

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

ORIGINAL APPLICATION No. 176 of 2024

IN THE MATTER OF:

AJIT KUMAR GUPTA

.....APPLICANT

VERSUS

STATE OF UP. & ORS

....RESPONDENTS

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Filed by



Dated 16.09.2024

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उत्तर प्रदेश UTTAR PRADESH

GT 016588



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क्रम संख्या-877

स्टाम्प विक्रय दिनांक-13/9/2024

स्टाम्प का प्रकार-रजि

क्रेता का नाम एवं पता बालानाथ सिंह कुशवहा 5/6 ह्वे 21म सुरत कुशवाहा मिरा

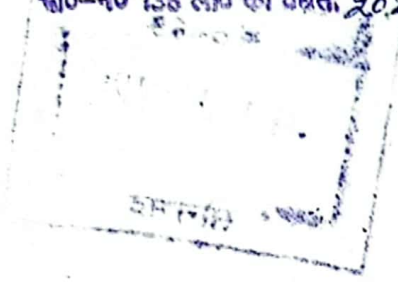
स्टाम्प का मूल्य 100/-

अधिक कायिद नमू पे-चायत रिपरी, सानमंड

प्रशान्त कुमार कृष्ण

जुवा, पिपरी, जिला सनमण्ड

क्रा-नं० 138 सं० एरी संवत् 2024-25



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दिनांक 16.09.24

समय 9:20 Am

श्री Bhokrao Singh Kushwaha S/O Late Ram Suresh Kushwaha

विष्ठापूर्वक शपथ लिया कि उनकी जानकारी या

विश्वास में इस शपथ पत्र की शर्तें सत्य हैं

उनकी पहचान श्री

self

व्यक्ति के की है

गण्डलाल एडवाकेट

गोदरी नरेश्वर प्रमाणक



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

ORIGINAL APPLICATION No. 176 of 2024

IN THE MATTER OF:

AJIT KUMAR GUPTAAPPLICANT
STATE OF UP. & ORS VERSUSRESPONDENTS

**AFFIDAVIT AND RESPONSE ON BEHALF OF EXECUTIVE
OFFICER, NAGAR PANCHAYAT PIPRI, DISTRICT
SONEBHADRA AS RESPONDENT 9**

I, Bholanath Singh Kushwaha , S/O Shri Ram Surat Kushwaha aged about .54. years R/o Mahamadpur , Junardar , Sadat, Gazipur U.P. 275204, do hereby solemnly affirm and declare as under: -

1. That I am Executive Officer, Nagar Panchayat Pipri, District Sonebhadra and fully competent to file accompanying affidavit and response .
2. That I am fully conversant with case as derived from record and competent to swear to this affidavit.
3. That I have read the accompanying affidavit and response on my behalf as Respondent No. 9 and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.
4. That a matter of Original Application No. 176 of 2024 Case titled as “ *Ajit Kumar Gupta Versus State of UP&Ors.*” pertaining to that Dongia water body, Pipri, Sonebhadra is part of ‘Reserve Forest’ and is a dense forest wherein lives several wild animals, including crocodiles. illegally cut trees and encroached on certain land of Reserve Forest and raised construction of a Gausha under consideration of this Hon’ble Tribunal.
5. That upon hearing the matter, this Hon’ble Tribunal was pleased to inter alia pass following order on 10.05.2024

“4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Uttar Pradesh through





Chief Secretary, Government of Uttar Pradesh, (2) Principal Secretary, Irrigation and Water Resources Development Department, Government of Uttar Pradesh, (3) Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, (4) Divisional Forest Officer, Sonbhadra, (5) Uttar Pradesh State Pollution Control Board, (6) District Magistrate, Sonbhadra who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 6 through email requiring them to file their reply/response.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Principal Secretary, Irrigation and Water Resources Development Department, Government of Uttar Pradesh, Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh and Member Secretary, Uttar Pradesh Pollution Control Board and District Magistrate, Sonbhadra and Divisional Forest Officer, Sonbhadra direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. Uttar Pradesh Pollution Control Board will be the nodal agency for coordination and compliance. 6. Reply/response by respondents no. 1 to 6 and Report of the Joint Committee be filed within two months through e-filing portal in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."

6. Thereafter, this Hon'ble Tribunal passed an another Order on dated 23.08.2024

"7. Pursuant to order dated 10.05.2024, Joint Committee report has been filed by Regional Officer, U.P Pollution Control Board, Sonbhadra vide its letter dated 16.08.2024. Report shows that field visit was conducted by committee members on 01.08.2024. Observations, conclusions and recommendations made by the committee have been summarized in the report as under:-

"5. The salient observations found during visit and recommendation made by the joint committee members are summarized as follows: -

I. Field Observations:

- a) There was no ongoing boating activity was observed by the team on the 'Dongia Reservoir'.
- b) There was no construction of restaurant found by the team at the 'Dongia Reservoir'.
- c) There was no found any direct evidence of tree cutting near bank of 'Dongia Reservoir' during spot visit.
- d) During the visit it was observed that earlier efforts were made to widen the road but at the time of visit, work found to be closed. Divisional Forest officer informed that legal action was taken against persons involved in road widening work after that work was stopped.



(Signature)

e) The structure of old cow shed was found situated approximate 500 meter away from bank of 'Dongia Reservoir 'in notified area of Nagar Panchayat PipriSonbhadra.

f) There was no found animal dead body during ground inspection. However, Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the dead body of wild animal within forest area found in past and disposed after postmortem by veterinary officer.

11. Spot-Memo prepared based on ground inspection in the presence of joint committee members and other staff as well as applicant namely Shri Ajeet Kumar Gupta, which is attached herewith as Annexure-B.

6. The Nagar Panchayat, Pipri Sonbhadra advertised a tender through daily news-paper for establishment of barricading, coloured cemented seating bench, iron mesh including other works as per record provided by forest division. However after objection by the forest department, Nagar Panchayat Pipari, Sonbhadra vide its letter dated 03.11.2023 informed that above mentioned work as 4 construction / any other work is not going on and stopped per instruction of District Magistrate, Sonbhadra. Copy of letter dated 03.11.2023 is attached herewith as Annexure-C.

