

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

ORIGINAL APPLICATION NO.453/2023

RAGHUBIR SINGH GARIA

.....APPLICANT

VERSUS

STATE OF UTTARAKHAND

.....RESPONDENT

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APPLICANT

THROUGH


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ADVOCATE

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DELHI

DATED: 07.09.2024

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

ORIGINAL APPLICATION NO.453/2023

RAGHUBIR SINGH GARIA**APPLICANT**

VERSUS

STATE OF UTTARAKHAND**RESPONDENT**

REPLY ON BEHALF OF THE APPLICANT NAMELY SH. RAGHUBIR
SINGH GARIA TO THE OBJECTION FILED BY THE RESPONDENT
NO.5

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSION/OBJECTIONS:

1. That the objection filed by the Respondent No.5 is nothing but a bundle of lies and the project proponent is trying to mislead this Hon'ble Tribunal by false averment & representation.
2. That the project proponent is by pass the suggestions/ recommendations /remedial action given by the Joint committee for the respondent No.5 as point a to f. the project proponent falsely claim that he is comply all the recommendation of joint inspection committee.
3. It is submitted that the agreement for one year lease from Nov-2022 to Sept-2023 out of Rs.8,00,000/- 1st installment i.e. Rs,4,00,000/- in june-2023. It is further submitted that no NOC was given by the father of the Complaint

as per the knowledge of the Complainant. It is further submitted that the amount given to the brother of the Complainant for the year 2021-2022 for lease of 1 year. It is further submitted that no safety wall was made against the house of the Complainant as assured by the Respondent No.5 in the agreement point No.8 till date. It is submitted that the Respondent no.5 was well aware of the present proceeding from the starting of the proceedings. It is submitted that the respondent No.5 is using the family land of the Complainant from 20 years and extracting soap stone from the mine without obeying the rules and regulations of mining and taking profits of Lakhs of Rupee from their mine. It is submitted that agricultural land was destroyed due to the illegal mining. It is further submitted that the Respondent No.5 was continue the mining without following the SOP of mining just to seek huge profits in lakhs.

4. The debris generated from the mining are polluting the punger river and harming aquatic life. On dated 01.08.2023 this Hon'ble tribunal has constitute a joint committee comprising of State PCB & District magistrate, Bageeswar to verify the factual position and to take remedial action. Then the joint committee had filed the report dated 14.09.2023 before this Hon'ble Tribunal after verification.

5. That on the hearing of the present matter on 29.01.2024 counsel representing the state of Uttarakhand assured that meanwhile no illegal mining will be permitted in the area but despite the assurance no action is taken by the state administration to stop the illegal mining which is still continuing in that area by which may impact adversely against the State administration before the Hon'ble Tribunal for false assurance. Copy of the Photographs filed with objection which clearly shown this fact.
6. That from the perusal of the report of the joint committee composing of state of PCB, U.K. and district Magistrate Bageshwar filed a Joint Report on 15.03.2023 as well as vide order bearing no. 482/TIS-mining/2022-23-Dated 23.02.2023, but till June 2024 the Respondent No.5 Mr. Anand Singh Kalakoti, RPO, Village & post office Dofar, District Bageshwar being project proponent without any fear didn't stop the mining beside the strict direction of this Hon'ble Tribunal.
7. That as the inspection made by PCB as per order of 01.08.2023 by Hon'ble NGT in this regard through Dr. D.K. Joshi, Area officer vide report bearing No. UKPCB/C/23/1538-537 dated 12.10.2023 that due to this illegal mining by the Respondent No.5 Mr. Anand Singh Kalakoti, the

environment/ecological balance is highly affected as the lease holder of mine grossly abused the terms and condition of the mining rules.

