

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO – 25 OF 2025

IN THE MATTER OF:

HAZARI DEHURI AND ANOTHER

APPLICANTS

VERSUS

STATE OF ODISHA AND OTHERS ...

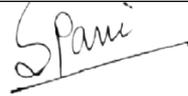
RESPONDENTS

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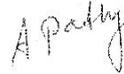
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PLACE: BHUBANESWAR

SANKAR PRASAD PANI



ASHUTOSH PADHY



FILED ON- 13/08/2025

ADVOCATE

PLOT NO 2132/4814, NAGESWAR TANGI, BHUBANESWAR,
751002 CELL-9437279278 Email:sankarprasadpani@gmail.com,

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLAKATA

Original Application No.- 25 of 2025

IN THE MATTER OF:

Hazari Dehuri and Another

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State of Odisha and Other

...RESPONDENTS

REJOINDER TO THE AFFIDAVIT FILED BY RESPONDENT-10&11.

IT IS MOST RESPECTFULLY SHOWETH:

I, Hazari Dehuri, S/o Late Alekha Dehuri, Aged about 75 Years, At-Bindhyagiri, po-Palasapur, Pin-752054, Dist- Khordha, Odisha., do hereby solemnly affirm, and declares that I am the Applicant No. 1 in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.

1. The Applicants above-named present this Application against the selection of a land having thousands of trees and other medicinal plants for construction of a **Institute on Yoga and Naturopathy** by felling of the trees in Binjhagiri Mouza of Jatani Tehsil without considering the alternative sites so as to preserve the existing tree growth in a rapidly urbanized city like Bhubaneswar. The Vindhyaagiri Van Surakshya Samiti, the Forest Protecting Group of Binjhagiri Village was recognised with **Biju**

Patnaik Award for forest Protection and Conservation by Forest and Environment Department, Government of Odisha in the year 2013.

2. It is pertinent to mention here that the villagers of the Binjhagiri are continuously protecting the land in question for more than five decades and also protested against the alienation of the land in favor of CCRYN for Establishment of Central Research Institute of Yoga & Naturopathy with 100 bedded Hospital, and this regard the villagers have approached all the authorities with folded hands to change the proposed project to any barren land in the village instead of the land in question but no one have cared about the concerns of the poor villagers. That on dated 22/08/2012 the then sarapanch of Chhatabar Grampanchayat along with the villagers wrote a letter to the Tahasildar Jatani requesting to change the land which was selected for Establishment of Central Research Institute of Yoga & Naturopathy with 100 bedded Hospital as the villagers have created this forest by using their resource for more than 40 years.
3. That pursuant to the order dated 17/02/2025 passed by Hon'ble Tribunal, the Respondent No.11 on date 29/07/2025 filed its counter affidavit, wherein it is stated that one WP(PIL) No.18877/2014 filed by the present Applicants and which is pending for adjudication before the Hon'ble High Court of Orissa at Cuttack. It is pertinent to mention here that the **Present Applicants have not filed any PIL before the Hon'ble High Court of**

Orissa at Cuttack. Hence there is no case of concealment on the part of the applicants.

4. It is further submitted that the Respondent No 11 has not filed copy of the petition which is pending before the Hon'ble High Court of Orissa at Cuttack, hence it is not sure what are the contents of the PIL and what grounds and relief sought in there.
5. It is further submitted that the said PIL as stated by respondent no 11 has been filed in the year 2014 and the present application is filed only in the year 2025 after 11 years of the PIL filed before the Hon'ble High Court of Orissa. Hence the cause of action for filing the present OA can not be the same which was filed before Orissa Highcourt in the year 2014. As such the present respondent is now going ahead with floating of tender and Civil Construction for which the present OA is filed
6. That the Respondent has nowhere stated who are the parties in the proceeding, what was the prayer and cause of action for which the WP (PIL) 18877/2014 has been filed before the Hon'ble High Court of Orissa.
7. It is further submitted that the land in question is a physical forest, the Forest Range Officer Khodha Range has already in his letter dated 16/07/2013 stated the *crop density is more than 70% having 26400 number of trees* and the site qualifies the definition of dictionary meaning of forest hence no construction or tree felling should have taken without

any prior approval from Central Government under Forest Conservation Act.

