

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI.**

**Original Application No.78/2023**

Durga Singh Pawar & Ors. ...Applicants

Versus

Rajendra Singh Dafoti & Ors. ...Respondents

**INDEX**

<b>S.No.</b>	<b>Particulars</b>	<b>Page No.</b>
1.	Reply on behalf of respondent No.5.	2 – 9
2.	<b>ANNEXURE: R5/1</b> A copy of the order dated 28.04.2022, passed by the Hon'ble High Court of Uttarakhand at Nainital.	10 – 22
3.	<b>ANNEXURE: R5/2</b> A copy of the receipts i.e. E-challan i.e. 29.04.2023 for Rs. 7,72,200 and dated 11.07.2023 for Rs. 7,00,000/-.	23 – 24
4.	Vakalatnama	25
5.	Proof of Service	26

Through



**(V.K. SHUKLA)**

Counsel for Respondent No.5  
B-69, Lajpat Nagar-1,  
New Delhi -110024  
Mob.No. 8800131234,  
vkslawoffices@gmail.com

PLACE: New Delhi

DATE: 21.06.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI.**

**Original Application No.78/2023**

Durga Singh Pawar & Ors. ...Applicants

Versus

Rajendra Singh Dafoti & Ors. ...Respondents

**REPLY ON BEHALF OF RESPONDENT NO.5 TO THE  
JOINT COMMITTEE REPORT**

**MOST RESPECTFULLY SHOWETH**

1. That the present Original Application was filed by Shri Durga Singh Pawar & Ors. on 22.01.2023, by way of a letter, alleging illegal mining by the answering respondent.
2. That vide order dated 14.02.2023, this Hon'ble Tribunal was pleased to take cognizance on the letter and impleaded the respondent Nos. 1 to 4 as parties, requiring them to file their reply within 2 months.

This Hon'ble Tribunal also appointed a Joint Committee to verify the factual position and submit a report within 2 months.

3. That in compliance of the said order, the Joint Committee filed its report dated 03.05.2023 and the respondent No. 4 DM, Pithoragarh filed his affidavit dated 08.05.2023.
4. That thereafter, the matter was listed on 12.05.2023, when this Hon'ble Tribunal was pleased to implead the

answering respondent as respondent No.5 and directed to file reply.

### **PRELIMINARY SUBMISSIONS**

5. That vide OM dated 23.09.2021, the answering respondent was granted mining lease for 50 years, after the required compliance by the answering respondent as per law. A copy of the OM dated 23.09.2023 is at Pg. 196 of the report by way of affidavit filed by DM, Pithoragarh.
6. That thereafter, on 12.08.2021, EC was granted by SEIAA, Dehradun.
7. That on 23.08.2021 and 31.03.2022, the Consent to Establish (CTE) and Consent to Operate (CTO) was granted in favor of the answering respondent by the competent authority. The CTO granted in favour of the answering respondent is valid till 31.03.2027.
8. It is respectfully submitted that the applicants before this Hon'ble Tribunal, had already agitated this issue before SC/ST Commission against grant of lease in favor of the answering respondent.
9. That left with no alternative the answering respondent had to challenge the said action of the applicants by way of Writ Petition before Hon'ble High Court.
10. Vide order dated 28.04.2022, Hon'ble High Court in WP(M/S) No. 403 of 2023, titled as M/s JD Minerals

Vs. State of Uttarakhand, allowed the writ petition filed by the answering respondent, directing the official respondents, herein, to ensure that no impediment in the functioning of the answering respondent may be caused. It was further observed that so far the life of the lease surviving, the executive will not restrain any act of mining based on recommendation of SC/ST Commission as said Commission has got no authority to issue such directions as impugned before the Hon'ble High Court. A copy of the order dated 28.04.2022, passed by the Hon'ble High Court of Uttarakhand at Nainital is annexed as **ANNEXURE: R5/1**.

