

BEFORE THE NATIONAL GREEN TRIBUNAL;
EASTERN ZONE BENCH; KOLKATA
ORIGINAL APPLICATION NO. 42 OF 2024

Bimal Hembram & OthersAPPLICANTS

V E R S U S

STATE OF ODISHA

& OTHERS

....RESPONDENTS

**COUNTER AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NO.7 (ODISHA INDUSTRIAL
INFRASTRUCTURE DEVELOPMENT CORPORATION)**

I, Umakanta Biswal, aged about 52 years, S/o- Late Nilamani Biswal, at present working as Land Officer, Odisha Industrial Infrastructure Development Corporation (IDCO), Janpath, Bhubaneswar, Dist- Khurda, do hereby solemnly affirm and state as follows:

1. That, I have been duly authorized to swear this affidavit on behalf of Respondent No.7 in this case.
2. That, I have gone through the contents of the original application and have understood the same. I am also otherwise acquainted with the facts of the case.
3. That, in the original application, the applicants have prayed for the following direction:

- (a) Restrain the private respondents and IDCO from accessing and using the forest land for industrial activity until approval of the central Govt. is

Pradipta
PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

Umakanta Biswal
Land Officer
IDCO, Bhubaneswar

obtained under the forest conservation Act of 1980.

- (b) Hold and declare that the conversion of Sabik forest land to non forest kisam is contrary to law and thereby illegal.
- (c) Hold and declare that the lease granted in favour of IDCO and subsequent transfer to project proponent as illegal and void for the want of forest clearance.

4. That, the applicants have made the aforesaid prayer on the basis of all misconceived facts and law, which are traversed in view of the averments made herein below, while in course of replying to the averments made in the original application, in view of which the O.A is liable to be dismissed, being not sustainable in the eye of law.

5. That, the averments made in para-1 and 2 of the OA, needs no reply.

6. That, the averments made in Para-3 of the Original Application are not true. The village Jhatiapada is not a Revenue village. The village in which land has been allotted in favor of M/s. My Home Industries Pvt. Ltd is Byree and the said village is coming under Byree GP in Darpan Tahasil. One cluster had been developed on encroachment over the Govt. land which is nearly 800 mtrs from the cement grinding unit and approximately 400 mtrs from the main gate of the industry. Since the habitation had been developed more than 20 years an Anganwadi Centre and an UP school have been subsequently constructed.

Pradipta Kumar Mohanty

Pr
PRADIPTA KUMAR MOHANTY
 Notary, Cuttack Town
 Regd.No-CN-04/1995

Umapada Pattnaik
 Land Officer
 IDCO, Bhubaneswar

7. That, the averments made in Para- 4 of the original application is true with the fact that, the Respondent No. 9, M/s. My Home Industries Private Limited has set up a Cement grinding unit of 3.0 MTPA capacities in the project area of village Byree and IDCO has allotted **Ac.103.23** land for the industrial activities of the said industry. As per the industrial policy the industry has to develop a green belt as per Government norms inside the allotted area.


8. That, in reply to the averments made in Para- 5 of the Original Application it is humbly submitted that, the proposed train line of M/s. My Home Industries Private Ltd. a private railway line having almost no railway traffic and fewer consignments.

9. That, in reply to the averments made in Para -6 of the Original Application, it is humbly submitted that, the Sabik Plot No.3854 was of Pathuria Jungle but in Hal Plot, it has been changed to No.4368 and the Kissam shown as **Patita** is not true. As per the Hal-Sabik statement issued vide letter No.4329 dtd.15.04.2024 of collector Jajpur, Kissam of Hal plot No.4368 which corresponds to Sabik plot No.2024(P), both are of Kissam **Patita** as per Hal & Sabik record. The copy of the Letter No.4329 dtd.15.04.2024 of Collector, Jajpur is annexed herewith as **Annexure -A/7.**

10. That, in reply to the averments made in Para-7 of the Original Application, it is humbly submitted that, the lands involved in the allotment of M/s. My Home Industries Pvt. Ltd is not coming under forest category of land.

Pradipta Kumar Mohanty
 Land Officer
 IDCO, Bhubaneswar

Pradipta Kumar Mohanty


PRADIPTA KUMAR MOHANTY
 Notary, Cuttack Town
 Regd.No-ON-04/1995

11. That, the averments made in Para-8 to 12 of the original application needs no reply.

12. That, in reply to the averments made in Para -13 of the Original application it is humbly submitted that, the Hal/Sabik comparison statement issued by Collector Jajpur vide Letter No.4329 dtd.15.04.2024 shows the Sabik Kissam of Hal plot No.4368 is **Patita**.

13. That, in reply to the averments made in Para-14 of the Original application it is humbly submitted that, cashew trees were planted over the Hal Plot No.4368 which of revenue Forest Category is not true. As per the Hal/Sabik comparison statement issued by Collector, Jajpur the Kissam of land is **Patita** as per Hal as well as Sabik record.

