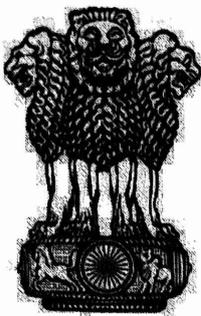


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INDIA NON JUDICIAL

Government of Uttarakhand

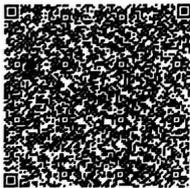
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STAMP VENDOR
TEHSIL HALDWANI (NAINITALI)
₹100

e-Stamp

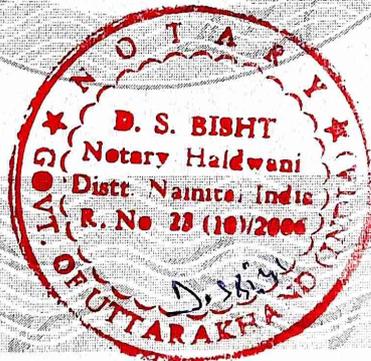
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 Purchased by : HARISH CHANDRA JOSHI SO B D JOSHI
 Description of Document : Article 4 Affidavit
 Property Description : NA
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : HARISH CHANDRA JOSHI SO B D JOSHI
 Second Party : NA
 Stamp Duty Paid By : HARISH CHANDRA JOSHI SO B D JOSHI
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)

IDENTIFIED BY

सत्यमेव जयते



₹100



Please write or type below this line

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Handwritten signature

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

**RESPONSE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD**

Original Application No. 78 of 2023

Durga Singh Panwar

Applicant

Versus

Rajendra Singh Dafoti & Ors.

Respondents

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2.	Response Affidavit	2 - 5
3.	Annexure No. 1: Copy of letter dated 10.05.2024 issued to M/S J.D. Minerals regarding imposition of environmental compensation.	6 - 6
4.	Annexure No. 2: copy of the CCA withdrawal order dated 10.05.2024.	7 - 8

Dated: May, 2024

Advocate
(Counsel for the respondent)



IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

**RESPONSE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD**

In

Original Application No. 78 of 2023

Durga Singh Panwar

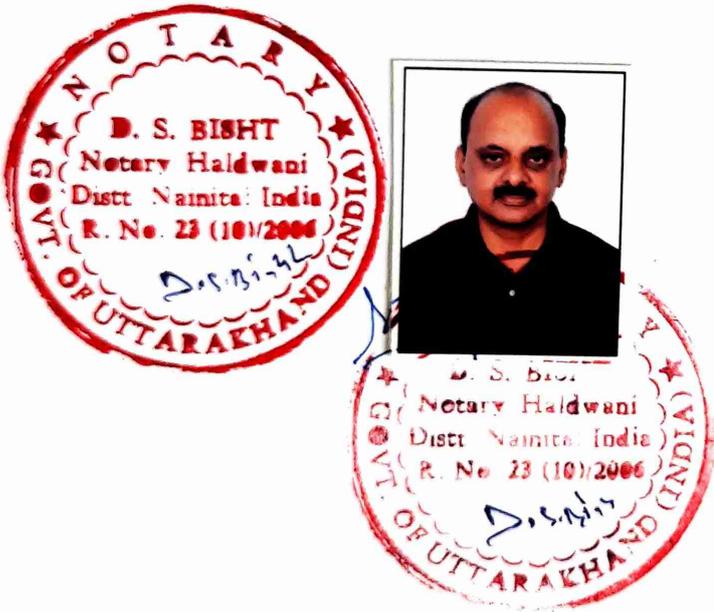
Applicant

Versus

Rajendra Singh Dafoti & Ors.

Respondents

Affidavit of Harish Chandra Joshi
(Male) aged about 55 years S/o Sri
B.D. Joshi, presently posted as
Assistant Scientific Officer,
Uttarakhand Pollution Control
Board, Regional Office, Avas
Vikas Colony, Nainital Road
Haldwani (Nainital).




