

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, [CZ] BENCH AT BHOPAL, (M.P).

O.A. No. 90 of 2024

In the matter of

APPLICANT AMIT KUMAR & ANR.

VERSUS

RESPONDENT(S) UNION OF INDIA & ORS.

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Date: **08/08/2024**

Place: Bhopal.....

Respondent No. 9/RIICO



Through Counsel

Om Shanker Shrivastava, Advocate '
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BEFORE THE HON'BLE NATIONAL GREEN
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**REPLY ON BEHALF OF RAJASTHAN STATE
INDUSTRIAL DEVELOPMENT & INVESTMENT
CORPORATION (RIICO) RESPONDENT NO. 9**

RESPECTFULLY SHOWETH,

The humble Respondent no. 9, Rajasthan State Industrial Development & Investment Corporation (RIICO), respectfully submits here as under:

PRELIMINARY SUBMISSION AND OBJECTION

- A. That, the instant application filed before this Hon'ble Tribunal u/s 14,15,16 and 17 r/w section 18(1) of NGT Act 2010 alleging illegal mining, encroachment by neighboring farmers using riverbed for cultivation of Sota river in Kotputli-Behror Districts of Rajasthan, impacting river flow which feeds the Bucharra Dam.
- B. That, the sole allegation made against Answering Respondent that Keswana Industrial Area is in the riverbed of Sota River narrowing down the riverbed by acquiring land for establishment of Keswana Industrial Area, 1994. There

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Unit Head
RIICO Neemrana

are other allegations made against establishment of schools, public road, permanent establishments which allegedly degrade Sota river.

- C. That, it is most humbly submitted that, Answering Respondent / Rajasthan State Industrial Development & Investment Corporation Limited (RIICO) was established on 01.01.1980 after bi-furcation from Rajasthan State Industrial & Mineral Development Corporation (RSIMDC), A Government enterprise incorporated under the Companies Act, 1956 on 28th March 1969. RIICO has pioneered the industrialization of the State of Rajasthan.
- D. That, the instant application against the answering Respondent is barred by limitation as prescribed u/s 14 of the NGT Act 2010. In fact, as per records, District Collector Jaipur set apart measuring 178.42 hect. of village Keshwana Gurjar & Keshwana Rajput, Tehsil Kotputli, Distt. Kotputli-Behror under section 92 of land revenue act 1956, vide office order no. R-18B(9)1992/I/15381 dated 26.11.1992. Further Government of Rajasthan had ordered that the land specified in the schedule attached, which had earlier been set-apart by the District Collector, Jaipur by the order no. R-18B(9)1992/I/15381 dated 26.11.1992 under section 92 the land Revenue Act, 1956 for industrial purposes, allotted to Rajasthan State Industrial Development and Investment Corporation, Jaipur. Later on Government of Rajasthan had

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allotted land measuring 24.21 hect. government land to the corporation. The corporation had also acquired private khatedari land measuring 11.32 hect. for industrial purpose. Subsequently, Government of Rajasthan and the corporation were decided to surrender land measuring 20.84 hect. land to the Government of Rajasthan out of total allotted and acquired land of the corporation.

E. That, the allegation of establishment of industrial area upon the riverbed is incorrect, without facts and unfounded, deserve no relief against the answering Respondent, RIICO.

That, without prejudice, the answering Respondent is parawise response of the application as follows: -

PARAWISE REPLY

1. That, the contents of Para 1, 2 and 3 are not specifically against the answering Respondent, hence merit no comments.
2. That, the contents of Para 4 and 5 are on facts and on documents, need no comments.
3. That, the contents of Para 6 alleging operation of stone crushers, mining activities, encroachments and neglecting maintenance are not directly against the Answering Respondent, hence merit no comments.
4. That, the contents of Para 7 referring November 2019 newspaper report is itself sufficient to establish that the instant petition is hopelessly barred by limitation as per Section 14 and 15 of the NGT Act 2010.



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5. That, the contents of Para 8 are factually incorrect, misconceived and without merit. It is relevant to mention that the District Collector Jaipur set apart measuring 178.42 hect. of village Keshwana Gurjar & Keshwana Rajput, Tehsil Kotputli, Distt. Kotputli-Behror under section 92 of land revenue act 1956, vide office order no. R-18B(9)1992/I/15381 dated 26.11.1992. Further Government of Rajasthan had ordered that the land specified in the schedule attached, which had earlier been set-apart by the District Collector, Jaipur by the order no. R-18B(9)1992/I/15381 dated 26.11.1992 under section 92 the land Revenue Act, 1956 for industrial purposes, allotted to the Answering Respondent. Later on Government of Rajasthan had allotted land measuring 24.21 hect. government land to the corporation. The corporation had also acquired private khatedari land measuring 11.32 hect. for industrial purpose. Subsequently, Government of Rajasthan and the corporation were decided to surrender land measuring 20.84 hect. land to the Government of Rajasthan out of total allotted and acquired land of the corporation. It is pertinent to mention here that As per revenue record/map no encroachment is made by Answering Respondent /RIICO on the riverbed of the Sota River.
6. That, the contents of Para 9 to 12 do not concern the answering Respondent, hence merit no comments.
7. That, the contents of Para 13 relate to illegal operation of stone crushers and mining activities not directly concerned with the Answering Respondent.



