

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

**O.A. NO. 408/2022**

**IN THE MATTER OF:**

**APPLICANT:**

Abhay Jain

//VERSUS//

**RESPONDENT:**

State of M.P. & Ors

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**BHOPAL**

**11/02/2023**

  
**(SACHIN K. VERMA ADV)**

**COUNSEL FOR THE RESPONDENTS 1,2,3 & 5**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
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**RESPONDENT:**

State of M.P. & Ors

**COMPLIANCE TO THE DIRECTIONS DATED 21/09/2022**  
**PASSED BY THE HON'BLE TRIBUNAL**

On behalf of Respondents No. 1, 2, 3 & 5 named above, it is most respectfully submitted as follows:-

1. The Hon'ble Tribunal vide its order dated 21/09/2022 considered the factual and action taken report by joint committee and further directed, *"The Director, Mining and Geology, State of Madhya Pradesh is directed to take requisite remedial action for reclamation of the land in question and implementation of the mine closure plan within two months. The expenses for such remedial action may be initially borne by the State of Madhya Pradesh but the same may be recovered from the defaulting Project Proponents in accordance with the 'polluter pays principle' by following due process of law. The Director, Mining and Geology, State of Madhya Pradesh shall submit compliance Report in this regard, supported with photographs taken before and after reclamation, by email within three months at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."*
2. In compliance to the directions passed by the Hon'ble Tribunal the Director, Department of Geology and Mines, MP through District Collector Shivpuri dated 29/12/2022 constituted a joint committee comprising the Officials of Revenue Forest, Water Resources, Mining, Rural Engineering Services Department,

thereby the Sub-Divisional Officer(Forest), Sub-Divisional Officer(WRD), Sub-Divisional Officer(RES), Mining Officer, Tehsildar, Tehsil Shivpuri were instructed to carry out spot inspection and submit its factual report along with the proposed plan for reclamation of the subjective land and the committee has given the comprehensive survey-wise description of the present factual position.

3. The joint committee has also proposed a plan for reclamation of the subjective land thereby has proposed to convert the mining pitholes into a natural feature of Talab at survey no. 300, 301, 314, 315, 316 and 137 which includes back filing and plantation and further the total cost of the reclamation is 118.96 Lakhs. The copy of the report cum reclamation is marked and filed herewith as **ANNEXURE R-1/1**
4. Since the District Collector Shivpuri has expressed its inability to arrange the capital expenditure for the implementation of the reclamation plan therefore, the State Government has decided to arrange the funds from the District Mineral Fund which is pending for the approval before the High Level Committee headed by Hon'ble Chief Minister, Government of Madhya Pradesh and after the approval of the same the reclamation plan is going to be implemented by Panchayat and Rural Department of Madhya Pradesh. The proposal for the approval of the fund for the reclamation work is enlisted on the DMF portal, the copy of the same is marked and filed herewith as **ANNEXURE R-1/2**
5. The reclamation plan and the submissions may kindly be taken on record.
6. An affidavit in support is filed herewith.

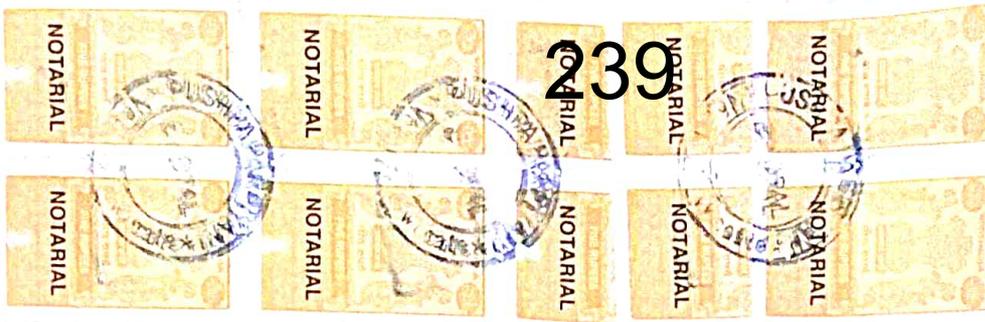


BHOPAL

11/02/2023

(SACHIN K. VERMA ADV)

