

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

Original Application No. 604/2023

IN THE MATTER OF:

Hussain Ahamad

... Applicant

versus

State of U.P. & Ors.

... Respondent(s)

INDEX

S. NO.	PARTICULARS	PAGE
1.	Reply on behalf of Respondent No. 6.	1 - 10
2.	<u>Annexure R6-1:</u> True copy of the Consolidated Consent to Operate and Authorisation dated 26.12.2022 issued by the Uttar Pradesh Pollution Control Board to Respondent No. 6.	11 - 15
3.	<u>Annexure R6-2:</u> True copy of the Affidavit dated 26.07.2023 of Mrs. Savitri w/o Tulsidas – the mother of the deceased minor girl – Swati, along with its English translation.	16 - 21
4.	<u>Annexure R6-3:</u> True copy of the Affidavit dated 26.07.2023 of Mr. Janeshvar s/o Balveer – the father of the deceased minor boy – Priyanshu, along with its English translation.	22 - 26

5.	Vakalatnama	27
6.	Proof of service	28

FILED BY:

ARUNAVA MUKHERJEE
Enrolment No. D/3453/2009
D-731 (LGF), D Block,
C.R. Park, New Delhi 110019
M: +91-9717911776
E: mukherjee.arunava@gmail.com

Date: 05.01.2024

Place: New Delhi

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

Original Application No. 604/2023

IN THE MATTER OF:

Hussain Ahamad ... Applicant

versus

State of U.P. & Ors. ... Respondent(s)

REPLY ON BEHALF OF RESPONDENT NO. 6

PRELIMINARY SUBMISSIONS:

- A. THAT at the very outset it is submitted that Original Application 604/2023 under reply is wholly baseless, without foundation and does not even place on record any material relating to Respondent No. 6, but has been filed at the behest of rivals and calculated to harass the Answering Respondent. The Applicant has averred that Respondent No. 6 is not in compliance with Office Memorandum No. L-11011/47/2011-IA.II(M) dated 24.06.2013 issued by the Ministry of Environment & Forests, Government of India (hereinafter, **“the Office Memorandum”**), which averment is complete falsehood and entirely without foundation. On 26.12.2022

Respondent No. 6 obtained Consolidated Consent to Operate and Authorisation (hereinafter, “**Consent**”) under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 from Uttar Pradesh Pollution Control Board (hereinafter, “**the Board**”) and is operating as per law.

True copy of the Consolidated Consent to Operate and Authorisation dated 26.12.2022 issued by the Uttar Pradesh Pollution Control Board to Respondent No. 6 is annexed herewith as **ANNEXURE R6-1**.

- B. THAT in furtherance of the preceding paragraph, it is submitted that Annexures A/5 and A/6 of the Application do not show that Respondent No. 6 is in violation of law, though it is underscored that black-and-white pictures have been supplied to the Answering Respondent. It is however pertinent to submit that the said annexures relate to Respondent No. 5 as per Paragraph 7 of the Application under reply.
- C. THAT both Mrs. Savitri w/o Tulsidas, who is the mother of the deceased minor girl – Swati, and Mr. Janeshvar s/o Balveer, who is the father of the deceased minor boy –

Priyanshu, have individually admitted on notarised affidavits dated 26.07.2023, that the death of the two kids is due to “*ittefakan*” (i.e., co-incident) and “*bhatta swami ki koi galti nahi thi*” (i.e., the unfortunate deaths have no connection to any mistake of kiln owner Respondent No. 6). It was further stated in the said affidavits, that Mrs. Savitri had filed an F.I.R. registered as 0228/2023, under section 304 of IPC and 3(1)(x) of the SC/ST Act upon instigation from people and the said F.I.R. has also been withdrawn vide the affidavit dated 26.07.2023 of Mrs. Savitri w/o Tulsidas.

True copy of the Affidavit dated 26.07.2023 of Mrs. Savitri w/o Tulsidas – the mother of the deceased minor girl – Swati, along with its English translation, is annexed herewith as **ANNEXURE R6-2**.

True copy of the Affidavit dated 26.07.2023 of Mr. Janeshvar s/o Balveer – the father of the deceased minor boy – Priyanshu, along with its English translation, is annexed herewith as **ANNEXURE R6-**

3.

