

**IN THE COURT OF NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**I. M.A. NO..... OF 2023**

**IN**

**O.A. NO. 399 OF 2022**

In the matter of an application under Order-1 Rule-10 of the Code of Civil Procedure, 1908 read with Section 19(4) of the National Green Tribunal Act, 2010

And

In the matter of ;

**Ram Ekbal Rai**, son of Late Shigheshwar Rai, Resident of Village-Bhataulia, P.S.-Motipur, District-Muzaffarpur (Bihar)

----- **Applicant**

**Versus**

- 1. The State of Bihar** through the Chief Secretary, Government of Bihar, Patna.

2. **The Principal Secretary**, Department of Environment, Forest and Climate Change, Government of Bihar, Patna.
3. **The Principal Chief Conservator of Forest**, Bihar, Patna.
4. **The Bihar State Pollution Control Board**, Patna.
5. **The Director General of Police**, Bihar, Patna
6. **The District Magistrate, Muzaffarpur**, Bihar.
7. **M/S Sushila Ply & Veneer**, Sendwari-Gajsingh, P.S.- Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Sheoji Roy, son of Chalitar Roy, Resident of village- Sendwari-Gajsingh, P.S.-Motipur, District- Muzaffarpur.
8. **M/S Ayush Ply & Veneer**, Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Sikandar Kumar, son of Fuldeo Roy, Resident of village-Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur
9. **M/S Avikrit Ply & Veneer**, Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Manoj Kumar Yadav, son of Ram Chandra Yadav, Resident of village- Nariyar Sethi, Nawada , P.S.- Motipur, District-Muzaffarpur.
10. **M/s Aryan Ply & Veneer**, Senduari Gajsingh, P.S. - Motipur, District- Muzaffarpur a proprietorship firm

through its Proprietor Randhir Kumar Yadav, son of Ram Naresh Rai, Resident of village- Senduari Gajsingh, P.S. - Motipur, District- Muzaffarpur .

11. **M/s Vishwakarma Ply & Veneer**, Senduari Gajsingh, P.S.-Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Upendra Sah, son of Late Mahadeo Sah, Resident of village- Senduari Gajsiingh, P.S.-Motipur, District- Muzaffarpur.
12. **M/s Mangalam Enterprises**, Senduari Gajsingh, P.S.-Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Chanda Kumar Yadav, son of Baijnath Rai , Resident of village- Senduari Gajsiingh, P.S.-Motipur, District- Muzaffarpur.
13. **M/S Jay Laxmi Ply & Veneer**, Senduari Purushottam, P.S. - Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Shashi Kumar Yadav, son of Sukhdeo Roy, Resident of village-Senduari Purushottam, P.S.-Motipur, District- Muzaffarpur.

14. **M/s Akash Veneer**, Nariyar Sethi Nawada, P.S.-Motipur , District- Muzaffarpur a proprietorship firm through its Proprietor Ram Kumar Rai , son of Phuleshwar Rai, Resident of village- Nariyar Sethi Nawada, P.S.-Motipur , District- Muzaffarpur.
15. **M/s Munna Veneer**, Nariyar Nawada, P.S.-Motipur , District- Muzaffarpur a proprietorship firm through its Proprietor Munna Kumar , son of Lalbabu Rai, Resident of village- Nariyar Nawada, P.S.-Motipur , District- Muzaffarpur.
16. **M/s Hari Om Enterprises**, Senduari Gajsiingh, P.S.-Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Hari Nandan Kumar Yadav, son of Late Mewa Lal Rai, Resident of village- Senduari Gajsiingh, P.S.-Motipur, District- Muzaffarpur.
17. **M/S Manish Plywood Industries**, Morsandi, P.S. - Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Amod Kumar, son of Bindeshwar Ray, Resident of village- Morsandi, P.S.- Motipur, District- Muzaffarpur.

18. **M/S Brij Veneer & Saw Mill**, Senduari Gajsingh, P.S.-Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Brijkishore Roy , aged about 44 years (male), son of Khublal Roy , Resident of village- Senduari Gajsingh, P.S. - Motipur, District- Muzaffarpur.
19. **M/S V.S.K. Veneer & Ply**, Kalyanpur- Harauna- Motipur, P.S.-Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Vinod Bhagat, son of Kamal Bhagat, Resident of village- Harauna-Moreshandi, P.S.- Motipur, District- Muzaffarpur.

----- **Respondents**

The humble petition on behalf of  
the Veneer Mills-Respondent No.  
7 to 29 above named.

**MOST RESPECTFULLY SHEWETH:**

1. That through the present application the Respondents seek following **RELIEFS** :-

- i) To be add the Veneer Mills as the Respondent No. 7 to 19 in the present case and to be heard

NOTICE

From,

Vinay Mistry,  
 Advocate,  
 Patna High Court  
 Off:- 20 IAS Colony, Kidwaipuri,  
 Patna  
 Mobile No : 8987041352  
 A.C:- 8294394982

To,

The Advocate General, Bihar  
 Patna High Court, Patna

Ref: D.A No. -----of 2022

O.A. 399 <sup>14</sup> of 2022  
 Ram Babu Das  
 Versus

Petitioner(s)

Respondents/O.P.

The State

Sir,

Please take notice that I am going to file the instant writ petition, bail petition, quashing petition, counter affidavit, S.A., I.A. for which two copies of the same are being served on you for your use and needful.

Kindly accept the same and acknowledge the receipt

Yours faithfully

*(Signature)*  
 Vinay Mistry,  
 Advocate,

Patna High Court  
 AOR No : 00798  
 Enroll. No. 3395/99

*(Signature)* 4-1-2023

**IN THE COURT OF NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**I. A. NO..... OF 2023**

**IN**

**O.A. NO. 399 OF 2022**

**Ram Ekbal Rai ----- Applicant**

**Versus**

**The State of Bihar and others ----- Respondents**

**I N D E X**

Sl No.	Particulars	Pages
01.	An application under Order-1 Rule-10 of the Code of Civil Procedure, 1908 with affidavit and I.D. Proof.	01 to 22
02.	<b>Annexure-1:-</b> A copy of Recommendation of CEC dated 09.03.2012.	23-35
03.	<b>Annexure-2 :</b> A copy of the Judgment dated 12.04.2019.	36-73
04.	<b>Annexure-3 :-</b> A copy of order dated 05.10.2015.	74-81
05.	<b>Annexure-4:-</b> A copy of decision of SLC dated 21.07.2020.	82-86
06.	<b>Annexure-5 Series:-</b> Copies of order dated 09.09.2022.	87-94
07.	<b>Vakalatnama</b>	

IN THE COURT OF NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

I. M.A. NO..... OF 2023

IN

O.A. NO. 399 OF 2022

In the matter of an application under Order-1 Rule-10 of the Code of Civil Procedure, 1908 read with Section 19(4) of the National Green Tribunal Act, 2010

And

In the matter of ;

**Ram Ekbal Rai**, son of Late Shigheshwar Rai, Resident of Village-Bhataulia, P.S.-Motipur, District-Muzaffarpur (Bihar)

----- Applicant

**Versus**

- The State of Bihar** through the Chief Secretary, Government of Bihar, Patna.

Filed by  
Vinay Mishra  
Advocate  
4-1-2023

P-1-22  
A-23-94  
84  
2-1-23

2. **The Principal Secretary**, Department of Environment, Forest and Climate Change, Government of Bihar, Patna.
3. **The Principal Chief Conservator of Forest**, Bihar, Patna.
4. **The Bihar State Pollution Control Board**, Patna.
5. **The Director General of Police**, Bihar, Patna
6. **The District Magistrate, Muzaffarpur**, Bihar.
7. **M/S Sushila Ply & Veneer**, Sendwari-Gajsingh, P.S.- Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Sheoji Roy, son of Chalitar Roy, Resident of village- Sendwari-Gajsingh, P.S.-Motipur, District- Muzaffarpur.
8. **M/S Ayush Ply & Veneer**, Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Sikandar Kumar, son of Fuldeo Roy, Resident of village-Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur
9. **M/S Avikrit Ply & Veneer**, Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Manoj Kumar Yadav, son of Ram Chandra Yadav, Resident of village- Nariyar Sethi, Nawada , P.S.- Motipur, District-Muzaffarpur.
10. **M/s Aryan Ply & Veneer**, Senduari Gajsingh, P.S. - Motipur, District- Muzaffarpur a proprietorship firm

through its Proprietor Randhir Kumar Yadav, son of Ram Naresh Rai, Resident of village- Senduari Gajsingh, P.S. - Motipur, District- Muzaffarpur .

11. **M/s Vishwakarma Ply & Veneer**, Senduari Gajsingh, P.S.-Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Upendra Sah, son of Late Mahadeo Sah, Resident of village-Senduari Gajsiingh, P.S.-Motipur, District-Muzaffarpur.
12. **M/s Mangalam Enterprises**, Senduari Gajsingh, P.S.-Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Chanda Kumar Yadav, son of Baijnath Rai , Resident of village- Senduari Gajsiingh, P.S.-Motipur, District- Muzaffarpur.
13. **M/S Jay Laxmi Ply & Veneer**, Senduari Purushottam, P.S. - Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Shashi Kumar Yadav, son of Sukhdeo Roy, Resident of village-Senduari Purushottam, P.S.-Motipur, District- Muzaffarpur.

14. **M/s Akash Veneer**, Nariyar Sethi Nawada, P.S.-Motipur , District- Muzaffarpur a proprietorship firm through its Proprietor Ram Kumar Rai , son of Phuleshwar Rai, Resident of village- Nariyar Sethi Nawada, P.S.-Motipur , District- Muzaffarpur.
15. **M/s Munna Veneer**, Nariyar Nawada, P.S.-Motipur , District- Muzaffarpur a proprietorship firm through its Proprietor Munna Kumar , son of Lalbabu Rai, Resident of village- Nariyar Nawada, P.S.-Motipur , District- Muzaffarpur.
16. **M/s Hari Om Enterprises**, Senduari Gajsingh, P.S.-Motipur, District-Muzaffarpur a proprietorship firm through its Proprietor Hari Nandan Kumar Yadav, son of Late Mewa Lal Rai, Resident of village- Senduari Gajsiingh, P.S.-Motipur, District- Muzaffarpur.
17. **M/S Manish Plywood Industries**, Morsandi, P.S. - Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Amod Kumar, son of Bindeshwar Ray, Resident of village- Morsandi, P.S.-Motipur, District- Muzaffarpur.

18. **M/S Brij Veneer & Saw Mill**, Senduari Gajsingh, P.S.-Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Brijkishore Roy , aged about 44 years (male), son of Khublal Roy , Resident of village- Senduari Gajsingh, P.S. - Motipur, District- Muzaffarpur.
19. **M/S V.S.K. Veneer & Ply**, Kalyanpur- Harauna- Motipur, P.S.-Motipur, District- Muzaffarpur a proprietorship firm through its Proprietor Vinod Bhagat, son of Kamal Bhagat, Resident of village- Harauna-Moreshandi, P.S.- Motipur, District- Muzaffarpur.

----- **Respondents**

The humble petition on behalf of  
the Veneer Mills-Respondent No.  
7 to 29 above named.

**MOST RESPECTFULLY SHEWETH:**

1. That through the present application the Respondents seek following **RELIEFS :-**
- i) To be add the Veneer Mills as the Respondent No. 7 to 19 in the present case and to be heard

the aforesaid Respondents for adjudication of the issues involved as the aforesaid Respondents are running the Veneer Mills for their livelihood since 1985 before the enactment of Bihar Saw Mills (Regulation) Act, 1990.

- (ii) To direct the State Level Committee for Wood-Based Industries-Cum-Principal Chief Conservator of Forest, Bihar to grant approval to the Licensing Officer to accept the application for grant of license of veneer mills/plywood Industries and to grant the license under Bihar Saw Mills (Regulation) Act, 1990.
- (iii) To direct the Bihar State Pollution Control Board to accept the application for consent and further to grant the consent under Section-21 of the Air (Prevention and Control of Pollution) Act, 1981, if any, in the facts and circumstances of the case.
- (iv) To direct the respondent authorities not to interfere the operation of veneer mills of the respondents till such time the license is granted under the Bihar Saw Mills (Regulation) Act, 1990

and the consent is allowed under Air (Prevention and Control of Pollution) Act, 1981.

- (v) To pass other order (s) direction(s) as this Tribunal may deem fit and proper in the facts and circumstances of the case.

### **FACTS OF THE CASE**

2. That the fact of the case in brief are that the Respondent No. 7 to 19 have been running the Veneer Mills since 1985 for their livelihood with statutory documents and the Veneer Mills is established within Motipur Block of Muzaffarpur District, Bihar.
3. That the State of Bihar enacted as Bihar Saw Mills (Regulation) Act, 1990 for establishment and operation of "Saw Mills" and "Saw Pits" and Bihar Saw Mills (Regulation) Rules, 1993 came into force w.e.f. 04.09.1993.
4. That the Veneer Mills and Plywood Industries was not included within the ambit of Bihar Saw Mills (Regulation) Act, 1990 and subsequently the State of

Bihar make an amendment in the Bihar Saw Mills (Regulation) Act, 1990 and "**Veneer and Plywood unit**" was included within the definition of saw mill on 22.04.2002.

5. That Section-24 of the Bihar Saw Mills (Regulation) Act, 1990 provides that "**Other Act and Laws not to apply to saw mill or Saw Pit**" - **Nothing content in any other Act, or Law, Rule, Order or any other thing having force of law in any area of the State shall apply to the saw mill and saw pit and sawing in respect of matters for which provisions are contents in this Act**".
6. That the Expert Committee of the Department of Environment and Forest, Government of Bihar submitted its report before the CEC that 1919 Saw Mills and 177 Veneer Mills may be allowed to run in the State of Bihar in the year 2007.
7. That the CEC made Recommendation on 09.03.2012 that the date of establishment of the Veneer/ Plywood Units becomes the critical factor for

preparing their inter-se seniority list. For this purpose the benchmark of establishment of Veneer units was framed by the CEC.

A copy of Recommendation of CEC dated 09.03.2012 is annexed herewith and marked as **Annexure-1** for ready reference.

