

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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NDOH: 21.07.2025

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GAWAR CONSTRUCTION LTD.
RESPONDENT NO. 6

THROUGH:


J-LAW OFFICES
ADVOCATES FOR THE RESPONDENT NO. 6
E-11, THIRD FLOOR, DEFENCE COLONY
NEW DELHI 11-0 024
Mob. 9958996312
Email: jawahar@jlaw.in

NEW DELHI
DATE: 27.03.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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IN THE MATTER OF:

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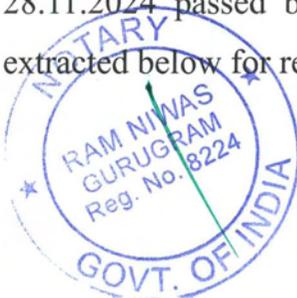
State of Uttar Pradesh & Ors

.... Respondents

**AFFIDAVIT OF MR. RAKESH KUMAR IN COMPLIANCE WITH THE
ORDERS DATED 28.11.2024 PASSED BY THIS HON'BLE TRIBUNAL**

I, Rakesh Kumar, aged about 51 years, S/o Mr. Chhabil Das, the Founder and Director of Gawar Construction Ltd. (*Respondent No.6*), having its Corporate office at SF-01, JMD Galleria, Sector 48, Sohna Road, Gurugram-122001, Haryana, do hereby solemnly affirm and state on oath as under-

1. I state that I am the Founder and an Executive Director of Respondent No.6 Company. As the Founder of Respondent No. 6, I only look after the policy-related affairs of the Company as well as formulating strategies for the overall growth and business expansion of the Respondent No.6 Company. The day-to-day operations and functioning of the Respondent No.6 Company are overseen by Mr. Yogesh Mahajan, in his capacity as the Chief Executive Officer of the Respondent No.6 Company.
2. I say that I am filing the present affidavit, in compliance with the Order dated 28.11.2024 passed by this Hon'ble Tribunal, the relevant part of which is extracted below for ready reference-



For Gawar Construction Limited

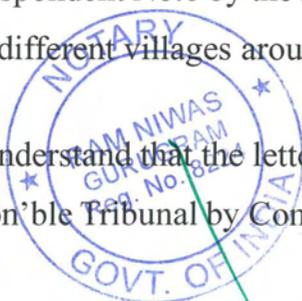

Director

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“7. Learned Counsel appearing for the Project Proponent submits that these notices have been received by Respondent No. 6 – Project Proponent only 2-3 days back. The notice dated 08.11.2024 (page 1672) refers to as many as 32 notices which were issued on 10.02.2021 concerning different villages to Respondent No. 6 – Project Proponent and the said notice dated 08.11.2024 referring to these 32 notices also states that no response to these 32 notices was filed by Respondent No. 6. Learned Counsel for Respondent No. 6 submits, on instructions from the inhouse legal team of the company, that none of these 32 notices were received by Respondent No. 6. Hence, we direct Mr. Rakesh Kumar, Founder and Executive Director of Respondent No. 6 to file an affidavit stating on oath that these 32 notices were not received by Respondent No. 6 company or its Project Manager or any other employee.”

(Emphasis supplied)

3. I understand that pursuant to various Orders passed by this Hon'ble Tribunal in the present matter, Uttar Pradesh Pollution Control Board (in short “UPPCB”) by its letters dated 06.11.2024 (at Page 1669 of the record) and 14.11.2024 (at Page 1670 of the record) had called upon the District Mining Officer, Jalaun (in short “DMO”) to ascertain whether the Respondent No.6 had illegally mined from the mining areas and if so, the quantity so mined.
4. I understand that in response to UPPCB, the DMO by its letter dated 16.11.2024 (at Page 1671 of the record) enclosed a letter dated 08.11.2024 addressed by the DMO to Respondent No.6 (at Page 1672 of the record) in which reference was made to 32 notices all dated 10.02.2021 which were allegedly issued to the Respondent No.6 by the DMO for mining soil, in excess of the permissible limits in different villages around the project area, as more particularly stated therein.
5. I understand that the letters referred to above were brought on record before this Hon'ble Tribunal by Compliance Affidavit dated 27.11.2024, filed by the CPCB