PARAGRAPH-WISE SUBMISSIONS:

Respondent No. 6 denies and disputes all the averments and allegations made in the Application filed by the Applicant herein and unless and until the same are specifically and categorically admitted hereinafter, the same may be treated as denied in toto. Respondent No. 6 now submits paragraph-wise reply:

1. THAT the contents of Paragraph 1 are denied for being incorrect. It is submitted that, neither was there any illegal mining pit nor do the averments in Paragraph 7 with supporting photographs relate to Respondent No. 6. The contents of Paragraph B above are reiterated.
2. THAT the contents of Paragraph 2 are denied for being false and baseless and there is no material on record to support such wanton allegations.
3. THAT the contents of Paragraph 1 of the 'Brief Facts' in the Application are a matter of record.
4. THAT the contents of Paragraphs 2, 3 and 4 of the 'Brief Facts' in the Application do not relate to Respondent No. 6 and hence require no reply.

5. THAT the contents of Paragraph 5 of the 'Brief Facts' in the Application are incorrect, misconceived and denied to the extent of the averment made that Respondent No. 6 dug up 15 feet pits, while the rest of the contents of Paragraph 5 are a matter of record. The contents of Paragraphs B and C above are reiterated.
6. THAT the contents of Paragraph 6 of the 'Brief Facts' in the Application are denied for being false and baseless. The Answering Respondent is operating as per law and has obtained Consolidated Consent to Operate and Authorisation.
7. THAT the contents of Paragraph 7 of the 'Brief Facts' in the Application do not relate to Respondent No. 6 and hence require no reply.
8. THAT the contents of Paragraph 8 of the 'Brief Facts' in the Application do not relate to Respondent No. 6 and hence require no reply. It is however submitted that the Answering Respondent is operating as per law and has obtained Consolidated Consent to Operate and Authorisation and is also in compliance with the Office Memorandum dated 24.06.2013 issued by MOEF&CC (earlier at the relevant time,

MoEF). It is submitted that the Applicant is making bald averments which are complete falsehood and without any material on record to substantiate such false averments regarding illegal pits.

9. THAT the contents of Paragraph 9 of the 'Brief Facts' in the Application do not require any reply.
10. THAT the contents of Paragraph 10 of the 'Brief Facts' in the Application are denied for being baseless and without any foundation.
11. THAT the contents of Paragraph 11 of the 'Brief Facts' in the Application are denied for being baseless. It is submitted that Respondent No. 6 has obtained Consolidated Consent to Operate and Authorisation under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 from Uttar Pradesh Pollution Control Board. It may not be superfluous to submit that the reliance on the judgment referred to by the Applicant is also misplaced and do not directly relate to the facts of the present case, since such judgment concerned steps to bring into force the Minor

Minerals Conservation and Development Rules 2010 and directions were passed to grant leases of minor mineral including their renewal for an area of less than five hectares only after environmental clearance from the MoEF.

12. THAT the contents of Ground A are denied for being false and baseless.
13. THAT the contents of Ground B are denied for being false and baseless. It is submitted that on 26.12.2022 Respondent No. 6 obtained Consolidated Consent to Operate and Authorisation under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 from Uttar Pradesh Pollution Control Board and is operating as per law.
14. THAT the contents of Ground C are denied for being baseless.
15. THAT the contents of Ground D are denied for being without any foundation. It is again submitted that Respondent No. 6 has obtained the Consent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act,

1981 from the Board and is operating as per law. The contents of Paragraph 11 above are being reiterated.

16. THAT the contents of Ground E are denied for being false and baseless to the extent it relates to the Answering Respondent.
17. THAT the contents of Ground F are matter of record. It is however submitted that the Answering Respondent is operating as per law.
18. THAT the contents of Ground G are denied for being false and baseless to the extent it relates to the Answering Respondent.
19. THAT the contents of Grounds H to K are matter of record. It is however submitted that the Answering Respondent is operating as per law and is not liable to pay any compensation.
20. THAT the averment on limitation is a matter of record.

PRAYER

Wherefore Respondent No. 6 prays that this Hon'ble Tribunal may graciously be pleased to:

- a) Dismiss the Original Application 604/2023 with costs, for being baseless and without any cause; and
- b) Pass such other order/orders as this Hon'ble Tribunal may deem fit in the circumstances of the case and in the interest of equity and justice.

AND FOR SUCH ACT OF KINDNESS THE ANSWERING
RESPONDENT SHALL FOR EVER PRAY.

RESPONDENT NO. 6

THROUGH



ARUNAVA MUKHERJEE
Enrolment No. D/3453/2009
D-731 (LGF), D Block, C.R. Park,
New Delhi 110019
M: +91-9717911776
E: mukherjee.arunava@gmail.com

Date: 05.01.2024

Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 604/2023

IN THE MATTER OF:

Hussain Ahamad

versus

State of U.P. & Ors.

