

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

ORIGINAL APPLICATION NO. 104 OF 2025



IN THE MATTER OF:

Pradeep Kumar Das & Others

...Applicant

Versus

State Of Odisha & Ors.

...Respondents

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Place: Kolkata

Date: ^{hr}05 January, 2026

Respondent No. 2

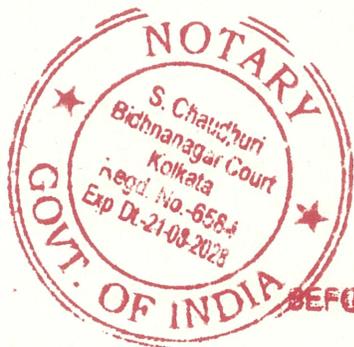
Through

Dibyendu Narayan Ray
Advocate

05 JAN 2026

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

ORIGINAL APPLICATION NO. 104 OF 2025



IN THE MATTER OF:

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...Applicant

Versus

State Of Odisha & Ors.

...Respondents

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**

Counter Affidavit on behalf of Respondent No. 2 – Union of India, Ministry of Environment, Forests and Climate Change (MoEF&CC).

I, Shri Sujoy Dutta, S/o Shri Samir Dutta, aged about 45 years, working as Assistant Commissioner of Forestry at the Sub office Kolkata of Bhubaneswar Regional Office under the Ministry of Environment, Forest & Climate Change, having its office at IB – 198, Sector- III, Salt Lake City, Kolkata - 700 106 do hereby solemnly affirm and state on oath as under: -1. That I am duly authorized to file this Counter Affidavit on behalf of Respondent No. 2 – Union of India, Ministry of Environment, Forests and Climate Change (MoEF&CC).

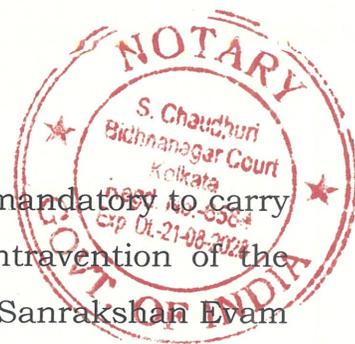
2. That I have read and understood the contents of the Original Application filed by the Applicant and I am competent to depose the facts pertaining to this case based on my official capacity.

STATEMENT OF FACTS:

3. It is humbly submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court. The State Government has to determine any violation or non-compliance of the provisions of the Central and State laws.

4. It is humbly submitted that prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980

05 JAN 2026



{Formerly known as Forest (Conservation) Act, 1980} is mandatory to carry out any non-forestry activity on forest land. That contravention of the above provision would amount to a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and attract the penal provisions given under Section 3A and 3B of the Adhiniyam.

5. It is respectfully submitted that, upon verification of the records available with the Ministry, including the PARIVESH online portal and physical records maintained by this office, no proposal seeking prior approval of the Central Government for diversion of forest land under Section 2 of the Forest (Conservation) Act, 1980 / Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023 has been received by the Ministry in respect of the land in question till date.

6. It is humbly submitted that the MoEF&CC Regional Office, Bhubaneswar, vide its letter dated 23.07.2025 (File No. 8(33)405/2025-FCE), requested the Additional Chief Secretary, Forest & Environment Department, Government of Odisha, to provide the factual information regarding the land referred to in the present application. A copy of the said letter is annexed herewith and marked as **Annexure R-2/1**.

7. That, as no information was received, a reminder letter dated 29.08.2025 was issued to the State Government again seeking urgent factual details so that the Ministry could place the correct position before this Hon'ble Tribunal. A copy of the said reminder is annexed herewith and marked as **Annexure R-2/2**.

8. In light of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to take note that no proposal for diversion of forest land has been received by the Ministry of Environment, Forest and Climate Change in respect of the land in question, MoEF&CC has sought a factual report from the Government of Odisha regarding the status of the land in question

9. That the Answering Respondent craves liberty to file additional information, if any, till pendente lite.

10. The Hon'ble Tribunal may pass such order(s)/direction(s) as it may deem fit and proper in the facts and circumstances of the case

Sujoy Dutta
DEPONENT

05 JAN 2026



VERIFICATION

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondents in daily course of its business, no part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 05th day of January, 2026.

Sujay Dutta
DEPONENT

See
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No. -6584/08
Bidhannagar Court
Dist. -North 24 Pgs.

05 JAN 2026



भारत सरकार / Government of India

Annexure R-2/1



133
आजादी का
अमृत महोत्सव

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar

ए.३. चंद्रसेखरपुर / A/3, Chandrasekharpur

भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 8(33)405/2025/FCE

Date 23rd July 2025

To

The Additional Chief Secretary

Forest & Environment Department,
Government of Odisha.
Bhubaneswar -751001.

Sub: Request for factual information in connection with Original Application No.104/2025/EZ in the matter of Pradeep Kumar Das & Ors Vs State of Odisha & ors. - reg.

Sir,

With reference to the subject cited above, I am directed to state that this Ministry has been made respondent in the aforementioned Writ Petition. The Hon'ble NGT, vide its order dated 2.07.2025, has directed all the respondents to file their counter affidavits within four weeks.

It has been alleged in the petition that construction activity on the plot No.82 of Khata No.60 in Mouza – Kalokudar, Lathikata Tahasil of Sundargarh district, which is recorded as Kissam – Gramya Jungle, has been carried out without approval of the Central Government as required under Section 2 of the Forest Conservation Act 1980.

Accordingly, it is requested that the factual information regarding the status of the land and other relevant matters as referred to in the petition be furnished to this office within two weeks time, to facilitate preparation of the counter affidavit on behalf of the Ministry.

Yours Faithfully

Sujoy Dutta
23/07/2025

(Sujoy Dutta)

Assistant Commissioner (Forestry).

Encl: As above

Copy to: The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.



Annexure R-2/2

Reminder- 1



भारत सरकार / Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar

ए/३, चंद्रसेखरपुर / A/3, Chandrasekharpur

भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File no. 8(33)405/2025/FCE

Date: 28th August, 2025

To

The Additional Chief Secretary,

Department of Forests, Environment and Climate
Change Government of Odisha,
Bhubaneswar - 751001

Sub: Request for Factual Report in OA No. 104 of 2025 – Pradeep Kumar Das & Ors vs. State of Odisha & Ors. before NGT, Eastern Bench, Kolkata.

Ref: This Office earlier letter no. 8(33)405/2025-FCE dated 23rd July, 2025.

Sir,

With reference to the subject cited above, I am directed to state that the Ministry is required to file a counter affidavit in O.A. No. 104 of 2025 – *Pradeep Kumar Das & Others vs. State of Odisha & Others*.

In this connection, factual details regarding the status of the land and other related information were sought through this office letter dated 23-07-2025, which is still awaited. A copy of the said letter is enclosed for ready reference.

In view of the urgency of the matter, it is requested that the concerned authorities may kindly be directed to furnish the requisite information at the earliest, so as to enable filing of the affidavit before the Hon'ble NGT, Eastern Bench, Kolkata, within the stipulated time.

Yours faithfully,

Encl: As above

(Sujoy Dutta)

Assistant Commissioner (Forestry)

Copy To: Additional Principal Chief Conservator of Forests (Nodal),
Government of Odisha, Aranya Bhawan, Chandrashekharpur,
Bhubaneswar.

Digitally signed by
Sujoy Dutta
Date: 29-08-2025
11:26:33