

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO 71 OF 2024**

IN THE MATTER OF :

Wildlife Society of Odisha

... Applicant

Versus

State of Odisha & Others

... Respondent(s)

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THROUGH



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PLACE: KOLKATA

DATE: 18.07.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO 71 OF 2024**

Wildlife Society of Odisha ... Applicant

Versus

State of Odisha & Others ... Respondent(s)

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE STATE
RESPONDENTS NO. 1 TO 6 IN OBEDIENCE TO THE ORDER
DATED 10-05-2024 ON THE ORIGINAL APPLICATION NO. 71
OF 2024**

MOST RESPECTFULLY SHOWETH:

1. That this affidavit is being filed on behalf of State of Odisha in obedience to the direction of the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in the Order dated 10-05-2024 in Original Application No.71 of 2024.
2. The contents of the Original Application and other attached documents to the extent they are inconsistent with the submissions made hereinafter, are incorrect and are denied, unless any averment or contention is specifically admitted or traversed, the same may be treated as denied.



Phalguni Sarathi malik

3. It is submitted that the contents of this affidavit are true to the best of my knowledge and information as derived from the records of the case.

PRELIMINARY SUBMISSIONS

- i. The Deponent craves leave of this Hon'ble Court to refer to and rely upon the submissions given in the following paragraphs.
- ii. Consequently, the grounds raised by the Applicant lacks legal sustenance and, therefore, deserve to be rejected on the merits thereof.

PARA-WISE REPLY:

1. The contents of Para No. 1 merit no reply.
2. The contents of Para No. 2 merit no reply.
3. The contents of Para No. 3 merit no reply.
4. It is humbly submitted that development of Satkosia Sands Resort at Badmul in Nayagarh District in Mahanadi Wildlife Division under ecotourism has been done as per decision taken in the high-level meeting under the Chairmanship of the Principal Secretary, Forest & Environment Department, Government of Odisha on 29th June 2016. The copy of the minutes of the meeting communicated vide Memo. No.12863/F&E dated 15th July 2016 is enclosed herewith as **Annexure-R1**.

Pradip Sarathi malik



Pitching of seasonal tents temporarily during winter for accommodation of visitors is being done in a small patch adjoining to the river bank. Semi-permanent eco-cottages and dining hall have been constructed with eco-friendly materials. Keeping in view of stability of such structures, use of cement and concrete have been minimized.

5. It is humbly submitted that with regards to the double storeyed structure and other structures shown at page No.94 of the paper book have been uploaded through oversight by the developer in the website www.ecotourodish.com managed by the Odisha Forest Development Corporation Ltd. inadvertently.

The photographs of actual structures made at Satkosia Sands Resort, Badmul is enclosed herewith as **Annexure-R2**.

6. It is humbly submitted that temporary seasonal tents and semi-permanent eco-cottages and dining hall have been made near the river bank using locally available materials like bamboo, thatches and eco-friendly materials keeping in view of stability of such structures.



Phalguni Sarathi Mallick

Activities like birding, jungle trekking, cycling, star gazing and folk dancing are being organized by the local community without any disturbance to the eco-system.

It is humbly submitted that estimation of carrying capacity of Satkosia Tiger Reserve has been done in the Tiger Conservation Plan (Appendix-34) for the period 2016-17 to 2026-27 and approved by the National Tiger Conservation Authority, New Delhi. The footfall of visitors at Satkosia Sands Resort, Badmul from the year 2018-19 to 2023-24 is given in the Table – A below.

Table – A

Year	Footfall of visitors	Average visitors/ day
2018-19	4449	12
2019-20	4807	13
2020-21	4529	12
2021-22	5180	14
2022-23	9258	25
2023-24	8320	23

Thus, the footfall of visitors, number of visits and number of vehicles are within the approved carrying capacity which the eco-system can sustain. The estimated Carrying Capacity is enclosed herewith as

Annexure-R3

7. The contents of Para No. 7 merit no reply.
8. The contents of Para No. 8 merit no reply.
9. The contents of Para No. 9 merit no reply.
10. The contents of Para No. 10 merit no reply.



Pragati Sarathi Malik

In view of the foregoing submissions, the Application of the Applicant may kindly be dismissed being devoid of any merit.

Phalguni Sarathi Naik

18/7/24

DEPONENT

**Divisional Forests Officer
Maharadi Wildlife Division
Nayagarh.**

THROUGH

Shashank Bajpai

**MR. SHASHANK BAJPAI
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MOBILE NO.:+91 9891060955**

PLACE: KOLKATA
DATE: 18.07.2024

VERIFICATION:

Verified at Nayagarh on this 18th day of July, 2024 that the contents of the Reply are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.