... Applicant
... Respondent(s)



AFFIDAVIT

I, Sandeep Tyagi, s/o Dharamvir Singh, aged about 49 years, r/o 143 1st Floor, Vipin Garden, Uttam Nagar, Delhi 110059, do hereby solemnly affirm and declare as under:

1. That I am Proprietor of Respondent No. 6 in the matter above named and I am well conversant with the facts and circumstances of the case. Hence I am competent to swear the present Affidavit.
2. That I have gone through the contents of the accompanying Reply, which has been drafted by my counsel upon my instructions. No part of it is false and nothing material has been concealed. I am fully conversant with English language and the contents have also been explained to me in my vernacular Hindi.
3. That the annexures are true copies of their respective originals.

Verified at Delhi on this 04th day of January 2024.

संदीप त्यागी
DEPONENT

VERIFICATION

Verified at Delhi on this 04th day of January 2024 that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed.

संदीप त्यागी
DEPONENT



04 JAN 2024

ATTESTED

NOTARY PUBLIC, DELHI



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

170921/UPPCB/MuzaffarNagar(UPPCBRO)/CTO/both/MUZAFFARNAGAR/2022

Date: 26/12/2022

To,

M/s

SHRIRAM BRICK FIELD

Vill Charthawal, Tehsil Sadar, Muzaffarnagar ,MUZAFFAR NAGAR,251311

Application Id-
18771667

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **SHRIRAM BRICK FIELD** located at Vill Charthawal, Tehsil Sadar, Muzaffarnagar ,MUZAFFAR NAGAR,251311. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA **SHRIRAM BRICK FIELD** granted for the period from 20/12/2022 to 31/07/2027 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Red Bricks (18 Paye)	30000	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.5	Septic Tank	On Land

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

ANKIT
SINGH

Digitally signed by
ANKIT SINGH
Date: 2022.12.26
16:54:39 +05'30'

v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Brick Kiln Stack	As approved by CPCB/CAQ M	01	Particulate Matter	30 M. high from Ground Level

Emmission Quality Standards

S No.	Stack no	Parameters	Standards
1	01	Particulate Matter	As per E.P. Act

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will results in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of

is direction. you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. This Consent to Operate is being granted for Brick Kiln in Rectangular Shaped Trench with ZIG-ZAG Formation along with ID fan.
2. This consent to operate of brick kiln will be subject to the various orders of Hon'ble Supreme Court passed in Civil Appeal Diary No. 18213/2021 NCR Brick Kiln Association Vs Central Pollution Control Board & Others. The operation of Brick Kiln will be strictly subject to the orders passed in this writ petition time to time.
3. This consent is valid only for products and quantity mentioned above. Brick kiln shall obtain prior

ANKIT SINGH
Digitally signed by ANKIT SINGH
Date: 2022.12.26 16:55:17
+05'30'

approval before making any modification in product/process/discharge/plant machinery failing which consent would be deemed void.

