

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN BENCH, KOLKATA, WEST BENGAL**
Original Application no. 09 of 2026

IN THE MATTER OF:

Rakesh Kumar Mohanty

Versus

... Applicant

State of Odisha & ors.

... Respondents

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Through:- Utkarsh Chandra and
Aryan Rachh
Advocates for respondent no. 1 & 3
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New Delhi, Delhi – 110070
Ph. Nos. 8917347515, 9830060578

Gobinda Chandra Biswal
DEPONENT
Divisional Forest Officer,
Baripada Forest Division.



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN BENCH, KOLKATA, WEST BENGAL

Original Application No. 09/2026/EZ



IN THE MATTER OF:

Rakesh Kumar Mohanty

S/o Mr. Rabindra Mohanty, Aged about 37 years, Social Worker,
R/o Ward No. 10, Kali Mandir Sahi, PS: Baripada Town,
Dist: Mayurbhanj, PIN: 757001, Odisha.

...Applicant

Versus



1. **State of Odisha through Chief Secretary,**
Lok Seva Bhavan, Sachivalaya Marg, Bhubaneswar, Odisha – 751001.
2. **The Managing Director, Odisha Industrial Infrastructure Development Corporation (IDCO),**
IDCO Tower, Janpath, Bhubaneswar – 751022.
3. **The Divisional Forest Officer, Baripada Forest Division,**
Baripada, Mayurbhanj, Odisha – 757001.
4. **The Managing Director, Industrial Promotion and Investment Corporation of Odisha Limited (IPICOL),**
Ipicol House, Janpath, Sahid Nagar, Bhubaneswar, Odisha – 751022.
5. **The Managing Director, Hotel Sonar Bangla,**
Megatherm Building, Plot-L1, Block-GP, 6th Floor, Sector-V, Electronics Complex,
Salt Lake City, Kolkata – 700091, West Bengal.

...Respondents



COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 1 AND 3

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Notary, Govt. of Odisha
Baripada Town
Mayurbhanj, Odisha
Regd. No.-22/12
Mob: 9348823802

25.5.2024

I, Sri Gobinda Chandra Biswal, OFS-I (SB), S/o Sri Purna Chandra Biswal, working as the Divisional Forest Officer, Baripada Forest Division, Baripada, Mayurbhanj, Odisha-757001, duly authorised by the State of Odisha (Respondent No. 1) and acting in my official capacity as Respondent No. 3, do hereby solemnly affirm and state as under:

1. I say that I am the Divisional Forest Officer, Baripada Forest Division, and am Respondent No. 3 in the captioned Original Application. I have also been duly authorised by the State of Odisha (Respondent No. 1) to file this Counter Affidavit on its behalf by virtue of my official position and the subject matter of this Application, which falls directly within my statutory jurisdiction and field of competence.



I say that I have carefully perused the Original Application (OA No. 09/2026/EZ), the annexures filed therewith, and all related pleadings. I am well acquainted with the facts and circumstances of the case and am competent to swear this Counter Affidavit.

3. I am filing this Counter Affidavit to oppose the averments, allegations, and reliefs claimed by the Applicant in the present Original Application.

MOST RESPECTFULLY SHOWETH:

At the outset, it is submitted that all averments, allegations, and contentions raised in the present Original Application, including those in the Synopsis, the List of Dates, and the Facts in Brief, are expressly denied in their entirety, except to the extent specifically admitted hereinafter. It is submitted that the present Original Application is premised upon a selective and tendentious reading of official records, and proceeds upon misrepresentations of fact and law. The Application deserves to be dismissed.

I. PRELIMINARY SUBMISSIONS

1. Denial of Misrepresentation: The Respondent No. 3 (DFO, Baripada Forest Division) and Respondent No. 1 (State of Odisha) respectfully submit at the outset that the present Original Application is based upon a selective reading of official records and contains

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material misrepresentations regarding the role, conduct, and communications of this office. The Respondent No. 3 emphatically denies any active or passive facilitation of unlawful land diversion or commercial activity on the subject land, namely Khata No. 123, Plot No. 138, Village Laxmiposi, Tahasil Shaimakhunta, District Mayurbhanj, Odisha, admeasuring Ac. 93.280.

