

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Reply Affidavit on behalf of Respondent no. 24

In ref.

Original Application No.422 of 2023

Abhishek Shukla

..... Applicant

Versus

State of UP & Others

..... Respondents

Index

S.No.	Particulars	Page No.
1	Reply Affidavit on behalf of Respondent No. 24	1-11
2	Vakalatnama	12-13

Dated : 02 December, 2023



(MANOJ KUMAR)

Advocate

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.422 of 2023**

IN THE MATTER OF :-

Abhishek Shukla

S/O Sri Keshav Prasad Shukla,

R/O Village Jarar, PS-Girwan,

Tahsil Naraini, District-Banda,

Mob. No.-9532378463

..... Applicant

Versus

State of UP & Others

..... Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 24

I, Chandra Shekhar Chaurasia, S/o Late Sri Deen Dayal Chaurasia, aged 43 years, resident of 9-A, Paramount Villa Ansals, Shyamla Hills Near Regional College, Huzur Bhopal District Bhopal (M.P.) the deponent do hereby solemnly affirm and State on oath as under :-

1. That the deponent is one of the Partner of the answering respondent Partnership Firm M/s Associated Ventures, principal place of Business of the Firm at besides Alka Talkies, Nehru ward, Pipariya, Tahsil-Pipariya District-Hoasangabad (M.P.) Pin-461776 and the deponent is duly authorized by the

Chandra Shekhar



other partners to file this reply affidavit on behalf of the answering respondent No.-24.

2. That the deponent has read over the complaint dated 12-03-2023, and has understood the contents of the instant Original Application, and is well acquainted with the facts and circumstances of the case deposed to hereunder.
3. That by way of present letter petition the applicant complaining about illegal mining blasting and crushing in violation of environmental norms in villages Jarar, Chhaneha Purwa, Raghwa Purwa, Girwan. Patraha Tehsil Naraini, District Banda.
4. That the applicant vide complaint dated 12-03-2023 has also submitted that six mining leases have been allotted in two hills in the area situate of village Jarar and five crushers have been established in Village Jarar and Chhaneha Purwa and mining is being done by resorting to illegal blasting which has resulted in damage to the houses of villagers, the applicant further alleged that the crushers are being operated day and night and the crushers do not have any boundary wall. There is no sprinkling of water during operation thereof. The crushers are causing



Chander Singh

dust and noise pollution due to which the residents are suffering from 'Asthma' and other diseases. Illegal blasting has also affected old temples located on the hills. Illegal mining and blasting are also adversely affecting the wildlife in the area. The roads to the above said villages have been damaged by the over loaded vehicles used for transportation of excavated minor minerals.

5. That on the application dated 12-03-2023, submitted by the applicant, this Hon'ble Tribunal vide order dated 01-08-2023 constituted a joint committee comprising of representative of Director, Geology & Mining U.P., Uttar Pradesh Pollution Control Board, Lucknow. District Magistrate, Banda to verify the factual position and take appropriate remedial action and factual and action taken report may be submitted within one month by e-mail before this Hon'ble Tribunal.
6. That in compliance of order dated 01-08-2023 passed by this Hon'ble Tribunal the joint committee visited the field from 17-08-2023 to 18-08-2023 and vide his joint inspection report



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dated 30-08-2023, in paragraphs 13 to 20 mentioned status of Stone Crushers' as under :-

"13. As per information provided by UPPCB, Banda, the following stone crushers are identified in village-Jarar (Chhaneha Purwa, Raghwa Purwa), Tahsil-Naraini, District-Banda. **Annexure-2.** The issued date of Consent to Establish (CTE) and Consent to Operate (CTO) to stone crushers are given as below:-

S. No.	Name and address of stone crusher unit	Co-ordinate	Product and Capacity	CTE issued date by UPPCB	CTO status issued by UPPCB	
					CTO issued Date	Granted CTO valid up to
1	2	3	4	5	6	7
1	A.H.V.S. IFRA LLP. Gata No. 1166, Vill-Jarar, Tahsil-Naraini, Banda	25.324488 80.347927	Stone grit-180 MT/Hrs	28-06-22	05-09-22	31-08-26
2	Associated Ventures. Gata No. 1172,1179 &1180, Vill-Jarar, Tahsil-Naraini, Banda	25.328259 80.348467	Stone grit-225 MT/Hrs	24-12-21	05-03-22	31-07-26
3	Peer Baba Granite Gata No. 1798, Vill-Jarar, Tahsil-Naraini, Banda	25.333284 80.363266	Stone grit-225 MT/Hrs	03-01-22	11-01-23	31-07-27
4	Neelkanth Granite Gata No. 1382, Vill-Jarar, Tahsil-Naraini, Banda	25.337391 80.358105	Stone grit-135 MT/Hrs	03-01-22	27-08-22	31-07-26