Deponent

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



- 1) That the deponent is presently posted as the Assistant Scientific Officer, Uttarakhand Pollution Control Board, Regional Office, Haldwani, District Nainital and as such is fully conversant with the facts of the case and is authorized by competent authority to sign and swear the instant affidavit.
- 2) That this Hon'ble Tribunal vide order dated 13.05.2024 has been pleased to direct as under: -

“

4. Further, on a query made by Tribunal from learned counsel appearing for respondent 2 i.e., UKPCB as to what action it has taken which includes environmental compensation against the project proponent for the past violations, learned counsel appearing for respondent 2 said that he may be allowed a week's time to place the same on record by filing reply. The request is granted.

.....”

- 3) That in compliance of the aforesaid directions of the Hon'ble Tribunal, it is respectfully submitted that the Uttarakhand Pollution Control Board vide letter ref. no. UKPCB/HO/C&M-150/2024/137 dated 10.05.2024 has imposed an environmental compensation of Rs. 1.60 Lakh (Rs. One Lakh Sixty Thousand only) against the M/S J. D. Minerals, Vill. Bajeta, Tehsil Munsyari, District Pithoragarh for violating the environmental norms and directed to submit said amount within 30 days to the Board. In this connection, copy of letter dated 10.05.2024 is being marked and filed as **Annexure No. 1** to this affidavit.

AS



4) That the Uttarakhand Pollution Control Board has also withdrawn the Consolidated Consent & Authorization (CCA) issued to the Unit i.e. M/S J.D. Minerals located at Vill. Bajeta, Tehsil Munsyari, District Pithoragarh Bageshwar vide letter no. UKPCB/HO/Con-J-131/2024136 dated 10.05.2024. Unit is also directed not to undertake soapstone mining and allied activities without prior consent of the Board. In this connection, copy of the CCA withdrawal order dated 10.05.2024 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.




Deponent

Verification: -

I, D. S. Bisht Ado., Advocate, do hereby declare that the person making this affidavit and alleging himself to be is the same person who is known to me from the papers produced by him before me in this case.

D. S. Bisht Ado.
.....

Advocate

Enrol. No. 23 (10) 2006



Solemnly affirmed before me on this day of May, 2024 at Haldwani at about 12:24²⁵AM/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.

Notary



Certified that Sri/Smt. Harish Chandra Joshi
the deponent identified by C.B Joshi
scanned & verified the contents of the
affidavit at Haldwani
on date 25/5/2024 time 12:29 P.M.

D. S. Bisht
Advocate
Notary, Haldwani
Distt. Nainital U.K. India
25/5/2024

H



577

मुख्यालय Annexure No. 1
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/एचओ/सी0एण्ड0एम0-150/2024/ 137

दिनांक :- 10.05.2024

सेवा में,

M/s J.D. Minerals,
Vill- Bajeta, Tehsil – Munyari,
Distt- Pithoragarh.

विषय :- M/s J.D. Minerals, Vill- Bajeta, Tehsil – Munyari, Distt- Pithoragarh पर पर्यावरणीय क्षतिपूर्ति आरोपित किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा0 एन0जी0टी0 में योजित मूल आवेदन सं0-78/2023 दुर्गा सिंह पंवार एवं अन्य बनाम राजेन्द्र सिंह डफौती एवं अन्य में पारित आदेश दिनांक 14.02.2023 के अनुपालन में गठित संयुक्त टीम द्वारा आपकी इकाई का निरीक्षण किया गया। निरीक्षण के उपरान्त पाया गया कि इकाई द्वारा पर्यावरणीय मानकों का उल्लंघन किया जा रहा है। क्षेत्रीय अधिकारी, हल्द्वानी की संस्तुति दिनांक 23.06.2023 एवं दिनांक 09.05.2024 के क्रम में मा0 एन0जी0टी0 द्वारा निर्गत निर्देशों एवं तत्कम में राज्य बोर्ड की बोर्ड बैठक में लिये गये निर्णय एवं अनुमोदित प्रक्रिया के अनुसार इकाई पर पर्यावरणीय क्षतिपूर्ति (Environment Compensation) आरोपित की जानी है।

उपरोक्त क्रम में राज्य बोर्ड की बोर्ड बैठक में लिये गये निर्णय एवं अनुमोदित प्रक्रिया के अनुसार M/s J.D. Minerals, Vill- Bajeta, Tehsil – Munyari, Distt- Pithoragarh के विरुद्ध ₹1,60,000/- की पर्यावरणीय क्षतिपूर्ति अन्तरिम रूप से आंकलित की गयी है।

