

BEFORE THE HON’BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA

APPEAL NO. 11 OF 2026

IN THE MATTER OF:

Munidei Majhi & Ors. Appellant (s)

-Versus-

Union of India & Ors. ...Respondent (s)

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**REPLY ON BEHALF OF RESPONDENT NO. 4, M/S VEDANTA LTD.
TO APPEAL NO.11/2026**

MOST RESPECTFULLY SHEWETH:

1. It is humbly submitted that this Hon'ble Tribunal is currently seized of the abovementioned Appeal, wherein the Appellants have challenged the Stage-II Clearance dated 05.05.2026 as amended by the corrigendum dated 06.05.2026; issued by Respondent No.1 herein – Ministry of Environment, Forests and Climate Change (hereinafter, 'MoEF& CC') to Respondent No. 3 Odisha Industrial Development Corporation (hereinafter, 'IDCO') for non-forestry use of 4.911 ha of forest land for construction of a road from Sijimali Bauxite Mines (Hill Top) to SH-44 in Rayagada District in the State of Odisha. Additionally, the Working Permission issued on 27.02.2026 and the order permitting tree felling dated 26.03.2026 have also been challenged. It is pertinent to note that the Appellants herein had previously filed Appeal No. 04/2026/EZ before this Hon'ble Tribunal challenging the Stage-I/In-Principle Clearance issued in favour of Respondent No. 3 for the diversion of forest land for the construction of the subject road, and the same is pending adjudication on the point of maintainability.
2. That at the outset, it is submitted that the project in question has now received the Order of the State Government under Section 2 of the Van

(Sanrakshan evam Samvardhan) Adhiniyam, 1980 and hence the Stage II has merged into the final Section 2 Order of the State Government and therefore the present Appeal is not maintainable.

3. That the Answering Respondent, at the outset, submits that the present Appeal is a misleading and a colourable exercise of jurisdiction under Section 16(e) of the NGT Act, 2010. Moreover, an Appeal against a Stage-II clearance is not maintainable, and thus, the Appeal ought to be dismissed in *limine*. Unless any averment made in the petition is specifically and explicitly admitted, the said contents may be deemed to be denied in their entirety as though herein specifically outlined in seriatim and traversed.
4. That it is also pertinent to mention here that during the pendency of the said Appeal No. 04/2026/EZ, the Appellants filed I.A. No. 57/2026 on 07.05.2026 seeking amendment of the prayer in Appeal No. 04/2026/EZ, inter alia, to include a challenge to the Stage-II/Final Clearance dated 05.05.2026 within the scope of the original Appeal.
5. That, subsequently on 11.05.2026, the instant Appeal was also filed by the Appellant.
6. That Appeal No. 04/2026/EZ was taken up for hearing before this Hon'ble Tribunal on 20.05.2026, along with I.A. No. 57/2026. The Appellants did not press the said I.A., and accordingly, I.A. No. 57/2026 stood disposed of as not pressed. However, an argument was raised on behalf of the Appellants that inasmuch as the Stage-II Clearance dated 05.05.2026 is expressly made subject to the outcome of the final order to be passed in Appeal No. 04/2026/EZ, the present Appeal challenging the said Stage-II Clearance is maintainable and ought not to be dismissed as infructuous. This Hon'ble Tribunal, upon hearing the parties, observed

that the said question "is debatable and requires consideration after submission of written replies by the Respondents." Thus, directing the Respondents to file their replies and posting the matter for further hearing on 07.07.2026.

