

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

O.A. No.158/2025/EZ

Surendra Tapasu and Ors.APPLICANTS

Vrs.

Union of India & OthersRESPONDENTS

**ADDITIONAL AFFIDAVIT FILED BY RESPONDENT
NO.5 (IDCO) IN REPLY TO SUPPLEMENTARY
AFFIDAVIT DT.19.02.2026 FILED BY THE APPLICANTS.**

I, Arundhati Patnaik, aged about-57 years, D/o- Late Bansidhar Patnaik, at present working as Land Officer, Odisha Industrial Infrastructure Development Corporation (IDCO), Janpath, Bhubaneswar, Dist- Khurda, do hereby solemnly affirm and state as follows:

1. That, I have been duly authorized to swear this affidavit on behalf of Respondent No.5 in this case.
2. That, I have gone through the contents of the original application and have understood the same. I am also otherwise acquainted with the facts of the case.
3. That, in the original application, the applicant has prayed to take necessary action against the respondent no.5 & 6 including the criminal proceeding for willfully violating the Provisions of Forest Conservation Act 1980, Costal Regulation Zone Notification 2019 and Environmental Protection Act 1986 and to direct the Respondent No.7 to take necessary action against the erring officers and persons concerned for felling the trees illegally and without authority. Further prayed to restrain the MoEFCC from

Arundhati Patnaik
Land Officer
IDCO, Bhubaneswar

Pradip Kumar Mohanty
PRADIP KUMAR MOHANTY,
NOTARY, CUTTACK TOWN
REGD.No-ON-04/1995

apprising the project and grant of Environmental Clearance, Forest Clearance and CRZ Clearance under Fresh project category without violation also hold and declare the construction activity carried out by the Respondent No.6 as illegal. Also prayed to direct the Respondent No.2, 3 & 6 to restore the damages caused by tree felling and impose and exemplary penalty against the violators and direct the Respondent No.1 to declare Sipasarubali area as Ecologically Fragile/Sensitive Area under Environment protection Act, 1986, on the basis of all misconceived facts and law, which are traversed in view of the averments made herein below, while in course of replying to the averments made in the appeal, in view of which the appeal is liable to be dismissed, being not sustainable in the eye of law.

4. That, in reply to the averments made in Para-1 of the supplementary affidavit, it is humbly submitted that, the vegetation density of 0.5 pertaining to the project land is not based on fact. 13504 nos. of trees spreading over an area of 471.401 ha, that means 28 nos. of trees for 1 ha (10,000 sqm). This average density even less than 0.1.

Further, 90% of the trees are Cashew nut, Accacia, Casuarina and most of the trees are old, top broken, some are spreading over ground (mostly Cashew trees) in moribund condition, which has hardly any role in mitigating the cyclone or role to play in sustainable development and precautionary principle as mentioned in the application.

However, apart from the Compensatory Afforestation over non forest land in lieu of the forest land proposed for

Anshu Chaiti Patra
 Land Officer
 IDCO, Bhubaneswar


diversion, large scale plantation activities over the vacant lands in the project area and in the vicinity will be taken up as per the scheme provided by the Divisional Forest Officer in addition to Coast Shelter Belt Plantation along the coast line to mitigate the effect of cyclone for which necessary funds arrangement will be made. The labeling in Survey of India Topo Sheet prepared in 80s do not relate to present field condition. Hence, the presumption of the applicant is not based on fact.

5. That, the averments made in Para-2 of the supplementary affidavit needs no reply.

6. That, in reply to the averments made in Para-3 of the supplementary affidavit, it is respectfully submitted that, the temporary boundary wall constructed around the project area is meant to safe guard the valuable Government land from encroachment in the sites, where the encroachment, which is rampantly noticed on the site. The portion of temporary boundary wall noticed on DLC land have been promptly removed, which is evident from the Site Inspection of DFO, Puri (WL) Division alongwith officials of Revenue Deptt. and Project Proponent on 13/08/2024 and during field inspection by Expert Appraisal Committee (EAC), MoEF & CC, GoI. On 05/04/2025.

7. That, in reply to the averments made in Para-4 of the supplementary affidavit, it is humbly submitted that, Expert Appraisal Committee (EAC), MoEF & CC, GoI. has recommended the combined Environment Clearance and CRZ Clearance vide their MoM dt.05/08/2025 subject to

Anshu K. Patra
 Land Officer
 IDCO, Bhubaneswar


 PRADIPTA KUMAR MOHANTY
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conditions that, the Project Proponent shall obtain Forest Clearance for diversion of forest land for non-forest use for this project. No tree felling has been done by the Project Proponent, which has been reported by the DFO, Puri (WL) Division during his inspection on 13/08/2024.

