

*Filed by
Rajib Ray
13/03/23*

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 164/2023/EZ**

In the matter of:

All India Anti Corruption Organization

.... Applicant.

Versus

Union of India & Ors.

.... Respondents.

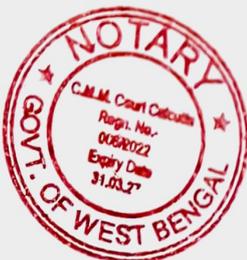
**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 13, THE DIVISIONAL
FOREST OFFICER, DURGAPUR.**

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Filed by:

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High Court, Calcutta
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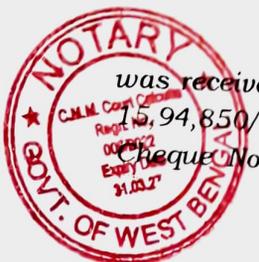
.... Respondents.

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 13, THE DIVISIONAL
FOREST OFFICER, DURGAPUR.**

I, Sri Anupam Khan , son of Sri Bhagyaratan Khan, aged about 41 years, by faith Hindu, by occupation Service, now posted as Divisional Forest Officer of Durgapur Division, West Bengal, Pin-713212, do hereby solemnly affirm and state as follows:-

1. I am the Divisional Forest Officer, Durgapur Division, the Respondent No. 13 herein. I have duly consulted the records available in my office and thereafter, I have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.
2. That this affidavit is being affirmed in pursuant to the solemn order dated 03.04.2024 passed by the Hon'ble Tribunal, whereby the Hon'ble Tribunal was pleased to direct the Divisional Forest Officer, Durgapur, to file a better affidavit within two weeks.
3. That the Hon'ble Tribunal vide its order dated 03.04.2024 held, *interalia*-

".....In this affidavit, it has been stated that money for plantation of trees was received from the National Highway Authority of India (NHAI) for a sum of Rs. 15,94,850/- (Rupees Fifteen lakhs ninety four thousand eight hundred fifty only) vide Cheque No. 340011 dated 17.09.2013 which has been deposited with the West



Bengal Wasteland Development Corporation Ltd. vide Cheque No. 876391 dated 18.06.2014. How has this fund been utilized has not been indicated. The Divisional Forest Officer, Durgapur, has not clarified as to whether this amount was adequate towards compensatory afforestation for the trees cut.

Thereafter, it is stated that 182 Ha. Plantation which translates to 2,91,200 trees was created on phase by phase basis by the DFO, Durgapur, from the fund provided by the West Bengal Wasteland Development Corporation Ltd. (now Green Projects Wing). It is not clear as to whether this plantation is connected to the project of the NHAI in the present Original Application. These plots 440,441 to 521 are stated to be under Asansol, Jharkhand border to be executed on BOT basis."

4. That for 6-laning of Barwa Adda-Panagarh section of NH-2 from Km 398.240 to Km 521.120 including Panagarh Bypass in the state of Jharkhand and West Bengal under NHDP Phase-V on BOT (Toll) on DBFOT pattern, tree felling permission was given from three authorities, namely, the Divisional Forest Officer, Dhanbad, Jharkhand, the Divisional Forest Officer, Burdwan, West Bengal and the Divisional Forest Officer, Durgapur, West Bengal. Out of these three Forest Divisions, the Burdwan Forest Division and the Durgapur Forest Division come under the State of West Bengal.

5. That the Dy. Manager (Tech), For Project Director, National Highway Authority of India (NHAI) vide his letter no. 15017/1/2013/PIU(DUP)/7063 dated 19.04.2024 replied to the Divisional Forest Officer, Durgapur Division wherein it was stated that 3047 Nos. of trees were felled in Burdwan Division, 11112 Nos. of trees were felled in Durgapur Division and 10356 Nos. of trees were felled in Dhanbad Division.

A copy of the said letter dated 19.04.2024 is annexed herewith and marked as **Annexure- "A"**.

6. That after obtaining the permission for felling trees from the Divisional Forest Officer, Durgapur Division and from the Divisional Forest Officer, Burdwan Division an amount of Rs. 15,94,850/- was deposited to the Divisional Forest Officer, Durgapur Division by the National Highway Authority of India as Security Deposit and an amount of Rs. 3,07,300/- was deposited to the office of the Divisional Forest Officer, Burdwan by the National Highway Authority of India as Security Deposit for felling of trees in the respective Divisions.

7. That the Divisional Forest Officer, Durgapur Division vide cheque no. 876391 dtd 18.06.2014 deposited the said amount of Rs. 15,94,850/- as received from the National Highway Authority of India as Security Deposit, to the then West Bengal Wasteland Development Corporation Ltd and similarly, the Divisional Forest Officer, Burdwan Division deposited the said amount of Rs. 3,07,300/- as received



from the National Highway Authority of India as Security Deposit, under H/S-8443-00-103-001-07-00 in TR-7.