**REPLY TO THE AFFIDAVIT FILED BY DM,  
PITHORAGARH**

11. That the respondent No.4 in his affidavit in Para 6 has submitted in brief the report of the Joint Committee.
12. That the contents of Para 6(i) of the affidavit are factual in nature thus do not call for any comments.
13. That the contents of Para 6(ii) of the affidavit as stated do not for any comment so far as the registration of the FIR is concern. However, it is submitted that the investigations are going on and the answering respondent is co-operating with the investigation, as and when required by the agency. It is also submitted that the Hon'ble High Court granted protection to the answering respondent.

14. That the contents of Para 6(iii) of the affidavit do not call for any comments so far as they are matter of record. However, it is respectfully submitted that after the alleged deficiencies in mining were noticed by the Forest Department, a penalty of Rs. 3,21,778/- (Rs. Three Lac Twenty-One Thousand Seven Hundred Seventy-Eight) was imposed, out of which Rs. 1,05,000/- (Rupees One Lac Five Thousand) has already been paid by the answering respondent and he has also undertaken before the Authorities that in future, no such incident shall be repeated.
15. That the contents of Para 6(iv) of the affidavit are denied for the want of proof.
16. That the contents of Para 6(v) and (vi) of the affidavit do not call for any comments being matter of record.
17. That the contents of Para 6(vii) and (viii) of the affidavit do not call for any comments being matter of record except that the answering respondent has already paid the entire amount of Rs. 14,74,200/- (Rs. Fourteen Lacs Seventy-Four Thousand Two Hundred) in compliance of order dated 25.04.2023, passed by DM, Pithoragarh. A copy of the receipts i.e. E-challan i.e. 29.04.2023 for Rs. 7,72,200 and dated 11.07.2023 for Rs. 7,00,000/- (Rupees Seven Lacs) are annexed as **ANNEXURE: R5/2.**

**REPLY TO JOINT COMMITTEE REPORT**

18. That so far as the allegations made against the answering respondent in the report have already been dealt with herein above in response to the reply of DM, Pithoragarh (Resp.No.4).
19. That so far as the suggestions given by the Joint Committee are concerned, the answering respondent, as duty bound, shall comply the same in letter and spirit. The answering respondent shall ensure that no illegal mining shall be done and the officials and staff of the answering respondents have already been given warning to ensure the recommendations of the Committee in this regard.
20. That the safety wall which was broken due to heavy rain etc. shall be repaired/ constructed as directed in recommendation No. 6.2 to ensure that no water body nearby is affected and natural flow of the water is maintained.
21. That the answering respondent shall also carry out the forestation work as directed in point No.6.3. It is respectfully submitted that part of the forestation work has already been undertaken and remaining shall be completed as per recommendations, within 6 months.

In view of the facts and circumstances stated herein above, it is most respectfully prayed that the present OA may be disposed in view of the fact that the applicant shall comply the

recommendations given by the joint committee in Para 6, in letter and spirit and ensure full compliance of the conditions of lease, EC and other NoCs given by the Authorities. It is prayed accordingly.



**(V.K. SHUKLA)**

Counsel for Respondent No.5  
B-69, Lajpat Nagar-1,  
New Delhi -110024  
Mob.No. 8800131234,  
vkslawoffices@gmail.com

PLACE: NEW DELHI

DATE: 21.06.2023

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

ORIGINAL APPLICATION NO. 78 OF 2023

IN THE MATTER OF :

Durga Singh Pawar & Ors.

... Petitioners

Versus

Rajendra Singh Dafoti & Ors.

... Respondent

**AFFIDAVIT**

I, Rajender Singh Dafoti S/o Shri Nandan Singh Dafoti, aged about 42 years R/o B-54, Judge Farm, Chhoti Mukhani, Mukhani Nainital, Uttarakhand - 263139, do hereby solemnly affirm and states as under;

1. That I am the respondent No. 1 and proprietor of the respondent No. 5 and as such is well conversant with the facts and circumstances of the present case and is competent to swear this present affidavit.
2. That I have gone through the contents of the accompanying reply. The same has been drafted as per my instructions. The contents of the same are true and correct to the best of my knowledge and nothing material has been concealed there from.
3. That the annexures annexed to the reply are true copy of their respective original.

