

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
APPLICATION NO.101/2019 (WZ)

IN THE MATTER OF

MR. SAYYED MOHAMMED SABIR USMAN & ANR

....APPLICANTS

VERSUS

UNION OF INDIA THROUGH
SECRETARY, MoEF & CC & ORS.

...RESPONDENTS

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Filed by:

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New Delhi

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**REPLY ON BEHALF OF RESPONDENT NO. 14 M/S. AMBUJA CEMENT
LIMITED**

PRELIMINARY SUBMISSIONS:

- I. That it submitted that the answering Respondent No.14 in the present case is not situated in the vicinity of any of the environmentally sensitive areas as mentioned by the Applicant and is therefore unconnected with the concerns that arise from the relevant geographical areas that the applicant refers to.
- II. That the answering respondent has no connection with nor does it have any business dealing with any party that indulges in any environmental violation. It is stated that the only party to the present application that the answering respondent is connected to is Respondent No.58.
- III. That the present application makes no direct and substantial allegation of any wrong doing on the part of the answering Respondent and is therefore simply a roving inquiry designed to destabilize the operations of the answering Respondent in the absence of any true and substantial material to the contradict the spotless record of the answering Respondent in matters concerning the environment.

Para wise Reply

Reply Paragraph-wise is given as following: -

- 1) That the contents of Para 1 are self-explanatory notes and do not require a reply.

- 2) That the contents of Para 2 do not pertain to the present Respondent. The contents of Para 2 are not applicable to Respondent No.14 i.e. M/s Ambuja Cements Limited as it contains a specific reference to only Respondents No. 25 to 64.
- 3) That the contents of Para 3 are missing in O.A No.101/2019 WZ and therefore cannot be replied to.
- 4) That the contents of Para 4 do not pertain to the present Respondent. The contents of Para 4 are not applicable to Respondent No. 14 i.e. M/s Ambuja Cements Limited as it contains a specific reference to only Respondents No.1 to 13 and Respondent No. 25 to 64.
- 5) That the contents of Para 5 do not pertain to the present Respondent. The contents of Para 5 are not applicable to Respondent No. 14 i.e. M/s Ambuja Cements Limited as it contains a specific reference to only Respondents No.1 to 13 and Respondent No. 25 to 64.
- 6) That the contents of Para 6 do not require a reply.
- 7) That the contents of Para 7 (A)(a)(b) and (c) provides a general statement of the prevailing rules i.e. EIA Notification of 1994 and 2004 and refers to the Respondents No. 25 to 64 and the 'Government Authority' Respondents No.1 to 15 and therefore needs no specific reply from Respondent No. 14 as Respondent 14 is not a Government Authority.

Para 7(B) That the contents of Para (7)(B)(a), Para (7)(B)(b), Para (7)(B)(c) relates specifically only to Respondent 25 to 64 and therefore does not require a reply.

Para 7 (C): The contents of Para 7(C) relates specifically only to Respondent 25 to 64 and therefore does not require a reply from the answering Respondent.

Para 7(C)(a) That the present para is self-explanatory, describing the geographical summary of longest costal line of India in Gujarat and therefore does not require a reply from the answering Respondent.

Para 7(C)(b) That the contents of the present Para do not require a reply from the answering Respondent.

Para 7(C)(c) That the contents of the present Para do not require a reply from the answering Respondent.

- Para 7(C)(d) That the present Para relates only to respondent No. 25 to 64. It is denied that the Answering Respondent has any to play in the illegal mining activities as alleged to have been undertaken by Respondent 25 to 64.
- Para 7(C) (e) That the contents of the present Para do not require a reply from the answering Respondent.
- Para 7(C)(f) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 7(D) The contents of Para 7(D)(a)(b)(c) relates specifically only to Respondent 25 to 64 and therefore does not require a reply from the answering Respondent.
- PARA 7(E) That the contents of Para 7(E) are denied insofar as they allege any illegal mining activities are being conducted by the answering Respondent. It is further stated that the relevant geographical area mentioned in the present corresponding Para has no connection with the answering Respondent as this area is situated at a distance of 77 km from the answering Respondents Plant.
- PARA 7E(a) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.
- PARA 7E(b) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.
- PARA 7E(c) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.
- PARA 7E(d) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area and has no connection Respondent 60 and Meghna River.
- PARA 7E(e) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area or any prohibited zone of Girnar Forest which is

situated about 77 kms from Plant operated by the answering respondent.

