

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

**Original Application No. 451/2022**

**Anand Kumar Dhyani**

**....Applicant**

**Versus**

**Public Works Department**

**....Respondent**

**INDEX**

S.No	Particulars	Page no.
1.	Index	1-2
2.	Reply along with an affidavit on behalf of the contractor Mr. Rakesh Kumar	3-7
3.	A true copy of the complaint filed by the forest department is annexed as <b>Annexure - 1</b>	8-9
4.	A true copy of the statement is annexed here with <b>Annexure - 2</b>	10-11
5.	A true copy of the deposit receipt is annexed as <b>Annexure - 3</b>	12

Respondent

THROUGH



SIMRAN SEHGAL

Advocate

Counsel for Respondent

BE- block, Hari Nagar, New Delhi

9811429370

adv.simransehgal02@gmail.com

Date: 27.10.2023

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

**Original Application No. 451/2022**

**Anand Kumar Dhyani**

**....Applicant**

**Versus**

**Public Works Department**

**....Respondent**

REPLY ALONG WITH AFFIDAVIT ON BEHALF OF THE CONTRACTOR  
MS. RAKESH KUMAR

MOST RESPECTFULLY SHOWETH:

1. That it is most respectfully submitted that this affidavit is filed by respondent no. , Contractor Mr. Rakesh Kumar
2. That on 03.10.2023, the Hon'ble Tribunal passed an order:  
*"4. Vide order dated 03.04.2023 the concerned contractor, whose particulars were to be furnished by the concerned Executive Engineer, PWD, Bijnor, was impleaded as respondent no. 4 and notice was ordered to be served on him through the concerned Executive Engineer, PWD, Bijnor who was required to send his report in this regard.*  
*5. However, the particulars of the concerned contractor have not been supplied and no report regarding service of notice on the concerned contractor has been filed by the concerned Executive Engineer, PWD, Bijnor.*  
*6. Particulars of the concerned contractor be supplied within 7 days and thereupon notice be issued to the concerned contractor requiring him to file his*

*reply/response within one month by way of email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. “*

3. That it is respectfully submitted that the answering respondent was allotted the contract on 24.08.2021, according to the contract, the work for the construction of the roads was initiated by PWD Najibabad from Shankarpur Farm to Dhakiya main road.
4. That on 1st September 2021, a public announcement was made by the contractor and staff regarding the ongoing project and the construction of roads in that area. It was stated that roads would be constructed here, and soil from both sides of the road would be used for the construction.
5. That during the process of road construction, soil was excavated from the sides of the road to fill the land for road construction. The public announcements were made and verbal consent was given by the villagers who were the actual beneficiaries of the actual infrastructure development.
6. That the caretaker of that property Mr. Rajesh, informed the applicant over the phone that the soil had been extracted from their land for the purpose of construction of the roads. It is a false and fabricated fact that the applicant has stated that he had no knowledge about the soil exertion. Further, the supervisor had requested the caretaker Rajesh to refill the soil and level the land, upon which he did not take any cognizance for a week thereafter the storm took place.

7. That even after the announcement, the caretaker from the village did not take any initiative for over a week, to level the land by adding more soil to the side of the road, which resulted in the flooding of that area by the storm and rain which led to the felling of trees.
8. That it is pertinent to mention here that after being repeatedly informed by the supervisor the caretaker did not initiate any steps for almost a week, thereafter there was a huge storm and heavy rain which flooded the entire area and led to the falling of the trees, thereafter the false allegation and accusation were made upon the answering respondent and the supervisor, further the forest department took cognizance of the matter and after the investigation, the supervisor Anup Kumar was penalized with an environmental compensation of 55,000/-. A true copy of the complaint filed by the forest department is annexed as **Annexure - 1**
9. That on 25.10.2021, range forest crime case no. 13/ kaudia /2021-22 registered a complaint against the contractor Anup Kumar U/S 4/10 of Uttar Pradesh Tree Protection Act,1976, alleging that he and two other unknown persons are responsible for the felling of the trees. Where the statement was recorded. A true copy of the statement is annexed here with **Annexure - 2**
10. That after the complaint, the statement was taken from Shri Anup Kumar where he was held guilty and a fine of Rs. 55,000/- was imposed on him and the case was compounded. A true copy of the deposit receipt is annexed as **Annexure - 3**

