

## BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

## ORIGINAL APPLICATION No 689 of 2023

**IN THE MATTER OF:**

SANJAY KUMAR

... APPLICANT / PETITIONER

*Versus*

UNION OF INDIA AND OTHERS

... RESPONDENTS

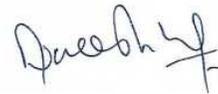
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Respondent No.3

New Delhi,  
Date: 08.05.2024

Through


**Avneesh Garg**

(Advocate for Respondent No.3)

Chamber No. 211, LCB-III,

Delhi High Court, New Delhi – 110503

[avneesh.legal@gmail.com](mailto:avneesh.legal@gmail.com); 9818479699

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI****ORIGINAL APPLICATION No 689 of 2023****IN THE MATTER OF:**

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**AFFIDAVIT IN RESPONSE TO REPORT DATED 07.12.2023 FILED****BY RESPONDENT NO.4 VIDE INDEX DATED 29.01.2024**

I, Ankush Mehta S/o Late Sh. Suresh Kumar Mehta aged about 35 years working for gain at Respondent No.3 as General Manager (Technical) do hereby solemnly affirm and state on oath as under :-

1. That I am General Manager (Technical) of the Respondent No.3-NHIDCL above-named and am well conversant with the facts and circumstances of the case based on the record available with my office and, am fully competent and authorized to swear and file this Affidavit.
2. I have perused the report dated 07.12.2023 submitted in the present matter by the Committee headed by the Ld. District Magistrate apparently, in terms of the directions dated 09.11.2023 issued by this Hon'ble Tribunal. On behalf of NHIDCL, I hereby respond to the contents of the said report as under:

Respondent No.3, in response to the said report, refers, relies upon and reiterates the contents of its detailed reply filed in



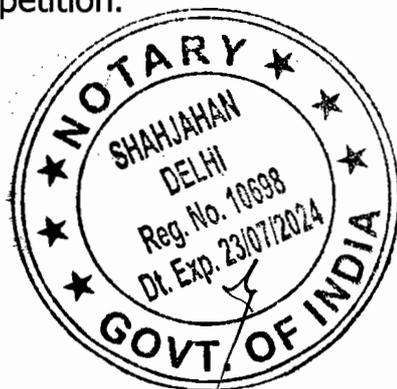
response to the present OA, contents whereof are not being repeated herein for the sake of brevity.

- (ii) In the report dated 07.12.2023, it is mentioned that in compliance of the directions passed by this Hon'ble Tribunal on 09.11.2023, a committee was constituted under the chairmanship of Ld. District Magistrate for carrying out an on the spot inspection of the site. However, the report is silent about the exact locations which the said committee visited for the purpose of the inspection. It is trite to mention here that the project in question runs into 124 KMs. Hence, it is not possible for inspecting the entire project in one go. Per contra, the said report suggests that it was one time 'on the spot inspection'.
- (iii) Be that as it may, the said report mentions that for mitigation of chronic land slide, NHIDCL has constructed an open tunnel which is operational at present. This requires no comments from NHIDCL.
- (iv) Insofar as clause (ii) of the report, which mentions that a part of slope protection work is damaged due to land slide in the past, is concerned, it is not clear that which part of such slope protection work is being talked about. In any case, as already submitted in the reply filed by NHIDCL, the entire NH-34 is entrusted to BRO and NHIDCL was directed to take up 2 Standalone projects on the stretch as per the direction of the Ministry of Road Transport and Highway. The scope of work given to NHIDCL has been completed in its entirety and maintenance is being done by the existing contractors as per



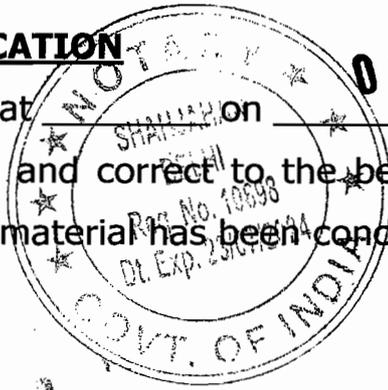
their respective obligations and as per the provision of the contract agreement for only the slope protection work taken up originally by NHIDCL. The NH-34 is still entrusted to BRO and therefore, any further work including any repair work required to be done, is to be ensured by BRO.

