

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

ORIGINAL APPLICATION NO. 341 OF 2024

IN THE MATTER OF:

PAWAN KUMAR BANTA

...APPLICANT

VERSUS


STATE OF HIMACHAL PRADESH & ORS.

...RESPONDENTS

(under Section 18(1) read with Section 14 and Section 15 of the National
Green Tribunal Act, 2010 AND Environment (Protection) Act, 1986)

I N D E X

SR NO.	PARTICULARS	PAGE NO.
1.	COPY OF LEETER DATED 08 TH APRIL 2026 ISSUED TO DEPUTY DIRECTOR GENERAL OF FORESTS, SHIMLA	



NARENDER PAL SINGH
ADVOCATE

CH. #8 Lawyers' chambers,
Patiala house courts,
New Delhi- 110001

New Delhi

Date- 30/06/2026

Email- danubeconsulting@gmail.com

Mobile-9311010090

Online RTI Request Form Details

RTI Request Details :-

RTI Request Registration number	MOENF/R/E/26/00827
Public Authority	Ministry of Environment, Forest and Climate Change

Personal Details of RTI Applicant:-

Name	
Gender	Male
Address	Ch no.8 lawyers chambers, patiala house courts,
Country	India
State	Delhi
Status	Urban
Educational Status	Literate
Phone Number	+91-9311010090
Mobile Number	+91-9311010090
Email-ID	narenderpalsingh[at]gmail[dot]com

Request Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No

(Description of Information sought (upto 500 characters))

Description of Information Sought	
<p>1. KINDLY PROVIDE ME WITH THE COPY OF LETTER DATED 8TH APRIL 2026 ISSUED BY SH. PANKAJ VERMA SCIENTIST F, TO DEPUTY DIRECTOR GENERAL FORESTS, SHIVALIK BLOCK, LONGWOOD, SHIMLA-171001 HIMACHAL PRADESH, IN VIEW OF THE REPRESENTATION DATED 27/03/2026 MADE BY SH. AJAY KUMAR REGARDING ILLEGAL TRANSFER OF EC.</p>	
<p>2. KINDLY ALSO PROVIDE INFORMATION REGARDING ANY RESPONSE RECEIVED FROM DEPUTY DIRECTOR GENERAL OF FORESTS WITH REGARD TO THE LETTER ISSUED SEEKING FACTUAL STATUST IN THE MATTER REGARDING ILLEGAL TRANSFER OF ENVIRONMENTAL CLEARANCE DATED 01/04/2016 (ORIGINALLY GRANTED INFAVOUR OF M/S HOMELAND EXOTICA AND SUBSEQUENTLY TRANSFERRED IN THE NAME OF M/S NIRVANA WOODS AND HOTELS PVT. LTD.) BY SEIAA, HIMACHAL PRADESH.</p>	
Concerned CPIO	Nodal Officer
Supporting document (only pdf upto 1 MB)	Supporting document not provided

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By Speed Post



F. No. IA-J-12011/42/2026-IA-I
Government of India
Ministry of Environment, Forest and Climate Change
(I.A. Division)

Indira Paryavaran Bhavan
 Jor Bagh Road, Aliganj
 New Delhi-110 003
 Email: pankaj.verma@nic.in

Dated: 08th April, 2026

To,

Deputy Director General of Forests
 Sub - Office, Shimla C.G.O. Complex,
 Shivalik Block, Longwood,
 Shimla - 171001, Himachal Pradesh

Sub: Seeking factual status in the matter regarding representation against illegal transfer of Environmental clearance dated 01.04.2016 by SEIAA, Himachal Pradesh: reg.

Ref: i. Representation against the illegal transfer of EC by Shri Ajay Kumar dated 27.03.2026.

Sir,

This has reference to the representation by Shri Ajay Kumar against the illegal transfer of Environmental clearance(EC) dated 01.04.2026 which was originally granted in favour of M/s Homeland Exotica and subsequently transferred in the name of M/s Nirvana Woods and Hotels Pvt. Ltd by SEIAA, Himachal Pradesh (Copy enclosed). The content of the representation is self-explanatory.

2. In this regard, the applicant has requested to take cognizance of the serious irregularities highlighted and initiate appropriate action in accordance with law. A preliminary examination of the matter raises serious concerns especially related to illegal transfer of an EC which itself was surrendered, covering 'violation case' as a transfer case indicating contempt of the orders of Hon'ble SC, change in scope and nature of the project especially when there is change in project area itself etc. In view of seriousness of the matter above, it is requested to furnish a detailed factual status report along with supporting documents covering major issues identified as below and/any other issues in the representation:

1. **Illegal transfer of EC:** EC originally granted to M/s Homeland Exotica and subsequently transferred to M/s Nirvana Woods and Hotels Pvt Ltd. by SEIAA, H.P. vide order dated 27.05.2025.
2. **Construction of project completed without obtaining prior EC:** Construction of the project by M/s Nirvana Woods and Hotels Pvt

- Ltd was commenced, substantially carried out and nearly completed without obtaining prior EC; mischaracterized as a mere case of transfer.
3. **Project (M/s Nirvana Woods and Hotels Pvt Ltd) have been dealt under the violation category:** The action of SEIAA, HP in granting transfer of EC to a project whose construction had already been commenced and substantially progressed without obtaining prior EC is in violation of Ministry's notification dated 14.03.2017 as well as OM dated 07.07.2021 as the project can only be considered under the "violation category" and must be dealt strictly in accordance with the procedure prescribed therein.
 4. **Change in scope of project:** The modification in nature, scale, configuration or usage of the project could not have been undertaken without seeking and obtaining fresh EC in accordance with the applicable legal framework. There occurred a fundamental and substantive alteration in the very substratum of the project including not only change in identity of project proponent but also a complete transformation in the nature, scope, scale and character of the project itself.
 5. **Repeated requests made by Sh. Sunil Kumar Sood (earlier owner of project):** Sh. Sunil Kumar Sood himself repeatedly approached the Secretary (Environment) and Chairman, SEIAA, Shimla as well as the Director, SEIAA, Shimla, seeking cancellation/surrender of the EC dated 01.04.2016 granted in favour of Homeland Exotica, (whose sole proprietor was Mr. Sunil Kumar Sood) vide letter dated 15.10.2019, 18.12.2019, 02.01.2020 and 14.03.2020.
 6. **Illegal renewal of Consent to Establish regularizing prolonged violations:** The Consent to Establish dated 03.03.2017 granted by HPPCB was valid up to 02.03.2018 and a Show-Cause notice dated 15.02.2019 was issued by PCB for no renewal by any fresh consent. In such circumstances, the subsequent action of PCB renewing the expired CTE on 15.09.2025 **with retrospective effect** from 02.03.2018 after nearly eight years is illegal.
3. This issues with the approval of the Competent Authority.

