

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 166 OF 2025

IN THE MATTER OF:

S.D. LODHA AND ANR.

... APPLICANTS

VERSUS

STATE OF ARUNACHAL PRADESH AND ORS.

... RESPONDENTS

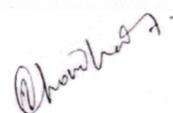
INDEX

S.N.	PARTICULARS	PAGE NOS.
1.	Additional Affidavit on behalf of the Applicants	162-168
2.	<u>ANNEXURE A/1</u> Copy of the screenshots of images taken from the media coverage by the India Today dated 11.02.2026 demonstrates that massive illegal construction activities and earth excavation are continuing inside the notified Drupang Reserve Forest.	169-171

Proof of service

172

THROUGH


RITWICK DUTTA RAHUL CHOUDHARY KAUSTAV DHAR
ADVOCATES

COUNSELS FOR THE APPLICANT

N-71, Lower Ground Floor

Greater Kailash-I, New Delhi- 110048

Email: litigation@dclawchambers.com

PLACE: KOLKATA/NEW DELHI

DATE: 11.03.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 166 OF 2025**

IN THE MATTER OF:

S.D. LODHA AND ANR.

... APPLICANTS

VERSUS

STATE OF ARUNACHAL PRADESH AND ORS.

... RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANTS

I, S.D. Lodha, S/o Koniyang Loda, aged about 40 years, R/o E-Sector, P.O. Itanagar, 791111, District Papumpare (ICR) Arunachal Pradesh, do hereby solemnly affirm and declare on oath as under:

1. That I am the Applicant No. 1 in the above titled Original Application and am conversant with the facts and circumstances of the case and competent to swear this Additional Affidavit.
2. That the Deponent is filing this Additional Affidavit to bring on record the present status with regard to the rampant illegal construction of the roads inside Drupang Reserve Forest despite the interim order passed by this Hon'ble Tribunal vide order dated 05.01.2026.
3. The above-titled Original Application was filed under Sections 14 and 15 read with Section 20 of the National Green Tribunal Act, 2010 raising a substantial question relating to the environment concerning the illegal construction of roads inside the notified Drupang Reserve Forest Papumpare District, Arunachal Pradesh in absolute violation of the provisions of Section 2 of the Forest (Conservation) Act, 1980 and



Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 without obtaining any requisite clearances.

4. It is pertinent to note that this Hon'ble Tribunal vide order dated 05.01.2026 has categorically stayed the illegal construction of double lane road between Donyi Polo Airport, Itanagar and Naharlagun Railway Station via Sonajuli and Drupang inside notified Drupang Reserve and further directed the Chief Secretary, Government of Arunachal Pradesh and concerned District Magistrates and Superintendents of Police of all the concerned Districts to ensure that no such further construction of the road is carried out by the respondents or anyone else. The relevant extract of the order is hereby reproduced:

"8. However, in view of the facts and circumstances of the case and 'Precautionary Principle' embodied in Section 20 of the National Green Tribunal Act, 2010, it is ordered that any further construction of double lane road between Donyi Polo Airport, Itanagar and Naharlagun Railway Station via Sonajuli and Drupang inside Drupang Reserve Forest shall remain stayed till the next date of hearing. The Chief Secretary, Government of Arunachal Pradesh and concerned District Magistrates and Superintendents of Police of all the concerned Districts are directed to ensure that no such further construction of the road is carried out by the respondents or anyone else".

That despite the aforesaid specific directions, the Respondent No. 6, PWD, Naharlagun Division, Government of Arunachal Pradesh has blatantly disregarded and violated the order passed by this Hon'ble Tribunal and has continued the illegal construction in a rampant and relentless manner thereby 'wilfully disobeying' the directions. Furthermore, it is significant to note that the Chief Secretary, District Magistrates and Superintendents of Police of all the concerned Districts has also miserably failed in discharging their duties.

