

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

MA No. 29/2022/EZ

In O.A. No. 29/2019/EZ



In the matter of

Tribunal on its own motion

.....

Applicant(s)

Vrs.

State of Odisha and others.

.....

Respondent(s)

Compliance Affidavit filed on behalf of the Respondent No.1

I Smt. Itishree Rout, aged about 42 years, wife of Bibhudatta Sahoo at present serving as Deputy Director of Estates-cum-Deputy Secretary to Government, General Administration & Public Grievance Department, Lok Seva Bhawan, Bhubaneswar, PS-Capital, Dist-Khurdha do hereby solemnly affirm, and state as follows: -

1. That I am working as Deputy Director of Estates-cum-Deputy Secretary to Government, General Administration & Public Grievances Department, Government of Odisha, Lok Seva Bhawan, Bhubaneswar, Dist.-Khurda and have been duly authorized by the Respondent No.1 to make and affirm this

Affidavit for and on behalf of Respondent No.

*Itishree Rout*

*R. Sahu*



2. That the Hon'ble Tribunal has initiated the above-mentioned M.A. No. 29/2022/EZ on its own motion and directed the Respondents including the Respondent No.1 vide order dtd. 09.11.2022 to file counter affidavit within four weeks.
3. That the OA No. 29/2019 was filed before the Hon'ble Tribunal alleging contravention of the provisions of the Forest (Conservation) Act, 1980 relating to Mouza-Jayadev Vihar, Unit No.16 under Bhubaneswar Municipal Corporation (BMC).
4. That the applicant has alleged that forest land relating to Khata No. 1427 under Mouza-Jayadev Vihar has been used for non-forest purpose without prior approval of the Competent Authority of the Forest Department.
5. The Hon'ble National Green Tribunal vide order dated:26.04.2022 have disposed of the Original Application with the following direction:

*"16. In this view of the matter, we dispose of this Original Application with a direction to the State Government to expedite the process of obtaining Forest Clearance under the Forest (Conservation) Act, 1980, following due process of law. The said exercise shall be completed for all the Government/Private Institutions within a period of four months from the date of this judgment.*

7. The District Magistrates & Collectors along with the concerned Divisional Forest Officers of the different Districts where Revenue Forest Land has been identified for taking up Compensatory Afforestation may identify and demarcate



Shishir Patel

*encroachment free Revenue Forest area for each proposal in accordance with law within a period of two months.*

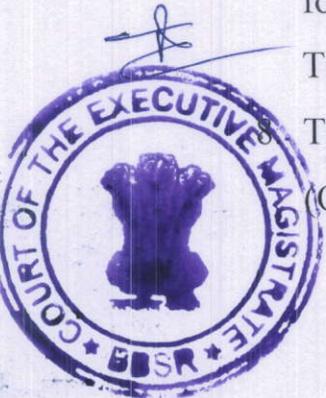
*The State Government or the Ministry of Environment, Forests and Climate Change, as the case may be, may also take the Net Present Value (NPV) or Penal Net Present Value (PNPV) while 15 granting clearance under the Forest (Conservation) Act, 1980 in accordance with law.*

*An Action Taken Report in this regard shall be submitted before the Tribunal on or before 30.09.2022 by the State Government."*

6. That as per the order of the Tribunal dtd. 26.04.2022 passed in the Original Application, an affidavit has been submitted by the General Administration & Public Grievance Department Respondent No.1 on 30.09.2022 and on 09.12.2022 through online mode indicating the action taken consequent upon the direction of the Hon'ble Tribunal.
7. That after receipt of the order dtd. 26.4.2022 passed by the Hon'ble Tribunal, the copy of the order was communicated all the user agencies to take necessary action in this regard for compliance of the order of the Hon'ble Tribunal. Copies of the letters communicated to the user agencies. The user agencies have again informed vide letter No. 02.12.2022 for filing of the forest diversion proposal and to comply the order of the Hon'ble Tribunal.

That the Chief Executive, Orissa Space Application Centre (ORSAC) was requested vide General Administration & Public

D. Shree Ravi



Grievance Department letter No. 13870/CA dtd. 18.05.2022 with copy to all the user agencies for DGPS/GPS survey of the land proposed for diversion and the land to be identified for compensatory afforestation.

