

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
**Original Application No. 158/2025**

IN THE MATTER OF:

Surendra Tapasu & Ors.

...Applicants

Versus

Union of India & Ors.

...Respondents



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Place: Kolkata

Date: 02<sup>nd</sup> February, 2026

Respondent no. 1

Through

Ms. Rashmi Singhee  
Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****Original Application No. 158/2025**

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

IN THE MATTER OF:

Surendra Tapasu &amp; Ors.

...Applicants

Versus

Union of India &amp; Ors.

...Respondents

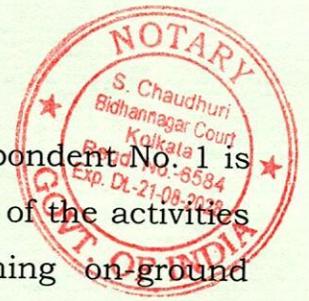
**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 - THE  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**MOST RESPECTFULLY SHOWETH:**

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 the Assistant Commissioner of Forestry at the Sub office Kolkata of Bhubaneswar Regional Office of the Ministry of Environment, Forest and Climate Change and am authorized and fully conversant with the facts and circumstances of the present case based on the official records available. I am, therefore, competent to swear the present Counter Affidavit.
2. That I have perused and understood the contents of the present Affidavit. The contents thereof are true and correct to the best of my knowledge derived from official records, and no material fact has been concealed therefrom.
3. That the Answering Respondent denies each and every allegation, averment, and insinuation made against it in the Original Application, save and except those that are specifically admitted herein.
4. That the present Affidavit is being filed on behalf of Respondent No. 1, the Union of India, through the Ministry of Environment, Forest and Climate Change (MoEF&CC), in compliance with the Notice issued by this Hon'ble Tribunal.

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5. At the outset, it is respectfully submitted that Respondent No. 1 is neither the Project Proponent nor the executing agency of the activities alleged in the Application. The allegations concerning on-ground activities—specifically tree felling, construction of boundary walls, approach roads, or material stockyards—fall exclusively within the domain of the State Authorities and the Project Proponent. No direct act or omission in this regard is attributable to the Answering Respondent.
6. It is humbly submitted that the role of the MoEF&CC is strictly confined to the consideration of proposals for the grant of statutory approvals and clearances in accordance with the law; the examination of violations reported by competent field authorities; and the issuance of directions strictly in consonance with statutory provisions, wherever warranted.
7. It is humbly submitted that the proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 27.887 ha. of DLC forest land for construction of Shree Jagannath International Airport under Puri Forest Division in Puri District, Odisha. (FP/OR/Airport/426096/2023) was received in the Ministry through Regional Office, Bhubaneswar on 02.02.2024.
8. The said proposal was considered in Advisory Committee constituted under Section 3 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 on 07.06.2024 and 26.6.2025. In the last Advisory Committee meeting dated 26.6.2025, after thorough deliberation and discussion, the Committee decided to defer the proposal for want of following information from the State Govt.
- “Keeping in view the concerns raised with regard to the migration routes, threats, and conservation requirements of Olive Ridley turtles, Irrawaddy dolphins along the Puri coast and migratory birds coming to Chilika Lake, the state shall seek the comments/recommendations of WII on the subject matter. The conservation measures and mitigation activities so identified will be integrated into a Site-Specific Wildlife Conservation/ Management Plan for the project which shall be approved by the CWLW, Odisha. A copy of the approved plan shall be submitted.”*
9. The Regional Office Bhubaneswar submitted its site inspection report whereby the Regional Office has made observations regarding plantation of Cashew, Jhaun (Casuarina) and other trees in the land proposed for diversion and also the plantations on non-forest land. The

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observations of the Regional Office were also examined by the Advisory Committee.



10. The Ministry returned the proposal to the State Government for want of additional information as per the recommendations of the Advisory Committee on 05.07.2025. The proposal is presently pending at the level of DFO and the Ministry has not received any reply from the State Government as yet.

11. It is pertinent to state that, as on date, no Environmental Clearance or Forest Clearance has been accorded by Respondent No. 1 for the project in question.

12. It is humbly submitted that upon the filing of the present Original Application (O.A. No. 158/2025/EZ), Respondent No. 1 promptly took cognizance of the allegations. The Ministry, *vide* letter F. No. FC-7/39/2025-FC dated 08-10-2025, requested the Government of Odisha to submit a detailed factual report supported by documentary evidence. This includes specific information as to whether any violation of the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980* has occurred and the action taken thereon. However, the Ministry has not received any reply from the State Government as yet. (A true copy of the letter dated 08-10-2025 is annexed herewith and marked as **"ANNEXURE R1"**)

13. That the Answering Respondent craves leave to file additional documents or information, if necessary, *pendente lite*.

#### PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass such order(s) or direction(s) as it may deem fit and proper in the interest of justice.

*Sujoy Dutta*

**DEPONENT**

#### VERIFICATION

Verified at Kolkata on this 02<sup>nd</sup> day of February, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge based on records and no part of it is false and nothing material has been concealed therefrom.

*[Signature]*  
**S. CHAUDHURI**  
 ★ NOTARY ★  
 GOVT. OF INDIA  
 Regd. No.-6584/06  
 Bidhannagar Court  
 Dist.-North 24 Pgs

*Sujoy Dutta*

**VERIFICANT**

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**FC-7/39/2025-FC**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**

\*\*\*\*\*

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi: 110003,  
Dated: **As Per E-sign.**

To,

**The Special Secretary,**  
**Forest & Environment Department,**  
Government of Odisha,  
Bhubhaneshwar

**Sub: OA No. 158/2025 (EZ) in the matter of Surendra Tapasu & Ors. Vs. UOI & Ors. before NGT (EZ), Kolkata -reg.**

Sir,

I am directed to inform that the above stated matter is pending before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata. That the said OA has been filed challenging the illegal and indiscriminate felling of trees in tens of thousands and construction of Approach Road, Boundary Wall and Material Stockyard in Sipasarubali Mouza for Shree Jagannath International Airport, Puri, Odisha, a green field Airport Project, in absence of Environmental Clearance, Coastal Regulation Zone Clearance and Forest Clearance. (Copy of the Original Application is enclosed).

In view of above, the State Government is requested to submit a factual report with the documentary evidences on the contentions raised in the Original Application. The State Government is also requested to inform about as to whether any violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 has been reported in the instant matter. If any violation has been reported, the action taken report may also be submitted in the matter.

Digitally signed by  
SUNEET BHARDWAJ  
Date: 08-10-2025  
09:37:27

Yours faithfully,

**Sd/-**  
**(Suneet Bhardwaj)**  
Assistant Inspector General of Forests

**Copy to:-** The Deputy Director General of Forests, Regional Office,

MoEF&CC, Bhubaneswar with a request to provide a counter affidavit in the matter at the earliest.