

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

**COUNTER AFFIDAVIT ON BEHALF OF
M/s SILVRR MIST RETAIL PRIVATE LIMITED**

**In Ref:
APPEAL Nos. 263/264 OF 2018**

IN THE MATTER OF:

Amit Upadhya

.....

Appellant

Versus

**State Level Environmental Impact Assessment Authority, Uttar Pradesh
& others**

.....

Respondents

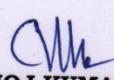
I N D E X

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T H R O U G H

NEW DELHI

DATE: MARCH , 2020


(MANOJ KUMAR)

ADVOCATE

(U.P. 1502/78)

Counsel for the Respondent
G.F.-1, Shubh Apartment,
Vivekanandpuri, Faizabad Road,
Lucknow

Mobile: 09532100117

E-mail : manojkumar.dgm@gmail.com

21/4/2020

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Respondents

I, Prashant Kumar Malviya, aged about 39 years, son of Shri Santosh Malviya, resident of Ward No.10, Sardar Ward, Sahagpur, Hoshangabad (M.P.), the deponent, do hereby solemnly affirm and state on oath, as under:-

1. That the deponent is Director of M/s Silvrr Mist Retail Private Limited, a Company incorporated under the Companies Act, and the letter of intent for grant of mining lease was issued in its favour by the District Officer, Hamirpur, on 06.04.2018, for excavation of sand & morrum over an area of 36.437 Hectares, situate in Village Bhulsi, Tehsil Modaha, District Hamirpur. The annual estimated quantity of the said mining area is 5,82,912 cubic metre; and the State Level

PS

Notary, Mahoba

4/4/2020
Reg No-52(09)2009

Environmental Impact Assessment Authority, Uttar Pradesh, Lucknow (hereinafter referred as SEIAA, Lucknow) issued the prior environmental clearance under the provisions of EIA Notification dated 14.09.2006, vide its letter dated 24.11.2018, for the area in question before excavation of the mining lease deeds, in favour of the respondent.

2. That the appellant, by way of aforesaid appeal, challenged the validity of procedure adopted by the State Level Environmental Impact Assessment Authority, Uttar Pradesh, Lucknow for issuing the prior environmental clearance in favour of the respondent and others before this Hon'ble Tribunal, but the answering respondent is only concerned to apply for obtaining the prior environmental clearance before execution of the mining lease deed and the State Level Environmental Impact Assessment Authority, Lucknow is competent to examine the application of the respondent, and thereafter issue the prior environmental clearance in accordance with the procedure prescribed in the EIA Notification dated 14.09.2006; and such authority is also competent to justify its decision for granting the prior environmental clearance, for the area in question, before this Hon'ble Tribunal.

3. That in the above mentioned appeal, this Hon'ble Tribunal, vide order dated 23.01.2020, was pleased to direct as under:-

"Since it is stated that as per order of the Hon'ble Supreme Court, the applicant has to serve all the parties, the applicant may do so by email as well as by speed post and file an affidavit of service within two weeks. Paper books may also be served by email.

The State of Uttar Pradesh may also notify the said parties within two weeks for which the response given by the applicant. The response



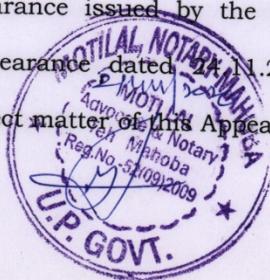
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of all such parties may be filed by email before the next date.

It is made clear that no adjournment will be granted on any ground n the next date.

List for further consideration on 26.03.2020."

4. That in pursuance of the order dated 23.01.2020, passed by this Hon'ble Tribunal, the District Officer, Hamirpur informed the order dated 23.01.2020, passed by this Hon'ble Tribunal to the answering respondent, vide letter dated 23.02.2020..
5. That in compliance of the order dated 23.01.2020, passed by this Hon'ble Tribunal, as informed by District Officer, Hamirpur, this reply is being filed before this Hon'ble Tribunal.
6. That in compliance of this Hon'ble Tribunal's order dated 25.09.2009, as communicated by the District Officer, Hamirpur, vide its letter dated 30.09.2019, the mining lease was not executed by the District Officer, Hamirpur in favour of answering respondent in spite of deposit of huge amount, hence the answering respondent is suffering of loss & injury.
7. That the purpose of answering respondent, for submitting reply, before this Hon'ble Tribunal is limited to the extent only that the answering respondent had again applied for prior environmental clearance before SEIAA, Lucknow on 25.01.2020.
8. That the District Officer, Hamirpur was not competent to grant the mining lease in favour of the answering respondent without prior environment clearance issued by the Regulatory Authority and the environmental clearance dated 24.11.2018, related to the area in question, is subject matter of this Appeal. Hence this Hon'ble Tribunal



AW

also made a clear cut direction to the SEIAA, Lucknow for issuing environmental clearance in favour of the answering respondent, as early as possible, so that the mining lease could be executed in his favour.


DEPONENT

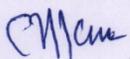
VERIFICATION

I, the above named deponent, do hereby verify that the contents of the paragraphs no. 1 to 8 of this counter affidavit are true to the best of my knowledge, and I have not suppressed any material fact.

Verified at on thisday of
March, 2020.


