

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

OA NO 995/2019

IN THE MATTER OF:

CHANDER SINGH

...COMPLAINANT

VERSUS

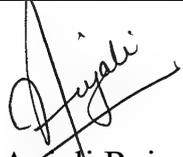
UNION OF INDIA & ORS

...RESPONDENTS

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Dated: 09.10.2025


Adv Anjali Rajput

Counsel for State of Uttarakhand

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 995 OF 2019

CHANDER SINGH

APPLICANT

VERSUS

UNION OF INDIA & ORS

RESPONDENTS

**REPLY AFFIDAVIT BY DISTRICT MAGISTRATE IN
COMPLIANCE OF THE ORDER DATED 04.07.2025**

MOST RESPECTFULLY SHOWETH:

That I, Vinod Giri Goswami aged about 48 years S/O Lt. Sh. Khushal Giri Goswami is posted as 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 present response to the objections filed by the Respondent no.4.

2. That the Review Application no. 3/2025 in the present OA was listed on 04.07.2025 and the Hon'ble Tribunal was pleased to pass the following order-

"9. Review applicant and other parties are permitted to file objection to the report of the joint committee within four weeks."

Copy of the order dated 04.07.2025 is annexed herewith 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.

Vinod

Verified
on last
page.



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. It is submitted that leased mineral magnesite falls under the category of captive mind 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 (I)NII-A-I/2010 dated 15.01.2020 the mining of the said lease was renewed till 31.03.2030
5. 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/201920, dated 24.08.2020, authorized extraction of the remaining 2148.28 tons of magnesite within lease area till the duration of mining lease.
6. That the Hon'ble Tribunal vide order dated 16.09.2020 on the basis of the Joint Committee report dated 10.09.2020 in OA no 995/2019, passed the following order:

“3. Accordingly, report dated 10.09.2020 has been filed by the CPCB to the effect that further detailed examination is necessary for determining the quantum of damage. It is also recommended that some immediate measures be taken to prevent further damage as follows:

“5.5.1. Not to allow mining operations till complying prescribed environmental Norms/ guidelines/ recommendations of the committee here under.

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5.5.2. To carry out geo-referenced drone survey of the lease area and its surrounding affected area due to spillage of material from mine and submit the output in appropriate format for further analysis and preparation of remedial plans.

4. We see no reason why the above recommendations be not followed. Accordingly, the above recommendations be acted upon. We grant the time sought by the Committee for completing its task and the report may now be submitted within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Committee may also ensure that EC conditions are duly complied with.

Copy of the order dated 04.07.2020 is annexed herewith as

Annexure B.

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. That the final order dated 26.10.2021 was passed by in the present OA *inter-alia* directing as follows:-
 - a) Reported that adequate measures have not been taken by the proponent to avoid the spillages from the active mine pit area towards the slope/valley.
 - b) Carried out the Estimation of Environmental damage on the basis of amount of waste material spilled outside the mine area and considered the period from 2010-11 to 2019-20 to calculate the amount of waste and further reported 5,17,012 MT as overburden/waste generated during the period from 2011 onwards.

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9. It is submitted that the respondent/project proponent 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 mean while the appellant would deposit a sum of Rs. 80 Lakh in three instalments. The first instalment of 25 Lakh will be deposit on before 30 September 2022, second instalment of 25 Lakh will be deposit on before 15 November 2022 and the balance amount Rs 30 Lakh will be deposited on or before 31, December 2022."

Copy of the order dated 22-08-2022 passed by Hon'ble Supreme Court is annexed herewith as Annexure C.

10. That in the compliance of the above directions the respondent/project proponent deposited a sum of Rs 80 Lakh via bank draft no. 308123 dated 12-09-2022 with the office of the deponent.
11. That in compliance of the Hon'ble Supreme Court Directions and to check compliances by respondent/project proponent, of measures suggested by joint committee constituted by this Hon'ble Tribunal, a committee comprising 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 and as per the report of the committee dated 15.07.2023, the following

whi



compliances were found to be done by the respondent/project proponent:-

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.

5.5.2. A geo-referenced drone survey has been conducted by respondent/project proponent and a protective wall is constructed to prevent debris/muck from falling onto the sloping terrain resulting from mining operations.

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 respondent/project proponent.

5.5.4 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.

