

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

in

Response Affidavit Of
Uttarakhand Pollution Control Board
(Respondent No. 2)

in

Original Application No. 44 of 2024

Jot Singh Bist

..... Applicant

Versus

State of Uttarakhand

..... Respondent

Sl. No.	Particulars	Page No.
1.	Index	1 - 1
2.	Affidavit	2 - 4
3.	Annexure No. 1: Copy of letter dated 11.07.2024 issued to M/S Megha engineering & Infrastructure Limited.	5 - 5
4.	Annexure- 2 : Copy of letter dated 11.07.2024 addressed to Director, Department of Geology and Mining, Government of Uttarakhand.	6 - 6

Dated: July, 2024

(Advocate of UKPCB)

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AFFIDAVIT of Dr. Raj Kumar Chaturvedi, aged about 51 years, S/o Shri Ramswaroop Chaturvedi Presently posted as Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Dehradun.

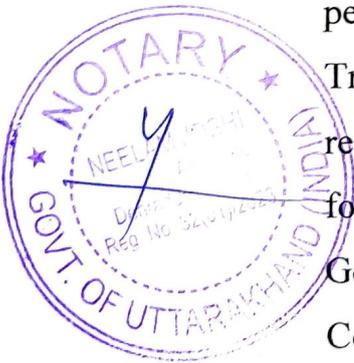
Deponent

I, the above-named deponent does hereby solemnly affirm and state on oath as under: -

1. That the deponent is presently posted as the Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Dehradun and as such is fully conversant with the facts of the case and is duly authorized by the competent authority to sign and swear the instant response affidavit.

RIK

2. That the Hon'ble National Green Tribunal vide order dated 17.05.2024 was pleased to implead the Uttarakhand Pollution Control Board through its Member Secretary as Respondent No. 2 in the instant matter and directed that the respondents may file their replies/ response/ objections to the Joint Committee report within one month.
3. That from the perusal of Joint Committee report, it is evident that the Rail Vikas Nigam Limited and its executing agency i.e. M.S Megha Engineering & Infrastructure Limited have illegally disposed the muck generated from the tunnelling that is too without prior permission of the Competent Authority. Considering the observations of the Joint Committee, the Uttarakhand Pollution Control Board has issued necessary directions regarding disposal of muck and its management to M/S Megha Engineering & Infrastructure Limited vide its letter ref. no. UKPCB/HO/Gen-183-759/2024/538 dated 11.07.2024. Copy of letter dated 11.07.2024 is being marked and filed as **Annexure No.1** to this affidavit.
4. That the Joint Committee report also reported that that necessary permission under the Uttarakhand (Regulation of Illegal Mining, Transportation & Storage) rules, 2021 has not obtained. In this regard, letter along with the Joint Committee report was also forwarded to the Director, Department of Geology and Mining, Government of Uttarakhand for necessary action in the matter. Copy of letter dated 11.07.2024 addressed to the Director,



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Department of Geology and Mining, Government of Uttarakhand is being marked and filed as Annexure No. 2 to this affidavit.

- 5. That the deponent is a responsible Government servant having the highest regards for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.

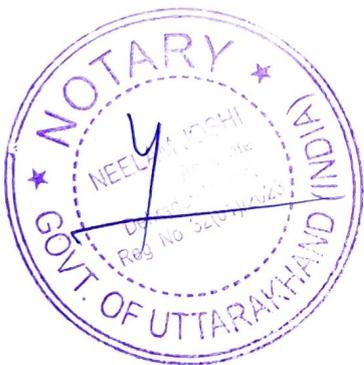
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Deponent

I, Sunidhi Sah, Advocate, do hereby declare that the person making this affidavit and alleging himself to be Sompal Singh is the same person who is known to me from the papers produced by him before me in this case.

Sunidhi
Advocate
Enrol. No. D/12580/22

Solemnly affirmed before me on this day of 25 July, 2024 at Dehradun at about 5:25 AM/PM by the deponent who has been identified by the aforesaid person. I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.



S. No - 499
This affidavit is sworn before me by Shri. Dr. Raj Kumar Chaturvedi Notary
Who is identified by Shri. Sunidhi Shah Adv
At Dehradun on 25/7/24

NEELAM JOSHI
Advocate & Notary, Dehradun

Fix



92

HEAD OFFICE

Uttarakhand Pollution Control Board
"Gauradevi Paryavaran Bhawan"
46B, IT Park, Sahastradhara Road, Dehradun
E-mail : msukpcb@yahoo.com

Letter No.: UKPCB/HO/Gen-183-759/2024/538.

Date: 11.07.2024

SPEED POST / E-MAILNGT MATTER

To,

M/S Megha Engineering & Infrastructure Limited,
House No. 171, Gali No. 10,
Amit Gram, Gumaniwala, Rishikesh,
District Dehradun (Uttarakhand).
E-mail: vivek.s@meghaeng.com

Sub.: Order dated 17.05.2024 passed by the Hon'ble National Green Tribunal
in the matter of Original Application No. 44 of 2024 - reg.

Sir,

Kindly refer to the order dated 17.05.2024 passed by the Hon'ble National Green Tribunal in the matter of Original Application No. No. 44 of 2024 titled as "Jot Singh Bist Vs. State of Uttarakhand. Matter is related to illegal disposal of muck at *Chopra gadera*, Rudraprayag. The Joint Committee constituted in the matter has also observed that the muck generated from tunneling by M/S Megha Engineering & Infrastructure Limited is being illegally disposed at *Chopra gadera* & other places at village Jawadi, Rudraprayag, including forest lands. The Joint Committee has also reported that muck is being disposed without prior permission of competent authority.

In view of above, you are hereby directed to ensure disposal of muck at designated places with prior permission of competent authorities only. Appropriate measures for muck management and soil reclamation etc. needs to be carried out simultaneously in order to minimize environmental impact. Action taken in this regard be communicated to this office on priority basis. Failing of above, it will be presumed that illegal disposal of muck is being carried out perpetually and further action will be initiated against the occupier(s).

Dr. Parag Madhukar Dhakate
Member Secretary

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Copy to:

1. Chief Project Manager, Rishikesh-Karanprayag New BG Rail line Project, RVNL Office Building, Opp. GST Bhavan, Next to GMVN, Shyampur Bypass Road, Rishikesh - 249201, Distt. Dehradun for information and necessary action in the matter on priority basis, please. (Email: rvnlrksh1@gmail.com)
2. Regional Officer, UKPCB, Regional Office, Dehradun for information and necessary action.

Member Secretary

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93

मुख्यालय Annexure -2
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

"गौरा देवी पर्यावरण भवन"

46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून

E-mail : msukpcb@yahoo.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-759 / 2024 / 539,
स्पीड पोस्ट

दिनांक 11.07.2024

एन0जी0टी0 मेटर

सेवा में,

निदेशक

भूतत्व एवं खनिकर्म निदेशालय

भोपालपानी, थानों रोड़,

देहरादून।

विषय:- मा0 एन0जी0टी0 में योजित मूल आवेदन सं0- 44/2024 जोत सिंह बिष्ट बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 17.05.2024 का सन्दर्भ ग्रहण करने का कष्ट करें। प्रकरण रेल विकास निगम लि0 द्वारा ऋषिकेश-कर्णप्रयाग रेल लाईन के निर्माण में चोपड़ा गदरे में अनधिकृत रूप से मलवे के निस्तारण के सम्बन्ध में है। विषयगत प्रकरण में मा0 एन0जी0टी0 द्वारा एक संयुक्त कमेटी का गठन किया गया था। संयुक्त कमेटी की निरीक्षण के अनुसार रेल विकास निगम लि0, के कान्स्ट्रक्टर मै0 मेघा इंजीनियरिंग लि0, द्वारा टनल निर्माण से जनित मक का अवैध रूप से निस्तारण किया जा रहा है तथा उत्तराखण्ड खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली, 2021 के अन्तर्गत निर्धारित प्रावधानों का अनुपालन किये बिना उपखनिज का उपयोग किया जा रहा है। संयुक्त कमेटी की आख्या मा0 एन0जी0टी0 में दाखिल की जा चुकी है। संयुक्त कमेटी की आख्या इस अनुरोध के साथ प्रेषित है कि कृपया विषयगत प्रकरण में नियमानुसार कार्यवाही करने का कष्ट करें एवं कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक: यथोपरि।

भवदीय,

(डा0 पराग मधुकर घकाते)

सदस्य सचिव

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प्रतिलिपि:- सचिव, खनन, उत्तराखण्ड शासन, देहरादून को सूचनार्थ सादर प्रेषित।

सदस्य सचिव

०८५