

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

INDEX

NDOH: 08.12.2023

| S.NO. | PARTICULARS | PG. NO. |
|-------|---|---------|
| 1. | Affidavit on behalf of Respondent No.15 in response to the captioned Application and the Report of the Joint Committee dated 8 th September, 2023. | 1-4 |
| 2. | Vakalatnama | 5-6 |



RESPONDENT NO.15

THROUGH

S. C. LADI AND COMPANY

Deeksha L. Kakar and Dhruv Kakar
ADVOCATES

B-1/52, SAFDARJUNG ENCLAVE

NEW DELHI - 110029.

Ph. 9313119255 | deeksha.kakar@scladi.com

Enrol.No.D/1154/2008|

New Delhi

Dated: 05.12.2023

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

OA NO. 422 OF 2023

IN THE MATTER OF:

ABHISHEK SHUKLA

...APPLICANT

VERSUS

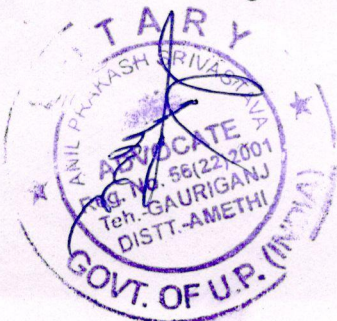
STATE OF U.P & OTHERS

...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.15, MESSRS
BAJRANG ROADLINE, IN RESPONSE TO THE CAPTIONED
APPLICATION AND THE REPORT OF THE JOINT COMMITTEE
DATED 8TH SEPTEMBER, 2023.**

I, Suresh Pratap Singh, S/o Mr. Tej Pratap Singh, R/o Village and Post Mau, 584, Katra Lalganj, Tehsil Gauriganj, District Amethi, Uttar Pradesh 227409, aged about 52 years, Partner in the Firm M/s Sri Bajrang Road Line, solemnly affirm and declare as under:

1. The Deponent is the Partner of Respondent No.15 in the above-mentioned case and as such well conversant with the facts of the case and duly authorized and 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 30.11.2023 and the present Affidavit is being submitted accordingly.



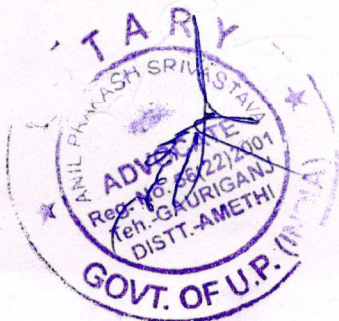
— [Signature]

3. By way of the duly registered Lease Deed dated 03.01.2022 executed by the Government of the State of Uttar Pradesh, the Deponent has been granted mining lease for an area of 1.41 Hectares situated at Gata No.1876, Khand No. 03, Village Girwan, Tehsil Naraini and District Banda, Uttar Pradesh, for excavation of building stone for a period of ten years commencing from 03.01.2022 to 02.01.2032, for the quantity of 14100 cubic meter per annum.
4. The said Lease Deed dated 03.01.2022 was executed in favour of the Deponent after due approval of the Mining Plan dated 27.11.2020 issued by the Directorate of Geology and Mines, Lucknow vide Letter No. 1418/ Mining Plan/2017 and further after obtaining the necessary Environment Clearance from the State Level Environment Impact Assessment Authority ("SEIAA") issued on 14.12.2021 under EC Identification No. EC21B001UP110895.
5. Pursuant thereto, the Deponent had also obtained the Consolidated Consent to Operate dated 03.06.2023 from the Uttar Pradesh Pollution Control Board which is valid till 31-12-2027. Furthermore, the Deponent has also applied for the necessary permission from the Director General of Mines Safety (DGMS) by way Application ID No. 260878 on 30.11.2023, 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.



(Handwritten signature)

7. It is submitted that the Deponent is carrying on operations of mining/excavation at the mining site Gata No.1876, Khand No. 03, Village Girwan, Tehsil Naraini and District Banda, Uttar Pradesh, in terms of all the permissions and clearances as specifically aforementioned 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. Moreover, with respect to the proximity to abadi/civilization or any fear of damage to the temple in proximity to the mining site of the Deponent, it is respectfully submitted that the said Report records that the main habitation of the village is situated 139 meters from the allotted lease and the temple is not in the vicinity of allotted lease.
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.



[Handwritten signature]

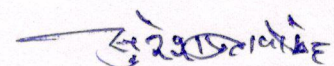
The Joint Committee under its report dated 08.09.2023, has also recommended the relocation of such habitants, if any, beyond the minimum distance of 50 meters, as permitted under Rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021. It may also be relevant to state here that as per the observations of the Committee under paragraph no.7.6 of the report, no cracks were found in any of the homes in the vicinity at the time of the inspection conducted by the Joint Committee.

10. 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. Furthermore, as stated above, the Application of the Deponent for issuance of permission from DGMS is under process. The Deponent undertakes not to carry out any blasting activity till such permission is duly issued from the concerned Department.


DEPONENT

VERIFICATION

Verified on this the 05 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.


DEPONENT



BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No 422 Of 2023

ABHISHEK SHUKLA

Applicant

VERSUS

STATE OF U.P. AND OTHERS

Respondents

I to whom these presents shall come that I/We **Sri Bajrang Road Lines** the Respondent No.R-15, R-16 do hereby appoint

M/S. S. C. LADI & CO.**Advocates****B-6/58, LGF, Safdarjung Enclave, New Delhi 110 029****☎ (O) 26109933, 26109944,****e-mail : lawoffices@scjadi.com; deeksha.kakar@scjadi.com**

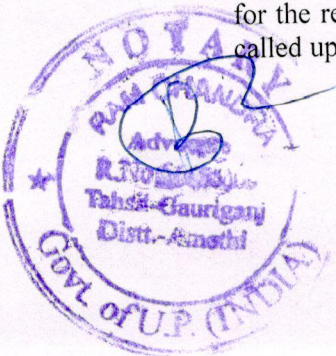
Advocates and Ms. Deeksha L. Kakar and Dhruv Kakar Advocates [hereinafter called the Advocates] to be my/our Advocates in the above-noted case and authorize them

1. To sign, file, verify and present pleadings, cross-objections or any petitions, for execution, review, rectification, revision, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
2. To act, appear, plead in the above noted case before this Hon'ble Court subject to payment of their fees;
3. To file and take back documents;
4. To withdraw, or comprise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case;
To take out execution proceedings;
5. To deposit, draw and receive moneys, cheques and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case;
6. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocates whenever they may think it to do so and to sign the power of attorney on my/our behalf.

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

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

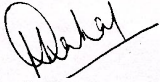
And I/We the undersigned, do hereby agree not to hold the Advocates or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearings, or for any negligence of the said Advocates or substitute.



And I/we the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocates remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocates would be entitled to the same. The fee settled is only for the above case and court.

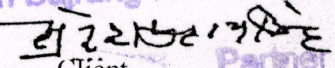
IN WITNESS WHEREOF I/we do hereunto set my /our hand to these presents the contents of which have been understood by me/us this 06 day Dec of 2023

ACCEPTED subject to the terms of fees.



Advocate
ENRL. - D/1154/2008

Advocate

Sri Bajrang Road Lines

Client Partner

2577
Solemnly affirmed before me today at my office Sri. Suresh Pratap Singh Partner
R/o. Sri Bajrang Road Lines.
The affidavit has been read & explained to the deponent or by Khet Lal Gaurang
Date 6-12-2023 by Ram Prandra
Notary Office
Gaurigani, Amethi

