

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA.**

Original Application No.158/2025/EZ

Surendra Tapasu & others ... Applicant

-Versus-

Union of India & Others ... Respondents

I N D E X

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Cuttack

By The Respondent Nos. 2 & 7 through

Date: 26 .11.2025

Adash

ADDL. STANDING COUNSEL



**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA.**

Original Application No.158/2025/EZ

Surendra Tapasu & others ... Applicant

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Union of India & Others ... Respondents

**COUNTER AFFIDAVIT ON BEHALF FILED ON
BEHALF OF THE OPP. PARTY Nos. 02 & 07**

I, Sri Ashok Kumar Behera, aged about 39 years, S/o-
Dwijabar Behera, presently working as Asst. Conservator of
Forest, Puri, At./P.O./Dist.- Puri, do hereby solemnly affirm
and state as follows:-

1. That, I am presently working as above. I have gone through the Original Application and understood the contents thereof. I am otherwise also well acquainted with the facts of the present case and also being authorized to file counter affidavit on behalf of Opp. Party No. 02 & 07.

2. That, the applicants have filed the aforesaid Original Application with the following prayers;

- i) Direct the Respondent 1 to take necessary legal action against the Respondent no 5 and 6

Ashok Kumar Behera
Asst. Conservator
ACF, Puri

Ashok



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including the Criminal Proceeding for willfully violating the Provisions of Forest Conservation Act 1980, Costal Regulation Zone Notification 2019 and Environmental Protection Act 1986.

- ii) Direct the Respondent No. 7 to take necessary action against the erring officers and persons concerned for felling the trees illegally and without authority.
- iii) Restrain the MoEFCC from appraising the project and grant of Environmental Clearance, forest clearance and CRZ Clearance under Fresh Project Category without violation.
- iv) Hold and declare that the construction activity carried out by the Respondent No. 6 is illegal.
- v) Direct the Respondent No 2, 3 and 6 to restore the damages caused by tree felling and impose an exemplary penalty against the violators.
- vi) Direct the Respondent No. 1 to declare Sipasarubali area as Ecologically Fragile/Sensitive Area under Environment Protection Act 1986.

*asked beeman behera
Act. pure*

Adar



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3. That, in response to Paragraph Nos. 01 & 02 of the Writ Petition, being the matter of record, the same needs no comments.

4. That, in reply to the averments made in Paragraph No. 03 of the Original Application, it is humbly submitted that the total area of the project is 471.401 ha out of which 27.887 ha are DLC forest land and rest 443.514 ha are non-forest land (353.882 ha are Govt non-forest land and 89.632 ha are private non-forest land). The legal status of the forest land is DLC forest. The vegetation density of the DLC forest area is 0.2 having total number of 1291 nos of trees (Eco Class: 3). There are 1291 nos of trees enumerated in the forest land for the said forest diversion proposal. As per TOPO sheet the project area represents an open mix jungle. The forest cover belongs to open mix forest as the density reported 0.2 (as per Part II of the FDP).

*As per beeman Belers
ACF. Puri*

5. That, in response to Paragraph No. 04 of the Writ Petition, being the matter of record, the same needs no comments.

6. That, in reply to the averments made in Paragraph No. 05 of the Original Application, it is humbly submitted that Puri



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being a coastal district and prone to coastal erosion, coastal shelter belt plantation is being taken up in different years by Puri WL Division. Further it can be mentioned here that as per the Van (Sanrakshan Evam Samvardhan) Rules, 2023, Compensatory Afforestation will be taken up against the diversion of forest land for non-forestry activity which can also be used as a barrier against the erosion and devastation.

7. That, in reply to the averments made in Paragraph No. 06 of the Original Application, it is humbly submitted that as per the compliance submitted by DFO, Puri WL Division vide Memo No. 5797 dated 21.9.2023 to the observations raised by the Regional Empowered Committee, the entire proposed project area is outside the protected area of Balukhand-Konark WL Sanctuary and its Eco Sensitive Zone. The said area is around 9.95 KM away from the ESZ of Balukhand-Konark WL Sanctuary. Further it is submitted that as per the records available and information present in the management plan of the Balukhand-Konark WL Sanctuary, the last census of Black-Buck inside Balukhand-Konark WL Sanctuary was conducted in the year 2013 and accordingly, there is no

*Asst. Secy. Puri
Asst. Secy. Puri*

Asst.



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presence of the Black-Buck inside the said Sanctuary as of now.

Copy of the Memo No. 5797 dated 21.9.2023 is annexed herewith and marked as Annexure-A/2.

8. That, in reply to the averments made in Paragraph No. 07 of the Original Application, it is humbly submitted that as per the report submitted by DFO, Puri WL Division vide Memo No. 6353 date 18.10.2024, out of the three mass nesting sites of Turtles in Odisha, Devi River Mouth is one of the sites which is 80KM from the proposed project area and there is no mass nesting in the said site for more than two decades. It is also mentioned in the report that although this coast line is not used as a mass nesting site, but it remains an active area for marine wildlife and sporadic nesting of Olive Ridley Turtles occurs along this coast and this factor needs to be taken care of in future. Further it can be highlighted here that there is sighting of Dolphins also in the Puri coast nearer to the proposed project site which can be ascertained from the census data. Further it is pertinent to mention here that, as per the request of the project proponent vide letter no. TRN-AV-GEN-0001-2021, 378/T dated 18.03.2025, a team of scientists and

*Ashta Bujhar Beldera
ACA, Puri*



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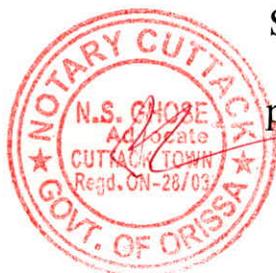
experts from Zoological Survey of India (ZSI), WII, Regional Office, Gopalpur visited the project site on 20.07.2025 and 21.07.2025 and submitted an interim report. It is also decided as advised by the Forest Advisory Committee (FAC) that the suggestions from the experts/scientists need to be incorporated in the Site Specific Wildlife Conservation Plan which is being prepared for the project.

Copy of the Memo No. 6353 date 18.10.2024 is annexed herewith and marked as Annexure-B/2.

9. That, in reply to the averments made in Paragraph No. 08 of the Original Application, it is humbly submitted that as per the request of the project proponent vide letter No. TRN-AV-GEN-0001-2021,378/T dt.18.03.2025, a team of scientists and experts from ZSI, WII, Regional Office, Gopalpur visited the project site on dt.22.07.2025 and 23.07.2025 to study about the migratory birds and Central Asian Fly Way and the impact of the project on the birds and submitted an interim report. It is also decided as advised by the FAC that the suggestions from the experts/scientists need to be incorporated in the Site Specific Wildlife Conservation Plan (SSWCP) which is being prepared for the project.

