

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
APPEAL NO. 15/2026/EZ**

IN THE MATTER OF:

Ajaya Muduli & Ors.

...Appellants

Versus

Union of India & Ors.

...Respondents

INDEX

S.NO.	DESCRIPTION	PAGE NO.
1.	Counter Affidavit on behalf of Respondent No. 2	1-6
2.	Vakalatnama	7
3.	Proof of Service	8

Filed by

Through Counsel

Raman yadav

Raman Yadav

Advocate

Address: C-167, LGF, Defence Colony

New Delhi-110024

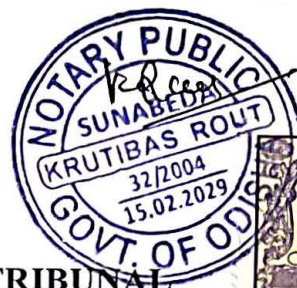
Mobile:8800457781

E-mail: officeoframanyadav@gmail.com

Place: New Delhi

Date: 20.07.2026

5833
20/7/26



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
APPEAL NO. 15/2026/EZ**

IN THE MATTER OF:

Ajaya Muduli & Ors.

...Appellants

Versus

Union of India & Ors.

...Respondents

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

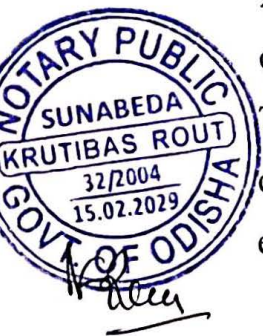
I, Sidarth Jain, IFS, aged about 33 years, S/o. Late Ghanshyam Das Jain, at present working as Divisional Forest Officer, Koraput Forest Division, at: Gandhi Nagar, PO/Dist.: Koraput, Pin: 764020, do hereby solemnly affirm and state as follows: -

1. That, the Govt. of Odisha, represented by the Principal Secretary to the Govt., Forest, Environment & Climate Change Department, Kharavel Bhavan, Odisha, Bhubaneswar – 751001 have been arrayed as Respondent No. 2 in the present Appeal Petition.
2. That I have been duly authorized by the Respondent No. 2 to file this affidavit in my official capacity. I have gone through the copy of the Appeal Petition as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case. Save and except what are specifically admitted herein, all averments made in the Appeal Petition are denied.

Sidarth Jain
Divisional Forest Officer
Koraput Forest Division

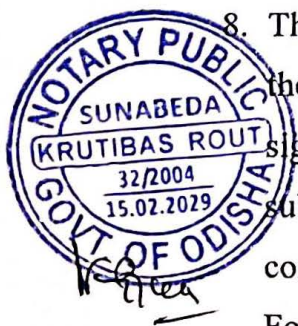
3. That, at the outset, it is respectfully submitted that the Appeal is misconceived, devoid of merit and liable to be dismissed. The proposal for diversion of forest land in favor of the Project Proponent was processed strictly in accordance with the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the rules framed thereunder, applicable guidelines issued by the Ministry of Environment, Forest and Climate Change and other statutory requirements. The approvals impugned in the present appeal have been accorded by the competent authorities after due scrutiny of the proposal and relevant records.
4. That, in reply to the allegations made in paragraphs related to biodiversity assessment and wildlife issues, it is humbly submitted that due site inspection with respect to the diversion of 157.212 hectares of forest land within Nagasari Reserve Forest under Ballada Range of Koraput Forest Division in Koraput District for Ballada Bauxite Mines in respect of Kalinga Alumina Pvt Ltd was carried out by the then Divisional Forest Officer, Koraput Forest Division on 11.02.2024 and again on 18.03.2024 in connection with processing of the diversion proposal.
5. Subsequently, detailed site inspection was also carried out by the Dy. Director General of Forests (Central), Ministry of Environment, Forest and Climate Change, in presence of the Regional Chief Conservator of Forests, Koraput Circle and the Divisional Forest Officer, Koraput on 27.10.2024. The findings of such inspections formed part of the records considered during processing of the proposal for diversion of forest land. The allegations that the aforesaid proposal was processed without considering wildlife aspects are specifically denied. The proposal was examined at various stages by the competent authorities on the basis of

Sidarth Jain
Divisional Forest Officer
Koraput Forest Division



inspection reports, site specific observations, records available on file and recommendations submitted during the course of processing.