8. That although the seniority list of 177 Veneer Mills was finalized by the Selection Committee under the Chairmanship of PCCF of Bihar vide Office Order No. 32 dated 22.07.2013 at region wise i.e. Patna, Muzaffarpur and Bhagalpur region in terms of the recommendation of CEC dated 09.03.2012 but the seniority list of veneer units was made contrary to the recommendation of CEC dated 09.03.2012.
9. That M/s Bhagwati Timber and another challenged the aforesaid seniority list of veneer mills before the Hon'ble Patna High Court in CWJC No. 2862 of 2015 and after hearing the parties at length the Hon'ble

High Court vide its Judgment dated 12.04.2019 was pleased to quash the seniority list with status quo shall be maintained till the final seniority list is prepared afresh. The respondent shall prepare fresh seniority list after considering the case of petitioners vis-a-vis all the units within a period of 9 months from the date of receipt/production of a copy of this Judgment.

A copy of the Judgment dated 12.04.2019 is annexed herewith and marked as **Annexure-2** for ready reference.

10. That the Respondent-units humbly submit that since the fresh seniority list has not been finalized by the Selection Committee in spite of the specific direction passed by the Hon'ble High Court vide its Judgment dated 12.04.2019. Thus any coercive steps is taken by the respondent authorities which would be

deliberate violation of the judgment of the Hon'ble High Court.

11. That various I.A. applications were filed before the Hon'ble Supreme Court in Writ Petition(C) No. 202 of 1995 and the Hon'ble Supreme Court was pleased to dispose of the aforesaid application vide its order dated 5.10.2015 on the following terms:

- (i) *The State Level Committee for Wood-Based industries ("SLC") are, subject to the compliance of the prescribed guidelines and procedure, 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 Forest with a representative of the Ministry of Environment and Forest and Climate Change ("MOEFCC") and an officer of the State Forest Department/Industries Department not below*

*the rank of the Chief Conservator of Forest/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 woodbased 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 appeal, he may prefer an appropriate petition/ application/ appeal before the appropriate forum/court for grant of appropriate reliefs.*

*We also permit the MOEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/applicant(s).*

*The amounts lying with the respective State Forest Department, (recovered from wood-based industries) will be utilized for the purpose of afforestation only. The respective Forest Departments will intimate the amount(s) spent by them for afforestation purpose to MOEFCC at the earliest “.*

*A copy of order dated 05.10.2015 is annexed herewith and marked as **Annexure-3** for ready reference.*

12. That in terms thereof the State of Bihar has already constituted State Level Committee under the Chairmanship of Principal Chief Conservator of

Forest, Bihar regarding the grant of license/ permission to the wood-based industries.

13. That pursuant thereto the SLC under the Chairmanship of the Respondent No.2-PCCF of Bihar has also taken a decision in the minutes dated 21.07.2020 that 450 Veneer + Composite Units are allowed to run in the state of Bihar.

A copy of decision of SLC dated 21.07.2020 is annexed herewith and marked as **Annexure-4** for ready reference.

14. That despite the same the Forest Officials, without asking any show-cause, were adamant to close down and dismantle the veneer units of the respondents. Therefore the Respondents and other units filed writ applications before the Hon'ble High Court in CWJC No.4622 of 2022, CWJC No. 3736 of 2022 and CWJC No. 5825 of 2022 in the month of March, 2022 and the Hon'ble High Court vide its order dated

09.09.2022 was pleased to dispose of the writ application that the authority shall decide the representation at the earliest, in any case, not later than one month.

Copies of order dated 09.09.2022 are annexed herewith and marked as **Annexure-5 series** for ready reference.

15. That Respondents further respectfully submit that since the RCCF, Muzaffarpur has not decided the issues in terms of the order dated 09.09.2022 passed by the Hon'ble Patna High Court.
16. That the applicant-Ram Ekbal Rai has filed this complaint with malafide intents before this Hon'ble Tribunal alleging therein that the hundreds of veneers mills, saw mills and boiler based plywood factories are operating in the village of Motihar within the district of Muzaffarpur causing serious environmental pollution and adversely impacting

residence of the locality, livestock and agriculture produce.

17. That the matter was taken up on 08.07.2022 and this Hon'ble Tribunal was pleased to constitute a joint committee comprising of the PCCF, Bihar, State PCB and the District Magistrate, Muzaffarpur and directed to submit factual and action taken report within two months.
18. That pursuant thereto Joint Committee has submitted report before this Hon'ble Tribunal on 20.09.2022 stating therein that various plywood, saw mills, peeling/ veneer mills are operating without obtaining license under the Bihar Saw Mills (Regulation) Act, 1990 and without obtaining CTE & CTO from the Bihar Bihar State Pollution Board. Therefore the complaints were filed before the Learned Additional Chief Judicial Magistrate, Muzaffarpur and to seize the various veneer mills except the Interveners. Hence this I.A. application.

### **SUBMISSIONS**

- (i) The Respondents have been running the Veneer mills since 1985 from the interim orders passed by the Hon'ble High Court time to time and the judgment dated 12.04.2019 passed by the Hon'ble Patna High Court in CWJC No. 2862 of 2015.
- (ii) Since the fresh seniority list has not been prepared by the Selection Committee under the Chairmanship of PCCF Bihar in view the judgment dated 12.04.2019 passed by the Hon'ble Patna High Court in CWJC No. 2862 of 2015 .
- (iii) The SLC has taken a decision in the minutes dated 21.07.2020 that 450 Veneer+ Composite Units in place of 177 are allowed to run in the state of Bihar.
- (iv) Since the Forest Department has not taken any response for grant of license to the Wood-Based Industries in spite of the order dated 05.10.2015 passed by the Hon'ble Supreme Court. The Forest Department, Government of Bihar has never invited and application for grant of license to the Wood-

Baised Industries. Thus the veneer units cannot be victimized due to lethargic attitude of the authorities.

- (v) Motipur Block within the District of Muzaffarpur, has not yet been notified the polluted area by the State of Bihar in exercise of its power conferred Under Section-21 of the Air (Prevention and Control of Pollution) Act, 1981. Thus no consent order is required from Bihar PCB for operating the veneer mills to the Respondents.
- (vi) No consent order is also required for operation of veneer mills/plywood unit under Air (Prevention and Control of Pollution) Act, 1981 in terms of section 24 of the Bihar Saw Mills (Regulation) Act, 1990.
- (vii) The Bihar State Pollution Control Board submitted ex-parte report before this Hon'ble Tribunal. The ex-parte report is not a gospel truth. The Bihar State Pollution Control Board has no jurisdiction to direct the PCCF Bihar to take action against the respondent units under Bihar Saw Mills (Regulation) Act, 1990 in view of Section 24 of the Act, 1990.
- (viii) However the Respondents-units are ready to submit an application for grant of license under Bihar Saw

Mills (Regulation) Rules, 1993 and are also ready to submit an application for consent order under the Air (Prevention and Control of Pollution) Act, 1981, if any, is required for operation of veneer mills.

- (ix) The complainant has filed the present complaint with malafide intents due to reason that he had lost the election of Zila Parishad and the proprietor of veneers are the voters of the concerned Zila Parishad.
- (x) The allegation has been made by Ram Eqbal Rai in his Complain Petition which is absolutely incorrect. It is submitted that neither the complainant nor any person of the locality has sustained injuries.
- (xi) The Respondents craves leave that the additional ground shall be raised at the time of hearing of this case.

#### **PRAYER**

It is, therefore, prayed that your Honour may graciously be pleased to consider the aforesaid facts and circumstances of this case and further be pleased to allow the reliefs prayed for in Paragraph No.1 in this application for the ends of justice.

And/or

Till the disposal of the present application the Respondents may be allowed to run the veneers mills for their livelihood in the aforesaid facts and circumstances of this case.

**AND FOR THIS THE RESPONDENTS SHALL EVER PRAY.**



### AFFIDAVIT

I, Manoj Kumar Yadav, aged about 31 years, son of Ram Chandra Yadav, Resident of village-Nariyar Sethi, Nawada, P.S.- Motipur, District-Muzaffarpur, do hereby solemnly affirm and state as follows:

1. That I am the proprietor of the Intervener of this application and as such I am well acquainted with the facts and circumstances of the case.
2. That the contents of this application have been read over and explained to me in Hindi which I have fully understood the same.
3. That the statements made in this application are true to my knowledge and beliefs.
4. That the annexures are true copies of their respective original.

46994

M. K. Yadav

Solemnly Affirmed before me  
Who is identified by M. K. Yadav  
have satisfied myself by examining the  
deponent that he understand the  
contents of the affidavit which has been  
read over & explained to the which  
acknowledges to be correct.  
Date 2.1.23

Advocate Oath Commissioner  
PATNA HIGH COURT

मनोज कुमार यादव  
2.1.23

I, Identify The Deponent with  
Signed/L.T.I. in my presence

Vinay Mishra

Advocate

22

भारत सरकार  
Government of India



मनोज कुमार यादव  
Manoj Kumar Yadav  
जन्म तिथि/DOB: 18/01/1992  
पुरुष/ MALE

3353 4878 4322  
VID: 9169 6447 4612 4382

मेरा आधार, मेरी पहचान

231

भारत सरकार  
Unique Identification Authority of India



पता:  
S/O: राम चंद्र यादव, ग्राम-नरियार-रोही-नवादा, पोस्ट-  
ओफिस-नरियार, कान्ति, मुजफ्फरपुर,  
बिहार - 843109

Address:  
S/O: Ram Chandra Yadav, Vill-Nariyar-  
Sedhi-Nawada, Post-Office-Nariyar,  
Kanti, Muzaffarpur,  
Bihar - 843109

3353 4878 4322  
VID: 9169 6447 4612 4382

मनोज कुमार यादव

**CENTRAL EMPOWERED COMMITTEE  
ANNEXURE-1**

**REPORT (INTERIM) OF THE CEC IN IA NOS. 2423-2425, 2971-2973, 2984-2986, 3040-3042 AND 3135-3136 FILED BY THE VARIOUS SAW MILLS, VENEER INDUSTRIES AND PLYWOOD INDUSTRY OF BIHAR REGARDING THE SENIORITY LIST OF THE WOODBASED INDUSTRIES IN THE STATE OF BIHAR AND RELATED ISSUES.**

IA Nos. 2423-2425, 2971-2973, 2984-2986, 3040-3042 and 3135-3136 have been filed by the various saw mills, veneer industries and plywood industries of Bihar regarding the Seniority List of the wood-based industries in the State of Bihar and wherein the issues related to the procedure being followed for the preparation of the Seniority List, assessment of the timber availability, region-wise preparation of the Seniority List of the veneer industries, preparation of the Seniority List of the plywood industry and related issues have been raised. In addition, a large number of Applications have also been filed before the CEC by the wood based industries raising the similar issues. This Report (Interim) deals with the issues raised in the above said IAs and the Applications filed before the CEC.

**BACKGROUND**

2. After considering the CEC's Report dated 16.4.2003 in

IA Nos. 782-784, 793-795 and 813-815 (refer annexure IA/1 of IA No.2971-2973), this Hon'ble Court by order dated 18.8.2003 (refer annexure IA/2 of IA No.2971-2973) directed the State of Bihar to (a) re-examine the availability of timber from all sources i.e. timber available from the forest area and non forest area, timber imported from other States and from other countries; (b) assess the timber requirement of the saw mills, the plywood industries / units and veneer industries/units; (c) decide the total number of saw mills (including Government saw mills), veneer units and plywood units that can be allowed to continue on the basis of the availability of timber qua requirement of the wood based units and after applying equitable and non discriminatory criteria; (d) prepare the Seniority List of the various categories of wood industries; and (e) decide the wood based industries in different categories that should be allowed to continue in each category on the principle of first come last go.

3. Thereafter, the State of Bihar re-assessed the timber available from all sources as 9.01 lakh cub meters, out of which 6.34 lakh cub meters was assessed to be available for the saw mills while the balance 2.67 lakh cub meters was assessed to be available for the veneer units. The total number of saw mills and veneer units that can be sustained

in the State of Bihar was decided to be 1919 saw mills and 177 veneer units respectively. The inter se Seniority List of wood based industries was prepared by the State of Bihar.

4. Pursuant to this Hon'ble Court's order dated 7.12.2007 in IA no. 1274-1275 filed against the Seniority List of wood based industries prepared by the State of Bihar, the CEC filed its Report dated 11.6.2008 (refer annexure IA/4 of IA No.2971-2973) and wherein the following recommendations were made:

- i) the availability of wood from all sources for the wood based industries in Bihar and the annual requirement of wood for the saw mills and veneer units, as assessed by the Expert Committee constituted under the Chairmanship of the Principal Chief Conservator of Forests may be accepted;
- ii) the State of Bihar may be asked to give wide publicity to the provisional seniority list of saw mills, veneer units, plywood units and other wood based industries in the State giving opportunity to file objections from the aggrieved units. If the provisional seniority list for a particular category

of wood based industry is not prepared, the same should be prepared immediately;

- iii) a transparent procedure for preparation of provisional seniority list, details of permissions / approvals required at the relevant time, methodologies to be followed for determining the date of establishment and deemed date of seniority, procedure for examination of objections and personal hearing etc. should be finalized. It should be ensured that units which had applied later but were granted licence, while earlier applications were kept pending without assigning any reasons, are not given a higher seniority;
- iv) the final seniority list should be prepared after considering the objections received from the concerned units and giving them opportunity of personal hearing;
- v) after the seniority list of saw mills, plywood units, veneer units and other wood based units is finalized by the State Government, subject to the availability of timber availability, the saw mills and other wood based units, which were having a valid licence under the Bihar Saw Mills

5. This Hon'ble Court by order dated 4.9.2009 (refer annexure IA/5 of IA No.2971-2973) directed the State of Bihar to adopt the criteria suggested by the CEC and to prepare the Seniority List accordingly. This Hon'ble Court also directed that the CEC should examine if the plywood units which do not or have peeler / slicer / horizontal vertical band saw (commonly known as plywood pasting units) should be considered separately from the other wood based industries and whether they can be allowed to use 'trimming machines'.

