

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

IN

ORIGINAL APPLICATION NO. 646 OF 2023

IN THE MATTER OF: -

MANOJ KUMAR KAUSHAL

...APPLICANT

VERSUS

STATE OF HIMANCHAL PRADESH & ORS

...RESPONDENT(S)

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Place: New Delhi

Respondent No.09

Date:

THROUGH: Shri Sumit Teterwal

**BEFORE THE NATIONAL GREEN TRIBUNAL,
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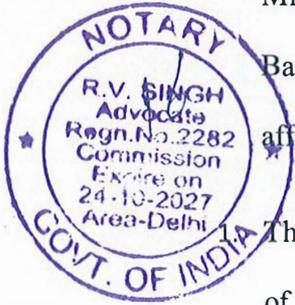
STATE OF HIMANCHAL PRADESH & ORS

...RESPONDENT(S)

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.09,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH: -

I, Vimal Kumar Hatwal, working as Scientist "E" in the office of the Ministry of Environment, Forest & Climate Change, at Indira Paryavaran Bhavan Jor Bagh Road, Aliganj New Delhi-110003, the deponent herein does hereby solemnly affirm and state on oath as under: -



1. That I am duly authorized and competent to swear the present reply affidavit on behalf of Ministry of Environment, Forest and Climate Change (hereinafter referred as MoEFCC).

2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.

Himachal Pradesh. After examination of the proposal and on the basis of recommendation of Forest Advisory Committee, 'in-principle' approval was accorded by the Ministry vide letter dated 19.03.2015 with certain conditions prescribed therein.

A copy of recommendation of Forest Advisory Committee, 'in-principle' approval letter dated 19.03.2015 has been annexed herewith as Annexure R9/1.

8. It is imperative to submit that after submission of compliance report of 'in-principle' approval by the State Government, final approval was accorded by the Ministry vide letter dated 21.07.2015 with certain conditions prescribed therein. The Following conditions were also included in the final approval:

- a. (xii) *Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Division*
- b. (xiii) *Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.*

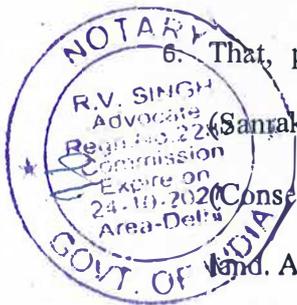
It is further submitted that pursuant to the final approval, it is the responsibility of the State Government to ensure the compliance of the final approval including, *inter alia*,

the aforementioned conditions. **A copy of Final approval letter dated 21.07.2015 has been annexed herewith as Annexure R9/2.**



That, to examine the status of compliance of the project specific operations (i.e., Ian Macleod Distillers India Private Ltd.) *vis-a-vis* the Environmental Clearance (EC) conditions as well as examination of the alleged violation of statutory provisions, a letter dated 01.08.2025 has been issued to the Regional Office, Chandigarh, requesting it to furnish the factual status report concerning the issues raised in the applications. The report from the Regional Office is awaited and shall be submitted before this

3. That the instant reply is being filed by the Answering Respondent pursuant to the order dated 11.07.2025 passed by the Hon'ble Tribunal, without prejudice to his right to file a fuller and more detailed reply at a later stage, if so necessary.
4. That the MoEFCC deals with policy and regulatory issues at a broader level. The role of the MoEFCC is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife, and other environmental resources are concerned.
5. That the felling of trees on non-forest land is regulated by the respective State Government /UT Administration as per the provisions of various State Acts and Rules made there under. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees on revenue lands and penal provisions for the violations. The implementation of these rules is supervised by designated authorities in the State Government whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules.



6. That, prior approval of the Central Government under Section 2 of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam", 2023 [earlier known as the Forest (Conservation) Act, 1980], is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act, 1980 and attract the penal provisions in it.

7. It is humbly submitted that, Government of Himachal Pradesh submitted proposal for diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for establishment of State of Art Industrial Area in Village- Pandoga Uperla, District- Una within the Jurisdiction of Una Forest Division, District- Una,

Hon'ble Tribunal upon receipt. A copy of the said letter dated 01.08.2025 to Regional Office, Chandigarh has been annexed herewith as Annexure R9/3.

