

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 97/2026/EZ

Pratap Chandra Mohanty

...Applicant(s)

-VERSUS-

State of Odisha & Ors.

...Respondent(s)

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Cuttack

Date: *22*/07/2026

By the Respondent No.5 through

SHAKTI PRASAD PANDA

E.NO.O-007/1993 Mob:

8847811581

Shakti Prasad Panda
Member Secretary
Odisha Biodiversity Board



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**
Original Application No. 97/2026/EZ

IN THE MATTER OF:

Pratap Chandra Mohanty

...Applicant(s)

-VERSUS-

State of Odisha & Ors.

...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 05**

I, Nihar Ranjan Nayak, aged about 57 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: -

Nihar Ranjan Nayak
Member Secretary
Odisha Biodiversity Board

1. I am working as Member Secretary, Odisha Biodiversity Board, Bhubaneswar and duly authorised by the Respondent No. 5 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 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.

h
bdr.

4. That it is humbly submitted that the applicant Sri Pratap Chandra Mohanty who is a Resident of Talsunga, Patkuara, in District of Kendrapada has filed this original application alleging the indiscriminate felling of trees on forest land and non-forest land for the purpose of construction and beautification of Jubilee Park and Jhinjiri pond by the Executive Officer of Baripada Municipality without obtaining prior permission from the DFO of Baripada Forest Division as well as from Central Authorities.

M. K. Nayak

Member Secretary
Odisha Biodiversity Board



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5. That the Respondent prefers to tender no comments in respect of Para 1 to 14 since the Biodiversity Board has no role in this circumstance.
6. That the averments contained in Para 15 of the original application are it is to inform that no application has been received for the declaration of the said area as the Biodiversity Heritage Site by the Odisha Biodiversity Board. Any direction in this regard will be seriously acted upon with all promptness.
7. That in respect of the averments contained in Para 16, it is submitted that the Board is actively implementing different provisions Biological Diversity Act, 2002 (Amended, 2023) and Odisha Biological Diversity Rules, 2012 in different parts of Odisha as when the need arrives. Only upon receipt of proper application thereto, 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. Currently, no proposal or suggestions are under considerations.
8. That in respect of the averments contained in Para 17 of the application it is submitted that for status report of Biodiversity Management Committee (BMC) and Peoples' Biodiversity Register of Baripada Municipality. The BMC has been constituted and the dynamic People's Biodiversity Register (PBRs) has been prepared which is also available with the Board. The Enrichment of People's Biodiversity Register is under progress. The State Biodiversity Board is

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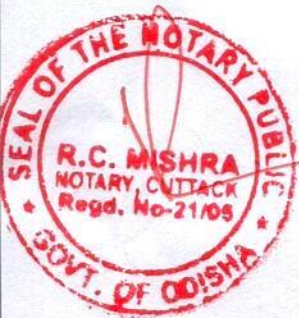
M. K. Nayak

Member Secretary
Odisha Biodiversity Board

- * -

also consulting the 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).

9. That the Respondent has no comments to offer in respect of Para 18 to 24.
10. That the averments which have not been specifically replied shall be deemed to have been denied and the Deponent pleads 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.
11. That the statements made above in Paragraphs-1 & 10 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.



Identified by

h

Advocate
Cuttack

Date 22/7/26

M. K. Nayak
22/07/2026

DEPONENT

Member Secretary
Odisha Biodiversity Board



AFFIDAVIT

I, Nihar Ranjan Nayak, aged about 57 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. 5 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

Advocate

Nihar Ranjan Nayak
22/02/2016

DEPONENT

Member Secretary
Odisha Biodiversity Board



- X -

VERIFICATION

I, Nihar Ranjan Nayak, aged about 57 years, S/o-Dandapani, at present working as Member Secreatary, Odisha Biodiversity Board, Regional Plant Resource Centre Campus, Ekamrakanan, Nayapalli, Bhubaneswar-751015, Dist. Khurda, Odisha, do hereby verify and state that the facts stated above are true to the best of my official knowledge, belief, information and based on documents.

Identified by

h.
Advocate

DEPONENT

Member Secretary
Odisha Biodiversity Board

CERTIFICATE

Certified that Cartridge papers are not available.

h.
ADVOCATE

SHAKTI PRASAD PANDA
ENO. 07/1993
8847811581

Solemnly affirm on In Oath by the Deponent
at Cuttack on 22-7-20
being identified
by S. P. Panda
Advocate/Adv's Clerk/S.O., AG's office/Notary
personally, that the facts stated above are
true to the best of his/her knowledge.

SAMA CHANDRA MISHRA, NOTARY
CUTTACK TOWN, REGD. No-71/88