COUNSEL FOR THE RESPONDENTS 1,2,3 & 5



3

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

**O.A. NO. 408/2022**

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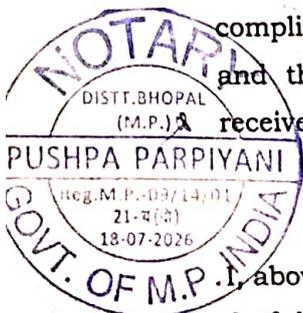
**RESPONDENT:** State of MP & Ors

**AFFIDAVIT**

I, Anoop Mishra, Aged about 61 years, S/o Shri K.K Mishra posted as Deputy Director Mineral Administration, O/o 29 A Khanij Bhawan Arera Hills Bhopal (M.P.) do hereby state on oath and solemnly affirm as under:-

1. That, I have been appointed as officer incharge to represent the case on behalf of Respondents No. 1,2, 3 & 5 in the present matter and as such I am well conversant with the facts of the case and therefore, competent to swear this affidavit.
2. That the accompanying reply cum compliance report has been drafted as per my instructions and also explained to me.
3. That the contents of para 1 to end of accompanying reply cum compliance report are true to my knowledge based upon official records and the legal averments made therein are true on the legal advice received and believed to be true.

**DEPONENT**



**VERIFICATION**

I, above described deponent do hereby verify that the content of para 1 to 3 of the affidavit are true to my personal knowledge and belief.

Verified and signed on this day of 11-2-2023 at Bhopal (M.P)

**DEPONENT**

**SWORN BEFORE ME  
THE WITHIN NAMED**

**PUSHPA PARPIYANI  
NOTARY / ADVOCATE  
BHOPAL (M.P.) INDIA**

**IDENTIFIED BY ME**  
NAME: HARSHITA TEJWANI  
ADD: \_\_\_\_\_  
SIGN: \_\_\_\_\_

2

4

कार्यालय कलेक्टर (खनिज शाखा) जिला शिवपुरी म0प्र0

क्र/3-6/खनि/ 84 /2023

शिवपुरी दिनांक 12-01-2023

प्रति ,

संचालक,

प्रशासन तथा खनिकर्म म.प्र.

29-ए खनिज भवन अरेरा हिल्स भोपाल

विषय:- माननीय राष्ट्रीय हरित अधिकरण प्रिंसीपल बेंच में दायर ओ.ए. क्रमांक 408/2022 में पारित आदेश दिनांक 21/09/2022 के पालन में प्रतिवेदन (RECLAMATION PLAN) प्रस्तुत करने बावत।  
संदर्भ:- दिनांक 21/09/2022 को पारित आदेश।

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उपरोक्त विषयान्तर्गत लेख है कि राष्ट्रीय हरित अधिकरण प्रिंसीपल बेंच में दायर ओ.ए. क्रमांक 408/2022 में पारित आदेश दिनांक 21/09/2022 के संबंध में आदेश दिनांक 29/12/2022 के अनुसार अनुविभागीय अधिकारी वन, अनुविभागीय अधिकारी जल संसाधन विभाग, अनुविभागीय अधिकारी ग्रामीण यांत्रिकी सेवा, खनिज अधिकारी एवं तहसीलदार तहसील शिवपुरी के रूप में कमेटी गठित की गई थी। जिसमें गठित कमेटी द्वारा पूर्व स्वीकृत खदानों का निरीक्षण किया जाकर दिनांक 12/01/2023 को RECLAMATION PLAN तैयार किया गया।

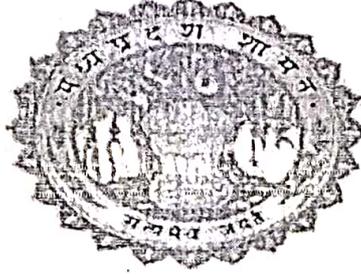
अतः तैयार किया गया RECLAMATION PLAN अग्रिम कार्यवाही हेतु सादर प्रस्तुत है।

संलग्न :- उपरोक्तानुसार

कलेक्टर

जिला शिवपुरी म.प्र.

कार्यालय कलेक्टर (खनिज शाखा)  
जिला शिवपुरी म.प्र.



