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

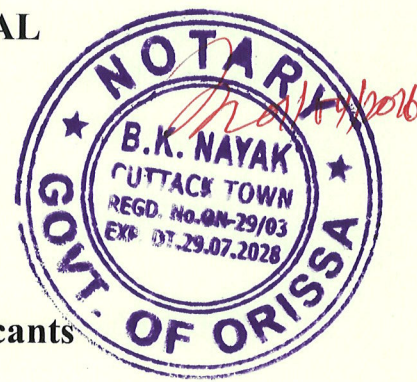
**Original Application No. 52 of 2024**

**In the matter of:**

**Biranchi Narayan Dash & Ors. ... Applicants**

**Versus**

**Union of India & Ors. ... Respondents**




**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2**

**MOST RESPECTFULLY SHOWETH:**

I, Shri Vasanta Kiran Babu, S/o Shri V. Surya Rao, aged about 48 years, working as Dy. Inspector General of Forest (Central) at Regional Office, Bhubaneswar of the Ministry of Environment, Forest & Climate Change, ('MoEFCC', for short) at A/3, Chandrasekharapur, Bhubaneswar – 751023, do hereby solemnly affirm and state on oath as under:


1. That the answering Respondent No.2 is the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, represented through its Regional Office at Bhubaneswar.
2. That the present Counter affidavit is being filed in response to the Original Application filed by the Applicants alleging illegal construction of Odisha Adarsh Vidyalaya over the alleged forest land situated at Plot No.1, Khata No.187, Mouza Nuagaon, Tehsil Nuagaon, District Nayagarh, Odisha without obtaining prior approval under the Forest (Conservation) Act, 1980.
3. At the outset, it is respectfully submitted that Respondent No. 2, i.e., the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, is concerned only with the grant of approval under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in cases where a proposal for diversion of forest land for non-forest purposes is submitted by the State Government.

  
**B.K. NAYAK**  
NOTARY  
CUTTACK TOWN  
Regd. No. ON-29/03

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4. It is further submitted that identification of land, determination of its legal classification, and submission of any proposal for diversion of forest land are matters that fall within the exclusive domain of the State Government and its authorities, including Forest Department and the District Administration.
5. That it is respectfully submitted that no proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of the land in question for construction of the said school has been received in the Ministry or in its Regional Office, Bhubaneswar.
6. It is further submitted that the question as to whether the land in question constitutes forest land within the meaning of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, including whether it was recorded as forest in the Sabik Record of Rights as on 25.10.1980, is required to be examined by the competent authorities of the State Government.
7. Without prejudice to the aforesaid submissions, it is respectfully submitted that in the event the land in question is found to be forest land within the meaning of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, prior approval of the Central Government under Section 2 of the said Adhiniyam would be mandatory before permitting its use for any non-forest purpose.
8. That upon receipt of the notice in the present matter, the answering Respondent sought factual information from the State Government authorities regarding the status of the land in question and the allegations made in the Original Application, for the purpose of preparing an appropriate response before this Hon'ble Tribunal.
9. That in this regard, the Regional Office of the Ministry at Bhubaneswar has requested the Principal Chief Conservator of Forests & HoFF, Government of Odisha to furnish the relevant factual information and status report pertaining to the land in question and the issues raised in the petition. (A copy of the said letter dated 8.11.2024 is annexed herewith and marked as **Annexure-R2/1.**)

  
B.K. NAYAK  
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10. Thereafter, a reminder communication dated 20.11.2024 was also issued to the State authorities for expeditious submission of the required information. (A copy of the said letter is annexed herewith and marked as **Annexure-R2/2.**)
11. That, the Answering Respondent has already sought factual reports from the State Government authorities, however, the same has not been received till date; hence, the Ministry is not in a position to independently verify the factual assertions made in the IA.
12. In so far as the prayer for constitution of a Joint Committee is concerned, it is submitted that the Hon'ble Tribunal may pass appropriate orders as deemed fit, and the Ministry shall abide by any directions issued.
13. That the Answering Respondent craves leave of this Hon'ble Tribunal to file additional affidavit or place further material on record after receipt of factual information from the concerned State authorities, if required.
14. That, in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.



