

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL ZONE, NEW DELHI BENCH
Original Application no. 1264 of 2024/PB**

Nyaka Soren

..... Applicant

V e r s u s

The State of Jharkhand and others

..... Respondents

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Filed by

Amrita Pandey

**Amrita Pandey
Advocate WB/1741/2009
Hastings Chamber
7C Kiran Shankar Roy Road,
2nd Floor, Room No. 6,
Kolkata - 700 001
M: 9830609262
E: amritalegal@gmail.com**



BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL ZONE, NEW DELHI

Original Application no. 1264 of 2024/PB

2137

SERIAL NO 2137

DATE 26/4/25



Nyaka Soren

..... Applicant

Versus

The State of Jharkhand and others

.....

Respondents

Counter Affidavit filed on behalf of Respondent no. 10 Mill Stone Works (Stone Crusher)

I, Namajul Shekh, son of Abdul Salam Shekh aged about 34 years, by faith - Muslim, by occupation - Business, having its address at Mouza - Dhopahari, Khata No. 25, Khesra - 23 (P), PS - Haranpur, District - Pakur, Jharkhand do hereby solemnly affirm and state as follows:-

1. That I am the proprietor of Ms Mili Stone Works (Stone Crusher) being respondent no. 10 herein (hereinafter referred to as the "answering respondent"). I am acquainted with the facts and circumstances of the case, and I am competent to affirm this affidavit on behalf of the respondent no. 10.

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- A circular notary seal for Notary Public Hariosh Kumar Mittal, No. 8191/2018, is stamped over the first two paragraphs of the text. The seal contains the text 'NOTARY PUBLIC', 'Hariosh Kumar Mittal', and 'No. 8191/2018'.
2. That I affirm this Affidavit in terms of an order dated 5th March, 2025 passed by the Hon'ble National Green Tribunal, Principal Zone Bench, directing the answering respondent herein to file our counter-affidavit/response/reply.
 3. That nothing contained in this Affidavit shall be construed as admission of any statement unless specifically admitted by me. I reserve the right to deal with legal position of the matter at the time of hearing.
 4. That at the outset, the answering respondent states and submits that the copy of the letter petition on basis of which the instant case has been instituted has not been provided and also the Joint Committee Report submitted by the Central Pollution Control Board. The Ld. Advocate for the answering respondent vide its email dated 16th April, 2025 has requested the Learned Advocate appearing for CPCB, the Learned Registrar, the Learned DM, Pakur to supply the copy of the letter petition and the joint committee report filed by the CPCB as recorded in the order dated 5th March, 2025.
 5. That thereupon on or about 18th April, 2025, the Ld. Advocate for the answering respondent has obtained the copy of the said report.
 6. That the answering respondent states and submits that the report also states that the answering respondent has all the requisite valid permissions. The answering respondent has taken steps to comply with all the recommendations as stipulated in point no. 20 of the aid

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report pertaining to the answering respondent and undertakes to comply with all the further recommendations, if any.

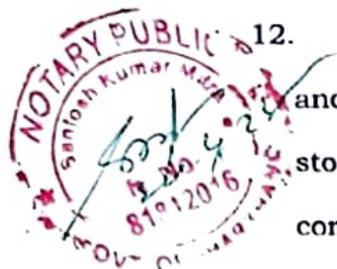
That the answering respondent is compliant with the comprehensive dust containment and suppression measures including enclosures, conveyors covers, water sprinklers as per the CPCB Guidelines of July, 2023.

8. That the answering respondent has also updated its display board and covered its crushing section with tin sheet and installed the conveyor node and a chute at the material discharge points. The unit has also taken steps to cover its main hopper from three sides and top covered with tin sheets. In this connection, the respondent craves leave to refer to the work orders issued by the unit to the contractors and the photographs of the work undertaken to such effect at the time of hearing, if necessary.
9. That the answering respondent has developed three tier plantation along its periphery. **Copy of the photographs of the three tier plantation are annexed hereto and marked with Letter R10/1.**
10. That the answering respondent has constructed a pucca internal road and is taking steps for regular cleaning of the same. **Coloured photograph of the pucca internal road are annexed hereto are marked with Letter R10/2.**
11. That the answering respondent has also taken permission from the CGWA for withdrawal of groundwater for industrial purpose and



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dust suppression activities. The answering respondent also regularly conducts health check ups of the workers.



