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IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 241/2024/EZ

IN THE MATTER OF:

Sayed Sarafat Ali & Anr.

...Petitioners

Versus

Union of India & Ors.

...Respondents

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- 1. Short Counter Affidavit filed by respondent no. 9

Filed by

Surendra Kumar

Advocate WB/535A/1998

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24/02/2025



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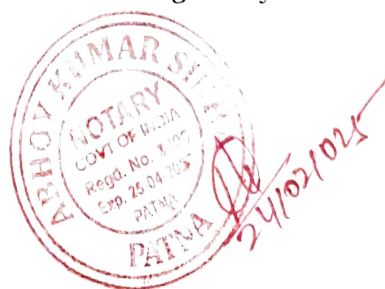
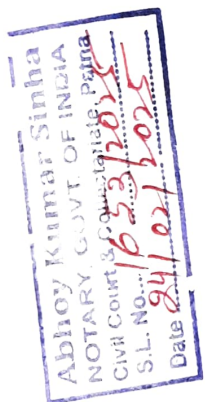
Union of India & Ors.

...Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9

I, Yogendra Kumar Singh, Son of Sachidanand Singh, aged about 59 years, by occupation - Business, residing at Darbeshpur, Post-Jewrakhan Tola, Darweshpur Uparwar, Patna, Bihar, Pincode-801503 do hereby solemnly affirm and state as follows:

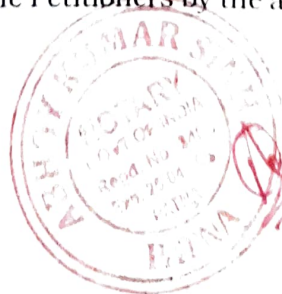
1. That I am the Respondent No. 9 in the present matter and am well conversant with the facts of the case. I am competent to swear this affidavit and do so in response to the allegations made by the Petitioners.
2. That the present affidavit is filed in response to the allegations in the Original Application, which are wholly unfounded, baseless, and misleading, aimed at unnecessarily implicating me in an alleged mining activity that has never taken place at the project site.
3. That the Petitioners have alleged unauthorized and illegal sand mining at the project site; however, a Fact-Finding Committee, duly appointed by the Hon'ble Tribunal, conducted an on-site investigation on 30.01.2025 and categorically found no evidence of



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any mining activity. That the Fact-Finding Committee physically verified two sand blocks in situ and made the following observations: "No mining activity was found at the project site or in its vicinity. No mining machinery or transportation vehicles were found on or near the site. No tracks or marks left by vehicles or machinery used for sand extraction were visible. No office, personnel, display boards, or any setup related to mining were present at the project site. The riverbed containing the plots was undisturbed and covered with patches of wild grass, confirming that no mining had occurred for a substantial period, if at all." The respondent craves leave to refer to the same at the time of hearing, if necessary.

4. That the Petitioners have made vague and unsubstantiated claims regarding environmental damage, groundwater depletion, and harm to aquatic life and agriculture. These allegations are completely speculative and lack any factual basis, as no mining activity has been carried out at the site by the answering respondent.
5. That the allegation that mining is being carried out at the site is completely false. The Committee's report clearly states that no sand mining activities are taking place. That the Petitioners' claim that mining is causing damage to the river, aquatic life, and agriculture is completely baseless since no extraction has taken place at the site by the answering respondent. That no lease deed has been executed in favor of the answering respondent till date. Without a valid lease deed, the question of conducting sand mining does not arise. That the claim that heavy machinery has been used for excavation is denied as no machinery was found on-site. That there is no risk of riverbank erosion or damage to the river dam as alleged by the Petitioners, since no activity has commenced in the sand block being Plot No. 6002 (P, Mouza Gohagram and/or any other site as alleged by the Petitioners by the answering respondent. That



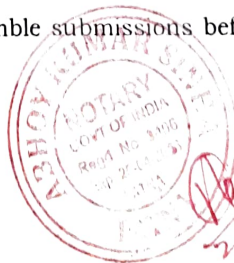
Handwritten signature in red ink, possibly reading 'S. Prakash'.

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X

allegations regarding noise pollution, adverse impact on fisheries, and agricultural activities are wholly speculative and untrue, as no mining operations have taken place by the answering respondent. That the allegation regarding the depletion of groundwater due to mining is completely unfounded, as no mining has commenced at the site, and no wells or piezometers have been installed by the answering respondent.

6. That I submit that the Petitioners have filed the present application without any cogent evidence, and the Hon'ble Tribunal-appointed Committee has itself negated all allegations. That it is settled law that allegations without proof cannot form the basis of legal proceedings, and the onus lies upon the Petitioners to substantiate their claims, which they have failed to do.
7. That the answering respondent respectfully submits that the answering respondent has all necessary permissions and shall began its work following all the norms and there are no violations as alleged. The answering respondent craves leave to refer to the EC, CT, CTE and other relevant documents at the time of hearing, if necessary.
8. In view of the above facts and circumstances, I respectfully pray that this Hon'ble Tribunal may be pleased to dismiss the Original Application as devoid of any merit and pass any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice and also impose cost upon the Petitioners for filing the present frivolous application and devoid of any merit and has wasted the judicial time of this Hon'ble Court.
9. That the statements made in paragraph nos. 1 to 8 are true to my knowledge and belief and are information derived from record and the rest thereof are my humble submissions before this Hon'ble Tribunal.



Solemnly affirmed at Patna on this 24 day of February, 2025.

Yogendra Kumar Singh
24-02-2025

DEPONENT
Akh 6941 2874 6707
Identified by me

V.N. Singh
Advocate

Advocate

Viveka Nand Singh, Adv.

AOR No. 793

Dated - 24-02-2025

VERIFICATION

I, the deponent above named, do hereby verify that the contents of this affidavit are true and correct to my knowledge and belief. No part of it is false, and nothing material has been concealed therefrom.

Solemnly affirmed at Patna on this 24 day of February, 2025.

Yogendra Kumar Singh
24-02-25

DEPONENT

Identified by me

V.N. Singh, Adv.

Advocate WB/535A/1998

Sr./Mat./Mr./Mrs.	Yogendra Kumar Singh.
where he/she identified by	Viveka Nand Singh
Advocate, Solemnly affirmed & declared the	Adv. No. 848/2001 Patna
Same before me	
NOTARY PUBLIC PATNA	Sign
Govt of India	Date: 24/02/2025

Identified by me	Yogendra Kumar Singh
signed and	
my presence	
Advocate	Viveka Nand Singh
Registered No.	848/2001
Date	24/2/2025



24/02/2025

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