

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
O.A. No. 360/2022

IN THE MATTER OF:

Sh. Mani Shankar Sharma

... Applicant

Versus

State of U.P. & Anr

... Respondents

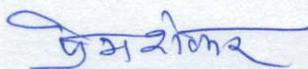
REPLY CUM OBJECTIONS TO THE APPLICATION FILED BY
THE APPLICANT ON BEHALF OF THE RESPONDENT No. 2
PREM SHANKAR UPADHYAY

MOST RESPECTFULLY SHOWETH:

That the Respondent Prem Shankar Upadhyay of M/s Krishna Ent Udyog had received the notice dated 25.08.2022 and is accordingly filing reply cum objections/ response to the false allegations leveled by the applicant against the Respondent Prem Shankar Upadhyay. The Respondent No. 2 has no concern with the above said activities as he has left all the proceedings

PRELIMINARY OBJECTIONS CUM REPLY

1. That the Respondent Prem Shankar Upadhyay appeared through his counsel in the above noted case and thereafter obtained the necessary certified copies of the petition as well as documents and specially filed by the applicant and is accordingly filing his response through counsel.
2. That from the bare perusal of the application made by the applicant Sh. Mani Shankar Sharma dated 21.03.2022 the applicant in para No. 1 stated the cause of action was the period from 2015 to 2020 further in terms of the chapter II Section 14(3) of the National Green Tribunal Act 2010 which is reproduced herein "No application for adjudication of disputes under Section shall be entertained by the Tribunal unless it is made within a period of 6 months from the date on which the cause of action for such dispute arose." Thus



the applicant had stated in his application, the cause of action to have arisen for the period of 2015 to 2020 and further no application seeking condonation of delay in filing the application has been moved by the applicant to invoke the jurisdiction of this Hon'ble Tribunal. Otherwise the application is outside the purview of the further 60 days as provided under this Section.

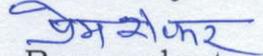
3. That the Respondent No. 2 namely Prem Shankar Upadhyay taking the premises on rent on dated 12.12.2018 for brick work for a period of 3 years but the period was ended on December 2021. During this period business activities stopped on account of lock down and also suffered financial losses, so no operation of such function taken place during this period and work stopped throughout this period. Thus the application of the applicant is liable to be dismissed.
4. That the applicant on several occasions threatened the Respondent Prem Shankar Upadhyay and wanted protection money from the Respondent Prem Shankar Upadhyay, the Respondent Prem Shankar Upadhyay did not yield the illegal demand of the applicant, so the applicant made a false and frivolous application against the Respondent Prem Shankar Upadhyay, so the application is liable to be dismissed.
5. That the applicant was very well aware that no activities were taken place at the work place of the Respondent Prem Shankar Upadhyay was being carried by the Respondent Prem Shankar Upadhyay. So the applicant filed false complaint against Respondent in order to put pressure and humiliate the Respondent. as such the application is liable to be dismissed.
6. That there is no such activities are being carried out and all the allegations made in the application are false, incorrect and not worth considerable such as the question of any disease and environmental effect does not arise.

पुमशंकर

It is therefore, respectfully prayed that the application of the applicant is not worth considerable being false, baseless and incorrect as such the application must be dismissed with cost.

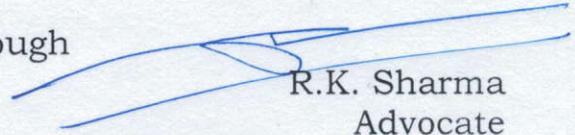
Pass any other order or further order, which this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the case in favour of the Respondent Prem Shankar Upadhyay and against the applicant in the interest of justice.

Delhi


Respondent

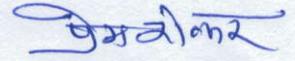
Dated: 09.12.2022

Through


R.K. Sharma
Advocate

Verification

Verified at Delhi on this 09th day of December 2022 that the contents of para No., 1 to 6 of the reply cum objections are true and correct to my knowledge. Last para is a prayer to this Hon'ble Tribunal.


Respondent

भारतीय गैर न्यायिक

बीस रुपये

₹.20



Rs.20

TWENTY
RUPEES

INDIA NON JU



उत्तर प्रदेश UTTAR PRADESH

37AA 387301

पट्टा चिह्न

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किरायना अर्वा 3 वर्ष
किराया प्रति वर्ष - 20000

एकडे कृष्ण कागल पतीश्री हरिकान आगल से
सराप कागल इकलास (कलागल) पुधर पध
पट्टा कलो

पुधर का उपाध्याय पुनकी नेकरासे रुपारा लठ
शुलास (कलागल) प्रपराइटर कृष्ण इड उद्योग
गदनीपध पट्टा जाक के - ६।

कृष्ण कागल

पुधर का उपाध्याय

भारतीय गैर न्यायिक

बीस रुपये

रु.20



Rs.20

TWENTY
RUPEES

INDIA NON JUDICIAL

उत्तर प्रदेश UTTAR PRADESH

37AA 387302

1 जो कि कच्चे गोलों का डाली प्रमाण गोरई तहसील
इलाहाबाद जिला अलीगढ़ के गारानं 460-3/4
8-65/ इलेक्ट्रिक पथ पथ पट्टा के लो को निर्माण
की गई है।

2 यह कि उपरोक्त वर्णित सम्पत्ती का निर्धारित
किराया 20000 प्रति वर्ष भर दो संचालन हेतु
किराया पर देना तथा हुआ है।

3 यह कि उपरोक्त वर्ष का निर्धारित किराया - प्रति
वर्ष नाक संपत्ती रिक्त होजाए।

4 यह कि उपरोक्त वर्णित सम्पत्ती भर दो संचालन
हेतु ही प्रकार के ली जाया।

बुलगा अकास

प्रेशीकर उपस्थित

भारतीय गैर न्यायिक

बीस रुपये

रु. 20



Rs. 20

TWENTY RUPEES

INDIA NON JUDICIAL

उत्तर प्रदेश UTTAR PRADESH

37AA 387305 (5)

(5) यह बि यह पट्टेदारी उपरोक्त दोनों पक्षों के मध्य सहा क्रमिक 3 वर्षों तक चलती है तथा तहसील के समस्त होने पर शान्तिमय क्रम प्रकटपत्र के साथ दिनांक 1/1/1971

(6) यह बि उपरोक्त निर्धारित पट्टे दारी उक्त क्रमिक के मध्य विवेकीय पक्ष निर्मित पट्टे को अपनी सुविधानुसार उपभोग करेगा तथा सहाजरी को किसी क्रमिक पक्षों द्वारा नगरीय या व-पक्ष नहीं करेगा

3 01/1/71

उत्तर प्रदेश सरकार



उत्तर प्रदेश UTTAR PRADESH

37AA 387303 3

7) यह कि इस पट्टा विवरण को पट्टे दाखिल करने पर
 के कार्रवाई व उत्तराधिकारी प्राप्ति के लिए
 करण।

यह कि यह पट्टा विवरण 1 मीटर डिपार्चि समुद्र रेषे व
 समुद्र पर चला करण।
 तब ही 19/11/18

जय
 विनोद कुमार

क 0 111 221 00

जयशंकर आर्या

ता 2

दिनांक 12/12/18 प्रयाजन. प्रियाज. 2018

नम ब पूरा पता कुरुवाकर 22/200 पारीक/ हरीकाने काम/ सराफ बाण

कम्पक 266 यनेराशि... 20.1..

मार्ग विक्रेता का नाम- रमेश राम/

नाइसेन्स नं० 18 2018/2019

12 पील- 5.1.1.



