

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH , NEW DELHI**

ORIGINAL APPLICATION NO. 429 OF 2022

IN THE MATTER OF:

RIDHIMA PANDEY

...Applicant

VERSUS

STATE OF UTTRAKHAND & OTHERS

...Respondents

INDEX

1. Reply Affidavit on behalf of Respondent no.-6
m/s Shiv Shakti traders to O.A no. 429 of 2022.
2. Annexure "A"
True typed copy of order dated 26th Febuary 2021
Issued by S.D.M, Purnagiri (Tanakpur)
Uttarakhand.
3. Annexure "B"
Copy of complaint dated 10/03/2021 for
protection and security to SDM ,Purnagiri, U.K

1-7

8-12

13

New Delhi

Dated : 30/06/2024

Through

Respondent

CHANDRA & ASSOCIATES

206, A.J.CHAMBERS , BANK STREET

NAIWALA, KAROLBAGH, NEW DELHI-110005



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH , NEW DELHI**

ORIGINAL APPLICATION NO. 429 OF 2022

IN THE MATTER OF:

RIDHIMA PANDEY

...Applicant

VERSUS

State of Uttrakhand&Others

...Respondents

REPLY ON BEHALF OF THE RESPONDENT NO.6 M/S SHIV SHAKTI TRADERS .

I ,Tarun Pant s/o sh. Dinesh Chandra Pant aged about 35 years prop. m/s Shiv Shakti Traders, Tanakpur , Dist. Champawat , Uttarkhand do hereby solemnly affirm and declar as under :

1. That I am in the abovenoted capacity and as per records available with us , I am fully conversant with the facts and circumstances of the case, hence competent to swear this counter affidavit on behalf of the answering respondent.
2. That I have gone through and understood the contents of the original application and report filed by the committee. I deny each and every averment except those which are admitted herein expressly.
3. That the answering respondent was neither party in the O.A 429 of 2022 nor in any way concerned with its subject matter i.e the



857 lu

impugned order of the D.M (Champawat) for initiating the process of permission for collecting of R.B.M. from the upper stream part of sharda Barrage , Tanakpur , vide letter dated 05/04/2022 . The answering respondent has been impleaded as respondent no.-6 by this Hon'ble Tribunal as being short term permit holder for collecting and removing R.B.M (60000 cubic meter approx) for the period from 26/02/2021 to june 2021 from khasara no. 365/2 area 2 hectare on the upstream of Sharda barrage near village – Uchhuligoth as being highest bidder in a open tender in compliance of the order of S.D.M (Purnagiri) bearing no. 280/st-River dredging/2020-2021 dated 26thFebruary 2021. True typed copy of order of S.D.M (Purnagiri) dated 26/02/2021 is annexed herewith and marked as **Annexure-A**.

4. That pursuant to obtaining the abovesaid order a sum of rupees 2,08,31,400.000 (Two crores eight lakhs thirty one thousand four hundred rupees) was deposited in the government treasury against security deposit in terms of the said order and thereafter the respondent was issued mining (*KHANAN*) id vide number M065022855 for river dredging and removal of R.C.B for the short period of 4 months from 26th February 2021 to 21st June 2021 or till removal of specified quantity of 60,000 cubic meter , whichever is earlier, under the laws/bye laws of Uttarakhand River dredging policy -2020.

5. That it is , however matter of record that when the answering respondent had started cleaning the riverbed under the abovesaid contract then some local villagers started protesting against the said mining upon the pretext of saving the environment under the leadership of some local contractors who were unsuccessful bidders in the same open bid . it is also admitted facts that the respondent no.-1 , state administration had provided police force to the answering respondent for continuing with works and an F.I.R was lodged on behalf of the state against the protesting villagers on 14/05/2021 in which the accused persons were convicted and sentenced by the court of Ld. Judicial Magistrate , Tanakpur in case no. 36/2021 . Copy of complaint of the respondent no.6 dated 10/03/2024 is annexed herewith and the same is marked as **Annexure-B**.
6. That it is stated that the answering respondent had started river dredging works on 05/03/2021 which continued till removal and lawful disposal of specified quantities of 60,000 cubic meter RCB from within the boundaries and places earmarked by the administration in the contract . it is respectfully submitted that the entire process of dredging , cleaning and disposal of RCB were done under the active supervision and monitoring by concerned authorities at various stages physically as well as through electronics mode. It is further stated that every details of

transactions such as name/weight of minerals , sale value , payable GST, name of purchaser , GSTIN purchaser alongwith address of destination etc. were required to be provided for scrutiny at the time of dredging and before disposal of RCB at official website of the administration and only after its authentication by the concerned officers of Uttarakhand administration the collected RCB were allowed to be sold and transported to its destination.