ग्राम मझेरा में उत्खनन से निर्मित गढढों के  
पुनरुद्धार हेतु योजना (Reclamation Plan) ✓

विवरण	व्यय
संरचना	45 लाख
बैक फिलिंग हेतु व्यय	42042 घ.मी. 34.05 लाख
वृक्षारोपण	6.33 है. 34.41 लाख
वृक्षारोपण हेतु सफाई	5 लाख
सर्वे एवं डी.पी. आर.	50 हजार
योग व्यय	118.96 लाख

## संयुक्त जांच प्रतिवेदन

माननीय राष्ट्रीय हरित अधिकरण द्वारा प्रकरण 408 / 2022 (अभय जैन विरुद्ध म.प्र.शासन व अन्य ) में पारित आदेश दिनांक 11.07.2022 अंश निम्नानुसार है :-

Mr. Abhay Jain, Advocate working with Zenith Society for Socio-Legal Empowerment, Pili Kothi, Kalaganj, Shivpuri, Madhya Pradesh has sent the present letter petition, which has been treated and registered as Original Application, complaining that Central Government notified Madhav National Park, Eco-sensitive Zone (ESZ) which is spread over an area of 277.20 square kilometers. Annexure II of the ESZ Notification contains a list of villages falling within ESZ and Village Majhera, District Shivpuri is one of those villages. As per ESZ notification, all new and existing (minor and major minerals), Stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bonafide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for other activities. Despite the prohibition illegal mining is taking place in forest and revenue areas at Village Majhera, District Shivpuri. The Mining Department called for tenders for stone mining in Survey No. 314, 316, 357/1 and 358/1 of Majhera Village, Tehsil and District Shivpuri which fall under Eco-Sensitive Zone of Madhav National Park. A colony of 25 families of Sahariya Adivasi Community which is a Particularly Vulnerable Tribal Group (PVTGs) as notified by the Central Government is located within 1 km range of the mining area and residents thereof are adversely affected by mining activities. The water in the handpumps in said colony has become polluted with high iron and other mineral contents making it unfit for drinking. Complaints regarding illegal mining were made to the concerned authorities but no action has been taken. (आदेश की प्रति संलग्न है)

उक्त शिकायत की जांच हेतु माननीय एन.जी.टी. के आदेशानुसार उपायुक्त ग्वालियर संभाग ग्वालियर, वनमण्डलाधिकारी वनमण्डल शिवपुरी, खनिज अधिकारी जिला शिवपुरी, सहायक संचालक माधव नैशनल पार्क एवं क्षेत्रीय अधिकारी ग्वालियर की संयुक्त समिति द्वारा दिनांक 04.08.2022 को निरीक्षण किया जिसके निष्कर्ष के कुछ अंश इस प्रकार हैं।

- (a) Illegal mining in reserve forest areas and revenue areas in panchayat Majhera District Shivpuri
- (b) Despite the prohibition of mining activities is eco sensitive zone, the mining department has opened some part of land in survey no. 357/1, 358/1, 314 & 316 for stone mining.
- (c) Adverse effect on tribal group, Sahariya Adivasi community due to polluted water with high iron & other mineral content by mining activities.

माननीय राष्ट्रीय हरित प्राधिकरण प्रिसिपल बेंच द्वारा आदेश पारित दिनांक 21.09.2022 का कुछ अंश भाग इस प्रकार है :

- 1- It is evident that subsequent to closing of the mining activities, appropriate actions for reclamation of the mined area and implementation of the mining closure plan, which ought to have been ensured by the mining department, have not been taken. The Director, Mining and Geology, State of Madhya Pradesh is directed to take requisite remedial action for reclamation of the land in question and implementation of the mine closure plan within two months. The expenses for such remedial action may be initially borne by the State of Madhya Pradesh but the same may be recovered from the defaulting Project Proponents in accordance with the 'polluter pays principle' by following due process of law. The Director, Mining and Geology, State of Madhya Pradesh shall submit compliance Report in this regard, supported with photographs taken before and after reclamation, by email within three months at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF
- 2- In view of the mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principle, Director Mining and Geology, State of Madhya Pradesh and Collector,

Shivpuri are restrained from granting any mining lease and executing any mining lease deed in respect of the survey numbers in question and also in the areas falling within ESZ. The District Magistrate and the Superintendent of Police, Shivpuri are also directed to take appropriate steps to ensure that no illegal mining takes place in the survey numbers in question.

