

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

**ORIGINAL APPLICATION NO. 799 OF 2023**

**IN THE MATTER OF:**

Ritisha Gond

*...Applicant*

**Versus**

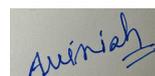
Union of India & Ors.

*...Respondents*

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ADVOCATES FOR THE RESPONDENT NO.18



ASHISH CHAUBEY/AVINISH KR. SAURABH

MOB NO.- 7838296401

EMAIL- [ASHISH.CHAUBEY03@GMAIL.COM](mailto:ASHISH.CHAUBEY03@GMAIL.COM)

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

**ORIGINAL APPLICATION NO. 799 OF 2023**

**IN THE MATTER OF:**

Ritisha Gond

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**Versus**

Union of India & Ors.

*...Respondents*

**OBJECTION/REPLY AFFIDAVIT ON BEHALF OF RESPONDENT  
NO. 18 (M/s K.D. RESOURCES PVT. LTD. – DOLO STONE) TO  
THE INTERIM APPLICATION/REPORT FILED BY THE UTTAR  
PRADESH POLLUTION CONTROL BOARD (UPPCB) DATED  
11.12.2024 & DGMS**

I, Manish Khushlani, S/o Shri Rajkumar Khushlani, Director/authorized representative of **M/s K.D. Resources Pvt. Ltd.**, R/o Jabarpatra Gali No. 2, New Sarkanda Bilaspur, Chhattisgarh, 495001 do hereby solemnly affirm and state as under:

**MOST RESPECTFULLY SHOWETH:**

1. That I am the Director of Respondent No. 18, M/s K.D. Resources Pvt. Ltd. (Dolo Stone), duly authorized to file the present Objection/Reply Affidavit and hence competent to swear this affidavit. I am well acquainted with the facts and

circumstances of the case and am competent to depose to the same.

2. That the present Objection/Reply Affidavit is being filed on behalf of the answering Respondent in response to the Interim Application/Report dated 11.12.2024 filed by the Uttar Pradesh Pollution Control Board (hereinafter referred to as "UPPCB"), wherein certain observations and remarks have been made regarding the mining operations of this answering Respondent.
3. That the answering Respondent is a duly authorized mining lease holder of Arazi No. 5593Ka (Khand-8), Village – Billi Markundi, Tehsil – Obra, District – Sonbhadra, admeasuring 4.230 hectares for Dolo Stone mining, in accordance with the valid Environmental Clearance (EC) granted by the State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, vide EC Identification No. EC22B00164590 dated 01.07.2022, and the Consent to Operate (CTO) issued by the Uttar Pradesh Pollution Control Board vide Ref. No. 163907/UPPCB/Sonbhadra/CTO/Both/2022 dated 27.09.2022, which remains valid up to 31.12.2026.
4. At the outset, the contents of the said Application/Report, to the extent inconsistent with the record or not admitted herein, are specifically denied. The answering Respondent submits that it has been fully complying with all environmental norms, directions, and consent conditions as stipulated under the Air (Prevention and Control of Pollution)

Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, and other applicable environmental regulations.

**Primary Objections/Submissions:**

5. The answering Respondent most respectfully submits that it has been filing its Compliance Reports in a timely manner as required under the relevant rules and directions of SEIAA and UPPCB.
6. The answering Respondent reiterates that it has been operating strictly within the parameters prescribed under the law and has adopted all necessary measures for environmental protection and pollution control, including installation of requisite control systems and regular environmental monitoring.
7. The answering Respondent remains willing to furnish any clarification, document, or compliance detail that this Hon'ble Tribunal or the UPPCB may require for verification or record.
8. That as per the records, the answering Respondent has obtained Environmental Clearance vide Identification No. EC22B00164590 dated 01.07.2022 for a sanctioned period of 20 years, and the same has been duly reflected in the Joint Committee Report.
9. That the answering Respondent had obtained CTO from the UPPCB vide Ref. No. 163907/UPPCB/Sonbhadra(UPPCBRO)/CTO/Both/SONBH ADRA/2022 dated 27.09.2022, which is valid up to

31.12.2026. As per the CTO, the annual production capacity of Dolo Stone is 135,360 cubic meters by open cast and semi-mechanized method.