7. Divisional Forest officer Renukoot informed that said area was under the Class-B Forest, which was considered as a reserved forest in 1907. These type of land falls under the category of reserved forest under section of 20 A of Indian forest Act 1927. After that the said area was transferred to the forest department by the Revenue department in 1950 for the management by the order of Governor of Uttar Pradesh. Without considering the above facts a notification to constitute the Nagar Panchayat-Pipri was issued in 1958. Since to declare any old reserve forest to the reserved forest under section 20 of Indian Forest Act 1927, it essential to notify the old reserve again under the section 4 of Indian Forest act 1927. Hence a notification was issued by the Governor of Uttar Pradesh to notify the said area under section 4 of Indian forest act 1927 in 1966. Right now, the matter is under proceeding of Forest settlement as per provisions of Indian Forest act 1927.

8. Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the matter about to widening work of the road within forest area came into light in past. For which, action had initiated against defaulters by concerning forest department as per law. (Annexure-D)

9. Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the dead body of female Cheetal within forest area near 'Dongia Reservoir' found on 14.04.2023 and disposed after postmortem by veterinary officer. As per postmortem report, the cause of death of the cheetal was found to be killed by a wild animal. (Annexure-E)

10. -Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the dead body of male Crocodile at bank of 'Dongia Reservoir' found on 11.10.2023 and disposed after postmortem by veterinary officer. (Annexure-F)

Conclusion / Recommendations / Suggestions:

Spot-Memo prepared based on ground inspection in the presence of joint committee members and other staff as well as applicant namely Shri Ajeet Kumar Gupta. Boating activity in reservoir, construction activity of Restaurant, evidence about to tree cutting near bank of reservoir, dead body of animals were not found during site visit as per field observations. For past violation about to tree cutting and widening of road in forest area, action has been initiated against defaulters by forest department as per law. Hence, the suggestion of the joint committee is as follows: -

a) No development activity should be done by Nagar PanchayatPipri without prior permission under the Forest conservation Act 1980 from Forest Department."

8. Report shows that constructions have been found in the questioned area and an attempt to widen the road was also found correct. Since allegations are that the above activities have been undertaken by Dignvijay Pratap Singh, Chairman, Nagar Panchayat,

[Signature]



Pipri, we find it appropriate to implead him. We therefore direct impleadment of following respondents:

1. Digvijay Pratap Singh, Chairman, Nagar Panchayat, Pipri as respondent 7
2. Nagar Panchayat, Pipri, District Sonbhadra through its Chairman as respondent 8.
3. Executive Officer, Nagar Panchayat Pipri, District Sonbhadra as respondent 9

9. Registry shall issue notices to newly impleaded respondents i.e. respondents 7 to 9 who may file their response within two weeks after receipt of notice.

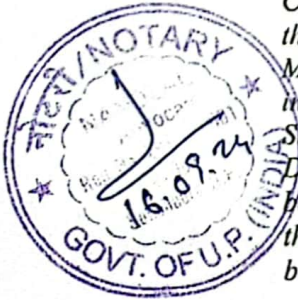
10. List on 17.09.2024.

7. That District Magistrate Sonbhadra passed a direction order dated 06.09.2023 for approval of proposals submitted by Pipri Nagar Panchayat in relation to the funds available under the 15th Finance Commission. The proposed action plan was presented before the committee constituted under the chairmanship of District Magistrate in relation to the allocation received by Pipri Nagar Panchayat under the 15th Finance Commission, as follows:-

(ग) नगर पंचायत, पिपरी द्वारा राज्य वित्त आयोग मद में प्राप्ता धनराशि के सापेक्ष प्रस्ताव

निकाय का नाम	मद का नाम	क्र. सं.	(C) राज्य वित्त आयोग के अन्तर्गत प्रस्तावित कार्यों का विवरण	अनुमानित धनराशि (लाख में)
पिपरी	राज्य वित्त आयोग	1	वार्ड नं०-2/9 आर०अ० प्लान्ट से ओगिया जलाशय तक सी०सी० रोड चौड़ीकरण तथा आर०अ० प्लान्ट से ए०अ०ए०सेन्टर तक सी०सी० रोड का निर्माण कार्य।	25.54
		2	वार्ड नं०-2/9 पिप्लेश्वर नाथ मंदिर तिराछे से गोराला तक सी०सी० सड़क व क्वार्टर नाली का भरगतीकरण कार्य।	11.41
		3	वार्ड नं०-8 आर०अ० प्लान्ट से ओगिया चौपाटी तक 7 मीटर लम्बाई के पोत के साथ एसेम्बल इट्रीट लाईट लगाये जाने का कार्य। (कुल लम्बाई 525मी०)	11.82
		4	वार्ड नं०-2/9 ओगिया जलाशय के टापू में प्लोटींग में जेट टी, साफ-सफाई लोडे के एंगल जाली द्वारा बैरिकेडिंग एवं रंगीन सीमेन्टेड बेंच लगाने का कार्य।	9.00
योग-				58.37

"By Government Order No. 677/9-16-193J/13 Urban Development Section-9 dated 18 May, 2016, the approval of works of public utility infrastructure facilities from Central Finance / State Finance Commission and Infrastructure Development Fund is to be done by the committee constituted under the chairmanship of the District Magistrate. Nagar Panchayat. The Executive Officer of Pipri informed the committee that the action has been completed as per the Standard Operating Procedure issued by the Urban Development Department dated 30.06.2021 and he also presented a statement before the committee that the proposed works are being presented for the first time and in the meeting dated 21.08.2023, no expenditure has been made earlier on the proposed works.



