

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 365/2022

IN THE MATTER OF: -

ARJUN SINGH & ORS.

APPLICANT(s)

VERSUS

STATE OF
UTTARAKHAND & ORS.

RESPONDENT(s)

ND.-28.02.2024

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THROUGH

*Shauma***VYOM RAGHUVANSHI & CO.
ADVOCATES AND SOLICITORS**

F-14 LGF, Kailash Colony, New Delhi, 110048

MOBILE: 8527624282, 9650768199

Email: office@raghuvanshilawoffices.co.in

Place: New Delhi

Dated: 29/01/2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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REPLY ON BEHALF OF RESPONDENT NO. 5

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal was pleased to pass an order on 23.05.2022 constituting a Joint Committee comprising of State Pollution Control Board, District Forest Officer, District Agricultural Officer and District Magistrate, Dehradun and directed the Joint Committee to meet within four weeks and undertake site visits, look into the grievances of the Applicant and take requisite actions by following the due process of law. The State Pollution Control Board was made the nodal agency for coordination and compliance. Further, a factual and action taken report was also directed to be filed within a period of two months.

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2. That pursuant to the report of the Joint Committee, this Hon'ble Tribunal was pleased to implead and issue notice to the Respondent No.5 to file reply/responses in the above captioned matter.
3. That a show cause notice dated 13.09.2022 was issued to the Respondent no. 5 for closure along with imposition of environmental compensation. In compliance of the said notice, the Respondent no. 5 rectified the shortcomings as observed by the Joint Committee in its report dated 30.06.2022. An inspection of the stone crushing unit was carried out by the Regional Office Dehradun on 16.12.2022 and the unit was found running with compliance. However, the days of non-compliance were treated as period of violation for which environment compensation of Rs. 1,66,500/- (One Lakh Sixty-Six Thousand Five Hundred only) was calculated and the Respondent no. 5 was directed to submit environmental compensation vide letter no. UKPCB/HO/Consent/G-232/2023/1599 dated 03.02.2023. It is also submitted that the letter dated 03.02.2023 stated that upon depositing the aforesaid compensation the process of revocation of show cause notice issued to the Respondent no. 5 shall be initiated. True copy of the letter dated 03.02.2023 is enclosed as **Annexure: R-5/1.**
(Pages 6-8)

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4. That in compliance of the notice dated 03.02.2023 the Respondent no. 5 has deposited the environmental compensation vide Demand Draft of Rs. 1,66,500/-(Rupees One Lakh Sixty-Six Thousand Five Hundred Only) bearing no. 299960 was issued by my Bank (SBI Kalsi Dehradun) in favour of Uttarakhand Environmental Pollution Control Board, Dehradun on 13.03.2023.
5. That on 05.04.2023 the Proprietor of the M/s Gambhir Singh Stone Crusher i.e. Respondent no. 5 requested the Uttarakhand Pollution Control Board to revoke the show cause notice and the request was again repeated by letter dated 21.09.2023. However, the Respondent no.5 has not received any reply to the above letters/representations. True copies of the letters by Respondent No.5 to Member Secretary, Uttarakhand Pollution Control Board is marked and annexed hereto as **ANNEXURE: R-5/2 (Colly.)** (Pages 9-11)
6. That the Respondent No.5 has satisfactorily rectified the shortcomings as observed by the Joint Committee in its report dated 30.06.2022 and had also paid the environment compensation of Rs. 1,66,500/-(Rupees One Lakh Sixty-Six Thousand Five Hundred only).
7. That it is most respectfully submitted that in view of the submissions made hereinabove, this Hon'ble Tribunal may be

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pleased to permit Respondent No.5 to carry out its activities as it is the sole source of livelihood not just for the Respondent no. 5 but also for its employees.

8. That Respondent no. 5 seeks liberty to amend/alter the present reply and/or file a detailed reply/affidavit if so, directed by this Hon'ble Tribunal.