8. It is further submitted that the area require to be inviolate and preserved in it's entirety and any puncture in the ecosystem will lead to more damage to the whole eco-system gradually. More proposals will be floated on the said site once this project is allowed. Hence this project may not be allowed till all alternatives are explored and exhausted.
9. That the site is in question is emotionally connected to the villagers and Tribal people and any kind of damage will hurt the sentiments of local people who have been preserving the site for generations. Once deforestation and damage takes place that will demotivate the people from conservation and will have serious consequence on the local ecology.
10. That the Hon'ble Supreme Court in **Writ Petition (C) (Civil) No(S) 1164/2023** in its order dated 19/02/2024 in the matter of **Ashok Kumar Sharma, Indian Forest Service (Retired) and Others Versus Union of India** and Another has observed'

“Para-1, In T N Godavarman Thirumulpad vs Union of India, this Court while noting that the Forest Conservation Act 1980 was enacted to curb the deforestation which results in an ecological imbalance, indicated that the provisions incorporated to conserve forests and for other connected matters “must apply to all forests irrespective of the nature of ownership or

classification”. Apart from the above principle, the Court spelt out in paragraph 4 of the order, the meaning which must be attributed to the expression ‘forest’. For convenience of reference, it would be appropriate to disaggregate the contents of paragraph 4 so as to indicate the components of the expression ‘forest’ as explained in the order of this Court:

Firstly, the decision in T N Godavarman (supra) indicates that expression ‘forest’ must be understood according to its dictionary meaning;

Secondly, the description of the expression ‘forest’ would cover all statutorily recognized forests whether they are designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act 1980;

Thirdly, besides including forests as understood in the dictionary sense, the term ‘forest’ in Section 2 would include “also any area recorded as forest in the government record irrespective of the ownership”; and

Fourthly, the provisions for the conservation of forests and ancillary matters in the Forest Conservation Act 1980 must apply to all forests “so understood” irrespective of ownership or classification.”

And further in para 13 Hon’ble Supreme court has observed,

“13. At that stage, a statement was made by the Additional Solicitor General appearing on behalf of the Union Government that “there is no

intention to dilute the scope of forest as defined in the judgment of this Court in T N Godavarman (supra)”. Hence, it was also stated that the exemptions which would be granted under sub-section (2) of Section 1A would accord with the guidelines which may be spelt by the Union Government. The Union Government, the Court was informed, was in the process of formulating the guidelines, but in order to allay the apprehensions of the petitioners, a statement was made by the Additional Solicitor General that no precipitate action will be taken by the Union Government “until further orders in respect of the forest as understood in accordance with the dictionary sense”.”

11. It is further submitted that the Hon’ble Supreme Court in Writ Petition (C) (Civil) No(S) 1164/2023 in its order dated 04/03/2025 has clearly stated that,

“4. The matter was thereafter heard by this Court on 19th February, 2024. On that day, this Court reiterated the directions given in the case of T.N. Godavarman (supra) and also directed that pending the completion of exercise by the administrations of the State Governments and Union Territories under Rule 16 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 (for short, ‘the Rules of 2023’), the principle which was elucidated in the judgment of this Court in the case of T.N. Godavarman (supra) must continue to be observed.”

12. That pursuant to the order dated 17/02/2025 passed by Hon'ble Tribunal, the Respondent No.10 has filed its affidavit and in paragraph 3 of the affidavit the Respondent No. 10 has stated that the no proposal is under consideration.
13. That considering the rich biodiversity on the site, Section 37 of the Biological Diversity Act 2002 has provision for the declaration of Biodiversity Heritage Sites (BHS) in the state. Biodiversity Heritage Sites (BHSs) are well defined areas specifically unique and fragile ecosystems in terms of biological and ecological significance. They may spread over terrestrial, aquatic, coastal and inland and marine ecosystems having rich biodiversity. The BHSs are endowed with wild as well as domesticated species, high endemism and occurrence of rare & threatened species, keystone species and species of evolutionary significance. Hence the State Biodiversity Board may be directed for a detailed study to document the rich flora fauna.
14. **That the Honble Tribunal may call for a report from State Biodiversity Board regarding the status of Biodiversity Management Committee and People Biodiversity Register in Binjhagiri Panchayat where the present site is located.** Needless to say that the State Biodiversity Board is recusing from exercising its power under Bio diversity Act 2002 wherein the State Biodiversity board has a mandate to preserve the biological resources and they

cannot be a fence sitter and witness the treasury of damages to important sites of biological importance.

15.It is further submitted that the Odisha State Biodiversity Board is an independent autonomous body with mandate to protect and preserve the biodiversity of the state. They are still to take any step to constitute the Biodiversity Management Committees (BMC) and prepare the People's Biodiversity Registers(PBR).It is pertinent to mention that the same biodiversity board has made a false statement before NGT Principal Bench in O.A.No.347 of 2016 in the matter of Chandra Bhal Singh Vrs- Union of India &Others on dated 02/12/2020 in its final report in compliance affidavit. In the same affidavit in para No.4 the board has stated they have completed 100%of the PBR but in the present case to the knowledge of the applicant no such PBR is in place. Copy of the affidavit dated 02/12/2020 filed by Biodiversity Board before the Hon'ble NGT PB is annexed here unto as **ANNEXURE-1**.

