

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
(Original Application No.92 of 2021(SZ)**

**Affidavit on behalf of Union of India, Ministry of Environment, Forest & Climate
Change in Original Application No.92 of 2021(SZ) and Respondent No 3 National
Board for Wildlife**

Tribunal on its own motion, Suo Motu based on the news item in The New Indian Express newspaper, Chennai Edition Dt.10.03.2021, "TN proposes 3 Km canal in Eco-sensitive zone"

Versus

1. Union of India, Ministry of Environment, Forest & Climate Change, represented by its Secretary
2. The Secretary to Govt. of Tamil Nadu, Department of Environment & Forests
3. National Board for Wildlife, represented by its Member Secretary
4. State Board for Wildlife Tamil Nadu, represented by its Member Secretary
5. The Principal Secretary to Government, Public Works Department
6. Principal Chief Conservator of Forests (Head of Forest Force), Department of Forests, Govt. of Tamil Nadu
7. The District Collector, Tirunelveli District
8. Additional Principal Chief Conservator of Forests & Field Director, Kalakad Mundanthurai Tiger Reserve
9. The Executive Engineer, PWD, WRO, Tirunelveli Division

-----Respondents

I, Rakesh Kumar Jagenia, son of Chanda Lal, aged about 43 years, resident of New Delhi, do hereby solemnly affirm and state on oath in my official capacity as follows-

1. That I am presently posted as Deputy Inspector General (Wildlife) in the Ministry of Environment, Forest and Climate Change (“MoEF&CC” for short) and duly authorized by the competent authority to file and swear this counter affidavit on behalf of Respondent No. 01 and 03, as such am conversant with the facts of the present case:
2. That, at the outset, I deny any contention or allegation except to the extent that are matters of record or have been specifically admitted herein. Any omission in addressing any particular contention or allegation may not be construed as an admission / acceptance thereof by the Respondent No.01 & 03.

PRELIMINARY SUBMISSIONS:

The matter has been *Suo Motu* taken up by the Hon’ble Tribunal on the basis of newspaper report published in The New Indian Express, Chennai Edition dated 10.03.2021, under the caption “TN proposes 3-km canal in Eco-sensitive zone.” Herein a para wise reply is being submitted according to the Tribunal order dated 08.04.2021, in which the Hon’ble Tribunal has in para no 5 said “we are convinced that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. So, the application is admitted.”

REPLY ON MERITS/PARA WISE REPLY:

1. That the contents of para No.1 of the said Tribunal order are a matter of record and hence there is no need to reply.
2. That in reply to the contents of para No.2 of the said Tribunal order, it is submitted that Proposal No FP/TN/Canal/5768/2021 in the name of Ramanathi Jambunathi Scheme in Tenkasi Taluk in Tenkasi Dist, has been uploaded on PARIVESH Portal by the Special Project Division Tirunelveli. As on 25th August, 2021, the proposal is pending with the Chief Wild Life Warden, Tamil Nadu for further action.
3. That the contents of para No.3 of the said Tribunal order do not pertain to Respondent No. 01 and 03.
4. That in reply to the contents of para No.4 of the said Tribunal order, it is pertinent to mention that, for proposals involving activity/project falling within the Eco-sensitive zones of national parks and sanctuaries (whether notified or not) and listed in the Schedule of EIA Notification, 2006 and requiring environment clearance, prior

clearance from the Standing Committee of the National Board for Wild Life will be required. The proposals involving activity/project falling within Tiger Reserves or Tiger Corridors also require consideration by the Standing Committee of the National Board for Wild Life with the advice of National Tiger Conservation Authority as per the Section 38O (1) (g) of the Wild Life (Protection) Act, 1972. It is pertinent to mention here that the answering respondent has not received the proposal yet.

5. That the contents of para No. 5, 6 and 7 of the said Tribunal order are formal in nature and hence need no reply.
6. That the contents of para No. 8 and 9 of the said Tribunal order do not pertain to Respondent No. 01 and 03 and hence need no reply.
7. That the contents of para No. 10 to 12 of the said Tribunal order are formal in nature and Respondent No. 01 and 03 have filed this affidavit in accordance with the direction in para No. 10.
8. That in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such orders as it may deem fit in the given circumstances of the case.

VERIFICATION

I, the deponent named above do hereby solemnly affirm on oath and verify that the contents of paragraph no. 1 to 8 of this counter affidavit are based on perusal of records, which I believe to be true and no part of this counter affidavit is false and nothing material has been concealed.

(*Rakesh Kumar Jagenia*
25.8.21)

Rakesh Kumar Jagenia)

Deputy Inspector General of Forests (Wildlife)

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