

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA**

I.A. 77/2025/EZ

in

ORIGINAL APPLICATION NO. 86 /2024/EZ

IN THE MATTER OF:

PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

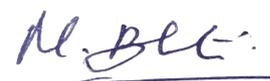
UNION OF INDIA & ORS.

...RESPONDENTS

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THROUGH



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DATE: 12.11.2025

PLACE: KOLKATA

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**REJOINDER TO THE COUNTER AFFIDAVIT DATED 28.10.2025
FILED BY THE RESPONDENT NO.2 IN REPLY TO IA NO. 77/2025/EZ**

1. That the Applicant is filing the present Rejoinder in response to the Counter Affidavit filed on behalf of Respondent No. 2, i.e., the State of Assam on 28.10.2025 in response to IA no. 77 of 2025/EZ. At the outset, the Applicant emphatically denies every submission, allegation and aversion made by the said Respondent in their Counter Affidavit unless specifically admitted by the Applicant.
2. The instant Original Application was filed by the Applicant to raise a substantial question relating to the environment under Section 14 of the National Green Tribunal Act, 2010, arising out of the failure of the Respondents to curb the concerning surge in the illegal mining of minor minerals including sand, gravel, clay and stone in the State of Assam, without obtaining the requisite permissions under the Air (Prevention and Control of Pollution) Act, 1981 ('**Air Act**'), The Water (Prevention



and Control of Pollution) Act, 1974 (“**Water Act**”) and the Environment (Protection) Act, 1986 (“**EP Act**”). Further, the Applicant also sought directions against the Respondents to prohibit conducting auctions of Minor Mineral Concession Areas (MMCA) in various districts of State of Assam such as Cachar, Tinsukia, Udalguri, Goalpara, Golaghat, Kamrup Metro, Lakhimpur and Nagaon without following the mandatory procedure for preparation of a District Survey Report (“**DSR**”) which is a pre-requisite and a *sine qua non* for granting any mining leases(s)/permit under the provisions of the Environment Impact Assessment Notification dated 14.09.2006 (“**EIA Notification**”) issued by Union Ministry of Environment, Forest and Climate Change (“**Respondent No. 1**”) and as amended by way of Notification dated 15.01.2016, the Sustainable Sand Mining Management Guidelines, 2016 (“**SSMMG Guidelines, 2016**”) and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (“**EMGSM Guidelines, 2020**”).

3. That the Applicant has filed I.A No. 77 of 2025/EZ praying for quashing/setting aside of the notice inviting Tender dated 16.07.2025 for Award of Minor Mineral Concession Area of Jagiroad Stone Mining Area No. F(6), Sonaikusi, Reserve Forest, Jagiroad, Morigaon” Bid Reference No: NGN-T/MMCA/F-6/2025 and staying the same till the pendency of the present original application, in the absence of legally subsisting DSR.
4. That the contents of the Original Application and IA are not being repeated herein for the sake of brevity. That the Applicant reaffirms and reiterates the averments made, the grounds and contentions raised in the O.A. and I.A. the same are not being repeated herein for the sake of brevity. That the Applicant craves leave of this Hon'ble Tribunal to treat



the same as having being incorporated herein and to rely upon the same at the time of urging the present Rejoinder.

5. That the Respondent No. 2 in its Counter Affidavit dated 28.10.2025 has stated that DSR for Morigaon district has been approved on 13.02.2025 and an allegedly complete DSR has been subsequently put on portal on 10.10.2025, with the delay in uploading being attributed to some technical error. It is further stated that relevant rules and guidelines are silent about final DSR being uploaded in the public domain.

