

**IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.      OF 2022**

**IN THE MATTER OF:**

Junaid Ayubi

...Applicant

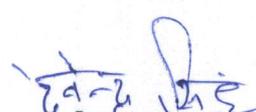
Versus

State of Uttar Pradesh & Ors.

....Respondents

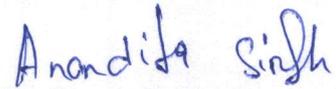
**INDEX**

<b>S. no.</b>	<b>Particulars</b>	<b>Page nos.</b>
1.	Reply on behalf of Respondent no. 6 i.e. Akash Ganga Stone Crusher to application under section 16 r/w section 18 of the National Green Tribunal Act, 2010 alongwith affidavit in support.	7 - 10
2.	<b><u>ANNEXURE R-1</u></b> Copy of board resolution issued by Respondent no. 6 in favour of Sh. Mr. Devender Singh.	11
3.	<b><u>ANNEXURE R-2</u></b> A copy of the on site map.	12 - 18

  
**Respondent no. 6**

Akash Ganga Stone Crusher

Authorized Representative Mr. Devender Singh



**Infinity Law Chambers,**

13D, Ground Floor, Nilgiri – III,

Sector – 34, Noida (Uttar Pradesh) – 20130

(m): +91 8505853818, +91 7755999836

E-mail: [ilc@infinitylawchambers.com](mailto:ilc@infinitylawchambers.com)

**Through:**

**Place:**

**Date:**

5

**IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.      OF 2022**

**IN THE MATTER OF:**

Junaid Ayubi

...Applicant

Versus

State of Uttar Pradesh & Ors.

....Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 6 I.E. AKASH  
GANGA STONE CRUSHER TO APPLICATION UNDER SECTION  
16 R/W SECTION 18 OF THE NATIONAL GREEN TRIBUNAL  
ACT, 2010.**

**The above named Respondent no. 6 most respectfully submits as  
under:-**

1. That the Respondent no. 6 i.e. Akash Ganga Stone Crusher is operating with required consent from Uttar Pradesh Pollution Control Board (“UPPCB”) under Air (Prevention & Control of Pollution) Act, 1981 and is a stone crusher unit, which is having its unit at Khasra no. 27/1, 35 Village Said Mohammadpur, Tehsil Behat, Saharanpur – 247121.
2. That the present reply is filed by Respondent no. 6 under the signature of its Authorized Representative Mr. Devender Singh, who is authorized to sign, file, verify, institute and follow up the legal proceedings and action by and against the Respondent no. 6 in the present suit on behalf of Respondent no. 6. The copy of board resolution issued in favour of Mr. Devender Singh is annexed herewith and marked as herewith as **ANNEXURE R-1.**

### **3. PRELIMINARY OBJECTIONS:**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed. The following preliminary objections on behalf of Respondent no. 6, clearly establish that the present application is not maintainable:

#### **3.1 COMPLIANCE OF UP PCB GUIDELINES IN RESPECT OF DISTANCE OF THE UNIT OF RESPONDENT NO. 6 FROM RIVER YAMUNA.**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed as Respondent no. 6 has duly complied with the UP PCB guidelines in respect of distance of the unit of Respondent no. 6 from River Yamuna. It is submitted that report dated 22.07.2022 submitted by the Joint Committee constituted vide order dated 08.04.2022 of this Hon'ble Tribunal clearly states that the distance between the unit of Respondent no. 6 and River Yamuna is more than the prescribed 500 meters. Further the report furnished by IIT Roorkee states the shortest distance between the River Yamuna and the unit of Respondent no. 6 to be 616.518 meters. Therefore the Respondent no. 6 is in full compliance of the UP PCB guidelines in respect of distance of the unit of Respondent no. 6 from river Yamuna.

