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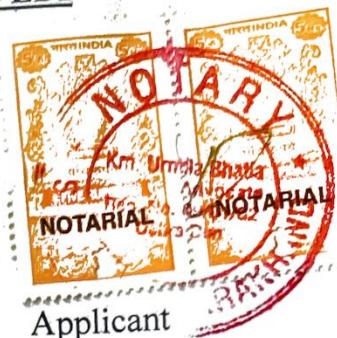
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

AFFIDAVIT ON BEHALF OF DR. RAJKUMAR CHATURVEDI
UTTARAKHAND POLLUTION CONTROL BOARD

IN

Original Application No. 353 of 2022

Kartik Sharma



Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

AFFIDAVIT OF Dr. Rajkumar
Chaturvedi S/o Shri Ramswarup Chaturvedi
aged about 52 years, presently posted as
Scientific Officer at Uttarakhand Pollution
Control Board, 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 Scientific officer, Uttarakhand
Pollution Control Board, Dehradun and as such is fully conversant with the
facts of the case and is competent to sign and swear the instant affidavit.

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2. That the above-mentioned matter was listed for hearing on 13.11.2025 wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:

“....

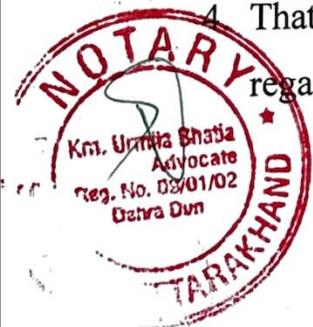
3. Dr. Chaturvedi has submitted today that he had not given any such instruction to the counsel for the UKPCB appearing on 12.02.2025. He submits that subsequently an email was also sent in this regard to the counsel. He is permitted to file an affidavit to this effect along with the supporting affidavit within one week.

....”

3. That it is respectfully submitted that in the order dated 12.02.2025, it has been recorded that the instructions were given by the undersigned to the Learned Counsel for UKPCB that due opportunity of hearing was granted and show cause notices were issued prior to the enhancement of the Environmental Compensation. It is respectfully clarified that no such instructions were given by the undersigned at any point prior to the passing of the said order. After perusing the order dated 12.02.2025, the undersigned immediately informed the Learned Counsel vide email dated 18.02.2025 that the statement attributed to the undersigned was not correct and earlier show cause directions given to 106 hotels was undertaken strictly in compliance with the directions of the Hon'ble Tribunal. The learned Counsel also acknowledged the same and stated that the factual position would be duly clarified before the Hon'ble Tribunal on the next date of hearing. In this connection, a copy of the email dated 18.02.2025 is being filed and marked as **Annexure no. 1** to this affidavit.

4. That the deponent is a responsible government servant having the highest regard for the Hon'ble Tribunal and order passed by them. The deponent has

Pik



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.

Pik
Deponent

Verification:-

I, the above-named deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge and belief based on the official record and nothing is false, and no material has been concealed therein.

Identified by :-

Piyanka
Piyanka Jena,
Advocate
UK/1475/2025
Dehradun,
Uttarakhand.

Pik
Deponent

This affidavit is sworn before me on
Shr. Piyanka Jena
who is identified by Shr. Piyanka Jena
at Dehradun on 21/11/2025

K.M. URMILA BHATIA
Advocate & NOTARY, Dehradun





Order of Hon`ble NGT in the OA No. 353 of 2022 dated 12-2-2025

2 messages

UKPCB LEGALCELL <ukpcblegalcell@gmail.com>
To: officeofkaushalgautam@gmail.com

Tue, Feb 18, 2025 at 1:02 PM

Adv. Kausalpati Gautam
Learned Counsel of UKPCB

Sir I bring to your kind attention the order passed by Hon'ble NGT on dated 12-2-2025 in OA No. 353/2022 Kartik Sharma Vs State of Uttarakhand & Ors. The Hon'ble NGT has mentioned in para 2 of said order "----- Learned Counsel for the UK PCB, on instructions from Dr. Chaturvedi one of the Officer of the UK PCB has submitted that due opportunity of hearing was given and show cause notices were issued before the passing the order of enhancement of EC against these 49 hotels." Neither such briefing given to you, however it is mentioned to clarify here that earlier show cause directions was issued for 106 hotels why not an environmental compensation, as instruction in order dated 21.4.203 of Hon'ble NGT, be imposed against your unit and closure order be issued--

kindly get it rectify

with regards

Dr. R.K. Chaturvedi

--
LEGAL CELL
From the Office of
Member Secretary
Uttarakhand Pollution Control Board
Gaura Devi Bhawan
46-B I.T Park
Sahastradhara Road
Dehradun (Uttarakhand) - 248001