PARAWISE REPLY TO THE COUNTER AFFIDAVIT

6. That the contents of Para 1 and 2 of the Counter Affidavit are matters of record and merit no response.
7. That the contents of Para 3 of the Counter Affidavit are admitted to the extent that is part of the record. That rest of the contents are denied and disputed in response thereto the contents of the instant OA are reaffirmed and reiterated. It is submitted that part DSR was uploaded on 28.08.2025 and thereafter after the observation of this Hon'ble Tribunal in Order dated 06.10.2025, the annexures to the DSR have been uploaded only on 10.10.2025. It is also pertinent to note that Respondent No. 2 and 5 have stated that DSR was approved by the SIEAA in minutes of meeting ("**MOM**") dated 07.02.2025, uploaded on 13.02.2025. The said minutes of meetings are annexed as Annexure 1 in the reply dated 24.09.2025 filed by Respondent No. 5. A bare perusal of the MOM dated 07.02.2025 will show that of Stone Mineral Concession Area ("**MCA**"), Jagiroad Stone Mining Area No. F6 was not a part of the Draft DSR and proposal under consideration. That therefore there is no legally subsisting DSR for MCA Jagiroad Stone Mining Area No. F6.



8. That the contents of Para 4 of the Counter Affidavit are denied and disputed. It is denied that there are no minor mineral resources in Morigaon and also in neighboring districts. It is submitted that a bare perusal of the DSR uploaded on 28.08.2025 and 10.10.2025 will show that the DSR has been prepared for 15 river bed, 15 stone and 21 brick earth leases, which include both existing and proposed mining leases in the Morigaon District. In terms of stone mining there 1 existing Mine with EC, 3 where mine plan is approved, 4 proposed lease which where mining areas in the past and 7 future proposals. It is denied that Stone Mineral Concession Area (“MCA”), Jagiroad Stone Mining Area No. F6, measuring 20 hectare is most crucial because the said MCA does not find mention in the above-mentioned leases/ DSR. It transpires that Respondent No.5 in a further meeting has amended the DSR in order to replace MCA Jagiroad Stone Mining Area No. F6 with MCA F4 and F5.

A true copy of the portion of DSR, uploaded on 28.08.2025, detailing list of mining leases in the district with location, are and period of validity is annexed and herewith marked as **Annexure 1**.

9. That the contents of Para 5 of the Counter Affidavit are denied and disputed and in response thereto, the contents of the instant OA and IA are reaffirmed and reiterated. It is submitted that Respondents have not complied with all the formalities pursuant to the directions of this Hon’ble Court. It is submitted that vide Order dated 20.08.2025, in para 7, the Respondent no. 2 along with other Respondent No. 1,3 5, and 6-17 undertook to place minutes of meeting of SEIAA and approved DSR on record, which have not been placed on record yet. The relevant para is extracted below:



“Learned Counsel for respondents no. 1-MoEF & CC and 5-SEIAA and learned Counsel for respondents no. 2,3 and 6 to 14 seek time for placing copies of the minutes of meeting of SEIAA and approved DSR.”

- 10.1 That the contents of Paras 6 are denied and disputed and in response thereto, the contents of the instant OA and IA are reaffirmed and reiterated. It is submitted that as per admission of the Respondent No. 2, the complete approved DSR became part of the public record only on 10.10.2025. It is respectfully submitted that the legal framework contemplates two distinct stages of public participation in the preparation of a District Survey Report (DSR). First, under Appendix-X of the EIA Notification, 2006 (as amended on 15.01.2016), a draft DSR must be prepared separately for each minor mineral and placed in the public domain for at least 21 days by keeping a copy in the Collectorate and uploading it on the district website, so that objections/suggestions may be invited. The relevant extract is extracted below:

“PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

Introduction

- 1. Overview of Mining Activity in the District*



2. *The List of Mining Leases in the District with location, area and period of validity*
3. *Details of Royalty or Revenue received in last three years*
4. *Details of Production of Sand or Bajari or minor minerals in last three years*
5. *Process of Deposition of Sediments in the rivers of the District*
6. *General Profile of the District*
7. *Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining, etc.*
8. *Physiography of the District*
9. *Rainfall: month-wise*
10. *Geology and Mineral Wealth*

In addition to the above, the report shall contain the following:

District wise detail of river or stream and other sand source.

District wise availability of sand or gravel or aggregate resources.

District wise detail of existing mining leases of land and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in

the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days.