10. That the Divisional Forest Officer, Sonbhadra, vide reference No. 2030/Sonbhadra/10/Writ dated 10.05.2024 (@ Page 279), categorically stated that the mining lease area is located more than 100 meters from the boundary of the reserved forest area and that no forest offence is registered against the leaseholder, nor has there been any damage to flora or fauna due to the said lease operations.
11. That the observation in the inspection report dated 29.11.2024 stating that the mining lease was “non-operational for one year” is incorrect and misconceived. The mining operations were temporarily closed from 12.03.2024 to 04.12.2024 following the order dated 12.03.2024 under section 22(3) imposed by DGMS only improvement work & bench making for the safety of the mines- mining & transportation was not allowed, due to certain correctional and maintenance activities, including internal rectifications and compliance alignment, and not due to any violation or non-compliance. The short closure period for such corrective work cannot be construed as non-operation or default.
12. That the project proponent has been fully complying with all the conditions stipulated in the Consent to Operate (CTO) issued by the UPPCB. All requisite compliance reports up to September 2025 have been duly submitted within the

prescribed timelines through email to the Regional Office of UPPCB.

A copy of the said email correspondence and compliance report is annexed herewith as **Annexure R-1** at pages \_\_\_\_.

13. That the allegation regarding the absence of water sprinkling mechanism is baseless and factually incorrect. The answering Respondent has a water tanker and sprinkling system within the lease area which remains operational during active mining operations to control dust emissions. Since mining activity was temporarily halted at the time of inspection, the sprinkling system was not in use, which may have been incorrectly interpreted as absence.
14. It is correctly noted that the display board of the mining lease is established. The fencing around the lease periphery is present and is being progressively strengthened in accordance with the approved mining plan and environmental management plan.
15. That adequate plantation has been carried out around the lease boundary and in non-mining zones. Additional tiers of plantation are undertaken every monsoon season as part of the progressive reclamation and green belt development program under the EC conditions.
16. That the septic tank for domestic effluent has been properly constructed and is in functional condition, in compliance with the EC and CTO requirements.

17. That the observation regarding non-visible coordinate pillars is denied. The lease boundary pillars have been duly erected at all DGPS coordinates. Minor maintenance issues, if any, due to erosion or natural wear, are periodically attended to and do not constitute any breach of compliance.
18. The inspection was done by UPPCB team dated 29.11.2024. Since, order under 22(3) was not vacated by DGMS, only improvement work was going on for 9 months, mining & transportation was not going on. That's why representative must have told the officials that mines are non-operational for almost 1 year.
19. By Order dated 04.12.2024 after detailed & proper improvement work in the mines, order under 22(3) was vacated by DGMS & again mining & transportation was allowed. So, the mines again became operational after order dated 04.12.2024 & after inspection dated 29.11.2024.
20. That the show cause notice dated 11.12.2024 under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981, as referred to in the report @ page 790, was never received by the answering Respondent through any official communication channel. However, upon coming to know of the said notice being placed before this Hon'ble Tribunal, the answering Respondent, in good faith, submitted a detailed reply to UPPCB on 06.10.2025, explaining full compliance with EC and CTO conditions.

It is pertinent to mention here that the said show-cause notice issued by UPPCB is dated 11.12.2024 and the reply

filed before this Hon'ble Tribunal by UPPCB is also on the same date which shows that the notice was issued in a hurry for the sake of filing the inspection report/reply. The notice issued is baseless and factually incorrect because the answering respondent is in compliance with all regulations and no violation has been made on their part.

A copy of the said reply dated 06.10.2025 is annexed herewith as **Annexure R-2** at pages \_\_\_\_\_.