14. That, in reply to the averments made in Para -15 of the Original application, it is humbly submitted that, the land in question i.e Hal Plot No.4368, Khata No.1298 with area 162.00 is of **Patita** Kissam and the corresponding Sabik plot having Plot No.2024 (P) with Khata No.709 is also of **Patita** Kissam as per Sabik record.

15. That, the averments made in Para -16 to 39 of the Original application needs no reply.

16. That from the aforesaid facts and circumstances, submissions and detail averments made herein above, it is clear that, the applicants have filed the present original application with ulterior motive by making all false and frivolous allegations, having no legs to stand and has not come in clean hands for having suppressed the real and

Umaprakashini Nayak
Land Officer
IDCO, Bhubaneswar

Pradipta
Kumar Mohanti

PRADIPTA KUMAR MOHANTI
Notary, Cuttack Town
Regd.No-ON-04/1995

relevant facts before this Hon'ble Tribunal. Thus, the original application is liable to be dismissed with cost.

17. That, the rest of the averments which have not been specifically admitted in this affidavit, may be deemed to have been denied.

18. That, in view of the averments made, considering the facts and circumstances of the case, the O.A. being devoid of any merit, is liable to be dismissed with exemplary cost, for filing such frivolous application and wasting the precious time of this Hon'ble Tribunal.

19. That, the deponent craves leave of this Hon'ble Tribunal, to file any such further affidavit, if so required, in the course of hearing, for proper adjudication of the matter.

20. That, the facts stated above are true to the best of my knowledge, belief & materials on record.

Identified by
Prasanna

Advocate

Umapankha Patwal

DEPONENT
Land Officer
IDCO, Bhubaneswar

M

PRADIPTA KUMAR MOHANTY
Notary, Cuttack Town
Regd.No-ON-04/1995

VERIFICATION

I, Sri Umakanta Biswal, aged about 52 years, S/o-Late Nilamani Biswal, at present working as Land Officer, Odisha Industrial Infrastructure Development Corporation (IDCO), Janpath, Bhubaneswar, Dist- Khurda, do hereby verify that the contents of the above affidavit are true to my knowledge, belief and materials on record, and nothing has been concealed there from.

Verified at Cuttack, on 5th day of August, 2024.

Umakanta Biswal

VERIFICANT
Land Officer
IDCO, Bhubaneswar

CERTIFICATE

Due to non-availability of Cartridge Papers, Plain thick white papers have been used in this matter.

Cuttack.

Dt. 5 .08.2024

Pronoy Mohanty

ADVOCATE
PRONOY MOHANTY
ENROLMENT NO.734/2016
MOBILE NO.8658525777



Solemnly sworn before U.K. Biswal
me by.....
being Identified by..... P. Prani Advocate
at Cuttack Town Dated... 05/08/2024
05/08/2024

P.K. MOHANTY, Notary, Cuttack Town
Regd. No-ON-04/1995

- X -

COLLECTORATE, JAJPUR
Ph 06728-222001(O) 222330 (R) Fax -222007
E-mail: dm-jajpu@nic.in. Web site: www.jajpur.nic.in
(Record Room)

Letter No 4929 Date 15.04.2024

To

The Additional Land Officer, IDCO,
Jajpur Division, Jajpur

Sub: - Submission of sabik status of the land allotted in favour of M/s My Homes Industries Pvt. Ltd and other industries to process with forest diversion in village Byree Under Darpan Tahasil

Ref.: Your office Letter No. 57/dt.17.03.2024.

Sir,

In inviting a reference to letter on the subject cited above, I am say that the required information as sought for vide letter under reference has been prepared by your deputed staffs & verified by Sri Shubhranshu Mallik, Amin, District Record Room, Collectorate, Jajpur & enclosed herewith for taking further necessary action.

Yours faithfully


Deputy Collector, Record Room
Collectorate, Jajpur

T. C Attested


Deputy Collector

Land schedule of village Byree, Thasil Daragan.

