

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 213/2025**

IN THE MATTER OF:

Pramod Kumar Hembram

...Applicants

Versus

State of Odisha & Ors.

...Respondents



INDEX

Sl. No.	PARTICULARS	PAGE NO.
1.	Counter Affidavit on Behalf of Respondent No. 5, Deputy Director General of Forests (C) Ministry of Environment, Forest and Climate Change, Regional Office, Bhubaneswar.	1-4
2.	Annexure No. R5/1; Copy of the letter dated 06-01-2026.	5-6
3.	Annexure No. R5/2; Copy of the letter dated 07-01-2026.	7-8

Place: Kolkata

Respondent no. 5

Date: nd23 February, 2026

Anamika Pandey

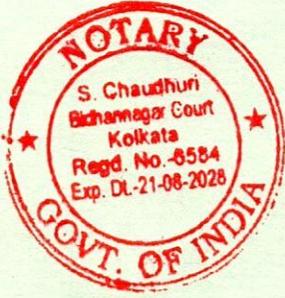
Through

Advocate

X

SL. NO. 1005/2026

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 213/2025**



IN THE MATTER OF:

Pramod Kumar Hembram

...Applicants

Versus

State of Odisha & Ors.

...Respondents

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

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 - DEPUTY
DIRECTOR GENERAL OF FORESTS (C) MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, REGIONAL OFFICE, BHUBANESWAR.**

MOST RESPECTFULLY SHOWETH:

I, Shri Sujoy Dutta, S/o Shri Samir Dutta, aged about 45 years, working as Assistant Commissioner (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 in my official capacity as stated above, I am aware of the facts and circumstances of the present case and am competent to swear to the contents of the present affidavit. I state that my knowledge in this regard is based on the official records available with the Ministry of Environment, Forest & Climate Change (hereinafter, the 'MoEF&CC').
2. That the averments made in the Original Application, insofar as they relate to Respondent No. 5, are denied except those which are specifically admitted herein.
3. It is humbly submitted that the MoEF&CC primarily deals with policy and regulatory issues while the State Governments are responsible the implementation of the policy at the ground level. The key role of the MoEF&CC is to frame policy, provide necessary directions, guidance as an advisory capacity, and approvals under the provisions of the relevant Central Acts.
4. At the outset, it is respectfully submitted that Respondent No. 5 has no role in the identification of land, execution of project activities, or felling

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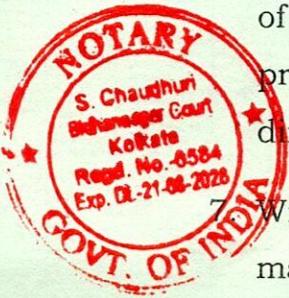
of trees, which fall entirely within the jurisdiction of the State Government and its field authorities.

5. Respondent No. 5 is neither the project proponent nor the permitting authority for tree felling on non-forest land and is therefore neither a necessary nor a proper party for the reliefs sought against alleged illegal tree felling.
6. The '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 land records, the State Government has the primary responsibility to determine status of any parcel of land, giving due regard to gazette notifications, provisions under State and Central Acts, and concerned judgments and directions of the Hon'ble Supreme Court.

With regards to felling of trees, it is submitted that the protection and management of forests is primarily the responsibility of State Governments/Union Territory Administrations. There are strong legal frameworks for the protection and management of tree resources, which include the National Forest Policy 1988, the Indian Forest Act, 1927, Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980, Wild Life (Protection) Act, 1972, and State Forest Acts/State-specific Tree Preservation Acts and Rules, etc. The State Governments /UT Administrations are responsible for taking appropriate actions in accordance with the provisions made under these Acts/ Rules for regulating the felling of trees.

8. That, prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act and attract the penal provisions in it. Any contravention of the above provision would amount a violation of the Act and attract the penal provisions in it.
9. It is submitted that the Ministry has been providing technical and financial assistance besides issuing guidelines to State/UT Forest Departments regarding the protection and conservation of forests and wildlife.
10. It is submitted that this office received a complaint from the Applicant alleging illegal cutting of trees at Bhanjapur, Baripada, Mayurbhanj District, purportedly for construction of an Inter State Bus Terminal.

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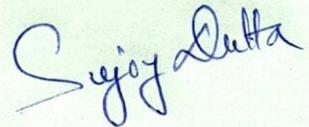


11. Upon receipt of the said complaint, this office did not remain passive and, in discharge of its regulatory responsibility, forwarded the complaint to the Additional Chief Secretary, Department of Forests, Environment and Climate Change, Government of Odisha, requesting an enquiry and Action Taken Report. The said communication was issued vide letter dated 06.01.2026, enclosing a copy of the complaint and requesting factual verification and appropriate action as per law. (A copy of the said letter is annexed herewith and marked as **Annexure-R5/1.**)
12. It is further submitted that pursuant to the order dated 23.12.2025 passed by this Hon'ble Tribunal, this office again addressed the State Government vide letter dated 07.01.2026, requesting furnishing of factual information regarding the averments made in the Original Application, and a detailed Action Taken Report, so as to enable the Ministry to place the correct position before this Hon'ble Tribunal. (A copy of the said letter is annexed herewith and marked as **Annexure-R5/2.**)
13. That Respondent No. 5 has not received any final factual report or violation report from the State Government till date, and therefore, no action could be initiated in the absence of verified field-level information from the competent State authorities.
14. Thus, Respondent No. 5 has acted with due diligence, promptitude, and institutional responsibility, strictly within the limits of its statutory mandate.
15. It is categorically submitted that no proposal for diversion of forest land in respect of the site in question has been received, processed, or approved by Respondent No. 5 under the Forest (Conservation) Act, 1980.
16. In absence of any proposal under Section 2 of the Act, no question arises of grant or denial of approval by Respondent No. 5.
17. The allegations made in the Original Application regarding large-scale felling of trees, excess felling beyond permission, and non-consideration of alternative sites are matters of fact to be examined by the State authorities, particularly the District Administration and the Forest Department of the State.
18. Respondent No. 5 denies all allegations to the extent they seek to attribute any act of omission or commission to this Respondent, and reiterates that no direct or indirect role has been played by this office in the alleged activities.