  
DEPONENT



VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom. Verified at Nainital on this        day of June, 2023.

*[Handwritten Signature]*  
DEPONENT



Sworn & Verified that the contents of this Affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom.  
the Dep. ment Identified by *Refincher Singh Dafati*  
Sworn & Verified the content of this Affidavit at *Haldwani*  
on Do: *21.6.23* at *4.00 P.M.*  
*Yogesh Kumar Devraj*  
(Yogesh Kumar Devraj) *21.6.23*  
Notary, Haldwani  
Distt. Nainital (UK)

**IN THE HIGH COURT OF UTTARAKHAND****AT NAINITAL****Writ Petition (M/S) No. 403 of 2022**

(Under Article 226 of Constitution of India)

M/s J.D. Minerals through  
Its proprietor

.....Petitioner

Versus

State of Uttarakhand and Others

.....Respondents

Mr. D.K. Joshi, learned Advocate for the petitioner.  
Mr. S.N. Babulkar, learned Advocate General, assisted by Mr. C.S. Rawat,  
learned C.S.C for the State of Uttarakhand.

Dated: 28<sup>th</sup> April, 2022

**Hon'ble Sharad Kumar Sharma, J.**

Before answering the basic issue which has been raised by the petitioner in the writ petition, this Court has to harmonize the interpretation to be given to the authority of the SC/ST Commission Act, as well as to the provisions which are exclusively vested with the State Government for creating, the mine and mineral rights under the Mine and Mineral Act of 1957, which has to be read with the rules

into consideration. In fact, whatsoever, rights have been vested with the Commission, it has to be exercised qua the protection of the welfare of the members belonging to the oppressed community, who are covered by the provisions of the said Act. In view of the caste as defined under sub-clause (f) and (g) of Section 2 of the Act. The scope of its applicability cannot be widened preposterously to be made applicable, upon the public at large and that too for the subjects which are not encompassed under the provisions of the Act itself. The issue of concern would, be as to whether at all the States Executive, who are in their helm of affairs in the exercise of their administrative powers over the territory, with which they are vested with to exercise their powers under law, could at all in their discharge of their official duties, as an executive officers, could be governed by any directives, which are issued by the SC ST Commission, which is beyond the scope of its powers, and provisions of the Act of 2003, itself.

2. The basis legislative objective of the Act of 2003, was not for the purposes of regulating the powers of the executive of the District, who have otherwise to exercise their exclusive domain of administering the affairs of the area except, for the exceptions carved out under the Act itself and the

3. In the case at hand, the factual aspect of the matter is that in relation to the invitation of bids, an applications for mining activities, to be carried in village Bajeta, District Pithoragarh, the petitioner submits that he was one of the applicant and aspirant to be considered accorded with leasehold rights for excavating the soapstone from any area of 7.967 hectares of village Bajeta, District Pithoragarh.

4. The petitioner contends, that as a consequence of his determination, as to be a successful bidder, a letter of acceptance was issued, and all the necessary steps to be taken for the purposes of execution of the contract for granting him a permission to excavate the soapstone for the period of 50 years, which stood covered under the terms of the concluded contract/lease which was executed in his favour on 12.11.2021. The grievance of the petitioner in the writ petition, was that on the culmination of his rights as a consequence of the execution of the lease deed on 12.11.2021, was preceded by the various codal formalities, which were required to be conducted by the executive of the District, right from the level of Tehsildar to the District Magistrate, including the officers of the mining department and on the basis of the joint inspection report dated 13.10.2020, the District

execution of the lease deed on 12.11.2021, in fact, has observed that there is no credibility in the objections, which has been raised by the villagers and the process of execution of the contract could be proceeded with, because it happens to be in consonance to the provisions contained under the recommendations of the 61<sup>st</sup> meeting of the National Board for wildlife; as well as that of the environment and forest clearances which were acquired. The environment clearance was given in favour of the petitioner by the Environmental Impact Assessment Authority, Dehradun on 12.08.2021 and consequently by the Government Order no.1425/VII-A-1/2021/1(13)/18, as executed on 23.09.2021, a determination was arrived at for the purposes of execution of the lease-deed in favour of the petitioner which was consequently registered too in his favour on 12.11.2021.