6. The IAs filed by various wood based industries of Bihar were heard by this Hon'ble Court on 7.5.2010 when the following order was passed:

*"A large number of applications are pending with the Government for Saw Mill licenses in the State of Bihar. The CEC has filed its Report containing broad guidelines as regards grant of saw mill licenses. The State of Bihar has neither passed any final orders nor it has prepared a seniority list as directed by this Court.*

*The State Authorities are directed to prepare a seniority list of the eligible applicants who could be granted saw mill licenses. The State should take action within a period of six weeks."*

(Regulation) Act, 1990 may be permitted to continue and their licences may be renewed after following due process of law. The unlicensed saw mills, plywood, veneer units and other wood based units should be considered for grant of licence only after obtaining permission from the CEC in terms of this Hon'ble Court's order dated 30.10.2002;

- vi) as recommended by the Expert Committee, the saw mills having vertical band saw or circular band saw upto 18 inch diameter may be delinked from the timber availability in the State as these are secondary units which do not process round timber and are primarily involved in furniture making, wood carving by the carpenters, etc and not for commercial sawing; and
- vii) till the seniority list of wood based industries is finalized, the licensed saw mills may not be closed. All the saw mills, plywood units and veneer units, which do not have valid licences granted under the Bihar Saw Mills (Regulation) Act, 1910 should be closed.

7. The Bihar saw mill matter was against considered by this Hon'ble Court during the hearing held on 16<sup>th</sup> August, 2010 when the State of Bihar was directed to prepare the Seniority List of the eligible applicants in terms of the directions issued by this Hon'ble Court from time to time and within a period of 10 weeks and report compliance to this Hon'ble Court. It was also specifically stated that no further time will be granted to implement the directions of this Hon'ble Court. A copy of the order dated 16<sup>th</sup> August, 2010 of this Hon'ble Court is enclosed at ANNEXURE-R-1 to this Report.

#### **OBSERVATIONS AND RECOMMENDATIONS**

8. In the above background, the process of the preparation of the Seniority List of the wood based industries by the State of Bihar has been considered in the hearings / meetings convened by the CEC from time to time. In the meetings convened by the CEC on 28<sup>th</sup> November, 2011, after considering the Resolution dated 30.8.2010 issued by the State of Bihar regarding the preparation of the Seniority List of the wood based industries, the issues raised by the wood based industries in the various IAs filed before this Hon'ble Court and the Applications filed before the CEC, the following observations were made by the CEC:

- i) the time limit prescribed for preparation of the final Seniority List by this Hon'ble Court by its order dated 16<sup>th</sup> August, 2010 has expired long back. However, the Seniority List has not so far been prepared;
- ii) the imported timber availability for the veneer units has been assessed to be nil, while number of such units have provided documentary evidence to establish that imported timber is actually being used by them;
- iii) the Seniority List of veneer units has been prepared region-wise namely, for Patna Region, Bhagalpur Region and Muzaffarpur Region. The total number of permissible veneer units has been fixed as 177 and for each of the region, the number of permissible veneer units has been fixed as 59. This has resulted in a situation where a large number of existing veneer units will be required to be closed whereas simultaneously a substantial number of new veneer units will become eligible for grant of fresh licenses. In all other States, the Seniority List of the existing veneer units have been

prepared for the entire State and based on the assessed timber availability, the licenses have been granted to the permissible number of units and strictly in order of seniority. The same principle needs to be followed in Bihar;

- iv) the Seniority List of the plywood units has not been prepared. The plywood units should also be included in the Seniority List;
- v) earlier, the veneer and plywood industries were not covered under the Bihar Saw Mill Rules. They have been brought within the ambit of the Saw Mill Rules with effect from 22.4.2002. Therefore, the date of establishment of the veneer / plywood unit becomes the critical factor for preparing their inter se Seniority List. For ascertaining the date of establishment of the plywood/veneer units, the following relevant information should be taken into consideration:

- (a) the date on which the land for the unit was purchased or taken on rent / lease - based on the relevant documents;

- (b) the date on which the electricity connection was obtained – based on the electricity bills;
  - (c) the date on which the sales tax registration was obtained;
  - (d) the details of the sales tax payments made from time to time;
  - (e) the date on which the registration as an SSI unit was done;
  - (f) details of the excise duty paid from time to time and the exemption, if any, granted;
  - (g) details of the timber purchased – based on the supporting documents; and
  - (h) details of the sale of plywood, veneer -- based on the supporting documents.
- (vi) after preparation of the provisional Seniority List, the same was required to be given wide publicity for inviting objections. The final Seniority List is to

be prepared after considering the objections filed by the concerned units and after giving opportunity of personal hearing to them. This does not appear to have been followed;

- (vii) the district-wise Seniority List of saw mills also includes the names of the saw mills which have not so far been granted the saw mill licenses;
- (viii) before considering the grant of new saw mills licenses in a district (having lesser number of licenced saw mills than the number of saw mills decided to be permitted in the district) the existing licenced saw mills in other districts (having excess number of licenced saw mills over and above the number of saw mills that have been decided to be permitted in the district) should be provided the option for relocation. For this purpose, State-wise Seniority List of surplus licenced saw mills should be prepared and the option of relocation should be given and strictly in order of seniority;
- (ix) the plywood units should be divided into two categories (a) plywood units with facility / machines for veneer / sawn timber production

and (b) plywood units without any facility / machines for veneer / sawn timber production (plywood pasting units). The plywood pasting units established prior to the order dated 30.10.2002 of the Hon'ble Supreme Court, after verifying the date of establishment, may be considered for grant of licence. For the plywood units with facilities/machines for veneer / sawn timber production, based on the timber availability, appropriate number of permissible units may be decided; and

- (x) the final Seniority List should be prepared after taking a decision on the objections received on the provisional Seniority List and issues raised during the personal hearing.

9. It was decided that the State of Bihar will review the process of the preparation of the provisional / final Seniority List after considering the above said observations of the CEC and that the Seniority List of the wood based industries falling in different categories will be made available to the CEC along with the relevant information. However no information has so far been provided to the CEC. This issue was discussed by the CEC on 7.3.2012 with Mr. Gopal

Singh, Standing Counsel for the State of Bihar and who has sought four weeks time for the preparation of the final Seniority List.

10. In the above background it is submitted that the State of Bihar may be directed to take immediate action for preparation of the final Seniority List of the saw mills, veneer industries and plywood industries in the State of Bihar in a transparent manner and in conformity with the directions of this Hon'ble Court and after taking into consideration the observations made by the CEC as dealt with above.

This Hon'ble Court may please consider the above Report and may please pass appropriate order in the matter.

**(M.K. Jiwrajka)**  
**Member Secretary**

**Dated: 9.3.2012**

## ANNEXURE - 2

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2862 of 2015**

M/s Bhagwati Timber, Sursand Road, Mehshaul, Baswaria Chawk, District-Sitamarhi, through its Proprietor, Ramakant Sah, son of Late Chandeshwar Sah, resident of village - Vshrahia, P.O.- Sakhi, P.S.- Riga, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Environment & Forest, Government of Bihar, Old Secretariat, Patna.
2. The Principal Chief Conservator of Forest, Bihar, 4<sup>th</sup> Floor, Technology Bhawan, Bailey Road, Patna.
3. The Conservator of Forest, Valmiki Tiger Project, Bettiah, District - West Champaran.
4. The Divisional Forest Officer - Cum - Authorized Officer - Cum - Deputy Director, Valmiki Tiger Project, Division No.1, Bettiah, District- West Champaran.

... .. Respondent/s

With

**Civil Writ Jurisdiction Case No. 2711 of 2015**

M/s Wasif Plywood Works, Bharpatia, Manuw Pool, Bettiah, District-West Champaran, through its Proprietor Tufail Ahmed, son of Mohammad Ashique, resident of Village - Chauni, P.S. - Chanpatia Muffasil, Bettiah, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Environment & Forest, Government of Bihar, Old Secretariat, Patna.
2. The Principal Chief Conservator of Forest, Bihar, 4<sup>th</sup> Floor, Technology Bhawan, Bailey Road, Patna.
3. The Conservator of Forest, Valmiki Tiger Project, Bettiah, District - West Champaran.
4. The Divisional Forest Officer- cum- Authorized Officer- cum- Deputy Director, Valmiki Tiger Project, Division No.1, Bettiah, District- West Champaran.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 2862 of 2015)

For the Petitioner/s : Mr. Purnendu Singh, Advocate  
 Mrs. Pronoti Singh, Advocate

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12  
(In Civil Writ Jurisdiction Case No. 2711 of 2015)  
For the Petitioner/s : Mr. Purnendu Singh, Advocate  
Mrs. Pronoti Singh, Advocate  
For the Respondent/s : Mr. A. K. Rastogi, AAG-10  
Mr. Naman Nayak, AC to AAG-10

---

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**CAV JUDGMENT**  
**Date :12-04-2019**

Both the writ applications have been heard together and are disposed off by this common judgment as question involved in both the applications is same and similar.

2. Petitioners have filed instant writ application for quashing the final seniority list of Veneer Mills established as on 30.10.2002 or prior thereto issued from the office of the Additional Principal Chief Conservator of Forest cum Chief Wildlife Preservation Officer, Bihar, Patna, vide Office Order No.32 dated 22.07.2013, whereby and whereunder final seniority list of Veneer Mills has been published without following the procedures, standards guidelines as laid down by the Apex Court as well as for issuance of writ of mandamus directing the respondents to include the names of the Petitioners Veneer Mills/ Plywood Industries and prepare a fresh seniority list of Veneer Mills after taking into account the standard guidelines set forth by the Central Empowered Committee/ Resolution of the State and also after adopting the fairness and transparency required in this regard.

3. The Petitioner of CWJC No.2862 of 2015 is Veneer Mill owned by sole proprietor, Sri Ramakant Sah, son of late Chandeshwar Sah, who is citizen of India. It has been submitted that Petitioner Veneer Mill is running since 10.08.1995. The sole proprietor, Ramakant Sah, entered into business of production of Veneer by establishing plant and machinery for its production in the year 1995 and got registration under Section 14 of the Bihar Finance Act as soon as his liability to pay tax under Section 3 started. The Circle-in-charge of Sitamarhi Commercial Taxes Circle, Bihar issued Registration No. ST 1295 (R) Zone IV which mentions the liability to pay taxes from the date of commercial production with effect from 10.08.1995. The certificate was issued to the proprietor both under the Bihar Finance Act as well as Certificate No. ST 1116 (C) under the Central Sales Tax Act on 29.10.1995. Thereafter, as and when required the certificate was renewed from time to time. Xerox copy of the Registration No. ST 1295(R) Zone under the Bihar Finance Act as well as Certificate No. ST 1116(C) under the Central Sales Tax Act is annexed as Annexure-1 to the writ application.

4. It is also stated in the writ application that the Petitioner applied for purposes of getting his stock of wood and other raw materials to be inspected from time to time by the authorities of Environment and Forest Department, Government of

W E B C O U R T

Bihar. The Divisional Forest Officer cum Licensing Authority, Tirhut Forest Division, granted him License No.237/1996 vide Memo No.512 dated 11.03.1996, the date on which the petitioner has applied for grant of license. Xerox copy of License No.237/1996 granted vide Memo No.512 dated 11.03.1996 is annexed as Annexure-2.

5. The Petitioner obtained No Objection Certificate under Section 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, from the Bihar State Pollution Control Board vide Ref. No. T- 2517 dated 27.04.1998. The Mill is being inspected by the authorities of the Bihar State Pollution Control Board from time to time and granted No Objection Certificate for smooth running of its Mill. The Petitioner has maintained the effluent level within the limits as provided under Rule 4 of the Environment (Protection) Rules, 1986, and other similar Act and Rules for which also the Bihar State Pollution Control Board has granted Emission Consent Order from time to time.

6. It has further been stated that after obtaining License No.237 of 1996 issued from the Environment and Forest Department, Government of Bihar, the Petitioner has also obtained registration from the Commercial Taxes Department, Government

of Bihar and obtained No Objection Certificate from the Bihar State Pollution Control Board, Government of Bihar, for running Veneer Mill in accordance with the provisions of Bihar Saw Mill (Regulation) Act, 1990, and also in terms of the directions of the Hon'ble Supreme Court and in accordance with several resolutions of the State Government without any interference.

7. The Petitioner of CWJC No.2711 of 2015 has submitted that the Petitioner applied before the General Manager, District Industrial Center, Bettiah, under the Prime Minister Rojgar Scheme in the year 1994 for establishing Veneer Mill. The General Manager after considering his application directed Proprietor of the Petitioner, Sri Tufail Ahmed, to appear for interview for getting his firm registered along with necessary documents within 15 days vide Letter No.239 dated 03.02.1994. Xerox copy of the letter No.239 dated 03.02.1994 is annexed as Annexure-1 to the writ application.

8. The Petitioner after necessary permission given by the General Manager, District Industrial Center, Bettiah, purchased the necessary machines including the Peeling Machine from Bharat Engineering Works, 2 Gurudas Dutta Garden Lane, Calcutta-67, as on 19.08.1996 along with declaration that Plywood industry of the Petitioner started commercial production of veneer soon thereafter. Xerox copy of the purchase receipt of Peeling

NEW COPY

Machine along with declaration is annexed as Annexure-2 and 3 to the writ petition.

9. The Petitioner entered into agreement for sale and purchase on 02.09.1996. After establishment of Veneer Mill in the name and style of Wasif Plywood Works, the General Manager, District Industrial Center, Bettiah, granted license contained in Letter No. PMT-138 dated 10.09.1997, wherein the date of establishment of petitioner Veneer Mill has been entered as 10.10.1996 granting him Registration No.032002935. Xerox copy of Letter No. PMT-138 dated 10.09.1997 is annexed as Annexure-4 to the writ petition.

10. The Petitioner also applied for grant of license under the Factory Act in prescribed format. The Factory Inspection Department, Government of Bihar, after conducting proper inspection of Petitioner's Unit and after being satisfied that the Petitioner's Unit is functional and it has manufactured Veneer with effect from 10.10.1996, granted license under Section 6(1) (d) of the Factories Act on 20.10.1996 vide Registration No.67052/CHW/1996. Xerox copy of the license granted under Section 6(1) (d) of the Factories Act on 20.10.1996 is annexed as Annexure-5 to the writ application.