#### **3.2 COMPLIANCE OF UP PCB GUIDELINES IN RESPECT OF DISTANCE OF THE UNIT OF RESPONDENT NO. 6 FROM NEARBY VILLAGES/ABADI.**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed as Respondent no. 6 has duly obtained Consent to Establish ("CTE") dated 11.06.2020 as well as

Consent to Operate (“CTO”) valid upto 31.07.2022 from the UP Pollution Control Board that confirmed compliance of Respondent no. 6 with the UP PCB guidelines in respect of distance of the unit of Respondent no. 6 from nearby villages/abadi. It is submitted that report dated 22.07.2022 submitted by the Join Committee constituted vide order dated 08.04.2022 of this Hon’ble Tribunal clearly states that the distance between the unit of Respondent no. 6 and nearby villages/abadi has been confirmed by the CTE and CTO obtained by Respondent no. 6. Further the said report brings to notice that the UP PCB guidelines as amended as on 10.02.2022 permits a minimum distance of 500 meters between such a unit and habitation. It is submitted that the said report has identified village Said Mohammadpur to be at a distance of 748 meters from the unit of Respondent no. 6.

**3.3 ESTABLISHMENT OF UNIT OF RESPONDENT NO. 6 IN ACCORDANCE WITH LAW.**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed as Respondent no. 6 has duly complied with the UP PCB guidelines. It is submitted that Respondent no. 6 has duly obtained CTE dated 11.06.2020 as well as CTO valid upto 31.07.2022 from the UP Pollution Control Board that confirmed compliance of Respondent no. 6 with the UP PCB guidelines. Further, it is submitted that Respondent no. 6 has submitted an application dated 17.06.2022 for registration of well from ground Water Department, Government of Uttar Pradesh. Therefore, the establishment of unit of Respondent no. 6 is in complete compliance with the law.

**3.4 NO RECORD OF JAI HANUMAN STONE CRUSHER LOCATED AT THE SAME SITE AS RESPONDENT NO. 6.**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed as there is no revenue record of the Jai Hanuman Stone Crusher cited by the Applicant in the present Original Application under reply. Further, it is stated that the report dated 22.07.2022 submitted by the Join Committee constituted vide order dated 08.04.2022 of this Hon'ble Tribunal clearly states that the screening plant of the said stone crusher was installed without obtaining NOC from the concerned authority and no revenue records are available with respect to the said stone crusher unit.

**3.5 ON SITE MAP CLEARLY ESTABILISHES THAT RIVER YAMUNA IS NOT ADJACENT TO THE UNIT OF THE RESPONDENT NO.6.**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed as the on site map clearly establishes that there are few other plots between the unit of Respondent no. 6 and River Yamuna. Thus, the averment raised by the Applicant regarding the unit of Respondent No.6 being adjacent to the river Yamuna since the unit of Respondent No. 6 is situated at 27/1 and allegedly river Yamuna is at 27/2 is not maintainable and thus not supported by documentary records. The on site map is attached herewith and marked as ANNEXURE R-2.

**3.6 COMPLIANCE OF UP PCB GUIDELINES IN RESPECT OF DISTANCE OF THE UNIT OF RESPONDENT NO. 6 FROM NEARBY MANGO ORCHID.**

That the present application filed on behalf of the Applicant is not maintainable and liable to be dismissed as UP PCB guidelines in respect

of distance of the unit of Respondent no. 6 from Mango Orchid. It is submitted that report dated 22.07.2022 submitted by the Join Committee constituted vide order dated 08.04.2022 of this Hon'ble Tribunal clearly states that the distance between the unit of Respondent no. 6 and Mango Orchid is more than the prescribed 500 meters i.e. 1500 mtrs from East West direction and 500 mtrs from North South direction. Therefore the Respondent no. 6 is in full compliance of the UP PCB guidelines in respect of distance of the unit of Respondent no. 6 from river Mango Orchid.

#### **4. BRIEF FACTS:**

- 4.1 That Respondent no. 6 purchased the plot where the unit of Respondent no. 6 is located vide sale deed dated 17.03.2020.
- 4.2 That Respondent no. 6 obtained CTE dated 11.06.2020 from the UP PCB.
- 4.3 That Respondent no. 6 obtained CTO valid up to 31.07.2022 from the UP PCB.
- 4.4 Further that Respondent no. 6 has submitted an application dated 17.06.2022 for registration of well from ground Water Department, Government of Uttar Pradesh.

#### **5. PARA-WISE REPLY:**

- 5.1 That the contents of para A of the application need no reply from Respondent no. 6.
- 5.2 That the contents of para no. 1 to 5 of the application are a matter of record and hence need no reply.