8. That as per the order bearing no. 604/Tis-mining/2022-23, dated 11.04.2023 the district administration stopped the illegal mining by the Respondent No.5 but the Respondent No.5 Mr. Anand Singh Kalakoti without any hindrance continuously engaged in the illegal mining with full fledged violation of all the mining rules despite objection raised by the local affected people of village papon including Applicant.
9. That the Respondent No.5 Mr. Anand Singh Kalakoti, was excavating the mine since 1998 without the certificate from pollution control board despite order from DM to stop mining without follow the SOP the project proponent was continued the mining work by using heavy machineries till June 2024.
10. That the Respondent No.5 Mr. Anand Singh Kalakoti, till date didn't filled the pit for which land sliding is continuing and due to which the forest, agriculture land as well as the houses in that area are in danger condition and the eco system is Dis balanced. In rainy season the pits filled with water and due to that the nearby nala and river got polluted causing harm to the eco system.
11. That Respondent No.5 Mr. Anand Singh Kalakoti, also till date not disbursed the compensation to the affected persons and not completed the alternative accommodation of the affected person.

12. That the respondent No.5 in his Affidavit dated 19.06.2023 swear that he has completed the safety wall and filled the Pits as per the direction of the DM in mining area of village Papon, but no safety wall is ever been construction by the Respondent No.5 Mr. Anand Singh Kalakoti till date. The other deposition in that affidavit are false hence required stern action against the deponent/Respondent No.5.

13. That no protection wall had build by the project proponent of 12 mtr. long and 3 mtr. wide to protect Barsati Nallah water body. The Photographs filed by the Project proponent is not belongs to the mining site.

14. That no strengthening work of houses of villagers are done till date & not completed the alternative accommodation for affected persons.

15. That no gabions wall & other protection wall on the slopes to protect residents photographs annexed are not belongs to mining site.

16. That pits are not filled up properly it is now filled with water and continuously causing land sliding in the mining area which affected the persons living in the mining area and the environment is affected due to this land sliding and polluted water.

PARA WISE REPLY

1. That the contents of the para no.1 of the objection filed by the Respondent no.5 are wrong and denied other than matter of record.

2. That the contents of the para no.2 of the objection filed by the Respondent no.5 are matter of record.
3. That the contents of the para no.3 of the objection filed by the Respondent no.5 are matter of record.
4. That the contents of the para no.4 of the objection filed by the Respondent no.5 are wrong and denied other than matter of record and not related to the Applicant hence need no reply.

That the contents of the actions taken by the respondent no. 5 on the recommendations of the report of the objection filed by the Respondent no.5 are wrong and denied other than matter of record.

1. That the contents of the para no.1 are matter of record.
2. That the contents of the para no.4 of the objection filed by the Respondent no.5 are wrong and denied and not related to Applicant hence need no reply.

That the contents of the present para are wrong false and denied. It is submitted that the Respondent No.5 was carrying the mining from past 20-25 years without any proper permits from PCB. It is further submitted that the Respondent No.5 had not taken any precautionary measures as advised by the Joint Report. It is further submitted that the Respondent No.5 had filed the Photographs along with his objection are not pertain to the mining site.

It is therefore respectfully prayed that stern action against the Respondent in view of the above mentioned facts & circumstances for illegal mining which affect the human being and environment.

Any other further Order may kindly be passed in view of the above mentioned facts and circumstances in the interest of justice.


APPLICANT

PLACE: DELHI
DATED: 07.09.2024

THROUGH



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ADVOCATES
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VERSUS

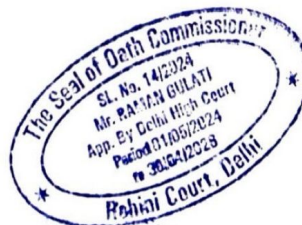
STATE OF UTTARAKHAND

.....RESPONDENT

AFFIDAVIT

I, Raghubir Singh Gaira, S/o Lt. Sh. Daulat Singh, R/o C-7/5, Sector-5, ROhini, Delhi110085, do hereby solemnly affirm and declare as under:

1. That Deponent is the Applicant in the above noted case and well conversant with facts and circumstances of the case and as such I am competent to swear the affidavit.
2. That the accompanying reply have been drafted by my Counsel at my instance and instruction and the contents of the same have been explained to me in vernacular language and the same are found to be true and correct to my knowledge and belief.
3. That the contents of the same and may kindly be read as part and parcel of this affidavit which is not repeated herein for the sake of brevity.



