

Item No. 03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No. 102/2021/EZ

Keshab Ganda

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 25.04.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) :

For Respondent(s) : Mr. Sailaza Nandan Das, ASC for R-1, 4, 5, 6 & 7,
Mr. Janmejaya Katikia, AGA for R-2, 3 & 9,
Mr. Debasish Ghosh, Advocate for R-8

ORDER

1. Mr. Sankar Prasad Pani, learned Counsel is not present. We are also informed that his Mother has expired yesterday and therefore, due to bereavement in the family, the learned Counsel is not present.
2. Mr. Sailaza Nandan Das, learned Additional Standing Counsel for Respondent Nos.1, 4, 5, 6 & 7, Mr. Janmejaya Katikia, learned Additional Government Advocate for Respondent Nos.2, 3 & 9 and Mr. Debasish Ghosh, learned Counsel for Respondent No.8, are appearing in virtual court proceedings.
3. One counter-affidavit dated 19.04.2022 has been filed by Respondent Nos. 1, 4, 5, 6 & 7; the same is taken on record.
4. We find this affidavit has been filed by the Block Development Officer, Jharigam on behalf of the Respondent No.1, Principal Secretary, Panchayatiraj and Drinking Water Department, Government of Odisha and Respondent No.7, Collector & District Magistrate, Nabarangpur. However, we warn the State Respondent to ensure that if the affidavit has to be filed on behalf of the Principal Secretary and Collector & District Magistrate an officer not below the rank of Additional District Magistrate at least should file the affidavit and on behalf of the Chief Secretary and

Principal Secretary not below the rank of Joint Secretary as per directions of the Hon'ble Supreme Court.

5. Mr. Sailaza Nandan Das, learned Additional Standing Counsel informs that copy of this affidavit has been served upon Mr. Debasish Ghosh, learned Counsel on his Whatsapp on behalf of the Ministry of Environment, Forests and Climate Change.
6. We are of the view that the affidavit of the MoEF&CC is absolutely necessary in the matter since it relates to grant of Forest Clearance under the Forest (Conservation) Act, 1980 and also consideration under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
7. We grant Mr. Debasish Ghosh, learned Counsel for Respondent No.8, Ministry of Environment, Forests and Climate Change four weeks time for filing counter-affidavit.
8. Mr. Janmejaya Katikia, learned Additional Government Advocate for Respondent Nos.2 3 & 9, is also granted four weeks time for filing counter-affidavit.
9. Mr. Debasish Ghosh, learned Counsel is granted 24 hours for e-filing of the affidavit of the MoEF&CC.
10. **List on 31.05.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

April 25, 2022,
Original Application No. 102/2021/EZ
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