*Asst. Secy. Gopalpur
A.C.F., Purvi*

Adarsh



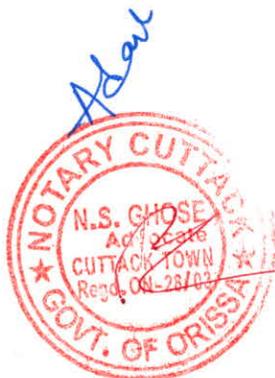
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Copy of the Letter No. TRN-AV-GEN-0001-2021, 378/T dated 18.03.2025 is annexed herewith and marked as Annexure-C/2.

10. That, in response to Paragraph No. 09 of the Writ Petition, being the matter of record, the same needs no comments.

11. That, in reply to the averments made in Paragraph No. 10 of the Original Application, it is humbly submitted that as per the compliance report submitted by Commerce & Transport Department vide letter No. 4226 dated 28.03.2025 to the Essential Details Sought (EDS) raised by FAC, MoEF & CC dated 10.12.2024 basing on the report of DFO Puri (WL) Division, out of total 12213 Nos. of trees which are enumerated over an area of 353.833Ha Non forest land, 9151Nos. of trees are of Cashew, Jhaun, Akacia and Noni species which are mostly planted, not of natural origin. Further these trees are top broken and in a moribund form due to biotic and other interference. The phenology and branching of the Cashew trees are such that with less number of trees, the canopy appears to be large and in this instant case, there are 6004 numbers of cashew trees which constitute almost 50% of

*As per letter from
Acf, Puri*



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the total tree population over an area of 353.833 ha. Further it can be stated that as per the tree enumeration list, the tree density in the non- forest land is 35tree/ha. Considering the fact that the trees are in scattered form and looking at the density of trees/ha, it may not come under the category of forest land having the ocular look of forest.

Copy of the Commerce & Transport Department vide Letter No. 4226 dated 28.03.2025 is annexed herewith and marked as Annexure-D/2.

12. That, in reply to the averments made in Paragraph Nos. 11, 13, 14, 19 & 20 of the Original Application, it is humbly submitted that as per the compliance report submitted by Commerce & Transport Department vide letter No. 4226 dated 28.03.2025 to the EDS raised by FAC, MoEF & CC dated 10.12.2024, the boundary wall constructed over the project area was temporary one and the same was done to prevent encroachment of the land by local people. Further it can be stated that the same wall has already been dismantled. DFO Puri WL Division has already communicated the fact to Collector, Puri vide his letter No 2000/3F-18/2025 dated 12.03.2025 to take necessary action at his end under

*As per letter bearing
ACA, Puri*

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appropriate revenue law. Further DFO Puri WL Division has also reported that there is no damage to any vegetation due to the construction of the boundary wall.

Copy of the Letter No. 2000/3F-18/2025 dated 12.03.2025 is annexed herewith and marked as Annexure-E/2.

13. That, in response to Paragraph No. 12 of the Original Application, being the matter of record, the same needs no reply.

14. That, in reply to the averments made in Paragraph Nos. 15 & 17 of the Original Application, it is humbly submitted that Puri being a coastal district and prone to coastal erosion, coastal shelter belt plantation is being taken up in different years by Puri WL Division. Further it can be mentioned here that as per the Van (Sanrakshan Evam Samvardhan) Rules, 2023, Compensatory Afforestation will be taken up against the diversion of forest land for non-forestry activity which can also be used as a barrier against the erosion and storms.

*As per the original letters
ACF, Puri*

Done



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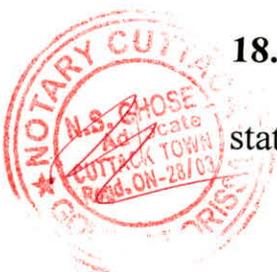
15. That, in response to Paragraph No. 16, 18 of the Original Application, being the matter of record, the same needs no reply.

16. That, all the averments made in Paragraph Nos. 21 of the Original Application, it is humbly submitted that the fact being DFO Puri WL Division is a silent spectator and supported the violation is misconstrued. Rather DFO Puri WL Division has already communicated the fact of construction of a boundary wall by the user agency to Collector, Puri vide his letter No. 2000/3F-18/2025 dt.12.03.2025 to take necessary action at his end under appropriate revenue law. DFO Puri WL Division vide his memo no. 380 dt.13.01.2025 and 6352dt.18.10.2024 has already intimated to higher quarters in different instances with factual data regarding presence of dolphin and Olive Ridley turtles in the project site.

*As per letter B/L/2025
DFO, Puri*

17. That, in response to Paragraphs No. 23 to 25 of the Original Application, being the matter of record, the same needs no reply.

18. That, all the allegations, averments contentions and / or statement as contained in the Original Application which may



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not have been specifically denied or traversed here in but are in essence, contrary to the substance of this affidavit should not be deemed to be admitted by reason of mere non-traverse, but should be treated as expressly denied and the petitioner should be put to strict proof in respect thereof.

19. That, the contents of the above paragraphs are true and correct to the best of my knowledge and based on official records.

Identified by

Adar
Advocate

As per letter below
DEPONENT *Dt: 26.11.25*
ACF, Puri

CERTIFICATE

Certificate that due to non availability of cartridge papers, white papers are used.

CUTTACK

Dt.- *26* .11.2025

Adar
ADDL. STANDING COUNSEL



The above named deponent being identified, by Mr./Ms. *A. Dash* Advocate appears before me at *as* AM/PM. on this the *26/11/25* day of *Nov* 20*25*. I solemnly affirm that the facts stated are true to his/her knowledge and belief.

M. K. Dash
NOTARY
CUTTACK TOWN *26/11/25*



Annex-1

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OFFICE OF THE DIVISIONAL FOREST OFFICER: PURI WILDLIFE DIVISION
CHAKRATIRTHA ROAD, PURI- 752002
E-Mail: dfo.puriwl@odisha.gov.in Tel-06752-228281

Memo No. 5797 /3F-70-2023 Dated, Puri the, 2nd Sept 2023

To
The Principal Chief Conservator of Forest,
Forest Diversion and Nodal Officer, FC Act,
O/o the Principal Chief Conservator of Forests, Odisha, Bhubaneswar

Sub: Proposal for diversion of 27.887 ha. of DLC Forest land for Construction of the project "Shree Jagannath International Airport at Puri" (SJIA) under Puri Wildlife Division.

Ref: Your office Memo No. 18744, dated 15.09.2023

Sir,

In inviting a kind reference to the above cited memo on the captioned Subject, the point wise compliance to the observations raised by the Regional Empowered Committee (REC) meeting held on 07.09.2023 is furnished below along with all the enclosers for further necessary action at your end.

1. Whether the proposal has been approved under CRZ.

Compliance: - In compliance to the above the user agency has submitted that, most of project area is outside the CRZ. However, part of the project area that is 14.75 ha is coming with the CRZ-IIIB out of which 0.02 ha of area is coming within the No Development Zone (CRZ-IA). The area which coming within the NDZ shall be removed from the project proposal and for the rest 14.73 Ha, the CRZ application shall be submitted to Odisha Coastal Zone Management Authority (OCZMA) for approval, as airport is a permissible activity under CRZ-IIIB, as per Ministry Gazette notification published on 8th March 2019.