8. That thereafter, the plantation programme was taken up by the NHAI against felling of a total 14,159 Nos. (11,112 Nos. in Durgapur Division + 3047 Nos. in Burdwan Division) of trees. An amount of Rs. 1,07,25,100/- was paid by the National Highway Authority of India to the West Bengal Wasteland Development Corporation Ltd as expenses for carrying out the plantation of trees against the felling of 14,159 Nos. of trees. A letter was issued by the Project Director, National Highway Authority of India to the Managing Director, West Bengal Wasteland Development Corporation being letter no. 15017/1/2008/PIU(DUP)/6-lane/943 dated 15.04.2014 which provided the details of payment that were made by the NHAI to the Wasteland Development Corporation Ltd.

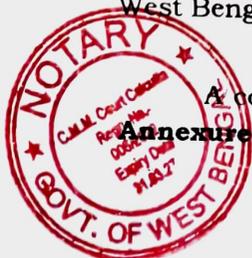
A copy of the said letter dated 15.04.2014 is annexed herewith and marked as **Annexure-“B”**.

9. That an aggregate of 1,15,200 Nos. of saplings were planted in the year 2015-2016 and 2016-2017 against the felling of 14,159 Nos. of trees. The said plantation was done over an area of 72 hectares. The location of plantation sites are given below:

Sl No.	Plantation Site	Area (Ha.)
1.	Plantation on DPL land Durgapur, Raghunathpur Mouza, J.L. No. 87, Durgapur Ash Pond during 2016-17	65.0
2.	Plantation on DSP at Kamalpur Mouza, J.L. No. 47, Tilabani Beat, Ukhra Range during 2015-16.	7.0
	TOTAL	72.0 Ha.

10. That the amount of Rs. 1,07,25,100/- which was paid by the National Highway Authority of India to the West Bengal Wasteland Development Corporation as plantation expenses have been utilized towards plantation of 1,15,200 Nos. of saplings in the years 2015-2016 and 2016-2017 over an area of 72 hectares in Durgapur and Burdwan Forest Divisions against the felling of 14,159 Nos. of trees for 6-laning of Barwa Adda-Panagarh section of NH-2. A utilization certificate along with inspection report has also issued by the Ex-officio General Manager, Green Projects Wing (previously West Bengal Wasteland Development Corporation Ltd.), West Bengal Forest Development Corporation Ltd.

A copy of the said Utilization Certificate is annexed herewith and marked as **Annexure-“C”**.



11. That it is pertinent to mention here that in the affidavit filed on 03.02.2024 it was affirmed by the Divisional Forest Officer, Durgapur Division that 182 Hectares of plantation, which translates to 2,91,200 of trees was created on phase by phase basis by the Divisional Forest Officer, Durgapur Division by the fund provided by the erstwhile West Bengal Wasteland Development Corporation Limited (now Green Projects Wing) to the Ex-Officio Manager, WBWDCL and Divisional Forest Officer, Durgapur Division. This 182 Hectares of plantation relates to the total plantation done by the Divisional Forest Officer, Durgapur Division against the funds provided by the National Highway Authority of India to the erstwhile West Bengal Wasteland Development Corporation Limited for different projects. However, as stated in the above paragraphs of this instant affidavit a 72 Hectares of plantation was done by the Divisional Forest Officer, Durgapur Division against the present project i.e, the 6-laning of Barwa Adda-Panagarh section of NH-2 from Km 398.240 to Km 521.120 including Panagarh Bypass. Therefore, a total 72 Hectares of plantation which translates to plantation of 1,15,200 Nos. of saplings was done by the funds provided by the National Highway Authority of India against the present project in question i.e, the 6-laning of Barwa Adda-Panagarh section of NH-2 from Km 398.240 to Km 521.120 including Panagarh Bypass.

12. That the statements made in paragraph 1 to 11 are based on information derived from the record which are kept and maintained by the respondents and which I believe to be true.

13. That it is therefore, respectfully prayed that this Hon'ble Tribunal may graciously be pleased to pass order or orders as it deems fit and proper in the interest of justice.



Prepared in my office

[Signature]
Advocate

N. DASGUPTA
Notary
Regn. No. 0089/2022
3 Bankshal Street
Calcutta-700001

[Signature]
Deponent

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Ad
[Signature]
NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.

