

4.	R2/C	Letter No. Ind.-A-E005/2/2021 dated 4-12-2024: issued from Principal Secretary (Inds.) to the Govt. of HP, regarding hiring of consultancy firm to expedite the process of obtaining EC.	24
5.	R2/D	Letter No. Ind/ U/ Dev. / IA / Pandoga/2213 Dated 06-12-2024, Regarding Award Letter to consultancy firm for start the work of obtaining EC	25
6.	R2/E	Affidavit in continuation of previous reply and in compliance to order dated 24.10.24	26-65

[Signature]
Principal Secretary (Industries) to the
Government of Himachal Pradesh

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

I.A. No. _____/2024

IN

O.A. 646/2023

IN THE MATTER OF:-

Manoj Kumar Kaushal Non-Applicant/Petitioner

Versus

State of Himachal Pradesh & Ors. Respondents

L. D. o. H. :19.09.2024 & Next Date of Hearing : 24.10.2024

**ADDITIONAL REPLY IN CONTINUATION OF PREVIOUS
REPLY IN COMPLIANCE TO THE ORDER DATED:
19.09.2024 & 24.10.2024, PASSED BY THIS HON'BLE
TRIBUNAL / COURT IN ABOVE TITLED CASE OF OA NO.
646/2023, SUO MOTO BY THIS HON'BLE TRIBUNAL /
COURT, ON BEHALF OF THE RESPONDENT MR. ANUP
KUMAR RATTAN, ADVOCATE GENERAL (THROUGH VC)
WITH MR. RAJ KUMAR, ADVOCATE FOR STATE IF H.P.
WITH MR. R.D. NAZEEM, PRINCIPAL SECRETARY
(INDUSTRIES) AND DR. PAWNESH KUMAR, PCCF
(THROUGH VC),**

**MR. VAIBHAV SRIVASTAV, AAG WITH MS. VINEETA
TIWARI AND MS. RAJNANDANI KUMARI, ADVOCATE
FOR HPSPCB.**

RESPECTFULLY SHOWETH:-


Principal Secretary (Industries) to the
Government of Himachal Pradesh

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H.P. Sectt., Shimla

1. That the above noted case / OA is pending before this Hon'ble court /Tribunal and the same is fixed for the additional reply of the respondent No.2, the Department of Industries along with the other respondents and listed for 12.12.2024.
2. That this detailed additional reply is being submitted on behalf of Principal Secretary (Industries) to the Government of Himachal Pradesh.
3. That the H.P. Govt. in order to generate employment and revenue in the State Govt. has made industrial policy. The proposal relating to the establishment of Industrial area was prepared and the same had been submitted to the Ministry of MSME Government of India and Ministry of Environment & Forest & Climate Change (MoEF&CC). The proposal was approved subject to the condition to make compensatory afforestation on equal land. The respondent No.4 has handed over physical as well as documentary possession to the answering respondent No.2, the Department of Industries of H.P. Thereafter the answering respondent No.2, the Department of Industries, Himachal Pradesh has developed the area in the Village Pandoga Distt. Una, HP.
4. That it is submitted that the answering Respondent No.2 - the Department of Industries, Himachal Pradesh has sent a request to the respondent No. 4, the Forest department of HP, on Dated 26.09.2013, for the joint inspection of the proposed land for the development as industrial area in the Village Pandoga, Tehsil Haroli, District Una, HP. Thereafter a joint inspection was conducted on Dated 28.09.2013 and an area of 60.29.20 ha. of forest land of the above noted village was found suitable to

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establish and develop the Industrial area. The status of the proposed land was 'Banjar Kadim' and 'Gair Mumkin Choi' in the revenue records. But as per judgment of Hon'ble Supreme Court of India dated 12.12.1996, the proposed land (to establish industry) was falling under the definition of 'Forest Land'. Enumeration was carried out in the proposed area and thereafter the total 9930 trees (including 264 saplings) of different species having volume 1051.352 cum were enumerated. Abstract of enumeration stands submitted in the detailed reply submitted on 24.10.2024 as **Annexure R2 /I at Pg. No. 22.**

5. That in compliance to conditions imposed in the in-principle approval by Ministry of Environment and Forest and Climate Change (MoEF&CC) vide letter no. F.No. 8-91/2014-FC dtd. 19/03/2015, **(Copy stands submitted alongwith detailed reply submitted on 24/10/24 at annexure- R2/II, at Pg. No. 23 to Pg. No. 25).** User agency i.e. Department of Industries, Government of Himachal Pradesh had deposited required amount of Rs. 8,24,77,959/- only. The detailed break-up has been submitted in the detailed reply dated 24.10.2024.
6. That thereafter, Hon'ble Sr. Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter no. File No. 8-91/2014-FC dated:21 July, 2015, had conveyed final approval accorded by the Central Government for diversion of 60-29-20 hectares forest land in favour of General Manager, District Industry Centre, Una H.P. for the establishment of State of


Principal Secretary (Industries) to the
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Art Industrial Area in Village Pandoga Uperla (Upper), District Una. **(Copy submitted with the detailed reply dated 24/10/2024 as Annexure-R2/III, at Pg. No. 26 to Pg. No. 28).**

7. That the physical as well as documentary possession of land measuring 60-29-20 Hectares was transferred in the name of Department of Industries by the Department of Revenue as conveyed by the Principal Secretary (Industries) to the Government of Himachal Pradesh Shimla vide letter No. Ind-A(F)10-5/2013 dated 06.08.2015. **(Copy submitted with the detailed reply dated 24/10/2024 as Annexure-R2/IV at Pg. No. 29 to Pg. No. 30).** It is pertinent to mention here that thereafter, the land was mutated in favour of Department of Industries on 28.05.2019 with the necessary remarks in the revenue records i.e. Jamabandi of the land records. **(Copies of jamabandi are submitted with the detailed reply dtd. 24/10/2024 as Annexure-R2/V, at Pg. No. 31 to Pg. No. 174).**
8. That the land was properly demarcated on site after mutation by erecting reinforced cement concrete boundary pillars on site, 4 feet high and each inscribed with its serial number, forward and back bearing and distance from pillar to pillar. However over a period of time, these pillars were worn out and have been replaced with new boundary pillars with the proper inscribed details as above. **(The photographs of the boundary pillars have been submitted with the detailed reply dtd. 24/10/2024 as enclosed at Annexure-R2/VI, Pg. No. 175 to Pg. No.184).**

9. That in order to develop an Industrial Area, a proposal along with the Detailed Project Report (DPR) was submitted to Ministry of

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MSME, Government of India under MIIUS scheme amounting to Rs. 121.95 Cr. The component wise detail of the works proposed to be undertaken in the DPR have been submitted in the detailed reply dated 24/10/2024.

10. That the Hon'ble Ministry of MSME, Govt. of India, accorded the approval for the project amounting to Rs.88.05 Cr. Only and the CETP was not mentioned in the approval vide letter no. 19/1/2014-DBA-I/vol.I dated 05-03-2015. The component wise approval as conveyed by Government of India is as under:

S.No.	Category	Components	Total Cost (in cr.)	Central grant (in cr.)
1	Physical Infrastructure	Road & Storm water Drainage, Street lights, Augmentation of 132 KVG power sub-station	61.23	12.5
2	Technical infrastructure	Common Facility Centre	11.06	5.53
3	Social Infrastructure	Working women hostel, Bus stop & rain shelters, community Health Centre	8.29	4.15

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4	Other costs		7.47	-
5	Total		88.05	22.18
6	Administrative grant@ 2%			0.44
	Grand Total		88.05	22.62

But the proposal to set up CETP was excluded by the Government of India in its final approval. **(Copy of approval submitted with the detailed reply dated 24/10/2024 as annexure - R2/X, at Pg. No. 241 to Pg. No. 243)**

11. That since the area of the land under development of industrial area in the Village Pandoga, Distt. Una HP, was less than 500 hectare, hence the Environment Clearance for the project was not required and the same was not obtained in the light of notification of the Ministry of Environment dated 14th September, 2006. As specified in the schedule of this notification at **serial number 7 titled Physical Infrastructure including Environmental Services and at serial number 7(c) which reads as under:**

Project activity	or	Category with the threshold limit		Conditions if any
		A	B	
1	2	3	4	5

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Principal Secretary
Government of Himachal Pradesh

7 (c)	Industrial estates/parks/complexes/Areas, export processing zones, special economic zones, biotech parks, leather complexes.	If at least one industry in the proposed industrial estate falls under the category A, entire industrial area shall be treated as category A, irrespective of the area. Industrial estate with area greater than 500 ha. And housing at least one category B industry.	Industrial estates housing atleast one category B industry and are <500 ha. Industrial estate of area >500 ha. And not housing any industry belonging to category A or B.	General as well special conditions shall apply. Note: 1. Industrial estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
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[Signature]
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In case of Industrial area, Pandoga Uperla (Upper), District Una, it is submitted that:

- The area of the industrial Area was less than 500 hectares.
- There was no specific proposal approved or included for setting-up of any category A or B industries in the industrial area at the time of development of industrial area or submitting the proposal to the MOEF&CC for obtaining approval under FCA, Government of India.

