

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO. 02 OF 2026

**IN THE MATTER OF:**

**Nishikant Jadhav**

**... Applicant**

**Versus**

**The State of Maharashtra & Ors**

**...Respondent(s)**

**Affidavit on behalf of Ministry of Environment, Forest & Climate Change, Union of India (Respondent No. 7.)**

I, Vijay Sahebrao Kanthale, S/o Shri Sahebrao Kanthale, aged about 42 years working as Assistant Inspector General of Forests (Central) in the Ministry of Environment, Forest & Climate Change, Regional Office, Nagpur do hereby solemnly affirm and state on oath as follows:

1. That, I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of Respondent No. 7, Ministry of Environment, Forest & Climate Change (MoEF&CC) on the basis of the official records maintained therein.
2. It is humbly submitted that at the outset, I deny all averments, submissions, statements and allegations made therein except as may be specifically admitted herein after.



3. It is respectfully submitted that the present Original Application has been filed before this Hon'ble Tribunal alleging illegal diversion and commercial use of land recorded as "Zudpi Jungle" situated at Khasra No. 175, Mouza Dabha and Khasra No. 13/3, Mouza Futala, District Nagpur, for construction of an International Agro Farmers Convention Centre and a multi-storey parking plaza without obtaining prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

## STATEMENT OF FACTS

4. It is humbly submitted that the 'land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, the State Government has the primary responsibility to determine the status of any parcel of land, giving due regard to gazette notifications, provisions under State and Central Acts, and concerned judgments and directions of the Hon'ble Supreme Court.
5. That, prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 [formerly known as the Forest (Conservation) Act, 1980] is required for carrying out any non-forest activity on forest land. That

contravention of the above provision would amount to a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and attract the penal provisions given under Section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

6. It is further submitted that the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 apply to lands declared or recorded as forest in Government records, and any diversion of such forest land for non-forest purposes requires prior approval of the Central Government.
7. It is respectfully submitted that once a land is determined to be “forest”, irrespective of its ownership (whether Government-owned or privately owned), the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 become applicable. The said Act is a Central legislation enacted to regulate the diversion of forest land for non-forest purposes across the country. While the determination of whether a particular land constitutes forest is primarily within the jurisdiction of the State Government, any subsequent diversion of such forest land for non-forest purposes requires prior approval of the Central Government under the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.



8. It is respectfully submitted that the Ministry of Environment, Forest and Climate Change considers proposals for diversion of forest land only upon receipt of complete proposals from the concerned State Government through the prescribed procedure. In the absence of any proposal received from the State Government in respect of the subject land, the Ministry has neither examined nor granted any approval under the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
9. That, considering the allegations and averments made in the instant Original Application and in order to ascertain the correct position of the matter, a letter No. CC-633/RON/2026-NGP/15281 dated 06.03.2026 was also issued by the MoEF&CC, Regional Office (RO), Nagpur addressed to the State Forest Department, Government of Maharashtra. However, it is submitted that no factual report has been received till date from the Forest Department, Government of Maharashtra. (True Copy of the letter dated 06.03.2026 has been annexed as "**Annexure-R7/1**")
10. It is submitted that the Ministry of Environment, Forest and Climate Change, New Delhi has issued Environmental Impact Assessment (EIA) Notification number S.O. 1533 E dated 14<sup>th</sup> September, 2006.



The EIA Notification, 2006 as amended regulates developmental projects in respect of construction of new projects/activities/expansion or modernization of existing projects in different parts of the country for grant of prior Environmental Clearance.

