

BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI
ORIGINAL APPLICATION NO.345/2022

IN THE MATTER OF:-

Uday Education and Welfare TrustApplicant

Versus

Union of India and OthersRespondents

INDEX

Sr.no.	Particulars	Pages	COURT FEE
1	COUNTER/REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT, FOREST AND CLIMATE CHANGE	1-7	
2.	PROOF OF SERVICE BY E-MAIL		



(RAJESH K. SINGH)
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DATE: 14.July.2022

NEW DELHI

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**PRINCIPAL BENCH, DELHI****ORIGINAL APPLICATION No. 345 /2022**

Uday Education & Welfare Trust

... Applicant(s)

AND

Union of India and Others

... Respondent (s)

COUNTER/REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT**NO. 1 & 2, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE****CHANGE**

I, Sanjay Kumar Chauhan S/o Ajab Singh Chauhan Aged 38 years do hereby solemnly affirm and state as follows:

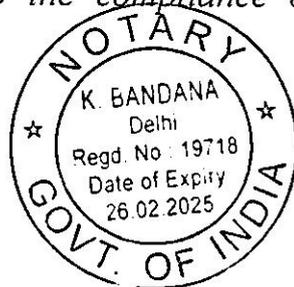
1. That I am working as Assistant Inspector General of Forests in the Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003 (hereinafter referred to as 'MoEFCC' for brevity) and in my official capacity, I am conversant with the facts of the case based on knowledge derived from official records and as such am competent and authorized to file this affidavit.



(SANJAY KUMAR CHAUHAN) (AND)
 (Sanjay Kumar Chauhan)
 Assistant Inspector General of Forests
 Ministry of Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

2. That the present Affidavit is being filed by, the Union of India through the Ministry of Environment, Forest & Climate Change, who has been arrayed as Respondent No.1 & 2 and I submit the basic stand and role of the Ministry in the case.
3. That, I do not admit anything made in the application under reply, save and except, those which are matter of records and the Petitioner has to substantiate those which appear to be contradictory or inconsistent with the records.
4. That, at the very outset, I submit that the Ministry of Environment, Forest & Climate Change is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, biodiversity, natural resources and wildlife.
5. That, the Hon'ble Supreme Court in its Order dated 05.10.2015 in W.P (Civil) 202 of 1995, T.N Godavarman Thirumulpad vs. Union of India & Others, passed the following Orders are herein reproduced below :-

“(i)The State Level Committees for Wood-Based Industries (“SLCs”) are, subject to the compliance of the prescribed guidelines and procedure,



(SANJAY KUMAR GUPTA)
 भारत सरकार/Ministry of Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

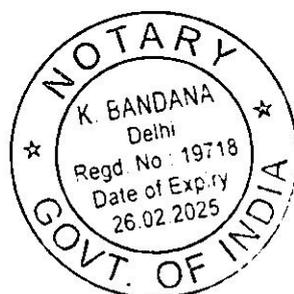
authorized to take decisions regarding the grant of license/permission to the wood-based industries;

(ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment, Forest and Climate Change ("MoEFCC") and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/equivalent rank will immediately be constituted;

(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time.

If, for any reason, any person is aggrieved by the orders so passed in the



(Sanjay Kumar Choudhary)
 (SANJAY KUMAR CHOUHARY)
 सहायक वन्यजीव, वन एवं जलवायु परिवर्तन
 पर्यावरण, वन एवं जलवायु
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 Govt. of India, New Delhi

appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).”

In view of above, this Honble Court, the SLC for WBIs has authorized to take decision regarding grant of license/Permission to the WBI, in compliance of the prescribed guidelines and procedures. In consonance of the said order the Ministry has issued Wood Based Industries (Establishment and Regulation) Guidelines, 2016 on 11th November, 2016.

6. That, the Hon'ble Supreme Court in its Order dated 29.10.2002 in W.P (Civil) 202 of 1995, T.N Godavarman Thirumulpad vs. Union of India & Others, passed the following Orders are herein reproduced below,

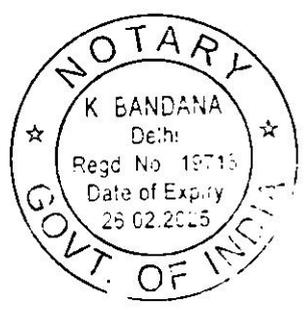
“No State or Union territory shall permit any unlicensed saw-mills, veneer, plywood industry to operate and they are directed to close all such unlicensed units forthwith. No State Government of Union Territory will permit the opening of 'saw mills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each state will ensure strict compliance with this direction. There shall also be no relaxation of rules with regard to the grant of license without previous concurrence of the Central Empowered Committee.”