6. That, in reply to the allegation regarding the presence of Indian Gecko/ Jeypore Ground Gecko, it is humbly submitted that no authenticated or officially verified material establishing the presence of the said species within the area proposed for diversion is available in the records of this office. At the same time, the present deponent is not competent to render any conclusive scientific opinion regarding the existence or otherwise of any particular species in the area. The proposal for diversion of forest land was therefore examined on the basis of site inspections, filed verification reports and other materials available on official record, and the competent authorities granted approval after due consideration of the same in accordance with law.
7. That the competent authorities after considering the proposal, inspection reports, recommendations and other relevant materials, granted in-principle approval and thereafter final approval in accordance with law. Therefore, the allegation that the approvals were obtained by suppression of material facts is specifically denied. The approvals were granted by the competent authorities after consideration of the materials placed on record and after following the prescribed procedure.
8. That in reply to the averments made relating to the alleged impact upon the tribal communities, cultural practices, livelihood issues and the significance of the forests to the local communities, it is humbly submitted that neither the present deponent nor Respondent No. 2 is the competent authority under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for adjudication or certification of such matters. The same falls within the



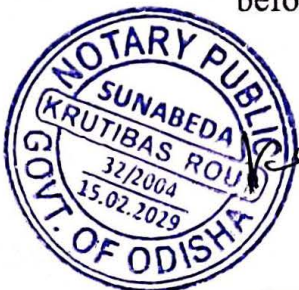
Sidarth Jain
Divisional Forest Officer
Koraput Forest Division

jurisdiction of the District Level Committee, Sub-Divisional Level Committee and the District Administration constituted under the provisions of the FRA and Rules framed thereunder.

9. That it is further submitted that the legality and validity of the FRA Certificate dated 15.01.2026 issued in Form-II by the Collector-cum Chairman, District Level Committee, Koraput in compliance to the Letter No. 11-9/98-FC (pt.) dated 03.08.2009 of the Govt of India, MoEFCC, New Delhi is presently under challenge by the Appellants (Appellant No. 03 & 04) in the present appeal before the Hon'ble High Court of Orissa in:

- i. W.P. (C) No. 16810 of 2026 (Subasinee Khara & Others vs Union of India & Ors); and
- ii. W.P. (C) No. 15315 of 2026 (Bijay Kumar Muduli & Ors vs Union of India & Ors).

Accordingly, the validity or otherwise of the said FRA Certificate and issues arising therefrom are presently sub-judice before the Hon'ble High Court of Orrisa. In W.P. (C) No. 16810 of 2026, notice has been issued and the matter is next listed on 30.07.2026 and in W.P. (C) No. 15315 of 2026, the appellant has challenged the approval of community claims by the District Level Committee dated 15.01.2026 and is next listed on 23.07.2026. Therefore, the present deponent refrains from making any comments regarding the validity of the FRA Certificate, pendency of claims, consent of the Gram Sabhas or the proceedings before the SDLC/DLC, as the same are matters falling within the jurisdiction of the concerned statutory authorities and are presently pending adjudication before the Hon'ble High Court of Orissa.



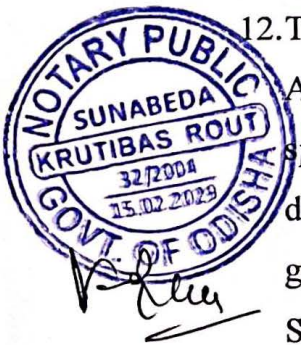
Sidarth Jain
 Divisional Forest Officer
 Koraput Forest Division

10. That the allegations made by the appellants regarding alleged non-application of mind, arbitrary exercise of power and mechanical grant of approval by the authorities are wholly false, baseless and denied. The proposal underwent scrutiny at multiple stages by competent authorities under the applicable statutory framework. Recommendations, inspection reports, compliance documents, materials submitted by the concerned authorities, materials submitted by the concerned authorities and agencies, and other relevant records were examined before grant of approvals. The appellants have failed to place any material to establish that the statutory authorities acted without jurisdiction or in violation of any mandatory provision of law. Mere disagreement with the conclusions reached by the competent authorities cannot render the approvals illegal.

11. That it is submitted that the grant of approval for the diversion of forest land is supported by reasons recorded in the proceedings of the competent authorities. The proposal was considered in accordance with the applicable legal framework and therefore the allegation of arbitrariness is wholly untenable. The present appeal proceeds on assumptions, disputed questions of fact and allegations unsupported by any conclusive material. The appellants have failed to establish any ground warranting interference with the approvals granted by the competent authorities.

