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BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
APPEAL NO. 64 OF 2025

IN THE MATTER OF:

VIJAY KUMAR PADALIA

... APPELLANT

VERSUS

STATE OF UTTARAKHAND & ORS.

... RESPONDENTS

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FILED ON:

15/12/2025

FILED BY:

*Dhruv*

(DHRUV TAMTA)

Advocate for the Respondents  
Chamber No. 331, M.C. Setalvad Bock Supreme Court of India,  
Bhagwan Das Road, New Delhi  
Mo. 9899989917 Email - [tamtaadvocates@outlook.com](mailto:tamtaadvocates@outlook.com)

BEFORE THE NATIONAL GREEN TRIBUNAL  
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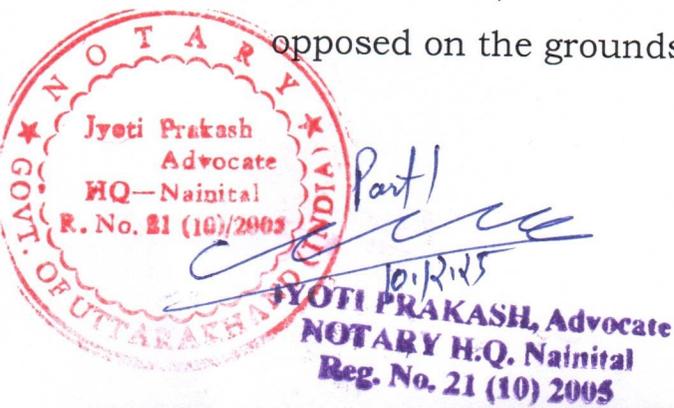
... RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 6,  
7, AND 8 (PUBLIC WORKS DEPARTMENT)**

I, Ratenesh Kumar Sexena S/o Late Ram Kumar Sexena, aged about 39 years, working as Executive Engineer, Provincial Divison, PWD, Nainital, do hereby solemnly affirm and state as under:

1. That I am working as the Executive Engineer, Provincial Divison, Public Works Department (PWD), Nainital, and am fully conversant with the facts and records of the case pertaining to the construction of the Motor Road from Dakarauli to Malla Niglat, District Nainital. As such, I am competent to swear this Affidavit on behalf of the PWD Respondents.
2. That the present Appeal challenges the sanctions and permissions granted for the construction of the Motor Road from NH 87 (now NH-109)/Dakarauli to Malla Niglat and is opposed on the grounds set forth hereinafter.

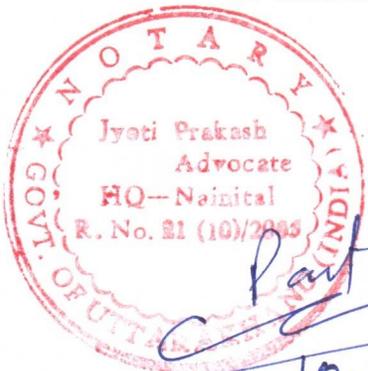
Register S.N. 316



Preliminary Submissions

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3. That the road construction for a length of 1.500 km from Dakarauli to Malla Niglat is necessary and is being executed under the State Plan in the public interest.
4. That the construction work has obtained Theoretical (Stage I) Approval from the Ministry of Environment, Forest and Climate Change (MoEF&CC) on 21.05.2016.
5. That Final (Stage II) Approval was granted by the Government of Uttarakhand on 14.03.2017, for the diversion of 0.54 hectares of forest land, which is deemed minimal.
6. That the required amount for Compensatory Afforestation (Rs. 7,30,000 for 10 times the number of affected trees) and Net Present Value (NPV) (Rs. 4,56,300) have been duly deposited in the ad-hoc CAMPA fund.
7. That out of the affected trees, 39 may be transplanted having (dia 0-10 and 10-20 cm) and the felling of trees has not been carried out till date, in compliance with the orders of this Hon'ble Tribunal.



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8. That the construction of the road will also be beneficial to the Forest Department by assisting in the prevention of forest fire incidents.