PRAYER

In the above facts and circumstances, the Respondent no. 5 humbly prays that this Hon'ble Tribunal may be graciously pleased to:

- a) Kindly revoke the show cause notice dated 03.02.2023 and permit Respondent No.5 to carry out its activities;
- b) Pass any other order(s) as this Hon'ble Tribunal deems fit in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS THE RESPONDENT NO.5
AS IN DUTY BOUND SHALL EVER PRAY.**

THROUGH

Shauma

**VYOM RAGHUVANSHI & CO.
ADVOCATES AND SOLICITORS**
F-14 LGF, Kailash Colony, New Delhi, 110048
MOBILE: 8527624282, 9650768199
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: VERSUS :

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RESPONDENTS

AFFIDAVIT

I, Gambhir Singh Chauhan, s/o late Shyam Singh, aged about 71 years having office at Vill-Bosan, P.O. Kalsi, Distt Dehradun (U.K.), Presently at New Delhi do hereby solemnly affirm and state as under:-

1. That I am the Respondent No.5 Proprietor of the M/s. Gambhir Sing Stone Crusher in the above-mentioned matter and am competent to file this affidavit on behalf of Respondent No.5.
2. I have gone through the accompanying reply consisting of paragraph 1 to_ which have been drafted by my counsel under my instruction and have been read over to me and I have understood the same. I say that the contents thereof are true to the best of my knowledge and belief which I believe to be true and correct.
3. That I say that the averments of the facts stated hereinabove are true to my knowledge and no part of it is false and nothing material has been concealed therein.
4. That the annexures annexed to the reply are true copies of their respective originals.



DEPONENT

Verification:

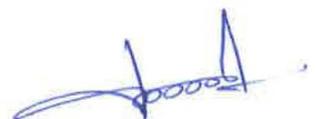
I, the deponent above named do hereby verify that the contents of the above affidavit are true to the best of my knowledge and belief and nothing is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 23 JAN 2024, 2024



EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

23 JAN 2024



DEPONENT

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498



6

ANNEXURE: R-5/1

34

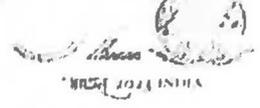
मुख्यालय 27

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

"गौरा देवी पर्यावरण भवन"

46बी, आई0टी0 पार्क, सहस्त्रधारा रोड, देहरादून

Web : www.ueppcb.uk.gov.in. E-mail : msukpcb@yahoo.com



पत्रांक-यूकेपीसीबी/एचओ/सहमति/एस-668/2023/1577

दिनांक :- 03.02.2023

सेवा में,

मै0 सूर्या स्टेन केशर,
बोसन, कालसी,
देहरादून।

विषय :- मै0 सूर्या स्टेन केशर, बोसन, कालसी, देहरादून को निर्गत कारण बताओ नोटिस एवं पर्यावरणीय क्षतिपूर्ति के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उद्योग को इस कार्यालय के पत्र सं0-यूकेपीसीबी/एचओ/सहमति/जी-668/2022/29 दिनांक 13.09.2022 द्वारा पर्यावरण (संरक्षण) अधिनियम-1986 की धारा-5 के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। क्षेत्रीय कार्यालय, देहरादून की आख्या दिनांक 17.12.2022 के अनुसार स्टेन केशर द्वारा कारण बताओ नोटिस का अनुपालन न किये जाने पर दिनांक 30.06.2022 से अनुपालन किये जाने की तिथि तक पर्यावरणीय क्षतिपूर्ति आरोपित किये जाने की संस्तुति की गयी है।

अतः आपको निर्देशित किया जाता है कि प्रथम चरण में ₹0-2,77,500/- (रुपये दो लाख सत्तर हजार पांच सौ मात्र) पर्यावरणीय क्षतिपूर्ति उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड में जमा कराया जाना सुनिश्चित करें।

भवदीय

(एस0के0 पट्टनायक)