- 5.3 That the contents of para no. 6 of the application are admitted to the extent the same of the brief submission stated under para no. 3 and 4 of the present reply. Thus contents of para no. 3 and 4 be read as part and parcel to the present para under reply as the contents of the same are not being repeated for the sake of brevity. Further in regards to the alleged association of one of the purchasers of the land, where the unit of Respondent no. 6 is situated, with alleged illegal mining mafia along river Yamuna in the states of Uttar Pradesh and Haryana is denied for being false and frivolous. It is submitted that the Applicant is presenting baseless concocted stories with the intention of harassing Respondent no. 6. Therefore the contentions are devoid of any merit.
- 5.3 That the contents of para no. 7 of the application need no reply from Respondent no. 6.
- 5.4 That the contents of para no. 8 of the application are a matter of record and hence need no reply.
- 5.5 That the contents of para no. 9 of the application need no reply from Respondent no. 6.
- 5.6 That the contents of para no. 10 of the application are admitted to the extent the same of the brief submission stated under para no. 3.1 and 3.2 of the present reply. Thus contents of para no. 3.1 and 3.2 be read as part and parcel to the present para under reply as the contents of the same are not being repeated for the sake of brevity.
- 5.7 That the contents of para no. 11 to 17 of the application need no reply from Respondent no. 6.

- 5.8 That the contents of para no. 18 of the application are admitted to the extent the same of the brief submission stated under para no. 3.2 of the present reply. Thus contents of para no. 3.2 be read as part and parcel to the present para under reply as the contents of the same are not being repeated for the sake of brevity.
- 5.9 That the contents of para no. 19 of the application are a matter of record and hence need no reply.
- 5.10 That the contents of para no. 20 of the application need no reply from Respondent no. 6.
- 5.11 That the contents of para no. 21 to 23 of the application are admitted to the extent the same of the brief submission stated under para no. 3.1 and 3.2 of the present reply. Thus contents of para no. 3.1 and 3.2 be read as part and parcel to the present para under reply as the contents of the same are not being repeated for the sake of brevity.
- 5.12 That the contents of para no. 24 of the application are admitted to the extent the same of the brief submission stated under para no. 3.3 and 4 of the present reply. Thus contents of para no. 3.3 and 4 be read as part and parcel to the present para under reply as the contents of the same are not being repeated for the sake of brevity.
- 5.13 That the contents of para no. 25 of the application are denied for being false and frivolous. In this regard it is stated that the contents of para no. 3.3 and 4 be read as part and parcel to the present para under reply as the contents of the same are not being repeated for the sake of brevity. Further in regards to the alleged connivance of the officials and mining mafia to authorize illegal sand mining on the river flood plains in the garb of stone

crushing activity, it is submitted that the allegations are baseless and defamatory. It is further confirmed that Respondent no. 6 does not engage in any illegal activities rather all actions of Respondent no. 6 are in consonance with the law with required consents from appropriate departments. Therefore the contentions are devoid of any merit.

5.14 That the contents of para 26 to 28 of the application are a matter of record and hence need no reply.

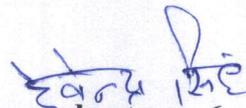
### PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal be graciously pleased to: -

- i. Dismiss the instant application filed by the Applicant; AND/OR;
- ii. Pass such other and/or further order/s as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.

### VERIFICATION

I, Sh. Devender Singh, Authorized Representative of Respondent no. 6, do hereby verify the contents of paragraphs of preliminary objections, brief facts and para wise reply to be true to my knowledge as per the official records of the Respondent no. 6 i.e. Akash Ganga Stone Crusher and legal advice received. Nothing material has been concealed.



**Respondent no. 6**

Akash Ganga Stone Crusher

Authorized Representative Sh. Devender Singh

**Through:**

Anandita Singh

**Infinity Law Chambers,**

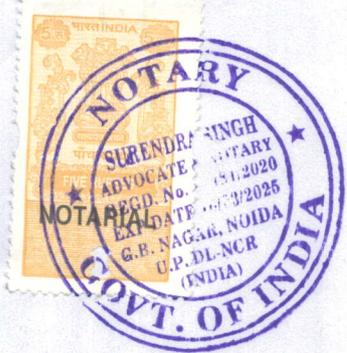
13D, Ground Floor, Nilgiri – III,  
Sector – 34, Noida (Uttar Pradesh) – 201301

(m): +91 8505853818, +91 7755999836

E-mail: [ilc@infinitylawchambers.com](mailto:ilc@infinitylawchambers.com)

**Place:**

**Date:**



IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. OF 2022

IN THE MATTER OF:

Junaid Ayubi

...Applicant

Versus

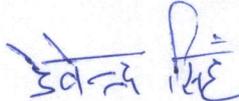
State of Uttar Pradesh & Ors.