11. The Petitioner received notice bearing No.1679 for his appearance before the Assistant Commissioner Commercial

Taxes, Bettiah Circle, Bettiah, on 04.10.1997. After proper hearing, the concerned authority registered the Petitioner's Unit with the Central Sales Tax under the Assistant Commissioner's Office, Bettiah Circle, Bettiah, and granted Registration No. BT 1090 (C) on 04.10.1997 as per Section 7(1)(2) of the Central Sales Tax Act, 1956, and was also registered under Section 14 of the Bihar Finance Act, 1981, and granted Registration No. BT 308 (R). After coming into force of Bihar Value Added Tax Act, 2005, the Petitioner was granted Tax Payers Identification No. i.e. TIN No. 10262131103. The Petitioner is paying tax till date. Xerox copy of the notice dated 04.10.1997, Registration granted under Central Sales Tax Act bearing No. BT 1090 (C) dated 04.10.1997 and registration granted under the Bihar Finance Act bearing No. BT 308 (R) are annexed as Annexure-6, 7 and 8 respectively to the writ petition.

12. The tax liability of the Petitioner arose from 21.10.1996 as per the provisions of the Bihar Finance Act, 1981. This fact also establishes that Veneer Mill was established much prior to 21.10.1996. The Petitioner had filed his quarterly return for the period 01.10.1996 to 31.12.1996 as well as for the period 01.01.1997 to 31.03.1997 for which he was granted Receipt No.1555 dated 30.07.1998. Xerox copy of the Receipt No.1555 dated 30.07.1998 is annexed as Annexure-9 to the writ application.

NEW COPY

13. It has also been submitted that after coming into effect of the Bihar Value Added Tax, 2005, with effect from 01.04.2005, the Petitioner under Section 19 of the said Act was allotted TAN bearing No.10262131006 by the Assistant Commissioner of Commercial Taxes in Form C (1). Xerox copy of the TAX bearing No.10262131006 is annexed as Annexure-10 to the writ petition.

14. Petitioner has further submitted that Petitioner Veneer Mill was in operation much before 12.12.1996 would also appear not only from the aforesaid documentary evidences relating to establishment of the Petitioner Veneer Mill but also from notice contained in Letter No.1290 dated 07.08.1996, whereby the Petitioner being functional Veneer Mill was directed to furnish details regarding timber by the DFO. Xerox copy of the Letter No.1290 dated 07.08.1996 is annexed as Annexure-11 to the writ petition.

15. The Petitioner Veneer Mill was not required for obtaining license under the Bihar Saw Mills (Regulation) Act, 1990. However, in compliance of the above and the Petitioner being engaged in purchase of timber for commercial production of Veneer and for movement of timber, requirement of transit permit arose which necessitated him to obtain license under the Bihar Saw Mill (Regulation) Act, 1990. The Petitioner, accordingly,

applied in prescribed form and also deposited requisite fee of Rs.1000/- by Demand Draft No.59329 dated 07.10.1997 along with application form dated 08.10.1997 as well as two NSC of Rs.2000/- dated 08.10.1997. Accordingly, Petitioner was granted License No.97 of 1998 by the Divisional Forest Officer cum Licensing Officer as per provision of Section 5 of the Act. Xerox copy of the application form, demand draft for Rs.1000/- and NSC of Rs.2000/- are annexed as Annexure-12 series.

16. The Petitioner is filing his return as per provision of Bihar Saw Mill (Regulation) Act till date. The Petitioner after establishment of Veneer Mill in the year 1996, had purchased wood necessary for production of Veneer and report containing details of the purchase of wood were prepared on regular basis for its submission and inspection by the concerned department of the Government of Bihar. The Petitioner has submitted in para 18 of the writ petition that from aforesaid license and notice dated 07.08.1996 granted by the Divisional Forest Officer, it would appear that Petitioner Veneer Mill was established much prior to 12.12.1996. The Petitioner established Veneer Mill in the year 1996 is also apparent from Registration No.67052/CHW/1996, issued as per provision of the Bihar Factories Act, 1948, by the Factory Inspection Department, Government of Bihar. The Petitioner thereafter deposited renewal fee regularly and his

license was renewed till date. The petitioner has further mentioned in the writ petition that from aforesaid fact the Petitioner is able to demonstrate and establish on the basis of certificates issued by the authorized government servant under the statutory provision of Bihar Saw Mills (Regulation) Act, 1990, The Factories Act, 1948, Bihar Sales Tax Act, 1981, Central Sales Tax Act, 1956, purchase receipt of Machines, document of lease of the land for establishment of Unit and other necessary documents for establishment of Veneer Mill confirms the fact that Petitioner had started business of Veneer with effect from 10.10.1996. The Petitioner Veneer Mill was running since 10.10.1996 also got confirmed as the Veneer Mill has obtained registration certificate from Commercial Tax Department, Government of Bihar, Patna.

17. The Hon'ble Supreme Court in the judgment passed in WP (C) No.202 of 1995 (T. N. Godavarman Thirumulpad vs. Union of India) directed each of the State Government to constitute a Committee to assess the sustainable capacity of the forests of the State. The relevant portion of the order is as follows:

- "7. Each State Government should constitute within one month, an Expert Committee to assess:
- i. The sustainable capacity of the forests of the State *qua* saw mills and timber based industry;
  - ii. The number of existing saw mills which can safely be sustained in the State;

- iii. The optimum distance from the forest, *qua* that State, at which the saw mill should be located.
8. The Expert Committee so constituted should be requested to give its report within one month of being constituted."

18. The Government of Bihar constituted the Expert Committee in pursuance of the order vide Notification No.274 dated 24.01.1997 (which for the sake of convenience may be called as First Report). This report was produced before the Hon'ble Supreme Court as part of Affidavit filed by the State Government on 09.12.1997. The State Government on the basis of report of the Expert Committee, took decision to fix the number of timber based industries as (I) 1950 Saw Mills, (ii) 109 Plywood manufacturing Units and (iii) 265 Veneer Mills. The State Government further decided to close down 733 unlicensed Saw Mills immediately and the rest, in excess of fixed number, in a phased manner. The decision of the State Government was communicated to the Principal Chief Conservator of Forest vide Letter No.343 E dated 28.10.2000.

19. The Expert Committee, unlike the Saw Mills, did not recommend any reduction in number of the Veneer Mills and Plywood Industries. Therefore, the decision of the State Government to fix the number of plywood manufacturing Units as 109 and Veneer Mills as 265 as were in existence in the undivided

State at the time of submission of first report was on the assumption that Veneer Mills and Plywood Manufacturing Units would get their requirement of timber from the licensee Saw Mills and through import. Following refusal of the concerned authority to renew/grant license under the Saw Mills (Regulation) Act, several writ petitions were filed and they were dismissed by order dated 29.09.2000 as reported in *2001 (1) PLJR 468 Basudeo Yadav Vs. State of Bihar*. Against the order passed by the learned single Judge, appeals were preferred by the Saw Mill owners. Those appeals were also dismissed. The LPA Bench, however, expressed concern over the way the State Government identified the sustainable Saw Mills, which were to be allowed to operate. The Court, however, advised the State Government to appoint a Committee of expert / Officers to identify the Saw Mills that would be allowed to continue and those that would be closed down in the light of judgment passed by the Hon'ble Apex Court in WP (C) No.202 of 1995. The Committee prepared comprehensive list comprising of such Plywood/ Veneer Mills, which were in existence prior to 12.12.1996 and also such Plywood and Veneer Mills, which were established after 12.12.1996. List of Veneer Mill/ Plywood Industry were published district-wise for placing it before the Committee constituted to inform the Apex Court. The office of the Divisional Forest Officer, Muzaffarpur, informed that



the Petitioner Veneer Mill (CWJC No.2862 of 2015) is in existence prior to 12.12.1996 and the said fact is also evident from the License No.237/1996 issued in the year 1996 and the Petitioner Veneer Mill (CWJC No.2711 of 2015) was granted license vide Registration No.67052/CHW/1996 dated 20.10.1996. The list so prepared was sent for its approval. Pursuant to the report, the government filed its Affidavit relating to the approved Veneer Mill/ Plywood existing prior to 12.12.1996 before the Apex Court. Pursuant to that, the State Government published lists of Plywood/ Veneer Mills in existence, *interalia*, in the various districts of the State of Bihar vide Letter No.5977 dated 30.11.2002. The name of Bhagwati Timber Petitioner's Plywood (CWJC No.2862 of 2015) was at serial No.9 in Sitamarhi District, said to have been established prior to 12.12.1996. The name of Petitioner of CWJC No.2711 of 2015 was mentioned at serial No.1 in Bettiah District. Thus, the Government of Bihar has accepted the position that the Plywood Mills/ Veneer Mills were established before the cut off date i.e. 12.12.1996. The Government of Bihar set up second Expert Committee vide Notification No.232 E dated 05.04.2002. The Expert Committee submitted its report commonly known as Second Report on 27.04.2002 on the basis of which the State Government issued Resolution No.418 E dated 08.07.2002. The Resolution further laid down the norms for issuing licenses and/ or

NEW COPY

for shutting down the Saw Mills being in excess of the fixed numbers. Several writ petitions were filed against Resolution No.418 E dated 08.07.2002. All those writ petitions were dismissed by order dated 05.12.2002 as reported in *2003 (1) PLJR 343 Narayan Prasad Sah Vs. State of Bihar.*

20. Although Resolution No.1485 dated 08.07.2002 contained the list of number of Veneer Mills/ Plywood Industries, but the Saw Mill (Regulation) Act, 1990, as it then stood, did not cover either a Veneer Mill or a Plywood Manufacturing Unit and Timber Industries did not require any license under the Act. The State Government amended the provision of Section 2(g) by adding "it shall include Veneer Plywood manufacturing Unit" vide Notification dated 20.04.2002 published in official gazette dated 22.04.2002.

21. The Secretary to the Department of Environment and Forest, Government of Bihar, after subsequent amendment, wrote to the Principal Chief Conservator of Forest vide Letter No.2098 dated 29.06.2002 intimating him about the amendment that brought Veneer and Plywood manufacturing Units within the ambit of the Act and also the contents of the Affidavit filed before the Supreme Court in September, 1990.

22. Following the amendment in the Act, two steps were taken; (I) all Veneer/ Plywood Mills established after 12.12.1996

NEW COPY

should be closed down by 31.07.2002 and (II) all those Veneer/ Plywood Mills that were established before 12.12.1996 should be directed to submit application for obtaining license. The State Government directed all the Divisional Forest Officer vide its Letter No.1899, 2098 both dated 29.06.2002 that all the Veneer Mills and Plywood Manufacturing Units that were set up after 12.12.1996 to be closed down immediately. Those Veneer Mills/ Plywood Manufacturing Units that were set up prior to 12.12.1996 were directed to make application in the prescribed format in Form 'B' for grant of license under the Act by 31.07.2002. Thus, the Veneer Mills and Plywood Mills, which were established before 12.12.1996 were allowed to continue to operate in their respective places in the name and style as mentioned in the list. The Petitioners continued to operate as before without any let or hindrance from any corner.

23. The Petitioners have been regularly furnishing the register as required under Section 10 of Bihar Saw Mill (Regulation) Act and submitted his return as required under Section 9 of Bihar Saw Mill (Regulation) Act and the rules framed thereunder. The Divisional Forest Officer had accepted the Petitioners' prayer to be in existence prior to 1996 by accepting the prescribed fee for renewal of the license for operating Veneer Mill.

24. The State Government vide Resolution No.418 E dated 08.07.2002 issued detailed instructions after examination of the Expert Committee Report laying down criteria for closure of wood based industries in the State of Bihar. The said report was challenged before the Apex Court by some of the Saw Mill Owners. The Apex Court referred the matter before the Central Empowered Committee by its order dated 18.08.2003. The Apex Court recommended that the State of Bihar should examine all the sources of availability of timber from the own forest area, the timber imported from other States and from other country. The Hon'ble Court in the case of **National Ply Products & Ors Vs. State of Bihar & Ors.** reported in **2005 (1) PLJR 33** has clarified that intent of the Hon'ble Supreme Court's order dated 29.10.2002 was not to close every single Plywood Mill in the State of Bihar but only those, which were being operated without license under Bihar Saw Mills (Regulation) Act, 1990, as amended vide Act No.04 of 2002 to include Plywood/ Veneer manufacturing Unit under Section 3(g) vide notification dated 22.04.2002. The State of Bihar brought separate enactment to regulate the Saw Mills. The State of Bihar enacted Bihar Saw Mills (Regulation) Act, 1990 and in terms thereof the Bihar Saw Mills (Regulation) Rules, 1993, were framed which came into effect on 04.09.1993. Further, the Government of Bihar enacted Bihar Saw Mill (Regulation)

(Amendment) Act, 2002 and published the same in the official gazette as on 22.04.2002, wherein, Veneer/ Plywood manufacturing Units were brought under the definition of Saw Mill under Section 2(g). The effect thereof is that all the Saw Mill and Veneer Mill have to obtain license to operate their Veneer or Plywood Mill under the provisions of the Act.

25. The State Government came out with Resolution No.55/02/760 E dated 13.11.2003 whereby detailed guidelines were provided with regard to preparation of seniority list. The said list was challenged before the Hon'ble Court vide CWJC No.11209 of 2006 and its analogous cases. The Hon'ble Court by its order dated 04.01.2009 was pleased to grant stay subject to further order of the Apex Court. The Central Empowered Committee after hearing the parties recommended the Department of the Environment and Forest, Government of Bihar, to prepare a fresh seniority list of Saw Mill, Veneer Mill and Plywood Industries after following a transparent procedure. In the said direction, it was mentioned to fix the seniority on the basis of date of establishment. Xerox copy of recommendation of Central Empowered Committee is annexed as Annexure-5 to CWJC No.2862 of 2015 and Annexure-16 to CWJC No.2711 of 2015.

