

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH AT KOLKATA

OA. NO. 111 OF 2023 (EZ)

IN THE MATTER OF:

PRADEEP KUMAR SINGH

.....APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

AND

IN THE MATTER OF:

M/S. MOHAN & SANJAY STONE WORKS (MINES UNIT)

Through its Partnership: SANJAY KUMAR YADAV

Having its address

Plot No. 60, 61, 62

Mauza – Gadwa, PS – Taljhari,

District – Sahibganj, Jharkhand – 816115 **...RESPONDENTS NO. 14**

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THROUGH



[TATSAT SHUKLA] & [DHIRAJ KUMAR]
ADVOCATE FOR THE RESPONDENTS NO. 14
OFFICE : 405, NILGIRI APPARTMENT,
BARAKHAMBA ROAD, NEW DELHI – 110001
CONTACT: +91-8931046220
EMAIL: lawyerforveterans@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
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ORIGINAL APPLICATION NO. 111 OF 2023 (EZ)

IN THE MATTER OF:

PRADEEP KUMAR SINGH

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Plot No. 60, 61, 62

Mauza – Gadwa, PS – Taljhari,

District – Sahibganj, Jharkhand – 816115 ...RESPONDENTS NO. 14

REPLY ON BEHALF OF RESPONDENT NO.- 14, M/S MOHAN AND

SANJAY STONE WORKS ALONG WITH SUPPORTING

AFFIDAVIT

MOST RESPECTFULLY SHOWETH:

1. That O.A. No. 34/2023 (renumbered as **OA 111/2023/EZ**) captioned Pradeep Kumar Singh vs Union of India was filed by the one Mr Pradeep Kumar Singh wherein he alleged violation of environmental

norms in the operation of quarrying and crushing units in Rajmahal hill of Mauza- Gadwa, District Sahebganj, Jharkhand.

2. That on 27.02.2023, this Hon'ble Tribunal took suo moto cognisance of the complaint filed by Mr. Pradeep Kumar Singh and held that the averments in the application raise questions relating to the environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. This Hon'ble Tribunal also considered it appropriate to constitute a joint committee, which, after hearing the concerned project proponents, was to verify the factual position and suggest appropriate remedial action. Thereafter, vide order dated 22.05.2023, this Hon'ble Tribunal was pleased to implead the answering respondent and was further pleased to seek its response.
3. That it is submitted that Jharkhand State Pollution Control also issued a notice to the answering respondent to check the status of compliance of the terms of CTO/CTE and the recommendations made by the Joint Committee constituted in compliance of the Hon'ble NGT, PB, New Delhi order 27/02/2023 in O.A No. 34/2023.
4. The present respondent No.14 is a partnership firm with its principal place of business at Gadwa, Sahibganj Jharkhand. The respondent No.14 is engaged in the business of Stone Mining and has been duly



authorised by the competent authority to carry out its activities in Sahibganj, Jharkhand. .

5. It is most respectfully submitted that the respondent No. 14 having Stone mines measuring an area of 5.76 Acres in Mouza: Gadwa, Plot No. 60, 61, 62 which is valid for the period from 18.08.2014 to 17.08.2024. Respondent No. 14 was granted CTE by the competent authority on 28.07.2016 and thereafter CTO was also granted on 26.04.2021 which was valid upto 30.06.2024 but the same was prematurely terminated vide order dated 02.03.2022 issued by the Deputy Commissioner, Sahibganj vide Memo No. 195/M and thereafter the Respondent No. 14 is not engaged in any sort of mining operation in the said lease. It is submitted that the order of termination is under challenge before the Hon'ble High Court of Jharkhand vide W.P. (C) No. 1645 of 2022 and the same is sub-judice before Hon'ble Jharkhand High Court.
6. That, It is most respectfully submitted that Mines of respondent No.14 has already been closed and no longer operational. The Jharkhand State Pollution Control Board has also inspected the unit of the Respondent No. 14 on 29.08.2023 and has found that unit was not in operation .

A copy of the inspection report of M/s Mohan and Sanjay Stone Works (Mines Unit) dated 29.08.2023 is annexed as Annexure A/1.

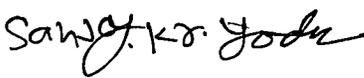
7. That it is most humbly submitted that the notice issued against the answering respondent may kindly be discharged, and the O.A. may be dismissed qua the answering respondent.
8. The statements made in the foregoing paragraphs are true and correct to my knowledge and belief, and the annexures are true copies of their respective originals.

