

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 532 of 2023**

IN THE MATTER OF:

Balbir Sandhu

...Applicant

Versus

State of Haryana & Others

...Respondents

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3. VAKALATNAMA

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THROUGH



**SAURABH RAJPAL AND VINAY KR. SINGH
(ADVOCATES FOR RESPONDENT NO.9)**

OFFICE:-D-206, 2ND FLOOR,

LAJPAT NAGAR I,

NEW DELHI-110024

MOB: -9971792885

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PLACE – NEW DELHI

DATE - 15.03.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
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IN THE MATTER OF:

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**SHORT REPLY ON BEHALF OF RESPONDENT NO. 9 - M/S SCP
COMMODITIES TO THE ORIGINAL APPLICATION**

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application has been filed by one person namely Sh. Balbir Sandhu *inter alia* challenging the approved Mining Plan dated 25.01.2023 granted in favour of Respondent No.9 – M/s. SCP Commodities for the extraction of Boulder, Gravel and Sand on the ground that the said approval is in violation of the District Survey Report of District Ambala, Haryana.
2. That this Hon'ble Tribunal vide order dated 29.08.2023 constituted a joint Committee comprising of the Director, Central Pollution Control Board (CPCB) deputed by Member Secretary, CPCB, Member Secretary, Haryana State Pollution Control Board (HSPCB) and District Magistrate, Ambala to carry-out the inspection, examine the concerned record and submit the report before the Tribunal on the issue involved in the captioned matter.
3. That further this Hon'ble Tribunal vide order dated 30.10.2023 granted time to file the objection to the report and reply to the Original Application as prayed by the Answering Respondent before this Hon'ble Tribunal.

4. That pursuant to above, the present reply is being placed by the answering Respondent. The answering Respondent has carefully gone through the contents of Original Application and Inspection Report, after having read and understood the contents thereof. Further Original Application does not contain any facts and evidences qua the allegations made hence, the answering Respondent is filing the present Reply to bring out the true and correct facts and documents on record for the proper adjudication of the present issue in hand.
5. The answering Respondent denies each and every averment, allegation, contention and submission made by the Original Applicant in the captioned Original Application until/ unless the same are specifically admitted herein below.

PRELIMINARY SUBMISSION:

6. At the outset, it is submitted that the present Original Application is barred by limitation as per Section 14(3) of the NGT Act, 2010 as the Applicant has challenged the Mining Plan dated 25.01.2023 (at page Ann A1/4, 270-271) of the answering Respondent and the present Original Application has been filed on 17.08.2023. Moreover, in the present Original Application, the Applicant has not filed any Application for Condonation of delay along with the present Application. Hence the present Appeal may be dismissed at the threshold.
7. It is further submitted that the Applicant herein has no locus to challenge the mining plan of the answering Respondent as the Applicant is resident of "District-Yamuna Nagar" Haryana and the mining is of "District -Ambala", Haryana which is around 75 K.M. from the place of the Applicant. Moreover, no representation has

ever been given by the Applicant raising its concern qua the issue in hand.

8. It is submitted that that the M/s SCP Commodities-Respondent No.9 was the highest bidder (Rs 8,21,00,000/-) for the Sand Minor Mineral Mines of District Ambala for which e-auction was held on 5-7-2022 vide E-Auction Notice (DMG/HY/e-Auction/Amb./2022/ dated 09.06.2022. At this juncture it is also important to mention here that M/s SCP Commodities-Answering Respondent was the first allottee, whose Mining Plan was approved by the Director, Mines and Geology, Haryana vide approval letter dated 25.01.2023, among other two respondents namely **M/S R. M. Mines And Infra Private Limited-Respondent No.8** and **M/s Reliable Mining Corporation, Respondent No.10** whose Mining Plan were approved by the Director, Mines and Geology, Haryana vide approval letters dated 27.02.2023 and 18.05.2023 respectively.
9. It is pertinent to submit here that issues in hand is neither substantive nor is the violation of any Environmental Act, Rules and Norms as alleged by the Applicant in the Original Application qua the answering Respondent rather it is a procedural discrepancy by the concerned authority/body which has prepared the District Survey Report (**herein referred as DSR**) of District – Ambala.
10. It is important to submit here that the concerned authority/body which has prepared the District Survey Report mistakenly/inadvertently left the one of the minerals i.e. Gravel which is a major constituent available in River beds during compilation and preparation of DSR and only included Boulder, Bajri & Sand in the DSR for mining.
11. It is noteworthy to submit here that the concerned authority/body which has prepared the District Survey Report

