

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 695/2024**

IN THE MATTER OF:

Shyam Ji Mishra

...Applicant

Vs.

State of Uttar Pradesh & Ors.

...Respondents

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Through



Adarsh Tripathi & Ajitesh Garg

Advocates for the Applicant

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Date: 13.11.2024

Place: New Delhi

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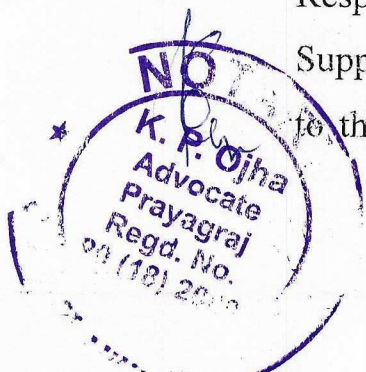
State of Uttar Pradesh & Ors.

...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 8 I.E. MEJA URJA
NIGAM PVT. LTD. (MUNPL)**

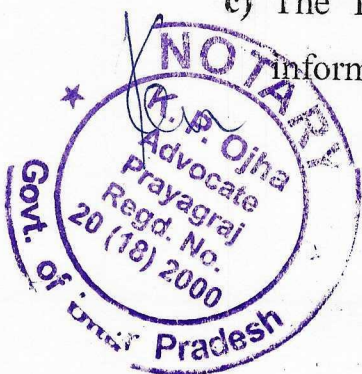
Most respectfully showeth:

1. That this Hon'ble Tribunal registered the captioned Original Application in exercise of Suo Motu Jurisdiction on a letter Petition dated 08.10.2023 received from the Applicant. It is submitted that the Applicant has levelled several allegation regarding illegal felling of approximately 50,000 trees for the construction of the Obra 'C' Thermal Power Station in collusion with authorities. The Applicant further alleged that a new project, the Obra 'D' Thermal Power Station, has been sanctioned, under which around 1 lakh trees are expected to be illegally cut, posing a significant threat to the environment.
2. That pursuant to the MoU dated 11.02.2023 for the establishment of the Obra 'D' Supercritical Thermal Power Plant (1600 MW), and in consideration of the technical expertise of Answering Respondent No.8/MUNPL, it was mutually agreed by the parties that the Obra 'D' project would be transferred to and executed by the Answering Respondent. This transfer has been formalized through a Supplementary Joint Venture Agreement, which includes amendments to the original Joint Venture Agreement dated 28.02.2008, thereby



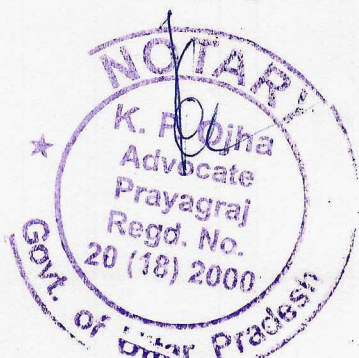
allowing MUNPL to undertake the project as part of its expanded business portfolio.

3. That based on the above fact, the Answering Respondent filed I.A. No. 518 of 2024 dated 19.10.2024 seeking impleadment as a proper and necessary Respondent in view of the allegations levelled by the Applicant against Obra D project which has been taken over by the Answering Respondent.
4. That the said Application seeking impleadment has been allowed by this Hon'ble Tribunal vide Order dated 23.10.2024 and accordingly, the Answering Respondent is filing the present Reply.
5. That this Hon'ble Tribunal, in its order dated 24.07.2024, constituted a Joint Committee comprising the District Magistrate of Sonbhadra, the Uttar Pradesh Pollution Control Board (UPPCB), the Divisional Forest Officer (DFO), Sonbhadra, and the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change (MoEFCC), Lucknow, to verify the facts of the case. The Committee was directed to submit its report within one month. Pursuant to this order, the Joint Committee conducted a site visit on 24.08.2024 and submitted its report, wherein the following observations and conclusions were made with respect to the Obra-D Thermal Project:
 - a) Primary marking and counting of trees for deforestation were found to be in progress at the proposed site for the Obra-D Thermal Project in Obra, Sonbhadra (Point 6(c)).
 - b) No construction work related to the Obra-D project was found to be in progress during the inspection (Point 6(d)).
 - c) The Divisional Forest Officer (DFO), Obra Forest Division, informed the Committee that joint inspections were ongoing to

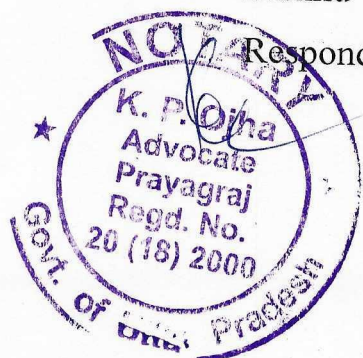


determine the impacted area and the number of affected trees for the construction of the Obra-D project (Point 6(d)).

