

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 556 OF 2023**

**IN THE MATTER OF :**

Arun Tiwari

... Applicant

**Versus**

State of Uttar Pradesh & Ors.

... Respondents

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**THROUGH**



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**Place :** New Delhi  
**Dated:** 14.08.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL  
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Arun Tiwari

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**ADDITIONAL RESPONSE BY RESPONDENT NO. 6**

**MOST RESPECTFULLY SHOWETH:**

1. Pursuant to liberty granted by this Hon'ble Tribunal *vide* order dated May 6, 2024, the present additional response ("**Additional Response**") is being filed on behalf of M/S Gawar Construction Limited ("**Gawar Construction**" / "**Respondent No. 6**", as the context requires) through Mr. Phul Kumar Gaur, its duly authorized representative.
2. That the Respondent No. 6 had earlier filed Response dated April 29, 2024 in compliance with order dated February 26, 2024 ("**Response**"). It is submitted that the contents of the Response may be deemed to be incorporated in and read as part and parcel of this Additional Response and not being repeated herein for the sake of brevity and to avoid repetition.



3. *Vide* order dated May 6, 2024 passed on the last date of hearing, this Hon'ble Tribunal was *inter alia* pleased to direct the Respondent No. 6 to place on record a copy of the Environment Clearance ("EC") for mining by the competent authority, if the same exist. The relevant portion of the order dated May 6, 2024 is extracted hereunder for ease of reference and convenience of this Hon'ble Tribunal:

*"2. The response on behalf of the Project Proponent, Respondent No. 6 has been filed but in that response also, it is not disclosed that any EC was obtained for carrying out the mining activity...*

*[...]*

*4. Learned Counsel appearing for respondent no. 6 also seeks two week's time to place on record a copy of the EC for mining by the competent authority, if the same exist. The prayer is allowed."*

4. Summarily, the Respondent No.6 submits that

- a. In compliance with its obligation in the underlying agreement, UPEIDA had already obtained an EC for the entire project on November 23, 2019.
- b. Apart from that, there was no requirement to obtain a separate EC for the mining works of ordinary soil for the highway project- in view of categorical exemption under notification dated March 28, 2020 issued by the issued by the Ministry of Environment, Forest and Climate Change ("MOEF").



- c. The present Application is time barred under Section 14 of the National Green Tribunal Act, 2010 (“NGT Act”). To mislead from this, the Applicant has deliberately concealed material facts, including, grant of bail in August 2020 by the Hon’ble Allahabad High Court and dismissal of PIL filed by the Applicant on very same allegations by order dated November 29, 2022 by the Hon’ble High Court.
- d. The Applicant has come before this Hon’ble Tribunal with unclean hands and deliberately concealed material facts.

5. By way of the present Additional Response, the Respondent humbly seeks to place on record the relevant facts and legal position in respect of the aforesaid aspects, in compliance with direction issued by this Hon’ble Tribunal. This is done more fully hereinafter.

**A. THERE WAS NO REQUIREMENT TO OBTAIN SEPARATE EC FOR MINING FOR THE LINEAR HIGHWAY PROJECT AS PER EXTANT LEGAL FRAMEWORK IN FORCE AT THE RELEVANT TIME**

6. This Hon’ble Tribunal had directed the Respondent No.6 to place on record the “EC for mining” which may have been granted to it. Presently, this



direction to produce the “*EC for mining*” was qualified by the words “*if the same exist*”.

7. In this regard, it is humbly submitted that no such requirement for EC existed since the works in question was a package of a highway i.e. a “*linear road project*” and had been categorically exempt from the requirement of obtaining an EC for mining under notification dated March 28, 2020 issued by the MOEF.
8. This is reflected from Appendix-IX of the notification dated March 28, 2020 which details the categories of works/activities which were exempted from the requirement of obtaining a prior EC. The relevant entry is line item No.6 in the notification dated March 28, 2020, which reads as under:

**“APPENDIX-IX**

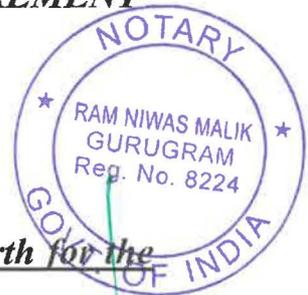
**EXEMPTION OF CERTAIN CASES FROM REQUIREMENT  
OF ENVIRONMENTAL CLEARANCE**

1. \*\*\*

6. *Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.*”

**(Emphasis Added)**

9. Thus, through this notification dated March 28, 2020, the requirement of prior mandatory EC for mining of ordinary earth for the linear projects such



as roads, pipelines, etc was exempted. It is humbly submitted that the present case (package IV of the Project i.e. the Bundelkhand Expressway, a 296.07km 04 Lane (extendible to 06 lane) being an access controlled expressway starting in District Chitrakoot and ending near village Kudrail in district Etawah was, thus, also exempt from the requirement of obtaining separate/prior EC for mining.

10.As highlighted in the Response, the obligation of obtaining any EC clearance in respect of the whole Project was on UPEIDA. In fact, UPEIDA duly obtained a prior EC for the entire Project on November 23, 2019. This factual position, coupled with the notification (dated March 28, 2020), in the humble submission of the Respondent No.6, show that all requisite EC permissions were in place and that there was no requirement of obtaining EC for mining in respect of the Project.



11.It is further submitted that the aforesaid understanding of the Respondent

No. 6 is also strengthened by the following documents:

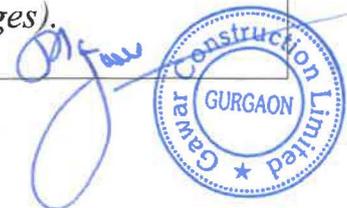
- a. A letter dated March 11, 2024 ("**Engineer's Letter**") issued UPEIDA's own engineer for the Project (i.e. Intercontinental Consultants and Technocrats Pvt. Ltd. ("**Engineer**").
- b. Letter dated May 1, 2020 issued by the Government of Uttar Pradesh. ("**UP Government Letter**")



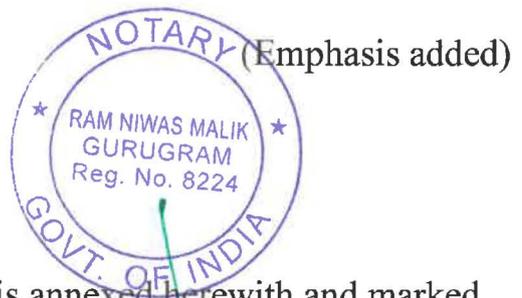
12. **Re the Engineer's Letter:** UPEIDA, *vide* a letter dated March 7, 2024 had called on the Engineer to provide its response to the observations made by this Hon'ble Tribunal in its order dated February 26, 2024 in the present matter. These observations were regarding whether Respondent No.6 had carried out mining after receiving EC. In its response dated March 11, 2024 i.e. the Engineer's Letter, the Engineer stated that there was no requirement for obtaining the EC in view of the notification dated March 28, 2020 and exemption issued by the Government of Uttar Pradesh through its letter dated May 1, 2020 i.e. the UP Government Letter. The relevant extract of the Engineer's letter dated March 11, 2024 is reproduced hereinbelow:

“

<i>Observation of NGT Order</i>	<i>Our Response</i>
<p><b>Point- no-4</b> “The report does not disclose that the Project Proponent- M/s Gawar Construction Limited has carried out the mining after</p>	<p>(a) The requirement of obtaining Environment Clearance is exempted by Ministry of Environment, Forest and Climate Change vide notification S.O. 1224 (E) dated 28-03-202, appendix IX (point 6 - Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc) (Copy attached, 2 pages).</p>



<p>obtaining the EC” and has asked for respondent response in this regard</p>	<p style="text-align: center;">And</p> <p>(b) The requirement of obtaining Environment Clearance is exempted By Government of Uttar Pradesh, Letter no. 446/81-7-2020-39 (parya)/2014 T0C0-1, dated 01.05.2020 (point 6 - Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc) (Copy attached, 2 pages).</p> <p><b><u>In view of the above said notifications, it is stated that the EPC Contractor was not required to obtain EC permission for carrying out the mining of ordinary earth.</u></b></p>
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A copy of the letter dated March 11, 2024, is annexed herewith and marked as **Annexure 1**.

**13.RE: UP Government Letter:** By the said letter dated May 1, 2020 (which is also referred to in the Engineer’s Letter dated March 11, 2024), the Government of Uttar Pradesh had directed all the additional Chief



Secretaries/Principal Secretaries/Divisional Commissioners/District Magistrates of Uttar Pradesh, to ensure compliance with the March 28, 2020 notification issued by MOEF- whereby exemption had been granted *inter alia* in respect of - *Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.* As the UP Government Letter and Notification dated March 28, 2020 both form part of the enclosures along with the Engineer's Letter, the same have not been annexed separately.

14. It is submitted that the notification dated March 28, 2020 was challenged before this Hon'ble Tribunal in the Original Application No. 190 / 2020 (*Noble M. Paikada v. Union of India*). In its order dated October 28, 2020, this Hon'ble Tribunal, *inter alia*, directed the MOEF to revisit this notification. It was further observed that the exemption provided for in line-item no. 6 to Appendix – IX “*should strike balance and instead of being blanket exemption, it needs to be hedged by appropriate safeguards such as the process of excavation and quantum*”.

15. However, most importantly, at the time, this Hon'ble Court was pleased not to grant any stay on the notification dated March 28, 2020 or set the said notification set aside. This judgement dated October 28, 2020 was taken in appeal before the Hon'ble Supreme Court of India in matter titled



*Noble M Paikada v Union of India* which came to be numbered as Civil Appeal Nos. 1628-1629 of 2021 (“**Notification Appeal**”) Even in the said appeal, no stay was granted on the notification dated March 28, 2020.

16. In the meantime, **after** issuance of the notification dated March 28, 2020, the Respondent No.6 got its first mining permission on April 27, 2020 and its last such permission on March 15, 2022 i.e. the mining works, which were carried out with prior permissions, were completed by March 2022. In fact, the entire works on package IV were completed by July 28, 2022.

17. In view of the aforesaid facts, it is humbly submitted that the notification dated March 28, 2020 was in force and applicable:

- a. **even prior** to when the Respondent No.6 received its first mining permission (on April 27, 2020); and
- b. **continued to be in force without any amendment/stay** till the Respondent No.6 received its last mining permission on February 18, 2021; and
- c. **continued to be in force** well after the completion of the works on for package IV by Respondent No.6 on July 28, 2022.

18. In the said factual background, it is humbly submitted that in view of the notification dated March 28, 2020 there was no requirement for

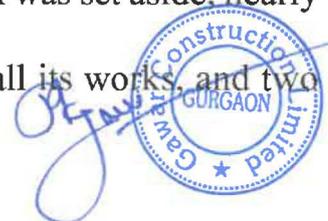
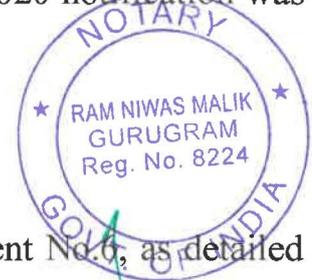


Respondent No.6 to separately obtain any other EC for mining- other than the Project EC which UPEIDA had already obtained. This is further reinforced by UP Government Letter dated May 1, 2020 and also the Engineer's Letter dated March 11, 2024.

**B. HON'BLE SUPREME COURT'S JUDEMENT DATED MARCH 21, 2024 IN THE NOTIFICATION APPEAL**

19.As a responsible party before this Hon'ble Tribunal, we would further highlight that while there was no stay in the notification dated March 28, 2020 for the entire period in which the Respondent No.6 did its works, the said notification, *inter alia* the line item no. 6, was eventually **set aside** by the Hon'ble Supreme Court in its judgement dated **March 21, 2024** in the Notification Appeal. The said appeal had been preferred against the order dated October 28, 2020 passed by this Hon'ble Tribunal in the Original Application No. 190 / 2020 wherein the March 28, 2020 notification was neither stayed nor set aside.

20.However, in the humble submission of the Respondent No.6, as detailed hereinabove, since the said notification was in force at the relevant contemporaneous time, no adverse view ought to be taken against the Respondent No.6 if subsequently the said notification was set aside, nearly one year **after** the Respondent no.6 had completed all its works, and two



years after the mining related works were completed. In fact, the judgement dated March 21, 2024 in the Notification Appeal came to be clarified by the Hon'ble Supreme Court of India, in a manner, which, in the humble submission of the Respondent No.6, is in accordance with the aforesaid understanding of the Respondent No.6

21. Reference in this regard is drawn to order dated May 15, 2024 passed by the Hon'ble Supreme Court in *National Highways Authority of India v. Noble M. Paikada* (I.A. No. 114098/2024 in the Notification Appeal), which was an application by NHAI seeking recall of the judgement dated March 21, 2024 passed in the Notification Appeal. The Hon'ble Supreme Court was pleased to clarify the said judgement by its order dated May 15, 2024. The relevant extract of the order is reproduced hereunder for ease of reference:

*“projects for which work orders were issued by the applicant-NHAI prior to 21st March, 2024 will remain unaffected by the judgment dated 21st March, 2024.*

...