*The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalized within six months by the DEIAA. The **District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects.** The Report shall be updated once every five years.”*

- 10.2 That the EMGSM Guidelines, 2020 at clause 4.1.1(p) further mandate a wider public consultation before finalization requiring advertisement in local and national newspapers, keeping the DSR online for at least one month, and placing all comments before the Sub-Divisional Committee for active consideration. Only thereafter can a DSR be issued, and such final must again be published in the public domain along with Annexure-V (final list of mining areas). Thus, the law requires that both the draft DSR and the final DSR undergo separate stages of disclosure and hearing, ensuring transparency, meaningful participation, and incorporation of stakeholder concerns. Any deviation from this two-step consultation process vitiates the validity of the DSR itself. That in the present case the second phase of consultation is yet to completed and the final list of mining areas in Annexure is yet to be completed. The relevant extract is reproduced below:

“a) District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective states.

k) Cluster situation shall be examined. A cluster is formed when one mining lease of homogenous mineral is within 500 meters of the other mining lease. In order to reduce the cluster formation mining lease size should be defined in such a way that distance between any two

clusters preferably should not be less than 2.5 Km. Mining lease should be defined in such a way that the total area of the mining leases in a cluster should not be more than 10 Ha.

l) The number of a contiguous cluster needs to be ascertained. Contiguous cluster is formed when one cluster is at a distance of 2.5 Km from the other cluster.

** * **

*p) **Public consultation**-The Comments of the various stakeholders may be sought on the list of mining lease to be auctioned. The State Government shall give an advertisement in the local and national newspaper for seeking comments of the general public on the list of mining lease included in the DSR. The DSR should be placed in the public domain for at least one month from the date of publication of the advertisement for obtaining comments of the general public. The comments so received shall be placed before the sub-divisional committee for active consideration. The final list of sand mining areas [leases to be granted on riverbed & Patta land/Khatedari land, desiltation location (ponds/lakes/dams), M- Sand Plants (alternate source of sand)] after the public hearing needs to be defined in the final DSR in the format as per Annexure-V. The details regarding cluster and contiguous cluster needs to be provided in Annexure-VI. The details of the transportation need to be provided in Annexure-VII."*

10.3 It is an admitted fact that the DSR was approved by SEIAA on 13.02.2025 and was uploaded on the website on 28.08.2025 and annexures were uploaded on 10.10.2025, and was never republished for public review after approval, depriving stakeholders of their right to participate in the process. The absence of genuine public participation not only violates the EMGSM 2020 but also offends the settled law of the Hon'ble Supreme Court in *Hanuman Laxman Aroskar v. Union of India (2019) 15 SCC 401*, which emphasized that public consultation must be real, informed, and meaningful, failing which the entire process stands vitiated. It is also clear from the DSR uploaded on the portal that such opportunity was never granted to the public as no final list of sand mining areas in term of Annexure V have been annexed with the DSR.



It is further submitted that DSR uploaded on 28.08.2025 and annexures on 10.10.2025 is defective and not in compliance with the mandated provisions such as the replenishment study forming the basis of the DSR is deficient and unscientific, the DSR materially misrepresents the existence of cluster mines and contiguous zones, the DSR has been prepared as a single consolidated report for multiple minor minerals, whereas the Notifications dated 15.01.2016, 25.07.2018 amending the EIA Notification, 2006 requires separate DSRs for each minor mineral.

11. That the contents of Para 7 of the Counter Affidavit are vehemently denied and disputed and in response thereto, the contents of the instant OA and IA are reaffirmed and reiterated. It is submitted that Respondent has failed to comply with undertaking/ direction of this Hon'ble court and yet to place on record the approved DSR.
12. That the contents of Para 8 of the Counter Affidavit are vehemently denied and disputed and in response thereto, the contents of the instant OA and IA are reaffirmed and reiterated. It is further submitted that e-auction notice/ NIT dated 16.07.2025 was issued much before the complete DSR was available in public domain and therefore such e-auction/NIT are void ab initio and no resumption of the same can be permitted. It is also to be noted that MCA Jagiroad Stone Mining Area No. F6 was never part of the approved DSR dated 13.02.2025 and hence no valid DSR exists for the same.
13. That the contents of Para 8 of the Counter Affidavit are vehemently denied and disputed and in response thereto, the contents of the instant OA and IA are reaffirmed and reiterated. It is submitted that the Applicant's credentials are bona fide and same can be seen from the multiple procedural lapses that have come to light in the present IA.



