

**BEFORE THE NATIONAL GREEN TRIBUNAL,
(EASTERN ZONE BENCH), KOLKATA
ORIGINAL APPLICATION NO. 11 OF 2022/EZ**

BETWEEN

Z1 RESIDENTS WELFARE ASSOCIATION

..... **APPLICANT**

-VS-

Z ESTATES PRIVATE LIMITED & ORS.

..... **RESPONDENTS**

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CUTTACK

BY THE RESPONDENTS

DATE: 17.02.2023


SATYA SMRUTI MOHANTY

(O-283-2008)
SM LAW CHAMBERS
MOHANTY'S, JHANJIRI MANGALA GADA
CUTTACK, 753009, ODISHA
MOBILE: 8895090000
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- 1 -

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..... RESPONDENTS

**Reply on behalf of the respondent Nos. 1 and 2 to the affidavit on behalf of
the respondent nos. 5 and 6.**

I, Shri Tapan Kumar Mohanty, son of Late Bansidhar Sahoo, aged about 66 years, by faith: Hindu, by occupation: Business, residing at Mohanty, Jhanjiri Mangala Gada, Cuttack, Odisha, Pin Code: 753009, do hereby solemnly affirm and say as follows:

1. That I am the Respondent No. 2 herein and the Managing Director of Z Estates Private Limited, a Company registered under the provisions of the Companies Act, 1956 and having its registered office at M/4-34, Acharya Vihar, Bhubaneswar, Odisha - 751013. I am also well acquainted with the facts and circumstances of the instant case. I am competent to make and affirm this affidavit and authorized to make and affirm this affidavit for and/or on behalf of the Respondent No. 1.
2. A copy of the affidavit (hereinafter referred to as the "said affidavit") purported to have been verified by one Shri Pradyumna Kumar Mohapatra, son of Shri Madhusudan Mohapatra, as a Regional Director in the office of Central Ground Water Board, Government of India, Ministry of Jal Sakti Department of River Development and Ganga Rejuvenation, South Eastern Region, Bhujal Bhawan, Near Khandagil, Bhubaneswar - 751030. The said affidavit was served upon the Advocate on Record of the Respondent Nos. 1 and 2 on 17.01.2023.
3. Before dealing with the various allegations and/or statements made in the different paragraphs of the said affidavit, I submit that the said affidavit contains many incorrect allegations and/or statements which have been deliberately made only to mislead this Hon'ble Tribunal. I reserve my right to make further submissions on the issue at the time of hearing, if necessary.

Shri

by
PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd. No- 011-04/1995

Z ESTATES PVT.LTD.

Tapan Kumar Mohanty
MANAGING DIRECTOR

- 2
4. It is stated that No Objection Certificate (NOC) was issued by the Central Ground Water Authority (CGWA) on 16.07.2019 in the name of M/S Z Estate Private Limited and the same was valid till 09.07.2022.
 5. It is stated that before the expiry of the aforesaid NOC, M/S Z Estate Private Limited had submitted application for renewal of the said NOC through online before concerned department of the CGWA on 09.07.2022.
 6. After receiving the renewal application, one inspection was conducted by the CGWA on 17.08.2022 in the premises and after inspection, one Show Cause Notice was issued by the CGWA on 23.08.2022 thereby intimating the following violation of the conditions of the NOC:
 - a. Bore Wells are not fitted with digital flow meter.
 - b. Log Book is not maintained.
 - c. Piezometer is not fitted with telemetry system.
 - d. Recharge structures are not maintained.
 - e. Self Inspection is not submitted.

7. It is stated that M/S Z Estate Private Limited, by an email dated 27.10.2022 at 04:34 pm, replied to the aforesaid Show Cause Notice.

After considering the said reply, the CGWA had issued another Show Cause Notice dated 28.11.2022 to M/S Z Estate Private Limited thereby intimating the following violation of the conditions of the NOC:

- a. Bore wells are not fitted with digital flow meter.
- b. Self Inspection is not submitted.

It is pertinent to mention that out of violation of five conditions which were mentioned in the Show Cause Notice dated 23.08.2022, three conditions of the NOC were complied by M/S Z Estate Private Limited.