*the work orders which were issued prior to 28th March, 2020 required Environment Clearance and therefore, the clarification which we have issued under this order will not apply to such work orders”*



22. It is submitted that the mining works for the Project were undertaken by the Respondent No. 6 only on and from April 27, 2020, that too after securing the necessary licenses. It is humbly submitted that this falls within the exempted period clarified by the Hon'ble Supreme Court in the order dated May 15, 2024. Furthermore, pursuant to the Clause 4.3 of the EPC Agreement for Development of Bundelkhand Expressway (Package – IV) dated December 20, 2019 executed between UPEIDA and the Respondent No.6, it is sole the responsibility of UPEIDA to obtain all environmental clearances required for the construction of the Project. As submitted hereinabove, UPEIDA obtained the environmental clearance for the Project on November 23, 2019. Without prejudice to the aforesaid, it is humbly submitted that even if there was any additional requirement of EC, the obligation of obtaining that was with UPEIDA and not Respondent No.6.



23. Therefore, in light of the aforesaid facts, and the order dated May 15, 2024 passed by the Hon'ble Supreme Court, it is humbly submitted that during the entire duration of the works done by the Respondent No.6 on the Project, it was in strict compliance with the applicable rules and there was no requirement to obtain a separate EC for the mining works, in view of the nature of the Project and the exemption granted under the March 28, 2020 notification.



**C. THE APPLICANT HAS APPROACHED THIS HON'BLE TRIBUNAL WITH UNCLEAN HANDS AND DELIBERATELY CONCEALED FACTS FROM THIS HON'BLE TRIBUNAL**

I. Re: False statements on delay in filing application before this Hon'ble Tribunal, to mislead on limitation

24. In addition to the aforesaid submissions on the exemption for a separate EC, the Respondent No.6 seeks to humbly place on record certain facts regarding the underhanded conduct of the Applicant. As will be detailed hereinafter, the Applicant has abused the process of law and initiated the present proceedings, not as a public-spirited good Samaritan, but only as a vengeful, vindictive proceeding to trouble and harass Respondent No.6.

25. It is submitted that the Applicant has approached this Hon'ble Tribunal with unclean hands by misrepresenting facts and deliberately concealing information which is pivotal for the adjudication of the present dispute- which would, among other things, clearly show that the present Application is also time barred under Section 14 of the NGT Act.

26. In this regard, the following key aspects may be noted:



- a. In the Response (at Para 4(i)), Respondent No.6 has specifically pleaded that the Applicant had sent its letter alleging 'irregularity' in the works on June 12, 2023 i.e. almost a year after the works had been certified to be completed.
- b. When confronted with this during the last hearing held on May 6, 2024, the Applicant answered that he had been 'in jail' till then, and hence there was no deliberate delay.

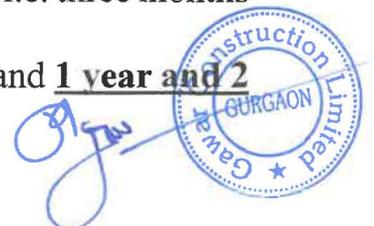
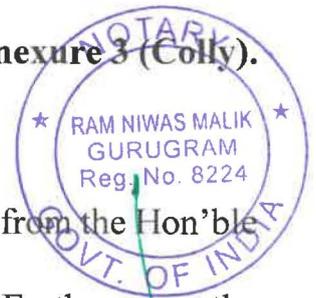
27. It is submitted that the Applicant has been utterly false and sought to pull the wool over the eyes of this Hon'ble Tribunal, having concealed material facts which clearly show that the present proceeding is only an abuse of process aimed at harassing the Respondent No.6. In this regard, the facts deliberately concealed by the Applicant are set out hereinbelow for the kind consideration of this Hon'ble Tribunal:

- a. *Vide* order dated July 3, 2020, the Applicant's bail application was rejected by the Court of Sessions, Jalaun ("**Session's Court**"). Thereafter, the Applicant approached the Hon'ble High Court of Allahabad ("**High Court**") for grant of bail. *Vide* order dated August 7, 2020, the Hon'ble High Court granted bail to the Applicant. A copy of the order dated August 7, 2020, is annexed herewith and marked as **Annexure 2**.



- b. However, subsequently, the bail of the Applicant was **cancelled** by the Hon'ble High Court as the concealment of material facts by the Applicant was revealed. It was brought to the attention of the Hon'ble High Court that the Applicant had deliberately concealed the factum of rejection of his earlier bail application by the Ld. Sessions Court- and had thus misled the Hon'ble High Court into granting bail to the Applicant *vide* order dated August 7, 2020. Accordingly, in view of such material concealment, the Hon'ble High Court cancelled the bail previously granted to the Applicant *vide* its order dated July 28, 2021.
- c. Thereafter, on March 24, 2022, the Hon'ble High Court granted bail to the Applicant. Copies of orders dated July 28, 2021, and March 24, 2022, are annexed herewith and marked as **Annexure 3 (Colly)**.

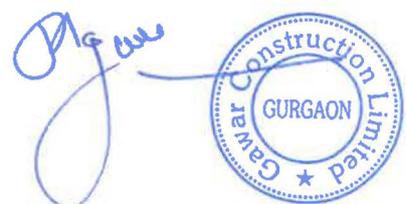
28. Thus, what is clear that the Applicant has concealed facts from the Hon'ble High Court (on which account his bail was cancelled). Furthermore, the Applicant has deliberately sought to lead this Hon'ble Tribunal astray by stating that he had been in jail till June 2023. But as is evident, he had been granted bail, first, on August 7, 2020 (when the Applicant concealed facts from the Hon'ble Allahabad High Court). Then, his bail was cancelled July 28, 2021 and he was granted bail again in April 2022 itself i.e. three months **before** the completion of works by the Respondent No.6 and **1 year and 2**



months prior to filing the letter dated June 12, 2023 before this Hon'ble Tribunal. Had there been an *iota* of truth in the allegations by the Applicant, he would have come before this Hon'ble Tribunal at the earliest opportunity i.e. in March/April 2020.

29. It is submitted that the aforesaid concealment of facts has seemingly been made to mislead this Hon'ble Tribunal from the fact that the present application is time barred in accordance with Section 14 of the NGT Act, whereunder the original jurisdiction of this Hon'ble Tribunal cannot be invoked more than 6(six) months after the (alleged) cause of action. In the present facts, it is an admitted position on record that the Applicant (vide his letter dated June 12, 2023) is making allegations for events which allegedly occurred in April/May March 2020, but as is on record, the application was only filed *vide* by way of a letter dated June 12, 2023 i.e. more than 3(three) years after the alleged cause of action. Thus, it is clear that the present Application is time barred under Section 14 of the NGT Act.

II. Re: No mention of earlier PIL filed by the Applicant on same facts, seeking same relief which was dismissed by the Hon'ble High Court on grounds of concealment by the Applicant



30. It is submitted that the Applicant has been incessant in his *malafide* tactics of harassing the Respondent No.6, since well before the present proceedings. In furtherance thereof (apart from the threats and intimidation which led to the registration of the FIR dated May 30, 2020 and the arrest), the Applicant continued with his vendetta against us. In furtherance of his clear intention to continue with his harassing tactics, he sent a letter dated August 3, 2022, to the DM alleging illegal construction by the Respondent No. 6. Subsequently, the Applicant also filed a public interest litigation on August 16, 2022 which came to be numbered 1592 of 2022 (“PIL”), before the Hon’ble High Court with a prayer to *inter alia*: (i) issue mandamus directing the State of UP to enquire into the construction of Bundelkhand Expressways, (ii) issue a mandamus to State of UP directing it to decide Mr. Arun Tiwari’s representation dated August 3, 2022. Copies of letter dated August 3, 2022, and the PIL are annexed herewith as **Annexure 4.**

31. It is submitted that during the pendency of the PIL proceedings, *vide orders* dated October 14, 2022 and October 17, 2022, the Hon’ble High Court noted the unlawful, aggressive and pressuring tactics of the Applicant. By the said orders, the Hon’ble High Court noted that the Applicant had been unlawfully putting up blockades on the highway and was also pressurising the Executive Engineer, Provincial Division, Public Works Department,



Orai by *gheraoing* their office and coercing them to allow the Applicant to put barriers on the road. A copy of the orders dated October 14, 2022 and October 17, 2022 passed by the Hon'ble High Court recording such unlawful conduct of the Applicant during the pendency of the PIL proceedings is annexed herewith and marked as **Annexure 5 (Colly)**.

32. In fact, the PIL was eventually dismissed by the Hon'ble High Court *vide* order dated November 29, 2022, on account of deliberate concealment of material facts by the Applicant; as below:

*“2. At the time of hearing, what transpired is that on account of a private barrier set up on the Bundelkhand Expressway, the F.I.R. No. 0117 of 2020 dated May 30, 2020, was registered on the complaint of Senior Project Manager, Gavard Construction Limited. However, this fact has not even been disclosed by the petitioner in the writ petition, hence there is concealment of material facts with reference to the same subject matter.”*

A copy of the order dated November 29, 2022, is annexed herewith and marked as **Annexure 6**.

33. From publicly available records, it appears that the Applicant did not challenge this order either. Thus, yet another categorical finding of



concealment by the Hon'ble High Court stands un rebutted and proved against the Applicant.

34. It is submitted that the Applicant is now abusing the process of law before this Hon'ble Tribunal as well, having failed in his insidious attempts before the Hon'ble High Court by deliberately engaging in concealment of facts. While the Applicant has, nearly 7(seven) months after the dismissal of this PIL merely regurgitated the very same false allegations against Respondent No.6, he has deliberately concealed from this Hon'ble Tribunal:

- a. The factum of filing of the PIL before the Hon'ble High Court **in August 2022** (i.e. nearly 9 months before the present letter dated June 12, 2023), seeking almost identical reliefs to those sought here; and
- b. The aggressive, coercive and pressuring tactics adopted by the Applicant (as recorded in orders dated October 14, 2022 and October 17, 2022)
- c. The factum of dismissal of the PIL on November 29, 2022 on account of the Applicant (petitioner therein) deliberately concealing facts such his setting up a 'private blockade' and registration of the FIR against him.



35. Thus, the Applicant makes allegation which relate to April/May 2020. But no application is filed with this Hon'ble Tribunal contemporaneously. In this regard, the Applicant states that he was in jail until recently. But this is false to his own knowledge as well.

36. The Applicant was first granted bail by the Hon'ble High Court *vide* order dated August 7, 2020 (on account of concealment of facts). This was only cancelled in July 2021 and the Applicant was out on bail from April 2022. Not only did he never file any proceeding before this Hon'ble Tribunal at the contemporaneous time, he has tried his luck to subvert the judicial process before the Hon'ble High Court and get relief by concealing material facts. Such conduct was exposed by the Hon'ble High Court and his PIL was immediately dismissed. Then, for 7 months after the dismissal and a year and two months after he was released on bail (for the second time), the Applicant then sends the letter dated June 12, 2023 to this Hon'ble Tribunal. This exposes the *malafides* of the Applicant. It is submitted that no adverse order ought to be passed against the Respondent No.6 based on the dubious statements of such a scheming Applicant.

37. Without prejudice to the aforesaid it is also humbly submitted that the dismissal of the PIL has put to rest all allegations of the alleged illegal



construction at the Highway and operates as *res judicata* to the current proceedings pending before this Hon'ble Tribunal.

38. Without prejudice, it is further submitted that it has been more than 2(two) years since the Respondent No.6 completed the works and cannot be held responsible for the adverse condition (if at all) of any sites alleged by the Applicant. To hold the Respondent No.6 liable now, for alleged conditions prevailing 2 years after all the works was completed, especially at the behest of such a dubious Applicant would be a travesty of justice, in our most humble submission.



39. It is submitted that the present proceeding before this Hon'ble Tribunal was initiated based on allegations of the Applicant *vide* a letter dated June 12, 2023. However, as also highlighted above, the Respondent No.6 was a mere contractor, who completed its works by July 28, 2022 and then, having done so, dismantled its operations and vacated the site. The allegations by the Applicant were made in before this Hon'ble Tribunal only in June 2023. It is submitted that since the Respondent No. 6 is not the owner of the project site, they ought not to be held responsible for any issues that may have arisen during the intervening period. Furthermore, as detailed hereinabove, the present application is seemingly a continuation of a longstanding vendetta and malice the Applicant has against



Respondent No.6. While certain photographs are shared, there is no specification on the alleged areas they pertain to. Moreover, the said photographs do not by themselves establish any lapse on the part of the Respondent No.6. For all these reasons, the Application, as against the Respondent No.6, ought to be dismissed.

40. Therefore, it is clearly evident that the Applicant has been constantly trying to harass the Respondent No. 6 to give into his illegal and unlawful demands. The Applicant has been engaging in a gross abuse of the process of law to extort the Respondent No. 6. He has not only repeatedly concealed material facts before the Hon'ble High Court but has also tried to mislead this Hon'ble Tribunal by misstated facts and concealed material information.

41. It is, thus, submitted that the Applicant has approached this Hon'ble Tribunal with unclean hands. It is settled law that he who seek equity, must do equity and that unscrupulous litigants cannot be allowed to sully the stream of justice. In our humble submission, no further precious judicial time ought to be squandered at the behest of an Applicant who was come seeking reliefs with such unclean hands. Thus, on this ground alone the Hon'ble Tribunal should dismiss the present application.

