

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

I N D E X

IN

WRITTEN STATEMENT/OBJECTION/RESPONSE

ON BEHALF OF THE RESPONDENT NO. 18

IN

ORIGINAL APPLICATION No. 203 of 2021

IN THE MATTER OF:

Devidas Khatri **APPLICANT**

VERSUS

Union of India and others **RESPONDENTS**

S.N.	PARTICULARS	DATES	ANX.	PGS
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2.	I.D. Proof			5
3.	Vakalatnama			6

Through:

Manu Vardhana
(MANU VARDHAN)

Advocate

Adv. Roll No. A/M 0379/12

Counsels for the Respondent No. 18

Chamber No.: 161, New Building,

High Court, Allahabad

Mobile No. 9415613457

Dated: 30/03/2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

**REPLY/OBJECTION/RESPONSE
ON BEHALF OF THE RESPONDENT NO. 18**

IN

ORIGINAL APPLICATION No. 203 of 2021

IN THE MATTER OF:

Devidas Khatri **APPLICANT**

VERSUS

Union of India and others **RESPONDENTS**

WRITTEN STATEMENT/OBJECTION/RESPONSE IN COMPLIANCE OF ORDER

DATED 20-03-2024 PASSED BY HON'BLE SUDHIR AGRAWAL, JM AS WELL

AS DR. A. SENTHILVEL, EM

I, Vijay Laxmi Kesarwani wife of Late Sri. Om Prakash Gupta aged about 80 years, do hereby solemnly affirm on oath as under: -

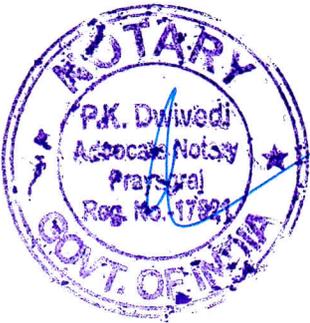
1. That the answering respondent was the Silica Sand Mining lease holder and is well conversant with the facts of the case and as such is competent to submit the present written statement/response in compliance of order dated 20-03-2024. The answering respondent reserves its right to file a Para wise reply to the original application, additional reply to any facts, observation if need arises.

2. That it is humbly submitted that the answering respondent has not carried out any mining activity since the expiry of original grant lease period i.e. 27-07-2021 and since then the



mining activity is lying closed as per the report dated 16.01.2024 submitted by the joint committee.

3. That as per the order dated 20-03-2024, the Hon'ble NGT has granted 10 days' time to file response in the above noted case, which follows hereunder.
4. That in compliance of order dated 19-01-2024 passed by Hon'ble NGT in O.A. No. 203 of 2021 *inre* Devidas Khatri Vs. Union of India and others, the compliance report dated 11/12-03-2024 was submitted by the Uttar Pradesh Pollution Control Board in which the UPPCB has clearly stated that the mining lease of the answering respondent had already expired on 27-07-2021 and the aforesaid mining lease was in defunct condition and the environmental clearance was not required, because it was an old mining lease granted before EIA Notification dated 14-09-2006, hence, environmental compensation was not imposed upon the answering respondent, which is situated at serial no. 5 in Annexure No. 3 to the Compliance Report filed by UPPCB. The extract of EIA Notification dated 14-09-2006 are as follows:



“रिट याचिका सं०- 9416(एम/बी)/2010 एवं रिट याचिका सं०- 10025 (एम/बी)/2010 में मा० उच्च न्यायालय द्वारा

शासनादेश संख्या- 6209/86-52011-127/11 दिनांक 01.07.2011 (संलग्न) स्पष्ट निर्देश दिये गये हैं कि जो पट्टे अधिसूचना दिनांक 14.09.2006 में प्रभावित उपरान्त नये पट्टों पर पर्यावरण स्वच्छता प्रमाण पत्र की आवश्यकता होगी। दिनांक 14.09.2006 के पूर्व स्वीकृत खनन पट्टे जिनकी अवधि अभी समाप्त नहीं हुई है, वे पट्टे में खनन संक्रियायें यथावत चलती रहेंगी।”

5. That therefore, in view of the submissions as stated above by the answering respondent no. 18 in her favour, it is humbly prayed that this Hon'ble Tribunal may be pleased to accept the present written statement/response as part of the record and in light thereof may be delete the name of the answering respondent from the arrays of the respondent parties, otherwise the answering respondent shall suffer irreparable loss and injury.



Whatever stated hereinabove, from paragraph nos. 1 to 5 of present written statement/response are true to the best of my knowledge, information, belief and legal advice received by the answering respondent, which I believe to be true.

Vijai Lalshoni Kesrawani
ANSWERING RESPONDENT

VERIFICATION

statement/response is true to my knowledge based on the records of the case and I believe the same to be true.

Verified at ALLAHABAD on this 30 day of March 2024

Vijai Lakshmi Kesarwani
ANSWERING RESPONDENT



Vijai Lakshmi Kesarwani
.....
Identified by.....
Advocate to be his/her client.
are true and correct which is here to
verified and attested.