**REPLY TO THE NOTICE 05.06.2024 BY DGMS:**

21. That the Directorate General of Mines Safety (DGMS), Varanasi Region, had issued an inspection notice dated 05.06.2024 in respect of the answering Respondent's mining lease situated at Arazi No. 5593Ka (Khand-8), Village Billi Markundi, Tehsil Obra, District Sonbhadra, pointing out certain observations related to mine working and blasting operations. The said notice did not allege any grave violation but sought clarification on compliance with safety distances and blasting regulations under the Mines Metalliferous Regulations, 1961. The said inspection notice has also been filed before this Hon'ble Tribunal by the DGMS dated 10.12.2024. (@ Page 654)
22. The answering Respondent respectfully submits that it has also furnished a Compliance Reply dated 13.01.2025 to the Director of Mines Safety (DGMS), Varanasi Region, in reference to DGMS inspection dated 05.06.2024 at the said mining site. In the said reply, the Respondent has confirmed that:

- The mine working was carried out only in the North-East side, beyond the danger zone of 300 meters from any permanent structure not belonging to the owner;
- Blasting operations were conducted strictly within safety limits prescribed under Regulations 164 and 164(1B) of the Mines Metalliferous Regulations, 1961, ensuring use of controlled explosives (not exceeding 2 kg per hole) and with delay detonators;
- All safety measures and statutory precautions during blasting have been duly observed.

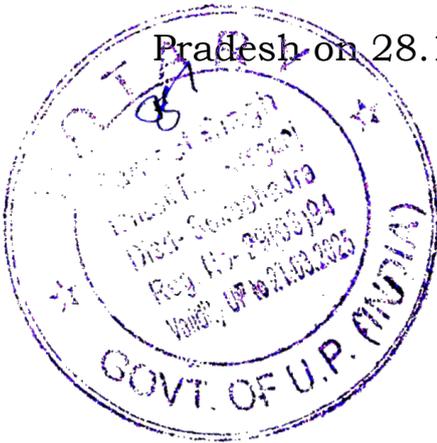
A copy of the said DGMS compliance reply dated 13.01.2025 is annexed herewith as **Annexure R-3** at pages \_\_\_\_\_.

In view of the above, it is most respectfully submitted that the observations made in the report of UPPCB and DGMS in their respective notices are factually incorrect and misconceived. The answering Respondent has been in full compliance with all environmental, statutory, and consent conditions, and there exists no violation or ground warranting any adverse action or imposition of environmental compensation. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may kindly take the present reply on record and be pleased to dismiss the allegations contained in the report dated 11.12.2024 and the inspection Notice dated 05.06.2024 against the answering Respondent, in the interest of justice and equity.

## Verification

I, Manish Khushlani, S/o Shri Raj Kumar Khushlani, R/o Jabarpatra Gali No. 2, New Sarkanda, District Bilaspur, Chhattisgarh, Pin – 495006, Proprietor M/s. K.D. Resources Pvt. Ltd. Moolchand Complex, Karbala Road, Old Bus Station District Bilaspur, Chhattisgarh do hereby solemnly affirm and declare that content of the above counter affidavit in paragraphs no. are true and correct to the best of my knowledge and belief gathered on the basis of records available with me.

Hence, verified at Robertsgarj, Sonbhadra, Uttar Pradesh on 28.10.2025.



Deponent  
Manish Khushlani



943

Compliance Report &lt;compliance1234@gmail.com&gt;

**Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163907/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s K.D Resources Pvt. Ltd. (Dolo Stone), Arazi no. 5593 ka, Khand no. 8, Lease area-4.230 ha, Village-Billi Markundi, Tehsil-Obra, District-Sonebhadra, UP. (Application ID: 17723720)**

1 message

**Compliance & Replenishment Report** <compliance1234@gmail.com>  
To: rosonbhadra@uppcb.in

Sun, Oct 12, 2025 at 9:43 PM

To  
The Regional Officer,  
Pollution Control Board,  
Sonebhadra, UP

**Subject:** Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163907/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s K.D Resources Pvt. Ltd. (Dolo Stone), Arazi no. 5593 ka, Khand no. 8, Lease area-4.230 ha, Village-Billi Markundi, Tehsil-Obra, District-Sonebhadra, UP. (Application ID: 17723720)