23 FEB 2026

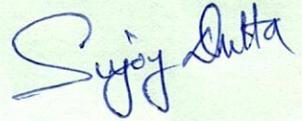
19. Without prejudice to the above, it is submitted that in the event the land in question is found to satisfy the dictionary meaning of "forest", the State Government is required to follow due procedure under the Forest (Conservation) Act, 1980, and this office shall act strictly in accordance with law upon receipt of any proposal.
20. 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 other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.



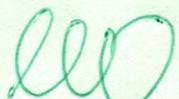
DEPONENT

VERIFICATION

Verified at Kolkata on this ^{25th} day of February, 2026 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.



DEPONENT



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

23 FEB 2026



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. 7(28)-2026-FCE(Bhanjapur)

Date: 06th January, 2026

To

The Additional Chief Secretary,

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

Sub: Subject: Complaint regarding alleged illegal cutting of trees at Bhanjapur, Baripada, Mayurbhanj District – reg.

Sir,

I am directed to state that this office has received a complaint regarding the alleged illegal cutting of trees at Bhanjapur, Baripada, Mayurbhanj District. It is alleged that a proposal to construct a bus terminal at the site has been initiated, which would necessitate the felling of a large number of trees.

The complaint highlights that the area possesses substantial green cover and significant ecological value. It further states that large-scale felling is being proposed without first exhausting alternative locations, which may lead to environmental degradation, loss of biodiversity, and adverse impacts on climate and public health.

In view of this, it is requested that an enquiry may kindly be conducted to verify the factual position regarding the concerns raised. Kindly take appropriate action in accordance with the relevant rules and furnish a detailed Action Taken Report to this office at the earliest.

Encl: As above (Copy of Complaint).

Yours faithfully,
Digitally signed by
Sujoy Dutta
Date: 06-01-2026
17:09:40
Sujoy Dutta

Assistant Commissioner (Forestry)

**Copy to:**

- i) The Principal Chief Conservator of Forests & HOFF (Nodal), Government of Odisha. Bhubaneswar., Aranya Bhawan, Chandrasekharpur, Bhubaneswar- 751023, For Kind Information and necessary action please.
- ii) Shri Promod Kumar Hembram, Bhanjapur, Ward No.17, Baripada.



Annexure No. R5/2

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



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आज़ादी का
अमृत महोत्सव



LIFE
Lifestyle for
Environment

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

File No. 8(33)421/2026/FCE

Date: 07th January, 2026

To

The Additional Chief Secretary,

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

Sub: OA No. 213/2025 (EZ) in the matter of Pramod Kumar Hembram Vs. State of Odisha & Ors. pending before Hon'ble NGT (EZ), Kolkata-reg.

Ref 1: Order dated 23.12.2025 of the Hon'ble NGT, EZ, Kolkata.

Ref 2: This office letter No.7(28)-2026-FCE(Bhanjapur) dated 6th January 2026

Sir,

With reference to the captioned subject, I am directed to state that the Hon'ble NGT, EZ, Kolkata in its order dated 23.12.2025 has directed the Ministry to file an affidavit in the OA No. 213/2025 (EZ) in the matter of Pramod Kumar Hembram Vs. State of Odisha & Ors which is pending before Hon'ble NGT (EZ), Kolkata.

The matter pertains to allegation of large-scale felling of trees at Bhanjapur, Baripada, Odisha for construction of an Inter State Bus Terminal. In this connection, this office, vide letter referred at Reference No. 2 above dated 6.01.2026, had forwarded a complaint received from Shri Promod Kumar Hembram on the same issue, with a request to enquire into the matter and submit an Action Taken Report.

In view of the above and in order to enable this Ministry to prepare and file the counter affidavit before the Hon'ble Tribunal, it is requested that the information pertaining to the averments made by the applicant in the petition, along with the Action Taken Report, may kindly be furnished to this office at the earliest.

Yours faithfully,

Digitally signed by

Sujoy Dutta

Date: 07-01-2026

16:15:47
(Sujoy Dutta)

Assistant Commissioner (Forestry)

Encl: As above



Copy To:

1. Principal Chief Conservator of Forests & HOFF, Government of Odisha, Aranya Bhawan, Chandrashekharapur, Bhubaneswar.
2. Additional Principal Chief Conservator of Forests (Nodal), Government of Odisha, Aranya Bhawan, Chandrashekharapur, Bhubaneswar.