mistakenly/inadvertently also left to include the Mineable portion of River Sukroon (which is also known as Trilokpur River) during the compilation & preparation of DSR. At this juncture, it is important to clarify here that both the two mistakes such as not to include “*Gravel*” which is a major constituent available in River beds during compilation and preparation of DSR and Mineable portion of River Sukroon (which is also known as Trilokpur River) during the compilation & preparation of DSR by the concerned authority/body which has prepared the District Survey Report led to decrease the quantity of mining minerals and Mineable portion as well.

12. It is submitted here that the Mining Officer, Ambala has undertaken the fact that the DSR of District Ambala needs to be revised and after revision of the same, issue in difference in mineable mineral quantity shall be resolved. At this juncture, it is pertinent to note that the mining plan of the answering Respondent was the first plan which was approved after the DSR was formed among the three project proponents and therefore, it is within the permissible limit of the DSR approved the Haryana. However, the other plan which was approved after the Mining plan of the answering Respondent that are beyond the limit mentioned in the DSR.
13. It is most humbly submitted that the Letter of Intent has been granted on 28.07.2022 to the answering Respondent and the State Government has started charging the lease amount from the answering Respondent and due to interim direction passed vide order dated 30.10.2023, the SEIAA is not considering the case of the answering Respondent for Environment Clearance.

FACTUAL BACKGROUND

14. That the M/s SCP Commodities-Respondent No.9 was the highest bidder {Rs 8,21,00,000/-) for the Sand Minor Mineral Mines of District Ambala for which e-auction was held on 5-7-2022 vide E-Auction Notice (DMG/HY/e-Auction/Amb./2022/ dated 09.06.2022.

15. That on 28.07.2022 *Letter of Intent* was issued by the Director General, Mines & Geology, Haryana vide Memo No DMG/HY/Cont./Gadoli-Ambli Block/AMB/2022/4862, for Mining of Sand (Minor Mineral) In revenue village of Gadoli - Ambli *over* an area of 99.06 acres (39.636 hectares) in District-Ambala, Haryana for a period of 08 Years.

A copy of the Relevant pages of the Letter of Intent dated 28.07.2022 issued by the Director General. Mines & Geology, Haryana is annexed herewith as an **ANNEXURE R-1**.

16. That thereafter Answering Respondent prepared the Mining Plan and submitted the same before the Director General, Mines & Geology, Haryana. On 25.01.2023 Director General, Mines & Geology, Haryana approved the Mining Plan submitted by the Answering Respondent vide Memo No. DMG/HY/MP/Gadoli-Ambli Block/2022/440-443

A copy of the letter of the approved Mining Plan, vide Memo No. DMG/HY/MP/Gadoli-Ambli Block/2022/440-443 dated 25.01.2023 by the Director General. Mines & Geology, Haryana is annexed herewith as an **ANNEXURE R-2**.

17. That thereafter above-captioned Original Application has been filed by the Original Applicant and vide order dated 30.10.2023, this

Hon'ble Tribunal was please to issue notice and directed to file the reply.

18.That, in view of the above facts and circumstances of the case and the answering Respondent has a good case on merits and the Original Applicant has made bald allegation without any proofs/evidence to substantiate its allegation hence, the present original Application may be dismissed.