12. That it is only upon obtainment of all necessary permissions and compliance's that the answering respondent has commenced its stone crushing operations at the said unit. There has never been any complaint nor any notice for the unit of the respondent no. 10's crushing unit or the like has been issued to the answering respondent by any authority at any point of time.
13. That having been a legal stone crusher unit is beyond the purview of the orders passed by this Tribunal and thus, no order ought to be passed against the answering respondent.
14. That the answering respondent has all the requisite permissions and are complying with all the conditions as situated in the consent to establish and consent to operate.
15. That the answering respondent state that the answering respondent's stone crushing unit is operating with necessary safeguards, particularly with a valid CTO/CTE, green belt, sprinklers, bag filters and the like so that no ecological damage was ever caused due to its operations. The answering respondent' stone crushing operations have been entirely legal, without errors or lapses or violations of any rules/regulations, and pursuant to obtainment of all required permissions/sanctions from the necessary authorities.
16. That the answering respondent has a valid CTO and royalty license/challan and requisite permission, dealers license for carrying

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out the stone crushing activities executed in favour of the answering respondent' unit by the concerned authorities, inter alia permitting the answering respondent to use the respective areas allocated to them for the purpose of stone crushing operations. Such permissions have been executed in the answering respondents' favour after due diligence conducted at the end of the Respondent Authorities. The Respondent Authorities had verified and confirmed that the concerned areas to the answering respondent is fit for stone crushing operations, and are not located within any restricted zone wherein the said activities are prohibited. Execution of the permissions is only possible if all necessary formalities are complied with by the answering respondent, which were duly undertaken by the answering respondent in the instant case. The answering respondent crave leave to refer and rely upon other documents executed by the Respondent Authorities in favour of the answering respondent at the time of hearing, if necessary.

17. It is pursuant to all necessary compliance's that the answering respondent have been carrying out their stone crushing operations. Moreover, not a single instance of any lapse or violation in any part/portion of the answering respondent' crushing operations of the stones/chips has occurred till date to the answering respondent. The answering respondent' stone crushing operations is completely legal, and have been operating pursuant to all necessary sanctions and permissions as required under law and have complied with all

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formalities including payment of all outstanding charges and obtainment of No Objection Certificates from the Respondent Authorities. The answering respondent crave leave to refer and rely upon additional documents other than the annexures hereto, if necessary, to further explain and justify that the answering respondent have been legal permissions who have not committed any violation which would warrant any action against them.



18. . In respect of the stone crushing operations conducted by the answering respondent, the answering respondent have periodically, on a bi-annual basis, submitted compliance reports to the Respondent Authorities. The answering respondent crave leave to refer and rely upon such compliance reports at the time of hearing, if necessary. It is only upon the basis of the legality of the answering respondent' stone crushing operations comprising all necessary safeguards, permissions and compliance that the Respondent Authorities have permitted the answering respondent to carry on their operations from time to time. Till date, the Respondent Authorities have never accused the answering respondent of any violation.
19. The entire stone crushing operations/activities of the answering respondent is duly accounted for, and the answering respondent have been paying requisite fees and carrying on the crushing within the permissible limits as granted by the respondent authorities. In addition to the royalties, the answering respondent' mining unit have also been making monetary contribution towards District Mineral

Sanjay
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Foundation Trust (DMFT), which contributions comprise an amount equivalent 30% of the royalty payable, over and above the payment of royalty. Such contributions towards DMFT are compulsory under Rule 6 of the Jharkhand District Mineral Foundation (Trust) Rules, 2016 towards mining operations, which are used for human development within the district where the mining and crushing activities are carried out. The answering respondent have also been paying environmental cess to the Respondent Authorities equivalent to 1% of the royalty amount which is paid over and above the royalty towards mining operations. The answering respondent crave leave to refer and rely upon receipts in respect of all such payments made till date towards royalty, DMFT and environmental cess, if necessary.

20. As stated hereinabove, the answering respondents' crushing operation/businesses are totally legal and also free of defects/limitations. All necessary papers/documents in respect of the answering respondents' crushing activities are intact, and all necessary permissions and sanctions as detailed above have duly been complied/obtained by the answering respondents.

21. Further, the answering respondent is ready and willing to comply with such other remedial measures as may be directed by the respondent authorities.

22. The statements made in paragraph nos. 1 to 3 of the foregoing petition are true to my knowledge and those contained in paragraph nos. 4 to 20 are matters of record and information derived from



Sanjosh
26/4/25



record, which are believed to be true and correct and the rest thereof including the prayer portion are my respectful submissions before this Hon'ble Tribunal.

