

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

O.A. No. 726/2023

In the matter of:

News Item titled "Deforestation ill-planned construction and unscientific-illegal mining behind Himachal Pradesh, monsoon catastrophe" appearing in The Hindu dated 25.11.2023.

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Place: Shimla, H.P.

Dated: 08.05.2024

HPSPCB

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

O.A. No. 726/2023

In the matter of:

News Item titled "Deforestation ill-planned construction and unscientific-illegal mining behind Himachal Pradesh, monsoon catastrophe" appearing in The Hindu dated 25.11.2023.

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 02
(HPSPCB) IN COMPLIANCE TO ORDER DATED
29.02.2024 OF THE HON'BLE NGT.**

May it please your Lordships:-

I, Anil Joshi, S/o Ram Dutt Joshi aged about 58 years, at present working as Member Secretary, H.P. State Pollution Control Board at Shimla, Himachal Pradesh being well conversant with the facts of the case in my official capacity and being competent to swear this affidavit on behalf of the H.P. State Pollution Control Board, do hereby solemnly declare and affirm on oath as under:-

1. That in the instant matter, the HPSPCB (Respondent no. 02) has filed its reply/response dated 20.02.2024 which is already on record of this Hon'ble Tribunal and the same may be read as part and parcel of the present affidavit/response of respondent no. 02.


Member Secretary,
HP State Pollution Control Board
Shimla

2. That in this matter, the Hon'ble NGT vide order dated 19.01.2024 has passed further directions qua HPSPCB, as follows:-

"...6. Learned Counsel for the HPPCB also seeks time to disclose the details of the violators against whom EC has been imposed as mentioned in paragraph 5 of its reply..."

3. That in compliance to the above-cited directions, the details of the violators against whom Environmental Compensation (EC) has been imposed for illegal/unscientific dumping of muck/debris is tabulated as follows:

Name of the Regional Office of HPSPCB.	Name/details of violators to whom directions for imposition of Environmental Compensation has been issued for illegal dumping of muck/debris.	Details of Environmental Compensation imposed.
Regional Office, Bilaspur	<p>Show cause notices were issued to five units for illegal muck dumping namely: Gawar Construction Ltd. (RMC Plant), Dilip Buildcon Pvt. Ltd, Max Infra (I) Ltd, Bharat Construction Ltd. and M/s Afcone Ltd.</p> <p>After further scrutiny, EC was imposed on M/s Dilip Buildcon Pvt. Ltd. village Mandi Manva, PO Raghunathpura, Tehsil Sadar, District Bilaspur. H.P.</p>	<p>Rs. 29,25,000/- (vide office order dated 05.09.2023, Annexure-I).</p>

Regional Office, Mandi.	M/s Afcons Infrastructure Ltd. (dumping of construction waste in River Beas during four lane work near Pandoh-Takoli section of NH-21).	Rs.10,50,000/- (vide office order dated 09.10.2019).
	M/s NKC Project (P) Ltd. (dumping of construction waste in River Beas during four lane work near Pandoh-Takoli section of NH-21).	Rs. 7,00,000/- (vide office order dated 09.10.2019).
	Ms KMC Construction Co. (dumping of construction waste during four lane work).	Rs. 2,50,000/-
	M/s Dinesh Kumar Sharma Screening Plant (Mandi-Rewalsar road upgradation)	Rs. 10,75,000/- (vide office order dated 27.10.2021).
	M/s Municipal Corporation Mandi.	Rs 19,45,000 (vide office order dated 21.06.2023).
	Total units = 5	Total Rs. 50,20,000/- (Copies of office orders are annexed as Annexure-II collectively.)

Regional Office, Dharamshala	M/s Gawar Construction Limited, SF-01, JMD Galleria, Sector 48, Sohna Road, Gurugram, Haryana, 122001.	Rs 65,25,000/- (vide office order dated 24.07.2023) and Rs 1,00,000/- (vide office order dated 20.05.2023)
	M/s Bharat Construction India Limited, Village Luthar, PO Kotla, Tehsil Jawali, Distt. Kangra.	Rs. 1,00,000/- (vide office order dated 20.05.2023)
	M/s MVD Cementation & Construction Pvt. Ltd. Vill. Balah, PO Kotla, Tehsil Jawali, Distt. Kangra.	Rs. 1,00,000/- (vide office order dated 20.05.2023)
	Total units = 3	Total Rs. 68,25,000/- (Copies of office orders are annexed as Annexure-III collectively).
Regional Office, Kullu	M/s NKC Pvt. Ltd. (Contractor of NHAI's Four Lane project Kullu, Village Hat, Tehsil Bhuntar, District Kullu, H.P.	Rs. 1,00,000/- (vide office order dated 13.09.2023), Rs. 1,30,000/- (vide office order dated

		24.06.2020) and Rs. 1,75,000/- (vide office order dated 05.05.2021)
	Sh. Sunil Dutt, Vilage Siyal, P.O. and Tehsil Manali. Distt. Kullu (H.P.)	Rs. 1,00,000/- (vide office order dated 06.10.2022).
	Total units = 2	Total Rs. 5,05,000/- (Copies of office orders are annexed as Annexure-IV collectively).
Regional Office, Chamba	M/s Jagson Construction limited, Village Bahadurpur, GT road Batala. Gurdaspur, Punjab. 143503,	Rs. 1,00,000/- (Vide office order dated 09.01.2023 Annexure-V).
Regional Office, Shimla.	M/s Sunni DAM HEP, Koldam Colony, Sunni, District Shimla, HP	Rs 5,00,000/- vide office order dated 07.07.2023 and Rs 60,90,000/- vide office order dated 27.12.2023.



M/s PK Construction Pvt. Ltd., Keonthal Complex, Khalini, District Shimla, HP	Rs 4,00,000/- (vide office order dated 08.08.2023 and Rs 2,00,000/- vide office order dated 18.08.2023).
M/s Sushil Chauhan, VPO Madog, Tehsil Chopal, District Shimla, HP	Rs 1,00,000/- (vide order dated 08.08.2023)
M/s Paraj Industries, (Contractor of HPMC, AJC Plant), VPO Parala, Tehsil Theog, District Shimla, HP	Rs 1,00,000/- (Vide order dated 08.08.2023)
M/s Infracool Pvt. Ltd., (C/o APMC CA Store), VPO Parala, Tehsil Theog, District Shimla, HP	Rs 1,00,000/- (vide order dated 08.08.2023).
Sh Dhani Ram & Ram Lal, Village Bhui (Deothi) PO Chailla, Tehsil Theog, District Shimla, H.P.	Rs 1,00,000/- (vide order dated 18.08.2023).
Sh. Yashwant Thakur, Village Chainu Balasan, Gram Panchayat Barai, PO Sheel, Tehsil Rohru, District Shimla. HP	Rs 1,00,000/- (vide order dated 30.08.2023)
Sh. Bhagat Chand Thakur, Village Chainu Balasan, Gram Panchayat Baral, PO Sheel, Tehsil Rohru,	Rs 1,00,000/- (vide order dated 30.08.2023)

	District Shimla, H.P.	
	Total units = 8	Total amount Rs. 77,90,000/- (Copies of office orders are annexed as Annexure-VI collectively).
Regional Office, Parwanoo	Mr. Gulfam, M/s Shuaib Fruit Company Meruth, 621-A, Sah peer Gare, Meruth at the sorting area in Village Tipra Parwanoo, H.P.	Rs 2,80,000/- (Vide office order dated 20.12.2022)
	Mr. Ravi Anand, M/s Rotoflex Pakaging Corp. Tahliwal, una, H.P.at the sorting area in Village Tipra Parwanoo, H.P.	Rs 2,80,000/- (Vide office order dated 20.12.2022)
	Mr. Ayyub, S/o Hazilshhaq, 100, town Bugrasi, Barhana, Bulandsehar, UP-245403 at the sorting area in Village Tipra Parwanoo, H.P.	Rs 2,80,000/- (Vide office order dated 20.12.2022)
	Mr. Rashid Suleman, S/o Majid, 184, Mohmmadpur-Lala, Kanker-Khera, Meruth Cant UP-250001 at the sorting area in Village Tipra Parwanoo, H.P.	Rs 2,80,000/- (Vide office order dated 20.12.2022)

	The Commissioner, MC Parwanoo, Distt. Solan, H.P.	Rs. 80,000/- (Vide office order dated 20.12.2022)
	M/s Cosmo Ferrites Ltd. VPO- Jabli, Tehsil Kasauli, Distt. Solan, HP	Rs. 75000/- (Vide office order dated 13.08.2021)
	The Commissioner, MC Parwanoo, Distt. Solan, H.P.	Rs 5,55,000/- (Vide office order dated 21.06.2021)
	M/s HPMC Ltd, Sec. 2, Parwanoo, Distt. Solan, HP	Rs 1,87,500/- (Vide office order dated 13.10.2022)
	M/s MT Autocraft, Village Naryal, Sector-4, Parwanoo, Ditt. Solan, HP	Rs. 75,000/- (Vide office order dated 13.08.2021)
	Total units = 09	Rs. 20,95,500/- (Copies of office orders are annexed as Annexure-VII collectively).
Regional Office, Rampur	M/s R & B Construction, Head Office Hindol, Below Thakur Niwas Kasumpti Shimla 171009	Rs 1,23,750/- (vide office order dated 16.12.2019, Annexure-VIII).

Prayer:-

In view of the submissions made above and in reply/response dated 20.02.2024 of HPSPCB, it is submitted that the State Board has taken action within its mandate with respect to the issues involved in this matter and therefore, it is prayed that the matter may kindly be disposed off qua HPSPCB. Any other order deemed fit and appropriate may also be passed in the interest of justice.


Deponent
Member Secretary,
HP State Pollution Control Board
Shimla

Verification:-

I, the above named deponent, do hereby further solemnly affirm that the contents of paras 1-3 are true and correct to the best of my knowledge, derived from official record and no part of it is believed to be false and nothing material has been concealed therefrom.

Signed and Verified at Shimla on..^{8th} day of ^{May}.., 2024.


Deponent
Member Secretary,
HP State Pollution Control Board
Shimla

**H.P. STATE POLLUTION CONTROL
BOARD
"HIM PARIVESH", PHASE III,
NEW SHIMLA-171009.**

No. PCB/RO Bilaspur (Env.Compensation)/Bilaspur/2023-
Dated:

**Environmental Compensation as per the Orders of Hon'ble National
Green Tribunal on OA no. 593/2017 for illegal & unscientific muck
dumping and causing Water Pollution.**

To

**M/s Dilip Buildcon Ltd.,
Village Mandi Manva, PO Raghunathpura,
Tehsil Sadar, Distt. Bilaspur, HP**

Whereas, as per the report of Regional Officer, HPSPCB Bilaspur, Distt. Bilaspur, HP vide letter no. PCB/RO/BLP/(1027)/ Dilip Buildcon Ltd./ 2023-822-27 dated 01/09/2023, it has been informed that unit in the name & style of M/s Dilip Buildcon Ltd., Village Mandi Manva, PO Raghunathpura, Tehsil Sadar, Distt. Bilaspur, HP is involved in the construction of Bhanupalli, Beri Railway project tunnels and has illegally & unscientifically dumped muck on hill slopes without protection measures as well as in Govind Sagar Lake causing water pollution.

Whereas, Show Cause Notices were issued to the unit under Water Act(Prevention and Control of Pollution) Act, 1974 and Air Act(Prevention and Control of Pollution) Act, 1981 vide letter no.518-522 dated 17/6/2023 but no action was taken by the unit to contain muck dumped unscientifically in the areas/under 2 construction sites at T16,P1 and T14,P2 till date as verified on 29/08/2023, to which unit had admitted to waste material being dumped along the hill slopes and had submitted that it shall be lifted within 7 days but no compliance has been made till 01/09/2023. Another Show Cause Notice was issued vide letter no. 1111-14 dated 07/07/2023 to submit the action taken report within 5 days but no reply was received, consequently another Show Cause Notice was issued to the unit vide letter no. 811 dated 30/08/2023. Further it has been informed by the RO that huge amount of muck dumped

unscientifically by the unit can be clearly seen submerged into Govind Sagar Lake & adjoining rivulets.

Whereas the Hon'ble National Green Tribunal and the Hon'ble High Court of HP has from time to time passed orders and imposed fines on violators in various such cases of illegal muck dumping in the State of Himachal Pradesh in the past.

And Whereas a CWPIIL No. 31/2023 titled as Madan Lal Vs State of HP & Ors. is pending in the Hon'ble High Court of HP regarding illegal and unscientific muck dumping in the Govind Sagar Lake and the matter is being followed up in the Hon'ble Court.