5. The Applicant herein submits that the continued construction activities, despite the interim stay order passed by this Hon'ble Tribunal, have also been reported by the national media, India Today on their YouTube



channel. The said media coverage, dated 11.02.2026, clearly depicts that massive illegal construction and large-scale earth excavation activities were being carried out inside the notified Drupang Reserve Forest, notwithstanding the interim stay granted by this Hon'ble Tribunal vide order dated 05.01.2026. The footage further shows the use of heavy machinery for cutting and excavation of earth, thereby indicating that the construction activities were continuing in blatant violation of the directions issued by this Hon'ble Tribunal. The link to the YouTube video is hereby given (<https://www.youtube.com/watch?v=eiHPbYGi8TA>). The Applicant herein submits that the screenshots of images from the media coverage by India Today dated 11.02.2026 show that several JCB machines are being used to illegally excavate earth, with such activities reportedly continuing predominantly during the night hours.

Copy of the screenshots of images taken from the media coverage by the India Today dated 11.02.2026 demonstrates that massive illegal construction activities and earth excavation are continuing inside the notified Drupang Reserve Forest are annexed herewith as **ANNEXURE A/1.**

6. In this regards, it is pertinent to note that the Clause (c) of Section 94 of the Code of Civil Procedure, 1908 enacts that in order to prevent the ends of justice from being defeated, the Court may, commit the person guilty of disobedience of an order of interim injunction to civil prison. Rule 2A of Order XXXIX as inserted by the Code of Civil Procedure (Amendment) Act, 1976 (Act 104 of 1976) reads thus:

"2A. Consequence of disobedience or breach of injunction--

(1) In the case of disobedience of any injunction granted or other order made under Page 3178 rule 1 or rule 2 or breach of any of the terms on which the injunction was granted or the order made, the Court granting the injunction or making the order, or any Court to which the suit or proceeding is transferred, may order the property of the person guilty of such disobedience or breach



to be attached, and may also order such person to be detained in the civil prison for a term not exceeding three months, unless in the meantime the Court directs his release.

(2) No attachment made under this rule shall remain in force for more than one year, at the end of which time, if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Court may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto."

7. The Applicant herein submits that the Hon'ble Supreme Court in the matter titled **Ashok Paper Kamgar Union vs. Dharam Godha and Ors. (2003) 11 SCC 1**, has dealt with the concept of 'wilful disobedience' of an order of the Court. It was stated that 'wilful' means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. According to the Court, it signifies the act done with evil intent or with a bad motive for the purpose. It was observed that the act or omission has to be judged having regard to the facts and circumstances of each case:

"17. Section 2(b) of the Contempt of Courts Act defines "civil contempt" and it means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of undertaking given to a court. "Wilful" means an act or omission which is done voluntarily and intentionally and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. It signifies a deliberate action done with evil intent or with a bad motive or purpose. Therefore, in order to constitute contempt the order of the court must be of such a nature which is capable of execution by the person charged in normal circumstances".

8. Further, it is submitted that the Hon'ble Supreme Court in the matter titled **Kapildeo Prasad Sah and Ors. vs. State of Bihar and Ors. 1999 (7) SCC 569**, has held that for holding a person to have committed contempt, it must be shown that there was wilful disobedience of the judgment or order of the Court and even negligence



and carelessness may amount to contempt. That in the present case, the persistent illegal construction of road despite the stay granted clearly shows the wilful disobedience of the Respondent No. 6:

*"9. For holding the respondents to have committed contempt, civil contempt at that, it has to be shown that there has been wilful disobedience of the judgment or order of the court. **Power to punish for contempt is to be resorted to when there is clear violation of the court's order. Since notice of contempt and punishment for contempt is of far-reaching consequence, these powers should be invoked only when a clear case of wilful disobedience of the court's order has been made out. Whether disobedience is wilful in a particular case depends on the facts and circumstances of that case. Judicial orders are to be properly understood and complied with. Even negligence and carelessness can amount to disobedience particularly when the attention of the person is drawn to the court's orders and its implications. Disobedience of the court's order strikes at the very root of the rule of law on which our system of governance is based. Power to punish for contempt is necessary for the maintenance of effective legal system. It is exercised to prevent perversion of the course of justice.***

