

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 565 OF 2025

IN THE MATTER OF:

GRISH CHANDEL PRESIDENT AND ANR. APPLICANT
VERSUS
STATE OF HIMACHAL PRADESH & ORS. RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	Brief rejoinder/ submissions on behalf of the applicants with affidavit	1-8
2.	ANNEXURE NO. 1 Geo tagged photographs of the stretch of the river opposite the Applicant's colony	9-16

THROUGH

DATE: 10.04.2026
PLACE: NEW DELHI



STHAVI ASTHANA
LEGAL AID COUNSEL FOR APPLICANTS
C-9, SECTOR 50, NOIDA, U.P.- 201303
(M): 9711116034
(E): STHAVIASTHANA@GMAIL.COM

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 565 OF 2025

IN THE MATTER OF:

GRISH CHANDEL PRESIDENT AND ANR. APPLICANT
VERSUS

STATE OF HIMACHAL PRADESH & ORS. RESPONDENTS

**BRIEF REJOINDER/ SUBMISSIONS ON BEHALF OF THE
APPLICANT**

MOST RESPECTFULLY SHOWETH:

1. That the present O.A. has been registered based on the concerns raised by the Applicants on behalf of the Residents Welfare Association, Riverdale Colony, Sauli Khad Mandi in Himachal Pradesh which is situated on the banks of River Beas. The main issue in the present O.A. is illegal muck dumping in the Beas River during construction of a 4 lane highway on the banks of the river, opposite to the colony. The blocking of the Ropu Naala (tributary of Beas River) due to muck dumping and construction is also of concern as it may lead to course change of the river leading to a dangerous situation of flooding for the colony during the upcoming monsoons.

2. The Joint Committee report has recorded a clear finding that there has been major muck dumping in contravention of law, and without following the protection measures as detailed in the Muck Management Plan. This has resulted in spilling over of muck over the retention structures made by the project proponent near the river bank, which may find its way to the river during the monsoon season. The project proponent has also illegally developed two non designated muck dumping sites where the muck has been dumped unscientifically and has flowed towards the banks of Beas River. Furthermore, the natural course of the Ropu Naala is also obstructed which may alter the course of the river.
3. Despite these clear findings of large scale violations, the HPPCB has only imposed environmental compensation of Rs. 6 lakhs on the M/s Gawar Construction Company Pvt. Ltd. The quantum of EC imposed is grossly insufficient and disproportionate to the harm caused to the environment. It is submitted that the order dated 29.07.2013 in O.A. 256/2013 is distinguishable from the present case as it did not deal with the scale of violations as established in the present case. Therefore, the quantum of EC imposed has to be proportionate to the scale of the environmental violations.
4. Moreover, the HPPCB has only imposed EC on the Respondent No. 5, and no responsibility has been fixed on the Respondent No. 4,

NHAI, despite the fact that they are the main executing agency and are responsible for ensuring that their Concessionaire acts in accordance with law.

5. The reply of the Respondent No. 4 itself records that they are authorised to imposed compensation cost for the material breach of the Concession Agreement and so suspend the Concessionaire's rights as per Article 29 and 30 of the Concession Agreement. However, no such action has bene taken by the Respondent No. 4 despite glaring violations recorded by the HPPCB and the Joint Committee. The reply of the Respondent No. 4 is an attempt to shoulder off responsibility to the Respondent No. 5 and the Independent Engineer, without accepted any responsibility or accountability for the failure of the Respondent No. 4 in monitoring the compliances thereto.
6. It is submitted that the Respondent No. 5 has claimed that the natural drainage course of the Ropu Naala was to be restored by 31.03.2026. However, the same has not been completed.
7. Moreover, the current status of the work as evident from photographs shows that the muck continues to spill over into the river Beas opposite the Applicant's colony, and no effective protective measures have been installed.

Geo tagged photographs of the stretch of the river opposite the Applicant's colony are annexed hereto and marked as **Annexure No. 1.**

8. It is submitted that the date of 30.06.2026 for remediation measures as submitted by the Respondent No. 5 will render the proposed measures meaningless as the monsoon will have started much prior, and the Applicants will have to face grave hazards of flooding prior to any such remediation work. Indeed, the averments in the reply of the Respondent No. 5 itself place on record the adverse situation faced during the monsoons last year which started much prior to 30th June.
9. It is submitted that urgent protective measures are essential to ensure the residents of the Riverdale Colony are not faced with flood hazards during the upcoming monsoons due to the established illegal muck dumping in the river Beas. The respondents may undertake flood protection measures including flood walls, sandbags and bundhs on the river bank towards the Riverdale Colony on an urgent basis, before the upcoming monsoons.