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It is pertinent to mention here that therefore, in the light of the guidelines contained in this notification, the environment clearance was not required in this case and was not obtained. **(Copy of the notification has already been submitted in the detailed reply dated 24/10/2024 as annexure-R2/VII, at Pg. No. 185 to Pg. No.229.**

12. That at a later stage in the year 2021, when the industrial area was developed, a proposal was received to set-up one non-molasses based distillery by Ian Macleods Distillers India Pvt. Ltd. which falls under category A of units as specified supra at annexure-6. This unit was approved by State Level Single Window Clearance and Monitoring Authority in its 15th meeting held on 21/01/2021 with the stipulation that unit shall install ZLD effluent treatment plant and shall obtain prior Environment clearance from Government of India. **(Copy of the letter stands submitted as Annexure- R2/VIII, Pg. No. 230 to Pg. No.231 in the detailed reply submitted on 24/10/2024).** Therefore, the unit was stipulated to obtain prior environment clearance as per the guidelines as stated supra. In compliance to this, this industrial unit had obtained prior environment clearance from MoEF&CC, Government of India vide EC identification number EC22A022HP156935 dtd 02/03/2022. **(copy of the environment clearance stands submitted in the detailed reply dtd. 24/10/2024 as Annexure-R2/IX, at Pg. No. 232 to Pg. No.240)**
13. That since the Answering respondent No. 2 industry department of Himachal Pradesh and the HP Govt. are making efforts to maintain the environment and ecological harmony within the state due to which the answering respondent in anticipation that

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sufficient number of industrial units discharging liquid effluent may come up in the industrial area, a Common Effluent Treatment Plant (CETP) was proposed to be set up by the State Government with the capacity of 5 MLD and with total cost of Rs. 33.89 Cr.

14. That the proposal with regard to the CETP was submitted and the Environment Clearance was issued by letter No. F.No.10-25/2015-IA-III dated 14-01-2019. (**copy of the environment clearance submitted in the detailed reply dtd. 24/10/2024 as Annexure-R2/XI at Pg. No. 244 to Pg. No.250**)
15. That over a period of time, only three industrial units having liquid effluent discharge have been set up in the Industrial Area. Only one of these units is in red category. The total liquid effluent generation from these units is 93 Kilo Liters Per Day (KLPD). All these three units have installed their captive Zero Liquid Discharge, Effluent Treatment Plants and no liquid is being discharged outside the factory premises. It is pertinent to mentioned here that all the treated water is being reused by these industrial units. The detail of these units is as under:

S. No	Name of the unit	Item of manufacture	Effluent Generation	ZLD ETP Capacity	Liquid Discharge
1	M/s Hindustan Farmdirect Ingredients Pvt. Ltd. Plot no:A-5	Pectin Powder, Citric Acid, lime	25 KLPD	35 KLPD	Zero

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	Total area: 8569 sq. mts.	oil etc.			
2	M/s Ian Macleod Distillers India Pvt. Ltd. Plot no: A2,A3,A4 Area: 43699 sq mts	Malt spirit	65 KLPD	75 KLPD	Zero
3	M/s Ambaji Enterprises. Plot No:D10, D9II Area: 1570 sq mts	Milk Chilling & Processing	3 KL PD	5 KLPD	Zero

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Principal Secretary (Industries) to the
Government of Himachal Pradesh

16. That the allotment letters of these three units stands submitted as **Annexure - R2/XII at Pg. No. 251 to 254, Annexure-R2/XIII at Pg. No. 255 to Pg. No.258 and Annexure - R2/XIV Pg. No. 259 to Pg. No. 266 respectively.**

a. The copy of state level single window clearance and monitoring authority in respect of M/S Hindustan Farmdirect Ingredients Private Ltd stands submitted as **Annexure -R2/XV at Pg. No. 267 to Pg. No. 268).**

b. The copy of state level single window clearance and monitoring authority in respect of M/s Ian Macleods Distillers India Private Ltd. stands submitted as **Annexure - R2/XVI, at Pg. No. 269 to Pg. No. 270.**

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c. The copy of state level single window clearance and monitoring authority in respect of M/S Ambaji Enterprises stands submitted as **Annexure - R2/XVII at Pg. No. 271 to Pg. No.272.**

17. That In order to assess the fact whether the CETP is required to be set up in the Industrial Area vis-a-vis Liquid Effluent Generation, a High level committee was constituted by Director Industries / answering Respondent No.2 vide office order no. Ind.Dev.F(16)OA No. 646/2023/NGT/-11422-11423 dated:26-09-2024. The committee comprised of following members:

- a. Additional Director, Industries (Dev), H.P. Shimla-Chairman.
- b. Joint Director, Industries, D.I.C. Una-Member
- c. Executive Engineer, HPSIDC Ltd. Mehatpur-Member
- d. Regional Officer, H.P. State Pollution Control Board, Una-Member.
- e. Sr. Scientist, H.P. state Pollution Control Board, Una-Member.

(Copy of notification stands submitted as Annexure-R2/XVIII, at Pg. No. 273.)

18. That the committee carried out a joint inspection of the industrial area on 08-10-2024. After perusal of the projects approved to be established in the industrial area and physical inspection of industrial units which have installed their own Zero Liquid Discharge Effluent Treatment Plants, the committee found out the following facts:

A. Total number of plots developed in Industrial Area: 74

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H.P. Sectt., Shimla

B. Total number of plots allotted: 67 plots to 60 units

C. Total number of industrial units functional at present:
29 units.

It is pertinent to mention here that out of these functional units, there are 3 industrial units that generate liquid effluent. The details of these units are as under:

S.No	Name of the unit	Item of manufacture	Effluent Generation	ZLD ETP Capacity (Killo Letters Per Day)	Liquid Discharge
1	M/s Hindustan Farmdirect Ingredients Pvt. Ltd. Plot no:A-5 Total area: 8569 sq. mts.	Pectin Powder, Citric Acid, lime oil etc.	25 KLPD	35 KLPD	Zero
2	M/s Ian Macleod Distillers India Ltd. M/s Ian Macleod Distillers India Pvt. Ltd.	Malt spirit	65 KLPD	75 KLPD	Zero

Mr
Principal Secretary (Industries) to the
Government of Himachal Pradesh

Principal Secretary (Industries) to the
Government of Himachal Pradesh

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	Plot no: A2,A3,A4 Area: 43699 sq mts				
3	M/s Ambaji Enterprises. Plot No:D10, D9II Area: 1570 sq mts	Milk Chilling & Processin g	3 KLPD	5 KLPD	Zero

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Principal Secretary (Industries) to the
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19. That the Committee has also conducted physical verification of these industrial units and their Effluent Treatment Plants. During physical inspection, it was found that no liquid (Zero Liquid) is being discharged from these three units and all the treated water is being reused within the factory premises as verified during the physical inspection. Copies of the allotment letters and State Level Single Window Clearance is enclosed supra.

20. That in view of the above facts and circumstances the High Level committee was of the opinion that no polluting & environment hazardous liquid is being discharged by any of these industrial units and all the effluent is being treated as per norms in the captive Zero Liquid Discharge Effluent Treatment Plant. Therefore, under present circumstances, there is no need to set up a new Common Effluent Treatment Plant in the


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Industrial Area. The Copy of Proceedings of the Joint Inspection conducted by the committee on 8-10- 2024 stands submitted as **Annexure-R2/XIX at Pg. No. 274 to Pg. No.278.** Photographs of the site inspection stands submitted as **Annexure-R2/XX, at Pg. No. 279 to Pg. No.281.**

21. That the Regional Officer, H.P. Pollution Control Board carries out regular physical inspection of these three units and regular sampling is being done to ensure that the ZLD effluent treatment plants are functioning as per norms. (Copies of the latest sampling reports stands submitted as **Annexure-R2/XXI, Pg. No. 282 to Pg. No.286.**
22. That the detail of all the industrial units which have been allotted industrial plots along with the detail of clearance from HP State Pollution Control Board is stands submitted as **Annexure-R2/XXII at Pg. No. 287 to Pg. No.290.**
23. That all the functional 29 industrial units have obtained consent to operate from H.P. State Pollution Control Board. The copies of final approval obtained by these units stands submitted as **Annexure-R/XXIII, at Pg. No. 291 to Pg. No.342.**
24. That keeping in view the recommendations made by the committee as supra, the Managing Director, H.P. State Industries Development Corporation Limited vide his office letter no. HPSIDC/Engg./543-5063 dtd. 22/10/2024 has conveyed to Ministry of Environment, Forest and Climate Change that the proposal to set up a Common Effluent Treatment Plant is being dropped as it is no more required in view of the changed circumstances as detailed above and the


Principal Secretary (Industries) to the
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proposal may be withdrawn Copy stands submitted as **Annexure/R2-XXIV at Pg. No. 343 to Pg. No.346.**

25. That the answering respondent No.2, the Department of Industries, Government of Himachal Pradesh vide notification No. IND-A-E005/2/2021 dated 21.10.2024 has further imposed a blanket ban on setting up of any polluting unit under red category or any liquid effluent discharging unit in the Industrial Area, Pandoga, district Una. H.P. **Copy stands submitted as Annexure-R2/XXV at Pg. No. 347.**

26. That regarding obtaining of Environment Clearance for Industrial Area Pandoga following facts are submitted for kind consideration of Hon'ble Tribunal.

a. The area of industrial area pandoga was less than 500 hectare hence the Environment Clearance was not obtained in the light of notification of the Ministry of Environment and Forest and Climate Change (MoEF&CC) Dated 14.09.2006.

b. There was no specific purpose included or approved by the State Government at the time of submitting the proposal to Ministry of Environment and Forest and Climate Change (MoEF&CC) for obtaining approval under Forest Conservation Act for setting up of any category "A" or "B" industries in the industrial area. Therefore, Environment Clearance was not obtained initially.