(SANJAY KUMAR)
 पर्यावरण, वन एवं जल विभाग
 Ministry of Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

In view of the above order of this Hon'ble Court, Wood Based Industries (WBI) in the country are regulated by State Forest Departments in consultation of Central Empowered Committee. After, the order of this Court dated 05.10.2015; the Wood Based Industries have been regulated by State Level Committee for WBI under the Chairmanship of the Principal Chief Conservator of Forests subject to compliance of the prescribed guidelines and procedures. The Ministry has also issued the WBI, Guidelines 2016 and circulated the guidelines to all State /UT Forest Departments for necessary action.

7. That, Answering Respondent has also received various representations from concerned stake holders and forest Departments regarding revision of the Guidelines after consultation of all concerned. Then, the Wood Based Industries Guidelines have been revised vide gazette notification dated 11.09.2017. The Hon'ble National Green Tribunal, Principal Bench, New Delhi by its order dated 13.08.2018 in O.A No. 489 of 2014 in the matter of Indian Institute of Sustainable Development vs. Union of India & Others , has directed the Ministry to regulate the wood based Charcoal industries also by amending the Wood Based Industries (Establishment and Regulation) Guidelines, 2016. In compliance of the orders of the Hon'ble NGT, the Guidelines are amended as under in order to regulate wood

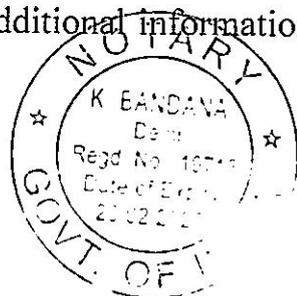


(Signature)
 (S.A. KUMAR)
 Director,
 M/o Environment, Forest & Climate Change,
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

based charcoal industries also. Further, as per the said revised guidelines dated 22.02.2019, The MoEFCC also stated that;

“(iv) All wood based industries will follow all environmental and other regulations prescribed by the State Pollution Control Board, Central Pollution Control Board and Ministry of Environment, Forest and Climate Change as applicable to these industries under the Environment (Protection) Act, 1986 and other Central and State Acts.”

8. That, the Answering Respondent has circulated the Wood Based Industries (Establishment and Regulation) Guidelines, to all the State/Union Territory Forest Department for information and necessary action. Further, it is also submitted that implementation of the WBI Guidelines under the domain of State/UT Forest Department.
9. That, the Answering Respondent submitted that while preparing the Wood Based Industries (Establishment and Regulation) Guidelines and subsequent amendments and Clarification , the Ministry has considered all previous orders of this Hon'ble Court and also various recommendations issued by the Central Empowered Committee .
10. That , I crave liberty to rely on the present affidavit and thereafter reserve right to file additional information before the Hon'ble Court, if required



(SANJAY KUMAR GUPTA) (SAN) 100710
 भारत का पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
 Mo Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

till Pendente-Lite as well as to make further appropriate submission at the time of hearing.

11. Thus, in light of the above submissions, it is most humbly prayed that the present affidavit may kindly be taken on record and into consideration and this Hon'ble Tribunal may pass such just and equitable order (s) as deemed fit and proper in the facts and circumstances of the case

(संजय कुमार वर्मा)
(DEPONENT)
पर्यावरण, वन एवं जल संसाधन विभाग
M/o Environment, Forest & Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

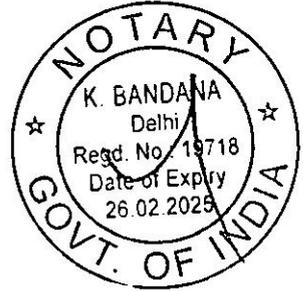
VERIFICATION

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 13th July of, 2022.

Praty. Advocate
IDENTIFIED

13 JUL 2022



ATTESTED

NOTARY PUBLIC, DELHI
GOVT. OF INDIA

(SANJAY KUMAR VERMA)
(DEPONENT)
पर्यावरण, वन एवं जल संसाधन विभाग
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Govt. of India, New Delhi



8
Rajesh kumar singh <rajeshsinghadv@gmail.com>

Advance Service of Counter Reply dt. 13.07.2022 in O.A No. 345/2022, titled as Uday Education & Welfare Trust Vs. UOI & Ors.

1 message

Rajesh kumar singh <rajeshsinghadv@gmail.com>
To: ankitv0023@gmail.com

Thu, Jul 14, 2022 at 12:55 PM

Sir/Ma'am,

Please find attached herewith advance copy of a Counter Reply dt. 13.07.2022 in O.A. No. 345/2022, titled as Uday Education & Welfare Trust Vs. UOI & Ors. being e-filed by the Respondent No. 1 & 2 (UOI/MoEF)..

Kindly treat this as due advance service.

Thanks,

Rgds;
Rajesh K. Singh
Advocate
For Respondent No. 1 & 2
Mob. 9868012182

📎 Counter Reply in O.A. No. 345 OF 2022.pdf
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