8. It is stated that thereafter, M/S Z Estate Private Limited, by an email dated 26.12.2022 at 11:28 am, replied to the aforesaid Show cause Notice dated 28.11.2022 and the same is pending before the CGWA for consideration.
9. It is stated that there are six Bore Wells in the project area and all the Bore wells are fitted with digital flow meter. In the aforesaid reply to the show cause dated 26.12.2022, the Digital Flow Meter URL and its Login and password were mentioned so that the CGWA can access the Bore wells at any time when it is required. Photocopy of the Bore wells with digital flow meter is annexed hereto and marked as "Annexure R-1".
10. It is also stated that in the aforesaid reply dated 26.12.2022, copy of the Self Inspection Report dated 27.11.2022 was attached in the mail for the ready reference of the CGWA. Photocopy of the aforesaid Self Inspection Report dated 27.11.2022 is annexed hereto and marked as "Annexure R-2".
11. Thereafter, M/S Z Estate Private Limited, submitted a fresh application for renewal of the said NOC through online before concerned department of the CGWA on January 5, 2023. A copy of the confirmation

SS

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

Z ESTATES PVT.LTD.

Pradipta Kumar Mohanty
MANAGING DIRECTOR

mail which indicates that M/S Z ³ Estate Private Limited has successfully submitted its NOC renewal application is annexed hereto and marked as "Annexure R-3".

12. Now I proceed to deal with the various averments and/or statements made in various paragraphs of the said affidavit. The statements and/or averments which are not specifically dealt with hereinafter are deemed not to be admitted.
13. With regard to the statements made in paragraph nos. 1 to 3 of the said affidavit, I offer no comment as the same are all matters of record and deny anything that which is inconsistent and/or contrary to the facts borne out from the records.
14. It is submitted M/S Z Estate Private Limited is concerned about the environment and the conditions which were mentioned in the NOC dated 16.07.2019, the company has duly complied each and every condition. It is humbly submitted that after the compliance of these conditions of NOC, nothing remains to be decided on substantial question of law.
15. Save and except matters of record and save what has been stated by me hereinbefore I do not admit any statement, averment, contention, submission as made/raised in the said affidavit as if the same are expressly denied by me in seriatim and specifically traversed.
16. That the statements contained in paragraph nos. 1 and 2 of the foregoing affidavit are true to my knowledge and those contained in paragraph nos. 3 to 10 thereof is information derived from the records of the case and the rests are my humble submissions before the Hon'ble Tribunal.

Z ESTATES PVT.LTD.

Identified by me -

Jagan Kumar Mohanty
MANAGING DIRECTOR

DEPONENT

SS
Advocate.

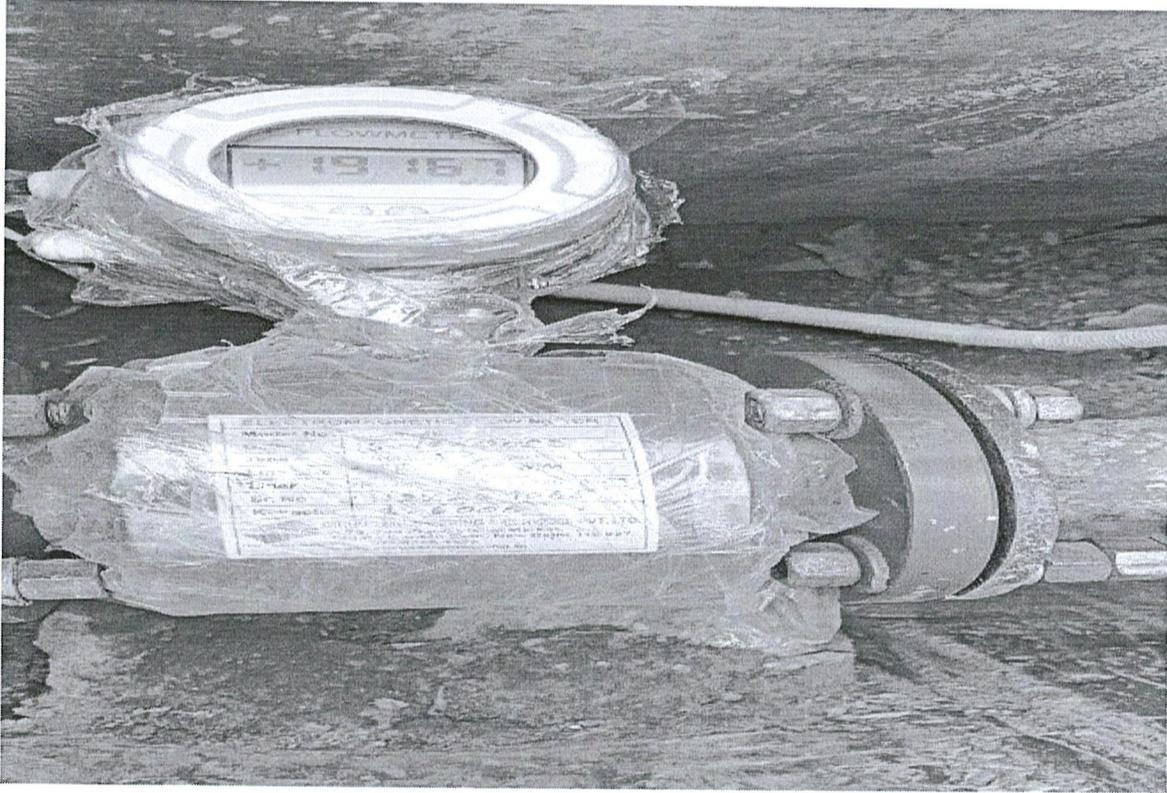
(Satya Smriti Mohanty)

