

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

IN THE MATTER OF:

**E.A NO.....18...OF 2020.
IN
E.A NO.....33...OF 2019.
IN
O.A NO.....572...OF 2016.**

IN THE MATTER OF:

SRI DIBAKAR BHOI

.....Applicant

VERSUS

STATE OF ODISHA THROUGH ITS CHIEF SECRETARY & ORS.

..... Respondent(s)

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Place: Jhatiada
Date: 01.02.2021

Filed by
Applicant in person

Dibakar Bhoi

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- 1. This Hon'ble Tribunal by Order dated 15.09.2020 read with earlier Order dated 16.12.2019 directed to the Respondents to identify Floodplains of the river Kapali to ensure that no illegal constructions are made in such Floodplains. But Respondents without complying order dated 15.09.2020 read with earlier**

Order dated 16.12.2019 of this Hon'ble Tribunal and without identifying Floodplain area to ensure that no construction are made in floodplain area of the river Kapali, submitted report dated 14.12.2020 to this Hon'ble tribunal by treating the river Kapali AS A DRAIN which causing extreme damage to riverine ecology due to illegal constructions on Floodplains of river kapali.

2. Therefore, it is to point out that Respondents in order to regularize and protect illegal constructions on Floodplains now submitted report terming the River Kapali AS A DRAIN without mentioning anywhere in the Report the very word "RIVER" by clever drafting of Report dated 14.12.2020 with a view to circumvent the orders dated 15.09.2020 and 16.12.2019 of this Hon'ble Tribunal.
3. That in view of aforesaid report dated 14.12.2020 of the Respondents, there is urgent need to prevent irreversible damage to riverine ecology by enforcing the applicable rules, if any. If there are no rules, appropriate norms need to be laid down considering such norms in other similar situations in consultation with experts as it was done by this Hon'ble Tribunal in the case of river Mahanadi in O.A No. 22/2020(EZ) by Order dated 15.12.2020 in *Dilip Kumar Samantaray v/s State of Odisha Board & others*, which are as under.

"16. Accordingly, we constitute joint Committee comprising representatives of Central Water Commission (CWC), nominees of MoEF&CC, CPCB, National Institute of Hydrology, Roorkee and the State PCB to consider the issue and laid down norms so as to ensure that the proposal of the state for construction of the medical college and river front development takes place in accordance with law without damage to the Floodplains of the river. Floodplain zones need to be identified and demarcated in the light of such norms. The committee may identify the extent of Floodplain zone/active Floodplain zone from the edge of the river. CPCB will be nodal agency for compliance. The committee is free to associate any other Individual or Institutions. The Committee may complete its exercise within 4 months. The members of the committee are free to interact by videoconferencing or otherwise. If any grievance with regard to violation of environmental norms survives,

the applicant will be free to take any further remedies as per Law.”

4. This applicant is also praying to this Hon'ble Tribunal to graciously pleased to Impose heavy costs on the State of Odisha for filing misleading Report dated 14.12.2020 treating the river Kapali AS A DRAIN in order to circumvent the orders dated 15.09.2020 of this Hon'ble Tribunal in E.A No. 18 of 2020 and Order dated 16.12.2019 in E.A No. 33 of 2019 of this Hon'ble Tribunal.

Place: Jhatiada
Date: 01.02.2021

Filed by
Applicant in person

Dibakar Bhoi

(SHRI DIBAKAR BHOI)
Aged about 86 years
S/O: Late DinabandhuBhoi
At: Jhatiada,
PO: Haripur,
Via: Amarda,
P.S: Rasgobindapur,
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AFFIDAVIT

I, Dibakar Bhoi, S/O: Late Dinabandhu Bhoi, aged about 86years' resident of At: Jhatiada, PO: Haripur, Via: Amarda, P.S: Rasgobindapur, Dist.: Mayurbhanj(Odisha)-757 055, the Applicant do here by affirm as under:

- 1. That I am the Applicant in person in aforesaid matter and competent to swear this Affidavit.**
- 2. That Facts stated in aforesaid Objections are true and correct to my best of knowledge and belief and I have not suppressed any material facts in aforesaid Objections.**
- 3. That all averments in Paras 1 to 2 are true and correct.**
- 4. That this Affidavit could not be verified and attested before any Notary/Oath Commissioner/Executive Magistrate on account of ongoing Covid-19 Pandemic.**

Dibakar Bhoi

DEPONENT

VERIFICATION

I, Dibakar Bhoi, S/O: Late Dinabandhu Bhoi, Aged about 86 years resident of At: Jhatiada, PO: Haripur, Via: Amarda, P.S: Rasgobindapur, Dist.: Mayurbhanj(Odisha)-757 055, Applicant do here by verify that the contents of this aforesaid Affidavit are to be true and correct and nothing material have been suppressed.

Dated at ...Jhatiada. on ...01. February, 2021.

Dibakar Bhoi

DEPONENT