

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 995 OF 2019**

IN THE MATTER OF:

CHANDER SINGH

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

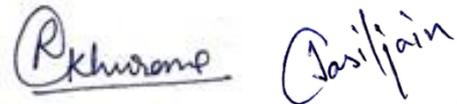
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Place: New Delhi

Dated: 05.08.2025

FILED BY:-



RAHUL KHURANA (AOR) & HASIL JAIN

Advocates

Off: 17, Central Lane, Babar Road,
Bengali Market, New Delhi-110001

rkhuranalegal@gmail.com, advjain25@gmail.com

9811894060, 7838707338

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

Original Application No. 995 of 2019

In the matter of:

Chander Singh

Applicant

Versus

Union of India & Ors

Respondents

**OBJECTIONS ON BEHALF OF RESPONDENT NO.4 TO THE
JOINT COMMITTEE REPORT DATED 21.10.2021**

Most Respectfully Showeth:

1. That the Hon'ble Tribunal has vide Order dated 04.07.2025 allowed the Review Application no. 3 of the 2025 filed by the Respondent herein and was pleased to recall the Order dated 26.10.2021 passed by the Hon'ble Tribunal. And by way of the said Order has granted opportunity to the Respondent herein to file objections to the Joint Committee report dated 21.10.2021. That in furtherance of the same the Respondent herein is filing its response cum objections.

2. That the Joint Committee at para no.7 has submitted with respect to environmental damage assessment. At para 7.6 the committee has observed that "mining lease holder has constructed the gravity retaining wall on the bottom of the steep side in North of the lease to arrest the movement of waste. However, during field visit, it was found that the retaining walls were filled with material up to it's brim and has overflowed, thus causing environmental damage."

In this regard it is submitted that said overflowing was a result of sudden closure of mining activities in the previous year

in furtherance of directions of the Hon'ble Tribunal. And because of which the Answering Respondent could not undertake the maintenance of the site. And therefore, during the monsoon season the same has spread as run off and moved towards the slope. It is further submitted that at present there is no overflowing of the material at the gravity retaining wall and same has been fixed.

3. At para 7.7 the report states that adequate measures have not been taken by the proponent to avoid the spillages from the active mine pit area towards the slope/valley.

In this regard it is submitted that measures had always been there such as retaining wall, timely disposal of the waste material, undertaking of mining activities as per the mining plan etc.

4. At para no. 7.10 the Committee has carried out the Estimation of Environmental damage and for this purpose the Committee considered the amount of waste material spilled outside the mine area and the area of the land on which this waste material spilled out.
 - a) The Committee considered the period from 2010-11 to 2019-20 to calculate the amount of waste (Over burden) generated.

With respect to the above observations of the Committee it is submitted that the consideration of period from 2010-11 to 2019-20 cannot be taken into account while assessing the amount of compensation. That the Hon'ble Tribunal under section 15 of the NGT Act can grant relief for a period not beyond 5 years. And since the OA being instituted in 11.10.2019, the quantity of the mined magnesite could not

have been taken before 11.10.2014. Thus, the quantity from 2010-11 to 2013-2014 cannot be taken into account.

- b) The committee further considered that - 5,17,012 MT of overburden/waste is reported in the returns generated during the period from 2011 onwards.

With respect to the above observations of the Committee it is submitted that figure of 5,17,012 MT of overburden/waste generated during the period from 2010-11 to 2019-20, is nowhere mentioned in the returns submitted by the Project Proponent. It is rather submitted that returns submitted by the Project Proponent only mentions the total overburden since 2010-11 as **20790 MT**. (Annexure I of the Report).

Therefore the alleged figure of "5,17,012 MT" is contrary to the records of the Joint Committee report and thus liable to be rejected.

5. That the Joint Committee at para no. 7.11 has come to findings that the impacted area is 18,263.56 Sq. meter as observed through the physical survey of the land and this land is mainly the agricultural land where the Urd Daal was being cultivated.

In this regard it is submitted that the impacted area has already been restored and the private landowners have been compensated and which fact has also been verified by the District Magistrate Pithoragarh.

6. That further the Joint Committee has suggested a Restoration Plan at para 8 of the report. In this respect it is submitted that as per the inspection report dated 15.07.2023 and 22.04.2025 carried out by officials of District Pithoragarh-

- a) the entire area has been restored and the muck fallen outside the area of mining lease on the east side towards the temple and on slope towards NH 30 Charan dev on west side, has been shifted inside the leased area.
- b) Debris/muck fallen on steep slope which cannot be shifted in the leased area, terraced fields have been constructed by the Respondent herein to secure it at that site and the plants of various local species have been planted. During the inspection, planted trees were found to be of self-sustaining age and 2-3 ft height.
- c) To prevent debris/muck from falling into the river, the Respondent herein has constructed protective walls on the sloping terrain and ponds under the guidance of Public Works Department, Pithoragarh.
- d) Security walls have also been constructed at the lowest bench in the leased area.
- e) Footpath and irrigation canal which were affected/closed due to the debris fallen from previous mining operations, towards the slope has been repaired by the Respondent herein.

The reply filed by the District Magistrate Pithoragarh in Review Application No. 3 of 2025 which contains the inspection report dated 15.07.2023 and 22.04.2025 is annexed herewith as **ANNEXURE A/1**.

- 7. That the Respondent herein further seeks liberty to file additional response in the case the need arises with the permission of Hon'ble Tribunal.

PRAYER

It is therefore humbly prayed before the Hon'ble Tribunal that the aforesaid objections and response to the Joint Committee report be taken on record and be considered for adjudication of the present Original Application.

Date: 05.08.2025

Place: New Delhi

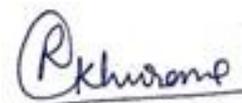
For N. B. Minerals Corporation



Partner.

Respondent no.4

Through



(Rahul Khurana)

Advocate for Respondent no.4

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 995 OF 2019**



IN THE MATTER OF:

CHANDER SINGH

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

AFFIDAVIT

I, Narendra Singh Sijwali S/o Late V.B.S Sijwali, aged about 72 years, Partner of NB Minerals Corporation Limited, R/o Mandir Road Talli Bamori Haldwani, District Nainital, Uttarakhand do hereby solemnly affirm and declare as under:-

1. That I am the Respondent no.4 in the Original Application and thus acquainted with facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying objections to the Report of Joint committee dated 21.10.2021 has been drafted under my instructions and contents thereof have been read over and explained to me in my vernacular which are true and correct to my knowledge, the contents thereof may kindly be read as part and parcel to this affidavit also and not repeated herein.

For N. B. Minerals Corporation

DEPONENT

Partner

VERIFICATION

It is verified at Haldwani on 5 day of August 2025 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

For N. B. Minerals Corporation

DEPONENT

Partner

Certified that Sr./Smt. Narendra Singh Sijwali
the deponent identified by D. K. J. J. J.
scanned & verified the contents of the
affidavit at Haldwani
on date 5/8/2025 time 9.30 AM.

D. S. Bisht
Advocate
Notary, Haldwani
Nainital UK inc.

5/8/2025

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
AT NEW DELHI

REVIEW APPLICATION NO 03/2025

IN

OA NO 995/2019

CHANDER SINGH

..APPLICANTS

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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Dated: 06.07.2025

Filed By:



Adv Anjali Rajput

Panel Counsel for State of Uttarakhand
Chamber no 136, m.c.setalvad Block,
Supreme Court Of India,
New Delhi-110001
9811777368
Advanjali.rajput@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI

REVIEW APPLICATION NO 03/2025

IN

OA NO 995/2019

CHANDER SINGH

...APPLICANT

VERSUS

UNION OF INDIA AND ORS

...RESPONDENTS

**BY WAY OF AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE,
PITHORGARH, IN COMPLIANCE OF THE ORDER DATED.... PASSED
BY THIS TRIBUNAL**

Most respectfully showeth:

That I Vinod Giri Goswami aged about 48 years s/o ^{Sh} Khushal Giri Goswami is posted as is District Magistrate, Pithoragarh, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That I am well conversant with the facts and circumstances of the present case, I am fully competent to file reply affidavit in reply in compliance of the order dated.

2. That the afore mentioned cased was listed on 07.04.2024 and the hon'ble tribunal was pleased to pass following directions:

4. Issue notice to the respondents for filing their response/reply by

Verified on
last page.


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way of affidavit at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it

through his advocate, then the said respondent will remain virtually present to assist the Tribunal. The Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

5. List on 13.05.2025.

That the copy of the order dated 07.04.2025 is annexed as **Annexure A**.

3. That undersigned respectfully submits the following comprehensive response without submitting para wise reply to the review application and craves leave of this Hon'ble Tribunal to file detailed further affidavit if so required and as directed by this Hon'ble Tribunal.
4. It is submitted that the review applicant was granted mining lease deed in 5.558 hectares of private land in village Dundu District Pithoragarh for a period of 20 years which expired on 08.07.2000 and the same was renewed mining lease till 08.07.2020 by Government Order dated 917//Sat/103-Kha/2004 dated 14.09.2004.
5. It is submitted that leased mineral magnesite falls under the category of captive mine category which is covered under subsection 5 of Section 8 A of Mine and Minerals (development and regulation) amendment 2015. That vide government order 2794 (1)/VII-A-I/2010 dated 15.01.2020 the



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mining of the said lease was renewed till 31.03.2030. That copy of the permission is annexed as **Annexure B**.

6. That the mining operations were closed since 8.7.2020. That in response to review applicant's application dated 14.08.2020 and in accordance of the report of committee, undersigned vide Order No. 3045/30-Mining/2019-20, dated 24.08.2020, authorized extraction of the remaining 2148.28 tones of magnesite within lease area till the duration of mining lease.
7. That vide order dated 16.09.2020 passed by this Hon'ble Tribunal in OA no 995/2019, mining operations were suspended in the lease area.
8. It is submitted that the review applicant challenged final order dated 26.10.2021 passed by this Hon'ble tribunal before Hon'ble Supreme Court vide civil appeal no 2003-2004/2022 and the Hon'ble Supreme Court vide order dated 22.08.2022 was pleased to pass following directions:

"In the meanwhile the appellant would deposit a sum of Rs. 80 Lakh in three installments. The first installment of Rs 25 lakh will be deposit on before 30 September 2022, Second installment of 25 lakh will be deposit on before 15 November and the balance amount Rs 30 Lakhs will be deposited on or before 31, December 2022."

That the copy of the order dated 22.08.2022 is Annexed as **Annexure C**.



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9. That in the compliance of the above directions the review applicant herein deposited a sum of Rs 80 Lakhs via bank draft no 308123 dated 12.09.2022.