Pankaj Verma
(Pankaj Verma)
Scientist 'F'

Copy to:

1. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
2. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office, Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh - 160030.

Pankaj Verma
(Pankaj Verma)
Scientist 'F'

Dated: 27.03.2026

To,

The Joint Secretary (IA- Division)

Ministry of Environment, Forests and Climate Change,

Indira Paryavaran Bhawan, Jor Bagh Road,

New Delhi-110003

Subject: Representation against the illegal and mala fide transfer of Environmental Clearance dated 01.04.2016, originally granted to M/s Homeland Exotica, in favour of M/s Nirvana Woods and Hotels Private Limited by SEIAA, Himachal Pradesh on 27.05.2025, for a project substantially constructed without prior EC in violation of the EIA Notification, 2006 and in wilful disregard/contempt of the law laid down by the Hon'ble Supreme Court prohibiting ex-post facto regularization of such violation cases.

Sir,

1. That the present representation is being filed by the undersigned, Ajay Kumar who is seeking intervention against the illegal and arbitrary transfer of the Environment Clearance dated 01.04.2016, originally granted in favour of M/s Homeland Exotica, which has subsequently been transferred in the name of M/s Nirvana Woods and Hotels Pvt. Ltd. by the State Environment Impact Assessment Authority, Himachal Pradesh (hereinafter referred to as "SEIAA, HP") vide order dated 27.05.2025, in a manner that is contrary to the provisions of the Environment Impact Assessment Notification, 2006 and the settled principles governing grant and transfer of environmental clearances.
2. At the outset, it is respectfully submitted that the present representation is being preferred to bring to light that a clear case of violation-wherein construction of the project in question was commenced, substantially carried out, and nearly completed without obtaining prior Environmental Clearance has been mala fide mischaracterized as a mere case of transfer. This has been done in complete disregard of the EIA Notification, 2006, as well as in wilful

defiance/contempt of the settled law laid down by the Hon'ble Supreme Court, which unequivocally holds that projects involving substantial construction without prior EC cannot be regularized through the grant of ex post facto clearance. It is further submitted that the earlier Environmental Clearance dated 01.04.2016 was, in any event, incapable of being transferred, as the project in question is entirely distinct, having been conceived and executed with a materially different scope, scale, built-up area, and environmental impact. The purported transfer of the said EC is in direct contravention of Clause 4 of the EC dated 01.04.2016, which explicitly mandates that any change in the scope of the project necessitates fresh appraisal by the competent authority. That the said transfer of EC clearly reflects that the State Environmental Impact Assessment Authority, Himachal Pradesh was hand in gloves with the project proponent i.e. M/s Nirvana Woods and Hotels Private Limited by SEIAA. The Act of SEIAA granting transfer of EC to a project whose construction was started and raised without obtaining an EC (be it fresh or transfer for that matter) is in complete violation of the Notification dated 14.03.2017 as well as Office Memorandum dated 07.07.2021 issued by your competent office itself, both of which clearly stipulate that a project whose construction is started before obtaining prior EC, can only be considered by the concerned authority i.e. SEIAA under violation category. Not only does the impugned action constitute a clear violation of the aforesaid Notification and Office Memorandum issued by your good office, but the deliberate and mala fide act of treating a violation case as a transfer case by SEIAA, Himachal Pradesh also amounts to wilful disregard of the directions issued by the Hon'ble Supreme Court from time to time, which unequivocally mandate that projects undertaken without prior Environmental Clearance can only be appraised under the "violation category." It is further submitted that the Hon'ble Supreme Court has, in certain matters, taken a strict view that where a project has been executed without obtaining prior

EC, demolition may be the only appropriate course of action against the project proponent. The Hon'ble Court has consistently held that the grant of ex post facto Environmental Clearance is contrary to the scheme and object of the Environment (Protection) Act, 1986 and is impermissible in law. It is also pertinent to note that the larger question as to whether a project undertaken without prior EC can at all be regularised by being treated under the violation category is presently sub judice before the Hon'ble Apex Court in *Vanashakti vs. Union of India (Writ Petition No. 1394 of 2023)*. In view of the aforesaid facts and settled legal position, it is most respectfully submitted that the impugned transfer of Environmental Clearance is ex facie illegal, arbitrary, and unsustainable in law.

3 The Environmental Clearance dated 01.04.2016 was granted in favour of Mr. Sunil Kumar Sood for the project titled "Homeland Exotica," which was specifically appraised and approved as a mixed land use development comprising residential and hotel components, with a sanctioned built-up area of 46,599.00 sq. metres. The said clearance was conditional in nature and subject to strict adherence to the terms and stipulations contained therein. Notably, Clause 4 of the General Conditions unequivocally provides that any change in the scope of the project would necessitate a fresh appraisal by the competent authority. Thus, it is evident that any modification in the nature, scale, configuration, or usage of the project could not have been undertaken without seeking and obtaining a fresh Environmental Clearance in accordance with the applicable legal framework. Copy of the Environment Clearance dated 01.04.2016 is appended herewith as **Appendix-A**.