11. It is respectfully submitted that the EIA Notification, 2006 as ammended covers 38 projects/activities in its Schedule which inter-alia includes different types of infrastructure projects viz. Airports, Ports, Highways, and Building & Construction Projects etc. as specified and classified in the Schedule of the said notification. All such projects/activities shall require prior Environmental Clearance from the concerned regulatory authority, e.g., MoEF&CC in the Central Government for matters falling under Category 'A' in the Schedule and the State Environment Impact Assessment Authority (SEIAA) at State level for matters falling under Category 'B' in the said Schedule, before starting any construction work. Broadly, following categories projects/activities are covered under the ambit of EIA Notification, 2006 as amended:

- a. All new projects or activities listed in the Schedule to this notification;



- b. Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- c. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range. That, under the provisions of the EIA Notification, 2006 as amended, Environmental Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;

“8(a): Building and Construction projects - >20000 sq. m and 50 ha. And or built up area >150000 sq. m - require EC.”

8(b): Townships and Area Development projects - Covering an area >50 ha. And or built up area >150000 sq. m - require EC.”



12. That, the aforementioned entries under item 8(a) and 8(b) are qualified as category 'B' projects under the EIA Notification, 2006 and requires appraisal by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs). Further, that as per the EIA Notification, 2006, in the absence of a duly constituted SEIAA/SEAC, a category 'B' project shall be considered at the Central Level as category 'B' project." That the requirement of taking Environment Clearance for any building construction project is governed by the aforesaid provisions, stated in paras above.
13. That, the Ministry has issued O.M. dated 29.03.2022 setting out those activities that can be undertaken by the Project Proponent prior to the grant of Environmental Clearance subject to certain conditions set out therein. These activities are:
- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/prefabricated components.
  - ii. Construction of temporary sheds using pre-fabricated/modular structure, for site office/guards and storing material and machinery,



iii. Provision of temporary electricity and water supply for site officer/guards only. (True Copy of the OM dated 29.03.2022 is annexed as “Annexure –R7/2”).

14. That, accordingly, it is stated that the requirement of obtaining prior Environmental Clearance under the EIA Notification, 2006 arises only where a building and construction project meets the thresholds prescribed under entries 8(a) or 8(b) of the Schedule.
15. It is respectfully submitted that determination of the exact legal status of the subject land, including whether the land is recorded as “Zudpi Jungle” or otherwise classified as forest in Government records, requires verification by the concerned authorities of the State Government, including the Revenue and Forest Departments.
16. It is humbly submitted that the submissions made by the Answering Respondent No. 7 may be considered as a consolidated reply to all the specific averments and allegations of the application against the Answering Ministry.
17. The answering respondent will be able to file detailed affidavit only after receipt of the factual report from the Government of



Maharashtra. Hence, the Answering Respondent No. 7 craves liberty to file additional information, if any, till pendente lite.

18. In view of the above submissions, it is respectfully prayed that this Hon'ble Tribunal may be pleased to pass such order(s) as it may deem fit and proper in the facts and circumstances of the present case

DEPONENT

(विजय साहेबराव कंठाळे)  
(Vijay Sahebrao Kanthale)  
सहायक वन महानिरीक्षक (केन्द्रीय)  
Assistant Inspector General of Forests (Central)  
पर्यावरण, वन एव जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest and Climate Change  
क्षेत्रीय कार्यालय, नागपुर - 440001.  
Regional Office, Nagpur - 440001.

3505/21

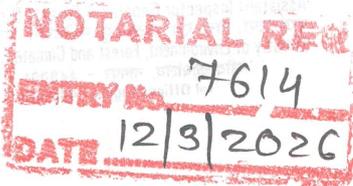


VERIFICATION

I, the above-named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at Nagpur on this 12<sup>th</sup> day of March, 2026.

DEPONENT

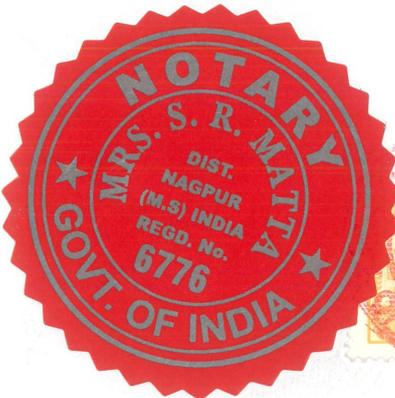


(विजय साहेबराव कंठाळे)  
(Vijay Sahebrao Kanthale)  
सहायक वन महानिरीक्षक (केन्द्रीय)  
Assistant Inspector General of Forests (Central)  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest and Climate Change  
क्षेत्रीय कार्यालय, नागपुर - 440001.  
Regional Office, Nagpur - 440001.