Phalguni Sarathi Naik

18/7/24

DEPONENT

**Divisional Forests Officer
Maharadi Wildlife Division
Nayagarh.**



The Deponent having been identified by
Srl.....*S. Pattanaik* Adv. Solemnly affirmed
before me on.....*18.7.24* AM/PM in
Nayagarh and states that the contents made above are
true to the best of his/her knowledge & belief

Page | 6

S. Pattanaik
18.7.24

**Sailendra Narayan Pattanaik
NOTARY, GOVT. OF INDIA
NAYAGARH, ODISHA**

16/7
 GOVERNMENT OF ODISHA
 FOREST & ENVIRONMENT DEPARTMENT

9333
18 JUL 2016

16/7/16
 Memo No. FE-WL-WLF-0003-2016/ 19862 /F & E, Dt. 15.7.16

Copy forwarded to PCCE (WL) & CWLW, Odisha / MD, OFDC Ltd. / Field Director-cum- RCCF, STR, Baripada / Angul for information and necessary action.

A. Mohanty
 15.7.2016
 Deputy Secretary to Government

81
 16/7
 Memo No. 19863 /F & E, Dt. 15.7.16

Copy forwarded to DFO, Chilika (WL) / DFO, Mangrove Forest Division, Rajnagar (WL) / DFO, Hiraikud (WL) / DFO, Mahanadi (WL) / DFO, Satkoshia (WL) / DFO, Baliguda (T) / DFO, Chandaka (WL) / DFO, Khurdha for information and necessary action.

A. Mohanty
 15.7.2016
 Deputy Secretary to Government

Memo No. 19864 /F & E, Dt. 15.7.16

Copy forwarded to PPS to Principal Secretary, F & E Deptt. for kind information of Principal Secretary, F & E Deptt.

A. Mohanty
 15.7.2016
 Deputy Secretary to Government

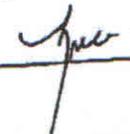
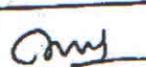
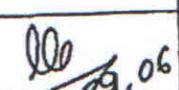
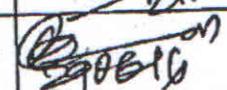
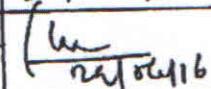
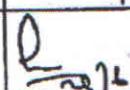
TRUE COPY ATTESTED

Phalguni Saratimauik
 Divisional Forest Officer
 Mahanadi Wildlife Division
 Nayagarh

16/7/16

List of Participants

Meeting on "Eco Tourism" under the chairmanship of the Principal Secretary, F & E Dept., at 5.00 PM on 29.06.2016

Sl. No.	Name	Designation	Signature
1	Siddhanta Sen	PCCF(WL)	
2	Ajay Mahapatra	MD OPDC	
3			
4			
5	Debidutta Prasad	Spl. Secy, F & E Dept.	
6	Sri Sudeep Nayak	DFO Hosi Kund Wildlife	
7	Menoj Mahapatra	DFO Khordha Division	
8	V. Karthick	DFO Balliguda	
9	U. R. Mishra	Manager (C), OPDC	
10	BIMAL P ACHARYA	DFO Mangrove Forests Division (WL) Raynagar	 29.06.16
11	Bikash Kumar Bhatt	DFO, Chilika Wt Division Balugaon	
12	KEDAR KUMAR SWAIN	DFO, Chilika WL Divn. I/c of Dy. CF(WL) of PCCF(WL)	
13	P. K. Mohanty	FA cum AS	

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Phalguni Charan Mallick
Divisional Forest Officer
Mahanaadi Wildlife Division
Nayagarh

18/7/16

Minutes of the meeting taken on Eco-Tourism under the Chairmanship of
Principal Secretary, Forest & Environment Department at 5.00 PM on
29.06.2016.

List of participants is at Annexure-I.

At the outset the DFOs who had been to Karnataka on exposure visit to study different aspects on Eco-Tourism shared their experience. The following decisions were taken:

- The following Eco-Tourism destinations will be developed immediately on priority basis. Infrastructures such as Boats, Gen sets etc, wherever required will be made available. The Eco-Tourism destinations will be made operational by October, 2016. Community based Eco-Tourism, managed by VSS/EDC will be preferred. *Dedicated vehicles/boats for tourists should be arranged on outsourced basis if req available.*
1. Chilika (Berhampura)
 2. Mangalajodi
 3. Bhitarkanika
 4. Debrigarh
 5. Similipal
 6. Daringbadi
 7. Satkosia (Tikarpada, Badmul & Chutkei)

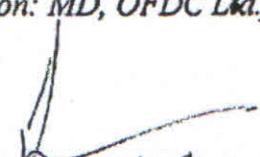
(Action: PCCF(WL); Field Director-cum-RCCF; DFO, Chilika; DFO, Mangrove Forest Dvn.; DFO, Hiraikud(WL); DFO, Mahanadi (WL); DFO, Satkosia (WL) & DFO, Baliguda).