Cuttack
Date - 17.02.2023

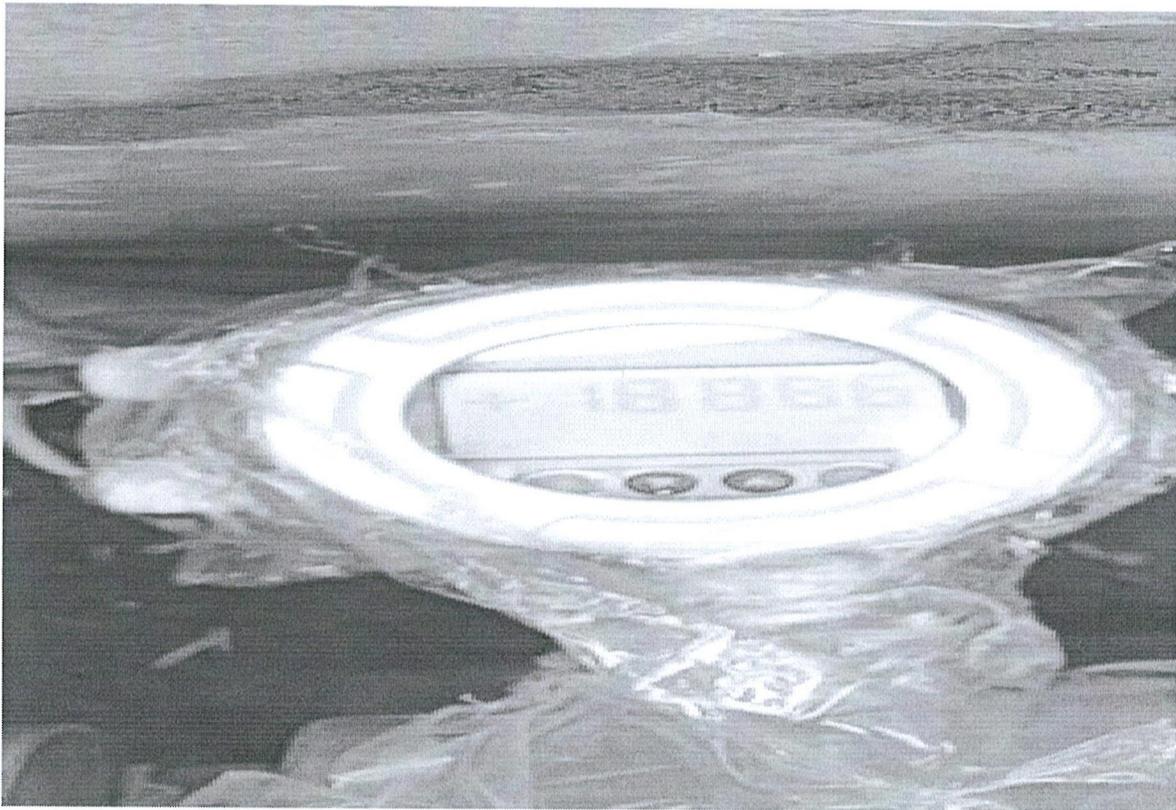
Solemnly sworn before
me by.....*T.K. Mohanty*
being identified by.....*S.S. Mohanty* *Advocate*
at Cuttack Town Dated..17/02/2023
17/02/2023
P.K. Mohanty, Notary, *Cuttack Town*
Regd No-ON-04/1996



