

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

INDEX

IN

RESPONSE AFFIDAVIT

(On behalf of Uttarakhand Pollution Control Board, Dehradun)

in

Original Application No. 1299 of 2024

Vinod Singh Rawat

Applicant

Versus

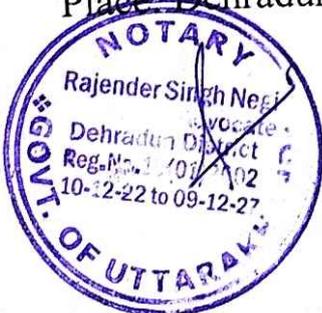
State of Uttarakhand & Ors.

Respondents

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Date:

Place: Dehradun



MUKESH VERMA

Advocate for UKPCB

Chamber No. 50, Old Block,

Supreme Court of India, New Delhi

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Respondents

Affidavit of Shri Parag Madhukar Dhakate, aged about 48 years, S/o Shri M.B. Dhakate presently posted as Member Secretary, Uttarakhand Pollution Control Board, Gaura Devi Paryavaran Bhawan, IT Park, Dehradun.

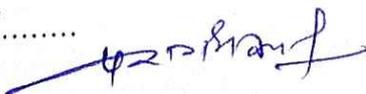
Deponent

I, the above-named deponent does hereby solemnly affirm and state on oath as

under: -

1. That the deponent is presently posted as the Member Secretary, Uttarakhand Pollution Control Board and as such is fully conversant with the facts of the case.

2. That the above-mentioned matter was listed for hearing on 24.01.2025 wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:

".....


7. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it necessary to have response of (1) State of Uttarakhand through Secretary, Environment Department, Government of Uttarakhand, (2) Director, Mining and Geology, Government of Uttarakhand, (3) District Magistrate, Uttarkashi, (4) Uttarakhand State Pollution Control Board, (5) Central Pollution Control Board (6) M/s. Astitwa Anantraj Enterprises and (7) Smt. Varsha Devi wife of Mr. Praveen Singh Village Paletha who are impleaded as respondents no. 1 to 7.

.....”

3. That thereafter, above-mentioned matter was listed for hearing on 20.03.2025 wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:

“.....”

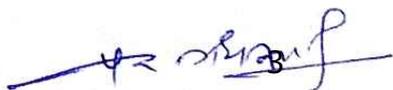
2. Learned counsel for respondents no. 1 to 4, 6 and 7 seek adjournment for filing their replies/responses.

3. Replies/ responses by respondents no. 1 to 4, 6 and 7 may be filed at least one week before the next date of hearing fixed with advance copy to the applicant and other respondents.

.....”

4. That in compliance with the aforesaid order, the instant response affidavit is being filed.

5. It is humbly submitted that the Member Secretary, Uttarakhand Pollution Control Board, Dehradun vide letter bearing no.




UKPCB/HO/No.-183-831/2025/1587 dated 30.01.2025 directed the Regional Officer, UKPCB, Dehradun to comply with the order dated 24.01.2025 and file an additional report as per the directions of this Hon'ble Tribunal and supply the same to the office of Member Secretary. In this connection, a copy of letter dated 30.01.2025 is being marked and filed as Annexure-1 to this affidavit.

6. That in response to the above letter, the Regional Officer, Dehradun UKPCB has provided his report. From the perusal of which it is clear that M/s Astitva Anantraj Enterprises, the stone crusher is complying with the Consent to Operate (CTO) & Consent to Establish (CTE) Conditions. Additional Report of joint committee is already filed by CPCB on dated 18-3-2025. In this connection, a copy of letter bearing no. UKPCB/ROD/NGT-127/2024-25/3986-2145 dated 17.03.2025, sent by the Regional Officer, UKPCB, Dehradun, along with the Additional Report of Joint Committee dated 17.03.2025, is being marked and filed as Annexure-2 to this affidavit.

7. That the deponent is a responsible Government servant having the highest regard 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.



This affidavit is sworn before me by
Shri.....
who is identified by Shri.....
at Dehradun on.....

[Signature]
Deponent

Verification: -

[Signature]
(Rajender Singh Negi)
Advocate & Notary, Dehradun

Verified at Dehradun on the 9th day of April 2025, that the contents of the response affidavit are true and correct to the best of my knowledge and

[Signature] 4

belief based on the official record and nothing is false, and no material has been concealed therein.