Whereas, the facts stated above tantamount to violation of the provisions contained in Section 33 of the Water (Prevention and Control of Pollution) Act, 1974 constituting a cognizable offence punishable under the aforesaid Act attracts the imposition of Environment Compensation as per the directions of Hon'ble NGT in O.A.no. 593/2017 titled as Paryavaran Suraksha Samiti & Anr Vs Union of India & Ors (for causing water pollution) on Polluter Pay Principle.

In view of above facts of non-compliances as reported by the Regional Office, HPSPCB, Bialspur, an environmental compensation amounting to Rs. 29,25,000/- (Rupees Twenty Nine Lakh, Twenty Five Thousand only) for 2 sites for the violation period from 1.07.2023 to 01.09.2023 based on pollution Index score is hereby imposed upon you for the violations. You are directed to immediately deposit the aforesaid Environmental Compensation amounting to Rs. 29,25,000/- in the account Member Secretary, HP State Pollution Control Board, of Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) immediately. You are further directed to stop all the ongoing construction work immediately and provide adequate protection measures on all the dumping sites and remove any excess muck from non designated places. Compliance report in this context shall reach the office of undersigned within 7 days, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Environment (Protection) Act shall be initiated against you.

sd./-
(Anil Joshi, IFS)
Member Secretary

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19/2023

HP State Pollution Control Board
Ph.no.0177-2673766

Endst No. PCB/RO Bilaspur(Env.Compensation)/Bilaspur/2023-7849-51

Dated: 5.9.2023

Copy forwarded to the following for information and necessary action:

1. The Regional Office, Bilaspur, Distt. Bilaspur H.P. to ensure the compliance of above orders. A fresh status report in the matter shall be submitted to this office within 10 days.
2. The System Manager, IT Section.
3. Case File.

Signed by

Anil Joshi

Date: 05-09-2023 15:26:05

(Anil Joshi, IFS)

Member SecretaryHP State Pollution Control Board
Ph.no.0177-2673766

	H.P. STATE POLLUTION CONTROL BOARD
	Near HPPWD Rest House, Dholra: Bilaspur (H.P.) 174001
	Phone: 01978-223550

No. PCB BLP (Ses Ram NGT)/019- 1804

Date: 09/10/19

To

M/S Afcons Infrastructure Ltd.,
Pandoh Bye pass Takoli, project V & P.O. Bajoura ,
Vill. Banala, P.O Aut,
Tehsil. Aut, Distt. Mandi, H.P. 175121

Subject: Compliance of The Hon'ble NGT order in Original Application No.65/2019 titled Ses Ram, former Pradhan Gram Panchyat Bahdai District Mandi : Levying of compensation for the damage to the environment on “ **Polluter pays principle**”

Sir,

In compliance to the Hon'ble National Green Tribunal order dated 31-07-2019 in above titled case, the committee as constituted comprising of SDM Mandi, DFO Mandi and Environmental Engineer, PCB Bilaspur inspected the dumping of construction waste from Banala to khotinala by NHAI undertaken by AFCON Company in district Mandi. The committee assessed the compensation to be paid as per “**Polluter pays principle**” as detailed below:

S.NO.	Dumping site location	Compensation assessed as per “Polluter pays principle”. For period 03-04-2019 to 28-05-2019 i.e 56 days. (Lacs).
1.	RHS Mandi –Manali NH at Dwada – Traffic diversion, Distt. Mandi	3.50
2.	RHS Mandi –Manali NH, at Hanogi Gowshala area, Distt. Mandi	3.50
3.	LHS Mandi –Manali NH, at Khoti Nallah approach to tunnel portal Distt. Mandi	3.50
	Total amount to be deposited with PCB	10.50

You are directed to deposit the above said amount Rs.10.50 lacs (Rupees Ten lacs fifty thousand only) in the Office of Environmental Engineer, HP State Pollution Control Board , Bilaspur (H P) immediately, as per direction of the Hon'ble National Green Tribunal.

Yours faithfully,



(Dr. R.K Nadda)
Environmental Engineer,
HPSPCB Bilaspur.

09/10/19

	H.P. STATE POLLUTION CONTROL BOARD
	Near HPPWD Rest House, Dholra: Bilaspur (H.P.) 174001
	Phone: 01978-223550

No. PCB BLP (Ses Ram NGT)/019- 1805

Date: 09/10/19

To

M/S NKC Pojects (P) Ltd.,
V & P.O. Bajoura ,
Tehsil Bhuntar Distt. Kullu (HP).
175125.

Subject: Compliance of The Hon'ble NGT order in Original Application No.65/2019 titled Ses Ram , former Pradhan Gram Panchyat Bahdai District Mandi : Levying of compensation for the damage to the environment on "**Polluter pays principle**"

Sir,

In compliance to the Hon'ble National Green Tribunal order dated 31-07-2019 in above titled case, the committee as constituted comprising of SDM Mandi, DFO Mandi and Environmental Engineer, PCB Bilaspur inspected the dumping of construction waste from Banala to khotinala by NHAI undertaken by AFCON Company in district Mandi. The committee assessed the compensation to be paid as per "**Polluter pays principle**" as detailed below:

S.NO.	Dumping site location	Compensation assessed as per " Polluter pays principle ". For period 03-04-2019 to 28-05-2019 i.e 56 days. (Lacs).
1.	RHS Mandi-Manali N.H Banala Parking site Distt. Mandi	3.50
2.	RHS Mandi-Manali, N.H Near Shani Temple Distt. Mandi (H P).	3.50
	Total amount to be deposited with PCB	7.00

You are directed to deposit the above said amount Rs.7.00 lacs (Rupees seven lacs only) in the Office of Environmental Engineer, HP State Pollution Control Board , Bilaspur (H P) immediately, as per direction of the Hon'ble National Green Tribunal.

Yours faithfully,



(Dr. R.K Nadda)

Environmental Engineer,
HPSPCB Bilaspur.

09.10.2019



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H.P. STATE POLLUTION CONTROL BOARD
"HIM PARIVESH", PHASE III,
NEW SHIMLA-171009.



ORDER

Whereas, according to the report received from the Environmental Engineer, H.P. State Pollution Control Board, Regional Office Bilaspur, Distt. Bilaspur, HP, it has been informed that the unit named as M/s Dinesh Kumar Sharma (PWD Contractor), (Near Govt. Middle School Nagrota), Village Nagrota, PO Drang, Distt.Mandi, HP is operating without valid consent of the State Board.

Whereas, it has been informed that (i) Show Cause Notices were served to the unit, by RO Bilaspur to apply for the Consent to Operate of the State Board(ii) The unit is also carrying out washing operations apart from screening operation at the site.(iii)There is no DG set and the unit is running on electric connection.(iv) As per the report of Mining Officer dated 14/10/2021 the unit is operating at the same site.

Whereas the facts stated above tantamount to the violation of the provisions of those contained in sections 24 & 25 of the Water (Prevention and Control of Pollution) Act, 1974 and sections 21 & 22 of the Air (Prevention and Control of Pollution) Act, 1981 constituting a cognizable offence punishable under section 41, 43 and 44 of Water Act, 1974 and 37, 38 & 39 of the Air (Prevention and Control of Pollution) Act, 1981, notwithstanding action under Section 33-A of the Water (Pollution & Control of Pollution) Act, 1974 and 31-A of Air(Pollution & Control of Pollution) Act, 1981.

Therefore, in consideration of the facts stated above & in exercise of power conferred under Section 33-A of the Water (Pollution & Control of Pollution) Act,1974 and 31-A of Air(Pollution & Control of Pollution) Act, 1981, the H.P. State Electricity Board in general and the Executive Engineer, Electrical Division-Mandi in particular are, hereby directed under the provisions of Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and 31-A of Air (Prevention & Control of Pollution) Act, 1981 to disconnect the power supply (or any other source of energy) of the unit M/s Dinesh Kumar Sharma (PWD Contractor), (Near Govt. Middle School Nagrota), Village Nagrota, PO Drang, Distt.Mandi, HP forthwith.

Contd. -

F.R.
 R.O.
 [Signature]
 01-11-21

H.P. State Pollution Control Board
 Dy. No. 19159
 Date 01-11-21

Direction is also issued to M/s Dinesh Kumar Sharma (PWD Contractor), (Near Govt. Middle School Nagrota), Village Nagrota, PO Drang, Distt.Mandi, HP to suspend the production and not to operate the unit even on DG set or any other source of energy. All concerned shall report compliance forthwith, as various opportunities have already been granted to the defaulting unit to comply.

The non-compliance of the above directions shall constitute a cognizable offence attracting fine up-to Rupees ten thousand and imprisonment up-to seven years under Sections 41, 43 and 44 of Water Act,1974 & Section 37,38 & 39 of the Air Act,1981 which can also be initiated.

Strict compliance from all concerned is solicited to avoid legal liability on their part.

Member Secretary
HP State Pollution Control Board
Ph. No. 0177-2673766

Endst. No. HPSPCB/RO Bilaspur(Misc.)/2021- 10591-93

Dated:-27.10.2021

Copy forwarded to the following for information, compliance/action and report:-

1. The Chairman, HPSEBL, Kumar House, Shimla-4 (H.P).
2. M/s Dinesh Kumar Sharma (PWD Contractor), Village Nagrota, PO Drang, Distt.Mandi, HP to stop the process/operation of the hot mix plant immediately on DG set.
3. The Environmental Engineer, HPSPCB, Regional Office Bilaspur, District- Bilaspur, HP to calculate the Environmental Compensation as per the directions of Hon'ble NGT.
4. Case File.

Member Secretary
HP State Pollution Control Board
Ph. No. 0177-2673766

H.P. STATE POLLUTION CONTROL BOARD

Regional Office Bilaspur, Near HPPWD Rest House Dholra, Tehsil & Dist.
Bilaspur (Himachal Pradesh)-174001

Telefax- 01978-223550, Website <http://hppcb.nic.in/>

No. PCB/BLP/ (997) M/s Dinesh Kumar Sharma screening plant/2022-5495

Dated: - 30/03/22

From: Environmental Engineer

To

M/s Dinesh Kumar Sharma Screening Plant,
Village Nagrota, Post Office Drang,
Tehsil Padhar, District Mandi.

Subject: Environmental Compensation- reg.

This is in reference to the HPPCB Head Office order no. Endst no. HPSPCB/RO Bilaspur (Misc.)/2021- 10591-93, dated 27.10.2021 regarding sealing of your unit and in compliance to the directions received to this office the Environmental compensation as per the directions of the Hon'ble NGT, the Environmental Compensation amounting **Rs. 10, 75,000/- (Rupees Ten Lacs Seventy Five Thousand only)** has been calculated for the period of violation, according to the formula prescribed in the orders passed by Hon'ble National Green Tribunal on 19.02.2019 in "O.A no. 593/2017 titled as Paryavaran Suraksha Samiti Vs Union of India & Ors".

You are hereby directed to deposit the Environmental Compensation amounting **Rs. 10,75,000/- (Rupees Ten Lacs Seventy Five Thousand only)**, in the form of demand draft duly issued in favour of Environmental Engineer, HPSPCB Bilaspur payable at Bilaspur, so that the necessary action on your online application for Consent to Establish can be taken accordingly.



Atul Parmar

Environmental Engineer

H.P. State Pollution Control Board Bilaspur

o/c

W/208130/2023

REGD.POST



HP State Pollution Control Board
HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018



भारत सरकार
GO EARTH - ONE FAMILY - ONE FUTURE

No. (47)PCB/MSW/M.C.Mandi-Vol-I/2020- 3959-64 Dated: 21-6-2023

**Environmental Compensation for violation of provisions under
Solid Waste Management Rules, 2016 as per order by Hon'ble
NGT in O.A. No. 606/2018.**

To,

The Commissioner,
Municipal Corporation- Mandi,
District Mandi(H.P).

WHEREAS, as per the report/ Show Cause Notices issued by the Regional Office, Mandi/ Bilaspur/ Head Office, HPSPCB on dated 20.02.2021, 15.06.2021, 22.06.2021, 30.09.2021, 12.05.2022, 21.06.2022, 17.06.23 and reported that the Municipal Corporation, Mandi is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & Solid Waste Management Rules, 2016 and reported that a) No segregation of solid waste is carried out at dumping site as both wet and dry wastes were found dumped together in the composting pits. b) No arrangement has been provided for door-to-door collection of segregated solid waste from all households as the vehicles engaged in the collection of Solid Waste reaching the site during inspection were found carrying mix of the wet and dry waste. c) No mechanism for leachate collection from the site has been provided. Leachate from dumping site may deteriorate the water quality of River Beas. d) No material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable material has been provided at site. e) Solid waste was also found littered along River Beas that may deteriorate the quality of water of River Beas. f) Composting pits were found completely dismantled and no composting of wet waste is being carried out at site.