Village Byree, Taluk Daragan, District Jodhpur

Sl NO	KHATA NO	PLOT NO	Area	Sabik Khata No	Sabik Plot No	KISAM	Sabik KISAM
39	1298	4229 ✓	0.7	709	2024(P)/1990(P)	SARADA III	PATITA
40	1298	4231 ✓	0.77	709	2024(P)/3080(P)	SARADA III	PATITA
41	1299	4232 ✓	0.16	709	2024(P)	SARADA III	PATITA
42	1298	4233 ✓	0.22	709	2024(P)	SARADA III	PATITA
43	1298	4234 ✓	0.57	709	2024(P)	SARADA III	PATITA
44	1298	4235 ✓	0.13	709	2024(P)	SARADA	SARADA
3	1298	4291 ✓	0.35	709	2422 (P)	SARADA III	SARADA
2	1298	4292 ✓	0.57	709	2422 (P)	SARADA	PATITA
4	1298	4293 ✓	0.9	709	2024 (P)	SARADA	SARADA
8	1298	4293 ✓	0.47	709	2422 (P)	SARADA	PATITA
8	1298	4293 ✓	0.47	709	2024 (P)	SARADA	SARADA
5	1298	4294 ✓	0.11	709	2422 (P)	SARADA	PATITA
6	1298	4295 ✓	0.38	709	2421 (P)	SARADA	PATITA
7	1298	4296 ✓	0.17	709	2422 (P)	PATITA	PATITA
9	1298	4298 ✓	0.76	709	2422 (P)	PATITA	PATITA
10	1298	4299 ✓	0.77	709	2422 (P)	PATITA	PATITA
11	1298	4300 ✓	0.3	709	2024/2422 (P)	PATITA	PATITA
11	1298	4300 ✓	0.3	709	2024 (P)	PATITA	PATITA
12	1298	4301 ✓	0.5	709	2422 (P)	PATITA	PATITA
13	1298	4302 ✓	0.2	709	2422 (P)	PATITA	PATITA
14	1298	4303 ✓	0.17	709	2422 (P)	PATITA	PATITA
15	1298	4304 ✓	0.66	709	2422 (P)	PATITA	PATITA
15	1298	4305 ✓	0.1	709	2024 (P)	PATITA	PATITA
15	1298	4305 ✓	0.1	709	2024 (P)	PATITA	PATITA
17	1298	4306 ✓	0.19	709	2024 (P)	SARADA III	PATITA
18	1298	4307 ✓	0.44	709	2024 (P)	SARADA III	PATITA
18	1298	4307 ✓	0.44	709	2024 (P)	SARADA III	PATITA
19	1298	4308 ✓	0.27	709	2024 (P)	SARADA III	PATITA
19	1298	4308 ✓	0.27	709	2024 (P)	SARADA III	PATITA
20	1298	4309 ✓	0.42	709	2024 (P)	SARADA III	PATITA
20	1298	4309 ✓	0.42	709	2024 (P)	SARADA III	PATITA
21	1298	4310 ✓	0.12	709	2024 (P)	SARADA III	PATITA
21	1298	4310 ✓	0.12	709	2024 (P)	SARADA III	PATITA
22	1298	4311 ✓	0.47	709	2024 (P)	SARADA III	PATITA
22	1298	4311 ✓	0.47	709	2024 (P)	SARADA III	PATITA
23	1298	4312 ✓	1.2	709	2024 (P)	SARADA III	PATITA
23	1298	4312 ✓	1.2	709	2024 (P)	SARADA III	PATITA
23	1298	4313 ✓	0.24	709	2024 (P)	SARADA III	PATITA
24	1298	4313 ✓	0.24	709	2024 (P)	SARADA III	PATITA
24	1298	4314 ✓	0.37	709	2024 (P)	SARADA III	PATITA
25	1298	4314 ✓	0.37	709	2024 (P)	SARADA III	PATITA
25	1298	4315 ✓	0.8	709	2024 (P)	SARADA III	PATITA
25	1298	4315 ✓	0.8	709	2024 (P)	SARADA III	PATITA
27	1298	4316 ✓	1.03	709	2024 (P)	SARADA III	PATITA
27	1298	4316 ✓	1.03	709	2024 (P)	SARADA III	PATITA
28	1298	4317 ✓	0.04	709	2024 (P)	SARADA III	PATITA
28	1298	4317 ✓	0.04	709	2024 (P)	SARADA III	PATITA
29	1298	4318 ✓	0.19	709	2024 (P)	SARADA III	PATITA
29	1298	4318 ✓	0.19	709	2024 (P)	SARADA III	PATITA
29	1298	4319 ✓	0.45	709	2024 (P)	SARADA III	PATITA
30	1298	4319 ✓	0.45	709	2024 (P)	SARADA III	PATITA
30	1298	4321 ✓	0.11	709	2024 (P)	SARADA III	PATITA
31	1298	4321 ✓	0.11	709	2024 (P)	SARADA III	PATITA
31	1298	4322 ✓	0.4	709	2024 (P)	SARADA III	PATITA
32	1298	4322 ✓	0.4	709	2024 (P)	SARADA III	PATITA
32	1298	4323 ✓	0.17	709	2024 (P)	SARADA III	PATITA
33	1298	4323 ✓	0.17	709	2024 (P)	SARADA III	PATITA
33	1298	4324 ✓	0.48	709	2024 (P)	SARADA III	PATITA
34	1298	4324 ✓	0.48	709	2024 (P)	SARADA III	PATITA
34	1298	4325 ✓	0.15	709	2024 (P)	SARADA III	PATITA
35	1298	4325 ✓	0.15	709	2024 (P)	SARADA III	PATITA
36	1298	4326 ✓	0.26	709	2024 (P)	SARADA III	PATITA
36	1298	4326 ✓	0.26	709	2024 (P)	SARADA III	PATITA
37	1298	4327 ✓	0.48	709	2024 (P)	SARADA III	PATITA
37	1298	4327 ✓	0.48	709	2024 (P)	SARADA III	PATITA
37	1298	4328 ✓	1.24	709	2024 (P)	GHARA BARI	PATITA
38	1298	4328 ✓	1.24	709	2024 (P)	GHARA BARI	PATITA
38	1298	4367 ✓	1	709	2024 (P)	PATITA	PATITA
65	1298	4367 ✓	1	709	2024 (P)	PATITA	PATITA
62	1298	4368 ✓	162	709	2024 (P)	PATITA	PATITA
62	1298	4368 ✓	162	709	2024 (P)	PATITA	PATITA
1	1298	4368 ✓	12	709	2024 (P)	SARADA III	SARADA
77	1298	4582 ✓	0.2	709	3023(P)	SARADA III	SARADA
77	1298	4582 ✓	0.2	709	3023(P)	SARADA III	SARADA
71	1298	4583 ✓	0.06	709	3023(P)	SARADA III	SARADA
71	1298	4583 ✓	0.06	709	3023(P)	SARADA III	SARADA
71	1298	4587 ✓	0.1	709	2024 (P)	PATITA	PATITA
72	1298	4587 ✓	0.1	709	2024 (P)	PATITA	PATITA
72	1298	4588 ✓	0.03	709	2024 (P)	PATITA	PATITA
73	1298	4588 ✓	0.03	709	2024 (P)	PATITA	PATITA
74	1298	4589 ✓	0.24	709	2024 (P)	PATITA	PATITA
74	1298	4589 ✓	0.24	709	2024 (P)	PATITA	PATITA
75	1298	4590 ✓	0.06	709	2024 (P)	PATITA	PATITA
75	1298	4590 ✓	0.06	709	2024 (P)	PATITA	PATITA
66	1298	4591 ✓	0.2	709	2024 (P)	PATITA	PATITA
66	1298	4591 ✓	0.2	709	2024 (P)	PATITA	PATITA
76	1298	4594 ✓	0.3	709	3030 (PI/3028(P)	PATITA	PATITA