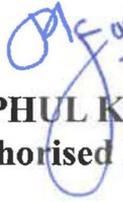


**PRAYER**

In light of the foregoing position of law and the facts and circumstances elaborated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the OA 556 of 2023 as against the Respondent No. 6 and direct deletion of the Respondent No. 6 from the array of parties of OA 556 of 2023.

**AND FOR THIS ACT OF KINDNESS THE RESPONDENT NO. 6 AS  
IN DUTY BOUND SHALL EVERY PRAY**

**FOR M/s Gawar Construction Limited  
Respondent No. 6**

  
  
**PHUL KUMAR GAUR**  
Authorised Representative

**THROUGH**





**Kapil Arora / Pravar Veer Misra  
Enrol. No. D/1421/2002; D/4372/2017**

**Cyril Amarchand Mangaldas  
Advocates for Respondent No. 6**

Level 1 & 2, Max Towers,

C-001/A/1, Sector 16B,

Noida – 201 301, Uttar Pradesh

Email Address: [Kapil.arora@cyrilshroff.com](mailto:Kapil.arora@cyrilshroff.com)

Mob.: 9560470559

**Place:** New Delhi  
**Dated:** 14.08.2024



**ATTESTED**

  
RAM NIWAS MALIK, ADVOCATE  
NOTARY, GURUGRAM (HR.) INDIA

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**ORIGINAL APPLICATION NO. 556 OF 2023**

**IN THE MATTER OF:**

**Arun Tiwari**

**...Applicant**

**Versus**

**State of Uttar Pradesh & Ors.**

**...Respondents**

**AFFIDAVIT**

I, Phul Kumar Gaur, Son of Shri Niranjana Lal, aged about 64 Years, being the Authorized Representative of M/s Gawar Construction Limited i.e. the Respondent No.6 herein having office at SF-01, JMD Galleria, Sector -48, Sohna Road, Gurgaon (Haryana) 122001, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That, I am the Authorized Representative of the Respondent No.6 in the present case and as such conversant with the facts and circumstances of the present case, based on records maintained by the Respondent No.6 company and hence and competent to depose in respect thereof.
2. That the accompanying Response has been drafted under my instructions and the contents thereof, except the legal averments contained therein, are true and correct to the best of my knowledge and information derived on the basis of the records maintained by the Respondent No.6, in the usual course of business. The legal averments contained therein are true and correct on the basis of the



legal advice, received by me and believed by me to be true and correct.

3. That no part of this affidavit is false and no material facts have been concealed there from.



**DEPONENT**

### VERIFICATION

Verified at Gurgaon on this 14<sup>th</sup> day of August 2024, that the contents of the above affidavit are true to my knowledge and nothing material has been concealed therefrom.



**DEPONENT**



**ATTESTED**

RAM NIWAS MALIK, ADVOCATE  
NOTARY, GURUGRAM (HR.) INDIA





Consultancy Services of Authority's Engineer for Supervision of 'Bundelkhand Expressway Project'  
(Package IV to Package VI) in the state of Uttar Pradesh on EPC basis

ICT/UPEIDA/BEKD/EW/PL/ 5528

Date: 11.03.2024

To,  
The Executive Engineer,  
UPEIDA, PIU-4  
Bundelkhand Expressway  
Opp- Muskan Hospital and Research Center, Jalaun Road,  
Orai, Dist. Jalaun-285001 (Uttar Pradesh)

**Sub:** Consultancy Services for acting as Authority's Engineer "For Supervision of Package- IV of Bundelkhand Expressway From Barolikharka Dist. Hamirpur to Saalabad Dist. Jalaun Ch. 149+000 to 200+000, in the State of Uttar Pradesh on EPC Basis- **Submission of response for Hon. N.G.T. notice order date 26-02-2024- reg.**

**Ref:** Your letter no. 1798/UPEIDA/PIU-04/Tech./23-24, dated: 07.03.2024

Dear Sir,

This is with reference to letter cited regarding the subject matter. The order is issued by the Hon. N.G.T. to newly added respondent i.e. M/s Gawar Contraction Limited and has raised observation on the previously submitted joint status report dated 12-02-2024 that the report does not disclose that the "Project Proponent-M/s Gawar Construction Limited has carried out the mining after obtaining the EC". In this regard followings are our submission:

Observations of NGT order	Our Response
<p><b>Point- no-4</b> "The report does not disclose that the Project Proponent-M/s Gawar Construction Limited has carried out the mining after obtaining the EC" and has asked for respondent response in this regards.</p>	<p>(a) The requirement of obtaining Environment Clearance is exempted by Ministry of Environment, Forest and Climate Change, vied notification S.O 1224 (E) dated 28-03-2020, appendix IX (point-6 "extraction or sourcing of borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.) (Copy attached, 2 pages).</p> <p style="text-align: center;">And</p> <p>(b) The requirement of obtaining Environment Clearance is exempted By Government of Uttar Pradesh, Letter no. 446/81-7-2020-39 (parya)/2014 TOC0-1, dated 01-05-2020.(point-6 "extraction or sourcing of borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.) (Copy attached, 2 pages).</p> <p>In view of the above said notifications, it is stated that the EPC Contractor was not required to obtain EC permission for carrying out the mining of ordinary earth.</p>

Contd.....2



*Innovative, Creative & Technologically Sustainable Infrastructure Solutions*

CIN : U74899DL1987PTC026913  
Regd. Office : A-8, Green Park, New Delhi-110 016, INDIA  
Tel: +91-11-40863000 Fax :+91-11-26855252  
Email : contracts@ictonline.com  
Website : http://www.ictonline.com

**Team Leader Office:**  
C/o Mr. Avindra Kumar Ojha  
3785, Ram Nagar, Near Chaudhary Charan Singh  
Inter College, Orai, District Jalaun,  
Uttar Pradesh- 285001, Email : tl.orai@ictonline.com

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*Consultancy Services of Authority's Engineer for Supervision of 'Bundelkhand Expressway Project'  
(Package IV to Package VI) in the state of Uttar Pradesh on EPC basis*

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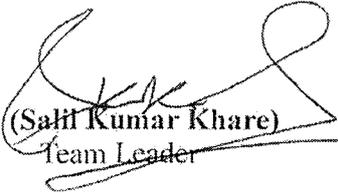
-2-

This is for your reference and record please.

Thanking you,

Yours truly,

For Intercontinental Consultants & Technocrats Pvt. Ltd



(Sahil Kumar Khare)  
Team Leader

Encl: As above total 5 pages (3+2)

Copy to:-

1. Chief Engineer, UPEIDA, Lucknow.
2. Authorised Signatory .M/S Gawar Construction Ltd.



*Innovative, Creative & Technologically Sustainable Infrastructure Solutions*

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**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**  
**NOTIFICATION**

New Delhi, the 28th March, 2020

**S.O. 1224(E)**—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10<sup>th</sup> day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted;

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29<sup>th</sup> November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item I(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-

  
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## “APPENDIX-IX

## EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require Prior Environmental Clearance, namely:-

1. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity.”

[F. No. Z-11013/47/2018-JA.II (M)]

GEETA MENON, Jt. Secy.

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and subsequently amended vide the following numbers:-

1. S.O. 1949 (E), dated the 13<sup>th</sup> November, 2006;
2. S.O. 1737 (E), dated the 11<sup>th</sup> October, 2007;
3. S.O. 3067 (E), dated the 1<sup>st</sup> December, 2009;
4. S.O. 695 (E), dated the 4<sup>th</sup> April, 2011;
5. S.O. 156 (E), dated the 25<sup>th</sup> January, 2012;
6. S.O. 2896 (E), dated the 13<sup>th</sup> December, 2012;
7. S.O. 674 (E), dated the 13<sup>th</sup> March, 2013;
8. S.O. 2204 (E), dated the 19<sup>th</sup> July, 2013;
9. S.O. 2555 (E), dated the 21<sup>st</sup> August, 2013;
10. S.O. 2559 (E), dated the 22<sup>nd</sup> August, 2013;
11. S.O. 2731 (E), dated the 9<sup>th</sup> September, 2013;
12. S.O. 562 (E), dated the 26<sup>th</sup> February, 2014;
13. S.O. 637 (E), dated the 28<sup>th</sup> February, 2014;

  
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14. S.O. 1599 (E), dated the 25<sup>th</sup> June, 2014;
15. S.O. 2601 (E), dated the 7<sup>th</sup> October, 2014;
16. S.O. 2600 (E), dated the 9<sup>th</sup> October, 2014;
17. S.O. 3252 (E), dated the 22<sup>nd</sup> December, 2014;
18. S.O. 382 (E), dated the 3<sup>rd</sup> February, 2015;
19. S.O. 811 (E), dated the 23<sup>rd</sup> March, 2015;
20. S.O. 996 (E), dated the 10<sup>th</sup> April, 2015;
21. S.O. 1142 (E), dated the 17<sup>th</sup> April, 2015;
22. S.O. 1141 (E), dated the 29<sup>th</sup> April, 2015;
23. S.O. 1834 (E), dated the 6<sup>th</sup> July, 2015;
24. S.O. 2571 (E), dated the 31<sup>st</sup> August, 2015;
25. S.O. 2572 (E), dated the 14<sup>th</sup> September, 2015;
26. S.O. 141 (E), dated the 15<sup>th</sup> January, 2016;
27. S.O. 648 (E), dated the 3<sup>rd</sup> March, 2016;
28. S.O. 2269(E), dated the 1<sup>st</sup> July, 2016;
29. S.O. 2944(E), dated the 14<sup>th</sup> September, 2016;
30. S.O. 3518 (E), dated 23<sup>rd</sup> November 2016;
31. S.O. 3999 (E), dated the 9<sup>th</sup> December, 2016;
32. S.O. 4241(E), dated the 30<sup>th</sup> December, 2016;
33. S.O. 3611(E), dated the 25<sup>th</sup> July, 2018;
34. S.O. 3977 (E), dated the 14<sup>th</sup> August, 2018;
35. S.O. 5733 (E), dated the 14<sup>th</sup> November, 2018;
36. S.O. 5736 (E), dated the 15<sup>th</sup> November, 2018;
37. S.O. 5845(E), dated the 26<sup>th</sup> November, 2018;
38. S.O. 345(E), dated the 17<sup>th</sup> January, 2019;
39. S.O. 1960(E), dated the 13<sup>th</sup> June, 2019;
40. S.O. 236(E), dated the 16<sup>th</sup> January, 2020;
41. S.O. 751(E), dated the 17<sup>th</sup> February, 2020; and
42. S.O. 1223(E), dated the 27<sup>th</sup> March, 2020.

(1)

संख्या- 446/81-7-2020-39(पर्या)/2014 टी0सी0-1

प्रेषक,

संजय सिंह,  
सचिव,  
उ0प्र0 शासन।

सेवा में,

- 1- समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव,  
उ0प्र0 शासन।
- 2- समस्त मण्डलायुक्त/जिलाधिकारी,  
उत्तर प्रदेश।

पर्यावरण, वन एवं जलवायु परिवर्तन अनु0-7

लखनऊ: दिनांक: 01 मई, 2020

विषय-पर्यावरणीय अनापत्ति की अनिवार्यता में छूट के निर्णय के संबंध में।

महोदय,

उपरोक्त विषय के संबंध में मुझे यह कहने का निदेश हुआ है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत ई0आई0ए0 अधिसूचना 2006 (यथाराशोधित) संपादित अधिसूचना सं0-1224 (अ) दिनांक 28-03-2020 के परिशिष्ट-9 में निम्न क्रियाकलापों को पूर्व पर्यावरणीय सहमति की अपेक्षा से छूट प्रदान की गई है :-

1. मैनुअल खनन द्वारा साधारण मिट्टी या बालू की कुम्हारों द्वारा मिट्टी के घड़े,लेम्प, खिलौने,आदि बनाने के लिए उनकी प्रथाओं के अनुसार निकासी।
2. मैनुअल खनन द्वारा मिट्टी की टाइलें बनाने द्वारा जो मिट्टी की टाइलें बनाते हैं, के लिए साधारण मिट्टी या बालू की निकासी।
3. किसानों द्वारा याद के पश्चात् कृषि भूमि से बालू के जमाव को हटाना।
4. ग्राम पंचायत में अवस्थित स्रोतों से बालू और साधारण मिट्टी को वैयक्तिक उपयोग या ग्राम में समुदाय कार्य के लिए प्रथा के अनुसार खनन।
5. सामुदायिक कार्य जैसे ग्रामीण तालाबों या टैंकों से गाद हटाना, महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार और गारंटी स्कीमों, अन्य सरकारी स्कीमों, प्रायोजित तथा सामुदायिक प्रयासों द्वारा ग्रामीण सड़कों, तालाबों या बांधों का सन्निर्माण।
6. सरक, गादपकान, आदि जैसे रेजीन परिशोधनओं के लिए साधारण मिट्टी की निकासी, निष्कासन या प्रयोग करना।
7. बांधों,तालाबों, मेड़ों, बैराजों, नदी और नहरों की उनके अनुरक्षित तथा आपदा प्रबंधन के प्रयोजन के लिए तलनार्जन और गाद निकालना।
8. गुजरात में गुजरात सरकार की तारीख 14 फरवरी, 1990 की अधिसूचना सं0-जीयू/90(16)/एमसीआर-2189(68)/5-सीएचएच द्वारा बंजारा और ओड द्वारा बालू के पारंपरिक उपजीविका कार्य।
9. पारंपरिक समुदाय द्वारा अंतर ज्वारीय क्षेत्र के भीतर चूने के गोलों (मृत् भू- पटल), पवित्र स्थानों, आदि के मैनुअल निकासी।
10. सिंचाई या पेयजल के लिए कुओं की खुदाई।
11. यथास्थिति, ऐसे भवनों की नींव के लिए खुदाई जिनके लिए पूर्व पर्यावरणीय अनापत्ति अपेक्षित नहीं है।