In view of the above mentioned facts and circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to take on record the present rejoinder and allow the above captioned I.A. and the original application.

M. Bhatia

Madhav Bhatia, Adv.

Vivek Sura Adv.

Vertari Legal

A-446, LGF, Defence Colony,

New Delhi-110024,

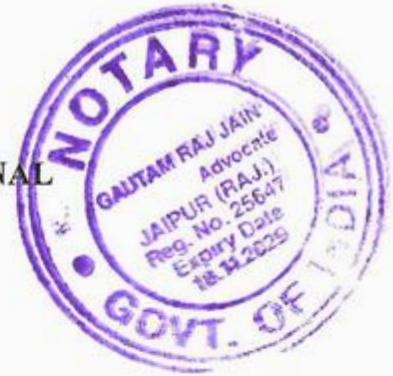
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DATE: 12.11.2025

PLACE: KOLKATA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
ORIGINAL APPLICATION NO. 86/2024



IN THE MATTER OF:

PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Pradeep Singh Shekhawat, S/o Govind Singh, R/o A-34, A, Vivekanand Colony, Naya Khera, Jaipur, Rajasthan – 302023, aged about ____ Years, do hereby solemnly affirm and state on oath as under:

1. That I am the Applicant in the captioned matter and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying Rejoinder and the same has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.

[Signature]
DEPONENT

VERIFICATION

Verified on this ____ day of ____ 2025 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

[Signature]
DEPONENT

Notarial Registrar

Sr. No.

Date

ATTESTED

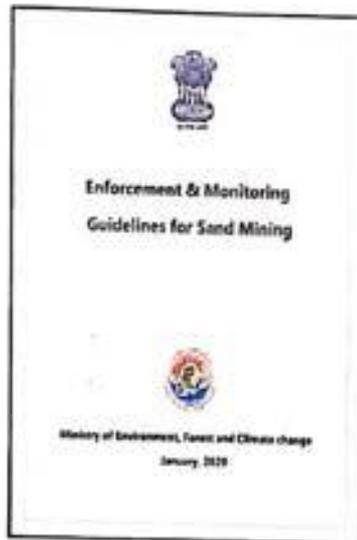
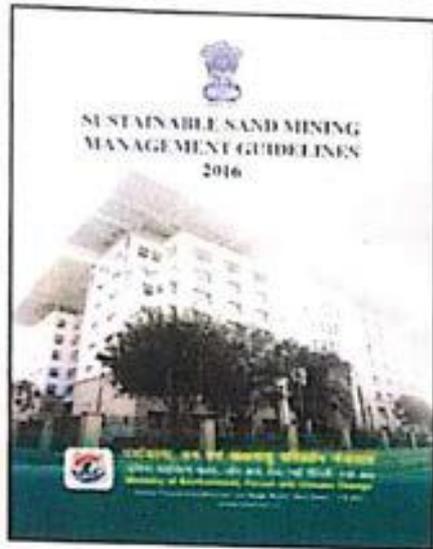
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NOTARY
JAIPUR (RAJ.)

12 NOV 2025

ANNEXURE P-1

FINAL DISTRICT SURVEY REPORT MORIGAON DISTRICT, ASSAM STATE



**For River Bed Mining (Sand) and Minor Minerals
other than River Bed Mining
(Stone & Brick Earth)**

**Submitted by
Divisional Forest Officer, Morigaon, Assam
December, 2024**

CHAPTER -3: THE LIST OF MINING LEASES IN THE DISTRICT WITH LOCATION, AREA AND PERIOD OF VALIDITY

3.1 DETAILS OF MINE LEASES IN THE DISTRICT

In the Morigaon district, there are 51 leases covering a total area of 173.493 hectares. Out of these, 15 leases are of Sand mineral, 15 are for Stone mineral and 21 are for Brick Earth.