7. In this regard, the Answering Respondent would like to humbly submit at the outset that the Stage-I/In-Principle Clearance dated 05.01.2026, which forms the subject matter of Appeal No. 04/2026/EZ, has been wholly subsumed and superseded by the Stage-II/Final Clearance dated 05.05.2026 and the same has now merged in the Section 2 Order of the State Government. It is a well-settled position in law that upon the grant of a final approval, the in-principle/stage-I approval merges into and is extinguished by the final order, and the Stage II has now merged in the Section 2 order as stated earlier and therefore no independent legal existence survives to it thereafter. Consequently, there is no longer any live or subsisting order before this Hon'ble Tribunal in Appeal No. 04/2026/EZ that is capable of being challenged or set aside. The challenge in Appeal No. 04/2026/EZ has thus become wholly infructuous and Academic, and any contention of the Appellants premised upon the pendency of Appeal No. 04/2026/EZ is, with respect, entirely without merit and deserves to be rejected at the outset. In similar grounds even the present Appeal does not survive.
8. That it is further submitted that the mere fact that the Stage-II Clearance dated 05.05.2026 contains a specific condition making its operational validity subject to the final adjudication of Appeal No. 04/2026/EZ does not, and cannot, be construed to mean that the said Stage-II Clearance or Section 2 Order is insulated from, or rendered immune to, challenge in any subsequent or parallel proceedings before any competent forum. The

said condition was incorporated only in view of the pendency of Appeal No. 04/2026/EZ at the time of issuance of the Stage-II Clearance, and must be read as a statutory safeguard to ensure compliance with any order that may be passed in those proceedings — it does not, expressly or by implication, restrict or exhaust the jurisdiction of this Hon'ble Tribunal or any other competent forum to independently examine the Stage-II Clearance or Section 2 Order on its own merits. It is further submitted that in the event Appeal No. 04/2026/EZ is held to be infructuous or is otherwise disposed of, and a fresh order or adjudication is passed by any competent Tribunal in respect of the Stage-II Clearance — whether in the present Appeal or otherwise — such order shall, by operation of law, step into the place of and govern the Stage-II Clearance in substitution of the earlier condition, rendering the reference to Appeal No. 04/2026/EZ in the clearance spent and of no further consequence. In the case of *Milind Pariwakam v. Union of India*, O.A. No. 52/2015, this Hon'ble Tribunal yet again held that only an order passed under Section 2 of the Forest (Conservation) Act is appealable under Section 16 of the NGT Act, 2010.

9. The Respondent No. 4 further reserves its right to specifically address and rebut each of the allegations levelled against it in the present Appeal by way of a detailed para-wise reply, which shall follow hereinafter.
10. It is submitted at the threshold that the grounds urged in the present Appeal are substantially identical to those raised in Appeal No. 04/2026/EZ, both arising from the same project, the same clearance process, and the same set of facts. The present written submissions may accordingly be read conjointly with the written submissions filed by Respondent No. 4 in Appeal No. 04/2026/EZ.

11. That it is also pertinent to mention here that the Stage-II Forest Clearance as well as the Environment Clearance for the Sijimali Bauxite Mines too have also been now awarded in accordance with law. This essentially means that the mine itself has undergone the strictest scrutiny of the law and the authorities have accordingly granted the requisite clearances.

PARA-WISE REPLY:

1. That the contents of the corresponding paragraph are borne by fact and as such do not need any specific rebuttal. Nonetheless, it is apposite to mention that the impugned permissions, as mentioned in the said paragraph, have been obtained in accordance with the due process established by law, and there have been no infirmities therein.
2. That the contents of the corresponding paragraph are denied, and it is respectfully clarified that the impugned road development project is, in fact, a public infrastructure development project being undertaken by Respondent No. 3, IDCO, in a phased manner — Phase I comprising the stretch from Sijimali to Tikri/Singaram, and Phase II comprising the stretch from SH-44 to SH-45. The said road is intended to provide connectivity to five villages, namely Dumerpadar, Porlang, Sagabari, Bichapinda and Malipadar, which presently have no road connectivity to the mainland below the valley, and approximately 1,500 residents of these villages face severe hardship in their day-to-day lives, including limited access to healthcare and markets. It is therefore wholly incorrect and misleading for the Appellants to allege that the sole purpose of the proposed road is to facilitate bauxite transportation. The road serves a larger and independent public purpose, and the fact that it will also provide access to the mine lease area does not alter its fundamental character as a public infrastructure project. The road, once constructed,

shall be owned and maintained by the Public Works Department of the State of Odisha, which fact alone is sufficient to establish that it is not a private or exclusive mining infrastructure project.