  
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12. जिला कलेक्टर या जिला मजिस्ट्रेट या किसी अन्य सक्षम प्राधिकारी के आदेश पर किसी नहर, नाला, ड्रेन, जल निकास, आदि में होने वाली दरार को भरने के लिए साधारण मिट्टी या बालू का उत्खनन ताकि किसी आपदा या घाट जैसी स्थिति से निपटा जा सके।

13. 'ऐसे क्रियाकलाप, जिन्हें राज्य सरकार द्वारा विधान या नियमों के अधीन वर खननकारी क्रियाकलाप के रूप में घोषित किया गया है।'

2- भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन द्वारा निर्गत अधिसूचना सं०-3204/86-2014-278-2011 दिनांक 22-10-2014 (उ०प्र० उप खनिज परिहार नियमावली 37वां संशोधन 2014) में किये गये प्राविधानों के अधीन यह उल्लेख किया गया है कि:-

'ईट एवं मिट्टी के बर्तन बनाने हेतु हस्तसंचालन से खुदाई द्वारा अथवा हस्तसंचालन से साधारण मृदा, सामान्य मिट्टी को निकालने की क्रिया, खनन सांकेयकों के अन्तर्गत नहीं आएगी, प्रतिबन्ध यह है कि ऐसी खुदाई अथवा खनन के फलस्वरूप उत्पन्न गड्ढों की गहराई 02 मीटर से अधिक नहीं होगी'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत उपरोक्त ई०आई०ए० अधिसूचना दिनांक 28-3-2020 में उल्लिखित क्रियाकलापों में छूट के अन्तर्गत उ०प्र० उप खनिज परिहार नियमावली (37वां संशोधन) 2014 के प्राविधानों के अनुसार ईट बनाने हेतु हस्तचालित विधि से 02 मीटर की गहराई तक साधारण मृदा/सामान्य मिट्टी की खुदाई के लिये पूर्व पर्यावरणीय सहमति की आवश्यकता नहीं होगी।

3- अतः पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत उक्त अधिसूचना दिनांक-28.03.2020 का अनुपालन सुनिश्चित करने का कष्ट करें।

  
(संजय सिंह)  
सचिव।

संख्या-446(1)/B1-7-2020-39(पयी)/2014 टी०सी०-1, तददिनांक।

प्रतिलिपि:- निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. निदेशक, पर्यावरण, उ०प्र०, लखनऊ।
2. सार्वजनिक सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. गार्ड फाइल।

आज्ञा से,

(भारत प्रसाद)  
अनु सचिव।

  
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Court No. - 70

ANNEXURE - 2

Case :- CRIMINAL MISC. BAIL APPLICATION No. -  
20378 of 2020

**Applicant :- Arun Tiwari**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Rajiv Shukla**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Siddharth, J.**

Heard learned counsel for the applicant and learned AGA for the State.

This bail application has been directly filed before this court under Section 439 Cr.P.C without approaching the court below. Therefore the counsel for the applicant submits that the powers under Section 439 Cr.P.C should be exercised in this case by the High Court since the Courts at Jalaun are not functioning on account of lockdown, when this application was filed. His submission is that the powers under Section 439 Cr.P.C can be exercised by this court directly as held in paragraph 20 of the judgment of **Sandeep Kumar Bafna vs. State of Maharashtra and Another, 2014(16) SCC 623**, wherein Apex Court has held that the High Court has power and jurisdiction to entertain the plea of surrender and also bail thereafter directly without compelling the accused to first approach the court of Sessions. In the aforesaid judgment the Apex Court has considered the mandate of Article 21 also.

After going through the judgment of the Apex Court in the case of **Sandeep Kumar Bafna (Supra)** this court finds that the Bombay High Court rejected the accused's bail application on the ground that it had no jurisdiction accept the custody of the accused, the Supreme Court directed the High Court to accept the custody and decide the bail application on merit, on the basis that no provision categorically prohibits the production of accused before either of the courts.

After considering the submission made by the counsel for the applicant, this court finds that in the present case no issue of surrender of accused is involved. Accused-applicant is already in jail since 30.5.2020. Only question of consideration of the bail application to the accused applicant is before this court since he has not been able

  
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to approach the court of Sessions on account of the lockdown consequent to Covid-19 scare.

Extraordinary circumstances requires extraordinary remedies and therefore this court is inclined to consider the present bail application in exercise of its power under Section 439 Cr.P.C., but without making it a precedent for normal times.

Allegation against the applicant is that he was obstructing the government work and blackmailing informant for money and demanding illegal gratification. Learned counsel for the applicant has submitted that he is villager and the Buldelkhand Expressway is being constructed by the informant and in the process overloaded trucks are plied by the contractors. Executive engineer has sent a notice that in case any overloaded truck is found, villagers may send information about the same, since the overloaded trucks are breaking the roads of the village. Learned counsel for the applicant has submitted that applicant is a villager, who has made a complaint before the PWD alongwith villagers in this regard. He claims that he has been falsely implicated in this case by the contractor of the firm. He has no criminal history to his credit and is in jail since 30.5.2020.

Keeping in view the nature of the offence, evidence on record regarding complicity of the accused, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of ***Dataram Singh Vs. State of U.P. and another reported in (2018) 3 SCC 22*** and without expressing any opinion on the merits of the case, the Court is of the view that the applicants have made out a case for bail. The bail application is allowed.

Let the applicant, **Arun Tiwari**, who is involved in **Case Crime No. 117 of 2020, under Sections 386, 353, 341, 506 IPC, Police Station Et, District- Jalaun**, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

  
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3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court their bail shall be effective after the period of short term bail comes to an end.
5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.
6. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.
7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

**Order Date :- 7.8.2020**

Ruchi Agrahari

  
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Court No. - 38

ANNEXURE - 3 (Cably)

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 20378  
of 2020

**Applicant :-** Arun Tiwari

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Rajiv Shukla

**Counsel for Opposite Party :-** G.A.

**Hon'ble Siddharth, J.**

**Order on Criminal Misc. Modification Application No. 2 of 2020**

This modification application has been filed praying for modification of the order dated 07.08.2020 passed by this Court in the above noted bail application taking into account the bail rejection order dated 03.07.2020 passed by the Court below.

It has been stated in the affidavit in support of the modification application that the applicant was granted bail by this Court on 07.08.2020. Prior to that District Court at Jalaun was closed on account of the district being under the red zone/contentment zone of corona virus. Also prior to filing of this bail application before this Court one of the relative of the in-laws of the applicant filed a bail application before the Sessions Court at Jalaun on 03.07.2020 and it was rejected on 07.03.2020. The deponent of the affidavit, namely, Nirmal Kumar Tiwari, has averred that he was not aware of the rejection of the bail of the applicant from the Sessions Court on 03.07.2020 when he filed this bail application before this Court (on 13.07.2020).

Counsel for the applicant has stated that even after the grant of bail by this Court the applicant has not been released on bail and he is languishing in jail since 30.05.2020. In pursuance of the order of this Court date 25.03.2021 the deponent has filed his personal affidavit reiterating the above facts.

Learned A.G.A has opposed the modification application and has submitted that the applicant applied for bail before this Court concealing the relevant fact of getting his bail application rejected by the Court below and therefore he does not deserves to be granted any indulgence.

After hearing counsel for parties and going through the averments made in the modification application this Court finds that prior to filing of the above noted bail application before this Court, the bail application of the applicant was rejected by

  
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the Court below on 03.07.2020. Without disclosing the above fact of dismissal of the bail application of the applicant by the Sessions Court, the present bail application was filed and order was passed in favour of the applicant. Keeping in view of the judgment of the Apex Court in the case of **Sandeep Kumar Bafna Vs. State of Maharashtra and Others, 2014 (16) SCC 263**, the bail application was entertained directly before this Court because the District Courts were not functioning on account of lockdown imposed for preventing the spread of novel corona virus but this Court was not informed about the correct facts.

Hence, the order dated 07.08.2020 passed by this Court is recalled and bail granted to the applicant is cancelled. Liberty is granted to the applicant to file second bail application before the Court below. The second bail application of the applicant shall be decided by the Court below, without being influenced by the observations made in this order, on merits of the bail application.

The modification application is **rejected**.

**Order Date :- 28.7.2021**

Rohit

  
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**Court No. - 77**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 37899 of 2021

**Applicant :-** Arun Tiwari

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Amitesh Kumar Srivastava, Akarsh Dwivedi, Sunita Chauhan

**Counsel for Opposite Party :-** G.A.

**Hon'ble Om Prakash Tripathi, J.**

Supplementary affidavit has been filed on behalf of the applicant in Court today, which is taken on record.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 117 of 2020, under Sections 386, 353, 341, 506 IPC, P.S.- Ait, District Jalaun, during pendency of trial.

It is contended by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. Applicant has authority to check overloaded trucks on barrier. Applicant is Chairman of National Human Rights at P.S. Ait, District Jalaun. The allegations against the applicant is that he was obstructing the government work and blackmailing informant for money and demanding illegal gratification. Applicant is villager and the Bundelkhand expressway is being constructed by the informant and in the process overloaded trucks are piled by the contractors. Overloaded trucks are breaking the roads of the village. Applicant along with other villagers made a complaint before PWD in this regard. There is no other previous criminal history against the applicant. He further submits that he is languishing in jail since 30.05.2020. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceeding.

Per contra, learned A.G.A. opposed the prayer of bail and submits that applicant is blackmailing the informant and obstructing government work, if he is released on bail he will indulge him in the similar activities.

From the perusal of record, it is apparent that bail of the applicant has been granted by this Court in Criminal Misc. Bail Application No. 20378 of 2020 vide order dated 07.08.2020.

  
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But this order was recalled passed in Criminal Misc. Modification Application No.2 of 2020 vide order dated 28.07.2021. Bail of the applicant has been rejected by the Additional Sessions Judge/Special Judge (Dacoity Affected Area), Jalaun at Urai on 10.08.2021 and after that order of this bail application has been presented before this Court vide order dated 10.03.2022 passed by Hon'ble The Chief Justice. This case has been listed before this Court.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of **Dataram Singh Vs. State of U.P. and another, (2018) 3 SCC 22**, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant- **Arun Tiwari** involved in the aforementioned crime be released on bail, if he will not indulge in the similar activities, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
4. The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.
5. The applicant shall remain present, in person, before the trial court at the time of recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed in accordance with law.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity, status and residence proof of the applicant and sureties

  
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be verified by the court concerned before the bonds are accepted.

**Order Date :- 24.3.2022**

Priya

  
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# ANNEXURE-4

सोमा में,

श्रीमान साहित्य प्रकाशक/प्रकाशक श्रीमान (Urda)

.....

विषय :- नवनिर्मित युन्दतखण्ड प्रकाशक के विभागीय कामों में अतिरिक्तियों व मातृक विधेय कक्षा से विद्ये नये कार्य को शिखा निम्न जाय न सीकोडा/आरि जाय करारकर दोषी अधिकारियों को विच्छिन्न विधिक व कानूनी कार्यवाही करने के सम्बन्ध में।

महोदय,

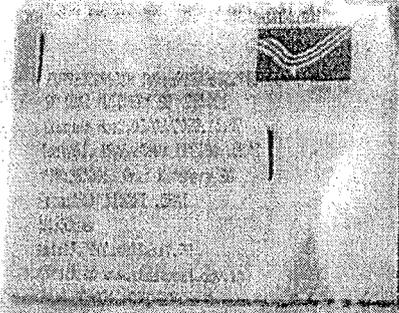
निवेदन करना है कि प्राची एक सामाजिक कार्यकर्ता एवं राष्ट्रीय जनताधिकार समूह (JAG) के अध्यक्ष होने के साथ साथ एक अग्रणी कार्यकर्ता है कि युन्दतखण्ड प्रकाशक विभागीय में मातृक के अनुसार कार्य नहीं किया गया जो कि उद्योग के 74 दिन बाद ही कई जगह धारा 10 तथा/या 11 के अन्तर्गत अधिकारियों एवं प्रशासनिक अधिकारियों द्वारा फर्न गार्डन कंपनी से साठ-गठ कर मोटा कमीशन लेकर स्वयं मातृक विभागीय कार्य कराया गया जिसमें काली मिट्टी (लीक) का इस्तेमाल किया गया। जिसके कारण उच्च सड़क कई जगह से धरा/धरासू भुके है। जबकि मिट्टी को कि सड़क, एवम प्रत्येक में काली मिट्टी का प्रयोग वर्जित है। क्योंकि काली मिट्टी धरक/फट जाती है। अन्य कार्य में प्राची के द्वारा नरेश भी सड़क जो सिर्फ 5 दूरी ही बरकरार रही। जहाँ अधिकारी व कर्मचारियों ने जायस एपर्ट्स को जने पर उक्त नरेश प्राची के पास की सड़क धरत ही नहीं। जिसके कारण ही एन एमएल विधेय कार्य को प्राची ने कई बार स्थिर/अंग, ईमेल, फोन से व साथ मिलकर सम्बन्धित अधिकारियों को शिकायत की थी। लेकिन स्वयं शिकायतों पर कार्यवाही करने की बजाय, वल्दा प्राची को ज्ञान के मामले व प्राची मुकदमा लम्बाने को प्रमत्त ही गया और दिनांक 30.05.2020 को सम्बन्धित अधिकारियों ने पुलिस से साठ-गठ कर स्वयं की दग पर प्राची के ऊपर अवरत झूठा केस लगाकर जेल भिजा दिया। जिसमें नावनीव उच्च न्यायालय जलाजवाज से 22 गठने बाद जमानत मिलने पर रिहा हुआ है। सम्बन्धित अधिकारियों द्वारा प्राची व प्राची के परिवार को जिन्दा तेल डालकर जलाकर जने से मारने की धमकी नये प्राची मुकदमा लगाकर जेल भिजा की समझी की जा रही है। जिसके सहित (वीरिडो) प्राची के पास उपलब्ध है।