10. That vide order dated 16.05.2023 Hon'ble Supreme court passed order as follows:

"Let Court notice be issued to the standing/nominated counsel for respondent no.2 - State of Uttarakhand, who would obtain instructions and file an affidavit within a period of six weeks from today stating on oath whether compliance has been made. Notices will be served by all modes, including dasti.

Re-list in the last week of September 2023."

That the copy of the order is Annexed as D.

11. That to examine the status of compliance by review applicant, of measures suggested by joint committee constituted by this Hon'ble Tribunal vide order dated 16.09.2020 in O.A. No. 995 of 2019 and in compliance of the Hon'ble Supreme Court Directions undersigned constituted a committee of Deputy District Magistrate, Didihat as chairman, District Mining Officer, Geology and Mining Department, Pithoragarh, Forest Officer, Pithoragarh, Executive Engineer, Irrigation Division, Pithoragarh and Regional Officer, Uttarakhand Pollution Control Board, Regional Office Haldwani, vide order number-1784/30-Mining/2022-23 dated 06.06.2023. That report of



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the committee dated 15.07.2023, following compliances done by review applicant: Copy of the joint committee report is **Annexed as E.**

5.5.1. That mining operations were closed in the leased area from July 2020. A security wall has been constructed, and trees of various local species have been planted on sloping terrain outside the lease area to protect the surrounding area from environmental damage due to mining operations. Photographs annexed as **Annexure E-3.**

5.5.2 A geo-referenced drone survey has been conducted by review applicant and a protective wall is constructed to prevent debris/muck from falling onto the sloping terrain resulting from mining operations. Photographs annexed as **Annexure E-4.**

5.5.3 That the debris was found on the slope to the east of the leased area and a retaining wall to prevent debris from falling has been constructed by the review applicant.

5.5.4 The review applicant had earlier submitted an affidavit/undertaking that any debris/muck generated from future mining activities would be contained within the lease area. That review applicant has presently provided a notarized affidavit undertaking that the muck/debris generated from future mining operations will be disposed within the leased area. Undertakings annexed as **Annexure E-5.**




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5.5.5 That an action plan has been submitted by review applicant for safe disposal of debris/muck which had earlier fallen outside the leased area. That the status of the compliances is as follows. Annexed herewith.

- i. That debris/muck fallen outside the area of mining lease on the east side towards the temple and on slope towards NH 30 Charan dev on west side, has been shifted inside the leased area. Photographs is annexed as Annexure E 7.
- ii. Debris/muck fallen on step slop which cannot be shifted in the leased area, terraced fields have been constructed by the review applicant to secure it at that site and the plants of various local species have been planted. During the inspection, planted trees were found to be of self-sustaining age and 2-3 ft height. The land on which the debris is stored has been taken on lease for a period of 30 years by review applicant and Shri Kishan Bhandari. That a notarized no objection affidavit to revie applicant by Shri Kishan Bhandari has also been submitted.
- iii. That the some debris/muck fallen on the slope has been shifted within the lease area and remaining debris/muck which can not be shifted has been secured at site itself, as mentioned above in points no i & ii. That further due to the geographical conditions of the site it is not possible to take any other measure.



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5.5.6 That to prevent debris/muck from falling in into the river, review applicant has constructed protective walls on the sloping terrain and ponds under the guidance of the Public Works Department, Pithoragarh. That at present no debris/muck is falling in the Dundu River, flowing in downhill direction of mining area. **The photographs showing the same are annexed as Annexure E-7 -1.**

5.5.7 At the time of Inspection, the security wall was not found at the lowest bench in the leased area, review applicant informed that construction of the safety wall is not possible without use of the machines (JCB/Pokland) and since the mining operations have been stayed by the orders of the Hon'ble National Green Tribunal and the District Magistrate the task of constructing the wall did not take place. That upon permissions to resume mining operations and use of machines, he said safety wall will be constructed.

5.5.8 That the footpath and irrigation canal which were affected/closed due to the debris fallen from previous mining operations, towards the slope has been repaired by the review applicant. During inspection the road and irrigation canal were found to be in working condition. Photograph is **annexed as Annexure E-8.**

12. That Hon'ble Supreme court of India passed following directions vide order dated 27.02.2024 in Civil Appeal No. (5) 2003-2004/2022:



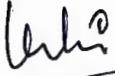
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"The appellant – N B Minerals Corporation Limited is permitted to construct the retaining/safety wall by using the machines (like earthmoving/construction equipment vehicle and excavator), as specified in paragraph 5.5.7 of the counter affidavit/status report filed by the State of Uttarakhand. The retaining/safety wall will be constructed under the supervision and guidance of the Additional District Magistrate, Didihat. Photographs prior to the commencement of the construction and post-construction will be placed on record...."

That copy of the order dated 27.02.2024 is annexed as **Annexure F**.

That in compliance of the above directions District Magistrate, Pithoragarh vide order no. 952/tees-Khanan /2023-24 dated 04.03 2024, granted 5 weeks permission to construct security wall with the help of 1 small JCB (2 excavator with breaker), 2 tipper and 1 Tractor Compressor (Earthmoving/construction equipment vehicle and excavator). On 06.03.2024, during an inspection by the Additional District Magistrate, Pithoragarh, the construction of the wall had commenced. That again on = 05.04.2024, Additional District Magistrate, Pithoragarh, Revenue Inspector, Kanalichhina and representative review applicant inspected the leased site and the construction work of the security wall was found to be complete.




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13. That in compliance with the order of this Hon'ble Tribunal's dated 07.04.2025, the District Mining Officer, Pithoragarh, along with the officers of the Revenue Department, again conducted a site inspection of the lease area of reviewa pplicant on 22.04.2025. The Revenue Department and District Mining Officer, Pithoragarh have provided the following report regarding the current on spot status of compliance: -

a. At the time of inspection the security wall was found constructed on the lowest bench which was constructed with the help of JCB/Pockand within the lease area (Length 90 m X average width is 0.95 m X height is 2.31m)

b. That a joint inspection of the approved lease area of magnesite mineral by Revenue Department and Department of Geology and Mining was conducted on 10.02.2025 to check compliance suggestion number 7.10.2.2 to 7.10.2.4 of the joint committee constituted by the order dated 16.09.2020 by this Hon'ble bench.

c. That in the line of request letter of review applicant, expected mineral mined from the permitted area during year 2010-11 to 2019-20 required by Hon'ble Tribunal is: 173134.39 tones of magnesite and 15102.93 tones of dolomite, total of 1,88,237.414 metric tons of mineral production has been proposed during the mining operation from the leased area as per the mining plan approved by IBM. That 1,80,563.014 tones of



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magnesite and 7,880.016 tones of dolomite, total 1,88,443.03 tones of magnesite / dolomite mineral has been extracted from the leased area.

d. That overburden/waste material and rubble mixed stones obtained during mining operation have been dumped by review applicant in slope of Teli village to the north of the pit and terraced fields have been constructed. That on spot inspection of the steep terrain total 1200 cubic meter of rubble has been dumped (length 60 m X weidth 20m X height 1m).

That a security wall has been constructed by using 1148.79 cubic meter by review applicant with the waste stones lying within the lease area.

e. That a total of 10625 cubic meter (length 85m X width 25m X average height 5m) of waste has been dumped in approved dumping site. That as per this, the lease holder has obtained total of 12,973.79 cubic meters or 23,352.822 tones of waste material/debris during mining operations from the leased area which is 12.39% of the excavated magnesite/dolomite.

f. Inspection of the plantation work done by the review applicant in the was done and trees of various local species were found been planted and were in proper condition within the lease area.



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g. That the review applicant has complied with the suggestions of the joint committee constituted by this Hon'ble tribunal vide order dated 16.9.2020.

Copy of the report dated 22.04.2025 is Annexed as Annexure G.

14. That in view of the aforesaid facts, it is respectfully prayed that the Hon'ble Tribunal may be please to pass order as deem fit in the circumstances of the present case.

[Handwritten Signature]
Deponent

VERIFICATION: -

Verified at on this 05 day of MAY 2025 that the contents of the above affidavit are true and correct to my knowledge and no part of it is false therein and nothing has been concealed therefrom.

[Handwritten Signature]
GANGA SINGH BAFILA
Advocate
Notary Public
Distt. Pithoragarh (U.K.) India
Regd No. 34(05)/2022



[Handwritten Signature]
Deponent

Solemnly Affirmed before me to day
At.....2-20 a.m. p.m.
By.. Vinod Chandra Goswami D.M. Jha
the deponent, identified by Sri/K.m
Smt. Self

have satisfied my self by examining that
he/she underst and the Contents of
affidavit/Document

Ameyure. A

Item No. 21

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Review Application No.03/2025
In
Original Application No. 995/2019

Chander Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 07.04.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana & Mr. Gaurav Kumar, Advocates for Review
Applicant

ORDER

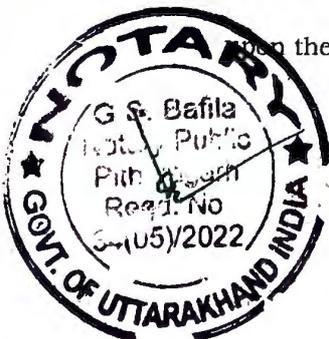
1. By this review application, applicant is seeking review of the order dated 26.10.2021 passed in OA No. 995/2019. Against order of the NGT, applicant has preferred Civil Appeal Nos. 2003-2004 of 2022 which was withdrawn on 21.11.2024 with liberty to raise the plea and contention before the Tribunal and Hon'ble Supreme Court on 21.11.2024 had passed the following order:-

"Mr. Nidhesh Gupta, learned senior counsel, appearing for the appellant, seeks permission to withdraw the present appeals which are directed against interim orders. He states that he will raise all pleas and contentions before the National Green Tribunal.

Permission granted.

The appeals are, accordingly, dismissed as withdrawn."

2. Learned Counsel for the applicant submits that Tribunal has relied upon the report of the joint committee dated 21.10.2021 but a copy of the



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said report was not supplied to Counsel for the review applicant and review applicant had no opportunity to rebut the same. He submits that without giving such an opportunity, Tribunal ought not have passed order impugned. In support of his submission, he has placed reliance upon the judgment of the Hon'ble Supreme Court in the matter of Singrauli Super Thermal Power Station vs. Ashwani Kumar Dubey & Ors., Civil Appeal No. 3856/2022 reported in (2023) 8 SCC 35: 2023 Online SC 824 and Grasim Industries Limited vs. State of Madhya Pradesh and Another, Civil Appeal Nos. 1711-1712/2021, reported in 2024 SCC Online SC 3585.

3. He has further submitted that Tribunal committed an error including the over-burden along with mined mineral in calculating the EC. He has also raised an issue that there is an apparent mistake in calculating even the quantum of overburden in the said report.

