

**BEFORE THE NATIONAL GREEN TRIBUNAL,**  
**CENTRAL ZONAL BENCH AT BHOPAL**

ORIGINAL APPLICATION NO.97 OF 2022

IN THE MATTER OF:

Kamal Tiwari

.....Applicant

Versus

Union Of India & Ors.

.....Respondents

**REPLY ON BEHALF OF RESPONDENT NO.8 &9, RIICO**

**Most Respectfully Showeth,**

The Respondent No. 8 & 9, Managing Director and Senior Manager, Rajasthan State Industrial Development and Investment Corporation Limited (RIICO), Jaipur respectfully submits as under:

**PRELIMINARY SUBMISSION AND OBJECTIONS:**

That, the instant Original application is filed on incorrect and wrong facts with misleading averments *inter alia* hopelessly barred by limitation as per Sec 14 (3) of the National Green Tribunal Act 2010 which is as follows "..... *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose: Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days....*" The averments in Para 20 of the Original Application made by the petitioner that, an application was filed by the petitioner on 19.01.2022 which means the applicant was well within knowledge of any act on the date of application i.e. 19.01.2022, which is beyond 6 months from filing of the instant case. Therefore, the instant case is not tenable and even entertained which is beyond limitation prescribed under law and deserves to be dismissed at threshold.

That, it's humbly submitted that, the petitioner has raised issues related with Eco sensitive Zone allegedly within periphery of Nahargarh Wildlife Sanctuary under Wildlife Protection Act, 1972 which is not a Schedule Act as per Schedule-I of the

  
 Sr. Regional Manager  
 RIICO Ltd.  
 Road No. 5, V.K.I.A.  
 JAIPUR

147  
NGT Act of 2010. Wildlife Sanctuary are declared under Sec. 26 A of the Wildlife Protection Act, 1972 and the Act is not being part of Schedule-I act under NGT Act, 2010 therefore, the instant petition be dismissed as non maintainable under the National Green Tribunal Act, 2010.

### PARAWISE REPLY

1. That, the contents of Para 1 & 2 does not need comments.
2. That, the contents of Para 3 are partially accepted and rest is denied. Revenue Department, GoR vide order dated 30.01.1971 directed to the Chief Conservator of Forest, Rajasthan to release 572 bigha 12 biswa of forest land of village Kukar kheda Bir Papad for industrial purpose i.e. in favour of RIICO. This land includes Khasra No. 3 of area measuring 131 bigha 9 biswa(Annexure- A/4).
3. As per Revenue Record Samwat 2069-2072, this land of Khasra No. 3 has already been recorded in the name of Rajasthan State Industrial Mineral Development Corporation i.e. now known as RIICO (Annexure- A/5). In most of this allotted 572 bigha 12 biswa land, development activities have already been taken up and allotments have been made to industrial units by RIICO in this Vishwakarma industrial area. About 1030 industrial units are under operation in this industrial area.  
As per the terms & conditions of RIICO allotment letter/lease deed, the allottees are required to obtain prior Consent to Establish (CTE) and Consent to Operate (CTO) from RSPCB before establishing and operating the industries. As per the terms & conditions of respective CTE/CTO, the industries are required to treat the effluents as per prescribed norms. Further, RSPCB regulates these industries to ensure the compliance of CTE/CTO and also take appropriate action against the defaulter industries.

At present RIICO is constructing two Nala (Discharge Channel) on the land lawfully allocated to answering respondent/ RIICO by State Government, to control, channelize and monitor the overflow water, during rainy season.

RIICO, being a responsible and vigilant body, has always strived to upkeep the highest standard for environment sustainability. Therefore, the allegation made by the petitioner is wrong incorrect, hence denied.

## PARAWISE REPLY OF FACTS IN BRIEF WITH GROUNDS

1. That, the contents of Para 1 are matter of records.
2. That, the contents of Para 2 are to be verified through records.
3. That, the contents of Para 3 are to be verified through records. However, it's most humbly submitted that, the Revenue Department, GoR vide order dated 30.01.1971 directed to the Chief Conservator of Forest, Rajasthan to release 572 bigha 12 biswa of forest land of village Kukar kheda Bir Papad for industrial purpose i.e. in favour of RIICO. This land includes Khasra No. 3 of area measuring 131 bigha 9 biswa(Annexure- A/4).
4. As per revenue record samwat 2069-2072, this land of Khasra No. 3 has already been recorded in the name of Rajasthan State Industrial Mineral Development Corporation i.e. now known as RIICO (Annexure- A/5). Now after demarcation of Khasra No. 3 at site by the Revenue Department, RIICO has taken up development i.e. leveling and construction of Nallas (storm water discharging channels) in remaining land of Khasra No.3.

