

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
I.A. NO. 137 OF 2024  
IN  
ORIGINAL APPLICATION NO. 59 OF 2024

**IN THE MATTER OF:**

IN RE: NEWS ITEM TITLED "DEFORESTATION FOR MINING RESUMES IN HASDEO LOCALS ACTIVISTS ALLEGE DETENTION" APPEARING IN THE HINDU DATED 22.12.2023

**IN THE MATTER OF:**

Dr. D.S. Srivastava ... .. Applicant

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Next Date of Hearing: 25.04.2025

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New Delhi  
24.04.2025

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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**IN THE MATTER OF:**

**Dr. D.S. Srivastava      ...      ...      ...      ...      ...      ...      ...Applicant**

**Submissions on behalf of the Applicant pursuant to Order  
dated 06.02.2025**

It is most respectfully showeth:

1. That in the present proceedings, this Hon'ble Tribunal has taken *suo moto* cognisance of news reports on the deforestation that is taking place for a coal mining project in the Parsa East and Kente Basan (PEKB) block in the State of Chhattisgarh, and the consequential protests. As recorded in order dated 04.09.2024, the Applicant herein has sought leave to assist the Hon'ble Tribunal in the present proceedings and has subsequently filed written submissions on 14.10.2024 for the just and proper adjudication of the matter.
2. That during the course of the hearing held on 06.02.2025, the counsel for Respondent No. 4 presented a tabulated chart showing the status of certain pending cases before various courts. The Applicant herein was granted time by this Hon'ble Tribunal vide order dated 06.02.2025 to verify and place on record the status and details of the pending matters. Subsequently, an affidavit dated 21.04.2025 has been filed by Respondent No. 4.

3. That at the very outset, the Applicant would like to reiterate that **there is no valid order issued by the State of Chhattisgarh under Section 2 of the Forest (Conservation) Act 1980 (FC Act) permitting mining in the PEKB coal block.**

3.1. An earlier order dated 28.03.2012 issued under Section 2, FC Act, by the State of Chhattisgarh for diversion of forest land for coal mining in the PEKB block was categorically set aside by this Hon'ble Tribunal vide its judgment dated 24.03.2014 in *Sudiep Shrivastava v State of Chhattisgarh and Others* Appeal No. 73 of 2012.

3.2. An appeal C.A. No. 4395 of 2014 against the judgment dated 24.03.2014 of this Hon'ble Tribunal was disposed of by the Hon'ble Supreme Court vide its order dated 16.10.2023 as the counsel for Respondent No. 4 stated during the proceedings that the appeal was not pressed. Furthermore, once the Appeal was disposed of, the stay order issued by the Hon'ble Supreme Court vide its order dated 28.04.2014 (granting an interim stay and allowing mining) is no longer in operation.

4. That letters dated 02.02.2022 and 25.03.2022 permitting Phase II mining in the PEKB are not Section 2 FC Act orders. These letters cannot substitute the mandatory statutory requirement of a Section 2 order issued by the State Government before mining commences in forest land. Tree felling being undertaken on the basis of these two letters and without a valid Section 2 FC Act order is illegal and must be stopped forthwith.

5. That Applicant's submissions to the tabular chart submitted by Respondent No. 4 and extracted in this Hon'ble Tribunal's order dated 06.02.2025 are as follows, and the Applicant seeks leave to make further submissions regarding the same during the hearing:

Case/ forum	Applicant's submissions
W.P. (C) No. 510 of 2023; Hon'ble Supreme Court of India	<ul style="list-style-type: none"> <li>The Hon'ble Supreme Court issued notice in this matter on 05.11.2024. The present <i>suo moto</i></li> </ul>