4. Issue notice to the respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal. The Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

5. List on 13.05.2025.



Prakash
जिला अधिकार
बिद्यौरगढ़

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

April 07, 2025
Review Application No.03/2025
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Annexure. B

संख्या: १३९५ / VII-A-I / 2020 / 103 ख / 03

प्रेषक,

एन०एस० डुंगरियाल,
संयुक्त सचिव,
उत्तराखण्ड शासन।

जि०डी०

जिलाधिकारी
पिथौरागढ़
उत्तराखण्ड

2660 25.1.2020

सेवा में,

निदेशक,
भूतत्व एवं खनिकर्म इकाई,
उत्तराखण्ड देहरादून।

जि०डी०
25 JAN 2020

औद्योगिक विकास (खनन) अनुभाग-1

देहरादून, दिनांक: 15 जनवरी, 2020

विषय: जनपद पिथौरागढ़, तहसील डीडीहाट के ग्राम डुन्दू में 4.241 है० क्षेत्रफल में मै० एन०बी० मिनरल्स, नवाबी रोड, हल्द्वानी, जनपद नैनीताल के पक्ष में स्वीकृत खनन पट्टे के संबंध में।

महोदय,

उपर्युक्त विषयक आपके पत्र संख्या-989/मु०ख०/16/भू०खनि०ई०/पिथौ०/2005-06/2019, दिनांक 13 अगस्त, 2019 एवं पत्र संख्या-1819/खनन/06/पिथौ०/मु०ख०/भू०खनि०ई०/2005-06, दिनांक 05 दिसम्बर, 2019 तथा जिलाधिकारी, पिथौरागढ़ के पत्र संख्या-426/तीस-खनन/2019-20, दिनांक 30 दिसम्बर, 2019 के सन्दर्भ में शासन स्तर पर सम्यक विचारोपरान्त लिये गये निर्णय के क्रम में मुझे यह कहने का निदेश हुआ है कि मा० उच्च न्यायालय, नैनीताल में योजित रिट याचिका सं० 11/19 श्री सुन्दर सिंह खोलिया बनाम उत्तराखण्ड राज्य में मा० उच्च न्यायालय द्वारा पारित होने वाले अन्तिम निर्णय एवं मा० राष्ट्रीय हरित अधिकरण में योजित O.A No. 995/2019 (I.A. No. 662/2019 एवं I.A. No. 663/2019) में मा० राष्ट्रीय हरित अधिकरण द्वारा पारित होने वाले अन्तिम निर्णय के अधीन मै० एन०बी० मिनरल्स कारपोरेशन के पक्ष में जनपद पिथौरागढ़, तहसील डीडीहाट के ग्राम डुन्दू में स्वीकृत 4.241 है० क्षेत्रफल में मुख्य खनिज मैग्नेसाइट के खनन कार्य प्रारम्भ किये जाने की अनुमति प्रदान किये जाने तथा उक्त स्वीकृत खनिज मैग्नेसाइट के खनन पट्टा कंपटिव माईन की श्रेणी के अर्न्तगत होने के कारण खान एवं खनिज (विकास एवं विनियमन) संशोधित अधिनियम, 2015 की धारा 8A की उपधारा 5 से आच्छादित होने के कारण उक्त खनन पट्टे की अवधि 31 मार्च 2030 तक विस्तारित किये जाने की अनुमति प्रदान की जाती है।

कृपया तदनुसार आवश्यक कार्यवाही करने का कष्ट करें।

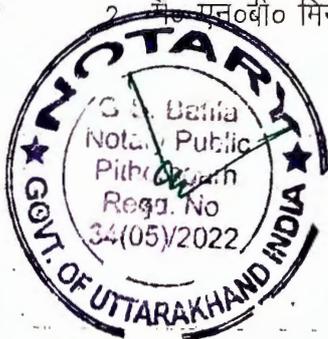
भवदीय,

(एन०एस० डुंगरियाल)
संयुक्त सचिव

संख्या: १३९५(1) / VII-A-I / 2020 तददिनांक।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. जिलाधिकारी, पिथौरागढ़।
2. मै० एन०बी० मिनरल्स कारपोरेशन, नवाबी रोड, हल्द्वानी, जनपद नैनीताल।



जिला अधिकारी
पिथौरागढ़

आज्ञा में,
(राजेन्द्र सिंह पतियाल)
उप सचिव

Annexure - C

Civil Appeal No(s). 2003-2004/2022

ITEM NO.30

COURT NO.12

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

056792

Civil Appeal No(s). 2003-2004/2022

N B MINERALS CORPORATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 38195/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 38197/2022 - EXEMPTION FROM FILING O.T.

IA No. 112014/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 38196/2022 - STAY APPLICATION)

Date : 07-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARICertified to be true copy
Assistant Registrar (Judicial).....2020
Supreme Court of India

For Parties:

Mr. Nidesh Gupta, Sr. Adv.
Mr. Gaganpreet Singh, Adv.
Ms. Nauruti Ojha, Adv.
Ms. Shashi Kiran, AOR
Mr. Satish Chandra, Adv.
Ms. Sangeeta Bhalla, Adv.
Ms. Surbhi Lal, Adv.
Mr. Arjun S., Adv.
Mr. J. Kaur, Adv.
Mr. U. Gujral, Adv.
Mr. Mukesh Verma, Adv.UPON hearing the counsel the Court made the following
O R D E R

An amount of Rs. 80 lakhs would be paid in three installments to be deposited with the District Magistrate,

Rudharagarh, Uttarakhand.

Digitally signed by
SONIA BHASIN
Date: 2022.09.10
18:36:05 GMT
Reason:

(SONIA BHASIN)

(R.S. NARAYANAN)



1/11/22
जिला अधिकारी
पिथौरगढ़

ITEM NO.2

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

056793

Civil Appeal No(s). 2003-2004/2022

N B MINERALS CORPORATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.38195/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.38196/2022-STAY APPLICATION and IA No.38197/2022-EXEMPTION FROM FILING O.T.)

Date : 22-08-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

Certified to be true copy
Assistant Registrar (Judicial)
Dated 22/08/2022
Supreme Court of India

For Appellant(s) Mr. K. K. Venugopal, Sr. Adv.
Ms. Gaganpreet Singh, Adv.
Ms. Ojha, Adv.
Ms. Shashi Kiran, AOR

For Respondent(s) Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable in the month of January, 2023.

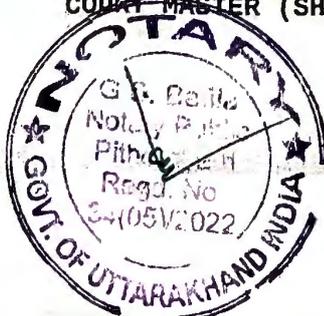
In the meanwhile, the appellant would deposit a sum of Rs. 80 lakhs in three installments. The first installment of Rs. 25 lakhs will be deposited on or before 30th September, 2022; second installment of Rs. 25 lakhs will be deposited on or before 15th November, 2022; and the balance amount of Rs. 30 lakhs will be deposited on or before 31st December, 2022.

Signature valid
Digitally signed by
Sonia Bhasin
Date: 2022.08.24
12:55:14
Reason:

List for hearing and disposal on a non-miscellaneous day in the month of January, 2023.

— S2 —
(SONIA BHASIN)
COURT MASTER (SH)

— S2 —
(DIPTI KHURANA)
ASSISTANT REGISTRAR



[Signature]
जिला अधिकारी
पिथौरागढ़

Annexure. D

ITEM NO. 46

COURT NO. 5

(REVISED)
SECTION XVIISUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2003-2005/2022

N B MINERALS CORPORATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 16481/2023 - APPLICATION FOR PERMISSION
IA No. 38195/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 38197/2022 - EXEMPTION FROM FILING O.T.
IA No. 118014/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 38196/2022 - STAY APPLICATION)

Date : 16-05-2023 These matters were called on for hearing today.

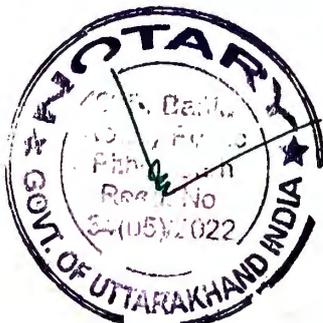
CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE N.M. SUNDRESH

For Appellant(s) Mr. Nidheshi Gupta, Sr. Adv.
Mr. Varun Kumar, Adv.
Mr. Satish Chandra, Adv.
Mr. Arjun Sain, Adv.
Ms. Sangeeta Bhalla, Adv.
Ms. Shashi Kiran, AOR
Mr. Adutiyn Veer, Adv.
Mr. Saurav Singh, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.(N/P)
Ms. Shreya Jain, Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Aninrudh Sharma, Adv.
Mr. Navanjay Mahapatra, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Shashank Singh, AOR

UPON hearing the counsel, the Court made the following
O R D E R

[Signature]
बिला अधिकारी
बिद्योतगढ़

2

It is stated that Rs.80,00,000/- (Rupees Eighty Lakhs Only) have been deposited.

Learned Senior Advocate for the petitioner states that compliance of the other directions issued in the impugned order/ judgment has been made as per the report of the Committee.

None appears on behalf of respondent no.2 - State of Uttarakhand.

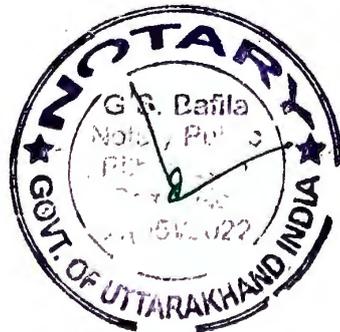
Let Court notice be issued to the standing/nominated counsel for respondent no.2 - State of Uttarakhand, who would obtain instructions and file an affidavit within a period of six weeks from today stating on oath whether compliance has been made.

Notices will be served by all modes, including *dasti*.