- PARA 7E(f) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 7E(g) It is submitted that the contents of Para 7E(g) are strongly denied because the answering respondent has no connection with Respondents No. 60 to 62. The plant operated by the answering respondent is not in the Girnar Sensitive areas and is located around 77 km away from the mentioned area. It is submitted that the answering respondent has a plant in Kodinar, Distt Gir Somnath which it is not in any restricted area and falls beyond 15 km to the south from Gir Sanctuary and Gir National Park.
- PARA 7E(h) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.
- PARA 7 (F) Regarding Eco Sensitive Zone and Protection of Marine National Park:
- Para 7F(a to f) That the contents of the corresponding Para do not require a reply from the answering Respondent as the answering respondent does not operate any of its plants in the relevant geographical area. That the present Para is not applicable as Marine National Park in Jamnagar – Okha – Bhet Dwarka are approximately 235 km from the plant operated by the answering respondent.
- PARA 7F(g) That the contents of the present corresponding Para are strongly denied as the answering respondent has no connection to the geographical area or the activities as alleged by the applicant.
- PARA 7F(h) That the contents of the present Para are strongly denied as the answering respondent bears no connection to the geographical or the activities as alleged by the applicant.
- PARA 7G That the contents of Para 7G are denied in entirety insofar as they contain any allegation made towards the answering respondent.
- PARA 7G(a) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area. It is submitted that Gir National Park, Gir

Wildlife Sanctuary is 15 Km (away beyond 10 km) from cement plant of the answering respondent. That the Paniya and Mithiyala Sanctuary are at a distance of 17 km and 67 km respectively from the plant operated by the answering respondent.

PARA 7G(b) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area. The Mithiyala Sanctuary is at a distance of 67 km from plant operated by the answering respondent.

PARA 7G(c) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

PARA 7G(d) That the contents of the present corresponding Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

It is submitted that the cement plant operated by the answering respondent is situated at 15 km or beyond Eco Sensitive Zone. It is further submitted that the answering respondent carries out Biodiversity surveys every two years and has enjoyed a good reputation in matters of the environment.

PARA 7 G(e) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

PARA 7 G(f) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

That the answering respondent has no connection with the lion corridor of Gir Sanctuary. Nor is any industrial activity carried out in the nallah/ river etc or even in the vicinity of the forest by the answering respondent.

PARA 7 G(g) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area. The area of Shetrunjay Hill zone and Hippavadli hills are approximately 136 km from the plant operated by the answering respondent.

PARA 7 G(h) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area. The plant operated by the answering respondent is not in Eco Sensitive Zone.

PARA 7G(i) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

PARA 7 G(j) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

PARA 7 G(k) That the contents of the present Para do not require a reply from the answering Respondent as it does not operate in the relevant geographical area.

8) PARA 8 (a to f) : That the contents of Para 8 do not require a reply from the answering respondent.

9) PARA 9: That the contents of Para 9 deal with the particulars of Illegal Mining Projects and as such does not apply to the answering Respondent.

PARA 9(a) That the contents of Para (a) are inapplicable to the answering Respondent as it only mentions only Respondent No. 1 to 13.

PARA 9(b) That the contents of this Para are strongly denied. It is alleged by that Respondent No. 14 among others acting as consumer is equally responsible for the illegal mining and damage to environment and ecology as Respondent No. 14 to 24 are using limestone extract and supply by Respondent No. 25 to 64.

It is submitted that these allegation are strongly denied by the answering respondent. It is submitted that the answering Respondent No. 14 has five running captive mining leases with an area of 2070 Ha and annual capacity of limestone is 9.29 Million tonnes and is operating lawfully with a valid EC, CTE& CTO.

