

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH

KOLKATA

O.A. No. 112/2023/EZ

IN THE MATTER OF

Ram EkbalRai  
APPLICANT

.....

VERSUS

State of Bihar &Ors.

..... RESPONDENTS

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**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6 TO O.A. NO. 112/2023/EZ (LICENSING OFFICER-CUM-DIVISIONAL FOREST OFFICER, TIRHUT FOREST DIVISION, MUZAFFARPUR, BIHAR)**

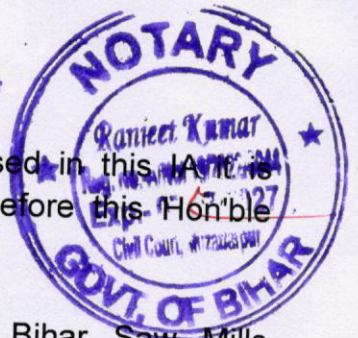
I, Bharat Chintapalli, aged about 40 years, Son of Mr. K. JayanthBabu, residing at DFO Residence, AranyaVihar, Sherpur, Muzaffarpur – 842002, Bihar, do solemnly affirm and state as follows.

1. That I am posted as Licensing Officer-cum-Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur and as such I am aware of the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.
2. That the instant matter was last heard on 26.09.2024, when the Hon'ble Tribunal was pleased to issue notice on aforesaid original application and directed the respondents to file counter affidavit.
3. That it is humbly submitted that the case of the applicant of O.A.No. 112/2023/EZ is, to allow Respondents 7 to 29 to operate veneer mills and grant them license. In the O.A., prayer has also been made not to interfere with the operation of the applicants' veneer mills unless the license is rejected.



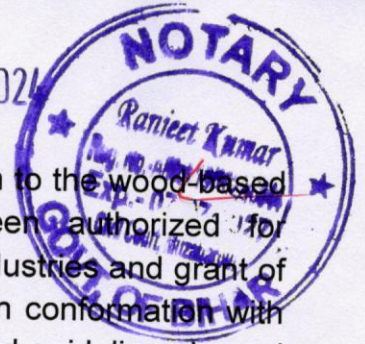
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DATE 04 DEC 2024

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4. That before giving parawise reply to the facts raised in this I.A.M. it is necessary to bring some facts for consideration before this Hon'ble Tribunal.
5. That in accordance with the section 5 of the Bihar Saw Mills (Regulation) (Amendment) Act, 2002 a veneer mill and plywood manufacturing unit is required to obtain a license under section 5 of Bihar Saw Mills (Regulation) Act, 1990 for establishment and operation of the unit in the state.
6. That the Hon'ble Supreme Court by order dated 29.10.2002 passed in WP (c) no. 202 of 1996 passed order that no State Government or Union Territory will permit the opening of any saw mills, veneer or plywood industry without prior permission of the Central Empowered Committee.
7. That in accordance with the order dated 12.12.1996 passed by Hon'ble Supreme Court in WP (C) no. 202 of 1995 the assessment of timber availability in state was made and after obtaining approval of Central Empowered Committee and Hon'ble Supreme Court the State Government by resolution no 2675 dated 30.08.2010 of Environment and Forest Department, Govt. of Bihar fixed the number of saw mill as 1919 in the state and number of veneer mill as 177 in the state.
8. That the Central Empowered Committee by its report submitted on 09.03.2012 before Hon'ble Supreme Court in WP (C) no. 202 of 1995 had recommended that plywood pasting units established prior to the order dated 30.10.2002 of the Hon'ble Supreme Court, after verifying the date of establishment, may be considered for grant of license. The Hon'ble Supreme Court has accepted the report dated 09.03.2012 of Central Empowered Committee.
9. That by order no. 31 dated 22.07.2013 of Principal Chief Conservator of Forests, Bihar the list of plywood pasting units established before 30.10.2002 has been issued which includes names of 142 plywood pastings units. By order no. 32 dated 22.07.2013 the list of veneer mills established before 30.10.2002 has been issued which includes names of 279 veneer mills.
10. That Hon'ble Supreme Court by order dated 05.10.2015 passed in WP (C) no. 202 of 1995 has authorized the state level Committee to take

