

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**
Original Application No. 213/2025/EZ

IN THE MATTER OF:

Pramod Kumar Hembram

...Applicant

-VERSUS-

State of Odisha & Ors.

...Respondent(s)

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Cuttack

Date: 05/02/2026

By the Respondent No.4 through

SHAKTI PRASAD PANDA

E.NO.O-007/1993 Mob:

8847811581

Shakti Prasad Panda

**Member Secretary
Odisha Biodiversity Board**

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State Of Odisha & Ors.

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT
NO. 04**

I, Nihar Ranjan Nayak, aged about 56 years, S/o- Dandapani Nayak, at present working as Member Secretary, Odisha Biodiversity Board, Regional Plant Resource Centre Campus, Ekamrakanan, Nayapalli, Bhubaneswar-751015, Dist. Khurda, Odisha, do hereby solemnly affirm and state as follows: -

1. I am working as Member Secretary, Odisha Biodiversity Board, Bhubaneswar, and duly authorized by the Respondent No. 4 to swear this affidavit for and on her behalf.
2. That I have perused the original application and have understood the contents thereof.
3. That the Original Application, as laid, is not maintainable on both fact and law.

Nihar R. Nayak
Member Secretary
Odisha Biodiversity Board



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4. That before traversing into the averments contained in the respective paras of the application, it is submitted that the Government of India first enacted the Biological Diversity Act, 2002 (Amended 2023) and the Rules, 2024. National Biodiversity Authority (NBA) was formed in 2003 to implement this act. Based on this Act, the Government of Odisha constituted the Odisha Biodiversity Board in 2009 and enacted the Odisha Biological Diversity Rules in 2012. The main function of the Odisha Biodiversity of the Board is to

- Advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the Conservation of Biodiversity, Sustainable Use of Its Components, and Equitable Sharing of The Benefits Arising from Utilizing Biological Resources.
- Regulate by granting approvals or otherwise requests **for commercial utilization or bio-survey and bio-utilization** of any biological resources by Indians.
- Perform such other functions as may be necessary **to carry out the provisions of this Act** or as may be prescribed by the State Government.

M. R. Nayak
Member Secretary
Odisha Biodiversity Board

5. That it is humbly submitted that in the original application the applicants while seeking for appropriate directions from this Hon'ble Tribunal, have made stigmatic allegations pertaining to the indiscriminate felling of trees like Karanja, Neem, Sirisa, Mehogoni, Bakula, Lemon Mango and other



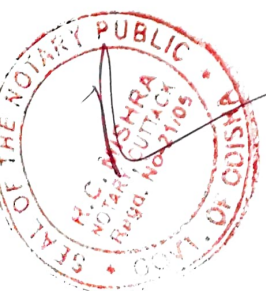
X

fruit bearing species and also forest species like Sal etc. on an Urban plantation raised during 2013 on the Govt. land (Patita Kisam). The Divisional Forest Officer (DFO), Baripada Forest Division is the competent authority that has duly permitted for felling of trees for the construction of Interstate Bus Terminal (ISBT). Odisha Biodiversity Board has no legal authority, role or prerogative to interfere in this particular matter.

6. That in respect of Para 1 to 15, the Respondent No. 4 has no comments to offer.
7. That in respect of the averments contained in Para 16 of the original application it is submitted that only upon receipt of proper application, the concerned team of experts and research fellows shall visit the spot with all the bio-resources and conduct studies and verify whether the site fulfils all the criteria to be accorded Biodiversity Heritage Site (BHS) status. In the instant case, the Biodiversity Management Committee (BMC) has been already constituted and the dynamic People's Biodiversity Register (PBRs) is also available with the Board. The Enrichment of People's Biodiversity Register is under progress. The State Biodiversity Board is also consulting the Biodiversity Management Committee (BMC) for preparation of PBRs relating to the use of Biological Resources and Knowledge associated with such resources occurring within the area of jurisdiction of the Biodiversity Management Committee (BMC).

Shri. K. Mayak

Member Secretary
Odisha Biodiversity Board



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8. That the Respondent No. 4 offers no comments in respect of the averments made in the remaining Paras.
 9. That the averments which have not been specifically replied shall be deemed to have been denied and the Deponent seeks for leave of this Hon'ble Tribunal to make further submissions and file further affidavit(s) in support of their contentions in the interest of justice and for effective adjudication by the Hon'ble Tribunal.
 10. That the statements made above in Paragraphs-1&7 are true to the best of my knowledge and belief and those derived from the records and information. I believe the information to be true as per available Official Records.

Indentified by

Advocate
Cuttack

Date 05/04/26

M. R. Nayak

DEPONENT

Member Secretary
Odisha Biodiversity Board

I solemnly affirm or in Oath by the Deponent
at Cuttack on 05/04/26 being indentified
by *S. P. Panda*
Advocate, office/Notary
personally, of the statements made above are
true to the best of my knowledge.

P. S. Panda
RAMA CHANDRA MISHRA, NOTARY
CUTTACK TOWN, REGD. No-21/2004

X

AFFIDAVIT

I, Nihar Ranjan Nayak, aged about 56 years, S/o-Dandapani Nayak, at present working as Member Secretary, Odisha Biodiversity Board, Regional Plant Resource Centre Campus, Ekamrakanan, Nayapalli, Bhubaneswar-751015, Dist. Khorda, Odisha, do hereby solemnly affirm and state as follows: -

1. That I am duly authorized by the Respondent No. 4 in the aforesaid Original Application. I am well acquainted with the facts and circumstance of the case and as such competent to swear this affidavit on my official capacity.
2. That the facts stated above are true to the best of my knowledge and based on official records.

Identified by

h

Advocate

DEPONENT

Member Secretary
Odisha Biodiversity Board

CERTIFICATE

Certified that Cartridge papers are not available.

solemnly affirm on Oath by the Deponent
at Cuttack on 05/09/26 being identified
by S. P. Pandey
Advocate's office/Notary
personally. The facts stated above are
true to the best of his knowledge.

ADVOCATE

RAMA CHANDRA MOHAPATRA, NOTARY
CUTTACK TOWN, P.O. No. 71426