

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

M.A.NO. 28 OF 2023
(Arising out of Original Application No.20/2021/EZ ,
disposed of on 28.09.2022)

IN THE MATTER OF;

An application for extension of time to
comply the order dtd.28.09.2022 passed
by this Hon'ble Tribunal;

And

IN THE MATTER OF;

Swarup Kumar Rath and Others. APPLICANTS

VERSUS

Union of India and Others. ... RESPONDENTS

The humble petition on
behalf of the above named,
Respondent nos.2 , 3 , 5, 6
& 7;

MOST RESPECTFULLY SWETH:-

1. That the above mentioned Original Application has been filed by the applicants challenging the closure of mouth of River Sukapaika a distributary of river Mahanadi near Ayatpur in the District of Cuttack obstructing the free flow of perennial water sources of river Sukapika by creating a dry Island by way of encroachment of river bed

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

Sandeep Kumar

by land grabbers and prayed for remedial action to the above said inconvenience.

2. That the mouth of the said river was closed during the year 1950 for development of Taladanda canal system and also flood protection in the delta of Sukapaika as per the decision of the Expert Committee.

3. That the aforesaid Original Application was disposed of vide order dtd.28.09.2022 passed by this Hon'ble Tribunal with the following orders:-

xxx xxx xxx

“ 22. We ,therefore, direct the State Respondents that in case the proposed budgetary allocation of Rs.4967.13 lakhs for rejuvenation of Sukapaika Drainage Channel has not been made by the Government , the same shall be made within a period of one month for which purpose a copy of this judgment shall be placed before the Chief Secretary, State of Odisha for appropriate orders.

23. We also direct the State Respondents to complete the entire Project for rejuvenation of Sukapaika River Drainage Channel by 13.03.2023 and file an affidavit of compliance in this regard.”

xxx xxx xxx.

Bijay Kumar Samal

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PRADIPTA KUMAR MOHANTY
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Regd. No-ON-04/1995

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4. That pursuant to the said direction of this Hon'ble Tribunal, the Chief Engineer, Drainage Gandarpur, Cuttack filed a compliance affidavit on behalf of Respondent Nos.2,3,5,6 & 7 on 16.03.2023. The said compliance affidavit has been filed for development of work till 10.02.2023.
5. That while the matter stood thus, a Suo Motu M.A.No.23/2023/EZ was listed on 31.08.2023 for non-compliance of order dated 28.09.2022 passed by this Hon'ble Tribunal . On the said date, this Hon'ble Tribunal directed to the State- Respondents shall file compliance affidavit report within a period of four weeks and the matter is directed to be listed on 27.09.2023.
6. That pursuant to the said direction, the State- Respondents filed further affidavit on 13.09.2023 showing development and steps taken till date vide transaction Id No.1900210036172023. The said affidavit may be read as part and parcel of this application.
7. That it is humbly submitted that as per agreement dtd.14.08.2023 for construction of Sluice on Mahanadi Right Embankment near village Ayatpur commencement of work from 20.10.2023 and date of completion is 19.07.2024. Similarly, completion of Project namely "Construction of one Cross Drainage work on Distributary No.1 of Taladanda Canmal System at RD 29635 M of Sukapaika Drainage Channel is by end of August, 2024 positively of both project namely i.e. (i) Rejuvenation of

Bijay Kumar Samal ✓

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the Drainage Channel for a length of 30.45 KM as per approved design sanction (ii) Construction of village road Bridge by end of May, 2025.

8. That it is humbly submitted that by efflux of time 25% of river bed land has been settled in favour of private persons which is required to be purchased from the said private persons by direct purchase method. During the monsoon the drainage channel is full of water and also due to standing paddy crop on both sides of the channel the side is inaccessible for men and machineries. After monsoon and harvest of khariff crop, the requisite rejuvenation work will be started.

9. That in the facts and circumstances of the case, the State -Respondents may kindly be allowed to complete the work by end of May, 2025 in order to full compliance of order dtd. 28.09.2022 passed by this Hon'ble Tribunal, failing which State-Respondents shall suffer irreparable loss and injury.

10. That this petition is made bonafide.

PRAYER

It is, therefore, humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow this petition and be further pleased to grant the State -Respondents to comply the work by end of May, 2025 in order to full compliance of order of this Hon'ble Tribunal in the facts and circumstances of the case.

Pradipta Kumar Mohanty

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PRADIPTA KUMAR MOHANTY
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And/or pass any other order/orders as this Hon'ble Tribunal may deem it fit and proper in the interest of justice.

And for this act of kindness, the State-Respondents as in duty bound shall ever pray.

CUTTACK

DT. ~~22~~ 09.2023.

BY THE STATE-RESPONDENTS

THROUGH



ADDL.GOV'T.ADVOCATE

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 22 day of September, 2023.

Cuttack.

Dt. ~~22~~ 09.2023.

Bijay Kumar Samal
22.9.2023

VERIFICANT,
Chief Engineer,
Drainage, Cuttack-3

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

AFFIDAVIT

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:-

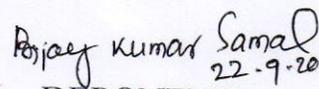
1. That, I am the respondent no.6 in the original application and competent to swear this affidavit for self and on behalf of the respondent nos. 2, 3 and 5 being duly authorized for the purpose.
2. That the facts stated above are true to the best of my knowledge, belief and based on records.

Identified by:


Addl. Govt. Advocate.

Cuttack.

Dt. 22-09-2023.


22-9-2023
DEPONENT
Chief Engineer,
Drainage, Cuttack-3



Solemnly sworn before B. K. Samal
me by.....
being identified by..... S. K. Nayak A.C.A.
at Cuttack Town Dated..... 22/09/2023
Not 22-09-2023
P.K. MOHANTY, Notary, Cuttack Town
Regd. No-ON-04/1995