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5	Indus stone Crusher Pvt Ltd Gata No. 1794, Vill- Jarar, Tahsil -Naraini, Banda	25.333521 8 79.976312	Stone grit- 225 MT/H rs stone dust- 25 MT/H rs	15-04-23	Under construction
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14. 05 stone crushers were identified in village-Jarar (Chhaneha Purwa, Raghwa Purwa), out of 5 stone crusher, 4 stone crusher were found in operation and one stone crusher was found under construction.
15. During committee visit, dust suppression system i.e. water spraying facility on jaw crusher, cone and main conveyer, covering of vibrating screen and conveyor have been found installed on each operational stone crushers.
16. Metal sheet made boundary wall have been found on each stone crusher but strengthening of the boundary wall surround the stone crusher is required.
17. All stone crusher are established beyond the 500 meters distance from the habitant area.



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18. *All stone crushers have been submitted compliance report along with ambient air quality monitoring report. The air polluting parameters is within prescribed limit.*
19. *During the committee visit, it was observed that crops was not found affected in nearby agricultural field.*
20. *As per CMO report, no any patient was found as mentioned illness in complain. **Annexure-3.***

7. That the Divisional Forest Officer, Banda Division Banda vide letter No.-1443/33-1 dated 16-11-2021 informed to the Regional Officer, Uttar Pradesh Pollution Control Board, Banda as under :-

“(1) The proposed land for Crusher unit is proposed to be established between Girwan Sherpur road on km. 06 and 07. Which distance is 2 km. from the road and 6 km. from protected forest area and Banda Naraini main road.

(2) The distance of the proposed Crusher unit from forest area (Akbarpur Girwan) is 3.0 km.



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(3) There are no garden within the radius of 1.0 km. from proposed land for Crusher unit.

(4) The distance of the inhabitant from proposed land is 2.0 km.

(5) There are no School or Collage nearby area of the proposed Crusher unit.

(6) The distance of the proposed Crusher unit from Ranipur Wild life Sanctuary is 130.0 km."

8. That the Sub-District Officer, Naraini vide letter dated 15-11-2021 informed to the Regional Officer, Uttar Pradesh Pollution Control Board, Banda as under :-

"(1) The proposed Gata No.-1179/1.680 Hector, 1172/3.019 Hector and 1180/0.717 Hector land is situate in Village-Jarar Tahsil-Naraini, District-Banda has been taken on rent by the M/s Associated Ventures.

(2) All aforesaid Gata numbers are situate jointly with each other.



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(3) *The distance of the proposed land from Banda Naraini main road 3.6 Km.*

(4) *The distance of the proposed land of the Crusher unit from Devi Ji Girwan Link Road is 3.0 Km.*

(5) *The distance of the proposed land from inhabitant is 1200 meters.*

(6) *The distance of the proposed land from School/College about 1150 meters.*

(7) *The distance of the proposed land from nearest Railway Station Khurhand is 15 Km."*

9. That on the basis of aforesaid reports of the forest department and revenue department the Uttar Pradesh Pollution Control Board, Lucknow vide ref. No.-142663/UPPCB/Banda(UPPCB (BRO)/CTE/Banda/2021 dated 24-12-2021 issued the consent to establish (CTE) granted to the M/s Associated Ventures and the establishment has been completed.

10. That after establishment of the plant the Regional Officer of Uttar Pradesh Pollution Control Board, Regional Office, Banda, under the provisions of Sections 25 & 26 of the Water



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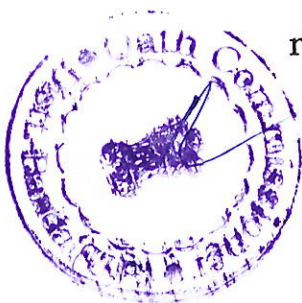
(Prevention & Control of Pollution) Act, 1974 and Section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 also issued consent letter dated 05-03-2022 to the answering respondent firm. Hence, the answering respondent no.24 has obtained all the necessary permission from various authorities, as required under the provisions of law for running Stone Crusher Plant.

