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IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

RESPONSE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD

Original Application No. 453/2023

Raghubir Singh Garia

Applicant

Versus

State of Uttarakhand

Respondents

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Dated: May, 2024

Advocate
(Counsel for the respondent)



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UTTARAKHAND POLLUTION CONTROL BOARD**

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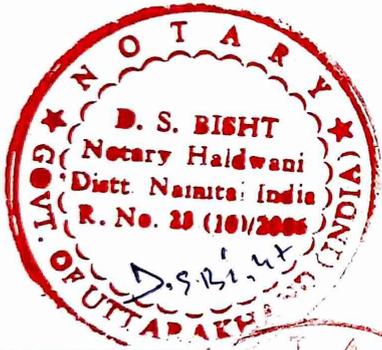
Applicant

Versus

State of Uttarakhand

Respondents

AFFIDAVIT of Dr. D.K. Joshi,
aged about 59 years, S/o Late Shri
H.C. Joshi Presently posted as
Regional Officer, Uttarakhand
Pollution Control Board, Regional
Office, Avas Vikas, Haldwani,
District Nainital.



Deponent

I, the above-named deponent do hereby solemnly affirm and state on oath as under: -

- 1) That the deponent is presently posted as the Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Avas

Vikas, Halwani, District Nainital and is competent to sign and swear the instant affidavit.

- 2) That this Hon'ble Tribunal vide order dated 03.04.2024 has been pleased to direct as under: -

"4. Vide order dated 01.11.2023 State of Uttarakhand, through Chief Secretary, Government of Uttarakhand, Director, Geology and Mining, Government of Uttarakhand, UKPCB, District Magistrate, Bageshwar and Mr. Anand Singh Kalakoti S/O Diwan Singh Kalakoti, Resident of Village & Post office Dofar, District Bageshwar were impleaded as respondents no. 1 to 5 and notices were issued to them.

9. The District Magistrate, Bageshwar and the Senior Superintendent of Police, Bageshwar are directed to ensure that no illegal mining takes place in the mining lease in question."

- 3) That in compliance of the aforesaid directions, it is humbly stated that UKPCB has vide letter bearing no. UKPCB/HO/C&M-179/2024/81 dated 21.03.2024 has issued show cause notice to M/s Anand Singh Kalakoti Soapstone Mine (Respondent No. 5) for violating the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974. Through the said show cause notice, an opportunity has been given to the Respondent No. 5 as to why its unit should not be closed and a compensation of Rs. 3200.00 day should not be imposed until compliance is done. In this connection, copy of the show cause



[Signature]

notice dated 21.03.2024 is being marked and filed as Annexure No. 1 to this affidavit.

- 4) That the UKPCB vide letter bearing no. UKPCB/HO/S.No.-183-713/2024/51 dated 15.04.2024, communicated a letter to District Magistrate, Bageshwar and Superintendent of Police, Bageshwar to comply with the directions of the Hon'ble Tribunal and ensure prohibition of illegal mining in the area in question. In this connection, copy of the letter dated 15.04.2024 is being marked and filed as Annexure No. 2 to this affidavit.



That the deponent is a responsible Government servant having the highest regards for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.

[Signature]
Deponent

Verification: -

I, D. S. Bisht Adv....., Advocate, do hereby declare that the person making this affidavit and alleging himself to be is the same person who is known to me from the papers produced by him before me in this case.

D. S. Bisht

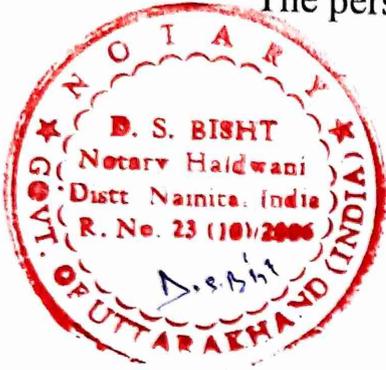
.....
Advocate
Enrol. No. 120-23(10)7766

[Signature]

Solemnly affirmed before me on this day of 24 May, 2024 at Haldwani at about 1:44 AM/PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.



Notary

Signature

Certified that Sri/Smt. Dr. D.K. Joshi
the deponent identified by C. B. Joshi
scanned & verified the contents of the
affidavit at Haldwani
on date 24/5/2024 at 1:44 P.M.
D. S. Bisht
Advocate
Distt. Nainita U.K. India
24/5/2024



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Annexure No. 1

HEAD OFFICE
Uttarakhand Pollution Control Board
"Gaura Devi Paryavaran Bhawan"
46B, IT Park, Sahastradhara Road, Dehra Dun
E-mail: msukpcb@yahoo.com, Phone No.-0135-2607092

UKPCB/HO/C&M-179/2024/ 81

Speed Post

Date: 21/03/2024

To,

M/s Anand Singh Kalakoti Soapstone mine,
Vill-Papaun, Tehsil & Distt- Bageshwar.



