

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 723 OF 2023

JAN KALYAN BHOO MI MUKHTI FOUNDATION

...APPLICANT

VERSUS

MINISTRY OF COAL & ORS.

...RESPONDENTS

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FILED BY



Ekansh Mishra
Advocate for Respondent No. 4
A-89, LGF, Defence Colony,
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Date: 17.02.2024

Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 723 OF 2023**

JAN KALYAN BHOOMI MUKHTI FOUNDATION

...APPLICANT

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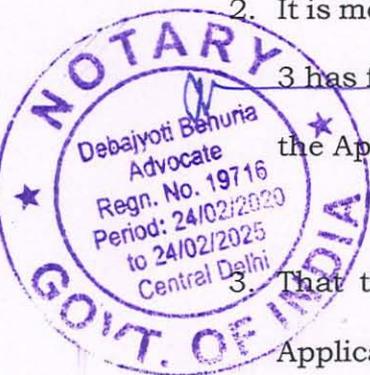
COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4

I, Adhish Chandra Saxena son of Mr. Atul Chandra Saxena, aged about 27 years, having office at 239, Hindustan Power, Okhla Industrial Estate, Phase III, Delhi, do hereby solemnly affirm and state as follows:-

1. That I am the Authorized Representative of VTPPL IHEPPL ARC Consortium i.e. Respondent No. 4 in the subject matter. As such I am well aware of the facts of the present case and competent to swear the present affidavit on behalf of Respondent No.4 ("**answering Respondent**").

2. It is most respectfully submitted that in the captioned matter, Respondent No. 3 has filed its counter affidavit in response to the Original Application filed by the Applicant before this Hon'ble Tribunal.

3. That the answering Respondent has perused the contents of the Original Application filed by the Applicant and the Counter Affidavit filed by the Respondent No. 3.



- 4. That the answering Respondent submits that there is no allegation and/or contention raised against the answering Respondent in the Original Application.
- 5. That the contentions raised by Respondent No. 3 adequately address several crucial aspects of the case and provide comprehensive response to the allegations put forth by the Applicant.
- 6. Considering the above, the answering Respondent hereby adopts the counter affidavit filed by Respondent No. 3 as its own reply to the Original Application, with necessary modifications and humbly requests the Hon'ble Tribunal to dismiss the Original Application in *limine*.
- 7. The answering Respondent reserves its right to file a detailed counter affidavit if found necessary or if directed by this Hon'ble Tribunal.

Self
 Ahish
 I identified the deponent who has signed in my presence

Ahish
 DEPONENT
 Victor Thermal Power Pvt. Ltd.
 New Delhi

VERIFICATION

I, the Deponent above named, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

16 FEB 2024

Verified at New Delhi on this 16th day of February 2024.

NOTARY
 Govt. of India
 Debajyoti Behunav
 Advocate
 Regn. No. 19716
 Period: 24/02/2020
 to 24/02/2025
 Central Delhi

NOTIFIED THAT THE DEPONENT
 Smt./Km. Chandni Chandni Saxena, A/c
 S/o, W/o, D/o Chandni Saxena
 R/o Self
 identified by me on 16 FEB 2024 before me at
 New Delhi on 16 FEB 2024 at 16 FEB 2024 No. 21
 That the contents of the affidavit which have
 been read & explained to him are true and
 correct to his knowledge.

Ahish
 DEPONENT
 Victor Thermal Power Pvt. Ltd.
 New Delhi

Notary Public

**IN THE NATIONAL GREEN TRIBUNAL NEW DELHI
(ORIGINAL APPLICATION)**

OA No. 723 OF 2023

IN THE MATTER OF:

JAN KALYAN BHOOMI MUKHTI FOUNDATION

... APPLICANT

VERSUS

MINISTRY OF COAL & Ors.

... RESPONDENTS

VAKALATNAMA

I, Adhish Chandra Saxena, authorised representative of Respondent No. 4 Company in the subject matter, do hereby appoint and retain:-

EKANSH MISHRA, ADVOCATE

D/681/2011

A-89, LGF, Defence Colony, New Delhi

+91-9999836766

adv.ekanshmishra@gmail.com

To act, appear and plead in the above case in this Court or in any other Court in which the same may be tried or heard subject to payment of fees separately for each Court by me/ us.

To sign, file, verify all pleadings including appeals, or petitions for execution, review, revision, withdrawal, compromise or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To withdraw or compromise or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to be expedient.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court.