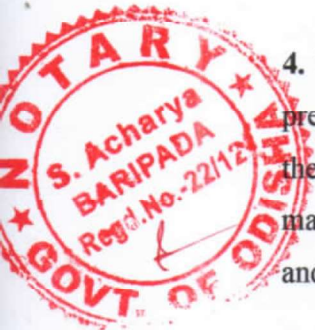
2. Scope of DFO's Role: The Divisional Forest Officer, Baripada Forest Division, is a statutory authority with a well-defined and limited role under the Forest (Conservation) Act, 1980 and the Wildlife (Protection) Act, 1972. This office has, at no point, granted, recommended, or endorsed any Forest Clearance, ESZ Permission, or Wildlife Clearance in relation to the subject land, and has not been requested to do so by any authority.

3. No Collusion or Bias: The allegation, whether express or implied, that this office colluded with or acted in furtherance of the interests of IDCO, DIPA, IPICOL, or Hotel Sonar Bangla is categorically, unequivocally, and emphatically denied. The Respondent No. 3 has at all material times discharged its statutory duties impartially and in accordance with law.

II. ON JURISDICTION AND MAINTAINABILITY

4. Respondents Nos. 1 and 3 do not contest the jurisdiction and maintainability of the present Original Application before this Hon'ble Tribunal under Sections 14, 15, and 18 of the National Green Tribunal Act, 2010. However, it is respectfully submitted that mere maintainability of an application does not validate the factual allegations contained therein, and the Applicant is put to strict proof of each allegation made against these Respondents.

5. It is denied that the earlier OA No. 127/2025/EZ having been dismissed as withdrawn with liberty vide Order dated 19.11.2025 grants the Applicant any advantage on merits. The filing of a fresh application does not cure the deficiencies in factual pleadings or confer any right to the reliefs sought without adequate evidentiary support.



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III. PARA-WISE REPLY TO THE ORIGINAL APPLICATION

Para 3 (Locus and Purpose of Application): It is submitted that the mere claim of public interest does not vest the Applicant with any special evidentiary presumptions, and all factual claims must be established on the basis of legally admissible evidence. The averment that the present application seeks enforcement of Constitutional and statutory rights under Article 21 and Section 2 of the Forest (Conservation) Act, 1980 is not disputed as a general proposition of law; however, the factual premises upon which the Application is founded are denied.

Para 4(A) – Facts in Brief (Proposed Diversion): It is admitted that a land settlement application (Form I-A under Rule 5(2) of the Odisha Government Land Settlement Rules, 1983) was filed by IDCO for the settlement of Khata No. 123, Plot No. 138 admeasuring Ac. 93.280 at Village Laxmiposi for the stated purpose of creation of a Land Bank. It is, however, submitted that as of the date of filing this Counter Affidavit, no land diversion order, no settlement order, and no Forest Clearance (Stage I or Stage II) has been issued in respect of the said land. The land settlement process, if any, is at a preliminary administrative stage and no final decision has been taken. The claim that the land is being "diverted" or "alienated" is therefore premature and misconceived.

Para 4(B) – Community Dependence and Sacred Grove: The claim that the Applicant resides in the immediate vicinity of the hill and that the hill constitutes a community resource and a sacred grove of the Scheduled Tribe community is noted. However, these are matters of evidence and cannot be accepted as established merely on the basis of averments in the pleadings. Without prejudice to the foregoing, it is submitted that the Forest Rights Act, 2006, specifically Sections 3(1)(j) and 4(5) thereof, if applicable to the subject land, would constitute a mandatory procedural safeguard, and these Respondents are not the designated authority for making such determination. The Sub-Divisional Level Committee, the District Level Committee, and the State Level Monitoring Committee under the FRA, 2006 are the appropriate authorities in this regard.