It is noteworthy that this land has been allotted to RIICO in the year 1971 for industrial purpose much prior to the declaration of notification dated 08.03.2019 which prohibits some activities in eco sensitive zone. Hence, notification does not restrict RIICO for taking up industrial activities in this remaining area of Khasra No. 3.

5. That, the contents of Para 4 & 5 are matter of record hence, need no comments.
6. That, the contents of Para 6 are partially accepted rest is denied. The averments to the extent of matter of records are not denied. As per Revenue Record Samwat 2069-2072, this land of Khasra No. 3 has already been recorded in the name of Rajasthan State Industrial Mineral Development Corporation i.e. now known as RIICO (Annexure- A/5).

Now after demarcation of Khasra No. 3 at site by the Revenue Department, RIICO has taken up development i.e. leveling and construction of two Nallas (storm water discharging channels) in remaining land of Khasra No.3. It is denied that RIICO has taken up work for construction of Nalla upon the land of khasra No. 10 belonging to forest land.

  
Sr. Regional Manager  
RIICO Ltd.  
Road No. 5, V.K.I.A.  
JAIPUR

It is noteworthy that this land has been allotted to RIICO in the year 1971 for industrial purpose much prior to the declaration of notification dated 08.03.2019 which prohibits some activities in eco sensitive zone. Hence, Notification does not restrict RIICO for taking up industrial activities in this remaining area of Khasra No. 3.

It is also worth to mention here that as per the terms & conditions of RIICO allotment letter/lease deed, the allottees are required to obtain prior Consent to Establish (CTE) and Consent to Operate (CTO) from RSPCB before establishing and operating the industries. As per the terms & conditions of respective CTE/CTO, the industries are required to treat the effluents as per prescribed norms. Further, RSPCB regulates these industries to ensure the compliance of CTE/CTO and also take appropriate action against the defaulter industries.

7. That the contents of Para 7 is denied. RIICO has not taken up work for construction of two Nalla upon the land of Khasra No. 10 belonging to forest land. Although after demarcation of Khasra No. 3 at site by the Revenue Department, RIICO has taken up development i.e. leveling and construction of two Nallas (storm water discharging channels) in remaining land of Khasra No.3, which belongs to RIICO.
8. That, the contents of point 8 are denied. After demarcation of Khasra No. 3 at site by the Revenue Department, RIICO has taken up development i.e. leveling and construction of two Nallas (storm water discharging channels) in remaining land of Khasra No.3, which belongs to RIICO.

It is also worth to mention here that as per the terms & conditions of RIICO allotment letter/lease deed, the allottees are required to obtain prior Consent to Establish (CTE) and Consent to Operate (CTO) from RSPCB before establishing and operating the industries. As per the terms & conditions of respective CTE/CTO, the industries are required to treat the effluents as per prescribed norms. Further, RSPCB regulates these industries to ensure the compliance of CTE/CTO and also take appropriate action against the defaulter industries.

  
 Sr. Regional Manager  
 RIICO Ltd.  
 Road No. 5, V.K.I.A.  
 4 / 12 AIPUR

9. That, the contents of Para 9 are to be verified through records. The Respondents have no knowledge of any such facts, nor has anything been reported or brought to the knowledge of respondents, regarding such reports.

10. That, in response to contents of Para 10 to 14 it's submitted that, after demarcation of Khasra No. 3 at site by the Revenue Department, RIICO has taken up development i.e. leveling and construction of two Nallas (storm water discharging channels) in remaining land of Khasra No.3, which belongs to RIICO. It is a matter of record that a joint team of RIICO and Forest department has conducted is survey on 08.06.2022 on the direction of Deputy Conservator of Forests, Wildlife, Zoo, Jaipur. As also stated by the petitioner in his petition, surveyor had issued vague directions exceeding his authorization only to conduct survey and submit survey report in the office of Deputy Conservator of Forests, Wildlife, Zoo, Jaipur.

11. That, the contents of Para 15 are incorrect. RIICO has not taken up work for construction of two Nalla upon the land of khasra No. 10 belonging to forest land. Although after demarcation of Khasra No. 3 at site by the Revenue Department, RIICO has taken up development i.e. leveling and construction of two Nallas (storm water discharging channels) in remaining land of Khasra No.3, which belongs to RIICO as no work is ongoing on the said land.

It is also denied that RIICO is disposing any kind of waste in the land belonging to the Forest Department. In case, if any industrial unit is found to discharge its waste in forest land, Forest Department is competent to take action against that defaulting industry.

12. That, the contents of Para 16 are matter of records.

13. That, the contents of Para 17 are denied. It's incorrect that, answering respondent has made any kind of dumping of garbage or industrial waste upon the land in Khasra no. 10 belonging to Forest Department.