WHEREAS, further as per the report/ show cause notices issued by the Regional Office, Mandi/ Bilaspur on dated 21.06.2022 & 17.06.2023 that the leachate generated from the legacy waste site of the Municipal Corporation is not meeting to the norms prescribed in the Schedule-II of Solid Waste Management Rules, 2016.

WHEREAS, under the provisions of Solid Waste Management Rules, 2016, MC Mandi was required to manage and treat solid waste in a proper/ scientific manner but it has been observed that no corrective steps for scientific management, handling and disposal of waste were taken.

WHEREAS, as per the Solid Waste Management Rules, 2016, Schedule-II, A (a) "... To the extent possible, the waste storage area should be covered. If, such storage is done in an open area, it shall be provided with impermeable base with

I/208130/2023

facility for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility..."

WHEREAS, under Section 42 (a) of Water (Prevention & Control of Pollution) Act, 1974 *no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [stream or well or sewer or on land];*

WHEREAS, the above acts and omissions tantamount to violation of the provisions of the Environment (Protection) Act, 1986, Water (Prevention & Control of Pollution) Act, 1974, Solid Waste Management Rules, 2016 and the directions issued by the State Board which is a punishable offence under the said Act/Rules. The said violation also attract the penal provisions as directed by the Hon'ble NGT in its order dated 28.02.2020 in O.A. No. 606/2018 titled "Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues"

WHEREAS, Hon'ble NGT vide order dated 28.08.2019 passed by in O.A. No. 593/2017 titled **Paryavaran Suraksha Samiti V/s Union of India & ors.** approved the methodology for levy of Environmental Compensation on the basis of polluter pays principle on violating units.

WHEREAS, Hon'ble High Court in CWP No. 2369/2018 vide order dated 06.04.2023 has directed all Local bodies not to dispose of garbage/ solid waste illegally along water bodies & ensure proper collection, segregation & disposal but the aforesaid acts of yours also tantamount to violation of said Court orders.

Despite the repeated requests/correspondences and notices issued the State Board, MC Mandi is not complying with the provisions of law and directions issued therein by the Board or the Hon'ble Court. Therefore, Environmental compensation amounting to **₹ 19,45,000 /- (Rupees Nineteen Lakhs Forty Five Thousand only)** is hereby imposed as per the orders dated 19-2-2019 of Hon'ble NGT passed in O.A. No. 593/2017 from the date of violation observed i.e. dated 9.05.2022 to 01.06.2023 (i.e. INR 5,000/- per day for 389 days violation) **for discharging untreated leachate** in open towards National Highway and Beas River AND Environmental compensation amounting to **₹ 8,00,000/- (Rupees Eight Lakhs only) is also hereby imposed for the violation of Solid Waste Management Rules for violation period w.e.f. Feb, 2021 to Sept, 2023** as per Hon'ble NGT order in OA No. 606 of 2018.

Accordingly, you are hereby directed to deposit Environmental Compensation of **₹ 27,45,000/- (₹ 19,45,000 /- + ₹ 8,00,00/-)** the aforesaid amounts in the account of Member Secretary, HP State Pollution Control Board, **Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Solid Waste Management Rule, 2016 shall be initiated at your own risk and cost.

Also note, if the violations persists the amount of Environmental compensation shall increases beside action under Section 15 of The Environment (protection) Act, 1986, attracting imprisonment upto five years shall be taken against you without any further opportunity.

(Anil Joshi, IFS)
Member Secretary

I/208130/2023

HPSPCB, Shimla-9.

Copy to:-

1. The Pr. Secy. (Urban Development) to the GoHP for kind information please.
2. The Director, Urban Development, Talland, Shimla for kind information & with request to issue necessary directions to concerned officials to ensure compliance.
3. The Deputy Commissioner, Mandi for kind information please.
4. The Mayor, Municipal Corporation, Mandi for information please.
5. The Regional Officer, HPSPCB, Mandi for information and further necessary action.

Signed by

Anil Joshi

(Anil Joshi, IFS)

Date: 20-06-2023 19:29:07

Member Secretary

HPSPCB, Shimla-9

REGD.POST**HP STATE POLLUTION CONTROL BOARD**

HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

Office Order

Whereas, it has been reported that M/s Gawar Construction Limited is resorting to unscientific muck dumping and the said unit has not obtained consent from the H.P. State Pollution Control Board for the rehabilitation and upgradation to Four Lane configuration & Strengthening of Mo to Sihuni from Km. 42.000 to Km.51.000 (Design Length 8.330 KM) of NH-20 (New NH-154) of Pathankot -Mandi Section in the State of Himachal Pradesh, as required under Section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas, the Regional Officer, Dharamshala, HPSPCB vide communication dated 03.04.2023 reported unscientific muck dumping during the rehabilitation and up gradation work to Four Lane configuration & Strengthening of Mo to Sihuni from Km. 42.000 to Km. 51.000 (Design Length 8.330 KM) of NH-20(New NH-154) of Pathankot -Mandi Section in the State of Himachal Pradesh.

And accordingly, vide this office communication no 2277-80 dated 20.05.2023, Environment Compensation of Rs 1.00 Lakh each was imposed upon M/s Gawar Construction Limited and two of its subcontractors i.e. M/s Bharat Construction India Private Limited and M/s MVD Cementation & Construction Private Limited.

Whereas, it has been reported that when the site was again inspected on 01.06.2023 by the official of Regional Office, Dharamshala, HPSPCB, it was found that the muck was again dumped at the river site without providing protection measures adjoining to the khad and hence direction for compliance was again issued by Regional Office, Dharamshala, HPSPCB vide letter no 1757-63 dated 02.06.2023, but no compliance has been reported by the unit till date.

Whereas, additionally a direction was issued to National Highway Authority of India by Regional Officer, Dharamshala vide letter dated

HPSPCB Dharamshala

Dy. No. 814

Dated. 31/07/23

PCB-1002/24/2023-CONSENT SECTION-STATE POLLUTION CONTROL BOARD

220159/2023

12.06.2023 which was also endorsed to M/s Gawar Construction Limited directing therein to stop the unscientific muck dumping along the Pathankot -Mandi highway adjacent to khad(s) in 32 mile to Kotla stretch and provide the protection measures immediately, but no compliance was reported.

Whereas, finally a show cause notice (no. 4688-89 dated 05.07.2023) was issued to M/s Gawar Construction Limited to immediately apply for the consent of the State Board; to ensure that protection measures are provided to the muck already dumped by the said unit/its subcontractors at the river sites and to stop further excavation for constructional activities, till proper designated dumping sites are identified as per carrying capacities.

Whereas, M/s Gawar Construction Limited submitted its reply dated 06.07.2023 in response to State Board's notices, according to which the unit and its sub-contractors have deposited the compensation of Rs. Three Lakhs and requested not to take action in reference to Hon'ble NCT orders passed in O.A. no. 593/2017. It was further asserted that the project is not required to take consent of the State Board, which is untenable

Whereas, this sector is covered under the orange category of Industries/sector and required to seek prior consent under Water Act, 1974 & Air Act, 1981 prior to commencing of its activities and whereas, in fact M/s Gawar Construction Limited had applied and obtained the consent of the H.P. State Pollution Control Board for the construction of other stretches of Highways in the State of H.P.

In view of the above non-compliances and continued violations, in exercise of power conferred under the Section 33-A of Water Act, 1974 and Section 31-A of Air Act, 1981. it is hereby directed that:-

1. Gawar Construction Limited shall apply for the consent of the State Board and shut down all operations including the work of sub-contractors till proper protection and restoration work at all the dumping sites is carried out & complete compliance is submitted to State Board.
2. Environment Compensation of Rs. **65,25,000/- (Rupees Sixty Five Lakhs twenty five thousand only)** for the violation period **03.08.2022 to 17.07.2023** is hereby imposed upon M/s Gawar

2023

Construction Limited, being principal proponent, as per the CPCB Guidelines for EC and Environment Policy framed, in compliance of Hon'ble NGT order dated 19.02.2019 & 28.08.2019 in OA. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr v/s Union of India & Ors.

* The Environmental Compensation (EC) has been imposed on the basis of following formula:-

$$EC = PI \times N \times R \times S \times LF$$

Where, EC is Environmental Compensation in ₹.

PI = Pollution Index of industrial sector.

N = Number of days of violation took place.

R = A factor in Rupees (₹) for EC.

S = Factor for scale of operation.

LF = Location factor.

The details of Environment Compensation imposed to the unit are as below:-

Name of the unit	Calculation Factors	Amount of EC imposed (In Rs.)
M/s Gawar Construction Limited, SF-01, JMD Galleria, Sector 48, Sohna Road, Gurugram, Haryana. Pin 122001.	PI= 50 (For Orange Category) N= 348 days R= 250 (as average Rupees as recommended by CPCB in the EC guidelines) S= factor for scale operation (1.5) LF= 1.0	Rs. 65,25,000/- (Rupees Sixty Lakhs twenty five thousand only)

The amount of compensation already paid by the unit shall be adjusted against the total amount payable.

Please note that in the event of failure to comply with the directions and non submission of environmental compensation, action as per law shall be initiated against you at your own risk and cost.

-Sd-

(Anil Joshi, IES)

Member Secretary

H. P. State Pollution Control Board, Shimla

Endst. No.: PCB/Misc Complaints(RO Dharamshala)/2023 - 5435 - 36
Dated: 24.7.2023

Copy forwarded to:

40

PCB-I002/24/2023-CONSENT SECTION-STATE POLLUTION CONTROL BOARD

220159/2023

1. M/s Gawar Construction Limited, SF-01, JMD Galleria, Sector 48, Sohna Road, Gurugram, Haryana. Pin 122001. for information and compliance to the above directions and report forthwith.
2. M/s Bharat Construction India Pvt. Ltd. Village Luther, PO Kotla, Tehsil Jawali, Distt. Kangra-H.P. with direction to immediately shut down the operation and restore the site.
3. M/s MVD Cementation & Construction Pvt. Ltd., village Balah, PO Kotla, Tehsil Jawali, Distt. Kangra, H.P with direction to immediately shut down the operation and restore the site.
4. The Regional Officer, HPSPCB, Dharamshala to ensure that the directions are delivered to the units today itself and compliance be ensured. A report in this regard shall reach this office within 3 days with pictorial evidence.

Signed by

Anil Joshi

Date: 22-07-2023 15:10:12

(Anil Joshi, IFS)

Member Secretary

H. P. State Pollution Control Board, Shimla.

(41)



HP State Pollution Control Board
HIM Parivesh Bhawan, Phase-III, New
Shimla-09

Phone No. 0177-2673766, 2673020



REGD. POST

No./PCB/Misc Complaints(RO Dharamshala)/2023 - 2277-80

Dated: 20.5.2023

Environmental Compensation for unscientific muck dumping as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

- i. M/s Gawar Construction Limited, SF-0, JMD Galleria, Sector-48, Sohna Road, Gurugram, Haryana.
- ii. M/s Bharat Construction India Pvt. Ltd. Village Luther, PO Kotla, Tehsil Jawali, Distt. Kangra-H.P.
- iii. M/s MVD Cementation & Construction Pvt. Ltd., village Balah, PO Kotla, Tehsil Jawali, Distt. Kangra, H.P

WHEREAS, as per the report of the Regional Officer, HPSPCB, Dharamshala vide letter no PCB/Misc. Files/RO /(D/sala)/22 29-31 dated 03.04.2023 various public complaints were received regarding unscientific muck dumping along the Mandi-Pathankot Highway on the bank of the Khads.

WHEREAS, the work of re-habitation & Up-gradation to four lane configuration & strengthening of Mo to Sihuni from 42.000 KM to 51.000KM of NH-20(new NH-154) of Pathankot-Mandi Highway has been awarded to you to M/s Gawar Construction Limited, SF-0, JMD Galleria, Sector-48, Sohna Road, Gurugram, Haryana who has further awarded the work to M/s Bharat Construction India Pvt. Ltd. site address Village Luther, PO Kotla, Tehsil Jawali, Distt. Kangra-H.P. Presently M/s MVD Cementation & Construction Pvt. Ltd., site address village Balah, PO Kotla, Tehsil Jawali, Distt. Kangra, H.P. is executing the wok of excavation of hill slope on behalf of M/s M/s Bharat Construction India Pvt. Ltd.

WHEREAS, in view of received public complaints Regional Officer, HPSPCB Dharamshala, has informed that the inspections of the sites were conducted on 3.11.2022 and 29.03.2023 and found that the muck is being unscientifically dumped along the Mandi-Pathankot Highway adjacent to the Khad near Trilokpur to sihuni were without any protection wall, thereby leading the muck to directly flow into the water body which may contaminate the surface water flowing in the khad and may choke/affect the water supply schemes downwards.

WHEREAS, numerous notices were issued to you vide letters dated 03.08.2022, 25.08.2022, 07.11.2022 and 03.03.2023 but nothing tangible has been done by you.