16.That in view of the above mentioned paragraphs it is most humbly prayed before this Hon'ble Tribunal to proceed with the present OA, Hold and Declare that the conversion of physical forest to Patit kism without following the provisions of Forest (Conservation) Act, 1980 or the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam 2023 is contrary to law and there by illegal.

17.Hence the applicant prays for a stay of any kind of construction for Central Research Yoga & Naturopathy Hospital to be setup at **Khata No. 331 Plot No-133, Area of 20.00Acre, Kisam- Gochar. Mouza-Binjhagiri, Dist-Khurdha, Odisha..**

And for this act of kindness, the petitioners as in duty bound shall ever pray.

By the Applicant Through

S. P. Singh A. P. Singh

ADVOCATE

Date: 30/07/2025

FILED ON: 13/08/2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -...25... OF2025/EZ

IN THE MATTER OF:

HAZARI DEHURI AND ANOTHER . APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ... RESPONDENTS

AFFIDAVIT 30 JUL 2025

I, HAZARI DEHURI, S/O LATE ALEKHA DEHURI, aged about 75 Years, At/- BINDHYAGIRI, PO-PALASPUR, PS- CHANDAKA, KHORDHA Odisha 752054, do hereby solemnly affirm, and declare as under:

- 1. That I am the applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.



Handwritten signature of the deponent in blue ink.

DEPONENT

VERIFICATION

Verified on this the 30th day of July 2025 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By Advocate 30/7/25

Handwritten signature of the deponent in blue ink.

DEPONENT



The above named deponent(s) being duly identified by Sri... Advocate, Bhubaneswar. Appears before me on 30 JUL 2025 at... A.M./P.M. States on oath the contents of this affidavit are true to the best of his/her/their knowledge and belief. Deponent(s) Notary, Bhubaneswar

Notary signature and stamp for Janmejaya Rautray, Notary, Govt. of Odisha, Bhubaneswar, Regd. No. ON-851/12, Mob No. - 9337921773

**Odisha Biodiversity Board**

(Forest & Environment Department, Government of Odisha)

Regional Plant Resource Centre Campus
Ekamrakanan, Nayapalli, Bhubaneswar 751 015 Odisha

No. Estt. 134/OBB/2020/4016 Bhubaneswar

Date: 2.12.20

From

Dr. Nihar Ranjan Nayak
Member Secretary

To

**The Hon'ble National Green Tribunal,
Principal Bench
New Delhi**

Sub: Submission of Final Compliance Report on O.A. no. 347 of 2016 Chandra Bhal Singh-
Vrs-Union of India & Others before the National Green Tribunal, New Delhi-Reg.

Sir,

In inviting a reference to the Judgment passed by the Hon'ble National Green Tribunal, New Delhi dated 18.3.20 on the matter of O.A. no. 347 of 2016, Odisha Biodiversity Board is submitting herewith the "Final Compliance Report" on behalf of the State of Odisha on the above mentioned matter. The Compliance Report is enclosed herewith for kind information.

Yours faithfully,

Nihar R Nayak
2.12.2020

Member Secretary
Member Secretary
Odisha Biodiversity Board

Encl: As above.

Biological Diversity Act 2002 & Rules 2004 in the state with full effect. In exercise of the powers conferred by sub-sections (1) and (2) of Section 63 of the Biological Diversity Act 2002 (No. 18 of 2003), the State Government has notified Odisha Biological Diversity Rules, 2012 vide notification No-10-F(TR)52/2012/22461/ F & E., dated 03.12.12. The main objective of Odisha Biodiversity Board is to implement the Biological Diversity Act, 2002 which envisages conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated traditional knowledge. Along with other activities, the Board is to facilitate constitution of Biodiversity Management Committees (BMC) and preparation of Peoples' Biodiversity Registers (PBR) at District, Block and Gram Panchayat levels and in all Urban Local Bodies in the State.

4. That, the status of constitution of Biodiversity Management Committees (BMC) and preparation of Peoples' Biodiversity Registers (PBR) in Odisha by 30th November, 2020 is given below.

Constitution of Biodiversity Management Committees (BMCs):

Odisha Biodiversity Board, with the technical and administrative support of Panchayati Raj & Drinking Water Department, Housing and Urban Development Department and Forest & Environment Department, Government of Odisha, has facilitated and completed constitution of **7,256** BMCs out of total **7,256** local bodies and achieved **100%** success towards constitution of Biodiversity Management Committees (BMCs) at all levels i.e. District, Block, Gram Panchayat and Urban Local Bodies. The details are provided below:

District level		Block level		Gram Panchayat level		Urban local body level		Total	
Total no. of Districts	BMC constituted	Total no. of Blocks	BMC constituted	Total no. of Gram Panchayats	BMC constituted	Total no. of Urban local bodies	BMC constituted	Total local bodies	Total BMC constituted
30	30	314	314	6798	6798	114	114	7256	7256 (100%)

Preparation of Peoples' Biodiversity Registers (PBRs):

Odisha Biodiversity Board through its own effort and in consultation with the BMC members and other experts has facilitated the preparation of 7256 Dynamic PBRs (100%) in the State till 30th November 2020.

