

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO 71 OF 2024**

Wildlife Society of Orissa

...Applicant

Versus

State of Odisha & Ors.

...Respondent(s)

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THROUGH



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PLACE: KOLKATA

DATE: 09.05.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
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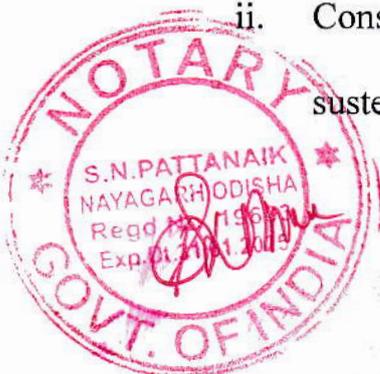
**REPLY ON BEHALF OF THE RESPONDENT NO. 1 to 7, STATE
RESPONDENTS, GOVERNMENT OF ODISHA TO THE ORIGINAL
APPLICATION NO. 71 OF 2024**

MOST RESPECTFULLY SHOWETH:

1. That the present Reply is being filed on behalf of State of Odisha in the Original Application
2. The contents of the Original Application and other attached documents to the extent they are inconsistent with the submissions made hereinafter, are incorrect and are denied, unless any averment or contention is specifically admitted or traversed, the same maybe treated as denied.
3. It is submitted that the contents of the Reply are true to the best of my knowledge and information as derived from the records of the case.

PRELIMINARY SUBMISSIONS

- i. The Respondent craves leave of this Hon'ble Court to refer to and rely upon the submissions given in the following paragraphs.
- ii. Consequently, the grounds raised by the Applicant lacks legal sustenance and, therefore, deserve to be rejected on the merits thereof.



Phalguni Samant mawh

PARA-WISE REPLY:

1. The contents of Para No. 1 merit no reply.
2. The contents of Para No. 2 merit no reply.
3. The contents of Para No. 3 are wrong and hence denied. It is humbly stated that the Satkosia Sands Resort at Badmul in Mahanadi Wildlife Division in Nayagarh District is situated in the Buffer Area of Satkosia Tiger Reserve. The Government of India, Ministry of Environment, Forest & Climate Change, National Tiger Conservation Authority has approved the Tiger Conservation Plan for Satkosia Tiger Reserve for the period from 2016- 2017 to 2026 -27 vide Letter No. F. No. 1-14/2011- NTCA (Part-1) dated 26.12.2016 and the ecotourism activities are being carried out as per Ecotourism Policy of the State Government in consonance with guidelines issued by the National Tiger Conservation Authority, New Delhi and approved Tiger Conservation Plan. In fact, ecotourism at Satkosia Sands Resort, Badmul is managed by the local community of nearby villages Badmul and Muduligadia with handholding support and supervision of the forest staff of Mahanadi Wildlife Division. The objectives of promotion of ecotourism on this destination is to supplement the livelihood of local inhabitants residing in Buffer and Fringe areas of Satkosia Tiger Reserve to minimize biotic interference and dependency on forest resources.



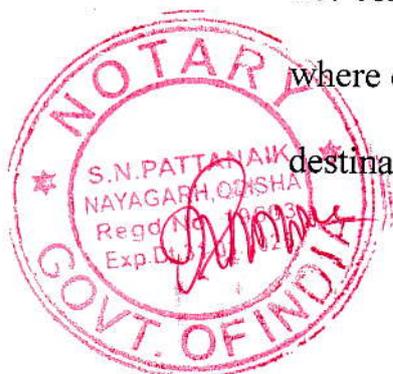
Phalguni Samant Mahapatra

It aims at eliciting support of the local community for conservation and protection of tigers, co-predators & other wildlife and their habitat. This also creates mass public awareness through the visitors for conservation of biodiversity of the locality. 80% of the income generated goes to the account of local community towards remuneration of Eco Tourism Group (ETG), recurring expenditure for food & fuel etc., and village development activities. Balance 20% is being kept in the Corpus Fund for maintenance of infrastructure and need based capacity building training of the ETG & Support Staff through reputed Organizations/ institutions. Provision of temporary and semi-permanent accommodation facilities like tents and eco-cottages, canopy walk, boating, birding and cycling are made available for the visitors at the site. It is humbly stated that no activity which is detrimental for the cause of conservation of nature and natural resources is carried out at this site.