Re-list in the last week of September 2023.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)




निष्ठा अधिकारी
पिबौरावठ

Annexure. E

कार्यालय भूतत्व एवं खनिकर्म विभाग,
न्यू टकाना कालोनी, निकट शिव मन्दिर पिथौरागढ़।

पत्रांक : 353 / भूखनि०वि०पि० / मैग्ने०-ख०प० / 2023-24

दिनांक : 15/07/2023

सेवा में,

जिलाधिकारी
पिथौरागढ़।

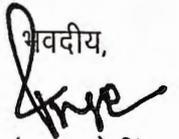
विषय:- संयुक्त निरीक्षण आख्या के सम्बन्ध में।

महोदय,

उपरोक्त विषयक कृपया आपके आदेश संख्या-1784/तीस-खनन/2022-23 दिनांक जून 06, 2023 के द्वारा दिये गये निर्देशों के अनुपालन में मा० उच्चतम न्यायालय, नई दिल्ली में योजित सिविल अपील संख्या-(S) 2003-2004/2022 मै० एन०बी० मिनरल्स कोरपोरेशन, लि० बनाम, यूनियन ऑफ इण्डिया एवं अन्य के सम्बन्ध में मा० एन०जी०टी० द्वारा गठित समिति की आख्या/सुझाये गये उपायों के सम्बन्ध में पट्टाधारक मै० एन०बी० मिनरल्स कोरपोरेशन, लि० द्वारा पट्टा क्षेत्र ग्राम-डूण्डू, तहसील-कनालीछीना, जनपद-पिथौरागढ़ अन्तर्गत किये गये कार्यो/अनुपालन की स्थिति के सम्बन्ध में गठित समिति द्वारा दिनांक 12.06.2023 को मै० एन०बी० मिनरल्स कोरपोरेशन, लि० के पक्ष में स्वीकृत खनन पट्टा क्षेत्र ग्राम-डूण्डू, तहसील-कनालीछीना, जनपद- पिथौरागढ़ का संयुक्त निरीक्षण किया गया।

अतः उपरोक्तानुसार गठित समिति की संयुक्त निरीक्षण आख्या संलग्न कर आवश्यक कार्यवाही हेतु सादर प्रेषित।

संलग्नक:- उपरोक्तानुसार।

भवदीय,

(राहुल नेगी)
खान निरीक्षक/
प्रभारी खान अधिकारी।




प्रभारी अधिकारी
पिथौरागढ़

Annexure. E

कार्यालय भूतत्व एवं खनिकर्म विभाग,
न्यू टकाना कालोनी, निकट शिव मन्दिर पिथौरागढ़।

पत्रांक : 353 / भू0खनि0वि0पि0 / मैग्ने0-ख0प0 / 2023-24

दिनांक : 15/07/2023

सेवा में,

जिलाधिकारी
पिथौरागढ़।

विषय:- संयुक्त निरीक्षण आख्या के सम्बन्ध में।

महोदय,

उपरोक्त विषयक कृपया आपके आदेश संख्या-1784/तीस-खनन/2022-23 दिनांक जून 06, 2023 के द्वारा दिये गये निर्देशों के अनुपालन में मा0 उच्चतम न्यायालय, नई दिल्ली में योजित सिविल अपील संख्या-(S) 2003-2004 / 2022 मै0 एन0बी0 मिनरल्स कोरपोरेशन, लि0 बनाम, यूनियन ऑफ इण्डिया एवं अन्य के सम्बन्ध में मा0 एन0जी0टी0 द्वारा गठित समिति की आख्या/सुझाये गये उपायों के सम्बन्ध में पट्टाधारक मै0 एन0बी0 मिनरल्स कोरपोरेशन, लि0 द्वारा पट्टा क्षेत्र ग्राम-डूण्डू, तहसील-कनालीछीना, जनपद-पिथौरागढ़ अन्तर्गत किये गये कार्यों/अनुपालन की स्थिति के सम्बन्ध में गठित समिति द्वारा दिनांक 12.06.2023 को मै0 एन0बी0 मिनरल्स कोरपोरेशन, लि0 के पक्ष में स्वीकृत खनन पट्टा क्षेत्र ग्राम-डूण्डू, तहसील-कनालीछीना, जनपद-पिथौरागढ़ का संयुक्त निरीक्षण किया गया।

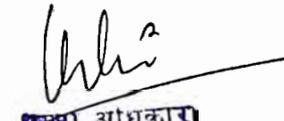
अतः उपरोक्तानुसार गठित समिति की संयुक्त निरीक्षण आख्या संलग्न कर आवश्यक कार्यवाही हेतु सादर प्रेषित।

संलग्नक:- उपरोक्तानुसार।

भवदीय,


(राहुल नेगी)
खान निरीक्षक/
प्रभारी खान अधिकारी।




प्रभारी अधिकारी
पिथौरागढ़

संयुक्त निरीक्षण आख्या

जिलाधिकारी, पिथौरागढ़ के आदेश संख्या-1784/तीस-खनन/ 2022-23 दिनांक जून 06, 2023 के क्रम में मा0 उच्चतम न्यायालय, नई दिल्ली में योजित सिविल अपील संख्या-(S) 2003-2004/2022 एन0बी0 मिनरल्स कॉरपोरेशन लि0 बनाम, यूनियन ऑफ इण्डिया एवं अन्य के सम्बन्ध में मा0 एन0जी0टी0 द्वारा गठित समिति की आख्या/सुझाये गये उपायों के सम्बन्ध में पट्टाधारक मै0 एन0बी0 मिनरल्स कारपोरेशन लि0 द्वारा पट्टा क्षेत्र ग्राम-डुण्डू, तहसील-कनालीछीना, जनपद-पिथौरागढ़ अन्तर्गत किये गये कार्यो/अनुपालन की स्थिति के सम्बन्ध में गठित समिति द्वारा दिनांक 12.06.2023 को मै0 एन0बी0 मिनरल्स कारपोरेशन लि0 के पक्ष में स्वीकृत खनन पट्टा क्षेत्र ग्राम-डुण्डू, तहसील-कनालीछीना, जनपद-पिथौरागढ़ का संयुक्त निरीक्षण किया गया। संयुक्त निरीक्षण आख्या निम्नवत् है :-

- जनपद पिथौरागढ़ के अन्तर्गत ग्राम-डुण्डू में दिनांक 09.07.1980 को मै0 एन0बी0 मिनरल्स कॉरपोरेशन के पक्ष में 20 वर्षों हेतु 5.558 हेक्टेयर निजी/राजस्व भूमि में खनन कार्य हेतु पट्टा स्वीकृत हुआ था, जो दिनांक 08.07.2000 को समाप्त हो गया था। तदुपरान्त शासनादेश संख्या-917/सात/103-ख/2004 दिनांक 14 सितम्बर, 2004 के द्वारा दिनांक 08.07.2020 तक खनन पट्टे का नवीनीकरण किया गया है। इसके उपरान्त शासनादेश संख्या-2794(1)/VII-A-1/2010 दिनांक जनवरी 15, 2020 के द्वारा उपरोक्त स्वीकृत खनिज मैग्नेसाईट का खनन पट्टा कैपिटिव माईन की श्रेणी के अन्तर्गत होने के कारण खान एवं खनिज (विकास एवं विनियमन) (संशोधित) अधिनियम-2015 की धारा-8A की उपधारा-05 से आच्छादित होने के कारण उक्त खनन पट्टे की अवधि दिनांक 31 मार्च, 2030 तक विस्तारित किये जाने की अनुमति प्रदान की गई है। सम्बन्धित खनन पट्टे का पट्टा विलेख की कार्यवाही शासन/निदेशालय स्तर से की जानी है। (संलग्नक-1)
- उक्त खननपट्टा क्षेत्र में दिनांक 08.07.2020 (पट्टा समाप्तिअवधि) से खनन कार्य बन्द था। तदुपरान्त पट्टाधारक मै0 एन0बी0 मिनरल्स कारपोरेश लि0 के प्रार्थना पत्र दिनांक 14.08.2020 के क्रम में समिति की आख्यानुसार जिलाधिकारी पिथौरागढ़ के आदेश संख्या-3045/तीस-खनन/2019-20 दिनांक 24 अगस्त, 2020 के द्वारा खनन पट्टा समाप्ति की अवधि तक पट्टा क्षेत्र में अवशेष 2148.28 टन मैग्नेसाईट की निकासी की अनुमति प्रदान की गई। तदुपरान्त मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या-995/2019 चन्द्र सिंह बनाम यूनियन ऑफ इण्डिया में मा0 राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश दिनांक 16.09.2020 से प्रश्नगत खनन क्षेत्र में खनन/निकासी कार्य स्थगित किये जाने के आदेश पारित किये गये। इस प्रकार प्रश्नगत खनन पट्टा क्षेत्र में खनन पट्टा समाप्ति की अवधि के उपरान्त माह जुलाई, 2020 से वर्तमान तक खनन कार्य बन्द है।
- उक्त मामले में मा0 उच्चतम न्यायालय नई दिल्ली में योजित सिविल अपील संख्या-एस. 2003-2004/2022 दिनांक 07-09-2022 एवं सिविल अपील संख्या-एस. 2003-2004/2022 दिनांक 22-08-2022 में निम्नानुसार आदेश पारित किये गये-

"An amount of Rs. 80-00 Lakh would be paid in three installment to be deposite with the District Magistrate Pithoragarh".

"In the meanwhile the appellant would deposite a sum of Rs. 80 Lakh in three installment. The first installment of Rs 25 lakh will be deposite on before 30 Sepetember 2022. Second installment of 25 lakh will be deposite on before 15 November and the balance amount Rs.30 Lakh will be deposite on or before 31 December. 2022".

मा0 उच्चतम न्यायालय के उपरोक्त आदेशों के अनुपालन में मै0 एन. बी. मिनरल्स कारपोरेशन द्वारा 80.00 लाख का बैंकड्राफ्ट संख्या-308123 दिनांक 12.09.2022 के द्वारा जमा किया गया है।



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4. मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या-995/2019 चन्द्र सिंह बनाम यूनियन ऑफ इण्डिया में मा0 राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश दिनांक 16.09.2020 के द्वारा प्रश्नगत खनन पट्टा क्षेत्र के संयुक्त निरीक्षण हेतु गठित समिति की आख्या के अनुक्रम में जॉच/अनुपालन सुनिश्चित कराये जाने हेतु CPCB, Indian school of Mines Dhanbad Bihar, भारतीय खान व्यूरो, खान मंत्रालय भारत सरकार नई दिल्ली तथा SEIAA Uttarakhand की संयुक्त समिति गठित की गयी। गठित समिति की आख्या/सुझाये गये उपायों (संलग्नक-2) के सम्बन्ध में पट्टा धारक द्वारा किये गये अनुपालन की स्थिति निम्नवत् है -

5.5.1. माह जुलाई, 2020 (खनन पट्टा समाप्ति अवधि) से वर्तमान तक खनन कार्य बन्द है। पट्टाधारक द्वारा पट्टा क्षेत्र में खनन कार्यों से समीप के क्षेत्र को पर्यावरणीय क्षति से बचाने के लिए पट्टा क्षेत्र के बाहर ढालदार भू-भाग में सुरक्षा दीवार तथा विभिन्न स्थानीय प्रजाति के पेड़ों को लगाया गया है। फोटोग्राफ संलग्न है। (संलग्नक-3)

5.5.2 पट्टाधारक द्वारा पट्टा क्षेत्र का जिओ रिफ्रेन्स ज़ोन सर्वे किया गया है, जिसकी प्रति संलग्न है। इसके अतिरिक्त पट्टा क्षेत्र में पूर्व में खननकार्य के दौरान निकले मलवे को ढालदार भूभाग की ओर गिरने से रोकने हेतु उपचारात्मक उपाय यथा-सुरक्षा दीवार का निर्माण किया गया है। (संलग्नक-4)

