

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

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IN

**RESPONSE BY WAY OF AFFIDAVIT**

(On behalf of the Respondent No3)

IN

(In Compliance with the Hon'ble Tribunal's Order dated  
24.12.2024)

**O.A. No. 494 OF 2022**

IN THE MATTER OF

Soban Singh Rana

Applicant(s)

Versus

Roshan Lal Uniyal

Respondent(s)

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Place: New Delhi

Dated:

Filed by



Deepak Bora

Advocate

Counsel for the State of Uttarakhand

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

**RESPONSE BY WAY OF AFFIDAVIT**

(On behalf of the Respondent No33)

(In Compliance with the Hon'ble Tribunal's Order dated  
24.12.2024)

IN

**O.A. No. 494 OF 2022**

IN THE MATTER OF

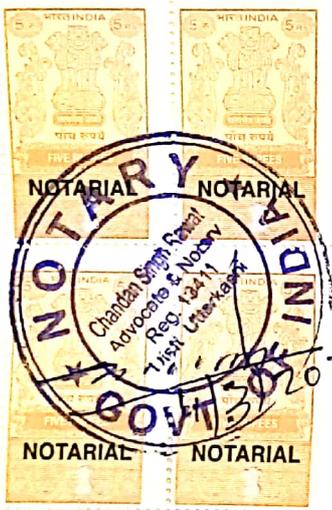
**Soban Singh Rana**

**Applicant(s)**

**Versus**

**Roshan Lal Uniyal**

**Respondent(s)**



Affidavit of Meharban Singh Bisht, S/o Sh. Kharak Singh Bisht, aged about 54 years, presently posted as District Magistrate, Uttarkashi, Uttarakhand.

*Meharban Singh Bisht*  
(DEPONENT)

I, the above-named deponent, do hereby solemnly affirm and State as follows:

1. That the deponent is presently posted as District Magistrate, Uttarkashi, Uttarakhand. The undersigned, in the capacity of the District Magistrate, respectfully submits the following Response by way of Affidavit for consideration in the

*Meharban Singh Bisht*

upcoming hearing. The report outlines the findings and actions taken by the District Administration concerning the illegal dumping of debris on private land and the subsequent construction of the Hill River View Resort.

2. The Hon'ble Tribunal took up the aforesaid matter on 16.12.2024 and the Next Date of hearing is scheduled for 06.03.2025. The Hon'ble Tribunal during the course of hearing was pleased to pass certain directions, wherein the Hon'ble Tribunal directed the District Magistrate to file a Response Affidavit addressing the questions regarding permissibility of dumping of debris in the land in question and raising of construction in flood plain prohibited zone. The relevant paras of the said Order dated 16.12.2024 are being quoted here for the kind perusal of this Hon'ble Tribunal:

".....

4. *The case involves misrepresentation of facts regarding dumping of debris and also construction raised over the land in question before this Tribunal by the concerned authorities by suppression of correct information at the initial stage and also delay in giving correct information subsequently.*
5. *The Case involves substantial environmental questions regarding permissibility of dumping of debris in the land*



*Rishi*

in question and also raising of construction in flood plain prohibited zone.

6. Learned counsel for the Respondents seek time to file additional affidavits.
7. Additional affidavits by the Respondents with respect to above mentioned aspects be filed at least one week before the next date of hearing.

.....”

3. Pursuant to the District Office Letter No. 6677/21-(2021-22) dated August 1, 2022, a joint inspection was conducted on August 8, 2022, by officials from the Revenue Department and the Geology and Mining Department, Uttarkashi, to investigate the illegal dumping of debris on private land owned by Shri Roshan Lal Uniyal, son of Shri Kashi Ram Uniyal, a resident of Village Saini, Tehsil Dunda. Consequently, a total fine of Rs. 33,38,897/- was imposed on him for this unauthorized activity.

4. That Upon investigation, it was found that no designated dumping site has been established by the District Administration at the location in question. The site has not been approved or recognized under the **Construction and Demolition Waste Management Rules, 2016.**

5. That it was ascertained on the said joint committee report that the debris at the site is not related to construction or

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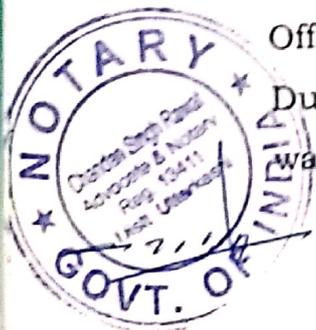
demolition waste stemming from any civil construction or structural activity.

6. That on 22.10.2024, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and direct the respondents to enquire into the aspect and file an additional reply to the Original Application. The relevant paras of the said Order dated 22.10.2024 are being quoted here for the kind perusal of this Hon'ble Tribunal:

*"3. Further, from the Joint Committee report we find that debris/mud includes the material obtained from the cutting of hills if and that is so, it amounts to mining activities. No investigation has been conducted by the concerned authorities in this respect, and no action has been taken.*

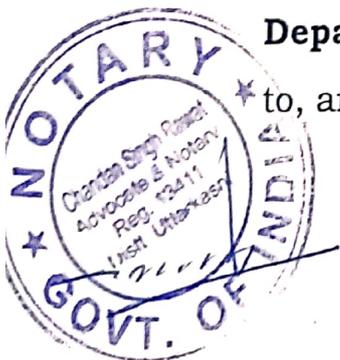
*4. We accordingly direct the Uttarakhand State Pollution Control Board and District Magistrate concerned to enquire into this aspect and submit an additional reply."*

7. In pursuant of the above order, a committee was formed to conduct a Joint Site Inspection. The committee was comprised of Assistant Land Officer, Assistant Scientific Officer, Revenue Officer and Sub Divisional Magistrate, Dunda. Vide this said Joint Site Inspection, the committee was of the view that:



*Wile*

- A. The inspection revealed that the dumping zone in question is located at a distance of 63 meters from the Bhagirathi River, where the "Hill River View Resort" has been constructed. The area between the dumping zone and the river, which spans 63 meters, is characterized by flat terrain. It is important to note that the construction map for the resort was duly approved by the District Panchayat of Uttarkashi, and the State Pollution Control Board has granted consent to operate the resort in compliance with the relevant provisions of the Climate Acts.
- B. The site in question is private land where debris was dumped without obtaining prior permission from the District Administration. This act of unauthorized dumping has altered the natural character of the land, raising concerns regarding its environmental impact and legal compliance.
8. That the District Administration has taken the necessary steps to address the illegal dumping and unauthorized construction activities, and the matter is under active investigation.
9. That the District Magistrate's office will coordinate with the **Revenue Department** and the **Geology and Mining Department** to ensure that all legal processes are adhered to, and necessary penalties are enforced.



*Wille*

10. That the District Administration is committed to ensuring the enforcement of environmental and legal standards in this matter. All required steps, including legal proceedings, environmental assessments, and remedial actions, are being pursued to address the violations identified. We request the Hon'ble Court to kindly consider this report and provide further directions as necessary.

11. That the present response affidavit in compliance with the direction passed by this Hon'ble Tribunal is being filed for the kind perusal of this Hon'ble Tribunal.



*Mishra*  
DEPONENT

**VERIFICATION:**

I Meharban Singh Bisht, the above-named deponent hereby verify that the content of Para nos. 1 to 11 of this affidavit are true to my knowledge, which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

*Chandan Singh Rawat*  
4/3/2021  
Chandan Singh Rawat  
Advocate & Notary  
Reg. 13411  
Distt.-Uttarkashi, Uttarakhand

*Mishra*  
DEPONENT