WHEREAS, order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors states that:

....*"We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle."*.....

WHEREAS, the fact stated above tantamount to violation similar as mentioned in the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, you are hereby directed to deposit the Environmental Compensation amount of Rs. 1.00 Lakh each in the account of **Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) within 3 days**, failing which further action as per the provision of shall be initiated against you.

-Sd-
(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to:-

1. The Regional Officer, HPSPCB Dharamshala to ensure that the letter is received by the units today itself for necessary compliance. He is directed to ensure that muck dumping doesn't take place without proper protection measures and required Pollution Control Devices. Remedial action for the compliance be immediately taken by the unit and compliance report to this office be submitted within 3 days. The RO to also ensure that the concerned Forest/ revenue staff be also directed to take suitable action in this regard w.r.t violation of Indian forest act/FCA/ Land Revenue act and action taken report from them, in this regard, be ensured.
2. Case file.

Signed by Anil Joshi, IFS
Date: 20-05-2023 10:17:23

(Anil Joshi, IFS)
Member Secretary

1/24/2023

**H.P. STATE POLLUTION CONTROL
BOARD**

**"HIM PARIVESH", PHASE III,
NEW SHIMLA-171009.**

No. PCB/Power Disconnection/Kullu/E-130584/2023-

Dated:

**Environmental Compensation as per the Orders of Hon'ble National Green
Tribunal in OA No. 256/2013 for muck dumping.**

To

M/s. NKC Pvt. Ltd.
Contractor of fourlane,
Kullu, Distt. Kullu, HP

Dy. No. 1818 Date 18-9-2023
H.P. State Pollution Control Board
KULLU (HP)

Whereas, as per the report of Regional Officer, HPSPCB Kullu, Distt. Kullu, HP vide letter No. 1370 dated 7.8.2023, it has been reported that telephonic complaint received from the Deputy Commissioner, Kullu on 1.8.2023 that muck is being dumped to the river Beas in front of the Maa Kali, Sheetla Mata Mandir, IA Shamshi in four lane. The site was inspected, and it has been observed that the muck was dumped into the river Beas at the spot near Jia on four lane by the M/s NKC Pvt.Ltd. without any protection/retaining structure. During the course of inspection one vehicle (Dumper) No. HP 66 8122 was found at the site containing muck and the driver Sh. Ghanshyam S/o Sh. Hiri Nath. Vill. Jhidi, P.O. Nagwain, Tehsil Aut, Distt. Mandi (H.P.) of vehicle given the written spot statement that he was lifting the muck of M/s NKC Pvt. Ltd. who engaged in the four-lane construction work in Distt. Kullu (H.P.) and the employee Sh. Deepak Mishra. Site Engineer. NKC, Pvt.Ltd. & Sh. Dev Raj Singh Senior, Highway Engineer. NKC. Pvt. Ltd. ordered him to throw the muck into the river Beas on the aforesaid location.

Whereas, the Hon'ble NGT order vide dated 29.07.2013 in case of Abhishek Rai V/s State is:

"Whoever is found to be throwing or dumping any such material, of H.P. & Ors. that effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs. 1.00 lakh s compensation for causing pollution on the basis of the 'polluter pays principle.....".

Whereas, the Regional Officer, Kullu has further recommended that an Environment Compensation amounting to Rupees 1.00 Lakh as per the aforesaid order of Hon'ble NGT may be imposed on the said unit for the violation.

Whereas, the facts stated above tantamount to violation of the

I/243268/2023

No. ...
State Pollution Control Board

provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 constituting a cognizable offence punishable under the aforesaid Act; and attracts the directions of Hon'ble NGT in O.A. No. 256/2013.

In view of above, an Environment Compensation amounting to Rs. 1.00 Lakhs is hereby imposed upon you with direction that the same must be deposited immediately in the account of Member Secretary, HP State Pollution Control Board. Further, you are directed to stop your construction work immediately and provide adequate protection measures over the muck dumping sites.

Compliance report in this context shall reach the office of undersigned within 7 days, failing which action under the provisions of Water (Prevention & Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act 1986 shall be initiated against you.

Sd/-
(Anil Joshi, IFS)
Member Secretary

Endst No. PCB/Power Disconnection/Kullu/E-130584/2023- 8083 - 85

Dated: 12.9.2023

Copy forwarded to the following for information and necessary action:

- ✓ 1. The Regional Office, Kullu, Distt. Kullu, H.P. to ensure that the above orders are implemented, and latest status report in the matter be submitted to this office within 7 days .
- 2. The System Manager, IT Section.
- 3. Case File.

Signed by
Anil Joshi

Date: 12.09.2023 17:54:19
(Anil Joshi, IFS)
Member Secretary

URGENT
FR
AJE
05/09/23

Already received email
18/09/2023

File
19/9/2023



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H.P. STATE POLLUTION CONTROL BOARD

Office: HIMUDA, Shopping Complex Hall No-5, Beasamoar- Kullu
Distt-Kullu, Pin-175101 (Phone: 01902-223149)

Website: <http://hppcb.nic.in> e-mail: pcbokullu@gmail.com

No. PCB /RO Kullu(1190)/M/s NKC Project (P) Ltd. /

Dated- 24-06-2020

To

The Project Manager
NKC Project, Village Hatt, Tehsil Bhuntar
Distt. Kullu HP

Subject: - Submission of Environmental Compensation regarding.

In continuation to this office letter No. 3911-13 dated 25.02.2020 and 5251 dated 20.03.2020 regarding show cause notice under Water (Prevention and Control of Pollution) Act,1974 and Air (Prevention and Control of Pollution) Act,1981 and the reply submitted by you dated 20.03.2020 regarding stopping of sprinkling excess water flow and providing retaining wall along the river to restrict the muck flow. The same has been verified by this office on dated 20.03.2020. As you have already carried out muck dumping activities at site without proper protection measures and muck flows to the river with the water from the construction site and have the impact on the water quality of river Beas, which is gross violation of provisions of the Water (Prevention and Control of Pollution) Act,1974.

The Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 passed the following directions:

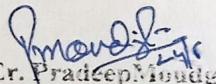
"...Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions."

Further Hon'ble National Green Tribunal in O.A.1038/2018 dated 10.07.2019 and 23.08.19 passed following directions:

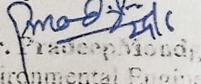
"...The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."

Further in compliance of above orders of Hon'ble NGT you are liable to pay Environmental Compensation amounting Rs. 1,30,000/- (Rupees One Lac Thirty Thousand only).

You are therefore, directed to deposit / transfer the above mention Environmental Compensation amount directly in the A/C No. 5414010000167 (IFSC Code : BARB0NEWSIM) Member Secretary, HP State Pollution Control Board, Shimla and submit the payment bank transaction Number for official record. Failing of which action shall be initiated under the provisions of Water (Prevention and Control of Pollution) Act,1974 without further notice at your risk and cost please..


(Er. Pradeep Singh)
Asstt. Environmental Engineer
H. P State Pollution Control Board, Kullu

Copy forwarded to the Member Secretary, HPSPCB, New Shimla for information and necessary action please.


(Er. Pradeep Singh)
Asstt. Environmental Engineer
H. P State Pollution Control Board, Kullu

H.P. STATE POLLUTION CONTROL BOARD

Regional Office: HIMUDA, Shopping Complex, Hall No-5,
Kullu, Distt-Kullu, Pin-175101 (H.P) Phone: 01902-23149

Website: <http://hpspcb.nic.in> e-mail: pcbokullu@gmail.com

No- PCB/RO Kullu (1196)/M/s NKC projects (P) Ltd/hat/2021/2019-449-50

Reg.

Dated: 05.05.2021

To

The Project Manager,
NKC Project, Village Hatt, Tehsil Bhunter
Distt. Kullu (H.P.).

Sub: - Regarding Environment Compensation.

In continuation to this office letter No. PCB/ RO Kullu (1196)/ M/s NKC projects (P) Ltd/ Hat/2021-19-20 dated 05.04.2021 regarding show cause notice under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 & Environment (Protection) Act, 1986 and direction was issued to lift up the dumped muck/debris and to provide proper retaining structure along with stabilized slopes in order to prevent the flow of muck into the river Beas.

Whereas, inspection has been conducted by this office on dated 04.05.2021 and during the course of inspection, it has been observed that the muck/debris was dumped along the river Beas and no corrective measures has been taken (photographs enclosed). Despite of direction issued vide letter no. PCB/ RO Kullu (1196)/ M/s NKC projects (P) Ltd/ Hat/2021-19-20 dated 05.04.2021. No compliance has been made till date.

Whereas, you are violating the provisions under Section 24 of Water (Prevention & Control of Pollution) Act, 1974 and section 22 of Air (Prevention and Control of Pollution) Act.

The Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 passed the following directions:

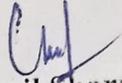
"...Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions."

Further Hon'ble National Green Tribunal in O.A.1038/2018 dated 10.07.2019 and 23.08.19 passed following directions:

"...The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."

Further, in compliance of above orders of Hon'ble NGT you are liable to pay Environmental Compensation amounting Rs.1,75,000 /- (Rupees One Lac Seventy Five Thousand only).

You are therefore, directed to deposit / transfer the above mention Environmental Compensation amount directly in the A/C No. 54140100001617 (IFSC Code : BARB0NEWSIM) Member Secretary, HP State Pollution Control Board, Shimla and submit the payment bank transaction number for official record. Failing of which action shall be initiated under the provisions of Water (Prevention and Control of Pollution) Act,1974 without further notice at your risk and cost please.


Er. Sunil Sharma,
c/c AEE, HPSPCB, Kullu, H.P.

Copy to:

1. The Member Secretary, HPSPCB, Shimla-09 for kind information and necessary action, please.


Er. Sunil Sharma,
c/c AEE, HPSPCB, Kullu, H.P.



H.P. STATE POLLUTION CONTROL BOARD

Regional Office: HIMUDA, Shopping Complex, Hall No-5,

Kullu, Pin-175101 (H.P.) Phone: 01902-223149

Website: <http://hppcb.nic.in> e-mail: pcbrokekullu@gmail.com

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Himuda
At - Himuda

No. PCB/RO Kullu/NGT File/Vol-XI/2022- 3298-99

Dated: 06-10-2022

To

Sh. Sunil Dutt S/o Sh. Nand Lal,
Vill Siyal, P.O. & Tehsil Manali,
Distt. Kullu (H.P.).

Sub: Regarding submission of the Environmental Compensation.

This is in reference to the news item published in "Punjab Kesri" newspaper on dated 29.08.2022 regarding dumping of muck along the River Beas and inspection of site conducted on same day by this office. During the course of inspection, it was observed that the site shown in newspaper is located in front of the Hotel Le- Grand, Rangree, Tehsil Manali, Distt. Kullu (H.P.) and muck was dumped opposite to the aforesaid unit along the river Beas. Moreover, Sh. Rajat Rana owner of tipper no. HP58 B3016 informed that Sh. Sunil Dutt establishing a tourism unit and developing a plot at Vill. Simsa, P.O. Chhiyal, Tehsil Manali, Distt. Kullu (H.P.) and advised him to throw/dump muck on the aforesaid site and you have accepted offence and agreed to compound the offence as per written statement given by you during spot inspection. The aforesaid activity is in gross violation of provisions of Water (Prevention and Control of Pollution) Act, 1974 and Environmental (Protection) Act, 1986.

Whereas, the Hon'ble NGT order on dated 29.07.2013 in case of Abhishek Rai V/s State of H.P. & Ors. that "*Whosoever is found to be throwing or dumping any such material, effluent etc directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs. 1.00 lakh as compensation for causing pollution on the basis of the 'polluter pays principle.'*".....

Thereafter, the matter was taken up with the worthy Member Secretary, HPSPCB vide letter no. PCB/RO Kullu/News cutting /2022-2096 dated 01.09.2022 to impose the Environmental Compensation of amounting to Rs. 1.00 Lakh to you for the aforesaid violation and direction has been received to this office vide no. PCB/Ro Kullu (Misc.)/2022-13391 dated 30.09.2022 to proceed as per the order passed by the Hon'ble NGT in OA No. 256 of 2013 dated 29.07.2013 regarding imposition of Environmental compensation upon the violator identified under polluter pay principal. Hence in view of above you are hereby directed to deposit the aforesaid Environmental Compensation amounting Rs. 01 Lakh in the **Bank of Baroda A/c no. 54140100001617 (IFSC Code BARB0NEWSIM)** immediately for violation you committed and submit the receipt/ compliance report to this office at the earliest.

(Er. Sunil Sharma)

AEE, HPSPCB, Kullu

Copy forwarded to the Member Secretary, HPSPCB, Shimla for information w.r.t. letter no. PCB/Ro Kullu (Misc.)/2022-13391 dated 30.09.2022 please.