- d) The Obra Forest Division has not yet issued permission for the cutting of trees required for the construction of the Obra-D project (Point 8.6).
 - e) MUNPL will undertake the construction of the Obra-D thermal project subject to obtaining necessary permissions from the relevant authorities (Point 10.3).
 - f) The cutting of trees for the Obra-D project will only take place after finalization of the General Layout Plan (GLP) and receipt of the required permissions/No Objection Certificates (NOCs) from the concerned Divisional Forest Officers (DFOs) (Point 10.3).
6. In this regard, it is respectfully submitted that the Obra-D project, which is being constructed by the Answering Respondent, as observed by the Joint Committee, is still in its preliminary stages. The General Layout Plan (GLP) regarding the Obra-D project is yet to be finalized. However, as stated in Point 6(c) of the Joint Committee report, the primary marking, numbering, and counting work of trees for deforestation is under process. Moreover, the exact number of trees that will be cut/fallen shall only be determined once the GLP is finalized. Furthermore, it is submitted that all requisite permissions and NOCs shall be obtained from the statutory authorities/concerned departments and bodies for undertaking any tree-cutting/falling exercise after GLP finalization. It is essential to note that MUNPL, being a public entity, is fully committed to following all laws and regulations and has not engaged in any illegal activities as alleged.



7. It may be noted that for the purpose of development at 'Obra D' as of 09.11.2024, the Answering Respondent has moved an Application for Tree Enumeration for Obra D project before the DFO, Obra on 02.05.2024 which is under progress. Further, the Answering Respondent is under the process of finalizing GLP of Obra D which is under the internal approvals. The true copy fo the communication dated 02.05.2024 issued by the DFO, Obra is attached herewith and marked as **Annexure R-1**.
8. It is imperative to recognize that the compliance efforts have been diligently pursued, and any scrutiny reflects a proactive approach to ensuring environmental protection in line with the legal requirements. It is submitted that the allegations levelled by way of the Letter Petition dated 08.10.2023 in respect of Obra D project are completely baseless, apprehensive and raise falsely mentions actions which have not been taken by the Answering Respondent as of date. Even Otherwise, the Answering Respondent is duty bound and is carrying all its operations in due compliance of all the necessary provisions under law/regulations. Hence, the Answering Respondent has not committed any wrongful/illegal or any other act detrimental towards the environment/interest of the general public at large.
9. The Answering Respondents reserves its right to file a more detailed reply as and when required depending upon the circumstances of the present case subject to the leave of this Hon'ble Tribunal.
10. The present reply is being filed without prejudice to the rights and contentions of the Answering Respondents. It is submitted that Mr. Bishnu Choudhury is authorized to represent the Answering Respondent No.8 for the purpose of the present Reply.



11. In light of the facts and circumstances presented, the Applicant has made attempts to mislead this Hon'ble Tribunal, tantamounting to abuse of process and wastage of precious judicial time. Consequently, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Application in view of the fact that the Answering Respondents have fully adhered to all applicable laws and regulations. Furthermore, the Applicant is liable to be held accountable for their misleading conduct by imposing exemplary costs, reflecting the seriousness of this matter and discouraging similar behaviour in the future.



Place: New Delhi
Dated: 13.11.2024

Through


RESPONDENT No.8

DGM - CCD/OBRA


Adarsh Tripathi and Ajitesh Garg

Advocates for Respondent No.8

G-34, Basement, Lajpat Nagar-III

New Delhi

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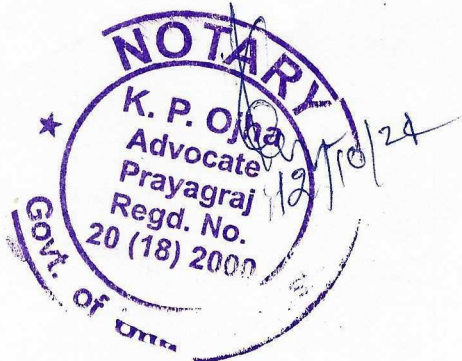
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...Respondents

AFFIDAVIT

I, Bishnu Choudhury, son of Sh. Birendra Nath Choudhury, aged about 52 years, working as DGM (CCD-Obra) with the Respondent No. 8 Company, having an official address at SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi, do hereby solemnly affirm and state as under:

1. That I am working as DGM (CCD-Obra) in the Respondent No. 8 Company and well conversant with the facts and circumstances of the present case and hence, competent to swear the present affidavit.
2. That I have read and understood the contents of the accompanying Reply and I state that the contents of the same are true and correct to the best of my knowledge.
3. That the present Affidavit has been moved bonafide and nothing material has been concealed therefrom.

