

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

ORIGINAL APPLICATION NO. 1299 OF 2024

IN THE MATTER OF:

VINOD SINGH RAWAT

...APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS.

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 06-

M/S ASTITVA ANANTRAJ ENTERPRISES.

(For INDEX: - Kindly See Inside)

NEW DELHI

DATED: 17th MAY, 2025

FILED BY:



RITUPARN UNIYAL

Advocate-on-Record

Supreme Court of India

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 06-M/S

ASTITVA ANANTRAJ ENTERPRISES

I, Vinod Dobhal S/o Shri Nathi Lal Dobhal Proprietor of M/s Astitva Anantraj Enterprises having office at Hotel, Indra Palace, Barkot, Uttarkashi, Uttarakhand-249141 do hereby solemnly affirm and state as under:

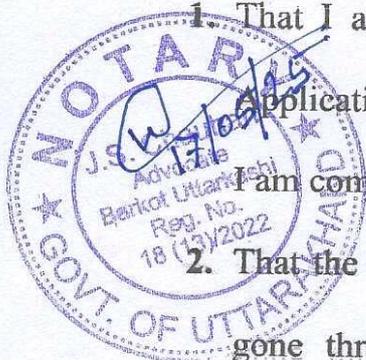
1. That I am the Respondent No. 6 in the above-captioned Original Application and am fully conversant with the facts of the present case.

I am competent to swear this counter affidavit.

2. That the contents of the Original Application under reply have been gone through and are replied to herein below in seriatim. The

Respondent denies all allegations, submissions and contentions made by the Applicant. At the outset, I deny all the averments, the facts of the complaint filed by the petitioner unless and until admitted by me herein specifically. The contents of the captioned matter to the extent they are inconsistent with the submissions made hereinafter in this

Vinod Dobhal



affidavit are incorrect and are denied. Unless any averment or contention is specifically admitted or traversed, the same may be treated as denied.

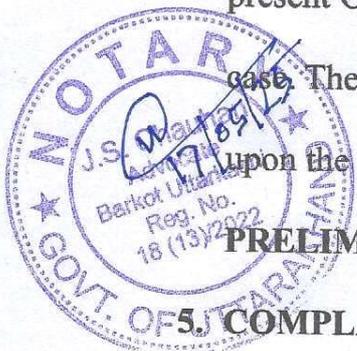
3. At the outset it is submit that the complaint has been filed by stating the misleading facts and the material facts have been concealed by the Applicant. The instant Complaint is devoid of merits and deserves outright dismissal with costs as being politically motivated, malafide and vexatious.
4. That the Respondent No. 6 is filing the instant Counter Affidavit to present O.A. to bring on record correct facts and circumstances of the case. The Respondent craves leave of this Hon'ble Tribunal for relying upon the preliminary submission.

PRELIMINARY SUBMISSIONS AND BACKGROUND

5. COMPLAINT IS POLITICALLY MOTIVATED AND ABUSE OF PROCESS:

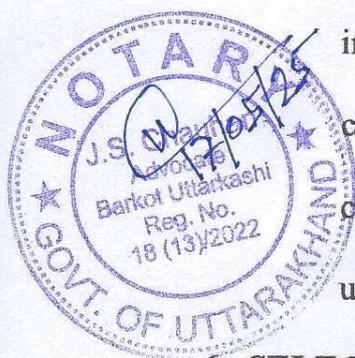
- A. That the present Application filed by the Applicant is not maintainable either in law or on facts and has been filed with ulterior motives to settle political scores and harass the proprietor of answering Respondent by misusing the jurisdiction of this Hon'ble Tribunal.
- B. That the Applicant, Mr. Vinod Singh Rawat, is closely affiliated with political factions which have, in the recent past, contested

Vinod Singh Rawat



Nagar Palika Elections against the proprietor of the answering Respondent. It is pertinent to state that the proprietor of the answering Respondent was recently elected as the Chairman of the local Municipal Corporation (Nagar Palika Parishad, Barkot, District-Uttarkashi) as an Independent Candidate. The instant complaint was filed immediately after the proprietor of the answering Respondent declared his candidacy for the post of Chairman of Nagar Palika Parishad, Barkot, clearly reflecting political vendetta and mala fide intent.

