

**BEFORE THE HON'BLE NATIONL GREEN TRIBUNAL, PRINCIPAL
BENCH, AT NEW DELHI**

MA NO 71 OF 2025

IN

OA NO 485 OF 2017

IN THE MATTER OF:

MANDAKINI BANDH PRABHAVIT SAMITI ... COMPLAINANT

VERSUS

L & T UTTARANCHAL HYDROPOWER LTD & ORS. ...RESPONDENTS

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Dated: 11.02.2026



Counsel for State of Uttarakhand

BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A. NO 71 OF 2025

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...APPLICANT

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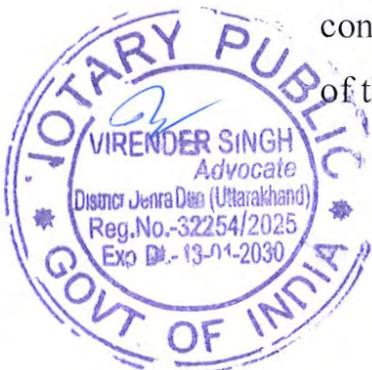
& ORS.

...RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO 2, STATE OF
UTTARAKHAND.**

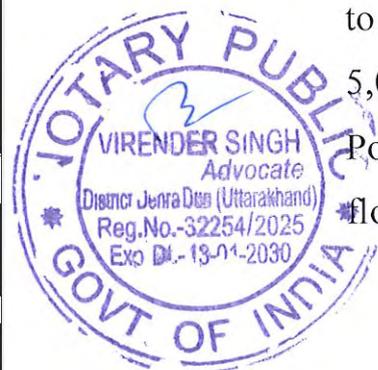
Most respectfully showeth:

1. That the deponent is posted as, Joint Secretary, Energy Department, Government of Uttarakhand and the deponent is authorized to sign the pleadings and swear this Counter Affidavit on behalf of Respondent No. 2.
2. That the deponent has read and understood the contents of present Miscellaneous Application (MA) with affidavit and annexures filed in its support. As such, the deponent being well conversant with the facts of the case is filing this counter affidavit, as under.
3. That at the very outset it may be respectfully submitted that nothing contained hereinafter may be deemed to be the admission of the averments of the present Miscellaneous Application unless specifically admitted.



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

4. That Hon'ble National Green Tribunal vide order dated 25.09.2025 was pleased to direct Respondent no. 2 to file reply to the MA filed by the applicant's seeking revival of OA no. 485 of 2017.
5. That the present application has been filed by the applicant seeking revival of the OA no 485 of 2025 *inter alia* seeking following reliefs:
 - a. *Revive the Original Application No. 485 of 2017 before the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in terms of directions passed by the Hon'ble Supreme Court in C.A. No. 5464 of 2023 vide order dated 23.02.2024 pursuant to final judgment dated 28.08.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 9411 of 2016 and.*
 - b. *Pass any other order in favour of the Applicant in the interests of justice, equity and good conscience.*
6. That the OA no. 485 of 2017 was filed before Hon'ble Tribunal by association seeking compensation on behalf of 115 victims Of Uttarakhand Floods and the same was dismissed vide order dated 10.02.2023.
7. That it is pertinent to mention here that due to damage and loss to the residents, the State Government provided relief. The flood victims received Rs 7 lacs each towards loss of property from the State Government Vide order dated 27.06.2013. Further vide order dated 11.10.2013 the State Government has granted Relief Aid Of Rs 2,00,000/- to each flood victim towards food, shelter and other relief and Rs 5,00,000/- to the victims under Owner Driven Construction for Houses Policy which cover all those houses which were fully damaged in the flood.



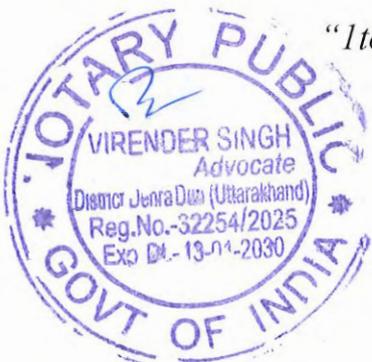
8. That this Hon'ble Tribunal considering this position has rightly rejected the claim seeking further compensation by the applicants vide order dated 10.02.2023. It would be apposite to reproduce following paragraphs (4 to 9) from the order dated 10.02.2023.