5. But, for the reasons undisclosed to the petitioner and that too without adherence to the settled principles of natural justice, the local executives created impediments, in the petitioners functioning under the terms of the concluded contract of the lease deed of 12.11.2021 and that too without any order of rescindment of lease, and all the request which was made by the petitioner vide his

account of the action and inaction or motivated action; at the behest of the executives for creating a restraint in the functioning of the petitioner in excavation of the soapstone under the terms of the subsisting lease deed of 12.11.2021 and that too without passing any order or termination of the lease, after giving him any opportunity of hearing. Hence, this Court is of the view, that any oral impediment which has been artificially created by the executives, after their own execution of the concluded contract, cannot be permitted to be sustained in the eyes of law, once it is not having a backing of law itself.

6. But, ultimately, the petitioner has come up with the case in the writ petition, that, in fact, later on, it was reflected to the petitioner that it was on an oral dictates and rather a communication, which had been made to the executive on 08.11.2021, where by the SC ST Commission, has directed the SDM vide its communication of 08.11.2021, to ensure to stop the mining activities on a complaint of an individual. The issue would be as to what is the ambit and scope of exercise of power vested with the SC ST Commission created under the Act of 2003, to venture into an act of executives, beyond the scope of the Act itself, which is the source of their birth. If the Act itself is taken into consideration, this Court is of the view

which they are otherwise discharging their duties under the relevant provisions of law applicable which in the instant case happens to be the Mines and Minerals Act and the rules framed thereunder. For the purpose the reference of statement of objects and reasons of the Act of 2003, is required to be referred to, which is extracted hereunder:-

“An Act to constitute Scheduled Castes and Scheduled Tribes Commission in Uttaranchal to provide for matters connected therewith or incidental thereto”

7. Looking to the controversy from the perspective of the statement, object and reasons of the Act, as extracted above, even if the provisions of the Act as contained in its Chapter 3, is taken into consideration, which provides in its Section 11 and 12, the duties and functions of the Commission, as well as the ambit of powers which the Commission can exercise, for the purposes of references which could at all made, to. It will not include the area which the Commission has tried to venture into by issuing directives pertaining to the mining activities, as it encourages consideration in the present case. Particularly when the statute in its specific terms has limited the exercise of powers and functions under Section 11 of the Act, which is extracted hereunder:

**“11. (1) It shall be the duty of the Commission:-**

(b) to enquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes.

(c) to participate and advise on the planning process of socio economic development of the Scheduled Castes and Scheduled Tribes and evaluate the progress of their development.

(d) to present to the State Government annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.

(e) to make in such reports recommendations as to the measures that should be taken by the State Government for the affective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and

(f) to discharge such other functions in relation to the protection, welfare, development and advancements of the Scheduled Castes and Scheduled Tribes as may be referred to it by the State Government.

(2) The State Government shall cause the reports of the

8. It cannot be widened by any overt act or interpretation, to be given by the Commission itself which may ultimately lead into a situation where the Commission would be taken, as if to exercise the executive power, which otherwise under law is exclusively the prerogative of the executives to determine an exercise the powers for regulating and managing the affairs. Thus too, from the perspective of Chapter 3 of the Act of 2003, since the Commission has not been specifically vested with such powers to be exercised where they could have recommended the District Magistrate to restrain the mining activity, the directives itself would be without competence of the Commission.