4 That subsequent to the grant of Environmental Clearance dated 01.04.2016 in favour of Mr. Sunil Kumar Sood for the project "Homeland Exotica," a substantial portion of the land forming the subject matter of the said clearance, admeasuring 31,768 sq. metres out of the total 46,599 sq.

metres, was sold and transferred to M/s Nirvana Woods & Hotels Pvt. Ltd. vide registered sale deed dated 01.05.2017, comprising various khasra numbers situated in the revenue estates of Mauja Kiyari and Village Mohal Rirka, Tehsil and District Shimla (H.P.), while the remaining land admeasuring 14,831 sq. metres continued to vest with Mr. Sunil Kumar Sood. It is submitted that such transfer of land effectively resulted in a complete cessation of the original project proponent's proprietary as well as developmental interest in a substantial and integral part of the project for which the Environmental Clearance had been granted. Consequently, there occurred a fundamental and substantive alteration in the very substratum of the project, including not only a change in the identity of the project proponent—from Mr. Sunil Kumar Sood to M/s Nirvana Woods and Hotels Private Limited—but also a complete transformation in the nature, scope, scale, and character of the project itself. It is relevant to mention herein that the earlier EC was granted for a built-up area of 46,599.00 sq. metres, however the area of the project being undertaken by M/s Nirvana Woods and Hotels Private Limited is 31,768 sq. metres. The originally appraised project, conceived as a mixed land use development under the title "Homeland Exotica" with a defined built-up area and environmental footprint, stands materially altered into a distinct commercial venture involving hotels, serviced apartments, and villas, thereby significantly changing its environmental implications and rendering the original Environmental Clearance inapplicable and incapable of being relied upon without fresh appraisal and approval in accordance with law.

- 5 That Clause 2 of the EIA Notification clearly establishes the mandatory statutory requirement that any change in the scope of a project necessarily entails fresh appraisal by the competent authority, and no construction activity or land preparation—other than for securing the land—can be undertaken without obtaining prior Environmental Clearance. The said provision further

delineates the jurisdiction of the regulatory authorities, namely the Central Government for Category 'A' projects, the State Environment Impact Assessment Authority (SEIAA) for Category 'B' projects, and the District Environment Impact Assessment Authority (DEIAA) for specified Category 'B2' mining activities, thereby reinforcing the requirement of prior scrutiny and approval before commencement of any project. In the present case, not only has there been a fundamental and substantial change in the scope, scale, and nature of the project, but construction has also been undertaken without obtaining a valid prior Environmental Clearance, in complete contravention of the aforesaid statutory mandate, rendering the entire exercise illegal and unsustainable in law.

6. That Sh. Sunil Kumar Sood himself repeatedly approached the Secretary (Environment) and Chairman, SEIAA, Shimla as well as the Director, SEIAA, Shimla, seeking cancellation/surrender of the Environmental Clearance dated 01.04.2016 granted in favour of *M/s Homeland Exotica* for a project area admeasuring 46,599.00 sq. metres, whose sole proprietor was Mr. Sunil Kumar Sood. Such requests were made vide letters dated 15.10.2019, 18.12.2019, 02.01.2020 and 14.03.2020, thereby clearly acknowledging that the Environmental Clearance was personal to the original project proponent, had become infructuous upon transfer of land, and could not be automatically relied upon or utilised by *M/s Nirvana Woods and Hotels Private Limited* for carrying out construction on the said land. Copy of the letter dated 14.03.2020 is appended herewith as **Appendix-B**.
7. That SEIAA, Himachal Pradesh, in apparent connivance with the project proponent, has proceeded to grant a purported transfer of the Environmental Clearance vide communication dated 27.05.2025 in favour of *M/s Nirvana Woods and Hotels Private Limited*, without due

application of mind and in blatant disregard of the governing legal framework. It is respectfully submitted that the said Environmental Clearance was inherently non-transferable in its nature, being project-specific and contingent upon the identity of the original project proponent, as well as the scope and configuration of the project as appraised. Moreover, the said Environmental Clearance had, in effect, already been rendered inoperative and stood surrendered in substance by Mr. Sunil Kumar Sood through his repeated and unequivocal communications seeking its withdrawal. In such circumstances, the act of SEIAA in purporting to transfer a non-existent and extinguished clearance is not only arbitrary and without jurisdiction, but also vitiated by mala fides. Copy of the transfer of EC dated 27.05.2025 is appended herewith as **Appendix-C**.

8. Further, it is an undisputed and demonstrable fact that M/s Nirvana Woods and Hotels Private Limited had not only started and raised, but almost completed the construction of the project site much prior to making any application for transfer of the Environmental Clearance. Large-scale construction activities, including multi-storeyed structures, were commenced, continued and even completed at a time when no valid Environmental Clearance existed in the name of M/s Nirvana Woods and Hotels Private Limited, nor was any fresh appraisal undertaken by the competent authority. That the action of SEIAA, Himachal Pradesh in granting transfer of Environmental Clearance to a project whose construction had already been commenced and substantially progressed without obtaining prior Environmental Clearance—whether by way of fresh grant or valid transfer—is in direct and flagrant violation of the Notification dated 14.03.2017 as well as the Office Memorandum dated 07.07.2021 issued by the competent authority. Both the aforesaid instruments categorically mandate that any project which has commenced construction without prior Environmental Clearance can only be considered under the “violation category” and must be dealt with strictly in accordance with the procedure prescribed therein. Copies of the

Notification dated 14.03.2017 as well as the Office Memorandum dated 07.07.2021 are appended as **Appendix-D** and **Appendix-E** respectively.