(Signature)

After discussion by the committee on the above proposals submitted by the Municipal Body, approval of all the above proposed works of 15th Finance Commission and State Finance of Urban Bodies has been given by the order/approval of District Magistrate dated 05.09.2023 related to tied/untied GPR and State Finance, for Rs. 41.56 lakh, Rs. 60.68 lakh and Rs. 58.37 lakh respectively, total Rs. 160.61 lakh (Rs. one crore sixty lakh sixty one thousand only) under the following conditions:-

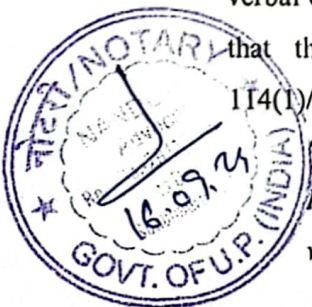
- 1- All the work will be done in compliance with the effective financial rules and relevant government orders issued from time to time by following the process of tender, Gem portal and e-tendering etc.
- 2- The projects will be completed in a time bound manner.
- 3- Timely, "Utilization Certificate" of the amount spent shall be sent to the Department/Accountant General as per rules and a copy of the same shall be submitted for perusal.
- 4- All payments shall be made through PFMS.
- 5- If the work is not started on time, action shall be taken to get the work done from another agency.
- 6- Before making the final payment to any firm, the concerned Executive Officer shall have to obtain an order by giving a certificate to the effect that the entire work has been completed as per the estimate.
- 7- The proposed expenditure in excess of the allocation shall be adjusted from the amount received on the recommendation of the State Finance Commission as per rules.
- 8- Information regarding the monthly progress of the works shall have to be obtained by the local body clerk in soft copy along with photographs at the end of each month.

Apart from the above, before starting the works related to drinking water supply, availability and quality of drinking water at the proposed site must be ensured."

True Copy of District Magistrate passed a direction order approval of proposals submitted by Pipri Nagar Panchayat in relation to the funds available under the 15th Finance Commission on dated 06.09.2023 is annexed hereto and marked as ANNEXURE -A

8. That thereafter immediately the Respondents No. 9 stopped the work as per verbal order / direction of District Magistrate Sonbhadra and also informed that the District Magistrate Sonbhadra, Mirzapur letter Letter No.- 114(1)/N.P.P./2023-24 dated 03/11/2023

"Please respectfully inform regarding the above subject that in Nagar Panchayat Pipri-Sonbhadra, financial and administrative approval was given for the following development works in the financial year



BW

2023-24 by your approval order dated 06.09.2023. In reference to which, various works were published for getting manual tender done in letter no. 236/N.P.P./2023-24/Manual method tender dated 23.09.2023 of Nagar Panchayat Pipri-Sonbhadra. Sir, it is to be informed in the above work that out of the work proposed under the head of State Finance Commission, information was published for getting the work of floating jet tee, cleaning, barricading by iron angle mesh and installation of colored cemented benches done through manual method in the island of Dogiya reservoir in ward no. 02/09 at c.no.-06. No work of any kind is being done there, the said work has been stopped on your verbal order."

True Copy of letter issued by Executive Officer Nagar Panchayat Pipri Sonbhadra to District Magistrate , Sonbhadra dated 03.11.2023 is annexed hereto and marked as **ANNEXURE -B**

9. As per the joint committee report on dated 16.08.2024, the relevant part about to conclusion / suggestions are as below:-

".....Spot-Memo prepared based on ground inspection in the presence of joint committee members and other staff as well as applicant namely Shri Ajeet Kumar Gupta. Boating activity in reservoir, construction activity of Restaurant, evidence about to tree cutting near bank of reservoir, dead body of animals were not found during site visit as per field observations. For past violation about to tree cutting and widening of road in forest area, action has been initiated against defaulters by forest department as per law. Hence, the suggestion of the joint committee is as follows: -

a) No development activity should be done by Nagar Panchayat-Pipri without prior permission under the Forest conservation Act 1980 from Forest Department."



True Copy of Joint Committees Report on dated 16.08.2024 is annexed hereto and marked as **ANNEXURE -C**

10. That the Annexures are true copy of the originals.

Signature



DEPONENT

VERIFICATION:

Verified at Dudhri on this day of 16th September 2024, I the above named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.



DEPONENT



**15वें वित्त आयोग के अंतर्गत उपलब्ध धन
के सापेक्ष नगर पंचायत पिपरी द्वारा प्रस्तुत प्रस्तावों की स्वीकृति**

नगर पंचायत पिपरी द्वारा 15वें वित्त आयोग के अंतर्गत प्राप्त आवंटन के सापेक्ष जिलाधिकारी महोदय की अध्यक्षता में गठित समिति के समक्ष प्रस्तावित कार्ययोजना निम्नवत् प्रस्तुत किया गया :-

(क) नगर पंचायत, पिपरी द्वारा 15वें वित्त आयोग (Tide Grant) मद में प्राप्त धनराशि के सापेक्ष प्रस्ताव