Para 4(C) – Sabik Record-of-Rights (Forest Classification): It is admitted that the Sabik Record-of-Rights (1964) records the subject land under the Kisam "Jungle/Gramya Jungle". The significance of this entry, in terms of its legal character as forest land under the Forest (Conservation) Act, 1980, is a composite legal determination that must be made


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by the competent authority following the prescribed statutory process. The DFO's communications of 12.07.2024 and 24.02.2025 were factual field verification reports and do not constitute a final legal adjudication of forest status. The legal proposition in *T.N. Godavarman v. Union of India* is not disputed, but its application to the subject land remains a matter requiring formal determination. It is further submitted that the subsequent HAL (current) ROR entry recording the land as "Abad Ajogya Anabadi" (uncultivable land) is a Revenue Department classification. The DFO has not taken any position inconsistent with this revenue classification, nor has this office been consulted before such entry was made, and cannot be held responsible for revenue entries made by a separate department of government.

Para 4(D) & 4(E) – Revenue Inspector's Feasibility Report (24.06.2024): It is stated that the Feasibility Report dated 24.06.2024 was prepared by the Revenue Inspector, Balidiha, under the administrative control of the Tahasildar, Shamakhunta/District Collector, Mayurbhanj. The DFO, Baripada Forest Division, was not a party to this report, did not direct its preparation, and has not endorsed or adopted its conclusions. It is further submitted that looking at the DFO's Communication dated 12.07.2024 which makes it unequivocally clear that the subject land falls within an ecologically sensitive area the Revenue Inspector, has chosen not to recommend lease to IDCO without obtaining mandatory Forest Clearance or ESZ Permission, such action further makes it clear that there has been no violation as attributed by the Appellant herein and there is proper compliance of the statutory norms.

Para 4(F) – Sabik-Hal Correlation (05.07.2024): The communication dated 05.07.2024 from the Superintendent of Land Records, Collectorate, Mayurbhanj, furnishing the Sabik-Hal co-relation is a Revenue Department communication. The implications of the Sabik classification for Forest Conservation Act purposes remain a matter for formal statutory determination by the competent authority. It is submitted that the revenue department is not the competent authority for declaring a land as forest or non-forest land under the forest conservation act, in this regard it is submitted that the Central Government is the sole authority under the Forest Conservation Act, 1980 for declaring or notifying forest land.


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Para 4(G) – DFO's Communication (12.07.2024): It is submitted that the DFO's communication dated 12.07.2024 specifically conveyed the forest character and ecological significance of the subject land to the Revenue Department. Far from facilitating any diversion, this communication was intended to and did alert the Revenue Department to the forest and ecological sensitivities that must be factored into any land-use decision. The said communication cannot be read as an endorsement of any lease or diversion proposal. The DFO's communication of 12.07.2024 was a legitimate, factually accurate, and purpose-specific administrative document. The DFO was responding to an administrative query and the said communication does not constitute any facilitation of unlawful diversion.

Para 4(H) – ESZ Verification Report (24.02.2025): The ESZ Verification Report dated 24.02.2025, which was issued in response to a specific administrative query, reflects the geo-coordinates and boundary data available with this office at that time. The said Report records that the aerial distance from the ESZ boundary of the Similipal Tiger Reserve for Khata No. 123, Plot No. 138 (Kissam: Pahada) at Village Laxmiposi, Shamakhunta is 0 (Zero) metres, and that the distance from Balidiha Reserve Forest is 680 metres. The Report further records that the said land falls within the Eco-Sensitive Zone of Similipal Tiger Reserve and Balidiha Reserve Forest. It is however submitted that the ESZ Verification Report is a factual field verification document and does not constitute a direction, permission, or recommendation for or against any commercial activity. It is also confirmed that no clearance of any nature has been issued in respect of the said land for any commercial purpose.

Para 4(I) – DIPA/IPICOL LinkedIn Post and Site Visits: The Respondent No. 3 (DFO, Baripada Forest Division) had absolutely no knowledge of, did not participate in, and was not consulted prior to the alleged facilitation of site visits to the subject land by DIPA, IPICOL, or Hotel Sonar Bangla representatives. The LinkedIn post referred to by the Applicant, if authentic, discloses the conduct of other government agencies and private parties and does not implicate this office in any manner. Any allegation that the DFO violated the Public Trust Doctrine as enunciated in M.C. Mehta v. Kamal Nath is denied. This office has not alienated, encumbered, or permitted the use of public trust resources, including forest land and wildlife habitat, for private commercial gain.