9. Thus, this Court is of the view, that as far as the exercise of powers by the SC/ST Commission of issuing directives to regulate the functioning of the executive to restrain a mining activity, because one of the members of the SC ST community has raised his grievance, qua some alleged losses, which he or she may suffer, if the mining activities under the concluded lease of 12.11.2021, is permitted to be carried cannot be isolatedly extracted to be made applicable to create an impediment in restricting the mining activity or restraining the mining activity on the directives of the SC/ST Commission which has

10. The controversy has to be looked into from yet another prospective, also as to what would be the scope of the exercise of powers by the SC/ST Commission, where the SC/ST Commission has not been vested with any 'adjudicatory rights' on any issue or a right which is contemplated to be granted under an Act to the masses or an individual, and in the absence of an adjudicatory rights being statutory vested with the SC/ST Commission, created under the Act of 2003, the SC/ST Commission had got no right, whatsoever, to even to pass an order of 08.11.2021 directing the Sub-Divisional Magistrate to stay the mining activity in which the petitioner was expected to be engaged under the lease deed of 12.11.2021. As the SDM or other executive officer, are not the subordinates of the SC and ST commission, who does not exercise any power of control over them in exercise of their of their official duties. There is another logic which this Court is of the view that once the SC/ST Commission has not been vested with an adjudicatory rights in view of the ratio laid down by the Hon'ble Apex Court, it cannot venture into the executive arena of exercise of powers by the State officials.

11. If the adjudicatory right, has not vested with the commission. the SC/ST Commission could

supported with law and based on a registered lease deed, the Commission is not vested with any authority under law as such, to exercise any control over the activities of the executives in the discharge of their administrative functions which includes the functions of granting the mining rights to the persons, as per the provisions of Mines & Minerals Act and the rules framed thereunder. When there was a restraint imposed and the petitioner's grievances was not redressed because of the directives which were unauthorisedly issued by the SC/ST Commission, the executives have not yielding to his request, to permit him to carry the mining activities, under the lease, he approached the Writ Court and the Writ Court thereafter, has called upon the District Magistrate as to under, what circumstances and for what reasons and powers he could have stopped the mining activity during the lifetime of the lease itself, when it was subsisting in the eyes of law and it was not cancelled, rescinded or terminated, by any order.

12. In response to it, the District Magistrate, Mr. Ashish Chauhan, is present in-person. The learned Advocate General, in order to support the action of the District Magistrate of creating a restraint in the mining activity of the petitioner had

**“10. The State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.”**

14. In fact the interpretation given by the learned Advocate General, to the provisions contained under Section 10 of the Act of 2003, is not acceptable by this Court to the logic given by him to the provisions contained under Section 10 of the Act for the reason being, that Section 10 of the Act of 2003, is only an **‘enabling provision’** and not a **‘substantive provision’**.

15. It is an enabling provision, only which is available to the State that whenever the State is intending to formulate any policy which may affect the masses at large, thus it is the prerogative which has been left open to the State itself to consult the Commission; but that provision of Section 10 cannot be read, as if it was vesting any a right with the SC/ST Commission, to order to refrain the executives from discharging their official duties or to create any impediment over the rights which they have created in favour of an individual under the law. The provisions of Section 10, the manner it has been interpreted, is not a scope which could be ventured into at the initiative of the Commission because it is

mining rights under the Act 1957 and the rules framed thereunder. Hence, Section 10 cannot be taken as a rescue and an excuse by the State to defend the action of the executive to support, that they would be bound by the decision of the SC/ST Commission, which otherwise according to the view of this Court, in view of the SOR of the Act itself is not competent to pass any order to the effect of regulating the activities of the executive in any manner, whatsoever and that too beyond the scope and ambit and object of the SC/ST Commission Act itself, and powers and functions provided under Section 11 and 12 of the Act of 2003.