4. That it is my true statement.




DEPONENT

VERIFICATION:

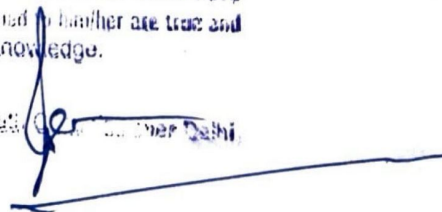
Verified at Delhi on this ____ day of 09 SEP, 2024, that the contents of this affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.


I Identify the Deponent wh.
has signed in my Presence.


DEPONENT

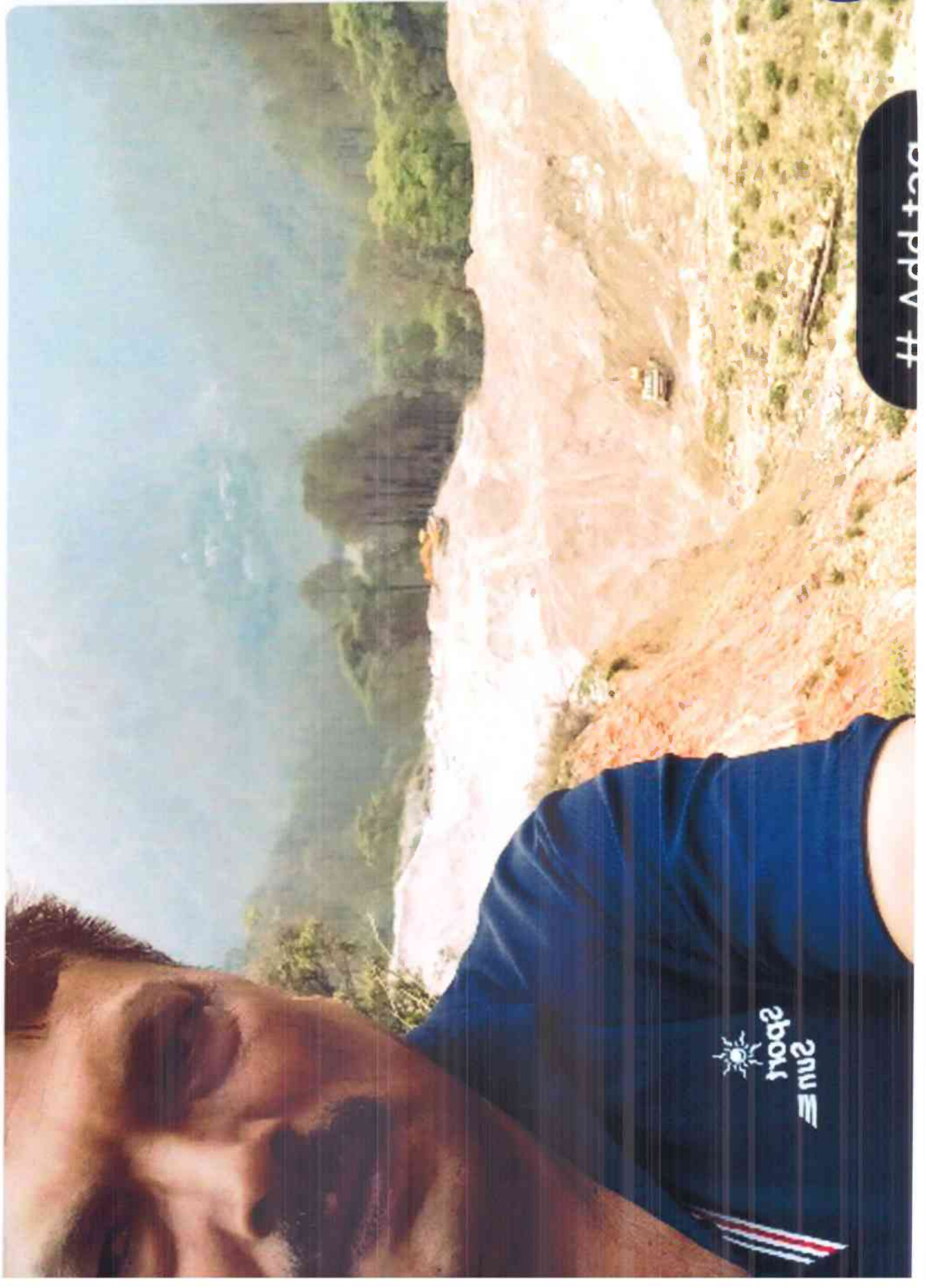
09 SEP 2024
CERTIFIED THAT THE DEPONENT
Shri/Smt./K... Payal
S/o W/o D/o
R/o
Identified by Shri/Smt. Sadhu
has solemnly affirmed before me at
Delhi on at St No. 31
that the Contents of the Affidavit which have
been read and explained to him/her are true and
correct to his/her knowledge.