Vasanta Khan Babu ✓

**DEPONENT**

उप वन महानिरीक्षक (केन्द्रीय)  
Dy. Inspector General of Forests (Central)  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय/Regional Office  
भुवनेश्वर/Bhubaneswar

**VERIFICATION**

I, the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Bhubaneswar on this 01st day of April, 2026.

Place: Bhubaneswar

Date: 01.04.2026

The deponent being identified by Self Adv/Clerk  
swears on oath & solemnly affirms  
before me on dt: 01/04/2026  
that the facts stated above are true  
to his/her knowledge.

Pranab Kumar,  
Notary for Cuttack Town  
Govt. of Orissa  
Regn. No. ON-29/03

Vasanta Khan Babu ✓

**DEPONENT**

उप वन महानिरीक्षक (केन्द्रीय)  
Dy. Inspector General of Forests (Central)  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय/Regional Office  
भुवनेश्वर/Bhubaneswar



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](mailto:roez.bsr-mef@nic.in)

File No. 8(33)392/2024-FCE

Date 08.11.2024

To

**The Principal Chief Conservator of Forests & HOFF,**

Forest Department,

Government of Odisha.

Aranya Bhawan, Chandrasekharpur, Bhubaneswar

Email: [pccfodisha@gmail.com](mailto:pccfodisha@gmail.com) & [nodal.pccfodisha@gmail.com](mailto:nodal.pccfodisha@gmail.com)

Sub: O.A. No 52 of 2024 in the matter of Biranchi Narayan Dash & Ors. Vs Union of India & others before the Hon'ble NGT Eastern Bench at Kolkata

Ref: 1. This Office letter dated 28.08.2024  
2. This Office letter dated 18.09.2024

Sir,

With reference to the subject cited above I am directed to state that the Ministry is to file an affidavit in the O.A. No 52 of 2024 in the matter of Biranchi Narayan Dash & Ors. Vs Union of India & others before the Hon'ble NGT Eastern Bench at Kolkata. In this regard the factual information pertaining to the status of the land & other related issues referred to in the petition may please be provided to this office. The copy of the petition is enclosed herewith for your kind reference.

It is therefore requested to kindly provide information pertaining to the averments made by the applicant in the petition for preparation of the counter affidavit, by this office at the earliest.

Yours faithfully,

*Padma Mahanti*

Encl: As above

(Padma Mahanti)

Deputy Inspector General of Forests(C)

**Annexure - R2/2**

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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File No. 8(33)392/2024-FCE

Date 20.11.2024

To

**The Principal Chief Conservator of Forests & HOFF,**  
Forest Department,  
Government of Odisha.  
Aranya Bhawan, Chandrasekharpur, Bhubaneswar  
Email: [pccfodisha@gmail.com](mailto:pccfodisha@gmail.com) & [nodal.pccfodisha@gmail.com](mailto:nodal.pccfodisha@gmail.com)

Sub: **REMINDER-O.A. No 52 of 2024** in the matter of *Biranchi Narayan Dash & Ors. Vs Union of India & others* before the Hon'ble NGT Eastern Bench at Kolkata

Ref: 1. This Office letter dated 28.08.2024  
2. This Office letter dated 18.09.2024  
3. This Office letter dated 08.11.2024

Sir,

With reference to the above subject and the aforementioned letters, I am directed to remind that the Ministry is required to file an affidavit in **O.A. No. 52 of 2024** in the matter of *Biranchi Narayan Dash & Ors. Vs Union of India & Others* before the Hon'ble National Green Tribunal, Eastern Bench at Kolkata.

Despite previous communications, the requisite factual information pertaining to the status of the land and other related issues as referred to in the original application has not yet been received by this office. This information is crucial for the preparation of the counter-affidavit to be submitted before the Hon'ble Tribunal.

The copy of the petition was previously enclosed for kind reference, and it is once again requested to kindly provide the necessary details at the earliest to avoid any delay in compliance.

Yours faithfully,

Encl: As above

*Padma Mahanti*

(Padma Mahanti)  
Deputy Inspector General of Forests(C)

Copy To:

1. **The Divisional Forest Officer, Nayagarh Forest Division, [dfo.nayagarh@odisha.gov.in](mailto:dfo.nayagarh@odisha.gov.in)** requested to provide factual information pertaining to the status of the land and other issues referenced in the original application at the earliest.