26. The Department of Environment and Forest again came out with Resolution No.76/2007-2675 dated 30.08.2010

allegedly in accordance with recommendations of the Central Empowered Committee dated 11.06.2008 as well as the order of the Hon'ble Supreme Court dated 04.09.2009, whereby the recommendation of the Central Empowered Committee was accepted by the Apex Court. The detailed recommendation with regard to Plywood and Veneer is contained in paragraph No.9. The State Government in paragraph No.5(1) of the Resolution dated 30.08.2010 has written criteria for establishing the seniority of Veneer Mill region wise. It has divided the same into three regions i.e. Patna, Muzaffarpur, Bhagalpur. It has further laid criteria for establishing inter se seniority on the basis of date of establishment of the industry and for this purpose, the license granted by the Industry Department or the Factory License, whichever is earlier, will be taken into account for date of establishment of the industry or the date of license granted under the Bihar Saw Mill (Regulation) Act, 1990. Secondly, if it is found that both the date of registration are the same then the date of registration granted by the Commercial Taxes Department will be taken into account. It has further laid down in paragraph No.2 about procedure for establishment of seniority of Veneer Mills. Xerox copy of the Resolution No.76/2007-2675 dated 30.08.2010 is enclosed Annexure-6 to CWJC No.2862 of 2015 and Annexure-17 to CWJC No.2711 of 2015.

27. The Resolution also categorically specified that in determination of seniority, license issued by the Industries Department, Factory License issued by the Department of Labour and Employment will be considered as date of establishment. It is also mentioned that if the Veneer Mill is registered with the Industry Department earlier than the Department of Factory, then the date which is earlier will be taken into account for determination of seniority.

28. The Regional Conservator of Forest, Muzaffarpur, vide Memo No.1044 dated 26.11.2010 had published provisional list of Veneer Mill on the basis of date of establishment. In the said list, the Petitioner of CWJC No.2862 of 2015 is at serial No.52 showing date of establishment as 10.08.1995 and Petitioner of CWJC No.2711 of 2015 is at serial No.81 showing date of establishment as 10.09.1997. Xerox copy of the Memo No.1044 dated 26.11.2010 is annexed as Annexure-7 to CWJC No.2862 of 2015 and Annexure-18 to CWJC No.2711 of 2015.

29. It has been pointed out by the Environment and Forest Department, Government of Bihar, in its Resolution No.2675 dated 30.08.2010 that in some of the Forest Divisions, licenses were issued to some of the Veneer Mills as well as Plywood Industries. In the said resolution, the State Government has laid down certain criteria for fixing seniority of Veneer Mill

and Plywood Industries. It has specifically been laid down that only those Veneer Mills will be taken into account for preparation of seniority list which has been established before 29.10.2002. The Central Empowered Committee constituted, as per directions issued by the Hon'ble Supreme Court in T. N. Godavarman Tirumulpad case, convened meetings pursuant to the above on the subject matter regarding seniority list of wood based industries in the States as well as in Union Territory. One such meeting was convened on 16<sup>th</sup> March, 2011, wherein, minutes of the meeting were provided to the Standing Counsel appearing on behalf of the State of Bihar in Hon'ble Apex Court. It is mentioned in para 5 of the aforesaid minutes of the Central Empowered Committee that date of establishment of a Plywood/ Veneer Units needs to be determined on the basis of date of registration as a SSI Unit, the date on which the land was purchased/lease entered, the date on which electric connection was given, the date of purchase of the relevant machines, the date on which commercial production started, the date of sales tax registration, the details of Veneer/ Plywood sold by the Unit and the sales tax paid thereon, the sales tax assessment order etc. While preparing seniority list, date of establishment of Unit should not be decided merely on the basis of the date of registration as SSI Unit. If the Unit has actually started the production much later, then in that case the date on which the

production started would be the relevant date for the purpose of determining the date of establishment. Xerox copy of the aforesaid resolution of the Central Empowered Committee dated 16<sup>th</sup> March, 2011, is annexed as Annexure-8 to CWJC No.2862 of 2015 and Annexure- 19 to CWJC No.2711 of 2015.

30. After the meeting convened by the Central Empowered Committee on 16<sup>th</sup> March, 2011, representation was submitted before the Hon'ble Supreme Court bringing therein recommendations and in the light of order dated 30.03.2012 passed by the Hon'ble Apex Court in the said WP (C) No.202 1995, the States were directed to prepare seniority list of Veneer Mills at State level. Resolution No.2675 dated 30.08.2010 has been amended with respect to guidelines/ standards for determining the seniority of Veneer Mills vide Resolution No.2841 dated 06.09.2012. It has been mentioned that only 177 Veneer Mills/ Plywood Mills at the State Level shall be taken into account to grant license. Further, all the Mills, which were established prior to 30.10.2002 shall be taken into consideration. It is further clarified that while making the seniority list, priority shall be given as per date of establishment and in view of the recommendation of the Central Empowered Committee, the date of production shall be reckoned as the date of establishment for the purpose, taking into account the recommendation of the Central Empowered

Committee as stated above. Xerox copy of the Resolution No.2841 dated 06.09.2012 is annexed as Annexure-9 to CWJC No.2862 of 2015 and Annexure- 20 to CWJC No.2711 of 2015.

31. The Government of Bihar came out with a provisional seniority list of Veneer Mill/ Plywood Industries vide Letter No.955 dated 20.10.2012 issued under the signature of the Principal Chief Conservator of Forest, Bihar. The Veneer Mill of Petitioner of CWJC No.2862 of 2015 was placed at serial No.189 in the said provisional list. The Veneer Mill of Petitioner of CWJC No.2711 of 2015 was placed at serial No.36 in the said provisional seniority list without taking into consideration the guidelines/standards as set forth by the Central Empowered Committee and the Resolution passed pursuant to that by the Government of Bihar. The said list consisted of two categories; first being the industries established prior to 30.10.2002, wherein, there were altogether 229 industries in the list, the second consisting of industries totalling 37 as industries established and registered after 30.10.2002. Xerox copy of the aforesaid Letter No.955 dated 20.10.2002 is annexed as Annexure-10 to CWJC No.2862 of 2015 and Annexure- 21 to CWJC No.2711 of 2015.

32. Thereafter, final seniority list of Veneer / Plywood Industries were published vide Office Order No.03 dated 10.01.2013 from the office of the Additional Principal Chief

NEW COPY

Conservator of Forest cum Chief Wildlife Protection Officer, wherein, Petitioner of CWJC No.2862 of 2015 has been placed at serial No.188 in the seniority list of Veneer Mills/ Plywood Industries, wherein, the date of establishment has been fixed as 31.03.1997. Petitioner of CWJC No.2711 of 2015 has been placed at serial No.174 in the seniority list of Veneer Mills/ Plywood Industries, wherein, the date of establishment has been fixed as 23.11.1996. Xerox copy of the Office Order No.03 dated 10.01.2013 is annexed as Annexure-11 to CWJC No.2862 of 2015 and Annexure-22 to CWJC No.2711 of 2015.

33. Another final seniority list of Veneer / Plywood Industries were published vide Office Order No.32 dated 22.07.2013 from the office of the Additional Principal Chief Conservator of Forest cum Chief Wildlife Protection Officer, wherein, Petitioner of CWJC No.2862 of 2015 has been shown at serial No.210 in the seniority list of Veneer Mill/ Plywood Industries, wherein, date of establishment has been fixed as 31.03.1997. Petitioner of CWJC No.2711 of 2015 has been shown at serial No.192 showing the date of establishment as 23.11.1996. Xerox copy of Office Order No.32 dated 22.07.2013 has been annexed as Annexure-12 in CWJC No.2862 of 2015 and Annexure-23 in CWJC No.2711 of 2015.

34. The main contention on behalf of the Petitioners was that entire exercise taken up by the authority concerned raised doubt about the credibility of the respondents. The respondents have not considered the valued proposition as laid down by the Central Empowered Committee while preparing the seniority list of Veneer Mills/Plywood Industries.

35. Counsel for the Petitioners have submitted that it has been clarified by the Central Empowered Committee that priority shall be given as per date of establishment and in view of the recommendation of the Central Empowered Committee, the date of production shall be reckoned as the date of establishment for the purpose but the same has not at all been considered while preparing the seniority list.

36. Counsel for the Petitioner of CWJC No.2862 of 2015 submits that Petitioner was made liable under the provisions of Bihar Finance Act from 10.08.1995 only after it started production of Veneer and its gross turnover became more than the required condition as per provisions of Bihar Finance Act, 1981. The Petitioner failed to understand as to how and on what basis Respondents have fixed his seniority at serial No.210 treating 31.03.1997 as the date of establishment. The Respondents themselves have granted License No.237 in the year 1996 itself.

37. Similarly, counsel for Petitioner of CWJC No.2711 of 2015 submits that date of production of Petitioner's Unit has been mentioned as 10.10.1996 i.e. prior to date of registration under BST & CST and Factory Inspection Department, Government of Bihar. The concerned Respondents even after having all information have deliberately not considered while preparing the seniority list. The case of the Petitioner is that he has been put at the bottom of seniority list in arbitrary manner.

38. Both the Petitioners have challenged the seniority list on the ground that Veneer Mills at serial No.47 (M/s Hari Krishna Prasad Choudhary), serial No.68 (M/s Abhishek Plywood Industries), serial No.80 (M/s Shiv Traders), serial No.155 (M/s Bhagwati Plywood), serial No.182 (M/s India Veneer), who were in the provisional reject list (Letter No.955 dated 20.10.2012, Annexure-19) and kept outside the provisional seniority list on account of registration made after 30.10.2002 have been placed at serial Nos.11, 28, 23, 7 and 9 respectively in an arbitrary manner in the final seniority list prepared on 22.07.2013 without any justification.

39. Counsel for the Petitioners submits that seniority list of Veneer Mills/ Plywood Industries in the State of Bihar issued under the signature of Principal Chief Forest Conservator, Bihar, vide Letter No.955 dated 20.10.2012, Office Order No.03 dated

10.01.2013 contained in Memo No.35 dated 10.01.2013 and final list contained in Memo No.937 dated 22.07.2013 communicated vide Office Order No.32 dated 22.07.2013, have been prepared without any standard yardstick and in contravention of the guidelines set forth by the Central Empowered Committee constituted by the Hon'ble Supreme Court and also against Resolution No.2841 dated 06.09.2012 of Environment and Forest Department, Government of Bihar. It has further been submitted that Respondents have not taken up the exercise in right direction and there is clear violation of terms and conditions as set by the Central Empowered Committee as well as Resolution passed by the Govt. of Bihar while preparing the seniority list of the Veneer Mills/ Plywood Industries.

40. It has further been submitted that from bare perusal of final seniority list issued vide Office Order No.32 dated 22.07.2013 when read with provisional seniority list dated 20.10.2012, wherein, the details as set forth by the Apex Court, it is evidently clear that no standard yard stick have been adopted while preparing the list. It is also unclear that on what basis the date of establishment has been reckoned and relied. They have contended that final seniority list is full of defects and anomalies and fit to be quashed.

WER COPY

41. Counsel for the Petitioner of CWJC No.2711 of 2015 has submitted that he has filed representation dated 04.04.2014 along with other aggrieved persons indicating the discrepancies. Xerox copy of the representation dated 04.04.2014 is annexed as Annexure-24 to CWJC No.2711 of 23015. The representation filed by the Petitioner was not entertained and without passing any order on merit, the respondents have informed the Petitioner and others vide Letter No.1707 dated 10.06.2014 to move before the Hon'ble Court in view of Resolution No.2841 dated 16.09.2012 to ventilate his grievance with regard to his position in the seniority list. Xerox copy of the Letter No.1707 dated 10.06.2014 is annexed as Annexure- 25 to CWJC No.2711 of 2015.

42. Counter Affidavit has been filed on behalf of Respondent No.2 in CWJC No.2862 of 2015. Respondent No.2 has submitted that for renewal of license up to year 2007, application was submitted by Ramakant Sah, the Petitioner, but thereafter, sometime it has been submitted by the Petitioner and sometime by Mahendra Choudhary. The license was not renewed. The license was renewed for the year 2014 in the name of Mahendra Choudhary by the Divisional Forest Officer, Sitamarhi Forest Division. Proprietor of M/s Bhagwati Timber is Mahendra Choudahry and not the Petitioner and hence, his writ application is fit to be dismissed. It has further been submitted in the Counter



Affidavit that Central Empowered Committee in its report dated 09.03.2011 has made recommendation with regard to preparation and publication of seniority list of Veneer Mills and Plywood Pasting Units. Details has been mentioned in para 8 of the aforesaid recommendation, which has been elaborately discussed in para 8 of the Counter Affidavit. It has further been submitted in para 9 that the Central Empowered Committee vide its letter dated 26<sup>th</sup> July, 2012, has further clarified the recommendation, which is elaborately discussed in the said paragraph by Respondent No.2. Xerox copy of the letter dated 26.07.2012 is annexed as Annexure-A to the Counter Affidavit.

43. It has further been submitted that report dated 09.03.2012 of the Central Empowered Committee was considered by Hon'ble Supreme Court and vide order dated 30.03.2012 the Hon'ble Supreme Court directed the Government of Bihar to take immediate action to finalize seniority list of Saw Mills, Veneer Industries and Plywood Industries in conformity with various orders passed by the Hon'ble Court as well as observations and recommendations made by the Central Empowered Committee in its report dated 09.03.2012. The State Government was asked to issue rules incorporating the recommendations made by the Central Empowered Committee in accordance with Bihar Saw Mills (Regulation) Act, 1990, and notify final seniority list as per



rules and report compliance. After finalization of lists of Saw Mill, Veneer Mills and Plywood Industries, a report in this regard has been filed before the Hon'ble Supreme Court, which is still under consideration. It has further been submitted in para 11 of the Counter Affidavit that as per recommendations made by the Central Empowered Committee, a notice was published in the newspaper on 27<sup>th</sup> July, 2012, inviting information from the Veneer Mill and Plywood Industries owners regarding their Units in a fixed format. The information was to be made available by the Mill owners including the information with regard to the eight points which are stated in para 8 (v) of CEC report dated 09.03.2012. The State Government vide resolution No.2841 dated 06.09.2012 taking into consideration the recommendation made by the Central Empowered Committee and order passed by Hon'ble Supreme Court, laid down the guidelines for preparation and publication of seniority list of Veneer Industries. Xerox copy of the resolution dated 06.09.2012 is annexed as Annexure- B to the Counter Affidavit.