....Respondents

AFFIDAVIT

I, Sh. Devender Singh, Authorised Representative of the Respondent no. 6 i.e. Akash Ganga Stone Crusher having its unit at Khasra no. 27/1, 35 Village Said Mohammadpur, Tehsil Behat, Saharanpur – 247121, do hereby solemnly affirm and declare as under:

1. That I am Authorized Representative of the Respondent no. 6 i.e. Akash Ganga Stone Crusher in the abovementioned suit under section 14 r/w section 18 of the National Green Tribunal Act, 2010 and am conversant with the facts of this case and derived knowledge from the records maintained by Respondent no. 6 and hence, am competent to file this affidavit.
2. That the present reply has been drafted by the counsel under my instructions and the contents of the same have been read over and explained to me in vernacular language, and I have acknowledge them to be true and correct as per my knowledge and belief.

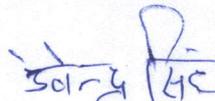
  
DEPONENT

VERIFICATION

Verified at Noida on this 08 day of NOV., 2022 that the contents of the above affidavit are true to best of my knowledge and derived the information from the record maintained by Respondent no. 6 i.e. Akash Ganga Stone Crusher.



**ATTESTED**  
  
**SURENDRA SINGH**  
ADVOCATE & NOTARY REG. No. 21481  
GAUTAM BUDH NAGAR, NOIDA (U.P.)  
D.L. NCR (INDIA)

  
DEPONENT

08 NOV 2022

दिनांक

15.12.2021

आदेश पत्र

आकाश गंगा स्टोन केशर  
ग्राम सैद मौहम्मदपुर गढ  
सहारनपुर।

आज दिनांक 15-12-2021 को हमारी लर्म आकाश गंगा स्टोन केशर के लर्म  
साथीदारों को एक निर्देश देते हैं कि लर्म के लक्ष्य आगामी कार्रवाई करने  
के अधिकार उन्हें दिए गए हस्ताक्षर करने का अधिकार देने का निर्देश दिया  
गया। इस प्रकार लर्म के लर्म कार्रवाई करने के अधिकार दिए जाते हैं कि  
लर्म प्रकार की कार्रवाई के निचे हस्ताक्षर करने के लिए भी देकर देकर लर्म की  
आकाश गंगा स्टोन केशर अधिकृत किया जाता है।

(~~देवेन्द्र सिंह~~)  
आकाश गंगा स्टोन केशर  
ग्राम सैद मौहम्मदपुर गढ  
सहारनपुर।

आकाश

(आकाश चौधरी)  
आकाश गंगा स्टोन केशर  
ग्राम सैद मौहम्मदपुर गढ

(~~विक्रम सिंह~~)  
आकाश गंगा स्टोन केशर  
ग्राम सैद मौहम्मदपुर गढ  
सहारनपुर। 15-12-2021

(~~विजय~~)  
आकाश गंगा स्टोन केशर  
ग्राम सैद मौहम्मदपुर गढ  
सहारनपुर।

(~~शरद~~)

आकाश गंगा स्टोन केशर  
ग्राम सैद मौहम्मदपुर गढ  
सहारनपुर।





3:27 PM

021

[https://upbhuiekh.gov.in/public/public\\_ror/public\\_ror\\_report.jsp](https://upbhuiekh.gov.in/public/public_ror/public_ror_report.jsp)

योग	23	30.5080
<p>कृपया उक्त खर्च की प्रस्थिति (भूखंड (गाटा) के बाद प्रस्ता विक्रय/पं-नकशा/नामांतरण बही) हेतु खसरा संख्या पर बिलिक करें</p> <p>Disclaimer: उक्त ऑफिस मात्र अवलोकनार्थ है, उक्त विवरण अद्यतन है, तबसील कंप्यूटर केंद्र एम.सी.एस.टी/लोकवाणी केंद्र से उद्धरण की प्रमाणित प्रति प्राप्त की जा सकती है।</p> <p>Software Powered By: National Informatics Center, Uttar Pradesh State Unit, Lucknow.</p>		



