

**BEFORE THE NATIONAL GREEN TRIBUNAL
EATERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 104/2025**

IN THE MATTER OF:

PRADEEP KUMAR DAS & ORS. ...APPLICANTS

VERSUS

STATE OF ODISHA & ORS. ...RESPONDENTS

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Proof of Service

9

Jashabanta Sethi
04/10/25

**Divisional Forest Officer
Rourkela Division**

THROUGH:

RESPONDENT

Varun Mishra

VARUN MISHRA (PANEL COUNSEL)

WITH SHREEYA SUD

(D/722/2011) & (D/2643/2021)

A-21, BASEMENT,

PLACE: NEW DELHI

DATED: 05.10.2025

HAKIKAT RAI MARG,

JANGPURA EXTENSION,

NEW DELHI – 110014.

**BEFORE THE NATIONAL GREEN TRIBUNAL
EATERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 104/2025

BEFORE F.M. PANI, NOTARY

IN THE MATTER OF:

PRADEEP KUMAR DAS & ORS.

...APPLICANTS

VERSUS

STATE OF ODISHA & ORS.

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6 TO

THE ORIGINAL APPLICATION FILED BY THE PETITIONER

MOST RESPECTFULLY SHOWETH:

I, **Shri Jashabanta Sethi, OFS**, aged 44 years, S/o Shri Panchanan Sethi, working as the Divisional Forest Officer cum Wildlife Warden, Rourkela Forest Division, Raghunathpali, Rourkela, Odisha do hereby solemnly affirm and declare as under:

1. I am presently discharging my duties in the capacity stated above and have been duly authorized to represent Respondent No. 1 & 6 to affirm this Affidavit on its behalf, based on the official records available with the Department.
2. I have gone through the Original Application under reply (the "O.A.") filed before the Hon'ble National Green Tribunal ("NGT") and am well conversant with the contents thereof. I am otherwise also fully



**F. M. PANI, NOTARY
ROURKELA, GOVT. OF ODISHA
REGD. No. ON 58/2012**

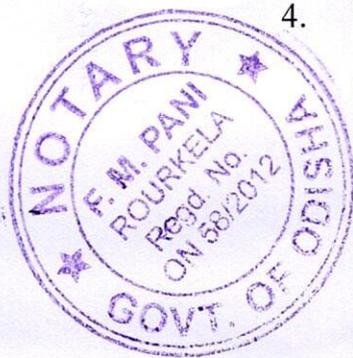
Jashabanta Sethi

acquainted with the facts and circumstances of the present case as revealed from the records.

3. Before adverting to the para-wise reply to the O.A. it is humbly submitted that all averments, contentions or statements made therein which are not specifically admitted or traversed herein shall be deemed to have been specifically denied. Any such assertions which are inconsistent with or contrary to the official records and the position of the Answering Respondent shall not be deemed to have been admitted merely for want of specific denial, and the Petitioner is put to strict proof thereof. The Answering Respondent craves leave of this Hon'ble Tribunal to file an additional counter affidavit or further the contentions in the present counter affidavit, if the circumstances so warrant.

4. The Petitioner has filed the present O.A. assailing the lease of forest land in favour of Respondent No. 5, Orissa Industrial Infrastructure Development Corporation (IDCO), and thereafter by Respondent No. 5 to Respondent No. 7, M/s Mankash Enterprises and, Respondent No. 8, M/s OSC Steel Pvt. Ltd..

5. The particulars of the Subject Land are plot no. 82/1 and plot no. 82/2 admeasuring a total area of 6.36 acres in Village Kalokudar under Lathikata tahasil of Sundargarh District. The Subject Land was leased to Respondents No. 7 and Respondent No. 8 *vide* lease agreements bearing



no. 11712101873 dated 14.09.2021 and 11712101872 dated 13.09.2021 respectively for the establishment of a fabrication and agricultural equipment manufacturing unit and a steel, iron and ferro-alloy plant.

6. The principal challenges in the above captioned O.A. are:
- i. Lease of the Subject Land to private parties, i.e. Respondents No. 7 and 8 without following the due process laid down under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023.
 - ii. Use of the Subject Land which is forest land for non-forest purposes which falls within the restriction prescribed by Section 2 of the Forest Conservation Act, 1980 ("FCA, 1980").



BRIEF BACKGROUND AND PRELIMINARY SUBMISSIONS

7. The Subject Land was transferred to Respondent No. 5 by the Governor of Odisha *vide* a deed of agreement dated 27.05.1983 under Section 32 of the Odisha Industrial Infrastructure Development Corporation Act, 1980 for industrial use. The deed agreement dated 27.05.1983 has been annexed to the counter affidavit filed on behalf of Respondents no. 1,3,4 and 9 and marked as Annexure A thereto.
8. The argument that the deed agreement dated 27.05.1983 by way of which the Subject Land was leased to Respondents 7 and 8 contravenes the Forest Conservation Act, 1980 falls flat in the face of the fact that the

Tachabanta Sethi

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said deed agreement predates the insertion of Section 2(iii) in the Forest Conservation Act in 1988.