It is submitted that the answering Respondent No.14, M/s Ambuja Cements Ltd gives priority to mineral conservation through use of low grade limestone with appropriate blending and has never promoted the purchase of limestone from any other lease holder and has always strived towards maintaining mineral conservation

and sustainability. The answering Respondent has always been in favour of using its own captive limestone for manufacturing cement.

That is it submitted that the answering Respondent No.14, M/s Ambuja Cements Limited purchased limestone from Respondent No. 58, M/s Dhirajlal Panchabhai Vachani , Survey No. 49, Village Undri, Taluka Gir Garda, District Gir Somnath till 2018 through valid e-royalty pitpass slip in 2017 and 2018. The detail is given below:

TOTAL purchasing of Limestone from Respondent No. 58, Dhirajlal P Vachani (IBM Regd No. 10697/2012)	
Year	Tonnes
2017	111610
2018	46597
Total	158207

It is further submitted that the answering Respondent No. 14, M/s Ambuja Cements Limited files its monthly and Annual Return online with the Mine Tenement System (MTS) of Indian Bureau of Mines (IBM) under MCDR, 2017 as per MMDRA Act 2015 and also sends a copy of same to District Geologist, State Government. All relevant information under Gujarat Illegal Mineral (Transport & Storage) Rules, 2017 is also sent to the State Government. Respondent No. 14, M/s Ambuja Cements Limited works in a transparent and lawful manner and informs the State and Central Government in a timely manner as per law.

It is therefore submitted that as borne out clearly by the records it is evident that the answering Respondent is not involved in any wrongful activity detrimental to the environment

PARA 9(c) That the contents of the present Para do not require a reply from the answering Respondent

- PARA 9(d) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 9(e) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 9(f) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 9(g) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 9(h) That the contents of the present Para do not require a reply from the answering Respondent.
- PARA 9(i) That the contents of the present Para do not require a reply from the answering Respondent

10) PARA 10: Reply to the Ground for Filling Present Application:

- Ground (a) That the contents of the Ground (a) do not require a reply from the answering Respondent
- Ground (b) That the contents of Ground (b) do not require a reply from the answering Respondent as it not relevant directly to the answering Respondent. It is submitted that that the only party the answering Respondent has engaged with is Respondent No. 58, M/s Dhirajlal Panchabhai Vachani which had a valid CCA vide AWH-65777, Dt. 27.10.2014 and was valid till 18.12.2018. It is therefore submitted that Respondent No. 58 was operating lawfully on the dates they were supplying limestone to the answering Respondent.
- Ground(c) That the contents Ground (c) corresponding paragraph are strongly denied. It is strongly denied that the answering respondent has indulged in any unlawful act such as disproportionate excavation.
- Ground (d) to (o) That the contents of Ground (d) to Ground (o) do not require a reply from the answering Respondent
- Ground (p) In reply Ground p it is strongly denied that answering Respondent has caused any damage to infrastructure. It is submitted that the answering Respondent has a weighing facility at every end to check overloading.

Ground (q) to (dd) That the contents Ground (q) to Ground (dd) do not require a reply from the answering Respondent.

11) PARA 11: Damage to Environment and Ecology on Account of Illegal Construction:

PARA 11(a) That the present corresponding Para is not applicable to the answering respondent as it refers to alleged illegal mining lease holders (Respondent No. 25 to 64)

PARA 11(b) That the present corresponding Para is not applicable to the answering respondent as it is for alleged illegal mining lease holders (Respondent No. 25 to 64)

PARA 11(c) That the present corresponding Para is not applicable to the answering respondent as it is for alleged illegal mining lease holders (Respondent No. 25 to 64)

PARA 11(d) That the present corresponding Para is not applicable to the answering respondent as it is for alleged illegal mining lease holders (Respondent No. 25 to 64)

PARA 11 (e) That the present corresponding Para is not applicable to the answering respondent as it is for alleged illegal mining lease holders (Respondent No. 25 to 64)