K. Singh
Principal Secretary (Industries) to the
Government of Himachal Pradesh

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27. That at a later stage in the year 2021, when the industrial area was developed, a proposal was received to set-up one non-molasses based distillery by Ian Macleods Distillers India Pvt. Ltd. which falls under category A of units as specified supra at annexure-6. This unit was approved by State Level Single Window Clearance and Monitoring Authority in its 15th meeting held on 21/01/2021 with the stipulation that unit shall install ZLD effluent treatment plant and shall obtain prior Environment clearance from Government of India. (Copy of the letter **stands submitted as Annexure- R2/VIII, Pg. No. 230 to Pg. No.231**). Therefore, the unit was stipulated to obtain prior environment clearance as per the guidelines as stated supra. In compliance to this, this industrial unit had obtained prior Environment Clearance from MoEF&CC, Government of India vide EC identification number EC22A022HP156935 dtd 02/03/2022(copy of the environment clearance **stands submitted as Annexure-R2/IX, at Pg. No. 232 to Pg. No.240**)
28. It is duly submitted that prior to grant of Environment Clearance to the Unit, Public Hearing was conducted on 28.10.2021 and final Environment Clearance to the unit was issued on 02.03.2022 (copy of the environment clearance stands submitted as **Annexure-R2/IX, at Pg. No. 232 to Pg. No.240**). The construction work was started on the plot by the unit only after grant of Environment Clearance by the Government of India.
29. That only one unit falls in the category A as per the notification of Ministry of Environment and Forest and Climate Change.

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Whereas other two unit the detail of which is given under does not fall in category "A" or "B".

1. M/s Hindustan Farmdirect Pvt. Ltd. Plot No. A-5, Industrial Area Pandoga Upparla Distt.Una.
2. M/s Ambaji Enterprises, Plot No. D-10, D-11, Industrial Area Pandoga Uparla Distt. Una HP."

While M/s Hindustan Farmdirect Pvt. Ltd. Falls in Orange Category and M/s Ambaji Enterprises is a Green category unit.

30. That in pursuance to the time granted by Hon'ble Court for taking remedial measures as pleaded by Ld. Advocate General and Principal Secretary, Industries, the replying respondent had accorded approval to initiate the process to obtain Environment Clearance for entire Industrial Area Pandoga from the competent authority and also directed to pursue the matter with the Ministry of Environment, Forest and Climate Change personally in order to ensure taking of expeditious steps vide letter no. Ind-A-E005/2/2021 dated 28.11.2024 (Copy of the letter enclosed as **Annexure-R2/A, at Pg. No.20**). Accordingly the field officer i.e. Joint Director Industries, District Industries Centre, Una was also intimated to take immediate steps by Director, Industries, H.P. vide letter No. Ind.Dev.F(16)-OA No. 646/2023/NGT/-15325 Dated 28.11.2024 (Copy of the letter enclosed as **Annexure-R2/B, at Pg. No.21**). In reference to this, it is submitted that keeping in view the urgency of matter, the task of obtaining Environment Clearance has been assigned to a specialized agency vide letter no. IND-A-E005/2/2021 Dated 04.12.2024 (Copy of the letter enclosed as **Annexure-R2/C, at Pg. No. 22**) and in

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Ms. A. S. Singh
Principal Secretary (Industries) to the
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compliance to these orders, Joint Director, Industries, District Industries Centre, Una vide letter number Ind/U/Dev/IA Pandoga/2213 dtd. 06.12.2024 (Copy of the letter enclosed as **Annexure-R2/D, at Pg. No. 23**) have further requested the designated agency, M/s Eco Paryavaran Laboratories and Consultants Pvt. Ltd., ECO Bhawan, E-207, Industrial Area, Sector 74, Mohali, Punjab to start the work of obtaining environment clearance for Industrial Area, Pandoga, distt. Una. H.P. In pursuance to the said assignment, the said agency shall take-up the matter of according Environment Clearance approval with the said Ministry in due course of time after completion of necessary codal formalities. As and when the same is granted by MoEF &CC, the compliance shall be reported to the Hon'ble NGT in the matter.

31. That the affidavit in this behalf has been filed by the Principal Secretary Industries to the Government of Himachal Pradesh, before the Hon'ble NGT (copy enclosed as **Annexure-R2/E, at Pg. No. to Pg. No.24-60**)

Date: 10.12.2024

Answering Respondent No.2

Place : Shimla

Principal Secretary (Industries) to the Government of Himachal Pradesh to the Government of Himachal Pradesh

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Executive Magistrate
H.P. Sectt., Shimla

Through Counsel

RAJ KUMAR

ADVOCATE SUPREME COURT

**OFFICE: 3146, FF, Ram Bazar, Mori Gate,
Delhi – 110006.**

E – mail. rajrashi@rediffmail.com

Mobile No.7827377139.


Principal Secretary (Industries) to the
Government of Himachal Pradesh

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Executive Megistrate
H.P. Sectt., Shimla

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

I.A. No. _____/2024

IN

O.A. 646/2023

IN THE MATTER OF:-

Manoj Kumar Kaushal Non-Applicant/Petitioner

Versus

State of Himachal Pradesh & Ors. Respondents

**AFFIDAVIT IN SUPPORT OF DETAILED ADDITIONAL
REPLY.**

I, Rawther Dawood Nazeem, IAS S/o Shri Seena Khadar Thawoodrawther, aged 55 years, presently, posted as Principal Secretary (Industries) to the Government of Himachal Pradesh, HP Secretariat, Shimla, do hereby solemnly affirm and declare as under:-

1. 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.

2. That the accompanying detailed 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

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H.P. Sectt., Shimla

Principal Secretary (Industries) to the
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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.


Deponent
Principal Secretary (Industries) to the
Government of Himachal Pradesh

Verification

I, the deponent above-named herein verify on this 10th day of Dec., 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.


Deponent
Principal Secretary (Industries) to the
Government of Himachal Pradesh

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Executive Megistrate
H.P. Sectt., Shimla

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Declared before me on 10th day of Dec.
2024 on oath (Solemnly Affixation)
by Shri Rajendra Lal Mazeem P. Say. (Incl.)
who is personally known to the or who
has been identified by Sh. Rajneesh Section. of 711
who is personally known to me


Executive Magistrate
H.P. Sectt., Shimla

No. IND-A-E005/2/2021
Government of Himachal Pradesh
Department of Industries
(Section-A)

From

Principal Secretary (Inds.) to the
Government of Himachal Pradesh.

To

✓ The Director of Industries,
Himachal Pradesh,
Majitha House, Shimla-2.



Dated: Shimla-2, the

28th November, 2024.

Subject:- Original Application No. 646/2023-titled as-Manoj Kumar Kaushal vs State of Himachal Pradesh & ors.

Sir,

I am to refer to your letter No. Ind.Dev.F(16)OA No. 646/2023/NGT/-15116 dated 25.11.2024 on the subject captioned above and to convey approval of the Government to initiate the process to obtain ex-post facto environment clearance approval for Industrial Area, Pandoga, District-Una, Himachal Pradesh from the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India. It is also directed that the concerned Officer may be directed to pursue the matter with the Ministry of Environment, Forest and Climate Change, Government of India, personally and the compliance affidavit in this regard be filed at least one week before the next date of hearing but not later than 05th December, 2024, failing which suitable action under relevant rules shall be taken.

You are, therefore, requested to take further necessary action accordingly and give compliance to the undersigned.

Yours faithfully,

Now
Principal Secretary (Inds.) to the
Government of Himachal Pradesh
Ph. No. 0177 2624586.

Endst. No. As above. Dated Shimla-2, the
Copy forwarded to the Joint Director of Industries, District Industries Centre, Una, H.P.
w.r.t. subject captioned above, for information and necessary action.

Principal Secretary (Inds.) to the
Government of Himachal Pradesh
Ph. No. 0177 2624586.

D/ 28/11/24

AD (Dev)

Sh. Ganeshtani,
Supt.

Attested

AD
Section Officer (Industries-A)
H.P. Secretariat, Shimla

No. Ind.Dev.F(16)OA No. 646/2023/NGT/- 15325
Government of Himachal Pradesh
"Directorate of Industries"

From:-

Dated: Shimla-171002; the

To

Director of Industries,
Himachal Pradesh.

28 NOV 2024

Subject:

Original Application No. 646/2023 titled as Manoj Kumar Kaushal versus State of H.P. & others.

Sir,

Kindly refer to letter No. IND-A-E005/2/2021 dated 28.11.2024 received from the Principal Secretary (Industries) to the Government of Himachal Pradesh, addressed to the undersigned and copy thereof endorsed to you, on the subject cited above (copy enclosed for ready reference).

In this regard, it is informed that the Principal Secretary (Inds.) to the Government of Himachal Pradesh has conveyed approval to initiate the process to obtain ex-post facto environment clearance approval for Industrial Area, Pandoga, District Una, Himachal Pradesh from the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India. It has also been directed to direct the concerned officer to pursue the matter with the Ministry of Environment, Forest and Climate Change, Government of India, personally and the compliance affidavit in this regard be filed at least one week before the next date of hearing but not later than 05th December, 2024, failing which suitable action under relevant rules shall be taken.

You are, therefore, requested to pursue the matter with the Ministry of Environment, Forest and Climate Change, Government of India, personally and take further necessary action in the matter accordingly.

Yours faithfully,

Encls.: As above.

Director of Industries,
Himachal Pradesh.

Attested

Section Officer (Industries-A)
H.P Secretariat, Shimla

No. IND-A-E005/2/2021
Government of Himachal Pradesh.
Department of Industries
(Section-A)

Annexure-R2-C

From

Principal Secretary (Inds.) to the
Government of Himachal Pradesh.