Dear Sir,

This has reference to the CTO Letter No. **163907/UPPCB/Sonebhadra (UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022**, Issued by Pollution Control Board, Lucknow, Uttar Pradesh. I have been submitting the quarterly compliance Report. In view of above, I am submitting a copy of the following information/ documents for your kind perusal:

*Session: September, 2025*

Thanking you,

Yours Sincerely,

**M/s K D Resources Pvt. Ltd. (Dolostone)**

 **September 2025 kd.pdf**  
2131K



944

Compliance Report &lt;compliance1234@gmail.com&gt;

**Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163907/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s K.D Resources Pvt. Ltd. (Dolo Stone), Arazi no. 5593 ka, Khand no. 8, Lease area-4.230 ha, Village-Billi Markundi, Tehsil-Obra, District-Sonbhadra, UP. (Application ID: 17723720)**

1 message

**Compliance & Replenishment Report** <compliance1234@gmail.com>

Thu, Aug 7, 2025 at 8:44 AM

To: rosonbhadra@uppcb.in

To  
The Regional Officer,  
Pollution Control Board,  
Sonbhadra, UP

**Subject:** Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163907/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s K.D Resources Pvt. Ltd. (Dolo Stone), Arazi no. 5593 ka, Khand no. 8, Lease area-4.230 ha, Village-Billi Markundi, Tehsil-Obra, District-Sonbhadra, UP. (**Application ID: 17723720**)

Dear Sir,

This has reference to the CTO Letter No. **163907/UPPCB/Sonebhadra (UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022**, Issued by Pollution Control Board, Lucknow, Uttar Pradesh. I have been submitting the quarterly compliance Report. In view of above, I am submitting a copy of the following information/ documents for your kind perusal:

*Session: June, 2025*

Thanking you,

Yours Sincerely,

**M/s K D Resources Pvt. Ltd. (Dolostone)** **cto compliance june 2025 KD.pdf**  
2147K



## K D RESOURCES PVT. LTD.

Registered Address : "MOOLCHAND COMPLEX" Behind Hotel Surya, Old Bus Stand, Bilaspur 495001 (C.G.)  
Address : BIRSINGHPUR, WARD NO. 10, PALI, UMARIA (MADHYA PRADESH) 484551  
email - kdrplopts@gmail.com

सेवा में,

दिनांक: 06/10/2025

श्रीमान मुख्य पर्यावरण अधिकारी (वृत्त - 2),

उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ ।

परियोजना का नाम : मेसर्स के०डी० रिसोर्सेज प्रा०लि० (डोलो स्टोन खनन परियोजना), आराजी नम्बर-5593क, खण्ड नं०-8 (क्षेत्रफल-4.230 हेक्टेयर), ग्राम-बिल्ली-मारकुण्डी, तहसील-ओबरा, जनपद-सोनभद्र ।

संदर्भ: पत्र संख्या H20990/ सी-2/ वायु -572/का० ब० नो०/24 दिनांक: 11/12/2024

महोदय,

उपरोक्त पत्र संख्या H20990/ सी-2/ वायु -572/का० ब० नो०/24 दिनांक: 11/12/2024 प्रार्थी को अभी तक किसी भी माध्यम से प्राप्त नहीं हुआ है एवं इसके बारे में प्रार्थी को कोई भी जानकारी नहीं थी । माननीय राष्ट्रीय हरित न्यायाधिकरण में योजित ओ०ए० 799/ 2023 रितिशा गोंड बनाम यूनियन ऑफ इंडिया व अन्य में दिनांक 07/08/2025 को यह तथ्य प्रकाश में आया कि उपरोक्त पत्र प्रार्थी को प्रेषित किया गया है किन्तु उपरोक्त पत्र प्रार्थी को प्राप्त नहीं हुआ है। माननीय न्यायालय के समक्ष प्रार्थी को पत्र प्राप्त कराने एवं स्पष्टीकरण प्रस्तुत करने हेतु निवेदन किया गया जिसमे माननीय न्यायालय द्वारा उक्त निवेदन स्वीकार करते हुए अगली तिथि 07/11/2025 को नियत की गई । काफी समय प्रतीक्षा करने के पश्चात भी प्रार्थी को उपरोक्त पत्र नहीं प्राप्त हुआ । अतः सूचना के आधार के तहत ये पत्र प्रार्थी द्वारा प्राप्त किया गया है एवं उक्त के क्रम में अपना स्पष्टीकरण प्रस्तुत किया जा रहा है ।