04 MAY 2024

Annexure- 'A'



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)
National Highways Authority of India

(Ministry of Road Transport & Highways, Govt. of India)

परियोजना निदेशक का कार्यालय, परियोजना कार्यान्वयन इकाई
एन एच ए आई कमप्लेक्स, सेक्टर - २ (ए), विधाननगर, दुर्गापुर-१२

Office of the Project Director, Project Implementation Unit

NHAI Complex, Sector-2(A), Bidhannagar, Durgapur-713212



दुरभाष / Phone No. : (0343) 253 5766, 253 4815, फैक्स न० / Fax No. : (0343) 253 4676, ई-मेल / E-mail : dur@nhai.org, nhaipiudgp@yahoo.com
Ref. No. : 15017/1/2013/PIU(DUP)/7063 Dated : 19.04.2024

To

The Divisional Forest Officer
Durgapur Division
Aranyapally, Shastri Avenue,
Durgapur - 12

Sub: 6-laning of Barwa Adda - Panagarh section of NH-2 from Km 398.240 to Km 521.120 including Panagarh Bypass in the state of Jharkhand & West Bengal under NHDP Phase-V on BOT (Toll) on DBFOT pattern.

- Seeking urgent information i.c.w original application no. 164/2023/EZ before the National Green Tribunal Eastern Zone Bench, Kolkata. All India Anti Corruption Organization Vs Union of India & Ors. reg.

Ref: Your office letter no. 209/15-(11) dated 12.04.2024.

Sir,

With reference to your above mentioned letter, the desired information are furnished as below:-

A. For the whole project

Sl. No.	Question	Reply
1.	Felling permission was received from how many authorities? Please give details	1. DFO-Dhanbad 2. DFO-Durgapur 3. DFO-Bardhaman
2.	How many trees were felled? Please give details	i) 3047 - Bardhaman ii) 11112 - Durgapur iii) 10356 - Dhanbad
3.	How many trees were planted in response to the felling?	1) 25935 nos. avenue plantation by the Concessionaire, M/s Barwa Adda Expressway Ltd. 2) 115200 nos. trees planted by the Forest Department against fund deposited towards compensatory afforestation to WBFDC.
4.	Details of the plantation agency & plantation details	1) Concessionaire, M/s Barwa Adda Expressway Ltd. - Radhachura, Krishnachura, Neem, Shisham, Kadam) 2) Forest department - Arjun, Sirish, Jarul, Simul, Krishnachura, Radhachura, Akashmoni, Gamar, Minjiri, Chatim, Shonajhuri, Karanja, Sissoo & Chikrasi
5.	Fund allotment & utilization for the above mentioned plantation	(I) Rs.1,26,27,250/- has been deposited with West Bengal Forest Development Corporation towards compensatory afforestation against trees felled for the subject project. (ii) In addition to above, Concessionaire, M/s Barwa Adda Expressway Ltd. is also carrying out avenue plantation as per provisions of the Concession Agreement.



Contd....

-Page : 2-

3. For the portion of the Project for which felling permission was received from Durgapur Division

Sl. No.	Question	Reply
1.	How many trees were felled? Please give details	11112 nos.
2.	How many trees were planted in response to the felling?	i) 24000 nos. - Concessionaire, M/s Barwa Adda Expressway Ltd. ii) 115200 nos. - Wbfdcl towards compensatory afforestation.
3.	Details of the plantation agency & plantation details	1) Concessionaire, M/s Barwa Adda Expressway Ltd. - Radhachura, Krishnachura, Neem, Shisham, Kadam) 2) Forest department - Arjun, Sirish, Jarul, Simul, Krishnachura, Radhachura, Akashmoni, Gamar, Minjiri, Chatim, Shonajhuri, Karanja, Sissoo & Chikrasi
4.	Fund allotment & utilization for the above mentioned plantation	(i) Rs.1,26,27,250/- has been deposited with West Bengal Forest Development Corporation towards compensatory afforestation against trees felled for the subject project. (ii) In addition to above, Concessionaire, M/s Barwa Adda Expressway Ltd. is also carrying out avenue plantation as per provisions of the Concession Agreement.

This is for your kind information and necessary action please.

Yours faithfully


(Neeraj Agrahari)
Dy. Manager (Tech)
For Project Director



Annexure - B



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
NATIONAL HIGHWAYS AUTHORITY OF INDIA
(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS)

परियोजना निदेशक का कार्यालय, परियोजना कार्यान्वयन इकाई
Office of the Project Director, Project Implementation Unit
एन एच ए आई कॉम्प्लेक्स, सेक्टर-२(ए), विधाननगर
NHAI Complex, Sector-2(A), Bidhannagar
दुर्गापुर-७१३२९२, Durgapur-713212

दूरभाष / Phone No (0343) 253 5766
253 4815
फैक्स नो / Fax No (0343) 253 4676
ई-मेल / E-mail dur@nhai.org
nhaijudgp@yahoo.com

Ref. No. : 15017/1/2008/PIU(DUP)/6-lane / 943
To

Dated : 15.04.2014

The Managing Director
West Bengal Wasteland Development Corporation Ltd.
Office of the Managing Director
10A, Auckland Road, Eden Gardens, Kolkata - 700 021

Sub: 6-laning of Barwa Adda - Panagarh section of NH-2 from Km.398.240 to Km.521.120 including Panagarh Bypass in the states of Jharkhand & West Bengal under NHDP Phase-V on BOT (Toll) on DBFOT pattern.
- Release of payment towards harvesting and afforestation under Durgapur Burdwan Forest Division.