5.5.5 That an action plan has been submitted by the respondent/project proponent for safe disposal of debris/muck which had earlier fallen outside the leased area. That the status of the compliances is as follow: -

i. That debris/muck fallen outside the area of mining lease on the east side towards the temple and on slope towards G.I.C. Charan dev on west side, has been shifted inside the leased area.

ii. Debris/muck fallen on steep slope which cannot be shifted in the leased area, terraced fields have been constructed by the respondent/project proponent to secure



Signature

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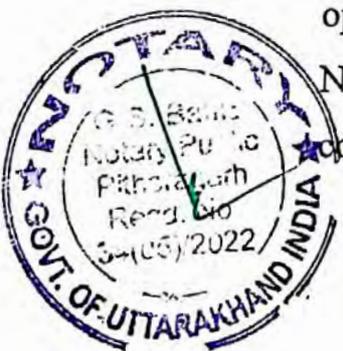
it at that site and the plants of various local species have been planted. During the inspection, planted trees were found to be of self-sustaining age and 2-3 ft height. The land on which the debris is stored has been taken on lease for a period of 30 years by respondent/project proponent and Shri Kishan Bhandari. That a notarized no objection affidavit to review applicant by Shri Kishan Bhandari has also been submitted.

iii. That some debris/muck fallen on the slope has been shifted within the lease area and remaining debris/muck which cannot 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 not possible to take any other measure.

5.5.6 That to prevent debris/muck from falling into the river, the respondent/project proponent 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.

5.5.7 At the time of Inspection, the security wall was not found at the lowest bench in the leased area, respondent/project proponent 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

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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 respondent/project proponent. During inspection the road and irrigation canal were found to be in working condition.

12. That the Hon'ble Supreme court vide order dated 27.02.2024 in Civil Appeal No. (5) 2003-2004/2022 permitted respondent/project proponent construction of the safety wall under the guidance of the supervision and guidance of the Additional District Magistrate, Pithoragarh. That in compliance of the above directions Additional District Magistrate, Pithoragarh, Revenue Inspector, Kanalichhina and representative respondent/project proponent inspected the leased site and the construction work of the security wall was found to be complete on 05.04.2024.

13. That the Civil Appeal was disposed of by the Hon'ble Supreme Court with the permission to the respondent/project proponent to raise contentions before the Hon'ble Tribunal.

14. That in furtherance of the same R.A. no. 03/2025 was filed by the respondent/project proponent in the present OA 995 of 2019 wherein the Hon'ble tribunal was pleased to allow the same vide order dated 04.07.2025.

15. That deponent in reply to the review application submitted that a fresh inspection report dated on 22.04.2025 wherein it was observed that:

At the time of inspection, the security wall was found constructed on the lowest bench which was constructed with the



[Handwritten Signature]

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 the Hon'ble bench.
- c. That in the line of request letter of Respondent no.4, expected mineral mined from the permitted area during year 2010-11 to 2019-20 required by Hon'ble Tribunal is: 173134.39 tons of magnesite and 15102.93 tons 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 tons of magnesite and 7,880.016 tons of dolomite, total 1,88,443.03 tons 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 Respondent no.4 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 width 20 m X height 1 m).

That a security wall has been constructed by using 1148.79 cubic meters by Respondent no.4 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

llh



of 12,973.79 cubic meters or 23,352.822 tons 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 respondent no.4 in the area was done and trees of various local species were found been planted and were in proper condition within the lease area.

g. That the Respondent no.4 has complied with the suggestions of the joint committee constituted by this Hon'ble tribunal vide order dated 16.9.2020.

16.It is submitted that mining operations in the lease area are still suspended.

17.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.

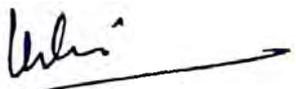

DEPONENT

VERIFICATION:

Verified at on this 27/10/22 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

Solemnly Affirmed before me to day
At..... 27 a.m. p.m.
by..... Vinod Gini Goshwami
the deponent identified by Sri/K.m D.M. Gini
Smt..... Self
I have satisfied my self by examining that
he/she underst and the Contents of this
affidavit/Document




DEPONENT

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

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
(IA No 429/2025)

Chander Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 04.07.2025

**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. Hasil Jain, Advocates for Review Applicant

Respondents: Mr. Ravinder Gupta, Adv. for MoEF & CC (Through VC)
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Adv. for UKPCB (Through VC)
Mr. Mukesh Kumar, Adv. for CPCB
Ms. Anjali Rajput, Adv. for the State of Uttarakhand
Mr. Prabhat Bohra, Mr. Rishesh Sikarwar & Mr. Akshat Kanshik, Adv.
in I.A 429/2025 (Through VC)

ORDER

1. By this Review Application, applicant is seeking review of the order dated 26.10.2021 passed in OA No. 995/2019 whereby OA was disposed of with the direction to the review applicant to pay environmental compensation.