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Para 4(J) – News Articles: The news articles annexed as Annexure-7 are not official documents and their contents cannot be treated as established facts. Without prejudice to the foregoing, the ecological sensitivity of the area is not disputed as a general matter.

Para 4(K) – RTI Application and Documents: The documents obtained by the Applicant through the RTI application dated 17.03.2025 are official government records whose authenticity is not disputed. However, the conclusions and inferences drawn from these documents in the Original Application are denied to the extent they misrepresent the role of the DFO or the State Government.

Para 4(L) – Objection Letter and OA No. 127/2025/EZ: The filing of an objection letter dated 07.04.2025 and its registration as OA No. 127/2025/EZ is admitted. It is submitted that the Applicant himself chose to withdraw the said OA and was granted liberty to file a fresh application. The filing of the present OA is therefore in exercise of that liberty, and the procedural history does not create any presumption on merits.

Para 4(M) – Withdrawal of OA No. 127/2025/EZ: It is admitted that OA No. 127/2025/EZ was dismissed as withdrawn vide Order dated 19.11.2025 by this Hon'ble Tribunal with liberty to file a fresh, properly constituted Original Application. The present OA is accordingly filed in terms of that liberty.

Para 4(N) – Alleged Statutory Violations: The Respondent Nos. 1 and 3 respond to the alleged statutory violations as follows:

(i) Section 2, Forest (Conservation) Act, 1980: It is confirmed that no Forest Clearance, neither Stage-I nor Stage-II, has been granted by this office or recommended to the Central Government in respect of the subject land. This office shall not issue any forest clearance recommendation unless all applicable statutory compliances are demonstrated to its satisfaction.


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(ii) ESZ Notification of Similipal Tiger Reserve: The DFO reiterates that the ESZ Notification issued under Section 3 of the Environment (Protection) Act, 1986 for Similipal Tiger Reserve is binding on all persons and authorities. This office has consistently upheld, and shall continue to uphold, the prohibitions and restrictions contained in the said Notification. Commercial construction, large-scale tourism infrastructure, excavation, and similar activities are restricted or prohibited within the ESZ.

(iii) Wildlife (Protection) Act, 1972: This office discharges its duties under the Wildlife (Protection) Act, 1972 including the protection of wildlife and habitat contiguous to the Similipal Tiger Reserve. No clearance under the said Act has been granted in respect of the subject land.

(iv) Forest Rights Act, 2006: This office is not the designated authority under the FRA, 2006 for recognition, verification, or extinguishment of community forest resource rights. These functions vest in the Sub-Divisional Level Committee, District Level Committee, and State Level Monitoring Committee. Without prejudice, the DFO acknowledges that if the subject land constitutes a community forest resource including a sacred grove under Section 3(1)(j) of the FRA, 2006, then Gram Sabha consent under Section 4(5) thereof is a mandatory pre-condition for any diversion, and this office shall not recommend any clearance unless such consent is duly demonstrated.

(v) The DFO also acknowledges that questions of whether an EIA has been conducted or Gram Sabha consent obtained are matters squarely within the jurisdiction of the MoEF&CC. The Respondents No's. 1 & 3 cannot be held responsible for the omissions of other authorities.

Para 4(O) – Tribal Community Rights (Sacred Grove): It is submitted that the DFO, Baripada Forest Division, is not the designated authority under the Forest Rights Act, 2006 for recognition, verification, or protection of community forest resource rights, including sacred groves. Without prejudice to the foregoing, the DFO acknowledges that sacred


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groves are expressly protected under Section 3(1)(j) of the FRA, 2006 as community forest resources, and any disturbance to such sites would require compliance with the mandatory procedural safeguards under the said Act.