2. Justification for locating a separate International Airport within 50 Km aerial distance, when already International Airport exist at Bhubaneswar.

Compliance: - In compliance to the above, the user agency has submitted the Justification for locating a separate International Airport within 50 Km aerial distance, when already International Airport exist at Bhubaneswar which is enclosed at Annexure-I.

3. Whether the project coming under the ESZ of any Protected Area?

Compliance: - In compliance to the above, it is intimate that, the entire proposed project is outside the Protected area of Balukhanda Wildlife Sanctuary and its Eco Sensitive Zone. The area is 9.95 Km away from the Eco Sensitive Zone of Balukhanda Wildlife Sanctuary. The aerial distance map on Sol Toposheet is enclosed as Annexure-2.

*True copy
As per memo
ACF Puri*

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4. What is the Impact of cyclone on the area as large number of trees will be felled during construction?

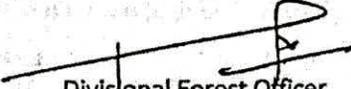
Compliance: Out of 13504 number of trees marked for felling (DLC Forest - 1291 Trees, Non-Forest Land - 12213 Trees), 10374 trees are coming under the girth class ranging from 30 cm to 60 CM. In which *Anacardium occidentale*, *Casuarina equisetifolia*, *Mangifera Indica* & *Acacia auriculiformis* are comprised more and those trees growth are stunted due to the Impact of FANI Cyclone 2019 & it has been marked for felling (Almost top broken /canopy & branches damaged). The remaining 3130 number of trees are also marked considering the nature of the Infrastructure (Admin Office, Airside, Cargo Terminal, Mix use Commercial, Open space, Passenger Terminal Building, Transport Use, Runway, Utility) to be carried out for smooth functioning of Airport. Hence, the Impact of cyclone will be considerably minimum in nature because of the meagre number of bigger size trees marked for felling.

Apart from taking up 29.939 Ha of Compensatory afforestation Plantation against the Project, Puri WL division has already taken up Casuarina Shelterbelt Plantation (45 Ha – 1.78 lakhs) and KIA fencing (3.6 KM) nearby area of airport project after the FANI Cyclone -2019 to protect the coast from natural disaster. In the remaining stretches of coastal area also, coastal afforestation works are underway by Puri WL division.

5. State Govt. to explore possibility to avoid the forest land as the forest land is seen to be on the edges of the proposed project site.

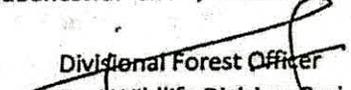
Compliance: - In compliance to the above, the user agency has submitted that, the proposed project site was selected over entire non-forest area of 471.401 Ha. However, later checking with the DLC record some non-forest area is coming within the DLC forest category and the extend of the DLC Forest is 27.887 Ha which is 5.91% of the total area. The DLC forest land required for diversion is unavoidable and the barest minimum for the project. However, the forest land involved in plot No. 109 of Khata No. 520, on the edge of the proposed site having an area of 0.033 Ha, of which 0.02 Ha is coming under No Development Zone of CRZ, shall be removed from the proposal and the forest area required for diversion shall be revised from 27.887 Ha to 27.854 Ha, which cannot be avoided. The revised Map is enclosed as Annexure-3.

Encl: As above


Divisional Forest Officer
Puri Wildlife Division, Puri

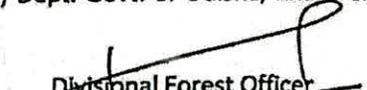
Memo No. 5798 /Dt. 21-09-2023

Copy forwarded to the Regional Chief Conservator of Forests, Bhubaneswar Circle, Bhubaneswar for information and necessary action.


Divisional Forest Officer
Puri Wildlife Division, Puri

Memo No. 5799 /Dt. 21-09-2023.

Copy forwarded to the Additional Secretary to Govt. C&T (Transport) Dept. Govt. of Odisha, Kharavela Bhawan, Bhubaneswar for information and necessary action.


Divisional Forest Officer
Puri Wildlife Division, Puri

Technology
APKOR under scheme
ACP Puri

ANNEXURE -

Annex-2

B/2

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OFFICE OF THE DIVISIONAL FOREST OFFICER: PURI WILDLIFE DIVISION:
CHAKRATIRTHA ROAD, PURI- 752002
E-Mail: dfo.puriwl@odisha.gov.in, Tel-06752-228281

Letter No. 6352 /3F-05/2024.
Dated, Puri, the, 18th October, 2024.

To

The Regional Chief Conservator of Forests,
Bhubaneswar Circle.

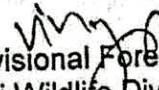
Sub:- Diversion of 27.887 ha. of DLC Forest land for Construction of "Shree Jagannath International Airport at Puri" (SJIA) in Puri Wildlife Division regarding decision of the Advisory Committee as per the meeting held on dt. 07.06.2024.

Ref:- Your Office Memo No. 2328, dated. 25.07.2024.

In inviting a kind reference to the above cited memo on the captioned Subject, the Point-4(i) of the decision of Advisory Committee as per the meeting held on dt. 07.06.2024 the details of Olive Ridley Sea Turtles (breeding & nesting) in the beach near airport site over the past five years is enclosed herewith in a separate sheet.

• This is for favour of your kind information and necessary action.

Encl:- As above.


Divisional Forest Officer,
Puri Wildlife Division, Puri

Memo No. 6353 /Dt. 18.10.2024

Copy along with its enclosure may be forwarded to the Chief Conservator of Forests (WL-II) O/o the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden Odisha, Bhubaneswar for information and necessary action with reference to his memo no- 8566, dt-24.07.2024.


Divisional Forest Officer,
Puri Wildlife Division, Puri

True copy
A.O. Bhatta
ACF Puri

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Report of DFO (WL) Puri on the impact of non-forestry activity on the Breeding activity of Olive Ridley Turtle

Reference: Point 4(i) of the decision of advisory committee as per meeting held on 07.06.2024

In Odisha, mass nesting of Olive Ridley Turtles has been reported at three key sites: Bhitarkanika, Ganjam, and the Devi River Mouth in Puri District. However, no mass nesting has occurred at the Devi River Mouth for more than two decades. The project site is located more than 80 kilometers from this area.

In addition to these mass nesting sites, sporadic nesting occurs along the Puri coast with varying frequency and density. The nests detected and collected at the Brahmagiri Wildlife Range, located within the Puri District, are shown on the map below.

It is evident that only a few turtles nested along the coastline near the project site during the 2024 nesting season. However, turtle nesting becomes more frequent and numerous as one moves southward along the coast towards Chilika Lake. The Forest Department has established two artificial hatcheries at Harchandi and Muhan to collect, incubate, and release hatchlings into the sea.