C. That it is no coincidence that the complaint was filed immediately after the answering Respondent declared his candidature for public office. The Application is riddled with conjecture and speculation and aims to settle political scores under the garb of environmental concern.



6. SELECTIVE TARGETING OF RESPONDENT'S LAWFUL UNIT

That despite the existence of more than 11 other crusher plants and mining units operating in Uttarkashi District, out of which 4 plants are operating in River Yamuna within 15 Kms radius of the answering respondent's plant, yet the Applicant has selectively chosen to file a complaint only against the unit of the answering Respondent. That in over ten years of operation, no complaint has ever been made against

*Dinod
Chahal*

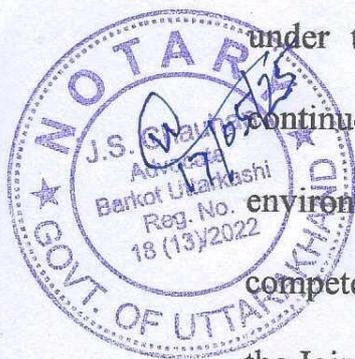
the answering Respondent prior to the instant politically driven application. This selective targeting reinforces the fact that the present application is politically motivated, vexatious, and an abuse of the process of law.

[Certified Copy of List of Stone Crushers operating in District Uttarkashi is annexed as ANNEXURE R-01.]

[Photographs showing other Crusher Plant operating nearby Respondents area are annexed as ANNEXURE R-02.]

7. LAWFUL OPERATION OF PLANT:

That the answering Respondent has been operating a stone crusher unit under the name and style of M/s Astitva Anantaraj Enterprises continuously since the year 2015, with all requisite statutory approvals, environmental clearances, and operational licenses issued by the competent authorities. The same has been categorically observed by the Joint Committee Reports dated 30.12.2024 and 18.03.2025.



8. NO ILLEGAL MINING ACTIVITY EVER CONDUCTED:

The answering Respondent has never conducted any illegal mining activities. The Joint Committee constituted under the orders of this Hon'ble Tribunal, during its inspection on 20.12.2024, confirmed that no illegal mining activity was found either near the unit or within the leased mining area. The unit had remained non-operational from

Abhishek

22.04.2023 to 17.10.2024 due to non-availability of raw material. This fact is also acknowledged in the Committee's report.

9. VALID APPROVALS AND COMPLIANCE WITH REGULATIONS

The answering Respondent holds Consolidated Consent to Operate (CCA) from UKPCB valid till 30.09.2027, Environment Clearance from SEIAA dated 19.09.2024, Valid permission under the Uttarakhand Stone Crusher Policy, Letter of Intent (LoI) dated 22.07.2024 for new lease (mining yet to begin). The crusher is compliant with the "Uttarakhand Stone Crusher, Screening Plant, Pulveriser, Mobile Stone Crusher, Mobile Screening Plant, Hot Mix Plant, Ready mix Plant Anugya Niti 2021" in all respects. The few minor breakages in dust suppression enclosures noted during the site visit were due to non-operation and have now been repaired.



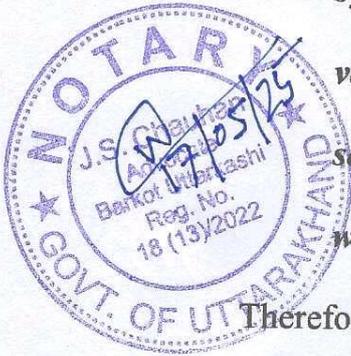
10. COMPLAINANT LACKS BONA FIDES AND LOCUS STANDI

A. The Applicant lacks the bona fides of a public-spirited individual required to invoke the jurisdiction of this Hon'ble Tribunal. The Hon'ble Supreme Court in *State of Uttaranchal v. Balwant Singh Chauhal*, (2010) 3 SCC 402, has held that public interest litigations must be filed by persons acting in genuine public interest and not for private, political or oblique motives.

