

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

In Ref. O. A. NO.646/2023

IN THE MATTER OF:-

MANOJ KUMAR KAUSHAL

Vs.

STATE OF HIMACHAL PRADESH AND OTHERS.

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District Magistrate,
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District Magistrate,
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Place: Una

Respondent No. 1 to 3

Dated: 29 .07.2024



JATIN LAL, IAS

~~District Magistrate,~~
Una, District Una (H.P.)
Una, District Una (H.P.).

Ph. No. 01975-225800.



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

In Ref. O. A. NO.646/2023

IN THE MATTER OF:-

MANOJ KUMAR KAUSHAL

Vs.

STATE OF HIMACHAL PRADESH AND OTHERS.

**ADDITIONAL REPLY TO THE APPLICATION OF
THE APPLICANT ON BEHALF OF THE
RESPONDENTS No. 1 to 3 THE STATE OF
HIMACHAL PRADESH ALONG WITH ALL ITS
CONCERNED DEPARTMENTS.**

J. K. Singh
District Magistrate,
Una, District Una (H.P.)

MOST RESPECTFULLY SHOWETH:

That the Original Application No. 646 of 2023 pending before this Hon'ble Tribunal and the same is fixed for the filing of the additional reply as well as the final hearing of the O.A. vide the order dated:02.05.2024.

2. That this reply is in continuation of the previous reply of the respondents and the averments and contents of the same are to be treated part and parcel of this reply. This additional reply is the reply to the point which could not be mentioned in the earlier reply inadvertently.



3. That after receiving the aforesaid order dated 02.05.2024, the Divisional Forest Officer Una, the Joint Director of Industries Una, the Regional Officer H.P. State Pollution Control Board Una and the Mining Officer Una were directed by the replying respondent No.3 vide his office letter No. 1097-1100/ADC/LFA dated 15.05.2024 to supply the complete information/ report in aforesaid original application enabling the replying respondent No.3 to prepare & file additional reply before this Hon'ble NGT. The copy of letter No. 1097-1100/ADC/LFA dated 15.05.2024 is annexed as **Annexure R-I**.

4. That the respondent No.1 (H. P. Govt.), through the respondent No.3 had directed to provide and share the information and record and in compliance of the direction all concerned and connected departments had shared information along with the copies of the record. The respondent No.2, the Principal Secretary of Industry through its Joint Director of Industries, District Industries Centre, Una, District Una (H.P.) H.P. had shared information and concerned record to the answering respondent and had sent the copy of latest revenue record / jamabandi for the year 2017-2018 of Up Mohal Pandoga upper/ Uperla Sub Tehsil Ispur District Una (H.P.). this office has also submitted a written report in which the nature of land in revenue record is Banjar Kadim and gair mum kin choi or barsati nala dry Shallo or rain water following drain. The copy of aforesaid latest jamabandi is annexed herewith as **Annexure R-II**.

5. That the respondent No.2 has submitted proposal of a Project for the Development of Industrial Area Pandoga under Modified Industrial Infrastructure Upgradation Scheme (MIUS) amounting to Rs.121.95 Cr., to the Dept. of Industrial Policy and Promotion, Govt. of India vide copy of proposal - **Annexure R-II A** (copy

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Una, District Una (H.P.)



attached herewith). In the said project the details of the all the units and infrastructure were mentioned along with their cost of establishment and expenditure. The Common Effluent Treatment Plant (CETP) amounting Rs.33.89 Cr. was also clearly mentioned in the same proposal along with size, cost of construction but central Govt. had approved the project of Rs.88.05 Cr. only and the details of the infrastructure along with the sanctioned amount had clearly mentioned in approval and the Govt. of India has neither mentioned in the approval letter anything about the CETP nor sanctioned the amount mentioned in the proposal submitted by the concerned department. The CETP is excluded and the cost of CETP is also not mentioned therein. Therefore, Rs.88.05 Cr. were sanctioned by the Govt. of India and received in the account of State Implementing Agency for the project i.e. Himachal Pradesh State Industrial Development Corporation (HPSIDC). The copy of sanction letter is *Ju S. Cal.* annexed as **Annexure R-II B**. Since funds were not sanctioned for the construction of CETP, so the proposal of construction of CETP, is pending. Keeping in view the fact that CETP is not required, in view of the facts stated supra, the proposal for CETP has been kept in abeyance. However, it is again re-iterated that if the need for CETP arises in future, the same shall be considered by Government on priority.

District Magistrate
Una, District Una (H.P.)