### **Parawise Reply**

1. That the contents of paragraph No. 1 and 2 are acknowledged as pertaining to records and require no further comment.
2. That the contents of paragraph No. 3 are denied, and it is submitted that the road construction is absolutely necessary in the public interest. It is further submitted that the necessary approval for the diversion of the minimal 0.54 hectares of forest land was obtained under the Forest Act, (Conservation) Act, 1980, and the required funds for compensatory afforestation were deposited.
3. That the contents of paragraph No. 4 are denied, and it is submitted that the road construction is a measure taken for public interest as it has been admitted by the petitioner himself in their paragraph no 4 that village Malla niglat consists of 593 residents (122 families). It is also submitted that out of the total 96 affected trees, 39 can be transplanted, having Dia (0-20 cm) and only 57 trees required to be fell.



**JYOTI PRAKASH, Advocate**  
**NOTARY H.Q. Nainital**  
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4. That the contents of paragraph No. 5 are denied, and it is submitted that the forest land transfer process was conducted strictly under the provisions of the Forest Act.
5. That the contents of paragraph No. 6 are denied, and it is submitted that the required funds for compensatory afforestation and NPV were deposited. The road will also aid the Forest Department by assisting in the prevention of forest fire incidents.
6. That the contents of paragraph No. 7 are denied, and a detailed reply has been provided in response to paragraph 3.
7. That the contents of paragraph No. 8 are denied, and it is submitted that the site has been inspected by a Senior Geologist, and their suggestions will be complied with. It is further submitted that landslides during heavy rainfall in mountainous regions are a normal process.
8. That the contents of paragraph No. 9 are denied, and it is submitted that the non-forest land demarcation has been re-done, and No Objection Certificates (NOCs) have been re-obtained from the private landowners. The construction work will proceed only after the Hon'ble Court's decision.
9. That the contents of paragraph No. 10 are denied, and it is submitted that the administrative and financial sanction for

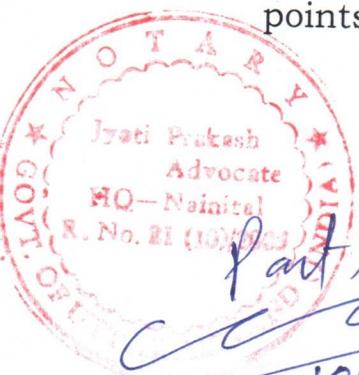


Jyoti Prakash, Advocate  
NOTARY H.Q. Nainital  
Reg. No. 21 (10) 2005

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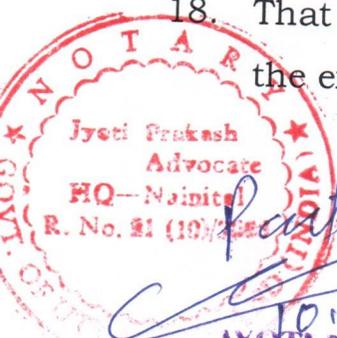
Rs. 18.90 Lakh was granted on 20.09.2011, for the initial 1.500 km of road construction. This sanction covered primary survey, detailed survey, and preparation of the forest land transfer proposal. The detailed construction estimate has not been prepared because the matter is sub judice.

10. That the contents of paragraph No. 11 are denied, and it is submitted that the road is required for connecting distant homes, facilitating essential services (like health), and helping farmers transport their produce to the market. The existing RCC pedestrian path has a steep gradient) that makes motor road construction on that alignment impossible under established technical standards.
11. That the contents of paragraph No. 12 are denied, and it is submitted that only 600 meters of the total 1500 meters length is affected by forest land, while the remaining 900 meters is on non-forest land. The necessary NOCs were taken previously and have been re-obtained.
12. That the contents of paragraph No. 13 are denied, and it is submitted that the forest land transfer process involves the Forest Department continually raising queries on various points, which is a routine part of the approval process.