09 SEP 2024


Oath Commissioner Delhi

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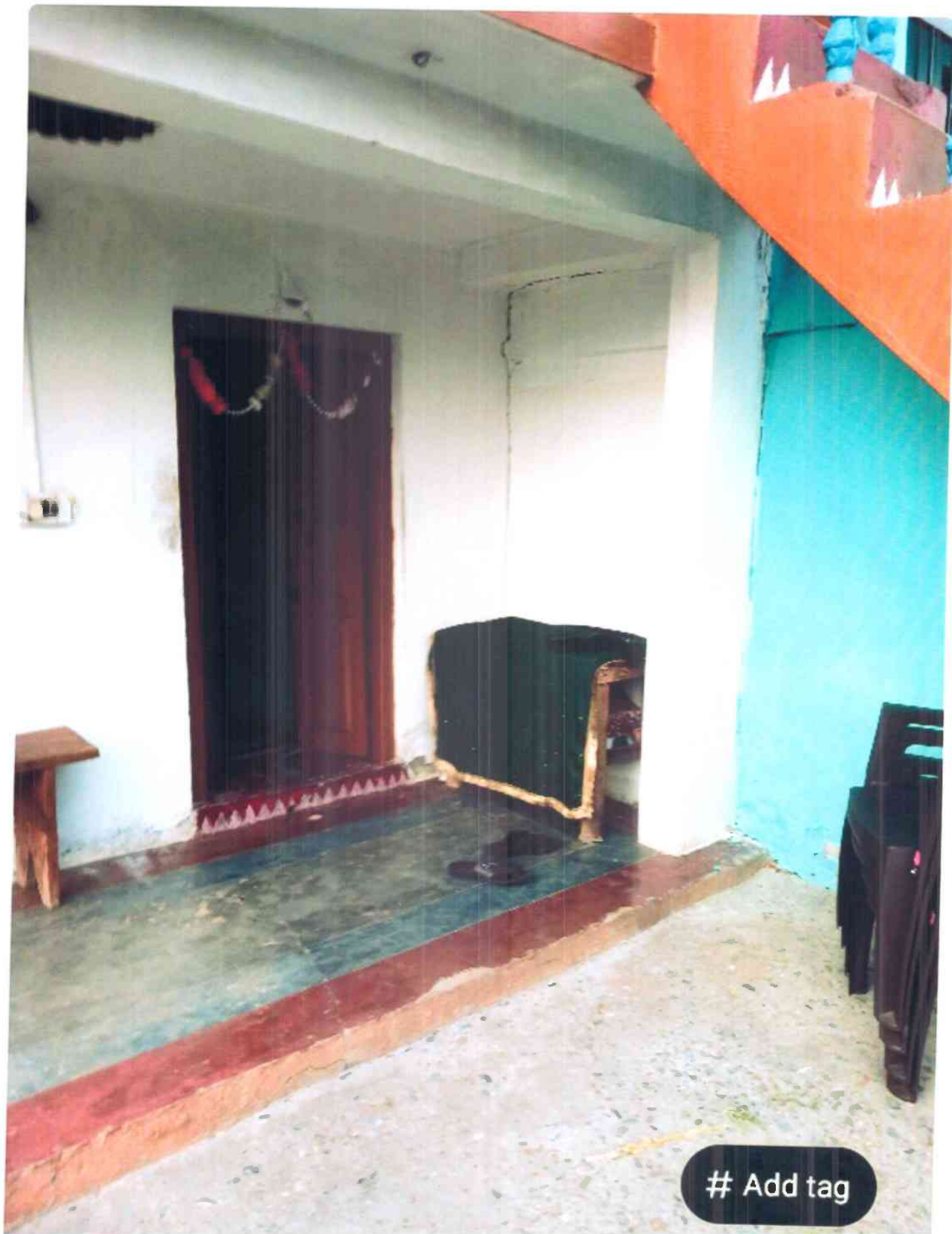
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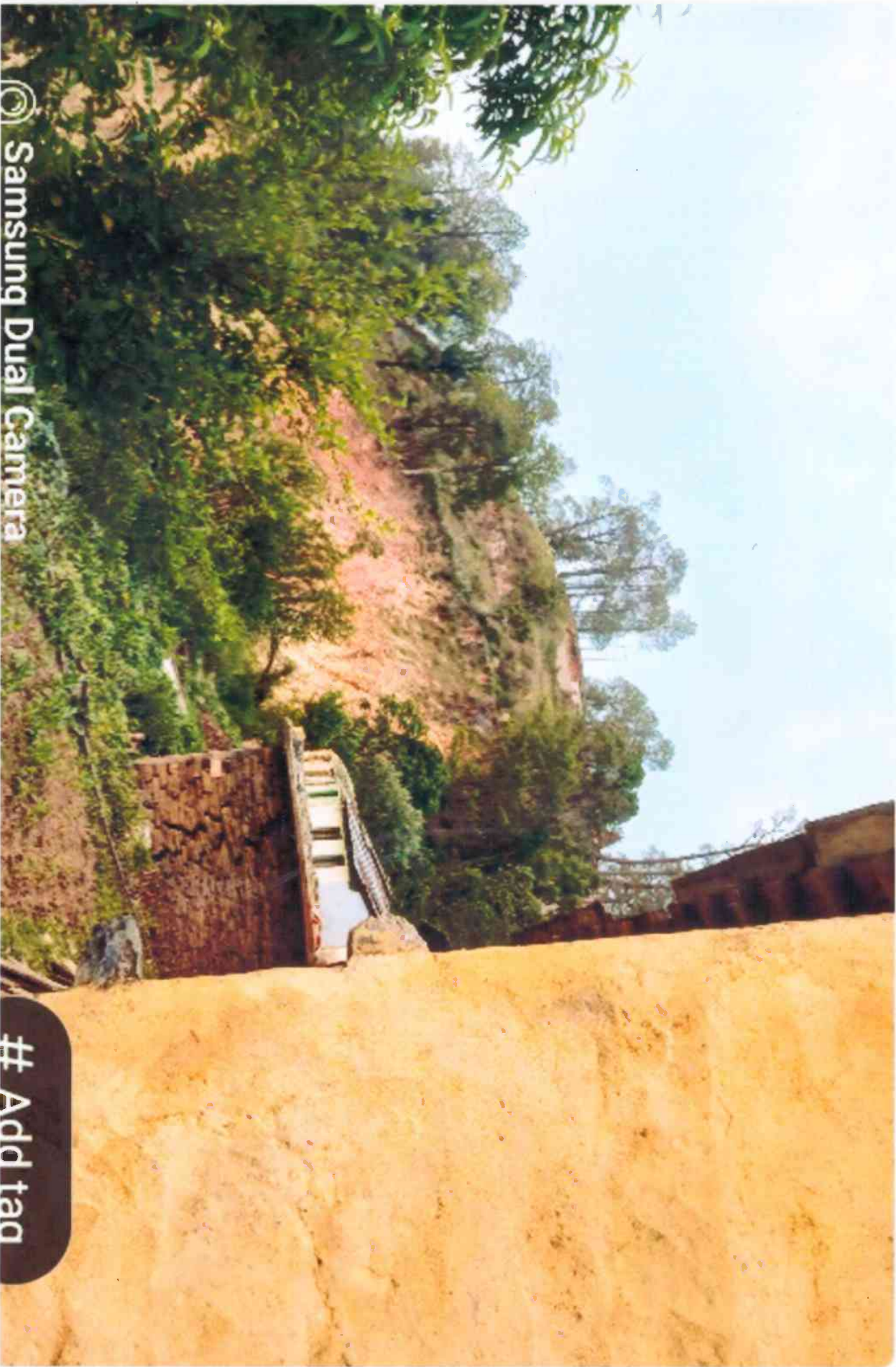
