

26 Oct 2023
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 422 OF 2023

IN THE MATTER OF:

ABHISHEK SHUKLA

...APPLICANT

VERSUS

STATE OF U.P & OTHERS

...RESPONDENTS

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NDOH:08.12.2023

S.NO.	PARTICULARS	PG. NO.
1.	Affidavit on behalf of Respondent No.13 in response to the captioned Application and the Report of the Joint Committee dated 8 th September, 2023.	1-6

RESPONDENT NO.13

THROUGH

[Signature]

S. C. LADI AND COMPANY
Deeksha L. Kakar and Dhruv Kakar
ADVOCATES
B-1/52, SAFDARJUNG ENCLAVE
NEW DELHI - 110029.
Ph. 9313119255 | deeksha.kakar@scjadi.com
Enrol.No.D/1154/2008

New Delhi
Dated:

[Signature]

08-12-2023

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यूपी सरकार

नॉटरी-महाबा

[Signature]
05/12/2023



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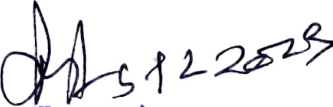
STATE OF U.P & OTHERS



...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO.13, SANGRAM SINGH, IN RESPONSE TO THE CAPTIONED APPLICATION AND THE REPORT OF THE JOINT COMMITTEE DATED 8TH SEPTEMBER, 2023.

I, Sangram Singh, S/o Jaywant Singh , R/o Vill. Pahra , Kabrai District- Mahoba (U.P) 210424 aged about 26 years, do hereby solemnly affirm and declare as under:

1. The Deponent is Respondent No.13 in the above-mentioned case and is well conversant with the facts of the case and as such competent to swear and depose this Affidavit.
2. The present Affidavit is being filed in terms of the Order dated 3rd October, 2023 passed by this Hon'ble Tribunal in captioned O.A. No. 422 of 2023, wherein the recently impleaded Respondents were granted 2 months to file their response thereto. The notice in the Application was received by the Deponent on 19th October 2023 and the present Affidavit is being submitted accordingly.
3. By way of the duly registered Lease Deed dated 09.11.2020 executed by the Government of the State of Uttar Pradesh, the Deponent has been


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granted mining lease for an area of 2.02 Hectares situated at Gata No.1876, Khand No. 01, Village Girwan, Tehsil Naraini and District Banda, Uttar Pradesh, for excavation of building stone for a period of ten years commencing from 09.11.2020 to 08.11.2030, for the quantity of 20200 cubic meter per annum.

4. The said Lease Deed dated 09.11.2020 was executed in favour of the Deponent after due approval of the Mining Plan dated 28/03/2019 issued by the Directorate of Geology and Mines, Lucknow vide Letter No. 2903 / Mining Plan/16 and further after obtaining the necessary Environment Clearance from the State Level Environment Impact Assessment Authority ("SEIAA") issued on 11.08.2020 under EC Ref No.-239/ Parya/ SEIAA/ 5518-4782/ 2019,U.P.
5. Pursuant thereto, the Deponent had also obtained the Consolidated Consent to Operate dated 16.12.2022 from the Uttar Pradesh Pollution Control Board which is valid till 31-12-2026. Furthermore, the Deponent has also obtained the necessary permission from the Director General of Mines Safety (DGMS) on 11.04.2022, for deployment of Earth Moving Machinery, drilling and blasting at the mining site.
6. It is respectfully submitted that the aforementioned facts with respect to the permissions obtained by the Deponent also stand duly confirmed by the Report of the Joint Committee constituted by this Hon'ble Tribunal in the captioned Application vide Order dated 1st August, 2023.
7. It is submitted that the Deponent is carrying on operations of mining/excavation at the mining site Gata No.1876, Khand No. 01, Village Girwan, Tehsil Naraini and District Banda, Uttar Pradesh, in terms of the permissions and clearances as specifically aforementioned

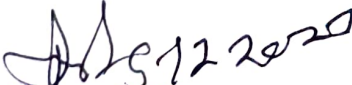
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and has also regularly submitted the six-monthly compliance reports in terms of the Environment Clearance, most recent Report having been submitted in June, 2023.

8. It is further submitted that a perusal of the Report of the Joint Committee dated 08.09.2023 filed in the captioned Application also confirms that there is no violation on the part of the Deponent which may warrant any interference of any concerned Authority or this Hon'ble Tribunal.
9. With respect to the proximity to abadi/civilization and fear of damage thereto, it is submitted that prior to the execution of the Lease Deed, thorough inspection/proceedings are undertaken by the concerned authorities to ensure that the surrounding areas of the allotted leases are in terms of the requisite statutory guidelines. Only thereafter the mining plan is approved and allotment for the mining lease is undertaken. Thus, the sporadic jhuggi-jhopris found to be in close proximity and its inhabitants are rank encroachers on government land and liable to be removed by the authorities, for which proceedings have been initiated by concerned District Magistrate from time to time under the provisions of Section 67(1) of the Prevention of Damage to Public Property Act, 1984. The Joint Committee under its report dated 08.09.2023, has also recommended the relocation of such habitans, if any, beyond the minimum distance of 50 meters, as permitted under Rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021.
10. Further, as per the said report of the Committee, the temple falls beyond the minimum distance of 50 meters, as permitted under Rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021. It may also be relevant to state here that as per the observations of the Committee under paragraph no.7.6 of the report, no cracks were found in any of the homes


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in the vicinity at the time of the inspection conducted by the Joint Committee.

11. The Deponent accordingly undertakes to endeavor to comply with any further conditions or recommendations that may be prescribed by the Joint Committee or this Hon'ble Tribunal, including any assistance that may be required on the part of the Deponent for relocation of any habitants beyond the minimum distance of 50 meters, in a time bound manner.

Sangram Singh
DEPONENT

VERIFICATION

Verified on this 5th day of December, 2023 at New Delhi that the contents of the above Affidavit have been explained to be me in vernacular language and are true and correct to my knowledge, no part thereof is false and nothing material has been there from.

Sangram Singh
DEPONENT

Sangram Singh

AS 5/12/2023
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Sangram Singh
PK
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उत्तर प्रदेश UTTAR PRADESH

GP 110713



Affidavit/Document before me by Sri/Smt. Sangram Singh Sworn/put up by Jaywant Singh before me on 14/12/23 at ... Distt. ...
 The contents of said document have been read over and explained to him/them which is admitted to him/them here they is/are identified by ...
 The prescribed Fee is charged ...

14/12/23
 A.L. KUSHWAHA
 Advocate/Notary

Sangram Singh
...
14/12/23

क्रमांक: 1861

दिनांक 05/12/2023

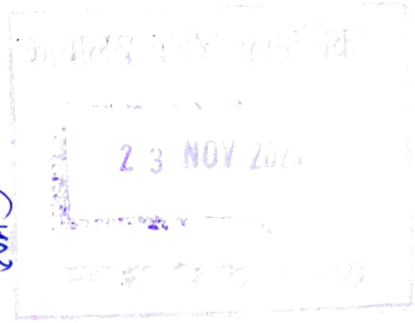
बाबत: रूमिंट

नाम व पता श्रीराम सिंह/जयकृष्ण सिंह, पल्ला-कडक
ला.नं०-111/21

परिहार महीबा

मदन प्रकाश गजवा
स्टाम्प विबं०॥

सहिसा



Sangamesh

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05/12/2023