District level		Block level		Gram Panchayat level		Urban local body level		Total	
Total no. of Districts	PBR prepared	Total no. of Blocks	PBR prepared	Total no. of Gram Panchayats	PBR prepared	Total no. of Urban local bodies	PBR prepared	Total local bodies	PBR prepared
30	30	314	314	6798	6798	114	114	7256	7256 (100%)

5. That, the Board has earlier submitted affidavit on the matter of O.A. 347/2016 in February 2020, Interlocutory Application in May 2020 and Compliance Report on 30.9.20 vide letter no. 133/OBB/2020/3908 dated 30th September 2020. Copies of the affidavit, IA and Compliance Report are enclosed for kind information. As mentioned in these affidavits, it is very much difficult to obtain huge amount of funds from the State/Central Government required for the preparation of PBRs in the current situation of COVID-19 pandemic. It has also been very difficult to carry out inventories of bioresources through Participatory Rural Appraisal (PRA) exercises, household surveys, collect primary and secondary informations and other required exercises for the preparation of PBRs due to the existing restrictions in travelling and conducting meetings. Keeping in mind all these constraints, the Board has developed a web based application hosted at www.pbrodisha.in for the preparation PBRs on line to comply the orders of Hon'ble National Green Tribunal in short period of time. The Board will provide log in credentials to all the Biodiversity Management Committees constituted in the state to input data as per the prescribed formats in electronic form. The scientists and subject experts of the PBR monitoring Committee constituted by the Board will supervise and monitor the veracity of data and quality of PBRs. However, it is still not being possible on the part of

trained and sensitized on local biological resources and traditional knowledge possessed by these communities have to be recorded through Participatory Rural Appraisal (PRAs), house hold interviews, individual interviews and in consultation with village heads and traditional knowledge-holders.

9. That, authentic and recorded data are being collected from various Government Departments like District Statistical office, Forest and Environment Department, Agriculture Department, Horticulture Department, Fisheries and Animal Resources Department, Panchayati Raj and Rural Department, ST & SC Department, Housing and Urban Development Department, Health and Family Welfare Department, Universities, colleges, research organizations, and other academic institutions, NGOs, SHGs, volunteers and other local bodies.
10. That, Odisha is a developing State in the country and at present, facing severe financial crunch due to the economic impact caused by the ongoing country-wide and localised lockdowns/shutdowns in order to fight against spread of Corona virus (COVID-19). The Government of Odisha has also ordered financial austerity measures to cut short nonessential expenditures. In such a peculiar situation along with financial crisis, the compensation of Rs. 10.00 lakhs per month starting from 01.02.2020 till full compliance of the orders of the Hon'ble NGT Dt. 09.08.2019 and Dt.18.03.2020 to pay to the Central Pollution Control Board (CPCB) by State of Odisha is not possible in view of the current financial situation.
11. That, with all humility, it is submitted that Government of Odisha is committed to carry out all of the above activities required for enriching the Dynamic PBRs once the COVID-19 pandemic in the country is over.

12. It is, therefore, humbly prayed that in view of the unusual crisis due to rise of the novel Corona virus (COVID-19) pandemic and consequent financial constraints of the State, the Hon'ble National Green Tribunal may sympathetically consider to waive out the penalties imposed on the State of Odisha for delay in completion of 100% constitution of Biodiversity Management Committees (BMCs) and preparation of Peoples' Biodiversity Registers (PBRs) by 31.01.2020 in compliance of the order of Hon'ble National Green Tribunal Dt. 09.08.2019 and 18.03.2020 or pass any such order or further direction(s), this Hon'ble Tribunal deems fit and proper in the facts and circumstances stated above.


2/12/2020

Member Secretary
Odisha Biodiversity Board
Bhubaneswar
Member Secretary
Odisha Biodiversity Board



Sankar Pani <sankarprasadpani@gmail.com>

Rejoinder on behalf of Applicant in OA 25/2025- NGT-EZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Wed, Aug 13, 2025 at 4:49 PM

To: Ashok Prasad <Ashokadvhc@gmail.com>, shakti panda <sppanda13@gmail.com>, Rashmi Bothra <rashmibothra24@gmail.com>, ADVOCATE GENERAL ODISHA <advgen@nic.in>

Dear Sir/Madam, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
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