

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 235 OF 2022

IN THE MATTER OF:  
RAMSRIKHA SUDESHWARI SOCIAL  
WELFARE FOUNDATION .....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS. ....RESPONDENTS

INDEX

Sl. NO.	Particulars	Page Nos.
1.	Reply on behalf of Respondent No. 3.	1 - 5

NEW DELHI

DATED 18.07.2022/  
19.07.2022



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2

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**.....RESPONDENTS**

**REPLY ON BEHALF OF RESPONDENT NO. 3, U.P. POLLUTION  
CONTROL BOARD**

I, Rajendra Prasad, S/o. late Shri Vishnoo Ram, aged about 55 years, Regional Officer, U.P. Pollution Control Board, Banda, U.P. at present at New Delhi, do hereby solemnly affirm and declare as under:

1. That I in the abovenoted capacity am well conversant with the facts and record of the present case, hence am competent to swear this affidavit.
2. That I have read the original application as well as annexures enclosed therewith and have understood the same fully.
3. That at the outset of this affidavit, I deny each and every averment of facts made in the said original application save and except those which are admitted by me hereinafter specifically.

**PARAWISE REPLY:**

I-III. That the contents of Paras I to III need no comments.



3

IV. That in the contents of Para IV it is submitted that the Applicant is taking contradictory stand on one hand. It is relying upon the report of Committee appointed by Commissioner, Chitrakoot Dham and on the other hand in this para it is stated that the Applicant are challenging the report dated 03.01.2022.

REPLY TO FACTS:

1. That the contents of Para 1 are denied for want of knowledge.
2. That the contents of Para 2 need no reply.
3. That the contents of Para 3 are matter of record and nothing contrary to record is admitted.
4. That the contents of Para 4 are matter of record.
5. That in reply to the contents of Para 5 it is submitted that an area measuring 2.024 hectares (5 acres) was mentioned in the DSR of Mahoba and nobody filed any objection for inclusion of the said portion of land for auction. Thereafter, an advertisement was issued on 21.04.2018 inviting E-tender-cum-e-bid. Respondent No. 6 was highest bidder, hence letter of intent dated 13.08.2018 was issued in her favour for annual estimated quantity of 20240 Cubic Meters of Khanda, Gitti and Boulders. Thereafter, Environment Clearance was granted by District Level Impact Assessment Authority, Mahoba on 01.12.2018. After obtaining Environment Clearance lease was executed in favour of Respondent No. 6 on 08.01.2019 for a period of 10 years.
6. That the contents of Para 6 do not pertain to replying Respondent. However, it is submitted that boundaries of the lease area itself has been mentioned in the lease deed. Prohibited areas are not given in the lease deed and the Applicant has made these contentions of its own. It is further submitted that as per the report submitted by the Committee appointed by the Commissioner, Chitrakoot Dham there is



4

finding that there is no temple or devsthan near the mining area and by painting one rock the same is being told as the place of Siddhbaba.

7-8. That the contents of Paras 7 and 8 do not pertaining to the replying Respondent.

9-10. That the contents of Paras 9 and 10 do not pertain to replying Respondent.

11. That the contents of Para 11 are wrong. No representation or complaint was given to the Regional Officer, U.P. Pollution Control Board, Mahoba. In case any representation has been given, the question of refusing the same does not arise. Rest of the para is also wrong.

12. That the contents of Para 12 do not pertain to replying Respondent.

13. That the contents of Para 13 do not pertain to replying Respondent. However, no reliance can be placed on newspaper.

14-15. That the contents of Paras 14 and 15 do not pertain to replying Respondent.

16. That in reply to the contents of Para 16 it is submitted that the Commissioner, Chitrakoot Dham vide letter dated 20.12.2021 has constituted a Committee of four members.

17. That in reply to the contents of Para 17 it is submitted that the said Committee has submitted the report and in pursuance thereof the District Magistrate, Mahoba has imposed royalty of Rs. 1,20,960/-, cost of mineral Rs. 6,04,800/- and penalty of Rs. 5,00,000/- totaling to Rs. 12,25,760/- upon the Project Proponent which have been duly deposited, though, under protest.



5

18. That the contents of Para 18 do not pertain to replying Respondent.

19. That reply to the grounds of challenge will be given at the time of hearing.

REPLY TO LIMITATION

That the present Application is not within the period of limitation, hence the same is liable to be dismissed. It is submitted that lease was granted on 18.01.2019 and thus present application is not maintainable. The present application against the report of the Committee appointed by Commissioner, Chitrakoot Dham is not maintainable under the provisions of National Green Tribunal Act, 2010.

The above facts are being placed for kind consideration of this Hon'ble Tribunal.

  
DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of above reply are true and correct to my knowledge derived from official record. No part of the same is false and nothing material has been concealed therefrom.

VERIFIED ON THIS THE 16<sup>TH</sup> DAY OF JULY, 2022 AT NEW DELHI.

  
**ATTESTED**  
DIPANKAR DAS  
NOTARY PUBLIC  
R.K. GARG BLOCK  
SUPREME COURT  
16.07.22

  
DEPONENT  