Phalguni Samadhi Navti

The Copy of Approval Letter dated 26.12.2016 is attached herewith and marked as **Annexure R1**

4. The contents of Para No. 4 to Para No. 7 merit no reply.
5. The contents of Para No. 8 are wrong and hence denied. It is stated that sand bars around Satkosia Sands Resort, a nature- tourism destination are not congregation and breeding sites of Indian Skimmers. The sand bars where congregation and breeding observed are away from this ecotourism destination and protected from anthropogenic pressure.



6. The contents of Para No. 9 are wrong and denied as the directions issued by the Hon'ble Supreme Court of India and the guidelines of the National Tiger Conservation Authority are being scrupulously followed.
7. The contents of Para No. 10 are wrong and denied. It is humbly submitted that the eco-friendly activities are provided to the visitors which are neither harmful nor causing any disturbance to wildlife and their habitat.
8. The contents of Para No. 11 are wrong and denied. It is stated that the Ecotourism Policy of the State Government is not based on the fact to augment Government revenue, rather no amount is being credited towards Government revenue out of the income generated. The 80% of the income generated goes to the local community to supplement their livelihood.
9. The contents of Para No. 12 are wrong and denied as no disturbance is caused to the wildlife and their habitat due to ecotourism.
10. The contents of Para No. 13 and Para No. 14 merit no reply.
11. The contents of Para No. 15 are wrong and denied. The visitors are facilitated through boating to experience the wilderness of nature without any disturbance to wildlife & their habitat in the ecotourism zone.
12. The contents of Para No. 16 are wrong and hence denied. It is pertinent to state that the boats move slowly without causing any disturbance to wild following all due statutory provisions.
13. The contents of Para No. 17 are wrong and hence denied. The nature-tourism activities at Satkosia Sands Resort, Badmul is not causing any

Phalguni Sarathi Nayak



disturbance to the habitat of Indian Skimmers and Gharials. Rather awareness is being created among local community and visitors through ecotourism for conservation of both the highly endangered species.

14. The contents of Para No. 18 and Para No. 19 merit no reply.

15. The contents of Para No. 20 are wrong. It is humbly submitted that the facilities provided to the visitors are not disturbing to wildlife and their habitat.

16. The contents of Para No. 21 merit no reply.

17. The contents of Para No. 22 are wrong and vehemently denied. The “**Amrit Dharohar**” initiative, part of the 2023-24 budget announcement, was launched by MoEF&CC during June 2023 to promote unique conservation values of the Ramsar Sites in the country while generating employment opportunities and supporting local livelihoods. This initiative to be implemented in convergence with various Central Government ministries and agencies, State Wetland Authorities, and a network of formal and informal institutions and individuals, working together for a common cause.

The Nature-tourism and Wet-component of this initiative is being implemented jointly by MoT and MoEFCC with an aim to enhance livelihood opportunities for local communities through harnessing the nature-tourism potential of the Ramsar Sites across the country. The

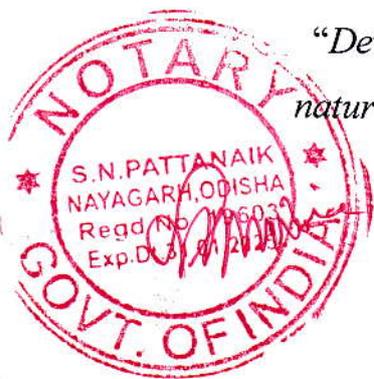


Phalguni Sarathi Mallick

ecotourism activities at Satkosia Sands Resort is not commercial, rather it is community based without causing any disturbance to nature and natural resources.

