

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 780 of 2024****IN THE MATTER OF:**

PARMJEET SINGH AND ORS.

...APPLICANT

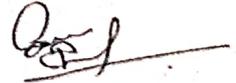
VERSUS

UNION OF INDIA AND OTHERS

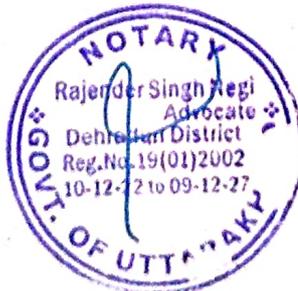
...RESPONDENTS

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DRAWN AND FILED BY


Gaurav Kumar Bansal
Advocate
For
Applicant
A26, Basement
Jangpura Extension
New Delhi - 14



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COUNTER AFFIDAVIT ON BEHALF OF THE APPLICANT**TO THE IA NO. 616/2024****MOST RESPECTFULLY SHOWETH:**

I, Paramjeet Singh, son of Sh. Omkar Singh, aged about 42 years resident of Fatehpur Tanda, Fatehpur Danda, Dehradun, Uttarakhand – 248140 do hereby solemnly affirms and declares:

1. That I am the applicant in the present Original Application and as such well conversed with the facts and circumstances of the present case.

2. That the present reply is being filed in response to the IA No. 616/2024 filled in the present Original Application.

3. That before proceeding to deal with the contentions raised in the present Interlocutory Application, the Applicant deems it appropriate to clarify the issue sought to be raised by Respondent No. 10 in



paragraph 5 thereof, regarding the contradiction in the Original Application with respect to dates. It is claimed by the Respondent No. 10 that while the Original Application bears the date 15.05.2024, it refers to an RTI reply dated 13.06.2024, which according to the Respondent, could not have been in existence when the OA was signed.

4. That in response, it is respectfully submitted that the Original Application was, in fact, filed before this Hon'ble Tribunal on 03.07.2024. The date "15.05.2024" reflected on the title page of the application denotes merely the date on which the initial draft was prepared and executed by the Applicant. Subsequent to such execution, certain factual refinements and rectifications were incorporated to ensure completeness and accuracy of the record, whereafter the duly corrected version was filled before this Hon'ble Tribunal on 03.07.2024. The matter was also first listed on 12.07.2024, corroborating the correct sequence of events. The contention of the Respondent, therefore, proceeds on a superficial reading of the record and is devoid of substance.

True copy of the O.A. Filing receipt dated 03.07.2024 is annexed and marked herewith as Annexure A1/1.



5. It is further respectfully submitted that procedure is the handmaid and not the mistress of justice, and a clerical or procedural irregularity cannot vitiate substantive environmental adjudication. This Hon'ble Tribunal, in its judgement dated 22.04.2025 in O.A. 532/2023, has held that *"in the facts and circumstances of the case, we are of the considered view that this procedural irregularity of not filing affidavit sworn on the same date does not materially affect the authenticity of the pleadings which are not liable to be discarded on the ground thereof. Even otherwise, procedural prescriptions are the handmaid and not the mistress and are the lubricants and not the resistants in the administration of justice Consequently, the original application filed by the Applicant and replies filed by Respondent No. 9- M/s SCP Commodities and Respondent No. 10-M/s. Reliable Mining Corporation are not liable to be discarded on the ground of alleged procedural defect."*

Accordingly, the objection raised in paragraph 5 of the I.A. is unfounded, and irrelevant to the continuing environmental violations forming the subject matter of the present OA.



6. That at the outset, it is respectfully submitted that Respondent No. 10 has sought to rely only upon the OA's consequential prayer seeking quashing of the impugned CTE, while ignoring the OA's primary relief, a restraint against the operation of the stone crusher plant in order to protect the Shivalik Elephant Reserve and Song River floodplain. The quashing prayer is merely ancillary to this primary restraint relief. Even assuming arguendo that any part of the OA bears semblance to an appellate challenge, this Hon'ble Tribunal, exercising jurisdiction under Sections 14 and 15 of the NGT Act, is empowered to sever such a limb and still adjudicate the substantial environmental questions, restraint, compliance, protection and restitution, squarely raised by the record and confirmed by expert findings.
7. That in any case, the grievance placed before this Hon'ble Tribunal is not a one-time or concluded event, but a continuing cause of action. The siting and proposed operation of the stone crusher on the active floodplain of the Song River, within a notified elephant movement zone, pose an ongoing and recurring threat to the environment. The Wildlife Institute of India (WII), on this Hon'ble Tribunal's own directions, has confirmed that *"(i) the project footprint falling partly on the active floodplain, and (ii) the consequent narrowing and impairment of*