Directions under Section 31(A) of Air (Prevention and Control of Pollution) Act- 1981 and Section 33(A) of Water (Prevention and Control of Pollution) Act- 1974

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981; and vide provisions of this Act every water/air polluting industry/unit/operation/processes is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, it is mandatory on the part of industry to obtain the prior consent of the Board to establish/operate/process an industrial plant under Section-25 of the Water (Prevention and Control of Pollution) Act, 1974;

WHEREAS, it is mandatory on the part of industry to obtain the prior consent of the Board to establish/operate/process an industrial plant under Section-21 of the Air (Prevention and Control of Pollution) Act, 1981;

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industries, operations or processes to keep their effluent/emission quality within the specified norms; and

WHEREAS, in reference of the order passed by the Hon'ble NGT on dated 01.11.2023 in the matter of OA no. 453/2023 titled as "Raghubir Singh Garia Vs State of Uttarakhand & Ors" a joint inspection of M/s Anand Singh Kalakoti Soapstone mine located at Vill-Papaun, Tehsil & Distt- Bageshwar was carried out on dated 14.09.2023. In continuation of which the report was forwarded by Regional Officer, Haldwani vide their letter dated 12.10.2023 and 20.01.2024 with following observations :-

1. निरीक्षण के दौरान स्थल पर खनन क्षेत्र से निकले मलवे का निस्तारण खनन क्षेत्र की उत्तर दिशा में नाले की ओर 15 x 10 x 1.5M=225 घन मीटर मलवा खनन क्षेत्र के बाहर भूमि पर किया जाना पाया गया। जिसमें वायर कट रिटेनिंग वाल की स्थापना नहीं की गयी है। जिससे मलवे का निस्तारण नाले में होने की सम्भावना है। जो राज्य बोर्ड से निर्गत सशर्त सहमति पत्रांक-यूकेपीसीबी/सहमति/ए-358/2023/202 दिनांक 22.05.2023 की विशिष्ट शर्तों के बिन्दु सं0-02 तथा बिन्दु सं0-16 का उल्लंघन है।

...cont..page-2..

AS SUCH, it is evident from the above observations that the Unit is violating the provisions of Air (Prevention and Control of Pollution) Act- 1981 and Water (Prevention and Control of Pollution) Act- 1974 and;

NOW THEREFORE, in exercise of the power conferred under Section 31(A) of Air (Prevention and Control of Pollution) Act- 1981 and Section 33(A) of Water (Prevention and Control of Pollution) Act- 1974 as amended with approval of the competent authority of the Board, you are hereby directed :-

1. To Show Cause within 30 days of time from issue of this notice to the undersigned, why the Unit not be closed down under the provisions of above Acts and concerned authorities be directed to discontinue your power and water supply.
2. To Show Cause within 30 days of time from issue of this direction why not the Environment compensation of ₹3200/day shall be imposed on the Unit for violation of Environment norms till compliance.


(Dr. Parag Madhukar Dhakate)
Member Secretary

Letter No. :UKPCB/HO/C&M-179/2024/ 81

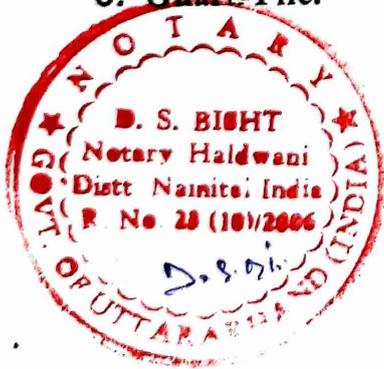
Dated: as above

Copy to :-

1. District Magistrate, Bageshwar for kind information please.
2. Regional Officer, Uttarakhand Pollution Control Board, Haldwani for information and necessary compliance.
3. Account Section.
4. Consent Management Cell-1/Consent Management Cell-2, UKPCB to keep the copy of this order in concerned consent file.
5. Guard-File.


Member Secretary







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गुज्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

Annexure No. 2
Annexure No. 1

"गौरा देवी पर्यावरण भवन"

46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून

E-mail : msukpcb@yahoo.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-713 / 2024 / 51.

स्पीड पोस्ट / ई-मेल द्वारा

दिनांक 15.04.2024

सेवा में,

1. जिलाधिकारी,
बागेश्वर।
2. पुलिस अधीक्षक,
बागेश्वर।



कोर्ट मैटर

विषय:- मा0 एन0जी0टी0 द्वारा मूल आवेदन सं0-453/2023 रघुवीर सिंह गड़िया बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 03.04.2024 का संदर्भ ग्रहण करने का कष्ट करें। मा0 एन0जी0टी0 द्वारा अन्य निर्देशों के साथ-साथ निम्नलिखित निर्देश निर्गत किये गये हैं:-

8. In view of the averments made in the application and objections filed by the applicant and observations made in the report of the Joint Committee regarding environmental violations by respondent no. 5-project proponent and the mandate of Section 20 of the National Green Tribunal Act, 2010 mandating to apply the precautionary principle and in exercise of powers under Section 19(4)(j) of the National Green Tribunal Act, 2010, the respondent no. 5-project proponent is directed to desist from carrying out any further mining in the mining lease in question.

9. The District Magistrate, Bageshwar and the Senior Superintendent of Police, Bageshwar are directed to ensure that no illegal mining takes place in the mining lease in question.

मा0 एन0जी0टी0 द्वारा पारित आदेश की छायाप्रति इस अनुरोध के साथ प्रेषित है कि श्री आनन्द सिंह कालाकोटी द्वारा ग्राम पपों, तहसील एवं जिला बागेश्वर द्वारा संचालित सोप स्टोन माइनिंग को बन्द करने के सम्बन्ध में आवश्यक कार्यवाही करने का कष्ट करें एवं कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक: यथोपरि।

भवदीय,

(डा0 पराग मधुकर घकाते)
सदस्य सचिव

MC 2

प्रतिलिपि:- क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय कार्यालय, हल्द्वानी को मा0 एन0जी0टी0 द्वारा पारित आदेश की छायाप्रति सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

सदस्य सचिव

MC 2