उक्त आदेश के परिपालन में ग्राम मझोरा अन्तर्गत पूर्व के वर्षों में स्वीकृत खदानों में खनिज उत्खनन से निर्मित गड्ढे विद्यमान हैं। ग्राम मझोरा में पूर्व में स्वीकृत रही खदानों में पत्थर उत्खनन से निर्मित गड्ढों की जांच हेतु आदेश क्रमांक 29.12.2022 से वन, राजस्व, खनिज, जल संसाधन विभाग एवं ग्रामीण यांत्रिकी सेवा शिवपुरी का दल गठित किया गया, गठित दल द्वारा दिनांक 30.12.2022 को संयुक्त रूप से जांच की गई वस्तु स्थिति का विवरण निम्नानुसार है :-

क्रमांक	सर्वे नम्बर	विवरण
01	314	कुछ भाग पर खेती एवं शेष भाग पर पूर्व उत्खनन के अनियमित गड्ढे पाये गये ।
02	315	पूरे भाग के कुछ भाग पर खेती कुछ भाग पर छोटे झाड़ एवं बीच में कच्चा रास्ता ।
03	316	छोटी बड़ी झाड़ी पेड़ कुछ भाग पटार कुछ भाग पर पूर्व में खुदे छोटे छोटे गड्ढे ।
04	301	अधिकांश भाग पर नीम, पलाश, चिरोल के पेड़ के साथ छोटी झाड़ियां एवं पूर्व के गड्ढे।
05	300	अधिकांश भाग पर नीम, पलाश, चिरोल के पेड़ के साथ छोटी झाड़ियां एवं पूर्व के छोटे छोटे गड्ढों के साथ ही 01 बड़ा गड्ढा।
06	137	छोटी बड़ी झाड़ियां, शीशम, पलाश, नीम के पेड़ एवं झाड़ियों के साथ छोटे-छोटे गड्ढे।
07	139	कुछ भाग पर तालाब, शेष भाग पर छोटी-छोटी झाड़ियां एवं असमतल भू भाग पटार।
08	357	निजी भूमि होकर कुछ भाग पर छोटे बड़े झाड़ियां शेष भाग पहाड़ी ढलान भू भाग ।

अतः उक्त तालिका अनुसार सर्वे नम्बर 300, 301 पर पत्थर उत्खनन से निर्मित गड्ढे पाये गये जिनको तालाब के रूप में विकसित किया जाना प्रस्तावित है। सर्वे नम्बर 314, 315, 316, 137 का अधिकांश भाग पूर्व से ही भरा है तथा कुछ छोटे छोटे गड्ढे विद्यमान हैं उन्हें भर कर समतल किया जाना प्रस्तावित है। सर्वे नम्बर 139, 357 पूर्व से ही समतल पाया गया। उक्त सर्वे नम्बरों पर एवं ग्राम मझोरा के किसी भी सर्वे नम्बर पर वर्तमान में कोई खनिज उत्खनिपट्टा स्वीकृत नहीं है।

#### 1. प्रस्तावित कार्य योजना :-

उक्त तालिका अनुसार पूर्व स्वीकृत उत्खनिपट्टों में चरण बद्ध रूप से गड्ढों के समीप पड़े मलबे से पुनः भरकर उसमें स्थानीय प्रजातियों का बीजारोपण कर क्षेत्र का पुनरुद्धार किया जायेगा एवं बृहद रूप से खुदे गड्ढों में जल रोकने वाली संरचना विकसित की जायेगी जिससे सिंचाई कार्य एवं निर्मित जल स्रोत से भू जल स्तर बढ़ेगा तथा जानवरों के लिये पेय जल संकट दूर होगा।

अनुश्रवण एवं मूल्यांकन :-

उत्खनित गडढो के भराव कार्य एवं वृहद गडढो को जल संरचना के रूप में विकसित किये जाने हेतु शासकीय निर्माण एजेन्सी नियुक्त किया जायेगा तथा निर्माण एजेन्सी कार्य प्रारम्भ करने के पूर्व चिन्हित क्षेत्रों के छायाचित्र एवं कार्य समाप्ति उपरांत छायाचित्र एवं विडियोग्राफी करायेगी एवं किये गये कार्यों की प्रगति रिपोर्ट से कलेक्टर महोदय जिला शिवपुरी को अवगत कराया जायेगा तथा इन कार्यों से संबंधित सम्पूर्ण जानकारी नियमानुसार संधारित करेंगे।