To

The Director of Industries,
Himachal Pradesh,
Majitha House, Shimla-2.

Dated: Shimla-2, the

04th December, 2024.

Subject:- Original Application No. 646/2023-titled as-Manoj Kumar Kaushal
vs State of Himachal Pradesh & ors.

Sir,

I am directed to refer to your letter No. Ind.Dev.F(16)OA No. 646/2023/NGT/15543 dated 03.12.2024 on the subject captioned above and to convey the approval of the Government w.r.t. hiring of consultancy firm i.e. M/s Eco Paryavaran Laboratories & Consultants Private Limited, to expedite the process of obtaining Environmental Clearance (EC) for Industrial Area, Pandoga subject to the condition that the total expenditure i.e. Rs.1,56,356/- (Rupees One Lakh fifty six thousand three hundred and fifty six only) for the said purpose shall be met out from IADA corpus fund only and there shall be no burden on State Exchequer.

You are, therefore, requested to take further necessary action accordingly.

Yours faithfully,

Attested

ASu
Section Officer (Industries-A)
H.P. Secretariat, Shimla

[Signature]
Special Secretary (Inds.) to the
Government of Himachal Pradesh

Endst. No. As above. Dated Shimla-2, the
Copy forwarded to the Joint Director of Industries, District Industries Centre, Una, H.P.
w.r.t. subject captioned above, for information and necessary action.

December, 2024.

[Signature]
Special Secretary (Inds.) to the
Government of Himachal Pradesh

No: Ind/U/Dev/IA Pandoga / 2213
Office of the Joint Director Industries,
District Industries Centre, Una, H.P.
Dated: Una the 06-12-2024

To

M/s Eco Paryavaran Laboratories and consultants Pvt. Ltd.,
ECO Bhawan, E-207, Industrial area, Phase VIII-B (Sector-74),
Mohali (Punjab) 160071

Subject:


Original Application No.646/2023-titled as -Manoj Kumar Kaushal Vs
State of Himachal Pradesh &ors.

Sir,

This is in reference to the letter no. Ind-A-E005/2/2021 dated 04-12-2024 received from Principal Secretary (Inds.) to the Government of Himachal Pradesh (Copy of letter attached), vide which it was allowed to hire M/s Eco Paryavaran Laboratories and consultants Pvt. Ltd. for obtaining Environment Clearance (EC) for Industrial Area Pandoga, Sub-Tehsil Ispur, Distt. Una, H.P. subject to the total expenditure of Rs. 1,56,356/ (Rs. One lakh Fifty Six Thousand Three Hundred and Fifty Six Only).

You are, therefore, requested to start the work of obtaining Environment Clearance (EC) for Industrial Area Pandoga, Sub-Tehsil Ispur, Distt. Una, H.P. from Ministry of Environment, Forest & Climate Change at the earliest

Attested


Section Officer (Industries - A)
H.P. Secretariat, Shimla

Yours Faithfully


Joint Director Industries,
District Industries Centre,
Una District Una, H.P.
Phone: 01975-223002

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

I.A. No. _____/2024

IN

O.A. 646/2023

IN THE MATTER OF:-

Manoj Kumar KaushalNon-Applicant/Petitioner

Versus

State of Himachal Pradesh &Ors. Respondents

L. D. o. H.:19.09.2024 & 24.10.2024 & Next Date of Hearing :
12.12.2024

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*Principal Secretary (Industries) to the
Government of Himachal Pradesh*

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K...
Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED

A

Executive Magistrate
H.P. Sectt., Shimla

9.	R2-8	Environment Clearance obtained by M/S Ian Macleods Distillers India Pvt. Ltd. from MoEF&CC, Government of India vide EC identification number EC22A022HP156935 dtd.02/03/2022	29-37
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NSR
Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED

A
Executive Magistrate
H.P. Sectt., Shimla

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

I.A. No. _____/2024

IN

O.A. 646/2023

IN THE MATTER OF:-

Manoj Kumar Kaushal Non-Applicant/Petitioner

Versus

State of Himachal Pradesh & Ors.Respondents

**L. D. o. H.:19.09.2024 & 24.10.2024 & Next Date of
Hearing : 12.12.2024**

**AFFIDAVIT IN CONTINUATION OF
PREVIOUS REPLY AND IN COMPLIANCE TO
THE ORDER DATED: 24.10.2024, PASSED BY
THIS HON'BLE TRIBUNAL / COURT IN
ABOVE TITLED CASE OF OA NO. 646/2023,
SUO MOTO BY THIS HON'BLE TRIBUNAL /
COURT, ON BEHALF OF THE RESPONDENT
NO. 2, THROUGH THE PRINCIPAL**


Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED


Executive Magistrate
H.P. Sectt, Shimla

**SECRETARY (INDUSTRIES), TO THE
GOVERNMENT OF HIMACHAL PRADESH.**

**I, RAWTHER DAWOOD NAZEEM, IAS AGED
ABOUT 55 YEARS S/O SHRI SEENA KHADAR
THAWOODRAWTHER, PRESENTLY POSTED
AS PRINCIPAL SECRETARY (INDUSTRIES)
TO THE GOVERNMENT OF HIMACHAL
PRADESH, HP SECRETARIAT, SHIMLA, DO
HEREBY SOLEMNLY AFFIRM AND
DECLARTE AS UNDER**

1. That, at the very outset it is submitted that being a responsible officer of the state, always makes endeavour to uphold the rules and laws and to abide by the directions of the Hon'ble Tribunal in letter and spirit and further hold this Hon'ble Tribunal in a very high esteem. As such, the replying/answering respondent no. 2 tenders unconditional apology for any un-intentional, incidental, un-wittingly and inadvertent mistakes if

M. J. R.
Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED

A
Executive Magistrate
H.P. Sectt., Shimla

Principal Secretary (Industries) to the
Government of Himachal Pradesh

any and prays the Hon'ble Tribunal to kindly take lenient view.

2. That Hon'ble Tribunal was kind enough to grant time to the answering respondent no. 2, on the prayer of replying respondent, contained in Para 16 of the said order, regarding initiating proposal for taking remedial action in compliance of provision of environmental laws.
3. That in pursuance to the time granted by Hon'ble Tribunal as submitted in Para-2, above, the replying/answering respondent no. 2 had accorded approval to initiate the process to obtain Environment Clearance approval for entire Industrial Area Pandoga, District Una from the competent authority and also directed to pursue the matter with the Ministry of Environment, Forest and Climate Change personally in order to ensure taking of expeditious steps Vide letter no. Ind-A-E005/2/2021 dated 28.11.2024 (**Annexure-R2-1**). Accordingly the field officer i.e. Joint Director


Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED


Executive Magistrate
H.P. Sectt., Shimla

Industries, District Industries Centre, Una was also intimated to take immediate steps by the Director Industries Govt. of Himachal Pradesh vide letter No. Ind.Dev.F(16)-OA No. 646/2023/NGT/-15325 Dated 28.11.2024 (**Annexure-R2-2**). In reference to this, it is submitted that keeping in view the urgency of matter, the task of obtaining Environment Clearance has been assigned to a specialized agency vide letter no. IND-A-E005/2/2021 Dated 04.12.2024 (**Annexure-R2-3**) and in compliance to these orders, Joint Director, Industries, District Industries Centre, Una vide letter number Ind./U/Dev/IA Pandoga/2213 dtd. 06.12.2024 (**Annexure-R2-4**) have further requested the designated agency, M/s Eco Paryavaran Laboratories and Consultants Pvt. Ltd., ECO Bhawan, E-207, Industrial Area, Sector 74, Mohali, Punjab to start the work of obtaining environment clearance for Industrial Area, Pandoga, Distt. Una. H.P.


Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED


Executive Magistrate
H.P. Sectt., Shimla

4. That the answering respondent no. 2 had submitted the detailed additional reply before Hon'ble Tribunal on 24.10.2024 and for the consideration of Hon'ble Tribunal the brief facts/history is submitted below.

a) That the answering respondent no. 2, had identified a patch of land measuring 60-29-20 Hect. in village Pandoga Upperla Sub-Tehsil Ispur Distt. Una HP for setting up of new industrial area. The details of land has already been submitted in the detailed reply dated 24.10.2024.

b) That prior to transfer of this land in favor of answering respondent no. 2, the department of Industries, the case was moved to Ministry of Environmental, Forest and Climate Change (MOEF&CC), for obtaining prior clearance under the Forest Conservation Act for development of this industrial area and in response, thereto, the in-principle approval was


Principal Secretary (Industries) to the
Government of Himachal Pradesh

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Executive Megistrate
H.P. Sectt., Shimla

approval was accorded by Ministry of Environmental, Forest and Climate Change (MOEF&CC) vide letter no. File No. 8-91/2014-FC Dated 16.03.2015 (**Annexure-R2-5**) subject to the deposit of requisite amount as enumerated by Forest Department, the detail of which has already been submitted vide reply dated 24.10.2024. In compliance to this an amount of Rs. 8,24,77,959/- was deposited with the Department of Forest.