12. That, it is respectfully submitted here that the averments made in Grounds A to O of the present appeal are hereby denied, save and except those specifically admitted herein. The allegations that the impugned orders diverting the forest land for the Respondent No.3's mine have been granted in violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the rules framed thereunder, applicable

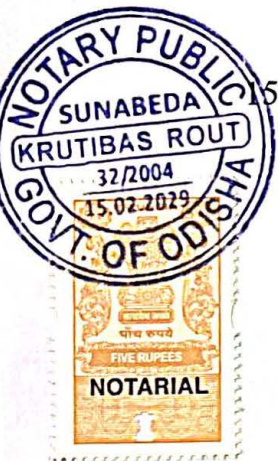
Siddarth Jain
Divisional Forest Officer
Koraput Forest Division



guidelines and settled principles governing diversion of forest land are wholly misconceived, incorrect and devoid of factual and legal basis.

13. That the present appeal involves several disputed questions of fact based on allegations which are not supported by any authenticated material available in the records of this office. The appellants have failed to make out any case warranting interference of this Hon'ble Tribunal with the approvals granted by the competent authorities in accordance with law. Hence, the Appeal is liable to be rejected.

14. That the deponent craves leave of this Hon'ble Tribunal to file a further affidavit, if required at a later stage.



15. That, the facts stated above are true to the best of my knowledge, belief and based upon official records available. In view of the aforesaid facts and circumstances, the OA is liable to be disposed as per law.

Sidarth Jain
20.07.26

DEPONENT
Divisional Forest Officer
Koraput Forest Division

Verified at Semiliguda on this day 20th of July 2026 that the contents of the aforesaid affidavit and annexures are true and correct to my personal knowledge and have been derived from official records available in the office. No part of it is false nor has anything material has been concealed therefrom.

Sidarth Jain
20.07.26

DEPONENT
Divisional Forest Officer
Koraput Forest Division

K Rout
Krutibas Rout
Notary Public
At. Semiliguda, Koraput
9437163525

BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH,
KOLKATA
APPEAL NO. 15/2026/EZ

IN THE MATTER OF:

Ajaya Muduli & Ors.

...Appellants

Versus

Union of India & Ors.

...Respondents

VAKALATNAMA

KNOW ALL to whom those present that I, Sidarth Jain, IFS, aged about 33 years, S/o. Late Ghanshyam Das Jain, at present working as Divisional Forest Officer, Koraput Forest Division, at: Gandhi Nagar, PO/Dist.: Koraput behalf of Respondents No. 2 do hereby appoint:

MR. RAMAN YADAV (D/5326/2019), ADVOCATE

C-167, LGF, DEFENCE COLONY, NEW DELHI – 110024

Ph.: 011-45784866, M- 8800457781 E-mail- officeoframanyadav@gmail.com

(hereinafter called the Advocate(s) to be my/our Advocate(s) in the above- noted case authorized them:

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees of each stage.

To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or subject to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said case.

To appoint and instruct any other legal practitioner authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may thing fit to do so and to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate(s) or his/their substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our duly authorized agent would appear in court on all hearing and will inform the Advocate(s) for appearance when the case is called. I/we undersigned to hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The appointment costs whenever ordered by the court shall be of the Advocates(s) which he shall receive and retain for themselves.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate(s), remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above court. I/we hereby agree that one the fees is paid I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 yrs. The original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the content of which have been understood by me/us on this 20 day of July, 2026.

Raman yadav
Advocate

Sidarth Jain
20.07.26

Client

Divisional Forest Officer
Koraput Forest Division



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Office of Raman Yadav <officeoframanyadav@gmail.com>

Service of Counter Affidavit on behalf of Respondent 2 in Appeal No. 15 of 2026 titled Ajaya Muduli & Ors. Vs. Union of India & Ors.

1 message

Office of Raman Yadav <officeoframanyadav@gmail.com>

Tue, Jul 21, 2026 at 12:05 PM

To: Yogeshwaran Amarneethi <yogeshwaranadv@gmail.com>

Cc: secy-moef@nic.in, fsec.or@od.gov.in, kalinga.alumina@adani.com, ADVOCATE GENERAL ODISHA <advgen@nic.in>, ADVOCATE GENERAL ODISHA <advgenodisha@gmail.com>, dfo.koraput@odisha.gov.in

Dear All,

Please find attached a copy of the Counter Affidavit filed on behalf of Respondent No. 2 in the captioned matter, which is listed before the Hon'ble National Green Tribunal (NGT), Eastern Zone Bench.

Kindly treat this email as proof of service.

Regards,

Office of Raman Yadav

Advocate, Supreme Court of India

C-167, LGF, Defence Colony

New Delhi - 110024

Mobile: +91 8800457781

**Ajaya Muduli - Counter Affidavit R2.pdf**

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