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

**Original Application No. 451/2022**

**Anand Kumar Dhyani**

**....Applicant**

**Versus**

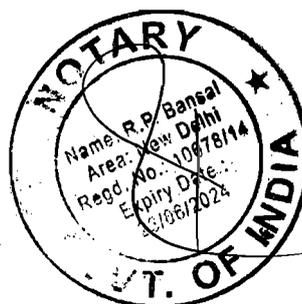
**Public Works Department**

**....Respondent**

**AFFIDAVIT**

Affidavit of Sh. RAKESH KUMAR aged about 48 years s/o Sh. BHAGWAN SINGH, presently posted as a Contractor, B-2/55, kanth road, Ashiyana colony, Phase 2, Moradabad, having an office at C-120, Ashiyana first Moradabad, Distt - Moradabad. — **PRESENTLY AT DELHI**

1. That I am stating the above and well conversant with the facts of the present case and as such competent to swear his affidavit before this tribunal.
2. That the accompanying reply has been drafted by our counsel upon my Instructions.
3. That the contents of the accompanying reply are true and correct and the knowledge has been derived based on my subordinate staff and nothing material has been concealed therefrom.



*[Signature]*

DEPONENT

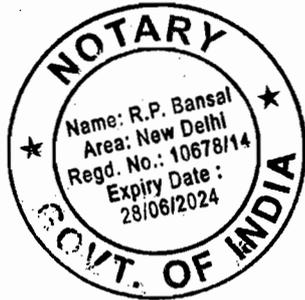
VERIFICATION

Verified on solemn affirmation at New Delhi on this 12.7 OCT 2023 day of October 2023, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

*[Signature]*

DEPONENT

IDENTIFIED BY



ATTESTED  
*[Signature]*  
Notary Public, Delhi  
(As Presented)  
12.7 OCT 2023



प्रमाण (मॉडल) का विवरण  
 प्रमाण (रिपोर्ट) का संख्या

1- प्रमाण का नाम  
 2- मासों का नाम

- (1) अनुप कुमार
- (2) श्री
- (3) श्री

3- कथित अपराध का पूरा विवरण और शंकरपुर काम की टाकिंग रोड का अंश  
 दिनांक 25/10/2021

4- मुद्दा

जन प्रशासक  
 जिला

5- बालान और अनुसंधान (इन्वेस्टिगेशन) के सम्बन्ध में विशेष कथन  
 ग्रामीण प्रशा संरक्षण अधिनियम 1976 की धारा 4/10 के अन्तर्गत दण्डनीय अपराध

6- प्रसूचना (रिपोर्ट) के ब्योरे और प्रमाण बादि का उल्लेख

महोदय,

आज दिनांक 25/10/2021 को श्री

शुभ के प्रधानी शिवलोक में चन्द्रवनी रोड शिवलोक परिसर के बाहरी भाग में भूखण्ड का मापन करी शिकायत के क्रम में मापन की जांच में हमारे प्रतीप कुमार अनवरौंगा जी द्वारा की गई जिसमें पाया गया की शंकरपुर काम की टाकिंग रोड तब तक लंबे निर्माण नगीबाबाद द्वारा सड़क निर्माण किया जा रहा है जिसमें निर्मात्री सड़क विभाग के हैं पैसे की ठेका के सुफवाइजर अनुप कुमार व श्री अज्ञात व्यक्ति द्वारा जो 10000000 रूपये से ज्यादा दिया गया। ठेका के सुफवाइजर अनुप कुमार व श्री अज्ञात व्यक्ति द्वारा जो पैसे की ठेका के लिए जन विभाग से पैसे की अनुमति नहीं की गई थी। जो की ग्रामीण प्रशा संरक्षण अधिनियम 1976 की धारा 4/10 के अन्तर्गत दण्डनीय अपराध है।

- 1. 102 सेमी
- 2. 78 सेमी
- 3. 65 सेमी
- 4. 61 सेमी
- 5. 60 सेमी
- 6. 70 सेमी
- 7. 60 सेमी
- 8. 77 सेमी

अतः प्रमाण प्रवक्ता रिपोर्ट अंतर्गत में सेवा में प्रमाण एवं आवश्यक कार्रवाई हेतु प्रेषित है।