SCN-9-5-2023.pdf
543K

Office of Kaushal Gautam <officeofkaushalgautam@gmail.com>
To: UKPCB LEGALCELL <ukpcblegalcell@gmail.com>

Tue, Feb 18, 2025 at 1:05 PM

Sir ,
It was mentioned to the court that due process in issuance of notice was followed.
It will be rectified on the next date as enhancement was done on court's directions.

Regards,
Office of K.P. Gautam
Addl. Advocate General, Uttarakhand,
Supreme Court of India.
M-9811101934
Gautam & Associates,
Advocates & Solicitors
Office
1. A-25, 2nd Floor
Defence Colony,
New Delhi-110024
Phone- +91-1140584134

2. F-6, South Extension -1
New Delhi-110049.
Phone- +91-1135596795

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Environment



बहुपक्षीय पर्यावरण
ONE EARTH - ONE FAMILY - ONE FUTURE

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HEAD OFFICE

Uttarakhand Pollution Control Board

"Gaura Devi Paryavaran Bhawan"

46B, IT Park, Sahastradhara Road, Dehra Dun

E-mail : msukpcb@yahoo.com, Phone No.-0135-2607092

Letter No: UKPCB/HO/Gen.- 183 /2023-568-228,

Dated : 04.05.2023

Speed Post

To,

As per list attached of 106 Hotels,
Mussoorie, Distt. Dehradun.

Sub:- Directions under Section 33(A) of Water (Prevention and Control of Pollution) Act-1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act-1981.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981; and vide provisions of these Acts every water/air polluting industry/unit/operation/processes is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industries, operations or processes to keep their effluent quality within the specified norms; and

WHEREAS, as per Section-25 of the Water (Prevention and Control of Pollution) Act, 1974 and section-21 of the Air (Prevention and Control of Pollution) Act, 1981, it is the mandatory requirement for any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; to obtain prior Consent from the Board; and

WHEREAS, in compliance of the order passed by Hon'ble NGT on dated 18.05.2022 in Matter of Kartik Sharma Vs. State of Uttarakhand, O.A. No. 353/2022, the joint committee submitted the list of 282 Hotels of Mussoorie in Hon'ble NGT.

As per record of Regional Office, UKPCB, Dehradun 106 Hotels are operating without valid Consent to Operate from the State Pollution Control Board under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and section-21 of the Air (Prevention and Control of Pollution) Act, 1981.

AS SUCH, it is evident from the above observations that the hotel is perpetually violating the provisions of Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 and operating the hotel without valid consent of the board.

AND NOW THEREFORE, in view of above observations, and in exercise of the power conferred under Section 33(A) of the Water (Prevention and Control of Pollution) Act-1974 & Section 31(A) of the Air (Prevention and Control of Pollution) Act-1981, as amended thereafter, notice is hereby served to the your unit to Show Cause within 07 days of issue of this notice, as to why not an Environmental Compensation, as instructed in order dated 21.04.2023 of the Hon'ble NGT in the matter of

...cont...page-2.....

OA No. 353/2022, be imposed against your unit and closure order be issued under the provisions of the **Water (Prevention and Control of Pollution) Act-1974** and the **Air (Prevention and Control of Pollution) Act-1981**, as amended thereafter, and concerned authority be directed to discontinue power/water supply of the Unit.

This issues with the approval of Chairman, Uttarakhand Pollution Control Board.


(S.K. Pattnaik)
Member Secretary

Letter No. :UKPCB/HO/ Gen.-183-568/2023/

Dated as Above

Copy to :-

1. **District Magistrate, Dehradun** for kind information please.
2. **Regional Officer, Uttarakhand Pollution Control Board, Dehradun** for information and necessary compliance.
3. Guard File.


Member Secretary

d.v.