44. The Respondents have submitted that on the basis of information received by the owners of Veneer Mills and Plywood Industries, provisional seniority list of Veneer Mills was prepared and published vide Order No.78 dated 09.10.2012 of the office of the Principal Chief Conservator of Forests, Bihar. The criteria for

NEW COPY

deciding the *inter se* seniority between the Veneer Mills was explained in the said order. Objections were invited on the provisional seniority list and it was clearly mentioned in the order that *inter se* seniority has been decided on the basis of information made available on the fixed format by the Veneer Mill owners and hence the *inter se* seniority shall be finalized on verification of the records of the said Mill at the time of hearing.

45. After receipt of objections, date of hearing on objections was fixed. Notice was issued in newspapers by which all the owners of Veneer Mills were asked to be present on the date of hearing with the original papers. In the notice, date of hearing and place of hearing was mentioned. It has further been mentioned in the Counter Affidavit that after hearing the objectors, seniority list was prepared. During hearing, almost all the owners, who had submitted their claims for Veneer Mill or Plywood pasting Unit, had appeared and their original papers were verified by the Committee. Only few members did not appear during hearing and their cases were disposed off on the basis of information submitted in their application. It has been mentioned in para 18 of the Counter Affidavit that on the basis of documents produced during hearing the date of establishment of Unit was fixed and thereafter seniority list of the Veneer Mill of the State was issued vide Order No.03 dated 10.01.2013 of the office of Additional Principal Chief

Conservator of Forests cum Chief Wildlife Warden, Bihar. Vide Office Order No.02 dated 10.01.2013 of the said office, the list of Plywood pasting Units, which were found to have been established before 30.10.2002, was also published.

46. It is mentioned in para 19 of the Counter Affidavit that on the basis of recommendation made by Central Empowered Committee and its clarification on recommendations vide letter dated 26.07.2012 principles have been adopted for determining the date of establishment of a Unit, which have been discussed, in detail, in aforesaid paragraph. It has further been submitted that after publication of seniority list of Veneer and Plywood pasting industries, various objections were received. Writ applications were also filed in the Hon'ble Patna High Court. In some cases, order was passed by the Hon'ble Court to dispose of the objection received in accordance with law. Decisions were taken by the State Government to grant another final chance to the owners of the Veneer Mills and Plywood pasting Units. In pursuance of the said decision, notice was again published on 12.05.2013 inviting objections on the seniority list of Veneer Mills and Plywood pasting Units published vide order dated 10.01.2013. The last date fixed for filing the objection was 22.05.2013. More than one hundred objections were received till the last date. After receipt of the objections, date of hearing was fixed on the objections and the



date of hearing along with the place of hearing was published in the newspaper. All the objectors except a few were present on the date of hearing and after hearing decisions were taken on their objection by the Committee. After taking decisions on the objections, final seniority list of Veneer Mills of the State has been issued vide Order No.32 dated 22.07.2013 and list of Plywood pasting Units established before 30.10.2002 has been issued vide Order No.31 dated 22.07.2013.

47. It has been submitted by the Respondents that the seniority list of Veneer Mill and Plywood pasting Units, which have been found to be established before 30.10.2002 in the State of Bihar, has been published and a detailed report in this regard has already been submitted before the Hon'ble Supreme Court.

48. The respondents have also given para wise reply in the Counter Affidavit with regard to objection of the Petitioners.

49. The Respondents in CWJC No.2711 of 2015 have given specific reply in para 42 with regard to statement made in para 62 of the writ petition (CWJC No.2711 of 2015), wherein, it has been alleged that rank of the Petitioner was brought down in the seniority list to benefit the others. Reference was made to various Units, which had been kept outside the provisional list on account of registration made after 30.10.2002, have been placed at serial Nos.11, 28, 23, 7 and 9 respectively of the final seniority list

in arbitrary manner without any justification. The Petitioner has also filed representation dated 04.04.2014 along with other aggrieved persons indicating discrepancies vide Annexure-24 (CWJC No.2711 of 2015). The Respondents have informed vide Letter No.1707 dated 10.06.2014 to move before the Hon'ble Court in view of Resolution No.2841 dated 16.09.2012 to ventilate his grievance vide Annexure- 25 (CWJC No.2711 of 2015).

50. Petitioner of CWJC No.2711 of 2015 has filed detailed supplementary Affidavit deprecating the action of the Respondents with regard to the Units as mentioned in para 62 of the writ petition having been placed above in the seniority list in arbitrary manner. The Petitioner has mentioned, in detail, in para 10, 14 of the Supplementary Affidavit that no proper consideration was made by the Respondents in preparation of final seniority list.

51. By way of reply to the Counter Affidavit in CWJC No.2862 of 2015 in para 17, it has been stated that Petitioner is a partnership firm and its partner are Sri Ramakant Sah (Petitioner), Sri Mahendra Choudhary and Sri Dukha Rai. The Petitioner is running its Saw Mill in accordance with law. The Respondents in most illegal manner has shown favour to Veneer Mills, which were much below in rank and established after the Petitioner, and has been made senior to the Petitioner in the list prepared by the Office of the Principal Chief Conservator of Forest contained in Office

Order No.32 dated 22.07.2013. The petitioner in para 13 to the reply of the Counter Affidavit has stated that his name has been brought down in the seniority list as mentioned in para 52 of the writ petition in most arbitrary manner without any justification. It is mentioned in the aforesaid reply that no standard yardstick have been adopted while preparing the list. It is also unclear that on what basis the date of establishment has been reckoned and relied. Counsel for the petitioner in para 9 to the reply to Counter Affidavit has stated that Respondents have admitted that petitioner was granted License No.237/1996 by Memo No.512 dated 11.03.1996. They have also admitted the fact that the application of renewal of license has sometime been submitted on behalf of the petitioner, Ramakant Sah, and sometime by Mahendra Choudhary. They have tried to mislead the Court that the firm is running in the name of Proprietor Mahendra Choudhary only. From the records, it will appear that firm is partnership firm and its partners are Ramakant Sah (Petitioner), Mahendra Choudhary and Dukha Sah.

52. This Court after looking into entire facts and circumstances of the case, as mentioned above in detail and after hearing submission of the parties and also considering the statement made in the Counter Affidavit finds that Respondents have not been able to give any justifiable reason with regard to the

allegations made by the petitioner that seniority list of Veneer Mill and Plywood industries have been prepared without following any standard yardstick in contravention of the guidelines set forth by Central Empowered Committee and Hon'ble Supreme Court in arbitrary manner. Specific allegation has been levelled by the Petitioners in both the writ petitions that several Units, which have not found place in provisional seniority list published earlier, have been placed above the Unit of the Petitioners in the seniority list in most arbitrary manner.

53. The Respondents have themselves mentioned in the Counter Affidavit filed in CWJC No.2862 of 2015 about the details of the recommendations made by the Central Empowered Committee in its report dated 09.03.2011 with regard to preparation and publication of seniority list in para 8 and 9 of the Counter Affidavit.

54. This Court is not satisfied with the submission made by the Respondents that aforesaid guidelines have been properly followed by them in preparing seniority list.

55. The specific allegation has been made by the petitioner that Veneer Mill at serial No.47 (M/s Hari Krishna Prasad Choudhary), serial No.68 (M/s Abhishek Plywood Industries), serial No.80 (M/s Shiv Traders), serial No.155 (M/s Bhagwati Plywood), serial No.182 (M/s India Veneer), who were

in the provisional reject list (Letter No.955 dated 20.10.2012, Annexure-19) and kept outside the provisional seniority list on account of registration made after 30.10.2002 have been placed at serial Nos.11, 28, 23, 7 and 9 respectively in an arbitrary manner and without any justification.

56. It has further been submitted by the petitioner of CWJC No.2711 of 2015 that he had also filed representation dated 04.04.2014 along with other aggrieved persons vide Annexure-24 (CWJC No.2711 of 2015) pointing out arbitrary manner in which seniority list has been prepared, but the aforesaid representation was not entertained and without passing any order on merit, the Respondents have informed vide Letter No.1707 dated 10.06.2014 to move before the Hon'ble Court to ventilate his grievance.

57. In such circumstances, this Court is of the view that seniority list of Veneer Mills / Plywood Industries published vide Office Order No.32 dated 22.07.2013 from the Office of the Additional Principal Chief Conservator of Forest cum Chief Wildlife Protection Office as contained in Annexure-12 of CWJC No.2862 of 2015 and Annexure-23 of CWJC No.2711 of 2015 are not in accordance with law and are hereby quashed.

58. The Respondents authorities will consider the case of the Veneer/ Plywood industries as mentioned in seniority list along with case of the Petitioners after strictly following the



recommendation of the Central Empowered Committee and order of the Hon'ble Supreme Court in transparent and legal manner while preparing fresh seniority list. The Respondents shall consider the date of establishment of Veneer Mills/ Plywood Units in the State of Bihar in terms of guidelines laid down by Central Empowered Committee as mentioned in para 8 and 9 of the Counter Affidavit filed in CWJC No.2862 of 2015.

59. Both the writ applications are, accordingly, **allowed**.

60. Since this Court has not heard the other Units, whose name finds mention in final seniority list, status quo with respect to seniority as contained in Office Order No.32 dated 22.07.2013 shall be maintained till final seniority list is prepared afresh by the Respondents after considering case of each Unit along with Petitioners on merit. The Respondents will verify the documents of all the individual Units including the Unit of the Petitioners in transparent manner on the basis of recommendation of Central Empowered Committee as mentioned in detail in para 8 and 9 of Counter Affidavit filed on behalf of Respondent No.2 in CWJC No.2862 of 2015 with respect to date of establishment of their Units. The Respondents shall prepare fresh seniority list after considering the case of Petitioners vis-a-vis all the Units whose names find mentioned in seniority list published vide Order No.32

dated 22.07.2013, within a period of nine months from the date of receipt/production of a copy of this judgment.

61. The Petitioners will file separate representation before Respondent No.2 along with relevant documents and copy of this judgment. The Respondent No.2 will pass necessary order with respect to case of Petitioners while preparing the seniority list afresh, after considering the case of each Unit as mentioned in Office Order No.32 dated 22.07.2013 in transparent and legal manner, within a period of nine months as ordered above.

(Sanjay Priya, J)

*J. Alam/-*

AFR/NAFR	AFR
CAV DATE	01-02-2019
Uploading Date	16-04-2019
Transmission Date	N/A

## ANNEXURE- 3

74

ITEM NOS. 301 TO 308,  
311, 314 to 319 COURT NO.1 SECTIONS PIL, XIA, IX, X, X VIA,  
IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

301 : CATEGORY I MATTERS RELATING TO WOOD BASED INDUSTRIES:

I.A.No.2365 in 1406/2005 in Writ Petition(s) (Civil) No(s).  
202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)  
(for directions)

WITH

I.A. NO. 3630/2013 IN I.A. NOS. 1579-1580 IN W.P. (C) NO.  
202/1995

(For appropriate orders/directions)

I.A. NO. 3051-3053/2011, 3423/2012 IN W.P. (C) NO. 202/1995  
(For intervention, appropriate orders/directions and  
exemption from filing O.T. and permission to file rejoinder)

I.A. NO. 3114-3116/2011 IN W.P. (C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A. NO. 3239-3240/2011 IN W.P. (C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A. NO. 3302-3304/2011 IN W.P. (C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A. NO. 3326-3328/2011, 3831/2014 IN 3326-3328 IN W.P. (C)  
NO. 202/1995

(For impleadment, directions and exemption from filing  
O.T. and permission to argue in person)

I.A. NO. 3350-3352/2012, 3374-3376/2012, 3377-3379/2012,  
3380-3382/2012, 3383-3385/2012, 3386-3387/2012,  
3416-3418/2012 with I.A. Nos. 3651-3653/2013 with I.A. Nos.  
3549-3551/2013, 3576-3579/2013 in 3550 alongwith I.A. Nos.  
3399-3401/2012 with I.A. Nos. 3403-3405/2012,  
3338-3340/2012, 3341-3343/2012, 3439-3441/2012 and I.A. Nos.  
3738/2014 in 3383-3385, 3739/2014 in 3403-3405, 3741/2014 in  
3350-3352, 3742/2014 in 3374-3376, 3743/2014 in 3383-3385

Date : 05/10/2015 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

UPON hearing the counsel the Court made the following

O R D E R

On our request, Shri Harish Salve, the learned *amicus curiae* has given us a brief note on the matters pending before the Green Bench in different categories. He has also made certain suggestions for early disposal of those matters. He has exchanged the aforesaid note with Shri Ranjit Kumar, the learned Solicitor General of India, who represents the Union of India, Shri K.K. Venugopal, learned senior counsel, who appears for some of the parties.

The learned *amicus* has classified the matters pending before the Green Bench under different heads such as : i) matters relating to wood based industries, ii) matters relating to National Parks/Wildlife sanctuaries, iii) matters relating to exemptions from the payment of the NPV etc.etc.

We intend to take up the First Category, viz. Matters relating to Wood based industries.

CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:

We have heard Shri Harish Salve, learned amicus curiae, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior counsel/counsels. Accordingly, we pass the following orders :

(i) The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, 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 and 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 appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/appellant(s).

The amounts lying with the respective State Forest Departments (recovered from wood based industries) will be utilized for the purpose of afforestation only.

The respective State Forest Departments will intimate the amount(s) spent by them for afforestation purpose to MoEFCC at the earliest.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-I to the note supplied by Shri Harish Salve, learned *amicus curiae*.

## II. MATTERS RELATING TO NATIONAL PARKS AND WILDLIFE SANCTUARIES:

Now we come to matters relating to National Parks and Wildlife Sanctuaries.

At the time of hearing on the aforesaid subject, certain suggestions are made by the learned *amicus curiae* and other senior counsels. By incorporating them, we pass the following order(s):

All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 14.02.2000, 16.12.2002, 13.11.2000, 9.5.2002, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors. reported in (2014) 6 SCC 590.

We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.

In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein.

80

If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s).

De-link I.A.Nos.2202-2203/2008, 2915-2917/2010, 2929-2931 in 2202-2203/2008, 3308-3310/2011 in 2202-2203, 3422/2012 in 2929-2931 in W.P. (C)No.202/1995 and list separately.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned *amicus curiae*.