functional elephant corridors.” Forest Department records further establish repeated incidents of human–elephant conflict in the immediate vicinity, including casualties, crop depredation and property damage. These facts, taken cumulatively, demonstrate a live and persisting environmental injury which cannot be negated by any rigid, appeal-style limitation plea.

8. That in view of the above, the Applicant confines this Reply to the merits of the matter and the unimpeachable record-evidence demonstrating imminent and continuing environmental harms which the I.A. seeks to obscure.
9. That pursuant to this Hon’ble Tribunal’s direction dated 12.07.2024, the Wildlife Institute of India (WII), Dehradun, through its Director, constituted an expert team of senior scientists and elephant specialists to independently examine the implications of the proposed 100 TPH Stone Crusher Plant and 500 KVA DG set of Respondent No. 10. The team comprised the Nodal Officer of the Elephant Cell, the Nodal Officer of the Conservation Advisory & Policy Cell, an Elephant Cell Consultant, and a Senior Project Associate, thereby ensuring a multi-disciplinary evaluation with expertise in elephant ecology, habitat connectivity, and conservation planning.



10. That the WII team categorically recorded that the Song River and its active floodplain are intensively used by elephants and other wildlife species. In particular, two identified elephant corridors—Lal Thappar (also called Kansrao–Barkot) and Teen Pani—facilitate connectivity between the Badkot Range of Dehradun Forest Division and the Kansrao and Motichur Ranges of Rajaji National Park. To traverse either corridor, elephants are required to cross the Song River, thereby making the river and its adjoining floodplain an indispensable ecological linkage.
11. That the report further observes that elephants, being highly mobile species, are not confined to narrow corridor alignments, but also extensively utilize the entire riverfront including floodplain stretches and dry riverbeds as pathways. Such areas support dense riparian vegetation, primarily *Dalbergia sissoo*, interspersed with shrubs and grasses, thereby creating natural habitat conducive for wildlife movement.
12. That official Forest Department records collated by WII for the period 2015–2020 establish that the region surrounding the project site is a human–elephant conflict hotspot. The report documents recurring instances of crop depredation, property damage, and direct

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confrontation with elephants across beats such as Fatehpur, Banwaha, Majri, Ghamandpur, Jakhan, Lachhiwala South, Sainkot, and others. Between 2000–2018, no fewer than 36 human casualties (15 deaths and 21 injuries) were officially recorded in the Badkot and Lachhiwala ranges alone, underscoring the severity and persistence of the conflict in this very landscape.

13. That during the WII's field visit dated 07.08.2024, elephant dung was physically observed at the edge of Kansrao Reserved Forest, at a distance of barely 380 metres from the proposed project site. This on-site evidence demolishes the Respondent's attempt to portray the area as isolated from wildlife movement, and proves beyond doubt the proximity of the site to active elephant movement pathways.
14. That the WII also notes that the Song River and its active floodplain constitute critical dispersal routes and habitats not only for elephants, but also for other large mammals such as leopards and tigers. The riverine ecosystem is therefore an ecological corridor of multi-species importance, the disturbance or constriction of which has cascading biodiversity consequences.
15. That most significantly, the WII concludes that the proposed stone crusher plant is sited partly on the Song River's active floodplain.



Coupled with ongoing anthropogenic pressures such as riverbed material mining, the siting of the plant would further constrict and narrow the ecological corridor, thereby reducing its functional viability to support wildlife movement. The WII relied upon authoritative mapping from the Geological Survey of India's Bhukosh portal to arrive at this finding.