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

IN

Original Application No. 353 of 2022

Kartik Sharma

.....Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Affidavit of Kaushal Pati Gautam S/o Sh. Gauri Shankar Dubey, aged about 55 years, having office at A-25, 2nd Floor, Defence Colony, New Delhi, hereby solemnly affirm and state on oath as under:-

1. That the deponent is appearing as Counsel for Uttarakhand Pollution Control Board, Dehradun, and as such is fully conversant with the facts of the case and is competent to sign and swear the instant affidavit.
2. That the above-mentioned matter was listed for hearing on 13.11.2025, wherein the Hon'ble National Green Tribunal was pleased to record the following observations and passed further directions:

“.....2. On 12.02.2025, learned counsel appearing for the UKPCB had made a statement stated to be on instructions from Dr. Chaturvedi that due opportunity of hearing was given and show cause notices were issued before passing order of enhancement of Environmental Compensation (EC) against 49 hotels. This statement was recorded in paragraph 2 of the order dated 12.02.2025 which is reproduced below for ready reference:-



“xxx xxx xxx

2. In the report dated 10.02.2025, it is also mentioned that the EC was imposed against 49 hotels, against which Appeal No. 5/25,53/24, 54/24 and 55/2024 have been filed before NGT. The list of these 49 hotels is on page 526. The above appeals have been preferred against the enhancement of the EC on the ground that no show-cause notice and opportunity of hearing was given before enhancing the EC. Learned Counsel for the UK PCB, on instructions from Dr. Chaturvedi one of the Officer of the UK PCB has submitted that due opportunity of hearing was given and show cause notices were issued before the passing the order of enhancement of EC against these 49 hotels. We find that such a submission is contrary to the plea that has been taken in the pending Appeals. Hence. We require Dr. Chaturvedi to appear and produce the entire record disclosing action for enhancement of EC after compliance with the Principle of Natural Justice.”



....3. Dr. Chaturvedi has submitted today that he had not given any such instruction to the counsel for the UKPCB appearing on 12.02.2025. He submits that subsequently an email was also sent in this regard to the counsel. He is permitted to file an affidavit to this effect along with the supporting affidavit within one week....”

3. It is respectfully submitted that prior to the hearing dated 12.02.2025, the deponent had telephonically contacted Dr R.K. Chaturvedi, Scientific

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Officer, UKPCB, to seek an update regarding the compliance status and the issuance of notices in relation to the present matter. During the said conversation, the deponent was informed that a Second Demand Notice had recently been issued in continuation of earlier directions concerning 106 hotels. The said information appears to have been inadvertently understood by the deponent as issuance of a Second Show Cause Notice, owing to which the deponent bona fide conveyed to the Hon'ble Tribunal that due opportunity of hearing was granted and show-cause notices had been issued prior to the enhancement of Environmental Compensation. The misunderstanding was purely inadvertent and without any intention to mislead this Hon'ble Tribunal. The statement made by the deponent was entirely bona fide and did not result in any prejudice, injustice, or undue benefit to any stakeholder in the present proceedings, as this Hon'ble Tribunal itself had noted in the order dated 12.02.2025 that issuance of the second show cause notice is contrary to the records.

4. That, immediately upon noticing the order dated 12.02.2025, and upon receiving clarification from the Department, the deponent duly acknowledged the factual position and assured that the correct status would be placed before this Hon'ble Tribunal. The inadvertent error occurred during routine communication. After the hearing dated 12.02.2025, no effective hearing took place on the next two dates of hearing, i.e., on 17.04.2025 and 17.08.2025. This Hon'ble Tribunal took up the present OA for hearing on 13.11.2025 only.

5. It is submitted that the above confusion arose purely due to an inadvertent miscommunication over the telephone, without any intention to mislead on



A handwritten signature in blue ink, appearing to be "dkr".

the part of the undersigned, who has consistently acted with utmost bona fide and respect for the proceedings of this Hon'ble Tribunal.

- 6. The deponent acknowledges that the present issue arose entirely due to his fault and tenders his unconditional apology for the mistake committed by him, undertaking to be more vigilant in the future.
- 7. That the deponent is a responsible counsel having the highest regard for the Hon'ble Tribunal and the orders passed by them.

Handwritten signature
 20/3/2025
 I identified the deponent who has signed in my presence



Handwritten signature
 Deponent

Verification:- New Delhi

24 NOV 2025

I, the above-named deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge and belief, and nothing is false, and no material has been concealed therein.

ATTESTED
Handwritten signature
NOTARY PUBLIC (INDIA)

Handwritten signature
 Deponent

24 NOV 2025