[Signature]
Deponent

[Signature]

This affidavit is sworn before me by
Shri. *[Signature]* 21/4/25
who is identified by Shri *[Signature]*
at Dehradun on *[Signature]* 29/4/25

(*[Signature]*)
29/4/25
(Rajender Singh Negi)
Advocate & Notary, Dehradun





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Environment

मुख्यालय Annexure-1
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
'गौरा देवी पर्यावरण भवन'
46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून
E-mail : ukpcblegalcell@gmail.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी/एच.ओ./सा0-183-831/2025/1581

दिनांक 30.01.2025
एन0जी0टी0 मैटर

ई-मेल/स्पीड पोस्ट द्वारा

सेवा में,

क्षेत्रीय अधिकारी
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
क्षेत्रीय कार्यालय,
ई-115 नेहरू कॉलोनी, देहरादून।

विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन सं0 1299/2024 विनोद सिंह रावत बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन सं0 1299/2024 विनोद सिंह रावत बनाम उत्तराखण्ड राज्य एवं अन्य में पारित आदेश 24.01.2025 का सन्दर्भ ग्रहण करना चाहें। मा0 राष्ट्रीय हरित अधिकरण द्वारा अन्य निर्देशों के साथ निम्न निर्देश निर्गत किये गये हैं:-

5. The Joint Committee is directed to look into the aspects of illegal mining, collect copies of the relevant documents regarding river dredging permit to Smt. Varsha Devi, the quantity supplied by above said permit holder to M/s. Astitwa Anantraj Enterprises and the total quantity of raw material utilized by M/s. Astitwa Anantraj Enterprises during the period.

6. Additional report of the Joint Committee addressing all the relevant aspects including the aspects highlighted above be filed within one month.

उपरोक्त निर्देश के क्रम में आपको निर्देशित किया जाता है कि सयुक्त कमेटी से सम्पर्क कर आख्या इस कार्यालय को प्रेषित करना सुनिश्चित करें। जिससे की ससमय आख्या मा0 राष्ट्रीय हरित अधिकरण में दाखिल की जा सके। प्रकरण पर अगली सुनवाई दिनांक 20.03.2025 को नियत है।

संलग्नक: यथोपरि।

भवदीय

(डा0 पराग मधुकर धकाते)
सदस्य सचिव

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, जिला उत्तरकाशी।
2. सदस्य सचिव, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, परिवेश भवन, ईस्ट अर्जुन नगर, दिल्ली।

सदस्य सचिव



Regional Office
Uttarakhand Pollution Control Board
E-115, Nehru Colony, Dehra Dun
E-mail : roueppcb@gmail.com,
Phone No.-0135-3593200

पत्रांक सं०-यूकेपीसीबी/आरओडी/NGT-127

/2024-25/ 3986 - 2145

दिनांक: 17/03/25

सेवा में

सदस्य सचिव महोदय

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड,
गौरा देवी पर्यावरण भवन, आई०टी० पार्क,
सहस्त्रधारा रोड़, देहरादून।

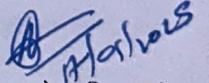
विषय- मा० राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या 1299/2024 विनोद सिंह रावत
बनाम स्टेट आफ उत्तराखंड के संबंध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक संख्या यू०के०पी०सी०बी०/एच०ओ०/
सा०-183-831/2025/1587 दिनांक 30.01.2025 का संदर्भ ग्रहण करना चाहें, मा० राष्ट्रीय हरित
अधिकरण में योजित मूल आवेदन संख्या 1299/2024 विनोद सिंह रावत बनाम स्टेट आफ उत्तराखंड में
पारित आदेश दिनांक 24.01.2025 के क्रम में संयुक्त कमेटी की आख्या संलग्न कर अग्रिम आवश्यक
कार्यवाही हेतु सादर प्रस्तुत है।

संलग्नक-यथोपरि।

भवदीय


(अमित पोखरियाल)
क्षेत्रीय अधिकारी

1/25

Additional Joint Committee Report on
OA No. 1299/2024 in the matter of Vinod Singh Rawat Vs State of Uttarakhand
Passed by Hon'ble NGT order dated 24.01.2025

Hon'ble National Green Tribunal, Principal Bench vide its order dated 26.11.2024 constituted a Joint Committee comprising of District Magistrate, Uttarkashi; Uttarakhand State Pollution Control Board (UKSPCB) and Central Pollution Control Board (CPCB). The CPCB was to act as nodal Authority for coordination and compliance.

