

MAY 2009

38

IN THE HONOURABLE HIGH COURT OF ORISSA, CUTTACK  
W.P(C) No.4369/2003

Maitree Sansad  
Sutahat, Cuttack

Petitioner

Versus  
State of Orissa and others

Opposite Parties

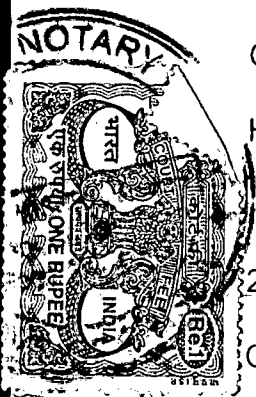
Counter affidavit to the affidavit dated.30.4.2009  
filed by Commissioner-Cum-Secretary to Govt,  
Urban and Housing Development Department.

I, Rabinarayan Mohapatra, Aged.75 Years, Son of Late  
Lingaraj Mohapatra, Resident of Sutahat , PO:Buxi Bazar, in the town and district  
of Cuttack do hereby solemnly affirm and state as follows-

1. That I am Member and Adviser of the Petitioner-Society and is acquainted  
with the facts and circumstances of this case.

2. That I have gone through the contents of the affidavit Dated.30.4.2009 filed  
on behalf of the Commissioner -Cum-Secretary to Government of Orissa  
Housing and Urban Development Department and begs to submit the following  
as counter affidavit on behalf of the Petitioner-Society. 2.1 That the aforesaid  
affidavit dated.30.4.2009 filed on behalf of the Commissioner-Cum-Secretary,  
Government of Orissa,Housing and Urban Development Department before this  
Hon'ble Court is vague and uncertain in nature and same can not be accepted.

2.2 That although the work programme and bar chart for I & D Works of  
Chauliaganj and Jobra area at Cuttack is said to have been prepared by Orissa  
Water Supply and Sewerage Board is enclosed to the said affidavit  
dated.30.4.2009 shows the nature of work likely to be undertaken by the  
Government of Orissa for execution of the said work within a period of one year,  
yet there is no knowing as to whether different departments of the Government  
inclusive of Administrative Approval, technical sanction, provision of funds and  
issuance, of work order would be made before October,2009 which alone shall  
enable the execution of work within a year i.e. by May,2010.



*Amulya*

C. MISHRA  
NOTARY PUBLIC  
CUTTACK  
ORISSA  
11/09

ORISSA  
9 MAY 2009

2.3 That the affidavit dated.30.4.2009 also does not show or suggest allocation of funds for the purpose and the extent of contribution of CMC for the smooth completion of the said work within the stipulated period of one year.

2.4 That the facts stated in affidavit dated.30.4.09 in Para-3,4,5 and 6 are vague and uncertain.

2.5 That the facts stated in sub para to para-6 of the affidavit dated.30.4.2009 regarding procurement of non clog type submersible sewerage pumps is also vague and uncertain as neither any copy of the correspondence made with the leading manufacturer outside State has been enclosed nor any tender has been invited for the purpose of procurement of the said item of goods.

2.6 That in that view of the matter the Opposite Parties be directed to furnish the detail information to this Hon'ble Court from time to time so far as it relates to quantum of Govt. Sanction , contribution of the CMC, Allotment and release of funds by the concerned department and issuance of work order and necessary details failing which the onerous responsibility of making the water of the Taladanda Canal free from pollution and infection would be a millennium.

That the facts stated above are true to the best of my knowledge and belief.

Identified by-

*A Mohanty*  
Advocate

*Ravi Narayan Molegatra*  
Deponent

~~deponent affirm on oath by the deponent at Cuttack on 14-5-09 being identified by Sri A.~~

~~*A Mohanty* (Advocate)  
Adv's Clerk / Notary~~

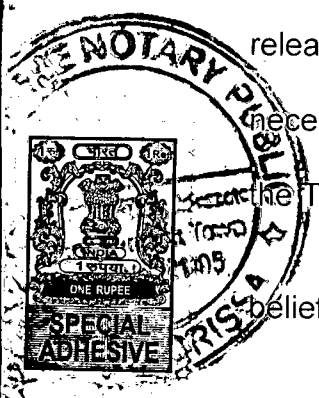
Certificate

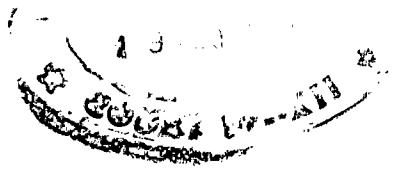
Due to non-availability of Cartridge Paper this Counter affidavit is

~~R. C. Mishra~~ being typed on ~~Cartridge~~ paper.  
Cuttack Town, (ORISSA) Regd. No. 21/A/5

Cuttack.  
*JP-14-5-09*

*A Mohanty*  
Advocate

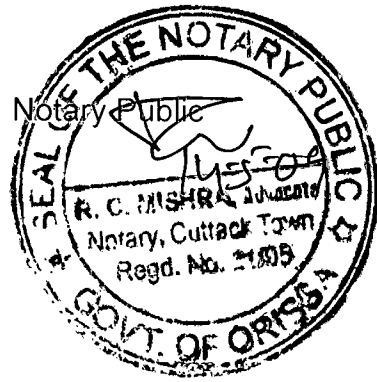




Verification

The above named deponent is being identified by AJOJMBHANTY

Advocate and on solemnly affirmation states that the facts stated in this Counter Affidavit are true to the best of his knowledge and belief.



*[Handwritten signature]*  
R. C. MISHRA  
CUTTACK TOWN, ORISSA  
REGD. NO. 2109