—मजदीय  
 जिला



व्यक्तिगत

श्री अनूप कुमार पुत्र मूप सिंह नि० जवाहरवाट नि० मगतपुर थाना  
 मगतपुर जिला मुरदाबाद यह लगान करता हूँ कि मेरा नाम व पता  
 सही है दिनांक 25.10.2021 को शंकरपुर से दफिमा मेन गेट पर  
 सड़क निर्माण करते हुए हमारे द्वारा जं०सी०ली० से मिली खुदान  
 किमा जा रहा था जिस दौरान कुछ वृक्षों की जड़ों से भी  
 मिली निम्नलिखित गड़बड़ जिस कारण पृथक् मॉके पर गिर गये  
 मैं अपना अपराध स्वीकार करता हूँ तथा यह लगान करता  
 हूँ कि यह अपराध मेरे द्वारा किया गया है। मैं अपना अपराध  
 स्वीकार कर जन विभाग से अपना फंसना चारुा हूँ तथा  
 भविष्य में स्थापना करने का कवन देता हूँ। यही मेरा लगान है  
 जो मेरे द्वारा सुकर व पढ़कर दस्तावर किया गया।

Anoop  
 अनूप कुमार पुत्र मूप सिंह  
 नि० जवाहरवाट नि०  
 मुरदाबाद

ई-3

वन विभाग, मुरादाबाद वृत्त, मुरादाबाद, उत्तर प्रदेश।

क्रमांक 351

क्रम संख्या

52

कृषि शा-देव

शामा सिद्धीर वन प्रभानजीवनाद (इन्फ्र)

अमरा कुमर पुत्र अणुसिंह निवासी ग्राम कतरिया टाटा विजयपुराबाद

मुरादाबाद

ने प्रस्ताव क्रमांक (अको में) 55000/-

(अको में) (गन्धर्वन टाटा रूप में प्रस्ताव)

ने संक्षेप सं. 13 दिनांक 20/3/22 से प्राप्त प्रतिफल को दर्ज कर दिया

X

X

X

तु प्राप्त क्रमांक।

दिनांक 16/03/2022

कर्मचारी के हस्ताक्षर  
(कर्मचारी परमाणु संचित)

गोपनीयता (अनुसंधान) - 1-यानिकी -19-1-15-400 क्रमांक (अनुसंधान/आ.कर्म)

## VAKALATNAMA

IN THE COURT OF Principal Bench, National Green Tribunal  
 No. O.A. No. 451/2022 of  
Anand Kumar Ohyani Piff./Petition/Appellant

Versus

Public Work Dept. Bijnor Defdt./Respondent

Know all to whom these presents shall come that I/we Rakesh Kumar, B-2/85 Kanth road, Moradabad the above-named Sinman Selgel do hereby appoint,

D/6907/2022  
Rahul Pandey  
UP/04981/18

(hereinafter called the Advocates) to be my/our Advocate in the above-note case and authorise him :-

To act, appear and pleaded in the above-noted case in the Court, or in any other Courts in which the same may be tried or heard and also in the appellate Courts.

To sign, file and present pleading, appeals, Cross-objections or petitions of execution, review, revision, restoration, withdrawal, Compromise or other petitions, replies, objections, or affidavits or other documents as may be deemed necessary or proper for the prosecutions of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case, or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said cause.

To take out execution proceedings.

To deposit draw and receive moneys and grant, receipts there for and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other legal Practitioner authorising him to exercise the power and authorities hereby conferred upon the advocate whenever they may think fit to do so.

And I/We, the undersigned to hereby agree ratify and confirm all acts done by the Advocate or his substitute in the matter as my /our own acts, as if done be me/us to all intents and purposes.

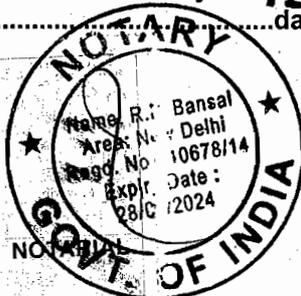
And I/We, undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings.

And I/we, the undersigned, do hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of their absence from the court when the said cause is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/We, the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by me / us to be paid to the Advocate remaining unpaid they shall be entitled to withdraw from the prosecution of the said cause until the same is paid up. If any costs are allowed from an adjournment, the Advocate would be entitled to the same.

In witness where of I/We hereun to set my/our 127 Oct 2023 hand to these presents the contents of which have been understood by me/us this.....day of.....

Rahul Pandey  
UP/04981/18  
 Accepted  
Sinman Selgel  
D/6907/2022



ATTESTED  
[Signature]  
 Notary Public, Delhi  
 (As Presented)  
 Client

127 OCT 2023