निकाय का नाम	मद का नाम	क्र० सं०	(A) (Tide Grant) के अन्तर्गत प्रस्तावित कार्यो का विवरण	अनुमानित लागत (लाख में)
नगर पंचायत पिपरी	15वें वित्त आयोग (Tide Grant) शासनादेश संख्या-8/3009/320(2)/15 वॉवि0आ0/2022-23 लखनऊ दिनांक 28 मार्च 2023 मु0-35,78,040.00 व्याज रू0 4,59,264.00 कुल रू0 40,37,304.00		Solid Waste Management	
		1	हरा एवं नीला (दिवन डस्टबिन स्टैण्ड सहित) की आपूर्ति-55 नंग। (Capacity Of each bin-100 ltr., Material-Plastic, Material Grade-HDPE, pole Mounted-Yes Material of pole Mild Steel) रू0 7272.00 प्रति नग	400000.00
		2	यूटिलिटी वाहन पिकअप (Type Of Body Pick-Up, Vehicle Capacity cc-2532, vehicle Emission Complainece BS-VI, Type Of Fuel-Diesel, Vechicle Colour Type Both solied and metallic, colour of the vehicle-white)	832700.00
		3	सफाई से सम्बंधित विभिन्न सामग्री की आपूर्ति	
			(1) ब्लिचिंग पाउडर-20, कुण्टल (रू0 100.00 प्रति यूनिट)	1000000
			एण्टीलार्वा-200 (1199.00 प्रति यूनिट)	
			(2) पी0पी0ई0 किट-40 नग (रू0 1080.00 प्रति यूनिट)	
			(3) फावड़ा-50 नग (रू0 500.00 प्रति यूनिट)	
			(4) पंजी-40 नग (रू0 944.00 प्रति यूनिट)	
			(5) तलवार झाड़ी कटिंग हेतु-50 नग (रू0 240 प्रति यूनिट)	
	(6) बेल्ट-50 नग (रू0 500.00 प्रति यूनिट)			
	(7) हथू ठेला गाड़ी (2 चक्के का)-24 नग। (रू0 17000.00 प्रति यूनिट)			
	समस्त सफाई से संबंधित सामग्री जेम दर के अनुसार कय की जायेगी।			
		योग-	2232700	
			Drinking Water	
		1	पेयजल व्यवस्था हेतु 5000 लीटर पी0वी0सी0 वाटर टंकी की आपूर्ति-5 नग। Shape of Tank-Cylindrical Vertical Tank, Layers-Doube Layered Dimensions Of Tank- As per Table 1(Cylindrical Tank) of IS 12701 latest, minimum net capacity up to effective height-5000 ltr., Minimum Wall & Bottom Thickness-10.7 mm RS- 33980 per nos	169900.00
		2	पेयजल पाइप लाइन से संबंधित विविध सामग्री-स्वीज वाल प्लेन,स्वीज वाल डी0एफ0, ज्वाइन्ट,डिस्टेन्सन पीस, ज्वाइन्ट रबर रिंग, रबर गैस कीट इत्यादि। जेम दर अनुमानित	300000.00
		3	स्टील टैंकर-1 नग (5000 लीटर) (Conformity to standards IS 8213:2000 latest amdmt,Capacity Of Water Tank 5000 Ltr., Net Water Carrying 5000 Ltr., Material Used For fabrication of water tank-SS 304G to IS 6911, Thickness of the water tank plate 3.15mm, Gross weight of water tank 950 Kg., Overall length of Trailers 6.7 mtr., Capacity Of Trailer 6 Tonne.)	3,83,000.00
		4	समरसेवल 1.50 एच.पी-20 नग। (Capacity liter/hour-22, Power -1.5 horsepower, head-5 Meter, insulation Class F, phase three, Speed RpM-1450) RS-20990 / nos	419800
		5	वी0टी0 पम्प-50 एच0पी0-1 नग (Capacity liter/hour-450000, Power -50 horsepower, head-15 Meter, insulation Class F, phase three, Speed RpM-960)	201000
		6	हाइपो क्लोराइड-2500लीटर	200000
		7	एलम-30 कुण्टल	250000

		समस्त पेयजल से सम्बंधित सामग्री जेम दर के अनुसार क्य की जायेगी	
			योग- 1922800
			महायोग- 4155500

(ख) नगर पंचायत पिपरी द्वारा 15वॉ वित्त आयोग (Untide Grant) से प्राप्त धनराशि के सापेक्ष निम्न कार्य प्रस्तावित किया गया है

क्र० सं०	निकाय का नाम	भद का नाम	(B) (Untide Grant) के अन्तर्गत प्रस्तावित कार्यो का विवरण	अनुमानित लागत लाख रू० में
1.	नगर पंचायत पिपरी	15वॉ वित्त आयोग (Untide Grant) शासनादेश संख्या -8 / 2966 / 320(2) / 15वॉ वि०आ० / 2022-23 लखनऊ, दिनांक 22मार्च, 2023 बुनियादी अनुदान में रू० 23,85,360.00 ब्याज रू० 4,59,264.00 कुल रू० 28,44,624.00	1 हाइड्रोलिक स्काई लिफ्ट (Propelled tree maintenance platform with max lifting height 9 mtr and liftingtime 2minute, Type Of Fuel-Diesel, Vehicle Emission Complainece as per CMVR-BS-VI, Max Engine Power BHP-65, Engine torque Max 195, Ground Clearance 190 millimeter, Wheel Base 3150 millimeter, Kerb Weight of complete Vehicle 1500 kilogram and Gross vehicle Weight 2700 kilogram)	20.00
			2 वार्ड सं०-01 में गुप्ता होटल के पास दल्लू सेठ जी से घर से संजय टेलर तक रंगीन रबर मोल्ड इण्टरलाकिंग, हाईमास्ट का चबूतरा, स्टील रेलिंग तथा नाली निर्माण का कार्य।	7.98
			3 वार्ड सं०-06 में गुप्ता होटल के पास रिटेनिंग वॉल तथा यूरिनल का निर्माण कार्य।	1.37
			4 वार्ड सं०-06 में गुप्ता होटल के पास अब्दुल्ला बक्सा से अशोक जी के घर तक शक्तिनगर मार्ग पर रंगीन रबर मोल्ड इण्टरलाकिंग तथा नाली कवर्ड करने का निर्माण कार्य।	7.64
			5 वार्ड सं०-06 में गुप्ता होटल के पास नथुनी चाचा जी के घर से दीपक वासिंग सेण्टर तक रंगीन रबर मोल्ड इण्टरलाकिंग, नाली कवर्ड करने का निर्माण कार्य।	7.82
			6 कांशीराम आवास के पास चौराहे पर पार्क में हाईमास्ट लाईट लगाने का कार्य। (एक नग)	7.89
			7 वार्ड सं०-06 कांशीराम आवास के पास चौराहे पर पार्क, रंगीन रबर मोल्ड इण्टरलाकिंग, स्टील रेलिंग तथा नाली कवर्ड करने का निर्माण कार्य।	7.98
			योग-	60.68