5.5.3. पट्टा क्षेत्र से पूर्व में ढालदार दिशा में मलवा पाया गया वर्तमान में पट्टा धारक द्वारा मलवे की रोकथाम हेतु सुरक्षा दीवार का निर्माण किया गया है।

5.5.4. पट्टाधारक द्वारा भविष्य में जनित मलवे/अपशिष्ट को खनन पट्टे के क्षेत्र से बाहर डम्प न किये जाने के संबंध में शपथ पत्र पूर्व में प्रस्तुत किया गया है। वर्तमान में भी पट्टाधारक द्वारा खनन क्षेत्र से बाहर मलवा न डाले जाने एवं खनन क्षेत्र में ही मलवे को डम्प किये जाने सम्बन्धी नोटराईज्ड शपथ पत्र प्रस्तुत किया गया है, जो संलग्न है। (संलग्नक-5)

5.5.5. पट्टाधारक द्वारा खनन क्षेत्र से बाहर की ओर पूर्व में गिरे मलवों के सुरक्षित/निस्तारित किये जाने हेतु कार्ययोजना प्रस्तुत की गई है, जिसकी प्रति संलग्न है। (संलग्नक-6) पट्टाधारक द्वारा किये गये कार्यों की स्थिति निम्नवत् है :-

(I) पट्टाधारक द्वारा खनन क्षेत्र से बाहर पूरब दिशा में मन्दिर की ओर एवं पश्चिम दिशा में रा0इ0का0 छड़नदेव की ओर ढालदार भूभाग में गिरे मलवे को खनन क्षेत्र के अन्दर स्थानान्तरित किया गया है। फोटोग्राफ संलग्न है। (संलग्नक-7)

(II) उक्त के अतिरिक्त कतिपय तीव्र ढालदार भूभाग की ओर गिरे मलवे, जो पट्टाक्षेत्र के अन्दर स्थानान्तरित किया जाना सम्भव नहीं है, को पट्टाधारक द्वारा स्थल पर ही सुरक्षित करते हुए सीढ़ीनुमा खेतों का निर्माण किया गया है तथा विभिन्न स्थानीय प्रजाति वृक्षों के वृक्षारोपण किया जाना पाया गया। निरीक्षण के दौरान लगाये गये वृक्ष आत्मनिर्भर आयु तथा 02-03 फिट ऊंचाई के पाये गये। पट्टाधारक द्वारा अवगत कराया गया कि जिस स्थल पर मलवा जमा है, वह भूमि पट्टाधारक मै0 एन0बी0 मिनरल्स एवं श्री किशन सिंह भण्डारी के द्वारा 30 वर्षों हेतु लीज पर ली है। श्री भण्डारी द्वारा उक्त भूमि के सम्बन्ध में पट्टाधारक मै0एन0बी0 मिनरल्स लि0 को नोटराईज्ड शपथ पत्र के माध्यम से अनापत्ति भी प्रदान की गई है। रजिस्टर्ड लीज एवं नोटराईज्ड शपथ पत्र संलग्न है।

(III) पट्टाधारक ढालदार भागों की ओर गिरे मलवे में से कुछ मलवों को पट्टाक्षेत्र में स्थानान्तरित किया गया है तथा शेष मलवा, जो जो पट्टाक्षेत्र के अन्दर स्थानान्तरित किया जाना सम्भव नहीं है, को स्थल पर ही सुरक्षित किया गया है, जिसका उल्लेख उपरोक्त बिन्दु संख्या-(I) एवं (II) में किया गया है। स्थल की भौगोलिक परिस्थितियों के दृष्टिगत अन्य उपाय किया जाना सम्भव प्रतीत नहीं होता है।



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मुख्य अधिकारी
संरक्षण विभाग

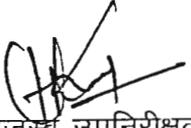
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5.5.6. पट्टाधारक द्वारा लोक निर्माण विभाग, पिथौरागढ़ के मार्गदर्शन में ढालदार भूभाग की ओर सुरक्षा दीवार, मलवा/गाद को नदी में जाने से रोकने हेतु तालाबों का निर्माण किया गया है। खनन क्षेत्र के डाउनहिल दिशा में बहने वाली डुण्डू नदी में वर्तमान में मलवा जाना नहीं पाया गया तथा डुण्डू नदी प्रभावित नहीं हो रही है। फोटोग्राफ संलग्न है। (संलग्नक-7)

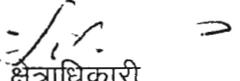
5.5.7. निरीक्षण के समय पट्टाक्षेत्रान्तर्गत सबसे निचली बैन्च पर सुरक्षा दीवार नहीं पाई गई। इस सम्बन्ध में पट्टाधारक द्वारा अवगत कराया गया कि उक्त सुरक्षा दीवार का निर्माण बिना मशीनों (यथा जे0सी0बी0/पोकलैण्ड) की सहायता से किया जाना सम्भव नहीं है तथा मा0 राष्ट्रीय हरित अधिकरण तथा जिलाधिकारी महोदय के आदेशों के क्रम में खनन कार्य प्रतिबन्धित होने के कारण उक्त सुरक्षा दीवार का निर्माण नहीं किया जा सका। कार्य प्रारम्भ करने तथा मशीनों की अनुमति प्राप्त होने पर सर्वप्रथम उक्त सुरक्षा दीवार का निर्माण कर लिया जायेगा। पट्टाधारक द्वारा प्रस्तुत नोटराईज्ड शपथ पत्र संलग्न है। फोटोग्राफ संलग्न है। (संलग्नक-8)

5.5.8 पट्टाधारक द्वारा खनन क्षेत्र से ढालदार भूभाग की ओर गिरे मलवे से प्रभावित/बन्द पैदल मार्ग एवं सिंचाई गूल की मरम्मत की गई है। निरीक्षण के समय मार्ग एवं सिंचाई गूल सुचारु पाई गई। फोटोग्राफ संलग्न है। (संलग्नक-9)

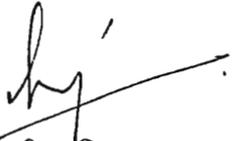
तदनुसार गठित समिति की संयुक्त निरीक्षण आख्या निम्नवत् है।


राजेश उपनिरीक्षक;
डुण्डू (कनालीछीना)

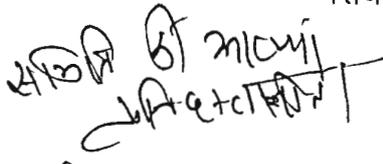

प्रतिनिधि उत्तराखण्ड प्रदूषणनियंत्रण बोर्ड,
क्षेत्रीय कार्यालय हल्द्वानी।


वन क्षेत्राधिकारी,
पिथौरागढ़।


जिला खान अधिकारी
भूतत्व एवं खनिकर्म विभाग


अधिसासी अभियन्ता
सिंचाई खण्ड, पिथौरागढ़।




उप जिलाधिकारी,
डीडीहाट।


जिला अधिकारी
पिथौरागढ़



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 तहसीलदार
 कनालीछीना

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 खान अधिकारी, पिथौरागढ़
 भूतत्व एवं खनिकर्म विभाग
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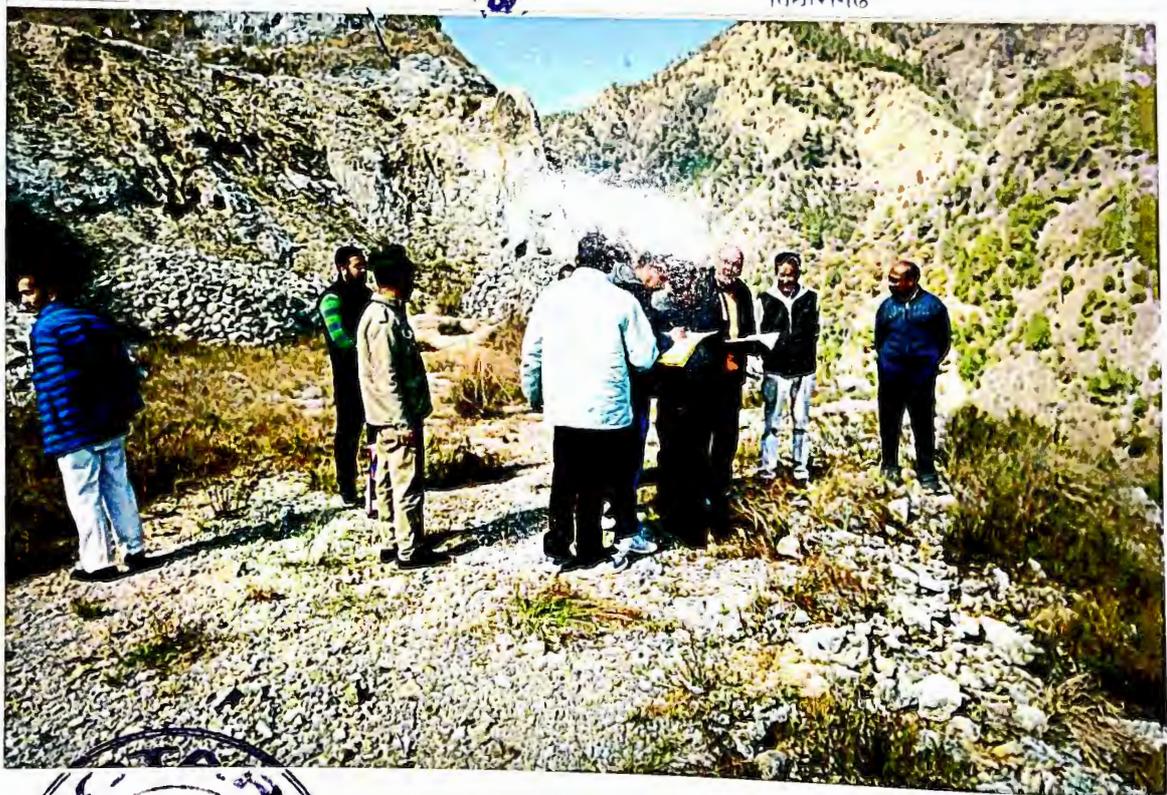