अतः आपसे अनुरोध है कि प्राची के उक्त प्रकरण में शिखा कक्षा को जारी निम्न जाय/सीओआर जाय करारकर सम्बन्धित अधिकारियों के उत्तर विधिक कानूनी कार्यवाही तथा फर्न को कोफिशियट कर दिखवती कर प्राची के ऊपर लगाये गये काली मुकदमा 117/2020 अना एट. जिला जालोन को पुनः निष्का जाल करारकर प्राची व प्राची के परिवार को जाय-पाल को रक्षा करने हेतु निरुत्क सुरक्षा प्रदान करने की कृपा करें।

दिनांक:- 09/08/2022

प्राची  
अग्रणी/कार्यकर्ता

अग्रणी कक्षा निवासी पुनः स्वयं शिखा विहासी निवासी  
नि- सोमा नरेश, पोस्ट गुनसाई  
धाना-एट  
जिला- जालोन।  
पिन- 285001  
मोबा- 9721605555



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सेवा में,

श्रीमान *अरुण कुमार शिवारी*

.....*राजमंडल-बाराकोट-बाराकोट-उ.प्र.*.....

विषय :- नवनिर्मित सुन्दरखण्ड एकलप्रेसबले के निर्माण कार्य में अतिमिलतायें व मानक विहीन तरीके से किये गये कार्य को बिरुद्ध निष्का जांच व सीओबीआई जांच कराकर सीपी अधिकारियों को बिरुद्ध विधिक व कानूनी कार्यवाही करने के सम्बन्ध में।

महोदय,

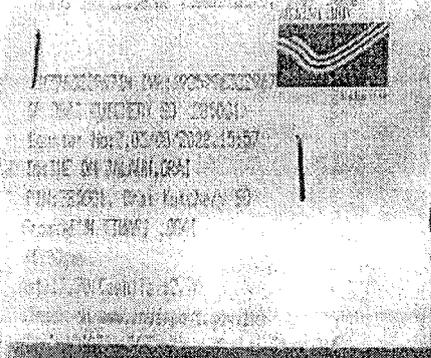
निवेदन करना है कि प्राची एक सामाजिक कार्यकर्ता एवं राष्ट्रीय मानवाधिकार सेगटन एन०एच०आर०ओ० का अध्यक्ष होने के नाते आपसे अवगत कराता है कि सुन्दरखण्ड एकलप्रेसबले निर्माण में मानक के अनुसार कार्य नहीं किया गया जो कि उद्घाटन से ०५ दिन बाद ही कई जगह ध्वस्त हो गया/घसक गया। जिसमें सूफीडा के सम्बन्धित अधिकारियों एवं प्रशासनिक अधिकारियों द्वारा फर्म गावड़ कंपनी से साँट-गाँठ कर मोटा कमीशन लेकर उचित मानक विहीन कार्य कराया गया, जिसमें काली मिट्टी (सीघट) का इस्तेमाल किया गया। जिसके कारण खम्भे सड़क कई जगह से ध्वस्त/घसक चुकी है। जबकि किसी भी कि सड़क एकलप्रेसबले में काली मिट्टी का प्रयोग बर्जित है। क्योंकि काली मिट्टी घसक/फट जाती है। उक्त कार्य में प्राची के प्राग नरेश की सड़क जो सिर्फ ४ टन ही भारित थी। उक्त अधिकारी व कर्मचारियों से जाचरन गुपडई की दम पर उक्त नरेशा मार्ग पर लगभग ३०-४० टन तथा मिट्टी से भर अथवा ट्रकों से आवागम किया गया जिसकी वजह से प्राची के प्राग की सड़क ध्वस्त हो गयी। जिसके दबाव हेतु एवं उक्त मानक विहीन कार्य की प्राची ने कई बार बरिस्टर्ड डाक, डीमर, फोन से व स्वयं गिहाकर सम्बन्धित अधिकारियों को शिकायत की थी। लेकिन उक्त शिकायतों पर कार्यवाही करने की बजाय उल्टा प्राची को जान से मारने व फर्जी मुकदमा लगवाने की धमकी दी गयी और दिनांक ३०.०३.२०२० की सम्बन्धित अधिकारियों ने पुलिस से साँट-गाँठ कर सड़क की दम पर प्राची के ऊपर जागरण कूटा कैस लगवाकर जेल भिजाया किया। जिसमें अनुवीच उच्च न्यायालय अलाहाबाद से २३ महिने बाद जमानत मिलने पर रिहा हुआ है। सम्बन्धित अधिकारियों द्वारा प्राची व प्राची के परिवार को जिन्दा तेल डालकर जलाकर जान से मारने की धमकी एवं फर्जी मुकदमा लगवाकर जेल भेजने की धमकी दी जा रही है। जिसके साथ (वीडियो) प्राची के पास उपलब्ध है।

अतः आपसे अनुरोध है कि प्राची के उक्त प्रकरण में वीडियो प्राची के जरिये निष्पक्ष जांच/सीओबीआई जांच कराकर सम्बन्धित अधिकारियों को ऊपर विधिक कानूनी कार्यवाही तथा फर्म को बरिफ्लिरिटड कर, रिक्तवर्ष कर प्राची के ऊपर लगाये गये फर्जी मुकदमा ११७/२०२० धाना एट, जिला जालौन को पुनः निष्का जांच कराकर प्राची व प्राची के परिवार को जान-माल की रक्षा करने हेतु निशुल्क सुस्था प्रदान करने की कृपा करें।

दिनांक:- *०३/०४/२०२२*

प्राची  
*अरुण शिवारी*

अरुण कुमार शिवारी पुत्र स्व० श्याम शिवारी शिवारी  
जि०- प्राग नरेशा पोस्ट-मुनसाई  
धाना-एट  
जिला- जालौन।  
पिन- २४३००१  
मो०-९०-९७२१००६५९५



331/22

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

## INDEX

Public Interest Litigation No. .... of 2022  
(Under Article 226 of the Constitution of India)

(District - Jalaun)

Arun Tiwari.

.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

Sl. No.	Particulars	Dates	Annexure	Pages
1	Date & events			1-2
2	Stay Application (u/s 151 of C.P.C)			3-4
3	Writ petition ( U/Article 226 of the Constitution of India)			5-10
4	Copy of letter of Execute Engineer, PWD, Jalaun	31.05.2020	1	11-12
5	Copy of application to Information Officer, UPEIDA Lucknow U. P.	29.05.2020	2	13-15
6	Copy of Chief Engineer, U. P. Expressways Industrial Development Authority, Gomati Nagar, Lucknow		3	16-18
7	Photo copies of relevant photographs		4	19-22
7	Copy of application/representation of the petitioner	03.08.2022	5	23- 25
8	Affidavit and ID proof			26-28
9	Vakalat-nama			29

Date 16/8/22

TRUE COPY

(AKHIL SRIVASTAVA)

(SHASHI RANJAN SRIVASTAVA)

Advocates,

Enrolment no.-U.P. 0653/2018

Enrolment no. U.P. 2420/1000

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

## DATE &amp; EVENTS

in

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari.

.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

Sl. No.	Date	Events
1		The petitioner is the social Worker and voter and villager of the Gram Narchha, Post Nunsai, District Jalaun
2		One Bundelkhand Expressways have been inaugurated by Prime Minister of India, the said Expressway has been begin from Chitrakoot to Etawah & said Expressways many irregularities have been found in construction of said Expressways. Link Road has been damaged due to over loading of raw material whom used for construction of Expressway
3	29.05.2020	The petitioner has been submitted an application before the Executive Engineer, P.W.D. Jalaun and has issued a letter to the petitioner that you have banned the overloaded Trucks of raw materials and the petitioner has been went to stop the overloaded Trucks of raw materials, then project In charge has ignored the letter of the Executive Engineer and said that this letter if forged and he has misbehaved to the petitioner
4		The petitioner has send a letter under R. T. I. before the Deputy Collector UPEIDA U. P. and demanded some relevant questions for illegal construction of said Expressways and the Deputy Collector UPEIDA U. P. has not provided any reply of the said R.T.I. then the petitioner has moved an application dated before the Appellate Authorities
5	03.08.2022	No hope to stop the illegal construction of Bundelkhand Expressways the petitioner has lastly submitted an application/representation on 03.08.2022 before the District Magistrate, Jalaun and Senior Manager Bundelkhand Expressway, P. I. U. 4 & 5, Konch Road,


  
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		Jalaun By-Pass, UPIDA, Orai for taken action
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Date 16/8/22

(AKHIL SRIVASTAVA) (SHASHI RANJAN SRIVASTAVA)

Advocates,

Counsels for the petitioner,

Chamber No. 5, High Court, Allahabad.

  
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## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

\*\*\*\*\*

CIVIL MISC. STAY APPLICATION NO. OF 2022

(Under Section 151 of Civil Procedure Code)

In

Public Interest Litigation No .....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari S/O Shyam Bihari Tiwari,  
R/O Village Narchha, Post Nunsai,  
District Jalaun.

.....Petitioner.

Vs.

1. State of U. P. through its Secretary (Expressways Industrial Development Authority) Lucknow.
2. Senior Manager, Bundelkhand Expressways, P. I. U. 4 & 5, Konch Road, Jalaun By-Pass, UPEIDA, Orai.
3. Chief Engineer UPEIDA, U. P. Expressways Industrial Development Authority, Gomati Nagar, Lucknow.
4. The District Magistrate, Jalaun.
5. Chief Executive Officer, Bundelkhand Expressways, Govt. of U. P., Lucknow.
6. Project Manager, Bundelkhand Expressway, P. I. U. 4 & 5, Konch Road, Jalaun By-Pass, UPEIDA, Orai.

.....Respondents.

The Hon'ble Chief Justice and his other companion judges of the aforesaid court .

The humble petition of the above named petitioner most respectfully showeth as under:-

  
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4

1. That the applicant is the petitioner in the aforesaid writ petition.
2. That the full and complete fact has been stated in the accompanying writ petition, which forms part of this application.
3. That on the fact and circumstance so stated in the accompanying writ petition it is expedient in the interest of justice that this Hon'ble court may be pleased to direct the respondents to enquire the Construction of Bundelkhand Expressways and decide the representation dated 03.08.2022 and/or to pass such other and further order as this Hon'ble court may deem fit and proper.

PRAYER

It is, therefore most respectfully prayed that this Hon'ble court may be pleased to direct the respondents to enquire the Construction of Bundelkhand Expressways and decide the representation dated 03.08.2022 (Annexure No. 5) to this writ petition, and/or to pass such other and further order as this Hon'ble court may deem fit and proper.

Date 16/8/22

(AKHIL SRIVASTAVA) (SHASHI RANJAN SRIVASTAVA)

Advocates,

Counsels for the petitioner,

Chamber No. 5, High Court, Allahabad.

  
TRUE COPY

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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Public Interest Litigation No .....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari S/O Shyam Bihari Tiwari,  
R/O Village Narchha, Post Nunsai,  
District Jalaun.

.....Petitioner.

Vs.

1. State of U. P. through its Secretary (Expressways Industrial Development Authority) Lucknow.
2. Senior Manager, Bundelkhand Expressway, P. I. U. 4 & 5, Konch Road, Jalaun By-Pass, UPEIDA, Orai.
3. Chief Engineer UPEIDA, U. P. Expressways Industrial Development Authority, Gomati Nagar, Lucknow.
4. The District Magistrate, Jalaun.
5. Chief Executive Officer, Bundelkhand Expressways, Govt. of U. P., Lucknow.
6. Project Manager.  
Bundelkhand Expressways, P. I. U. 4 & 5, Konch Road, Jalaun By-Pass,  
UPEIDA, Orai.

.....Respondents.

To,

The Hon'ble Chief Justice and his other companion judges of the aforesaid court.

The humble petition of the above named petitioners most respectfully showeth as under:-

1. That the present writ petition is the first writ petition being filed by the petitioner with regard t the cause of action involved in this writ petition. No

Briary

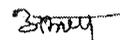


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earlier writ petition has been filed by the petitioner in this regard before this Hon'ble Court.