LBZ

(ग) नगर पंचायत, पिपरी द्वारा राज्य वित्त आयोग मद में प्राप्त धनराशि के सापेक्ष प्रस्ताव

निकाय का नाम	मद का नाम	क्र० सं०	(C) राज्य वित्त आयोग के अन्तर्गत प्रस्तावित कार्यों का विवरण	अनुमानित धनराशि(लाख में)
पिपरी	राज्य वित्त आयोग	1	वार्ड नं०-2/9 आर०ओ० प्लान्ट से डोंगिया जलाशय तक सी०सी० रोड चौड़ीकरण तथा आर०ओ० प्लान्ट से एम०आर०एफ० सेन्टर तक सी०सी० रोड का निर्माण कार्य।	25.54
		2	वार्ड नं०-2/9 पिप्लेश्वर नाथ मंदिर तिराहे से गौशाला तक सी०सी० सड़क व कवर्ड नाली का मरम्मतकारण कार्य।	11.41
		3	वार्ड नं०-9 आर०ओ० प्लान्ट से डोंगिया चौपाटी तक 7 मीटर लम्बाई के पोल के साथ एसेम्बल स्ट्रीट लाईट लगाये जाने का कार्य।(कुल लम्बाई 525मी०)	11.82
		4	वार्ड नं०-2/9 डोंगिया जलाशय के टापू में फ्लोटींग में जेट टी, साफ-सफाई लोहे के एंगल जाली द्वारा बैरिकेटिंग एवं रंगीन सीमेन्टेड बेंच लगाने का कार्य।	9.60
योग-				58.37

शासनादेश सं०-677/नौ-9-16-193ज/13 नगर विकास अनुभाग-9 दिनांक 18 मई, 2016 द्वारा केन्द्रीय वित्त/राज्य वित्त आयोग व अवस्थापना विकास निधि से जन उपयोगी अवस्थापना सुविधाओं के कार्यों की स्वीकृति जिलाधिकारी की अध्यक्षता में गठित समिति द्वारा किया जाना है। नगर पंचायत पिपरी के अधिशासी अधिकारी द्वारा समिति को अवगत कराया गया कि नगर विकास विभाग द्वारा निर्गत मानक संचालन प्रक्रिया दिनांक 30.06.2021 के अनुसार कार्यवाही पूर्ण कर ली गयी है तथा उनके द्वारा समिति के समक्ष यह भी कथन प्रस्तुत किया गया कि प्रस्तावित कार्य प्रथम बार प्रस्तुत किये जा रहे हैं और दिनांक 21.08.2023 की बैठक में प्रस्तावित कार्यों पर पूर्व में व्यय नहीं किया गया है।

नगर निकाय द्वारा प्रस्तुत उपरोक्तानुसार प्रस्तावों पर समिति द्वारा विचार-विमर्श के पश्चात नगरीय निकायों के 15वां वित्त आयोग व राज्य वित्त के प्रस्तावित उपर्युक्त सभी कार्यों की स्वीकृति जिलाधिकारी महोदय के आदेश/ अनुमोदन दिनांक 05.09.2023 द्वारा टाईड/अनटाईड ग्रन्ट एवं राज्य वित्त से सम्बन्धित क्रमशः मु० 41.56 लाख, मु०-60.68 लाख एवं मु० 58.37 लाख रुपये कुल मु० 160.61 लाख रुपये (मु० एक करोड़ साठ लाख इकसठ हजार रुपये मात्र) की स्वीकृति निम्नलिखित शर्तों के अधीन प्रदान की गयी है :-

- 1- समस्त कार्य प्रभावी वित्तीय नियमों व समय-समय पर जारी सुसंगत शासनादेशों के अनुपालन में निविदा जेम पोटल व ई-टेण्डरिंग आदि प्रक्रिया का पालन करते हुए किया जायेगा।
- 2- परियोजनाएं समयबद्ध रूप से पूर्ण की जायेगी।
- 3- व्यय धनराशि का समयबद्ध, नियमानुसार "उपभोग प्रमाण पत्र" विभाग/महालेखाकार को प्रेषित करते हुए उसकी एक प्रति अवलोकनार्थ प्रस्तुत की जायेगी।
- 4- समस्त भुगतान पी०एफ०एम०एस० द्वारा किया जायेगा।
- 5- कार्य समय से प्रारम्भ न कराये जाने पर कार्य अन्य कार्यदायी संस्था से कराये जाने की कार्यवाही की जायेगी।
- 6- किसी फर्म का अन्तिम भुगतान करने के पूर्व सम्बन्धित अधिशासी अधिकारी द्वारा इस आशय का प्रमाण देकर आदेश प्राप्त करना होगा कि सम्पूर्ण कार्य प्राक्कलन के अनुसार पूर्ण कर लिया गया है।
- 7- आवंटन से अधिक प्रस्तावित व्यय नियमानुसार राज्य वित्त आयोग की संस्तुति पर प्राप्त धनराशि से समायोजित की जायेगी।
- 8- कार्यों की मासिक प्रगति की सूचना प्रत्येक मासान्त मय फोटोग्राफ साफ्ट कापी में स्थानीय निकाय लिपिक को प्राप्त करानी होगी।

उपरोक्त के अतिरिक्त पेयजल आपूर्ति से सम्बन्धित कार्यों को प्रारम्भ करने के पूर्व प्रस्तावित स्थल पर पेयजल की उपलब्धता एवं गुणवत्ता अनिवार्य रूप से सुनिश्चित किया जाय।

6.9.23
अपर जिलाधिकारी(न्यायिक)
प्रभारी अधिकारी स्था०नि०,
सोनभद्र।

कार्यालय नगर पंचायत पिपरी-सोनभद्र

पत्रांक:- 298(1)/न0पं0पि0/2023-24

दिनांक:- 03/11/2023

सेवा में,

जिलाधिकारी महोदय,
सोनभद्र।

विषय:-नगर पंचायत पिपरी-सोनभद्र में प्रस्तावित कार्य सं0-06 को न किये जाने के संबंध में।

