

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 432 OF 2021**

IN THE MATTER OF:

Shiv Singh ... Applicant
Versus
State of Rajasthan & Ors. ... Respondents

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THROUGH

RESPONDENT NO. 5


(AZMAT H. AMANULLAH)
Advocate
For Respondent no. 5
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NEW DELHI
DATED: 25.03.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 432 OF 2021**

IN THE MATTER OF:

Shiv Singh ... Applicant

Versus

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**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 IN TERMS
OF ORDER DATED 15.03.2023 PASSED BY THIS HON'BLE
TRIBUNAL**

I, Dinesh Garg, aged about 50 years, son of Nemichand, resident of 102, Ashiyana Apartment, Sindhi Colony, Kishanganj, Madanganj, Kishangarh, Ajmer, Rajasthan 305801, presently at New Delhi do hereby solemnly affirm on oath as follows:-

1. That I am a partner in the Respondent No. 5 (Project Proponent), i.e., M/s Gem Granites and its authorized representative. I am fully conversant of facts and circumstances of the present case and therefore, I am competent to depose vide the present affidavit.



2. The present affidavit is being filed in terms of the Order dated 15.03.2023 passed by this Hon'ble tribunal where Respondent No. 5 was directed inter-alia as follows:-

“Project Proponent is also directed to ensure due compliance of all relevant EC/CTE/CTO conditions/environmental norms and also action plan for undertaking CSR/Environmental Management Programme with timelines and budgetary provisions for each of the activities respectively. I.A. No. 66/2023 is disposed accordingly.”

Copy of the Order dated 15.03.2023 is annexed herewith as **ANNEXURE-A.**

3. At the outset, I unequivocally and unconditionally state and repeat that the project proponent is ensuring due compliance of all relevant EC/CTE/CTO conditions and environment norms and is committed to ensure that it carries out CSR activities as a socially responsible entity.
4. Additionally, and in compliance of the directions passed by the Hon'ble Tribunal, the answering Respondent No. 5 has prepared a yearly action plan to undertake and implement further CSR activities. The same is specified as follows:



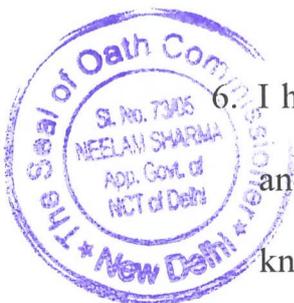
CSR ACTION PLAN

Sl.	CSR activities for the year 2023-2028	Yearly Budgetary Provision (INR)
1.	Education for underprivileged and poor as well as differently abled children (includes fees, provision of school uniforms, books etc.) in consultation with local schools and educational institutions.	Rs. 50,000/- (Rupees Fifty Thousand Only)
2.	Providing medical aid camps, distributing hearing aids, walking sticks, wheel chairs etc. in consultation with district and state level institutions to differently abled/disabled persons.	Rs. 80,000/- (Eighty Thousand Rupees Only)
3.	Carrying out green plantation of saplings within and outside the lease area and its maintenance (this includes maintenance of the saplings, watering expenses and salary of gardener)	Rs. 2,00,000/- (Rupees Two Lakhs Only)
4.	Miscellaneous CSR expenditure for feeding of	Rs. 40,000/-



	stray animals (cattle, etc.) and donations to gaushalas, etc.	(Rupees Forty Thousand Only)
5.	Promotion of sports and cultural activities in local schools and other educational institutions such as through sponsorships, prize distributions, etc.	Rs. 40,000/- (Rupees Forty Thousand Only)
	Total	Rs. 4,10,000/- (Rupees Four Lakh and Ten Thousand Only.)

5. The Respondent No. 5 has verily attempted to place on record its action plan towards CSR activities as quickly and comprehensively as possible, and is committed to ensure that it does the needful. It is reiterated that, as on date, the Respondent No. 5 is in compliance with all the requisite environmental conditions and has every intention to ensure that it maintains the same.