- (v) The aforesaid position remains the same with respect to the comments made in clause (iii) of the said report also.
- (vi) Insofar as clause (iv) of the said report is concerned, it is again submitted that the "stretch" mentioned in the clause is not specified. In any case, NHIDCL has already pointed out in its reply that the scope of work of NHIDCL was limited, i.e., completion of certain contractual work, which NHIDCL has already got completed through its contractors. Hence, any further work, which is to be done, is under the purview of BRO.
- (vii) Lastly, NHIDCL submits that the protection works along the river are necessary and, insofar as NHIDCL is concerned, it has completed all of its works within time. Since the project is under the scope of BRO, this Hon'ble Tribunal may seek response to the report from BRO for the purpose of the present petition.



**VERIFICATION**

Verified at \_\_\_\_\_ on \_\_\_\_\_, that contents of this Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.



08 MAY 2024

Witnessed the deponent who has signed/put in my presence.

08 MAY 2024



**DEPONENT**

I, THE DEPONENT  
do hereby affirm before me that  
I have solemnly affirmed before me and  
that the contents of the affidavit which  
have been read & explained to me are  
true and correct to the best of my knowledge  
and belief.

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

Notary Public

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड 453

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार  
तीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली 110001

**National Highways & Infrastructure Development Corporation Limited**

Ministry of Road Transport & Highways, Govt. of India

3rd Floor, PTI Building, 4-Parliament Street, New Delhi-110001, +91 11 2346 1600, www.nhidcl.com



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**BUILDING INFRASTRUCTURE - BUILDING**

CIN: U45400DL2014GOI2

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDER

**No. NHIDCL/Legal/SanjayKumar/NGT-Delhi**

**Dated: 7<sup>th</sup> May, 2024**

**TO WHOMSOEVER IT MAY CONCERN**

The Competent Authority hereby authorizes Shri Ankush Mehta, GM (Tech.), National Highways & Infrastructure Development Corporation Limited, New Delhi, to file and sign the vakalatnama, necessary affidavits, applications, reply and other necessary pleadings, etc., in the matter titled Sanjay Kumar Vs Union of India & Ors. pending before Hon'ble National Green Tribunal, Delhi. In case the Authorized Officer is not available on the relevant date, the link Officer is Authorized to sign the same.

**(Anshu Manish Khalkho)**  
**Director (A&F)**

अंशु मनीष खलखो, एन.डी.सी.एन.डी.सी.  
ANSHU MANISH KHALKHO, I.D.A.S, n.d.c  
निदेशक (प्रशा. व वित्त) एवं जोईंट सचिव एवं  
Director (Admin. & Fin.) & CFO, Joint Secretary (level)  
राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड  
National Highways & Infrastructure Development Corporation Limited  
सड़क परिवहन एवं राजमार्ग मंत्रालय  
Ministry of Road Transport & Highways  
भारत सरकार / Govt. of India

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**OA 689 of 2023 - Application AND Affidavit**

1 message

**Avneesh Garg** <avneesh.legal@gmail.com>

Wed, May 8, 2024 at 5:58 PM

To: secy-road@nic.in, secy-moef@nic.in, emailtogkb@gmail.com, cs-uttaranchal@nic.in, "pccfuk@gmail.com" &lt;pccfuk@gmail.com&gt;, pccf-forest-uk@nic.in

Sir,  
Please find attached the Advance Service of Application AND Affidavit on behalf of Respondent No. 3 in the captioned matter.

Kindly acknowledge the receipt of the same.

Regards,  
Avneesh Garg  
Advocate for Respondent No.3 / Applicant  
Mob. No. 9818479699

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**2 attachments** **Application under Section 151 CPC.pdf**  
177K **affidavit.pdf**  
312K