महोदय,

कृपया उपर्युक्त विषयक के संबंध में सादर अवगत कराना है कि नगर पंचायत पिपरी-सोनभद्र में वित्तीय वर्ष 2023-24 में आपके स्वीकृति आदेश दिनांक 06.09.2023 द्वारा निम्न विकास कार्य कराये हेतु वित्तीय एवं प्रशासनीय स्वीकृति प्रदान की गयी थी। जिसके संदर्भ में नगर पंचायत पिपरी-सोनभद्र के पत्र सं0-236/न0पं0पि0/2023-24/मैनुअल विधि निविदा दिनांक 23.09.2023 को मैनुअल विधि निविदा कराये हेतु विभिन्न कार्य प्रकाशित कराया गया था। महोदय उक्त के क्रम में अवगत कराना है कि राज्य वित्त आयोग के मद से प्रस्तावित कार्य में से सं0-06 पर वार्ड नं0 02/09 में डोगिया जलाशय के टापू में फ्लोटिंग में जेट टी, साफ-सफाई लोहे के एगल जाली द्वारा बैरिकेटिंग एवं रगीन सीमेंटेड बेंच लगाये जाने के कार्य का मैनुअल विधि से कराने हेतु सूचना प्रकाशित किया गया था। वहाँ पर किसी भी प्रकार का कार्य नहीं हो रहा है, उक्त कार्य को आपके मौखिक आदेश पर रोक दिया गया है।

अतः रिपोर्ट महोदय की सेवा में सादर प्रेषित।

a.m.
PS-11-2023
अधिसासी अधिकारी
नगर पंचायत पिपरी
सोनभद्र

Joint Committee Report in pursuant to order dated 10.05.2024 passed by Hon'ble NGT in the matter of Original Application No. 176/2024 Ajeet Kumar Gupta Versus State of UP & Ors.

1. Hon'ble NGT vide its Order 10.05.2024 passed by Hon'ble NGT in the matter of Original Application No. 176/2024 Ajeet Kumar Gupta Versus State of UP & Ors., instructed the following:-

“5.....we constitute a Joint Committee comprising of representatives of Principal Secretary, Irrigation and Water Resources Development Department, Government of Uttar Pradesh, Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh and Member Secretary, Uttar Pradesh Pollution Control Board and District Magistrate, Sonbhadra and Divisional Forest Officer, Sonbhadra direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. Uttar Pradesh Pollution Control Board will be the nodal agency for coordination and compliance.

6. Reply/response by respondents no. 1 to 6 and Report of the Joint Committee be filed within two months through e-filing portal in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List the matter for further consideration on 23.08.2024.....”

2. In order to above, the following members have been nominated by the concerned departments for the said committee:-

- a. Shri Shadeo Kumar Mishra, ADM (F/R), Sonbhadra nominated by the District Magistrate, Sonbhadra.

- b. Shri Bhanendra Singh, Divisional Forest Officer, Renukoot Forest Division, Renukoot, Sonbhadra Nominated by the Additional Principal Secretary Department of Environment, Forest and climate change, Government of U.P.
- c. Shri Kunj Mohan Verma, Divisional Forest Officer 'DFO', Sonbhadra.
- d. Shri Sushil Kumar Singh, Executive Engineer, Rihand Dam Civil Division Pipri, Sonbhadra.
- e. Shri Umesh Kumar Gupta, Regional Officer, UPPCB, Sonbhadra nominated by the Member Secretary, U.P. Pollution Control Board, Lucknow.
3. That the relevant part of the letter petition enumerating grievances of the applicants is reproduced as follows:-

".....विषय—डोंगिया जलाशय पिपरी सोनभद्र के रिजर्व फारेस्ट में नगर पंचायत पिपरी के चेयरमैन तथा E.O. (Executive Officer) द्वारा जंगलों को कटवा कर अवैध कब्जा करने तथा वन, वन्यजीवों एवं जलीय जंतुओं के जीवन को उत्पन्न आसन्न संकट विषयक।

महोदय,

निवेदन है कि डोंगिया जलाशय पिपरी, सोनभद्र का सम्पूर्ण हिस्सा रिजर्व फारेस्ट में आता है तथा यहाँ घना जंगल है, जिसमें हिरण, तेंदुआ, साही, भेड़िया, मोर, लंगूर, बंदर तथा अन्य जंगली जानवरों का निवास स्थान है तथा डोंगिया जलाशय के जल में मगरमच्छों का निवास है तथा पानी के बीच स्थित टापू पर मगरमच्छों का मिलन स्थल (Basking site) है। इस जगह पर नगर पंचायत पिपरी के चेयरमैन दिग्विजय प्रताप सिंह तथा E.O. (Executive Officer) द्वारा अपने लोगों के साथ मिलकर रिजर्व फारेस्ट के जंगल को चोरी छिपे कटवा कर स्वयं तथा अपने भाईयों और सम्बंधियों द्वारा अवैध कब्जा किया जा रहा है। वन विभाग की कुछ जमीन पर नगर पंचायत पिपरी के अध्यक्ष द्वारा अवैध कब्जा करके गौशाला का निर्माण भी किया गया है। वहाँ कई जगहों पर इनके भाइयों, मित्रों तथा रिश्तेदारों तथा सगे संबंधियों को भी इन्होंने कब्जा करवाया है, जिसके लिए इनके ऊपर कई बार वन विभाग ने मुकदमा भी दर्ज कराया है। वर्तमान समय में नगर पंचायत पिपरी अध्यक्ष दिग्विजय प्रताप सिंह, कार्यकारी अधिकारी तथा इनके साथ के लोग मिलकर वन विभाग के रिजर्व फॉरेस्ट में स्थित डोंगिया जलाशय तक जाने के लिए पेड़ों को काटकर सड़क चौड़ा कर रहे हैं तथा डोंगिया जलाशय पर कब्जा करके वहाँ पर व्यक्तिगत बोटिंग स्थापित करना चाहते हैं।, तथा साथ ही साथ पानी के बीच स्थित एक टापू पर, जो घने