Paras 4(P) to 4(S) – Irreversible Threats, Public Interest, and Systemic Preparation for Commercial Exploitation: The assertions relating to ecological threats, the Applicant's stated intentions, and the alleged systemic preparation for commercial exploitation are denied to the extent they attribute any role to this office. The DFO has at no point participated in, facilitated, or acquiesced in any act that would cause ecological damage, fragmentation of tiger corridors, disruption of hydrology, or illegal mining. The DFO has an independent statutory duty to protect forest cover and wildlife habitat and has not deviated from that duty.

IV. REPLY TO GROUNDS (PARA 5 OF THE ORIGINAL APPLICATION)

Ground A – Forest Conservation Act Violation: It is correct that no Forest Clearance (Stage-I or Stage-II) has been obtained or granted in respect of the subject land. The DFO confirms that no such clearance has been issued by this office or recommended to the Central Government. It is however submitted that the question of whether the proposed diversion is "ex facie illegal" and "void ab initio" is a matter for determination by this Hon'ble Tribunal on the basis of all material evidence. The present stage is still one of administrative deliberation and no final diversion order has been passed.

Ground B – ESZ Status: The Respondent No. 3 reiterates the contents of the ESZ Verification Report dated 24.02.2025. The said Report confirmed that the aerial distance from the ESZ boundary of the Similipal Tiger Reserve for the subject land is 0 (Zero) metres and that the distance from Balidiha Reserve Forest is 680 metres. The Report further stated that the said land falls within the Eco-Sensitive Zone of Similipal Tiger Reserve and Balidiha Reserve Forest. Under the ESZ Notifications issued under the Environment (Protection) Act, 1986, construction, commercial tourism, real estate activity, excavation,


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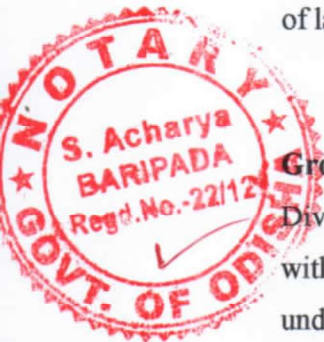
mining, and other environmentally destructive operations are strictly regulated or prohibited. This office has not issued any permission for any such activities.

Ground C – Precautionary Principle and ESZ: The legal propositions cited in respect of the precautionary principle, sustainable development, and inter-generational equity as enunciated in *Vellore Citizens' Welfare Forum, Narmada Bachao Andolan*, and the *M.C. Mehta* line of cases are not disputed as general principles of environmental law. Their application to the facts of the present case is a matter for determination by this Hon'ble Tribunal.

Ground D – Sabik Classification (T.N. Godavarman Principle): The legal proposition in *T.N. Godavarman v. Union of India* that entries in government records are determinative of forest status irrespective of canopy density or physical degradation is admitted. The application of this principle to the subject land, particularly given the dual revenue entries (Jungle/Gramya Jungle in Sabik ROR and Abad Ajogya Anabadi in HAL ROR), is a matter of law requiring formal determination by the competent authority or this Hon'ble Tribunal.

Ground E – FRA Consent Requirement: It is submitted that the DFO, Baripada Forest Division, affirms that any diversion of forest land or activities within the ESZ must comply with all applicable statutory requirements, including the mandatory Gram Sabha consent under Section 4(5) of the FRA, 2006. This office shall not issue any clearance recommendation unless all such compliances are demonstrated to its satisfaction.

Ground F – Sacred Grove (FRA, 2006): The DFO acknowledges that sacred groves are protected under Section 3(1)(j) of the FRA, 2006, and that any disturbance to such sites would constitute a violation of legally recognised community forest resource rights. The question of whether the subject hill constitutes a sacred grove under the FRA is a matter of evidence and must be determined through the appropriate statutory authority.



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Ground G – Ecological Significance (Joint Enquiry Report dated 21.06.2024): The ecological significance of the Similipal Tiger Reserve landscape and the importance of protecting wildlife corridors and old-growth forest in its ESZ is acknowledged. Any proposed development activity would require the most rigorous statutory scrutiny, and this office affirms its commitment to that principle.

Ground H – Wildlife Habitat and Tiger Landscape Connectivity: It is submitted that the Similipal Tiger Reserve is a notified Tiger Reserve under the Wildlife (Protection) Act, 1972, where core, buffer, and ESZ areas must be strictly protected. The legal principle mandating heightened scrutiny for activities around Tiger Reserves as enunciated in *Centre for Environmental Law, WWF v. Union of India* is noted and affirmed.

