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

COUNTER AFFIDAVIT
(On behalf of: Respondent Nos.4 & 5)

IN

I.A. No.587 of 2025

IN

APPEAL NO.57 OF 2025
(Under Section 18(1) r/w Section 16 of
The National Green Tribunal Act, 2010)

IN THE MATTER OF-

Devesh Kumar Verma.....**APPELLANT**

Versus

Environment, Forest and Climate Change
Department (DoEFCC), Govt. Of Uttar Pradesh
Through Special Secretary & others.....**RESPONDENTS**

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THROUGH COUNSEL



(CHANDAN SHARMA) & (AKSHAY PRATAP)

Advocate

Advocate

ENROLLMENT No. U.P. 1708/2002

ENROLLMENT No. U.P. 08783/2016

Mobile: 9140816637

Mobile No.9235132279

Counsels for the Respondent Nos.4 & 5

16-C, Patrika Marg, Civil Lines, Prayagraj

Dated: 21-11 '2025



INDIA NON JUDICIAL

Government of Uttar Pradesh

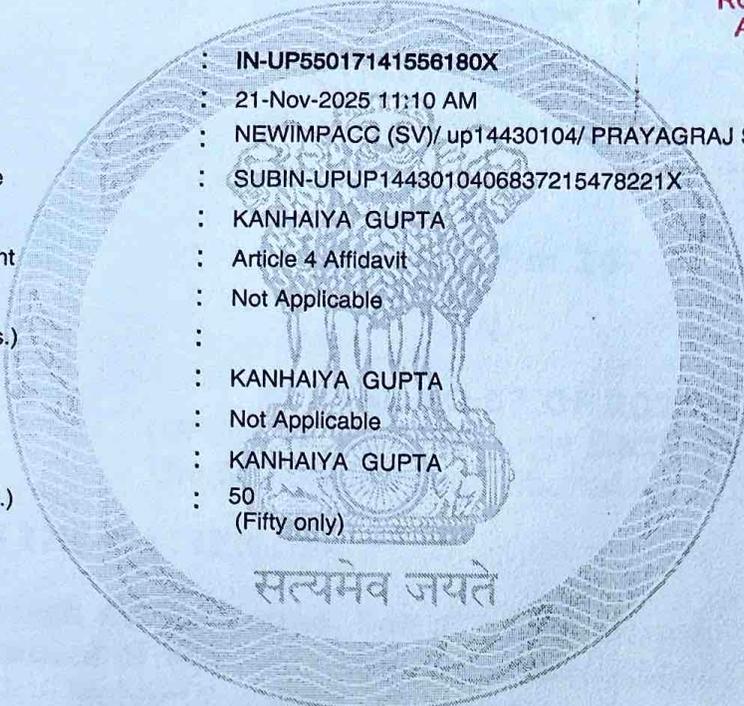


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Unique Doc. Reference	: SUBIN-UPUP1443010406837215478221X
Purchased by	: KANHAIYA GUPTA
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	:
1st Party	: KANHAIYA GUPTA
2nd Party	: Not Applicable
Stamp Duty Paid By	: KANHAIYA GUPTA
Stamp Duty Amount(Rs.)	: 50 (Fifty only)



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कन्हैया गुप्ता

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

COUNTER AFFIDAVIT

(On behalf of: Respondent Nos.4 & 5)

IN

I.A. No.587 of 2025

IN

APPEAL NO.57 OF 2025

(Under Section 18(1) r/w Section 16 of
The National Green Tribunal Act, 2010)



IN THE MATTER OF-

Devesh Kumar Verma, Son of Rajesh Verma
Resident of Village-Echauli, Tandawa, Ichauli.
P.O. - Mohammadabad, Yusufpur
District- Ghazipur, (Uttar Pradesh)-233227.

.....Appellant.