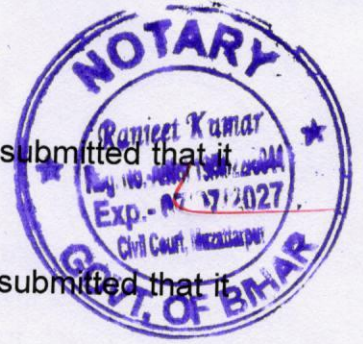
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decisions regarding the grant of license / permission to the wood-based industries. The State Level committee has been authorized for assessment of timber availability for wood based industries and grant of license / permission to the wood based industries in conformation with the order and directions issued by Hon'ble Court and guidelines issued by the Ministry of Environment, Forest and Climate Change, Govt. of India.

11. That in accordance with the recommendation made by State Level Committee the state govt. by resolution no. 2083 dated 08.06.2023 of Environment Forest and Climate Change, Govt. of Bihar has fixed the number of saw mill in state as 3200 and that of composite units as 450. By notification no. 3240 dated 29.08.2023 a committee has been constituted for preparation of seniority list of saw mills and composite units. In accordance with the notification the seniority list of those composite units are required to be prepared and published which were established before 30.10.2002. Since the applicants have established their units in violation of provisions made in Bihar Saw Mills (Regulation) Act 1990 and order passed by Hon'ble Supreme Court in WP (C) no. 202 of 1995 after 29.10.2002 they cannot be considered for the seniority list of composite units and for grant of license under Bihar Saw mills (Regulation) Act, 1990.
12. That with respect to Para 3 of O.A. application, it is submitted that it is matter of record and needs no comment.
13. That with respect to Para 4 of O.A. application, it is stated that the facts stated therein is admission by the applicants that they got the requisite valid license for operating a veneer mill and the same has not been granted due to the capping of the number of saw mills and veneer mills which could be permitted in the State of Bihar. As such the applicants have been operating the veneer mills illegally since their very inception without a valid license under Bihar Saw Mills (Regulation) Act, 1990 amended in the year 2002 (hereinafter referred to as the Act of 1990).
14. That with respect to Para 5 of the O.A. application, it is submitted that it is matter of record and needs no comments.
15. That with respect to Para 6 of the O.A. application, it is submitted that it is matter of record and needs no comments.

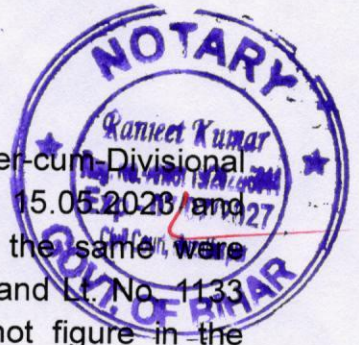
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16. That with respect to Para 7 of the O.A. application, it is submitted that it is matter of record and needs no comments.
17. That with respect to Para 8 of the O.A. application, it is submitted that it is matter of record and needs no comments.
18. That with respect to Para 9 of the O.A. application, it is submitted that it is matter of record and needs no comments.
19. That with respect to Para 10 of the O.A. application, it is submitted that it is matter of record and needs no comments.
20. That with respect to Para 11 of the O.A. application, it is humbly submitted that veneer mills without license are liable to be confiscated as per Section 13(1)(b) of Bihar Saw Mills (Regulation) Act, 1990 amended in the year 2002. The applicants' name does not figure in the seniority list made vide PCCF Office Order No. 32 dated 22.07.2013.

As stated in earlier para of this counter affidavit the applicants have established their units after 29.10.2002 in violation of order passed by Hon'ble Supreme Court in WP (C) no. 202/95 and the provision made in Bihar Saw Mill (Regulation) Act, 1990. Hence they cannot be granted license under the said Act. The process of preparation of seniority list of wood based industries is now at very advanced stage and the lists shall be published soon.
21. That with respect to Para 12 of the O.A. application, it is submitted that it is matter of record and needs no comments.
22. That with respect to Para 13 of the O.A. application, it is submitted that it is matter of record and needs no comments.
23. That with respect to Para 14 of the O.A. application, it is submitted and stated that as stated in earlier para of this counter affidavit the applicants have established their units after 29.10.2002 in violation of order passed by Hon'ble Supreme Court in WP (C) no. 202/95 and the provision made in Bihar Saw Mill (Regulation) Act, 1990. Hence they cannot be granted license under the said Act. The process of preparation of seniority list of wood based industries which has been established and in operation before 29.10.2002 is now at very advanced stage and the lists shall be published soon.
24. That with respect to Para 15 of the O.A. application, it is submitted that applicants had sent demand drafts and application forms

