

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

M.A No. 62/2024

IN

O.A NO. 43 OF 2023

IN THE MATTER OF:

Dinesh Kumar

...APPLICANT

VERSUS

State of Himachal Pradesh and Ors.

...RESPONDENTS

WITH

**REPLY ON BEHALF OF RESPONDENT NO.5 TO THE REPORT DATED
23.11.2024 FILED BY RESPONDENT NO.1, HPPCB AND THE REPORT DATED
22.11.2024 FILED BY THE RESPONDENT NO.2, DISTRICT MAGISTRATE,
SIRMAUR, NAHAN, HIMACHAL PRADESH**

(PAPER BOOK)

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ADVOCATE FOR THE RESPONDENT NO. 5: AJAY MARWAH

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1. The present Reply is being filed on behalf of Respondent No.5, i.e. M/s Balbir Singh Supa Ram, Village Banor, Tehsil Paonta Sahib, Dist-Sirmaur, pursuant to the leave granted by this Hon'ble Tribunal vide its order dated 25.11.2024 to the Report dated 23.11.2024 filed by the Respondent No.1, HPPCB (hereinafter "HPPCB Report") and to the Report dated 22.11.2024 filed by the District Magistrate, Sirmaur, Nahan, H.P (hereinafter "DM Report") (collectively referred to as "Reports"), which were filed pursuant to the direction of this Hon'ble Tribunal dated 13.08.2024.
2. The Applicant has filed the present O.A alleging illegal and unscientific mining by Respondent No.4 and Respondent No.5, entities operating mines at Paonta Sahib, District Sirmaur. This Hon'ble tribunal vide its

order dated 03.03.2023 had directed a joint inspection of the mines being operated by the Respondent No.4 and Respondent No.5 by a Joint Committee comprising of State PCB, DFO, Mining Department and District Magistrate, Sirmaur, which had made certain recommendations.

3. The aforementioned committee pursuant to its inspection filed its report which was considered by the Hon'ble Tribunal on hearing dated 05.10.2023, and on the basis of which, had directed the Respondent No.1, HPPCB to submit its action taken report dated 27.02.2024. Pursuant thereto, this Hon'ble Tribunal had directed the Respondent No.1 and Respondent No.2 on 13.08.2024 to ensure compliance of the orders passed by the Hon'ble Tribunal to carry out restoration work at the mines to rectify the deficiencies pointed by the Applicant and cognizance of which was taken by the Hon'ble Tribunal.
4. The Reports under reply have been filed pursuant to the visits to the mining site on 08.11.2024, made by the officials of Respondent No.1 pollution board along with representatives of the Respondent No.5 and the Applicant detailing the current status of the compliances to be made by the Respondent No.5 pursuant to the recommendations of the Joint Committee.
5. It is pertinent to mention that Respondent No.5 has a valid Consent to Operate granted by the Ministry of Environment, Forest and Climate vide letter No. J-11015/117/2015-IA.II(M), dated 31.01.2017.
6. The Reports under reply mention that the Respondent No. 5's mine has been non-operational since 24.06.2023. Pursuant to the inspection dated 08.11.2024 by the Respondent No.1's officials in present of the representative of Respondent No.5, a letter dated 12.11.2024 was addressed by Respondent No.1's Regional Office, Poanta Sahib, was

addressed to Respondent No.5 seeking details of the steps taken by Respondent No.5 with respect to the restoration work.

7. The Respondent No.5, in response to the said letter had submitted its response dated 15.11.2024, wherein it had stated that the work with respect to restoration of retaining structures had been initiated and undertaken to arrest the flow of debris, the said work is under progress and pictures evidencing the same had been enclosed. The same are also being annexed hereto and marked as Annexure R5/1. (Pages 6 to 8)
8. Further the Respondent No.5 had also stated that as per the recommendations of the Joint Committee, a private land has also been identified with the purpose of dumping the mine waste. A Photograph of the said land has also been annexed hereto and marked as Annexure R5/2. (Pages 9 to 10)
9. The Respondent No.5 has duly given an undertaking to the Respondent No.1, that it shall not recommence its mining operations till all the directions with respect to the restoration of protective/reclamation measures have been complied with.
10. It is pertinent to submit that the State of Himachal Pradesh was afflicted by flash floods and landslides as a consequence of a cloud burst in the year, 2023. Subsequent the said natural calamity, the existing retaining structures at the mining site which had been restored by the Respondent No.5, had been destroyed again in the monsoons in the year 2024 and the same could not be restored. However, as has been observed in the Reports of Mining Officer, District Sirmaur at Nahan dated 20.11.2024 (Annexure-R1/8), the Respondent No.5 has already initiated the required protection works prior to commencing its mining operation and the same is in progress. The said inspection report also mentions that no mining operations are being carried out.