Data on Nests and Eggs Collected in the Brahmagiri Range (Puri Wildlife Division):

Year	2019-20	2020-21	2021-22	2022-23	2023-24
Nests Collected	-	18	65	145	162
Eggs Collected	-	2235	7112	16117	17661

Although this coastline is not used as a mass nesting site, it remains an active area for marine wildlife, supporting sporadic and secondary nesting by Olive Ridley Turtles. The construction and operation of the Greenfield airport project at the site could have the following potential impacts on the turtles:-

1. **Light Pollution**— Likely to increase during both construction and operation phases.
2. **Noise Pollution**— Generated by aircraft, infrastructure, and associated activities.
3. **Solid and Water Waste Disposal**— Potentially affecting the coastal and marine environment.
4. **Land Use Changes**— From forest to non-forest areas near the proposed airport site. Field visits and DSS analysis in *Parivesh* reveal the presence of open to medium-dense vegetation, primarily consisting of casuarinas, cashew, neem, and Palmyra trees. These tree stands provide a shelter belt, buffering turtle habitats from human activities.

*True copy
Ashok Kumar Mishra
ACF Puri*

[Signature]

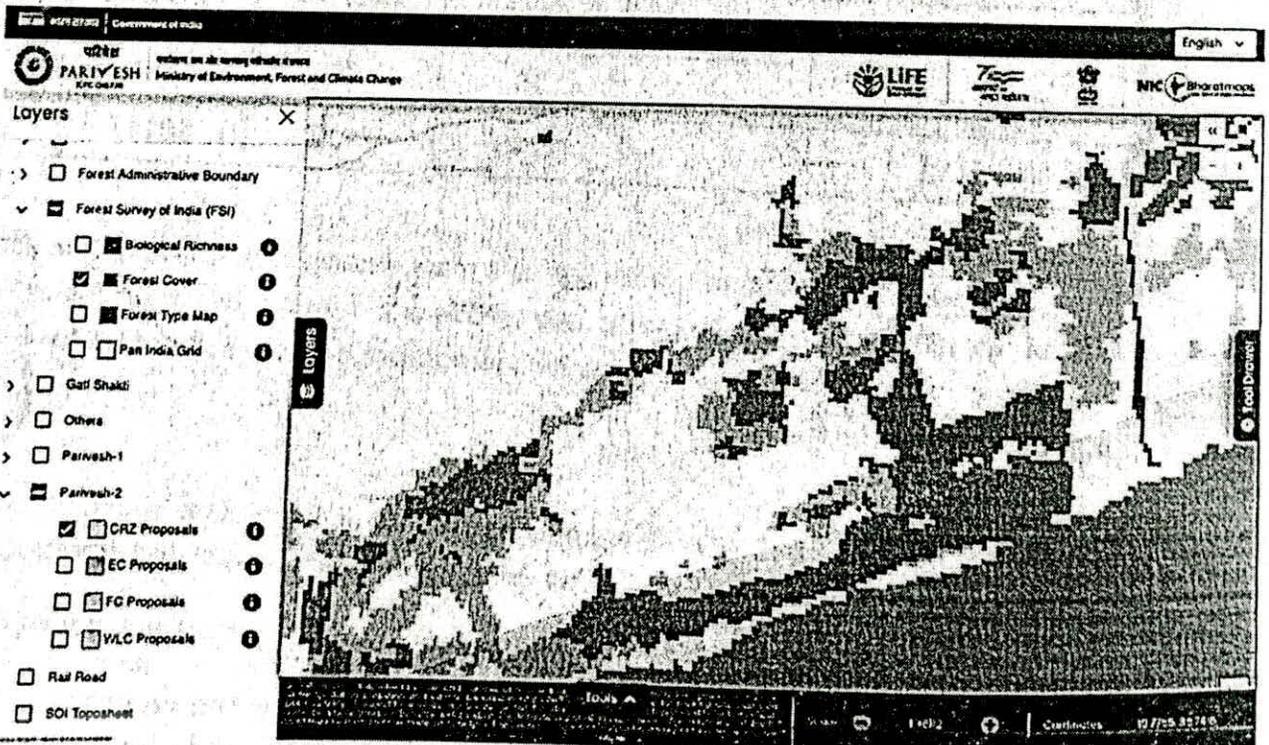
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Proposed Mitigation Measures:

- 1. Protection of Coastal Vegetation:** Coastal vegetation is crucial for Olive Ridley turtle nesting. Seaward land should be protected from adverse land-use changes. The area up to 200 meters from the High Tide Line is designated as CRZ-IA and No Development Zone (NDZ) under the Coastal Regulation Zone Notification 2019. This area falls within Map No. OD 24 (Sheet No. E 45 B 9/SE) and OD 25 (Sheet No. E 45 B 13/SW). To mitigate the impact of noise and light pollution, existing tree stands should be legally protected, and a shelter belt should be developed on the seaward side of the airport.
- 2. Compensatory Tree Plantation:** Any loss of tree cover due to felling of trees on non-forest land should be offset by planting new trees in the vicinity of the project site.
- 3. Strengthening Hatcheries:** During the nesting season, hatchery facilities should be reinforced with adequate turtle watchers and necessary accessories. Sufficient funding should be provided by the project proponent to support these efforts.
- 4. Cost Responsibility:** The project proponent should bear the cost of all the above-mentioned interventions.

Related Maps:

- 1. Presence of casuarina, acacia and cashew plantation inside the project site:**

