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BEFORE THE NATIONAL GREEN
TRIBUNAL, NEW DELHI

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IN

**SHORT COUNTER AFFIDAVIT ON BEHALF OF
STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY**

(Respondent No. 7)

Miscellaneous Application No. 121 of 2023

In

Original Application No. 692/2022

Junaid Ayubi

Applicant

Versus

State of Uttarakhand and ors.

Respondents

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Dated: 22nd February, 2025


Dr. Aman Rab
Advocate
(Counsel for the respondent no. 7)

(2)

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Affidavit of Shri Amulya Ratan Sinha, aged about 68 years, S/o Dr. Brij Kishor Sinha presently posted as Chairman, SEIAA, Paryavaran Bhawan, IT Park, 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 Chairman, State Environment Impact Assessment Authority Uttarakhand and is competent to sign and swear the instant affidavit. It is pertinent to bring it on record that the authority has been reconstituted by

A.P. Sinha

Government of India Memorandum of Understanding no. CG-DL-E-06102022-239372 dated 04.10.2022 and the deponent is submitting the reply on the basis of records available in the office of SEIAA.

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- 2) That the deponent has gone through the contents of the above-noted Misc. Application (hereinafter referred to as 'the said Application') along with the affidavit and annexures filed by the applicant and has fully understood the contents thereof and is in a position to reply to the same.
- 3) That it is also pertinent to mention that the applicant filed a Civil Appeal No. 4287/2023, Mukesh Joshi Vs. State of Uttarakhand before the Hon'ble Supreme Court of India. Thereafter, State of Uttarakhand also filed a Civil Appeal No. 005041-005044/2023, State of Uttarakhand Vs. Junaid Ayubi. The Hon'ble Supreme Court vide common order dated 07.08.2023 was pleased to dispose the aforesaid appeals as under: -

"..... CIVIL APPEAL NO. /2023(@ Diary No(s). 22038/2023) Delay condoned. The learned Senior Counsel appearing for the State pointed out that the State will take steps to transfer environmental clearance to the appellant in Civil Appeal No.4287 of 2023. We, therefore, dispose of the appeal with liberty to take steps accordingly. Pending applications, if any, also stand disposed of.

CIVIL APPEAL NO. 4287/2023 Learned Senior Counsel appearing for the appellant seeks permission to withdraw the appeal as he wants to avail the remedy reserved by the Tribunal in terms of paragraph 16 of the impugned judgment. To enable

APPSINL



him to avail the remedy, the appeal is disposed of as withdrawn. We make it clear as far as the issue of compensation is concerned, if an adverse order is passed by the Tribunal, the appellant can always challenge the same in accordance with law. As and when Environmental Clearance is transferred in the name of the appellant, it will be open for the appellant to apply for modification of the impugned judgment."

- 4) That in furtherance of the order dated 07.08.2023 passed by the Hon'ble Supreme Court, the answering respondent (SEIAA) vide letter bearing EC No. 135-01(70)/2023, dated 22.11.2023 transferred the Environmental Clearance in favour of Mukesh Joshi under Section 11 of EIA Notification 2006. The said letter reads as "The above Environmental Clearance shall be transferred from M/s Garhwal Mandal Vikas Nigam (GMVN) Limited, 74-1, Rajpur Road, Dehradun, Uttarakhand to M/s Uttara Awas Yojna (prop) Shri Mukesh Joshi, A-2-4, Pinnacle Residency, Rajpur Road, Dehradun, for the validity period of original EC and with same terms and conditions.". In this connection, a copy of the letter dated 22.11.2023 is being marked and annexed as **ANNEXURE NO.1** to this Affidavit.
- 5) That the deponent craves liberty of the Hon'ble Tribunal to raise further detailed submissions or file additional/ de-tailed affidavit at later stage if and when required.



A.P.S.L.
Deponent

Verification: -

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I, Amulya Ratan Sinha, do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos. 1 (partly), 2 and 5 are true to my personal knowledge and those in paragraph nos. 1 (partly), 3 and 4 are based on the perusal of records. Nothing material has been concealed and no part of it is untrue. So, help me God.

A Sinha
Deponent

I, Deepak Dobhal, Advocate, do hereby identify Amulya Ratan Sinha from his Aadhar Card No. 5029 0760 5399 who has produced the records of the case before me and I am satisfied that he is the same person as alleged.