9. That not only does the impugned action amount to a clear violation of the aforesaid Notification and Office Memorandum, but the deliberate and mala fide mischaracterisation of a violation case as a transfer case by SEIAA, Himachal Pradesh also constitutes willful disregard of the binding directions issued by the Hon'ble Supreme Court from time to time. The Hon'ble Court has consistently held that projects undertaken without prior Environmental Clearance cannot be regularised through indirect or procedural means and must be appraised strictly under the violation framework, if at all permissible. That it is further submitted that the Hon'ble Supreme Court has, in several judgments, adopted a stringent approach in cases where projects have been executed without obtaining prior Environmental Clearance, and has observed that in appropriate cases, demolition of such constructed projects may be the only viable course of action. The Hon'ble Court has also unequivocally held that the concept of ex post facto Environmental Clearance is contrary to the scheme and object of the Environment (Protection) Act, 1986 and is impermissible in law. That it is also pertinent to note that the larger question as to whether a project undertaken without prior Environmental Clearance can at all be regularised, even under the violation category, is presently under consideration before the Hon'ble Apex Court in *Vanashakti vs. Union of India* (Writ Petition No. 1394 of 2023), and thus the issue remains sub judice. Applying the aforesaid settled legal position to the facts of the present case, it is evident that the action of SEIAA, Himachal Pradesh in granting a purported transfer of Environmental Clearance to a project which had admittedly been undertaken without obtaining prior EC is wholly untenable in law. The transfer order dated 27.05.2025, therefore, amounts to an impermissible attempt at post-facto legitimisation of long-standing environmental violations.

10 Further the Consent to Establish dated 03.03.2017, granted by the Himachal Pradesh Pollution Control Board in favour of Mr. Sunil Kumar Sood for the project “Homeland Exotica,” was a time-bound approval valid only up to 02.03.2018, and admittedly was neither renewed nor replaced by any fresh consent thereafter, thereby ceasing to have any legal subsistence. Copy of the Consent to Establish dated 03.03.2017 is appended herewith as **Appendix-F**. This lapse was duly acknowledged by the Pollution Control Board itself in its Show Cause Notice dated 15.02.2019 issued to M/s Nirvana Woods & Hotels Pvt. Ltd., wherein it was categorically recorded that the project was being carried out without requisite statutory consents and without Environmental Clearance, in violation of the Water Act, 1974 and the Air Act, 1981. Copy of the Show Cause Notice dated 15.02.2019 issued to M/s Nirvana Woods & Hotels Pvt. Ltd. is appended herewith as **Appendix-G**. Further, the original project proponent, Mr. Sunil Kumar Sood, had on multiple occasions expressly sought surrender/cancellation of the said Consent to Establish, rendering it wholly infructuous. Copy of the letter dated 14.03.2020 submitted by Sh. Sunil Kumar Sood for surrender of CTE is appended herewith as **Appendix-H**. In such circumstances, the subsequent action of the Pollution Control Board in purportedly “renewing” the expired Consent to Establish on 15.09.2025 with retrospective effect from 02.03.2018—after nearly eight years—is ex facie arbitrary, illegal, and unknown to environmental jurisprudence, as it amounts to impermissible post facto regularisation of prolonged violations. Moreover, in light of the complete change in the project proponent and the nature, scale, and configuration of the project, the very concept of renewal is inapplicable, and the only legally permissible course was to seek a fresh Consent to Establish based on current project parameters. Copy of the renewed Consent to Establish dated 15.09.2025 is appended herewith as **Appendix-I**. It is therefore necessary to highlight that such retrospective renewal of the CTE issued by SEIAA,

amounts to post-facto regularisation of prolonged violations under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, and defeats the very purpose of statutory environmental regulation.

11. In these circumstances, the undersigned most respectfully requests that your good office may kindly take cognizance of the serious irregularities highlighted herein and initiate appropriate action in accordance with law. The undersigned respectfully requests that the above representation be examined in accordance with law and appropriate action be taken after considering the facts and materials placed on record. The undersigned further requests that an opportunity of personal hearing may kindly be granted in the matter so as to enable the undersigned to place additional facts, documents and submissions, if required, in support of the present representation and to assist the Ministry in arriving at a just and informed decision.

The undersigned sincerely hopes that the above representation will receive your kind and urgent consideration.


Yours faithfully,
Ajay Kumar,
C/o Darshan Kumar,
Ward No. 6, Dev Nagar, V.P.O
Gagret, Tehsil Ghanari, Gagret Khas (140),
PO: Gagret, Dist : Una,
Himachal Pradesh-177201.

1494



APPENDIX - A
State Level Environment Impact Assessment Authority
Himachal Pradesh

Ministry of Environment, Forest & Climate Change, Government of India,
at Department of Environment Science & Technology,
Paryavaran Bhawan, Near US Club, Shimla-1
Ph: 0177-2656539, 2659608 Fax: 2659609

F. No. HPSEIAA/2015/360- M/s Homeland Exotica-mixed land use construction project Dtd: _____

To

Sh. Sunil Kumar Sood,
M/s Homeland Exotica-mixed land use construction project,
143, Sector-7, Panchkula, Haryana-134109.
Phone No. 092165-76999, email: ca_sunilsood@yahoo.co.in.

Subject: Project proposal for Homeland Exotica-mixed land use construction project by Sh. Sunil Kumar Sood M/s Homeland Exotica-mixed land use construction project – Environmental Clearance-reg.