7. It is submitted that nothing stated in the O.A may be deemed to have been admitted by the Respondent no.-6 until and unless the same is expressly admitted in the present reply . Without prejudice to the foregoing preliminary objections/submissions and fully relying upon the same the respondent submits the following reply on merits :-

- i .It is submitted that contents of para 1 are denied for want of knowledge.
- ii. The contents of corresponding para 2 of application are matter of record and hence merits no reply.
- iii. The contents of corresponding para of application are not related with the answering respondent and hence no reply.
- iv. The contents of corresponding para of application are not related with the answering respondent and hence no reply.
- v. The contents of corresponding para of application are denied for



want of knowledge.

vi. The contents of corresponding para of application are not related with the answering respondent and hence no reply.

vii. The contents of corresponding para of application are misleading and hence no reply.



The relief clause is wrong and denied . No grounds has been made out by the applicant for grant of any relief whatsoever and the application is liable to be dismissed with exemplary cost.

Handwritten signature
C.P. Singh Adv
D. 2961/99

Handwritten signature

Respondent no.-6

VERIFICATION



Verified at New Delhi on 1st day of July 2024 that the contents of Reply from para 1 and its sub para I TO VII are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom . The legal submissions are further true as per legal advice received and believed to be true and correct.

Last para is prayer to this Hon'ble Tribunal.

CERTIFIED THAT THE
.../Smt./Km...
... W/o D/o...
...
... identified by Shri Smt...
... as solemnly affirmed before me at
... at Sl. No...
... on...
... the Contents of the affidavit which have
... read and explained to him are true and
... correct to his knowldge.

Handwritten signature

Respondent No.-6

Death Commissioner Delhi

E 1 JUL 2024

6

687

Through

Chandra
30/06/24

CHANDRA & ASSOCIATES

206, A.J.CHAMBERS , BANK STREET

NAIWALA, KAROL BAGH, NEW DELHI-110005

011-43584754, E-mail: cbhushan383@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH , NEW DELHI

ORIGINAL APPLICATION NO. 429 OF 2022

IN THE MATTER OF:

RIDHIMA PANDEY

...Applicant

VERSUS

State of Uttrakhand&Others

...Respondents

AFFIDAVIT

I, Tarun Pant s/o Sh. Dinesh Pant prop. M/S Shiv Shakti Traders r/o Tanakpur , Dist.-
Champawat (Uttarakhand .) do hereby solemnly affirm and declare are as under:

1. That I am the Respondent no.-6 in the abovenoted O.A and well conversant with the
facts of the case and competent to swear this Affidavit.

2.That the contents of accompanying reply to the O.A have been drafted by counsel
under my instructions which I have gone through and have understood the meaning of
the same. The contents of the same are true and correct on the basis of my personal
knowledge and belief.

DEPONENT

(Handwritten signature)

VERIFICATION

Verified at Delhi on 1st day of July 2024 that the contents of above affidavit from
para 1-2 are true and correct on the basis of my personal knowledge and belief and
nothing material has been conceal therefrom.

DEPONENT

(Handwritten signature)

Identify the Deponent who
is signed in this Affidavit

(Handwritten signature)
C.P. Singh Adv.
D-2961/99.

C.P. Singh (Advocate)
Enrollment No. D-2961/1999
Chamber No. 206
Off. Karol Bagh
* Mob. 9810345042

The Seal of Oath Commissioner
S.L. No. 45/2023
PUROSHOTTAM
App. By. Delhi High Court
Period-15/07/2023
to 14/07/2025
Tis Hazari Court, Delhi-110054

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Tarun Pant
s/o W/o D/o Sh. Dinesh Pant
s/o.....
Identified by Shri Smt. C.P. Singh
has solemnly affirmed before me at
Delhi on..... at Sl. No. 84/24
that the Contents of the affidavit which have
been read and explained to him are true and
correct to his knowledge.