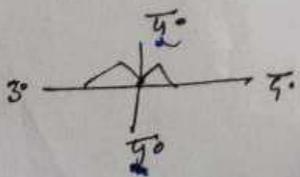
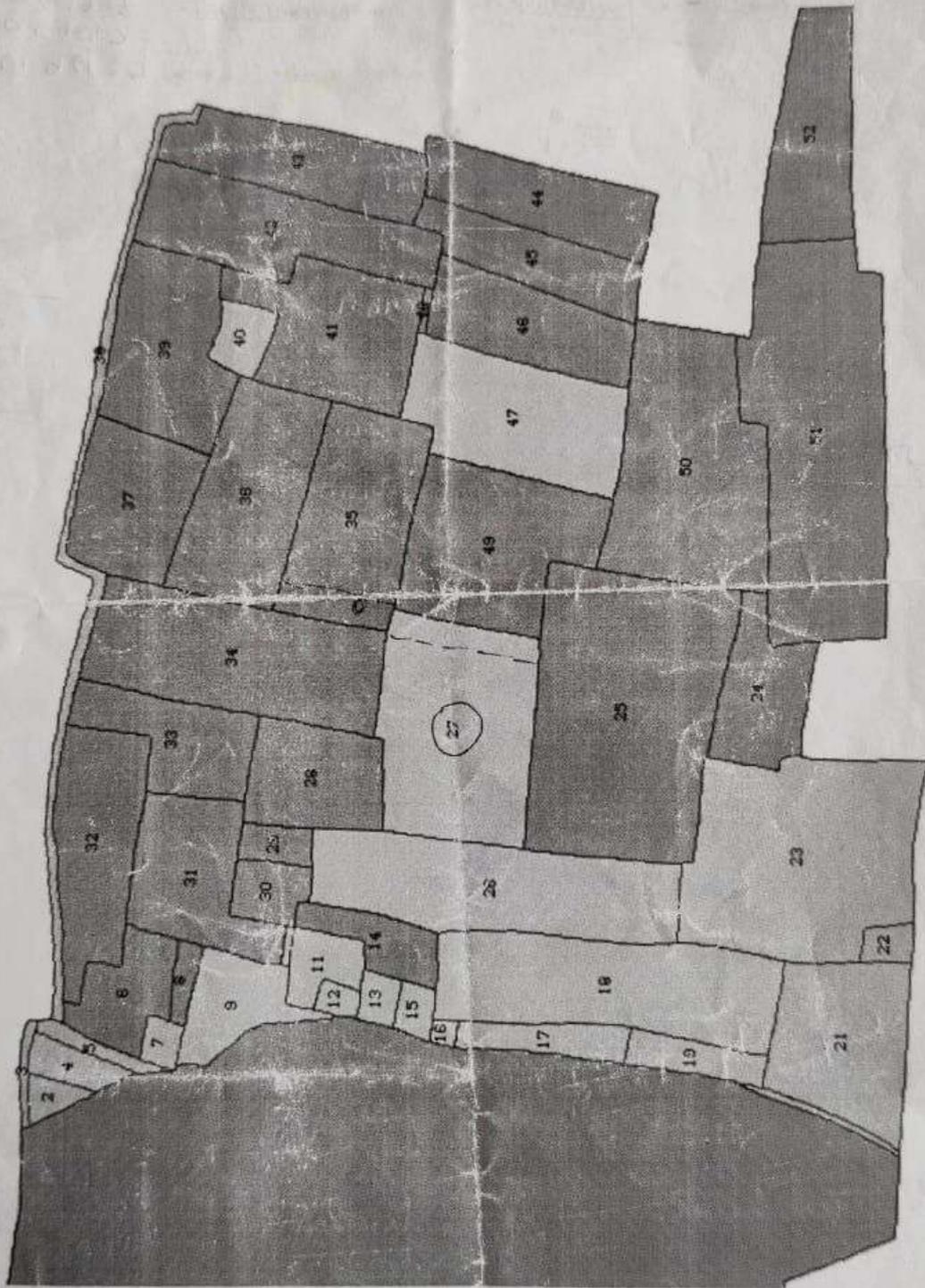
3:27 PM

3/2021

[https://uphnhlekh.gov.in/publicpublic\\_ror/public\\_ror\\_report.jsp](https://uphnhlekh.gov.in/publicpublic_ror/public_ror_report.jsp)