- c) That thereafter, Sr. Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter no. File No. 8-91/2014-FC dated 21 July, 2015, (**Annexure-R2-6**) had conveyed final approval accorded by the Central Government for diversion of 60.2920 hectares forest land in favour of General Manager,

NK
Principal Secretary (Industries) to the
Government of Himachal Pradesh

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A
Executive Magistrate
H.P. Sectt., Shimla

District Industries Centre, Una H.P. for the establishment of State of Art Industrial Area in Village Pandoga Uperla (Upper), District Una.

d) That the land measuring 60-29-20 Hectares was transferred in the name of the answering respondent no. 2, the department of Industries by the Department of Revenue as conveyed by the Principal Secretary (Industries) to the Government of Himachal Pradesh Shimla vide letter No. Ind-A(F)10-5/2013 dated 06.08.2015 (**Annexure-R2-7**). Thereafter, the land was mutated in favour of Department of Industries on 28.05.2019 with the necessary remarks in the revenue records i.e. Jamabandi of the land records. The detail of Jamabandi has already been submitted in the detailed reply dated 24.10.2024.

e) The Ministry of Environment, Forests and Climate Change vide notification dated 14.09.2006 had issued detailed guidelines for

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Executive Magistrate
H.P. Sectt., Shimla

obtaining prior Environment Clearance for the projects anywhere in country. In case of Industrial area, Pandoga Uperla (Upper), District Una, it is submitted that the area of the industrial area was less than 500 hectares and there was no specific proposal included or approved by the State Government at the time of submitting the proposal to the MOEF&CC for obtaining approval under FCA, Government of India for setting-up of any category A or B industries in the industrial area. It was only a project for development of necessary infrastructure over this land. As such, the Hon'ble Tribunal may consider that in the light of the guidelines contained in this notification, the environment clearance was not required at that stage and as such was not obtained.

- f) That at a later stage in the year 2021, when the industrial area was developed, a proposal was received by the answering respondent no. 2 on the


Principal Secretary (Industries) to the
Government of Himachal Pradesh

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Executive Magistrate
H.P. Sectt., Shimla

on-line portal from M/s Ian Macleods Distillers India Pvt. Ltd. to set-up one non-molasses based distillery, which fell under category "A" of units as specified in schedule 7 (C) of the aforesaid notification. This proposal of the unit was conditionally approved by the State Level Single Window Clearance and Monitoring Authority in its 15th meeting held on 21.01.2021. The conditions included that:

- a) The unit shall obtain prior Consent to Establish with Zero Liquid Discharge (ZLD) before start any construction activity and Consent to Operate before starting any operation under both Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 besides installation of requisite Air and Water Pollution Control Devices.
- b) The unit shall obtain **Prior Environmental Clearance** of the competent authority.

MS
Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED
A
Executive Magistrate
H.P. Sect., Shimla

- c) The details of PCDs required to be installed in the unit shall be finalized only after the unit applied for Consent to Establish of the State Board along with detailed manufacturing process and project report

As such M/s Ian Macleods Distillers India Pvt. Ltd., was instructed to obtain prior Environment Clearance as per the guidelines contained in the said notification. In compliance to this, the industrial unit had obtained prior Environment Clearance from MoEF&CC, Government of India vide EC identification number EC22A022HP156935 Dated 02.03.2022 (**Annexure-R2-8**).

It is worthwhile to submit here that the State Government, prior to giving permission to this unit to start the work of establishment of industry in the industrial area Pandoga, had ensured that the guidelines contained in the aforesaid notification may be implemented in letter & spirit and due

ATTESTED

Executive Magistrate
H.P. Sectt., Shimla

Environment Clearance be obtained by the industry concerned.

- g) That the unit, M/s Ian Macleods Distillers India Pvt. Ltd. had submitted the proposal for allotment with the required permission from the Ministry of Environment Forest & Climate Change (EC identification number EC22A022HP156935 Dated 02.03.2022). Thereafter we have started the official work to accept this proposal and to grant permission to establish the above said Industry in the Industrial Area Pandoga.

In this way, the Hon'ble Tribunal may consider that the replying/answering respondent no. 2 after ensuring the completion of all mandatory provisions, granted permission to run the unit and from the above facts, the Hon'be Tribunal may take note that the unit was allowed to start work only after grant of Environment Clearance by Ministry of Environment, Forests and Climate Change,

Handwritten signature
Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED

Handwritten signature
Executive Magistrate
H.P. Sectt., Shimla

Consent to Establish and Consent to Operate by Himachal Pradesh State Pollution Control Board.

5. That the Hon'ble Tribunal vide order dated 24.10.2024, had observed that "it is not in dispute that three industries which are in category "A" and "B" have been allowed and therefore, apparently there is a breach of provision of environmental laws in as much as on the one hand, prior EC was not obtained in development of Industrial Area in question on a representation or a decision that "A" and "B" category industries shall not be installed but subsequently with development of industrial area, such categories of industries have been allowed to be established. Details of these industries are given as under:-

1. M/S Hindustan Farmdirect Pvt. Ltd. Plot No. A-5, Industrial Area Pandoga Upparla Distt.Una.

ATTESTED

Executive Magistrate
H.P. Sectt., Shimla

2. M/S Ian Macleod Distillers India Pvt. Plot No. A2, A3, A4 Industrial Area Pandoga Uparla Distt. Una HP.

3. M/S Ambaji Enterprises, Plot No. D-10, D-11, Industrial Area Pandoga Uparla Distt. Una HP.”

In this regard, it is submitted that only one unit at Sr. No 2, M/s Ian Macleods Distillers India Pvt. Ltd. Falls in category “A” and other two units does not fall in category “A” or “B” as per the guidelines of said notification. Furthermore, it is also submitted that until 03.12.2020, no unit, proposing to establish category “A” industry, had approached the replying respondent and when the proposal from M/s Ian Macleod Distillers India Pvt. was received by respondent department, in view of mandate contained in the notification of Government of India, Dated 14.09.2006 had directed M/S Ian Macleod Distillers India Pvt., to obtain prior


Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED


Executive Magistrate
H.P. Sectt., Shimla

Environment Clearance of the competent authority before setting up the unit vide approval dated 21.01.2021 (**Annexure-R-9**). As such, from the fact that Environment Clearance was made a necessary pre-requisite by replying respondents, clearly reveals that replying respondent has ensured the compliance of the said provision of aforesaid notification and has taken due caution required to be undertaken in this regard.


Principal Secretary (Industries) to the
Government of Himachal Pradesh

6. That the Regional Officer, H.P. Pollution Control Board carries out regular physical inspection of the units and regular sampling is being done to ensure that the ZLD effluent treatment plants are functioning as per norms. (Copies of the latest sampling reports stands submitted as Annexure-R2/XXI, Pg. No. 282 to Pg. No.286. of detailed reply dated 24.10.2024)
7. That the answering respondent no. 2 was in this impression the since unit M/s Ian Macleods

ATTESTED


Executive Magistrate
H.P. Sect., Shimla

Distillers India Pvt. Ltd. has taken Environment Clearance from the Ministry of Environment Forest & Climate Change, Government of India and the Ministry never raised the demand for the Environment Clearance of the entire Industrial Area while granting EC to the Unit, M/s Ian Macleod Distillers India Pvt. Ltd. Due to this the answering respondent no. 2 was in this impression that the Environment Clearance for the entire project is not required.

In this regard, the Hon'ble Tribunal may consider leniently that since the expeditious steps have been taken by the respondent and the consulting company is in the process of preparing the case to obtain Environmental Clearance and the same will be submitted for approval from the MOEF& CC shortly. At this juncture, the Hon'ble Tribunal may also consider that in order to adhere to the compliance of aforesaid notification of Government of India, redressal of grievances of the petitioner as

Sanu
Principal Secretary (Industries) to the
Government of Himachal Pradesh

ATTESTED

A
Executive Magistrate
H.P. Sectt., Shivalik

Declared before me on _____
at _____ (Solely Affidavit)
by _____
who is personally known to me or who
has been identified by _____
who is personally known to me.

well as observation of Hon'ble Tribunal, the replying respondent has taken effective steps so that, in future, no such eventuality may occur.

8. In view of above it is therefore prayed that the submission of replying respondent may kindly be taken for kind consideration in the interest of justice and law.

Date: 10.12.2024 Answering Respondent No.2

Place : Shimla


Principal Secretary (Industries) to the
Government of Himachal Pradesh
Principal Secretary
(Industries)
to the Government of
Himachal Pradesh

Through Counsel

RAJ KUMAR

ADVOCATE SUPREME COURT

OFFICE: 3146, FF, Ram Bazar, Mori Gate,
Delhi - 110006.

E - mail. rajrashiberi@gmail.com

Mobile No.7827377139.

ATTESTED


Executive Magistrate
H.P. Sectt., Shimla

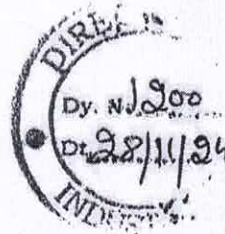
180
Declared before me on 10th day of Dec
2024 on oath (Solemnly Affixation)
by Shri Rajesh Kumar Naseem Singh (Soni)
who is personally known to me or who
has been identified by Sh Rajesh Kumar cust of H.P.
who is personally known to me. - 16 -


Executive Magistrate
H.P. Sectt., Shimla

No. IND-A-E005/2/2021
Government of Himachal Pradesh
Department of Industries
(Section-A)

From Principal Secretary (Inds.) to the
Government of Himachal Pradesh.

To ✓ The Director of Industries,
Himachal Pradesh,
Majitha House, Shimla-2.



28th November, 2024.

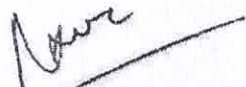
Subject:- Original Application No. 646/2023-titled as-Manoj Kumar Kaushal
vs State of Himachal Pradesh & ors.