Dinod Chauhal

B. The Applicant does not reside near the project site and has not demonstrated any personal knowledge or expertise about the area or the alleged environmental violations. The Hon'ble Supreme Court in *S.P Anand, Indore versus H.D. Deve Gowda and others* (1996) 6 SCC 734 held that: -

"18. It is of utmost importance that those who invoke this Court's jurisdiction seeking a waiver of the locus standi rule must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight errant roaming at will in pursuit of issues providing publicity."



Therefore, such petitions are liable to be dismissed where the petitioner is merely a meddlesome interloper.

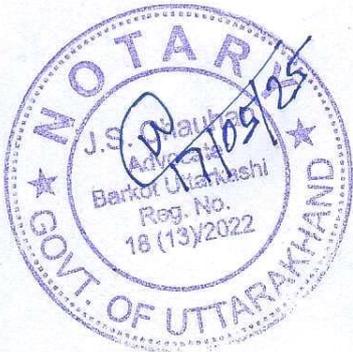
C. The Hon'ble Supreme Court after considering several aspects of Public Interest Litigation observed in the case of *Ashok Kumar Pandey versus State of W.B* (2004) 3 sec 349 that

"4. When there is material to show that a petition styled as Public Interest Litigation is nothing but a camouflage to foster personal disputes, said petition is to be thrown out." "Public Interest Litigation which has now come to occupy an important field in the

*Dinoel
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administration of law should not be "Publicity Interest Litigation" or "Private Interest Litigation" or "Politics Interest Litigation" or the latest trend "Paise Income Litigation". If not properly regulated and abuse averted it becomes also a tool in unscrupulous hands to release vendetta and wreck vengeance, as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant or poke ones nose into for a probe.

The Hon'ble court further stated that *"A petitioner who comes to the Court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective."*



D. The complaint is a deliberate attempt to misuse the jurisdiction of this Hon'ble Tribunal for personal and political vendetta. Such abuse undermines the objectives of environmental justice and must be strongly deprecated. The answering Respondent respectfully submits that strong action be taken against the Applicant for filing this baseless, politically-motivated Complaint.

REPLY ON MERITS OF COMPLAINT:

*Dinoel
Cebhal*

11. At the outset, the answering Respondent categorically denies all allegations and insinuations made by the Complainant in the complaint. The allegations are baseless, unsubstantiated, and contrary to the record.

12. The answering Respondent's unit, M/s Astitva Anantaraj Enterprises, is a lawfully established stone crusher, which has been operating with valid permissions since 2015. It was granted Consent to Establish by the Uttarakhand Pollution Control Board (UKPCB) on 17.04.2015 and has obtained timely renewals thereafter.

13. The crusher unit is presently operating under a valid Consolidated Consent to Operate (CCA) issued by UKPCB, which is valid until 30.09.2027. The Environment Clearance (EC) has also been granted by the SEIAA, Uttarakhand on 19.09.2024.

14. The allegations that the crusher is operating without valid permission are patently false and are aimed to take political revenge from the proprietor of answering respondent. The Joint Committee constituted pursuant to the order dated 26.11.2024 of this Hon'ble Tribunal, during its visit on 20.12.2024, verified the records and found that the unit was in possession of all valid consents and approvals.

15. The complaint regarding proximity to public institutions is unfounded. As per the Joint Committee's report, the Rajkiya Inter College is located at a distance of approximately 780 meters and the Community

Omprakash



Health Centre, Naugaon is situated around 225 meters away from the crusher site. These distances are in compliance with the regulatory norms and clearly negate any health hazard.

16. The answering Respondent has implemented dust suppression systems, green belt development, and other mandated infrastructure including CCTV surveillance, weight bridge, and boundary walls. Any minor defects noted during inspection were due to the temporary closure of operations and are now rectified.