Ref: Your office letter no. 85/WBWDC/3D-24 dated 18.02.2014.

Sir,

Please find enclosed herewith a demand drafts bearing no. 055484 & 055485 both dated 12.04.2014 drawn in favour of "West Bengal Wasteland Development Corporation Ltd." payable at Kolkata for amounts of Rs.90,00,000/- & Rs.15,10,598/- respectively towards Supervision Charges and afforestation under Durgapur Forest Division against the estimate of Rs.1,64,45,250.00. The details of payment made are as under:

1. Harvesting cost	-Rs. 38,18,000.00
2. Plantation cost	-Rs.1,08,00,000.00 ✓
3. Supervision charge	-Rs. 18,27,250.00
4. Total estimated cost	-Rs.1,64,45,250.00
5. Amount being deposited (2+3)	-Rs.1,26,27,250.00
6. Amount already paid as Security Deposit(*)	-Rs. 19,02,150.00 ✓
7. Net payable (5-6)	-Rs.1,07,25,100.00

* Details of payments made against Security Deposit

- Amount paid to Divisional Forest Officer, Durgapur vide Ch. No. 545865 dated 17.09.2013 through this office letter no. 15016/1/2009/PIU(DUP)/4284 dated 20.09.2013 - Rs.15,94,850.00
- Amount paid to Forest Range Officer, Durgapur Range, Burdwan Division vide Ch. No. 545864 dated 17.09.2013 through this office letter no. 15017/1/2008/PIU(DUP)/6-lane/4366 dated 01.10.2013 - Rs.3,07,300.00

Kindly acknowledge the receipt of the above payment at the earliest.

Encl : As stated

Copy to : 1) Chief General Manager (Tech), NHAI, RO Kolkata
2) DFO, Durgapur
3) Range Officer, Durgapur Range, Burdwan Division

Yours faithfully

o/e (Krishna Murari)
Project Director

- 9 -
Annexure - 'C'

GREEN PROJECTS WING

WEST BENGAL FOREST DEVELOPMENT CORPORATION LTD.

(A GOVT. OF WEST BENGAL UNDERTAKING)

CIN No. : U02005WB1974SGC029535



FORM GFR 19-A

[See Government of India's Decision (1) below Rules 150]

Form of Utilization Certificate

Sl.No.	DD & Cheque No. and date	Amount (Rs.)
1.	DD No.055484 dt. 12.04.2014	90,00,000.00
2.	DD No.055485 dt. 12.04.2014 TDS	15,10,598.00 2,14,502.00
3.	Ch. No.545865 dt. 17.09.2013	15,94,850.00
4.	Ch. No.364911, dt. 17.09.2013	3,07,300.00
Total		1,26,27,250.00

Certified that out of Rs.1,26,27,250.00 deposited during the year 2013-14 & 2014-15 in favour of Managing Director, West Bengal Wasteland Development Corporation Ltd. vide DD & Cheque No. given in the margin the entire fund has been utilized for the purpose for which it was sanctioned.

2. Certified that I have satisfied myself that the conditions on which the fund was sanctioned have been duly fulfilled and that the Ex-officio Manager, Green Projects Wing, West Bengal Forest Development Corporation Ltd. & Divisional Forest Officer, Durgapur Division has exercised the following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kinds of checks exercised;

1. Field inspection of works done.
2. Vouchers of payments checked.
3. Files and records checked.

Submitted.

Ex-officio General Manager
Green Projects Wing

West Bengal Forest Development Corporation Ltd.



BEFORE THE HONBLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 164/2023/EZ

In the matter of:

All India Anti Corruption
Organization

.... Applicant.

Versus

Union of India & Ors.

.... Respondents.

Affidavit on behalf of the respondent
no. 13, the Divisional Forest Officer,
Durgapur in terms of Solemn order
dated 03.04.2024.

RAJIB RAY

Advocate

Bar Association Room No. 13,
High Court, Calcutta

Mob-9830132729/7980422764

Chamber: 28, Fakir Chand Mitra
Street, Kolkata- 700009.

Email: rajib.ray23@gmail.com

