

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI  
**INDEX**

*IN*

**COUNTER AFFIDAVIT ON BEHALF OF**  
**RESPONDENT NO. 1**

Appeal No. 02/2022

Suraj Singh Karki

Petitioner

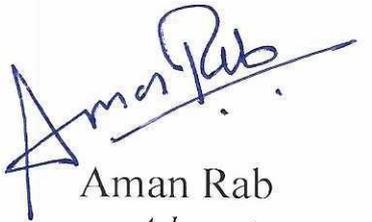
Versus

State Level Environmental Impact Assessment Authority (SEIAA),  
State of Uttarakhand and ors.

Respondents

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Dated: 07<sup>th</sup> December, 2022



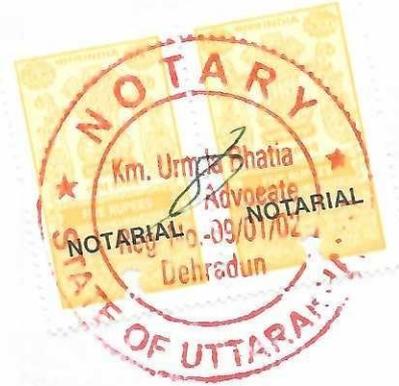
Aman Rab  
*Advocate*

(Counsel for the respondent no. 1)

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI  
COUNTER AFFIDAVIT ON BEHALF OF

RESPONDENT NO. 1

In  
Appeal No. 01/2022  
With  
Appeal No. 02/2022



Suraj Singh Karki

Petitioner

Versus

State Level Environmental Impact Assessment Authority (SIEAA),  
State of Uttarakhand and ors.

Respondents

Affidavit of Shri Amulya Ratan  
Sinha, aged about 66 years, S/o Dr.  
Brij Kishor Sinha presently posted  
as Chairman, SEIAA, Paryavaran  
Bhawan, IT Park, Dehradun.

Deponent



*Handwritten signature of Shri Amulya Ratan Sinha*



I, the above-named deponent does hereby solemnly affirm and state  
on oath as under: -

- 1) That the deponent is presently posted as the Chairman, State  
Environment Impact Assessment Authority Uttarakhand and is  
competent to sign and swear the instant affidavit. It is pertinent to



*Handwritten signature of Shri Amulya Ratan Sinha*

bring it on record that the authority has been reconstituted by Government of India vide notification no. CG-DL-E-06102022-239372 dated 04.10.2022 and the deponent is submitting the reply on the basis of records available in the office of SEIAA.

- 2) That the deponent has gone through the contents of the above-noted Appeal (hereinafter referred to as 'the said Appeal') along with the annexures, affidavit and application for interim relief filed by the petitioner and has fully understood the contents thereof and is in a position to reply to the same.
- 3) That the contents of paragraph no. 1 of the said petition are not admitted as stated. In so far as the personal details of the petitioner are concerned, they do not call for any reply. In so far as the question of grant of "environment clearance (EC)" by the answering respondent is concerned, it is to state that it is part of the procedure adopted by the answering respondent, whenever it receives an application for granting environment clearance (EC) through Parivesh Portal. At the outset it is pertinent to emphasise that the appeal is time barred as per section 16 of National Green Tribunal Act 2010. For the kind convenience of this Hon'ble Tribunal, the relevant portion is reproduced here as under:-

*"Any person aggrieved by,--*

....

*(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall*



*AP Sinha*

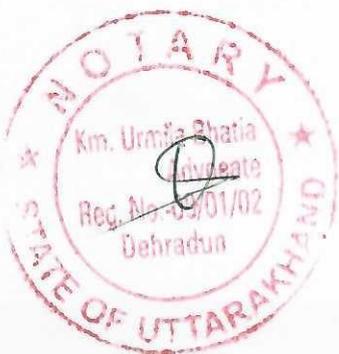
*be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986); .....*

*may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:*

*Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days."*

EC was issued on 09.11.2020, 30 days limit expired on 08.12.2020 and extended limit in said circumstances expired on 07.01.2021. Whereas the appeal has been filed after expiry of limitation period.

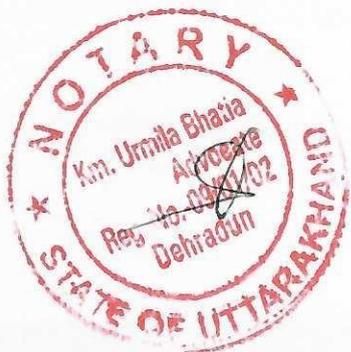
- 4) That the contents of paragraph no. 2 of the said petition are admitted only in so far as they are a matter of record, anything contrary thereto is vehemently denied.
- 5) That the contents of paragraph no. 3 are admitted only in so far as they are matter of record. The EC is given after due appraisal by the then expert committee of SEIAA/SEAC to projects which are site specific. It is submitted that though the project proponent has applied the specific project in the category of B2, still the then SEAC has considered it under B1 category as per the direction of Hon'ble NGT in O.A. No. 173/2016 and 186/2016. SEIAA and SEAC has followed due procedure of issuing TOR, public consultation by UKPCB, appraisal of EIA and EMP followed by



*Urmila*

approval and issuance of EC by SEIAA. EC is appraised and granted after due examination of PFR, EMP and additional certificates furnished submitted by the project proponent. Clearance was granted subject to compliance of the EMP and stipulated conditions.