Out of the 51 leases, all are identified as potential mining zones (15 leases are of Sand mineral, 15 are for Stone mineral and 21 are for Brick Earth).

The following Tables show the mineral-wise lease area details:

Table 3.1: Sand Mine Leases: Existing Mine (with EC)

S. No	Continuous S. No.	Mine Name	River	Lease Area in Ha	Current Status
1	1	Nakhula Beat Sand Permit Area No. 2	Kiling	2.50	Existing Mine (with EC)
2	2	Boha Sand Mining Permit Area (Rev. Portion) on Kopili Riverbed	Kopili	4.95	Existing Mine (with EC)
3	3	Nakhula Beat Sand Permit Area No. 3	Kopili	4.10	Existing Mine (with EC)

Table 3.2: Sand Mine Leases: Proposed (Mine Plan is approved)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	4	Sonalkuchi Sand Permit Area	Wah Umsiang	2.63	Proposed (Mine Plan is approved)
2	5	Borkuloi-Boha Sand Mahal Part I (Rev. Portion) on Kopili Riverbed	Kopili	4.85	Proposed (Mine Plan is approved)
3	6	Dhamkhunda Hatibagora Sand Mahal Part-II (Rev. Portion)	Kopili	4.68	Proposed (Mine Plan is approved)
4	7	Balakuchi Sand Permit Area in (Rev. Portion)	Kiling	3.95	Proposed (Mine Plan is approved)
5	8	Nakhula Beat Sand	Kiling	3.65	Proposed (Mine Plan is approved)

Minerals: Sand, Stone and Brick Earth 8



		Permit Area No. 1 (Rev. Portion)			approved)
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Table 3.3: Sand Mine Leases: Proposed (Mining Area in Past)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	9	Nakhula Beat Sand Permit Area No. 4 of 2019-21 (Rev. Portion)	Kiling	3.80	Proposed (Mining Area in Past)
2	10	Borkuloi Boha MCA Part II Sand Mining Permit Area on Kopili Riverbed	Kopili	4.85	Proposed (Mining Area in Past)
3	11	Dhamkhonda Hatibagora Part-I Sand Mining Permit Area on Kopili Riverbed	Kopili	4.64	Proposed (Mining Area in Past)

Table 3.4: Sand Mine Leases: Proposed (Range Report is available)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	12	Hatiamukh MCA Permit Area (MCA Part-I) (MCA Part-II site)	Kopili	4.24	Proposed (Range Report is available)
2	13	Bhakatgaon MCA Permit Area (MCA Part-II)	Kopili	3.98	Proposed (Range Report is available)

Table 3.5: Sand Mine Leases: Proposed (Future Proposal)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	14	Mantabori Sand Permit Area (Rev. Portion)	Kopili	4.45	Future Proposal
2	15	Ahotguri Kopili river Sand Permit Area (Govt. Permit)	Kopili	3.08	Future Proposal

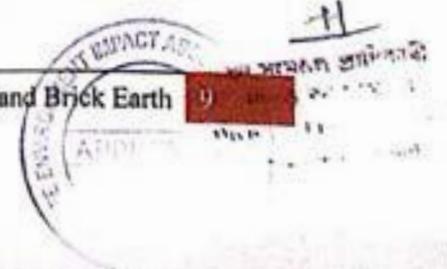


Table 3.6: Stone Mine Leases: Existing Mine (with EC)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	16	Jagiroad Stone Mahal No. F(1)	-	1.00	Existing Mine (with EC)

Table 3.7: Stone Mine Leases: Proposed (Mine Plan is approved)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	17	Ghagua Stone Contract Area (Reserve Forest Area)	-	7.00	Proposed (Mine Plan is approved)
2	18	Jagiroad Stone Contract Area No. F(4) (Reserve Forest Area)	-	18.00	Proposed (Mine Plan is approved)
3	19	Jagiroad Stone Mining Contract Area No. F (5) (Reserve Forest Area)	-	5.00	Proposed (Mine Plan is approved)