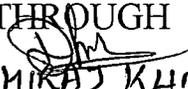
PRAYER

In light of the foregoing, it is most humbly submitted that the notice issued against the answering respondent may kindly be discharged, and the O.A. may be dismissed qua the answering respondent.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT NO. 14
AS IN DUTY BOUND SHALL EVER BE GRATEFUL

RESPONDENT NO. 14


(Sanjay Kumar Yadav)

THROUGH
 [DHIRKAJ KUMAR]  [TATSAT SHUKLA]
ADVOCATES FOR THE APPLICANT
OFFICE : 405, NILGIRI APARTMENT,
BARAKHAMBA ROAD, NEW DELHI – 110001
CONTACT: +91-8931046220
EMAIL: lawyerforveterans@gmail.com

Dated: 13 Sep 23

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH AT KOLKATA**

ORIGINAL APPLICATION NO. 111 OF 2023

IN THE MATTER OF:

Pradeep Kumar Singh

...APPLICANT

VERSUS

Union of India & Ors

...RESPONDENTS

AND IN THE MATTER OF:

M/S MOHAN & SANJAY STONE WORKS (MINESUNIT)

Through its Partner, Shri Sanjay Kumar Yadav

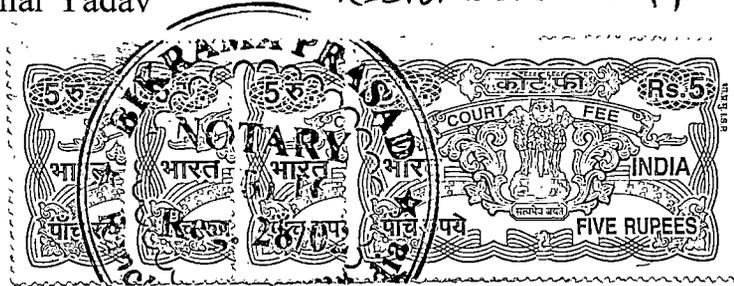
M/S Mohan & Sanjay Stone Works

Plot No. 60, 61, 62

Mouza: Gadwa, P.S.: Taljhari,
Sahebganj, Jharkhand – 816115

Mob No: +919661385597

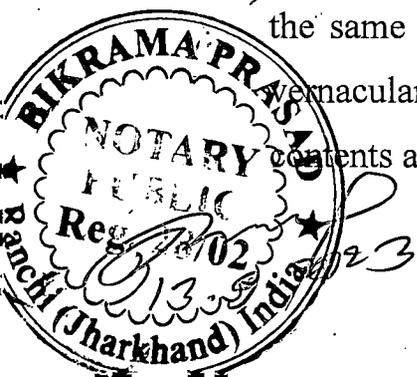
RESPONDENT NO. 14



AFFIDAVIT

I, Sanjay Kumar Yadav, aged about 39 years S/o Shri Dwarika Prasad Yadav, having address at Plot No. 60, 61, 62 Mouza: Gadwa, P.S.: Taljhari, Sahebganj, Jharkhand – 816115, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the accompanying application and I am well conversant with facts of the case and circumstances of the case and competent to depose hereto.
2. That I have filed the accompanying application and the contents of the same from para 01 to 08, which has been read over to me in vernacular as well, may kindly be read over as part of this affidavit which contents are not been repeated for the sake of brevity.



13 SEP 2023

Ref No. 406 Date:

3. I say that no part of it is false and nothing material has been concealed.

Sany. Kr. Yadav

DEPONENT

Ankitesh K.V. Jn
En No: JU/833/22

VERIFICATION

Verified at Ranchi on this day of 13. Sep...... 2023 that the contents of my above affidavit are true and correct to my personal knowledge and believe to be true and nothing material is suppressed or concealed therefrom.

Sany. Kr. Yadav

DEPONENT

Ankitesh K.V. Jn

Ankitesh K.V. Jn
En. No: JU/833/22

The deponent is hereby identified by me.

Ref No. 406 Date 13 SEP 2023



13.9.2023
NOTARY PUBLIC, RANCHI

Inspection of M/S: Mohan & Sanjay Stone Works, Sir Sanjay Kumar Yadav (Part.) Plot No. 60, 61, 62, Mauza- Gadwa, PS- Taljhari, Dist.-SBG vide H/Q Memo No. B-1432 Ranchi Dated 17/05/2023 (Mines Unit)

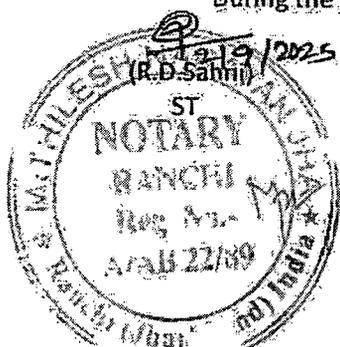
Inspection was carried out on date 29/08/2023 by. Mr. R.D. Sahni ST with undersigned the observations are as follows:-

1. The plant was closed during the inspection. CTO has been granted vide Boards Ref No. JSPCB/RO/DMK/CTO-10280213/2021/107 Dated : 2021-04-26, Valid up to 30.06.2024 (Stone Boulder - 470 TPD)
2. The closure direction has been issued by JSPCB, Vide Letter no. B-693 Ranchi, Date 10/04/2023.
3. The unit was not in operation and all the Air pollution control arrangements are not installed.
4. Lease cancelled by DMO SBG.