FLOW METER -1

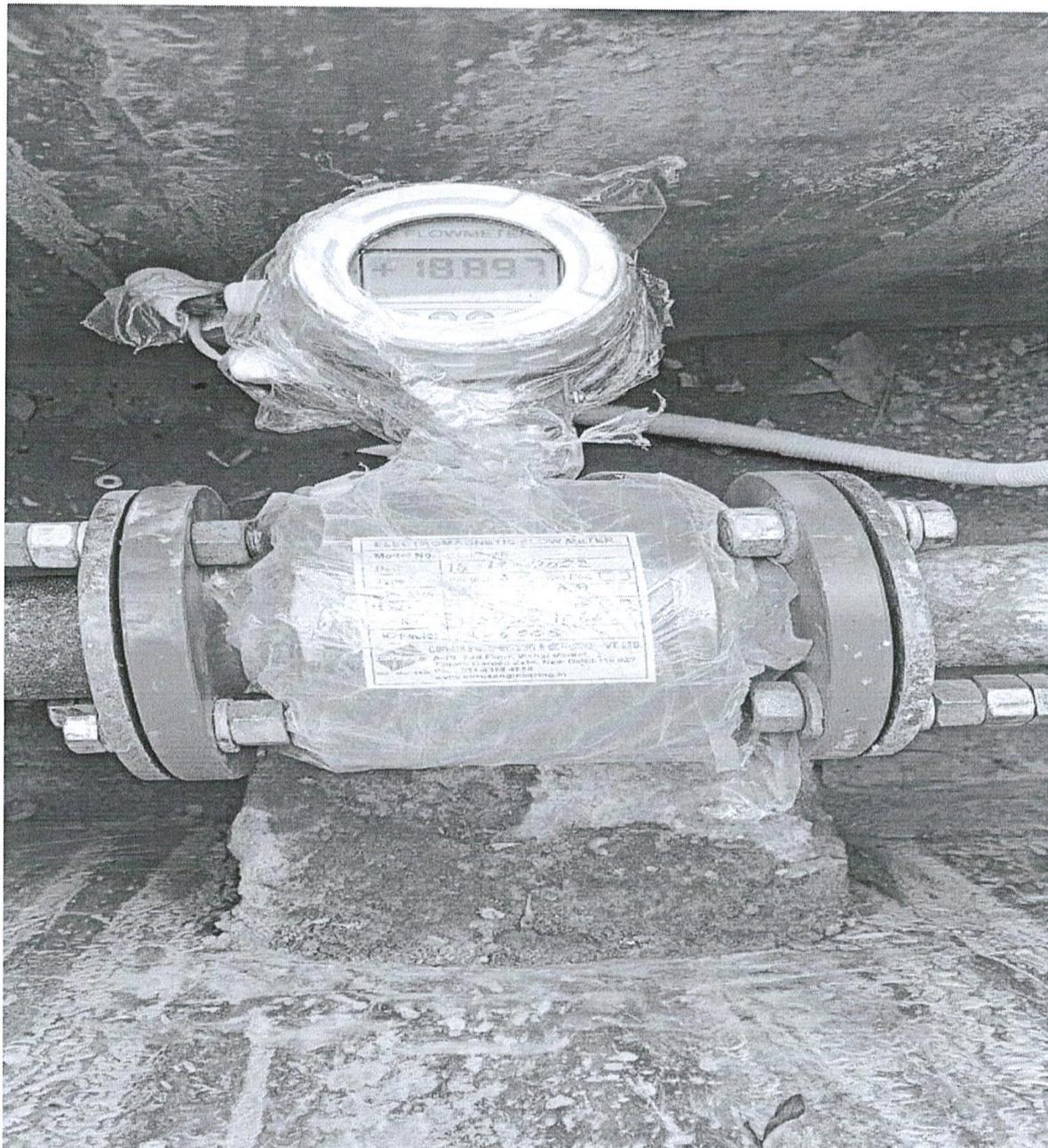


FLOW METER-2



- 5 -

FLOW METER-3



TRUE COPY
[Signature]
ATTESTED

- 6 -

ANNEXURE-R-2.