Versus

1. Environment, Forest and Climate Change
Department (DoEFCC), Govt. Of Uttar Pradesh
Through Special Secretary 17, Rana Pratap Marg
Civil Lines Uttar Pradesh-226001
E-mail- peef-upc@nic.in, Ph. No.- 0522-2209814
- Uttar Pradesh Pollution Control Board Through
The Member Secretary, Vibhuti Khand, Gomti Nagar,
Lucknow, U.P.- 226010. Phone No.- 0522-2720699
E-mail-ms@uppcb.in
3. District Magistrate Ghazipur Kachehri Rd.
Kacheri District Ghazipur, Uttar Pradesh- 233001
Ph. No.- 0548-2220204. E-mail-dimgaz@nic.in
4. M/s Shiv Shakti Traders Through Its Proprietor
Araji No. 129,130,131 & 132, Village Ichauli
Post Tadwa, Tehsil Mohammadabad, District-Ghazipur
Through Its Proprietor- Kanhaiya Gupta.
Ph.No.-9415588879 E-mail-ceb.cpcb@nic.in
5. Kanhaiya Gupta, Son of Sri Sarvchand Shah
Resident of Ichauli, Post Tadwa, District-Ghazipur.
Proprietor, M/s Shiv Shakti Traders Araji No. 129,
130,131 & 132, Village Ichauli Post Tadwa, Tehsil



21/11/2025

क-एचए गुप्ता

Mohammadabad, District-Ghazipur.

Ph. No. 9415311979 E-mail- sales@afpclimited.com

6. Central Pollution Control Board Through the Chairman
Parivesh Bhawan, East Arjun Nagar Delhi-110032
Ph. No.-011-43102030, E-mail- ceb.cpcb@nic.in
.....Respondent(s)/Opposite Parties.

COUNTER AFFIDAVIT ON BEHALF OF M/S SHIV SHAKTI
TRADERS - RESPONDENT NOS.4 & 5;

MOST RESPECTFULLY SHOWETH:

I, Kanhaiya Gupta son of Sri Sarva Chand Gupta,
Proprietor- M/s Shiv Shakti Traders, Village Ichauli, Post
Tadwa, Tehsil Mohammadabad, District Ghazipur, do hereby
solemnly affirm and state on oath as under: -

1. That the contents of paragraph 1 of the application for
condonation of delay are matter of record and hence do not
call for any reply.

2. That the contents of paragraph 2 of the appeal are
absolutely incorrect and misconceived; therefore, denied.

It is relevant to state here that the appellant had been
pursuing the matter aggressively at every stage, if he
asserts that he received the impugned order on whatsapp
on 04.08.2025. No mobile number has been shown by the
appellant on which the aforesaid whatsapp message was
delivered to him. However, information received by the
appellant regarding impugned order dated 23.07.2025 was
well within time but he deliberately delayed the appeal.
Moreover, even on perusal of the impugned order dated
23.07.2025 it is evidently clear that the direction has been



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given by the respondent no.1 to the Regional Officer, U.P. State Pollution Control Board to decide the C.T.O. of the answering respondents after hearing all the parties, thus the appellant can fairly approach the above authority if he still has any grievance. Therefore, there was no occasion for the appellant to prefer the present appeal. It is further submitted that the allegations regarding the effect of the operation of business by the answering respondent nos.4 & 5 on the health of the appellant as well as the other neighboring people are also non-sustainable, because the answering respondents have voluntarily abandoned the production of parboiled rice and has resorted only to conventional rice hulling that will not cause any deteriorating impact or environmental hazard in the village.

3. That the contents of paragraph 3 of the application for delay condonation relate to the provision of Section 16 of NGT Act, hence same do not call for any reply being provision of law.

4. That the contents of paragraphs 4 & 5 of the application for delay condonation are misconceived. It is further submitted that the appellant has not explained day to day occurred in filing the present appeal while it is an admitted position that he had come to know about the impugned order dated 23.07.2025 on 04.08.2025 i.e. well within time.

5. That the contents of paragraph no. 6 of the application for delay condonation are misconceived are misconceived



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and therefore denied. It is humbly submitted that the appellant is not entitled to get the benefit of Section 5 of the Limitation Act. The appellant has filed to furnish sufficient cause that could show that the delay occurred in filing the appeal is bonafide and unintentional while he had gathered information regarding the impugned order almost 20 days before expiry of limitation for appeal prescribed under the NGT Act.