2. Applicant has also challenged the order dated 28.01.2022 filed in review application no. 41/2021 in OA No.995/2019 whereby review application was dismissed on the ground that in the garb of the review, applicant was seeking re-hearing.

3. Applicant had approached the Hon'ble Supreme Court by way of Civil Appeal Nos. 2003-2004/2022: N. B. Minerals Corporation Limited vs. Union of India challenging the aforesaid orders dated 26.10.2021 and 28.01.2022. Hon'ble Supreme Court by order dated 21.11.2024 had dismissed the appeal as withdrawn by granting permission to the review applicant to the following effect:-

“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.”

4. Learned Counsel appearing for the review applicant submits that joint committee report was filed before the Tribunal on 20.01.2021 by Central Pollution Control Board (CPCB) and thereafter, Tribunal had decided the OA by order dated 26.10.2021. He submits that applicant had no opportunity to file an objection to the report of the joint committee. He has pointed out that the report of the joint committee dated 20.01.2021 has been taken into consideration and noted by the Tribunal in paragraph 7 of the order dated 26.10.2021 and it has been relied upon by the Tribunal while passing the final order directing the imposition of environmental compensation.

5. Learned Counsel for the applicant has further submitted that the basis of calculation of environmental compensation is faulty and that environmental compensation could not have been imposed beyond a period of five years prior to filing of the original application.

6. Learned Counsel for the respondent has not pointed out any contradictory material to show that a copy of the report of the joint

committee was received by the review applicant or that he had any opportunity to rebut the report of the joint committee.

7. Hon'ble Supreme Court in the matter *Singrauli Super Thermal Power Station vs. Ashwani Kumar Dubey and Others* reported in (2023) 8 Supreme Court Cases 35: 2023 SCC OnLine SC 824, Civil Appeals No. 3856 of 2022 with Nos. 4525, 4529 and 4581 of 2022, decided on July 5, 2023 has considered the issue of not giving an opportunity to rebut the report of the joint committee or its non-disclosure before passing the order by the Tribunal and has observed as under:-

“22. In this context, it would be useful to refer to what is known as the "official notice" doctrine, which is a device used in administrative procedure. Although an authority can rely upon materials familiar to it in its expert capacity without the need formally to introduce them in evidence, nevertheless, the parties ought to be informed of materials so noticed and be given an opportunity to explain or rebut them. The data on which an authority is acting must be apprised to the party against whom the data is to be used as such a party would then have an opportunity not only to refute it but also supplement, explain or give a different perspective to the facts upon which the authority relies. This has been explained by Schwartz in his work on Administrative Law. The aforesaid doctrine applies with greater force to a judicial/adjudicatory body.

23. Therefore, applying the aforesaid principle to the cases that come up before the NGT, if the NGT intends to rely upon an Expert Committee report or any other relevant material that comes to its knowledge, it should disclose in advance to the party so as to give an opportunity for discussion and rebuttal. Thus, factual information which comes to the knowledge of NGT on the basis of the report of the Committee constituted by it, if to be relied upon by the NGT, then, the same must be disclosed to the parties for their response and a reasonable opportunity must be afforded to present their observations or comments on such a report to the Tribunal.”

8. In view of the undisputed position in this matter that review applicant had no opportunity to rebut the report of the joint committee, and also in view of the judgment of the Hon'ble Supreme Court noted above, the present review application deserves to be allowed and

accordingly allowed, and orders dated 26.10.2021 and 28.01.2022 are recalled.

9. Review applicant and other parties are permitted to file objection to the report of the joint committee within four weeks.

10. I.A. No. 429/2025 for intervention has been filed.

11. Learned Counsel for the applicant in the IA is directed to supply copy of the IA to all the concerned parties who can file the reply to the IA within four weeks.