2. That this is the first Public Interest Litigation filed by the petitioner before this Hon'ble Court. No other Public Interest Litigation is pending or decide before this Hon'ble Court or any other court of justice on same cause of action.
3. The petitioner has not been received with a caveat application on behalf of any respondents for opposing the present writ petition.
4. That the petitioner is the social Worker and voter and villager of the Gram Narchha, Post Nunsai, District Jalaun.
5. That the brief of the case is that one Bundelkhand Expressways have been inaugurated by Prime Minister of India, the said Expressway has been begin from Chitrakoot to Etawah.
6. That in said Expressways many irregularities have been found in construction of said Expressways. Link Road has been damaged due to over loading of raw material whom used for construction of Expressway.
7. That the petitioner has been submitted an application before the Executive Engineer, P.W.D. Jalaun and has issued a letter on 29.05.2020 to the petitioner that you have banned the overloaded Trucks of raw materials. A copy of letter dated 29.05.2020 of Executive Engineer, P.W.D. Jalaun as ANNEXTURE NO. 1 to this writ petition.
8. That the petitioner has been went to stop the overloaded Trucks of raw materials, then project In charge has ignored the letter of the Executive Engineer and said that this letter is forged and thereafter he has misbehaved to the petitioner.
9. That the petitioner has send a letter under R. T. I. dated 29.05.2020 before the Information Officer, UPEIDA Lucknow U. P. and demanded some

  
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relevant questions for illegal construction of said Expressways. A copy of letter under R.T.I. is filed here with and marked as ANNEXURE NO. 2 this writ petition.

10. That the Information Officer UPEIDA U. P. has not provided any reply of the said R.T.I. then the petitioner has moved an application dated before the Appellate Authorities, Chief Engineer, U. P. Expressways Industrial Development Authority, Gomati Nagar, Lucknow. A copy of letter under R.T.I. to the appellate authorities is filed here with and marked as ANNEXURE NO. 3 this writ petition.

11. That till date no any reply or any letter issued by the appellate authorities to the petitioner.

12. That the petitioner and other villagers have meet to the project in charge and said that Black Soil (Kali Mitti) has been used in entire construction work of Bundelkhand Expressways, which is not proper and not good for standard parameter for construction of any Expressway but said project in charge given threaten and abusing and further said that you have obstructed the work of Bundelkhand Expressways. He further said that I have lodged F.I.R. against you. Photo Copies of Overloaded Trucks and making unnatural ponds in agriculture field are being filed here with and marked as ANNEXURE NO. 4 to this writ petition.

13. That it is also pertinent to mention here that both side of Expressways 10 to 15 feet soil have been taken from earth and due to this act both side pond have been prepared of the land of the formers.

14. That the petitioner and other villagers has been meet personally and submitted application before concerned officers of the Expressways but they have not taken any action against project in charge.

15. That no hope to stop the illegal construction of Bundelkhand Expressways the petitioner has lastly submitted an application/representation on 03.08.2022 before the District Magistrate, Jalaun and Senior Manager

  
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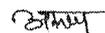
Bundelkhand Expressway, P. I. U. 4 & 5, Konch Road, Jalaun By-Pass, UPIDA, Orai for taken action. A copy of application/representation dated 03.08.2022 is being filed here with and marked as ANNEXTURE NO. 5 to this writ petition.

16. That the petitioner and other villagers have meet personally to the respondent no. 2 but he has not taken any action against to the project in charge.
17. That the petitioner has meet many times before respondent but they have not taken any action against the private respondent then the petitioner has send registered letter before respondents time to time.
18. That above facts and circumstances kindly direct the **respondents** to enquire the Construction of Bundelkhand Expressways and decide the representation dated 03.08.2022 (Annexure No. 4), otherwise the petitioner shall suffer irreparable loss and injury.
19. That the petitioner has no equal efficacious alternative remedy than to file the present writ petition under Article 226 of the Constitution of India and other following grounds.

GROUND S

1. BECAUSE, one Bundelkhand Expressways have been inaugurated by Prime Minister of India, the said Expressway has been begin from Orai to Jhansi.
2. BECAUSE, said Expressways many irregularities have been found in construction of said Expressways. Link Road has been damaged due to over loading of raw material whom used for construction of Expressway.
3. BECAUSE, the petitioner has been submitted an application before the Executive Engineer, P.W.D. Jalaun and has issued a letter to the petitioner that you have banned the overloaded Trucks of raw materials.

  
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4. BECAUSE, the petitioner has been went to stop the overloaded Trucks of raw materials, then project In charge has ignored the letter of the Executive Engineer and said that this letter if forged and he has misbehaved to the petitioner.
5. BECAUSE, it is also pertinent to mention here that both side of Expressways 10 to 15 feet soil have been taken from earth and due to this act both side pond have been prepared of the land of the formers.
6. BECAUSE, the petitioner and other villagers has been meet personally and submitted application before concerned officers of the Expressways but they have not taken any action against project in charge.
7. BECAUSE, no hope to stop the illegal construction of Bundelkhand Expressways the petitioner has lastly submitted an application/representation on 03.08.2022 before the District Magistrate, Jalaun and Senior Manager Bundelkhand Expressway, P. I. U. 4 & 5, Konch Road, Jalaun By-Pass, UPIDA, Orai for taken action.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to :-

- (i) Issue a writ, order or direction in the nature of mandamus directing the direct the respondents to enquire the Construction of Bundelkhand Expressways.
- (ii) Issue a writ, order or direction in the nature of mandamus directing the direct the respondents to decide the representation dated 03.08.2022 of the petitioner (Annexure No. 5) to this writ petition.

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(iii) Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper.

Date 16/8/22

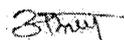
(AKHIL SRIVASTAVA) (SHASHI RANJAN SRIVASTAVA)

Advocates,

Counsels for the petitioner,

Chamber No. 5, High Court, Allahabad.

  
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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

\*\*\*\*\*

ANNEXURE NO. ( 1 )

In

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India) :

(District – Jalaun)

Arun Tiwari.

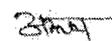
.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

  
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कार्यालय अधिशासी अभियन्ता  
प्रान्तीय खण्ड, लो०नि०वि० उरई

पत्रांक :- 130/1E

दिनांक :- 29/05/2020

श्री अरुण तिवारी (चैयरमेन)  
राष्ट्रीय मानवाधिकार संगठन (एन.एच.आर.ओ.)  
ग्राम-नरछा, थाना-एट, जिला-जालौन

विषय :- एक्सप्रेस वे निर्माण में लोक निर्माण विभाग के मार्गों के क्षतिग्रस्त होने के सम्बन्ध में।  
संदर्भ :- आपका पत्र दिनांक 29.05.2020

उपरोक्त विषयगत प्रकरण में अवगत कराना है कि ग्रामीण मार्गों पर मात्र 9 टन का ही लोड दिया जा सकता है। जबकि एक्सप्रेस वे निर्माण में नरछा सम्पर्क मार्ग पर अत्याधिक ओवर लोडिड ट्रकों के आवागमन से मार्ग क्षतिग्रस्त हो रहा है।

अतः आप अपने ग्रामवासियों को लेकर ओवर लोडिड ट्रकों को रोकने हेतु अपने स्तर से ब्रैरियर लगाकर आवश्यक कार्यवाही कर सकते हैं।

  
(अभिनेश कुमार)  
अधिशासी अभियन्ता  
प्रान्तीय खण्ड, लो०नि०वि०, उरई

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

\*\*\*\*\*

ANNEXURE NO. ( 2 )

In

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari.

.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

  
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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

\*\*\*\*\*

ANNEXURE NO. ( 3 )

In

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari.

.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

  
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3/2/24

सूचना का अधिकार अधिनियम, 2005 की धारा 19(1) के अधीन प्रथम अपील

सेवा में,

राज्य लोक सूचना अधिकारी - मुख्य अभियंता - यूपीडी  
उत्तर प्रदेश सरकार के कार्यालय, (अपनी प्रतिक्रिया) जोशी चर मन्सु

न: अपीलार्थी से सम्पर्क हेतु आवश्यक विवरण:-

1-अपीलार्थी का नाम	अनमोल कुमार / राज्य द्वारा पीएम शांति कार्य संगठन M.H.R.C
2-डाक का पता, सेल-फोन नम्बर और ई-मेल पता (यदि कोई हो)	राज्य नम्बर 1, पोस्ट नुमाई - 285001 No: 285001

नो- 9721605555

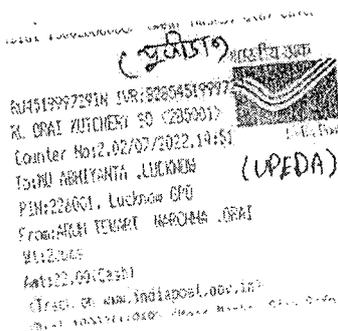
ख- अपील का विवरण:-

1-उक्त राज्य लोक सूचना अधिकारी का विवरण, जिसके विरुद्ध अपील की गयी है।	नाम (यदि उल्लेख हो)	मुख्य अभियंता - यूपीडी
	पद नाम	जोशी चर मन्सु
	पता	जोशी चर मन्सु
2-राज्य लोक सूचना अधिकारी के समक्ष सूचना हेतु अनुरोध प्रस्तुत करने का दिनांक (राज्य लोक सूचना अधिकारी के समक्ष सूचना हेतु अनुरोध की एक प्रति अवश्य संलग्न की जाय)	24.05.2022	मानी गयी सूचना के अनुरोध पत्र की छायाप्रति संलग्न है।
3-अपील के आधार (यदि राज्य लोक सूचना अधिकारी के आदेश विरुद्ध अपील की जाए तो ऐसे आदेश की एक प्रति अवश्य फाईल की जाए)		वांछित सूचना उपलब्ध न कराया जाना
4-प्रार्थना या मांगा गया अनुतोष		वांछित सूचना उपलब्ध कराया जाना एवं दण्डात्मक कार्यवाही की प्रार्थना
5-यदि अपील विहित अवधि के पश्चात फाईल की जा रही हो तो विलम्ब का कारण		समयान्तर्गत
6-उन दस्तावेजों की सूची जो अपीलार्थी द्वारा प्रस्तुत किये गये हैं और जिन पर वह निर्भर हो।		पत्र दिनांक 24.05.2022

संलग्न:- यद्योपरि।

दिनांक:- 02-07-2022

अपीलार्थी  
अनमोल कुमार



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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ANNEXURE NO. ( 4 )

In

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari,

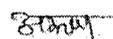
.....Petitioner.

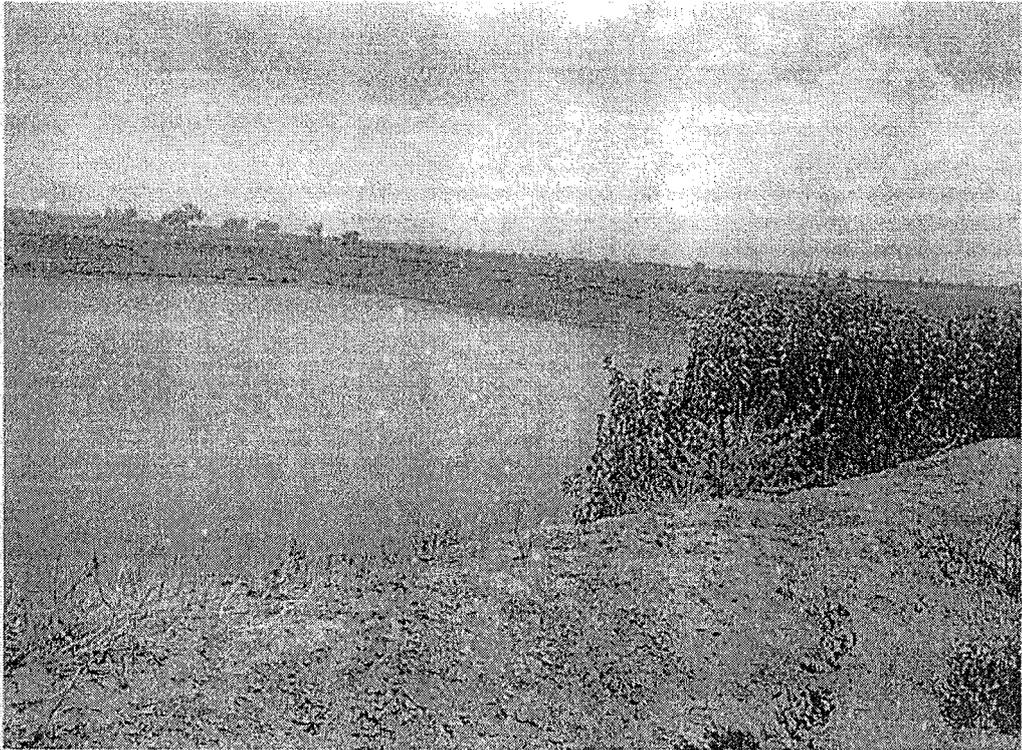
Vs.