SWORN BEFORE ME ON THIS 12<sup>th</sup>  
DAY OF March 2026 AT NAGPUR BY  
SHRI / SMT./ KU. Vijay S. Kanthale  
R/O NAGPUR WHO HAS BEEN IDENTIFIED BY  
SHRI / SMT. ....  
ADVOCATE, NAGPUR.

MRS. S. R. MATTA  
ADVOCATE & NOTARY  
12-B, Clarke Town, Nagpur



**Re: Fwd: IA No. 03/2026, IA No. 13/2026 in OA No. 02/2026 (WZ) in the matter of Nishikant Jadhav Vs. State of Maharashtra & Ors. pending before NGT (WZ), Pune -reg.**

**Regional Office MoEF&CC, Nagpur** <apccfcentral-ngp-mef@gov.in >

Fri, 06 Mar 2026 4:56:52 PM +0530

To "pccfhoffngp"<pccfhoffngp@mahaforest.gov.in>,"Secretary Maharashtra" <psec.revenue@maharashtra.gov.in>,"secforest" <sec.forest@maharashtra.gov.in>

Cc "Amandeep Garg"<asag-moefcc@nic.in>,"Munna Kumar Shah" <munna.shah@gov.in>,"Naresh Kumar"<naresh1612@gov.in>,"Krishna Devan S"<sk058@ifs.nic.in>,"Anil Kumar"<anil.1985@gov.in>,"ROHQ Division MoEF & CC"<rohq-mefcc@gov.in>

Sir,

Please find attached letter dated 02.03.2026 alongwith enclosures for necessary action please.

**Regards,**  
**Ministry of Environment, Forests and Climate Change**  
**Regional Office ,**  
**Ground Floor, Eastern Wing,**  
**New Secretariat Building-Opposite Old VCA Stadium,**  
**Civil Lines -Nagpur-440001.**  
**Regards,**

From: ROHQ Division MoEF & CC <[rohq-mefcc@gov.in](mailto:rohq-mefcc@gov.in)>

To: "Regional Office MoEF&CC, Nagpur" <[apccfcentral-ngp-mef@gov.in](mailto:apccfcentral-ngp-mef@gov.in)> , "Amandeep Garg" <[asag-moefcc@nic.in](mailto:asag-moefcc@nic.in)> , "Munna Kumar Shah" <[munna.shah@gov.in](mailto:munna.shah@gov.in)>

Cc: "Naresh Kumar" <[naresh1612@gov.in](mailto:naresh1612@gov.in)> , "Krishna Devan S" <[sk058@ifs.nic.in](mailto:sk058@ifs.nic.in)> , "Anil Kumar" <[anil.1985@gov.in](mailto:anil.1985@gov.in)>

Date: Mon, 02 Mar 2026 11:12:28 +0530

Subject: Fwd: IA No. 03/2026, IA No. 13/2026 in OA No. 02/2026 (WZ) in the matter of Nishikant Jadhav Vs. State of Maharashtra & Ors. pending before NGT (WZ), Pune -reg.

Respected Sir,

I am directed to forward a letter No. ROHQ-10/7/2026-ROHQ dated 02.03.2026 on the subject cited above.

1. In this regard, **Regional Office Nagpur** is requested to examine the matter and provide a counter affidavit for the approval of the competent authority by **03.03.2026**

2. **IA Infra Division of MoEF&CC** is also requested to offer comments in the matter.

With Regards,

ROHQ Division,

426

Ministry of Environment, Forest & Climate Change  
Govt. of India,  
New Delhi.