प्रकरण में माननीय एन.जी.टी. द्वारा पारित आदेश के पालन में ग्राम मझोरा में अवैध उत्खनन एवं परिवहन पर अंकुश लगाये जाने हेतु खनिज, पुलिस, राजस्व एवं वन के अधिकारियों द्वारा लगातार भ्रमण किया जा रहा है।

कार्य पर अनुमानित व्यय:-

सर्वे नम्बर	संरचना	बैंक फिलिंग	वृक्षारोपण	अनुमानित लागत
300	1 तालाब 14 लाख बैंक डेम 10 लाख	13230 घ.मी. 10.72 लाख	1.3 है. 7.06 लाख	41.78 लाख
301	1 तालाब 21 लाख	10175 घ.मी. 8.24 लाख	0.80 है. 4.35 लाख	33.59 लाख
314, 315, 316	-	10330 घ.मी. 8.36 लाख	2.5 है. 13.60 लाख	21.96 लाख
137	-	8307 घ.मी. 6.73 लाख	1.73 है. 9.40 लाख	16.13 लाख
योग :-	45 लाख	42042 घ.मी. 34.05 लाख	6.33 हेक्टेयर 34.41 लाख	113.46 लाख
वृक्षारोपण हेतु सफाई				5 लाख
सर्वे एवं डी.पी.आर.				50 हजार
महायोग :-				118.96 लाख

Sub Engrs.  
WRD  
Shivpur

तहसीलदार  
नरसीन शिवपुरी (म.प्र.)

खनिज अधिकारी,  
जिला शिवपुरी (म.प्र.)

अनुविभागीय अधिकारी  
सा.सां.से. उपरामन क्र. 01 शिवपुरी

उप वनमण्डलाधिकारी  
उप वनमण्डल शिवपुरी

कार्यालय कलेक्टर (खनिज शाखा) जिला शिवपुरी म.प्र.

तहसील व जिला शिवपुरी के ग्राम मझेरा में पूर्व में स्वीकृत रही खदानों की सूची

क्र.	पट्टेदार का नाम	ग्राम	सर्वे नम्बर	रकबा	अवधि
1	श्री नितिन चौकरो पुत्र स्व. श्री सुरेश चौकसे निवासी कमलागंज शिवपुरी	मझेरा	314, 316	4.75	05/02/2010 से 04/02/2020 तक
2	श्री धनंजय धाकड़ पुत्र श्री निश्रीलाल धाकड़ निवासी शिवपुरी	मझेरा	357	0.790	30/07/2008 से 29/07/2018 तक
3	श्रीमती नसरीन खान पत्नि श्री आफाक खान निवासी शिवपुरी	मझेरा	315	1.50	17/06/2008 से 16/06/2018 तक
4	श्री पुष्पेन्द्र सिंह बुन्देला	मझेरा	137	3.95	05/03/1998 से 04/03/2008 तक
5	श्री नेतराम जाटव	मझेरा	300	4.5	27/06/1997 से 26/06/2007 तक
6	मै. कमलेश्वर कटिग स्टोन इण्डस्ट्रीज	मझेरा	300, 301	10.0	22/04/1997 से 21/04/2007 तक
7	श्री तोरन वंशकार	मझेरा	139	3.78	08/12/1997 से 07/12/2007 तक
8	श्रीमती नीरज कुशवाह	मझेरा	316	4.00	06/03/2004 से 05/03/2014 तक
9	सहकारी विलयकार मजदूर सघ मर्या.	मझेरा	139	3.78	20/02/2004 से 19/02/2009 तक