6. That since there are only 2 units with liquid discharge and both the units are having Effluent Treatment Plant (ETP) with Zero Liquid Discharge (ZLD), therefore, there is no discharge of effluents and as such there is no requirement of treating the same in CETP. Keeping in view the fact that there is negligible, effluent discharge from the established industrial units and necessary infrastructure to treat the effluents is in place and functional inside the Industrial Units CETP

is not required. No funds had been sanctioned for the construction of CETP.

7. That the project was sanctioned under MIUS scheme of Government of India and all the approved essential components have been established and the sanction has been fully implemented by the respondent No.2. The implementing agency Respondent No.2, that is HPSIDC has also informed that as of now, the project stands closed and utilisation certificate has been submitted to the Government of India (copy enclosed as Annexure -I). However, regarding the concerns of the applicant and Hon'ble NGT to the protection of environment, it is informed that the Government of Himachal Pradesh is fully aware of its role and responsibility towards protecting the environment and forest wealth of the State.

8. That the respondent No.2 through its subordinate Joint Director of District Magistrate, Una, District Industries Centre Una has also shared and submitted the information of the following facts: -

A. Initially common effluent treatment plant with 5 MLD per day capacity was to be established. However, keeping in view the nature of units in the Industrial Area, the proposal was kept in abeyance.

B. The details of units established or are being established has already been supplied for the kind perusal of the Hon'ble National Green Tribunal along with original reply. However it is again re-iterated that presently, there are only 2 industrial units in the area that discharge liquid effluent. These are M/s Hindustan Farmdirect Ingredients Pvt. Ltd. and M/s Ian MacLeod Distillers India Ltd. While M/s Hindustan Farmdirect Ingredients Pvt. Ltd. is in orange category with discharge of about 20 KLPD has installed Effluent

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District Magistrate,
Una, District Una Industries



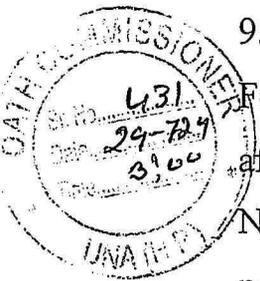
Treatment Plant (ETP) with Zero Liquid Discharge ZLD of 30 KLPD capacity and M/s Ian MacLeod Distillers India Ltd. has discharge of about 67 KLPD and has installed ETP with ZLD of 75 KLPD capacity. Since both the units are having ETP with ZLD there is no discharge of effluents and as such there is no requirement of treating the same in CETP. Keeping in view the fact that there is negligible, effluent discharge from the established industrial units and necessary infrastructure to treat the effluents is in place and functional inside the Industrial Units.

C. The Government of Himachal Pradesh is firmly committed to the issue of environment, protection and scientific disposal of industrial waste. As replied supra, presently there is no need for construction of CETP in the area. However, if and when the need arises for development of such infrastructure in the area in the future, the same shall be provided on priority in consultation with, District Magistrate, Una, District Una (Himachal Pradesh Pollution Control Board).

9. That the Respondent No.4, the Divisional Forest Officer Una, Forest Division Una (H.P.) has shared the information relating the afforestation of new forest and nature of land by sending official letter No. 1792 dated 15.07.2024 (copy annexed as **Annexure R-III**). As per the information received and perusal of the record it is found that the nature of the land where industrial area is declared is 'Banjar Kadim' and 'Gair Mumkin Choi'. The total 9930 trees/saplings of various species and classes involved in the current diversion case, out of which 7781 trees were marked and handed over to HPSFDC Ltd. for exploitation. The copy of general abstract of trees sanding in the area proposed for establishment of State of Art Industrial Area in Up Mohal Pandoga Upperla, Tehsil Haroli District Una is annexed as **Annexure R-III-A**. The species wise detail of new plants planted by

J. S. G. S.

District Magistrate,
Una, District Una (Himachal Pradesh)



the Forest Department is annexed as **Annexure R-III B** and the same is also reproduced as under: -

Species wise Details of plants																								
Sr. No.	Name of Scheme	Name of Forest	Area in ha.	Ranage / Block / Beat	Khair	Barar	Tunji	Amaltash	Kikar	Neen	Ehra	Kachnar	Shishan	Darek	Eanboo	Sunnana	Sinbal	Jannun	Cassia Culeuca	Cassia Siamia	Anla	Arjun	Other Sp.	Total Plants
1	CA	RF Lam	9	Una/Una/Una	3000	150	0	80	170	100	100	0	2950	400	400	300	160	50	25	25	800	0	1190	9900
2	CA	RF Basal	10.2	Una/Una/Basal	5000	30	0	0	0	15	0	5000	0	480	0	220	5	0	0	580	0	0	0	11330
3	CA	RF Basal	5.03	Una/P and Doga/Badehra	191	869	0	0	165	50	0	50	300	1600	0	0	45	0	0	1860	0	370	5500	
4	CA	RF Chukhyaat	4.66	Una/Sgar/Behra	1970	0	191	0	180	0	350	50	1820	0	0	30	300	0	0	0	80	0	155	5126
5	CA	RF Ispur	12	Una/P and oga/Pandoga	2140	0	0	0	50	100	200	0	2600	960	1910	260	540	500	0	0	3150	0	790	13200
6	CA	RF Basali	15	Una/P and oga/Saloh	1910	0	40	0	0	100	350	0	4910	1550	900	250	250	55	0	0	6150	25	10	16500