14. That, the contents of Para18 are matter of record hence, no comments.

*SPAMU*  
Sr. Regional Manager  
RIICO Ltd.  
Road No. 5, V.K.I.A.  
JAIPUR

15. That, the contents of Para 19 need no comments.
16. That, in response to the contents of Para 20 it's most humbly stated that, instant matter is non-maintainable before this Hon'ble Tribunal as Nahargarh Wildlife Sanctuary notified under Wildlife Protection Act, 1972 which is not a Schedule Act as per Schedule-I of the NGT Act, 2010, therefore, any grievances under Wildlife Protection Act may kindly be rejected in the interest of law. Further, the averments made by the petitioner that, an application was filed by the petitioner on 19.01.2022 which means the applicant was well within knowledge on the date of application i.e. 19.01.2022. Therefore, the instant case is beyond limitation and deserves to be dismissed at threshold.

In the light of the above facts and circumstances this Hon'ble Tribunal be pleased to take the reply on record and may kindly be pleased to Dismiss the present Original application devoid of merits and beyond limitation in the interest of justice.

Place: Jaipur

Date: .../05/2023

**Authorised Signatory for**

**and on behalf of Respondent**

**Counsel for Respondent**  
 Regional Manager  
 RIICO Ltd.  
 Plot No. 5, V.K.I.A.  
 JAIPUR

(Om Shanker Shrivastava, Advocate)

BEFORE THE NATIONAL GREEN TRIBUNALCENTRAL ZONAL BENCH AT BHOPAL

ORIGINAL APPLICATION NO. 97 OF 2022

IN THE MATTER OF:

Kamal Tiwari

Versus

Union Of India &amp; Ors.

..... Respondents

AFFIDAVIT

I, K.C. Kothari S/o Fateh Lal aged about 54 years,  
Sr. Regional Manager RIICO V.K.I.A. Jaipur do hereby solemnly affirm on oath as under:

1. That, the deponent OIC in the instant case and well conversant with the facts and circumstances of the case and as such competent to swear the present affidavit.
2. That, the contents of the reply are true and been drafted under the office instructions, nothing material has been concealed there from.
3. That, the affidavit is being filed in support of the reply.

K.C. Kothari  
 DEPONENT  
 Sr. Regional Manager  
 RIICO Ltd.  
 Road No. 5, V.K.I.A.  
 JAIPUR

VERIFICATION

The above named deponent do hereby verify that, the contents of the Appeal are true and correct to the best of the knowledge, information available on documents nothing material has been concealed there from.

Verified here at ..... on .... 2023.

K.C. Kothari  
 DEPONENT  
 Sr. Regional Manager  
 RIICO Ltd.  
 Road No. 5, V.K.I.A.  
 JAIPUR

**ATTESTED**

Ramesh Sharma  
 NOTARY PUBLIC  
 JAIPUR-RAJ

03 MAY 2023

(66)

GOVERNMENT OF RAJASTHAN  
REVENUE (A) DEPARTMENT

FROM:

The Deputy Secretary to Government,  
Rajasthan, JAIPUR.

TO:

The Chief Conservator of Forests,  
Rajasthan, JAIPUR.

No.F.7(2)REV/A/70

Jaipur, dated the 22nd March, 197

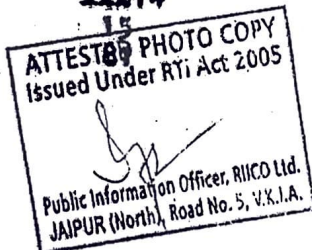
Sub: Release of forest land in village Kukar Kheda  
for industrial purposes.

Ref: This Deptt. letter of even number dated 30-1-71.

Sir,

In continuation of this department letter under referen  
I am directed to convey sanction of the Governor to release 25  
& 14 Biswas of forest land as per details given below to the Re  
Department for industrial purposes on the terms and conditions  
conveyed to you vide letter under reference:-

<u>Village</u>	<u>Khasra No.</u>	<u>Bigha</u>	<u>Biswa</u>
Kukar Kheda	4	6	00
-do-	9	9	07
Besar Pagar	14	3	12
-do-	15	3	00
-do-		1	15
		25	34



Yours faithfully,

sd/-

( GANPAT RAI )

Deputy Secretary to Government.

Copy in continuation to this Department endorsement of  
number dated 30-1-71 forwarded to the following for information  
necessary action:-

1. Secretary to the Government, Industrial Department, Rajasthan
2. Collector, Jaipur.
3. Chairman, Rajasthan State Industrial & Mineral Development Corporation, Jaipur.
4. Dy. Secretary to the Govt., Revenue 'B' Deptt., Raj., Jaipur.
5. Conservator of Forests, Rajasthan, Jaipur.
6. Director of Industries, Rajasthan, Jaipur.
7. Chief Town Planner & Architectural Adviser, Rajasthan, Jaipur
8. Guard File.

sd/-

Deputy Secretary to Government

GOVERNMENT OF RAJASTHAN  
REVENUE (A) DEPARTMENT

FROM:

The Deputy Secretary to Government  
Rajasthan, Jaipur

TO:

The Chief Conservator of Forests,  
Rajasthan, Jaipur.