For Gawar Construction Limited

 Director

6. I am informed that during the hearing held on 28.11.2024 before this Hon'ble Tribunal, the erstwhile Advocates for the Respondent No.6 was asked to confirm whether the Respondent No. 6 received the 32 notices dated 10.02.2021 (*which were referred to in the letter dated 08.11.2024 issued by the DMO to Respondent No.6*). Immediately, the erstwhile Advocates for the Respondent No. 6 contacted Mr. Yogesh Mahajan of the Respondent No.6, who after verifying from the Project Team of the Respondent No. 6 informed the Advocates that the 32 Notices were not received, by the Respondent No. 6. Based on the information received, the Advocates for the Respondent No. 6 made a statement before this Hon'ble Tribunal that the 32 notices were not received.
7. In this backdrop, this Hon'ble Tribunal was pleased to pass directions extracted in paragraph No.3 above, directing the Deponent to file an affidavit stating on oath that the 32 notices dated 10.02.2021 (*referred in the letter dated 08.11.2024 issued by the DMO*) were not received by the Respondent No.6.
8. After the hearing before this Hon'ble Tribunal on 28.11.2024, the Project team of the Respondent No.6 verified the records of the Respondent No.6 and came to know that the 32 Notices dated 10.02.2021 were not received at the contemporaneous time. In fact, they were sent by the DMO to the Respondent No.6 along with its letter dated 08.11.2024 which was received at the head office of the Respondent No.6, only on 23.11.2024.
9. I further say that the person who received the letter (dated 08.11.2024) on 23.11.2024 along with the 32 notices dated 10.02.2021, did not immediately inform the Project team of the Respondent No.6 Company. Hence an erroneous statement was made before this Hon'ble Tribunal that the 32 notices dated 10.02.2021 were not received by the Respondent No.6.



For Gawar Construction Limited

Director

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10. I tender my sincere and unconditional apology to this Hon'ble Court for the erroneous statement made by the Advocates for Respondent No.6 on 28.11.2024 (based on information received from Respondent No. 6), that none of the 32 notices dated 10.02.2021 were received by the Respondent No.6.
11. I respectfully say that for the sake of completion, the 32 notices dated 10.02.2021 issued by the DMO were not received by Respondent No.6 at the time of their issuance i.e. in 2021 and same were received only on 23.11.2024, when the Respondent No.6 received the letter dated 08.11.2024 issued by the DMO.

For Gawar Construction Limited

Director

DEPONENT**VERIFICATION**

Verified at Gurugram on this 27th day of March 2025 that the contents of the foregoing Affidavit are true and correct to the best of my knowledge and belief. No part of the Affidavit is false and nothing material has been concealed therefrom.

For Gawar Construction Limited

Director

DEPONENT

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



J Law Offices

From: Sayyam
Sent: Thursday, March 27, 2025 4:50 PM
To: J Law Offices
Subject: FW: Advance Service| G4041- Arun Tiwari vs State of UP & Ors [OA No. 556/2023 before National Green Tribunal]- Affidavit of Mr. Rakesh Kumar, Founder of Respondent No.6
Attachments: G-4041- Affidavit of Mr. Rakesh Kumar (Founder of Respondent No.6).pdf

From: Sayyam
Sent: 27 March 2025 16:50
To: csup@nic.in; dmjal@nic.in; ms@uppcb.in; piujhansi@gmail.com; pwdeinc@gmail.com
Cc: Jawahar Lal <Jawahar@JLaw.in>; Cecil George <cecil@JLaw.in>
Subject: Advance Service| G4041- Arun Tiwari vs State of UP & Ors [OA No. 556/2023 before National Green Tribunal]- Affidavit of Mr. Rakesh Kumar, Founder of Respondent No.6

Dear Sir,

We are concerned for Gawar Construction Ltd. (Respondent No.6) in the captioned matter.

In compliance of the order dated 28.11.2024 passed by the Hon'ble National Green Tribunal, please find attached herewith the Affidavit of Mr. Rakesh Kumar (Founder of Respondent No.6), as and by way of advance service upon you.

Kindly acknowledge receipt of the same.

Regards,

Sayyam Maheshwari
For Mr. R. Jawahar Lal
Counsel for Respondent No.6



Sayyam Maheshwari
Advocate
J-Law Offices

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E-11, Third Floor, Defence Colony
New Delhi - 110024