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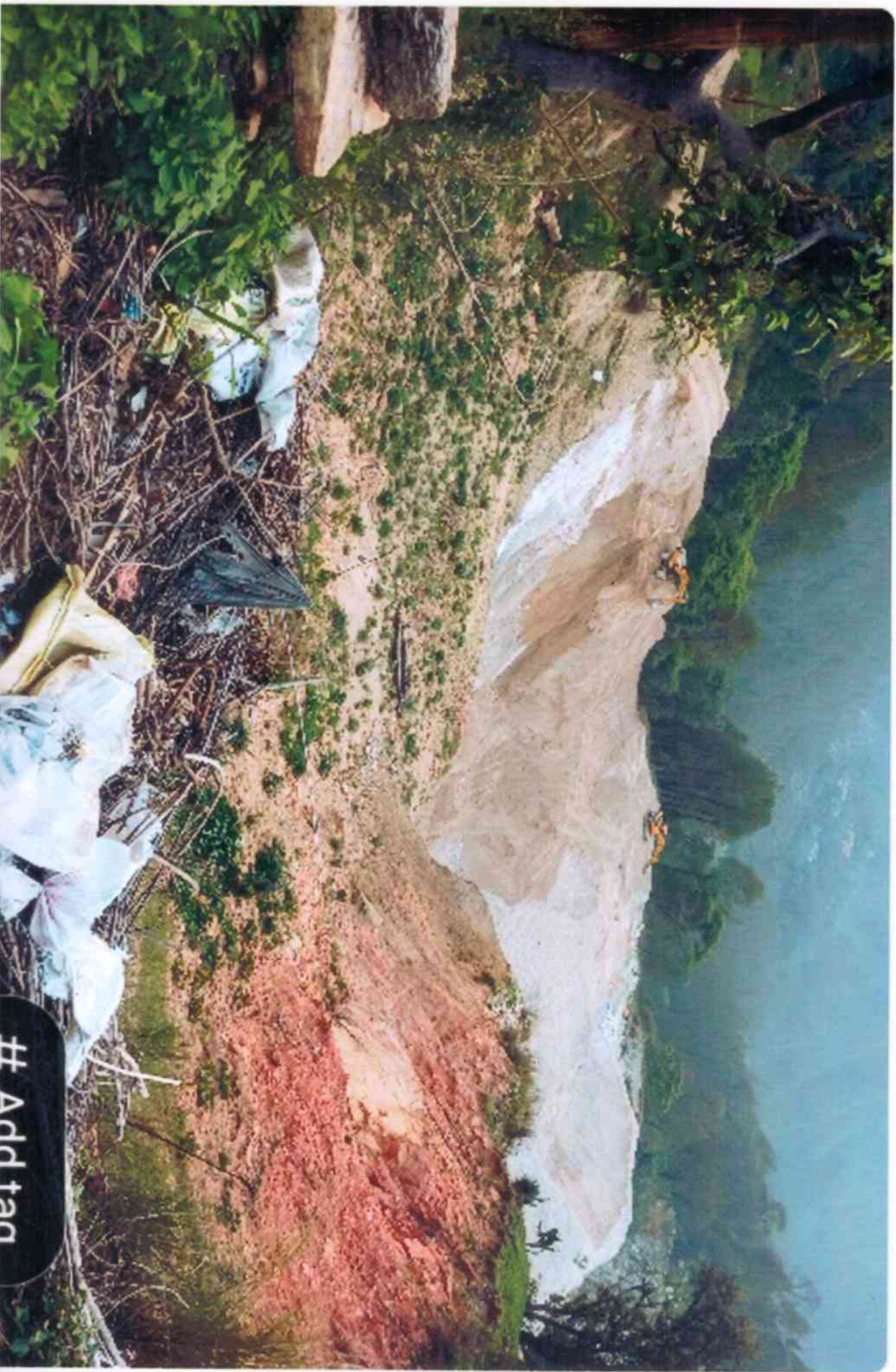
