

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING
AT CHENNAI

Application No. 171 of 2020

Dr. Sarvabhoom Bagali

.....Applicant

Vs

State of Karnataka & others

.....Respondents

COUNTER AFFIDAVIT OF P.L. KAMBLE

I, Parashuram S/o. Laxman Kamble, Hindu, aged about 48 years, residing at N.H. 13, Ilakal Road, Hunagund, Bagalkot District, Karnataka – 587125 today at Bangalore do hereby solemnly affirm and sincerely state as follows:

1. I am the 9th Respondent herein and I am fully acquainted with the facts of the case. I have read contents of this application and I am filing this counter affidavit in answer thereto.

2. I submit that I deny the allegation stated in para 4 of the application. I submit that I am carrying out the mining on the strength of the quarrying Lease/Licence deed dated 13.06.2017 granted by the 1st Respondent herein. As per the Lease deed I am permitted to use backhoe equipment like JCB is allowed as per Chapter IV – B, 31-R of Karnataka Minor Mineral concession Rules – 1994 & its amendments and it is



(Signature)

false to state that the mining are being carried out during the night time as well and I put the Applicant to strict proof of the same. I submit that the mining is been carried out as per the terms and conditions stipulated in the Lease deed dated 13.06.2017 and I have environmental clearance on 08.06.2017. I submit that the details given regarding the Lease deeds are correct and I deny the allegation that mining carried out by me is illegal. The averments stated in para 6 are hereby denied and I put the applicant to strict proof of the same. I submit that with respect to averments in Para 7 of the application are not within my knowledge and being the court proceedings I am not disputing the same.

3. I submit that I deny the allegations stated in para 8 of the application and put the applicant to strict proof of the same. I submit that the death of Ms. Sridevi happened accidentally on 14.03.2020 and it was not occurred inside the mining lease area and the same happened is on the north of the Joladahedagi Blocks. Further I have taken all precautions by which the life of any person visiting the area is not endangered. I submit that investigation with respect to the death of Ms. Sridevi was conducted and the same was concluded by the concerned police officials. I submit that I stoutly deny the allegations stated in para 9 of the application that the father of the deceased girl namely Chandappa gave an affidavit dated 06.07.2020 describing the incident and the thumb impression was obtained by fraud and undue influence taking advantage of the illiteracy of Chandappa and the same was subsequently withdrawn by him in the subsequent affidavit dated 21.07.2020 withdrawing his earlier affidavit declaring it to be invalid. I submit that as the deceased father



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namely Chandappa withdrawn the alleged affidavit dated 06.07.2020 the allegations in para 10 are denied and same needs no reference.

4. I submit that it is true that an application M.A.No. 39 of 2020 in O.A.No.366 of 2015 was filed by the applicant and the O.A.No.366 of 2015 itself was disposed off by the Principal Bench, New Delhi vide order dated 26.02.2021. I submit that the allegations in Para 11 and 12 are denied and as per the New Sand Policy, 2016, Karnataka Minor Mineral concession Rules, 1994 and Amendment 2016 and as per the Sustainable Mining Management Guidelines, 2016 usage of bachoe equipment like JCB is allowed. Further I have not violated any environmental laws till date. Further the father of the deceased girl namely Chandappa himself has filed an affidavit dated 21.07.2020 stating that her daughter had accidentally drowned in the Krishna River at Joladahedagi Village and not in mining lease area and hence I shall not be penalized for no wrong or negligence on my part. I submit that in order to extort money from me the applicant had obtained an affidavit dated 06.07.2020 from the father of the deceased and nowhere the father had stated that the death of his daughter was due to drowning in a sand mining block pit except in the alleged affidavit dated 06.07.2020 produced before this court. Even in the FIR lodged it was stated that the deceased girl had accidentally drowned in the Krishna River. The conduct of the applicant is malafide and I pray this Hon'ble Tribunal to dismiss the application with exemplary cost.



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5. For all the reasons stated above it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the application with exemplary cost and pass such further orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Deponent

Solemnly affirmed at Bangalore on
ME
this the 6th day of July 2021
and has signed his name in my
presence after reading the
contents herein
BANGALORE

BEFORE

R. S. Vijay
ADVOCATE, *CFAR/1848/02*

SWORN TO BEFORE ME

R. S. VIJAY
NOTARY PUBLIC, GOVT. OF INDIA
"Trinity", 9th Cross, Brindavan Layout,
Heramavu, BENGALURU - 560 043.