Sir,

This has a reference to your application dated 21/4/2015 seeking prior environmental clearance for the above project under Environment Impact Assessment Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification, dated 14th September 2006 on the basis of documents viz. Form-I, Pre-feasibility Report, EIA/BMP etc. by the State Expert Appraisal Committee constituted by the competent authority in its 41st Meeting held on Sept. 9-11, 2015. The said project involves following salient features:

- | | |
|---|---|
| a. Project type | : Homeland Exotica-mixed land use construction project (Residential & Hotel Project). |
| b. Project Location | : Khasra number 1363/1127/632/1, 641,408,1372/426,613,626/1 & 626/3, 1374/627, 1376/1126/628, 629, 630, 631, 1368/1137/632, 1369/1137/632, 642, 643, 644, 645, 646,647,648, 649, 429/1, 640, 1,2,3,4,5,6,7,8,9,321/10 at Village-Kiyari & Rirka, Tehsil & District-Shimla, H.P. |
| c. Project Capacity | : 46,599.00 sq. mtrs. |
| d. Cost of Project | : 99 Crores. |
| e. Water requirement | : 367 KLD. |
| f. Energy requirement | : 3127 KW. |
| g. Green cover | : Plantation of 458 new trees of different species in project area. |
| h. EMP costs | : For construction Phase:
Rs. 6.00 lakhs, Recurring cost. 2.80 lakhs
For operation Phase:
Capital cost: Rs. 122 lakhs, Recurring cost. Rs.10.0 |
| i. Institutional Mechanisms for Env. Protection | : The following will be responsible for maintenance of APCDs and Solid Waste Management sites:
i) Construction phase: Developer/ Project Proponent.
ii) Operational Phase: Developer/ Project Proponent. |

The SHIAA examined the proposal in its 24th Meeting held on 27th February, 2016 and considered the recommendations made by SEAC in its 41st Meeting held on Sept. 9-11, 2015. After considering the recommendations of the State Level Expert Appraisal Committee, the State level Environmental Impact Assessment Authority records Environmental Clearance to the project as per provisions of the EIA Notification No. S.O. 1533 dated 14th September, 2006 of Ministry of Environment & Forests, GoI subject to strict compliance of terms and conditions as mentioned below. The Authority reserves the right to revise, revoke or impose additional condition at any stage.

Part-A- Specific Conditions:

I- Construction Phase:

- "Consent to Establish" shall be obtained from H.P. State Pollution Control Board under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981
M/s Homeland Exotica-mixed land use construction project I/S

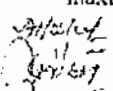
Attested
11/11/15
11/11/15
Section Officer,
Department of Environment, Science Technology & 13
Climate Change, Shimla, H.P.

a copy of same shall be submitted to State Environment Impact Assessment Authority (SEIAA) before start of any construction work at the site.

2. Provisions shall be made for the housing of labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
3. All required sanitary and hygienic measures should be taken before, during and after the completion of project.
4. A First Aid Room will be provided in the project both during construction and operation phase of the project.
5. Adequate drinking water, fuel and sanitary facilities should be provided for construction workers at the site. Provisions should be made for mobile toilets.
6. The safe disposal of waste water and solid wastes generated during the construction phase should be ensured.
7. All the top soil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
8. Disposal of muck including excavated material during construction phase should not create any adverse effects on the neighboring communities and disposed-off taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority.
9. Soil and ground water samples shall be got tested from authorized agency to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
10. Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the competent authority. Diesel generator sets during construction phase should have acoustic enclosures and should conform to Environment (Protection) Act, 1986 and Rules framed there under for air and noise emission standards. Low sulphur diesel type should be used.
11. The diesel required for operating DG sets shall be stored in under tanks and if required, clearance from Chief Controller of Explosives shall be taken.
12. Vehicles/ equipment deployed during construction phase should be in good condition and should conform to applicable air and noise emission standards, should have vehicle pollution check certificate and should be operated only during non-peak hours.
13. Ambient noise levels should conform to residential standards both during day and night. Only limited necessary construction should be done during night time. Fortnightly monitoring of ambient air quality (SPM, SO₂ and NO_x) and equivalent noise levels should be ensured during construction phase should be closely monitored during construction phase so as to conform to the stipulated standards fixed by the competent authority. Storm water control and its re-use for various applications as per guidelines.
14. Boundary wall shall be constructed in such a manner as not to be obstructing the flow of storm water. Necessary arrangement shall be made for the drainage of surrounding area.
15. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices and technologies available.
16. Permission to draw ground water shall be obtained from the competent Authority prior to construction/ operation of the project. Opaque wall should meet perspective requirement as per Energy.
17. Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is operational for non-air conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
18. Regular supervision of the above and other measures for monitoring should be in place all though the construction phase, so as to avoid disturbance to the surroundings.
19. The proponent shall be liable for action under the Environment (Protection) Act, 1986 for the violation of any provision of the said Act.

II- Operational Phase:

1. The installation of the Effluent Treatment Plant/Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Member Secretary, HPSEIAA at Director, Department of Environment, Science & Technology before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done.


 Section Officer,
 Department of Environment, Science & Technology S,
 Jhale Changa, Shimla, H.P.

M/s Homeland Exotica-mixed land use construction project 2/5

- Discharge of unused treated effluent shall conform to the norms and standards prescribed. Necessary measures should be made to mitigate the odour problem from STP.
2. The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable materials.
 3. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. The proponent shall be required to use low sulphur diesel. The location of the DG sets may be decided in consultation with the competent authority.
 4. Noise pollution should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
 5. The green belt of the adequate width and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.
 6. Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon periods.
 7. Rain water harvesting for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre treatment must be done to remove suspended matter, oil and grease.
 8. The bore well for rainwater recharging should be kept at least 5 mtrs. above the highest ground water table.
 9. The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.
 10. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized as per norms prescribed by the Competent Authority and no public space should be used for this purpose.
 11. Energy conservation measures like installation of CFLs for the lighting the surrounding areas/outside areas the building should be integral part of the project design and should be in place before project commissioning. Used CFLs/ TFLs should be properly collected and disposed off/ sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the possible extent.
 12. Adequate steps should be taken to prevent odour problem from solid waste processing site and STP.
 13. Sprinkling of water etc. be used for air pollution control during construction phase so as to avoid disturbance to the surroundings.

Part-B- General Conditions:

1. The environmental safe guards contained/given in the proposal for management of environmental pollution should be implemented in letter and spirit.
2. Six monthly environment monitoring reports shall be submitted to the State Environment Impact Assessment Authority and Ministry of Environment & Forests Regional Office at Dehradun.
3. Officials from the State Environment Impact Assessment Authority, Regional Office of MoEF, Dehradun and Department of Environment, Science & Technology GoHP who would be monitoring the implementation of environmental safeguards shall be given full cooperation, facilities and documents/ data by the project proponents during their inspection.
4. In the case of any change (s) in the scope of the project, the project would require a fresh appraisal by this Authority.
5. The SEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safe guards and measures in a time bound and satisfactory manner.
6. All other statutory clearances shall be obtained, as applicable by the project proponents.
7. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and Environment Impact Assessment Notification, 2006.