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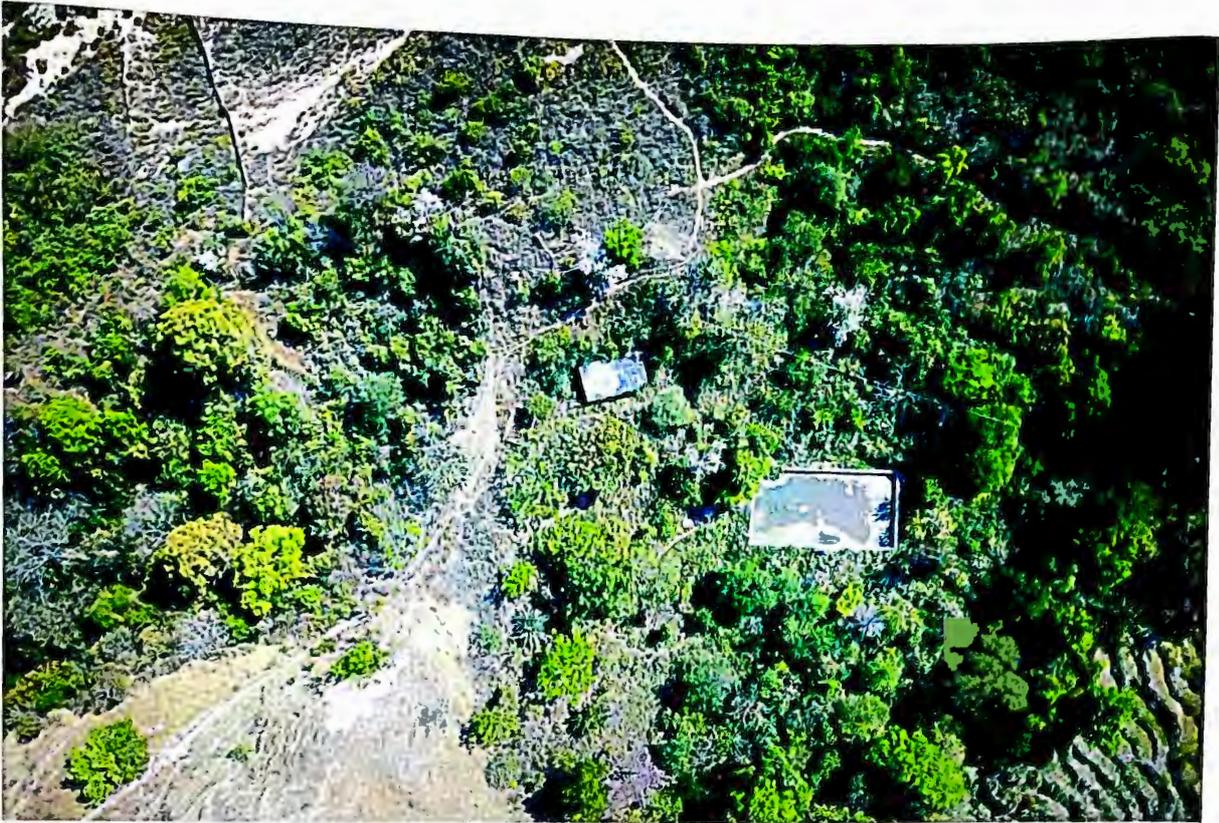
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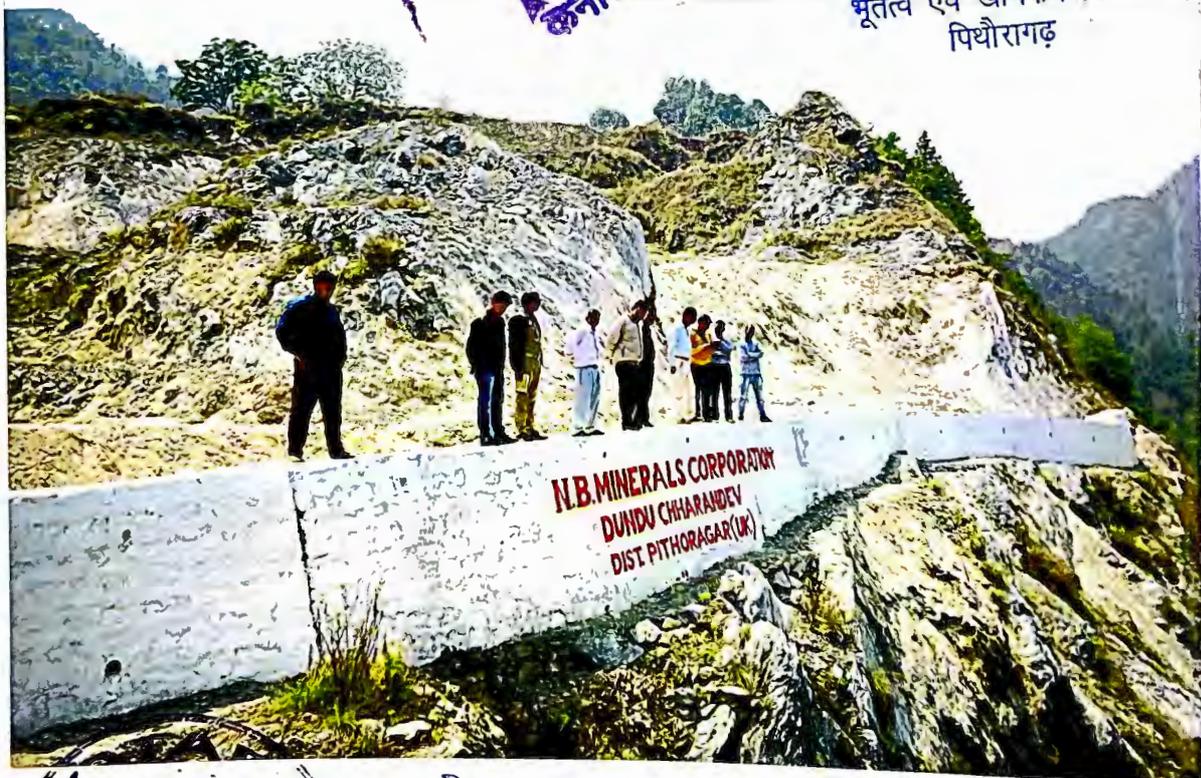
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सत्यमेव जयते



IN UK07732033245000X

INDIA NON JUDICIAL

Government of Uttarakhand

D. N. JOSHI

Stamp Vendor
M/s. D. N. Joshi Pithoragarh
No. 02/97143/97

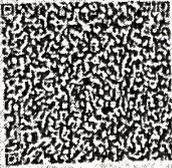


e-Stamp

Certificate No.
 Certificate Issued Date
 Account Reference
 Unique Doc. Reference
 Purchased by
 Description of Document
 Property Description
 Consideration Price (Rs.)
 First Party
 Second Party
 Stamp Duty Paid By
 Stamp Duty Amount (Rs.)

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 : 23-Apr-2025 10:37 AM
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 : NARENDRA SINGH SIJWALI AND PARTNER N B MINARAL
 : Article 4 Affidavit
 : NANA
 : 0
 : (Zero)
 : NARENDRA SINGH SIJWALI AND PARTNER N B MINARAL
 : MINING DEPARTMENT
 : NARENDRA SINGH SIJWALI AND PARTNER N B MINARAL
 : 100
 : (One Hundred only)

GANGA SINGH BAFILA
 Advocate
 Notary Public
 Distt. Pithoragarh (U.K.) India
 Regd No. 34(051)7222



Solemnly Affirmed before me to day
 At...
 by...
 the deponent...
 Sm...
 have satisfied my self by examining that
 he/she understand the Contents of this
 affidavit/Document

*Narendra Singh Sijwali & Partner
 Atty. Minaral*

Please write or type below this line

Before The Competent Authority,

Affidavit

We state that Narendra Singh Sijwali age major son of late Shri Veer Bahadur Singh Sijwali,
 Ramesh Chandra Binjola son of late Agamram Binjola, Hanakrishna Nainwal son of late Kaulapati Nainwal
 Partner of M/s N.B. minerals Corporation Nawahi Road Haldwani, Tehsil Haldwani, District Nainital, and
 swear

Statement that

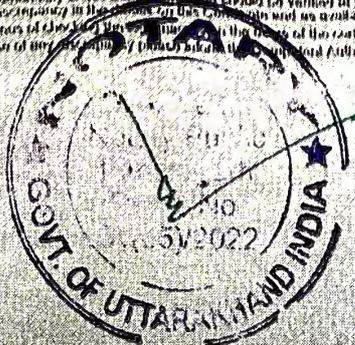
For N. B. Minerals Corporation

Signature

Partner

Statutory Alert:

- The authenticity of this Stamp Certificate should be verified by method of 'Secret Authentication Code' or using e-Stamp Mobile App of State Govt.
- The terms of the Stamp Certificate should be available on the website of Mobile App (where it is used).
- In case of any discrepancy, contact the Competent Authority.



Signature

निषिद्ध अधिकार
पिथौरगढ़

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1. That the deponents are partners of the above firm M/s NB Minerals Corporation Nawabi Road Haldwani and are capable of giving this affidavit.

2. That a dumping yard will be built within the mining area as per the rules. Malwa will not be thrown out of the mining area.

3. That in case mining work starts, the residual Malwa will be stored within the mining area as per the rules, and Malwa will not be thrown out of the mining area in future.

For N. B. Minerals Corporation

Partner
Signature

Verification:- We, the witnesses, verify that the words 1 to 3 of the above affidavit are correct and true with our personal information. Place of verification: Haldwani, Date: 23/04/2025 A.D.

For N. B. Minerals Corporation

Partner
Signature



जिला अधिकारी
बिदावल



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 तहसीलदार
 कनालीछीना

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 खान अधिकारी
 भूतत्व एवं खनिकर्म विभाग
 पिथौरागढ़