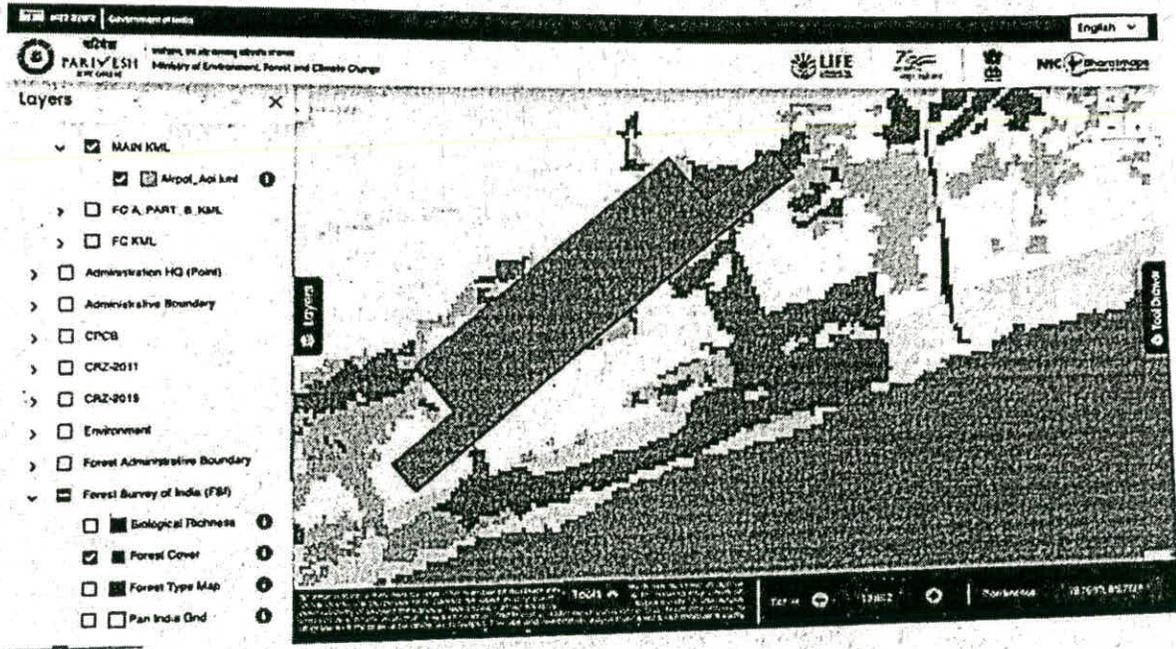


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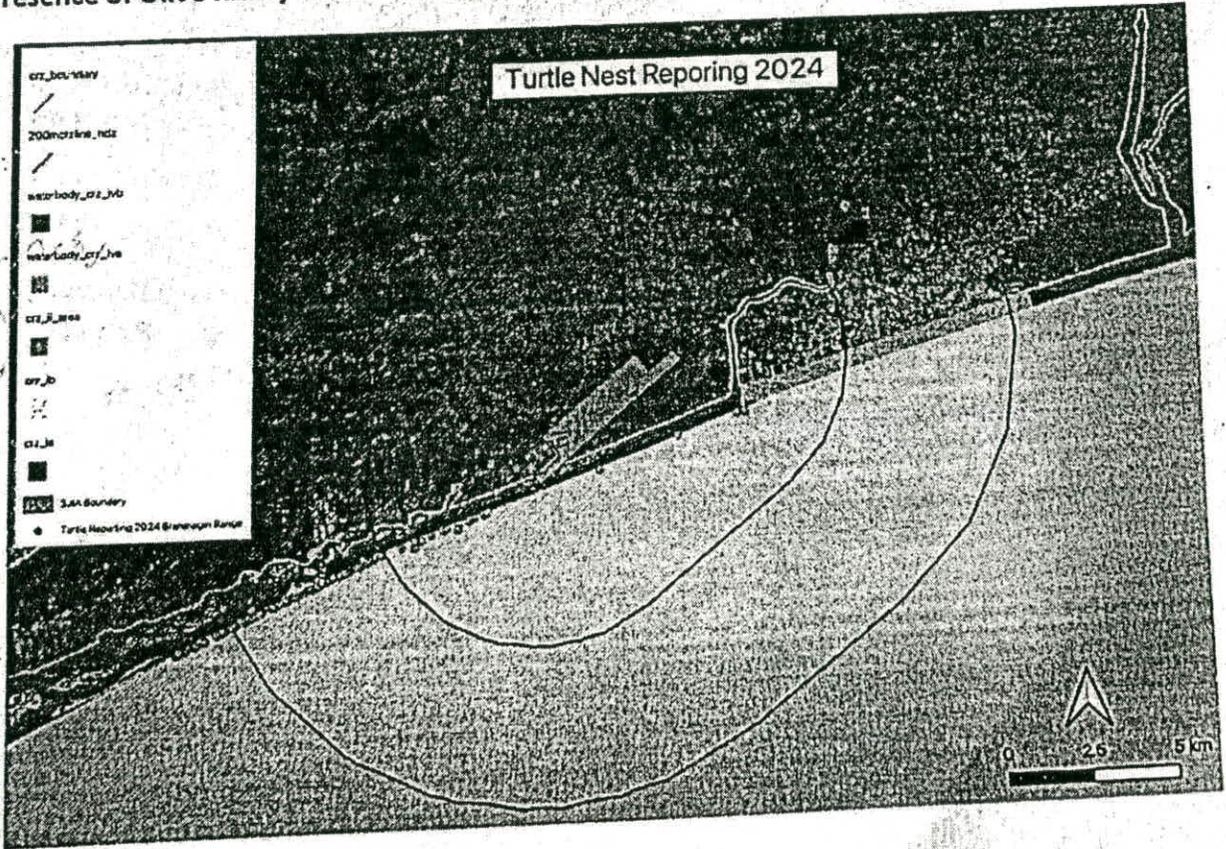
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2. Presence of the tree cover in the vicinity of the project site:



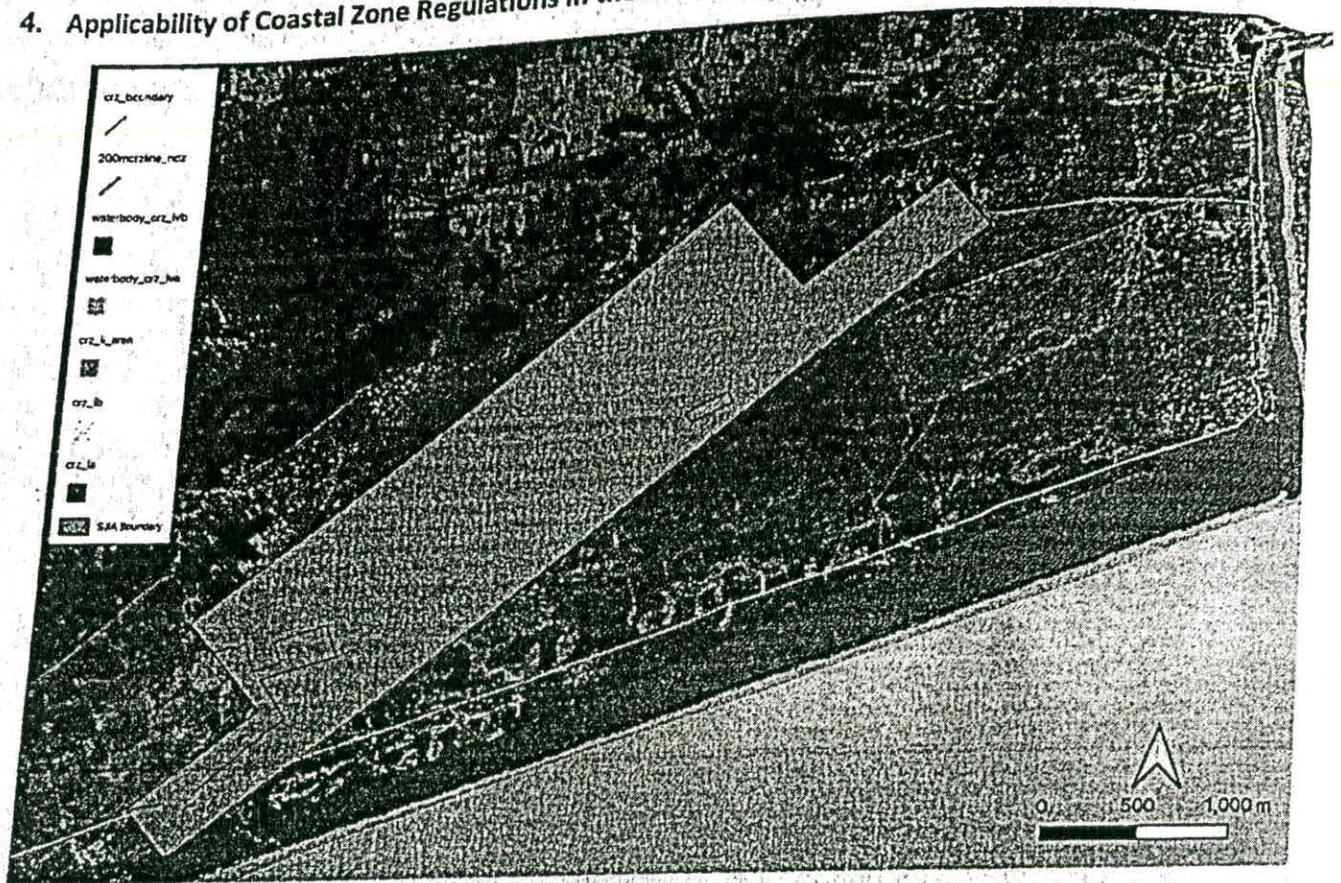
3. Presence of Olive Ridley Turtle in the buffer of 5 km and 10 km from the project site:



True copy
 Ashok Kumar Behara
 ACF Perce

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4. Applicability of Coastal Zone Regulations in the area:



[Signature]
 Divisional Forest Officer,
 Puri Wildlife Division, Puri

True Copy
As per copy before
DCP Puri

Government of Odisha
Commerce & Transport (Transport) Department

Annex-11740

No. TRN-AV-GEN-0001-2021 3787 / T, Bhubaneswar Dated 18.03.2025
From

Debadutta Suranjita Jena, OAS (SAG)
Additional Secretary to Government

The Officer-In-Charge
Estuarine Biology Regional Centre
Zoological Survey of India
MoEFCC, Government of India,
Hilltop, Gopalpur-on-Sea, Ganjam, Odisha, 761002

Sub: Request for conducting studies on effect of the proposed Shree Jagannath International Airport (SJIA) at Puri

Sir,

In inviting a reference to the subject cited above, I am directed to say that Commerce & Transport (Transport) Department desires to hire you as Consultant on the following works.

- (1) To conduct study on effect of the above Project on migratory birds of the Central Asian Fly way in Chilika Lake, Odisha to scientifically assess the potential adverse effects of the airport development on bird populations, their migration patterns, and associated habitats.
- (2) To conduct study on Dolphins habitats, Irrawaddy Dolphins and Olive Ridley Turtles in the coast of Puri, Odisha which aims to assess the population, habitat, threats, and conservation needs of these dolphins to support sustainable management and protection efforts.

'Site Clearance Certificate' has been issued by Government of India to the State Government for the Project and NOC has been obtained from Ministry of Defence for setting up of International Greenfield Airport at Puri. Commerce & Transport Department as Project Proponent has filed Environment Clearance and Forest Clearance respectively for Shree Jagannath International Airport (SJIA) at Puri through Consultants engaged i.e. Forest Clearance by SPARC and Environment Clearance by EIL.

A line of confirmation may be submitted with detailed scope of work and estimates for payment by the Department for conducting the above studies. Details may be chalked out in consultation with IDCO/SPARC.

Yours sincerely,


18.03.25
Additional Secretary to Government
(P.T.O)

True Copy
Asstt Secy
ACF Puri

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Memo No. 3788 /T dated 18.03.2025

Copy forwarded to CGM (P&C), IDCO/Forest Consultant, SPARC for information and necessary follow up action.

[Signature]
18.03.25

Additional Secretary to Government

Memo No. 3788(1) /T dated 18.03.2025

Copy forwarded to CGM (Env.), IDCO for information and necessary follow up action.

[Signature]
18.03.25

Additional Secretary to Government

Trace copy
Asstt Secy to Govt
ACF Puri

ANNEXURE D/2

Annex-4

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29/03/25

Government of Odisha
Commerce & Transport (Transport) Department

No. PT1-TRN-AV-GEN-0001-2021- 4226 /T, Bhubaneswar Dated 28/03/25

From

Debadutta Suranjita Jena, OAS (SAG)
Additional Secretary to Government

The Divisional Forest Officer
Puri Wildlife Division, Puri

Proposal for diversion of 27.887 hectare off DLC forest land for construction of the project "Shree Jagannath International Airport at Puri" (SIJA) under Puri wildlife division- Submission of compliance to EDS raised by DFO (WL), Puri dated 03.01.2025.

Ref: EDS of FAC, MoEF&CC (HQ) dated 10.12.2024.

Sir,

In Inviting a reference to the subject cited above, I am directed to submit herewith the pointwise compliance along with all annexures to the observation raised by FAC, MoEF&CC (HQ) dated 10.12.2024 for further necessary action at your end.

1. Proposed project site is close to nesting ground of olive ridley turtles, a Schedule I species.

In this regard, following are the details of Sporadic nesting in the Puri coast adjoining the project in the Brahmagiri range of Puri Wildlife Division as per the information of DFO, Puri.

Year	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25 as on 20.03.2025
Number of Protection Camps	01	01	02	02	02	02
Number of Hatchery units	-	01	02	02	02	02

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Nests Detected	-	18	65	145	162	345
Eggs Collected	-	2235	7112	16117	17661	39811
Hatchling released	-	1517	4390	11648	9344	388
Number of dead turtles	213	54	92	-	127	44

In this regard, a detailed compliance report was submitted by PCCF, Nodal vide letter no. 21733 dtd 30.10.2024 while complying the EDS dtd 18.07.2024 (Observation-1). The report is enclosed here with as (Annexure-I).

In the said compliance report PCCF(WL) & CWLW has agreed with the report of DFO, Puri (WL) Division regarding the mitigation measures to be taken with the financial support by the project proponent as there are sporadic nesting of Olive ridley turtle in the nearby coast of the project and have recommended the proposal from wildlife point of view.

Considering the above data a site-specific wildlife conservation plan can be formulated, where in the detailed mitigation measures can be taken up, with the approval of PCCF(WL) and CWLW before final forest clearance of the project.

2. The sea which abounds this project area has been close and contiguous with the Dolphin habitat and hence further study, documentation and conservation of this area is mandated before taking any further decision regarding this mega development project.

There are presence of Dolphins in the Puri coast nearer to the project site. Regular annual Dolphin census is taken up in the coastal water of the state by Forest Department. The following are the census report in Brahmagiri (WL) Range, as information received from DFO (WL) Puri.