सदस्य सचिव

प्रतिलिपि :- क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

सदस्य सचिव



Sharma

True Copy

TRUE TRANSLATION
HEADQUARTERS
UTTARAKHAND POLLUTION CONTROL BOARD
GAURA DEVI PARYAVARAN BHAWAN
46B, ITO PARK SAHAstra DHARA ROAD, DEHRADUN

WWW.UEPPCB.UK.GOV.IN. Email: msukpcs@yahoo.com

Let. No. UKPCBI/HO/CONSENT/G-232/2023/15279

DATED 03.02.2023

To

M/S Gambhir Singh Stone Crasher
Bosab, Kalsi, Dehradun

Subject: Regarding the show cause notice issued to M/s
Gambhir Singh Stone Crusher, Bosan, Kalsi,
Dehradun and environmental compensation.

Sir,

Show cause notice was issued to the above mentioned industry under Section 5 of the Environment (Protection) Act-1986 vide this office letter No. UKPCB/HO/Consent/G-232/2022/28 dated 13.09.2022. In pursuance of the SHOW CAUSE NOTICE, you submitted your reply to the Board Headquarters on 19.10.2022. According to the report of Regional Office Dehradun dated 17.02.2022, the points mentioned in the Show Cause Notice have been complied by the

Sharma

True Copy

stone crusher and it has been recommended to impose environmental compensation from 30.06.2022 to 18.10.2022.

Therefore, you are directed to ensure that environmental compensation of Rs 1,66,500 (Rupees one lakh sixty-six thousand five hundred only) is deposited in Uttarakhand Pollution Control Board. Only after depositing the environmental compensation, action be taken to revoke the Show Cause Notice.

Sincerely yours,

Sd/-

(SK Patnayak)

Member Secretary

Copy to :-Regional Officer, Uttarakhand Pollution Control Board, Dehradun for information and necessary action.

Sd/-

Member Secretary

-//True Translated Copy //-

Sharma

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No: 05017922133

Mob. 8126204235

GAMBHIR SINGH

Deals in- Stone, Sand Bajri, Corusand, Cut Stone etc.

Working Add: Vill-Bosan, P.O. Kalsi, Distt. Dehradun (U.K.)

Reg.

Date 5-4-23

To,

The Member Secretary,
Uttarakhand Pollution Control Board
46 B, IT Park, Sahastradhara Road
Dehradun

Sub: Regarding deposit of Rs. 1,66,500/- against notice no UKPCB/HO/G
232/2023/1599 dated 03-02-2023.

Sir,

The Uttarakhand Pollution Control Board has imposed a environmental indemnification fine of Rs. 1,66,500/- on the crusher unit M/s Gambhir Singh situated at Basan, Kalsi Dehradun.

The details of amount deposited are as under:

Demand Draft no : 299960 in favor of UEPPCB Dehradun

Amount : 1,66,500/-

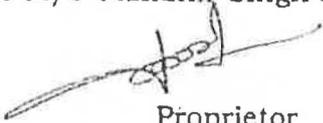
Date : 13-03-2023

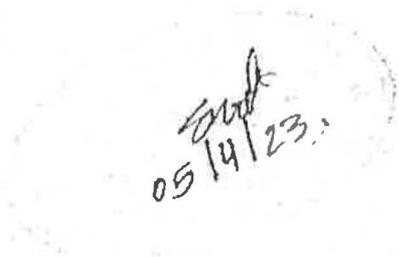
Name of Bank : SBI Kalsi Dehradun

It is requested that kindly revoke the show cause notice no
UKPCB/HO/G-232/2023/1599 dated 03-02-2023.