84/24

(Handwritten signature)

Oath Commissioner Delhi
- 1 JUL 2024

ORDER

Annexure - A

In compliance of order of Uttarakhand administration industrial development (mining) section -I , Dehradun vide no. 137/VII-1/2020/90KH/16 dated 31 st January 2020 for disposal of RBM/ Silts in Ladhiya river in village- Jhalakudi, Nilapani and Uchoulikath , Tehshil- Purnagiri , District- Champawat , an open bid proceedings done . Details of open bis proceedings are as under:

Sr.no.	Name of demarcated Village/Sports for open bid	Amount of highest Bid	Deposit ed Amount on the dated of bid	Remaini ng balance of highest Bid	17% of deposit ed amount of highest bid	25% of deposit ed amount in DMF of highest bid	Details of deposite d amount	Name & address of highest of bidders
1.	Ladhia River Village Jhalakudi, Khasra No., 22 and 23, 0.75 (25500 Cubic Meter)	1762500	625688	1136812	299625	440625	2502750	ShriYoginder Jyal S/o Shri Karndhawa j Jyal r/o Tanakpur
2.	Ladhiya Village Neela PAni, Khasra No.	2350000	834250	1515750	399500	587500	3357000	Sh. Umesh Kharakwal s/o Ramdutt Kharkwal

	42/5591, 1.00(30000 Cubic Meter)							r/o Champawa t
3.	Sharda River, Village Uchouli Godh, Khasra No. 335/2, Area 2 hectare(7000 Cubic Meter)	146700 00	520785 0	9462150	249390 0	366750 0	355014 00	Sh Tarun Pant (M/s Shiv Shakti Traders) S/o Sh Dinesh Pant, R/o Tanakpur

Out of the bid amount and 42% of DMF and other tax royalty, 17% of the amount has been deposited in the prescribed account head 0853 Non-Ferrous Metal and Metallurgical Industry 102 Mineral Concession Fee 01 Automatic Fee and 25% of the amount has been deposited in UCO Bank Account Number 32040110011362 of District Mineral Foundation Trust Champawat. The auction of the highest bidders in the auction conducted has been approved by the District Magistrate, Champawat letter number: -1617 / XXX-10 / River Training / 2019-20. Date: - 01 Jan, 2021.

Therefore, the above mentioned top bidders are given permission for disposal of R.B.M./debris deposited from the joint demarcated site in Ladhiya river, Sharda river under village Jahalkhudi and Naulpani Tehsil Purnagiri District- Champawat

under the provisions of Government Order No.:- 137/VII-1/2020/90KH/16 dated:- 31 January, 2020, under the following conditions:-

- (1) Channelization work will have to be carried out in the demarcated area only up to the permissible depth of the river bed.
- (2) The applicant will have to enter into a contract with the nearest weighing machine for weighing the sub-mineral and a copy of the contract will be provided to this office and the Senior Mining Officer.
- (3) After receipt of the order by the applicant, action will be taken to obtain e-Ravanna.
- (4) The period of the permit will be considered after the issuance of e-Ravana. It will be mandatory to dispose of the R.B.M./debris within 04 months from the prescribed permit period or the period before removal of the permit quantity, whichever is earlier.
- (5) Other dues and taxes etc. for disposal of debris located at the demarcated site will be paid by the applicant as per rules.
- (6) The applicant will ensure full compliance with the rules/provisions of Uttarakhand River Training Policy-2020.
- (7) If any dispute arises during the collection and transportation of debris/ R.B.M. from the proposed area, then the applicant will be responsible for it.
- (8) Department has issued vehicle pass for removal of R.B.M. any sort of misuse of Pass may result into initiation of criminal complaint against owners of Vehicles under various provisions of law and order may be cancelled.
- (9) Mining activity shall not be carried out between sunset and sunrise. Any such activity during this period will be considered as illegal and necessary action may be taken against them.