3. That the contents of the corresponding paragraph are denied in their entirety. It is submitted that there has been no illegal segmentation of the subject road from the forest diversion proposal for the bauxite mine, and the characterisation of the clearance as illegal is wholly misconceived, misleading, and unsupported by law. It is respectfully submitted that the Appellants have, in paragraph No. 3, sought to conflate two entirely distinct regulatory proposals concerning two entirely distinct parcels of land — the 708.204 Ha of forest land within the Mine Lease Area sought to be diverted by Respondent No. 4 for the mining project, and the 4.911 Ha of forest land outside the Mine Lease Area sought to be diverted by Respondent No. 3, IDCO, for the subject road. The two proposals relate to different land parcels, involve different user agencies, serve different though overlapping purposes, and were rightly processed as separate proposals before the competent authority. It is further submitted that the mere fact that EIA reports and project documents of Respondent No. 4 make reference to the proposed road, cannot not be assessed as an independent and simultaneous infrastructure project for the purposes of forest clearance under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The EIA Notification, 2006 and the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are independent statutory regimes operated by different authorities for different regulatory purposes, and a description of the road in the EIA documents of Respondent No. 4 creates no legal obligation to club the forest clearance proposals.

4. That the contents of Paragraph No. 4, 5, 6 and 7 of the Appeal are denied to the extent that they suggest that the Consolidated Guidelines and Clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 "clearly prohibit" the consideration of the subject road as a standalone project. The said characterisation is a selective and misleading reading of the Guidelines and is denied as being contrary to the plain text thereof. It is respectfully submitted that the Appellants have extracted only such portions of the Guidelines as appear to support their case, while deliberately omitting the exceptions and qualifications contained therein. In particular, the Appellants have failed to reproduce Para 7.8(f)(4) of the Consolidated Guidelines, which reads as follows:

"The State Government/User Agency shall ensure that dispensation considered by the Ministry is not misused in any way and likely tendencies to detach linear projects from main proposal of mining should not be encouraged. To the extent possible, linear infrastructure such as roads/railways/conveyor belts, etc. ancillary to mining should be included in the main proposal and under inevitable circumstances only, such proposals submitted by the User Agency should be considered as standalone projects."

It is submitted that the said provision makes it abundantly clear that there is no absolute or blanket prohibition on the standalone consideration of linear projects such as the subject road. The Guidelines expressly contemplate and permit standalone consideration under inevitable circumstances, leaving the determination of what constitutes such circumstances to the discretion of the competent authority, namely MoEF&CC. The said discretion has been duly exercised by MoEF&CC after due consideration of the facts and circumstances of the present case, including the fact that, the subject road, is being developed as public infrastructure under the ownership of the Public Works Department

through IDCO and the present Respondent and serves the connectivity needs of five villages in addition to providing access to the mine site.

It is further submitted that the Consolidated Guidelines are broadly administrative instructions issued by MoEF&CC for the effective implementation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. A discretionary exercise under such guidelines, where cogent reasons exist, does not render the consequent clearance ultra vires the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 or liable to be set aside by this Hon'ble Tribunal. In this regard, Respondent No. 4 respectfully places reliance upon the celebrated principle laid down in Maxwell on "The Interpretation of Statutes" (10th Edition, p. 381), which has been consistently followed by the Hon'ble Supreme Court of India, wherein it is stated:

"On the other hand, where the prescriptions of a statute relate to the performance of a public duty and where the invalidation of acts done in neglect of them would work serious general inconvenience or injustice to persons who have no control over those entrusted with the duty without promoting the essential aims of the legislature, such prescriptions seem to be generally understood as mere instructions for the guidance and government of those on whom the duty is imposed, or, in other words, as directory only. The neglect of them may be penal, indeed, but it does not affect the validity of the act done in disregard of them."

It is further submitted that the Consolidated Guidelines, being broadly administrative instructions issued by MoEF&CC for the guidance of authorities processing forest diversion proposals, squarely fall within the category of directory provisions as described above. The invalidation of the impugned clearance — which has been granted after an exhaustive 18-month regulatory process involving multiple levels of scrutiny, full compliance of all statutory conditions, and the subsequent issuance of

the Section 2 Order by the State Government — on the ground of an “alleged deviation” from such directory guidelines would cause serious and irreversible inconvenience and injustice to Respondent No. 4, without in any manner promoting the essential aims and objects of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The present case is therefore precisely the situation contemplated by Maxwell, and the impugned clearance cannot be invalidated on this ground.