9. That the Collector & DM, Khordha, Sub-Collector, Bhubaneswar, District Welfare Officer, Khordha and Zonal Deputy Commissioner, North Zone, BMC were intimated vide this Department letter No. 13878/CA dtd. 18.05.2022 to take necessary action for issue of FRA certificate in favour of the user agencies for compliance of the provisions of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 as pre-requirement for filing of forest diversion proposal.
10. That in order to facilitate, the process of filing forest diversion proposal, approval of the Government was obtained for posting of an Officer from the Cadre of Orissa Forest Service (OFS) and engagement of a forest consultant.
11. That after obtaining Government approval, the Department of Forest Environment & Climate Change, Government of Odisha was moved for deployment of an Officer from the Odisha Forest Service to expedite the process of filing forest diversion proposal.
12. That the Department. of Forest Environment & Climate Change in Order No. 12687 dtd. 18.07.2022 has deployed an Officer to the General Administration & Public Grievance Department for monitoring of forest diversion proposal.
13. That after obtaining Government approval, action was initiated for engagement of a consultant for monitoring the forest

*Shree Ravi*



diversion proposals of GA and PG Department by following the due process of law. The first e-procurement notice floated by the General Administration & Public Grievance Department was not materialised due to receipt of financial bids in-comparable terms. Accordingly, a second e-procurement notice was floated. The consultant was engaged by the GA and PG Department. order No. 27765 dtd. 29.09.2022.

14. That on receipt of the order of the Hon'ble Tribunal dtd. 26.04.2022, the Revenue and Disaster Management Department. was requested to earmark degraded forest land in a particular Tahasil for administrative convenience for filing of Forest Diversion Proposal consisting of 14 Central Government and State Government Department/ Organisation and 18 private organisations.

15. That the Revenue and Disaster Management Department, after taking views of the Department of Forest Environment & Climate Change given their views for earmarking of degraded revenue forest land as per requirement out of the land bank for filing forest diversion proposal by the user agencies consisting of 14 Central Government and State Government Department/Organizations and 18 private organizations following the principle laid down in Revenue and Disaster Management Department No. 10894 dtd. 31.03.2017 and GO No. 22958 dec. 04.08.2014 read with GO No. 31312 dtd. 24.10.2014.

16. That after receipt of the views of the Revenue and Disaster Management Department, Collectors of 18 districts have been informed vide General Administration & Public Grievance



*Steshree Raut*

Department Letter No. 24291 dtd. 29.08.2022 to render necessary assistance to the user agencies in the matter.

17. That it is submitted that the General Administration & Public Grievance Department has taken sincere efforts for compliance of the order of the Hon'ble Tribunal. The user agencies have been duly intimated for compliance of the order of the Hon'ble Tribunal by way of filing forest diversion proposal.

18. That the Principal Secretary, has taken a meeting on 07.12.2022 involving the Director of Estates, Collector and DM, Khordha, DFO, Chandka Wildlife Division and Joint Director of Estates to expedite the process of filing the forest diversion proposal by the user agencies.

19. That the Chief Secretary has also taken a review meeting on 08.12.2022 with the concerned officials to expedite the process of filing forest diversion proposal by the user agencies.

20. That the present position of the diversion proposal in respect of 12 nos. of user agencies as on 10.03.2023 is indicated below:

SI No.	User Agency	Status
Update till 27.02.2023		
1	ORSAC	Online Uploading done. DFO Chandaka (WL) raised Query against CA Land. File pending with District Collector.
2	Fortune Tower IDCO	Online Uploading done. File Pending with MoEF.



Stishore Raut

3	Kalinga Hospital Ltd	Online Uploading done. DFO Chandaka (WL) raised Query against CA Land. File pending with District Collector for CA Land.
4	Mayfair Lagoon	Online Uploading done. File Pending with MoEF.
5	Tech Mahindra	Online Uploading done. MoEF ask for Penal Provision.
6	Sandy Tower	DGPS Survey of Forest area completed.
7	SWASTI Plaza	DGPS Survey of Forest area completed.
8	Gopabandhu Academy of Administration	Proposal Submitted to PCCF Nodal.
9	Women's Polytechnic	ORSAC Authenticated the DGPS Survey of Forest area.
10	RMRC	DGPS Survey of Forest area completed.
11	Odissi Research Centre	Survey by ORSAC under process
12	ESIC	Survey by ORSAC under process

21. That sincere steps are being taken in the matter for compliance of the order of the Hon'ble Tribunal by the user agencies. Because of involvement of different Central Government and State Government Department/Organisations and private



Highcourt

organisations, it is humbly prayed that a period of six months' time may kindly be granted for taking steps in the matter and expediting the completion of the process following the due process of law.

22. That, the facts stated above are true to the best of my knowledge and belief based on official records.

*Shishoo Raut*  
13/3/23  
Deponent

Deputy Director of Estate  
cum-Joint Secy. to Govt.  
GA & PG Deptt.

### AFFIDAVIT

The above deponent being personally known to me appears before me *T. Samal* on *13/3/2023* at *5.25* AM / PM and states on oath that the contents of the show cause reply are true to the best of his knowledge based on official records.

IDENTIFIED BY :

*S. K. Nayak*  
A.C.

*[Signature]*  
13/3/2023  
Executive Magistrate  
Assistant Collector  
Bhubaneswar

### CERTIFICATE

Certified that the cartridge papers are not readily available.

Cuttack  
Date: *13.03.2023*

*[Signature]*  
Advocate ON behalf of  
SUBIR PALIT  
(SENIOR ADVOCATE)