Er. Sunil Sharma

AEE, HPSPCB, Kullu



H.P. STATE POLLUTION CONTROL BOARD

Office: VPO Rajpura, Tehsil & Distt-Chamba, Pin-176310 (H.P.)

Phone: 01899-237426

Website : <http://www.hppcb.nic.in> e-mail : pcbchamba@gmail.com



No-PCB/RO/CBA/Sanjeevan Singh/2022- 3760 - 65
To

Dated- 28/02/2023

M/s Jagson Cosntructions Limited,
village Bhadurpur, GT road, Batala,
Gurdaspur, Punjab-143503, India

Sub: Environmental Compensation on illegal dumping of debris along the Motla Sukhiyar roads.

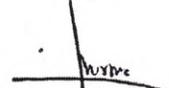
This is in continuation to this office letter no. 3448-53 dated 12.01.2023 and head office letter no. HPSPCB/Misc.RO Chamba/ Chamba/2022-19040 Dated 09.01.2023 in compliance to CWPIL No. 81 Sanjeevan Singh vrs State of H.P. & others regarding illegal dumping of muck along the hill slopes and water bodies.

In context of above said matter Regional office, HPSPCB Chamba has inspected the site and a detailed report was prepared. In view of violations committed as observed and also specified in detailed inspection report, this office has issued notices to you vide letter no. 3001-02 dated 03.11.2022 and 3260 dated 15.12.2022, wherein it was directed to submit the compliance report to this office within 15 days and 07 days respectively. But no compliance report has been reached to this office till date.

Therefore, as directed by HPSPCB head office Shimla this office has imposed an Environmental Compensation (EC) amounting rupees ₹ 1,00,000/- (One Lakh rupees only) on the basis of Hon'ble NGT order on dated 29.07.2013 in O.A. No. 256 of 2013 titled Abhishek Rai V/s State of HP. & Ors.) relevant extract of the order is reproduced here as under.

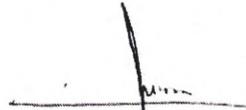
....."Whoever is found to be throwing or dumping any such material. effluent etc directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs. 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.".....

Therefore, you are once again hereby directed to deposit the EC amount of rupees ₹ 1,00,000/- on the account of Member secretary HP State Pollution Control Board Shimla vide account no. 54140100001617; IFSC Code: BARBONEWSIM; Brach Name- NEWSIM, Himachal Pradesh; Bank Name:- Bank of Baroda) within 15 days under the intimation to this office.


(Er. Rahul Sharma)
AEE, HPSPCB, R.O. Chamba.

Copy to:

1. The Deputy Commissioner Chamba, for your kind information, please.
2. The Member Secretary, HPSPCB Shimla for your kind information, please.
3. The Addl. District Magistrate Chamba for your kind information, please.
4. The Sub-Divisional Magistrate, Bhattiyat for your kind information and necessary action, please.
5. The Executive Engineer, HPPWD Dalhousie/Chowari to ensure that EC shall be deposited in the above said account with in a given time.


(Er. Rahul Sharma)
AEE, HPSPCB, R.O. Chamba.

o/c.

REGD. POST



HP State Pollution Control Board
 HIM Parivesh Bhawan, Phase-III, New
 Shimla-09
 Phone No. 0177-2673766, 2673020 FAX-
 0177-2673018



No./PCB/Misc Complaints(RO Shimla)/2023 - 4809-14
 Dated: 7.7.2023

Environmental Compensation for violation of provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To:
 The Head of the Project
 M/S Sunni Dam HEP,
 Koldam Colony, Sunni,
 District Shimla HP 171301.

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ROS/Sunni Dam HEP/ 2023-756 dated 12.06.2023 it has been informed that inspection of your unit was carried out by State Board officials on dated 01.04.2023 & 01.06.2023 during which it was observed that (i) construction of approach roads and adit to diversion tunnel is under progress at present and the muck after cutting of hill slopes is being dumped directly along the bank of river Satluj without proper protection measures. (ii) Retaining structure provided at some places are not adequate and their height need to be raised to prevent submergence of these sites in Satluj due to rise of water level of river during upcoming monsoon season. (iii) there is no provision of water sprinkling for fugitive dust emission arising from excavation activities which is causing nuisance to the general public. (iv) The Muck dumped by you may get washed away along with rain in monsoon season which will ultimately go into the Satluj river and may deteriorate its water quality. (v) unit is not submitting monthly muck statement details regarding total muck generated, utilized and disposed off at designated sites.

WHEREAS, show Cause notices were also issued by the Regional Office, HPSPCB Shimla, Distt. Shimla HF vide letter no. 303-04 dated 18.04.2023 and letter no. 694-95 dated 02.06.2023 for the observed non-compliance & to provide the details of approved muck dumping sites but as reported nothing tangible has been done by your unit till date, thereby causing air & water pollution and tantamount to violation of the Water Act 1974 and Air Act 1981 which is a punishable

offence, liable for imprisonment upto 7 years under the said Acts.

WHEREAS, as per orders dated 29.7.2013 passed by the Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors all the authorities concerned are required to keep a strict vigil to prevent throwing of municipal solid waste, untreated sewage, effluent or other material/construction material into the rivers. Whoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the rivers/ water bodies or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.

WHEREAS, the fact stated above tantamount to violation of the provisions contained in Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, Environmental Compensation amounting to total **Rs. 5,00,000/- (Five Lakhs only)** (1lakh for each location) [for dumping of muck at five- locations viz. (1) Near Adit at RHS of river Satluj (2) Along the approach road to diversion tunnel at LHS of river Satluj (3) Near Abutment of bridge at RHS of river Satluj (4) Along the approach road to diversion tunnel near site office at LHS of river Satluj (5) Near Cremation Ground at LHS of river Satluj]

is hereby imposed upon M/s Sunni Dam HEP as per orders of the Hon'ble NGT for the non compliance observed and directions are issued to deposit the same in the account of **Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) within 3 days**, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you. Unit shall ensure to submit the compliance report along with time- bound Action Plan for remedial measures to this office at the earliest.

Sd/-
(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to the following for information & n/a:-

1. The Regional Officer, HPSPCB Shimla- to ensure the recovery of EC, check remedial action taken by the unit and submit the status

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HP State Pollution Control Board
 HIM Parivesh Bhawan, Phase-III, New Shimla-09
 Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No./PCB/Misc Complaints(RO Shimla)/2023 - 13647-50 Dated: 27-12-2023

Environmental Compensation for violation of provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as per order passed by Hon'ble NGT in O.A No. 593 of 2017 titled as Paryavaran Suraksha Samiti Vs Uoi & Ors.

To,

The Head of the Project,
 M/s Sunni Dam HEP
 Kolcam Colony, Sunni
 District Shimla (HP) 171301 .

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no. PCB/ ROS/ Sunni Dam HEP/2023-2291 dated 19.12.2023, it has been again informed that latest inspection of M/s Sunni Dam HEP was carried out on 12.12.2023 & 19.12.2023 and it was observed that construction of abutment of permanent bridge, inlet and outlet of diversion tunnel, MAT and Dam Site is under progress and muck after cutting of hill slopes has directly been dumped along the bank of river Satluj without any protection measures. Although, retaining structures have been provided at few points but same are not adequate. It was further observed that there is no provision for water sprinkling and fugitive dust emission is being caused due to excavation activities which is causing nuisance to the general public. In addition to this, muck dumped may get washed away along with the rain in winter season which will ultimately go into river Satluj and may deteriorate its water quality.

WHEREAS, Regional Officer HPSPCB, Shimla has already issued notices to you vide letters dated 18.04.2023, 02.06.2023, 31.07.2023, 25.10.2023, 02.12.2023 and 12.12.2023. Further an Environmental Compensation amounting to Rs 5,00,000/- was also imposed upon you vide this office letter no. 4809-14 dated 07.07.2023 on the analogy of orders passed by the Hon'ble NGT in the matter of Anisnek Rai Vs. State of HP & Ors. although EC was deposited but no significant improvement/ nothing tangible has been done by you for the scientific muck management at the sites. In view of consistent non-compliance still persisting at the site as reported by the Regional Officer, HPSPCB, Shimla, a show cause notice was again issued to you with imposition of EC amounting to Rs. 60,50,000/- from this office vide letter no. 12988-91 dated 12.12.2023, which has been replied vide letter no 383-86 dated 21-12-2023 which is non-tenable as the muck is still stacked along the banks of River Satluj without proper protection measures.

WHEREAS, the fact stated above tantamount to violation of the provisions of Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and also attracts the directions of the Hon'ble NGT in OA no. 593/2017.

3-12-23

I/304890/2023

titled as Paryavaran Suraksha Samiti Vs Uoi & Ors.

In view of above facts and continuous non-compliance on your part, an Environmental Compensation amounting to Rs 60,90,000 (Sixty Lakh Ninety Thousand Rupees only) is hereby imposed upon you as per methodology prescribed by the Hon'ble NGT in OA no. 593/2017 titled "Paryavaran Suraksha Samiti Vs Uoi & Ors", for the violation period from 01.04.2023 to 21.10.2023 (203 days). You are hereby directed to deposit the Environmental Compensation amounting to Rs. 60,90,000/- (Sixty Lakh Ninety Thousand Rupees only) in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) within 7 days. The compliance report shall reach the office of the undersigned within 15 days failing which action as per section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and section 31-A of Air (Prevention & Control of Pollution) Act, 1981 for the closure of unit will be initiated against you.

Signed by

Anil Joshi

Date: 23-12-2023 15:51:11

(Anil Joshi, IFS)

Member Secretary
HPSPCB, Shimla

Copy to:-

1. The Regional Officer, HPSPCB Shimla- to ensure the recovery of Environmental Compensation, remedial action taken by the unit and submit the compliance report to this office within 7 days.
2. The Senior Law Officer, HPSPCB.
3. The System Manager (IT), HPSPCB, Shimla for information.
4. Case file.

-Sd-

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

27/05/2023

REGD.POST**HP State Pollution Control Board****HIM Parivesh Bhawan, Phase-III, New Shimla-09****Phone No. 0177-2673766, 2673020 FAX-0177-2673018**

No./PCB/Misc Complaints (RO Shimla)/2023

6533-35

Dated:

8/8/2023

Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

M/s P. K Construction Pvt. Ltd.,
Keonthal Complex, Khalini,
District Shimla, HP

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ /ROS/ Misc Complaint/2023 1065 dated 28.07.2023, it has been informed that a joint inspection of Chaila-Sainj area was conducted on 21.07.2023, and during the inspection it was observed that the muck generated from road cutting was found dumped down the National Highway at four Locations in an unscientific manner without any protection measures. Further it has also been reported that the muck dumped at these sites have been washed away along with rain ultimately flowing into nearby Giri River thus deteriorating its water quality.

WHEREAS, show notices vide letters dated 8.04.2023 & 21.07.2023 were also issued by the Regional Office, HPSPCB Shimla with direction to provide retaining structure at teh dumping site to prevent the existing muck flowing into River Giri but no Significant Improvement/ nothing tangible has been done by you till date.

WHEREAS, a order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors states that :

...."We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whosoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.".....

WHEREAS, the fact stated above tantamount to violation of the provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, you are hereby directed to deposit an Environmental Compensation amounting **Rs. 4.00 Lakh** (Rs. 1.00 Lakh for each location) in the account of **Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** immediately, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you and submit the

PCB-1002/25/2023-CONSENT SECTION-STATE POLLUTION CONTROL BOARD

I/227909/2023

receipt/compliance report to this office at the earliest. Further you are also directed to ensure that no muck dumping shall take place at the dumping sites without proper protection measure provided.

Signed by

Anil Joshi

Date: 08-08-2023 13:42:08
(Anil Joshi, IFS)**Member Secretary
HPSPCB, Shimla.****Copy to:-**

1. The Regional Officer, HPSPCB Shimla for information with direction to ensure that Environment Compensation is deposited, and remedial action for the restoration of the site is undertaken by the unit. A compliance/status report in this regard shall reach this office within 3days.
2. The System Manager (IT), HPSPCB, Shimla for information.
3. Case file.

-Sd-

**(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.**

mshppcb@gmail.com

REGD.POST

HP State Pollution Control Board
HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No./PCB/Misc Complaints(RO Shimla)/2023 - 6962-64 Dated: 12.8.2023

Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

M/s P. K Construction Pvt. Ltd.,
Keonthal Complex, Khalini,
District Shimla, HP

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ROS/ Misc Complaint)/2023 1184 dated 17.08.2023, it has been informed that work of the widening of Chailla-Sainj Road is under progress and the muck generated from the road cutting has been dumped down the National Highway by your project at four locations in an unscientific manner without any protection measures. It was further observed that most of this muck has been washed away in recent rains and is deteriorating the water quality of river Giri. Additionally, now it has been again informed that the said site was when inspected on 11.08.2023 the muck was again found dumped down the National Highway in an unscientific manner without any protection measures at two new locations.