6. That the contents of paragraph 7 of the application for delay condonation are misconceived and hence denied. It is humbly submitted that the appellant is not entitled to get the benefit of section 5 of Delay Condonation Act.

7. That the contents of paragraph 8 of the application for delay condonation are matter of record. However, it is further submitted that appropriate reply to this effect shall be met at the time of argument.



क-हेमा शुभा
DEPONENT.

Verification:

Verified at PRAYAGRAJ on thisday of November 2025 that the above named deponent do hereby verify that the contents of Paragraph No. 1 to 7 of this affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed

therefrom.

Sanjay Gupta
is identified by *Notary Present*

DEPONENT.

Sworn before me on *21.11.25*
accepted this contents of Affidavit
to be true

IDENTIFIED

H.B. Sharma
Advocate Notary
Govt. of India

Advocate, Prayagraj

क-हेमा शुभा

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

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भारत सरकार
Government of India

कन्हैया गुप्ता
Kanhalya Gupta
जन्म तिथि / DOB : 14/07/1996
पुस्व / Male

आधार सत्यारा का उमात्म है, वपरिकना का मत्री
Aadhaar is a proof identity, not of citizenship.

221-XXXX-XXXX-903

मेरा आधार, मेरी पहचान



21/11/25

कन्हैया गुप्ता



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VAKALATNAMA

Before The HONBLE National Green Tribunal New Delhi

..... NO. of 2025

Devash Kumar Verma

.....Petitioner/Appellant/Applicant(s)

Environment Bench and Climate act

.....Opposite Parties/Respondent(s)

In the case noted above, I Kamhaiya Gupta S/o Sarvechand Shukla
R/o Ichauli Post Tading Dist Gurgaon Haryana
ms Shiv Shakti Traders Dist Gurgaon

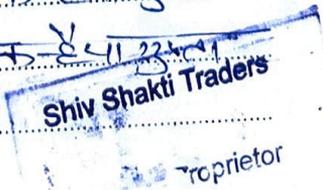
Appoint, CHANDAN SHARMA, Advocate (ENROLLMENT No. U.P. 1708/2002) and AKSHAY PRATAP, Advocate (ENROLLMENT No. U.P. 08783/2016) Office at 16-C, Patrika Marg, Civil Lines, Prayagraj-211001; Mobile Nos.: 9415214779 and 9140816637 respectively, as counsels, to appear, plead and act on behalf of the undersigned in any manner, he thinks it proper, either himself or through any other advocate, and in particular to do the following, namely, to receive any process of court (Including any notice from any appellate or revisional court), to file any applications, petitions or pleadings, to file, produce or receive back any documents, to withdraw or compromise the proceedings to refer any matter to arbitration, to deposit or withdraw an money, to execute any decree or order , to certify any payment, and/or receive any money due under such decree or order. The under signed shall be bound by all whatsoever may be done in the aforesaid case (including any appeal or revision there from) for and on behalf of the under signed by any one of the said counsel.

Signature क-देवान शर्मा Name in full..... क-देवान शर्मा

Signature क-देवान शर्मा Name in full..... क-देवान शर्मा

Signature Name in full.....

Date 21-11-25



ACCEPTED

Akshay Pratap Chandan Sharma

(AKSHAY PRATAP) (CHANDAN SHARMA)

Advocate Advocate
COUNSEL(S) FOR Rajma 425



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Summarise this email



me 9:53 AM



to Saurabh ^

From Akshay Pratap akshaypratap29@gmail.com

To Saurabh Tiwari
saurabhtiwarihighcourt@gmail.com

Date 24 Nov 2025 at 9:53 AM

Sir,
Kindly acknowledge the counter affidavit (attached below), to the delay condonation application (IA No.586) in appeal no. 57 of 2025 (Devesh Kumar Verma Vs.Environment, Forest and Climate Change Department (DoEFCC) Govt of U.P, Through Special Secretary and Others. Before the Honb'le NGT, New Delhi.

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