"4. Accordingly, counter affidavits have been filed by the State of Uttarakhand and the PP. Stand of the State is that compensation of Rs. 7 lakhs each has already been paid towards loss of property to the flood victims and there was no material to sustain higher compensation. The stand of the PP is that the report relied upon is not by the Committee but individual views of some members. There is no material to hold that it was liable for the damage in June, 2013 Uttarakhand Flood Event, which was an 'act of God'. Two members of the same Committee gave separate report in favour of the PP being "Report on Uttarakhand Disaster & 2 Hydropower Projects", as per judgment of the Supreme Court dated 13.08.2013, signed by Chairman, CWC and Chief Engineer, CEA.

5. The applicant has filed rejoinder to the effect that report of CWC and CEA, relied upon by the PP was rejected by the Hon'ble Supreme Court as other Members gave separate report in favour of the Applicant. Subsequently, another four Member Committee appointed by the Hon'ble Supreme Court has given its report.

6. The matter was further considered on 15.07.2022. In view of the fact that the Hon'ble Supreme Court is yet to take a final view about the constitution of another Committee in the matter, the application was adjourned sine die. Operative part of the order is reproduced below:-

"1to5....xxx.....xxx.....xxx"



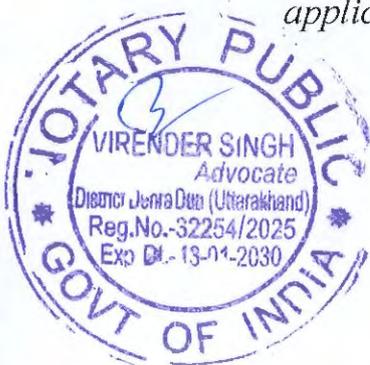
6. We have heard learned Counsel for the parties and perused the record.

7. We find that order of the Hon'ble Supreme Court dated 07.04.2014 relied upon by the applicant shows that the matter was adjourned to examine the reports and to decide whether any other Committee should be appointed. We are informed that decision in the matter is yet to be taken by the Hon'ble Supreme Court.

8. In view of above, at present there is no material in support of the Applicant. Thus, either the Application has to be dismissed in absence of any material to substantiate further claim or to adjourn the matter sine die to await decision of proceedings pending before the Hon'ble Supreme Court. We adopt second course. Adjourned sine die."

7. I.A. No. 15/2023 has been now filed for clarification of order dated 15.07.2022 by stating that reliance by the applicant on Ravi Chopra Committee is only for collateral purpose and pendency of the said matter before the Hon'ble Supreme Court should not be a ground to keep the matter pending before this Tribunal.

8. While we do not find any merit in the application for clarification which is in the nature of seeking review and contrary to the stand of the applicants themselves as noted in earlier orders of this Tribunal, referred to above, we have considered the alternative prayer of learned Counsel for the applicants that the matter need not be kept pending by the Tribunal to await proceedings before the Hon'ble Supreme Court and the application be disposed of in the light of available material.



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

9. In view of earlier orders of the Tribunal, noted above, there being no material to substantiate the claim of the applicants for further compensation, over and above the compensation already granted, the application will stand rejected without prejudice to remedy in the light of orders of the Hon'ble Supreme Court in the pending matter, if so advised.

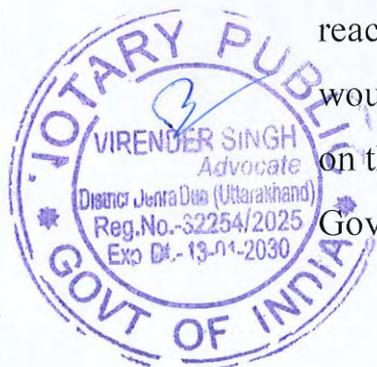
All pending I.A.s also stand disposed of."

9. That further the applicant herein filed Civil Appeal no. 5464 of 2023 before the Hon'ble Supreme Court against the aforesaid order dated 10.02.2023. The said Civil Appeal was disposed of by the Hon'ble Supreme Court as follows

"3 . A limited modification is made to paragraph '9' of the impugned order by granting specific liberty to the appellant to apply for revival of the Original Application No. 485 of 2017 after this Court decides Civil Appeal No. 9411 of 2016 depending upon the outcome of the Civil Appeal."