Year	Date of Estimation	Dolphin Species	Numbers
2020	19.01.2020	-	-
2021	17.01.2021	-	-

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Wildlife Division, Puri
Additional Forest Officer
Wildlife Division, Puri

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*As per annexure herewith
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2022	09.01.2022	-	-
2023	21.01.2023	Bottlenose	1
2024	21.01.2024	Bottlenose	24
2025	22.01.2025	Bottlenose	2

Accordingly as recommended by FAC, a study is being taken up by Zoological Survey of India, Regional office, Gopalpur as requested by the project authority (Commerce and transport department) vide Letter no. TRN-AV-GEN-0001-2021,3787/T dtd. 18.03.2025 (Annexure II) for a detailed study on Dolphin habitats in the coast of Puri nearer to the project which have been accepted by ZSI.

The study report findings and the Conservation measures as recommended will be taken up in the SSWLCP prepared for the project.

3. The Central Asian Flyway (CAF) in Chilika Lake appears to be close to the airspace where this project is envisaged to be operated. This too needs further study and impact analysis and protection needs to be accorded to be accorded to this CAF.

It is worthwhile to mention here that the airspace in the vicinity of the project is already in operation by flights from Guwahati, Kolkata and Bhubaneswar to Chennai, Bangalore, Hyderabad, Vizag and other southern cities of India and the traffic is growing by the day from ongoing operations. All such flights usually passes over Chillika lake through the said Central Asian flyway and no adverse impact on migration of birds have been noticed.

Moreover the report of CCF (WL-III), Office of PCCF(WL) & CWLW, basing on the report of DFO(WL), Puri Division that the impact of the proposed project on bird movement is in particular and Wildlife in General is minimal. Copy enclosed as (Annexure-III) dt. 22.02.2024.

However as recommended by FAC, a study is being taken up by Zoological Survey of India, Regional office, Gopalpur as requested by the project authority (Commerce and transport department) (Annexure-II) for a detailed study and impact analysis of the project on migratory birds in the Central Asian Flyway (CAF) in Chillika lake and have been accepted by ZSI.

The study report findings and the Conservation measures as recommended will be taken up in the SSWLCP prepared for the project.

Divisional Forest Officer
Puri Division, Puri

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4. This proposal has not been presented as an integrated project. The six-lane express way which links Bhubaneswar airport to Puri airport supposedly to be built along the coastline is not a part of this project proposal. Nor is the approach road to the airport is a part of the current proposal. It appears that facts are not presented in an integrated manner.

The six-lane expressway linking Bhubaneswar to Puri is not a part of the said Airport project which will be executed by a separate agency itself. So the fact that not including the expressway in the Airport project FDP is correct.

There is already an existing road linking the airport to the new Nabakalebara road adjacent to Sipasarubali in Puri town which will be appropriately developed as connecting road to the airport. So, no new approach road is required for the same and that is why no approach road included in the Airport FDP.

5. At present the proposed airport at Brahmagiri is neither connected by any express way or highway to either Ganjam or Khordha or Jagatsinghpur. Hence, the justification for having the project to connect Puri, to cities like Jagatsinghpur is not correct, as per the report submitted by the Regional Office. In fact, the proposed airport at Brahmagiri is at an approximate distance of 29 km from Puri town itself and hence defeats the very purpose cited for having this project in an ecologically fragile area like Brahmagiri (Puri).

The upcoming coastal highway can be linkage to Jagasinghpur, Khordha, Berhampur and other nearby cities from the proposed airport at Sipasarubali near Puri. Moreover there are already connecting roads to all these towns. The proposed coastal highway project in Odisha under Bharatmala Pariyojana, will also be passing nearer to the project which will also act as major connecting road to different nearby cities. The airport site is only about 3.3 kms from the peripheral new Nabakalebara road of Puri town.

All precautionary and remedial measures will be taken up as per the EC conditions and forest clearance stipulations to safe guard the coastal ecology of the near by area. Moreover the study reports by the external agency as detailed in the forgoing para will also be taken into consideration as mitigation measures.

6. The expansion of Biju Pattnaik airport can be taken up in other locations, with better connectivity like Jagatsinghpur, Khordha or Berhampur and not at the cost of huge environmental loss and at the same time exposing the area to various vagaries like tidal influence, cyclones and which is being frequent in both number as well as severity by cutting down 13000 trees which now act as bio-shield and coastal shelter belt. The VDF and MDF crown density in non-forest land having

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the ocular look of forest as per Writ Petition 202/1995 and having high density of vegetation, has not been taken into account in the current proposal. (253)

The justification for locating of a separate Airport at Puri instead of Jagatsinghpur, Khordha or Berhampur were complied vide PCCF, Nodal letter no. 15133 dtd. 25.09.2023 in compliance to letter no. 5-ORC595/2023-BHU dtd. 18.09.2023 of the DIG Forest (Central), Govt. Of India, MoEF & CC, RO, Bhubaneswar (Observation-2) Copy Enclosed as (Annexure-IV) dt. 25.09.2023, AAI has prepared the Prefeasibility Report of proposed site for development of Greenfield Airport at Puri. Site Selection Certificate has been issued by MoCA dt. 22.09.2023 is enclosed as (Annexure-V).

The environmental loss that may be caused due to this project will be compensated/minimized following the remedial measures of EC, Forest clearance conditions and the remedial measures to be taken up as per the study reports by external agency i.e ZSI.

The maximum number of trees in the project area that need to be felled are planted trees of mainly Cashew nut and Jhaun (Casurania) as reveals from the tree enumeration abstract.

As per the tree enumeration report there are 12213 number of trees over an area of 353.833 Ha. Non forest land, out of which 9151 trees are of species Cashew, Jhaun(Casurania), Akasia and Noni(Great Morinda) which are mostly planted trees and there are no natural regeneration in the area. These trees are top broken and in a moribond form due to biotic and other interference. The report of DFO(WL), Puri Division dt. 21.09.2023 regarding the condition of the vegetation in the project area is enclosed as (Annexure-VI).

The phenology and branching pattern of the Cashew trees are such that with less number of trees also the Canopy appears to be large and in this case in the non-forest area, there are 6004 numbers of cashew tree which constitute almost 50% of the total tree population over an area of 353.833 Ha.

The plots in the 353.833 Ha of non forest land are even not included in the DLC report.

As such the tree density in the area of the non forest land is only 35 tree/Ha. as per the enumeration list. The tree enumeration list is enclosed as (Annexure-VII).

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As per copy & select ACF Puri
 Divisional Forest Officer
 Puri Wildlife Division, Puri

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Considering the fact that, the trees are in the non forest land in scattered patches, and considering the density of trees/Ha., it may not be taken as forest for application of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and in the light of definition of forest in 202 Godavarman Cases.

7. The INS Chilika, which is a naval base is at a close distance to the proposed airport site. Whether the opinion of the Defense Ministry has been taken into consideration by the State Government before proposing this project site needs to be ascertained and evaluated from Defense point of view.

No objection certificate has already been obtained from Ministry of Defence, Govt. Of India, vide letter no. 2(11)/2022/D(IAF) dtd. 01.01.2025, same is enclosed as (Annexure-VIII).

8. The User Agency has already violated the FC Act by constructing a 1400-meter boundary wall which extends up to sea line. Action needs to be initiated for violation of FC Act, 1980.