5. The contents of Paragraph No. 8 are borne by fact and as such need no specific rebuttal.
6. That the contents of the paragraph 9 deserve no response, apart from what is a matter of record and in view of the submissions made earlier.
7. That the contents of the paragraph 10 are denied as being wrong, false and baseless. The Appellant has not annexed any evidence to corroborate the submission. Be that as it may, there was no prohibition on the Respondent herein from carrying out any activity as per the permissions already granted and therefore there has been no illegality committed.
8. That the contents of Paragraphs nos. 11, 12 and 13 cannot be verified, and thus the same are denied. It is at best alarmist and not related to the merits of the present case or related to the answering Respondent.
9. That the contents in Paragraph no. 14 are factual in nature. and do not need a specific rebuttal and not related to the merits of the present case or related to the answering Respondent.
10. That the contents of the said paragraph No. 15 deserve no response. It is submitted that this Hon’ble Tribunal has not imposed any restriction on the Respondent herein from carrying out any lawful activity. Further, the activities attributed to Respondent No.4 are denied and it is established

law that there is no requirement of Environmental Clearance for such road projects of the specified length.

11. That the contents of Paragraph no. 16 do not pertain to the answering respondent and as such no need any specific rebuttal. However, it must be ascertained to learn about the alibis in this case to which the Appellants have access and their role in opposing this Project.

12. That the contents of Paragraph No. 17 of the Appeal are vehemently denied as being false, misleading and wholly without merit. The allegations of discrepancies in the demarcation of forest and non-forest land are bare assertions unsupported by any expert opinion, survey report, or order of any competent authority, and deserve to be rejected on that ground alone. In any case such disputes are not maintainable under the NGT Act, 2010.

Additionally, with respect to the allegation that the tree enumeration list for the non-forest land of 6.403 Ha shows the number of trees as zero, it is submitted that this is entirely consistent with the character of the land in question, which is government non-forest land. The Appellants' attempt to read tree cover from KML files and project the same as contradicting the enumeration list is misconceived — KML files depict satellite imagery and do not constitute a legal determination of tree cover or forest status.

13. In reply to Paragraph 18, it is denied to the extent that the Applicant seeks to allege that the impugned road belongs to the Answering Respondent herein.

14. The contents of paragraph 19 are vehemently denied. It is submitted that the contention that "the illegality in issuance of the Stage-I Clearance has yet to be adjudicated" does not justify the filing of the present Appeal.

As has been elaborated in the preceding paragraphs, the Stage-I Clearance has been wholly subsumed and superseded by the Stage-II Clearance dated 05.05.2026, which has in turn been followed by the Section 2 Order dated 27.05.2026 passed by the State Government of Odisha. The challenge in Appeal No. 04/2026/EZ has therefore become infructuous, and the present Appeal is equally unsustainable in the absence of any live or subsisting cause of action.

15. That the contents of Paragraph No. 20 of the Appeal are a matter of record to the extent that the Stage-II Clearance dated 05.05.2026 contains a specific condition making its operational validity subject to the final adjudication of Appeal No. 04/2026/EZ. However, the Appellants have sought to draw unwarranted and incorrect inferences from the said condition, which are denied. It is respectfully submitted that the said condition was incorporated in the Stage-II Clearance in view of the pendency of Appeal No. 04/2026/EZ at the time of its issuance, as a statutory safeguard to ensure compliance with any order that may be passed by this Hon'ble Tribunal in those proceedings. The said condition does not, and cannot, be read as an acknowledgment by MoEF&CC of any illegality in the clearance process, nor does it amount to a concession that the Stage-II Clearance is otherwise vulnerable to challenge. It is further submitted that as has been elaborated hereinabove, the said condition does not restrict or exhaust the jurisdiction of this Hon'ble Tribunal or any other competent forum to independently examine the Stage-II Clearance, and equally, any order passed in respect of the Stage-II Clearance shall, by operation of law, govern and supersede the said condition.