- (1) प्रार्थी आपको सूचित करना चाहता है कि प्रार्थी की खदान पर खान सुरक्षा महानिदेशालय, वाराणसी (DGMS) द्वारा दिनांक 12/03/2024 को आदेश द्वारा धारा 22(3) के तहत खनन एवं परिवहन प्रतिबंधित कर दिया गया था एवं उक्त खदान पर मात्र सुधारात्मक कार्य व बेंच बनाने का कार्य आदि ही किया जा सकता था । विस्तृत सुधारात्मक कार्य करने एवं बेंच बनाने के पश्चात दिनांक 04/12/2024 को खान सुरक्षा महानिदेशालय, वाराणसी (DGMS) द्वारा अपना आदेश दिनांक 12/03/2024 से धारा 22(3) को वेकेट करते हुए/ हटाते हुए पुनः खनन एवं परिवहन की अनुमति प्रदान की गई । इसीलिये दिनांक 29/11/2024 को निरीक्षण के समय जांच टीम को यह प्रतीत हुआ अथवा खनन स्थल पर किसी प्रतिनिधि द्वारा बताया गया कि माइनिंग परियोजना का संचालन लगभग एक वर्ष से अस्थाई रूप से बंद है क्योंकि निरीक्षण के समय तक प्रार्थी को खनन एवं परिवहन की अनुमति प्राप्त नहीं हुई थी ।
- (2) प्रार्थी की खदान पर इस्ट सप्लेशन हेतु पानी के छिड़काव की व्यवस्था वाटर टैंकर द्वारा की गयी है परन्तु निरीक्षण के समय खदान बंद होने के कारण वाटर टैंकर का उपयोग उक्त समय पर नहीं किया जा रहा था ।
- (3) परियोजना द्वारा राज्य प्रदूषण नियंत्रण बोर्ड से जारी सहमति (जल एवं वायु) की शर्तों का अनुपालन पूर्णतयः किया जा रहा है एवं उक्त के क्रम में अनुपालन आख्या (कंप्लायंस रिपोर्ट) समय समय पर प्रेषित की जा चुकी है जिसमे परियोजना शुरू होने से सितंबर 2025 तक के सभी कंप्लायंस रिपोर्ट प्रार्थी के पास उपलब्ध हैं ।
- (4) उक्त परियोजना में आसपास के ही मजदूर कार्य करते हैं जिनके लिए पोर्टेबल टॉयलेट की सुविधा उपलब्ध है । उक्त परियोजना स्थल पर इसके अलावा किसी भी तरह का घरेलु बहिर्स्त्राव नहीं हो रहा है । नगरपालिका ठोस अपशिष्ट के निस्तारण के लिए इस्टबिन की सुविधा है और ठोस अपशिष्ट निस्तारण के रूल्स व रेगुलेशन के अनुसार उनका निस्तारण किया जाता है ।



## K D RESOURCES PVT. LTD.

Registered Address: "MOOLCHAND COMPLEX", Behind Hotel Surya, Old Bus Stand, Bilaspur 495001 (C.G.)  
Address: BIRSINGHPUR, WARD NO. 10, PALI, UMARIA (MADHYA PRADESH) 484551  
email - kdrplops@gmail.com

प्रार्थी द्वारा सदैव नियमानुसार कार्य किया जाता रहा है एवं राज्य प्रदूषण नियंत्रण बोर्ड द्वारा निर्गत सहमति (जल एवं वायु) में अधिरोपित शर्तों का पूर्णतय: अनुपालन किया जाता रहा है। अतः श्रीमान जी से विनम्र निवेदन है कि उक्त तथ्यों एवं परिस्थितियों के दृष्टिगत:

- (1) परियोजना मेसर्स के०डी० रिसोर्सेज प्रा०लि० (डोलो स्टोन खनन परियोजना), आराजी नम्बर-5593क, खण्ड नं०-8 (क्षेत्रफल-4.230 हेक्टेयर), ग्राम-बिल्ली-मारकुण्डी, तहसील-ओबरा, जनपद-सोनभद्र की संचालन प्रक्रिया को बंद न किया जाय।
- (2) परियोजना की औद्योगिक इकाई को मिलने वाली विद्युत आपूर्ति एवं जल आपूर्ति का विच्छेदन न किया जाय एवं अन्य सुविधाओं को भी बंद न किया जाय।
- (3) परियोजना द्वारा राज्य प्रदूषण नियंत्रण बोर्ड से जारी सहमति (जल एवं वायु) की समस्त शर्तों का अनुपालन पूर्णतय: किया गया है एवं किसी भी शर्त का उल्लंघन नहीं किया गया है। अतः श्रीमान जी से निवेदन है कि परियोजना के विरुद्ध उल्लंघन अवधि हेतु केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी गाइडलाइन के अनुसार ₹ 10,000 प्रतिदिन की दर से पर्यावरणीय क्षतिपूर्ति अधिरोपित न की जाय।

प्रार्थी

K. D. Resources Pvt. Ltd.

Director

मनीष खुशलानी

निदेशक - मेसर्स के०डी० रिसोर्सेज प्रा०लि०

प्रतिलिपि : श्रीमान क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

भारतीय डाक



India Post

Robertsganj HO 231216  
EU571585233IN, IVR No: 18002666868  
06/10/2025 10:59:07, Counter No. 1  
To: CHETRIAY ADHIKARI  
SBR, SONBHADRA, 231216  
From: K D RESROSEJ PAR LTD  
OBAR, SONBHADR, 231219

Robertsganj HO 231216  
EU571585193IN, IVR No: 18002666868  
06/10/2025 10:59:48, Counter No. 1  
To: MUKHY PAR ADHIKARI  
LUCKNOW, LUCKNOW, 226010  
From: K D RESROSEJ PAR LTD  
OBAR, SONBHADR, 231219  
Base Amt: 47.00  
Wt: 16 (Actual)  
P.Mode: Cash  
w.inc

947

Date:-13.01.2025

To,

The Director of mines safety,

DGMS Varanasi Region,

Varanasi.

Sub:-Compliance Reply of your Inspection on dated 05.06.24 at Billimarkundi Stone Mine Arazi no-5593 A Khand-8, Area-4.230 Hectors of M/S K.D resources Pvt.Ltd at village Billimarkundi, Tehsil-Obra, Dist-Sonebhadra(U.P) belonging of Manish khushalani.

Reference:- Letter no-S29018/V.R(N.Z)/202/2024/1550 dated-05.06.2024

Respected sir,

With due respect I would like to state that in reference of the above aforesaid ref. letter the found violation given by you that we have complied that our mine working was done in North-East side only which is existing beyond the danger zone of 300m from permanent structure not belonging to the owner.

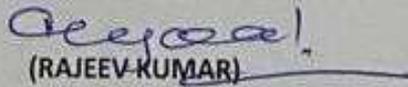
We have carried out the blasting of mine working within 100m of any such type of permanent structure such as Hut, offices etc. with the shots holes are charged which is not exceeding the 2kg in each holes accordingly and fired by the delay detonator with delay interval of milli second, & half second with use of relay successively.

We are taking the all safety measures during the blasting as per regulation -164 & 164(1B) of MMR-1961.

Therefore we will be always grateful to you for your cooperation and acceptance of this letter.

Thanking you.

Yours faithfully

  
(RAJEEV-KUMAR)

Manager (Mines).

M/S. K.D Resources pvt. Ltd

Billimarkundi, Obra.

Arazi no-5593 Ka (khand-8)

Area-4.230 Hectors.