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 District Magistrate,
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7	CA	SL Tibi	5.1 1	Un a/K un gra th/ Pol ian	17 00	0	20 0	0	0	15 0	25 0	0	97 5	35 5	47 5	10 0	10 0	0	0	0	10 95	0	14 4	55 44
	CA	To tal	61		15 91 1	10 49	43 1	80	40 0	61 5	13 15	50	18 30 5	35 65	57 65	94 0	15 70	65 5	25	25	13 71 5	25	26 59	67 10 0

10. That the Respondent No.4 the Divisional Forest Officer Una Forest Division Una vide his aforesaid letter dated 15.07.2024 has also informed to the answering respondents that 60.95.99 ha. Compensatory Afforestation (CA) has been carried out on non-forest land, 60.95.99 ha. Compensatory Afforestation (CA) has been carried out on non-forest land. The area required for CA is equivalent to the area diverted i.e. 60.29.20 hectares, as the plantation was carried out on non-forest land. 60.95.99 ha. Compensatory Afforestation (CA) has been carried out on non-forest land. The area required for CA is equivalent to the area diverted i.e. 60.29.20 hectares, as the plantation was carried out on non-forest land. The nature of shamlat land selected for plantation was "Banjar Kadim", "Khadettar" and "Khadkana". The copies of revenue papers are annexed as **Annexure R-III C**. All the plants were raised at Ghandawal Nursery of H.P. Forest Department. There is no purchase of saplings. Amount to the tune of Rs.212100/- (Two Lakh Twelve Thousand One Hundred)- have been spent on transportation of plants and bills for transportation is annexed as **Annexure R-III D**. An amount of Rs.23,04,388/- (Twenty- Three Lakh Four Thousand Three Hundred Eighty -Eight) only has been spent on plantation- labourers and the copies of bills thereof are annexed as **Annexure R-III E**. The Divisional Forest Officer Una Forest Division Una vide his office letter No. 1868 dated 18.07.2024 (copy annexed as **Annexure R-III F**) has reported that an amount of Rs.39,92,200/- (Thirty -nine lakh ninety two thousand two hundred) only was sanctioned for new plantation as per approved Annual Plant Operation which is annexed as **Annexure R-III G**.



11. That the respondent No.4, Further, shared information through DFO Una vide his office letter No. 2025 dated 24.07.2024 (copy annexed as **Annexure R-III H**), plants were planted under compensatory (afforestation scheme after raising the plants in the departmental Nurseries in this division. **No new or old road i.e. Highways (National or State), Village Road and Pedestrian are existing in the newly notified Reserve Forests in which plantain has been raised under Compensatory afforestation scheme.** Furthermore, as per information received from the Divisional Forest Officer Una Forest Division Una vide his office letter No. 2032 dated 26.07.2024 (copy annexed as **Annexure R-III -I**), no plantation boards were made for new plantation. No road/Pagdandi passes through these newly declared Reserve Forest. So far as setting up of Equal Forest area to the industrial area is concerned, it is submitted that as the 60.95.99 ha. area has been transferred to the industry area in lieu of this diversion 07 patches of govt. land have been declared as reserve forest

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according to the sanction of the central Govt. in which the direction is made to adhere and obey the guidelines of the forest Department of India, the Copy of guidelines for diversion of forest land under the FCA Act, 1980 (Revised in Oct 25, 1992) is attached herewith as **Annexure R-III-J**. He has further informed that the revenue record of newly declared reserve forest is not updated, however the correspondence for up-dation of the revenue record has been made by him. He has also provided the old status of the newly declared reserve forest area, copy of which is annexed as **Annexure R-III-K** for kind perusal.

District Magistrate
Una, District Una (H.P.)

12. That the answering respondents had also sought the information from the Mining Officer, Una District Una (H.P.) and who vide office letter No. Udyog (Bhu)-Laghu-UNA-OA Manoj Kumar - 722 dated 14.06.2024 (copy annexed as **Annexure R-IV**) has informed that the matter of construction of Common Effluent Treatment Plant (CETP) does not come under the purview of his office.