10. Therefore, it is respectfully submitted that the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

Vimal
25/08/2025

DEPONENT

डॉ. विमल कुमार हटवाल/Dr. Vimal Kumar Hatwal
सदस्य सचिव वैज्ञानिक 'ई'
Member Secretary, Scientist-'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



VERIFICATION

Verified at 12th AUG 2025 on this day of _____, 2025 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing

I Identified the deponent/executant who has signed in my presence

material has been concealed there from.

Vimal
25/08/2025

DEPONENT

डॉ. विमल कुमार हटवाल/Dr. Vimal Kumar Hatwal
सदस्य सचिव वैज्ञानिक 'ई'
Member Secretary, Scientist-'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

solemnly affirmed before me, read over & explained to the deponent

[Signature]
Notary Public. DRUK

25 AUG 2025

F. No. 8-91/2014 - FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
 Aliganj, Jorbagh Road
 New Delhi - 110003
Date: 19th March, 2015

To

The Principal Secretary (Forests),
 Government of Himachal Pradesh,
 Shimla.

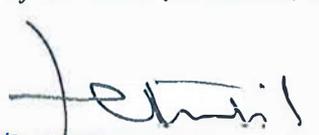
Sub: Diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the Jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh.

Sir,

I am directed to refer to the State Government's letter No. Ft. 48-2797/2014 (FCA) dated 18.09.2014 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and subsequent letter No. Ft. 48-2797/2014 (FCA) dated 02.01.2015, forwarding information/documents, as sought by the Ministry. Proposal of the State Government, along with the subsequent information/documents furnished by the State Government was examined by the Forest Advisory Committee constituted under Section- 3 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the Jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the equivalent Shamlat land (community land) shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
- (iv) The Shamlat land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (v) *The Shamlat land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927*


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 सदस्य सचिव वैज्ञानिक 'ई'
 Member Secretary, Scientist-'E'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

latest within a period of six months from the date of issue of Stage--II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

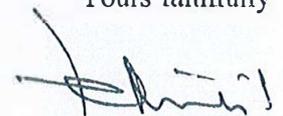
- (vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (viii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xiii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xix) Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.



- (xx) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.
- (xxi) Only built up area should be fenced so that other areas are available for free movement of animals.
- (xxii) Along the arterial roads, natural forests should be maintained.
- (xxiii) No additional or new path will be constructed inside the forest area for carrying out any activities related to the project work.
- (xxiv) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- (xxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxvi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on the fulfilment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully

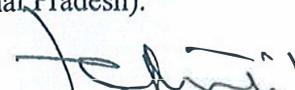


(T. C. Nautiyal)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Addl. PCCF (Central), Regional Office, Chandigarh.
3. The Nodal Officer (FCA), Office of the PCCF, Government of Himachal Pradesh, Shimla.
4. User Agency (General Manager, Distt Industries Centre, Una, Himachal Pradesh).
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



(T. C. Nautiyal)

Assistant Inspector General of Forests

File No. 8-91/2014-FC
 Government of India
 Ministry of Environment, Forests and Climate Change
 (Forest Conservation Division)

Indira Paryavaran Bhawan,
 Aliganj, Jorbagh Road,
 New Delhi - 110003.

Dated: 21st July 2015

To

The Principal Secretary (Forests),
 Government of Himachal Pradesh,
 Shimla.

Sub: Diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh - regarding.

Sir,

I am directed to refer to the State Government of Himachal Pradesh's letter no. No. Ft. 48-2797/2014 (FCA) dated 18.09.2014 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 19.03.2015 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the 'in-principle' approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Nodal Officer – cum- Addl. PCCF (FCA), Government of Himachal Pradesh vide his letter no. Ft. 48-2797/2014(FCA) dated 7th July, 2015, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh subject to fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over 60.9599 ha of Shamlat land transferred and mutated in favour of the State Forest Department and notified by the State Government as RF under Section-20 of the Indian Forest Act, 1927 vide Government of Himachal Pradesh notification No. FFE-B-G (8)-3/2004-Pt-II dated 30th June 2015 shall be raised and


 डॉ. विमल कुमार हटवाल/Dr. Vimal Kumar Hattwal
 सदस्य सचिव वैज्ञानिक 'ई'
 Member Secretary, Scientist-'E'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi


 21/08/2025

maintained by the State Government as per approved CA Scheme from the funds already provided by the user agency.