9. Notwithstanding the above, the Answering Respondent submits that Respondent No. 5 is an instrumentality of the State Government and, therefore, falls within the ambit of Section 2(iii) of the Forest Conservation Act, 1980.
10. In view of the above, the present O.A. is not maintainable either in law or on facts and as such is liable to be dismissed *in limine* for lack of any justifiable cause of action.

PARA-WISE REPLY

11. Save and except matters of record, the Answering Respondents denies the contents of paragraph 1 of the O.A.
12. It is submitted that Respondent No. 6 learned of the handing over of the subject land by Respondents No. 3 and 4 to Respondent No. 5 only after the receipt of letter dated 25.05.2025 from Applicant No. 2 annexed to the Original Application.

13. Thereafter, *vide* letter no. 3689 dated 06.03.2025 Respondent No. 6 immediately directed Respondents No. 7 and 8 to stop the construction of the boundary wall around the subject land. It is submitted that pursuant to the issuance of the said letter no work has been carried out



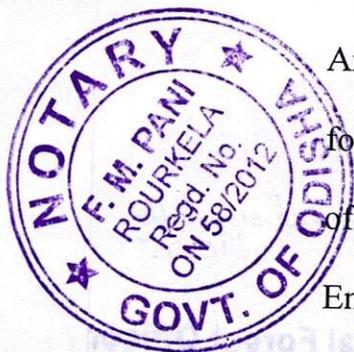
F. M. PANI, NOTARY
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on the subject land by Respondents No. 7 and 8. A copy of letter no. 3689 dated 06.03.2025 is annexed herewith and marked as **ANNEXURE R-1**.

14. Furthermore, since it handed over the subject land to Respondents No. 7 and 8 without the approval of the competent authority of the Forest Department, Respondent No. 5 violated Section 2(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
15. The contents of paragraphs 3 to 8 of the O.A. merit no response.
16. The contents of paragraph 9 of the O.A. are vehemently denied. The Answering Respondent submits that the Subject Land is not a dense forest but a man-made plantation created in 1990-91 under the provision of Joint Management Plan of Orissa Social Forestry Project of Forest & Environment Department, Government of Odisha in which difference species including teak were planted, out of which only some teak trees are well established in scattered manner. Moreover, there is no contiguous dense forest available on the site with dense tree growth.
17. The contents of paragraphs 10 to 13 of the O.A. merit no response.
18. In response to the contents of paragraph 14 of the O.A. it is submitted that the Subject Land and the trees growing thereon are well protected



F. M. PANI NOTARY
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by Respondent No. 6. This is evidenced by the fact that since Respondent No. 6 became aware of the aforementioned lease by Respondents No. 3 and 4 to Respondent No. 5, no construction and felling of trees has continued on the Subject Land.

- 19. The contents of paragraphs 15 to 23 of the O.A. merit no response.
- 20. In view of the facts delineated hereinabove, it is respectfully submitted that the present O.A. is devoid of merit, lacks legal sustainability and is, therefore, liable to be dismissed.
- 21. It is reiterated that the facts and averments made in the O.A., which are not specifically admitted herein, are hereby denied. The deponent craves leave of this Hon'ble Tribunal to file an additional affidavit, if so required, at the time of hearing or as may be directed by this Hon'ble Tribunal.

Jashabanti Setti
04/10/25

DEPONENT

**Divisional Forest Officer
Rourkela Division**

VERIFICATION

Verified at Rourkela on this 4th day of October 2025 that the contents of the above counter affidavit are true and correct to the best of my knowledge derived from official records, no part of it is false and nothing material has been concealed therein. The Annexures to the Counter Affidavit are true copies of their respective originals.