19.That the answering Respondent further reserve its right to file additional reply as and when required by this Hon'ble Tribunal.

20.That the supporting Affidavit is being filed along with this Reply.

FILED BY

THROUGH



**SAURABH RAJPAL AND VINAY KR. SINGH
(ADVOCATES FOR RESPONDENT NO.9)**

OFFICE:-D-206, 2ND FLOOR,

LAJPAT NAGAR I,

NEW DELHI-110024

MOB: -9971792885

E-MAIL: -advocatesaurabhrajpal@gmail.com

PLACE – NEW DELHI

DATE - 15.03.2024

Affidavit

**Indian-Non Judicial Stamp
Haryana Government**

Date : 15/01/2024

Certificate No. IBO2024A3  Stamp Duty Paid : ₹ 101
(Rs. Only)

GRN No. 111712386  Penalty : ₹ 0
(Rs. Zero Only)

Deponent

Name : Rajendra parsad bansal
H.No/Floor : 0 Sector/Ward : 0 Landmark : 0
City/Village : New delhi District : New delhi State : New delhi
Phone : 94*****97



Purpose : AFFIDAVIT to be submitted at Concerned office

SAT NARAIN GABA
Stamp Vendor
Radour (Yamuna Nagar)

The authenticity of this document can be verified by scanning this QrCode Through smart phone or on the website <https://egrashry.nic.in>

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. _____ of 2023**

IN THE MATTER OF:

Balbir Sandhu ...Applicant

Versus

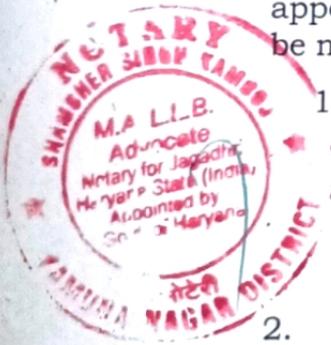
State of Haryana And Others ...Respondent

AFFIDAVIT

I, Rajendra Parsad Bansal, S/o Sh. Ram Karan Das, Age About 59 Years, R/o 509, Block-C DDA HIG Flats, Sector-29, Rohini, New Delhi, North-West Delhi-110085, Authorized Representative of the Applicant No.9 herein above, do hereby appoint Mr. Saurabh Rajpal hereinafter called to the Advocate to be my/our Advocate's in the above case and authorize him:

1. That I am the Managing Partner of the Company/Partnership Firm namely M/s SVC and Lahari in the instant Original Application, and I am well conversant with the facts and circumstances of the case and thus competent to swear this Affidavit.
2. That I have read the accompanying Reply has been drafted under my instructions, which I have read and understood. I further state that the averments made therein are true and correct to my knowledge.
3. That the annexures filed along with the Reply are true and correct copies of their originals.


DEPONENT



VERIFICATION:

Verified at New Delhi on this the 12th day of January, 2024, I the abovenamed deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.


DEPONENT




ATTESTED
SHAMSHER SINGH KAMBOJ
M.A., LL.B.
Advocate
NOTARY, JAGADHRI
YAMUNA NAGAR

Speed/Registered

ANNEXURE R-1

From

The Director,
Mines and Geology Haryana,
Plot No. 9, I.T. Park, Sector-22,
Panchkula.

To

M/s SCP Commodities,
C-509, DDA Flats, Sector-29, Rohini,
New Delhi, India-110085.

Memo No. DMG/HY/Cont./Gadauli Ambli/AMB/2022/ 4862
Dated Panchkula, the 28-07-2022.

Subject: Acceptance of the highest bid in respect of the minor mineral Sand contract of "Gadauli Ambli (BGS)" having tentative area of 99.09 Acres in the district Ambala, offered in e-auction held on 05.07.2022/issuance of Letter of Intent (LoI)- regarding.

