

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.164/2023/EZ

All India Anti Corruption Organization	Applicant(s)
Versus	
Union of India & Ors	Respondent(s)

Date of hearing: 03.04.2024

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
 HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Saheb Banerjee, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-1,
 Mr. Surendra Kumar, Advocate for R-6,
 Mr. Dipanjan Ghosh, Advocate for R-10 (in Virtual Mode),
 Mr. Rajib Ray, Advocate for R-13 & 17 (in Virtual Mode),
 Ms. Rashhmi Singhee, Advocate for R-16 (in Virtual Mode)

ORDER

1. Affidavit dated 03.02.2024 has been filed by Respondent No.13, Divisional Forest Officer, Durgapur; the same is taken on record.

2. In this affidavit, it has been stated that money for plantation of trees was received from the National Highway Authority of India (NHAI) for a sum of Rs.15,94,850/- (Rupees Fifteen lakhs ninety four thousand eight hundred fifty only) vide Cheque No.340011 dated 17.09.2013 which has been deposited with the West Bengal Wasteland Development Corporation Ltd. vide Cheque No.876391 dated 18.06.2014. How has this fund been utilized has not been indicated or whether it has been utilized at all has not been indicated. The Divisional Forest Officer, Durgapur, has not clarified as to whether this amount was adequate towards compensatory afforestation for the trees cut.

3. Thereafter, it is stated that 182 Ha. plantation which translates to 2,91,200 trees was created on phase by phase basis by the DFO,

Durgapur, from the fund provided by the West Bengal Wasteland Development Corporation Ltd. (now Green Projects Wing). It is not clear as to whether this plantation is connected to the project of the NHAI in the present Original Application. These plots 440, 441 to 521 are stated to be under Asansol, Jharkhand border to be executed on BOT basis.

4. He has also stated that only four permissions were granted by the Durgapur Division in 2013. It is not indicated as to whether the area referred to in the Original Application in paragraph-5.15 of the Original Application falls within his jurisdiction or not. He has also not disclosed that if the same does not fall within his jurisdiction, in whose jurisdictional area it falls so that the said authority may be impleaded in the present Original Application.
5. We, therefore, direct the Divisional Forest Officer, Durgapur, to file a better affidavit within two weeks.
6. The Applicant is directed to file affidavit of service within one week showing service on all the respondents.
7. The National Highways Authority of India has not filed any affidavit till date. We direct the National Highways Authority of India to file his affidavit by the next date of listing.
8. **List on 14.05.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

April 03, 2024,
Original Application No.164/2023/EZ
MN