18. The contents of Para No. 23 and Para No. 24 merit no reply.
19. The contents of Para No. 25 are wrong and vehemently denied. The temporary tents and sheds in the river bed are eco-friendly and not causing any disturbance to the wildlife and their habitat.
20. The contents of Para No. 26 to Para No. 37 merit no reply.
21. The contents of Para No. 38 are wrong and denied. It is humbly stated that temporary eco-friendly tents are provided for the visitors in a small patch which is not causing any disturbance to wildlife and their habitat.
22. The contents of Para No. 39 to Para No. 46 merit no reply.
23. The contents of Para No. 47 are wrong and denied. It is stated that all the activities and infrastructure facilities are eco-friendly and not causing any disturbance to the wetland eco-system as well as wildlife and their habitat.
24. The contents of Para No. 48 to Para No. 53 merit no reply.
25. The contents of Para No. 54 are wrong and hence denied. The operative part of the guidelines of Government of India, Ministry of Environment, Forest and Climate Change (FC Division) dated 25.10.2021 reads as:-

“Development/ construction of facilities which are not of permanent nature, in forest areas for the purpose of ecotourism by Government



Phalguni Sarathi Maurya

authorities shall not be considered as non-forestry activity for the purpose of Forest (Conservation) Act, 1980”.

The Accommodation facilities like seasonal temporary tents and semi-permanent eco-cottages are made for the visitors which is not contravening the aforesaid guidelines of the Ministry.

26. The contents of Para No. 55 are wrong and hence denied. The temporary and semi-permanent structures have been constructed for accommodation of the visitors which is not violating the guidelines of the Ministry of Environment, Forest and Climate Change.

27. The contents of Para No. 56 are wrong and hence denied. The Map of the Satkosia Tiger Reserve indicating Core & Buffer area and location of the ecotourism destination may humbly be referred to that categorically illustrates that the Satkosia Sands Resort is situated in the Buffer area of the Satkosia Tiger Reserve.

The Map of the Satkosia Tiger Reserve is attached herewith and marked as

Annexure - R2

28. The contents of Para No. 57 merit no reply.

4. In view of the foregoing submissions, the Application of the Applicant may kindly be dismissed being devoid of any merit.



Phalguni Samant mawh

DEPONENT

**Divisional Forests Officer
Mahanadi Wildlife Division
Nayagarh.**

9/5/20

THROUGH

S Bajpai

MR. SHASHANK BAJPAI
(SPECIAL COUNSEL FOR RESPONDENT)
 11&11A GOLF APARTMENTS
 GOLF LINKS, SUJAN SINGH PARK,
 MAHARISHI RAMAN MARG, NEW DELHI-110004
 E-MAIL ID: - advocateshshankbajpai@gmail.com,
 MOBILE NO.:+91 9891060955

PLACE: 09.05.2024

DATE: KOLKATA

VERIFICATION:

Verified at Nayagarh on this 09.05.2024 day of May, 2024 that the contents of the Reply are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.



Phalguni Sarathi Mahto
DEPONENT 9.5.24
 Divisional Forests Officer
 Mahanadi Wildlife Division
 Nayagarh.

The Deponent having been identified by Sri. *Mr S Bajpai* Solemnly affirmed before me on *9.5.2024* AM/PM in Nayagarh and states that the contents made above are true to the best of his/her knowledge & belief

Sailendra Narayan Pattanai
 9.5.2024

Sailendra Narayan Pattanai
 NOTARY, GOVT. OF INDIA
 NAYAGARH, ODISHA

F. No. 1-14/2011-NTCA (Part-I)
Government of India
Ministry of Environment, Forest and Climate Change
National Tiger Conservation Authority

B-1 Wing, 7th Floor,
Pt. Deendayal 'Antyodaya Bhawan',
CGO Complex, Lodhi Road, New Delhi-110003.
Email: ig-ntca@nic.in
igntca@gmail.com
Tel (EPABX): 011-2436 7837-42
Dated: 26.12.2016

To

The Chief Wildlife Warden,
Govt. of Odisha,
Bhubaneswar



Sub: Approval of Tiger Conservation Plan (TCP) for the Satkosia Tiger Reserve, Odisha - reg.

