

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 331 OF 2024

IN THE MATTER OF:

Yogesh Kumar

.....Applicant

Versus

Union of India & Ors.

..... Respondent

INDEX

S.No.		Page No.
L	Reply Counter Affidavit on Behalf of the Respondent No. 1 Union of India, through Secretary, Ministry of Environment, Forest and Climate Change, New Delhi.	1-5

Dated: / /2024

(Srishti Govil)
Counsel for MoEF & CC
(Respondent No.1)

Email: govil.sristi@gmail.com

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 331 OF 2024



IN THE MATTER OF:

Yogesh Kumar

..... Applicant

Versus

Union of India & Ors.

..... Respondent

**Reply Counter Affidavit on Behalf of the Respondent No. 1 Union of India,
through Secretary, Ministry of Environment, Forest and Climate Change,
New Delhi.**

MOST RESPECTFULLY SHOWETH:

I, Dr. Pranay Misra, aged about 41 years, working as Assistant Inspector General of Forest (Central), in the Regional Office, Ministry of Environment, Forest and Climate Change, Lucknow do hereby solemnly affirm and State as under:



1. That I am duly authorized to swear this affidavit and as such I am conversant with the facts of the present case and competent to swear the present affidavit.
2. That I have read and understood the contents of the accompanying reply and state that the same has been drafted under my instructions based on the official records.

STATEMENT OF FACTS:

3. It is humbly submitted that the present original application has been filed with a prayer to direct the Respondents to remove the illegal pukka construction and wall raised inside the Okhla Bird Sanctuary and to form a committee to assess the adverse impacts of raising pukka construction inside the protected areas.

REPLY ON MERIT:

4. It is submitted that proposals pertaining to developmental activities within National Parks, Sanctuaries, Tiger Reserves, Tiger Corridors, and those activities that require environmental clearance within Eco-sensitive Zones (ESZ) around National Parks and Sanctuaries, arc



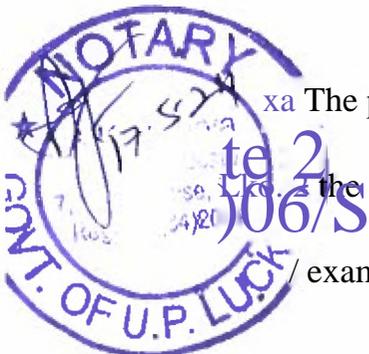
A handwritten signature in blue ink, appearing to be "S. K. Singh".

considered by the Standing Committee of the National Board for Wild Life (hereinafter 'SCNBWL'). .

5. It is further submitted that such proposals are forwarded by State Governments to the Ministry of Environment, Forest and Climate Change (hereinafter 'Ministry') for placing before the SCNBWL after thorough scrutiny by the State/Union Territory Governments/Administrators and the State Boards for Wild Life headed by the respective Chief Ministers/Administrators. Incomplete proposals are returned to the States/Union Territories. The SCNBWL, which also includes eminent ecologists, conservationists and environmentalists, takes informed decisions on the proposals placed for its consideration.

6. It is submitted that the proposals submitted for consideration of the SCNBWL are examined by various authorities and the following channel needs to be followed:

xa The proposal has to be forwarded by the agency seeking usage of the land to the Deputy Conservator of Forests, who after examining the proposal and site inspection, forwards the same



along with his comments to the Chief Wild Life Warden (CWLW) of the State/Union Territory.

- b. The CWLW after examining the proposal forwards the same along with his comments to the State Board for Wild Life (SBWL)..
- c. The SBWL examines the proposal and the State Government considering the recommendation of the State Board for Wild Life forwards the same to the Government of India for approval of the Standing Committee of the National Board of Wild Life.

7. It is further submitted that as per records available in the Ministry and on PARIVESH Portal, no proposal for wildlife clearance has been received in the Ministry from the State Government and neither has any approval been granted by the Ministry as on date.

8. It is further submitted that Section 33 of the Wild Life (Protection) Act, 1972 authorises the CWLW to control, protect and manage all sanctuaries in accordance with such management plans for the sanctuary and may for the purpose within the limits of sanctuary may construct such roads, bridges, buildings, fences or barrier gates, and



carry out such other works as he may consider necessary for the purpose of such sanctuary.

9. In light of the foregoing submissions, it is respectfully prayed that this Honourable Tribunal be pleased to issue such orders, directives, or relief as it may deem appropriate and just under the circumstances of the present case.



DEPONENT



VERIFICATION

Verified at Lucknow on this/ ⁷7 day of May, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge based on records and no part of it is false and nothing material has been concealed therefrom.

**SWORN & VERIFIED
BY ME**

A. K. Maurya
Advocate Notary
7, Model House, Lucknow

I identify the deponent/executor
who has signed/put TI before me
Sudhakar



DEPONENT