क्रमांक / /			
1म	24.6490	1406फ-भ09भ0 ग्राम सैदागै0पुर गढ के प्रस्ताव दि0 14.01.90	
2/2	0.0410	बिसकी स्वीकृति उपचलितिकारी महोदय द्वारा दि0 21.11.97 को	
4/2	0.0320	हरियाली पट्टों के रूप में प्रदान की गई। 1. रिक्वीजल शु0 कैद, चमार, 1म	
5/2	0.0100	/0.415, ल0 7.601 2. बेकपाल शु0 कैल, चमार, 1म/0.415, ल0	
7/2	0.0100	7.601 3. अरना शु0 सिन्, चमार, 1म/0.415, ल0 7.601	
9/2	0.0310		
10	0.0100	4. ऊपरल शु0 फल सिंह, चमार, 1म /0.415, ल0 7.601 5. विष्णु	
11	0.2050	शु0 रिखा, चमार, 1म /0.415, ल0 7.601 6. रिखा शु0 जोती, चमार,	
12	0.0720	1म /0.415, ल0 7.601 7. भिलल शु0 चहड़, चमार, 1म /0.415,	
13	0.1020	ल0 7.601 8. चन्द्रभान शु0 चहड़, चमार, 1म /0.415, ल0 7.601	
14/2	0.3070	9. रावकीर शु0 संभरचन्द, चमार, 1म /0.415, ल0 7.601	
15	0.1020	10. योग शु0 संभरचन्द, चमार, 1म /0.415, ल0 7.601 11.	
16	0.0310	साहबसिंह शु0 किजोरी, चमार, 1म /0.415, ल0 7.601 12. रमान	
17	1.5360	सिंह शु0 कैद, चमार, 1म /0.415, ल0 7.601 13. रैक शु0 सिन्,	
18	0.2770	चमार, 1म /0.415, ल0 7.601 14. फसा शु0 माल, चमार, 1म	
19	0.3590	/0.415, ल0 7.601 15. गुलब शु0 चौहल, चमार, 1म /0.415,	
20	0.0310	ल0 7.601	
21	1.1160	16. जगपम शु0 किजोरी, चमार, 1म /0.415, ल0 7.601 17. अरन	
22	0.0920	शु0 हरशा, चमार, 1म /0.415, ल0 7.601 18. गोपाल शु0 चहड़,	
23/2	1.1260	चमार, 1म /0.415, ल0 7.601 र0 र0 03.08.98	
27/2	0.0720		
28/2	0.2560		
5/1	0.0410		

कृपया उक्त खसे की प्रतिलिपि (पूछंड (पाटा) के बाद प्रस्त विकस्य/भू-तबसा/नामांतरण करी) हेतु खसरा संख्या पर क्लिक करें  
 Disclaimer: उक्त ऑफिस गान अफलीकगार्य है, उक्त विवरण अघरान है, तबसील कम्प्युटर केन्द्र एम सी. एस सी/लोकवाणी केन्द्र से उदरण की प्रमापित प्रति प्राप्त की जा सकती है।  
 Software Powered By: National Informatics Center, Uttar Pradesh State Unit, Lucknow.



सैद मौजपुर गाँव ४४०



उद्धारण खतीनी

गण क्रमांक : 108928 उद्धारण क्रमांक / खतीनी : शिव म. सुप्रभा अ(विनायक)

वर्षांक : 3

उद्धारण : 27/1

खतीनी क्रमांक : 1429-1434

पान : 1

उद्धारण क्रमांक : 1089282022041

क्रमांक	वर्षांक	उद्धारण	खतीनी क्रमांक	पान	उद्धारण क्रमांक	उद्धारण
1	3	27/1	1429-1434	1	1089282022041	13

श्रेणी : 1-अ / वृत्ति नं संख्यांक श्रेणी नं क्रमांक नं नं

क्रमांक	वर्षांक	उद्धारण	खतीनी क्रमांक	पान	उद्धारण क्रमांक	उद्धारण
00043	3	27/1	1429-1434	1	1089282022041	13