M/s Homeland Exotica-mixed land use construction project 3/5

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8. Environmental Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 460 of 2004 as may be applicable to this project.
9. Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

Part-C-Special Conditions:

1. The project Proponent shall submit the Water balance sheet, Carbon balance sheet and Energy balance sheet to the authority from time to time.
2. The air pollution control devices /STP shall be installed with interlocking with the main electric supply to the unit having independent energy meter respectively.
3. The Project Proponents shall submit returns/ details of recyclable wastes, and other solid wastes which shall be generated from the process to the Authority regularly.
4. The HP SPCB shall conduct regular monitoring of emissions and treated air, water quality of the project.
5. The Proponent shall undertake installation and commissioning of the requisite pollution control devices concurrent with the construction of proposed project and shall submit progress report to the Authority.
6. The costs of EMP shall be as per the proposal under construction phase (Capital cost: Rs. 6.00 lakhs, Recurring cost. 2.80 lakhs) & Operation phase (Capital cost: Rs. 122 lakhs, Recurring cost. Rs.10.0).
7. The unit shall install DG set shall be provided with proper exhaust muffler and stack height with DG set and other fugitive emission sources shall be more than 10-15 feet above room level. Norms prescribed for DG Sets in the Environment (Protection) Rules, 1986 shall be complied with.
8. The Project Proponents shall provide the appropriate mechanism for the collection, segregation, treatment and disposal of municipal solid waste. The waste will be collected at a specific dumping site inside of the project premises through local occupants and *safai karamcharies* as proposed.
9. The Project Proponents shall install Sewage Treatment Plant (STP) of 400 KLD with SBR Technology for treatment of sewage.
10. The Project Proponent shall collect the rain water by constructing Rain Water Harvesting pits measuring 6M x 4M x 5M as proposed and the total capacity of four RWH (Rain Water Harvesting) shall be 480 m³. The stored rain water shall be utilized regularly for non-drinking usages including firefighting, landscaping, water fall apart from domestic use as proposed.
11. The Project Proponent shall conserve energy through use of Solar light in garden area, open parking area and solar water heater for hot water. The total 13.83 lacs units/annum energy should be saved.
12. The project proponent shall maintain the existing road for about 500-1000 mtrs. outside the project area for about five years post commissioning of the project and shall construct rain shelter on that road under proposed CSR activity with budgetary allocations.
13. All the hazardous wastes shall be managed as per the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, as amended to date for Isolated Storage and Hazardous Waste (Management, Handling and Trans Boundary Movement) Rules, 2008 as amended from time to time under Environment (Protection) Act, 1986 and authorization from prescribed authority under the Rules shall be obtained.
14. Onsite and offsite Emergency Plans shall be prepared for storage & handling of chemicals by the proponent under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, as amended to date, if any.
15. All non-hazardous wastes of domestic originated from the hostels, residential areas, offices etc. shall be strictly managed as per the provisions of Municipal Solid Wastes (Management and Handling) Rules, 2000 as amended from time to time, if any.
16. The unit shall undertake Public liability insurance and shall identify accidents due to fire/ spillage and provide adequate measures to deal with such accidents.
17. The Project Proponent shall ensure that there are proper arrangements for management of occupational health and safety in accordance with the law as required for machinery safety, personnel safety and health care, fire & explosion safety and shall have proper onsite and offsite emergency plans in place. The labourers shall be provided with gumboots, aprons, gloves, helmets etc. desired health safety equipments for their safety during the operational stage of the project.

Attest

[Signature]

Section Officer,
Department of Environment, Science Technology &
Climate Change, Shimla, H.P.

M/s Homeland Exotica-mixed land use construction project 4/5

1499

18. The total power demand for the project shall be 3127 KW (2061 KW for residential + 1066 KW for Hotel) as proposed.

Yours sincerely,

Member Secretary
State Level Environment Impact Assessment Authority
Himachal Pradesh

Endst. No. As Above. 10

Dated: 1-11-2016.

Copy to following for further necessary action:

1. The Secretary (Environment), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003
2. The Chairman, Central Pollution Control Board, Him Parivesh Bhawan, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032.
3. The Chairman, Himachal Pradesh State Pollution Control Board, Shimla-171009.
4. The Director (Environment, Science & Technology) to the GoHP, Shimla-171001.
5. Adviser (IA), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003.
6. Additional Pr. Chief Conservator of Forests, Ministry of Environment, Forest & Climate Change, Regional Office, C/o Forest Research Institute, P.O. New Forest, Dehradun, Uttarakhand 248006.
7. Monitoring Cell, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003

8. Record File.

Member Secretary
State Level Environment Impact Assessment Authority
Himachal Pradesh

*Attended
Office*

M/s Homeland Exotica-mixed land use construction project 5/5

SPEED POST/ BY HAND/EMAIL APPENDIX - B

From : Sunil Kumar Sood,
House No.143, Sector-7,
Panchkula -134109
(Haryana)
Dated: 14.03.2020

Sh. D.C. Rana
Director
State Level Environment Impact Assessment Authority,
Himachal Pradesh,
Ministry of Environment, Forest & Climate Change,
Government of India,
at Department of Environment Science & Technology,
Paryavaran Bhawan, Near US Club Shimla - 1
Email: dc.rana04@nic.in

FILED TODAY
07 JAN 2022
Reader to Registrar

SUB : CANCELLATION/ SURRENDER OF ENVIRONMENTAL CLEARANCE GRANTED IN FAVOUR OF M/S HOMELAND EXOTICA VIDE LETTER NO. F.NO. HPSEIAA/2015/360- Homeland Exotica - mixed land use construction Project dated 01.04.2016 (SOLE PROPRIETOR SUNIL KUMAR SOOD) ON LAND MEASURING 46599 SQ. MTRS.