State of U. P. and others

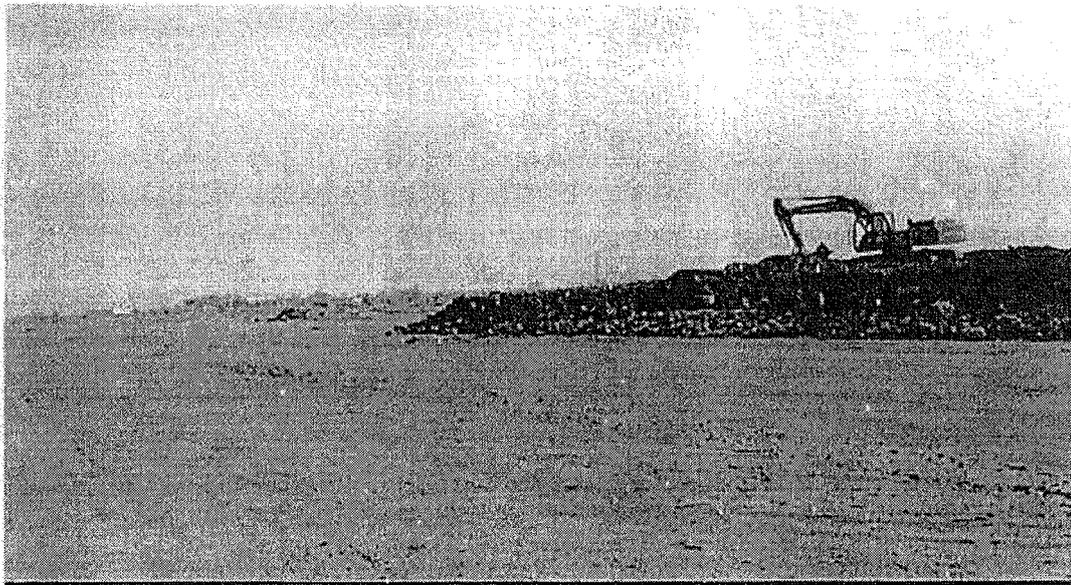
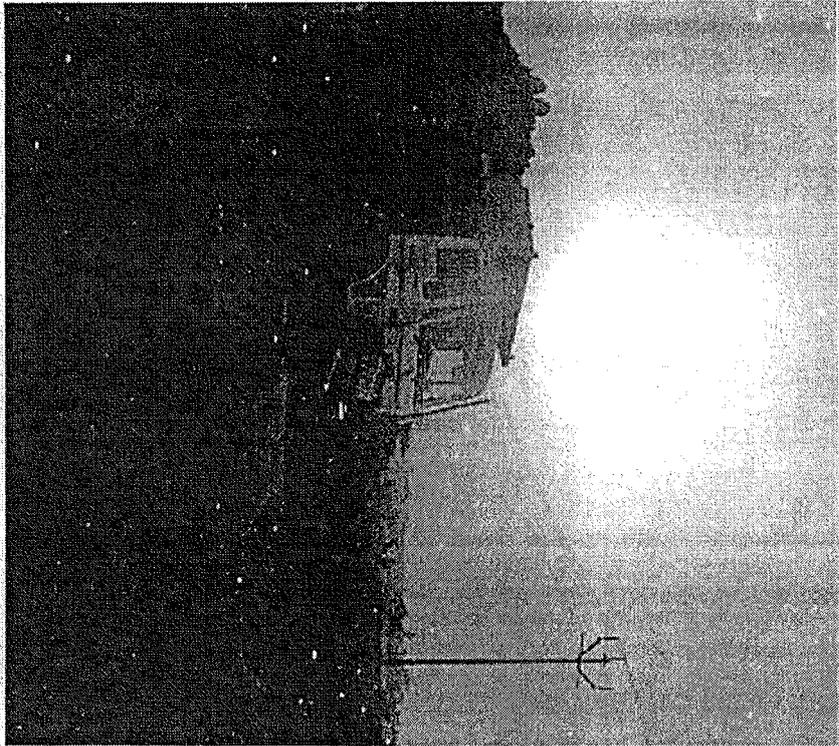
.....Respondents.

  
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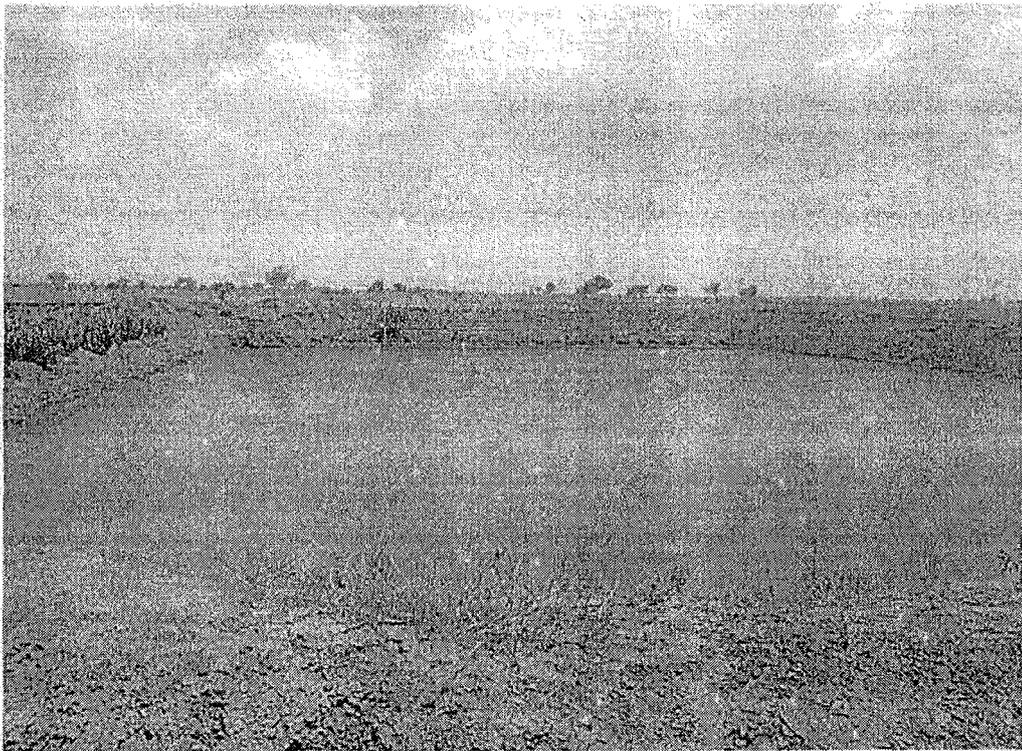
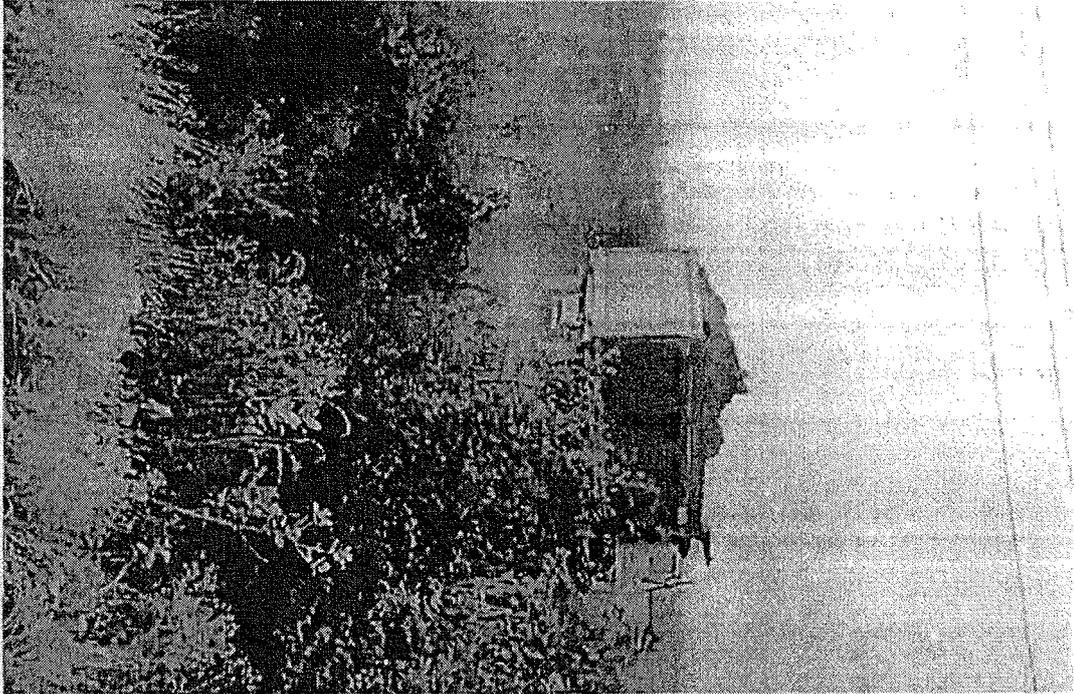




*[Handwritten signature]*  
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*[Handwritten Signature]*  
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*R*  
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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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ANNEXURE NO. ( 5 )

In

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari.

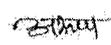
.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

  
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24

शेमा में,

श्रीमान सविप्र अफसर/उप-प्रभु (Ukeda)

सिविल इंजीनियरिंग-उप-प्रभु

विषय :- नवनिर्मित बन्देलखण्ड एल्युमिना के निर्माण कार्य में अनिश्चिततायें व मानक विधिन-तरीकों से किये गये कार्य के शिफ्ट निष्पत्ति जांच व सीटीआरआई एवं फरफार प्रथी अधिकारियों को शिफ्ट निष्पत्ति व फाउन्डी कर्यवाही करने के सम्बन्ध में।

महोदय,

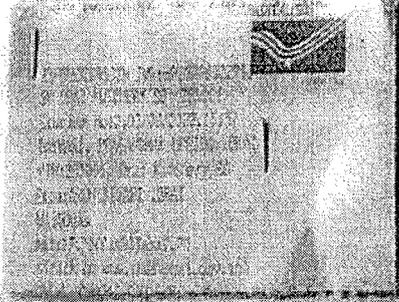
विवेचन करना है कि प्राची एक सामाजिक कार्यकर्ता एवं राष्ट्रीय मानवाधिकार समारंभ २०१०/२०११ के अंगत होने के माते आपकी अवगत करवाना है कि बन्देलखण्ड एल्युमिना के निर्माण में मानक के अनुसार कार्य नहीं किया गया जो कि उद्योग के ०५ दिन बाद ही कार्य जगह धावा हो गया/मानक भंग। शिफ्ट यूपीडी के सम्बन्धित अधिकारियों एवं प्रशासनिक अधिकारियों द्वारा प्राची गण्डक कंपनी से साठ-गोट कर भेजा करीबन लेबर जगत मानक विधिन कार्य कराया गया, जिसमें कांसी मिट्टी (कोयला) का इस्तेमाल किया गया। शिफ्ट कारण जगत साठक कई जगह से भरना/धरना चुकी है। जबकि फिरी भी कि राज्य एल्युमिना में कांसी मिट्टी का प्रयोग वर्जित है। क्योंकि कांसी मिट्टी भरक/फट जाती है। जगत कार्य में प्राची को गंगा नहरा भी सड़क जो कि १ टन ही भारित थी। जगत अधिकारी व प्रशासकों ने जगत सुपटर्न की दम पर उक्त नहरा भाग पर लगभग ३०-४० टन तक मिट्टी से भर अर्थात् टुकों से आभारा किया गया जिसकी गजह से प्राची के प्राग की सड़क धरना हो गयी। दिवस के कारण ही एल्युमिना मानक विधिन कार्य की प्राची ने कई बार शिफ्टर्ड अर्थात् शिफ्ट, गोट से व स्वयं मिलकर सम्बन्धित अधिकारियों को शिकायत की थी। अर्थात् जगत शिकायतों पर कार्यवाही करने की वजह, उक्त प्राची को जान से मारने व प्राची सुकदमा लगवाने की धमकी दी गयी और दिनांक ३०.०५.२०२० को सम्बन्धित अधिकारियों ने पुलिस से साठ-गोट कर सुपटर्न की दम पर प्राची के ऊपर जबरन डूटा केस लगवाकर जेल भिजा दिया। जिसमें मानवीय उच्च न्यायालय इलाहाबाद से २२ मई को वाद जमानत मिलने पर रिहा हुआ है। सम्बन्धित अधिकारियों द्वारा प्राची व प्राची के परिवार को जिनका तेल खालकर जलाकर आम से मारने की धमकी एवं प्राची सुकदमा लगवाकर जेल भेजने की धमकी दी जा रही है। जिसके साहय (शोकिंग) प्राची के प्राग उपलब्ध है।

अतः आपसे अनुरोध है कि प्राची के जगत प्रकरण में शिफ्ट प्राची के जरिये निष्पत्ति जांच/सीटीआरआई जांच फरफार सम्बन्धित अधिकारियों को जगत जांच के कामगारी कार्यवाही तथा प्राची को बर्केशिफ्ट कर शिफ्टरी कर प्राची के ऊपर लगाने गंगा नदी सुकदमा ११७/२०२० थाना एट. जिला जालौन को पुनः निष्पत्ति जांच कराकर प्राची व प्राची के परिवार को जान-माल की रक्षा करने हेतु नियुक्त सुपटर्न प्रदान करने की गुणा करें।

दिनांक- ०९/०५/२०२०

प्राची  
अधिकारी

अरुण गांधार निवासी पुत्र २२० यमा बिलारी निवासी  
नि- गंगा नहरा पोस्ट तुगराई  
भागा-एट  
जिला- जालौन।  
फोन- २८५०३१  
मोबा- ९७२१६०५५३६



TRUE COPY

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सभा में,

श्रीमान *Abdul Kadir* *खोदक*

.....*तस्ताद-तस्ताद-तस्ताद-उरु*.....