*(Handwritten signature)*

## DMF Portal

ANNEXURE R-1/2

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Go Actions

District = SHIVPURI

Action	Delete	View Project	Project Id	Scheme Type	Financial Year	Work Name	Work Type	Work Priority	Work Head	Concerned Nodal Drame	Work Category	District	Estimation Amount	Creation Date
			DMF/1051	DMF-B	2022-2023	सी सी रोड निर्माण कार्य	CAPITAL EXPENDITURE	OTHER	District 1	Panchayat and Rural Development	Physical Infrastructure	SHIVPURI	332068	11/30/2022
			DMF/636	DMF-A	2022-2023	बाउपट्टी बाज निर्माण	CAPITAL EXPENDITURE	OTHER	Low	Public Works Department	Physical Infrastructure	SHIVPURI		11/11/2022 Acknowledged by Department
			DMF/1060	DMF-B	2022-2023	नदीन हेल्डम्य खनन	CAPITAL EXPENDITURE	HIGH	district 1	Public Health Engineering Department	Drinking Water Supply	SHIVPURI	182910	11/30/2022 Acknowledged by Department
			DMF/1062	DMF-B	2022-2023	नदीन हेल्डम्य खनन	CAPITAL EXPENDITURE	HIGH	District 1	Public Health Engineering Department	Drinking Water Supply	SHIVPURI	182910	11/30/2022 Acknowledged by Department
			DMF/1064	DMF-A	2022-2023	नदीन हेल्डम्य खनन	CAPITAL EXPENDITURE	HIGH	District	Public Health Engineering Department	Drinking Water Supply	SHIVPURI	182910	11/30/2022 Acknowledged by Department
			DMF/2945	DMF-A	2022-2023	हहसील और के ग्राम निर्माद के इकायन में मरिक्त बाउपट्टी का निर्माण	CAPITAL EXPENDITURE	HIGH	DF	Panchayat and Rural Development	Welfare of aged and disabled people	SHIVPURI	324000	1/24/2023
			DMF/1058	DMF-A	2022-2023	बेन लिक् फेडिक केरिण वरुई	CAPITAL EXPENDITURE	HIGH	District 1	Department of School Education	Education	SHIVPURI	132207	11/19/2022 Acknowledged by Department
			DMF/3708	DMF-B	2022-2023	Reclamation work	CAPITAL EXPENDITURE	HIGH	SF	Panchayat and Rural Development	Environment Preservation and Pollution Control Measures	SHIVPURI	11895000	2/10/2023
			DMF/3706	DMF-B	2022-2023	Reclamation work	CAPITAL EXPENDITURE	HIGH	SF	Forest Department	Environment Preservation and Pollution Control Measures	SHIVPURI	3277748	2/10/2023
			DMF/1070	DMF-A	2022-2023	25 के बी ए टोलायन सयन	CAPITAL EXPENDITURE	OTHER	District 1	Energy Department	Energy and Watershed Development	SHIVPURI	254235	11/20/2022 Acknowledged by Department

**VAKALATNAMA**

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, (PB) BENCH, NEW DELHI**

**ORIGINAL APPLICATION / APPEAL / REVIEW No. 408 / 20 22**  
 Abhay Jain ..... **Claimant/Petitioner/Applicant**

**VERSUS**  
 State of M.P. .... **Respondent/Non-Applciant**

I/we the Respondent/Non- applicant named below do hereby appoint, engage and authorize advocate named below to appear, act and plead in aforesaid case/proceedings, which shall include applications for restoration, setting aside of ex-parte orders, corrections, modifications, review and recall of orders passed in these proceedings, in this Court or in any other Court in which the same may be tried/heard/proceeded with and also in the National Green Tribunal in respect of proceedings arising from this case/proceedings as per agreed terms and conditions and authorize him/ them to sign and file pleadings, cross objections, petitions, applications, affidavits, or other document as may be deemed necessary or proper for the prosecution/ defence of the said case in all its stages and also agree to ratify and confirm acts done by him/ them as if done by me/us : In witness whereof I/We do hereunto set my/ our hand to these presents, the contents of which have been duly understood by me/ us, this .....<sup>11<sup>th</sup></sup> day of ~~Feb~~ 2023 at Bhopal (M.P.)

**Particulars (in block letters) of each Party Executing Vakalatnama**

Name & Father/s/ Husband/s name	Registered Address	E-mail Address (if any)	Telephone Number (if any)	Status in the case	Full Signature/ **Thumb Impression
(1)	(2)	(3)	(4)	(5)	(6)
Anoop Mishra S/o K.K. Mishra	29A ARERA HILLS Khanij Bhopal		94251 10763	Resp OIC K-1,2, 3 & 5.	

Accepted:

**Particulars (in Block Letters) of each advocate accepting Vakalatnama**

(1)	(2)	(3)	(4)	(5)
SACHIN K. VERMA STANDING COUNSEL FOR THE STATE OF MP NATIONAL GREEN TRIBUNAL ENRL NO. 2130/98	CHAMBER NO. 608, UCI LAWYERS CHAMBER ARERA HILLS BHOPAL462011	ngtstand ingcoun sel@ma il.com	9425412492	