Z ESTATES PVT LTD
KALARAHANGA, KHORODHA, ODISHA

SELF INSPECTION REPORT DATED 27.11.2022					
SI No	Conditions as per NOC		Compliance status observed		Remarks
1a	Quantum of ground water withdrawal through abstraction structure (BW)	950 m3/day (not exceeding 346750m3/yr)	Quantum withdrawn by the firm (Check log book)	m3 /day	Log book is attached for your reference.
1b	No. of BWs	9 BWs	No. of BWs Constructed	6 Nos. BWs	6 BWs are constructed. Phase I 3 BWs Phase II 3 BWs. 1 for Piezomet
1c	Wells fitted with digital water flow meter	All wells to be fitted with flow meters	Check at site	No	6 BWs are constructed Phase I 3 borewells .Digital Water Meter Installed Photo Attached. Phase II 3 Borewell Digital Water Meter
1d	Functional Status of flow meter	All flow meters should be functional	Are all flow meters in working condition ?		All are in working conditions
2a*	Quantum of dewatering of Groundwater	m3 /day	Quantum of dewatering withdrawn by the firm (Check log book)	NA	NA
2b*	No. of Mine Pits/sump/dewatering structure		No. of pits/sump/dewatering structure constructed	NA	NA
2c*	Dewatering structure fitted with digital water flow meter	All dewatering structures to be fitted with digital water flow meters	Check at site	NA	NA
3	Submission of data on GW extraction/dewatering to CGWA	GW extraction/dewatering data to be submitted to CGWA	whether ground water extraction/dewatering data submitted to CGWA	No	NA
4a	No. of piezometers to be constructed	01 No.	No. of piezometers constructed	01 No. (Attached photograph)	01 piezometer is constructed (Photograph is attached below). Monthly data along with telematic login & password has been shared with CGWA
4b	a) No. of piezometers to be fitted with AWLR/DWLR b) No. of Piezometers to be fitted with telemetry	a) b) 01 No.	a) No. of piezometers to be fitted with AWLR/DWLR b) No. of piezometers to be fitted with telemetry	a) 01 No. b) _____	One piezometers is fitted with DWLR
4c	Submission of water level data to CGWA	Monthly WL data to be submitted to CGWA	Whether monthly water level data submitted to Regional Office	Yes	Submitted up to the month of Sep 2022.
5	Monitoring of GW quality	GW quality to be monitored	Whether quality data submitted to Regional Office	Yes. Year up to which data submitted : 2022	ENCLOSED REPORT DATED 30.09.2022
6a	No. of wells to be monitored around the plant area	Both in core and buffer zone	No. of wells monitored around the industry	NA	NA
6b	Submission of water level data of core and buffer zone	Pre- and post-monsoon data	Whether water level data of wells monitored submitted to Regional Office	NA	NA
7a	Annual quantum of water to be harvested/recharged	97200 m3 /annum	Quantum of water harvesting / recharge as implemented by the firm	97200 m3 /annum	97200 m3
7b			No. and type of Recharge structures implemented inside the premises (Attach photographs)	Recharge pit : 10 nos. for Ph-2 & 17 nos Recharge Pit for Phase 1	Photographs attached



7c			Whether structures are No. and type of structure implemented outside the premises (Attached photographs)	No	Maintenance is going on.
			Location of structures		All structures are inside the premises
			Whether All the structures are maintained properly		Maintenance is going on.
8	Recycling/reuse of water		Check at site the STP/ETP installed (Attach photographs)	Yes	270 KLD STP in Phase-1 & 450 KLD in Phase -2 is installed photograph is attached
9*	Water from dewatering in mining/infrastructure projects to be put to gainful use		Activity for which water from dewatering project is being used	NA	NA



TRUE COPY


ATTESTED

- 8 - ANNEXURE- R-3

To: radhaprasad@zestates.in
Date: 05 January 2023 14:29:15

Dear ZESTATES ,

Your Application Submitted Successfully. Application Details are :
Application Number :21-4/287/OR/INF/2010
Applied for Renewal of NOC Number :CGWA/NOC/INF/ORIG/2015/1746
Applied For Renewal :1st
Name of Industry :M/S Z ESTATES PVT LTD
Please note application number for future reference.

This is system generated mail. Please do not reply.

TRUE COPY


ATTESTED