16. That the contents of paragraphs No. 21 and 22 do not pertain to the Answering Respondent, and as such do not warrant any specific rebuttal.
17. That the contents of Paragraph no. 23 are denied; it is settled law that appeal does not lie against Stage-I Clearance as upheld in a catena of cases adjudicated by this Hon'ble Tribunal.
18. That the contents of Paragraph Nos. 24 and 25 of the Appeal are denied. The said paragraphs raise contentions pertaining to the legal effect of the Office Memorandum dated 28.08.2015 issued by Respondent No. 1 and the alleged commencement of work prior to the grant of Stage-II Clearance — matters which primarily concern Respondent Nos. 1 and 5 respectively. The Answering Respondent, Respondent No. 4, therefore does not propose to offer a specific reply to the said paragraphs, and respectfully reserves its right to address any averment therein that may be pressed against it at the time of hearing.
19. The contents of Paragraph no. 26 are vehemently denied.
20. The contents of Paragraph No. 27 are denied, and it is reiterated that the road project is an infrastructure development project that is being undertaken for the public good including access to the proposed mining project.
21. The contents of Paragraph no. 28 do not need a specific rebuttal.
22. That the contents of Paragraph No. 29 of the Appeal are denied. The characterisation of Respondent No. 3 as "masquerading" as the user agency is vehemently denied as being scandalous, baseless and contrary to the record. Respondent No. 3, IDCO, is a statutory corporation of the State of Odisha mandated to undertake infrastructure development within the State, and applied for the subject forest clearance pursuant to a specific direction of the State Government issued in the meeting of

24.01.2024 chaired by the Chief Secretary of Odisha. IDCO is a fully competent user agency within the meaning of Rule 2(u) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, and there is nothing illegal or irregular in its having submitted the application. The description of the road in the application as facilitating bauxite transportation does not alter its public infrastructure character, as has been elaborated in the reply to the preceding paragraphs. Further, such precedents exist on other projects and shall be produced as and when required.

23. That the contents of Paragraph No. 30 of the Appeal are denied. The bald assertion that the access road "ought to have been considered only as part of the proposal for diversion of forest lands for the mine" is contrary to law and the Guidelines. As has been elaborated hereinabove, Para 7.8(f)(4) of the Consolidated Guidelines expressly permits standalone consideration of linear projects under certain circumstances.

24. That the contents of Paragraph No. 31 of the Appeal are a matter of record and as such do not need a specific rebuttal. The reference to the mining project brings out the real intent of the Appellants wherein the obstruction to a public infrastructure road is merely a ploy to foil a project that is being established in accordance with law.

25. That the contents of Paragraph no. 32 and 33 merit no response as it has no relevance to the present dispute. Further, any dispute regarding the Forest Rights Act, 2006 or its implementation cannot be adjudicated before this Hon'ble Tribunal, for want of jurisdiction.

26. The contents of Paragraph no. 34 are denied in totality. It is submitted that the test for whether a linear project must be clubbed with a mining proposal is not whether the mine can function without it, because, that would render standalone consideration of any mining-related

infrastructure impossible in all cases. The correct test, as laid down in Para 7.8(f)(4) of the Consolidated Guidelines, is whether the circumstances make standalone consideration inevitable. In the present case, the road falls entirely outside the Mine Lease Area, is being developed as public infrastructure under the ownership of the Public Works Department, serves the connectivity needs of five villages, and was applied for by a State Government corporation acting under express governmental direction, all of which constitute sufficient and cogent grounds for standalone consideration.

27. That the contents of paragraph Nos. 35, 36 & 37 are borne by record and merit no response. The content of para 24 is reiterated herein as a response to the said para.

28. That the contents of Paragraph No. 38 of the Appeal are denied to the extent that any legal consequence adverse to Respondent No. 4 is sought to be derived therefrom. The description of the road under "Associated Activities" in the Draft EIA at Section 2.4.1 is again a disclosure made for the purposes of environmental impact assessment, wherein all activities associated with the project — whether inside or outside the Mine Lease Area — are required to be disclosed. The use of the word "associated" in an EIA document is a term of environmental assessment, not a legal determination of how forest clearance is to be sought.