13. That the Respondent No.5 through its Regional Officer, H.P. State Pollution Control Board Una has shared information to the answering respondents vide his



office letter No. HPSPCB/RO(U)/OA No. 646 of 2023/2023:499-500 dated 28.06.2024 (copy annexed as **Annexure R-V**), the development of new Industrial Areas in the state pertains to the HPSIDC. In the present case, the HPSIDC had proposed a Common Effluent Treatment Plant in the Industrial Area for the treatment of effluent which is being generated by the industries in the area, however it has been kept in abeyance by the Industry Department due to the lack of effluent discharged by the industries. In the recent communication received from the Joint Director, DIC Una vide letter No. 369 dated 25.06.2024, the Industries Department once again reiterated that there is no requirement of treating the effluent in CETP as such there is negligible effluent discharge from the Water Polluting industries established in the Industrial Area which already have their own captive ETP with ZLD (Zero Liquid Discharge). Additionally, it has also been informed that development of Industrial Area Pandoga was sanctioned under MIUS scheme of Govt. of India and all the essential components have been implemented in the project and as per the information received from the implementing agency i.e. HPSIDC, the project stands ~~closed~~ and utilization certificate has been submitted to the GoI. So far as concerned to the State Board is concerned, as already submitted in the previous reply, it is once again submitted that the State Board ensures the scientific disposal of the effluent/emissions of the industries in the area while granting consents to the industry. At present, there are total 24 number of industries are under operation in the area and among them 03 number of industries are generating industrial effluent. These three numbers of industries have already installed their captive Effluent Treatment Plants for the treatment of waste water with ZLD (Zero Liquid Discharge) facility and the State Board carry out regular inspection/ sampling of these industries to monitor compliance of the effluent w.r.t. the prescribed standards. Presently, there is no major industry set up in the industrial area which needs to be connected with CETP for treatment of effluent. Due to the current lack of industrial discharge, the setting up of CETP by the Industries Department of the GoHP has been kept in



abeyance. However, if there is any future expansion of the industrial area of the installation of significant water –polluting industries, there would be need of setting up of CETP in the area. Although the matter of establishment/commissioning of the CETP pertains to Industry Department/ HPSIDC, however it is notable that as per the present scenario of type of industries established in the area, the quantity of industrial effluent generated is very low, which negates the necessity of the CETP in the area. Also as already mentioned above, the industries which are generating effluent has already provided captive ETPs of adequate capacity for the treatment of industrial waste water with ZLD (Zero Liquid Discharge) facility.

PRAYER: -

It is, therefore, most respectfully prayed that the present additional reply may kindly be accepted on behalf of the respondents No.1 to 3 and this additional reply be considered as one and whole reply of the answering respondents in continuation of the earlier reply and the application of the applicant may kindly be disposed of as dismiss in the interest of justice.

Place: Una

Respondent No. 1 to 3

Dated: 29 .07.2024



JATIN LAL, IAS
District Magistrate,
Una, District Una (H.P.)
Una, District Una (H.P.).
Ph. No. 01975-225800.



THROUGH COUNSEL

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

In Ref. O. A. NO.646/2023

IN THE MATTER OF:-

MANOJ KUMAR KAUSHAL

Vs.

STATE OF HIMACHAL PRADESH AND OTHERS.

AFFIDAVIT IN SUPPORT OF ADDITIONAL REPLY.

I, Jatin Lal S/o Shri Naresh Kumar Lal, aged 36 years, permanent resident of B-18, Second Floor, Moti Nagar, New Delhi- 110015 presently, posted as Deputy Commissioner-cum- District Magistrate, Una District Una (H.P.) do hereby solemnly affirm and declare as under:-

That I am an officer of the respondent No.1 and one of the respondents of the above noted case and I am fully conversant with the facts and circumstances of the case and I am competent to swear and state in evidence by way of the affidavit.

That the accompanying additional reply is drafted by the counsel under my instructions and instance based on my personal knowledge under official capacity and official record, being an officer of the state govt. The averments made in the additional reply are to be treated the part and parcel of this affidavit and the same are not being repeated here for the sake of brevity.

Jatin Lal

District Magistrate,
Deponent
Una, District Una (H.P.)

Verification

I, the deponent above-named herein verify on this 29th day of July, 2024, that the contents of the all the paras of the above-mentioned affidavit are true and correct to the best of my knowledge derived from the official records and nothing material has been concealed therein.

Jatin Lal

District Magistrate,
Deponent
Una, District Una (H.P.)



Certified that Sh. Jatin Lal
Deponent made declaration on Oath
before me read over, explained and
admitted correct, Identified by Sh. Sey
On 29-7-24

ATTESTED

Daman Chatur
Daman Chatur
Advocate-cum-
Oath Commissioner
Distt. Courts Una (H.P.)