विषय - तदनिर्भित मुन्सलखण्ड एक्सप्रेसवे के निर्माण कार्य में अतिमिलताये व मानक विहीन तरीके से किये गये कार्य के विरुद्ध निष्का जांच व सीओओआई जांच कराकर दोषी अधिकारियों के विरुद्ध विधिक व कानूनी कार्यवाही करने के सम्बन्ध में।

गणेश्वर,

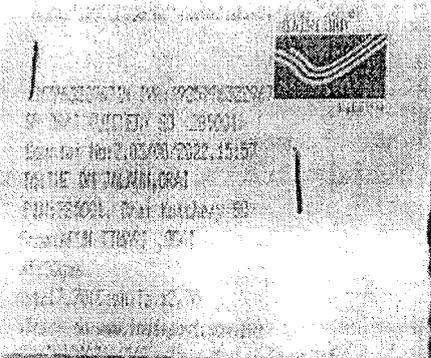
निवेदन करना है कि प्राची एक सामाजिक कार्यकर्ता एवं राष्ट्रीय मानवाधिकार संगठन एन०एच०आर०ओ० का अध्यक्ष होने के नाते आपसे अवगत कराना है कि मुन्सलखण्ड एक्सप्रेसवे निर्माण में मानक के अनुसार कार्य नहीं किया गया जो कि उद्घाटन के ०५ दिन बाद ही कई जगह ध्वस्त हो गया/धराक गया। जिसमें सूरीजा के सम्बन्धित अधिकारियों एवं प्रशासनिक अधिकारियों द्वारा फर्म गांवड़ कायनी से साँठ-गाँठ कर मोटा कमीशन लेकर उक्त मानक विहीन कार्य कराया गया, जिसमें काली मिट्टी (स्वीचर) का इस्तेमाल किया गया। जिसके कारण खम्भा सड़क कई जगह से ध्वस्त/धराक चुकी है। प्राची किसी भी कि सड़क, एक्सप्रेसवे में काली मिट्टी का प्रयोग मजिद है। क्योंकि काली मिट्टी घसका/घट जाती है। उक्त कार्य में प्राची के ग्राम नरखा की सड़क जो सिर्फ ९ टन ही मानित थी। उक्त अधिकारी व कर्मचारियों ने जाबरन गुण्डई की दम पर उक्त नरखा मार्ग पर लगभग ३०-४० टन तक मिट्टी से भरे अथवा ट्रकों से आवागम किया गया जिसकी वजह से प्राची के ग्राम की सड़क ध्वस्त हो गयी। जिसके दबाव हेतु एवं उक्त मानक विहीन कार्य की प्राची ने कई बार रजिस्टर्ड डॉक, इमेल, फोन से व स्वयं मिलकर सम्बन्धित अधिकारियों को शिकायत की थी। लेकिन उक्त शिकायतों पर कार्यवाही करने की बजाय उक्त प्राची को जान से मारने व फर्जी मुकदमा लगवाने की धमकी दी गयी और दिनांक ३०.०५.२०२० को सम्बन्धित अधिकारियों ने प्राची से साँठ-गाँठ कर रूपये की दम पर प्राची के ऊपर जाबरन झूठा केस लगवाकर जेल भिजाया गया। जिसमें मन्त्रीय उच्च न्यायालय इलाहाबाद से २३ महिने बाद सामानत मिलने पर रिहा हुआ है। सम्बन्धित अधिकारियों द्वारा प्राची व प्राची के परिवार को जिन्दा तेल डालकर जलाकर जान से मारने की धमकी एवं फर्जी मुकदमा लगवाकर जेल भजाने की धमकी दी जा रही है। जिसके साथ (वीडियो) प्राची के पास उपलब्ध है।

अतः आपसे अनुरोध है कि प्राची के उक्त प्रकरण में वीडियो प्राची के जरिये निष्पक्ष जांच/सीओओआई जांच कराकर सम्बन्धित अधिकारियों के ऊपर विधिक कानूनी कार्यवाही तथा फर्म को ब्लैकलिस्ट कर, शिकायत कर प्राची के ऊपर लगाये गये फर्जी मुकदमा ११७/२०२० धाना एट, जिला जालौन का पुनः निष्का जांच कराकर प्राची व प्राची के परिवार को जान-माल की रक्षा करने हेतु निशुल्क सुरक्षा प्रदान करने की कृपा करें।

दिनांक:- ०३/०८/२०२२

प्राची  
*अरुण कुमार*

अरुण कुमार तिवारी पुत्र स्व० रथाम तिवारी तिवारी  
जि०- गांव नरखा पोस्ट मुन्सलखंड  
धाना-एट  
जिला- जालौन।  
पिन- २८५००१  
मो०न०-९७२१००६५५५



TRUE COPY

## IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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## AFFIDAVIT

in

Public Interest Litigation No. ....of 2022

(Under Article 226 of the Constitution of India)

(District – Jalaun)

Arun Tiwari.

.....Petitioner.

Vs.

State of U. P. and others

.....Respondents.

Affidavit of Arun Kumar aged about 33 years  
S/O Late Shyam bihari Tiwari, R/O Village  
Narchha Post Nunsai, District Jalaun at Orai.  
Religion Hindu, Occupation Agriculture Work.

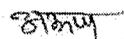
(DEPONENT)

I, the deponents above named do hereby solemnly affirm and  
state on oath as under:-

That the deponent is the sole petitioner in the above Public  
Interest Litigation and the Arun kumar and Arun Kumar Tiwari is  
the same person and as such he is well acquainted with the facts  
of the case deposed to below.

I, the deponents above named do hereby swear and  
verify that the contents of paragraph

  
TRUE COPY



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nos. 1, 2, 3, 4, 5, 6, 8, 11, 13, 14, 16, 17 of Public Interest Litigation are true to my personal knowledge and those of paragraph nos. 7, 9, 10, 12, 15 of Public Interest Litigation this are based on perusal of record and those of paragraph nos.        of Public Interest Litigation are based on information and those of paragraph no. 18, 19 of Public Interest Litigation are based on legal advice which all I believe to be true and no part of it is false and nothing material has been concealed.

So Help Me God.

        
Deponent

I, Akhil Srivastava, Advocate, High Court, and Allahabad do hereby declare that the person making this affidavit and alleging himself to be the deponents is the same person who is known to me from perusal of record which has been produced before me in this case.

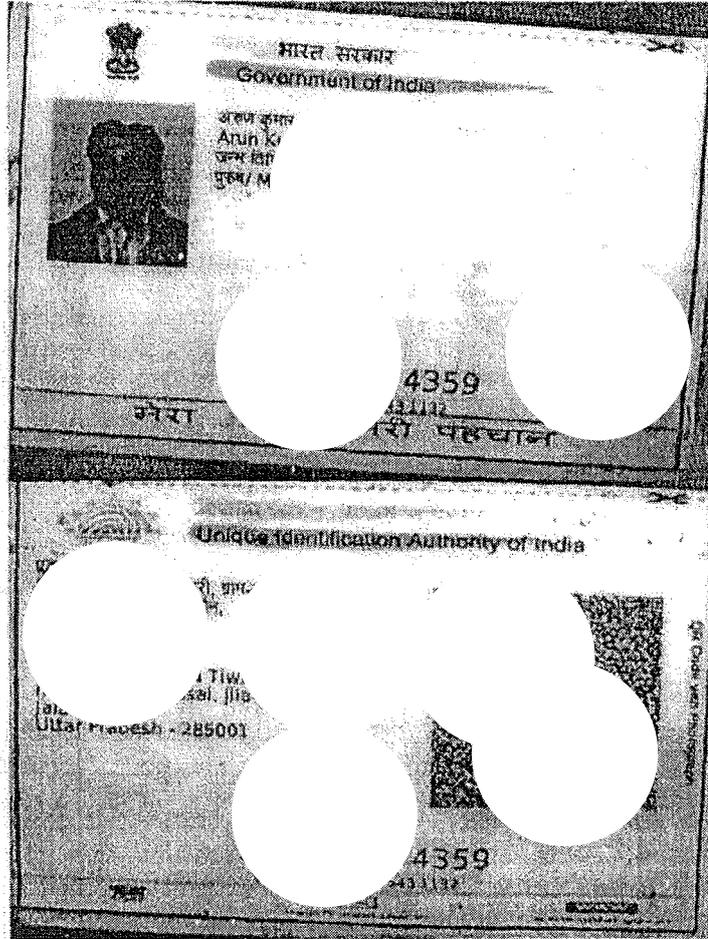
(Advocate)

Solemnly affirmed before me on this day of 16th Aug of 2022 at about 10.45 am/pm by the deponent which been identified by the aforesaid advocate.

I, have satisfied myself by examine the deponent that he understood that the contents of this affidavit which have been read over and explained by me to him.

OATH COMMISSIONER

        
**TRUE COPY**



*R*  
TRUE COPY

ANNEXURE - 5 (copy)

Chief Justice's Court  
Serial No. 17

## HIGH COURT OF JUDICATURE AT ALLAHABAD

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## PUBLIC INTEREST LITIGATION (PIL) No. - 1592 of 2022

Arun Tiwari

.....Petitioner

Through :- Mr. Akhil Srivastava, Advocate

v/s

State of U.P. and others

.....Respondents

Through :- Mr. Manish Goel, Additional Advocate General with  
Mr. A.K. Ray, Additional Chief Standing Counsel,  
Mr. Suresh C. Dwivedi, Advocate for respondent  
nos. 2, 3, 5 & 6

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE

HON'BLE J.J. MUNIR, JUDGE

ORDER

1. At the time of hearing, learned counsel for the petitioner has referred to a communication dated May 29, 2020 issued by Abhinesh Kumar, Executive Engineer, Provincial Division, Public Works Department, Orai to the petitioner, who is Chairman of the National Human Rights Organization, allowing him to put barriers on the road to check overloading of trucks along with residents of the village.
2. Let the aforesaid officer appear in person in Court to explain as to under what authority of law he has given power to a private person to put a barrier to check overloading of trucks.
3. Adjourned to October 17, 2022.

  
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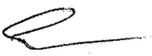
WPIL No. 1592 of 2022

4. To be taken up as fresh.

(J.J. Munir)  
Judge

(Rajesh Bindal)  
Chief Justice

Allahabad  
14.10.2022  
Deepak/I. Batabyal

  
**TRUE COPY**

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**PUBLIC INTEREST LITIGATION (PIL) No. - 1592 of 2022**

Arun Tiwari .....Petitioner

Through :- Mr. Akhil Srivastava, Advocate

v/s

State of U.P. and others .....Respondents

Through :- Mr. Manish Goel, Additional Advocate General with  
Mr. A.K. Ray, Additional Chief Standing Counsel  
for respondent nos. 1 & 4 and Mr. Suresh C.  
Dwivedi, Advocate for respondent nos. 2, 3, 5 & 6**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE****HON'BLE J.J. MUNIR, JUDGE****ORDER**

1. In terms of the order passed by this Court on October 14, 2022, Abhinesh Kumar, the then Executive Engineer, Provincial Division, Public Works Department, Orai is present in person in Court. He is stated to be presently posted as Superintendent Engineer at Bareilly.
2. Mr. Manish Goel, Additional Advocate General submitted that communication dated May 29, 2020 was addressed by Abhinesh Kumar under pressure from one Arun Tiwari, as his office was *gheraod*. The very next day, the letter was withdrawn. He has produced the photocopy thereof along with the personal affidavit filed by Abhinesh Kumar. The original thereof was also produced in Court.
3. Let the office record be produced in Court on the next date of hearing.
4. The letter dated May 30, 2020 is directed to be kept in a sealed cover with the Registrar General of this Court.

  
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5. Adjourned to November 29, 2022.
6. To be taken up as fresh.
7. The officer shall remain present in person in Court on the next date of hearing.

(J.J. Munir)  
Judge

(Rajesh Bindal)  
Chief Justice

Allahabad  
17.10.2022  
Deepak/I. Batabyal

  
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ADINSKUNE - 6

Chief Justice's Court  
Serial No. 7

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Through :- Mr. Akhil Srivastava, Advocate

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State of U.P. and others .....Respondents

Through :- Mr. A.K. Roy, Additional Chief Standing Counsel  
for respondents no. 1 and 4  
Mr. Suresh C. Dwivedi, Advocate for respondents  
no. 2, 3, 5, 6 and 7

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE J.J. MUNIR, JUDGE**

**ORDER**

1. In terms of the order passed by this Court on October 17, 2022, Abhinesh Kumar, the then Executive Engineer, Provincial Division, Public Works Department, Orai is present in person in Court. Original record has been produced which we have perused.
2. At the time of hearing, what transpired is that on account of a private barrier set up on the Bundelkhand Expressway, the F.I.R. No. 0117 of 2020 dated May 30, 2020, was registered on the complaint of Senior Project Manager, Gavard Construction Limited. However, this fact has not even been disclosed by the petitioner in the writ petition, hence there is concealment of material facts with reference to the same subject matter.
3. Considering the aforesaid fact, we do not wish to entertain the

  
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present petition filed in public interest.

4. Dismissed.

5. Letter No. 139/1C dated May 30, 2020, kept in a sealed cover in Court, is returned back to the learned counsel for the State.

(J.J. Munir)  
Judge

(Rajesh Bindal)  
Chief Justice

Allahabad  
29.11.2022  
Shiraz/Manish

Whether the order is speaking : No

Whether the order is reportable : Yes/No

  
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