6. I have read and understood the contents of the present affidavit and state the same are true and correct to the best of my knowledge and belief. No material facts have been concealed.

For GEM GRANITES

[Signature]

DEPONENT

Partner

VERIFICATION

I, the above-named Deponent do hereby verify that the contents of the present affidavit above are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

25 MAR 2023

Signed and Verified on this ___th day of March, 2023 at New Delhi.

For GEM GRANITES

[Signature]

DEPONENT

Partner

[Signature]
I identified the deponent who has signed in my presence



Solemnly sworn before me read over & explained to the deponent Admitted to be correct

[Signature]
Oath Commissioner, New Delhi

25 MAR 2023

ANNEXURE-A

Item No. 12

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

I.A. No. 66/2023

In

Original Application No. 432/2021

Shiv Singh

...Applicant

Versus

State of Rajasthan & Ors.

...Respondents

Date of hearing: 15.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Shiv Singh in person.

Respondents: Mr. Nishant Awana, Advocate for Respondent No. 3.
Mr. Azmat H. Amanullah, Advocate for Respondent No.
5.
None has appeared for Respondents No. 1, 2 and 4.**Application is registered based on a letter petition received by Post.****ORDER**

1. Grievance in this application is regarding damage caused by M/s J.M. Mines managed by one Mr. Bunti Jain, which is carrying on mining near village Kuker Kheda, Tehsil Bhim, District Rajsamand, to the house of applicant, which is located at a distance of 400 meters from the above-said mining site. It is submitted that granite is being mined by blasting which has resulted in cracks in the house of the applicant. Muck/ stones taken out from the mine are dumped in a nearby storm water drain/canal resulting in blocking of the free flow of the water.
2. Vide order dated 27.01.2022, this Tribunal constituted a Joint Committee with direction to submit Factual and Action Taken Report.
3. In compliance thereof, the report of the Joint Committee was filed

vide email dated 13.09.2022.

4. Vide order dated 23.02.2023 notices were ordered to be issued to the respondents including the Project Proponent. None appeared for Respondents No. 1, 2 and 4 despite due service.

5. Action Taken Report was filed by Respondent No.3-RSPCB vide email dated 06.02.2023.

6. Vide order dated 08.02.2023 Respondent No. 5-the Project Proponent was restrained from carrying out any further mining from the mining site in question till further orders to the contrary.

7. Respondent No. 5-the Project Proponent filed interim application No. 66/2023 for vacation of stay.

8. Replies/response were filed by Respondents No. 3-RSPCB and respondent No. 5- the Project Proponent vide emails dated 27.02.2023.

9. Compliance report has been filed by RSPCB vide email dated 14.03.2023, according to which, Show Cause Notice for imposing environmental compensation of Rs. 32,95,000/- has been issued to the Respondent No. 5-the Project Proponent.

10. Learned Counsel for Respondent No. 5-the Project Proponent has submitted that the Respondent No. 5-the Project Proponent has complied with the EC/CTE/CTO conditions/environmental norms and is also ready to implement CSR and Environmental Management Programme in the area and, therefore, Respondent No. 5-the Project Proponent may be allowed to resume mining operations.

11. In view of the fact that the claim of Respondent No. 5-Project Proponent regarding compliance with the EC/CTE/CTO conditions/environmental norms is supported by reports filed by RSPCB and the material on record to the extent as mentioned therein, the Respondent No. 5-Project Proponent is allowed to resume mining operations.

12. Project Proponent is also directed to ensure due compliance of all relevant EC/CTE/CTO conditions/environmental norms and also furnish action plan for undertaking CSR/Environmental Management Programme with timelines and budgetary provisions for each of the activities respectively. I.A. No. 66/2023 is disposed accordingly.

13. List the matter for further consideration on the date already fixed i.e. 27.03.2023.

14. A copy of this order be supplied to the applicant and be sent to the respondents by email for information/requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 15, 2023
AVT