4. This consent is valid for only domestic discharge through septic tank/soak pit.
5. Unit should comply the provisions of Water (Prevention and Control of Pollution) Act 1974 as Amended.
6. Entire moving area around the Brick kiln should be paved with the bricks to minimize the fugitive dust emission from Brick kiln operations.
7. In compliance of Notification No. G.S.R. As per 143(E) dated 22.02.2022 of Ministry of Environment, Forest and Climate Change, New Delhi, the amount of Particulate Matter in the emissions generated by the brick kiln should not exceed 250 mg/Nm³ and the height of stack must not be less than as stated in the notification.
8. Kiln shall comply with Solid Waste Management Rules, 2016 and Construction and Demolition Waste Management Rules, 2016.
9. Brick kiln shall submit annual returns as per above mentioned rules. Also, Environmental Statement in prescribed form as per Rule 14 of Environment (Protection) Act, 1986.
10. Kiln shall submit Environmental Statement in prescribed form as per Rule 14 of Environment (Protection) Act, 1986.
11. In case of use of standby DG set, it must be operated as per direction no. 55 issued by CAQM & AA, Delhi. The link for same is [https://caqm.nic.in/WriteReadData/LINKS/ 5537426406-4577-4794-bb99-8982c37356dc.pdf](https://caqm.nic.in/WriteReadData/LINKS/5537426406-4577-4794-bb99-8982c37356dc.pdf)
12. Kiln shall abide by directions given by Hon'ble Supreme Court, Hon'ble High Court, National Green Tribunal, Environment Pollution (Prevention and Control) Authority, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time, including directions issued under Graded Response Action Plan (GRAP) for National Capital Region.
13. Brick kiln shall provide permission to this office issued by Zila Panchayat and Mining Department within three month from date of issue of this consent to operate.
14. The brick kiln shall ensure to maintain 6x4 feet platform and 4" porthole as monitoring facility on the stack in compliance of Hon'ble Supreme Court order dt. 13.05.2022.
15. Regarding Fuel , as per direction no. 65 issued by Commission for Air Quality Management & Adjoining Areas, Delhi, Brick kiln will ensure use of approved fuel i.e., Biomass/Agriculture refuse and Pellets/briquettes/PNG etc. as far as possible. Brick kiln shall not use any unauthorized/restricted fuel like rubber/ scrap/tyre/ oily residue/ pet coke/ plastic/ leather cutting etc. in the Manufacturing process.
16. The ash generated in the brick kilns shall be fully utilized in-house in brick making.
17. The brick kiln owners shall ensure that the road utilized for transporting raw materials or bricks on paved roads.
18. Brick Kiln shall be operated in such a manner that ambient air quality should not be adversely affected.
19. Vehicles shall be covered during transportation of raw material/bricks.
20. The Brick kiln will submit revised lease deed one month prior to the expiry of the same, if applicable. If the brick kiln fails to submit the revised/extended lease deed one month prior to the expiry of the same, then the earlier consent fee deposited by the Brick Kiln will stand forfeited and the brick kiln will have to apply fresh consent along with the requisite consent fee.
21. Any amendments/revisions made by the Board/CPCB/MOEF in the APCS/emission/stack height standards shall be applicable to the Brick Kiln from the date of such amendments/revisions.
22. Extraction of ground water through any mechanism like bore well etc. is not allowed without prior Registration/Permission from UP Ground Water Department (UPGWD).
23. Brick kiln shall make rain water harvesting on the premises as per map approved by concerned Authority. Pre-monsoon and Post- monsoon maintenance of rain water harvesting pit shall be done annually.
24. The industry shall submit C.A. certified balance sheet/certificate to this office for verification of consent

- ... in every year and accordingly balance fee shall be paid to UPPCB.
25. The industry must be submit the balance consent fee, if fee slab changes as per balance sheet in subsequent years.
26. In compliance of THE UTTAR PRADESH BRICK KILNS (SITING CRITERIA FOR ESTABLISHMENT) RULES, 2012 Multi layer and multi storey green belt of 10 m width shall be constructed along the periphery of brick kiln leaving two 10 m wide gaps in the boundary for entry and exit of material and vehicles. A wall of 3 m height shall be constructed on the sides where land is not available for green belt development to prevent fugitive dust emission.

ANKIT SINGH Digitally signed
by ANKIT SINGH
Date: 2022.12.26
16:55:38 +05'30'
Regional Officer
UPPCB, Muzaffarnagar

Copy to:

Regional Officer
UPPCB, Muzaffarnagar



// TRUE COPY //



INDIA NON JUDICIAL
Government of Uttar Pradesh
e-Stamp

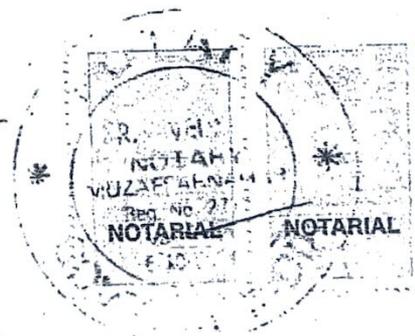
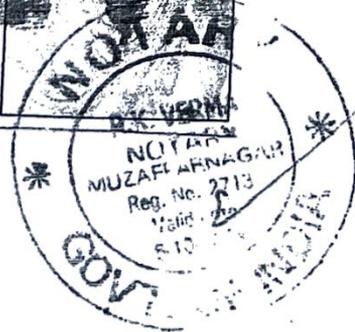


Certificate No. : IN-UP70317777376200V
 Certificate Issued Date : 26-Jul-2023 02:34 PM
 Account Reference : NEWIMPACC (SV)/ up14789704/ MUZAFFARNAGAR SADAR/ UP-MJF
 Unique Doc. Reference : SUBIN-UPUP1478970435837440710069V
 Purchased by : SAVITRI WO TULSIDAS RO VILL KASIYARA MZN
 Description of Document : Article 4 Affidavit
 Property Description : Not Applicable
 Consideration Price (Rs.) :
 First Party : SAVITRI WO TULSIDAS RO VILL KASIYARA MZN
 Second Party : Not Applicable
 Stamp Duty Paid By : SAVITRI WO TULSIDAS RO VILL KASIYARA MZN
 Stamp Duty Amount(Rs.) : 10
 (Ten only)