You participated in the e-auction held on 05.07.2022 on the e-Auction web portal (<https://minesharyana.clauctions.com/>) for grant of mining contract of minor mineral Sand mine after accepting the terms and conditions of the auction notice issued vide notification no. DMG/HY/e-Auction/Amb./2022/3573 dated 31.05.2022 and Corriengendum No. DMG/HY/e-Auction/Amb./2022/3629 dated 09.06.2022 in order to obtain mining contract of minor mineral Sand mine of the district Ambala.

2. You offered the highest bid of Rs. 08,21,00,000/- (Rs. Eight Crores twenty one lacs only) per annum against the Reserve Price of Rs. 06,01,00,000/- for obtaining the Mining Contract of Minor Mineral Mine namely 'Gadauli Ambli (Sand)' for extraction of 'Sand' having total area of 99.09 Acres. The details of the khasra number of the area under above said Mining (83.59 hectares in riverbed for mining and 15.50 hectares for ancillary activities) is attached as Annexure 'A'.

3. You are hereby informed that the State Government has accepted the highest bid of Rs. 08,21,00,000/- per annum offered by you in respect of 'Gadauli Ambli (Sand)' under the provision of Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules, 2012 (State Rules, 2012). Accordingly, you have become the successful bidder in respect of above said mine.

4. The State Government having accepted the aforementioned highest bid of Rs. 8,21,00,000/- per annum offered by you, the Department is pleased to issue this Letter of Intent (LoI) in your favour in respect of the Mining area namely of 'Gadauli Ambli (Sand)' subject to the following terms and conditions:

4.1 The period of the contract shall be 08 years and the same shall commence w.e.f. the date of grant of Environmental Clearance by the competent

authority and the Consent to Operate (CTO) by the State Pollution Control Board, whichever is later, or on expiry of the period of 12 months from the date of issuance of Lol, whichever is earlier;

4.2 As per the terms and conditions of the grant, you are liable to deposit Rs. 2,05,25,000/- i.e. equal to 25% of the annual bid amount as "Security", out of which you have already deposited an amount of Rs. 82,10,000/- (Rs. Eighty two lacs ten thousand only) i.e. equal to 10% of the annual bid amount as 'initial bid security' after the conclusion of e-auction. The balance amount of Rs. 01,23,15,000/- of the bid security i.e. 15% of the annual bid amount shall be deposited before commencement of the mining operation or before expiry of the period of 12 months from the date of issuance of Letter of Intent (Lol), whichever is earlier;

Provided that in case having taken all steps on your part, if you fails to obtain required environmental clearance and consent to operate(CTO) for undertaking mining operations within the said period of 12 months from the date of issuance of Lol, such letter of intent holder/contractor on a specific application submitted to the Director, at least thirty days prior to the end of the period mentioned above, giving details of the action already taken may seek additional time up to another twelve months, over and above the time of 12 months already allowed for commencement of the period of contract, on payment of a non-refundable fee as per the following:-

1	Extension of further period up to six months	On payment of a non-refundable fee at the rate of one percent per month of the annual bid for each month of requested extension period
2	Extension for a second period up to six months	On payment of a non-refundable fee at the rate of two percent per month of the annual bid for each month of requested extension period
<p>Note: Extension shall be allowed only in month (s) and any request for period less/part of the month shall be summarily rejected and shall apply along with advance amount of the fee for such requested period of extension.</p>		

4.3 You may note that the detail of the area of the mining is tentative and was notified on 'as is where is' basis (refer condition no. 21 (iv) of the auction notice). In case of any inadvertent mistake in the area detail/Khasra number etc., the same shall be got rectified/corrected before execution of the contract agreement (refer condition no. 21 (iii) of the auction notice);

4.4 No request regarding reduction in bid amount on account of reduction in land/area of the Mining Block, on any account including that of change in description of Khasra numbers / location etc. at any stage will be entertained on any ground. This shall also include any loss/reduction of area for actual mining for want of compliance of applicable laws/restrictions for mining or part of the contracted area had already been operated in the past. Needless to state that this also includes the changes, if any, as per condition no. 21 (vi) of the auction notice.