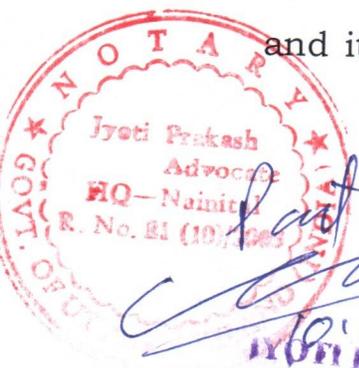
10/11/15  
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13. That the contents of paragraph No. 14 are affirmed only to the extent of records, and it is reiterated that the road is necessary in the public interest.
14. That the contents of paragraph No. 15 are denied, and it is submitted that the Theoretical Forest Clearance was obtained on 21.05.2016, and NOCs were obtained from landowners.
15. That the contents of paragraph No. 16 are denied, and it is submitted that the administrative and financial sanction for Rs. 18.90 Lakh was granted on 20.09.2011.
16. That the contents of paragraph No. 17 are denied, and it is submitted that the road construction is necessary in the public interest. The survey followed the prescribed standards, and the Applicant's claim regarding the feasibility of the existing pedestrian path is incorrect due to the steep gradient.
17. That the contents of paragraph No. 18 are denied, and it is submitted that the Appellant is misleading the Hon'ble Court with the map, as the map does not show the necessary gradient of the RCC footpath, which makes motor road construction impossible under technical standards.
18. That the contents of paragraph No. 19 are affirmed only to the extent of records.



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19. That the contents of paragraph No. 20 and 21 are denied, and it is submitted that the necessary sanctions were obtained under the Forest Act.
20. That the contents of paragraph No. 22 are denied, and it is submitted that the minimal land use of 0.54 hectares is consistent with the motor road standards.
21. That the contents of paragraph No. 23 are denied, and it is submitted that the forest land transfer proposal was completed, and the clearance was obtained under the Forest Act, 1980,
22. That the contents of paragraph No. 24 are denied, and it is submitted that no trees have been felled till date, in compliance with the High Court orders.
23. That the contents of paragraph No. 25 and 26 are affirmed only to the extent of records.
24. That the contents of paragraph No. 27 and 28 are denied, and it is submitted that the road is necessary in the public interest, and NOCs have been provided by the landowners.
25. That the contents of paragraph No. 29 and 30 are denied, and it is submitted that the forest land proposal was duly



*Part 7*  
*10/12/15*  
**IYOTI PRAKASH, Advocate**  
**NOTARY H.Q. Nainital**  
**Reg. No. 21 (10) 2005**

constituted as per rules, and all conditions were met to secure the approval from the MoEF&CC.

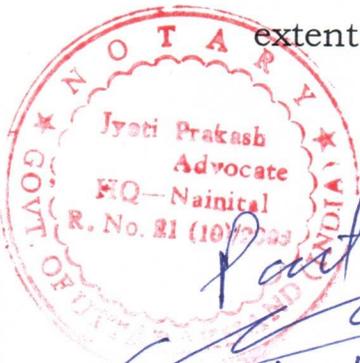
26. That the contents of paragraph No. 31 are denied, and it is submitted that prior and subsequent NOCs were obtained from the villagers and landowners.
27. That the contents of paragraph No. 32 are denied, and it is submitted that landslides during rainfall are a common occurrence in mountain regions.
28. That the contents of paragraph No. 33 are denied.
29. That the contents of paragraph No. 34 are denied, and it is submitted that no temple is coming in the alignment of the proposed road.
30. That the contents of paragraph No. 35 are denied, and it is submitted that a Cost-Benefit Analysis is only required if the forest land involved is more than 5 hectares.
31. That the contents of paragraph No. 36 are denied, and it is submitted that the department proceeded with the transfer of forest land strictly under the Forest Act, 1980,
32. That the contents of paragraph No. 37 are denied, and it is submitted that inquiries by senior Forest Department officials are routine, and amendments are made as required.



JYOTI PRAKASH, Advocate  
NOTARY H.Q. Nainital  
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33. That the contents of paragraph No. 38 are denied, and it is submitted that all suggestions given by the geologist will be followed during construction.
34. That the contents of paragraph No. 39 require no comment.
35. That the contents of paragraph No. 40 are denied, and it is submitted that the road will increase agricultural activity and subsequently generate employment by facilitating market access for farmers.
36. That the contents of paragraph No. 41 and 42 are denied.
37. That the contents of paragraph No. 43 are denied, and it is submitted that the survey was done as per standards, and the Applicant's reference to the pedestrian path is incorrect due to the steep gradient, making construction impossible.
38. That the contents of paragraph No. 44 are denied.
39. That the contents of paragraph Nos. 45 to 57 are denied, and a comprehensive reply has been provided in the foregoing paragraphs.
40. That the contents of paragraph No. 58 are denied to the extent that it implies the non-maintainability of the project.



*Jyoti Prakash*  
10.12.15  
**JYOTI PRAKASH, Advocate**  
**NOTARY H.Q. Nainital**  
**Reg. No. 21 (10) 2005**

*[Handwritten mark]*

PRAYER

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That in view of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present Appeal No. 64 of 2025 as being devoid of merit, and pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

*[Signature]*  
**DEPONENT**

**VERIFICATION**

I, Ratnesh Kumar Saxena, the above-named Deponent, do hereby verify and state that the contents of the above Counter Affidavit are true and correct to my knowledge, belief, and information derived from the records of this case. No part of it is false, and nothing material has been concealed therein.

Verified at <sup>Nainital</sup> ~~New Delhi~~ on this 10 day of December, 2025.

*[Signature]*  
**DEPONENT**



Part 10  
Certified that Sri/Rmt. Ratnesh Kumar Saxena  
is the Deponent Identified by Self  
& Verified the Contents of  
Affidavit at Nainital on 10/12/25  
*[Signature]*  
**JYOTI PRAKASH**  
Notary H.Q. NAINITAL  
R. No. 31 (10)/2005

*[Signature]*

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

APPEAL No. 64/2025  
(Earlier O.A. No. 522/2018)

Vijay Kumar Padalia

Versus



Appellant(s)

State of Uttarakhand

Respondent(s)

VAKALATNAMA

I/We <sup>Manish Kumar Pandey on behalf of</sup> State of Uttarakhand, the Appellant(s)/Petitioner(s)/Respondent(s)/intervener(s) of the above Appeal/Petition/ Reference do hereby appoint and retain Sri Dhruv Tamta, Advocate of the Supreme Court to act and appear for me/us in the above matter and to conduct or defend the same and to appear in all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, to deposit and receive money on my/our behalf in said matter and to represent me/us and to take all necessary steps in the above matter. I/We agree, to ratify all acts done by the aforesaid Advocate in pursuance of the authority.

Dated this the <sup>12</sup> day of November, 2025.

ACCEPTED

<sup>Dhruv</sup>  
Mr. Dhruv Tamta,  
Panel Advocate,  
331, M.C Shetalwad Block,  
Supreme Court ,  
New Delhi-110001  
Mo.-9899989917  
E-ID-tamtaadvocate@outlook.com

<sup>Deer</sup>  
  
(Manish Kumar Pandey)  
Addl. Secretary & <sup>Manish Kumar Pandey</sup> Additional Secretary  
Law-Cum-Additional L.R.  
Govt. of Uttarakhand

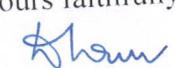
APPELLANTS/PETITIONERS/RESPONDENTS

MEMO OF APPEARANCE

To,  
The Registrar,  
National Green Tribunal,  
New Delhi.

Sir,  
Please enter my appearance in the above mentioned case on behalf of the Petitioner(s)/Respondent(s).

Yours faithfully,

<sup>12/11/2025</sup>  
  
(Dhruv Tamta)  
Advocate for the  
Petitioner(s) Respondent(s) Appellant(s)

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## Proof of Service 12

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**APPEAL NO. 64 OF 2025 in {Earlier Original Application No. 522/2018} Vijay Kumar Padalia Vs. State of Uttarakhand &Ors**

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**From** dhruv tamta <tamtaadvocates@outlook.com>

**Date** Mon 2025-12-15 11:25

**To** Bidya Mohanty <bidyamohanty19@outlook.com>

**Cc** Bidya Mohanty <bidyamohanty19@outlook.com>; vijaypadalia4@gmail.com <vijaypadalia4@gmail.com>; nodalofficerddn@gmail.com <nodalofficerddn@gmail.com>; comm-kum-us@nic.in <comm-kum-us@nic.in>; itgc-forest-uk@nic.in <itgc-forest-uk@nic.in>; vanvikas12@gmail.com <vanvikas12@gmail.com>; msukpcb@yahoo.com <msukpcb@yahoo.com>; mefcc@gov.in <mefcc@gov.in>

 1 attachment (6 MB)

Counter Affidavit- PWD UK in OA 64 of 2025 Copy.pdf;

Sir,

Please find attached copy of the Counter Affidavit on behalf of Respondent no. 6,7and 8.

regards  
Dhruv Tamta  
Advocate  
+91-9899989917

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