Sir,

I am to refer to your letter No. Ind.Dev.F(16)OA No. 646/2023/NGT/-
15116 dated 25.11.2024 on the subject captioned above and to convey approval of the
Government to initiate the process to obtain ex-post facto environment clearance
approval for Industrial Area, Pandoga, District-Una, Himachal Pradesh from the
Ministry of Environment, Forest and Climate Change (MoEFCC), Government of
India. It is also directed that the concerned Officer may be directed to pursue the matter
with the Ministry of Environment, Forest and Climate Change, Government of India,
personally and the compliance affidavit in this regard be filed at least one week before
the next date of hearing but not later than 05th December, 2024, failing which suitable
action under relevant rules shall be taken.

You are, therefore, requested to take further necessary action
accordingly and give compliance to the undersigned.

Yours faithfully,


Principal Secretary (Inds.) to the
Government of Himachal Pradesh
Ph. No. 0177 2624586.

Endst. No. As above. Dated Shimla-2, the
Copy forwarded to the Joint Director of Industries, District Industries Centre, Una, H.P.
w.r.t. subject captioned above, for information and necessary action.

Principal Secretary (Inds.) to the
Government of Himachal Pradesh
Ph. No. 0177 2624586.

D/ 28/11/24
ADI (Sec)
Sh. Ganesha J.
Supt.

Attested

Section Officer (Industries-A)
H.P. Secretariat, Shimla

1707

- 46 -

No. Ind.Dev.F(16)OA No. 646/2023/NGT/- 15325
 Government of Himachal Pradesh
 "Directorate of Industries"

Dated: Shimla-171002; the

From:-

Director of Industries,
 Himachal Pradesh.

28 NOV 2024

To

✓ The Joint Director of Industries,
 District Industries Centre,
 Una, Distt. Una, H.P.

Subject: Original Application No. 646/2023 titled as Manoj Kumar Kaushal versus State of H.P. & others.

Sir,

Kindly refer to letter No. IND-A-E005/2/2021 dated 28.11.2024 received from the Principal Secretary (Industries) to the Government of Himachal Pradesh, addressed to the undersigned and copy thereof endorsed to you, on the subject cited above (copy enclosed for ready reference).

In this regard, it is informed that the Principal Secretary (Inds.) to the Government of Himachal Pradesh has conveyed approval to initiate the process to obtain ex-post facto environment clearance approval for Industrial Area, Pandoga, District Una, Himachal Pradesh from the Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India. It has also been directed to direct the concerned officer to pursue the matter with the Ministry of Environment, Forest and Climate Change, Government of India, personally and the compliance affidavit in this regard be filed at least one week before the next date of hearing but not later than 05th December, 2024, failing which suitable action under relevant rules shall be taken.

You are, therefore, requested to pursue the matter with the Ministry of Environment, Forest and Climate Change, Government of India, personally and take further necessary action in the matter accordingly.

Yours faithfully,

Director of Industries,
 Himachal Pradesh.

Encls.: As above.

Attached
 Section Officer (Industries-A)
 H.P. Secretariat, Shimla

Annexure-R2-3

No. IND-A-E005/2/2021
Government of Himachal Pradesh -
Department of Industries
(Section-A)

From

Principal Secretary (Inds.) to the
Government of Himachal Pradesh.

To

The Director of Industries,
Himachal Pradesh,
Majitha House, Shimla-2.

Dated: Shimla-2, the

04th December, 2024.

Subject:-

Original Application No. 646/2023-titled as-Manoj Kumar Kaushal
vs State of Himachal Pradesh & ors.

Sir,

I am directed to refer to your letter No. Ind.Dev.F(16)OA No. 646/2023/NGT/-15543 dated 03.12.2024 on the subject captioned above and to convey the approval of the Government w.r.t. hiring of consultancy firm i.e. M/s Eco Paryavaran Laboratories & Consultants Private Limited, to expedite the process of obtaining Environmental Clearance (EC) for Industrial Area, Pandoga subject to the condition that the total expenditure i.e. Rs.1,56,356/- (Rupees One Lakh fifty six thousand three hundred and fifty six only) for the said purpose shall be met out from IADA corpus fund only and there shall be no burden on State Exchequer.

You are, therefore, requested to take further necessary action accordingly.

Yours faithfully,

AB
AB
Section Officer (Industries-A)
H.P Secretariat, Shimla

AB
Special Secretary (Inds.) to the
Government of Himachal Pradesh

December, 2024.

Endst. No. As above. Dated Shimla-2, the
Copy forwarded to the Joint Director of Industries, District Industries Centre, Una, H.P.
w.r.t. subject captioned above, for information and necessary action.

Special Secretary (Inds.) to the
Government of Himachal Pradesh

1709

No: Ind/U/Dev/IA Pandoga / 2213
 Office of the Joint Director Industries,
 District Industries Centre, Una, H.P.
 Dated: Una the 06-12-2024

To

M/s Eco Paryavaran Laboratories and consultants Pvt. Ltd.,
 ECO Bhawan, E-207, Industrial area, Phase VIII-B (Sector-74),
 Mohali (Punjab) 160071

Subject:

Original Application No.646/2023-titled as -Manoj Kumar Kaushal Vs
 State of Himachal Pradesh &ors.

Sir,

This is in reference to the letter no. Ind-A-E005/2/2021 dated 04-12-2024 received from Principal Secretary (Inds.) to the Government of Himachal Pradesh (Copy of letter attached), vide which it was allowed to hire M/s Eco Paryavaran Laboratories and consultants Pvt. Ltd. for obtaining Environment Clearance (EC) for Industrial Area Pandoga, Sub-Tehsil Ispur, Distt. Una, H.P. subject to the total expenditure of Rs. 1,56,356/ (Rs. One lakh Fifty Six Thousand Three Hundred and Fifty Six Only).

You are, therefore, requested to start the work of obtaining Environment Clearance (EC) for Industrial Area Pandoga, Sub-Tehsil Ispur, Distt. Una, H.P. from Ministry of Environment, Forest & Climate Change at the earliest

Yours Faithfully

[Signature]
 Joint Director Industries,
 District Industries Centre,
 Una District Una, H.P.
 Phone: 01975-223002

*Attested**[Signature]*

Section Officer (Industries-A)
 H.P. Secretariat, Shimla

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

Handwritten notes and signatures in the top left corner, including a large 'W' and some illegible scribbles.

Handwritten notes in the top right corner, including 'u' and '21-3-15' circled.

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-I 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

Attested

Section Officer (Industries-A)
H.P. Secretariat, Shimla

Joint Director (Industries)
Distt. Industries Centre
Una, Distt. Una (H.P.)

Handwritten signature of the Joint Director (Industries).

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.

Attested
 Section Officer (Industries - A)
 H.P. Secretariat, Shimla

[Handwritten Signature]

Joint Director (Industries)
 Distt. Industries Centre
 Una, Distt. Una (H.P.)

- (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.

Attested
CSY
 Section Officer (Industries-A)
 H.P. Secretariat, Shimla

Yours faithfully

[Signature]
 (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.

[Signature]
 (T. C. Nautiyal)
 Assistant Inspector General of Forests

Encls. of Wildlife Deptt. / M.P. Pan Dehra / F.C.A. to be registered. 20.3.2015
Forwarded to Deputy Commissioner, Una for info & necessary action.

[Signature]
 Joint Director (Industries)
 Distt. Industries Centre
 Una, Distt. Una (H.P.)

[Signature]
 20/3/2015

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

Indira Paryavaran Bhawan,
 Allganj, 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

AKS
ABY
 Section Officer (Industries-A),
 H.P. Secretariat, Shimla

[Signature]

maintained by the State Government as per approved CA Scheme from the funds already provided by the user agency, 1714

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;

(v) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;

(vi) No labour camp shall be established on the forest land;

(vii) 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;

(viii) 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;

(ix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

(x) The forest land shall not be used for any purpose other than that specified in the proposal;

(xi) 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;

(xii) No damage to the flora and fauna of the adjoining area shall be caused;

(xiii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.

(xiv) 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.

(xv) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.

(xvi) Only built up area should be fenced so that other areas are available for free movement of animals.

(xvii) Along the arterial roads, natural forests should be maintained.

(xviii) No additional or new path will be constructed inside the forest area for carrying out any activities related to the project work.

(xix) 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.

(xx) 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.

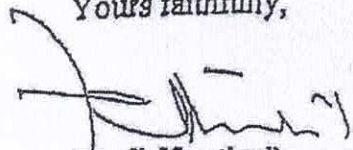
Akshay

liby

Section Officer (Industries-A)
H.P. Secretariat, Shimla

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,

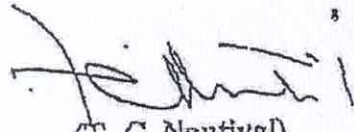


(T. C. Nautiyal)

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

Attested



Section Officer (Industries-A)
H.P. Secretariat, Shimla

10177-2621715

URGENT

Nn Ind. A(F) 10 517012
 Government of Himachal Pradesh
 Department of Industries

The Pr. Secretary (Industries) to the
 Govt. of Himachal Pradesh.

The Divisional Commissioner,
 Division Kangra Distt. Kangra
 at Dharamsala (HP)

Dated: Shimla-2, the 6th August, 2015

Subject: Transfer of Govt. land measuring 60-29-20 hec. in the name of Industries Department, H.P. for the development of Industrial Area in Village Pandoga Upper Tehsil & Distt. Una (HP).