Ground I – Minor Minerals and EIA: The presence of natural elevated hill formations and significant deposits of minor minerals (stone, murrum) on the subject land has been noted in the Revenue Inspector's Feasibility Report. The DFO submits that any excavation or levelling of such formations would require independent statutory clearances under the EIA Notification, 2006 and the relevant Mining regulations, which are the responsibility of the respective competent authorities and not this office.

Ground J – IDCO, DIPA, and Hotel Sonar Bangla (Pre-Determination): As stated above, the DFO had no knowledge of, did not participate in, and was not consulted before the alleged facilitation of site visits to the subject land by DIPA, IPICOL, or Hotel Sonar Bangla representatives. This office has no statutory power to grant leases, approve commercial projects, or allocate land.

Grounds K, L, M, N, O – LinkedIn Post, Hydrological Impact, Absence of Assessments, Constitutional Duties, Cumulative Violations: The Respondents reiterate their denial of all allegations concerning DIPA's LinkedIn post insofar as it implicates this office. The legal propositions on the non-regression principle, the obligations under Articles 48-A and 51-A(g), and the need for cumulative environmental impact assessment


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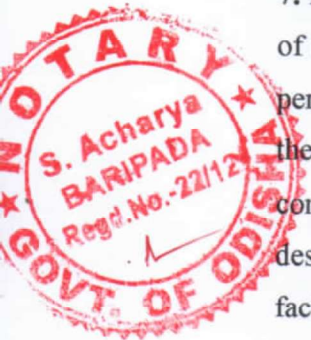
are noted and are not disputed as general principles. Their application to the facts of the present case is a matter for determination by this Hon'ble Tribunal on the basis of all material evidence.

V. POSITIVE AFFIRMATION ON STATUTORY CLEARANCES

6. No Clearance Granted: It is unequivocally affirmed that no Forest Clearance under Section 2 of the Forest (Conservation) Act, 1980, whether Stage-I or Stage-II, has been granted by this office or recommended to the State Government or Central Government in relation to the subject land, Khata No. 123, Plot No. 138, Village Laxmiposi. No clearance of any nature has been issued by this office in respect of the said land for any commercial purpose.

7. ESZ Compliance: The DFO reiterates that the ESZ Notification issued under Section 3 of the Environment (Protection) Act, 1986 for Similipal Tiger Reserve is binding on all persons and authorities. This office has consistently upheld, and shall continue to uphold, the prohibitions and restrictions contained in the said Notification. Commercial construction, large-scale tourism infrastructure, excavation, and other environmentally destructive operations within the ESZ are strictly prohibited, and this office shall not facilitate any violation thereof.

8. Future Commitment: The DFO, Baripada Forest Division, affirms that any diversion of forest land, or activities within the ESZ, must comply with all applicable statutory requirements, and this office shall not issue any forest clearance recommendation unless all such compliances are demonstrated to its satisfaction. In particular, this office shall not issue any clearance recommendation unless: (a) Prior Forest Clearance under Section 2 of the Forest (Conservation) Act, 1980 is obtained; (b) Prior ESZ Permission from MoEF&CC is obtained; (c) Prior Wildlife Clearance (given the proximity to Similipal Tiger Reserve and Balidiha Reserve Forest) is obtained; (d) Prior and informed Gram Sabha consent under Section 4(5) of the Forest Rights Act, 2006 and the PESA Act is obtained; and (e)



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Cumulative Environmental Impact Assessment including wildlife corridor mapping is duly completed.

VI. OFFER OF ASSISTANCE TO THE HON'BLE TRIBUNAL

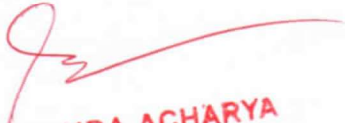
9. The DFO, Baripada Forest Division, is ready and willing to assist this Hon'ble Tribunal with field verification, geo-mapping, preparation of wildlife corridor maps, or further technical reports as may be directed by this Hon'ble Tribunal in the interest of justice and environmental protection.