- (iii) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (iv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (v) No labour camp shall be established on the forest land;
- (vi) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (vii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (viii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (ix) The forest land shall not be used for any purpose other than that specified in the proposal;
- (x) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xiii) Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.
- (xiv) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.
- (xv) Only built up area should be fenced so that other areas are available for free movement of animals.
- (xvi) Along the arterial roads, natural forests should be maintained.
- (xvii) No additional or new path will be constructed inside the forest area for carrying out any activities related to the project work.
- (xviii) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- (xix) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife.



Annexure 3

Speed Post/Online

F.No. IA-J-11014/108/2025-IA-I
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA- Compliance & Monitoring Division)

Indira Paryavaran Bhavan
 Jor Bagh Road, Aliganj
 New Delhi-110 003
 Email: Pankaj.verma@nic.in

Dated: 01st August, 2025

To,

Deputy Director General of Forest (C),
 Ministry of Environment, Forest and Climate Change,
 Bays No. 24-25, Sector 31 A,
 Dakshin Marg, Chandigarh – 160030

Sub: Seeking Compliance Status for the Ian Macleod Distillers India Private Limited Pandoga Industrial Area, Village Pandoga, Tal.Haroli, Dist. Una, -Reg.

**Ref: i. Ministry EC Letter dated IA-J-11011/201/2021-IA-II(I) dated 02.03.2022
 ii. Original Application No. 646/2023 (I.A. NO 645/2024) in the mater Manoj Kumar Kaushal Versus State of Himachal Pradesh & Ors. Before Hon'ble NGT**

Sir,

This has reference to Original Application No. 646/2023 (I.A. No. 645/2024) in the matter of Manoj Kumar Kaushal versus State of Himachal Pradesh & Ors. before the Hon'ble NGT regarding alleged violations of Environmental Clearance conditions.

2. In this regard, RO is requested to provide the (i) factual status wrt all the violations and non-compliance highlighted in the OA and (ii) condition- wise compliance report of all the ECs associated with the project at the earliest.

This issues with the approval of the Competent Authority.

Encl: As above

Yours faithfully

Pankaj Verma
 (Pankaj Verma)
 Scientist 'F'

Copy to:

1. Deputy Inspector General of Forest, Sub-office, Shimal, C.G.O. Complex, Shivalik Block, Longwood, Shimla – 171001
2. Member Secretary, Ind-II, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-03.
 (For information and further necessary action)

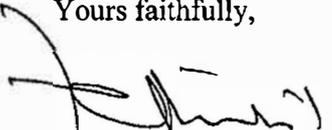
Pankaj Verma
 (Pankaj Verma)
 Scientist 'F'

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 सदस्य सचिव वैज्ञानिक 'ई'
 Member Secretary, Scientist-'E'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

1/20
25/08/2025

- (xx) The User Agency and the State Government shall ensure strict compliance to provisions of all the conditions stipulated in the Stage-I approval for which undertakings have been obtained from the project proponent and also compliance of Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully,

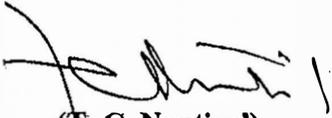


(T. C. Nautiyal)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Addl. PCCF (Central), Regional Office, Dehradun.
3. The Nodal Officer (FCA), O/o the PCCF, Government of Himachal Pradesh, Shimla.
4. User Agency (General Manager, District Industries Center, Una (HP).
5. Monitoring cell, FC Division, MoEF&CC, New Delhi.
6. Guard File.



(T. C. Nautiyal)

Sr. Assistant Inspector General of Forests