16. That the WII report further underscores the scientific necessity of evaluating cumulative and multi-seasonal impacts of human-induced disturbances on such riverine ecosystems. This includes impacts on fluvial and hydrological processes, river/channel morphology, wildlife habitat quality, and socio-economic consequences for human communities. No such holistic or cumulative impact study was ever undertaken by the Respondent prior to grant of clearance, thereby rendering the decision unsustainable in law.
17. That in light of the above findings, the Applicant respectfully submits that the project site is demonstrably located in:
 - (i) an active floodplain,
 - (ii) a notified Elephant Reserve (Shivalik Elephant Reserve, 2002),
 - (iii) an active conflict-prone elephant movement zone.



The establishment of a high-pollution industry causing air and noise pollution in such an ecologically sensitive location is in direct contravention of the precautionary principle, sustainable development doctrine, and binding jurisprudence of this Hon'ble Tribunal against construction on active floodplains.

18. That it is also important to note that the EC dated 01.02.2024 itself makes wildlife clearance a condition precedent (Condition No. 78). Respondent No. 10 cannot approbate and reprobate, having sought and obtained EC, it is estopped from both denying its necessity and ignoring its binding conditions.
19. That apart from wildlife clearance, the project is vitiated by multiple statutory and procedural infirmities, each of which is a fatal illegality and renders subsequent EC/CTE void ab initio.
 - a. Doon Valley Notification, 1989 mandates carrying capacity studies before permitting polluting industries—completely ignored.
 - b. Siting criteria violation: The District Magistrate's letter dated 26.09.2023 falsely recorded the site's distance from the Song River as >500m, while the SDM's letter dated 14.05.2025 confirms it is only ~70m from river khasra land (Khasra No. 242).

- c. Ownership issue: Khasra No. 239 is vested in the State of Uttar Pradesh, requiring NOC from the Irrigation Department of UP, which has never been obtained.

19. It is respectfully submitted that the project site at Village Fatehpur Tanda, Tehsil Doiwala, District Dehradun, falls within the Dehradun Forest Division, which is an integral part of the Shivalik Elephant Reserve, notified on 29.10.2002 by the Uttarakhand Forest Department (Notification No. 177/1(2)/FD/2002-19(9)/2002). The Reserve spans 5,405 sq. km and includes, inter alia, Rajaji and Corbett National Parks and several forest divisions, including Dehradun, Haridwar, Kalsi, Narendranagar, and Lansdowne. The Reserve was constituted in accordance with the guidelines of Project Elephant (MoEF&CC, 1992) for conserving elephants, their habitats, and maintaining functional corridors while mitigating human–elephant conflict.
20. The Shivalik Elephant Reserve supports significant elephant populations and includes several recognized corridors, including those connecting Rajaji and Corbett National Parks with adjoining forest areas. These corridors are actively used by elephants, as evidenced



by human–elephant conflict records, crop damage compensation, and WII field surveys, confirming that the project site lies within a critical movement zone.

21. That the aforesaid findings of the Wildlife Institute of India and the importance of Elephant reserves cannot be seen in isolation, but must be read in the context of the binding constitutional and judicial mandate that protects ecologically fragile habitats, particularly elephant corridors and reserves, from unregulated development.
22. That the Hon'ble Tribunal, in Rohit Chaudhary v. Union of India, 2016 SECL Online NGT 1167 observed that:

"Elephants cannot survive simply through strict protection of a few parks and sanctuaries. Habitat fragmentation confines populations to smaller habitation islands. Maintaining the integrity of corridors is critical for the long-term survival of elephants."

 This finding underscores that corridors outside protected areas are equally indispensable for elephant survival, making any industrial activity in such areas ecologically unsustainable.
23. That in Rural Organization for Social Empowerment v. State of Odisha, 2020 SECL Online NGT 764, this Hon'ble Tribunal held that operations of stone quarries adjacent to elephant corridors were environmentally



deleterious, obstructing movement and increasing human–elephant conflict. The Tribunal directed the inclusion of such corridors within Eco-Sensitive Zones and prohibited industrial operations that compromised corridor integrity.

