

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

O.A. No. No. 40/2015/EZ

Satyanarayan Banchhor and Anr.

VS

Union of India & Ors.

CORAM: **Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

PRESENT: Applicant : Mr. Sankar Prasad Pani, Advocate.
Respondent No. 1 : None.
Respondent No.2 & 3 : Mr. Surya Prasad Mishra, Advocate General
Mr. Pravat Kumar Muduli, Addl. Standing Counsel

| Date & Remarks | Orders of the Tribunal |
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| Item No. 3 5th August, 2015. | <p>Heard Id. counsel appearing for respective parties. None appears for Respondent No.1.</p> <p>Ld. Advocate General appears on behalf of State of Odisha along with his Junior who undertakes to file vakalatnama for Respondent Nos. 2 and 3 on the next date of hearing. The said respondents are directed to file supplementary reply of the application by annexing the order as passed, under Section 2 of the Forest (Conservation) Act, 1986 by the State Government for our consideration relating to the satisfaction of the conditions stipulated thereon prior to proceeding with the project, as it is a case of diversion of 637.68 hectares of forest land for construction of lower Suktel Irrigation Project. Let such affidavit be filed on the next date of hearing and copies of the same be served upon the respective respondents and the applicant. Nobody appears on behalf of Respondent No. 1 viz. MoEF & CC. Matter was adjourned earlier as no affidavit on behalf of MoEF & CC was filed and nobody has entered appearance on behalf of them. Since their presence is necessary for effective</p> |

adjudication of the matter, hence the Secretary, Ministry of Environment, Forests and Climate Change viz. Respondent No. 1 is directed to file an affidavit by three weeks positively answering the point raised in the O.A. on environment issue. Rejoinder, if any, be filed by the applicant within one week thereafter. It appears from the record that two copies of the O.A. have already been served upon respondent No. 1 one copy by dasti and another copy by speed post and documents to that effect has been filed as a proof of service. Despite such, no affidavit has been filed by Respondent No.1. The Secretary, MoEF & CC must take steps to file the same as directed above. Registry is directed to communicate this order to Respondent No. 1 forthwith.

Matter stands adjourned to 11.09.2015.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM

