

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

Original Application No.422 of 2023

Abhishek Shukla S/O Sri Keshav Prasad Shukla, R/O Village Jarar,  
PS-Girwan, Tahsil Naraini, District-Banda, Mob. No.-9532378463

..... Applicant

Versus

State of UP & Others

..... Respondents

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| 3.  | Vakalatnama   |          |

Dated : 06, December, 2023



(SYED MOHD. FAZAL)  
Advocate  
(Enrollment No.U.P.03881/08)  
Office cum residence C-207  
GTB Nagar, Kareli,  
Allahabad/Prayagraj UP 211016,  
Mobile no.9889010500

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**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.26**

I, Pradeep Singh, S/o Shri Tej Bali Singh, aged 41 years, Resident of Atri Nagar, Atarra, City and District Banda-210201 (UP), the deponent do hereby solemnly affirm and State on oath as under :-

1. That the deponent is the permanent resident of Atri Nagar, Atarra, City and District Banda-210201 (UP) and Carrying on the business of crusher unit of mineral having its crusher plant at village Jarar, Tehsil Naraini, District Banda (UP) in the name and style of M/s Neelkanth Granite at Gata No.1382, Village Jarar, Tehsil Naraini, District Banda, U.P.
2. That by way of letter petition dated 12.03.2023 the complainant has complained about illegal mining blasting and crushing in violation of environmental norms in villages Jarar, Chhaneha Purwa, Raghwa Purwa, Girwan. Patraha Tehsil Naraini, District Banda.
3. That the complainant vide complaint dated 12.03.2023 has also submitted that six mining leases have been allotted in two hills in the area situate of village Jarar and five crushers have been established in Village Jarar and Chhaneha Purwa and mining is being done by resorting to illegal blasting which has resulted in damage to the houses of villagers, the applicant further alleged that the crushers are being operated day and night and the crushers do not have any boundary wall. There is no sprinkling of water during operation thereof. The crushers are causing dust and noise pollution due to which the residents are suffering from "Asthma" and other diseases. Illegal blasting has also affected old temples located on the hills. Illegal mining and blasting are also adversely affecting the wildlife in the area. The roads to the above said



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villages have been damaged by the over loaded vehicles used for transportation of excavated minor minerals.

4. That on the letter petition of the complainant dated 12.03.2023 this Hon'ble Tribunal vide order dated 01.08.2023 constituted a joint committee comprising of representative of Director, Geology & Mining U.P. Pollution Control Board, Lucknow. District Magistrate, Banda to verify the factual position and take appropriate remedial action and factual and action taken report may be submitted within one month by email before this Hon'ble Tribunal.
5. That in pursuant to the order dated 01.08.2023 the above Joint Committee conducted a fact finding survey from 17.08.2023 to 18.08.2023 and vide report dated 08.09.2023 submitted a Joint Report with the following findings and recommendations, the findings and recommendations are being reproduced below:-

*"21.1) The mining department can be asked to restrict the mining activities in those mines wherein the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of nearby villagers/ civil society.*

*21.2) The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil society/priest of temple.*

*21.3) The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use blasting and mechanical instrument/machine.*

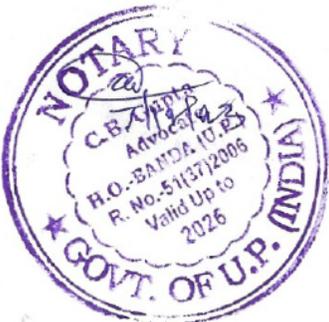
*21.4) The mining department can be asked to restrict the provision made for construction the main village road by DMF fund.*

*21.5) UPPCB can be asked to take necessary action against the stone crusher who have not operated the dust suppression system during the operation of stone crusher.*

*21.6) The Project proponent can be asked to maintain the village road near these mining sites.*

*21.7) The Project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after obtaining the valid permission of the DGMS and Department of Mines.*

*21.8) The Project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance/ consent/ mining lease allotment letter and submit the status to the concerned authorities regularly."*



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6. That it is worthwhile to mention herein that as per the fact finding report dated 08.09.2023 submitted by Joint committee in compliance of direction issued by this Hon'ble Tribunal vide order dated 01.08.2023 the following observations were observed by the Joint Committee which are as follows:-

"14. 05 stone crushers were identified in village- Jarar (Chhaneha Purwa, Raghwapurwa), out of 5 stone crushers 4 stone crushers were found in operation and one stone crusher was found under construction.

15. During committee visit, dust suppression system i.e. water spraying facility on jaw crusher, cone and main conveyer, covering of vibrating screen and conveyer have been found installed on each operational stone crushers.

16. Metal sheet made boundary wall have been found on each stone crusher but strengthening of the boundary wall surround the stone crusher is required.

17. All stone crushers are established beyond the 500 meters distance from the habitant area.

18. All stone crushers have been submitted compliance report along with ambient air quality monitoring report. The air polluting parameters is within prescribed limit.

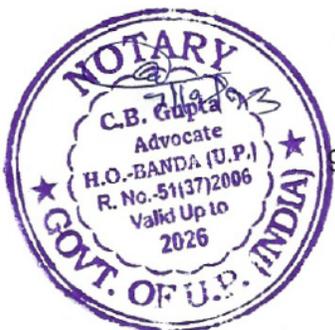
19. During the committee visit, it was observed that crops was not found affected in nearby agricultural field.

20. As per CMO report, no any patient was found as mentioned illness in complain. Annexure-3"

7. That it is relevant to submit herein that the answering respondent has been granted a consent dated 03.01.2022 to establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981 as amended by the Uttar Pradesh Pollution Control Board (UPPCB). A true copy of the CTO issued by the UPPCB is being filed herewith and marked as **Annexure No.1** to this affidavit.

8. That it is relevant to submit herein that the answering respondent has installed dust separation system wherein water spraying facility is installed on Jaw crusher, cone, main convener, covering of vibrating screen and convener so as to suppress dust from the crusher unit of the answering respondent.

9. That it is also relevant to submit herein that boundary walls are also made around corners of the crushing unit of the answering respondent.



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10. That it is further relevant to submit herein that the crusher unit of the answering respondent has been established beyond the 500 meters distance from the habitant area.
11. That dust separation system installed in the crusher unit of the answering respondent keeps the ambient air and pollution within permissible limits as described under standards.
12. That it is further relevant to submit herein that the aforementioned facts with regard to the factual position relating to the answering respondent have also been duly confirmed by the report of Joint Committee as well as the report submitted by the Uttar Pradesh Pollution Control Board.
13. That it is further relevant to submit herein that the answering respondent have been regularly submitting the quarterly compliance report before the Uttar Pradesh Pollution Control and the latest quarterly compliance report was submitted in September, 2023.
14. That the answering respondent is running its crusher unit in accordance with the terms and condition of the consolidated consent under Section-25 of the water (Prevention & Control of Pollution) Act 1974 and Section-21 of the Air (Prevention & central of Pollution) Act 1981.
15. That it is further relevant to submit herein that the U.P. Pollution Control Board has also submitted in response in compliance of the order dated 30.10.2023 to which the answering respondent submits that the answering respondent has been issued CTO issued by UPPCB and is always adhered to following the rules and regulations as required by UPPCB.
16. That the answering respondent is ready to undertake any suggestion or remedial steps as and when suggested by this Hon'ble Tribunal or the U.P. Pollution Control Board or the respondents State authority.



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**VERIFICATION:**

I, the above named deponent do verify that the content of my above affidavit are true to the best of knowledge and belief and there is nothing concealed therefrom.

Verified at Banda on this 06<sup>th</sup> day of December 2023.

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*[Signature]*  
पार्टनर

Deponent

I know *Badar Singh*  
who has signed before me  
*[Signature]*  
7/12/23

11543/182  
SWORN  
BEFORE ME  
7/12/23  
C.B. GUPTA  
NOTARY BANDA



**VAKALATNAMA**

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..... Applicant

**Versus**

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..... Respondents

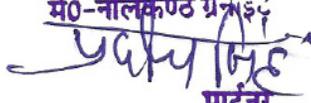
KNOW ALL to whom these present shall come that I, Pradeep Singh, S/o Shri Tej Bali Singh, aged 41 years, Resident of Atri Nagar, Atarra, City and District Banda-210201 (UP), the above named respondents, do hereby appoint (herein after called the advocate to be out Advocate in the above noted case authorise him:-

**Syed Mohd. Fazal, Advocate (U.P.03881/08), Office cum residence C-207 GTB Nagar, Kareli, Allahabad/Prayagraj UP 211016, Mobile no.9889010500**

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 or heard and also in the appellate Court, including High Court subject to payment of fees separately for each Court by us. To sign, file, 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 of admit and/or deny the documents of opposite party.

To withdraws or compromise the said case or submit to arbitration any differences or disputes that jay arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof 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, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

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

And we undertake that we or our duly authorized agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

And 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 retain himself. And we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by 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. We hereby agree that once the fee is paid, 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 of three years or part thereof.

IN WITNESS WHEREOF We do hereunto set our hand to these presents the contents of which have been understood by us on this 06 December 2023 day of December, 2023.

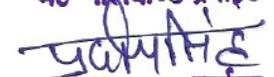
Accepted subject to the terms of fees.

Advocate



1- Client

2- Client

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**Annexure No.1**

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.com, Website: www.uppcb.com

Validity Period :03/01/2022 To 02/01/2024

Ref No. - 147122/UPPCB/Banda(UPPCBRO)/CTE/BANDA/2021 Dated:- 03/01/2022

To .

Shri PRADEEP SINGH  
M/s NEELKANTH GRANITE  
Jarar Naraini Banda,BANDA,210001  
BANDA

Sub : Consent to Establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and control of pollution) Act, 1974 as amended and Air (Prevention and control of Pollution) Act, 1981 as amended.

Please refer to your Application Form No.- 14678688 dated - 30/12/2021. After examining the application with respect to pollution angle, Consent to Establish (CTE) is granted subject to the compliance of following conditions :

1. Consent to Establish is being issued for following specific details :

A- Site along with geo-coordinates :

B- Main Raw Material :

| Main Raw Material Details |                        |                       |
|---------------------------|------------------------|-----------------------|
| Name of Raw Material      | Raw Material Unit Name | Raw Material Quantitv |
| Stone Boulder (150 TPH)   | Metric Tonnes/Hour     | 150                   |

C- Product with capacity :

| Product Detail       |                  |
|----------------------|------------------|
| Name of Product      | Product Quantity |
| Stone Grit (135 TPH) | 135              |

D- By-Product if any with capacity :

| By Product Detail   |                    |                          |                          |
|---------------------|--------------------|--------------------------|--------------------------|
| Name of By Product  | Unit Name          | Licence Product Capacity | Install Product Capacity |
| Stone Dust (15 TPH) | Metric Tonnes/Hour | 15                       | 15                       |

2. Water Requirement (in KLD) and its Source :

| Source of Water Details |                |                 |
|-------------------------|----------------|-----------------|
| Source Type             | Name of Source | Quantity (KL/D) |
|                         |                |                 |

3. Quantity of effluent (In KLD) :

| Effluent Details   |                 |
|--------------------|-----------------|
| Source Consumption | Quantity (KL/D) |
|                    |                 |

4. Fuel used in the equipment/machinery Name and Quantity (per day) :



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| Fuel Consumption Details |                      |     |
|--------------------------|----------------------|-----|
| Fuel                     | Consumption(tpd/kld) | Use |

5. For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.
- For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.
2. You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.
3. Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plant /Air Pollution control System shall be submitted by the industry till 02/01/2024 to the Board.
4. Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and control of Pollution) Act, 1981 from the Board.
5. It is mandatory to submit Air and Water consent Application, complete in all respect, four months before start of operation, to the U.P. Pollution Control Board.
6. Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 may be initiated against the industry With out any prior information, in case of non compliance of above conditions.

Specific Conditions:



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**General Conditions :**

1. The industry shall comply with any other conditions laid down or directions issued in due course by the Board under the provisions of the Air (Prevention & Control of Pollution) Act, 1981.
  - Closed metal sheet enclosures at dust emitting points i.e. the crushers including their discharge points, screens, and the transfer points of belt conveyors, with arrangements of a door with opening and closing facility for cleaning and maintenance and flexible covers at entrance and exit of the belt conveyors. All opening provided for ventilation in the enclosures should be covered by canvas bagfilter to arrest the escaping dust.
  - Covering of all belt conveyors.
  - Silos with telescopic discharge chute for collecting, storing and delivering/truck-loading the product, 'stone dust' and the reject, 'fine dust'.
  - A minimum 12 ft high metal sheet barricading or boundary wall should be provided by stone crusher.
  - Dust suppression by scientifically designed water sprinkling system on raw material/products at the equipment and transfer points should be adopted as an auxiliary air pollution control measure.
  - Green belt along the boundary wall needs to be developed by stone crusher.
  - The above 'equipment specifications' should be primarily and compulsorily enforced on stone crusher. SPM standard as prescribed in Environment (Protection) Act, 1986 must be complied by your stone crusher.
2. This N.O.C. is valid for period of five year from the date of its issue or till the commissioning of the industry whichever is earlier.
3. The industry shall apply for the valid consents of the Board as required under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.
4. The industry shall provide adequate arrangements for fighting the accidental leakages/discharge of any air pollutant/gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environmental pollution.
5. The industry shall comply with any other conditions laid down or directions issued by the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 from time to time.
6. Nothing in this N.O.C. shall be deemed to neither preclude the institution of any legal action nor relieve the applicant from any responsibilities or penalties to which the applicant is or may be subjected under the provisions of the Water/Air Acts respectively.
7. The project has been approved by the Board from pollution angle and the industry shall obtain the approval of site from other concerned departments, if need be.
8. The industry shall plant minimum of three suitable varieties of trees along the boundary of the industrial premises and forest by Miyawaki technique.
9. The industry shall provided adequate and appropriate water/air pollution control device to control and treat the effluent/emission simultaneously with the expansion of project, so as to achieve the standard prescribed by the Board.
10. The industry shall ensure that at any time the parameters of the effluent/emission do not exceed the standards laid down by the Board from time to time for such discharge.
11. The industry shall ensure that at any time the emission do not exceed the emissions standards laid down by the Board from time to time.
12. The industry shall ensure that no water/air pollution problem or public nuisance is created in the area due to discharge of effluent/emissions from the industry.
13. The Board reserves the right to revoke the NOC granted to the industry at any time in case the industry is found violating any of the conditions of NOC or any provision of Air (Prevention & Control of Pollution) Act, 1981 & Water (Prevention & Control of Pollution) Act 1974 as amended time to time.
14. The industry will be bound to comply the order passed by the Hon'ble National Green Tribunal New Delhi under consideration O.A. No. 154/2018 Society for protection of Environment and Biodiversity Vs State of U.P. and others issued with the permission of competent authority.
15. The industry Submit A bank Guarantee amounting to Rs. 160000.00 (One Lakh Sixty Thousand rupees only ) within one month as an assurance to comply with the code of Practice as well as provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 and EMP compliance.
16. This conditional Consent to Establish is being issued with references letter No. 106/St-Naraini dated 26.11.2021 of SDM, Naraini District- Banda and Forest department of District Banda letter No. 1668/33-1 dated 02.12.2021



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Please note that consent to Establish will be revoked, in case of, non compliance of any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 03/02/2022 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

GHAN  
SHYAM  
Chief Environment Officer/Regional Officer  
UPPCB Banda

Digitally signed by  
GHAN SHYAM  
Date: 2022.01.03  
15:47:50 +05'30'

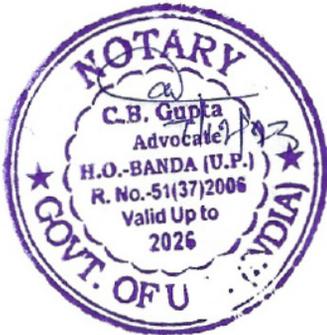
Dated:- 03/01/2022

Copy To -

CEO-2 UPPCB Lucknow

GHAN  
SHYAM  
Chief Environment Officer/Regional Officer  
UPPCB Banda

Digitally signed  
by GHAN SHYAM  
Date: 2022.01.03  
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