Detail Compliance status are as below:

Conditions	Compliance status
a) Stone mines shall have adequate number of truck mounted mist canon system and crushing units shall install dry fog system to reduce fugitive emission.	Not Complied
b) The crushing units (both primary & secondary) should be placed in a covered section and the crushing units having capacity more than 100TPH, shall be provided with bag house as emission control system.	It is mining unit.
c) The Stone mines and Crusher units shall install scientifically designed adequate number of fixed and mobile sprinklers.	Not Complied
d) Conveyor belts should be covered /enclosed to avoid fugitive emission without side-gaps in enclosure and belts.	It is mining unit.
e) The crushed stones or finished products should be stored in a silo, or the height of the finished goods should be kept lower than the height of wind-breaking walls. Strong structural base and framing should be provided for wind-breaking walls to withstand strong wind conditions. The height of the stockpile should always be kept lower than the height of the wind-breaking wall. The wall can be erected radially with a screen as centre point. In addition, proper sprinkling arrangement should be provided all around the stockpiles.	It is mining unit.
f) The haul roads / other roads within the mines/ industry premises used for the transportation of the products from the stone crushers or mines shall be paved and sufficient number of sprinklers be in operation. The concerned crushers shall be responsible for installation, operation and maintenance.	Internal road pucca.
g) Cleaning of mines and crushing units shall be performed with only mechanical means on regular basis.	Not Complied
h) Adequate number Rainwater harvesting system should be installed inside the mines and crusher units for groundwater recharging.	Rain water collected in mine pit
i) Mine sumps or artificial ponds shall be constructed for storing the surface water during rain. This may be used for sprinkling or washing of mine / crusher machineries.	Not Complied
j) Nursery may be developed in Gadwa region for afforestation and biodiversity conservation. A proper green belt shall be developed in and around the mines and crushers.	110 Nos. plants
k) National highway and haul roads shall be maintained properly to reduce fugitive emission.	Not Complied

During the inspection it was found that the CTO conditions were not complied.



Kamlakant Pathak
(Kamlakant Pathak)
R.O.

CTC
[Signature]

VAKALATNAMA

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
BENCH AT KOLKATA**

M.A. NO. OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

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Pradeep Kumar Singh

...APPLICANT

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Union of India & Ors

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M/S MOHAN & SANJAY STONE WORKS

.....APPLICANT

Through its Partner, Shri Sanjay Kumar Yadav

M/S Mohan & Sanjay Stone Works

Plot No. 60, 61, 62

Mouza: Gadwa, P.S.: Taljhari,

Sahebganj, Jharkhand – 816115

Mob No: +919661385597

NOW ALL to that whom these present shall come that I, Sanjay Kumar Yadav, having address at: Khata No. 47, Plot No. 10/P, Mouza- Gadwa, PS – Taljhari, District – Sahebganj, Jharkhand – 816115, in the aforesaid matter hereby appoint:

TATSAT SHUKLA, Adv

(8931046220)

(D/13674/2022

, Dhiraj Kumar, Adv

(D/13690/2022

**Off: 405, NILGIRI APARTMENT, BARAKHAMBA ROAD,
NEW DELHI – 110001**

E-MAIL: lawyerforveterans@gmail.com

AND

Shukla
Adv

**ANIL KUMAR, Adv
(9955576889)**

ENROLMENT NO.: J/1028A/2007

**Off: ADVOCATE BLOCK 2, 150-B, JHARKHAND HIGH COURT,
DHURWA, RANCHI, JHARKHAND – 834003**

E-MAIL: kumar_anil1305@yahoo.co.in

Herein after called the advocate/s to be my/our Advocate in the above-noted case authorized him:

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, appeal cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavit or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file & take back documents to admit and/ or deny the documents of opp. 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 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.

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 it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify 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 purposes. And

I/We undertake that I/we/my/our duly authorized agent would appear in the Court on hearings & will inform the Advocates for appearance when the case is called.

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

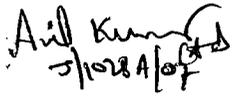
And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above


ANIL KUMAR

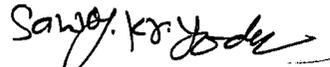
Court. I/We hereby agree that once the fee is paid. We will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

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 13~~th~~ day of Sep 2023.

Accepted subject to the terms of fees.


ADVOCATE(S)


Dr. S. Kumar
Adv
(D13690/22)


CLIENT


TATSAT SHUKLA
ADVOCATE
(D13674/23)