जंगलों से आच्छादित है पर भी पेड़ों की कटाई करवा के अवैध कब्जा कर रेस्टोरेंट खोलने की कवायद चल रही है। इसके लिए अपने लोगों को भी रिजर्व फारेस्ट में अवैध रूप से बसाने हेतु जंगलों की कटाई इन लोगों द्वारा कराया जा रहा है। इसके लिए वन विभाग पिपरी ने उनके ऊपर कार्यवाही भी किया है, लेकिन वन विभाग द्वारा किये जा रहे किसी भी कार्यवाही का उनके ऊपर कोई असर नहीं है। क्योंकि नगर पंचायत पिपरी के अध्यक्ष दिग्विजय प्रताप सिंह स्वयं को जंगल का राजा व भूमाफिया कहते हैं और एक दबंग प्रकार के व्यक्ति हैं। उनके इस प्रकार के क्रिया कलापों से वन, वन्यजीवों, जल-जीवों तथा मानव जीवन को भी खतरा है। वहाँ आये दिन अवैध कब्जे को लेकर जंगलों की अवैध कटाई होती रहती है तथा वन्य जीवों का शिकार भी किया जाता है। अभी कुछ दिन पहले ही एक बड़े मगरमच्छ को मार कर बड़े ही बेरहमी से उसका सिर, धड़ से अलग कर दिया गया जिसका पोस्टमार्टम वन विभाग पिपरी द्वारा कराया गया। इसके पूर्व शिकार कर के हिरण तथा मोर को भी मारा गया। इन सभी मृत जीवों की फोटो साथ में संलग्न है तथा इसका पूर्ण विवरण वन विभाग पिपरी द्वारा प्राप्त किया जा सकता है। लेकिन वहाँ (डोंगिया जलाशय पिपरी) पर नगर पंचायत पिपरी के चेयरमैन द्वारा अवैध कब्जा करने का प्रयास जारी है तथा पानी के बीच स्थित उक्त टापू पर, जो मगरमच्छों का बास्किंग साइट है पर रेस्टोरेंट बनाने के लिए जिला प्रशासन तथा वन विभाग पर ऊपर से (शासन तथा सरकार को भ्रमित कर के तथा गलत सूचना के आधार पर) दबाव डलवाने का प्रयास किया जा रहा है। इसके साथ ही डोंगिया जलाशय, रिहंद डैम काफी संवेदनशील एरिया है तथा काफी गहरा है।

वहाँ की स्थिति को देखते हुए वहाँ पर्यटन को बढ़ावा हेतु नौका संचालन कर रही संस्था ने भी 3 माह पूर्व ही लिखित रूप से जिला पर्यटन अधिकारी सोनभद्र को, वहाँ (डोंगिया जलाशय पिपरी में) किसी भी पर्यटन सम्बंधी क्रिया कलाप को न करने सम्बंधी अपना सुझाव/रिपोर्ट दिया था, जिसकी कापी साथ में संलग्न है,। उक्त संस्था द्वारा दी गई रिपोर्ट के आधार पर जिलाधिकारी सोनभद्र ने नौका संचालन तुरंत बंद करा दिया। वन विभाग पिपरी ने वन क्षेत्र पर अवैध कब्जा को लेकर नगर पंचायत पिपरी के वर्तमान चेयरमैन दिग्विजय प्रताप सिंह, उनके भाई, मित्रों सम्बन्धियों तथा नगर पंचायत पिपरी के कार्यकारी अधिकारी के ऊपर FIR भी किया है तथा केस भी काटा है, जिसका विवरण निम्नवत् है:-

FIR No.-155/2019

Sections (धाराएं) –

1:- 5/26 of IFA-1927

2:- 3(2) of FCA 1980

3:- 27, 29, 39 D, Sec. of WLPA 1972

4:- 3(2) S. of Public Property 1984:- Sec. 447 of IPC

अभियुक्त

1:- अनिल सिंह पुत्र आर०पी० सिंह

2:- दिग्विजय सिंह पुत्र शत्रुघ्न सिंह

आरोप पत्र संख्या-A-158 11/09/2019

मुकदमा संख्या- 6001/2020)

CJM Court Sonbhadra

कुछ प्राप्त FIR की कापी साथ में संलग्न है।

अतः आपसे विनम्र अनुरोध है कि डोंगिया जलाशय, रिहंद डेम का हिस्सा होने के कारण अति संवेदनशील है। उसकी सुरक्षा को ध्यान में रखते हुए तथा वन, वन्य जीवों, जल- जीवों, प्रकृति, पर्यावरण तथा मानव जीवन को उत्पन्न आसान संकट से बचाने हेतु वहाँ किसी भी प्रकार के पर्यटन संबंधित क्रियाकलापों तथा टापू पर नगर पंचायत द्वारा बनाए जाने वाले रेस्टोरेंट को पूरी तरह से रोक देने का आदेश प्रदान करने की कृपा करें। तथा साथ ही नगर पंचायत पिपरी के चेयरमैन दिग्विजय प्रताप सिंह तथा उनके भाईयों, मित्रों तथा नगर पंचायत पिपरी के कार्यकारी अधिकारी के ऊपर अनुशासनात्मक व दंडात्मक कार्यवाही करने का आदेश प्रदान करने की कृपा करें तथा साथ ही जिला प्रशासन एवं पर्यटन विभाग को भी वहाँ नौका विहार तथा किसी भी प्रकार के पर्यटन विकास के कार्यों को तत्काल प्रभाव से बंद करने का आदेश प्रदान करने की कृपा करें, ताकि वन, वन्य जीव, जल जीव के साथ-साथ मानव जीवन, प्रकृति तथा पर्यावरण भी सुरक्षित हो सके.....”