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for grant of license to the Office of Licensing Officer-cum-Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur on 15.05.2023 and 16.05.2023 through two registered posts. However, the same were returned to them vide Lt. No. 1120 dated 07.06.2023 and Lt. No. 1133 dated 06.07.2023 as the Respondents 7 to 29 do not figure in the seniority list prepared by the SLC in the years 2013 and 2023 and the Licensing Officer did not have any permission to give additional new licenses.

25. That with respect to Para 16 of O.A. application, it is humbly submitted that grant of saw mill licenses is a process governed by the Act of 1990 amended in 2002 and the subsequent directions received from the Hon'ble Supreme Court, Hon'ble High Court and the directions of the Hon'ble National Green Tribunal from time to time. Since, applicants do not have valid licenses and does not figure in any of the seniority lists made in the years 2013 and 2023, allowing them to operate the same will be a blatant violation of law.

26. That it is further submitted that the confiscation of the illegally operated veneer mills by the State Government is as per the provisions of the Bihar Saw Mills (Regulation) Act, 1990 amended in 2002, which is a complete code in itself and Section 13 (1)(b) provides that saw mills operating without a license should be confiscated.

It is also humbly submitted that the applicant tried to create a law and order situation to prevent the seizure of their illegally operated veneer mills, hence, an FIR has been registered on 10.12.2022 in Motipur P.S. Case No. 436/22.

*That in view of the above stated facts, laws and peculiar circumstances covering the case, it is humbly prayed that the Original Application No. 112/2023/EZ may kindly be dismissed.*

27. That I have read the contents of the affidavit and have understood the same.

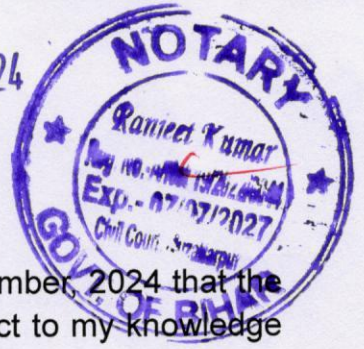


DEPONENT

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VERIFICATION



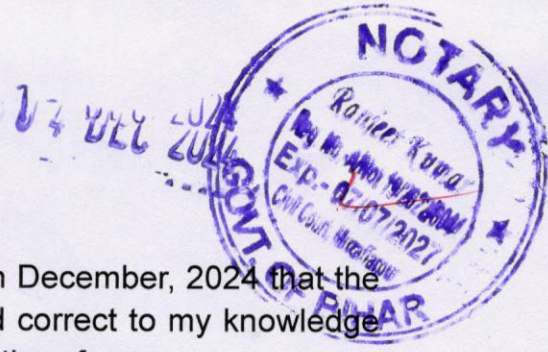
Verified at Muzaffarpur, Bihar on this the day of 04th December, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

*[Handwritten Signature]*  
 Advocate  
 E.No - 14/09/2014  
 04/12/2024

*[Handwritten Signature]*  
 DEPONENT

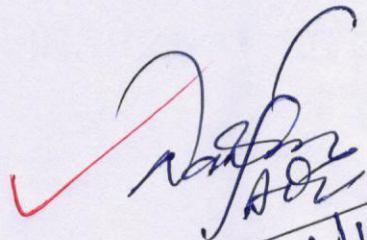
The Deponent Identified By Advocate  
 Solemnly Affirmed & Declared Before Me  
*[Handwritten Signature]*  
 04/12/2024  
 RANJEET KUMAR  
 Advocate Cum Notary  
 Civil Court, Muzaffarpur

VERIFICATION



Verified at Muzaffarpur, Bihar on this the day of 04th December, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

  
DEPONENT

  
04/12/2024  
E.No - 14/09

The Deponent Identified By Advocate  
Solemnly Affirmed & Declared Before Me  
  
04/12/2024  
RANJEET KUMAR  
Advocate Civil Notary  
Civil Court, Muzaffarpur.