Sir,

The final draft Tiger Conservation Plan (TCP) prepared by the State of Odisha for Satkosia Tiger Reserve, **under sub-section (3) of section 38 V of Wildlife (Protection) Act, 1972**, was submitted to this Authority requesting for approval under section 38 O (1) (a) of the said Act.

After examining the said draft, the observations of NTCA were communicated and discussed with Chief Wildlife Warden, Odisha & the Field Director, Satkosia Tiger Reserve, for their incorporation in the TCP.

In this context, I am directed to say that further to the compliance furnished by the State Government vide its letter No. 18876/F&E dated 28.10.2015, and based on the recommendation of the technical committee, **approval of the NTCA is hereby granted for the TCP of Satkosia Tiger Reserve for the period from 2016-17 to 2026-27, under section 38 O (1) (a) of the Wildlife (Protection) Act, 1972**, subject to following conditions:

- No deviation shall be made from the prescriptions of the TCP, read with conditions stipulated here-in, without prior approval of the NTCA u/s 38 O (1) (a) of Wildlife (Protection) Act, 1972.
- The approved TCP shall have a provision for mid-term review corresponding to the proposed period of the plan, for appropriate mid course alteration, if any, as required.
- The State Government shall comply with the guidelines and advisories issued by the NTCA/ Project Tiger from time to time and the commitments made in the tripartite Memorandum of Understanding (MoU).
- Since the core/ critical tiger habitat has the status of a National Park/ Wildlife Sanctuary, all provisions under Chapter IV of Wildlife (Protection) Act, 1972 would be applicable to such areas, in addition to sections 51 (1C), (1D) and 55 (ab), (ac).
- While implementing various prescriptions of the TCP, it shall be ensured by the Tiger Reserve Administration that no violation of the provisions of the following Acts takes place:
 - The Wildlife (Protection) Act, 1972
 - The Indian Forest Act, 1927
 - The Biological Diversity Act, 2002
 - The Environment (Protection) Act, 1986
 - The Forest (Conservation) Act, 1980
 - The National Forest Policy, 1988

TRUE COPY ATTESTED

Phalguni Sarathi Malik
Divisional Forest Officer
Mahanadi Wildlife Division
Nayagarh

2 set

- vii. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- viii. Directives issued from time to time by Honourable Supreme Court of India

- f. Deviations, if any with respect to the provisions under section 38 O (1) (b) (g) of the Wildlife (Protection) Act, 1972 observed/ cognized at any point of time should be brought forward for necessary evaluation and assessment of such cases/ instances by the National Tiger Conservation Authority and State Government joint team for strict compliance as well as to decide upon the future course of action under the provisions of the said Act.
- g. The following need to be ensured while executing forestry operations in the buffer area of the tiger reserve:
- To ensure minimum 'patch disturbance' and minimum human-wildlife conflicts, forestry operations should be restricted only in those coupes which are due for the current year.
 - Compliance of section 38 V (2) of the Wildlife (Protection) Act, 1972 should be strictly ensured.
 - No working or camping should be permitted in the area after sunset.
 - Daily monitoring of the tiger movement, water points and cattle kill should be done and recorded.
- h. The Tourism activities should be strictly managed/ regulated as per the comprehensive guidelines issued by the NTCA under section 38 O (c) of the Wildlife (Protection) Act, 1972 vide letter dated 15.10.2012.
- i. The necessary copies of the TCP will be provided to the concerned Department/ Agencies for coordinated implementation of the provisions concerned.
- j. The NTCA reserves right to review, modify and withdraw this approval at any time i.e. various maps indicative etc., if any of the conditions of approval are violated.
- k. Final TCP should have all necessary annexure viz maps etc. duly signed by competent authority.