PARA 11 (g) That the contents of the present Para do not require a reply from the answering Respondent

PARA 11 (h) That the contents of the present Para do not require a reply from the answering Respondent

PARA 11 (i) That the contents of the present Para do not require a reply from the answering Respondent

PARA 11 (j) That the contents of the present Para do not require a reply from the answering Respondent

12) PARA 12: That the contents of the present Para do not require a reply from the answering Respondent

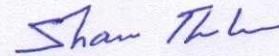
13) PARA 13: That the contents of the present Para do not require a reply from the answering Respondent

14) PARA 14: That the contents of Para 14 are Strongly denied.

- 13) PARA 13: That the contents of the present Para do not require a reply from the answering Respondent
- 14) PARA 14: That the contents of Para 14 are Strongly denied.
- 15) PARA 15: That the contents of the present Para do not require a reply from the answering Respondent
- 16) PARA 16: That the contents of the present Para do not require a reply from the answering Respondent.

That the accompanying Original Application may thus be dismissed with Costs in the interest of Justice.

Through Counsel for Respondent No.14



(SHARAN DEV SINGH THAKUR)

Advocate

Place: ... *NEW Delhi*

DATE: *17.02*, 2023

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

Original Application No. 101 of /2019 (WZ)

(I.A. No. 148/2019)

IN THE MATTER OF:

Mr. Sayyed Mohammed Sabir Usman & Anr.

... PETITIONER

VERSUS

Union of India Through
Secretary, MoEF & CC & ORS.

...RESPONDEND

AFFIDAVIT

I, Amitabh Rajat S/o Shri S.N.Mishra, Aged about 52 years R/o Occupation General Manager, (Legal), M/s Ambuja Cements Ltd, 228 Udyog Vihar, Phase 1, Gurgaon, Haryana- 122916, Presently at New Delhi do do solemnly affirm and declare on oath as under:

1. I say that I am duly authorized representative of Respondent No. 14 and such am fully conversant with the facts and circumstances of the instant case and am competent to swear to this affidavit
2. I say that the enclosed Reply has been drafted as per my instruction and further say that statement of facts contained in paragraphs 1-16 of the reply to the ground are true to my knowledge derived from record and the legal averments made therein are true to my knowledge as derived from my counsel and believed by me to be true.

[Signature]
DEPONENT

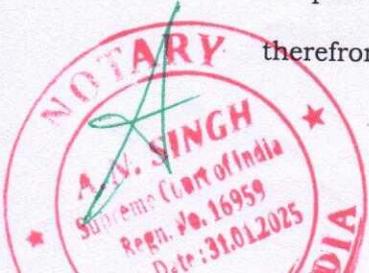
Verified and signed at Kodinar on this 16th day of January, 2023 that the contents of Paragraph 1-2 of the above affidavit are true to my knowledge, and no part of this affidavit is false and nothing material has been concealed therefrom.

ATTESTED

Notary Public, Govt. of India, Delhi

[Signature]
DEPONENT

[Handwritten]
I Identify the deponent who has signed Put T.I. in my presence



16 JAN 2023

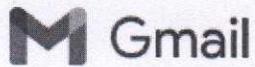
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Gmail - MR. Sayyed Mohammed Sabir Usman Vs. Union of India Through Secretary, MoEF & CC & Ors.

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thakurc singh <chehalcourt@gmail.com>

MR. Sayyed Mohammed Sabir Usman Vs. Union of India Through Secretary, MoEF & CC & Ors.

1 message

thakurc singh <chehalcourt@gmail.com>
To: "nitinlonkar@gmail.com" <nitinlonkar@gmail.com>

Fri, Feb 17, 2023 at 6:05 PM

Sir.

Please find attached herewith a copy of reply in the matter of MR. Sayyed Mohammed Sabir Usman Vs. Union of India Through Secretary, MoEF & CC & Ors.

Regards
Chehal Singh
Law Chamber of Sharan Thakur

 **Mr. Sayyed Mohammed Sabir Usman Vs UOI.pdf**
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