Deepak
Deepak Dobhal
Advocate
UK 131/2024

Solemnly affirmed before me on this 29 day of February 2025 at Dehradun at about 4:00 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.



A Sinha

Notary
Affidavit is sworn before me by
Amulya Ratan Sinha
in presence of Sns *Deepak Dobhal*
Dehra Dun. *22/2/2025*
K.M. URMILA BHATIA
Advocate & NOTARY, Dehradun

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राज्य स्तर पर्यावरण समाघात निवारण
प्रधिकरण, उत्तराखण्ड, "गौरादेवी पर्यावरण
नगर्, तृतीय तल, 48-बी, आई.टी. पार्क,
सहस्रप्रयाग रोड, देहरादून"
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
भारत सरकार, नई दिल्ली द्वारा गठित)
दूरभाष: 0135-2978159
ईमेल: seiaa.seac.uk@gmail.com



State Level Environment Impact
Assessment Authority, "Gauradevi
Paryavaran Bhawan, Third Floor, 48-
I.T. Park, Sahasradhara Road
Dehradun"
(Constituted by Ministry of
Environment, Forests and Climate
Change Government of India.)
Phone No-0135-2978159
Email- seiaa.seac.uk@gmail.com

EC No-135-01(70)/2023

Dated- 22.11.2023

To
M/s Uttara Awas Yojna (Prop) Shri Mukesh Joshi,
A-2-4, Pinnacle Residency, Rajpur Road, Dehradun.

Sub- Regarding the transfer of the title of Environmental Clearance to M/s Uttara Awas Yojna (Prop) by Shri Mukesh Joshi S/o Shri Jeet Mani Joshi from M/s Garhwal Mandal Vikas Nigam (GMVN) Limited, 74/1, Rajpur Road, Dehradun, Uttarakhand for extraction of Sand Bajri and Boulder (Minor Mineral) at Village- Dakpathar, Nawabgarh, Mandi Gangbheva & Bhimawala, Tehsil- Vikasnagar, District- Dehradun from Yamuna River Lot No.21/1, having production capacity of 8,00,000 TPA (ROM) in (Area-123.19 Ha).

In reference to your online application SIA/UK/MIN/305629/2023 dated- 12th Oct, 2023 regarding above mentioned subject, it is to inform you that as per the provision under section-11 of EIA Notification, 2006, transferability of Environmental Clearance (EC) is permitted on the same terms and conditions under which the prior EC was initially granted and for the same validity period.

The Authority after taking due consideration of your request has permitted transfer of Environmental Clearance of the above mentioned project issued by MoEF&CC vide letter no- J-11015/130/2013-IA-II (M) dated- 17th Aug, 2016 to M/s Garhwal Mandal Vikas Nigam (GMVN) Limited to the applicant as he has secured the above mine lease from GMVN through E-Tender and has already signed MoU with M/s Garhwal Mandal Vikas Nigam (GMVN) Limited.

The validity of Environmental Clearance will be upto 30.06.2025 as is in the original EC. Hence, the transfer of the title of Environmental Clearance will be as mentioned below-

"The above Environmental Clearance shall be transferred from M/s Garhwal Mandal Vikas Nigam (GMVN) Limited, 74/1, Rajpur Road, Dehradun, Uttarakhand to M/s Uttara Awas Yojna (Prop) Shri Mukesh Joshi, A-2-4, Pinnacle Residency, Rajpur Road, Dehradun, for the validity period of original EC and with same terms and conditions."

The other conditions of EC shall remain unchanged

(S.P. Subudhi)
Member, Secretary,
SEIAA, Uttarakhand

No. 135 /SEIAA dated- as above

Copy to following for information and necessary action:

1. APCCF, Regional office (Central) MoEFCC Govt of India, 25 Subhash Road, Dehradun.
2. Principal Secretary, Forests & Environment, Government of Uttarakhand, Dehradun.
3. District Magistrate, Dehradun.
4. Director, Industry, Geology and Mining Unit, Govt. of Uttarakhand.
5. Member Secretary, UKPCB, Dehradun.
6. Divisional Forest Officer, Dehradun.
7. M/s Garhwal Mandal Vikas Nigam (GMVN) Limited, 74/1, Rajpur Road, Dehradun.
8. Guard File.



AR Subudhi

Attested Photo (S.P. Subudhi)
Member, Secretary,
SEIAA, Uttarakhand

Km. URMILA BHATA
A/Secy & NSDP, Dehradun