आपको निर्देशित किया जाता है कि पर्यावरणीय क्षतिपूर्ति की राशि ₹1,60,000/- (रुपया एक लाख साठ हजार मात्र) एक माह के अन्तर्गत डिमान्ड ड्राफ्ट के माध्यम से इस कार्यालय में जमा किया जाना सुनिश्चित करें। पर्यावरणीय क्षतिपूर्ति राशि का डिमान्ड ड्राफ्ट "उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड" के नाम एवं देहरादून में देय होगा। पर्यावरणीय क्षतिपूर्ति राशि जमा किये जाने पर विषयगत प्रकरण पर अग्रेतर कार्यवाही की जायेगी।

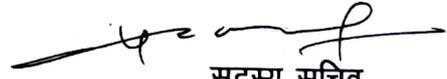
भवदीय


(डॉ० पराग मधुकर धकाते)
सदस्य सचिव

पत्रांक-यूकेपीसीबी/एचओ/सी0एण्ड0एम0-150/2024/

दिनांक :- तददिनांकित

प्रतिलिपि :- क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, हल्द्वानी को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।


सदस्य सचिव

DL



HEAD OFFICE

Uttarakhand Pollution Control Board

"Gauradevi Paryavaran Bhawan"

46B, IT Park, Sahastradhara Road, Dehradun

E-mail : msukpcb@yahoo.com

Letter No.: UKPCB/HO/Con-J-131/2024/ 136

Date: 10.05.2024

SPEED POST

To,

M/S J D Minerals
Shri Rajendra Singh Dafoti
B-54, Judge Farm, Choti Mukhani,
Haldwani, Distt. Nainital (Uttarakhand)

CAF ID: 26081

Application No. 2311414

CCA (Renewal)

Date: 25.03.2022

Sub.: Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA 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" and Authorization under "Rule-6(2)" of the "Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016" notified under "Environment (Protection) Act, 1986" as applicable (to be referred hereinafter as Water Act, Air Act and HW Rules respectively)- withdrawal of CCA -reg.

WHEREAS, under the relevant sections of the above referred Acts and Rule, Consolidated Consent and Authorization (CCA) was granted to **M/S J D Minerals** (hereinafter referred as the "Unit") for mining of soapstone located at **Village Bajeta, Tehsil Munsyari, Distt. Pithoragarh (Uttarakhand)** vide this office letter ref. no. UKPCB/HO/Con/J-131/2022/1923 dated 31.03.2022, and

WHEREAS, Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of Original Application No. 78 of 2023 titled as "Durga Singh Panwar Vs. Rajendra Singh Dafoti & Ors., *inter alia*, issued following directions on dated 06.09.2023:

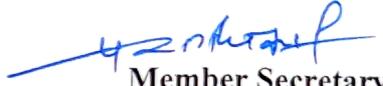
- "....."
7. In view of the mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principle and serious environmental violations alleged to have been made by the respondent no. 5, respondent no. 5 is restrained till further orders from carrying out any further mining activity in the mining site leased out to it.
8. The District Magistrate and the Superintendent of Police, Pithoragarh are also directed to take appropriate steps to ensure that no further mining takes place in the mining site in question.
- "....."

NOW THEREFORE, in compliance of order of the Hon'ble NGT; and in exercise of powers conferred under section-27 of the Water (Prevention and Control of Pollution) Act, 1974 (as amended); section-21(4) of the Air (Prevention and Control of Pollution) Act, 1981 (as amended); and Rule-7 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (as amended), the Consolidated Consent and Authorization (CCA) issued by this office vide letter ref. no. UKPCB/HO/Con/J-131/2022/1923 dated 31.03.2022 is hereby **withdrawn**. The Occupier(s) of the Unit shall not undertake soapstone mining and allied activities without prior Consent of the Board.

Dr. Parag Madhukar Dhakate
Member Secretary

Contd..... Page-2

1. District Magistrate, Pithoragarh for kind information please.
2. District Mining Officer, Pithoragarh for information and necessary action.
3. Regional Officer, UKPCB, Regional Office, Haldwani, Distt. Nainital for information and necessary action.


Member Secretary
7/1