WHEREAS, HPSPCB, has already issued notice to you vide letter dated 11.08.2023 to provide retaining structure at the dumping site to prevent the existing muck flowing into River Giri but no significant improvement has been done by you till date.

WHEREAS, another order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors as under:

... "We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whosoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle."

WHEREAS, the fact stated above tantamount to violation of the provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, you are hereby directed to deposit the aforesaid Environmental Compensation amounting Rs. 2.00 Lakh in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) immediately, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you and submit the receipt/compliance report to this office

21.8.23

at the earliest. Further you are directed to provide retaining structure at the dumping site prevent the existing muck flowing into River Giri and ensure that no further muck dumping shall take place at the site without proper protection measures.

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to:-

1. The Regional Officer, HPSPCB Shimla- to ensure the recovery of Environment Compensation, remedial action is taken by the unit for the restoration of the site and submit the compliance report to this office within 3days.
2. The System Manager (IT), HPSPCB, Shimla for information.
3. Case file.

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.
mshppcb@gmail.com

1/227908/2023

REGD. POST**HP State Pollution Control Board**

HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-
2673018

No./PCB/Misc Complaints(RO Shimla)/2023 - 6536-38 Dated: 8.8-2023

Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

M/s Sushil Chauhan, VPO Madog,
Tehsil Chaupal, District Shimla (HP)

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ /ROS/ Misc Complaint)/2023 1064 dated 28.07.2023, it has been informed that a joint inspection of Chailla-Sainj area was conducted on 21.07.2023, and during the inspection it was observed that the muck from the development of plot at NH-5, opposite to M/s Rakesh Agro Chemicals , Village Bagain, P.O. Chailla, Tehsil Theog, District Shimla has been dumped down the National Highway in an unscientific manner without any protection measures. Further it has also been reported that most of this muck dumped have been washed away along with recent rains ultimately flowing into nearby Giri River thus deteriorating its water quality.

WHEREAS, show notices vide letters dated 13.04.2023 & 21.07.2023 were also issued by the Regional Office, HPSPCB Shimla with direction to provide retaining structure at the dumping site to prevent the existing muck flowing into River Giri and bio remediate it by carrying out plantation, but no Significant Improvement/ nothing tangible has been done by you till date.

WHEREAS, a order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors states that :

...."We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.".....

WHEREAS, the fact stated above tantamount to violation of the provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

PCB-1002/25/2023-CONSENT SECTION-STATE POLLUTION CONTROL BOARD

I/227908/2023

In view of above, you are hereby directed to deposit an Environmental Compensation amounting Rs. 1.00 Lakh in the account of **Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** immediately, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you and submit the receipt/compliance report to this office at the earliest. Further you are also directed to ensure that no muck dumping shall take place.

-Sd-
(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to:-

1. The Regional Officer, HPSPCB Shimla for information with direction to ensure that Environment Compensation is deposited, and remedial action for the restoration of the site is undertaken by the person/individual. A compliance/status report in this regard shall reach this office within 3 days.
2. The System Manager (IT), HPSPCB, Shimla for information.
3. Case file.

Signed by
Anil Joshi

Date: 08-08-2023 13:41:34

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

mshppcb@gmail.com

25/6/2023

REGD. POST**HP State Pollution Control Board****HIM Parivesh Bhawan, Phase-III, New Shimla-09****Phone No. 0177-2673766, 2673020 FAX-0177-2673018****No./PCB/Misc Complaints(RO Shimla)/2023 - 6542-44****Dated: 8.8.2023****Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors**

To,

M/s Paraj Industries
(Contractor of HPMC, AJC Plant),
VPO Parala, Tehsil Theog, Distt Shimla HP.

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ /ROS/ Misc Complaint/2023 1066 dated 28.07.2023, it has been informed that a joint inspection of Chailla-Sainj area was conducted on 21.07.2023, and during the inspection it was observed that the muck from the construction of HPMC Apple Juice Concentrate Plant at Parala has been dumped along with Chailla-Sainj Road in an unscientific manner. Further it has also been reported that the retaining structures provided at the site has been washed away and muck from this site is flowing into Giri River thus deteriorating its water quality.

WHEREAS, a show notice vide letter dated 21.07.2023 was also issued by the Regional Office, HPSPCB Shimla with direction to provide retaining structure at the dumping site before dumping more muck and to prevent the existing muck flowing into River Giri but no significant improvement has been seen/ nothing tangible has been done by you till date.

WHEREAS, a order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors states that

...."We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.".....

WHEREAS, the fact stated above tantamount to violation of the provisions under the

PCB-I002/25/2023-CONSENT SECTION-STATE POLLUTION CONTROL BOARD

I/227856/2023

provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as *Abhishek Rai V/s State of H.P. & Ors.*

In view of above, you are hereby directed to deposit an Environmental Compensation amounting Rs. 1.00 Lakh in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARBONEWSIM) Immediately, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you and submit the receipt/compliance report to this office at the earliest. Further you are also directed to ensure that no muck dumping shall take place in the sites without proper protection measures.

-Sd-
(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to:-

1. The Regional Officer, HPSPCB Shimla for information with direction to ensure that Environment Compensation is deposited, and remedial action for the restoration of the site is undertaken by the unit. A compliance/status report in this regard shall reach this office within 3 days.
2. The System Manager (IT), HPSPCB, Shimla for information.
3. Case file.

Signed by
Anil Joshi

Date: 08-08-2023 13:13:06

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.
mshppcb@gmail.com

25/7/2023

REGD. POST

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, New Shimla-09

Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No./PCB/Misc Complaints(RO Shimla)/2023 - 6539-41
Dated: 8.8.2023

**Environmental Compensation as per order by Hon'ble NGT in
O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. &
Ors**

To,

M/s Infracool Pvt. Ltd.,
(C/o APMC CA Store) VPO Parala,
Tehsil Theog, Distt Shimla, H.P

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ /ROS/ Misc Complaint)/2023 1067 dated 28.07.2023, it has been informed that a joint inspection of Chailla-Sainj area was conducted on 21.07.2023, and during the inspection it was observed that the muck from the construction of APMC Cold store at Parala has been dumped along with Chailla-Sainj Road in an unscientific manner without any protection measures. Further it has also been reported that most of this muck dumped have been washed away along with recent rains ultimately flowing into nearby Giri River thus deteriorating its water quality.

WHEREAS, a show notice vide letter dated 21.07.2023 was also issued by the Regional Office, HPSPCB Shimla with direction to provide retaining structure at the dumping site to prevent the existing muck flowing into River Giri but no significant improvement has been seen/ nothing tangible has been done by you till date.

WHEREAS, a order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors states that :

...."We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whosever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.".....

WHEREAS, the fact stated above tantamount to violation of the provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated

PCB-I002/25/2023-CONSENT SECTION-STATE POLLUTION CONTROL BOARD

1/227

1/227857/2023

29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, you are hereby directed to deposit an Environmental Compensation amounting Rs. 1.00 Lakh in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARBONWSIM) immediately, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you and submit the receipt/compliance report to this office at the earliest. Further you are also directed to ensure that no muck dumping shall take place in the sites without proper protection measures.

-Sd-
(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to:-

1. The Regional Officer, HPSPCB Shimla for information with direction to ensure that Environment Compensation is deposited, and remedial action for the restoration of the site is undertaken by the unit. A compliance/status report in this regard shall reach this office within 3 days.
2. The System Manager (IT), HPSPCB, Shimla for information.
3. Case file.

Signed by
Anil Joshi

Date: 08-08-2023 13:13:39

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.
mshppcb@gmail.com

REGD.POST**HP State Pollution Control Board**HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No./PCB/Misc Complaints (RO Shimla)/2023 - 6959-61

Dated: 18.8.2023

Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

Shri Dhani Ram & Ram Lal,
Village Bhui (Deothi), PO Chailla,
Tehsil Theog, District Shimla (HP)

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ROS/ Misc Complaint/2023. 1171 dated 16.08.2023, it has been informed that a joint inspection was conducted of Chailla-Sainj area on 21.07.2023 regarding the issue of illegal muck dumping. During the inspection it was found that the muck from development of plot at NH-5, opposite to M/s Rakesh Agro Chemicals, Village Bagain, P.O. Chailla, Tehsil Theog, district Shimla (HP) has been dumped down the National Highway in an unscientific manner without any protection measures at village Bhui (Deothi) PO Chailla, on land of Sh. Dhani Ram (Near DR Motors), P.O. Chailla, Tehsil Theog, District Shimla which has been confirmed by a report submitted by Village Revenue Officer, Patwar Circle Bagain, Tehsil Theog, District Shimla, HP. It was further observed that most of this muck has been washed away in recent rains and is deteriorating the water quality of river Giri. Additionally, now it has been again informed that the said site was again inspected on 11.08.2023 but nothing tangible has been done at the site.

WHEREAS, Regional Office, HPSPCB, Shimla has already issued 2 show cause notices to you vide their letters dated 01.08.2023 and 11.08.2023 to provide retaining structure at the dumping site to prevent the existing muck flowing into River Giri but no significant improvement has been done by you till date.

WHEREAS, another order passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors as under:

....*"We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whosoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle."*.....

WHEREAS, the fact stated above tantamount to violation of the provisions under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, you are hereby directed to deposit the aforesaid Environmental Compensation amounting Rs. 1.00 Lakh in the account Member Secretary, HP State Pollution Control Board, of Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) immediately, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 shall be initiated against you and submit the receipt/compliance report to this office at the earliest. Further you are directed to provide retaining structure at the dumping site to prevent the existing muck flowing into River Giri and ensure that no further muck dumping shall take place at the site without proper protection measures.

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.

Copy to:-

1. The Regional Officer, HPSPCB Shimla- to ensure the recovery of Environment Compensation, remedial action is taken by the unit for the restoration of the site and submit the compliance report to this office within 3days.
2. The System Manager (IT) HPSPCB, Shimla for information.
3. Case file.

(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla.
mshppcb@gmail.com

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No./PCB/Misc Complaints(RO Shimla)/2023-7367-69

Dated: 30.8.2023

Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

Shri Yashwant Thakur,
Village Chainu Balasan, Gram Panchayat Baral, P.O Sheel
Tehsil Rohru, District Shimla (HP)

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ROS/ Misc Complaint)/2023 1369 dated 30.08.2023 it has been informed that a video was circulated on social media in which some people were seen dumping rotten apples in a waste water stream. As per report received from Panchayat Secretary, Bharal, it has been informed that Sh. Yashwant Thakur, S/o Sh. Diwan Chand, Village Chainu Balasan, Gram Panchayat Baral, P.O Sheel, Tehsil Rohru, Distt Shimla and others have dumped the rotten apples in a water stream at Baral Chainu Balasan.

WHEREAS, HPSPCB, has already issued notices to you vide letter da.ed 10.08.2023 & dated 24.08.2023 asking you to show cause as to why action as per section 41, 43 & 44 of Water Act, 1974 and as per section 15 of Environment Protection Act, 1986 & Environmental Compensation as per order issued by Hon'ble NGT in OA no. 256 of 2013 shall not be initiated against you but no reply has been received from your unit so far.

WHEREAS, an order was passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors as under:

.... "We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle."

WHEREAS, the fact stated above tantamount to violation of the section 41, 43 & 44 of Water Act, 1974, section 15 of Environment (Protection) Act, 1986 and directions of the Hon'ble

NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, an environmental compensation amounting to Rs 1 lakh only is hereby imposed upon you and you are hereby directed to deposit the aforesaid Environmental Compensation amounting to Rs. 1.00 Lakh in the account Member Secretary, HP State Pollution Control Board, of Bank of Baroda A/c No. 54140100001617 (IFSC Code BARBONEWSIM) immediately. Compliance report in this context shall reach the office of undersigned within 15 days, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and ENVIRONMENT (PROTECTION) Act, shall be initiated against you.


(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla

Copy to:-

1. The Regional Officer, HPSPCB Shimla for information & further necessary action.
2. The System Manager (IT) HPSPCB, Shimla for information.
3. Case file.


(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla
mshppcb@gmail.com

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No./PCB/Misc Complaints(RO Shimla)/2023 -7370-72

Dated: 30.8.2023

Environmental Compensation as per order by Hon'ble NGT in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors

To,

Shri Bhagat Chand Thakur,
Village Chainu Balasan, Gram Panchayat Baral, P.O Sheel
Tehsil Rohru, District Shimla (HP)

WHEREAS, as per the report of the Regional Officer, HPSPCB, Shimla vide letter no PCB/ /ROS/ Misc Complaint)/2023 1368 dated 30.08.2023 it has been informed that a video was circulated on social media in which some people were seen dumping rotten apples in a waste water stream. As per report received from Panchayat Secretary, Gram Panchayat Bharal, it has been informed that Sh. Bhagat Chand Thakur, S/o Sh. Janki Dass, Village Chainu Balasan, Gram Panchayat Baral, P.O Sheel, Tehsil Rohru, Distt Shimla and others have dumped the rotten apples in a water stream at Baral Chainu Balasan.