=====  
Forwarded message  
=====

From: Anil Kumar <[anil.1985@gov.in](mailto:anil.1985@gov.in)>

To: "ROHQ Division MoEF & CC" <[rohq-mefcc@gov.in](mailto:rohq-mefcc@gov.in)>

Date: Mon, 02 Mar 2026 10:14:30 +0530

Subject: IA No. 03/2026, IA No. 13/2026 in OA No. 02/2026 (WZ) in the matter of Nishikant Jadhav Vs. State of Maharashtra & Ors. pending before NGT (WZ), Pune -reg.

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Forwarded message  
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**3 Attachment(s)**

Letter dated 06.03.2026 to stat...

940.5 KB

Letter dated 02.03.2026.pdf

95.7 KB

Petition copy.pdf

6.7 MB



सत्यमेव जयते

भारतसरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
क्षेत्रीय कार्यालय  
REGIONAL OFFICE  
Ground Floor, East Wing, New Secretariat Building  
Civil Lines, Nagpur - 440001  
E-mail: [apccfcentral-ngp-mef@gov.in](mailto:apccfcentral-ngp-mef@gov.in)



**Court Matter- Most Urgent**  
**By E-mail**

F.No: CC-633/RON/2026-NGP/ 15281

Date: 06/03/2026

To,

The Principal Chief Conservator of Forests (HoFF),  
Forest Department,  
Govt. of Maharashtra,  
Van Bhavan, Ramgiri Road,  
Civil Lines, Nagpur- 400032.

**Sub: IA No. 03/2026 & IA No. 13/2026 in OA No. 02/2026 (WZ) titled Nishikant Jadhav vs. State of Maharashtra & Ors. pending before Hon'ble NGT (WZ), Pune-Reg.**

**Ref:** E-mail communication and Letter No. ROHQ-10/7/2026-ROHQ dated 02.03.2026 of ROHQ Division, MoEF&CC, New Delhi.

Sir,

The undersigned is directed to refer to the subject cited above and the communication under reference, wherein a copy of the petition filed before the Hon'ble High Court has been received in this office from the ROHQ Division, MoEF&CC, New Delhi.

In this regard, the Government of Maharashtra is requested to examine the matter and furnish a detailed factual report indicating the legal status of the land in question as per revenue and forest records.

The report may also specify whether any proposal under Section 2 of the VSSA, 1980 has been submitted or approved, along with copies of the relevant approvals, if any. Further, the present status of the project/activity on the ground, the action taken by the State authorities in the matter, and details of any work carried out in violation of the provisions of the VSSA, 1980 over the land in question may also be provided, along with the action taken report against the violators, if any.

The above information may kindly be furnished to this office at the earliest to enable preparation of para-wise comments on behalf of this Ministry.

This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above

VIJAY  
SAHEBRAO  
KANTHALE  
Digitally signed by  
VIJAY SAHEBRAO  
KANTHALE  
Date: 2026.03.06  
16:31:29 +05'30'

**(Vijay Sahebrao Kanthale)**

Assistant Inspector General of Forest (C)

Copy to:

1. The ROHQ Division, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
2. The Principal Secretary, Government of Maharashtra, Hutatma Rajguru Chowk, Madam Cama Road Road, Mumbai, Maharashtra – 400032.
3. The APCCF & Nodal (FCA), Government of Maharashtra, 3rd Floor, Van Bhavan, Ramgiri Road, Civil Lines, Nagpur-440001.

**(Vijay Sahebrao Kanthale)**

Assistant Inspector General of Forest (C)

# 428

**F. No. ROHQ-10/7/2026-ROHQ**

**Government of India  
Ministry of Environment, Forest and Climate Change  
(ROHQ Division)**

\*\*\*\*\*

Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road,  
New Delhi – 110003  
**Dated: 02-03-2026**

**To**

**The DDGF(C),**  
MoEF&CC, Regional Office, Nagpur,  
Ground Floor, East Wing, New Secretariat Building,  
Civil Lines, Nagpur-440001.