- Few 'one-day circuit's may be developed for Chandaka.
(Action : DFO Chandaka WL Division)

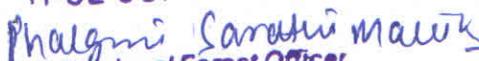
- EOI for hiring of professionals such as Project Manager and Asst. Manager may be floated and 2 Asst. Managers and one Project Manager may be engaged immediately. A Logo for Odisha Ecotourism will be developed.

(Action: MD, OFDC Ltd.)

The meeting ended with vote of thanks to the Chair.


PRINCIPAL SECRETARY

TRUE COPY ATTESTED


Phalguni Sarathi Mahto
Divisional Forest Officer
Mahanadi Wildlife Division
Nayagarh

Annexure -R2



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Divisional Forest Officer 18/7/24
Mahanaadi Wildlife Division
Nayagarh

Annexure -R2



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Divisional Forest Officer 18/7/24
Mahanaadi Wildlife Division,
Nayagarh

Annexure -R2



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Mahanaal Wildlife Division
Nayagarh

	02 Padmatola	84 43 42.9				boar, Barking deer, Rabbit
8	Udandi khali comp-7	20 34 57.2 84 45 46.3	Kusanga	Sitalpani	Sunakhania	Sambar ,Barking deer,Mousedeer
9	Khalikana Compt-15 of MRF	20 37 36.5 84 48 13	Chhamundi a	Purunapani	Malaspadar	-do-
10	Compt-06 of	20 24 46.8 84 45 23.4			Takara	

Appendix - 34

Carrying capacity of the Tiger Reserve for Vehicle during off and peak tourist season

ESTIMATION OF CARRYING CAPACITY*

(Illustrative Calculation for vehicle based tourist visitation, Satkosia Tiger Reserve)

(a) **Physical Carrying Capacity (PCC):** This is the “maximum number of visitors that can physically fit into a defined space, over a particular time”. It is expressed as:

$$PCC = A \times V/a \times Rf$$

Where, A= available area for public use (440.26 Sq. kms.)

V/a= one visitor /M²

Rf =rotation factor (number of visits per day)

In order to measure the PCC to Satkosia, the following criteria must be taken into account:

Only vehicular movements on forest roads are permitted

The “standing area” is not relevant, but “closeness” between vehicles is important

There is required distance of at least 500m (1/2 km.) between 2 vehicles to avoid dust (2 vehicles/ km.)

At least 3 1/2 hours are needed for a single park excursion

The protected area is open to tourists for 12 months in a year and 12 hours per day

Linear road lengths within the tourist zone are more relevant than area and the total lengths are:

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Pampasar	8 kms.
Tikarpada	50 kms.
Kusang	15 kms.
Chhamundia	53 kms.
Total	126 kms.

Due to constant vehicular use, the Forest road covering a length of 126 km. is prone to erosion, out of which around 37 km. is affected more

$$\text{Rotation Factor (Rf)} = \frac{\text{Opening period}}{\text{Average time of one visit}}$$

Physical Carrying Capacity (PCC) = 126 km. x 2 vehicles / km. x 3.4
 = 856.8 or 857 visits / day

(b) **Real Carrying Capacity (RCC):** RCC is the maximum permissible number of visits to a site, once the “reductive factors” (corrective) derived from the particular characteristics of the site have been applied to the PCC. These “reductive factors” (corrective) are based on biophysical, environmental, ecological, social and management variables.

$$\text{RCC} = \text{PCC} - \text{Cf}_1 - \text{Cf}_2 \dots\dots\dots\text{Cf}_n,$$

Where Cf is a corrective factor expressed as a percentage. Thus, the formula for calculating RCC is:

$$\text{RCC} = \text{PCC} \times \frac{100}{100} - \text{Cf}_1 \times \frac{100}{100} - \text{Cf}_2 \times \dots\dots\dots 100 - \text{Cf}_n$$

Corrective Factors are “site-specific”, and are expressed in

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 Divisional Forest Officer
 Mahanadi Wildlife Division
 Nayagarh

Percentage as below: $Cf = \frac{M_1}{M_t} \times 100$

M_t

Where: Cf = corrective factor

M_1 = limiting magnitude of the variable

M_t = total magnitude of the variable

- (i) Road erosion: Here the susceptibility of the site is taken into account.

