

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Miscellaneous Application No.20/2023/EZ

In

Original Application No.01/2023/EZ

Dr. Bibhu Dash & Anr.

Applicant(s)

Versus

Bhubaneswar Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 10.10.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) :

For Respondent(s) : Mr. Rajib Ray, Advocate for R-1 (in Virtual Mode),
(in O.A. No.01/2023/EZ) Mr. Tarun Patnaik, ASC for R-3,4,5,9,10&12 (in Virtual Mode)
Mr. Apurba Ghosh, Advocate for R-6 (in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. For R-7 (in Virtual Mode),

ORDER

1. Case called out. No one is present on behalf of the Applicant.
2. Compliance Report dated 22.09.2023 has been filed by the Bhubaneswar Municipal Corporation, Respondent No.1 in the Original Application; the same is taken on record.
3. Affidavit dated 05.10.2023 has been filed by the Odisha State Pollution Control Board, Respondent No.7 in the Original Application; the same is taken on record.
4. Along with the affidavit of the Odisha State Pollution Control Board, Annexure-R 7/7 dated 03.10.2023 has been filed which is a letter addressed by the Member Secretary, Odisha State Pollution Control Board to the Engineer-in-Chief, Water Corporation of Odisha (WATCO) pointing out that due to the location of the Manorama

Estates Welfare Society and certain topographical features, construction of Sewage Treatment Plant (STP) is not possible.

5. Ms. Papiya Banerjee Bihani, learned Counsel appearing (in Virtual Mode) on behalf of the Odisha State Pollution Control Board informs that WATCO has been apprised of the situation and WATCO has sent a letter to the Odisha State Pollution Control Board stating that Manorama Estates Welfare Society would be required to set up a Pumping Station for pumping of sewage into the Main Sewage System. These documents are not on record. Ms. Banerjee is directed to file fresh affidavit bringing all the latest documents / correspondences on record.
6. We also find that Manorama Estates Welfare Society is not a party in the present proceedings though the Applicant of the Original Application No.01/2023/EZ, Dr. Bibhu Dash and Anr. are stated to be residents of the Manorama Estates Welfare Society, Bomikhal, Bhubaneswar, Dist.-Khurda, Odisha-751010.
7. Ms. Papiya Banerjee Bihani, learned Counsel also informs that correspondence has also been made with the President, Manorama Estates Welfare Society. We therefore direct the following: -
 - i) Manorama Estates Welfare Society, Bomikhal, Bhubaneswar, Dist.-Khurda, Odisha-751010 be impleaded in the array of respondents of this Miscellaneous Application as Respondent No.1;
 - ii) Bhubaneswar Municipal Corporation through Municipal Commissioner be impleaded in the array of respondents of this Miscellaneous Application as Respondent No.2;

- iii) Odisha State Pollution Control (OSPCB) be impleaded in the array of respondents of this Miscellaneous Application as Respondent No.3;
 - iv) Water Corporation of Odisha (WATCO) be impleaded in the array of respondents of this Miscellaneous Application as Respondent No.4; and
8. Mr. Tarun Patnaik, learned Additional Standing Counsel is directed to serve notice of this Miscellaneous Application on Manorama Estates Welfare Society and Water Corporation of Odisha (WATCO), newly impleaded Respondent No.i) and iv) respectively, within 48 hours.
9. Let notices be issued to the Respondents.
10. Water Corporation of Odisha (WATCO) and Manorama Estates Welfare Society are granted three weeks time for filing their affidavit.
11. The Respondents shall also exchange copies of their affidavits among themselves at least one week before the next date fixed so that no respondents is taken by surprise of the next date.
12. **List on 09.11.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

October 10, 2023,
Miscellaneous Application No.20/2023/EZ
In
Original Application No.01/2023/EZ
SKB