IDENTIFIED BY
ADVOCATE PRAYAGRAJ

P.K. Dwivedi
P. K. Dwivedi
Advocate Notary
Govt. of India

30-3-2024



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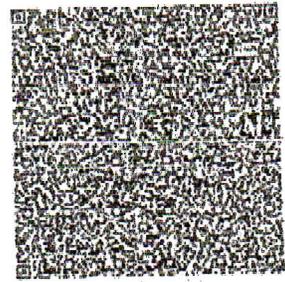
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Government of India

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

नामांकन क्रम/ Enrolment No. : XXXXX XXXX 2741

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Signature Not Verified
Digitally signed by Unique Identification Authority of India
Date: 2024.04.09 10:47:53
GMT+05:30

आपका आधार क्रमांक / Your Aadhaar No. :

XXXX XXXX 2741

VID : 9102 1381 0522 9324

मेरा आधार, मेरी पहचान

सूचना / INFORMATION

- आधार पहचान का प्रमाण है, नागरिकता या जन्मतिथि का नहीं। जन्मतिथि आधार संख्या धारक द्वारा प्रस्तुत सूचना और विनिर्दिष्ट जन्मतिथि के प्रमाण के दस्तावेजों पर आधारित है।
- इस आधार पर को गैरआधिकारिक/अनधिकृत प्रमाणिकरण एजेंसी के जरिए ऑनलाइन प्रमाणिकरण के द्वारा सत्यापित किया जाता चाहिए या ऐप स्टोर में उपलब्ध mAadhaar या आधार क्यूआर कोड स्कैनर ऐप में क्यूआर कोड को स्कैन करके या www.uidai.gov.in पर उपलब्ध सुरक्षित क्यूआर कोड रीडर का उपयोग करके सत्यापित किया जाता चाहिए।
- आधार विशिष्ट और सुरक्षित है।
- पहचान और पते के समर्थन में दस्तावेजों को आधार के लिए नामांकन की तारीख से प्रत्येक 10 वर्ष में कम से कम एक बार आधार में अपडेट कराना चाहिए।
- आधार विभिन्न सरकारी और गैर-सरकारी कार्यों/सेवाओं का लाभ लेने में सहायता करता है।
- आधार में अपना मोबाइल नंबर और ईमेल आईडी अपडेट रखें।
- आधार सेवाओं का लाभ लेने के लिए mAadhaar ऐप डाउनलोड करें।
- आधार/बायोमेट्रिक्स का उपयोग न करने के समय सुरक्षा सुनिश्चित करने के लिए आधार/बायोमेट्रिक्स लॉक/अनलॉक सुविधा का उपयोग करें।
- आधार की मांग करने वाले सहमति लेने के लिए बाध्य हैं।
- Aadhaar is proof of identity, not of citizenship or date of birth (DOB). DOB is based on information supported by proof of DOB document specified in regulations, submitted by Aadhaar number holder.
- This Aadhaar letter should be verified through either online authentication by UIDAI-appointed authentication agency or QR code scanning using mAadhaar or Aadhaar QR Scanner app available in app stores or using secure QR code reader app available on www.uidai.gov.in.
- Aadhaar is unique and secure.
- Documents to support identity and address should be updated in Aadhaar after every 10 years from date of enrolment for Aadhaar.
- Aadhaar helps you avail of various Government and Non-Government benefits/services.
- Keep your mobile number and email id updated in Aadhaar.
- Download mAadhaar app to avail of Aadhaar services.
- Use the feature of Lock/Unlock Aadhaar/biometrics to ensure security when not using Aadhaar/biometrics.
- Entities seeking Aadhaar are obligated to seek consent.

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Government of India



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आधार पहचान का प्रमाण है, नागरिकता या जन्मतिथि का नहीं। इसका उपयोग सत्यापन (ऑनलाइन प्रमाणिकरण, या क्यूआर कोड/ऑनलाइन एक्सएमएल की स्कैनिंग) के साथ किया जाना चाहिए।
Aadhaar is proof of identity, not of citizenship or date of birth. It should be used with verification (online authentication, or scanning of QR code / offline XML).

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मेरा आधार, मेरी पहचान



भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India



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Vijai Lakshoni Kesawani



VAKALATNAMA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH

ORIGINAL APPLICATION NO. 203 of 2021

DEVIDAS KHATRI

Petitioner

Appellant

VERSUS

U.O.I. & OTHERS

Defendant

Respondent

I, Vijay Laxmi Kesarwani, W/O Late Shri Om Prakash Gupta A/A 80 Years, R/O 170/1A, Nevada, Ashok Nagar, Prayagraj, 211001, Respondent No. 18 in the above matter do hereby appoint and retain

MANU VARDHANA

Advocate, High Court
(Enrolment No. UP-1073/2003)
Advocate on Roll No. A/M0379/2012
High Court, Chamber No. 161
New Building, High court, Allahabad
B, Hanumanbagh Colony, Mumfordganj, Allahabad-211002
Mobile No. – 09415613457, 09335301351

to act and appear for me/us in the above Petition/Suit/Appeal/Reference/Revision and on my behalf to conduct and prosecute or (defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed there in, Including proceedings in taxation and applications for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and in applications of Review and to represent me/us and to take all necessary steps on my behalf in the above matter. I/We agree to satisfy acts done by the aforesaid advocate in pursuance of this authority.

I appoint the said lawyer(s) with the above-mentioned authorities after setting the fee and agree that what ever shall be done by the said lawyer(s) in connection with the said proceeding shall be binding on me/us.

Dated this the 30th Day of March 2024

Signature... Vijay Lakshmi Kesarwani Signature.....

Signature..... Signature.....

Witness... Manu Vardhana Adv Witness.....

ACCEPTED

Manu Vardhana
MANU VARDHANA