I am directed to refer to your letter No. Div Commr/Bhu-Su-12/2031, dated 30th July, 2015, on the above subject and say that the matter was taken up with ACS-cum-FC (Revenue) who vide their letter No. Revenue-38-12/2015, dated 6th August, 2015 has conveyed the approval for the transfer of Govt. land measuring 60-29-20 hectare Khewat No. 419 min. Khatauni No. 602 Khasra No. 1244, 1257, 1263, 3214/1265, 3215/1265, 1432, 1433, 1434, 1435, 2733, 2832, 2833, 2834, 2835, 2837, 2931, 2932, 3190, 3192, 3194, 3195 Kitta 21 measuring 60-29-20 hectare as per the Jamabandi for the year 2007-08 in favour of Industries Department, Himachal Pradesh for the development of Industrial Area in Village Pandoga Upper Tehsil and District Una (HP).

The land shall be used for the purpose for which it has been transferred within a period of 2 years. The user Department shall furnish utilization certificate to this effect to the concerned Deputy Commissioner. The transferee shall ensure that demarcation and mutation are done immediately after the land is transferred.

The above approval is only for transfer of possession of Government land and the ownership shall remain with the Government and is subject to the final decision of SLP No. 1077/2007, State Vs Khatri Ram pending in the Hon'ble

Joint Director (Industries) Court of India

Distt. Industries Centre

Una, Distt. Una (H.P.)

All the requisite revenue papers pertaining to this case as received are

attached herewith.

It is, therefore, requested to kindly take further necessary action in the
 matter under intimation to this department.

Yours faithfully,

Additional Secretary (Inds.) to the
 Govt. of Himachal Pradesh.

No. Ind-A(F)10-5/2013 Dated: Shimla-2, the 4-8-2015
 Copy for information and necessary action is forwarded to:-

- The ACS-cum-FC (Revenue) to the Govt. of H.P. Shimla-2 with
 reference to his letter referred to above.
- The Director of Industries, H.P. Shimla-1.
- The Deputy Commissioner, Una Distt. Una H.P.
- The General Manager, DIC, Una Distt. Una (HP).

Allesh

ADY

Section Officer (Industries-A),
 H.P. Secretariat, Shimla

[Signature]

Additional Secretary (Inds.) to the
 Govt. of Himachal Pradesh.

Joint Director (Industries)
 Distt. Industries Centre
 Una, Distt. Una (H.P.)

Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)



ENVIRONMENTAL
CLEARANCE

To,

The Director
IAN MACLEOD DISTILLERS INDIA PRIVATE LIMITED
Pandoga Industrial area, Village Pandoga, Tal. Haroli, Dist. Una, Himachal Pradesh, Una, Himachal Pradesh-110001

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the Ministry vide proposal number IA/HP/IND2/212301/2021 dated 04 Jan 2022. The particulars of the environmental clearance granted to the project are as below.

- | | |
|--|--|
| 1. EC Identification No. | EC22A022HP156935 |
| 2. File No. | IA-J-11011/201/2021-IA-II(I) |
| 3. Project Type | New |
| 4. Category | A |
| 5. Project/Activity including Schedule No. | 5(g) Distilleries |
| 6. Name of Project | Proposed 5 KLPD Malt Spirit Distillery |
| 7. Name of Company/Organization | IAN MACLEOD DISTILLERS INDIA PRIVATE LIMITED |
| 8. Location of Project | Himachal Pradesh |
| 9. TOR Date | 20 May 2021 |

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 02/03/2022

(e-signed)
A.K Pateshwary
Director
IA - (Industrial Projects - 2 sector)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

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Section Officer (Industries-A)
H.P Secretariat, Shimla

This has reference to your online proposal no. IA/HP/IND2/212301/2021, dated 04th January, 2022 for environmental clearance to the above mentioned project.

2. The Ministry of Environment, Forest and Climate Change examined the Proposed 5 KLPD Malt Spirit Distillery by M/s. Ian Macleod Distillers India Pvt. Ltd. located at Plot No. A2, A3 & A4, Industrial Area Pandoga, District- Una, Himachal Pradesh.
3. All non molasses based distilleries up to 200 KLPD are listed at S.N. 5(g) of Schedule of Environment Impact Assessment (EIA) Notification under category 'B' and are appraised at State Level by Expert Appraisal Committee (SEAC). Due to applicability of General Condition i.e. the Interstate boundary within 5 km, the project is appraised at Central Level by Expert Appraisal Committee (EAC).
4. The ToR has been issued by Ministry vide letter No. IA-J-11011/201/2021-IA-II(I) dated 20.05.2021. Public Hearing for the proposed project has been conducted by HPPCB, Una on 28.10.2021 at Common Facility Centre, Industrial Area Pandoga, Una and chaired by Additional Deputy Commissioner, Una. There were no major issues raised during the public hearing. It was requested that the priority in employment should be given to the unemployed people of the village in the proposed unit. It was informed that no litigation is pending against the project.
5. The details of products and capacity are as under: -

Sr. No.	Particulars	Capacity
Products		
1.	Malt Spirit	5 KLPD
2.	IMFL	1000 Cases
3.	DWGS	13 TPD

6. Proposed land area available for the project is 43699 m². Industry will develop greenbelt in an area of 34.64 % i.e., 15141 m² out of total area of the project. The estimated project cost is Rs.50.8 Cr. Total capital cost earmarked towards environmental pollution control measures is Rs. 3.0 Cr. and the recurring cost (operation and maintenance) will be about Rs. 34.5 lakhs per annum. Total employment will be 77 persons as direct & indirect. Industry proposes to allocate Rs. 1.0 Cr. @ 2.0% of Total Project Cost (Rs. 50.5 Cr.) towards Corporate Environment Responsibility.

7. There are No national parks, wildlife sanctuaries, Biosphere Reserves, Tiger / Elephant Reserves, Wildlife Corridors etc., within 10 km distance from the project site, However, Reserved Forest is at 500 m in North Direction. River Swan is flowing at a distance of 5.76 km in ESE direction.

8. Ambient air quality monitoring was carried out at 9 locations during March to May 2021 and the baseline data indicates the ranges of concentrations as: PM₁₀ 27.2 to 58.2 µg/m³, PM_{2.5} 14.9 to 22.8, SO₂ 6.1 to 14.8 µg/m³, NO_x 9.6 to 18.1

Attested
ASU
Section Officer (Industries-A)
H.P. Secretariat, Shimla

$\mu\text{g}/\text{m}^3$. AAQ modeling study for point source emissions indicates that the maximum incremental GLCs after the proposed project would be $3.22 \mu\text{g}/\text{m}^3$, $0.355 \mu\text{g}/\text{m}^3$ and $2.42 \mu\text{g}/\text{m}^3$ with respect to SPM, SO_2 and NO_x . The resultant concentrations are within the National Ambient Air Quality Standards (NAAQS).

9. Total water requirement is $162 \text{ m}^3/\text{day}$ of which fresh water requirement of $102 \text{ m}^3/\text{day}$ will be met from Overhead Water Tank- DIC, Una. (In principal approval No.CAF/12/03/21657/112 dtd. 21.01.2021). Distillery effluent of $71 \text{ m}^3/\text{day}$ * quantity will be treated through $75 \text{ m}^3/\text{day}$ ETP. The plant will be based on Zero Liquid Discharge (ZLD) system. (*Conc. Spent Wash Slops (approx. 7 to 8 % w/w solids) is initially settled in settling tank and mixed with other non-process effluent. Other effluent like DM plant washing & boiler blow down, Fermenter washings, Spent-tees will be neutralized in neutralization tanks and mixed with spent wash and then treated in Primary & Secondary Effluent treatment plant. The treated effluent is then passed through RO to get clean water for reuse in the cooling towers and gardening. Industry is based on zero liquid discharge (ZLD) scheme).

10. Power requirement will be 650 KWH and will be met from Industrial Area, Una. Proposed unit will have 750 KVA (1 No. 500 & 1 No. 250 KVA each) DG sets will be used only as standby during power failures. Stack height >11 m will be provided as per CPCB norms to the proposed DG sets. Proposed 6 TPH boiler based on wood chips/briquettes will be installed for proposed Distillery. Multi cyclone with 30 m stack will be installed for proposed boiler for controlling of particulate emission within statutory limit of $115 \text{ mg}/\text{Nm}^3$ for the proposed boiler.

11. Details of process emissions generation and its management:

Project Activity	Anticipated pollutant	Management
Process emissions	CO_2 and Negligible VOCs	Minor CO_2 generation (1.368 TPD).
Stack, Fugitive emissions, material handling	PM_{10} , $\text{PM}_{2.5}$, NO_x , SO_2 , CO_2	Multi cyclone with 30 m stack

12. Details of Solid waste/ Hazardous waste generation and its management:

Sr. No.	Type of waste	Quantity	Final Disposal
1.	DWGS	13 TPD	DWGS is the by-product and will be sold to cattle/poultry feed.
2.	Fly Ash	1.5 TPD	Coal ash will be sold to brick manufacturers.
3.	ETP Sludge	0.5-0.6 TPD	ETP sludge will be Partly recirculate and remaining will be used in composting.
4.	Spent oil	Negligible	Quantity of Spent oil will be negligible and

Approved

 Section Officer (Industries - A)
 H.P. Secretariat, Shimla

(5.1)	shall be sent to authorized recycler
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13. During deliberations EAC sought the following information/commitments from PP:

- Entire project shall be ZLD and no single drop of water shall be discharged outside the plant premises.
- PP shall allocate at least Rs. 35 Lakhs/year for Occupational Health Safety.
- Company to construct a storage pond of 60 days capacity and the accumulated water to be used as fresh water thereby reducing fresh water consumption.
- PP shall utilize 10% (65 KW) of the total power requirement from solar power.
- PP proposed a budget allocation of Rs. 1.0 Crores towards CER and it shall be used for construction/up-gradation of school building with provision of facilities e.g. Toilets, Drinking Water Facilities, Computers/Laptops and Solar light etc. Further, the works under CER Plan shall be implemented in consultation with District Collector and the CER plan shall be completed in two years as planned.