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तहसीलदार
कनालीछीना

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भूतत्व एवं खानिकर्म विभाग
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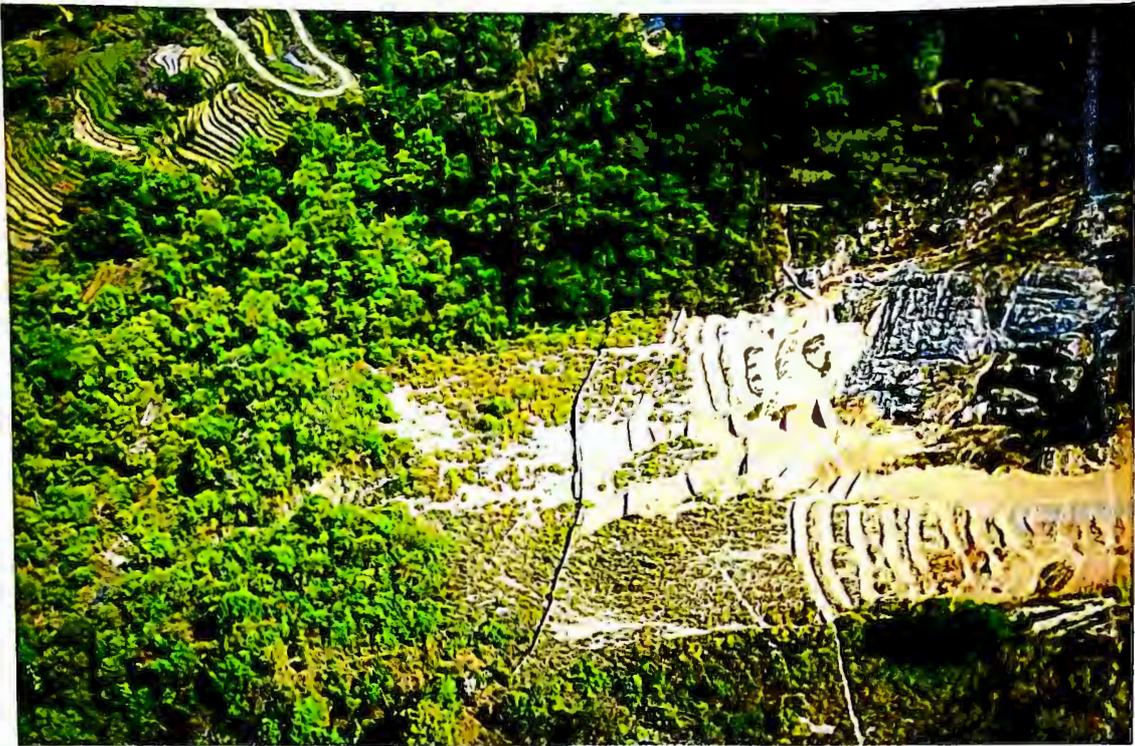
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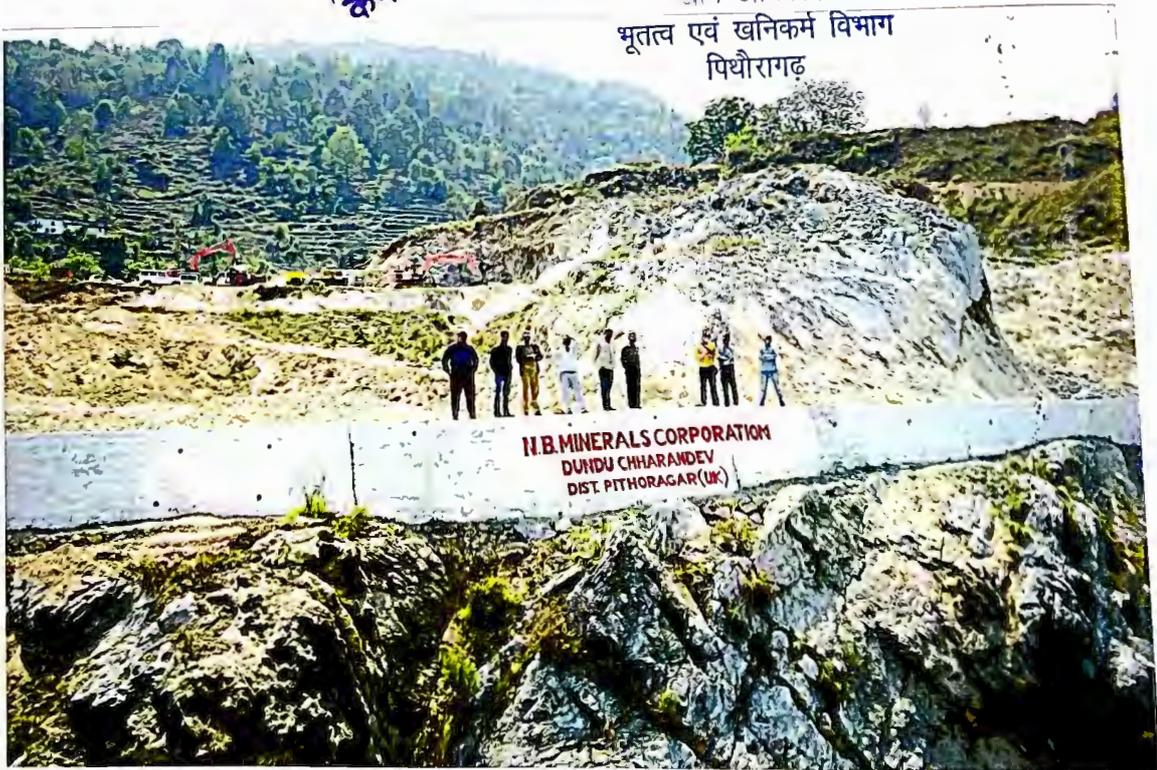
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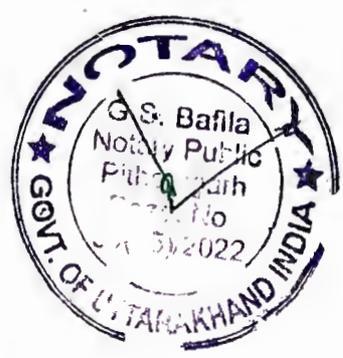
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 Longitude: 80.318152
 Elevation: 1098.19±24 m
 Accuracy: 17.7 m
 Time: 12-06-2023 12:56
 Note: NB minerals

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 क्षेत्र. हरिद्वर जिला कुनालीहीम
 पिनकोड - 241001

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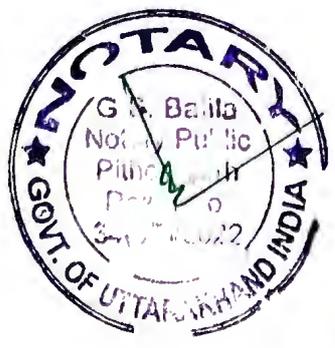
Annexure - E-B



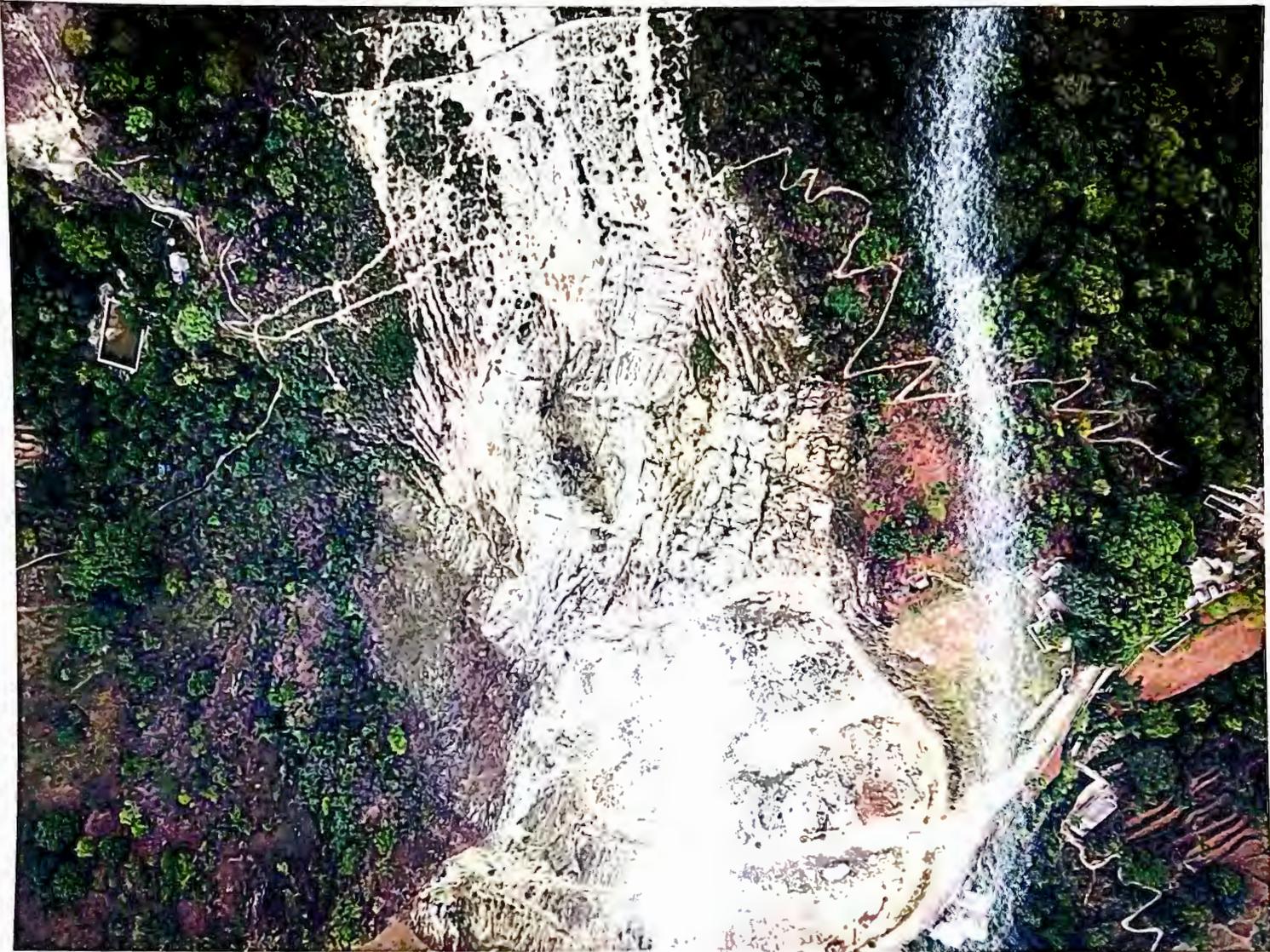
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 Time: 12-06-2023 12:55

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Annexure. f

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ITEM NO.7

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).2003-2004/2022

N B MINERALS CORPORATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 16481/2023 - APPLICATION FOR PERMISSION
IA No. 38195/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 38197/2022 - EXEMPTION FROM FILING O.T.
IA No. 112014/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 38196/2022 - STAY APPLICATION)

Date : 27-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s)

Mr. Nidesh Gupta, Sr. Adv.
Ms. Shashi Kiran, AOR
Mr. Satish Chandra, Adv.
Ms. Sitwat, Adv.
Ms. Sangeeta Bhalla, Adv.
Ms. Riyal Suryawanshi, Adv.

For Respondent(s)

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Annirudh Sharma -ii, Adv.

Mr. Atul Sharma, AOR
Ms. Rachana Gandhi, Adv.

Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Shashank Singh, AOR

Signature not Verified
Digitally signed by
Date: 2024.02.29
17:54:59 IST
Reason:

UPON hearing the counsel, the Court made the following
O R D E R



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पिथौरागढ़

2

We have examined the counter affidavit/status report filed by the State of Uttarakhand.

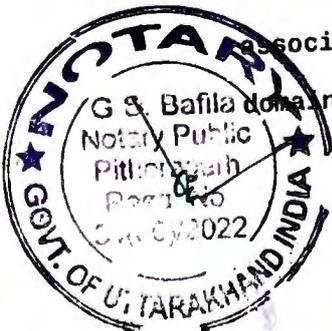
Colour photographs have been produced in the Court, and are taken and kept on record.