DEPONENT

IDENTIFIED BY


MANOJ KUMAR
Advocate
G.F.-1, Shubh Apartment,
489/211, Vivekanandpuri,
Fajjabad Road, Lucknow-226007





VAKALATNAMA

IN THE COURT OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Appeal NO - 263 of 2018

Appellant

Armit Upadhaya

Versus

State Level Environment Impact Assessment Authority & others Defdt./Respondent

Know all to whom these presents shall come that I/we Prashant Kumar

Malviya the above-named Respondent do hereby appoint,

Manoj Kumar, Advocate (En. U.P. 1502/78)

G.F.-1, Shubh Apartment, Vivekanand

Puri, Faizabad Road, Lucknow.

Mob. no. 09 532 100117

(hereinafter called the Advocate) to be my/our Advocate in the above-noted case and authorise him :-

To act, appear and plead in the above-noted case in the Court, or in any other Courts in which the same may be tried or heard and also in the appellate Courts.

To sign, file and present pleading, appeals, Cross-objections or petitions of execution, review, revision, restoration, withdrawal, Compromise or other petitions, replies, objections, or affidavits or other documents as may be deemed necessary or proper for the prosecutions of the said case in all its stages.

To file and take back documents.

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

To take out execution proceedings.

To deposit draw and receive moneys and grant, receipts there for and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other legal Practitioner authorising him to exercise the power and authorities hereby conferred upon the advocate whenever they may think fit to do so.

And I/We, the undersigned to hereby agree 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 authorised agent would appear in the Court on all hearings.

And I/we, the undersigned, do hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of their absence from the court when the said cause is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/We, the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by me / us to be paid to the Advocate remaining unpaid they shall be entitled to withdraw from the prosecution of the said cause until the same is paid up. If any costs are allowed from an adjournment, the Advocate would be entitled to the same.

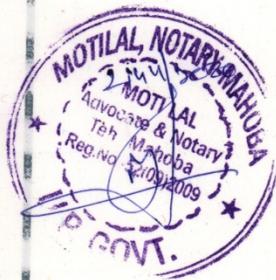
In witness where of I/We hereun to set my/our hand to these presents the contents of which have been understood by me/us this.....day of.....

Accepted
MANOJ KUMAR
Advocate
G.F.-1, Shubh Apartment,
489/211, Vivekanandpuri,
Faizabad Road, Lucknow-226007



उत्तर प्रदेश UTTAR PRADESH

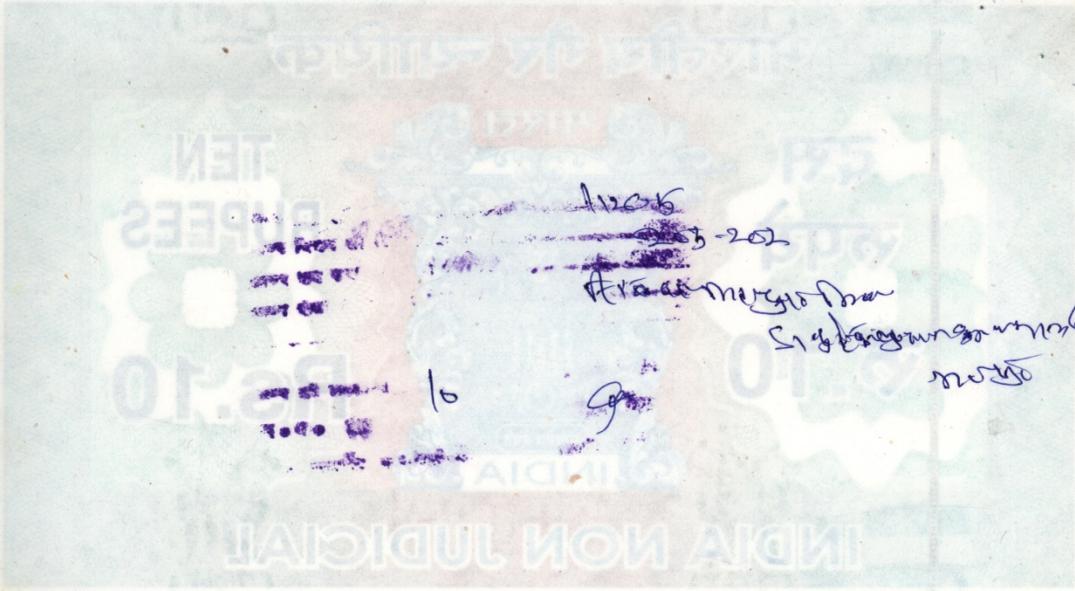
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[Handwritten Signature]
21/3/20

Affidavit document Sworn/out by
Director, Panchayat, Kumbhari
Mahoba (M.P.)
The contents of the document have
been read and explained to him/them
which is admitted and true they/are
identified by me. H. U. Verma, P.D.
as prescribed in the charge.

[Handwritten Signature]
Moti Lal
Notary & Advocate
Mahoba (U P)



Handwritten notes in Hindi, including the date '20-12-2016' and the phrase 'आवेदन मजदूरी' (Application for maintenance).

144E 02208

37R 741 UTTAR PRADESH

Handwritten signature and date '2/13/20'.



Printed text and a signature block at the bottom left, including the name 'Moti Lal' and the title 'Notary & Advocate'.