaganj, Dist.-Cuttack, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Cuttack on this the 30th day of December, 2023.

Cuttack.

Dt. 30.12.2023.

Bijay Kumar Samal ✓

VERIFICANT.

Chief Engineer
Drainage, Cuttack-3



NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

AFFIDAVIT.

I, Sri Bijay Kumar Samal, aged about 58 years, S/o.Late Sri Lokanath Samal, at present working as Chief Engineer, Drainage, Gandarpur, Cuttack, At/PO: Gandarpur, P.S.- Chauliaganj, Dist.-Cuttack, do hereby solemnly affirm and state as follows:-

1. That, I am the respondent No.6 in this Original application and have been duly authorized by Respondents No.2, 3 and 5 to swear this affidavit on their behalf also.
2. That the facts stated above are true to the best of my knowledge and based on official records.



Identified by:

Addl.Govt.Advocate.

Bijay Kumar Samal

Deponent.

**Chief Engineer
Drainage, Cuttack-3**

CERTIFICATE.

Certified that due to non-availability of cartridge paper this counter affidavit has been typed in thick white paper.

Cuttack.

Dt. 30.12.2023.

Addl.Govt. Advocate.

The above named deponent being identified by Mr./Ms. *Swooned before me and signed* appears before me at *10 A.M.* on this the *30* day of *12/2023* solemnly affirms that the facts stated are true to his/her knowledge and belief.

N.S. Ghose
NETAJI SIBYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

30/12/23
NOTARY
 CUTTACK TOWN



- 6 -

Annexure-R6/A106

OFFICE OF THE EXECUTIVE ENGINEER
DRAINAGE DIVISION, CUTTACK
E-mail ID: eeddcuttack@gmail.com

No.DDC-ESTR-TENP1-39/2023- 3955/WE /Date 20.12.2023
To

Sri Sambit Kumar Lenka, "Special" Class Contractor
S/o Fagu Charan Lenka
At – Baral Lane, PO.: A.D. Market,
PS.: Badambadi, Dist.- Cuttack-753012.

Sub.: - Work Order for the work: "Rejuvenation of Sukapaika Drainage Channel under Cuttack Sadar Assembly Constituency of Cuttack District (RD 23280 m. to RD 30850 m.)".

Ref.: - Agreement No.24 P1/ 2023-24

Agreement Amount ₹ 6,64,02,665.00

₹ 7,83,55,145.00 (including 18% GST)

Dear Sir,

In enclosing herewith the certified copy of the Agreement, you are hereby requested to commence the work from dt.22.12.2023 positively after taking the detail initial level / layout from the **Sub-Divisional Officer, Drainage Sub-Division No.I, Cuttack** and complete the work within the stipulated date of completion on **21.06.2025**.

- 1) Further, you are requested to submit the detailed work programme within 07 days of commencement of the work.
- 2) You are requested to submit and labour license within fourteen days of commencement of the work.
- 3) You shall have to show your proportionate progress otherwise you shall be liable to pay compensation as per clause 2(a) & (b) of the contract.
- 4) You are further requested to note carefully that no extension of time will be entertained for what-so-ever the reasons may be except those agreed upon under clauses 4(four) & 10(Ten) of contract.
- 5) Apart from the above, it is also for your information that any failure to proceed with the works with due diligence or any violation of any provision of the contract shall make you liable for penalty under clause 3 & 12 of contract.
- 6) Before commencement of the work, a sign board displaying all information may be fixed at the site positively.
- 7) Quality test of construction materials and concrete before execution and during execution must be carried out under the direction of field in-charge and the test report must be submitted to this office without fail.
- 8) Photographs before execution, during execution and after completion must be taken and submitted along with the final bill to the Division office.
- 9) The payment will be made as per availability of funds/ L.C. Nobody can demand/claim for payment and interest thereof.

True copy attested

Encl.- As above- 1 Booklet

Bijay Kumar Samal
30/12/2023
Chief Engineer
Drainage, Cuttack-3

[Signature]
20/12/2023
Executive Engineer
Drainage Division, Cuttack

20.12.23
20.12.23
Contd.../2

- 7 -

- 2 -

Memo No. 3956/WE dt. 20.12.2023

Copy together with certified copy of the above agreement submitted to the Chief Engineer, Drainage, Cuttack/ Addl. Chief Engineer, Drainage Circle, Cuttack / Accountant General, (A&E), Puri Branch, Puri, Odisha/ Superintending Engineer, Quality Assurance Division, Jagatpur, Cuttack for favour of information and necessary action.

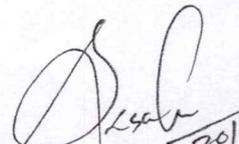
Encl.: - As above.