29. That the contents of Paragraph No. 39 of the Appeal are denied to the extent that the description of Respondent No. 4's project as an "integrated project of opencast bauxite mining along with dispatch of mineral via road & rail network" is sought to be used to establish that the road must be processed as part of the mining project for forest clearance purposes. It is submitted that this description appears in the EIA application filed

under the EIA Notification, 2006 before the Expert Appraisal Committee, for the limited purpose of ensuring that all downstream transport and dispatch activities are included within the scope of environmental impact assessment. It does not, and cannot, determine the manner in which forest clearance is to be sought under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

30. That the contents of Paragraph No. 40 of the Appeal merits no response.

It is however submitted that the description in the draft EIA Report is to be assessed by a different regulatory agency which has no relationship with the forest clearance procedure. The forest clearance procedure is a separate process under a separate code. Further, every document submitted in the EIA process has been assessed by the agency and clearances have been granted.

31. The contents of Para 41 are borne by record and as such do not require a specific rebuttal. It is however submitted that the description in the draft EIA Report is to be assessed by a different regulatory agency which has no relationship with the forest clearance procedure. The forest clearance procedure is a separate process under a separate code. Further, every document submitted in the EIA process has been assessed by the agency and clearances have been granted.

32. The contents of Paragraph no. 42 is denied except what is mater of record. In the present case, the arrangement is clear and transparent. Respondent No. 4 constructs the road, Respondent No. 3 IDCO holds the forest clearance as the designated user agency, and the Public Works Department of the State of Odisha will own and maintain the road upon completion. This arrangement was not conceived by Respondent No. 4 unilaterally, but was specifically directed by the State Government in the

meeting of 24.01.2024 chaired by the Chief Secretary of Odisha (Annexure A 21 of Appeal). The fact that Respondent No. 4 will construct the road is therefore entirely consistent with and does not in any manner undermine the validity of the forest clearance held by Respondent No. 3.

33. That the contents of paragraph 43 need no response as they are matters of record.

34. That the contents of Paragraph No. 44 of the Appeal are a matter of record to the extent that the Detailed Project Report for the subject road was prepared by Respondent No. 4 in September 2024 and was submitted by Respondent No. 3 IDCO along with its forest clearance application. However, it is denied that any illegality or irregularity flows from this fact. In fact, since the road is to be constructed by Respondent No. 4, it is consistent with the decision taken on 24.01.2024.

35. That the contents of Paragraph No. 45 of the Appeal are a matter of record to the extent that the minutes of the meeting dated 24.01.2024 record the arrangement between the parties as described therein.

36. That the contents of Paragraph No. 46 of the Appeal are a matter of record to the extent that Respondent No. 3 IDCO issued a NOC dated 16.09.2024 in favour of Respondent No. 4 for 15.426 acres of leased non-forest land for the road. However, the inference sought to be drawn by the Appellants from the said NOC is wholly misconceived and is denied. It is submitted that the NOC dated 16.09.2024 (Annexure A23) was issued by IDCO to Respondent No. 4 in respect of the **non-forest** component of the road corridor — comprising 15.426 acres of government land that did not require forest clearance. It is further submitted that the fact that the NOC states it was for Respondent No. 4

"to obtain necessary permissions and construct the road" does not, as the Appellants suggest, establish that Respondent No. 4 was obligated to apply for the forest clearance itself. The "necessary permissions" referred to in the NOC pertain to permissions as required for construction on non-forest land.

37. That the contents of Paragraph No. 47 of the Appeal are a matter of record to the extent that the DPR filed by Respondent No. 3 along with its forest clearance application was prepared by Respondent No. 4, and that the communications dated 14.11.2024 and 30.10.2024 between the Chief Construction Engineer, Rayagada and the Superintending Engineer approve the DPR for development of road connectivity from Sijimali Mines to SH-44 for transportation of bauxite ore for M/s Vedanta Ltd. However, it is denied that any illegality flows from these facts.

38. The contents of Paragraph no. 48 are denied. The OI IDC Act, 1980 clearly permits such enabling role and therefore, there is no illegality in following such due process.