Yours faithfully,

(Dr. H.S. Regi.)

Inspector General of Forests (NTCA)

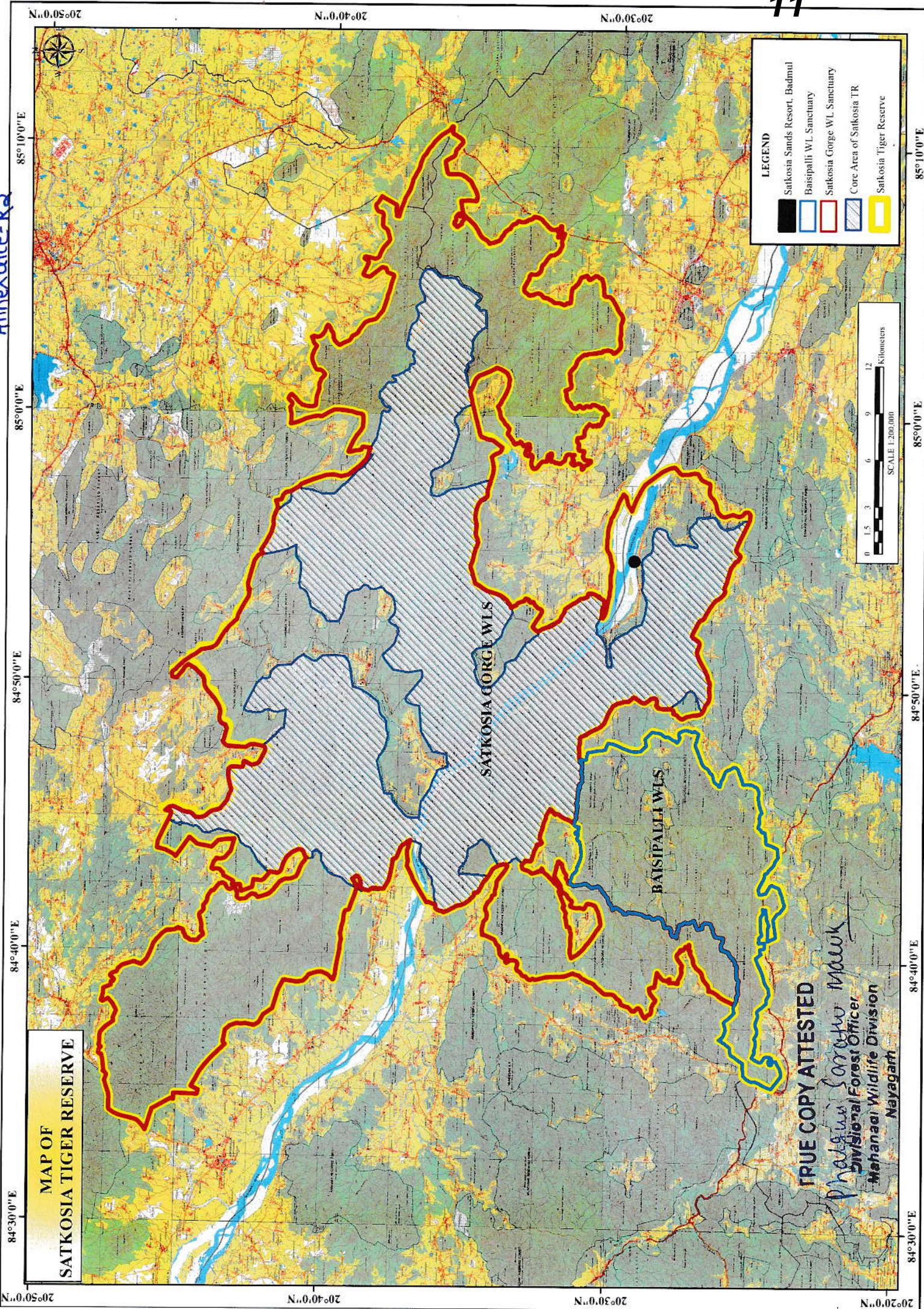
Copy to:

- The Principal Secretary of Forests, Government of Odisha.
- The Principal Chief Conservator of Forest & Head of Forest Force, Forest Department, Govt. of Odisha.
- The Additional Principal Chief Conservator of Forests (C), Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar-751023.
- The Inspector General of Forests, Regional Office, Nagpur, Guwahati and Bangalore.
- The Field Director, Satkosia Tiger Reserve, for necessary action and information please. You are requested to submit copies of Tiger Conservation Plan for due signature of competent authority.

TRUE COPY ATTESTED

Phalguni Sarathi Mallick
 Divisional Forest Officer
 Mahanadi Wildlife Division
 Nayagarh

Annexure-Ra



**MAP OF
SATKOSIA TIGER RESERVE**

TRUE COPY ATTESTED

Phanajyoti Saranathu Mahto
Divisional Forest Officer
Mahanaal Wildlife Division
Nayagarh

GOVERNMENT OF ODISHA

LAW DEPARTMENT

No. IV/1 LR(S) - 13/22 6484 /L, Dt. 26 APR 2024

From

Smt. Sushma Kiro
Deputy Secretary to Government

To

Sri Shashanka Bajpayee, Advocate

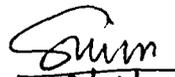
Sub: Engagement of Counsel to defend the State in O.A No. 71/2024/EZ filed by Wildlife Society of Orissa-vrs- State of Odisha & Ors pending before the National Green Tribunal, Eastern Zone Bench, Kolkata.

Sir,

I am directed to say that you are engaged as Special Counsel to defend the State of Odisha in the above noted case pending before the National Green Tribunal, Eastern Zone Bench, Kolkata with daily appearance fees of Rs 5000/- for each date of appearance and expenses as per actual to be borne by the Forest, Environment & Climate Change Department.

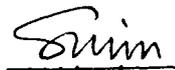
Further correspondences, if any, in the matter may kindly be made with the Forest, Environment & Climate Change Department under intimation to this Department.

Yours faithfully,


26/4/2024
Deputy Secretary to Government

Memo No. 6485/L, dated . 26 APR 2024

Copy forwarded to Forest, Environment & Climate Change Department for information and necessary action w.r.t their UOI No. 10/ACSFE&CC, dated 20.04.2024.


26/4/2024
Deputy Secretary to Government

Fax/e-mail

Memo No. 6486/L, dated . 26 APR 2024

Copy forwarded to the Advocate General, Odisha, Cuttack for information and necessary action w.r.to their Office Letter No.20004, dated 02.04.2024 .


26/4/2024
Deputy Secretary to Government

Memo No. 6487/L, dated . 26 APR 2024
Copy forwarded to Guard File.


26/4/2024
Deputy Secretary to Government

**Reply on Behalf of the Respondent No. 1 To 7 in Original Application 71/2024,
Wildlife Society Of Orissa Represented By Its Secretary Vs 1. State Of Odisha
Through Chief Secretary Of Odisha**

1 message

Vardharma Chambers <vardharma@gmail.com>
To: Sankar Pani <sankarprasadpani@gmail.com>
Cc: shashank bajpai <advocateshshankbajpai@gmail.com>

Thu, May 9, 2024 at 1:39 PM

Respected Sir,

Please find attached herewith the Reply on Behalf of the Respondent No. 1 To 7, in the subject captioned matter for your kind perusal.

Regards,

VARDHARMA CHAMBERS*11 & 11A Golf Apartments****Golf Links, New Delhi- 110003******Mob: +91 8076414398***

 **Counter_Reply-Wildlife_Society;_NGT_Kolkata.pdf**
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