16. In that eventuality and for the reasons and logic assigned above, this Court is of the view, that the response given by the executive to the directions of the SC/ST Commission, in fact has reflected the weakness of the executive, in taking a decision, which they otherwise are entitled to take under the law available to them and they should not have purged to the directions of the SC/ST Commission, which has got no role and authorities to play in any manner, whatsoever in exercise of their powers vested with them in their executive domain, as per law.

acceded to the directives of the SC/ST Commission, may it be by an oral or written order too, to create any impediment in functioning of the petitioner in excavating the soaps stone, under the terms of lease of 12.11.2021. Hence, the writ petition for the reasons aforesaid would stand allowed. The writ of mandamus is issued to respondent nos. 2 & 3, that they would ensure, that no impediment in the functioning of the petitioner to excavate the soaps stone which has been created in his favour by the Government Order of 12.10.2018 and the Government Order dated 23.09.2021 culminating to the execution of the lease deed of 12.11.2021, is created or obstructed by the respondent-executives, i.e. respondent nos. 3 & 4 until and unless, there happens to be any other legal impediment against the petitioner, so far the life of the lease is surviving, executive will not restrain any act of mining based on recommendations of the SC/ST Commission, as it has already been held and I am of the view, that the SC/ST Commission has got no authority, as such thus the writ petition stands allowed and a writ of mandamus is issued accordingly as directed above.

**(Sharad Kumar Sharma, J.)**

28.04.2022

Ujjwal/AK

## ANNEXURE: R5/2



e-Challan

Bank Ref. No. - CPACRZTEE6

Treasury Form-209(1)  
Financial Handbook Vol. V, Part- II  
Form No. 43A(1)  
(See Paragraph 417 and 478)  
Challan form for depositing amount



Name of the Treasury/Sub-Treasury/Bank/Bank Branch - State Bank Of India (Payment Gateway)

Status : (S) Completed Successfully

1	Name of the person (designation if necessary or Organization on whose behalf amount is being paid.	J D MINERALS
2	Address	B - 54 JUDGE FARM CHHOTI MUKHANI HALDWAN, , NAINITAL Uttarakhand 263139
3	Registration Number (if necessary)	
4	Full details of amount to be deposited (for which purpose and in favour of)	Imposed fee charge on illegal Soap stone during Mining at Village Bajeta Teshil Munsyari District Pithoragarh
5	Gross value of Challan	774200
6	Net value of Challan	774200
7	Deaprtment	Director Industries
8	Related office for which challan is to be deposit	District Mine Officer Pithoragarh
9	Full details of Head of Account	0853 - Non-ferrous Mining and Metallurgical Industries
10	13 Digit code of Head of A/c	As per details below

SL No.	Services	Detail Head	Amount
1	Mineral Concession Fee rent and interest charges.	0853001020100	774200
Total Challan Amount-			774200

Amount (in words) - Rs. Seven Lakh Seventy-Four Thousand Two Hundred only

Signature of departmental officer with seal

For J. D. Minerals

Auth. Signatory

Challan No- 08530423E0054654	Amount in Figure(Rs.) - 774200
Date - 29-APR-2023	Amount in words - Rs. Seven Lakh Seventy-Four Thousand Two Hundred only
Received Through	
Bank Ref. No. - CPACRZTEE6	
State Bank Of India (Payment Gateway)	



## e-Challan

Bank Ref. No. - CPACXBIFU2

Treasury Form-209(1)  
Financial Handbook Vol. V, Part- II  
Form No. 43A(1)  
(See Paragraph 417 and 478)  
Challan form for depositing amount



Name of the Treasury/Sub-Treasury/Bank/Bank Branch - State Bank Of India (Payment Gateway)

Status : (S) Completed successfully.

1	Name of the person (designation if necessary or Organization on whose behalf amount is being paid.	JD MINERALS
2	Address	B - 54 JUDGE FARM CHHOTI MUKHANI HALDWAN, , NAINITAL Uttarakhand 263139
3	Registration Number (if necessary)	
4	Full details of amount to be deposited (for which purpose and in favour of)	Imposed fee charge on illegal Soap stone during Mining at Village Bajeta Teshil Munsyari District Pithoragarh
5	Gross value of Challan	700000
6	Net value of Challan	700000
7	Deaprtment	Director Industries
8	Related office for which challan is to be deposit	District Mine Officer Pithoragarh
9	Full details of Head of Account	0853 - Non-ferrous Mining and Metallurgical Industries
10	13 Digit code of Head of A/c	As per details below