Identified by me/

Nanjul Akh

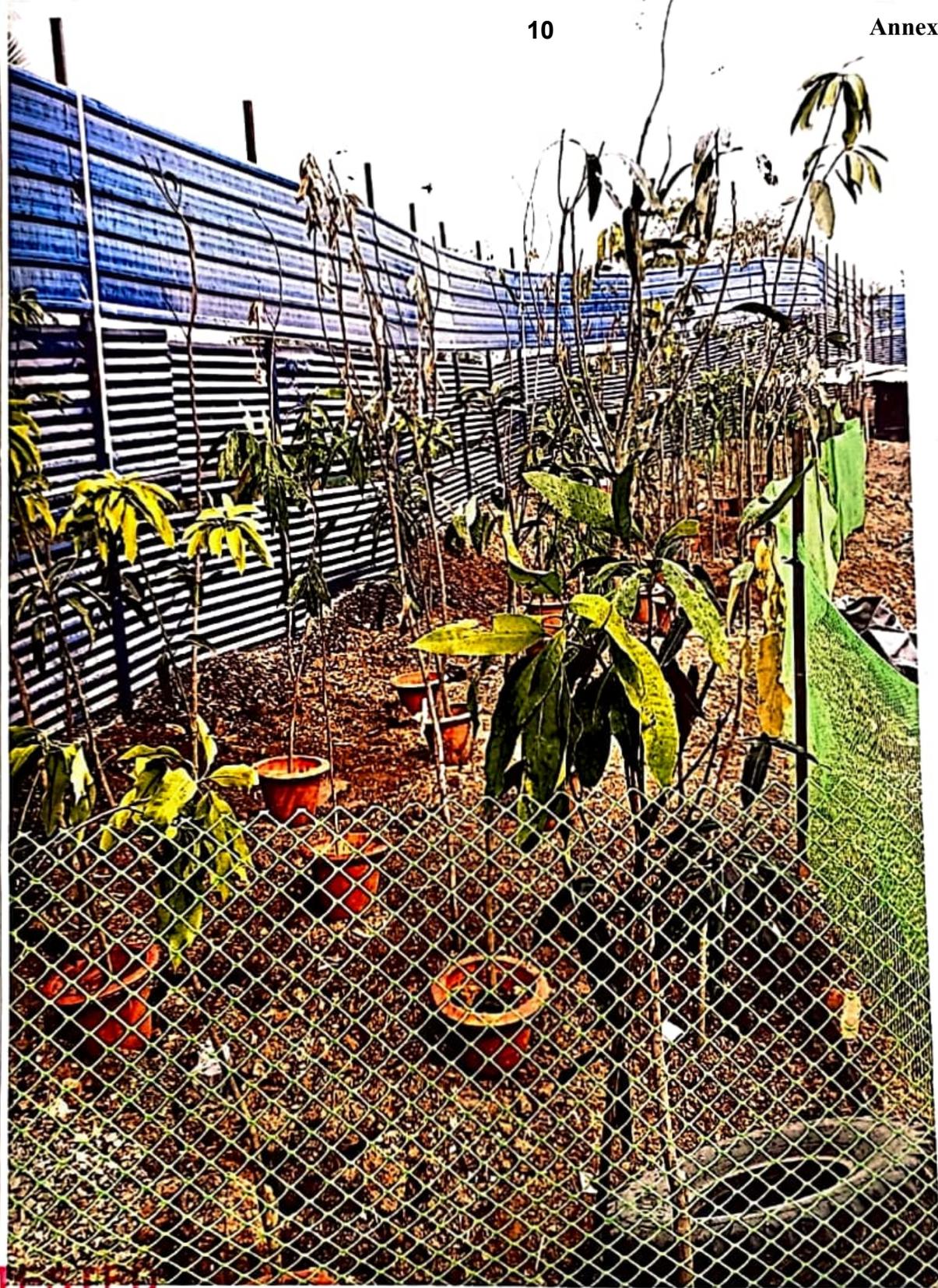
Deponent

Prepared in my office

Vinay Kumar Bhagat
Advocate *Rokur*
26/4/25

Before me

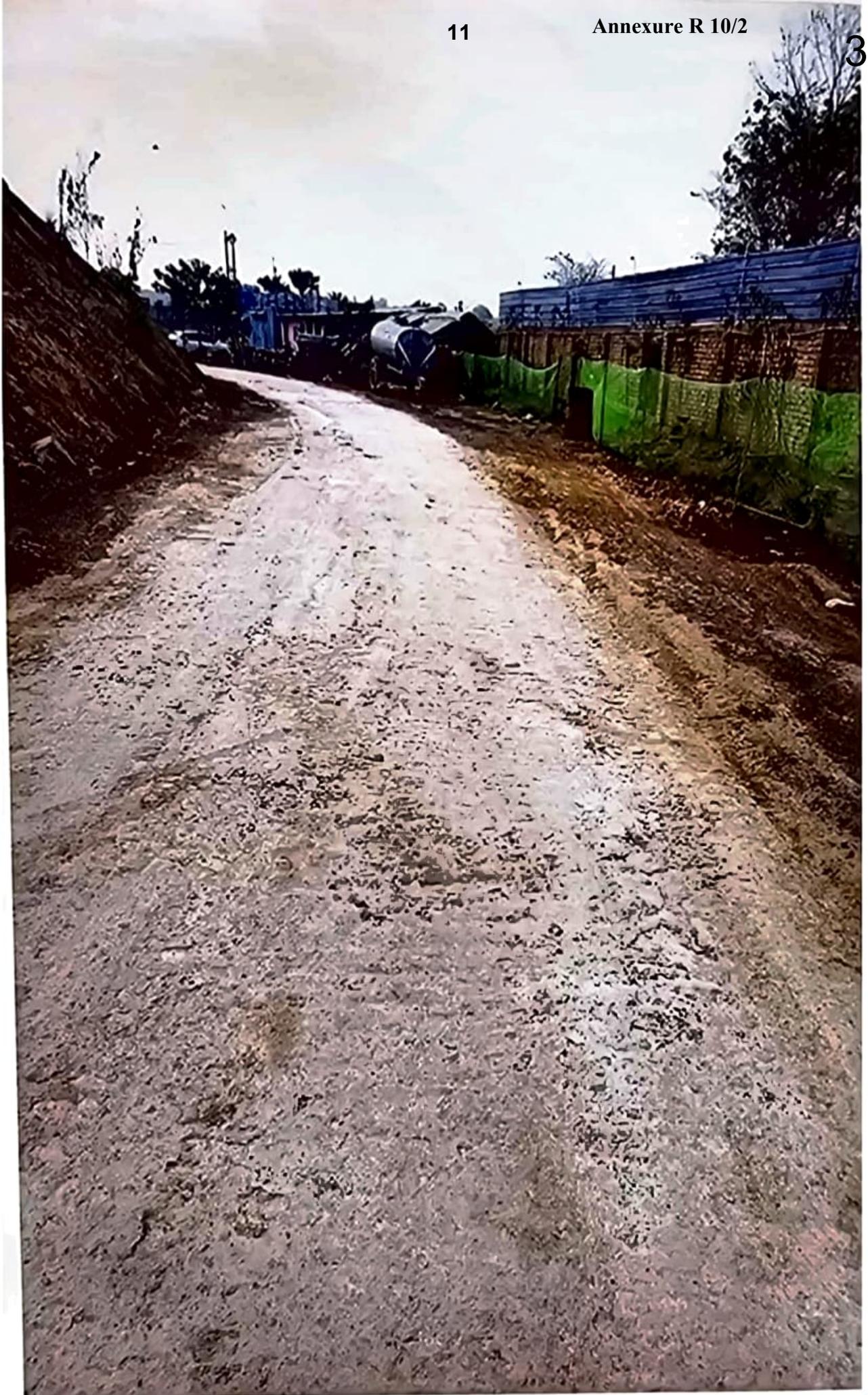
Mr./Mrs./Miss... *Nanjul Akh*
Who identified *Sri Vinay Kumar Bhagat*
Advocate *Colonised & deposed*
to be true
26/4/25
SANTOSH KUMAR MITRA
NOTARY
Dist. *Rokur (Jharkhand)*



ATTESTED

Notary Public for
Govt of Jharkhand
aw Durgamohi

Nanjul-Subh



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL ZONE, NEW DELHI BENCH
Original Application no. 1264 of 2024/PB

Manjiv Singh

Nyaka Soren

Versus

..... Applicant

The State of Jharkhand and others

..... Respondents

KNOW ALL MEN by these presents that We, the Respondent no. 10 and 11 herein, do hereby in my/our name and on my/our behalf constitute and appoint Ms. Amrita Pandey, Ms. Sneha Singh, Advocates, High Court, Calcutta, Hastings Chamber, 7C, Kiran Shankar Roy Road, 2nd Floor, Room No. 6, Kolkata 700 001 as our true and lawful Pleader/Advocate & Attorneys to appear and act for me/us in the matter noted above to file suit, written statement, conduct suit, appeal from original suit, order etc., And for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter depositing in or withdrawing money from, filing or taking out of appear, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty to file fresh suit, sending properties released from attachment, filing execution or miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us out of Court withdrawing custody and other fees and doing on my/our behalf other acts, in the above matter as are necessary and proper. I/We hereby agree to ratify and confirm all acts so done by the said advocate or attorneys as my/our own acts and as if done by me/us to all intents and purposes.

Date: 18.4.2025

Received & Accepted by me

Amrita Pandey

*Sneha Singh
Advocate
18/04/2025*

Advocate

MS. AMRITA PANDEY

(ADVOCATE)

WB/1741/2009

Hasting Chambers,

7C, Kiran Shankar Roy Road,

2nd Floor, Room No. 6, Kolkata-700 001;

M: +91 9830609262 +91 9432820002

Email id: amritalegal@gmail.com