WHEREAS, HPSPCB, has already issued notices to you vide letter dated 10.08.2023 & dated 24.08.2023 asking you to show cause as to why action as per section 41, 43 & 44 of Water Act, 1974 and as per section 15 of Environment Protection Act, 1986 & Environmental Compensation as per order issued by Hon'ble NGT in OA no. 256 of 2013 shall not be initiated against you but no reply has been received from your unit so far.

WHEREAS, an order was passed by Hon'ble NGT on 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors as under:

..... "We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste. Untreated sewage, effluent or other material/construction material into the river Beas. Whoever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs 1.00 lakh as compensation for causing pollution on the basis of the polluter pays principle.".....

WHEREAS, the fact stated above tantamount to violation of the section 41, 43 & 44 of Water Act, 1974, section 15 of Environment (Protection) Act, 1986 and directions of the Hon'ble NGT in its order dated 29.07.2013 in O.A No 256 of 2013 titled as Abhishek Rai V/s State of H.P. & Ors.

In view of above, an environmental compensation amounting to Rs 1 lakh only is hereby imposed upon you and you are hereby directed to deposit the aforesaid Environmental Compensation amounting to Rs. 1.00 Lakh in the account Member Secretary, HP State Pollution Control Board, of Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) immediately. Compliance report in this context shall reach the office of undersigned within 15 days, failing which action under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986 shall be initiated against you.


(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla
Yc

Copy to:-

1. The Regional Officer, HPSPCB Shimla for information & further necessary action.
2. The System Manager (IT) HPSPCB, Shimla for information.
3. Case file.


(Anil Joshi, IFS)
Member Secretary
HPSPCB, Shimla
mshppcb@gmail.com
Yc



H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081. Website: <http://hppcb.nic.in/>

Annexure-VII

Whereas, this is in reference to the bulk buyers of apples from HPMC & HIMFED and unscientific dumping of Solid waste (i.e. rotten apple) done by **Mr. Gulfam, M/s Shuaib Fruit Company Meruth, 621-A, Shah peer Gare, Meruth, 250002** at the sorting area in Village-Tipra, Parwanoo H.P. In this regard, the show cause notices were issued to you for violation on 22.09.2022 and dated 03.11.2022, respectively.

Whereas a news article was published in the local daily and public complaint received through e-media regarding dumping of Rotten Apple at the sorting area in Village-Tipra, Parwanoo H.P.

Whereas inspite of repeated verbal directions during visit to the sorting spot at Village-Tipra, the activity of unscientific dumping of rotten apple in the open adjoining land/ hill slope was kept continued in the apple season.

Whereas, the facts stated above tantamount to the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and violation of Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986.

Hence, in view of directions issued vide Head Office letter No. HPSPCB/ Misc.RO Parwanoo (Env. Comp)/Solan/2022- 16706 dated 07.12.2022 and regarding apple dumping on dated 22.09.2022 and compliance observed on 15.11.2022, the Environmental Compensation, for the total no. of days i.e. 56 No. and @ 5,000/day, is hereby imposed, for un-scientific mass dumping of solid waste (apple waste) i.e. for the amount of **Rs. 2,80,000/- (Rupees Two Lac Eighty Thousand only)** as per the order dated 19.02.2019, issued by the Hon'ble NGT in OA No. 593 (titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & others).

Pradeep Moudgil
Er. Pradeep Moudgil
Asstt. Env. Engineer

2481-85

Endst. No. HPSPCB/ R.O. Pwn/ Environment Compensation/2022-

Dated: 20.12-2022

1. The Deputy Commissioner, Solan, for favor of kind information please.
2. The Member Secretary, HPSPCB, Shimla for favor of kind information please.
3. The Managing Director, HPMC Ltd, Nigam, Vihar Chotta Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
4. The Managing Director, HIMFED, Circular Road, victory tunnel, Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
5. **Mr. Gulfam, M/s Shuaib Fruit Company Meruth, 621-A, Shah peer Gare, Meruth, 250002** . He is directed to deposit the above said Environment Compensation through Demand Draft in favour of Environmental Engineer, Pollution Control Board payable at Parwanoo within a period of 15 days positively.

Pradeep Moudgil
Er. Pradeep Moudgil
Asstt. Env. Engineer



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H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hppcb.nic.in/>

-23-

Whereas, this is in reference to the bulk buyers of apples from HPMC & HIMFED and un-scientific dumping of Solid waste (i.e. rotten apple) done by **Mr. Ravi Anand, M/s Rotoflex Packaging Corp. Tahliwal, Una, H.P.** at the sorting area in Village-Tipra, Parwanoo H.P. In this regard, the show cause notices were issued to you for violation on 22.09.2022 and dated 03.11.2022, respectively.

Whereas a news article was published in the local daily and public complaint received through e-media regarding dumping of Rotten Apple at the sorting area in Village-Tipra, Parwanoo H.P.

Whereas inspite of repeated verbal directions during visit to the sorting spot at Village-Tipra, the activity of unscientific dumping of rotten apple in the open adjoining land/ hill slope was kept continued in the apple season.

Whereas, the facts stated above tantamount to the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and violation of Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986.

Hence, in view of directions issued vide Head Office letter No. HPSPCB/ Misc.RO Parwanoo (Env. Comp)/Solan/2022- 16706 dated 07.12.2022 and regarding apple dumping on dated 22.09.2022 and compliance observed on 15.11.2022, the Environmental Compensation, for the total no. of days i.e. 56 No. and @ 5,000/day, is hereby imposed, for un-scientific mass dumping of solid waste (apple waste) i.e. for the amount of **Rs. 2,80,000/- (Rupees Two Lac Eighty Thousand only)** as per the order dated 19.02.2019, issued by the Hon'ble NGT in OA No. 593 (titled Paryavaran Suraksha Samiti &Anr. Vs Union of India& others).


Er. Pradeep Moudgil
Asstt. Env. Engineer

2476-80

Endst. No. HPSPCB/ R.O. Pwn/ Environment Compensation/2022-

Dated: 20.12.2022

1. The Deputy Commissioner, Solan, for favor of kind information please.
2. The Member Secretary, HPSPCB, Shimla for favor of kind information please.
3. The Managing Director, HPMC Ltd, Nigam, Vihar Chotta Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
4. The Managing Director, HIMFED, Circular Road, victory tunnel, Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
5. **Mr. Ravi Anand, M/s Rotoflex Packaging Corp. Tahliwal, Una, H.P.** He is directed to deposit the above said Environment Compensation through Demand Draft in favour of Environmental Engineer, Pollution Control Board payable at Parwanoo within a period of 15 days positively.


Er. Pradeep Moudgil
Asstt. Env. Engineer



H.P. STATE POLLUTION CONTROL BOARD
 SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220
 Telefax- 01792-234081, Website: <http://hppcb.nic.in/>

- 24 -

Whereas, this is in reference to the bulk buyers of apples from HPMC & HIMFED and un-scientific dumping of Solid waste (i.e. rotten apple) done by **Mr. Ayyub, S/o Hazilshhaq, 100, town Bugrasi, Barhana, Bulandsehar, U.P. 245403** at the sorting area in Village-Tipra, Parwanoo H.P. In this regard, the show cause notices were issued to you for violation on 22.09.2022 and dated 03.11.2022, respectively.

Whereas a news article was published in the local daily and public complaint received through e-media regarding dumping of Rotten Apple at the sorting area in Village-Tipra, Parwanoo H.P.

Whereas inspite of repeated verbal directions during visit to the sorting spot at Village-Tipra, the activity of unscientific dumping of rotten apple in the open adjoining land/ hill slope was kept continued in the apple season.

Whereas, the facts stated above tantamount to the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and violation of Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986.

Hence, in view of directions issued vide Head Office letter No. HPSPCB/ Misc.RO Parwanoo (Env. Comp)/Solan/2022- 16706 dated 07.12.2022 and regarding apple dumping on dated 22.09.2022 and compliance observed on 15.11.2022, the Environmental Compensation, for the total no. of days i.e. 56 No. and @ 5,000/day, is hereby imposed, for un-scientific mass dumping of solid waste (apple waste) i.e. for the amount of **Rs. 2,80,000/- (Rupees Two Lac Eighty Thousand only)** as per the order dated 19.02.2019, issued by the Hon'ble NGT in OA No. 593 (titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & others).

[Signature]
 Er. Pradeep Moudgil
 Asstt. Env. Engineer

2486-90

Endst. No. HPSPCB/ R.O. Pwn/ Environment Compensation/2022-

Dated: 20.12.2022

1. The Deputy Commissioner, Solan, for favor of kind information please.
2. The Member Secretary, HPSPCB, Shimla for favor of kind information please.
3. The Managing Director, HPMC Ltd. Nigam, Vihar Chotta Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
4. The Managing Director, HIMFED, Circular Road, victory tunnel, Shimla. for favor of kind information and to ask the dealer to deposit the Environment Compensation.
5. **Mr. Ayyub, S/o Hazilshhaq, 100, town Bugrasi, Barhana, Bulandsehar, U.P. 245403.** He is directed to deposit the above said Environment Compensation through Demand Draft in favour of Environmental Engineer, Pollution Control Board payable at Parwanoo within a period of 15 days positively.

[Signature]
 Er. Pradeep Moudgil
 Asstt. Env. Engineer



H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hpspcb.nic.in/>

- 25

Whereas, this is in reference to the bulk buyers of apples from HPMC & HIMFED and unscientific dumping of Solid waste (i.e. rotten apple) done by **Mr. Rashid Suleman, S/o Majid, 184, Mohmmadpur-Lala, Kanker-Khera, Meruth Cant U.P.- 250001** at the sorting area in Village-Tipra, Parwanoo H.P. In this regard, the show cause notices were issued to you for violation on 22.09.2022 and dated 03.11.2022, respectively.

Whereas a news article was published in the local daily and public complaint received through e-media regarding dumping of Rotten Apple at the sorting area in Village-Tipra, Parwanoo H.P.

Whereas inspite of repeated verbal directions during visit to the sorting spot at Village-Tipra, the activity of unscientific dumping of rotten apple in the open adjoining land/ hill slope was kept continued in the apple season.

Whereas, the facts stated above tantamount to the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and violation of Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986.

Hence, in view of directions issued vide Head Office letter No. HPSPCB/ Misc.RO Parwanoo (Env. Comp)/Solan/2022- 16706 dated 07.12.2022 and regarding apple dumping on dated 22.09.2022 and compliance observed on 15.11.2022, the Environmental Compensation. for the total no. of days i.e. 56 No. and @ 5,000/day, is hereby imposed, for un-scientific mass dumping of solid waste (apple waste) i.e. for the amount of **Rs. 2,80,000/- (Rupees Two Lac Eighty Thousand only)** as per the order dated 19.02.2019, issued by the Hon'ble NGT in OA No. 593 (titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & others).

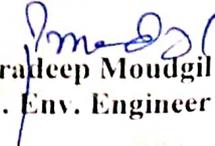

Er. Pradeep Moudgil
Asstt. Env. Engineer

Endst. No. HPSPCB/ R.O. Pwn/ Environment Compensation/2022-

Dated: 20.12-2022

2491-95

1. The Deputy Commissioner, Solan, for favor of kind information please.
2. The Member Secretary, HPSPCB, Shimla for favor of kind information please.
3. The Managing Director, HPMC Ltd, Nigam, Vihar Chotta Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
4. The Managing Director, HIMFED, Circular Road, victory tunnel, Shimla, for favor of kind information and to ask the dealer to deposit the Environment Compensation.
5. **Mr. Rashid Suleman, S/o Majid, 184, Mohmmadpur-Lala, Kanker-Khera, Meruth Cant U.P.- 250001.** He is directed to deposit the above said Environment Compensation through Demand Draft in favour of Environmental Engineer, Pollution Control Board payable at Parwanoo within a period of 15 days positively.


Er. Pradeep Moudgil
Asstt. Env. Engineer



H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hppcb.nic.in/>

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Whereas, this is in reference to the incident of solid waste dumping done by MC Parwanoo in front of the main gate of Solid waste management site Sect-5 Parwanoo on dated 18.08.2022 due to the poor management/ irregular disposal of solid waste from the facility established. Whereas the show cause notice was issued to the Executive Officer. M.C Parwanoo vide letter No. HPSPCB/(15 Vol-II)/RO PWN/MC Parwanoo/2018-897 dated 20.08.2022. In addition to above, a similar incident of solid waste dumping has been observed at the same spot on dated 03.09.2022.