The appellant - N B Minerals Corporation Limited is permitted to construct the retaining/safety wall by using the machines (like earthmoving/construction equipment vehicle and excavator), as specified in paragraph 5.5.7 of the counter affidavit/status report filed by the State of Uttarakhand. The retaining/safety wall will be constructed under the supervision and guidance of the Additional District Magistrate, Didihat. Photographs prior to the commencement of the construction and post-construction will be placed on record.

We clarify that the appellant - N B Minerals Corporation Limited will not carry out any other construction or mining of Magnesite/Dolomite.

In order to ascertain the actual factual position and the effect of the mining activities undertaken from the year 2010-2011 till the closure order, we deem it appropriate to appoint a Committee consisting of the following three members :-

1. The nominee appointed by the Chairman of the Central Pollution Control Board, having domain/subject matter expertise;
2. The nominee appointed by the Vice-Chancellor of the Indian Institute of Technology, Roorkee, who should be associated with environmental issues and have domain/subject matter expertise; and



Utho
 निला अधिका
 प्यारागदे
 निला अधिका
 प्यारागदे

3. The nominee appointed by the Director General, The Energy and Resources Institute (TERI), New Delhi, having domain/subject matter expertise.

The Committee will also examine the reparative work undertaken, and opine whether mining activity should be permitted, and condition, which should be imposed.

A copy of the order passed by the National Green Tribunal dated 26.10.2021, as well as, the counter affidavit/status report filed by the State of Uttarakhand, will be made available by the Registry to the members of the Committee.

The Committee will be given full assistance by the (i) Revenue Officer, Dandu Kanalicheena; (ii) District Mining Officer, Geology and Mining Department, Uttarakhand; (iii) Forest Conservator, Pithoragarh; (iv) Executive Engineer, Irrigation Department, Pithoragarh; and (v) the Additional District Magistrate, Didihat.

The three members of the Committee will be entitled to an honorarium of Rs.1,00,000/- (Rupees one lakh only) each, which shall be paid by the appellant - N B Minerals Corporation Limited. In addition, the Committee will be paid the out-of-pocket expenses and other incidental expense(s) for visiting the site.

The said Committee will submit its report within a period of six weeks from the date a copy of this order is received by them.

Re-list after six weeks from the date the nominees/members of the Committee, as indicated above, are appointed.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR



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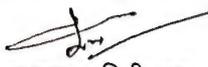
संयुक्त निरीक्षण आख्या

मा0 एन0जी0टी0, नई दिल्ली में योजित मूल आवेदन संख्या-995/2019 (रिव्यू आवेदन संख्या-03/2025) चन्द्र सिंह वनाम भारत संघ एवं अन्य में मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 07.04.2025 के अनुपालन में जिला खान अधिकारी, पिथौरागढ़ द्वारा राजस्व विभाग के अधिकारियों के साथ पट्टाक्षेत्र मै0 एन0बी0 मिनरल्स कारपोरेशन डुण्डू, कनालीछीना, जनपद पिथौरागढ़ का स्थलीय निरीक्षण दिनांक 22.04.2025 को किया गया। राजस्व विभाग एवं जिला खान अधिकारी, पिथौरागढ़ द्वारा वर्तमान मौका स्थिति/अनुपालन की स्थिति से सम्बन्ध में निम्नानुसार पाई गई :-

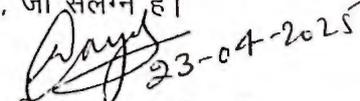
1. मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली के आदेश दिनांक 16.09.2020 के बिन्दु संख्या-5.5.7 के अनुपालन में निरीक्षण के समय पट्टाक्षेत्रान्तर्गत (यथा जे0सी0बी0/पोकलेण्ड) की सहायता से सबसे निचली बैन्च पर सुरक्षा दीवार का निर्माण कार्य पूर्ण पाया गया है। सुरक्षा दीवार की लम्बाई 90 मी0 X औसतन चौड़ाई 0.95 मी0 X ऊँचाई 2.31 मी0 पाई गई है। फोटोग्राफ संलग्न हैं।
2. मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली के आदेश दिनांक 16.09.2020 के बिन्दु संख्या-7.10.2.2 से 7.10.2.4 के अनुपालन में मै0 एन0बी0मिनरल्स कॉरपोरेशन लिमिटेड के पक्ष में ग्राम डुण्डू छड़देव तहसील डीडिहाट जनपद पिथौरागढ़ क्षेत्रान्तर्गत मैग्नेसाइट/डोलोमाइट के स्वीकृत पट्टाक्षेत्र का राजस्व विभाग तथा भूतत्व एवं खनिकर्म विभाग द्वारा दिनांक 10.02.2025 को संयुक्त स्थलीय निरीक्षण किया गया था। पट्टाधारक द्वारा प्रस्तुत अनुरोध पत्र के क्रम में मा0एन0 जी0टी0 द्वारा अपेक्षित वर्ष 2010-11 से 2019-20 तक पट्टाक्षेत्र से IBM द्वारा अनुमोदित खनन योजना के अनुसार पट्टाक्षेत्र से खनन कार्य के दौरान कुल मैग्नेसाइट 173134.39 टन तथा डोलोमाइट, 15102.93 टन कुल 1,88,237.414 मैट्रिक टन खनिज उत्पादन प्रस्तावित किया गया है। मै0एन0बी0 मिनरल कॉरपोरेशन लिमिटेड डुण्डू छड़देव द्वारा मा0एन0जी0टी0 द्वारा अपेक्षित वर्ष 2010-11 से 2019-20 तक की अवधि में पट्टाक्षेत्र से कुल 1,80,563.014 टन मैग्नेसाइट तथा 7,880.016 टन डोलोमाइट सहित कुल 1,88,443.03 टन मैग्नेसाइट/डोलोमाइट खनिज निकाला गया है। उक्त फर्म द्वारा खनन कार्य के दौरान प्राप्त ओवरवर्डन/वेस्ट मैटेरियल मलवा मिश्रित पत्थर को पिट के उत्तर दिशा में तेली गाँव के ढालदार भू-भाग में फेंका गया है तथा सीढ़ीनुमा खेतों का निर्माण किया गया है। मौका पैमाइश के अनुसार ढालदार भूभाग की ओर कुल ल0 60 मी0 x चौ0 20 मी0 x ऊँचाई 01 मी0 में कुल 1200 घनमीटर मलवा डाला गया है। पट्टाधारक द्वारा वेस्ट पत्थरों से बाउन्ड्री/सुरक्षा दीवारों का निर्माण पट्टाक्षेत्रान्तर्गत किया गया है, पट्टाधारक द्वारा उपलब्ध करायी गयी एम0बी0 के अनुसार उक्त कार्य में कुल 1148.79 घनमीटर पत्थरों का उपयोग किया गया है। उक्त के अतिरिक्त पट्टाधारक द्वारा पूर्व में निर्धारित डम्पिंग जोन में भी ल0 85 मी0 x औसतन चौ0 25 मी0 x औसतन ऊँचाई 05 मी0 में कुल 10625 घनमीटर वेस्ट मैटेरियल डाला गया है। उपरोक्तानुसार पट्टाधारक को पट्टाक्षेत्र से खनन कार्य के दौरान कुल 12,973.79 घनमीटर अर्थात् 23,352.822 टन वेस्ट मैटेरियल/मलवा प्राप्त हुआ है जो उत्खनित मैग्नेसाइट/डोलोमाइट के सापेक्ष 12.39 प्रतिशत है। पट्टाक्षेत्र में पट्टाधारक द्वारा किये गये वृक्षारोपण कार्य की जाँच की गयी। पट्टाक्षेत्र में विभिन्न स्थानीय प्रजाति के वृक्षों का वृक्षारोपण किया हुआ पाया गया, जो उचित अवस्था में पाये गये। मा0 एन0जी0टी0 द्वारा गठित समिति द्वारा सुझाये गये कार्यों के सापेक्ष पट्टाधारक द्वारा किये गये अनुपालन/कार्यों मौके पर यथावत पाये गये हैं। फोटोग्राफ संलग्न है।
3. पट्टाधारक द्वारा खनन क्षेत्र से बाहर मलवा न डाले जाने एवं खनन क्षेत्र में ही मलवे को डम्प किये जाने सम्बन्धी नोटराईज्ड शपथ पत्र प्रस्तुत किया गया है, जो संलग्न है।

संलग्न-उक्तानुसार।

राजस्व उप निरीक्षक,
डुण्डू, कनालीछीना।



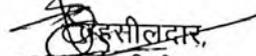
राजस्व निरीक्षक,
कनालीछीना।

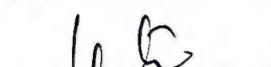
 23-04-2025

जिला खान अधिकारी,
खान अधिकारी
भूतत्व एवं खनिकर्म विभाग
पिथौरागढ़



मा0 एन0 जी0 टी0
निकराल विभाग
पिथौरागढ़


जिला खान अधिकारी,
कनालीछीना


जिला अधिकारी
पिथौरागढ़

VAKALATNAMA

BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 995 OF 2019

IN THE MATTER OF:

CHANDER SINGH

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

KNOW ALL to whom these present shall come I Narendra Singh Sijwali S/o Late V.B.S Sijwali, aged about 72 years, Partner of NB Minerals Corporation Limited, R/o Mandir Road Talli Bamori Haldwani, District Nainital, Uttarakhand, the Respondent no 4 in the OA do hereby appoint-

**RAHUL KHURANA Adv & HASIL JAIN Adv
(D/2183/2008) (D/2880/2013)**

295, Lawyers Chamber Block-II, Delhi High Court,
Off: , Central Lane, Babar Road, Bengali Market New
Delhi-110001

9811894060, 7838707338 rkhuranalegal@gmail.com, advjain25@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised 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 Court including High Court subject to payment of fees separately for each court by me/us.

To sign file verify and present pleadings, appeals cross-objections or petition review, revision, withdrawal, compromise or other petitions or affidavits of other documents deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents including original documents, to admit and/or order of opposite party.

To withdraw or compromise the said case or submit to arbitration any difference or dispute that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To appoint and instruct any other Legal Practitioner, authorising him to exercise authority hereby conferred upon the Advocate whenever he may think fit to do so and Attorney on our behalf.

And I/we undertake that I/we or my/our duly authorised agent would appear at all court hearings and will inform the Advocates for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.

And I/we the undersigned do hereby agree that in the event of the whole or 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. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years, or part thereof.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this

..... day July 2025

Accepted subject to the terms of fees.



R. Khurana

Advocate

Hasil Jain

For N. B. Minerals Corporation

Client

N. B. Minerals Corporation
Partner