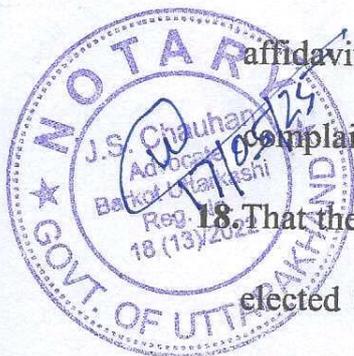
17. The answering Respondent further submits that photographs of other stone crusher units operating in the district have been annexed to this

affidavit to demonstrate the discriminatory and selective nature of the complaint.

18. That the proprietor of the answering Respondent- Vinod Dobhal is an elected Chairman of the Nagar Palika Parishad, Barkot, having been elected independently by the local electorate. His elder brother is the sitting Independent Member of the Legislative Assembly (MLA) from Yamunotri Vidhan Sabha Constituency, and his sister is also an elected Independent Chairman of Nagar Palika Parishad, Muni Ki Reti, Tehri Garhwal. The family holds public trust in various representative capacities, independent of political parties.

19. It is respectfully submitted that the answering Respondent is being deliberately targeted through the present proceedings due to the

Vinod Dobhal

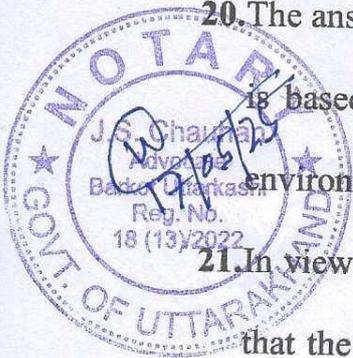


political standing and growing trust of the family in the region. The Applicant, by misusing the forum of this Hon'ble Tribunal, is attempting to settle political scores and create undue public pressure by selectively naming the answering Respondent, while completely ignoring the actual illegal mining operations in the vicinity. This amounts to a gross abuse of the jurisdiction of this Hon'ble Tribunal, which is meant for the protection of environment not for pursuing vendetta under the guise of public interest.

20. The answering Respondent submits that the complaint lacks merit and is based on incorrect facts and assumptions, with no proof of any environmental violation or regulatory non-compliance.

21. In view of the above, the answering Respondent respectfully submits that the allegations made in the complaint are wholly misconceived, politically motivated, and devoid of any legal or factual foundation. The Respondent has consistently operated within the four corners of law, in full compliance with the norms laid down by the competent authorities. The attempt to misuse this Hon'ble Tribunal for settling personal or political scores must be discouraged in the strongest terms. It is therefore most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the complaint with exemplary costs.

Praveen Chahal



SOLEMNLY AFFIRMED AT BARKOT

*Dinod
Dobhal*

THIS DAY OF 17th May, 2025

DEPONENT

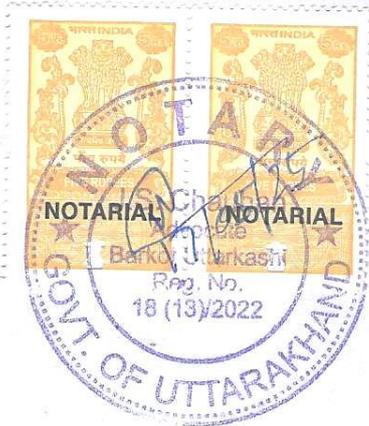
VERIFICATION:

I, the deponent above named, do hereby verify that the statements of facts contained in this counter affidavit 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.

Verified at BARKOT on this 17th day of May 2025.

*Dinod
Dobhal*

DEPONENT



This Affidavit is Sworn before me by
Shri... *Dinod Dobhal*
who is identified by Shri... *self*
Date... *17/05/25* at Barkot.