In compliance of Hon'ble NGT order Joint Committee has submitted the report vide dated 01.01.2025 to Hon'ble NGT, and the case was heard on 24.01.2025, Hon'ble NGT (PB) vide its order dated 24.01.2025 further directed Joint Committee to file additional report. The related para of said order is reproduced here as under: -

"...4. We have gone through the report and we find that the Joint Committee has not looked into the aspects of previous illegal mining in the area and compliance with CTO conditions and guidelines issued by CPCB and UKPCB by the Project Proponent-M/s. Astitwa Ananraj Enterprises. The Joint Committee has also not looked into applicability of location criteria and compliance with the same by the Project Proponent-M/s. Astitwa Ananraj Enterprises. In the report of the Joint Committee, it has been mentioned that penalty of Rs. 1,06,42,748/- was imposed on the Project Proponent-M/s. Astitwa Ananraj Enterprises vide notice dated 06.08.2022 and but said penalty is stated to have been waived subsequently vide notice dated 18.05.2023 in view of reply submitted by M/s. Astitwa Ananraj Enterprises regarding supply of raw material to the Project Proponent- M/s. Astitwa Ananraj Enterprises by Smt. Varsha Devi wife of Mr. Praveen Singh, Village Paletha who was granted river dredging permit by District Magistrate, Uttarkashi and the legality of such wavier has also to be looked into.

5. The Joint Committee is directed to look into the aspects of illegal mining, collect copies of the relevant documents regarding river dredging permit to Smt. Varsha Devi, the quantity supplied by above said permit holder to M/s. Astitwa Ananraj Enterprises and the total quantity of raw material utilized by M/s. Astitwa Ananraj Enterprises during the period.

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17/3/25

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17.3.2025

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6. Additional report of the Joint Committee addressing all the relevant aspects including the aspects highlighted above be filed within one month.

7. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it necessary to have response of (1) State of Uttarakhand through Secretary, Environment Department, Government of Uttarakhand, (2) Director, Mining and Geology, Government of Uttarakhand, (3) District Magistrate, Uttarkashi, (4) Uttarakhand State Pollution Control Board, (5) Central Pollution Control Board (6) M/s. Astitwa Anantraj Enterprises and (7) Smt. Varsha Devi wife of Mr. Praveen Singh Village Paletha who are impleaded as respondents no. 1 to 7.

8. The Registry is directed to prepare and attach memo of parties to the application.

9. CPCB is already represented before this Tribunal through its Counsel.

10. The Registry is directed to issue notices of the application along with copies of all documents and orders passed by this Tribunal to respondents no. 1 to 4 and 6 and 7.

11. Notices be served on respondent no. 6-M/s. Astitwa Anantraj Enterprises and respondent no. 7 Smt. Varsha Devi through the District Magistrate, Uttarkashi and for this purpose notices issued to respondent no. 6 -M/s. Astitwa Anantraj Enterprises and respondent no. 7 Smt. Varsha Devi be sent to the District Magistrate, Uttarkashi by E-mail for getting service of the same effected on them and sending his report in this regard.

12. List on 20.03.2025 for further consideration...."

Copy of the reference NGT order is annexed as Annexure-I

In compliance with said Hon'ble NGT order, the following officials were nominated from the concerned departments for Joint Committee:

1. Shri Kamal Kumar, Sc. 'E', CPCB, RD- Lucknow
2. Shri Vrijesh Kumar Tiwari, SDM, Barkot, Uttarkashi
3. Shri Amit Pokhriyal, Regional Officer, UKSPCB, RO, Dehradun

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The additional compliance report of issues raised in order dated 24.01.2025 based on the field observation and information provided by the concerned departments is as below: -