20/12/23
EXECUTIVE ENGINEER
20.12.23 20/12/23 20/12/23

Memo No. 3957/WE dt. 20.12.2023

Copy along with certified copy of the above said agreement forwarded to the **Sub-Divisional Officer, Drainage Sub-Division No.I, Cuttack** for information and necessary action. He is requested to ensure that the detailed layout is given and the alignment is demarcated properly and the work is commenced on the date fixed above. In addition to this he is further requested to do the needful for maintenance of a site history book properly by the Section Officer concerned. Any failure by the contractor to proceed with the work with due diligence or any violation of any provision of the contract should please be taken to the notice of the undersigned immediately whenever it takes place. The Section Officer concerned may be instructed accordingly. The photographs of the site before and after the work and sign board at the site must be ensured.

Encl.: - As above.


20/12/23
EXECUTIVE ENGINEER
20.12.23 20/12/23 20/12/23

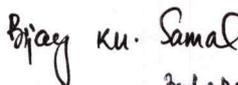
Memo No. 3958/WE dt. 20.12.2023

Copy along with Original Agreement No.24 P1/ 2023-24 forwarded to Auditor-I, **Sub-Division No.-I, Cuttack** for information and necessary action.

Encl.: - As above.


20/12/23
EXECUTIVE ENGINEER
20.12.23 20/12/23 20/12/23

True copy attested


20/12/2023

Chief Engineer
Drainage, Cuttack-3

Bid Identification No. ACEDC-CTC/ DD-CTC-27/2022-23



CERTIFIED COPY

[Signature]
20/12/23
Executive Engineer,
Drainage Division,
Cuttack
20.12.23

GOVERNMENT OF ODISHA
DEPARTMENT OF WATER RESOURCES
DRAINAGE DIVISION, CUTTACK

AGREEMENT

FOR THE WORK

Rejuvenation of Sukapaika Drainage Channel under Cuttack Sadar Assembly Constituency of Cuttack District (RD 23280 m. to RD 30850 m.)

AGREEMENT NO.	: 24 P1/ 2023-24
NAME OF THE AGENCY	: Sri Sambit Kumar Lenka, 'Special' Class Contractor At: Baral Lane, PO.: A.D. Market, PS.: Badambadi, Dist: Cuttack Pin-753012
AGREEMENT AMOUNT	: ₹ 6,64,02,665.00 (Excluding GST) ₹ 7,83,55,145.00 (Including @18% GST)
DATE OF COMMENCEMENT	: Dt. 22.12.2023
STIPULATED DATE OF COMPLETION	: Dt. 21.06.2025

True copy attested
Bijay Kumar Samal
30/12/2023
Chief Engineer

[Signature]
20/12/2023
Executive Engineer,
Drainage Division,
Cuttack
20.12.23

OFFICE OF THE SUPERINTENDING ENGINEER,
MAHANADI SOUTH DIVISION, NO.I, CUTTACK -7

No 1059/WE / Date 06.12.2023

South Estr. IFB /2023-24

To

Sri Ashish Kumar Kar, "A" Class(Engg.) Contractor
At/Po-Sunakhandi, Ps-Salipur
Dist-Cuttack. PIN-754202.

Sub:- Work order for the work: - Construction of One Cross Drainage work on Distributary No-I of Taladanda Canal System at RD.29635M of Sukapaika Drainage Channel.

Ref: Divisional Agreement No. 270 P-1 of 2023-2024.

Dear Sir,

Pursuant to execution of Agreement No. 270 P-1 of 2023-2024 on dt. 06.12.2023 for the above mentioned work at a contract value of Rs.3,66,28,197.00 you are hereby instructed to proceed with execution of the work in accordance with the contract documents.

Please note that as per agreement executed with you, the date of commencement shall be reckoned from dt.08.12.2023 and the stipulated date of completion shall be dt.07.09.2024. No extra item extra time or excess quantities of work shall be executed without prior approval of competent authority.

You are here by requested to abide by some additional clause as mentioned below.

- 1) Assistant Executive Engineer, Kissannagar Irr. Sub-Division and Assistant Engineer Sukapaika Irr. Section may be consulted for supply of layout and execution of the work as per agreement
- 2) Name of authorized person if any may be intimated to this office who will be at site for receiving the instructions from time to time with respect to the concerned work.
- 3) Certified copies of labour license and EPF registration certificate of your establishment if any may be furnished to this office, in order to ensure compliance under Sec 8 A of EPF and miscellaneous provision Act.1952 & compliance to provisions as contained under Para 30,32 & 36 of the EPF Scheme.
- 4) In continuation to the letter No- 38234/RQDM dtd 10.11.2022 of Revenue & Disaster Management Department of Odisha, you are requested to submit transit pass & money receipt along with work bill in support of payment of Royalty against the minor minerals such as and stone in the above said project.
- 5) A Certified of Agreement No. 270 P-I of 2023-24 is enclosed herewith for your reference.