24. That the Hon'ble Supreme Court, in Hospitality Association of Mudumalai (2020) 10 SCC 589, observed that elephant corridors allow elephants to continue their nomadic movements, maintain ecosystem balance, and support the survival of multiple species. Obstruction of corridors would disrupt wildlife movement, threaten elephants with local extinction, and have cascading ecological consequences.
25. That the Respondents' attempt to portray the project site as ecologically benign or peripheral to wildlife movement is wholly contrary to the official records, field observations, and expert assessment. The proximity of the site to active elephant corridors, documented crop depredation, and recorded human–elephant conflict in Fatehpur Tanda demonstrate ongoing and significant ecological stress.
26. That the proposed project is not only located within an active floodplain and Shivalik Elephant Reserve, but also in an area of ongoing human–

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- elephant conflict, as evidenced by compensation records for crop damage and property loss between 2016–2024. The operationalization of a high-pollution stone crusher in such a landscape will inevitably exacerbate conflict, disturb wildlife, and impair ecological connectivity.
27. That the WII field observations dated 07.08.2024, including elephant dung recorded at just 380 meters from the project site, confirm the immediate presence of elephants and the critical ecological function of the river and floodplain. Any industrial activity here constitutes a direct violation of recognized elephant corridor integrity.
 28. That the observations and recommendations of the Rohit Chaudhary, Rural Organisation, and Hospitality Association judgments reinforce that elephant corridors cannot be treated as secondary or peripheral. Industrial operations in such areas are prima facie incompatible with conservation objectives, and judicial authority mandates protective measures, including restraint on industrial activity until compliance with ecological and legal safeguards is ensured.
 29. That the sweeping allegations in the IA regarding Applicants' locus are denied. The NGT Act, 2010 permits any person aggrieved or raising a substantial environmental question to invoke jurisdiction. The Applicants are bona fide litigants relying on statutory notifications,



judicial directions, and independent expert findings. The attempt to question their standing is diversionary and mala fide.

30. Therefore, it is respectfully submitted that the harm threatened by the project is continuing and recurring, damage to riverine morphology, narrowing of corridors, escalation of human-elephant conflict and imminent risk to life and property. WII's field verification and the Forest Department's conflict records show that environmental damage is neither speculative nor historical but present and persistent. These circumstances justify immediate interim protective measures by this Tribunal.
31. Therefore, it is respectfully submitted that the Respondents' reliance on selectively cherry picking the technical proposition, cannot override expert findings, and judicial directives, particularly when they relate to ecologically fragile habitats with demonstrable wildlife dependence.
32. In view of the above facts, the I.A. filed by Respondent No. 10 deserves to be dismissed at the threshold, as it seeks to deflect attention of this Hon'ble Tribunal from ongoing and substantive violations.
33. In the light of the legal submissions made hereinabove and in the interest of environmental justice, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present I.A. filed by



Respondent No. 10 insofar as it seeks to divert attention from the urgent substantive environmental issues requiring Tribunal intervention.

34. That the balance of convenience is in favor of the applicant and the ends of justice shall suffer if the relief prayed is not granted.

DEPONENT

VERIFICATION

Verified at Uttarakhand on this day of 3 October, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material is concealed therein.



DEPONENT

5421/25
This affidavit is sworn before me by
Shri. Paramjeet Singh
who is identified by Shri.
at Dehradun on 3/11/25

(Rajender Singh Negi)
Advocate & Notary, Dehradun

भारत सरकार
Government of India



परमजीत सिंह
Parmjeet Singh
पिता : ओमकार सिंह
Father : Omkar Singh
जन्म तिथि / DOB : 12/07/1982
पुरुष / Male



आधार - आम आदमी का अधिकार

RS

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आधार

Address:
FATEHPUR TANDA, Fatehpur
Danda, Fatehpur Tanda,
Dehradun, Uttarakhand, 248140



1800 300 1947



help@uidai.gov.in



www.uidai.gov.in

NOTARY

Rajender Singh Negi
Advocate
Dehradun District
Reg. No. (01) 2002
10-12-27/10-09-12-27



National Green Tribunal



Case Title	PARMJEET SINGH Vs. UNION OF INDIA
Payee Name	PARMJEET SINGH
Case Type	Original Application
Filing No.	0701110012952024
Transaction id	0700110104402024
Bank Transaction id	0307240067331
Payment Date	2024 -07 -03 00:00:00.0
Amount	1855 Rs.
Status	Transaction is completed successfully