- 6) That the contents of paragraph no. 4 are admitted only in so far as they are matter of record. Rest of the contents are denied. Any insinuation directed against the answering respondent is vehemently denied.
- 7) That the contents of paragraph no. 5 to 7 of the said petition do not call for any reply from the answering respondent.
- 8) That the contents of paragraph no. 8 to 12 of the said petition are admitted only in so far as they are a matter of record. Anything contrary thereto is vehemently denied. At the cost of brevity, it has been reiterated that though the project proponent has applied the specific project in the category of B2, still the then SEAC has considered it under B1 category as per the direction of Hon'ble NGT in O.A. No. 173/2016 and 186/2016. SEIAA and SEAC has followed due procedure of issuing TOR, public consultation by UKPCB, appraisal of EIA and EMP followed by approval and issuance of EC by SEIAA. SEIAA has given conditional EC based on the application, EMP and other documents submitted by the project proponent.
- 9) That the contents of paragraph no. 13 to 15 of the said petition are admitted in so far as they are a matter of record. It is pertinent to state that the role of SEIAA is limited to grant of environmental



A handwritten signature in blue ink, appearing to be "A. Bhatia".

clearance keeping in mind environmental impact of the project. It is pertinent to state that EC has been granted after due appraisal by the expert committee of SEIAA/SEAC after careful consideration of Reports prepared by the Project Proponent with due imposition of conditions to ensure that the environmental norms are met. The contents of the said paragraphs are repetitive and the same have already been replied to in the preceding paragraphs and are not being repeated for the sake of brevity. It is also stated that the conditions have been prescribed in the EC and due care has been taken w.r.t. the water bodies by including conditions no. 3(subpart 1, 2, 3, 4 and 5) under the environment clearance certificate. The petitioner has failed to bring forth any specific allegation against the answering respondent. Any insinuation directed against the answering respondent are vehemently denied. The answering respondent has always performed his duty as per its mandate. The petitioner is not entitled to any relief against the answering respondent whatsoever.

- 10) That the grounds taken in the writ petition are not legally tenable for reasons mentioned hereinabove and deserves to be turned down.
- 11) In view of the facts and circumstances stated above, the petitioners are not entitled to any relief from this Hon'ble Tribunal and the petition deserves to be dismissed with costs and favour of the answering respondent.

  
Deponent



Verification: -

I, Amulya Ratan Sinha, do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos...1, 2, 3(P), 5(P), 7, 8(P) & 9... are true to my personal knowledge and those in paragraph nos. 3(P), 4, 5(P), 6 & 8(P) are based on the perusal of records and those in paragraph nos...10 and 11..... are based on legal advice. Nothing material has been concealed and no part of it is untrue. So help me God.



*A R Sinha*  
Deponent

L.T.I of the Deponent.  
Place: Dehradun

I, Aman Rab, Advocate, do hereby declare that the person making this affidavit and alleging himself to be Amulya Ratan Sinha is the same person who is known to me from the papers produced by him before me in this case.

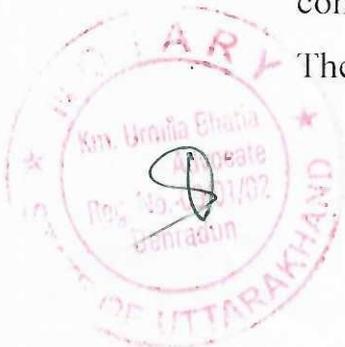
*Aman Rab*  
Aman Rab  
Advocate

Enrol. No. U.K. No. 365/07

Solemnly affirmed before me on this day of 07 December, 2022 at Dehradun at about 1.30 AM/PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.



*A R Sinha*

This affidavit is sworn before me by  
Shri... *Amulya Ratan Sinha* ...  
who is identified by *Aman Rab* Advr.  
at Dehradun

Notary

*07/12/2022*  
KM. UMILIA BHATIA  
Advocate & NOTARY, Dehradun

**VAKALATNAMA**  
BEFORE THE NATIONAL GREEN TRIBUNAL, DELHI  
Appeal No. 2/2022

Suraj Singh Karki

Appellant

*Versus*

State Level Environment Impact Assessment Authority Uttarakhand and ors.

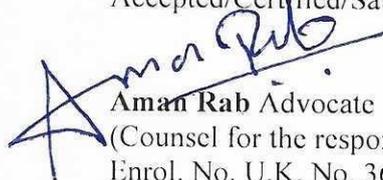
Respondents

KNOW All to whom these presents shall come that I, Chairman, State Level Environment Impact Assessment Authority Uttarakhand, the respondent no. 1 above named, do hereby appoint Aman Rab, Advocate of Rab and Rab Associates LLP, 68, Doon Vihar, Jakhan, Rajpur Road, Dehradun, hereinafter called that Advocate's to be My/our Advocate s in the above-noted case and authorize them/him:

To act, appear and plead in the above noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Courts. To sign, file, verify and present pleadings, applications, appeals, cross-objections, or Petitions for execution, review, revision, withdrawal, compromise or other petitions replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution 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 case. To take out execution proceedings. To deposit draw and receive moneys, cheques and grant receipts therefore 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 case. To appoint and instruct any other legal Practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on my/our behalf. And I/We the undersigned to hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes And I/We the undertake that I/we or my/our duty authorised agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case 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, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us this 07<sup>th</sup> day of December, 2022.

Accepted/Certified/Satisfied/Identified by me

  
Aman Rab Advocate

(Counsel for the respondent no. 1)

Enrol. No. U.K. No. 365/07

Mob No. 9837090945

E-mail ID: aman@rabs.in



Chairman

State Level Environment Impact Assessment Authority  
Uttarakhand