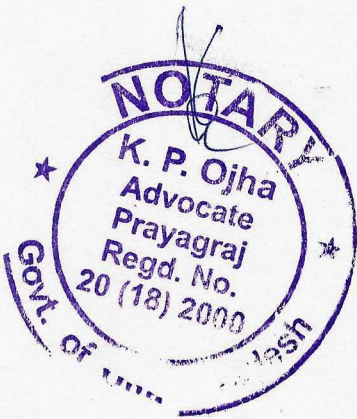



DEPONENT
(DGM - CCD/OBRA)

VERIFICATION:

I, the Deponent above named, do hereby solemnly verify that the contents of my above affidavit are true and correct and that nothing material has been concealed from this Hon'ble Court.

Verified at New Delhi on this 12 day of November 2024.



[Signature]
DEPONENT
 (DGM-CCD/OBRA)

SOLEMNLY AFFIRMED BEFORE ME ON
 Dated.....12-10-2024.....
 By Sri / Smt.....Vishnu Chaudhary.....
 By Mr.....[Signature].....Advocate
 his/her, affidavit is true and correct which is
verified and attested.

[Signature]
Kameshwar Pd. Ohja
Advocate, NOTARY
Prayagraj

Annexure R-281

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कार्यालय प्रभागीय वनाधिकारी, ओबरा वन प्रभाग, ओबरा-सोनभद्र।
पत्रांक 2689 / ओबरा / 33 दिनांक, 02/05, 2024.

सेवा में,

MEJA URJA NIGAM (P) LIMITED
(A joint venture NTPC Ltd & UPRVUN limited),
OBRA 'D' PROJECT (MUNPL)
VIP GUST HOUSE OBRA SONEBHADRA (UP)

विषय:- 2X800 मेगावाट ओबरा-डी निर्माण हेतु सर्वे के सम्बन्ध में।

सन्दर्भ:- MEJA URJA NIGAM (P) LIMITED (A joint venture NTPC Ltd & UPRVUN limited) का पत्र संख्या-MUNPL/2024-25/02 Date 12.04.2024

आपके उपरोक्त सन्दर्भित पत्र द्वारा 2X800 मेगावाट ओबरा-डी निर्माण हेतु ओबरा के सेक्टर 1, 2, 3, 4 व 9 में सर्वे एवं वृक्षों की गणना करने का अनुरोध किया गया है।

उक्त के क्रम में आपसे अपेक्षा की जाती है कि आप श्री इन्द्रजीत पाल, क्षेत्रीय वन अधिकारी डाला (मो0नं0 8052325000) से सम्पर्क स्थापित कर, परियोजना में प्रस्तावित क्षेत्र तथा प्रस्तावित क्षेत्र में प्रभावित होने वाली वृक्षों की गणना के सम्बन्ध में संयुक्त जांच कराते हुए, संयुक्त जांच रिपोर्ट की प्रति इस कार्यालय में उपलब्ध कराने का कष्ट करें। जिससे कि प्रकरण में अग्रिम कार्यवाही किया जा सके। अवलोकन हेतु सन्दर्भित पत्र की छायाप्रति संलग्न है।

संलग्नक-उपरोक्तानुसार।

(अनुराग प्रियदर्शी)

प्रभागीय वनाधिकारी

ओबरा वन प्रभाग, ओबरा-सोनभद्र।

संख्या- 2689 अ/समदिनांकित।

प्रतिलिपि-उप प्रभागीय वनाधिकारी, चोपन को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

प्रतिलिपि-क्षेत्रीय वन अधिकारी, डाला को इस निर्देश के साथ प्रेषित कि आप MEJA URJA NIGAM (P) LIMITED (A joint venture NTPC Ltd & UPRVUN limited) OBRA 'D' PROJECT (MUNPL) VIP GUST HOUSE OBRA SONEBHADRA (UP) के प्रतिनिधि (मो0नं0 9425178054) से सम्पर्क स्थापित कर परियोजना में प्रस्तावित क्षेत्र तथा प्रस्तावित क्षेत्र में प्रभावित होने वाली वृक्षों की गणना के सम्बन्ध में संयुक्त जांच कराना सुनिश्चित करें।

(अनुराग प्रियदर्शी)

प्रभागीय वनाधिकारी

ओबरा वन प्रभाग, ओबरा-सोनभद्र।