

**BEFORE THE NATIONAL GREEN TRIBUNAL
P.B., NEW DELHI**

Appeal No. 264 of 2018

In the matter of:

Amit Upadhyay

.....Appellant

Vs.

SEIAA,U.P. & Ors.

.....Respondents

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Place: New Delhi
Dated : 13.7.2020



Rahul Khurana
Advocate

NGT Bar Room, Faridkote House,
New Delhi-110001
Mob: 9811894060
E-Mail:-rkjust25@gmail.com

(1)

**Before National Green Tribunal
(Principal Bench), New Delhi**

Appeal No. 264 of 2018

Amit Upadhyay

.....

Appellant

Versus

SEIAA, U.P. and others

.....

Respondent

Affidavit on behalf of M/s Baba Bholenath Traders, Hamirpur



Affidavit

I, Brijesh Chandra Dixit, aged about 51 years, s/o Late Sri Raja Ram R/o Village – Jhinpur, Post office – Sikandarpur, Distt. Kannauj, do hereby solemnly affirm and state as under:

1. That the deponent is the proprietor of M/s. Baba Bholenath Traders, 10 King Road, Hamirpur, having mining site at Hamirpur, who is respondent in the above appeal.

2. That Hon'ble NGT (PB), New Delhi on 23.01.2020 passed the following order:

“Since it is stated that as per order of the Hon'ble Supreme Court, the applicant has to serve all the parties, the applicant may do so by email as well as by speed post and file an affidavit of service within two weeks. Paper books may also be served by email.

The State of Uttar Pradesh may also notify all the said parties within two weeks for which list may be given by the applicant. The response of all such parties may be filed by email before the next date.”

3. That the deponent received copy of petition filed by Sri Amit Upadhyay, sent through Speed Post by his counsel Sri Vanshdeep Dalmiya. However, the CD containing the annexures enclosed with the petition was broken. The Deponent informed Shri Vanshdeep Dalmiya by Speed Post the very next day i.e. on 6.2.2020.

4. That until today proper CD or the Annexures to the petition have not been provided by the counsel to the deponent. The letter sent to Sri Vanshdeep Dalmiya on 6.2.2020 is being filed herewith as an Annexure.



5. That the counsel for the Deponent has expressed inability in preparing a sound defence in the absence of background papers which are said to be part of the annexures. (2)
6. That in the interest of justice it is necessary that the complete set of papers along with annexures may kindly be provided to the deponent/respondent as directed by this Hon'ble Court on 23.1.2020.

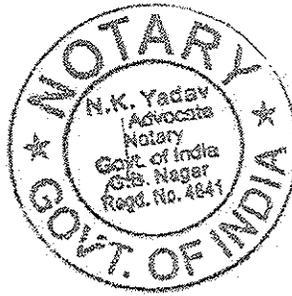
Date: 13.07.2020
Place: NOIDA

ब्रजेरायन
Deponent

Verification

I, the deponent above named, do hereby solemnly affirm that the contents of para 1 are true to my personal knowledge, 2 to 4 are correct as per records and the same of para 5 & 6 are believed to be true on the basis of legal advice. So help me God.

ब्रजेरायन
Deponent



ATTESTED
N.K. YADAV
Regd. 4841, Advocate
Govt. of India
G.B. Nagar

13 JUL 2020

Through Speed Post
Most Urgent

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To,
Sri Vanshdeep Dalmia,
Advocate on Record
Supreme Court of India,
206, Jor Bagh,
New Delhi – 11000
Mobile No. 9810077085

Sub: Your letter dated 27.01.2020

Sir,

Please take reference of the above mentioned letter by which you have sent the notice/information about the Appeal No. 263 & 264 of 2019, filed by one Sri Amit Upadhyay along with hard copy of memo of the appeal No. 263 of 2018. You have also mentioned that a C.D., containing complete scanned copy of the Appeal, is also being attached along with your letter dated 27.01.2020. However, the C.D. received through Speed Post by the undersigned, is broken and is of no use, so it is required that a fresh C.D. may be provided to us for required necessary action, as per the orders of Hon'ble NGT. The CD (broken) is being returned to you for information please.

Thanking you,

Encl: Broken CD

Date: 06/02/2020

Yours faithfully,

ब्रिजेश चंद्रा त्रिपाठी
प्र.ज.स. ५-६

(Brijesh Chandra Tripathi)

Proprietor

M/s Baba Bholenath Traders
R/o Dhingpur, Harinagar, P.S. Sikandar Pur
District – Kannauj, U.P.

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BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Appeal/A NO. 264 of 2018

(5)

In re:

Amit Upadhyay

Plaintiff/Appellants/
Petitioner/Complainant

VERSUS

SEIAA, U.P. & ORS.

Defendant/Respondent/
Accused

KNOW ALL to whom these present shall come that I/We Brijesh Chandra Dixit the above named son of Mrs. Baba Bho do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case & authorize :-

Rahul Khurana Advocate
NGT, Bar Room, New Delhi-1
Mob: 9811894060
E-mail - rkjust25@gmail.com.

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on my/our behalf.

AND I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

AND I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

AND I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

AND I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 13 day of July 2018

Identified and Accepted subject to the terms of fees.

R Khurana
(D/2103/18)
Advocate

Client
श्री. नारायण धीरेनाथ देवसे
ब्रजेराय देवसे