Sr.No. 68 / 05

Please write or type below this line



R. K. VERMA
Dist. Notary
Muzaffarnagar (U.P.)

26 JUL 2023

Statutory Alert

1. The authenticity of this e-Stamp Certificate should be verified at www.e-stamp.gov.in or using e-Stamp Mobile App or State e-Stamp App. The details of this Certificate are available on the website e-Stamp and the mobile app.
2. The validity of this e-Stamp Certificate is on the basis of the certificate.
3. The details of this e-Stamp Certificate should be verified at the concerned authority.

समक्ष: श्रीमान वरिष्ठ पुलिस अधीक्षक महोदय मुजफ्फरनगर/थानाध्यक्ष महोदय, थाना चरथावल जिला मुजफ्फरनगर।

विषय: मु0अ0सं0 0228/2023 अर्न्तगत धारा 304 आई0पी0सी0 व 3(1)(X)

S.C/ST एक्ट के सम्बन्ध में शपथपत्र।

शपथपत्र भिनजानिब सावित्री पत्नी स्व0 श्री तुलसीदास निवासी ग्राम कसियारा थाना चरथावल जिला मुजफ्फरनगर आधार कार्ड संख्या 903222030708 ।

मै शपथकर्ता उपरोक्त निम्नलिखित शपथपूर्वक बयान करती हूँ।

- 1- यहकि मेरा उपरोक्त नाम व पता सही है तथा उक्त पता मेरा स्थाई पता है।
- 2- यहकि दिनांक 12.07.2023 को मेरी पुत्री स्वाती व मेरे देवर जनेश्वर का लडका प्रियांशु उर्फ गुड्डु जंगल में चारा लेने गये हुए थे और वापस आते हुए खेतो मे कई दिनो से बारिश होने के कारण पानी भरा हुआ था जिसमे एक बडे गडडे में दलदल होने के कारण लडके का पैर फिसल गया जिसको बचाने के चक्कर में लडकी का भी पैर फिसल गया था जिसमें डूबने से उन दोनो बच्चो की मृत्यु हो गई थी।
- 3- यहकि उक्त घटना की जानकारी होने पर मै बदहवासी में मौके पर पहुची तो कुछ लोगो की उकसाई में आकर मेरे द्वारा एक एफ0आई0आर0 थाना चरथावल मे भट्टा अवनेश त्यागी के विरुद्ध दर्ज कराई थी जिसका मु0अ0सं0 0228/2023 अर्न्तगत धारा 304 आई0पी0सी0 व 3(1)(X) S.C/ST एक्ट है।
- 4- यहकि जब मुझे आस पास के लोगो ने घटना के बारे मे बताया तो मुझे जानकारी हुई कि यह घटना इतफाकन है इसमें भट्टा स्वामी की कोई गलती नही थी और मुझे भट्टा स्वामी से कोई शिकायत किसी प्रकार की नही है इसलिये मै उक्त मुकदमे को निरस्त कराना चाहती हूँ।
- 5- यहकि मेरे द्वारा भविष्य में उक्त प्रकरण में किसी प्रकार की कोई कार्यवाही किसी विभाग में नही की जाएगी।
- 6- यहकि कृपया विवेचना अधिकारी को उक्त मुकदमा समाप्त करने के आदेश पारित करने की कृपा करे।



R. K. VERMA
Dist. Notary
Muzaffarnagar, U.P.

क्रमश—2

26 JUL 2023



-2-

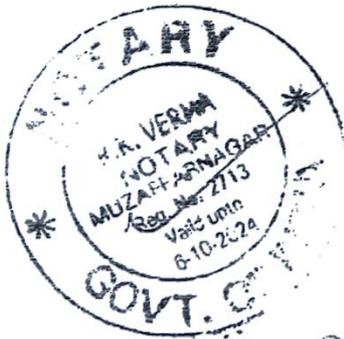
7- यहकि मै उक्त बयान बिना किसी दबाब के स्वेच्छा से दे रही हूँ।

8- यहकि मै शपथपूर्वक बयान करती हूँ कि शपथपत्र उपरोक्त मेरे निजी ज्ञान तथा विश्वास में सब सच व सही है। ईश्वर साक्षी है।