11. The HPPCB Report also mentions that the seasonal Dunga Nallah in vicinity of Respondent No.5's mining site were found to be carrying water only during monsoon season and were found dry during the inspection.
12. It is apposite to mention that the Applicant in the O.A is also satisfied with the said restoration work and has provided his written acknowledgement as mentioned in the Reports.
13. From the aforementioned observations made by the Respondent No.1 and Respondent No.2 with respect to the mining site, it is apparent that the Respondent No.5 is currently in the process of complying with the directions of the authorities with respect to restoration of the protective measure and in the interim the mining operations have not commenced and are suspended since June, 2023.
14. The Respondent No.5 further undertakes that it shall comply with all the directions of the authorities before recommencing its mining operations and also comply with the applicable norms and rules while eventually carrying out its operations at the mining site.

RESPONDENT NO.5

PLACE: NEW DELHI

DATE: 17-03.2025

 THROUGH
AJAY MARWAH,
COUNSEL FOR THE RESPONDENT NO. 5
136, NEW CHAMBERS BLOCK,
MC SETALVAD BLOCK,
SUPREME COURT OF INDIA,
NEW DELHI-110001
PHONE NO-9711193535

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AFFIDAVIT

I, Sandeep Kumar_s/o Balbir Singh owner of M/s Balbir Singh Supa Ram, having its registered office at lime stone mine banore teh paonta sahib dist sirmour hp, do hereby solemnly affirm and declare as under:

1. That I am the Partner of the Respondent No.5 firm in the above case and well conversant with the facts of the case, hence competent to swear this affidavit.
2. That the accompanying reply has been drafted by my counsel under my instructions

and contents of same are true and correct and same are not being repeated herein for the sake of brevity and same may please be read as part and parcel of this affidavit.

DEPONENT

M/s Balbir Singh Supa Ram
Banour Lime Stone Mine

VERIFICATION:-

Verified at Paonta Sahib on this 17th day of March, 2025 that the contents of this affidavit are true and correct to the best of my knowledge and belief.

DEPONENT

M/s Balbir Singh Supa Ram
Banour Lime Stone Mine

Arjun Singh
IDENTIFY THE DEPONENT
Arjun Singh
Shobharam Singh
R/O VPO Banour
teh Paonta Sahib
Distt. Sirmour H.P.
369723351125

ATTESTED
Jagdish Negi
17/3/2025
Advocate & Notary Public
Paonta Sahib (H.P.) India

Sh. Arjun Singh

A
P













AJAY MARWAH <officeofajaymarwah@gmail.com>

PROOF OF SERVICE- MA No. 62/2024 in OA No. 43/2023 | Dinesh Kumar v. State of HP and Ors.-Reply of Respondent No.5

1 message

AJAY MARWAH <officeofajaymarwah@gmail.com>

Mon, Mar 17, 2025 at 5:23 PM

To: mspcb-hp@nic.in, adm-sir-hp@nic.in, "courtcasengt2@gmail.com" <courtcasengt2@gmail.com>

Respected Sir/Ma'am,

We act on behalf of and under instructions of Respondent No.5

.PFA a copy of the reply filed by the Respondent No.5 to the reports furnished by your good offices before the Hon'ble National Green Tribunal.

Please consider this email a proof of service of the same.

 **Reply Respondent No. 5.pdf**
1425K

VAKALATNAMA

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
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KNOW ALL to whom these present shall come that I Sandeep Kumar, partner of M/s Balbir Singh Supa Ram, having its registered office at Lime stone mine Vill Banour Teh Paonta Sahib Dist Sirmour HP the above named Respondent No.5, do hereby appoint:

Ajay Marwah (D/ 2385-A/2008)

Swaroopananda Mishra (D/4955/2019) Mrigank Bharadwaj (PH/545/2021)

136, New Lawyers Chambers block, Supreme Court of India, Bhagwan Dass Road-110001

Email ID: Marwah.ajay@gmail.com, officeofajaymarwah@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorise him:-

1. 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.
2. 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 subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. 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.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof 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 case.

7. To appoint and instruct any other Legal Practitioner authorising 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.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as ^{my/our} own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to 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 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 WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....17.....day of March 2025

Accepted subject to the terms of the fees.

Ajay

Ajay Marwah
Advocate

Client

Client


Baftr Singh Supa Ram
Danour Lime Stone Mine