Director, Mines and Geology, Haryana

5. In view of above, it is once again stated that the highest bid of Rs. 08,21,00,000/- (Rs. Eight Crores twenty one lacs only) per annum offered by you in respect of minor mineral mine namely 'Gadauli Ambli (Sand)' of district Ambala have been accepted by the State Government and the Department is pleased to issue this Letter of Intent (LoI) in your favour for grant of mining contract of said mine subject to the above said terms and conditions. Accordingly, you are advised to execute the Contract Agreement by submitting all requisite documents including a solvent surety(s) for a sum equal to the amount of the annual bid for execution of the agreement, within a period of 90 days from the date of issue of this bid acceptance letter and the LoI.


Director, Mines & Geology,
Haryana.

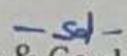
Speed/Registered

Endst. No. DMG/HY/Cont./Gadauli Ambli/AMB/2022/

Dated:

A copy is forwarded to the following for information and necessary action please:-

1. The Principal Secretary to Government Haryana, Mines and Geology Department.
2. The Chairman, Haryana State Pollution Control Board, Panchkula.
3. The Deputy Commissioner, Ambala.
4. The Mining Officer, Mines & Geology Department, Ambala. He is directed to ensure that proper and complete 'Draft Contract Agreement Documents' as required are submitted within stipulated period.


Director, Mines & Geology,
Haryana.

ANNEXURE R-2

From

The Director,
Mines and Geology Haryana,
Plot No. 9, I.T. Park, Sector-22,
Panchkula.

To

M/s SCP Commodities, C-509,
DDA, Flates, Sector-29, Rohini,
New Delhi, India-110085

Memo No. DMG/HY/MP/ Gadoli-Ambli Block /2022/440-443
Dated Panchkula, the 25-01-2023

Subject: Submission of Mining Plan & Progressive Mine Closure Plan under Rule 70(1) of the State Rules, 2012 in respect of Sand Mine of Gadoli-Ambli Block (Minor Mineral) of M/s SCP Commodities, New Delhi, over an area of 99.09 Acres (39.636 hectares) in District Amabala.

Reference to your letter dated 24.01.2023 on the subject noted above.

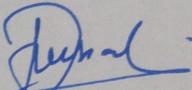
2. Vide letter under reference, the Mining Plan along with Progressive Mine Closure Plan in respect of an area of 99.09 Acres (39.636 hectares) of land in villages Gadoli-Ambli Block, district Ambala was submitted for approval.
3. In exercise of the powers conferred by Rule 69 of the Haryana Minor Mineral Concession, Stoking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, I hereby approve the above said Mining Plan along with Progressive Mine Closure Plan in respect of Sand mine of Villages - Gadoli & Ambli, over an area of 99.09 hectares of land situated in village - Gadoli & Ambli of district Ambala. This approval is subject to the following conditions:-

- (i) That this Mining Plan and Progressive Mine Closure Plan is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government or State Government or any other authority.
- (ii) That this approval of the "Mining Plan along with Progressive Mine Closure Plan" of Mining does not in any way imply the approval of the State Government in terms of any other provisions of the Mines and Minerals (Development & Regulation) Act, 1957 or Haryana Minor Mineral Concession, Stoking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 or any other law including Forest (Conservation) Act, 1980 and Environment Protection Act, 1986 and rules framed there under.
- (iii) That this "Mining Plan along with Progressive Mine Closure Plan" is being approved on the basis of data provided by you. In case, at any point of time any ambiguity in the same is found, the approval will be revoked with suspension of the mining operations and will be allowed to resume operation only after modification/rectification of the same, if so required.