And I/we agree to ratify all acts done by the aforesaid Advocate in pursuance of the authority.

Dated this the 16th day of February 2024.



Amish

Accepted/Certified/Identified/Certified
Advocate for Respondent No. 4



Adhish

Respondent No. 4

VICTOR THERMAL POWER PRIVATE LIMITED

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF VICTOR THERMAL POWER PRIVATE LIMITED ON THURSDAY, THE 28TH DAY OF DECEMBER, 2023

Authorization for Legal Matters

“RESOLVED THAT in supersession of all earlier resolutions passed by the Board in this regard, consent of the Board be and is hereby accorded to authorize Mr. Naveen Singh Bisht, Mr. Sandeep Kumar Tripathi, Mr. Neeraj Dhyani, Directors, Mr. Rajesh Gupta, Mr. Amit Vyas, Ms. Deepshikha Singh and Mr. Ashish Chandra Saxena (hereinafter referred to as the **“Authorised Persons”**) severally to initiate/ file/ withdraw any legal proceedings for and on behalf of the Company and/or to defend the Company, in legal matters including but not limited to recovery cases, winding up petitions, writ petitions, arbitration cases, before any civil/ criminal court, commission, judicial/ quasi-judicial authorities, tribunals, appellate tribunals anywhere in India and to do the following acts, deeds and things jointly and/or severally as may be required in this regard:

1. To sign, submit, all types of application(s), petition(s), claim(s), affidavit(s), deed(s), document(s), form(s), vakalatnama(s), caveat, written statement(s), undertaking(s), letter(s), representation(s) or such other documents as may be required to the appropriate judicial and quasi-judicial authorities in the civil/criminal court cases and other legal cases in India, wherever it is required for and on behalf of the Company.
2. To appear for and to represent the Company before the aforesaid appropriate authorities, tribunal and Courts in all civil and criminal matters.
3. To receive summons, notices etc. and to sign, submit and verify various statements, applications, petitions, affidavits, declarations, undertakings, forms, Returns and other requisite documents whatsoever and file them in any court, tribunal or office in connection to the above.
4. To file first information report (FIR)/ complaints for and on behalf of the Company before any police authorities in India.
5. To engage Consultants, Counsels, Advocates, Law Practitioners/Law firms on behalf of the Company and to sign Vakalatnamas, execute Power of Attorneys for this purpose and generally to do and execute all such acts, deeds or things as they may think fit or necessary and/or incidental for the purposes mentioned above.

RESOLVED FURTHER THAT Mr. Naveen Singh Bisht, Mr. Sandeep Kumar Tripathi, Mr. Neeraj Dhyani, Directors be and are hereby severally authorized to sub-delegate all or any of the aforesaid powers to any other legal counsel, advocates or any other person, if required, by executing a Authority Letter or Power of Attorney for the aforesaid purpose.

RESOLVED FURTHER THAT the Common Seal of the Company be affixed, wherever required as per the provisions contained in the Articles of Association of the Company in the presence of any of the Authorised Persons.

Sandeep Kumar



VICTOR THERMAL POWER PRIVATE LIMITED

RESOLVED FURTHER THAT the above delegation of power shall be valid till any further order or amendment, as may be approved by the Board/Committee and/or till such time the above Authorised Persons remains with the Company or is under employment of the Company or any of its group or parent company.

RESOLVED FURTHER THAT Mr. Naveen Singh Bisht, Mr. Sandeep Kumar Tripathi, Mr. Neeraj Dhyani, Directors of the Company, be and are hereby severally authorized to provide a certified copy of the above resolution as may be required.”

For Victor Thermal Power Private Limited

Sandeep Kumar

Sandeep Kumar Tripathi
Director





PROOF OF SERVICE

162

7

S M Shiva <smshiva2410@gmail.com>

PROOF OF SERVICE IN ORIGINAL APPLICATION NO. 723 OF 2023 IN BEFORE THE THE NATIONAL GREEN TRIBUNAL NEW DELHI

1 message

S M Shiva <smshiva2410@gmail.com>

16 February 2024 at 16:35

To: "ankit.law@gmail.com" <ankit.law@gmail.com>

Dear Sir,

Attached herewith is Scan copy of the Counter Affidavit of Respondent No. 4, being filed in the subject matter.

This is for your records and information.

Regards,

Shiva,

Clerk

From the office of Mr. Ekansh Mishra, Advocate

A-89, LGF, Defence Colony,

New Delhi - 24

9384334762



Counter Affidavit.pdf

620K