No.F.7(2)REV/A/70

Jaipur dated the 30th Jan.,

Sub: Release of forest land in village Kukar Kheda  
Industrial purposes.

Ref: This Deptt. endorsement of even number dated 6-

Sir

I am directed to convey sanction of the Governor to 572 Bighas & 12 Biswas of forest land as per details given Village Kukar Kheda to the Revenue Department for Industrial purposes.

The payment cost of trees/forest produce standing on forest land will deposited forthwith by the Rajasthan State Industrial & Mineral Development Corporation, Jaipur, after the same has been determined by the Forest Department in Consultant with the Forest Secretary.

Kukar Kheda Bir Papad	Khasra No. 6 (Part)	74 Bighas	3 Biswas
	1	100 Bighas	10 Biswas
	2	6 Bighas	14 Biswas
	3	131 Bighas	9 Biswas
	4	77 Bighas	6 Biswas
	5	112 Bighas	18 Biswas
	6	38 Bighas	12 Biswas
	7	31 Bighas	
	Total:-	572 Bighas	12 Biswas

Yours faithfully,

sd/-

(GANPAT RAI)

Deputy Secretary to the Government

Copy in continuation to this department endorsement or even dated 6.1.70 forwarded to the following for information and necessary action:-

1. Secretary to the Govt., Industries Department Rajasthan, Jaipur
2. Collector, Jaipur with reference to his D.O. Letter No.337/ dated 7.1.71.
3. Chairman, Rajasthan State Industrial & Mineral Development Corporation Ltd., Jaipur.

T.C Pg. 66

मर्ग रिपोर्ट तन ग्राम कूकरखेडा व बीड पापड ..... निगम राज. जयपुर  
हेतु तहसील जयपुर को स्थानान्तरण किया गया।

राज्यादेश संख्या एफ.7(2)रा.क.70 दिनांक 30.1.70 के अनुपालन में  
दिनांक 10.3.71 को तहसील जयपुर को क्षेत्रीय वन अधिकारी जयपुर द्वारा  
संभाला गया। खसरा नम्बर

नाम ग्राम	खतौनी	रकबा बीघा निस्या
कूकरखेडा	6 पार्ट	74-3
बीड पापड	1	100-10
"	2	6-14
"	3	131-2
"	4	77-6
"	5	112-18
"	6 पार्ट	38-12
"	7 पार्ट	31-04
"	कुल योग	572-12

ह0  
तहसीलदार



445

**GOVERNMENT OF RAJASTHAN  
REVENUE (A) DEPARTMENT**

**FROM:**

The Deputy Secretary to Government,  
Rajasthan, JAIPUR.

**TO:**

The Chief Conservator of Forests,  
Rajasthan, JAIPUR.

No.F.7(2)REV/A/70

Jaipur, dated the 22nd March, 1971

**Sub:** Release of forest land in village Kukar Kheda  
for industrial purposes.

**Ref:** This Deptt. letter of even number dated 30-1-71.

.....

Sir,

In continuation of this department letter under referen-  
I am directed to convey sanction of the Governor to release 25  
& 14 Biswas of forest land as per details given below to the Re-  
Department for industrial purposes on the terms and conditions  
conveyed to you vide letter under reference:-

<u>Village</u>	<u>Khasra No.</u>	<u>Bisba</u>	<u>Biswa</u>
Kukar Kheda	4	6	00
-do-	9	9	07
Beear Papar	22/14	3	12
-do-	15	5	00
-do-	81	<u>1</u>	<u>15</u>
		<u>25</u>	<u>18</u>

Yours faithfully,

Sd/-

( GANPAT RAI )

Deputy Secretary to Government.

Copy in continuation to this Department endorsement of  
number dated 30-1-71 forwarded to the following for information  
necessary actions:-

1. Secretary to the Government, Industries Department, Rajasthan,
2. Collector, Jaipur.
3. Chairman, Rajasthan State Industrial & Mineral Development Corporation, Jaipur.
4. Dy. Secretary to the Govt., Revenue 'B' Deptt., Raj., Jaipur.
5. Conservator of Forests, Rajasthan, Jaipur.
6. Director of Industries, Rajasthan, Jaipur.
7. Chief Town Planner & Architectural Advisor, Rajasthan, Jaipur.
8. Guard File.

Sd/-

Deputy Secretary to Government