

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

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RESPONDENT NO.7

THROUGH

S. C. LADI AND COMPANY
Deeksha L. Kakar and Dhruv Kakar
ADVOCATES
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New Delhi

Dated: 06/12/2023

Sadar Ali

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

1

OA NO. 422 OF 2023

IN THE MATTER OF:

ABHISHEK SHUKLA

...APPLICANT

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...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.7, SH. SAFDAR ALI,
IN RESPONSE TO THE CAPTIONED APPLICATION AND THE
REPORT OF THE JOINT COMMITTEE DATED 8TH SEPTEMBER,
2023.**

I, Safdar Ali, S/o Late Sh.Farzand Ali, R/o Muhalla Khunti Chauraha, Aliganj,
Banda (U.P.) aged about 57 years, do hereby solemnly affirm and declare as
under:

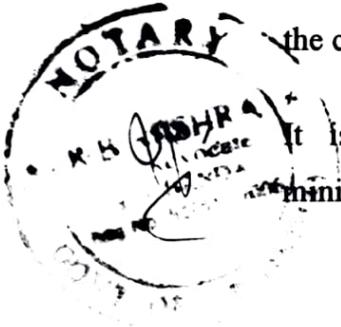
The Deponent is Respondent No.7 in the above-mentioned case and as
such is well conversant with the facts of the case and as such competent
to swear and depose this Affidavit.

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 19.10.2023 and the present Affidavit is
being submitted accordingly.

Safdar Ali



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 granted mining lease for an area of 2.0 Hectares situated at Gata No.2450, Khand No. 3, Village Jarar, Bhagautidei, 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 20000 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 13.08.2019 issued by the Directorate of Geology and Mines, Lucknow vide Letter No. 765/ Mining Plan/2016 and further after obtaining the necessary Environment Clearance from the State Level Environment Impact Assessment Authority ("SEIAA") issued on 05.10.2020 under EC Ref No.-350/ Parya/ SEIAA/ 5000/ 2019, U.P.
5. Pursuant thereto, the Deponent has also obtained the Consolidated Consent to Operate dated 20.04.2023 from the Uttar Pradesh Pollution Control Board which is valid till 31.12.2027. Furthermore, the Deponent has also obtained the necessary permission from the Director General of Mines Safety (DGMS) on 27.04.2023, 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.

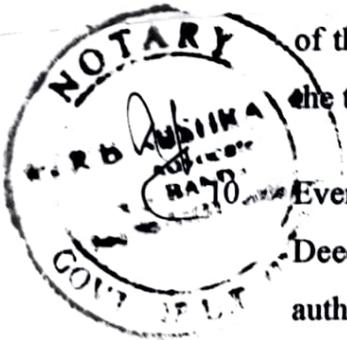


It is submitted that the Deponent is carrying on operations of mining/excavation at the mining site Gata No.2450, Khand No. 3, Village

Sahdev Ali

Jarar, Bhagautidei, Tehsil Naraini and District Banda, Uttar Pradesh in terms of 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 135 meters from the nearest allotted leases in the area and the temple is at a distance of 235 meters of the allotted leases.
9. With respect to the observation on some houses close to the mining site of the Deponent, it is respectfully submitted that the same are beyond the minimum distance of 50 meters permitted under Rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021 and as such within compliance of the necessary provisions. 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.
- Even otherwise, 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



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plan is approved and allotment for the mining lease in 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. It may also be relevant the Deponent has also assisted in the relocation of some such jhuggi-jhopris at its own cost.

- 11. The Deponent further undertakes to endeavor to comply with any further conditions or recommendations that may be prescribed by the Joint Committee or this Hon'ble Tribunal, in a time bound manner.

Saldar Ali
DEPONENT

VERIFICATION

Verified on this the 6th 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.

Saldar Ali
DEPONENT



9022/1
SWORN
BEFORE ME
[Signature]
E.B. MISHRA
NOTARY PUBLIC
6.12.23 Saldar Ali

[Signature]
[Signature]
[Signature]

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No 422 Of 2023

ABHISHEK SHUKLA

Applicant

VERSUS

STATE OF U.P. AND OTHERS

Respondents

KNOW ALL to whom these presents shall come that I/We Safdar A. Li the above named Respondent No. 07 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@scladi.com; deeksha.kakar@scladi.com

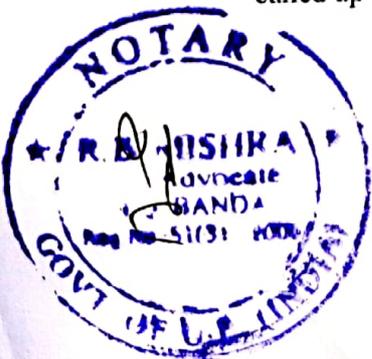
Advocates and Ms. Deeksha L. Kakar and Dhruv Kakar Advocates [hereinafter called the Advocates] to be my/our Advocates in the above-noted case and authorize them

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.....6th..... dayDecember.....of 2023

ACCEPTED subject to the terms of fees.

[Handwritten signature]

Advocate

ENRL. - D/1154/2008

Advocate

Safdar Ali

Client



Safdar ali
I know
who has signed
I am
[Signature]

9020/1
SWORN
BEFORE ME
[Signature]
R. B. MISHRA
NOTARY BAND -
6-12-23