Total road length = 126 km. (M_t)

Medium erosion sink = 22 km. (weighting factor: 2)

High erosion risk = 15 km. (weighting factor: 3)

$M_1 = 22 \times 2 + 15 \times 3 = 44 + 45 = 89$ km.

$M_t = 126$ km.

$$Cf = \frac{89}{126} \times 100 = 70.6 = 71 \%$$

- (ii) Disturbance to Wildlife: Here, species that are prone to disturbance owing to visitation are considered. Likewise, the peak courtship activity for Elephant / spotted deer / Boar / Tiger lasts for two months before the onset of regular monsoon.

Corrector Factor (Cf) = $\frac{\text{limiting months / year}}{12 \text{ months / year}} \times 100$

Corrective Factor for Elephant

$$Cf = \frac{2}{12} \times 100 = 16.6 \%$$

Corrective Factor for spotted deer

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 Nayagarh

18/7/24

$$Cfw_2 = \frac{2}{12} \times 100 = 16.6 \%$$

Corrective Factor for Boar

$$Cfw_2 = \frac{2}{12} \times 100 = 16.6 \%$$

Corrective Factor for Tiger

$$Cfw_2 = \frac{2}{12} \times 100 = 16.6 \%$$

Overall corrective factor for disturbance of wildlife in Satkosia Tiger Reserve = Cfw =

$$Cf_1 + Cf_2 + Cf_3$$

$$= 16.6 + 16.6 + 16.6 + 16.6 = 66.4 \%$$

- (iii) Temporary Closing of Roads: For maintenance or other managerial reasons, visitation to certain roads may be temporarily restricted within the protected Area. The Corrective Factor in this regard is calculated as:

$$Cf_t = \frac{\text{limiting weeks / year}}{\text{Total weeks / year}} \times 100$$

In Satkosia, an average value of 2 limiting weeks per year may be considered as the "Limited weeks", and thus the corrective factor works out to:

$$Cf_t = \frac{2 \text{ weeks / year}}{48 \text{ weeks / year}} \times 100 = 4.1 \%$$

Computation of RCC

$$RCC = 857 \times \frac{100-71}{100} \times \frac{100-66.4}{100} \times \frac{100-4}{100}$$

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 Phalguni Saraswati Mallick
 Divisional Forest Officer
 Mahanadi Wildlife Division
 Nayagarh 18/7/24

857 (0.29 x 0.34 x 0.96)

81.1 or 81 visits / day

(C) **Effective Permission Carrying Capacity (ECC)**: ECC is the maximum number of visitors that a site can sustain, given the management capacity (MC) available. ECC is obtained by multiplying the real carrying capacity RCC with the management capacity (MC). MC is defined as the sum of conditions that protected area administration requires if it is to carry out its functions at the optimum level. Limitations in management like Lack of staff and infrastructure limit the RCC.

For Satkosia, owing to the paucity to staff the MC is around 30%. Hence, $ECC = 0.30 = 24.3$ or 24 vehicles /day.

Thus, the Effective Permissible Carrying Capacity on any single day is only 24 vehicles, which should be allowed entry as below:

(Forenoon) = 18 vehicles (inclusive of both entry points)

(Afternoon) = 6 vehicles (inclusive of both entry points)

During peak season (winter months/ summer holidays), the staff strength shall be increased (only 10%) by deploying "special duty" personal; this would enhance the ECC to 40 vehicles per day. Further, increase in the number of vehicles would lead to deleterious effects on the habitat.

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Phalguni Sarathi maalik
 Divisional Forest Officer
 Mahanadi Wildlife Division
 Nayagarh 18/7/24

17

Proof of Service

me 3:11 PM

to Sankar ▾



Date: Thu, 18 Jul 2024 at 3:04 PM

Subject: Additional Affidavit on behalf of State of Odisha- Wildlife Society of Odisha v. State of Odisha & Ors.

To: shashank bajpai

<advocateshashankbajpai@gmail.com>

Respected Sir,

Please find herewith the Additional Affidavit on behalf of State of Odisha in compliance of Order dated 10.05.2024 passed by the Hon'ble National Green Tribunal, Kolkata in OA No. 71 of 2024 for your kind reference.

Sincerely,

Shashank Bajpai

Special Counsel for State of Odisha

Addl. Affidavit

NGT; Wildlife S...



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No add-ons available for this email