*10. In his famous passage, Lord Diplock in Attorney General v. Times Newspapers Ltd. [(1973) 3 All ER 54 (HL)] said that there is also **"an element of public policy in punishing civil contempt, since administration of justice would be undermined if the order of any court of law could be disregarded with impunity". Jurisdiction to punish for contempt exists to provide ultimate sanction against the person who refuses to comply with the order of the court or disregards the order continuously. Initiation of contempt proceedings is not a substitute for execution proceedings though at times that purpose may also be achieved.***

11. No person can defy the court's order. Wilful would exclude casual, accidental, bona fide or unintentional acts or genuine inability to comply with the terms of the order. A petitioner who complains breach of the court's order must allege deliberate or contumacious disobedience of the court's order"



9. Furthermore, the Applicants herein submit that the Hon'ble Supreme Court in the matter titled **Anil Ratan Sarkar and Ors. vs. Hirak Ghosh and Ors. 2002 (4) SCC 21**, has held that the Contempt of Courts Act has been introduced in the statute-book for securing confidence of people in the administration of justice. If an order passed by a competent Court is clear and unambiguous and not capable of more

than one interpretation, disobedience or breach of such order would amount to contempt of Court. There can be no laxity in such a situation because otherwise the Court orders would become the subject of mockery. Misunderstanding or own understanding of the Court's order would not be a permissible defence. It was observed that power to punish a person for contempt is undoubtedly a powerful weapon in the hands of Judiciary but that by itself operates as a string of caution and cannot be used unless the Court is satisfied beyond doubt that the person has deliberately and intentionally violated the order of the Court. The power under the Act must be exercised with utmost care and caution and sparingly in the larger interest of the society and for proper administration of justice delivery system.

"22. In the contextual facts there cannot be any laxity, as otherwise the law courts would render themselves useless and their order to utter mockery. Feeling of confidence and proper administration of justice cannot but be the hallmark of Indian jurisprudence and contraction by courts will lose its efficacy. Tolerance of law courts there is, but not without limits and only up to a certain point and not beyond the same.

23. In the wake of the aforesaid, we do find that the respondents have wilfully and deliberately violated the orders of this Court in the guise of a totally non-acceptable and sham defence of understanding and thus rendered themselves punishable under the provisions of Article 142 of the Constitution and also under the Act of 1971".



10. That the Hon'ble Supreme Court in the matter titled **Elumalai v. A.G.L.**

Irudayaraj, (2009) 4 SCC 213, has reiterated various judgments which observed that wilful and deliberate act of violation of interim order passed by a competent Court would amount to contempt of Court:

"4.....

66. In All Bengal Excise Licensees' Assn. v. Raghendra Singh [(2007) 11 SCC 374] this Court considered several cases and observed that wilful and deliberate act of violation of interim order passed by a competent court would amount to contempt of court.

*70. From the above decisions, it is clear that punishing a person for contempt of court is indeed a drastic step and normally such action should not be taken. At the same time, however, **it is not only the power but the duty of the court to uphold and***

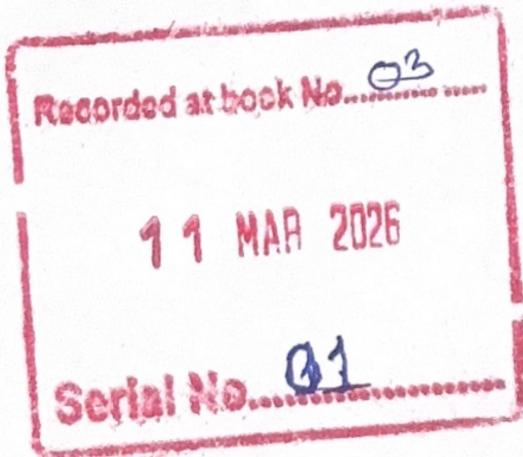


maintain the dignity of courts and majesty of law which may call for such extreme step. If for proper administration of justice and to ensure due compliance with the orders passed by a court, it is required to take strict view under the Act, it should not hesitate in wielding the potent weapon of contempt."