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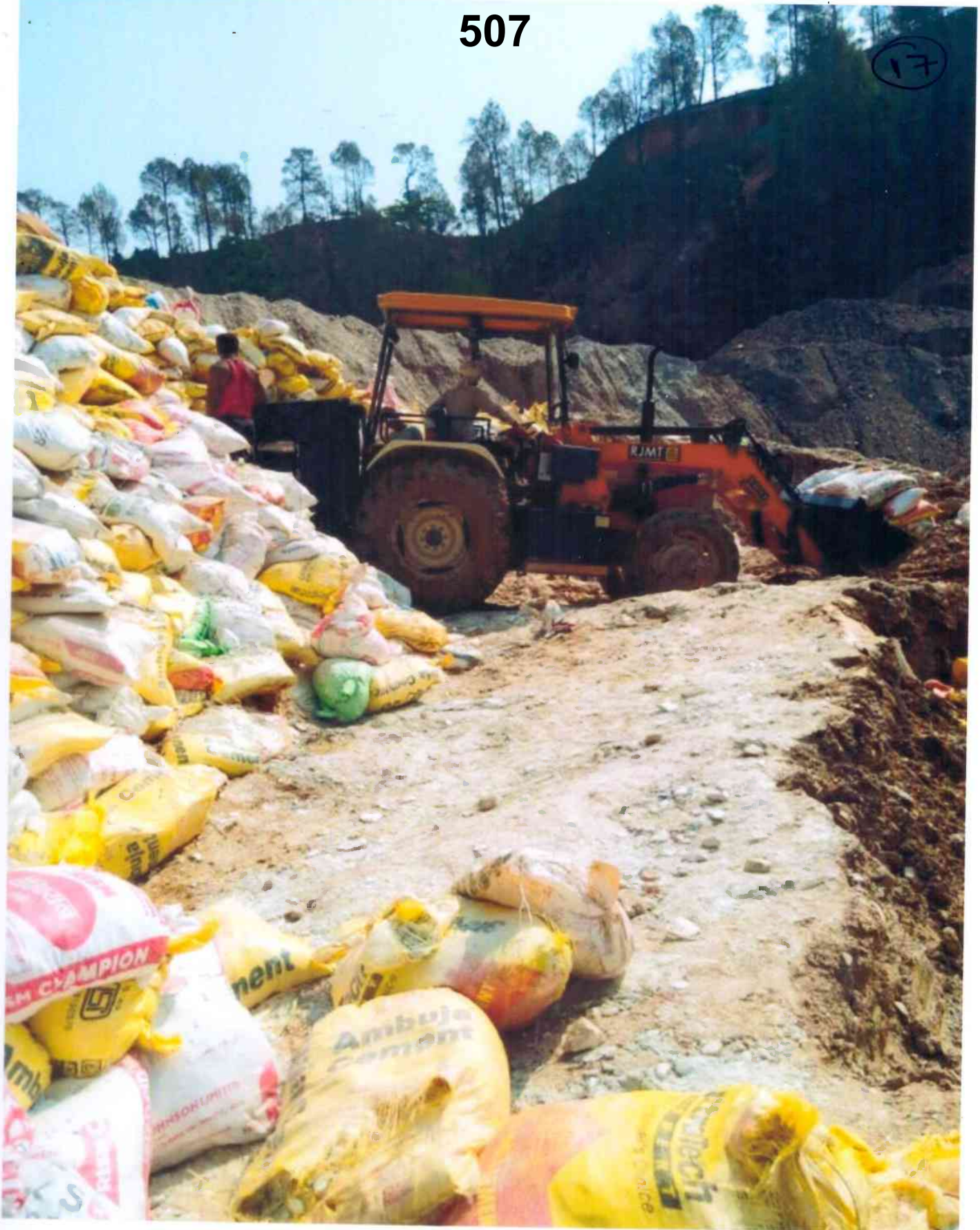


