

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

ITEM NO. 01                      COURT NO. 2

In the matter of:-

Original Application No.505/2022

Devendra Kumar & Anr.  
.....Applicant.

Versus

1. State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh.
2. The Principal Chief Conservator of Forest (HoFF) Government of Himachal Pradesh.
3. State Pollution Control Board.
4. Deputy Commissioner, Mandi

.....Respondents.

Additional reply to Original Application No. 505/2022- titled as Devendra Kumar & Anr. versus State of HP and others on behalf of respondent No. 1 to 4.

May It Please Your Lordships:

Respectfully Sheweth,

**PRELIMINARY SUBMISSION:-**

1. That the present application relates to the application filed by Devendra Kumar and others in Hon'ble NGT regarding illegal construction and cutting of thousand of trees in dense forests in construction of road from Khodathach to Jognigalu in Balichowki area of District Mandi, Himachal Pradesh. In pursuant to the order dated 30.08.2022 passed by this Hon'ble Tribunal, detailed inquiry in this behalf was carried out by a Joint Committee on 06.10.2022. On inquiry, a 600-700 meter road was found constructed by the user agency. On this Hon'ble court constituted a committee of officers and sought action taken report. On this DC Mandi constituted a committee of different departments under the chairmanship of ADM Mandi. This committee submitted its report and same was put before the Hon'ble National Green Tribunal on 12.05.2023. The Hon'ble National Green Tribunal directed to file additional reply on next date of hearing regarding Compensatory Afforestation in lieu of area diverted for construction of road from

Khodathach to Joganigalu. To comply the order of Hon'ble National Green Tribunal, Deputy Commissioner Mandi again constituted a committee under chairmanship of ADM Mandi. The committee has submitted its report to DC Mandi. In compliance of Hon'ble National Green Tribunal, the committee asked the executive agency to pay the cost of CA and the same has been deposited by Executive Engineer HPPWD Thalout, Distt. Mandi into Govt. accounts of DFO Nachan to carry out the CA in ensuing planting season.

**REPLY ON MERIT:-**

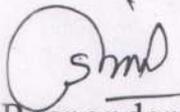
1. That the present application is regarding illegal construction of road from Khodathach to Jognigalu in Balichowki area of District Mandi, Himachal Pradesh passing through dense forest and result in cutting of green trees in violation of environment norms and judgment of Hon'ble Supreme Court.
2. That in compliance to this Hon'ble Tribunal judgment dated 12.05.2023, the Deputy

Commissioner Mandi, District Mandi, Himachal Pradesh constituted a committee headed by Additional District Magistrate Mandi vide office order No. 36495 dated 10.11.2023 for joint inspection of the area. The committee carried out site visit on dated 23.11.2023 to verify the factual position on ground. No violation of Forest (Conservation) Act, 1980 and illicit felling of trees have been found.

3. That the in compliance to the directions of Hon'ble Tribunal, Compensatory Afforestation shall be carried out through Forest Department in ensuing planting season to reclaim the area in the vicinity of newly constructed road namely Khodathach to Joganigalu. Compensatory Afforestation area has been identified in the vicinity of newly constructed road in Demarcated Protected Forest Rangacha over an area of 2 hectare. Funds to the tune of Rs. 481000/- to raise Compensatory Afforestation as per approved CA Plan has been deposited by Executive Engineer Himachal Pradesh Public Works Division Thalout into Government accounts of Divisional Forest

Officer Nachan. Accordingly. Compensatory Afforestation will be carried out by the Forest Department during ensuing plantation season and compliance will be reported to this Hon'ble Tribunal.

In view of the above submissions, it is therefore prayed that the additional reply may kindly be taken on record.

  
Respondents

NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI.

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**AFFIDAVIT IN SUPPORT OF ADDITIONAL  
REPLY TO O.A. No. 505/2022**

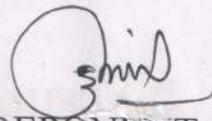
I, S.S. Kashyap, HPFS, son of late Shri N.L. Kashyap aged 52 years, presently working as Divisional Forest Officer, Nachan Forest Division at

Gohar, HP do hereby solemnly affirm and state on oath that the accompanying additional reply to OA No. 505/2022 has been drafted at my instance and under my instructions and before signing it, I have carefully gone through the contents of the same.

2. That the contents of the additional reply from Para No. 1 to 2 of preliminary submissions and Para No. 1 to 3 of accompanying reply are true to my personal knowledge and belief and as per information derived from the official record. No part of it is false and nothing material has been concealed therefrom.

I, further solemnly affirm and verify that the contents of Para No. 1 and 2 of this affidavit are true to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

Verified at Gohar on 11<sup>th</sup> day of December, 2023.

  
DEPONENT