39. Although the contents of Paragraph No. 49 of the Appeal do not pertain to the Answering Respondent, the same are vehemently denied. The contention that IDCO lacks statutory power to apply for and obtain the subject forest clearance and that the entire exercise is "void ab initio" is misconceived and contrary to the plain text of the OI IDC Act, 1980. Section 2(a), Section 2(g) and Section 2(f) read with Section 14(c) empowers IDCO to undertake such activities including road.

40. That the contents of Paragraph Nos. 50 and 51 of the Appeal are a matter of record. However, it is submitted that the Appellants are only referring to selective material relating to the inspection by the Assistant

Commissioner, regional Office, Bhubaneswar and the concurrence of the Deputy Director General (Central) to their convenience to create a biased conclusion. The said findings were considered by the FAC in their Minutes dated 30.07.2025 for the said road and a specific observation and decision was made wherein it was stated that the proposal for road construction can only be considered once the proposal for diversion of forest land for the said mining lease is approved. The proposal therefore was accordingly deferred.

41. That the contents of Paragraph No. 52 of the Appeal are denied. It is submitted that the position taken by the inspecting officers, duly considered by the FAC as observed in para 40. It is only after the Stage-I Forest Clearance granted on 31.12.2025 based on the deliberation on 02.12.2025, for the mining project and thereafter the Stage-I Forest Clearance of the road was granted on 05.01.2026.
42. That the contents of Paragraph No. 53 of the Appeal are denied. It is submitted that the recording of the primary objective of the road as bauxite transportation does not, in law, preclude standalone consideration of the road proposal. As has been elaborated in the replies to the preceding paragraphs.
43. That the contents of paragraph no. 54 merit no response except what are matters of record.
44. That the contents of paragraph no. 55 are denied except what is matter of record. It is incorrect to state that the proposed road connectivity to other villages is an absurd contention and the Stage-I Clearance has been granted in accordance with law and also in conjunction with the Stage-I Clearance of the mining project. Therefore, there is no illegality in the Stage I Clearance for the road. It is further submitted that “primarily”

does not connote “exclusively” and therefore the fact that the said approach road is a part of a larger network of roads and connectivity makes it a totally legal road with due process being followed in grant of the Stage I clearance of the portion of the road which falls in the forest land.

45.The Contents of Paragraph No. 56 merit no response and the said clearance has been granted in accordance with law.

46.That the contents of paragraph no. 57 are denied except what is matter of record. The condition for the Stage I clearance of the subject road was the prerequisite of the Stage I of the mining project and not viceversa.

47.The contents of paragraph no. 58 is denied. The content of para 46 may be read as a response to this para.

48.The contents of Paragraph No. 59 of the Appeal are denied except what is matter of record. However, it is incorrect to conclude that the sequence provided does not reflect the application of mind by the competent authority. The detailed consideration at various levels reflects not only the due process but a rigorous application of mind in considering the importance and implications of constructing the subject road.

49.The contents of Paragraph no. 60 are denied and there is no evidence as portrayed by the Applicant, that the 3rd respondent and the state authorities were waiting for the diversion proposal for the mine to be recommended and immediately issued the impugned clearance in violation of the law.

50.That the contents of Paragraph No. 61 of the Appeal are denied. The characterisation of the village connectivity justification as "absurd, incorrect and fictitious" is vehemently denied and reflects nothing more than the Appellants' unwillingness to accept a factual position that is

inconvenient to their case. It is submitted that the fact that the village connectivity justification was first formally articulated in the response by IDCO to the EDS dated 17.04.2025 does not render it an afterthought or a fabrication. It is further submitted that the Appellants have once again misread the FAC's conclusion. The FAC observed that the road is "primarily" designed to support the movement of heavy vehicles. It did not find that village connectivity is a false or fabricated purpose. The word "primarily" expressly leaves room for secondary purposes, and the village connectivity purpose is one such secondary, but genuine, purpose of the road.