Issues	Status
Joint Committee has not looked into the aspects of previous illegal mining in the area.	<p>Joint Committee submitted the status of previous illegal mining which was carried out in the area, its report dated 30.12.2024 submitted to Hon'ble NGT based on information provided by Mining Department, Uttarkashi, as below:</p> <ul style="list-style-type: none"> o ADM Uttarkashi has issued the notice to M/s Astitva Anantraj Enterprises, Barkot, Uttarkashi vide letter no. 266/32MB (2021-22) dated 13.10.2022 regarding the penalty of 1,06,42,748.00 imposed on M/s Astitva Anantraj Enterprises, Barkot, Uttarkashi for use of JCB without permission and illegal mining. Copy of the notice is attached as Annexure-II. o The penalty of 1,06,42,748.00 was waive off vide Office Memorandum No 805/VII-A1/2023-10(22)2022 dated 18.05.2023 by Industrial Development (Mining) Division-1, Government of Uttarakhand. Copy of the waive off letter is attached as Annexure-III. o ADM Uttarkashi has also issued the notice vide letter No-8108/32MB-illegal mining (2021-22) dated 12.08.2024 for illegal mining of 780.44 m³ in khasra no. 2958. The penalty of 1,96,671.00 has been imposed. Copy of the notice is attached as Annexure -IV.
Compliance with CTO conditions	<ul style="list-style-type: none"> o As per the inspection report of M/s Astitva Anantraj Enterprises, the stone crusher is complying with the Consent to Operate (CTO) & Consent to Establish (CTE) Conditions. Copy of the report is attached as Annexure-V.
Guidelines issued by CPCB and UKPCB & Mining department	<ul style="list-style-type: none"> o Central Pollution Control Board (CPCB) has issued Environmental guidelines for stone crushing unit vide July 2023 and circulated to all SPCBs/PCCs for implementation. The copy of the guidelines is attached as Annexure -VI.

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17.3.2025

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- Uttarakhand Pollution Control Board has not issued any separate guidelines for the establishment / siting of stone crushers; however, CTE & CTO are granted by UKPCB for the operation of stone crusher and compliance is monitored by UKPCB.
- The Government of Uttarakhand has issued guidelines under "Anugya Niti 2011 by Industrial Development (Mining) Division-II" (copy attached as **Annexure -VI**) and "Anugya Niti 2021 by Industrial Development (mining) Division-I" (copy attached as **Annexure -VI(A)**) for establishment of stone crusher, screening plant and pulveriser in hilly areas.
- As per Anugya Niti 2021, the stone crusher should comply with all the conditions mentioned in Anugya Niti 2021, except distance and area mentioned (as per Point No. 16 (4) for the renewal of the NOC. Whereas, new application of stone crusher should comply the Anugya Niti 2021."

The relevant distance criteria in said guidelines are as follows:

Location	Distance as per 2011 Policy (Meters)	Distance as per 2021 Policy (Meters)
Distance from Forest	100	25
Distance from River	100	50
Distance from religious place	125	25
Distance from school, Hospital	175	300
Distance from Residential house	125	300
Distance from residential area	175	300

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	<p>The compliance status of the stone crusher is as below: -</p> <ul style="list-style-type: none"> ○ The stone crusher has been established in FY 2013. Copy of site verification report dated 07-10-2013 of a committee under SDM is attached as Annexure-VII. The stone crusher is complying the conditions mentioned in Anugya Niti 2011 and Anugya Niti 2021 for the renewal of the NOC, as per siting criteria. ○ The said stone crusher has installed boundary wall, green belt and acoustic enclosure.
<p>The Joint Committee has also not looked into applicability of location criteria and compliance with the same by the Project Proponent-M/s. Astitwa Anantraj Enterprises</p>	<ul style="list-style-type: none"> ○ Joint Committee was informed by the Lakhpal (District/Town/Village) that Rajkiya Inter Collage, Naugaon is situated about 780 meters, Community Health Centre, Naugaon is situated about 225 meters and river is about 100 meters away from the stone crusher. Copy of report is annexed as Annexure-VIII.
<p>In the report of the Joint Committee, it has been mentioned that penalty of Rs. 1,06,42,748/- was imposed on the Project Proponent-M/s. Astitwa Anantraj Enterprises vide notice dated 06.08.2022 and but said penalty is stated to have been waived subsequently vide notice dated 18.05.2023 in view of reply submitted by M/s Astitwa Anantraj</p>	<ul style="list-style-type: none"> ○ Mining Officer informed that Smt. Varsha Devi has got the permission for the river dredging (Channelization) as per Uttarakhand River Training Policy 2020 with quantity of 1,81,500 ton for the period of 4 months i.e., (01.02.2021 to 31.05.2021) vide order no. 2149/32-(2020-21)/ dated 07.01.2021 at Kotiyaal gaon in River Yamuna and dredged material to be disposed as per Uttarakhand River Training Policy 2020. Copy of the permission is attached as Annexure -IX. ○ It was further informed that illegal mining was observed by a joint committee constituted by the DM Uttarkashi and ADM Uttarkashi has issued the notice to M/s Astitva Anantraj Enterprises, Barkot, Uttarkashi vide letter no. 266/32MB (2021-22) dated 13.10.2022 regarding the penalty of 1,06,42,748.00 imposed on M/s Astitva Anantraj Enterprises, Barkot, Uttarkashi for use of JCB without permission and illegal mining.

