

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA**

Original Application No. 105 of 2024 (EZ)

IN THE MATTER OF:

Rohit Choudhury

.....Applicant

-Versus-

State of Assam & Ors.

.....Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF THE MINISTRY
OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(MoEF&CC) (Respondent No.3)**

MOST RESPECTFULLY SHOWETH:

I, Hemen Hazarika, son of Late Harakanta Hazarika, aged about 44 years, presently posted as Scientist "E" in the Sub-Office, Guwahati under Regional Office Shillong, Ministry of Environment, Forest & Climate Change, Government of India at 4th Floor Housefed Complex, Rukminigaon, Six Mile, G.S. Road, Guwahati-781022, do hereby solemnly affirm and state as under: -

1. That I am holding the post of Scientist "E" in the Sub-Office, Guwahati under Regional Office Shillong, Ministry of Environment, Forest & Climate Change, Government, of India. I have made myself acquainted with the facts and



Dipamoni Kalita
30/7/2024
(DIPAMONI KALITA)
NOTARY, GOVT. OF ASSAM
KAMRUP (METRO), GUWAHATI
Regd. No. KAM-29

circumstances of this instant case and I have been duly authorized and empowered to make and swear this affidavit for and on behalf of the Ministry of Environment, Forest & Climate Change and I am competent to do so.

2. That, the deponent has been served with a copy of the said application in which the deponent have perused and understood the contents/ allegations/averments/statements and/ or tenor thereof made in the application. At the outset, the deponent denies all averments, submissions; statements and allegations made therein except as may be specifically admitted herein after.

Statement of Facts

3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter-alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under



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State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.

4. It is submitted that prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (earlier known as Forest (Conservation) Act) is required for carrying out any non-forestry activity on forest land.

5. That the answering Ministry, on account of media report dated 25.04.2024 titled as "A second commando battalion in Assam established without FC nod", requested the State Govt. vide letter dated 25.04.2024 and subsequent reminder letter dated 13.06.2024 to furnish a detailed factual report vis-à-vis allegations of violation of statutory provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the PCCF/HoFF, Assam. Additionally, Regional Office, Shillong of the answering Ministry vide letter dated 06.05.2024 requested the State Govt. to provide a detailed factual report

in this regard. However, reply is awaited in this regard.



The copy of the letter dated

25.04.2024, 06.05.2024, 13.06.2024 *Dipamoni Kalita*

30/7/2024
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NOTARY, GOVT. OF ASSAM
KAMRUP (METRO), GUWAHATI
Regd. No. KAM-29

are annexed herewith and marked as

Annexure-R1.

6. That subsequently, the Hon'ble Tribunal vide order dated 29.05.2024 constituted a committee comprising of the officers of MoEF&CC to enquire the instant case comprehensively. Accordingly, in compliance of the order supra, the answering Ministry vide Office Memorandum dated 05.06.2024 issued a formal letter regarding the constitution of the committee to visit the site and submit its report to the Hon'ble NGT.

Copy of the letter dated 05.06.2024 is annexed herewith and marked as

Annexure-R2.

7. It is respectfully submitted that this answering Ministry without prejudice reserves its right to file additional information till pendent-lite, if so required.

8. It is respectfully submitted that in view of the above-mentioned facts, the replying Respondents humbly pray that

the Hon'ble Tribunal may be pleased to pass such order as deemed fit in the interest of the Justice.



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Regd. No. KAM-29

DEPONENT

VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed therefrom. Verified at Guwahati on this 30th day of, July 2024.

Identified by:

Mehboob Alam

MEHBOOB ALAM
Advocate
Enrolment No. 571 of 2017

Dr. Hemant Hazarika

DEPONENT

SOLEMNLY AFFIRMED AND DECLARED BEFORE ME BY
THE DEPONENT / DEPONENTS WHO IS/ARE IDENTIFIED
BY..... M. Alam.....
ADVOCATE / ADVOCATE'S CLERK AT GUWAHATI
DATED..... 30th July, 2024.....

Dipamoni Kalita
30/7/2024

(DIPAMONI KALITA)
NOTARY, GOVT. OF ASSAM
KAMRUP (METRO), GUWAHATI
Regd. No. KAM-29



E.F.No. FC-7/1/2024-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Parayavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi-11003
Dated: April, 2024

To

The Additional Chief Secretary (Forests),
Government of Assam, Dispur
Guwahati

**Sub: "A second commando battalion in Assam established without FC nod"
as per news report in Hindustan Times dated 25.04.2024-Comments
regarding**

Madam/Sir,

This is in apropos with the above stated news report in Hindustan Times dated 25.04.2024 matter it is reported that "Sh M K Yadava, who was also the Head of forest force, approved the diversion of another 28 ha at the Assam-Nagaland border in Geleky reserve forest in 2022 for a police battalion camp." (Copy of the news report attached).

In view of the aforesaid, it is requested to furnish a detailed factual report vis-à-vis the captioned media report to this Ministry for further necessary action.

Encl./As above

Signed by
Suneet Bhardwaj
Date: 25-04-2024 18:36:47

Yours faithfully,

Sd/-
(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to: The Regional Office of MoEF&CC, Shillong and Sub-office Guwahati of Regional Office, Shillong of MoEF&CC with a direction to coordinate with the State government and provide the requisite information with comments at the earliest.