**Subject: IA No. 03/2026, IA No. 13/2026 in OA No. 02/2026 (WZ) in the matter of Nishikant Jadhav Vs. State of Maharashtra & Ors. pending before NGT (WZ), Pune -reg.**

Sir,

Kindly to refer to the notice dated 03.01.2026 issued by NGT (WZ), Pune in the above cited matter and a copy of IA No. 03/2026, IA No. 13/2026 in OA No. 02/2026 (copies enclosed).

2. In this regard, RO Nagpur is requested to examine the matter and provide a counter affidavit for the approval of the competent authority **by 03.03.2026.**
3. IA Infra Division of MoEF&CC is also requested to offer comments.

**The matter is posted for hearing on 16.03.2026.**

**Encl: As above**

Digitally signed by  
KRISHNA DEVAN S  
Date: 02-03-2026  
09:54:49

Yours faithfully,

**(Krishna Devan S.)**  
Assistant Inspector General of Forests  
E-mail: sk058@ifs.nic.in

**Copy for similar action to:** IA Infra Division of MoEF&CC is also requested to offer the comments in this matter.

**F. No. IA3-22/10/2022-IA.III [E 177258]**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated: 29<sup>th</sup> March, 2022

**OFFICE MEMORANDUM**

**Subject: Clarification regarding activities which can be undertaken for securing the land prior to grant of Environmental Clearance-regarding.**

As per the provisions of Environment Impact Assessment (EIA) Notification 2006, the project or activities [New/Expansion/ Modernization/ change of product-mix or raw material mix] listed in the Schedule to the said Notification would require prior Environment Clearance (EC) from the concerned Competent Authority before undertaking any construction work or preparation of land by the project proponent, except for securing the land.

2. In this regard, Office Memorandum No. J-11011/41/2006-IA.II(I) dated 19/08/2010 clarified that while securing the land, no activity relating to any project covered under EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of temporary shed(s) for the guard(s).

3. Over a period of time, various options other than conventional barbed wire and wall fencing, have come into existence, viz., use of pre-fabricated structures, pre-cast compound wall etc. Further, in order to secure the land, the project proponent may need to have water and electricity connection. In view of the same, it has been decided by the Competent Authority in the Ministry to explicitly clarify that following activities can be undertaken by the project proponent for securing the land.

- i. Fencing of the project site by boundary wall using civil construction, barbed wire or precast/ prefabricated components.
  - ii. Construction of temporary sheds using pre-fabricated / modular structure, for site office/guards and storing material and machinery.
  - iii. Provision of temporary electricity and water supply for site office/guards only.
4. The above activities shall be undertaken subject to the following:

- i. The land should be in the legal possession of the project proponent and all statutory approvals in respect of the project site should have been obtained.
  - ii. In case of involvement of any forest land, no activity shall be initiated at the site till the Stage II Forest Clearance is obtained under the relevant provisions of Forest (Conservation) Act, 1980. In case of applicability of Wildlife Clearance, necessary permission from Standing Committee for National Board for Wildlife (SCNBWL) shall be obtained under the provisions of Wildlife Protection Act, 1972.
  - iii. In case of felling of trees if any, requisite permission from the Forest Department/Statutory Authorities of the concerned State Government shall be obtained.
  - iv. The investment made by the Project Proponent on the above, in anticipation of the applicable clearances under the relevant provisions of the Acts/Rules, shall be entirely at the cost and risk of the proponent.
5. However, the above dispensation would not entitle the project proponent to claim ***fait accompli*** with regard to grant of EC or any other applicable permission from any concerned statutory authority and further, the works of the aforesaid nature shall have no bearing on appraisal of the project for grant of EC which shall follow the due process and procedure as laid down in EIA Notification 2006, as amended.
6. This O.M. is being issued in supersession of the earlier O.M. dated 19/08/2010 and with the approval of the Competent Authority.



(A.K. Agrawal)  
Director

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DG (FC) & SS
5. PPS to AS(TK) / AS (NPG)/ AS(RS)
6. PPS to JS (SKB)
7. Website, MoEF&CC/Guard file.