

S.L. No. 1/24

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 140/2024/EZ

In the matter of:

FAKIR MOHAN PATEL

... Petitioner



Versus

STATE OF ODISHA & ORS.

... Respondents

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Premy Usher

Patel

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In the matter of:

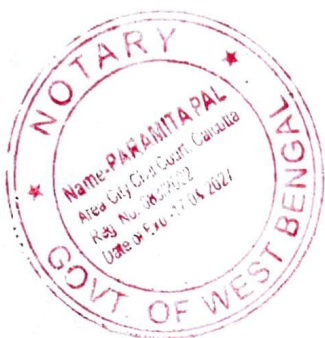
FAKIR MOHAN PATEL

... Petitioner

Versus

STATE OF ODISHA & ORS.

... Respondents



COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 8 TO
THE ADDITIONAL AFFIDVAIT OF THE PETITIONER

I, Prem Kishore Patel, son of Sri. Rohit Patel, aged about 45 years, by faith – Hindu, by occupation – business, residing at Chicholi Village, Tahsil – Ambabhona, District – Bargarh, Pin – 768045, do hereby solemnly affirm and say as follows:



1. That I am the Respondent No. 8 in the instant proceeding. I am well conversant with the facts and circumstances of the instant case. I am competent to sign and affirm this affidavit on behalf of the Respondent No. 8 herein (hereinafter referred to as “counter-affidavit”).

2. I have read a copy of the additional affidavit allegedly verified by an affidavit purportedly affirmed by Fakir Mohan Patel, on August 23,

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Prem Kishore Patel

2024 (hereinafter referred to as "the said affidavit") and filed by him.

I have understood the contents and purport of the said application.

3. At the very outset, I say that the said affidavit is not maintainable and is an abuse of process and an abuse of law and should be dismissed in limine with costs.
4. I say that the present applicant is a frivolous litigant and does not have any locus and/or cause of action against the respondent no. 8 and with an intent to agitate his personal vendetta against the present deponent has filed this frivolous litigation, with an intent to harass the deponent and his family members.
5. I have been advised to deal only with and/or traverse statements and those allegations that are relevant and pertinent for the disputes raised in the instant application and save what are matters of records and what law can be substantiated therefrom, barring what and except what has specifically been admitted by me, I deny and dispute each and every statement and/or allegation contained in the said application. I have been made myself well acquainted with the fact and circumstances of the instant case. I have read a copy of the application filed by the applicant abovenamed and I, have understood the contents couched in the various paragraphs of this application.
6. With reference to paragraphs 1 to 3 of the said application, save and except what are matters of record, all allegations are denied and save what have been stated hereinabove, all allegations contained in the paragraphs under reference which are contrary thereto and/or



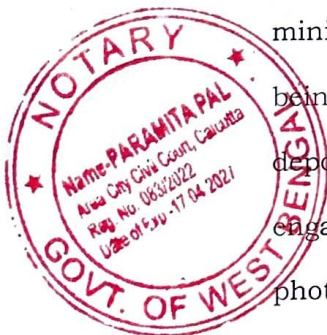
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Pragy Uthor Patel

inconsistent therewith, are denied. It is to be stated that the petitioner does not have the luxury to dictate the factfinding committee to dictate as to when and where the factfinding committee will visit. The information alleged to have been obtained by the petitioner regarding the visit of the factfinding committee in a particular site is not backed by any documentary evidences and hence the same should be rejected at the very threshold.

7. With reference to paragraphs 4 to 7 of the said application, save and except what are matters of record, all allegations are denied and save what have been stated hereinabove, all allegations contained in the paragraphs under reference which are contrary thereto and/or inconsistent therewith, are denied. It is denied that even after notice issued by this Hon'ble tribunal, the private respondent is not stepping back from illegally dumping sands in various places and continues to extract and trade sand suggesting no action from the mining department. On the contrary it is to be stated that upon being versed with the act of sand mining undertaken by the deponent is impermissible the present deponent refrained from engage in such activities. It is to be stated further that none of the photographs relied upon by the petitioner corroborate with the statements made therein.

8. The statements made in paragraphs no. 1 to 4 are true to my knowledge, based on documents derived from records which I verily believe to be true and paragraph nos. 5 to rest are my humble submission before this Hon'ble Court.



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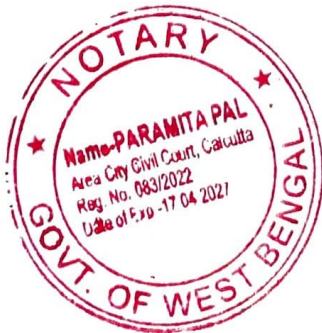
... Respondents

AFFIDAVIT

I, Prem Kishore Patel, son of Sri. Rohit Patel, aged about 45 years, by faith – Hindu, by occupation – business, residing at Chicholi Village, Tahsil – Ambabhona, District – Bargarh, Pin – 768045, do hereby solemnly affirm and say as follows:

1. That I am the respondent no. 8 in the instant Original Application. I am fully conversant with the facts and circumstances of the present case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted under my instruction.

DEPONENT
Prem Kishore Patel



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Identified by me
Soumen Saha
Advocate

Solemnly affirmed and declared
before me on Identification
Paramita Pal
PARAMITA PAL
City Civil Court
Kolkata
Reg. No. 083/2022