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<p>Enterprises regarding supply of raw material to the Project Proponent- M/s. Astitwa Anantraj Enterprises by Smt. Varsha Devi wife of Mr. Praveen Singh Village Paletha who was granted river dredging permit by District Magistrate, Uttarkashi and the legality of such waiver has also to be looked into.</p>	<ul style="list-style-type: none"> o Further Government of Uttarakhand Industrial Development (Mining) Division-1 has constituted an another joint committee for the verification/clarification of inspection report vide dated 26.12.2022, the committee has heard appeal/representation the M/s. Astitwa Anantraj Enterprises of vide letter dt. 23.01.2023. o Based on joint committee report the penalty of 1,06,42,748.00 was waive off by Industrial Development (Mining) Division-1, Government of Uttarakhand vide office memorandum No 805/VII-A1/2023-10(22)2022 dated 18.05.2023. Copy of the waive off letter is attached as Annexure -III. o The decision of penalty imposed and waive-off of the penalty was decided by the DM Uttarkashi & Government of Uttarakhand on the basis of report submitted by joint committee.
<p>The Joint Committee is directed to look into the aspects of illegal mining, collect copies of the relevant documents regarding river dredging permit to Smt. Varsha Devi, the quantity supplied by above said permit holder to M/s. Astitwa Anantraj Enterprises and the total quantity of raw material utilized by M/s. Astitwa Anantraj Enterprises during the period.</p>	<ul style="list-style-type: none"> o Mining Officer informed that Smt. Varsha Devi has got the permission for the river dredging (Channelization) with quantity of 1,81,500 ton for the period of 4 months i.e., (01.02.2021 to 31.05.2021) vide order no. 2149/32-(2020-21)/ dated 07.01.2021 at Kotiyaal gaon in River Yamuna and dredged material to be disposed as per Uttarakhand River Training Polity 2020. Copy of the permission is attached as Annexure -IX. o As informed by the mining department that river dredging (channelization) was carried out by the Smt. Varsha Devi for the duration of 4 months i.e., (01.02.2021 to 31.05.2021). o As informed by the mining department that Smt. Varsha Devi has sold/disposed material with permission vide order no 2149/32-(2020-21)/ dated 07.01.2021 as per "Uttarakhand River Training Policy 2020". Material was excavated against the permission of dredging (Channelization) with quantity of 1,81,299 ton for the period of 4 months i.e. (01.02.2021 to 31.05.2021) vide order no. 2149/32-(2020-21)/ dated 07.01.2021. Copy of the dealer sale

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report is attached as **Annexure-X**.

To whom material sold	Quantity (Ton)
M/s Astitwa Anantraj Enterprises	99843
Other (local vendors/house hold)	81456

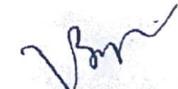
- o As informed by the mining department that M/s. Astitwa Anantraj Enterprises has sold the material as follow: -

Year	2024	2023	2022	2021
Quantity sell by M/s. Astitwa Anantraj Enterprises (Ton)	4223.1	15663	51377.1	40731.8

Copy of the dealer sale report and above information is attached as **Annexure -XI**.


17/3/25
(Kamal Kumar)
Scientist "E"
Central Pollution Control
Board, Lucknow


17.3.2025
(Amit Pokhriyal)
Regional Officer
UKPCB, Dehradun


(Vrijesh Kumar Tiwari)
SDM
Barkot, Uttarkashi