Whereas, the facts stated above tantamount to the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and violation of Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986.

Hence, in view of directions issued vide Head Office letter No. PCB/(13)/ MC Parwanoo/MSW/Vol-II-17840 dated 19.12.2022, the Environmental Compensation, for the total no. of days =16 No. (i.e. 18.08.2022 to 02.09.2022) and @ 5,000/day, i.e. for the amount of **Rs. 80,000/- (Rupees Eighty Thousand only)** is hereby imposed to **M.C. Parwanoo**, for dumping of solid waste in front of SWM site Sect-5, as per the order dated 19.02.2019, issued by the Hon'ble NGT in OA No. 593 (titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & others).


Er. Pradeep Moudgil
Asstt. Env. Engineer

2473-75

Endst. No. HPSPCB/ R.O. Pwn/ Environment Compensation/2022-

Dated: 20.12.2022

1. The Deputy Commissioner, Solan, for favor of kind information please.
2. The Member Secretary, HPSPCB, Shimla for favor of kind information please.
3. The Executive Officer, M.C. Parwanoo, to deposit the Environment Compensation within a period of 15 days positively.


Er. Pradeep Moudgil
Asstt. Env. Engineer

H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hppcb.nic.in/>

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No. HPSPCB/ R.O. Parwanoo/ 51 Vol-IV/ Cosmo Ferrites (Unit-I)/ 2021 -

629-40

Dated 13/8-2021

To

M/s Cosmo Ferrites Limited,
Village & Post Office Jabli,
Tehsil- Kasauli, Distt. Solan.

Subject: Regarding Environmental Compensation imposed for Solid/Process waste dumping at Parwanoo-Solan road near Sector-3 at C&D waste site.

This is in continuation to show cause notice issued vide letter No. HPPCB/R.O. Fwn/M/s Cosmo Ferrites/2021-433 dated 17.07.2021 for the dumping of mixed waste/process waste along the Parwanoo-Solan road near Sector-3 at C&D waste site. As per directions issued to clean the mixed waste/process waste immediately, the waste was collected and sent the waste to TSDF Dhabota, Nalagarh as per manifest form submitted by you. In view of the violation made and as per Head Office letter No. HPSPCB(201)/ M/s Cosmo Ferrites, Parwanoo/ 2021-5526 dated 05.08.2021, Environmental Compensation has been calculated as per the formula of Polluter Pay Principle for amounting to Rs. 75000/- (Rupees Seventy Five Thousand) only is hereby imposed on your unit and you are directed to deposit the Environmental Compensation through Demand Draft in favour of Environmental Engineer, HP State Pollution Control Board, Parwanoo within a period of 07 days.

[Signature]
Er. Pradeep Moudgil
Asth. Environmental Engineer

No. HPSPCB/ R.O. Parwanoo/ 51 Vol-IV/ Cosmo Ferrites (Unit-I)/ 2021 -

Dated

Copy forwarded to the Member Secretary, HP State Pollution Control Board, Shimla w.r.t. above referred letter for kind information please.

[Signature]
Er. Pradeep Moudgil
Asth. Environmental Engineer

214

HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09

Phone No. 0177-2673765, 2673020 FAX: 0177-2673318

Dated: 21-6-2021
REGD. POST

124

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No. (15) PCB/MSW/M.C. Solan-Vol-I/2020. 2725-27

The Commissioner,
Municipal Corporation Solan,
District Solan (H.P).

Sub: - Environmental compensation for non-compliance to NGT orders in M.A. No. 51/2020.

Memo:-

Whereas, Regional Officer HPSPCB Parwanoo, had, informed vide letter no. HPSPCB/PWN/MC Solan File/Vol-II/251-1792-93 dated 31-03-2021 that the SWM of M.C. Solan at Salogra was visited on 25-03-2021 and during inspection it was observed that a) M.C. Solan have not started the process of uncapping the site and no bio-mining observed during visit. b) There is no site available to assess the quantity of the waste generated from collection and composting in the provided compost batteries. c) The quantity of compost generated & disposed off material. d) New landfill site has not been identified yet.

Whereas, Regional Officer Parwanoo, has informed vide letter no. HPSPCB/(15-Vol-II)/RO PWN/MC Solan/2018-242 dated 16-06-2021 that no compliance has been received from M.C. Solan till date and the site was again inspected on 08-06-2021 and it was observed that the legacy waste was still found at site, no action of bio-mining observed and traces of leachate has also been observed.

In view of above, it is sufficiently clear that you are not complying with the directions issued by the State Board. Therefore, ₹ 5,55,000/- (Rs. Five Lakh & Fifty Five Thousand only) Environmental Compensation is hereby imposed on you for violation period w.e.f 18-02-2021 to 08-06-2021 in compliance to orders dated 18-02-2021 passed by Hon'ble NGT in M.A. No. 51/2020, wherein it is stated as:-

".....5. Municipal Corporation has illegally resorted to bio-capping of the dump site, against the provision of Rule 15 (z) (k) read with para J of Schedule-I of the Solid Waste Management Rules, 2016 and the SOP issued by the CPCB....."

".....7. Municipal Corporation Solan to undo the action of capping and instead undertake bio-mining of the legacy waste site, strictly as per Rules and the SOP issued by the CPCB...."

Therefore, you are hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Solid Waste Management Rule, 2016 shall be initiated against you at your own risk and cost. Also please note, if the violation persists the Environmental Compensation will be increased.

Nj 18/6/21
(Dr. Nipun Jindal, IAS)
Member Secretary

Copy to:-

1. The Director, Urban Development, Talland, Shimla for information please.
2. The Regional Officer, HPSPCB Parwanoo for further necessary action.

(Dr. Nipun Jindal, IAS)
Member Secretary, HPSPCB
mshppcb@gmail.com

Lr

21/06/21

AEP
JEP - I

21.06.2021

Nipun Jindal

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21/06/21



H.P. STATE POLLUTION CONTROL BOARD

Regional Office Parwanoo SCF 6-8, Sector 4, Parwanoo, Distt: Solan (HP)

Telefax- 01792-234081 Website: <http://hppcb.nic.in/>

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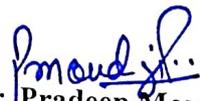
Office Order

Whereas, this is in reference to the unscientific dumping of the Apple pomace in the open, causing foul order in the area, exposed to contaminate the rain water and resulting solid waste problem in the area by your unit name & style as M/s HPMC Ltd., Sec # 02 Parwanoo, Distt. Solan, H.P. Further notice issued to your unit vide no. PCB/RO PWN/M/s HPMC Ltd./2022-958 dated 24.08.2022 and subsequent notice issued vide letter no. 997 dated 01.09.2022. Further in view of reply submitted regarding removal of dumped waste and verified by the official of this office on dated 06.09.2022.

Whereas, a news article was published in local daily and public complaint received through e-media regarding dumping of Apple pomace in the open area and causing foul order in the area, exposed to contaminate the rain water and resulting solid waste problem in the area.

Whereas, the facts stated above tantamount to the violation the violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974, violation of Solid Waste Management Rules, 2016 under Environment (Protection) Act, 1986 and the provisions of consent conditions issued to your unit by the State Board there under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and provisions of Air (Prevention and Control of Pollution) Act, 1981 vide no. CTO/Both/Renew/RO/2020/2257288 dated 09/12/2020.

Therefore, in view of violation observed and direction issued HPSCB H.O. vide letter no. HPSPCB/RO Parwanoo/Complaint File/Solan/2021-13392 dated 30.09.2022, the Environmental Compensation for the amount of Rs. 1,87,500/- has been imposed to your unit for the violation period of 15 number of days. So you are directed to deposit Environmental Compensation amounting to Rs 1,87,500/- via Demand Draft in favor of EE, HPSPCB Parwanoo Payable at Parwanoo, within 7 days to this office.


Er. Pradeep Moudgil
AEE, HPPCB, R.O. Parwanoo

Endst No. RO Pwn/M/s HPMC Ltd. Sec # 02 Parwanoo/ 2022- 2043-44 Dated: 13-10-2022

Copy To:

1. The General Manager, M/s HPMC Ltd. Sec# 2 Parwanoo, Distt. Solan, Himachal Pradesh.
2. The Member Secretary, HPSPCB, please reference to your kind office vide letter no. HPSPCB/RO Parwanoo/Complaint File/Solan/2021-13392 dated 30.09.2022, submitted for favor of kind information, please.


AEE, HPPCB, R.O. Parwanoo

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H.P. STATE POLLUTION CONTROL BOARD

SCF- 6, 7, 8, Sec-4, Parwanoo, Distt. Solan (H.P.) 173220

Telefax- 01792-234081, Website: <http://hppeb.nic.in/>

No. PCB/RO Pwn/ 588/ M/s MT Autocraft/2021- 635-36

Dated: 13/8/2021

To

M/s M.T. Autocraft,
Village -Naryal. Sector-4, Parwanoo,
Tehsil- Kasauli. Distt. Solan.

Subject: Regarding Environmental Compensation imposed for Solid/Process waste dumping at Parwanoo-Solan road near Sector-3 at C&D waste site.

This is in continuation to show cause notice issued vide letter No. HPPCB/R.O. Pwn/M/s Cosmo Ferrites/2021-433 dated 17.07.2021 for the dumping of mixed waste/process waste along the Old Kasauli Road, Masoolkhan. The directions were issued to clean the mixed waste/process waste immediately and send it to the TSDF Site Dabhota, Nalagarh and submit the manifest form-10 to this office. Accordingly, the waste was cleared & sent to TSDF Site Dabhota and form-10 was submitted to this office. In view of the violation made and as per Head Office letter No. HPSPCB/ RO Parwanoo/ Complaint File/ 2021- 5791 dated 10.08.2021, Environmental Compensation has been calculated as per the formula of Polluter Pay Principle for amounting to Rs. 75000/- (Rupees Seventy Five Thousand) only is hereby imposed on your unit and you are directed to deposit the Environmental Compensation through Demand Draft in favour of Environmental Engineer, HP State Pollution Control Board, Parwanoo within a period of 07 days.


Er. Pradeep Moudgil
A/c Astd. Environmental Engineer

Dated:

No. PCB/RO Pwn/ 588/ M/s MT Autocraft/2021-

Copy forwarded to the Member Secretary, HP State Pollution Control Board, Shimla w.r.t. above referred letter for kind information please.


Er. Pradeep Moudgil
A/c Astd. Environmental Engineer



H.P. STATE POLLUTION CONTROL BOARD
 "Opp. Indira Market, Rampur, Distt. Shimla (HP)"
 Phone and Fax No. 01702-233867
 Website: <http://hpnpcb.nic.in>

Registered Post

No.PCB/RMP/Misc. /2019- 590-91

Dated: 16/12/2019

To

✓ Shri Abhinav Bhardwaj,
 Prop. R & B Construction,
 1st Floor, Samrati Bhawan,
 Lower Chakkar Shimla H.P.

Sub:-

Order passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

Sir,

This office has informed vide this office letter No.PCB/RMP/Complaint-231-33 dated 5.7.2019 that the HPPWD has awarded for construction of link road from Hot spring water to Nathpa Village in Tehsil Nichar, Distt. Kinnaur H.P. to the R & B Construction.

It has been observed that muck, which is ever generated from excavation activity dumped towards hills slope, which is finally rolling down into the Sutlej River and likely to cause an irreversible damage to river bank ecosystem along that route which is in gross violation to environmental laws.

Notice has been issued to you vide letter No. PCB (R.O. Rampur Misc. File/2019-16131-54 dated 29-07-2019 and earlier notice issued vide letter No. PCB/RMP/Misc. 6321-72 dated 25.09.2019, but you have not submitted details of protection works of the dumping sites to prevent spillage of debris/muck to this office.

This is in reference to orders passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

The Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors dated 19.02.2019 passed the following directions:

"...Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions."

Further, Hon'ble National Green Tribunal in O.A. 1038/2018 dated 10.07.2019 and 23.08.19 passed following directions:

"...The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."

Therefore you are hereby directed to deposit the said amount Rs. 123750.00 in the form of NEEFT/RYS in favor "The Member Secretary, HP State Pollution Control Board, Shimla" (Axis Bank, A/c No. 917010082663015, IFSC Code- UTIB0003651, The Mall Shimla) within seven days failing which action under the provisions of Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act 1981 shall be initiated against you at your own risk and cost.

Yours faithfully,

[Signature]
 Asstt. Environmental Engineer,
 HP State Pollution Control Board, Rampur.

Copy forwarded to:-

The Member Secretary, HP State Pollution Control Board, Him Parivesh, Phase-III, Distt. Shimla for information please.

[Signature]
 Asstt. Environmental Engineer,
 HP State Pollution Control Board, Rampur.