67	1298	4596	0.26	709	2024 (P)	PATITA	PATITA
68	1298	4600	1.75	709	2024 (P)	PATITA	PATITA
69	1298	4601	0.7	709	2024 (P)	PATITA	PATITA
59	1298	4602	1.3	710	2024 (P)	PATITA	PATITA
60	1298	4603	1.76	711	2024 (P)	SARADA III	PATITA
58	1298	4607	0.12	709	2024 (P)	SARADA III	PATITA
56	1298	4608	0.38	709	2024 (P)	GHARA BARI	PATITA
57	1298	4609	0.58	709	2024 (P)	GHARA BARI	PATITA
55	1298	4611	17.41	709	2024 (P)	TAILA I	PATITA
53	1298	4628	3.15	709	2024 (P)	PATITA	PATITA
70	1298	4629	79.00	709	2024 (P)	TAILA I	PATITA
78	1298	4629	29.01	709	2024 (P)	JALASHAYA I	PATITA
54	1298	4629	44.49	709	2024 (P)	JALASHAYA I	PATITA
61	1299	4228	501.72	709	2024 (P)	PATITA	PATITA
45	1299	4236	0.33	709	2053/2054/2055/2020/19	PAHADA	PAHADA
46	1299	4237	0.09	709	2024 (P)	PATHAR CHATAN	PATITA
47	1299	4238	2.3	709	2024 (P)	SARADA III	PATITA
48	1299	4239	0.6	709	2024 (P)	SARADA III	PATITA
49	1299	4272	1.4	709	2024 (P)	SARADA III	PATITA
50	1299	4273	0.6	709	2024 (P)	SARADA III	PATITA
51	1299	4274	0.22	709	2024 (P)	SARADA III	PATITA
52	1299	4275	0.25	709	2024 (P)	SARADA III	PATITA
64	1298	4604	0.20	709	2024 (P)	SARADA III	PATITA
63	1298	4611	17.97	709	2024 (P)	GHARA BARI	PATITA
					2024 (P)	PATITA	PATITA

Record Keeper

Prepared by - Mukunda chandra pradhan.

R.T.D. R.I

Prepared by - Jogendra Nath Mishra.

R.T.D. - R.G.

verified by me - Shubhanshu Malhe, Amin

District Record Room
Collectorate, Jajpur.

T.C Attested
Prasanna