11. That the answering respondent firm also obtained registration from the Ministry of Micro, Small and Medium Enterprises Government of India and obtained a registration certificate no. UDYAM-MP-22-0002850 and till date there has been no complaint from any local inhabitant regarding pollution created in water or air by the answering respondent firm, and this original application has been filed before this Hon'ble Tribunal for the first time, and after perusal of this application, the deponent has not found any specific grievance of the applicant in operation of the stone crusher plant run by the answering respondent no. 24.



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12. That in view of aforesaid averment it would be evident that the answering respondent firm has followed all the norms and guidelines issued by the authorities for running of the stone crusher plant, and the premises of the stone crusher are fully covered by wind-breaking wall having height of 12 feet.
13. That it is further submitted that the Uttar Pradesh Pollution Control Board is fully cautious of its duties and obligation and is also performing their duties in the public interest. It is also pertinent to mention here that whenever any Industry is running, it may cause pollution in the environment, but an attempt is always made to minimize the pollution, otherwise the basic requirement of development of infra-structure cannot be fulfilled. In the case of ***Intellectual Forum, Tripathi Vs. State of A.P. [(2006) 3 SCC 549]***, the Hon'ble Supreme Court has observed that it should follow the Principle of Sustainable Development' and find the balance between the developmental need and the environmental degradation adherent to the Principle of Sustainable Development, is now a constitutional requirement, how much damage to the environment and



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ecology has got to be decided on the fact of each case. In the case of **T.N. Godavarman Thirmulkpad (104) Vs. Union of India [(2008) 2 SCC 222]**, it has been observed by the Hon'ble Supreme Court that the courts are required to balance developmental need with the protection of environment and ecology. It is the duty of the State Government under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on inter-generational quality.

14. That in view of aforesaid averment there is no violation which require interference of this Hon'ble Tribunal against the deponent as per reports submitted before this Hon'ble Tribunal by the joint committee.

VERIFICATION:

I, the above named deponent do verify that the content of my above affidavit are true to the best of knowledge and belief and there is nothing concealed therefrom.

Verified at Banda on this 02 day of December 2023.



Sl. NO 21
 Solemnly Affirmed Presented before me
 by Sri.
 whom the Contents of this
 Affidavite have been read over satisfactory
 who is Identified by Sri.
 Received Rs. as my Fees
 Dated 21/12/2023

Chander Dehon
 Deponent

O. C. No
[Signature]

**V A K A L A T N A M A****BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.422 of 2023****Abhishek Shukla**..... **Applicant****Versus****State of U.P. & others**..... **Respondents**

KNOW ALL to whom these present shall come that We, Chandra Shekhar Chaurasia, S/o Late Sri Deen Dayal Chaurasia, aged 43 years, Resident of 9-A, Paramount Villa Ansals, Shyamla Hills Near Regional College, Huzur, Bhopal District Bhopal (M.P.), duly authorized on behalf of respondent no.24, do hereby appoint (herein after called the advocate to be our Advocate in the above noted case authorise him:-

MANOJ KUMAR, Advocate (U.P.1502/78), COP No. 193761, GF-1, Shubh Apartment, Vivekanandpuri, Faizabad Road, Lucknow, Mobile no.09532100117

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 us. To sign, file, and present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or 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 of admit and/or deny the documents of opposite party.

To withdraws or compromise the said case or submit to arbitration any differences or disputes that jay 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

Chander Shekhar

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

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

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


And we the undersigned do hereby agree that in the even of the whole or part of the fee agreed by 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 Court. 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 of three years or part thereof.

IN WITNESS WHEREOF We do hereunto set our hand to these presents the contents of which have been understood by us on this02..... day of December, 2023.

Accepted subject to the terms of fees.


Advocate

MANOJ KUMAR
Advocate
G.F.-1, Shubh Apartment,
489/211, Vivekanandpuri,
Fajjabad Road, Lucknow-226007



1-

Client

2-

Client