The boundary wall constructed over the project area was temporary one and was done to prevent the encroachment of the land by the local peoples. The same has already been dismantled. The report dt: 14.10.2024 of DFO, (WL) division Puri in this regard is enclosed in (Annexure-IX).

Further instruction have been made by DFO, Puri to Collector, Puri under intimation to concerned Tahsildar as follows " to cause an enquiry and take necessary actions under relevant revenue laws at his end" for taking necessary action at their end under Revenue law as the DLC forest is revenue land, vide letter no. 2000/3F-18/2025 dtd. 12.03.2025 (Annexure-X).

The temporary linear boundary wall constructed on the site prone to encroachment by the contractor of IDCO, leaving the other sides open. The constructed temporary wall has already been dismantled. DFO(WL), Puri have also reported that no damage were made to any vegetation. The temporary wall was constructed only to prevent encroachment and was done in good faith.

9. A detailed study on the habitat and migration route of olive ridley turtles as well as Irrawaddy Dolphin along the entire coast of Puri needs to be observed for a stipulated period of at least one year and after ascertaining their number, presence and migration pathway of dolphins. A detailed action plan needs to be drafted for their conservation and protection.

Additional Secretary to Govt.

Divisional Forest Officer
Puri Division, Puri

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area of Odisha by Wildlife Institute of India. One such study with detail of migration, nesting etc by Dr. Bivash Pandav and B C Choudhury of WII is enclosed here with as (Annexure-XI).

The details of the sporadic nesting data, etc for the last few years in the Puri coast of Brahmagiri wildlife range in Puri division have been mentioned in the compliance para to EDS-1.

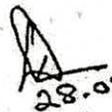
As regard presence of Irrawaddy Dolphin in the coastal sea of Brahmagiri wildlife range (where the project is coming) is concerned, it is evident from the census data of Dolphin for last six years furnished at compliance para of EDS-2 that the presence of Irrawaddy Dolphin in the coastal water nearer to the project in Brahmagiri wildlife range is Nil.

However as recommended, a study is being taken up by Zoological Survey of India, Regional office, Gopalpur as requested by the project authority (Commerce and transport department) (Annexure II) for a detailed study on habitat, migration, threads and conservation need of Dolphins, Irrawaddy Dolphins and Olive ridley turtle in the coast of Puri.

In view of the above compliances to the EDS and observation of the AC dtd. 28.11.2024 the stage-I conditional clearance may kindly be issued in favour of the project and all the stipulations regarding the studies and mitigation measures will be taken care before the Stage-II final approval by way of preparation and approval of the SSWLCP by PCCF(WL) & CWLW for the project taking into the study reports and the mitigation measures to the probable adverse effect of the project on wildlife in the zone of influence of the project.

Encl: Annexure 1-11

Yours faithfully,


28.03.25
Additional Secretary to Government

Memo No. 4227 / T

dated 28/03/25

Copy forwarded to OSD to Principal Secretary to Government, Commerce & Transport Department for kind information of Principal Secretary to Government, Commerce & Transport Department.


28.03.25
Additional Secretary to Government

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ACP Puri

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Memo No. 4228 /T dated 28/03/25

Copy forwarded to Sr. PS to Additional Chief Secretary, FE&CC Dept., Govt. of Odisha for kind information of Additional Chief Secretary, FE&CC Dept.


 28.03.25
 Additional Secretary to Government
Memo No. 4229 /T dated 28/03/25

Copy forwarded to PCCF (WL) & CWLW, Odisha for kind information.


 28.03.25
 Additional Secretary to Government
Memo No. 4230 /T dated 28/03/25

Copy forwarded to PCCF (Forest Diversion & Nodal Officer, FC Act) for kind information.


 28.03.25
 Additional Secretary to Government
Memo No. 4231 /T dated 28/03/25

Copy forwarded to OSD cum Special Secretary to Govt., FE&CC Dept, Govt. of Odisha for kind information.


 28.03.25
 Additional Secretary to Government
Memo No. 4232 /T dated 28/03/25

Copy forwarded to CGM (Env.), IDCO for kind information.


 28.03.25
 Additional Secretary to Government

True copy.

of the above letter

ACF Puri

ANNEXURE E/2
Annex-5

OFFICE OF THE DIVISIONAL FOREST OFFICER: PURI WILDLIFE DIVISION:
CHAKRATIRTHA ROAD: PURI - 752002.
E-Mail - dfo.puriwl@odisha.gov.in Tel/Fax - 06752 228281.

Letter No. 2000 /3F-10 / 2025.
Dated, Puri, 12th March' 2025.

To

The Collector-Cum-District Magistrate,
Puri.

Status of Action Taken against the erring officials regarding violations of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 by constructing a boundary wall over the Forest and Non-Forest land of Sri Jagannath International Airport at Puri.

Sir,

This is to inform you that Forest Advisory Committee (FAC) has passed certain observations regarding violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 by constructing the boundary wall over the Forest and Non-Forest land of Sri Jagannath International Airport project at Puri.

The observation of the FAC is mentioned below:-

"Violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 - Examination of the areas proposed for diversion using DSS tools and Google Satellite Imagery revealed that the user agency seems to have already started the construction of the boundary wall in the forest as well as in the non-forest land which is a violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. The State Government may therefore submit the following:-

- (a) Name of the erring officers responsible for allowing or not stopping the unauthorized construction on the forest land and status of action taken against the erring officials.
- (b) A detail violation report indicating the date and time of the commencement of construction of boundary wall along with present status of the construction of boundary wall along with efforts by the officers concerned on the State Government to stop the work relating to construction of boundary wall.
- (c) Details of the authority/agency issuing work order for construction of boundary wall and the entity bearing the expenditure incurred on the said alleged construction."

In this regard, the project proponent i.e., Govt. of Odisha, Commerce and Transport Department vide its letter no. 10588/T dated 07.10.2024 (enclosed) has submitted its reply. Details of the work undertaken and of supervising officers have been provided in the said letter. As the concerned violation relates to the Forest land under the administrative and management control of the Revenue Department, you are requested to direct the concerned Tahasildar to cause an enquiry and take necessary actions under relevant revenue laws at his end.

This is for your kind information and necessary action.

Yours faithfully

[Signature]
Divisional Forest Officer,
Puri Wildlife Division, Puri

Letter No. 2001 /Dt/2-03-2025.
Copy forwarded to the Tahasildar, Brahmagiri for favour of information and necessary action.

[Signature]
Divisional Forest Officer,
Puri Wildlife Division, Puri

Letter No. 2001 (A) /Dt/12-03-2025.
Copy forwarded to the Additional Secretary to Government, Commerce and Transport Department (C&T) Government of Odisha, Bhubaneswar for favour of information and necessary action.

[Signature]
Divisional Forest Officer,
Puri Wildlife Division, Puri

*Three copies
Asst. Secy. Secy.
ACP Puri*

*1/ASO/COE
25.03.25*