स्थान- मुजफ्फरनगर

दिनांक- 26.07.2023

शपथकर्ता

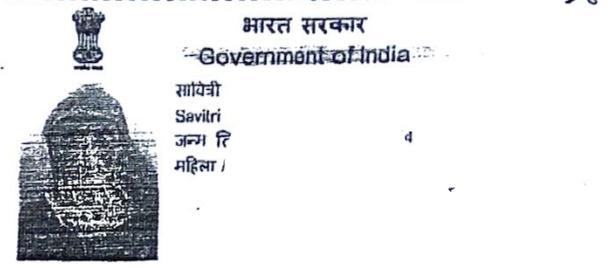


I am hereby notified that the deponent has been identified by me and I have satisfied myself that the deponent who understands the contents of the affidavit and has been read out and explained by me to the deponent has signed the same.

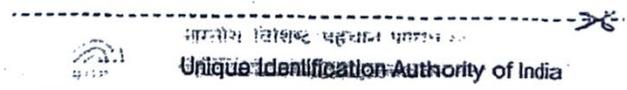
Identified by

R. K. VERMA
Notary
Muzaffarnagar (U.P.)

26 JUL 2023



आधार - आम ज़ादमी का अधिकार



पता	Address
W	W/
क	क
अ	अ

रा, Kasiuraj,
wal, Uttar

1047
1800 300 1147

www.uidai.gov.in

www.uidai.gov.in

ENGLISH TRANSLATION OF ANNEXURE R6-2

Before: Mr. Senior Superintendent of Police, Muzaffarnagar Police Station Head, Charthawal Police Station, District Muzaffarnagar.

Subject: Affidavit regarding FIR No. 0228/2023 under Section 304 IPC and 3(1)(x) S.C/ST Act.

Affidavit from Savitri wife of Shri Tulsidas resident of Kasiyara village Charthawal Police Station Muzaffarnagar district Aadhaar card number 903222030708.

I, the affiant, state on oath the following.

- 1- That my above name and address are correct and the said address is my permanent address.
- 2- That on 12.07.2023, my daughter Swati and my brother-in-law Janeshwar's son Priyanshu alias Guddu had gone to the forest to collect fodder and while returning, the farms were filled with water due to rain for several days within which due to one big pit having a marsh, the boy's foot slipped and while trying to save him, the girl's foot also slipped due to which both the children died due to drowning.
- 3- That after getting information about the said incident, I reached the spot in bewilderment and under the instigation of some people, I had lodged an FIR in Charthawal Police Station against Bhatta Avnesh Tyagi with Criminal Case Number 0228/2023, under section 304 IPC and 3(1)(x) S.C/ST Act
- 4- That when the people around told me about the incident, I came to know that this incident was co-incidental and there was no fault of the kiln owner and from the kiln owner I have

no complaint of any kind, hence I wish to withdraw the said case.

- 5- That no action of any kind will be taken by me in any department for the above matter in future.
- 6- That I request the investigating officer to please pass orders to end the said case.
- 7- That I am giving the above statement voluntarily without any pressure.
- 8- That I solemnly declare that everything given above in the affidavit is true and correct to the best of my personal knowledge and belief. God is the witness.

Place – Muzaffarnagar

Date – 26.07.2023

Sd/-

swearer



// TRUE COPY //



INDIA NON JUDICIAL
Government of Uttar Pradesh

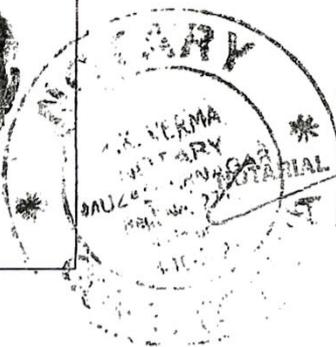
e-Stamp

Certificate No. : IN-UP70321831591708V
 Certificate Issued Date : 26-Jul-2023 02:36 PM
 Account Reference : NEWIMPACC (SV)/ up14789704/ MUZAFFARNAGAR SADAR/ UP-MJF
 Unique Doc. Reference : SUBIN-UPUP1478970435843744719606V
 Purchased by : JANESHVAR SO BALVEER RO VILL KASIARA MZN
 Description of Document : Article 4 Affidavit
 Property Description : Not Applicable
 Consideration Price (Rs.) :
 First Party : JANESHVAR SO BALVEER RO VILL KASIARA MZN
 Second Party : Not Applicable
 Stamp Duty Paid By : JANESHVAR SO BALVEER RO VILL KASIARA MZN
 Stamp Duty Amount(Rs.) : 10
 (Ten only)



Sr.No. 67 05

Please write in ink above the line



NOTARIAL

R. K. VERMA
Dist. Notary
Muzaffarnagar (U.P.)

जन २ पर

26 JUL 2023

Stamp Duty
1. The amount of stamp duty is Rs. 10/- only.
2. The amount of stamp duty is Rs. 10/- only.
3. The amount of stamp duty is Rs. 10/- only.