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- i. Direct the HPPCB to impose environmental compensation on the Respondents No. 4 and 5 in a manner such that the quantum is proportionate to the scale of violations, and keeping in mind the Polluter Pays Principle; and
- ii. Direct the remediation measures to be completed before the onset of monsoons and to be verified by the concerned authorities; and
- iii. Direct the Respondents to undertake flood protection measures including flood walls, sandbags and bundhs on the river bank of Beas River adjacent to the Riverdale Colony, Sauli Khad Mandi, Himachal Pradesh on an urgent basis, before the upcoming monsoons; and
- iv. Pass such other and further directions/ orders as may be deemed fit and proper in the facts and circumstances of the present case.

212
AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IS
DUTY BOUND SHALL EVER PRAY



APPLICANT

THROUGH

Date: 10.04.2026

Place: New Delhi



STHAVI ASTHANA

ADVOCATE FOR APPLICANT

C-9, SECTOR 50, NOIDA, U.P.- 201303

(M):9711116034

(E): STHA VIASTHANA@GMAIL.COM

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 565 OF 2025**

IN THE MATTER OF:

GRISH CHANDEL PRESIDENT AND ANR. APPLICANT
Versus

STATE OF HIMACHAL PRADESH & ORS. RESPONDENTS

AFFIDAVIT

I, Rajesh Kumar, aged 48 years, S/o Sh. Kundan Lal, at the residence of Plot No 480/110/9, Riverdale Colony Sauli Khad, Mandi, Himachal Pradesh, 175001, do hereby solemnly affirm and declare as under:

1. I state that I am the Applicant in the present O.A. I am aware of the facts and circumstances of the present case and competent to depose this Affidavit in my personal capacity.
2. I state that I have gone through accompanying rejoinder which has been drafted by my counsel under my instructions. I have read and understood the contents of the accompanying Rejoinder that the facts stated therein are true to the best of my knowledge and the legal submissions therein are based on legal advice received and believed by me to be true and correct.
3. I state that the documents/annexures annexed with the Rejoinder are true copies of their respective originals


DEPONENT

ATTEST

**RAJESH KUMAR
NOTARY PUBLIC
Sub-Div. Mandi, H.P.**

VERIFICATION: -

I, Rajesh Kumar, the Deponent above named, do hereby verify that the contents of my foregoing Affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Mandi on this the 9th day of April, 2026

DEPONENT



Contents read over & explained to executant / Deponent who admitted the same to be correct



GPS Map Camera

Sauli Khad Industrial Area, Himachal Pradesh, India

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India

Lat 31.703166, Long 76.955756

Friday, 10/04/2026 12:04 PM GMT+05:30

Note : Captured by GPS Map Camera





GPS Map Camera

Sauli Khad Industrial Area, Himachal Pradesh, India 🇮🇳

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India

Lat 31.702840, Long 76.956294


Friday, 10/04/2026 11:48 AM GMT+05:30

Note : Captured by GPS Map Camera



Maps



 GPS Map Camera



Sauli Khad Industrial Area, Himachal Pradesh, India

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India
Lat 31.703121, Long 76.955816
Friday, 10/04/2026 12:03 PM GMT+05:30
Note : Captured by GPS Map Camera



GPS Map Camera

Sauli Khad Industrial Area, Himachal Pradesh, India 🇮🇳

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India

Lat 31.703153, Long 76.955763

Friday, 10/04/2026 12:04 PM GMT+05:30

Note : Captured by GPS Map Camera



Maps



GPS Map Camera

Sauli Khad Industrial Area, Himachal Pradesh, India 🇮🇳

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India

Lat 31.703125, Long 76.955813

Friday, 10/04/2026 11:47 AM GMT+05:30

Note : Captured by GPS Map Camera





GPS Map Camera



Sauli Khad Industrial Area, Himachal Pradesh, India

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India

Lat 31.703160, Long 76.955748

Friday, 10/04/2026 12:04 PM GMT+05:30

Note : Captured by GPS Map Camera




GPS Map Camera

Sauli Khad Industrial Area, Himachal Pradesh, India 🇮🇳

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India
Lat 31.701574, Long 76.958214
Friday, 10/04/2026 12:14 PM GMT+05:30
Note : Captured by GPS Map Camera





 GPS Map Camera

Sauli Khad Industrial Area, Himachal Pradesh, India

Sauli Khad Industrial Area Main Road, Mandi, Sauli Khad Industrial Area, Himachal Pradesh 175001, India

Lat 31.701577, Long 76.958214

Friday, 10/04/2026 12:14 PM GMT+05:30

Note : Captured by GPS Map Camera