(W) 17/05/2025
J. S. Chauhan
ADVOCATE & NOTARY
Reg. No. 18 (13)/2022
BARKOT (Uttarkashi)

जनपद उत्तरकाशी क्षेत्रान्तर्गत संचालित स्टोन क्रेशरों की सूची :-

क्र. सं.	संयंत्र का नाम व पता	क्षेत्रफल (हे० मे)	क्षमता (टन प्रतिघण्टा)	वार्षिक क्षमता (टन मे)	स्वीकृति तिथि	नवीनीकरण अवधि	अभियुक्ति
तहसील डुण्डा							
1.	श्री0रत्न0स्टील इण्डस्ट्रीज, हाल निवास ग्राम खरवां पो0 साख, उत्तरकाशी।	0.539	20	72,000	19.11.2016 से आगामी पाँच वर्ष हेतु।	18.11.2021 से आगामी 10 वर्ष हेतु	संचालित
2.	गंगाडी स्टेन क्रेशर ग्राम मातली तहसील डुण्डा उत्तरकाशी	0.328	20	72,000	18.11.2016 से आगामी पाँच वर्ष हेतु।	17.11.2021 से आगामी 10 वर्ष हेतु	संचालित
3.	राजा जी स्टेन क्रेशर, ग्राम पटारा, तहसील डुण्डा, उत्तरकाशी।	0.307	20	72,000	09.05.2018 से आगामी पाँच वर्ष हेतु।	08.05.2023 से आगामी 10 वर्ष हेतु	संचालित
4.	मैसर्स क्रमा स्टेन क्रेशर ग्राम हिटाणु तहसील डुण्डा, जनपद उत्तरकाशी।	0.343	20	72,000	30.09.2016 से आगामी पाँच वर्ष हेतु।	29.09.2021 से आगामी 10 वर्ष हेतु	संचालित
5.	श्री रेणुका कालिका इन्टरप्राइज, ग्राम सिंगोटी, तहसील डुण्डा, उत्तरकाशी।	0.236	20	72,000	04.01.2024 से आगामी 10 वर्ष हेतु।	-	संचालित
तहसील चिन्वालीसौड							
6.	मैसर्स गणपति इण्टर प्राइजेज स्टेन क्रेशर ग्राम मौष तालिचिन्वालीसौड, जिला उत्तरकाशी।	0.403	20	72,000	07.10.2016 से आगामी पाँच वर्ष हेतु।	06.10.2021 से आगामी 10 वर्ष हेतु	संचालित
7.	जय शैख देवता स्टेन क्रेशर, ग्राम मल्ली, तहसील चिन्वाली सौड, उत्तरकाशी।	0.449	20	72,000	16.09.2021 से 15.09.2031	-	संचालित
तहसील बडकोट							
8.	श्री विनोद डोभाल स्टेन क्रेशर ग्राम कोटियालगांव तह० बडकोट जनपद उत्तरकाशी।	0.645	40	1,44,000	19.05.2018 से आगामी पाँच वर्ष हेतु।	-	संचालित
9.	मै० शिवम इण्डस्ट्रीज ग्राम मौन्दी तहसील राजगढी बडकोट उ०को०	0.650	20	72,000	08.02.2019 से आगामी पाँच वर्ष हेतु।	19.11.2021 से आगामी 10 वर्ष हेतु	संचालित
10.	जमदग्नि ऋषि महाराज स्टेन क्रेशर, ग्राम थान, तहसील बडकोट उत्तरकाशी।	0.434	30	1,08,000	15.02.2019 से आगामी पाँच वर्ष हेतु।	14.02.2024 से आगामी 10 वर्ष हेतु	संचालित
11.	मै कृष्णा जयदा स्टेन क्रेशर, ग्राम डब्बाटागांव, तहसील बडकोट, उत्तरकाशी।		20	72,000	-	दिनांक 07.10.2021 से आगामी 10 वर्ष हेतु	संचालित

लोक सूचना अधिकारी

श्रुतत्व एवं खनिकर्म विभाग

छायापति प्रमाणित

छायापति प्रमाणित

12	श्री जगन्नाथ सिंह राणा पुत्र श्री धाम सिंह ग्राम भटियाली नौगांव, बडकोट उत्तरकाशी	0.705	20	72.000	09.08.2023 से आगामी 10 वर्ष हेतु।	-	संवाहित
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 छायाप्रति प्रमाणित
 लोक सूचना अधिकारी
 भूतत्व एवं खनिकर्म विभाग
 उत्तरकाशी