The above position was highlighted in Patel Rajnikant Dhulabhai v. Patel Chandrakant Dhulabhai [(2008) 14 SCC 561 : (2008) 10 Scale 349] at SCC pp. 575-79, paras 56-57, 60-64, 66 & 70.

7. On consideration of various aspects, we are satisfied that there has been a wilful and deliberate violation of this Court's order. We, therefore, in exercise of the Court's jurisdiction under Article 129 of the Constitution of India impose exemplary costs of Rs 2,00,000 on each of the contemnors to be deposited to the Registry of the High Court within a period of eight weeks. On deposit being made, the amount shall be transferred to the National Legal Services Authority. In case of non-payment, the contemnors shall undergo simple imprisonment for three months each. Any third-party right created after order dated 19-3-2007 [C. Elumalai v. P.M.R. Sarkar, SLP (C) No. 19924 of 2006] is of no consequence and stands set aside."

11. The above-mentioned facts and documents are necessary for proper adjudication of the matter. It is submitted that no prejudice will be caused to the Respondents if these facts and circumstances are placed on record. It is therefore most respectfully submitted that the Appeal may be allowed in the interest of justice.

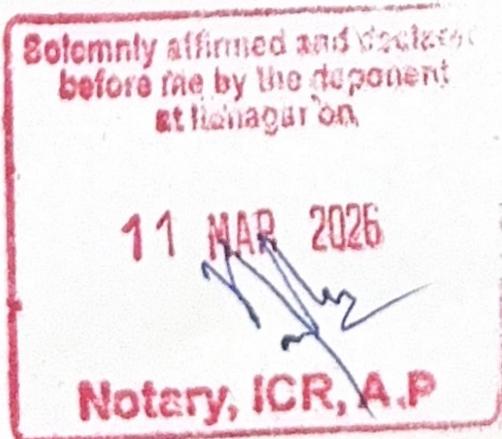


Hing S. A. look

DEPONENT

VERIFICATION

Verified on this 11th day of March, 2026 at Itanagar that the contents of the above-mentioned Additional Affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.



Hage Nibo
Adv. Hage Nibo
Advocate & Notary Public Govt. of A.P
Itanagar Capital Region
Regd. No.: 20/2023
Expiry-01/08/2028

Hing S. A. look

DEPONENT

COPY OF THE SCREENSHOTS OF IMAGES TAKEN FROM THE MEDIA COVERAGE BY THE INDIA TODAY DATED 11.02.2026 DEMONSTRATES THAT MASSIVE ILLEGAL CONSTRUCTION ACTIVITIES AND EARTH EXCAVATION ARE CONTINUING INSIDE THE NOTIFIED DRUPANG RESERVE FOREST:







172



Litigation . <litigation@dclawchambers.com>

Additional Affidavit on behalf of the Applicant in OA No. 166 of 2025 S D Lodha Versus. State of Arunachal Pradesh & ors.

1 message

Litigation . <litigation@dclawchambers.com>

Wed, Mar 11, 2026 at 10:43 AM

To: ASHOK PRASAD <ashokadvhc@gmail.com>, secy-moef@nic.in

Cc: Kol Office <kol_office@dclawchambers.com>

Dear Sir/madam,

Please find attached- Additional Affidavit on behalf of the Applicant in OA No. 166 of 2025 S D Lodha Versus. State of Arunachal Pradesh & ors.

Thanks & Regards
Counsel for the Applicant

 **Additional Affidavit on behalf of the Applicant.pdf**
9748K