

**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: 21.08.2023

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

For Applicant(s) : *Suo Motu*

For Respondent(s) : Mr. Rajib Ray, Advocate for R-1 (in Virtual Mode),
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, Advocate for R-7 (in Virtual Mode),
Mr. Nilanjan Pal, Advocate for R-8 (in Virtual Mode)

ORDER

1. The Original Application No.01/2023/EZ was disposed of by the Tribunal vide order dated 14.03.2023 with the following directions:-

“24. In view of the categorical averments made, we direct the State Respondents to carry out a survey of the entire land and demarcate the area occupied by the construction company, Government land over which Netaji Nagar Basti is existing, and existence of Adi Jalasaya with a concrete pillar structures etc.

25. The General Administration and Public Grievances Department/ State Respondents shall also take steps for restoration of Plot Nos. 402 and 370 recorded as ‘Jalasaya Dui’ (Pond) in the revenue records and create a green belt around the area under the supervision of the local urban body during the coming monsoon

season. This will not only help in recharge of ground water but also provide a cool and healthy atmosphere to the surrounding area.

26. *We also issue a direction to the Bhubaneswar Municipal Corporation/Bhubaneswar Development Authority to prepare an Action Plan for clear passage of waste water and rain water from the Manorama Estate Welfare Society and nearby colonies so that 15 adequate flow of drain water is taken care of and there is no overflow of drain water/rain water or submergence of the colonies in question during the monsoon season.*

27. *The State Pollution Control Board, Odisha, shall also take steps to ensure that the colonies in question establish adequate Effluent Treatment Plant (ETP)/Sewerage Treatment Plant (STP), as the case may be, to ensure that raw sewage is not allowed to flow into the common drain and from there to canal.*

28. *Let an Action Taken Report be filed by the Collector & District Magistrate, Khurdha, as well as the State Pollution Control Board, Odisha, by 31.07.2023 with the Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, on affidavit.*

29. *With the aforesaid directions, the Original Application No. 01/2023/EZ is accordingly disposed of.”*

2. An Inspection Report has been filed by the State Pollution Control Board, Odisha dated 27.07.2023 but affidavit of compliance has not been filed by the Collector and District Magistrate, Khordha.
3. In our opinion, matter requires consideration.
4. Issue notice to the Respondents, returnable within four weeks.
5. Mr. Tarun Patnaik, learned Additional Standing Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the State Respondents, Odisha.

6. Ms. Papiya Banerjee Bihani, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Odisha State Pollution Control Board.
7. We are not issuing notice to Respondent No.11.
8. Let notices be issued to the other Respondents, returnable within four weeks.
9. All the Respondents shall file their counter-affidavits within four weeks.
10. **List on 22.09.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

August 21, 2023,
Miscellaneous Application No.20/2023/EZ
In
Original Application No.01/2023/EZ
SKB