- (iv) That this "Mining Plan along with Progressive Mine Closure Plan" is approved without prejudice to any other order or direction from any court of any competent jurisdiction and is for a period of five years only and shall not be make you entitled for any extension of the lease period.
- (v) That all the norms and provisions as envisaged in the Mining Plan would be adhered to, during the working of mine.
- (vi) That the Financial Assurance of Rs. 5,94,540/- (Rs. Five lac ninty four thousand five hundred fourty only) as required under the provisions of Rule 71(6) of "Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules, 2012, shall be furnished within a period of 60 days or before start of mining operations, whichever is earlier.

4. Further, as per condition no. 4.20 of the LoI dated 28.07.2022, the actual mining will be allowed to be commenced only after Prior Environmental Clearance from the Competent Authority as required under EIA notification dated 14/9/2006, as amended from time to time by the MoE&F, GoI and guidelines/ circulars issued in this behalf.

Encl: Mining Plan & Progressive
Mine Closure Plan (2 copies)


State Geologist,
for Director, Mines and Geology,
Haryana

Registered Post

Endst. No. DMG/ HY/MP/ Gadoli-Ambli Block /2022/

Dated:

A copy along with a copy of the dully approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Director Mines Safety, Room No. 201-203, 2nd Floor, B-Block, CGO Complex-II, Hapur Road, Ghaziabad for information and necessary action.

Encl: Mining Plan & Progressive
Mine Closure Plan

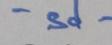

State Geologist,
for Director, Mines and Geology,
Haryana

Endst. No. DMG/ HY/MP/ Gadoli-Ambli Block /2022/

Dated:

A copy along with a copy of the dully approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Mining Officer, Mines and Geology Department, Ambala for information and necessary action.

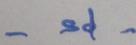
Encl: Mining Plan & Progressive
Mine Closure Plan


State Geologist,
for Director, Mines and Geology,
Haryana

Endst. No DMG/ HY/MP/ Gadoli-Ambli Block /2022/

Dated:

A copy is forwarded to Shri D. C. Yadav, House No. 282, Sector 11-D, Faridabad - 121 001 (Haryana) w.r.t. his letter dated 24.01.2023 for information and necessary action.


State Geologist,
for Director General, Mines and Geology,
Haryana

₹2

NCT OF DELHI COURT FEE
DLCT:729137E2313M
17-MAY-2023



1329

14

VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 532 OF 2023

IN THE MATTER OF:
BALBIR SANDHU

... APPLICANT

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

KNOW ALL to whom these presents shall come that I, Mr. Rajendra Parsad Bansal, S/o Sh. Ram Karan Das, Age About 59 Years, R/o 509, Block-C, DDA HIG Flats, Sector-29, Rohini, New Delhi, North-West Delhi-110085, Authorised Representative of the Respondent No.9 herein above, do hereby appoint **Mr. Saurabh Rajpal** hereinafter called the Advocate to be my/our Advocate's in the above noted case and authorize him:

(SAURABH RAJPAL)

Enroll. No. D/928/2014

Advocate for the Applicants

D-206 2nd floor, Lajpat Nagar I,

New Delhi - 110024

Mob. 9971792885

Email – advocatesaurabhrajpal@gmail.com

To act, appear and plead in the above noted case in this court in any other court in which the same may be tried or heard and in the appellate courts.

To sign, file, verify and present pleading, applications, appeals, cross-objections or petitions for execution, review, revision, withdrawal, compromise, or other petition, replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

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 out execution proceedings.

To deposit, draw and receive money, cheques and grant receipts therefor 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 powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I/we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our authorized agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/we the undersigned do hereby agree that in the event of the whole or any 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. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presents of which have been understood by me/us this15.... day of March 2024

Saurabh Rajpal
ADVOCATE
(SAURABH RAJPAL)
(0192072014)

Vinay Kumar
D/18342/2021

SCP Commodities
Rajendra Parsad
KARTA/PROP
(RAJENDRA PARSAD BHANSAL)
Authorised Representative
Respondent No.9
(Client)