This may please be treated as most urgent.

Encl : Certified copy of Agmt. No. 270 P-1/2023-24.

True copy attested

Bijay Kumar Samal
30/12/2023

Chief Engineer
Drainage, Cuttack-8

Yours faithfully

4/6/12/2023
Superintending Engineer
Mahanadi South Division No.I
CUTTACK

(2)
Memo No. 10592/WE /Dt 06.12.2023 /-

Copy forwarded to the A.E.E, Kissannagar Irr. Sub - Division / A.E. Sukapaika. Section for information & necessary action. He is instructed to give necessary lay-out immediately to the agency and ensure that the work is executed & completed within stipulated time as per terms & conditions of agreement. He should further see that no excess expenditure over the allotment available for the work is incurred. The value of work done should therefore be limited to the allotment. No extra item or excess quantities of work should be executed without prior approval of competent authority. The site order Register, site activity register and Quality Control register should be maintained properly and the extract of the registers must be submitted with the bills.

Encl: Certified copy of Agrt. No. 270 P-1/2023-24

4/6/12/2023
SUPERINTENDING ENGINEER
Dm 6/12/23
Sd/- 6/12/23
Sd/- 6/12/23

Memo No 10593/WE /Dt 06.12.2023 /-

Copy submitted to the Chief Engineer, Basin Manager & Mahanadi Kathajodi System Bhubaneswar for favour of kind information & necessary action.

Encl: Certified copy of Agrt. No. 270 P-1/2023-24

4/6/12/2023
SUPERINTENDING ENGINEER
Dm 6/12/23
Sd/- 6/12/23
Sd/- 6/12/23

Memo No 10594/WE /Dt 06.12.2023 /-

Copy submitted to the Additional Chief Engineer, Eastern Circle, No.I, Cuttack for favour of kind information & necessary action.

Encl: Certified copy of Agrt. No. 270 P-1/2023-24

4/6/12/2023
SUPERINTENDING ENGINEER
Dm 6/12/23
Sd/- 6/12/23
Sd/- 6/12/23

Memo No 10595/WE /Dt 06.12.2023 /-

Copy along with certified copy of agreement No.... 270....P-1 2023-24 submitted to the Superintending Engineer , Quality Assurance Division, Cuttack for favour of kind information & necessary action.

Encl: Certified copy of Agrt. No. 270 P-1/2023-24

4/6/12/2023
SUPERINTENDING ENGINEER
Dm 6/12/23
Sd/- 6/12/23
Sd/- 6/12/23

Memo No 10596/WE /Dt 06.12.2023 /-

Copy along with original agreement No. P-1/2023-24 forwarded to Auditor, Kissannagar Irr. Sub-Division for information and necessary action.

Encl: Certified copy of Agrt. No. 270 P-1/2023-24

4/6/12/2023
SUPERINTENDING ENGINEER
Dm 6/12/23
Sd/- 6/12/23
Sd/- 6/12/23

Memo No 10597 /Dt 06.12.2023 /-

Copy to Sr. DAO/ Assistant Executive Engineer, (Estimator) for information and necessary action.

True copy attched
Bijay Kumar Samal
30/11/2023
Chief Engineer
Drainage, Cuttack-3

4/6/12/2023

Bid Identification No. AGL, EC-I MSD 04 of 2023-24



CERTIFIED COPY

Superintending Engineer
Mahanadi South Division No.1
Cuttack

GOVERNMENT OF ODISHA
DEPARTMENT OF WATER RESOURCES

AGREEMENT

FOR THE WORK

CONSTRUCTION OF ONE CROSS DRAINAGE WORK ON
DISTRIBUTARY NO.1 OF TALADANDA CANAL SYSTEM AT
RD.29635M OF SUKAPAIKA DRAINAGE CHANNEL

AGREEMENT NO : 270 P-1 OF 2023-24

AGREEMENT AMOUNT : Rs. 3,66,28,197.00 (Excl. GST)

DATE OF COMMENCEMENT : 08.12.2023

DATE OF COMPLETION : 07.09.2024

NAME OF AGENCY : SRI ASHISH KUMAR KAR
'A' Class Engineer Contractor
S/o:- Naba Kishore Kar
At/Po:- Sunakhandi,
Ps:- Salepur,
Dist :- Cuttack

GSTIN NO : 21AFYPK0462M3Z2

PAN NO. : AFYPK0462M

True copy attested:

Bijay Kumar Samal

30/12/2023

Chief Engineer
Drainage, Cuttack-3