12. List on 10.10.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 04, 2025
Review Application No. 03/2025
JG.

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 995/2019

(With report dated 10.09.2020)

Chander Singh

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

Date of hearing: 16.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Gaurav Singh, Advocate

Respondent(s): Mr. Mukesh Kumar, Advocate for CPCB

ORDER

1. A joint report was sought from the SEIAA, Dehradun, District Magistrate, Pithoragarh, Uttarakhand State PCB and representative of the Indian Bureau of Mines and Ministry of Mines, Government of India, with reference to the allegation that mine of dolomite was illegally being operated by N.B Minerals Corporation Ltd., Haldwani, District Nainital at Village Dundu, Tehsil Didihat, Distt. Pithoragarh, Uttarakhand.

2. The matter was thereafter considered on 24.02.2020 in the light of report dated 27.01.2020 to the effect that there was violation of environmental norms, including in disposal of the muck. The Tribunal observed:

*“3. In view of the above acknowledged violations, **remedial action needs to be taken to recover compensation by following due process of law. Apart from recovering compensation, remediation of the area is also necessary for***

restoration of the environment. It is necessary to prepare a remediation plan for the purpose.

4. In order to carry out remediation as well as to assess compensation, we constitute a joint Committee comprising the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun. The CPCB will be the nodal agency for coordination and compliance. The report may be filed before the next date by email at judicial-ngt@gov.in. Further action may be completed within three months.

5. A copy of this order be sent to the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun by email for compliance.”

3. Accordingly, report dated 10.09.2020 has been filed by the CPCB to the effect that further detailed examination is necessary for determining the quantum of damage. It is also recommended that some immediate measures be taken to prevent further damage as follows:

“5.5.1. Not to allow mining operations till complying prescribed environmental Norms/ guidelines/ recommendations of the committee hereunder.

5.5.2. To carry out geo-referenced drone survey of the lease area and its surrounding affected area due to spillage of material from mine and submit the output in appropriate format for further analysis and preparation of remedial plans.

5.5.3. Take all appropriate immediate actions to arrest/trap the material from rolling down/flowing away outside lease area by gravity or rain or otherwise.

5.5.4. Give undertaking that waste material/muck will not be dumped outside the mining lease area in future.

5.5.5. Prepare a time bound action plan to take all appropriate actions to address the impact of waste lying outside the lease;

- i) shift the outside dumped/ rolled/ flown/ washed material/ muck to a suitable safe and secure place within mining lease area and stabilize it.*
- ii) in case of area where such material is not safe to handle such portion shall be appropriately terraced, compacted, reclaimed by plantation of local species and ensure its watch and ward till the plantation achieved self-sustained age and height.*
- iii) Any other appropriate method for restoration /reclamation etc.*

5.5.6. To construct robust obstruction structures (such as toe walls, parapet walls) silting ponds etc. under the guidance of district administration, ensure that muck mixed slurry water of rain does not enter into the Dundu stream.

5.5.7. To develop a natural obstruction and/or construct retaining walls at the end of lowest/bottom most bench of the mine so that waste material/muck does not roll down/spillover downwards along the hillock to outside mining lease.

5.5.8. To submit the action plan for repairing the irrigation water channels and village roads blocked by spillover of muck, if any.

4. We see no reason why the above recommendations be not followed. Accordingly, the above recommendations be acted upon. We grant the time sought by the Committee for completing its task and the report may now be submitted within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Committee may also ensure that EC conditions are duly complied with.

List for further consideration on 22.01.2021.

IA 662/2019 for interim relief and IA 663/2019 for exemption from filing clear copy of annexures stand disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 16, 2020
Original Application No. 995/2019
(I.A. No.662/2019 & I.A. No.663/2019)
DV

ANNEXURE C

ITEM NO.2

COURT NO.13

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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. TRIVEDICertified to be true copy
Assistant Registrar (Judicial)
.....2022
Supreme Court of IndiaFor Appellant(s) Mr. K. K. Venugopal, Sr. Adv.
Ms. Gaganpreet Singh, Adv.
Ms. Ojha, Adv.
Ms. Shashi Kiran, AORFor 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 RIssue 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
Date: 22/08/2022
Digit: 13.55.2022
Person: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

—S2—
जिला अधिकारी
दिल्ली