भारतसरकार
GOVERNMENT OF INDIA
एकीकृतक्षेत्रीयकार्यालय
REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लॉउसीबलुम्बतंगेन/ LUMBATNGEN,
शिल्लोण्ग/SHILLONG-793021
TEL. 0364-253-7609/7395/4650; FAX. 0364-2536041
E-mail: ro.nez.shill@gmail.com / moetro.shillong@gov.in



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File No. RONE/E/O.A No. 61/24/PB/AS 290-91

Dated 06.05.2025

To,

✓ The Additional Chief Secretary (Forests),
Government of Assam, Dispur,
Guwahati

Sub: "A Second Commando Battalion in Assam established without FC nod" as per news report in Hindustan Times dated 25.04.2024- reg.

Ref: Ministry's letter No. E.F. No.FC-7/1/2024-FC dated 25.04.2024.

Sir,

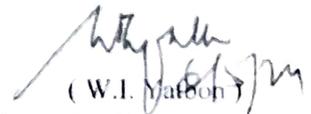
Kindly refer to Ministry's letter referred (copy enclosed) on the subject cited above, wherein the Ministry has requested the State Government of Assam to furnish a detailed factual report vis-a-vis the captioned media report as published in the Hindustan Times dated 25.4.2024, concerning approval for diversion of 28 ha for second commando battalion in Assam- Nagaland border in Geleky reserve forest in 2022, for a police battalion camp by the then PCCF & HOFF Shri M. K. Yadava.

In this connection, the State Government of Assam is requested to kindly provide the detailed factual report to the Ministry, with a copy marked to this office for further necessary action and to offer comments in the instant matter as desired by the Ministry, at the earliest.

An early action shall be highly appreciated.

Yours faithfully,

Encl: As stated


(W.I. Matson)

Deputy Inspector General of Forests (C)

Copy to:

1. Shri Suneet Bhardwaj, Assistant Inspector General of Forests, Ministry of Environment, Forest and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-11003.


Deputy Inspector General of Forests (C)

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Parayavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi-11003
Dated: As per e-sign

To

The Additional Chief Secretary (Forests),
Government of Assam,
Guwahati

**Sub: "A second commando battalion in Assam established without FC nod"
as per news report in Hindustan Times dated 25.04.2024-Reg**

Madam/Sir,

This is in apropos with the above stated news report in Hindustan Times dated 25.04.2024 matter wherein it was reported that "Yadava, who was also the head of forest force, approved the diversion of another 28 ha at the Assam-Nagaland border in Geleky reserve forest in 2022 for a police battalion camp." The Ministry vide its letter no. FC-7/1/2024-FC dated 25.04.2024 requested the State Govt. to furnish a factual report vis-à-vis above subject matter to this Ministry. However, the same has not yet been received in the Ministry (Copy of the letter dated 25.04.2024 enclosed).

Taking into account the aforesaid, it is once again requested to provide a detailed factual report in the above subject matter to this Ministry for further necessary action.

Signed by
Suneet Bhardwaj
Date: 13-06-2024 10:47:40

Yours sincerely,

Sd/-
(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to: The Regional Office of MoEF&CC, Shillong and Sub-office Guwahati of Regional Office, Shillong of MoEF&CC with a request to coordinate with the State government and provide the requisite information with comments at the earliest.

Government of India
Ministry of Environment, Forest & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi -110003,
Dated: 5th June 2024

OFFICE MEMORANDUM

Subject: Constitution of a Committee in compliance of Hon'ble NGT's order dated 29.05.2024 in Original Application No.105/2024/EZ in the matter of Rohit Choudhury Vs. State of Assam & Ors. before Hon'ble NGT (EZ)-Reg.

In pursuance to the direction of Hon'ble NGT in their order dated 29.05.2024(copy enclosed) in the above subject matter, the following committee is constituted to enquire into the case comprehensively:

- (i) Sh. A.K. Mohanty, Additional Director General of Forests(FC), MoEF&CC
- (ii) Sh. Tanmay Kumar, Additional Secretary, MoEF&CC
- (iii) Ms. Imtiena Ao, DDG Forests (C), MoEF&CC, Regional Office, Shillong.

The Committee shall visit the site and submit its report on affidavit to the Hon'ble NGT. The Additional Director General of Forest(FC), shall be the Nodal officer for filing the report on affidavit.

This issues with the approval of the competent authority.

Encl. As Above

Signed by
Suneet Bhardwaj
Date: 05-06-2024 15:40:00

Sd/-
(Suneet Bhardwaj)
Asst. Inspector General of Forests

To,

1. Sh. A.K. Mohanty,
Additional Director General of Forests(FC),
MoEF&CC, IPB, New Delhi

2. Sh. Tanmay Kumar
Additional Secretary,
MoEF&CC, IPB, New Delhi

3. Ms. Imtiena Ao,
Deputy Director General of Forests (C),

MoEF&CC, Regional Office,
Shillong.



Amrita Pandey <amritalegal@gmail.com>

OA 105/2024/EZ ROHIT CHOUDHURY VS STATE OF ASSAM-reg

Amrita Pandey <amritalegal@gmail.com>

Thu, Aug 1, 2024 at 10:02 AM

To: rohitzkaziranga@gmail.com, mrdey <mrdey@rediffmail.com>

Cc: Amrita Pandey <amritalegal@gmail.com>

Dear Sir/Madam,
Re: OA no. 105/2024/EZ Rohit Chowdhury Vs St of Assam

Please find attached herewith the copy of the affidavit filed on behalf of MOEF&CC. Respondent no. 3.

Warm regards

Amrita Pandey

**OA105-2024 Affidavit dated 30-07-2024.pdf**

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