10. The DFO remains neutral on the question of whether the proposed diversion should ultimately be permitted, as such decision vests with the competent authorities under the Forest (Conservation) Act, 1980, the ESZ Notification, the Wildlife (Protection) Act, 1972, and the Forest Rights Act, 2006, subject to all mandatory clearances being obtained.

VII. ON TRIBAL AND COMMUNITY RIGHTS

11. The DFO, Baripada Forest Division, is not the designated authority under the Forest Rights Act, 2006 for recognition, verification, or extinguishment of community forest resource rights. These functions vest in the Sub-Divisional Level Committee, District Level Committee, and State Level Monitoring Committee under the FRA, 2006.

12. Without prejudice to the foregoing, the DFO acknowledges that if the subject land constitutes a community forest resource including a sacred grove under Section 3(1)(j) of the FRA, 2006, then Gram Sabha consent under Section 4(5) thereof is a mandatory precondition for any diversion. This office shall not issue any forest clearance recommendation unless such consent is duly demonstrated.


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VIII. ON THE RELIEFS CLAIMED (PARA 7 OF THE ORIGINAL APPLICATION)

13. Interim Reliefs: In respect of the interim reliefs sought at Para 7(A) of the Original Application, these Respondents (Respondent Nos. 1 and 3) submit that:

(a) No diversion, settlement, or commercial development of the subject land has as yet been finalised. The revenue process, if any, is at a preliminary stage. As such, while the status quo is effectively being maintained, Respondent Nos. 1 and 3 do not oppose a direction to maintain status quo in relation to the subject land pending adjudication, provided it does not impede legitimate statutory activities by forest and revenue authorities.

(b) Any relief that may be granted against Respondent Nos. 2, 4, and 5 (IDCO, IPICOL/DIPA, and Hotel Sonar Bangla) regarding site visits, negotiations, and feasibility exercises may be addressed by those respondents in their respective replies.

14. Final Reliefs: In respect of the final reliefs sought at Para 7(B):

(d) The prayer to declare the subject land as forest land under the Forest (Conservation) Act, 1980 is a question that requires formal legal determination on the basis of evidence, revenue records (both Sabik and HAL), and applicable law. These Respondents submit that this issue may be adjudicated upon by this Hon'ble Tribunal in accordance with the binding precedents of the Hon'ble Supreme Court.

(e) & (f) The prayers to declare that the land falls within the ESZ and to quash any feasibility reports or proceedings for settlement/diversion are matters that fall within the jurisdiction of this Hon'ble Tribunal. These Respondents confirm that the ESZ Verification Report dated 24.02.2025 records that the subject land has an aerial distance of 0 metres from the ESZ boundary of Similipal Tiger Reserve.



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(g) The prayer to direct that no diversion of the said land shall be undertaken unless the enumerated clearances are obtained is in consonance with the legal framework applicable to the subject land. These Respondents affirm their commitment to obtaining all such clearances before any recommendation for diversion is made by this office.

(h) The prayer to direct Respondents to place all communications, field inspections, notes, MoUs, and expressions of interest on record is not opposed in principle. The DFO, Baripada Forest Division, confirms that its relevant communications (12.07.2024 and 24.02.2025) have already been annexed to the Original Application and are already on record.



VERIFICATION

I, Sri Gobinda Chandra Biswal, OFS-I (SB), Divisional Forest Officer, Baripada Forest Division, Baripada, Mayurbhanj, Odisha, the Deponent above named, do hereby verify that the contents of Paras 1 to 8 of this Counter Affidavit are true and correct to the best of my personal knowledge, information, and belief, and the averments in Paras 9 to 14 are based on legal advice tendered to me and are believed to be correct. Nothing material has been concealed or suppressed therefrom.

Verified at Baripada on this 25th day of May 2026.

Gobinda Chandra Biswal
DEPONENT
Divisional Forest Officer,
Baripada Forest Division.

Solemnly affirm and Declare
 on Identification by Advocate

S. Acharya
 Notary, Baripada
 9348823802