Signature of the Executants &
Attested on the Identification by
Sri..... Advocate

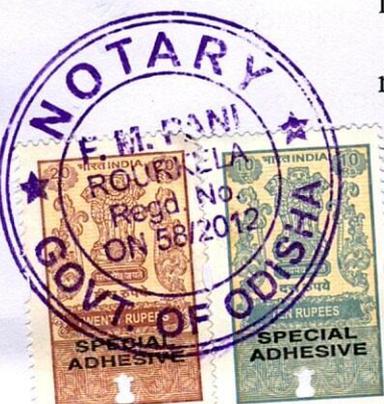
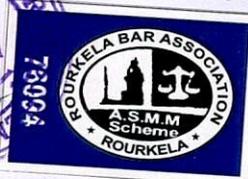
[Signature]
04/10/2025

Jashabanti Setti
04/10/25

DEPONENT

**Divisional Forest Officer
Rourkela Division**

F. M. PANI
NOTARY, ROURKELA
REGD. No. ON 58/2012
GOVT. OF ODISHA





Annexure-R-1

ବନଖଣ୍ଡ ଅଧିକାରୀ ତଥା ବନ୍ୟପ୍ରାଣୀ ତତ୍ତ୍ୱାବଧାରକଙ୍କ କାର୍ଯ୍ୟାଳୟ, ରାଉରକେଲା

OFFICE OF THE DIVISIONAL FOREST OFFICER CUM WILDLIFE WARDEN
ROURKELA FOREST DIVISION, ROURKELA, SUNDARGARH, ODISHA

Phone No. 0661-2664637, Fax No. 0661-2664638, e mail- dfo.rourkela@odisha.gov.in

To

Letter No 3689 /4F(Misc.), Dt. 06.03.2025

M/s O.S.C. Steel Pvt. Ltd.
MD- Sri Ram Pratap Kheria,
Plot No.-6, Cuttack Road,
Bhubaneswar, Dist.- Khordha-751006

M/s Mankash Enterprises,
Prop- Manju Pareek,
At- 3C, 2nd Floor, Sahej Success, Near New Court
Rourkela-769012, Dist.- Sundargarh.

Sub:- Cancellation of allotment of Plot No.-82/2 and 82/1 total area of 6.36 acre to M/s O.S.C. Steel Pvt. Ltd and Mankosh Enterprises.

Sir,

Apropos to the subject cited above, it has come to the attention of the undersigned through an allegation petition from **Sri Patel Lakra**, Member of the Gramya Committee, Vill- Kalokudar, PO- Beldihi, District- Sundargarh that IDCO Plot No. 82/2 and Revenue Plot No. 88 (P), Khata No. 40, measuring 4.300 acres, as well as Plot No. 82/1, Revenue Plot No. 88 (P), Khata No. 40, measuring 1.50 acres, are part of Gramya Jungle (Forest Land).

According to Sri Lakra's letter, over 500 grown up teak trees have been planted as part of the **JOINT MANAGEMENT PLAN** by the villagers of Kalokudar and the Forest Department of the Kuarmunda Range, which was signed on 27.05.1990 as per the project component **Name-7. REFO-90-91 (copy enclosed)**.

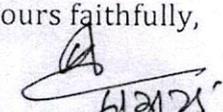
Additionally, as per the RI, Kalunga report vide letter no.-166 dtd.28.06.2023, indicates that IDCO Plot no.-82/1 and 82/2 is in the record of Government and is a forest kism land.

In view of the above, you are directed to stop operation of construction work over the said forest land till further order.

Further, you are requested to submit a copy of the allotment letter issued in favour of your company by the IDCO Authority, if any, regarding allotment of the aforementioned revenue forest land and submit other relevant documents of the company establishment to this office within **7(Seven)** days unfailingly.

Encl: As above.

Yours faithfully,

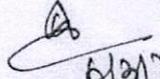

Divisional Forest Officer
Rourkela Division

P.T.O.

Jishu Kumar Sethi

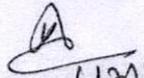
Memo No. 3690 / 4F, dt 06.03.2025

Copy forwarded to the Tahasildar, Lathikata for information and necessary action.


Divisional Forest Officer
Rourkela Division

Memo No. 3691 / 4F, dt 06.03.2025

Copy forwarded to the Dy. Range Officer, Kuarmunda Range for information and necessary action. He is instructed to ensure that the user agencies have stopped operation of construction work of this industry over the Revenue Forest land.


Divisional Forest Officer
Rourkela Division.

Counter-Affidavit in Original Application No. 104 of 2025: Pradeep Kumar Das & Others v. State of Odisha & Ors.

Varun Mishra <varun@vmchambers.com>
To: Sankar Pani <sankarprasadpani@gmail.com>
Cc: Shreeya Sud <shreeya@vmchambers.com>

6 October 2025 at 11:22

Dear Sir,

Please find attached the Counter-Affidavit on behalf of Respondent No. 6 in the captioned matter on and by way of service upon you.

Please note that this will be treated as proof of service for the same.

Sincerely

Varun Mishra,
A-21 ,Basement,
Hakikat Rai Marg,
Jangpura Extension,
Delhi, 110014;
D-6, BJB Nagar,
Bhubaneswar, 751014
Mob: +91 9953325221

 **Counter Affidavit on behalf of Respondent No. 6.pdf**
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