This document is a copy of the original document and is not valid for any purpose unless it is accompanied by the original document. The amount of stamp duty is Rs. 10/- only. The amount of stamp duty is Rs. 10/- only. The amount of stamp duty is Rs. 10/- only.

समक्ष: श्रीमान वरिष्ठ पुलिस अधीक्षक महोदय मुजफ्फरनगर/थानाध्यक्ष महोदय, थाना चरथावल जिला मुजफ्फरनगर।

विषय: मु0अ0सं0 0228/2023 अर्न्तगत धारा 304 आई0पी0सी0 व 3(1)(X)

S.C/ST एक्ट के सम्बन्ध में शपथपत्र।

शपथपत्र मिनजानिब जनेश्वर पुत्र श्री बलबीर निवासी ग्राम कसियारा थाना चरथावल जिला मुजफ्फरनगर आधार कार्ड संख्या 486218050976 ।

मैं शपथकर्ता उपरोक्त निम्नलिखित शपथपूर्वक बयान करता हूँ।

- 1- यहकि मेरा उपरोक्त नाम व पता सही है तथा उक्त पता मेरा स्थाई पता है।
- 2- यहकि दिनांक 12.07.2023 को मेरा पुत्र प्रियांशु उर्फ गुडडु व मेरी भाभी की लडकी स्वाती जंगल में चारा लेने गये हुए थे और वापस आते हुए खेतो मे कई दिनो से बारिश होने के कारण पानी भरा हुआ था जिसमे एक बडे गडडे में दलदल होने के कारण मेरे लडके प्रियांशु उर्फ गुडडु का पैर फिसल गया जिसको बचाने के चक्कर में लडकी का भी पैर फिसल गया था जिसमें डूबने से उन दोनो बच्चो की मृत्यु हो गई थी।

3- यहकि उक्त घटना की जानकारी होने पर मेरी भाभी सावित्री बदहवासी में मौके पर पहुंची तो कुछ लोगो की उकसाई में आकर मेरी भाभी सावित्री द्वारा एक एफ0आई0आर0 थाना चरथावल मे भटटा अवनेश त्यागी के विरुद्ध दर्ज कराई थी जिसका मु0अ0सं0 0228/2023 अर्न्तगत धारा 304 आई0पी0सी0 व 3(1)(X) S.C/ST एक्ट है।

4- यहकि जब आस पास के लोगो ने घटना के बारे मे बताया तो मुझे जानकारी हुई कि यह घटना इतफाकल है इसमें भटटा स्वामी की कोई गलती नही थी और मुझे भटटा स्वामी से कोई शिकायत किसी प्रकार की नही है।

5- यहकि मेरे द्वारा भविष्य में उक्त प्रकरण में किसी प्रकार की कोई कार्यवाही किसी विभाग में नही की जाएगी।

6- यहकि मैं उक्त बयान बिना किसी दबाव के स्वेच्छा से दे-रहा हूँ।

7- यहकि मैं शपथपूर्वक बयान करता हूँ कि शपथपत्र उपरोक्त मेरे निजी ज्ञान तथा विश्वास में सब सच व सही है। ईश्वर साक्षी है।

स्थान- मुजफ्फरनगर

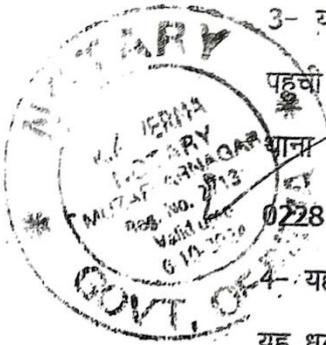
दिनांक- 26.07.2023

R. K. VERMA
Notary
Muzaffarnagar (U.P.)

NOTARY
शपथकर्ता

- जनेश्वर

25/7/23





भारत सरकार
Government of India

नाम
'Janes'
जन्म
पुरुष /

2

साधार - अ.

श्री का अधिकार



जनशेखर

Unique Identifi

ity of India

रशखर,
R. J&R

रा,
amagar,
ar Pradesh,

ENGLISH TRANSLATION OF ANNEXURE R6-3

Before: Mr. Senior Superintendent of Police, Muzaffarnagar Police Station Head, Charthawal Police Station, District Muzaffarnagar.