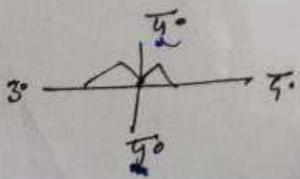
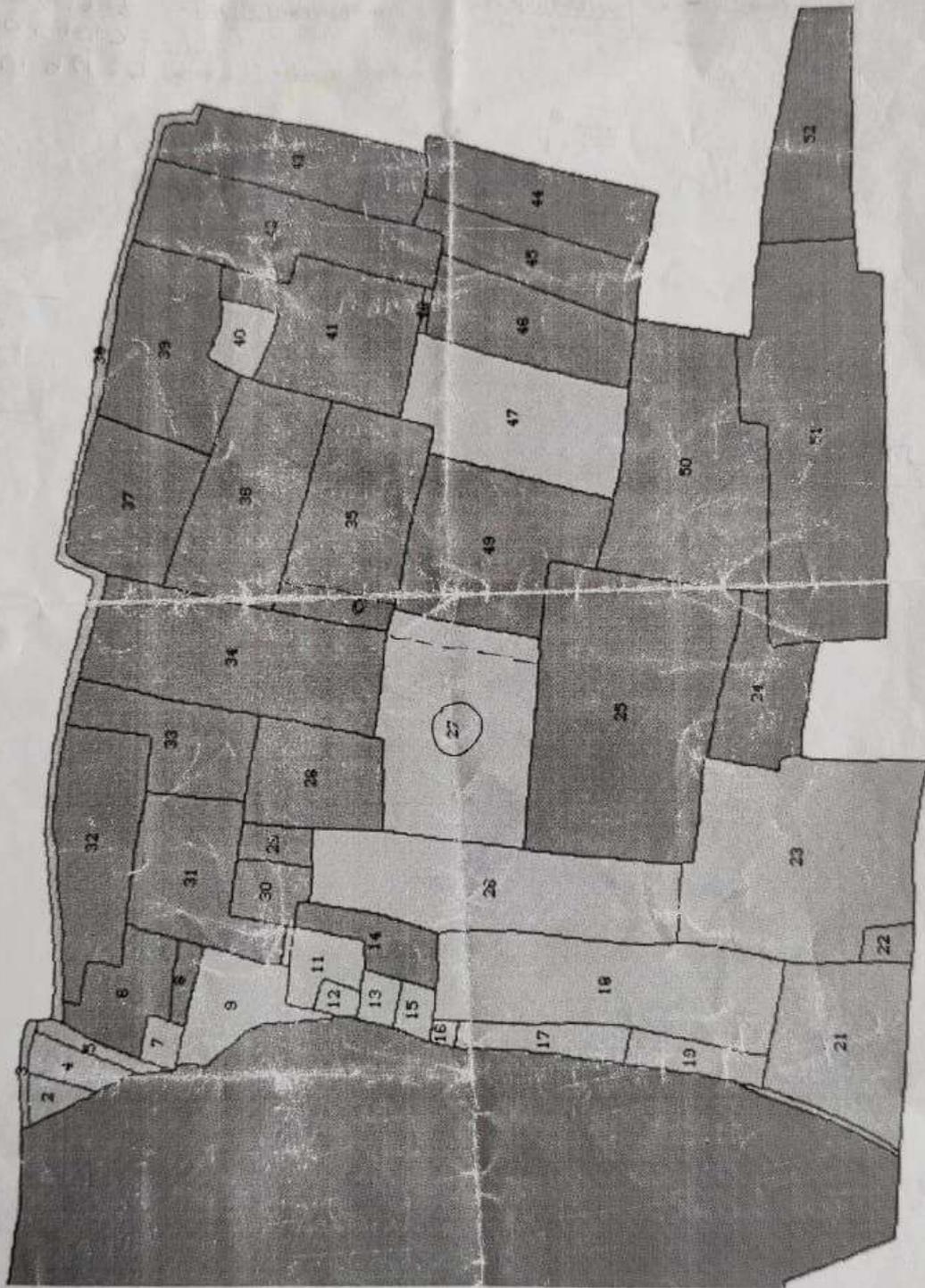
Data Digitally Signed by: DINESH KUMAR

उद्धारण क्रमांक : 108928 उद्धारण क्रमांक / खतीनी : शिव म. सुप्रभा अ(विनायक)



उद्धारण क्रमांक : 108928 उद्धारण क्रमांक / खतीनी : शिव म. सुप्रभा अ(विनायक)





सैद मौजपुर गाँव ४४०