De-link I.A.NO. 3819-3822/2014 In W.P. (C) NO. 202/1995 and list separately.

**CATEGORY-III : MATTERS RELATING TO EXEMPTIONS FROM THE PAYMENT OF THE NPV:**

Various applications have been filed by different applicants to exempt them from payment of Net Present Value ('NPV'). Now all those applications will be transferred to MoEFCC by the

Registry within 45 days' time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible.

If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate application/ petition before the National Green Tribunal ('NGT') within 60 days' time from the date of the order passed by the MoEFCC.

Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-III to the note supplied by Shri Harish Salve, learned *amicus curiae*.

I.A.Nos.3910, 3911 of 2015 in I.A.No.3806/2014 in  
I.A.No.3610/2013 in W.P.(C)No.202/1995:

Taken on board.

पर्यावरण वन एवं जलवायु परिवर्तन विभाग  
कार्यालय-प्रधान मुख्य वन संरक्षक, बिहार, पटना।

बिहार काष्ठ आधारित उद्योग के लिए गठित राज्य स्तरीय समिति की दिनांक-21.07.2020 को

आयोजित बैठक की कार्यवाही:-

उपस्थिति :-

- |  |   |                           |
|--|---|---------------------------|
| 1. श्री ए०के० पाण्डेय, भा०व०से०<br>प्रधान मुख्य वन संरक्षक (HoFF)<br>बिहारी, पटना।   | - | अध्यक्ष                   |
| 2. श्री भारत ज्योति, भा०व०से०,<br>अपर प्रधान मुख्य वन संरक्षक,<br>केन्द्रीय क्षेत्रीय कार्यालय (रॉंची)                       | - | सदस्य<br>(उपस्थित Online) |
| 3. श्री अनिल कुमार प्रसाद, भा०व०से०<br>अपर प्रधान मुख्य वन संरक्षक,<br>कार्य नियोजना, प्रशिक्षण एवं विस्तार,<br>बिहार, पटना। | - | सदस्य                     |
| 4. निदेशक / अपर निदेशक,<br>उद्योग विभाग, बिहार।  | - | सदस्य<br>(अनुपस्थित)      |
| 5. श्री संजय कुमार सिन्हा, भा०व०से०<br>प्रबंध निदेशक, बिहार राज्य वन विकास निगम, पटना।                                       | - | सदस्य                     |
| 6. श्री ए०के० द्विवेदी, भा०व०से०,<br>वन संरक्षक (मुख्यालय)।  | - | सदस्य सचिव                |

बैठक की कार्यवाही प्रारंभ करते हुए अध्यक्ष द्वारा सभी सदस्यों का स्वागत किया गया एवं सदस्य सचिव से बैठक की कार्यवाही आरंभ करने का अनुरोध किया गया। सदस्य सचिव द्वारा समिति को बताया गया कि माननीय उच्चतम न्यायालय द्वारा WP (c) सं० 202/95 में दिनांक-05.10.2020 को पारित आदेश के आलोक में पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा काष्ठ आधारित उद्योग की स्थापना एवं उनके विनियमन हेतु "काष्ठ आधारित उद्योग (स्थापना एवं विनियमन) दिशा निर्देश 2016" प्रकाशित किया गया है, जिसमें वर्ष 2017 में संशोधन किया गया है। दिनांक-11.09.2017 को जारी संशोधन से दिशा निर्देश के कडिका 4 में संशोधन करते हुए राज्य स्तरीय समिति को शक्तियाँ और कार्य आवंटित किए गए हैं जिनके तहत राज्य स्तरीय समिति :-

*(Handwritten signature)*

*(Handwritten signature)*

*(Handwritten signature)*



की गयी। आरा मिलों की इस संख्या को जिलावार निर्धारित किया गया, परन्तु विनियर मिलों की संख्या राज्य स्तर पर निर्धारित करने का निर्णय लिया गया।

4. माननीय उच्चतम न्यायालय द्वारा WP (c) सं0 202/95 में प्रत्येक राज्यों को अपना राज्य में उपलब्ध हो रहे काष्ठ का आकलन करने तथा इसके आधार पर काष्ठ आधारित उद्योगों की संख्या का निर्धारण करने हेतु पारित आदेशों को ध्यान में रखकर भारतीय सर्वेक्षण संस्थान, देहरादून द्वारा सभी राज्य में लिए वर्ष 2011 में Annual Production of Timber from outside Forest area की गणना की गई। उप समिति द्वारा भारतीय वन सर्वेक्षण संस्थान, देहरादून के India State Forest Report 2017 तथा India State of Forest Report 2019 के आधार पर बिहार के गैर वन भूमि के Growing Stock तथा Annual Potential Production from TOF की गणना की गई है। इसके अतिरिक्त उप समिति द्वारा उपलब्ध अभिलेखों के आधार पर राज्य से बाहर से तथा विदेश से आयातित काष्ठ का आकलन किया गया है। इस प्रकार उप समिति द्वारा प्रतिवर्ष काष्ठ उद्योगों को उपलब्ध हो रहे काष्ठ की मात्रा का आकलन निम्नवत् किया गया है:-

(i) राज्य में गैर वन भूमि से उपलब्ध काष्ठ की मात्रा	-	20.95 लाख घनमीटर
(ii) अन्य राज्यों से आयातित काष्ठ की मात्रा	-	00.773 लाख घनमीटर
(iii) विदेश से आयातित काष्ठ की मात्रा	-	00.101 लाख घनमीटर
<b>कुल उपलब्ध काष्ठ की मात्रा</b>	-	<b>21.824 लाख घनमीटर</b>

5. विगत वर्षों में राज्य में बड़े पैमाने पर पाप्लर/अन्य प्रजाति के वृक्ष लगाये जाने के कारण काष्ठ उपलब्धता (TOF) में बढ़ोत्तरी हुई है। उप समिति ने प्रकाष्ठ उपलब्धता के आधार पर राज्य स्तर पर 3400 आरा मिलों तथा 450 Composite units की संख्या निर्धारित करने की अनुशंसा की है। उनके द्वारा इस संदर्भ में की गई गणना निम्नवत् है:-

विभिन्न श्रेणी के काष्ठ आधारित उद्योग	वार्षिक चिरान क्षमता (घनमीटर में)	वार्षिक खपत (घनमीटर में)	काष्ठ आधारित उद्योग की संख्या
1	2	3	4
आरा मिल	300	1020000	3400
COMPOSITE UNITS (Vineer + Saw Mill + Plywood Pasting)	2000	900000	450

सभी स्रोतों से उपलब्ध काष्ठ	-	2182400 घनमीटर
काष्ठ आधारित उद्योगों की खपत	-	1920000 घनमीटर
काष्ठ के उद्योग में औसत क्षति	-	192000 घनमीटर
काष्ठ की कुल खपत	-	2112000 घनमीटर

उप समिति का प्रस्ताव है कि उनके द्वारा की गई गणना की मान्यता 5 वर्षों के लिए होगी चाहिए तथा उक्त अवधि के पश्चात पुनः पुनरीक्षण किया जा सकता है।

उप समिति के प्रतिवेदन को राज्य स्तरीय समिति के समक्ष रखा गया एवं इस पर विचार किया गया।

6. श्री भारत ज्योति, भा0व0से0, सदस्य के द्वारा Online पर सरकार के संकल्प सं0 765 दिनांक-14.11.2003 से प्रधान मुख्य वन संरक्षक, बिहार द्वारा गठित समिति के प्रतिवेदन का प्रसंग किया गया, जिसके द्वारा आरा मिलों के लिए उपलब्ध कुल प्रकाष्ठ में दस प्रतिशत इस आधार पर घटा लिया था कि Rural non

85


Forest area में वैसे भूमि भी उपलब्ध है जो सामुदायिक या सरकारी या संस्थागत या वृक्षप्रेमी निज व्यक्ति के हैं तथा जिनपर उपलब्ध वृक्षों को नियमित / सामान्य तौर पर प्रकाष्ठ के लिए नहीं चलाया जाता है। शेष प्रकाष्ठ की मात्रा में से पाँच प्रतिशत मात्रा स्थानीय रूप से Crude fashioning द्वारा (बिना आरा मिल में चिराई कराये) उपयोग के लिए कर्णांकित किया गया था। उक्त पूर्व के निर्णय से सहमत होते हुए SLC के द्वारा राज्य में प्रतिवर्ष काष्ठ उद्योगों को उपलब्ध हो रहे काष्ठ की मात्रा का आकलन तथा काष्ठ उद्योगों की गणना निम्नवत् किया जाता है:-


- I. कुल उपलब्ध काष्ठ की मात्रा - 2182400 घनमीटर
  - II. संरक्षित वृक्षों के दस प्रतिशत काष्ठ की मात्रा घटाने पर शेष - 1964160 घनमीटर  
बचे काष्ठ की मात्रा
  - III. बिना आरा मिल में चिराई के पाँच प्रतिशत काष्ठ की मात्रा - 1865952 घनमीटर  
घटाने पर शेष बचे काष्ठ की मात्रा
  - IV. आरा मिलों / Composite units के लिए कुल उपलब्ध काष्ठ की मात्रा - 1865952 घनमीटर
  - V. 450 Composite units के लिए उपलब्ध काष्ठ की मात्रा - 900000 घनमीटर
  - VI. आरा मिलों के लिए उपलब्ध काष्ठ की मात्रा - 965952 घनमीटर
  - VII. आरा मिलों की वार्षिक चिरान क्षमता 300 घनमीटर के आधार पर उनकी संख्या - 3219 अर्थात् 3200
7. माननीय उच्चतम न्यायालय द्वारा डब्लू0पी0 (सी0) संख्या 202/95 में दिनांक-12.12.1996 को पारित आदेश का प्रसंग करते हुए प्रधान मुख्य वन संरक्षक, बिहार के पत्रांक-90 दिनांक-04.01.1997 तथा 1663 दिनांक-11.04.1997 से नये अनुज्ञप्ति जारी करने पर रोक लगाया था। इस आलोक में दिनांक-12.12.1996 के उपरांत निर्गत नये अनुज्ञप्तियों में से अनेक अनुज्ञप्तियों को रद्द कर दिया गया था। पर्यावरण एवं वन विभाग, बिहार सरकार के पत्रांक-343 दिनांक-28.10.2000 तथा संकल्प सं0 418 दिनांक-08.07.2002 तथा 760 दिनांक-13.11.2003 से राज्य / जिलावार आरा मिलों की संख्या का निर्धारण किया गया था तथा अधिशेष आरा मिलों के अनुज्ञप्ति को रद्द करने का निदेश दिया गया था। इस आलोक में अनेक आरा मिलों के अनुज्ञप्ति को रद्द किया गया था। इसके अतिरिक्त प्रधान मुख्य वन संरक्षक, बिहार द्वारा दिनांक-12.12.1996 के उपरांत नये अनुज्ञप्ति पर लगाये गये रोक के कारण अनुज्ञप्ति हेतु प्राप्त अनेक आवेदनों पर किसी प्रकार का निर्णय नहीं लिया जा सका। सरकार के संकल्प सं0 418 दिनांक-08.07.2002 से जिला / प्रखंड जिनमें आरा मिलों की संख्या निर्धारित संख्या से कम है उन स्थानों पर नये अनुज्ञप्ति देने का प्रावधान किया गया था। इस आलोक में अनुज्ञप्ति हेतु आवेदन प्राप्त किए गए थे। परंतु मामला माननीय उच्च न्यायालय के समक्ष लंबित रहने के कारण अनुज्ञप्ति निर्गत नहीं किया जा सका।
8. उप समिति के द्वारा राज्य में काष्ठ की उपलब्धता की गणना उपलब्ध अभिलेखों तथा भारतीय सर्वेक्षण संस्थान के प्रतिवेदनों के आधार पर किया गया है। इस कार्यवाही की कड़िका 3 में किए गए गणना अनुसार राज्य स्तर पर आरा मिलों की संख्या 3200 तथा Composite Units 450 किये जाने पर समिति अपनी सहमति निम्न शर्तों पर देती है:-

dy 2/8 A / 1/2

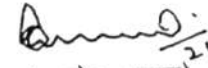
- I. आरा मिलों तथा Composite Units के संख्या का निर्धारण जिला स्तर के स्थान पर राज्य स्तर पर की जानी चाहिए।
- II. संख्याओं के विरुद्ध नये अनुज्ञप्ति प्रदान करने में इस कार्यवाही के कंडिका 7 में वर्णित काष्ठ आधारित उद्योगों को प्राथमिकता दी जाएगी। राज्य सरकार, यदि किसी क्षेत्र विशेष में, काष्ठ आधारित उद्योगों की स्थापना को प्रोत्साहित करती है, तो उसे प्राथमिकता दी जायेगी।
- III. इस कार्यवाही में दिए गए प्रस्ताव की मान्यता 5 वर्षों के लिए होनी चाहिए।

उपर्युक्त निर्णय से सरकार को अवगत कराने का निर्णय लेते हुए बैठक की कार्यवाही समाप्त की गई।

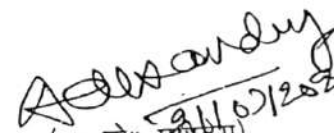
  
(ए०के० दिवेही)  
वन संरक्षक (मुख्यालय)  
बिहार, पटना

  
(संजय कुमार सिन्हा)  
प्रबंधन निदेशक,  
बिहार राज्य वन विकास निगम,  
पटना

(अनुपस्थित)  
निदेशक / अपर निदेशक  
उद्योग विभाग,  
बिहार सरकार

  
(ए०के० प्रसाद)  
अपर प्रधान मुख्य वन संरक्षक,  
कार्य नियोजना, प्रशिक्षण एवं विस्तार,  
बिहार, पटना

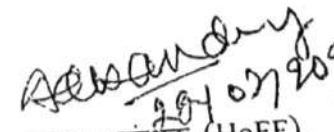
(सहमति Online)  
श्री भारत ज्योति, भा०व०से०,  
अपर प्रधान मुख्य वन संरक्षक,  
केन्द्रीय क्षेत्रीय कार्यालय (राँची)

