

BEFORE THE NATIONAL GREEN TRIBUNAL
EATERN ZONE BENCH, KOLKATA
Original Application No. 170/2025/EZ

IN THE MATTER OF:

Bhagabat Swain & Ors.

...Applicant(s)

-VERSUS-

State of Odisha & Ors.

...Respondent(s)

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Cuttack

Date: 10/12/2025

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By the Respondent No. 5 through

SHAKTI PRASAD PANDA

E. NO. O-007/1993

Mob: 8847811581



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State Of Odisha & Ors.

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT
NO. 05**

I, Nihar Ranjan Nayak, aged about 56 years, S/o- Dandapani Nayak, at present working as Member Secretary, Odisha Biodiversity Board, Regional Plant Resource Centre Campus, Ekamrakanan, Nayapalli, Bhubaneswar-751015, Dist. Khurda, Odisha, do hereby solemnly affirm and state as follows: -

1. I am working as Member Secretary, Odisha Biodiversity Board, Bhubaneswar and duly authorised by the Respondent No. 5 to swear this affidavit for and on her behalf.
2. That I have perused the original application and have understood the contents thereof.
3. That the Original Application, as laid, is not maintainable on both fact and law.

Nihar Ranjan Nayak
Member Secretary
Odisha Biodiversity Board





Boundary Trench in Jajpur Road Section under Jajpur Road Range of Cuttack Forest Division in the district of Jajpur under OMBADC Scheme for the year 2023-24 (DPR, 2022-23). Odisha Biodiversity Board has no legal authority to stop the illegal cutting of trees or transportation of the same on private or govt land or on forest area and take actions against the culprits. The Forest, Environment & Climate Change Dept. has the statutory authority and power to deal with and regulate such actions.

6. That the applicants had also specifically alleged that the contractor had violated condition-7 of the Specific Conditions in Letter No. 8(31)9/2007-FCE dated 19.05.2022 of the Deputy Inspector General of Forests (Central), Integrated Regional Office, Bhubaneswar, Odisha, Ministry of Environment, Forest and climate Change Government of India of the Forest Conservation Act, 1980. Hence, by no stretch of imagination does the Office of the Respondent No. 5 have the authority to take any action against the offender as per provisions of the Biological Diversity (Amendment) Act 2023.

7. That in respect of Para 1 to 14, the Respondent No. 5 has no comments to offer.

8. That the averments contained in Para 15 of the original application are baseless, devoid of any merit and has been unnecessarily made to prolong the litigation. For that

M. K. Nayak

Member Secretary
Odisha Biodiversity Board



~~X~~

neither members of Biodiversity Management Committee nor any the other person from the local body has submitted any application to the Odisha Biodiversity Board for that purpose. Only upon receipt of proper application thereto, the concerned team of experts and research fellows shall visit the spot with all the bio-resources and conduct studies and verify whether the site fulfils all the criteria to be accorded Biodiversity Heritage Site (BHS) status. Currently, no proposal or suggestions are under considerations.

9. That the averments contained in Para 16 to 17 are false, futile and misconceived. The Biodiversity Management Committee (BMC) has been constituted at Andhari GP of Korei Block, Jajpur Discript. The BMC has prepared the dynamic People's Biodiversity Register (PBRs). The Enrichment of People's Biodiversity Register (E-PBRs) is under progress. The State Biodiversity Board is also consulting the BMC for preparation of PBRs relating to the use of Biological Resources and Knowledge associated with such resources occurring within the area of jurisdiction of the Biodiversity Management Committee (BMC).

10. That the averments which have not been specifically replied shall be deemed to have been denied and the Deponent seeks for leave of this Hon'ble Tribunal to make further submissions and file further affidavit(s) in

Member Secretary
Member Secretary
Odisha Biodiversity Board





support of their contentions in the interest of justice and for effective adjudication by the Hon'ble Tribunal.

11. That the Respondent No. 5 offers no comments in respect to the averments made in Para No. 18.

12. That the statements made above in Paragraphs-1&11 are true to the best of my knowledge and belief and those derived from the records and information. I believe the information to be true as per available Official Records.



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AFFIDAVIT

I, Nihar Ranjan nayak, aged about 56 years, S/o-Dandapani Nayak, at present working as Chairperson, Odisha Biodiversity Board, Regional Plant Resource Centre Campus, Ekamrakanan, Nayapalli, Bhubaneswar-751015, Dist. Khurda, Odisha, do hereby solemnly affirm and state as follows:-

1. That I am duly authorised by the Respondent No. 5 in the aforesaid Original Application. I am well acquainted with the facts and circumstance of the case and as such competent to swear this affidavit on my official capacity.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by

Shankar Prasad
Advocate

Nihar K. Nayak

DEPONENT

**Member Secretary
Odisha Biodiversity Board**

Solemnly affirmed on in Oath by the Deponent
at Cuttack on 12-12-15 being identified
by *S. P. Panda*
Advocate, Amra O.D. S.O., AS's office/Notary
personally, that the facts stated above are
true to the best of his/her knowledge.

12-12-15
RAMA CHANDRA MISHRA, NOTARY
UTTACK TOWN, REGD. No-21/86

P.T.O





VERIFICATION

I. Nihar Ranjan Nayak, aged about 56 years, S/o- Dandapani, at present working as Member Secretary, Odisha Biodiversity Board, Regional Plant Resource Centre Campus, Ekamrakanan, Nayapalli, Bhubaneswar-751015, Dist. Khurda, Odisha, do hereby verify and state that the facts stated above are true to the best of my official knowledge, belief, information and based on documents.

Identified by

Shree Anand Kumar
Advocate

Nihar Ranjan Nayak

DEPONENT

Member Secretary
Odisha Biodiversity Board

CERTIFICATE

Certified that Cartridge papers are not available.

ADVOCATE