Subject: Affidavit regarding FIR No. 0228/2023 under Section 304 IPC and 3(1)(x) S.C/ST Act.

Affidavit from Janeshvar son of Shri Balbir resident of Kasiyara village Charthawal Police Station Muzaffarnagar district Aadhaar card number 486218050976.

I, the affiant, state on oath the following.

- 1- That my above name and address are correct and the said address is my permanent address.
- 2- That on 12.07.2023, my son Priyanshu alias Guddu and my sister-in-law's daughter Swati had gone to the forest to collect fodder and while returning, the farms were filled with water due to rain for several days within which due to one big pit having a marsh, my son Priyanshu alias Guddu's foot slipped and while trying to save him, the girl's foot also slipped due to which both the children died due to drowning.
- 3- That after getting information about the said incident, my sister-in-law Savitri reached the spot in bewilderment and under the instigation of some people, my sister-in-law Savitri had lodged an FIR in Charthawal Police Station against Bhatta Avnesh Tyagi with Criminal Case Number 0228/2023, under section 304 IPC and 3(1)(x) S.C/ST Act.
- 4- That when the people around told me about the incident, I came to know that this incident was co-incidental and there

was no fault of the kiln owner and from the kiln owner I have no complaint of any kind.

- 5- That no action of any kind will be taken by me in any department for the above matter in future.
- 6- That I am giving the above statement voluntarily without any pressure.
- 7- That I solemnly declare that everything given above in the affidavit is true and correct to the best of my personal knowledge and belief. God is the witness.

Place – Muzaffarnagar

Sd/-

Date - 26.07.2023

swearer



// TRUE COPY //



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 604/2023

IN THE MATTER OF:

Hussain Ahamad

... Applicant

versus

State of U.P. & Ors.

... Respondent(s)



VAKALATNAMA

KNOW ALL to whom these presents shall come that I, SANDEEP TYAGI, do hereby appoint and retain **MR. ARUNAVA MUKHERJEE, Advocate, Enrolment No. D/3543/2009, Mobile: 9717911776, E-mail: mukherjee.arunava@gmail.com** having office at D-731 (LGF), CR Park, New Delhi 110019 (hereinafter called the "Advocate") to be my Advocate in the above noted case, and authorise him:

- To act, appear and plead in the above noted case in this Court/Tribunal, or in any other Court/Tribunal in which the same may be transferred/tried/ heard.
- To sign, file verify and present applications, 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 above said case in all its stages.
- To file and take back documents to admit and/or deny documents of opposite party.
- To deposit, draw and receive money, cheques, cash and grant receipts hereof 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, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the Power of Attorney on my behalf.

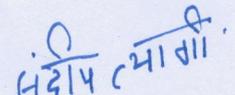
And I the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or their substitutes in the matter as my acts and hereby agree not to hold the Advocate or their substitutes responsible for the result of the said case.

IN WITNESS WHEREOF, I do hereunto set MY hand to these presents the contents of which have been understood by me on 04.01.2024.



Arunava Mukherjee
D/3453/2009
Advocate




Client



ATTESTED

NOTARY PUBLIC, DELHI

04 JAN 2024

PROOF OF SERVICE

Arunava Mukherjee <mukherjee.arunava@gmail.com>

SERVICE: Reply on behalf of Respondent No. 6 in Original Application No. 604/2023 titled "Hussain Ahamad vs. State of U.P. & Ors."

1 message

Arunava Mukherjee <mukherjee.arunava@gmail.com>
To: rkburanalegal@gmail.com, rkburana2507@gmail.com

4 January 2024 at 23:13

KIND ATTENTION: Sh. Rahul Khurana, Ld. Advocate for the Applicant

Dear Sir,

Please see attached Reply on behalf of Respondent No. 6 in Original Application No. 604/2023 titled "Hussain Ahamad vs. State of U.P. & Ors." filed by your good offices.

Best regards,
Arunava Mukherjee
Counsel for Respondent No. 6

Arunava Mukherjee
Advocate-on-Record | Supreme Court of India
(Formerly at Clifford Chance LLP, London)
D-731 (LGF), D Block, C.R. Park, New Delhi
Mobile: +91-9717911776

Virus-free. www.avast.com

Reply of R-6 _ OA 604-2023 (Hussain Ahamad vs. State of U.P. & Ors).pdf
7528K

// TRUE COPY //