<p>(matter is pending; NDOH – 14.05.2025)</p>	<p>proceedings were registered by this Hon'ble Tribunal prior to that on 11.01.2024.</p> <ul style="list-style-type: none"> <li>• Prayer (a) seeks declaration of a Conservation Reserve under the Wildlife (Protection) Act 1972 – an issue outside the statutory mandate of this Hon'ble Tribunal, and not covered by the present proceedings.</li> <li>• Prayers (b) to (d) seek stoppage of mining in the PEKB coal block and the quashing of two letters dated 02.02.2022 and 25.03.2023 that permit Phase II mining. A perusal of the averments made in the Writ Petition show that the Petitioner's grounds relate mostly to the immense ecological value of the Hasdeo Aranya region and the Lemru Elephant Reserve, the selective reliance on the findings of the ICFRE-WII report (while ignoring recommendations that did not support mining in the area), and the unnecessary demand for coal from this region. No prayer regarding the absence of the mandatory Section 2 order under FC Act has been made, nor any declaration/ direction sought.</li> <li>• Prayers (e) and (f) relate to the Parsa coal block, not the PEKB coal block, and therefore are not relevant to the present proceedings.</li> <li>• The issue of illegal felling of trees in the PEKB block before this Hon'ble Tribunal is not connected to Prayers (g) and (h) that seek quashing of the environmental clearance granted to the PEKB block.</li> </ul>
<p>W. P. (C) No. 1346 of 2016, Hon'ble High</p>	<ul style="list-style-type: none"> <li>• The Hon'ble High Court allowed the Application for amendment of the Writ Petition and inclusion</li> </ul>

<p>Court of Chhattisgarh (matter is pending; NDOH: 20.06.2025 – according to the High Court’s website)</p>	<p>of Prayer (iv) vide its order dated 02.05.2024. This Hon’ble Tribunal initiated the present <i>suo moto</i> proceedings on 11.01.2024 – prior to the Hon’ble Court permitting the amendment of the Writ Petition.</p> <ul style="list-style-type: none"> <li>• Vide its previous order dated 30.09.2022, the Hon’ble High Court had refused to consider staying the operation of the letters dated 02.02.2022 and 25.03.2022, along with letter of the APCCF dated 05.05.2022 permitting tree felling in 43.63 hectares of forestland, as the letters were not part of the writ petition.</li> <li>• A perusal of the averments in the Writ Petition reveal that it has been filed to protect the rights of persons affected by the mining under the Forest Rights Act, and it raises a very important issue of whether the rights, including community forest rights, of the affected persons could have been cancelled.</li> <li>• While this Hon’ble Tribunal has the statutory mandate to ensure the proper implementation of the FC Act, issues relating to Forest Rights Act fall outside its jurisdiction, and therefore grounds raised in W.P. (C) 1346 of 2016 cannot be agitated before this Hon’ble Tribunal.</li> <li>• The challenge to the letters permitting Phase II mining is incidental to the protection of forest rights, as several forest rights would be almost entirely extinguished once tree felling is permitted.</li> </ul>
<p>O.A. No. 5 of 2025 (CZ) (Old No.: O.A. No. 1080)</p>	<ul style="list-style-type: none"> <li>• The Central Zone Bench of this Hon’ble Tribunal has disposed of this matter vide its order dated 03.04.2025. From a perusal of the order, it</li> </ul>

<p>of 2024); Hon'ble NGT, Central Zone Bench (<i>matter has been disposed of</i>)</p>	<p>appears that the absence of an order under Section 2 FC Act was neither raised as an issue nor discussed by the Hon'ble Tribunal in its order.</p> <ul style="list-style-type: none"> <li>• The Hon'ble Tribunal appears to have accepted the report of the Joint Committee based on the fact that the MoEFCC, CECB and the State of Chhattisgarh have concurred with the views of the Joint Committee.</li> <li>• The order also records that the counsel for the project proponent – Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) – has stated that it has no objection to the Committee's report. Given the report was completely in the favour of the company, the no objection is not surprising.</li> <li>• From the perusal of the order, there does not appear to be any counsel for the Applicant (the person/ group who had sent the representation to the Hon'ble Tribunal), any <i>amicus curiae</i> who may have been appointed by the Hon'ble Tribunal, or any other person or legal counsel who could have provided a counter view to the Joint Committee's report and presented it to the Hon'ble Tribunal. The Committee did not inquire into the absence of a Section 2 FC Act order for the PEKB coal mining project, and the same is evident from its report.</li> </ul>
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6. That Respondent No. 4 has referred to an order dated 29.11.2024 passed by this Hon'ble Tribunal in *Hasdeo Aranya Bachao Sangharsh Samiti v Union of India* (M.A. No. 12 of 2024 in Appeal No. 16 of 2019). It is respectfully submitted that the Respondent is clearly trying to mislead the Hon'ble Tribunal as that order and the case relates to a **different coal block**

– the Parsa coal block. It does not in any way relate to the PEKB coal block, which is the subject matter of the present case.