4. The appeal is, accordingly, disposed of with liberty as aforesaid."

10. That the Civil Appeal no. 9411 of 2016 (*Alaknanda Hydro Power Company Ltd. Vs. Srinagar Bandh Aapda Sangharsh Samiti And Others*) was disposed of by Hon'ble Supreme Court vide order dated 28.08.2024.
11. That the present proceedings have been filed by the applicant, based on the aforesaid order dated 28.08.2024 passed by Hon'ble Supreme Court in Civil Appeal no. 9411 of 2016 wherein it is recorded that *a quietus* is reached between the parties and *per se* there is no admission of liability. It would be germane to state here specifically that no liability was imposed on the State of Uttarakhand in view of disbursement of relief by the State Government. It may be further submitted that as per own averments of



aforesaid Miscellaneous Application no. 71 of 2025, there is no claim of liability from State of Uttarakhand.

PARAWISE REPLY

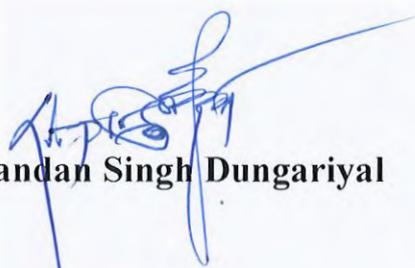
12. That the averments contained in Para 1 & 2 are matter of record.
13. That the averments contained in Para 3 are wrong and denied. It is submitted that as per Para 9 of the order dated 10.02.2023 of the Hon'ble Tribunal (*which is not modified by Hon'ble Supreme Court vide order dated 23.02.2024 in Civil Appeal no. 5464 of 2023*) the applicants herein failed to substantiate the claim for compensation over and above the compensation already granted for the claim, and hence reliance placed by the applicants on report of the committee headed by Dr. Ravi Chopra is completely misplaced, which as per own admission of the applicants was only for collateral purposes (*as recorded in Para 7 of the order dated 10.02.2023 of Hon'ble Tribunal*). Even otherwise this report and submissions based on the same are distinguishable and not directly applicable to the facts and circumstances of the present case.
14. That the averments contained in Para 4 to 7 are matter of record.
15. That the averments contained in Para 8 of the Miscellaneous Application are related to Respondent no. 1 (L&T) and not related to the answering respondent.
16. That the averments contained in Para 9 & 10 are matter of record. It may be respectfully submitted that as per order dated 28.08.2024 of Hon'ble Supreme Court in Civil Appeal no. 9411 of 2016 no liability remains against the State Government.



17. That the averments contained in Para 11 are not correct as quietus was reached between the parties in Civil Appeal no. 9411 of 2016, hence denied.
18. That the averments contained in Para 12 & 13 are wrong and denied. It is respectfully submitted that the State Government has already paid quantum of damage caused due to floods and loss caused to the victims and has provided monetary relief of Rs 7 lacs each towards loss of property. The applicant herein has also not made any claim against the State Government. There is no liability of the State Government after disbursement of relief as aforesaid.

Dated: 10-02-2026

At : Dehradun


Nandan Singh Dungariyal

(एम0एस0 डुंगरियाल)
संयुक्त सचिव
उत्तराखण्ड शासन



BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

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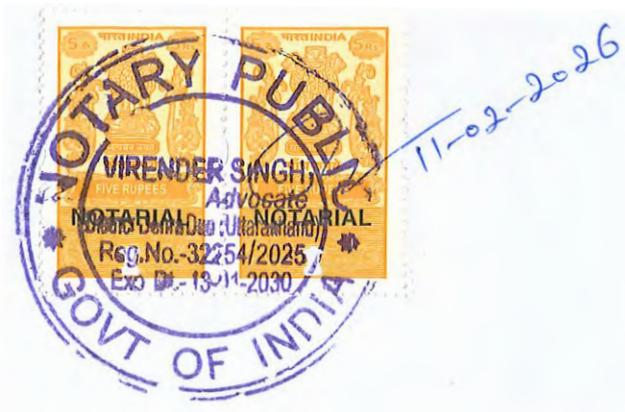
& ORS.

...RESPONDENTS

Affidavit

I, Nandan Sing Dungariyal about 51 years S/o Late Alam Singh Dungariyal, currently posted as Joint Secretary at Department of Energy, Government of Uttarakhand hereby solemnly affirm and declare as under :-

1. I am authorized to file present reply on behalf of respondent no 2 in present MA in the above-mentioned matter and I am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That I have gone through the contents of the accompanying reply to the MA and the same are true to the best of my knowledge and the same kindly be read as part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.