10. If any vehicle is found without Ravanna and weight certificate at Main road (National Highway) then appropriate action will be taken against them.
11. In the Case of any mining activity within the radius of 500 meters from specified area then applicant shall be held responsible and before this photographs will be taken and no illegal mining shall be carried out.
12. The applicant shall have to affix a board in the specified area displaying all details of the contract order.
13. The irrigation department shall regularly monitor the specified area for minning
14. In the case of violation and non compliance of conditions of the contract order the Uttarakhand administration shall cancel the order at any point of time.
15. Central / state government shall ensure compliance of guidelines for Covid time to time.
16. The applicant shall have to ensure disposal/ removal of RBM/silts etc. within the specified time . In no case the time limit shall be extended.if within the specified period RBM/silts/debris are not removed from the site within the specified period the applicant shall br held responsible for this and the earnest money shall be forefeited.
17. The applicant shall use one JCB machine or one pokeland for minning works.
18. It shall be mandatory for the applicant to comply with all terms and conditions enumerated hereinabove else the contract/ order in favour of the Applicant shall be cancelled under Uttarakhand river training policy 2020 without intimating any reason whereof and total responsibilities shall be of the applicant.

19. It shall be mandatory to use Mask, social distancing and sanitizer at the mining area in terms of covid guidelines

Sd/-

Himanshu Kaflatiya

Sub Divisional Magistrate

Purnagiri(Tanakpur)

OFFICE OF SUB DIVISIONAL MAGISTRATE, (PURNAGIRI) TANAKPUR, CHAMPAWAT

No. 280/st-River training/2020-2021

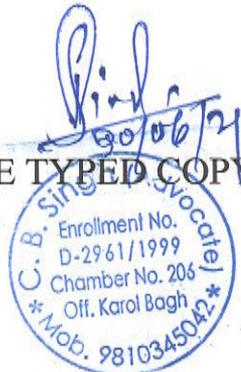
Copy to following for informations and necessary action:-

1. District Magistrate, Champawat
2. Superintendent of police, Champawat
3. Divisional forest officer , Champawat forest zone , Champawat
4. Sub divisional forest officer, Haldwani forest zone, /East Tarai forest zone
5. Deputy superintendent of police , Tanakpur
6. Tehshildar , Purnagiri with instructions to ensure compliances of mandatory conditions within specified areas.
7. Deputy Registrar, Champawat
8. Assistant Commissioner , commercial tax , Tanakpur
9. Inspector incharge, Kotwali, Tanakpur/ S.H.O, Banbassa
10. Superintendent Engineer , Irrigation department, Lohaghat
11. Deputy Director/Senior mine officer, Champawat
12. Abovesaid bidder/contractor

Sd/-

Sub divisional Magistrate

TRUE TYPED COPY



TO

Annexure - B.

The S.D.M

Tehsil- Purnagiri, Tanakpur, (Champawat)

Subject: For providing protection and security during removal and disposal of RBM(Minerals) from Sharda River , Village –Uchouligoth, Khasara no. 335/2 area 2 hectare .

Sir ,

The applicant Tarun pant s/o Sh. Dinesh chand pant is permanent resident of village –Tanakpur , Dist. Champawat . The applicant is the highest bidder in the open bid held on 15/12/2020 at the office of S.D.M ,Purnagiri and the applicant has deposited the entire amount through Chellan in the bank account . Thereafter ,the applicant was also granted permission to remove RBM from the river bed of the demarketed area . when the applicant reached at the site with machine and vehicles then some anti social elements had started hurling abuses upon them and attempted to damage the machines and carriers. The applicant is very much disappointed on account of the abovesaid incidence.

It is therefore , you are requested to provide police force and security cover while uploading and disposal of the RBM.

Dated:10/03/2024

Applicant

— Mr. Dinesh Chandra Pant

Sd/-

Tarun Pant s/o Sh. Dinesh chan pant

R/O Village- Tanakpur, Champawat

U. B. Singh (Advocate)
Enrollment No. D-2961/1999
Chamber No. 204
* Off. Karol Bagh

30/6/24