PP has submitted the desired information as sought above.

14. The proposal was considered by the EAC in its 49th meeting held on 27th - 28th January, 2022 in the Ministry, wherein the project proponent and their consultant M/s. MITCON Consultancy and Engineering Services Ltd., presented the case. The Committee **recommended** the project for grant of environmental clearance.

15. The EAC constituted under the provision of the EIA Notification, 2006 and comprising of Experts Members/domain experts in various fields, have examined the proposal submitted by the Project Proponent in desired form along with EIA/EMP report prepared and submitted by the Consultant accredited by the QCI/NABET on behalf of the Project Proponent. The EAC noted that the Project Proponent has given undertaking that the data and information given in the application and enclosures are true to the best of his knowledge and belief and no information has been suppressed in the EIA/EMP report. If any part of data/information submitted is found to be false/ misleading at any stage, the project will be rejected and Environmental Clearance given, if any, will be revoked at the risk and cost of the project proponent.

16. The Committee noted that the EIA/EMP report is in compliance of the ToR issued for the project, reflecting the present environmental concerns and the projected scenario for all the environmental components. The Committee has found the baseline data is within NAAQ standards. The Committee has deliberated the action plan proposed by the project proponent to arrest the incremental GLC due to the project. The Committee has also deliberated on the CER plan and found to be addressing the issues in the study area. The EAC has deliberated the proposal and has made due diligence in the process as notified under the provisions of the EIA Notification, 2006, as amended from time to time and

Attested

[Signature]

Section Officer (Industries - B)
H.P. Secretariat, Shimoga

accordingly made the recommendations to the proposal. The Experts Members of the EAC have found the proposal in order and have **recommended** for grant of environmental clearance.

17. The environmental clearance granted to the project/activity is strictly under the provisions of the EIA Notification 2006 and its amendments. It does not tantamount/construe to approvals/consent/ permissions etc. required to be obtained or standards/conditions to be followed under any other Acts/ Rules/ Subordinate legislations, etc., as may be applicable to the project. The project proponent shall obtain necessary permission as mandated under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, as applicable from time to time, from the State Pollution Control Board, prior to construction & operation of the project.

18. Based on the proposal submitted by the project proponent and recommendations of the EAC (Industry-2), Ministry of Environment, Forest and Climate Change hereby accords environmental clearance to the project for **Proposed 5 KLPD Malt Spirit Distillery by M/s. Ian Macleod Distillers India Pvt. Ltd. located at Plot No. A2, A3 & A4, Industrial Area Pandoga, District- Una, Himachal Pradesh**, under the provisions of the EIA Notification, 2006, and the amendments therein, subject to compliance of the terms and conditions as under:-

A. Specific Condition:

- (i). The company shall comply with all the environmental protection measures and safeguards proposed in the documents submitted to the Ministry. All the recommendations made in the EIA/EMP in respect of environmental management, and risk mitigation measures relating to the project shall be implemented.
- (ii). The project proponent will treat and reuse the treated water within the factory and no waste or treated water shall be discharged outside the premises.
- (iii). Total fresh water requirement shall not exceed 102 m³/day and will be met from Overhead Water Tank- DIC, Una. Prior permission shall be obtained from the concerned regulatory authority/CGWA in this regard, and renewed from time to time. No ground water recharge shall be permitted within the premises. Company to construct a storage pond of 60 days capacity and the accumulated water to be used as fresh water thereby reducing fresh water consumption.
- (iv). The spent wash shall be utilized as DWGS to be used as cattle feed. PP shall utilize 10% (65 KW) of the total power requirement from solar power.
- (v). CO₂ generated from the process shall be bottled/made solid ice and utilized/sold to authorized vendors.

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- (vi). PP shall allocate at least Rs. 35 Lakhs/year for Occupational Health Safety. Occupational Health Centre for surveillance of the worker's health shall be set up. The health data shall be used in deploying the duties of the workers. All workers & employees shall be provided with required safety kits/mask for personal protection.
- (vii). Training shall be imparted to all employees on safety and health aspects of chemicals handling. Safety and visual reality training shall be provided to employees.
- (viii). The unit shall make the arrangement for protection of possible fire hazards during manufacturing process in material handling. Firefighting system shall be as per the norms. PESO certificate shall be obtained.
- (ix). Process organic residue and spent carbon, if any, shall be sent to Cement and other suitable industries for its incinerations. ETP sludge, process inorganic & evaporation salt shall be disposed of to the TSDF.
- (x). The company shall undertake waste minimization measures as below (a) Metering and control of quantities of active ingredients to minimize waste; (b) Reuse of by-products from the process as raw materials or as raw material substitutes in other processes. (c) Use of automated filling to minimize spillage. (d) Use of Close Feed system into batch reactors. (e) Venting equipment through vapour recovery system. (f) Use of high pressure hoses for equipment clearing to reduce wastewater generation.
- (xi). The green belt of at least 5-10 m width shall be developed in nearly 33% of the total project area, mainly along the plant periphery. Selection of plant species shall be as per the CPCB guidelines in consultation with the State Forest Department. Records of tree canopy shall be monitored through remote sensing map.
- (xii). PP proposed to allocate Rs. 1.0 Crores towards CER and it shall be used for construction/up-gradation of school building with provision of facilities e.g. Toilets, Drinking Water Facilities, Computers/Laptops and Solar light etc. Further, the works under CER Plan shall be implemented in consultation with District Collector and the CER plan shall be completed in two years as planned.
- (xiii). There shall be adequate space inside the plant premises earmarked for parking of vehicles for raw materials and finished products and no parking to be allowed outside on public places.
- (xiv). Storage of raw materials shall be either stored in silos or in covered areas to prevent dust pollution and other fugitive emissions.
- (xv). Continuous online (24x7) monitoring system for stack emissions shall be installed for measurement of flue gas discharge and the pollutants concentration, and the data to be transmitted to the CPCB and SPCB

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server. For online continuous monitoring of effluent, the unit shall install web camera with night vision capability and flow meters in the channel/drain carrying effluent within the premises.

- (xvi). A separate Environmental Management Cell (having qualified person with Environmental Science/Environmental Engineering/specialization in the project area) equipped with full-fledged laboratory facilities shall be set up to carry out the Environmental Management and Monitoring functions.

B. General Condition:

- (i) No further expansion or modifications in the plant, other than mentioned in the EIA Notification, 2006 and its amendments, shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change/SEIAA, as applicable. In case of deviations or alterations in the project proposal from those submitted to this Ministry for clearance, a fresh reference shall be made to the Ministry/SEIAA, as applicable, to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- (ii) The energy source for lighting purpose shall be preferably LED based, or advanced having preference in energy conservation and environment betterment.
- (iii) The overall noise levels in and around the plant area shall be kept well within the standards by providing noise control measures including acoustic hoods, silencers, enclosures etc. on all sources of noise generation. The ambient noise levels shall conform to the standards prescribed under the Environment (Protection) Act, 1986 Rules, 1989 viz. 75 dBA (day time) and 70 dBA (night time).
- (iv) The company shall undertake all relevant measures for improving the socio-economic conditions of the surrounding area. CER activities shall be undertaken by involving local villages and administration and shall be implemented. The company shall undertake eco-developmental measures including community welfare measures in the project area for the overall improvement of the environment.
- (v) The company shall earmark sufficient funds towards capital cost and recurring cost per annum to implement the conditions stipulated by the Ministry of Environment, Forest and Climate Change as well as the State Government along with the implementation schedule for all the conditions stipulated herein. The funds so earmarked for environment management/pollution control measures shall not be diverted for any other purpose.
- (vi) A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban local Body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.

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- (vii) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Environmental Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and SPCB. A copy of Environmental Clearance and six monthly compliance status report shall be posted on the website of the company.
- (viii) The environmental statement for each financial year ending 31st March in Form-V as is mandated shall be submitted to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.
- (ix) The project proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the SPCB/Committee and may also be seen at Website of the Ministry and at <https://parivesh.nic.in/>. This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional Office of the Ministry.
- (x) The project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.
- (xi) This Environmental clearance is granted subject to final outcome of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, if any, as may be applicable to this project.

19. The Ministry reserves the right to stipulate additional conditions, if found necessary at subsequent stages and the project proponent shall implement all the said conditions in a time bound manner. The Ministry may revoke or suspend the environmental clearance, if implementation of any of the above conditions is not found satisfactory.

20. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

21. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Attested
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22. The above conditions will be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 read with subsequent amendments therein.

23. This issues with the approval of the competent authority.

(Ashok Kr. Pateshwary)
Director

Copy to: -

1. The Additional Chief Secretary, Department of Forests, Government of Himachal Pradesh, Secretariat, Shimla-171001
2. Regional Officer, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Shimla 1st & 2nd Floor, C.G.O. Complex, Longwood, Shimla - 171001
3. The Member Secretary, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, Delhi -32
4. The Member Secretary, Himachal Pradesh State Pollution Control Board, Him Parivesh, Phase 3, New Shimla, Shimla, Himachal Pradesh 171009
5. Monitoring Cell, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi
6. District Magistrate/ Collector, Una, Himachal Pradesh
7. Guard File/Monitoring File/Parivesh portal/Record File

(Ashok Kr. Pateshwary)
Director

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Tel. No. 24695290

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Director
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