DEPONENT
 (एन०एस० डुंगरियाल)
 संयुक्त सचिव
 उत्तराखण्ड शासन

VERIFICATION: -

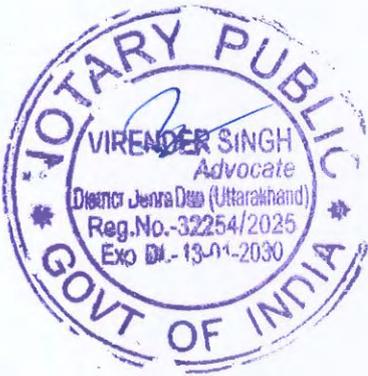
Verified at on 10th of this day of February, 2026 that the contents of the above affidavit are true and correct to my knowledge and no part of it is false therein and nothing has been concealed therefrom.



DEPONENT

(एनएसओ डुंगरियाल)
संयुक्त सचिव
उत्तराखण्ड शासन

Identified by
शरददेव कुमार
शरददेव कुमार
पद - कम्प्यूटर ऑपरेटर



SR. No. 110
Date. 11-02-2026

This affidavit is sworn before me by
snr. Nandan Singh Dugariyal
who is identified by Sh. Shaddeo Kumar (C.O)
at Dehradun on

11-02-2026
Virender Singh
Advocate & Notary Dehradun

उत्तराखण्ड शासन
ऊर्जा एवं वैकल्पिक ऊर्जा अनुभाग-1
संख्या :- 112 I-1/2026-I/05/17 (रिट) / 2019 efile 70643
देहरादून: दिनांक 11 फरवरी, 2026

कार्यालय ज्ञाप

मा0 राष्ट्रीय हरित अधिकरण में विचाराधीन विविध आवेदन संख्या-71/2025 मंदाकिनी बाढ़ प्रभावित समिति बनाम एल0 एण्ड टी0 उत्तरांचल हाईड्रो पावर लि0 एवं अन्य में राज्य सरकार की ओर से प्रतिशपथ पत्र दाखिल किये जाने एवं अन्य कार्यवाही हेतु श्री नन्दन सिंह डुंगरियाल, संयुक्त सचिव, ऊर्जा विभाग, उत्तराखण्ड शासन को नामित किया जाता है।

(आर0 मीनाक्षी सुन्दरम)
प्रमुख सचिव।

संख्या : — I-1/2026-I/05/17 (रिट) / 2019, तददिनांक।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सुश्री अजंली राजपूत, पैनल अधिवक्ता, मा0 सर्वोच्च न्यायालय, नई दिल्ली।
2. श्री नन्दन सिंह डुंगरियाल, संयुक्त सचिव, ऊर्जा विभाग, उत्तराखण्ड शासन।
3. गार्ड फाइल।

आज्ञा से,

(प्रेम सिंह राणा)
अनु सचिव।

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

MISCELLANEOUS APPLICATION NO. 71 of 2025

IN

ORIGINAL APPLICATION No. 485/2017

Mandakini Badh Prabhavit Samiti

Appellant(s)

Versus

L&T Uttarakhand Hydropower LTD & Ors

Respondent(s)

VAKALATNAMA

I/We **State of Uttarakhand**, the Appellant(s)/Petitioners(s)/Respondent(s)/ intervener(s) of the above Appeal/Petition/ Reference do hereby appoint and retain **Ms. Anjali Rajput**, Advocate of the Supreme Court to act and appear for me/us in the above matter and to conduct or defend the same and to appear in all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, to deposit and receive money on my/our behalf in said matter and to represent me/us and to take all necessary steps in the above matter. I/We agree, to ratify all acts done by the aforesaid Advocate in pursuance of the authority.

Dated this the 23 day of September, 2025

ACCEPTED

Anjali Rajput,
Panel Advocate,
Supreme Court of India,
Chamber No-136, New lawyers chamber
M,C Shetalwad Block, Supreme Court
New Delhi-110001
Mobile No-9811777368
E-Mail id-advanjali.rajput@gmail.com

(Manish Kumar Pandey)
Addl. Secretary & Addl.L.R.
Government of Uttarakhand
APPELLANT/PETITIONERS/RESPONDENTS
Additional Secretary
Law-Cum-Additional L.R.
Govt. of Uttarakhand

MEMO OF APPEARANCE

To,

The Registrar,
National Green Tribunal,
New Delhi.

Sir,

Please enter my appearance in the above mentioned case on behalf of Petitioner(s)/ Respondent(s).

Yours faithfully,

(Anjali Rajput)
Advocate for the Petitioner(s)/
Respondent(s)/Appellant(s)