SL No.	Services	Detail Head	Amount
1	Mineral Concession Fee rent and interest charges.	0853001020100	700000
	Total Challan Amount-		700000

Amount (in words) - Rs. Seven Lakh only

Signature of departmental officer with seal

J D MINERALS

Challan No- 08530723E0025630	Amount in Figure(Rs.) - 700000
Date - 11-JUL-2023	Amount in words - Rs. Seven Lakh only
Received Through	
Bank Ref. No. - CPACXBIFU2	
State Bank Of India (Payment Gateway)	

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 78 OF 2023

IN THE MATTER OF :

Durga Singh Pawar & Ors.

... Petitioners

Versus

Rajendra Singh Dafoti & Ors.

... Respondent

Know all to whom these present shall come that Rajender Singh Dafoti S/o Shri Nandan Singh Dafoti, aged about 42 years R/o B-54, Judge Farm, Chhoti Mukhani, Mukhani Nainital, Uttarakhand – 263139 the authorized person of the above named Applicant do hereby appoint:

V.K. SHUKLA  
D/724/2000

Adv. Apoorva, Sugantkshra  
Adv.

[Off: B-69, Lajpat Nagar, New Delhi-110024; Mob: 8800131234; email: vkslawoffices@gmail.com]  
(Hereinafter called the advocate/s) to be my/our Advocate in the above-noted case authorised him:-

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 to heard and also in the appellate Court including High Court to payment of fess separately for each court by me/us.

To sign, file verify 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 to admit and/or deny the documents of opposite party.

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 cause.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and thins which may be conferred 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, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it do so and to sign the Power of Attorney on our behalf.

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

And I/We undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/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 remain himself.

And I/we the undersigned do hereby agree that in the event of the whole of part of the fees 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. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid. I/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 three year of part thereof.

IN WITNESSES WHEREOF I/we do hereunto set my/our hand to these presents the content of which have been understood by me/us on this 27<sup>th</sup> day of June, 2023

Accepted subject to the terms of fees.

Adv. V. K. SHUKLA D/724/2000;  
Advocate,  
Supreme Court of India  
B-69, Lajpat Nagar-1, New Delhi-24  
PH.: 011-45558006, M.: 8800131234  
Email: vkslawoffices@gmail.com

Rajendra Singh Dafoti

Apoorva  
01322/2018

*[Handwritten signature]*

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI.

Original Application No.78/2023

Durga Singh Pawar & Ors. ...Applicants

Versus

Rajendra Singh Dafoti & Ors. ...Respondents

PROOF OF SERVICE

9/4/23, 9:45 PM

Gmail - Reply on behalf of Resp.No.5 in OA NO. 78 of 2023; Durga Singh Pawar & Ors. Vs. Rajendra Singh Dafoti & Ors.



V.K. Shukla <madhavnassociates@gmail.com>

Reply on behalf of Resp.No.5 in OA NO. 78 of 2023; Durga Singh Pawar & ORs. Vs.  
Rajendra Singh Dafoti & Ors.

1 message

V.K. Shukla <madhavnassociates@gmail.com>

Mon, Sep 4, 2023 at 9:45 PM

To: "advrahulverma9999@gmail.com" <advrahulverma9999@gmail.com>, Mukesh Verma <mvermadv@gmail.com>

Shri Rahul Verma  
Adv for Resp Nos. 1,3 & 4

Shri Mukhesh Verma  
Adv for Resp No.2

Sir(s),  
PFA copy of reply on behalf of Resp.No.5 in Durga Singh Pawar & ORs. Vs. Rajendra Singh Dafoti & Ors.  
Regards

V.K. SHUKLA  
Advocate for Resp. No.5  
Madhav & Associates B-69 | Lajpat Nagar-1 |  
New Delhi-110024 | Tele: 011-45558066  
E-mail: vkslawoffices@gmail.com | Mob.: +91 8800131234 |

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Reply on behalf of R5.pdf  
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