Dear Sir,

Further to my letters dated 15.10.2019, 18.12.2019 and 02.01.2020, I Sunil Kumar Sood submit that the Environmental Clearance granted issued vide your office letter no. F.NO. HPSEIAA/2015/360- Homeland Exotica - mixed land use construction Project dated 01.04.2016. I submit that since long I have abundant my project, I hereby surrender the said Environmental Clearance dated 01.04.2016 issued in my favour.

I also draw your kind attention to your office letter no. HPSEIAA/RTI/ 2010 / 25-VOL-II - 2174 dated 10th August 2018 stating No Environmental Clearance has been granted to M/s Nirvana Woods and Hotels Pvt. Ltd. Village Kiyari, District Shimla H.P. However, request from Sh. Sunil Kumar Sood for change of name from M/s Homeland Exotica to Nirvana Woods is under process. The copy of the same is enclosed herewith. It is submitted that Homeland Exotica as well as Nirvana Woods are my Sole Proprietorship firms and the Sole Proprietor firm M/s Nirvana Woods to totally difference firm than Nirvana Woods and Hotels Pvt. Ltd. which is a registered company under the Companies Act.

I further state that the land measuring 03-17-68 hectares on which illegal / unauthorized construction has been done by M/s Nirvana Woods and Hotels Pvt. Ltd., the title of land measuring 03-17-68 hectares is under dispute in COMS No. 23 of 2018 before the Hon'ble High Court of Himachal Pradesh as consideration of Rs. 10.32 crores for sale of land has not been paid to me by Nirvana Woods and Hotels Pvt. Ltd.

Thanking you,
Yours faithfully,

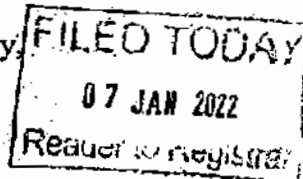
(Sunil Kumar Sood)
Encl: As above

RECEIVED TODAY
07 JAN 2022
Returned to registrar

SPEED POST/ BY HAND/EMAIL

From : Sunil Kumar Sood,
House No.143, Sector-7,
Panchkula -134109
(Haryana)
Dated: 14.03.2020

Sh. Rajneesh I.A.S
Secretary Environment and Chairman,
State Level Environment Impact Assessment Authority,
Himachal Pradesh Secretariat
New Shimla
Email: envsecybp@nic.in



SUB : CANCELLATION/ SURRENDER OF ENVIRONMENTAL CLEARANCE GRANTED IN FAVOUR OF M/S HOMELAND EXOTICA VIDE LETTER NO. F.NO. HPSEIAA/2015/360- Homeland Exotica – mixed land use construction Project dated 01.04.2016 (SOLE PROPRIETOR SUNIL KUMAR SOOD) ON LAND MEASURING 46599 SQ.MTRS.

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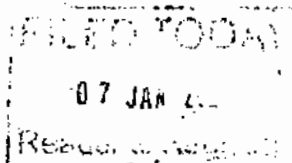
1503

I further state that the land measuring 03-17-68 hectares on which illegal / unauthorized construction has been done by M/s Nirvana Woods and Hotels Pvt. Ltd., the title of land measuring 03-17-68 hectares is under dispute in COMS No. 23 of 2018 before the Hon'ble High Court of Himachal Pradesh as consideration of Rs. 10.32 crores for sale of land has not been paid to me by Nirvana Woods and Hotels Pvt. Ltd.

Thanking you,
Yours faithfully,

(Sunil Kumar Sood)

Encl: As above



1504

SPEED POST / BY HAND/EMAIL

From : Sunil Kumar Sood,
House No.143, Sector-7,
Panchkula -134109, (Haryana)

Sh. D.C. Rana
Director
State Level Environment Impact Assessment Authority,
Himachal Pradesh,
Ministry of Environment, Forest & Climate Change,
Government of India,
at Department of Environment Science & Technology,
Paryavaran Bhawan, Near US Club Shimla – 1
Email: dc.rana04@nic.in

Dated: 14.03.2020

SUB : CANCELLATION/ SURRENDER OF ENVIRONMENTAL CLEARANCE GRANTED IN FAVOUR OF M/S HOMELAND EXOTICA VIDE LETTER NO. F.NO. HPSEIAA/2015/360- Homeland Exotica – mixed land use construction Project dated 01.04.2016 (SOLE PROPRIETOR SUNIL KUMAR SOOD) ON LAND MEASURING 46599 SQ. MTRS.

Dear Sir,

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1505

I also draw your kind attention to your office letter no. HPSEIAA/RTI/ 2010 / 25-VOL-II – 2174 dated 10th August 2018 stating No Environmental Clearance has been granted to M/s Nirvana Woods and Hotels Pvt. Ltd. Village Kiyari, District Shimla H.P. However, request from Sh. Sunil Kumar Sood for change of name from M/s Homeland Exotica to Nirvana Woods is under process. The copy of the same is enclosed herewith. It is submitted that Homeland Exotica as well as Nirvana Woods are my Sole Proprietorship firms and the Sole Proprietor firm N/s Nirvana Woods to totally difference firm than Nirvana Woods and Hotels Pvt. Ltd. which is a registered company under the Companies Act.

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Thanking you,

Yours faithfully,

Sd/-

(Sunil Kumar Sood)

Encl: As above

1507

I also draw your kind attention to your office letter no. HPSEIAA/RTI/ 2010 / 25-VOL-II - 2174 dated 10th August 2018 stating No Environmental Clearance has been granted to M/s Nirvana Woods and Hotels Pvt. Ltd. Village Kiyari, District Shimla H.P. However, request from Sh. Sunil Kumar Sood for change of name from M/s Homeland Exotica to Nirvana Woods is under process. The copy of the same is enclosed herewith. It is submitted that Homeland Exotica as well as Nirvana Woods are my Sole Proprietorship firms and the Sole Proprietor firm N/s Nirvana Woods to totally difference firm than Nirvana Woods and Hotels Pvt. Ltd. which is a registered company under the Companies Act.