8. That, in reply to the averments made in Para-5 of the supplementary affidavit, it is respectfully submitted that, Expert Appraisal Committee (EAC), MoEF & CC, GoI. after their field visit on 05/04/2025 has approved the combined Environment Clearance and CRZ Clearance with a condition that, the notification will be issued only after the Stage-I Clearance of the DLC forest land of 27.887 ha.

9. That, in reply to the averments made in Para-6 of the supplementary affidavit, it is humbly submitted that, no tree felling has been done by the Project Proponent. As such, the photographs depicting old rotter stumps of some uprooted trees by the side of standing trees which date back to 5 to 10 years old or even more. The project area is prone to encroachment as well as illegal collection of fuel wood from Government land.

10. That, in reply to the averments made in Para-7 of the supplementary affidavit, it is humbly submitted that, neither approach road has been constructed on forest land nor any natural sand dunes has been damaged by the Project Proponent in any manner.

11. That, the averments made in Para-8 of the supplementary affidavit needs no reply.

Anshu Papatra
Land Officer
IDCO, Bhubaneswar

12. That, in reply to the averments made in Para-9 of the supplementary affidavit, it is respectfully submitted that, the "Project Proponent is liable for the tree felling done in the project site in question", acquisition is not based upon fact. The project site is open to public access.

13. That, in reply to the averments made in Para-10 of the supplementary affidavit, it is humbly submitted that, the path is existing in both the google images, which reveals the path was existing even before the conceptualization of the project.

14. That, in reply to the averments made in Para-11 of the supplementary affidavit, it is respectfully submitted that, apart from DFO, Puri (WL) Division, Expert Appraisal Committee (EAC), MoEF & CC, GoI. comprising of senior functionaries, the team of Wildlife Institute of India (WII), MoEF & CC, GoI, Dehradun have also visited the site from 22/07/2025 to 24/07/2025, who have given their reports wherein, no case of tree felling reported. Both EAC, MoEF & CC, GoI and WII, MoEF & CC, GoI have suggested for some habitat management and improvement for wildlife including Olive Ridley Turtle.

15. That, in reply to the averments made in Para-12 of the supplementary affidavit, it is humbly submitted that, the temporary boundary wall constructed on the sites of prevailing to protect the valuable Government land from encroachment. No construction activities of the project has been started. Further the referred directive of MoEF & CC, GoI is a suggestive direction not a prohibitory order.

Amebati Patra
Land Officer
IDCO, Bhubaneswar

16. That, in reply to the averments made in Para-13 of the supplementary affidavit, it is respectfully submitted that, the Expert Appraisal Committee (EAC), MoEF & CC, GoI. in their meeting 05/08/2025 has recommended for Environment Clearance & CRZ Clearance with a condition that, the notification will be issued only after the Stage-I Clearance of the DLC forest land of 27.887 ha. No project activity is being carried out at the site.

17. That, the averments made in Para-14 of the supplementary affidavit, needs no reply.

18. That, the rest of the averments which have not been specifically admitted in this affidavit, may be deemed to have been denied.


19. That, in view of the averments made, considering the facts and circumstances of the case, the O.A. being devoid of any merit, is liable to be dismissed with exemplary cost, for filing such frivolous application and wasting the precious time of this Hon'ble Tribunal.

20. That, the deponent craves leave of this Hon'ble Tribunal, to file any such further affidavit, if so required, in the course of hearing, for proper adjudication of the matter.

21. That, the facts stated above are true to the best of my knowledge, belief & materials on Official record.


Advocate


DEPONENT
Land Officer
IDCO, Bhubaneswar


PRADIPTA KUMAR MOHANTY
NOTARY, CUTTACK TOWN
REGD.No-CN-04/1995

VERIFICATION

I, Arundhati Patnaik, aged about-57 years, D/o- Late Bansidhar Patnaik, at present working as Land Officer, Odisha Industrial Infrastructure Development Corporation (IDCO), Janpath, Bhubaneswar, Dist- Khurda, do hereby verify that the contents of the above affidavit are true to my knowledge, belief and materials on record, and nothing has been concealed there from.

Verified at *Cuttack* on *6th* day of March, 2026.

Arundhati Patnaik
VERIFICANT
Land Officer
IDCO, Bhubaneswar

CERTIFICATE

Due to non-availability of Cartridge Papers, Plain thick white papers have been used in this matter.

Cuttack.

Dt. *6* .*03* .2026

Pranoj Mohanty

ADVOCATE
PRANOY MOHANTY
ENROLMENT NO.734/2016
MOBILE NO.8658525777



solemnly sworn before *A. Patnaik*
me by.....
being identified by.....
at Cuttack Town Dated *06/03/2026*
06/03/2026
P.K. MOHANTY, Notary, Cuttack Town
Regd. No-ON-04/1995