  
(ए०के० प्रसाद)  
प्रधान मुख्य वन संरक्षक (HoFF),  
बिहार, पटना

ज्ञापांक- 1404

दिनांक- 22/07/2020

प्रतिलिपि- प्रधान सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार सरकार,  
पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

  
प्रधान मुख्य वन संरक्षक (HoFF),  
बिहार

## ANNEXURE - 5 (Series)

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4622 of 2022**

1. M/s Sushila Ply and Veneer, Sendwari - Gajsingh, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Sheoji Roy, aged about 46 years (Male), Son of Chalitir Roy, Resident of Village - Sendwari - Gajsingh, P.S. - Motipur, District - Muzaffarpur.
2. M/s Ayush Ply and Veneer, Nariyar Sethi, Nawada, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Sikandar Kumar, aged about 30 years (Male), Son of Fuldeo Roy, Resident of Village - Nariyar Sethi, Nawada, P.S. Motipur, District - Muzaffarpur.
3. M/s Avikrit Ply and Veneer, Nariyar Sethi, Nawada, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Manoj Kumar Yadav, aged about 32 years (Male), Son of Ram Chandra Yadav, Resident of Village - Nariyar Sethi, Nawada, P.S. - Motipur, District - Muzaffarpur.
4. M/s Jai Mata Di Veneer, Sendwari Purshottam, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Suresh Kumar, aged about 39 years (Male), Son of Shankar Pasad, Resident of Village - Sendwari Purshottam, P.S. - Motipur, District - Muzaffarpur.
5. M/s Vishwakarma Ply and Veneer, Kalyanpur Harauna, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Guddu Roy, aged about 28 years (Male), Son of Vinod Roy, Resident of Village - Kalyanpur Harauna, P.S. - Motipur, District - Muzaffarpur.
6. M/s Suryoday Ply and Veneer, Morsandi, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Subhash Kumar, aged about 22 years (Male), Son of Vinod Roy, Resident of Village - Morsandi, P.S. - Motipur, District - Muzaffarpur.
7. M/s Shree Mukhlal Ply and Veneer, Morsandi, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Virbal Kumar Thakur, aged about 39 years (Male), Son of Mukhlal Thakur, Resident of Village - Morsandi, P.S. - Motipur, District - Muzaffarpur.
8. M/s Vishkarma Ply and Veneer, Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Vikas Kumar, aged about 29 years (male), Son of Dharmdeo Sah, Resident of Village - Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur.
9. M/s Jay Laxmi Ply and Veneer, Senduari Purushottam, P.S. - Motipur, District - Muzaffarpur, a proprietorship firm through its Proprietor Shashi Kumar Yadav, aged about 29 years (male), Son of Sukhdeo Roy, Resident of Village - Senduari Purushottam, P.S. - Motipur, District - Muzaffarpur.
10. M/s Sri Siddhi Veneer, Gosaipur Tangraha, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Rupesh Kumar Singh, aged about 44 years (Male), Son of Paras Prasad, Resident of Village - Gosaipur Tangraha, P.S. Motipur, District - Muzaffarpur.
11. M/s K.D. Ply and Veneer, Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Mewalal Bhagat, aged about 38 years (Male), Son of Sukdeo Bhagat, Resident of Village - Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur.



12. M/s Sonu Plywood and Veneer, Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through its Proprietor Sanjay Kumar, aged about 33 years (Male), Son of Janak Bhagat, Resident of Village - Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur.
13. M/s Brij Veneer and Saw Mill, Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur a proprietorship firm through Its Proprietor Brijkishore Roy, aged about 44 yeas, (male), Son of Khublal Roy, Resident of Village - Senduari Gajsingh, P.S. - Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Chairman, State Level Committee for Wood-based Industries, Bihar - Cum - Principal Chief Conservator of Forest, Bihar, Patna.
3. The Regional Chief Conservator of Forest, Muzaffarpur Region, Muzaffarpur.
4. The Licensing Officer - Cum - Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Vinay Mistry, Advocate  
For the Respondent/s : Ms. Sunita Kumari, AC to AAG 13

**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**  
**and**  
**HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 09-09-2022

The matter has been heard *via* video conferencing.

Heard learned counsel for the parties.

The present writ petition has been filed seeking a writ in the nature of mandamus to direct respondent no. 3 to decide the representation dated 11.02.2022 (Annexure 2) filed by the petitioners requesting him not to close down and dismantle the Veneer Mills of the petitioners without approval of



the State Level Committee as the said Committee is authorized to take a decision regarding grant of license/permission to the Wood-Based Industries in terms of order dated 05.10.2015 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 202 of 1995.

Ms. Sunita Kumari, learned AC to AAG 13 accepts notice on behalf of the State and submits that the representation, if any, pending with the authority shall be decided at the earliest, in any case, not later than one month.

The writ petition stands disposed off.

**(Rajan Gupta, J)**

**( Dr. Anshuman, J)**

P. Kumar

U			
---	--	--	--



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3736 of 2022**

1. M/s Jay Bajrang Veneer, Morsandi, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Sujit Kumar aged about 34 Years (Male), Son of Vinod Ray, Resident of Village-Morsandi, P.S.-Motipur, District-Muzaffarpur.
2. M/s Abhishek Veneer, Kalyanpur-Harauna, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Rohit Kumr aged About 32 Years (Male), Son of Jawahar ray, Resident of Village-Kalyanpur-Harauna, P.S.-Motipur, District-Muzaffarpur.
3. M/S Ayush Veneer, Kalyanpur-Harauna, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Shiv Pratap Kumar aged about 32 Years (Male), Son of Rup Narayan-Harauna, P.S.-Motipur, District-Muzaffarpur.
4. M/S Arvind Plywood Enterprises, Seduari-Barautha, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Arvind Kumar, aged about 45 Years (Male). Son of Vijay Prasad Kushwaha, Resident of Vilalge-Seduari-Barautha, P.S.-Motipur, District-Muzaffarpur.
5. M/s Manish Plywood Industries, Morsandi, P.S.-Motipur, District-Muzaffarpur a Proprietorship Firm through its Proprietor Amod Kumar, aged about 42 Years (Male), Son of Bindeshwar ray, Resident of Village-Morsandi, P.S.-Motipur, District-Muzaffarpur.
6. M/s Sudama Veneer, Morsandi, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Birendra Kumar Yadav, aged about 45 Years (Male), Son of Ram Bacchan Ray, Resident of Village-Morsandi, P.S.-Motipur, District-Muzaffarpur.
7. M/s Pinky Plywood, Harauna, P.S.-Motipur, District-Muzaffarpur a Proprietorship Firm through its Proprietor Devanand Kumar aged about 32 Years (Male), Son of Dharmnath Prasad Chaurasia, Resident of Vilalge-Harauna, P.S.-Motipur, District-Muzaffarpur.
8. M/S Pinky Plywood, Harauna, P.S.-Motipur, District-Muzaffarpur a Proprietorship Firm through its Proprietor Devanand Kumar, aged about 32 Years (Male), Son of Dharmnatyh Prasad Chaurasia, Resident of Village-Harauna, P.S.-Motipur, District-Muzaffarpur.
9. M/s Chitralkha Veneer, Morsandi, P.S.-Motipur, District-Muzaffarpur a Proprietor Siddharth Kumar, aged about 31 Years (Male), Son of Ramshershth Ray, Resident of Village-Morsandi, P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secreary, Environment and Forest Department, Government of Bihar, Patna.
2. The Chairman, State Level Committee For Wood-Based Industries, Bihar-Cum-Principal Chief Conservator of Forest, Bihar, Patna.
3. The Regional Chief Conservator of Forest, Muzaffarpur Region,



Muzaffarpur.

4. The Licensing Officer-Cum-Divisional Forest Officer, Tirhut Forest Division, Muzaffarpur.

... .. Respondent/s

---

**Appearance :**

For the Petitioner/s : Mr. Vinay Mistry, Advocate  
For the Respondent/s : Mr. Raghwanand, GA11

---

**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA  
and  
HONOURABLE MR. JUSTICE DR. ANSHUMAN  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

2 09-09-2022

The matter has been heard *via* video conferencing.

Heard learned counsel for the parties.

The present writ petition has been filed seeking a writ in the nature of mandamus to direct respondent no. 3 to decide the representation dated 11.02.2022 (Annexure 3) filed by the petitioners requesting him not to close down and dismantle the Veneer Mill of the petitioners without approval of the State Level Committee as the said Committee is authorized to take a decision regarding grant of license/permission to the Wood-Based Industries in terms of order dated 05.10.2015 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 202 of 1995.

Mr. Raghwanand, learned GA 11 accepts notice on behalf of the State and submits that the representation, if any, pending with the authority shall be decided at the earliest, in any



case, not later than one month.

The writ petition stands disposed off.

**(Rajan Gupta, J)**

**(Dr. Anshuman, J)**

P. Kumar

U			
---	--	--	--



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
Civil Writ Jurisdiction Case No.5825 of 2022

1. M/s Krishana Veneer, Morsandi P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Satyanarayan Roy, aged about 55 Years (Male), Son of Hardangi Roy, Resident of Village-Morsandi, P.S.-Motipur, District-Muzaffarpur.
2. M/s Sheo Industries, Nariyar, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Sheonath Das aged about 47 Years (Male), Son of Ramchandra Das, Resident of Village-Nariyar, P.S.-Motipur, District-Muzaffarpur.
3. M/S S.R.P. Plywood and Veneer, Kalyanpur Harauna, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Purushottam Kumar aged about 22 Years (Male), Son of Siratam Prasad, Resident of Village-Kalyanpur Harauna, P.S.-Motipur, District-Muzaffarpur.
4. M/S Mahavir Ply and Veneer, Morsandi, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Devendra Sahni aged about 38 Years (Male), Son of Nathuni Sahni, Resident of Village-Morsandi, P.S.-Motipur, District-Muzaffarpur.
5. M/S Sumitra Ply and Veneer, Kalyanpur Harauna, P.S.-Motipur, District-Muzaffarpur a Proprietorship firm through its Proprietor Rakesh Kumar, aged about 29 Years (Male), Son of Jagarnath Kushwaha, Resident of Village-Kalyanpur, Harauna, P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Chairman, State Level Committee for Wood-Based Industries, Bihar-Cum-Principal Chief Conservator of Forest, Bihar, Patna.
3. The Licensing Officer-Cum-Divisional Forest Officer, Muzaffarpur Forest Division, Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Vinay Mistry  
For the Respondent/s : Mr. Dhurjati Kr. Prasad (GP17)

**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**  
**and**  
**HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 09-09-2022

The matter has been heard *via* video conferencing.



The present writ petition has been filed seeking a writ in the nature of mandamus to direct respondent no. 3 to decide the representation dated 11.02.2022 (Annexure 2) filed by the petitioners requesting him not to close down and dismantle the Veneer Mill of the petitioners without approval of the State Level Committee as the said Committee is authorized to take a decision regarding grant of license/permission to the Wood-Based Industries in terms of order dated 05.10.2015 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 202 of 1995.

State counsel has put in appearance and accepts notice. He submits that the representation, if any, pending with the authority shall be decided at the earliest, in any case, not later than one month.

The writ petition stands disposed off.

**(Rajan Gupta, J)**

**( Dr. Anshuman, J)**

Anjani/-

U			
---	--	--	--





# AT PATNA

## VAKALATNAMA FOR

No. 11.A.N Of 2023 of 2023 **Appellant**  
O.A.N. IN 399 of 2022 **Petitioner**  
Versus

**Respondent**  
**Oposite Party**

Ram Kunal Rai  
The State of Bihar

Know all men by those Presents by this Vakalatnama

- I/We
- (1) Shreeji Ray (8) Mang Kanyal
  - (2) Ram Narsing Rai (9) Upendra
  - Sah (10) Chandra Kr. Jaiswal (12)
  - Shreshi Kr. Ray (11) (13) Ram Kunal Rai
  - (14) Mamankumar (15) Rajendra Jaiswal
  - (16) Arunod Kumar (17) Raj Kumar Rai
  - (18) Pratik Bhargava, All are resident of Behar - Block RS - Noida - Distt - Meerut

Do here by  
Appoint the advocates noted below in the margin or any of them as my/our lawful Advocate in the above mentioned case for appearing, conducting and arguing the same or depositing or withdrawing any money in connection there with or putting in papers, petition, etc. on my/our behalf or filling or taking back any document or withdrawing suit, appeal or application with permission to institute fresh suit etc and make compromise and for referring the case for arbitration and for doing all acts that be necessary to be done in connection with said acts. I/we, further say that any act done by my/ our said Advocates or any one of them after accepting this Vakalatnama shall be considered of my/our true and lawful act and shall be binding on me/us.

- Mr. Mrigank Mauli, (Advocate)
- Mr. Vinay Mistry, (Advocate)
- Mr. Prince Kumar Mishra, (Advocate)
- Mr.

To the above effect I/We execute this Vakalatnama  
Dated 4 of 1 2023

(1) Ram Narsing Rai (2) Upendra Sah (3) Chandra Kr. Jaiswal (4) Shreshi Kr. Ray (5) Mamankumar (6) Rajendra Jaiswal (7) Raj Kumar Rai (8) Pratik Bhargava  
 (9) Shreeji Ray (10) Mang Kanyal (11) Ram Kunal Rai (12) Shreshi Kr. Ray (13) Ram Kunal Rai (14) Mamankumar (15) Rajendra Jaiswal (16) Arunod Kumar (17) Raj Kumar Rai (18) Pratik Bhargava

Received the Vakalatnama through the Pairwikar /  
executant and accepted the same.

4-1-2023  
Date: .....

~~Mrigank Mauli~~

~~Advocate~~

~~A.O.R. No. - 00812~~

~~Patna High Court~~

~~Residence / Office :~~

~~20 I.A.S. Colony, Kidwalpuri, Patna-1~~

~~Mobile : 9431022724, 9934002289~~

*Vinay Mistry*

**Vinay Mistry**

Advocate

A.O.R. No. - 00798

Patna High Court

Residence / Office :

20 I.A.S. Colony, Kidwalpuri, Patna-1

Mobile : 8987041352

**Prince Kumar Mishra**

Advocate

A.O.R. No. - 07261

Patna High Court

Residence / Office :

20 I.A.S. Colony, Kidwalpuri, Patna-1

Mobile : 7766831057