

Before The Hon'ble National Green Tribunal,
(Principal Bench), New Delhi

Original Application No. 176 of 2022

IN THE MATTER OF:

Aman Chaudhary

.....Applicant

Versus

Union of India & others

.....Respondents

AFFIDAVIT OF COMPLIANCE

I, Mala Srivastava, aged about 43 years, W/O Shri Nitin Bansal Presently posted as Director, Geology and Mining, U.P. Presently at Lucknow do hereby solemnly affirm and state as under:

1. That the deponent is Presently posted as Director, Geology and Mining, U.P. as such is competent to sign and swear in the instant affidavit.
2. That this Hon'ble Tribunal in the above mentioned case vide its order dated 12.12.2023 has directed that "9. The Director, Geology and Mining, Uttar Pradesh is directed to file report regarding action taken against respondent no. 2 so far with all requisite details by way of her affidavit before this Tribunal instead

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of sending a letter to the Ld. Registrar General of this Tribunal and in case such report by way of affidavit is filed in Hindi then English translation be also attached with the same. The report by Director, Geology and Mining, Uttar Pradesh be filed on or before 10.01.2024 by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF”.

3. That in compliance of the above direction of this Hon'ble Tribunal Director, Geology and Mining, Uttar Pradesh vide letter no.1796/M-NGT Vaad/2022 dated 29.12.2023 sought comment from District Magistrate, Kanpur Nagar regarding action taken against respondent no. 2 (Project Proponent). The District Magistrate, Kanpur Nagar vide its letter no. 13/tees-Upkhanij/2024 dated 10.01.2024 sent the report regarding action taken against respondent no. 2 (Project Proponent).
4. That as per the report District Magistrate, Kanpur Nagar,
 - (i) SDM Bilhaur along with tehsildar Bilhaur and concerned Lekhpal and Revenue Inspector Inspected the site of lease executed in favor of M/S Vaishnavi Enterprises Proprieter Shri Nagendra Singh on 07.12.2020 and found that 700 meter to the west of Patta site in revenue Village Katri Atwa, Tehsil Bilhaur, District Kanpur Nagar, there was a flat bandha, due to which flow of water in a branch of river Ganga had stopped. The flat bandha was removed and tehsildar reported the matter of obstruction of flow of water in the branch of Ganga river by

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means of flat bandha to Police Station Chaubepur for legal action against unknown persons.

- (ii) That on the basis of the inquiry report dated 13.01.2021 of joint team constituted by Directorate of Geology and Mining, U.P., in which illegal mining/transportation of 54219 cubic meter sand was reported and 02 overloaded vehicles were handed over to Police Station Bithoor, a total penalty amount Rs. 2,39,06,360/- was imposed on the lessee and until deposit of the said amount, mining was prohibited.
- (iii) Mining inspector and Tehsildar Bilhaur in their joint inspection report dated 05.12.2021 found that the lessee had made a 10x145x1 cubic meter road along side the river. In view of the above, penalty of Rs. 72,500/- was imposed on the lessee, which the lessee deposited on 09.12.2021.
- (iv) Mining Officer, ARTO, Tehsildar Bilhaur in their inspection dated 31.05.2022 found that PTZ Camera had not been installed at the patta site. Mines Officer, Kanpur Nagar, Tehsildar, Junior Engineer Irrigation in their inquiry report dated 21.06.2022 reported additional mining of 769 cubic meter. Thus, a notice dated 10.08.2022 in respect of depositing Rs. 11,55,837/- was issued. Revision against this notice has been filed by the lessee which is under consideration at the level of State Government.
- (v) As CTO had not been obtained by the lessee, mining operation was prohibited vide order dated 13.12.2022.

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- (vi) Lease period ended on 06.04.2023.
- (vii) In compliance of the order dated 21.08.2023 passed by Hon'ble High Court Allahabad, Lucknow bench, Lucknow in Civil miscellaneous writ petition no. 18966/2021 M/S Vaishnavi Enterprises Proprieter Shri Nagendra Singh Versus State of U.P. and others, an opportunity of hearing has been provided to the lessee by the District Magistrate. The lessee has submitted his reply on 29.09.2023. Based on examination of the reply, decision is to be taken in the matter at the level of District magistrate, Kanpur Nagar.

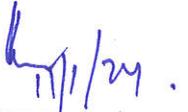

Deponent

Verification

Verified at this the day of January, 2024 that the contents of the above affidavit are based on that information derived from the official record and as such true and correct as per my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

V. K. Shukla

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Deponent