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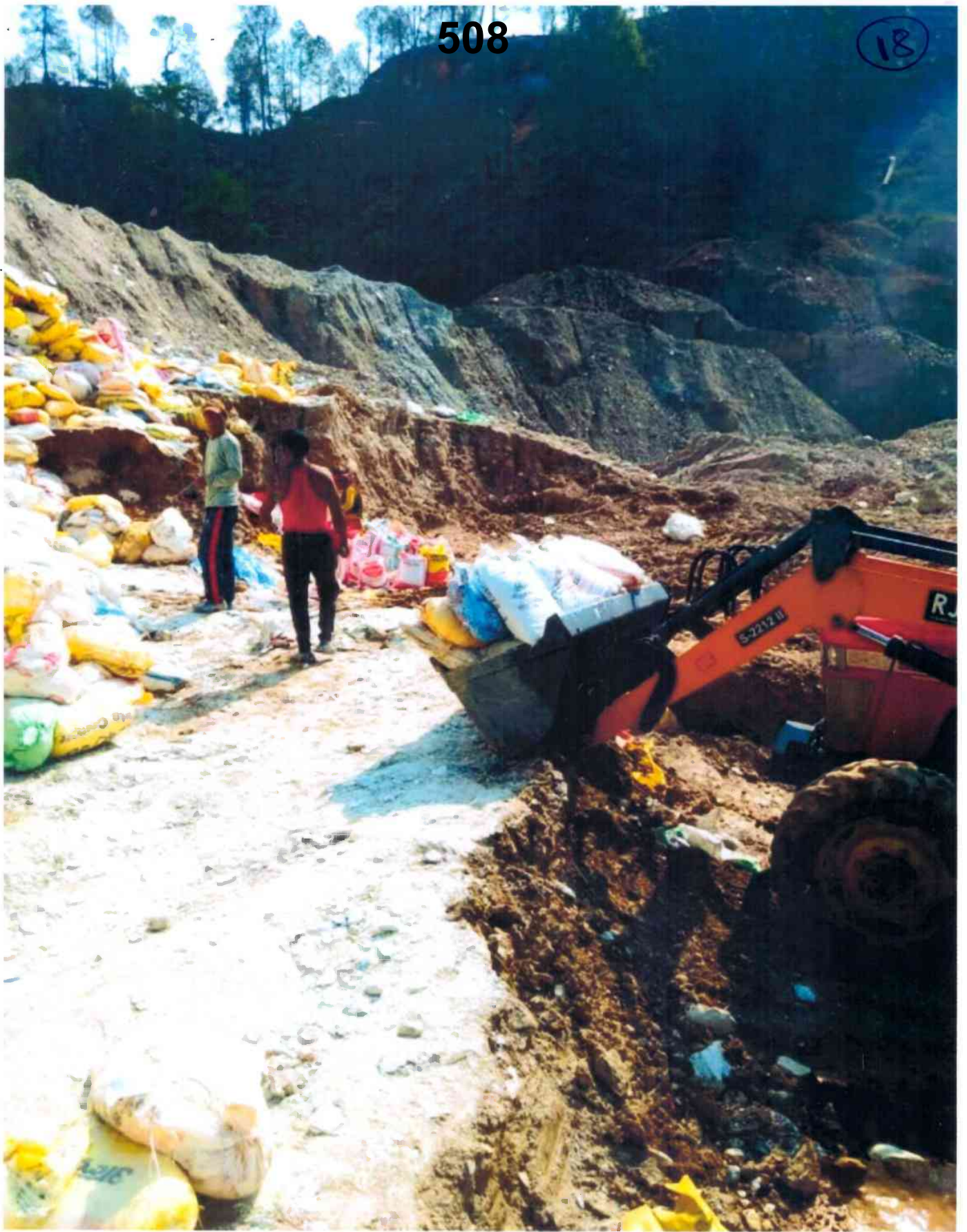


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