Thanking you

For M/s Gambhir Singh Stone Crusher


Proprietor


05/4/23

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भारतीय स्टेट बैंक
 State Bank of India
 DE No: 03133
 C-100-275081

A/C Payee
 DEMAND DRAFT

Key: WCGMIS
 Sr. No: 1577131

1 3 0 3 2 0 7 5
 D D M Y

LEPPCB DHIRADUN
 IN DEMAND PAY

रुपये RUPEES One Lakh Sixty Six Thousand Five Hundred Only

अदा करें ₹ 156500.00

00054790360
 Name of Applicant: GAMBHIR SINGH

Key: WCGMIS Sr. No: 157766
 AMOUNT BELOW 156501 (0/6)

भारतीय स्टेट बैंक
 STATE BANK OF INDIA
 अदा करने वाला / DRAWER
 LEPPCB DHIRADUN MAIN BRANCH
 कोड नं. / CODE NO: 000630

AUTHORIZED SIGNATORY
 JEET SINGH
 JEET SINGH
 JEET SINGH

वैधता के लिए स्टैम्प
 VALID ONLY IF COMPUTER PRINTED

वैधता के लिए स्टैम्प
 VALID FOR 3 MONTHS ONLY

INSTRUMENTS FOR 3 MONTHS ONLY

9
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2
1

Jeet Singh
 S.S. No.-C3934

299960 0000020001 000547 16

Sharma

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EV704143879IN INR:6936704143879
 SP INE 58 (249006)
 Counter No:1, 21/09/2023, 10:41
 To: MEMBER SEC, UPCR
 PIN:249001, Dehradun (FD)
 From: GAMBHIR SINGH,
 Wt:30gms
 Amt:17.70(Cash)Tax:2.70
 (Track on www.indianpost.gov.in)

To,
 The Member Secretary,
 Uttarakhand Pollution Control Board,
 Dehradun.

In the matter of Gambhir Singh Stone Crusher,
 V- Basan, P.O. Kalsi Gate, Dehradun

Ref: UKPCB/HO/Con/G-232/2022/28 dated 13-9-2022

Sir,

It is submitted that vide above mentioned letter "Directions under Section- 5 of Environment (Protection) Act-1986 were issued and the same were complied by us.

The compliance was made by me and after inspection by the Committee constituted by the SDM Kalsi a report was submitted to the authorities, compliance made by me.

That vide letter no 1599 dated 03-02-2023 it was noted that the compliance has been made and for previous faults Rs 166500/- was imposed as environment compensation.

That after depositing a demand draft of Rs166500/-- vide our letter dated 05-04-2023 I requested to revoke the show cause notice issued in above reference may kindly be revoked.

It is again requested that I have satisfactorily complied the directions of Committee and paid the imposed Environment Compensation of Rs 166500/- the show cause notice issued to me may kindly be revoked.

Dehradun

Dated 21-09-2023

Encls -2

Your's faithfully

for Gambhir Singh Stone Crusher

(Gambhir Singh)

Proprietor

o/c.

Sharma

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APPLICANTS

VERSUS

STATE OF UTTARAKHAND & ORS.

RESPONDENTS

KNOW ALL to whom these present shall come that In M/s. Gambhir Singh Stone Crusher
Respondent No.5 respectively

The above named do hereby appoint

Vyom Raghuvanshi Enrolment No. D/1021/2010	Akanksha Rathore Enrolment No. D/4034/2022	Dhruv Sharma Enrolment No. D/4183/2023
--	--	--

Of VYOM RAGHUVANSHI & CO.

Having office F-14 LGF (Rear Portion) Kailash Colony,
Near Kailash Colony Metro Gate No. 2, New Delhi- 49
M. 8527624282 & 9650768199

(herein after called the advocate/s) to be my/our Advocate(s) in the above-noted case authorise her/him/them:-
To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/ordinary the documents of opposite party.

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 case.

To take execution proceedings.

The deposit, draw and receive money, cheques cash and grand receipts hereof and to do all other acts and things as may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

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

And I/we undertakes that I/we or my/our duly authorised agent would appear in Court on all hearings and will obtain the advocate for appearance when the case is called.

And I/we undersigned to hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid, I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this..... day of Jan 2024

Accepted subject to the terms of the fees

Akanksha Rathore
Advocate

Vyom

Client

Sharma

For *Gambhir Singh Stone Crusher*
Gambhir Singh Chauhan
Client Proprietor

