

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

O.A. No. 155/2016/EZ

BIREN KR. PRADHAN & ANR

VS

STATE OF ODISHA & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants : Mr. Sankar Prasad Pani, Advocate
Respondent No. 2 : Mr. Gora Chand Roy Chowdhury, Advocate
Respondents No. 1,4-7 : Mr. Bidesh Ranjan Behera, Addl. Govt. Advocate
Respondent No. 3,9 : Mr. J. Katikia, Addl. Govt. Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
Item No. 3 21 ST March, 2017.	<p style="text-align: center;">Affidavit-in-opposition has been filed on behalf of the respondent No. 3, the District Collector, Deogarh by Mr. Janmejy Katikia, Ld. Addl. Govt. Advocate in the form of "preliminary affidavit". It is stated that copies have been served on the other side.</p> <p style="text-align: center;">The affidavit is ordered to be taken on record.</p> <p style="text-align: center;">Upon hearing the Id. advocates for the parties, it appears that there are two questions that have arisen in this OA. First question is on the compliance of Forest (Conservation) Act, 1980 for widening of NH-200and</p>

the second, the necessity of obtaining Environmental Clearance (EC) having regard to the fact that the work would also involve extraction of minor minerals including soil, land and gravels as reflected in order dated 11.1.2017.

In so far as the first question is concerned, nothing much would be left for determination subject to what shall transpire later. However, in order to decide the second question, we deem it essential to implead the SEIAA, Odisha and DEIAA, Deogarh district which would be the competent authorities to decide on the question as to whether the project would require EC or not.

Let SEIAA, Odisha and DEIAA, Deogarh be impleaded as respondent Nos. 11 and 12 respectively.

Mr. Gora Chand Roy Chowdhury, Ld. Advocate for the MOEF is present in court and accepts notice on behalf of the newly added respondent No. 11, i.e., SEIAA, Odisha since he is also an empanelled counsel for the said authority. Being thus an empanelled advocate for both the MOEF and SEIAA, we deem it

appropriate to direct notice also upon DEIAA, Deogarh, respondent No.12 through Mr. Ray Chaudhuri. Notice, therefore, stands dispensed with in respect of the newly added respondent No. 11 & 12.

The applicant and the other respondents are directed to serve copies of the OA and affidavits filed by them to Mr. Roy Chowdhury to facilitate him in taking steps in the interest of expeditious disposal of the case. SEIAA and DEIAA shall ensure that affidavits are filed by them before the next date.

Although Mr. Pani, Ld. Advocate for the applicants insists upon an interim order being issued, we are not inclined to do so without hearing the SEIAA and the DEIAA.

List on 28.4.2017.

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Justice S.P.Wangdi, JM
21-3-2017

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Prof. (Dr.) P. C. Mishra, EM
21-3-2017