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RIICO Neemrana

8. That, the contents of Para 14 are facts as narrated by Applicant, which do not concern with the Answering Respondent, hence merit no comments.
9. That, the contents of Para 15 are a matter of record, need no comments from the answering Respondent.
10. That, the grounds mentioned under Para 16 to 19 in the instant petition are also devoid of merit and without any strict support of documents.
11. That, in response to Para 20 regarding limitation, it is humbly submitted that the petition is barred by limitation as per Section 14 of the NGT Act, 2010. As per Section 14(3), no application for adjudication of dispute shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action first arose. In the instant case against the answering Respondent no case has been made out u/s 14 and 15 of the NGT Act, 2010 because the land is allotted more than 20 years ago in favour of the Answering Respondent / RIICO whereof, the role of RIICO is nothing more than facilitating industrial development in the state. Factually, after taking possession of the land, RIICO had developed aforesaid industrial area and 38 Industrial plots were planned and allotted accordingly, subject to the fulfillment of all legal requirements as per rules.
12. That, and affidavit is being filed in support of the reply.

In view of the above submission this Hon'ble Tribunal may kindly be pleased to take the reply on record and dismiss the



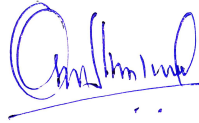
Rahul K. Bhatt
Unit Head
RIICO Neemrana

original application with exemplary costs and pass necessary order(s) as deem fit and necessary in the interest of the environment and justice.

Date: **08/08/2024**

Place: Bhopal .


Respondent No. 9/ RIICO
Unit Head
RIICO Neemrana



Through Counsel

[Om Shanker Shrivastava, Advocate]

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, CZ BENCH AT BHOPAL, (M.P).

O.A. No. 90 of 2024

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VERSUS

RESPONDENT(S) UNION OF INDIA & ORS.

AFFIDAVIT

I, Rahul Kumar Bhatt S/o Mahavir Prasad Bhatt Age 58 R/o RIICO Unit Office Neemrana Distt. Kotputli-Behror do hereby solemnly affirm on oath and State as under:

1. That, the deponent authorized and competent to sign the instant reply on behalf of Rajasthan State Industrial Development & Investment Corporation (RIICO).


That, reply is drafted on deponent's instructions by deponent's Counsel. The deponent has read and understood the same, which are true and correct. Para 1 to all of the accompanying submission and prayer clause are true to the best of the deponent's personal knowledge.

3. That, this affidavit is executed in support of the reply filed herewith.



DEPONENT
Unit Head
RIICO Neemrana


VERIFICATION

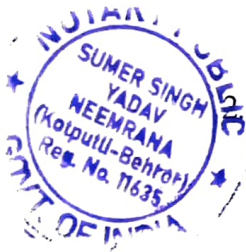
I, the above deponent, do hereby verify that the contents of this affidavit from paragraphs 1 to 3 are true based on available documents on record and to my personal knowledge and belief. Signed and verified on this 07 day of August, 2024 at Neemrana.

DEPONENT

Rahul K. Bhatt
Unit Head
RIICO Neemrana

SIGNED & SWORN BEFORE ME


07/8/24
NOTARY PUBLIC
Neemrana (Kotputli-Behror) Raj

ATTESTED

07/8/24
NOTARY PUBLIC
Neemrana (Kotputli-Behror) Raj





Reply by R-9 in O.A. 90 of 2024 Amit Kumar vs Uol

Adv Om Shrivastava <omslawhouse1@gmail.com>
To: shoeb khan <shoebkh@gmail.com>

Thu, Aug 8, 2024 at 12:32 PM

PFA reply by R-9, RIICO, in O.A. 90 of 2024 Amit Kumar vs Uol pending before NGT (CZ).

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कृपया इस ई-मेल के प्रिंटिंग से पहले पर्यावरण पर विचार करें, जब तक अति आवश्यक ना हो इस ई-मेल का प्रिंट ना ले, पेपर बचाए, वृक्ष बचाए।



Reply Amit Kumar vs Union of India F.pdf
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