51. The contents of Paragraph 62 and 63 are denied, but do not require any specific rebuttal in view of the answer given in the preceding paragraphs.
52. That the contents of paragraph 64 are denied as false and devoid of any merit in view of the explanation given in the preceding paragraphs. Further, if the admission by the Appellant that the question of law in Stage I and Stage II are the same, then this admission itself vitiates the earlier Appeal and should be accordingly dismissed.
53. In reply to the contents of Paragraph no. 65, it is denied to the extent that the Applicant seeks to allege that the Answering Respondent is playing a fraud on the legal system and abetting IDCO in obtaining clearance for the access road as a standalone project. Such language is not only unwarranted, but also misconceived and in bad taste. The compliance under the FRA has been carried out as is evident from the records, although, it cannot be a subject matter before this Hon'ble Tribunal. It is further submitted that the procedure under the Forest Conservation Rules, 2023 has been scrupulously including Rule 10.

54.The Contents of paragraphs no. 66, 67 and 68 do not require any specific rebuttal.

55.That the contents under the heading “Grounds” are summarily denied in view of the submissions made hereinabove.

56.That in view of the submissions made hereinabove, this Appeal may be dismissed as such by this Hon’ble Tribunal.

Date: 06.07.2026

Place: Kolkata

DRAWN & FILED BY:



Eisha Krishn, Mansi Bachani,
Gitanjali Sanyal & Anubhav Anand
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SETTLED BY:

Mr. Sanjay Upadhyay
[Senior Advocate]

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

APPEAL NO. 11 OF 2026

IN THE MATTER OF:

Munidei Majhi & Ors.

...Applicant

-Versus-

MOEF & CC & Ors.

...Respondent (s)

AFFIDAVIT

I, Satyapriya, S/o Shri Arvind Shankar Singh, aged about 50 years, am the authorized signatory for M/s Vedanta Limited Core-6, 3rd Floor, Scope Complex, 7, Lodhi Road, New Delhi-110003, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Reply are true and correct to the best of my knowledge.

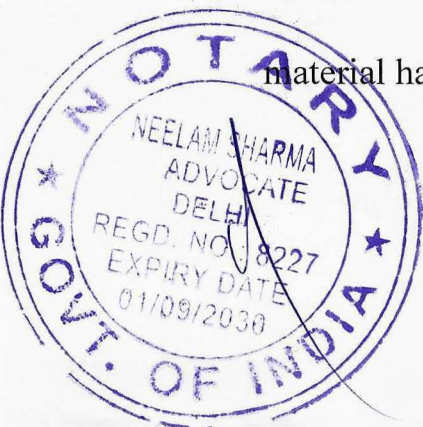
M. Sharma
I identified the deponent who
has signed in my presence

For Vedanta Limited
Satyapriya
Authorised Signatory
DEPONENT

VERIFICATION:

- 6 JUL 2026

Verified at New Delhi on this.....day of....., 2026 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



ATTESTED
[Signature]
NOTARY (Govt. of India)
Neelam Sharma, Advocate
Enrol. No.-D1281/2001
Ch. No. 165A, Gate No. 11
Patiale House Courts,
New Delhi-110001
(M): 9899408391

For Vedanta Limited
Satyapriya
Authorised Signatory
DEPONENT

- 6 JUL 2026



Service in Munidei Majhi Vs. MoEF&CC & Ors. [Appeal No. 11 of 2026]

1 message

ELDF <eldflegal@gmail.com> Mon, Jul 6, 2026 at 11:17 AM
To: Amrita Pandey <amritalegal@gmail.com>, advocate.paushali@gmail.com, Yogeshwaran Amarneethi <yogeshwaranadv@gmail.com>, fsec.or@nic.in, legumjure@gmail.com
Cc: Eisha Krishn <eisha@eldfindia.com>, Mansi Bachani <mansi@eldfindia.com>

Dear Sir/Ma'am

Please find attached copy of the Reply Affidavit filed on behalf of Respondent No. 04 M/s Vedanta Ltd. in the above mentioned case.

Thanks & Regards

--
Sameer Manher
Clerk
Enviro Legal Defence Firm
29, Presidential Estate LGF,
Nizamuddin East New Delhi – 110013
Ph. No. 011-40573181

 **Reply R4.pdf**
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