4. The Committee members discussed and decided a date for carrying out field visit on 01.08.2024. Intimation letter has been issued to all concerning department by UPPCB vide letter dated 27.07.2024 (Annexure-A). The joint committee conducted the site visit on the date-01.08.2024 along with applicant namely Shri Ajeet Kumar Gupta.
5. The salient observations found during visit and recommendation made by the joint committee members are summarized as follows: -
 - I. Field Observations:
 - a) There was no ongoing boating activity was observed by the team on the 'Dongia Reservoir'.
 - b) There was no construction of restaurant found by the team at the 'Dongia Reservoir'.

- c) There was no found any direct evidence of tree cutting near bank of 'Dongia Reservoir' during spot visit.
- d) During the visit it was observed that earlier efforts were made to widen the road but at the time of visit, work found to be closed. Divisional Forest officer informed that legal action was taken against persons involved in road widening work after that work was stopped.
- e) The structure of old cow shed was found situated approximate 500 meter away from bank of 'Dongia Reservoir 'in notified area of Nagar Panchyat Pipri-Sonbhadra.
- f) There was no found animal dead body during ground inspection. However, Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the dead body of wild animal within forest area found in past and disposed after postmortem by veterinary officer.
- II. Spot-Memo prepared based on ground inspection in the presence of joint committee members and other staff as well as applicant namely Shri Ajeet Kumar Gupta, which is attached herewith as Annexure-B.
- III. Photographs of site visit are as follows: -





6. The Nagar Panchayat, Pipri Sonbhadra advertised a tender through daily news-paper for establishment of barricading, coloured cemented seating bench, iron mesh including other works as per record provided by forest division. However after objection by the forest department, Nagar Panchayat Pipari, Sonbhadra vide its letter dated 03.11.2023 informed that above mentioned work as construction / any other work is not going on and stopped per instruction of District Magistrate, Sonbhadra. Copy of letter dated-03.11.2023 is attached herewith as Annexure-C.
7. Divisional Forest officer Renukoot informed that said area was under the Class-B Forest, which was considered as a reserved forest in 1907. These type of land falls under the category of reserved forest under section of 20 A of Indian forest Act 1927. After that the said area was transferred to the forest department by the Revenue department in 1950 for the management by the order of Governor of Uttar Pradesh. Without considering the above facts a notification to constitute the Nagar Panchayat-Pipri was issued in 1958. Since to declare any old reserve forest to the reserved forest under section 20 of

Indian Forest Act 1927, it essential to notify the old reserve again under the section 4 of Indian Forest act 1927. Hence a notification was issued by the Governor of Uttar Pradesh to notify the said area under section 4 of Indian forest act 1927 in 1966. Right now, the matter is under proceeding of Forest settlement as per provisions of Indian Forest act 1927.

8. Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the matter about to widening work of the road within forest area came into light in past. For which, action had initiated against defaulters by concerning forest department as per law. (Annexure-D)
9. Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the dead body of female Cheetal within forest area near 'Dongia Reservoir' found on 14.04.2023 and disposed after postmortem by veterinary officer. As per postmortem report, the cause of death of the cheetal was found to be killed by a wild animal. (Annexure-E)
10. -Divisional Forest Officer 'DFO' Renukoot, Sonbhadra informed that the dead body of male Crocodile at bank of 'Dongia Reservoir' found on 11.10.2023 and disposed after postmortem by veterinary officer. (Annexure-F)

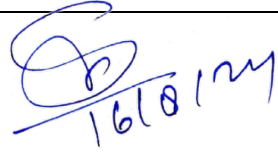

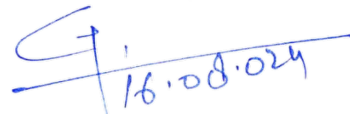


Conclusion / Recommendations / Suggestions:

Spot-Memo prepared based on ground inspection in the presence of joint committee members and other staff as well as applicant namely Shri Ajeet Kumar Gupta. Boating activity in reservoir, construction activity of Restaurant, evidence about to tree cutting near bank of reservoir, dead body of animals were not found

during site visit as per field observations. For past violation about to tree cutting and widening of road in forest area, action has been initiated against defaulters by forest department as per law. Hence, the suggestion of the joint committee is as follows: -

- a) No development activity should be done by Nagar Panchayat-Pipri without prior permission under the Forest conservation Act 1980 from Forest Department.

The above Joint Committee report may be filed for kind information and consideration of this Committee.

Name of the Committee members		Signature
1.	Shri Shadeo Kumar Mishra, ADM (F/R), Sonbhadra.	 16/08/24
2.	Shri (Dr.) Bhanendra Singh, Divisional Forest Officer, Renukoot Forest Division, Sonbhadra.	 16/08/24
3.	Shri Kunj Mohan Verma, Divisional Forest Officer ' DFO', Sonbhadra.	 16.08.24
4.	Shri Sushil Kumar Singh, Executive Engineer, Rihand Dam Civil Division Pipri, Sonbhadra.	 16/08/24
5.	Shri Umesh Kumar Gupta Regional Officer, UPPCB Sonbhadra.	 16/08/2024
Dated: 16.08.2024		

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH :: NEW DELHI
ORIGINAL APPLICATION No. 176 of 2024**

IN THE MATTER OF:

AJIT KUMAR GUPTA

....APPLICANT

VERSUS

State of UP.

....RESPONDENT

KNOW ALL to whom these present shall come that I/We

the above named

Sujeet Kumar (Enrol. No. D/2046/2011), Shailendra Kumar Nirmal (D/2004/2008) & Reena Patel (Enrol. No. UP00505/10)

Advocates

**Supreme Court Of India, Delhi High Court &
National Green Tribunal**

Chamber No. 426 Additional Building Block D Supreme Court , New Delhi.

Email : sclawyersujeetsingh@gmail.com

Mob.no. 9210070726

do hereby appoint. (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

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 me/ us.

To sign, file verify 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 to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may 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.

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

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

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

IN WITNESS WHERE OF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this _____ day of

[Signature] 2024

Advocate

[Signature]

Client

[Signature]

Client

ATTESTED
[Signature]
16/07/24