Table 3.8: Stone Mine Leases: Proposed (Mining Area in Past)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	20	Boghora Stone Mahal No. 10	-	1.00	Proposed (Mining Area in Past)
2	21	Jagiroad Stone Mahal No. F (2)	-	1.00	Proposed (Mining Area in Past)
3	22	Jagiroad Stone Mahal No. F (3)	-	1.00	Proposed (Mining Area in Past)
4	23	Nakhula Pahar Patta Land Stone and Sand Gravel Mining Permit Area	-	0.20	Proposed (Mining Area in Past)

Table 3.9: Stone Mine Leases: Proposed (Future Proposal)

S. No	Continuous S. No	Mine Name	River	Lease Area (In Ha)	Current Status
1	24	Sita Jokhola Stone	-	15.60	Proposed (Future

Minerals: Sand, Stone and Brick Earth 10





District Survey Report

Morigaon District, Assam State

4	37	J.P.B. Bricks Earth Permit Area	-	0.24	Proposed (Future Proposal)
5	38	KSB Brick Earth Mining Permit Area	-	0.2	Proposed (Future Proposal)
6	39	RBI Brick Earth Permit Area	-	0.3	Proposed (Future Proposal)
7	40	MAA Bricks Industry (M.B.I)	-	0.56	Proposed (Future Proposal)
8	41	M.B.I Brick Earth Permit Area (Prop: Uddhab Medhi)	-	0.4	Proposed (Future Proposal)
9	42	TATA Bricks Earth Permit Area	-	0.56	Proposed (Future Proposal)
10	43	Sahab Brick Industry Earth Permit Area	-	0.4	Proposed (Future Proposal)
11	44	S.B.I. Brick Permit Area (Runu Pathak)	-	0.2	Proposed (Future Proposal)
12	45	T.I.B Brick Industries Permit Area	-	0.54	Proposed (Future Proposal)
13	46	J.M.B Earth Permit Area	-	0.6	Proposed (Future Proposal)
14	47	J.M.I Bricks Earth Permit Area	-	1.2	Proposed (Future Proposal)
15	48	H.B.I Bricks Earth Permit Area	-	0.22	Proposed (Future Proposal)
16	49	Utalabori Brick Earth Mining Permit Area (B.S.B Brick Industry)	-	0.533	Proposed (Future Proposal)
17	50	Uttarkhula Brick Earth Permit Area (SMT Bricks)	-	1.3	Proposed (Future Proposal)
18	51	D.B.I Brick Earth Permit Area	-	1.6	Proposed (Future Proposal)





ADVANCE SERVICE OF REJOINER TO THE COUNTER AFFIDAVIT DATED 28.10.2025 FILED BY THE RESPONDENT NO.2 IN REPLY TO IA NO. 77/2025/EZ IN OA 86/2024/EZ

From Muskan Aggarwal <muskanaggarwal@vertarilegal.com>

Date Thu 2025-11-13 18:35

To Amrita Pandey <amritalegal@gmail.com>; surendra kumar <surendra_kr15@rediffmail.com>; mrdey <mrdey@rediffmail.com>

Cc Vivek Sura <viveksura@vertarilegal.com>; Madhav Bhatia <madhavbhatia@vertarilegal.com>; Litigation Team <LitigationTeam@vertarilegal.com>

 1 attachment (4 MB)

IA 77- Rejoinder final file.pdf;

Sir/ Ma'am

Please find enclosed the Rejoinder to the counter affidavit dated 28.10.2025 filed by the Respondent No. 2 in reply to the IA NO. 77/2025/EZ in OA 86/2024/EZ titled as "Pradeep Singh Shekhawat vs Union of India & Ors."

Kindly treat the present email as Advance Service.

Thanks & Regards

Muskan Aggarwal

Associate

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