7. That it is respectfully submitted that no judicial forum has till date applied its mind to the blatant illegality of permitting Respondent No. 4 to fell trees for Phase II mining in the PEKB block in the absence of a valid Section 2 FC Act order. This Hon'ble Tribunal is statutorily empowered to bring an end to the illegal tree felling that is being carried out in complete disregard of the provisions of the FC Act.
8. That in light of the submissions made above, the Applicant respectfully requests this Hon'ble Tribunal to pass appropriate directions prohibiting tree felling in the PEKB block. There is no statutory basis to allow tree felling to continue in the PEKB block. Till date, none of the Respondents have brought on record any document showing a valid Section 2 FC Act order issued by the State of Chhattisgarh permitting the use of forest land in the PEKB block for non-forest purpose – i.e. coal mining. Any other communication permitting tree felling has no basis in law as the previous Section 2 FC Act order dated 28.03.2012 has been set aside by this Hon'ble Tribunal vide its judgment dated 24.03.2014, and the judgment continues to hold the field after the Hon'ble Supreme Court's order of 16.10.2023.

THROUGH



SHIBANI GHOSH  
ADVOCATE FOR THE APPLICANT

NEW DELHI

24.04.2025

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
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AND IN THE MATTER OF:

DR. D.S. SRIVASTAVA... ..APPLICANT

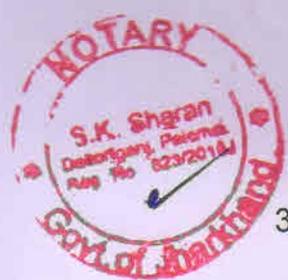
AFFIDAVIT

I, Dr. Daya Shankar Srivastava, son of Late Sugriv Lal Srivastava, resident of Apoorva, Khanna Path, TOP-2 Road, Redma, Daltonganj, District Palmau, Jharkhand 822 101, aged about 79 years, do hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the present Application and am fully conversant with the facts of the case and am hence competent to affirm this Affidavit.
2. That I have read a copy of the accompanying Submissions filed in pursuance to this Hon'ble Tribunal's order dated 06.02.2025, as prepared by my Advocate under instructions received from me and have understood the contents thereof.
3. That what is stated in the accompanying Submissions is true to my knowledge and nothing material has been concealed therefrom.

Daya Shankar Srivastava.  
DEPONENT

Book No 12901  
SL No 09  
Rate  
S.K. Sharan





**अफिदावत (AFFIDAVIT)**



THE DEPONENT Mr. S. K. Sharan who is identified by Sr. Advocate who appeared before me and swear on oath that the contents of Affidavit are true & correct to the best of his/her knowledge information and belief.

*Dega slankes sira shara  
Dhanjay K. Ghosh*

*Sharan / ay / Wm  
to Mr. 22/04/2025*



*2/9/199  
S. K. Sharan  
Notary Palamu  
22/04/2025*

VERIFICATION

I, Dr. Daya Shankar Srivastava, the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material has been concealed there from.

Verified at Daltonganj on this the 22 day of April 2025.

Dr. Daya Shankar Srivastava  
DEPONENT

Daltonganj  
22/04/2025



THE DEPONENT Mr./Mrs. Dr. Daya Shankar Srivastava  
Who is identified by Sr. Shankarjay Kr. Gindro  
Advocate who appeared  
before me and swear on oath that the  
contents of  
this Affidavit  
are true & correct to the best of his/her  
knowledge information and belief

22/04/2025  
S. K. Sharan  
Notary Palamu

**2604**

Shibani Ghosh &lt;shibanighosh83@gmail.com&gt;

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**Service of Submissions on behalf of Applicant in IA No. 137 of 2024 in OA No. 59 of 2024**

1 message

**Shibani Ghosh** <shibanighosh83@gmail.com>

24 April 2025 at 10:36

To: pandey.abhishek12@yahoo.in, officeofkunalverma@gmail.com, architkrishnaoffice@gmail.com, "lawchambers.ut@gmail.com" &lt;lawchambers.ut@gmail.com&gt;

Dear Sir/ Madam,

Please find attached submissions being filed on behalf of the Applicant in IA No. 137 of 2024 in OA No. 59 of 2024 pursuant to Hon'ble Tribunal's order dated 06.02.2025. Please acknowledge the receipt of the same.

A copy of this email will be provided as proof of service of the written submissions on the parties.

Regards,  
Shibani Ghosh  
Advocate for the Applicant  
9871437801

**Submissions on behalf of Applicant pursuant to 0602025 order - 24042025.pdf**

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