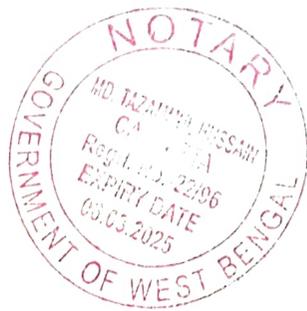


S.L. NO. 1

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**BEFORE THE NATIONAL GREEN TRIBUNAL, AT KOLKATA**

**O.A. NO. 63 OF 2023 (EZ)**

**Between**

Anup Kumar.

...Applicant

Vs.

State of Jharkhand & Ors.

...Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 7 THRIVENI SAINIK**

**MINING PRIVATE LIMITED.**

1. That the Answering Respondent (Thriveni Sainik Mining Private Limited) is a joint venture consortium of Thriveni Earthmovers Private Limited and Sainik Mining & allied services Limited exclusively formed to undertake Development and Operation of Pakri-Barwadib Coal Mining Project of NTPC Ltd.
2. The present Reply is being filed by Shri Sanjay Kumar Khator, Operation Director of the answering respondent no. 7.
3. At the Outset, the Answering Respondent denies each and every averment, insinuation, contention, allegation made by the Applicant and no such averment, insinuation, contention, allegation, averment shall be deemed to be admitted unless specifically admitted hereinafter.
4. That by way of the captioned Application, the Application has levelled certain allegations without which are wholly devoid of merits and the

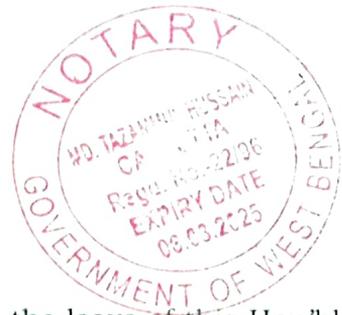


- same lacks material/substance to be able to be proved/justified in the eyes of law.
5. That the Ministry of Coal, Government of India allotted Coal Block for mining of the coal in favour of the Respondent No. 6 (The NTPC Limited Pakri-Barwadhi Coal Mining Project).
  6. That after all the formalities NTPC Limited awarded the contract in favour of the Answering respondent for carrying out the mining activities for a period of 27 years.
  7. As per the Project Agreement, the answering respondent operated and maintained the facilities supplied by the Respondent No. 6 and the same is complied following the rules, regulations and guidelines.
  8. That it has been observed that all statutory clearances required for the development and operation of the Pakri Barwadhi Coal Block have been maintained by NTPC Limited.
  9. That the answering respondent has complied with all the obligations and are executing the mining activities as per the terms and conditions of the contract and also the answering respondent has fulfilled all other statutory and contractual obligation entrusted by the respondent no. 6.
  10. That it is submitted as well as clarified that there is no scope for illegal mining as the respondent no. 6 is always supervising our mining activities.

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11. That it is also submitted that there is no scope for the answering respondent to fulfil all the statutory formalities as well as guidelines framed by the Statutory Authorities as the Answering respondent is working as the contractor of the Respondent No. 6.
12. That in terms of the above, all the allegations made by the Applicant in the captioned Application are frivolous, an after thought and completely baseless and contrary to the current set of facts. The Applicant has concealed material facts from this Hon'ble Tribunal which are extremely relevant for this Hon'ble Tribunal to look upon while adjudicating the present matter.
13. It is submitted that the submissions made by the State of Jharkhand (Respondent) contrary/inconsistent to the stand as taken above by the Answering Respondent is completely denied and nothing shall be deemed to be admitted unless, admitted hereinabove.
14. That the Answering Respondent is not filing any para-wise Reply to the captioned Application filed by the Applicant as many contentions raised therein are of no relevance and are highly extraneous. It is specifically stated that the contents therein are denied in *toto*. Further, the Answering Respondent reserves its right to file a more detailed reply as and when required depending upon the



circumstances of the present case subject to the leave of this Hon'ble Tribunal.

15. The prayer made by the Applicant qua the captioned Application is denied in *toto* in view of the submissions made by the Answering Respondent in the present Reply. It is therefore most humbly prayed that the captioned Application be dismissed at the earliest with exemplary costs.

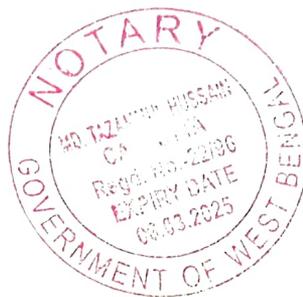
Prepared in my office

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Advocate

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DEPONENT



**AFFIDAVIT FILED ON BEHALF OF RESPONDENT No. 7**

I, SANJAY KUMAR KHATOR, son of SHRI RAM SWARUP MAHESHWARI, aged about 56 years, by faith Hindu, residing at FLAT NO-801, MARYADA HEIGHTS APARTMENT, MARYADA NAGAR, NEAR MIKADO SCHOOL, SHOBHAGPURA CIRCLE, MEERA NAGAR, BHUWANAN <sup>Campus at 10, Old Post Office Street, Room No. 110/1, 1st-2</sup> UDAIPUR, RAJASTHAN-313001, by occupation - service and working for gain at Thriveni Sainik Mining Pvt. Ltd. (Pakri Barwadih Coal Mining Project) do hereby solemnly affirm and say as follows:-

1. I am the Operation Director of the Respondent no. 7 the answering respondent and am fully acquainted with the facts and circumstances of the case. I am also duly authorised and competent to affirm this affidavit and accordingly I depose to the same.
2. The statements contained in paragraphs and are true to my knowledge, those contained in paragraphs to are based upon my information derived from the records of the case and verily believed by me to be true and rest are my respectful submission before this Hon'ble Court.

Prepared in my office

*[Signature]*  
Advocate

*[Signature]*  
DEPONENT

solemnly affirmed and declared  
before me on identification  
*[Signature]*  
MD TAJAMUDDIN Notary  
City Court  
Kolkata  
Regd No 22196 Govt of W B

15 JAN 2024