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Thanking you,
Yours faithfully,

Sd/-

(Sunil Kumar Sood)

Encl: As above



सत्यमेव जयते

File No:HPSEIAA/2015/360
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority(SEIAA),
HIMACHAL PRADESH)



Dated 27/05/2025



To,

Tushar Gupta
M/s Nirvana Woods & Hotels Private Limited
VILLAGE RIRKA AND KIYARI, TEHSIL & DISTRICT SHIMLA, KIYARI AND RIRKA,
SHIMLA, HIMACHAL PRADESH, 171004
nirvanawoods.shimla@gmail.com

Subject: Grant of Transfer of Environmental Clearance (EC) to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

Sir/Madam,

This is in reference to your application submitted to SEIAA vide proposal number SIA/HP/INFRA2/532975/2025 dated 07/04/2025 for grant of transfer of Environmental Clearance (EC) to the project under the provision of para 11 of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC25C3801HP5659702T
(ii) File No.	HPSEIAA/2015/360
(iii) Clearance Type	Transfer of EC
(iv) Category	B2
(v) Project/Activity Included Schedule No.	S(a) Building / Construction
(vi) Name of Project	Nirvana Woods & Hotels Private Limited
(vii) Name of Company/Organization	
(ix) Location of Project (District, State)	SHIMLA, HIMACHAL PRADESH
(x) Issuing Authority	SEIAA
(xi) EC Date	01/04/2016
(xii) Details of Transferee	M/s Nirvana Woods & Hotels Private Limited VILLAGE RIRKA AND KIYARI, TEHSIL & DISTRICT SHIMLA, KIYARI AND RIRKA, SHIMLA, HIMACHAL PRADESH, 171004
(xiii) Details of Transferor	Homeland Exotica, VILLAGE RIRKA AND KIYARI, TUTIKANDI, SHIMLA, KIYARI AND RIRKA, 23, 2, 171004

1. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-7 were submitted to the SEIAA under the provision of Para 11 of the EIA notification 2006 and its subsequent amendments. Details in Form 7 can be accessed on PARIVESH portal by scanning the QR Code above and can also be accessed at [click here](#).
2. Online application has been received for transfer of EC which was earlier granted on dated 1/4/2016 to Sh. Sunil Kumar Sood, M/s Homeland Exotica for mixed land use construction project at Village Kiyari & Rirka, Distt. Shimla. Sh. Pankaj Gupta after his death had requested to transfer the EC earlier granted to Sh. Sunil Kumar Sood in the name of M/s Nirvan Woods & Hotels Pvt. Ltd.
3. As per the online record, the application for transfer of EC was also submitted on PARIVESH 1.0 portal vide proposal No. SIA/HP/MIS/307077/2023 submitted on PARIVESH 1.0 portal the PP had applied for Transfer of EC. But, the applicant has stated that there were some technical issues on PARIVESH 1.0 portal regarding uploading of documents.
4. The project proponent was informed that as per the directions from the MoEF&CC, Govt. of India issued vide OM No. IA3-19/95/2021-IA-III dated 6th October, 2021, Member Secretaries in the Ministry and State Environment Impact Assessment Authority (SEIAA) are directed to issue system generated BC letter and any new EC issued on or after 20.10.2021 without EC identification number & e-sign shall be treated as invalid. Therefore, no physical application and off-line request was considered and no offline/physical EC approvals were issued by SEIAA, Himachal Pradesh unless it was received & processed online on PARIVESH portal. The project proponent was advised that in order to resolve technical issues, the matter may take up with the Ministry or apply on PARIVESH 2.0 portal. The project proponent re-submitted the application on PARIVESH 2.0 portal.
5. The SEIAA has examined the requisite information/documents required for transfer of EC in accordance with the provisions contained in the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and hereby accords Transfer of EC dated Invalid date to M/s Nirvana Woods & Hotels Private Limited under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of EC conditions issued vide EC letter dated 1/4/2016.
6. The SEIAA may revoke or suspend the clearance, if implementation of any of the EC conditions is not satisfactory. The SEIAA reserves the right to stipulate additional conditions, if found necessary.
7. The PP is under obligation to implement commitments made in the Environment Management Plan, which forms part of this EC issued vide dated 1/4/2016.
8. This issue with the approval of the Competent Authority.

Copy To

1. The Secretary (Environment), Ministry of Environment, Forests & Climate Change (MoEF&CC), GoI, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003 .
2. The Chairman, Central Pollution Control Board, Him Parivesh Bhawan, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032.
3. The Chairman, Himachal Pradesh State Pollution Control Board, Shimla-171009.
4. The Director (Environment, Science & Technology) to the GoHP, Shimla-171001.
5. The Adviser (IA), MoEF&CC, GoI, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003.
6. The Integrated Regional Office, MoEF&CC, CGO Complex, Shivalik Khand, Longwood, Shimla, HP-171001.
7. The Monitoring Cell, MoEF&CC, GoI, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003
8. Record File.

Additional EC Conditions

1. The project proponent shall obtain necessary approval from the Deptt. of Revenue, as may be applicable, under Section 118 of HP Tenancy & Land Reforms Act.
2. The project proponent shall ensure that the construction is carried out as per the National Building Codes applicable to the area under strict supervision of technical institute of national repute.
3. The requisite approval from the HP Real Estate Regulatory Authority shall be taken.

1510

Send Approval Copy To (In case of multiple use comma as separator)

Signature Not Verified

Digitally Signed by : Sh D C Rana
Member Secretary SEIAA

Date: 27/05/2025

APPENDIX - D**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE NOTIFICATION**

New Delhi, the 14th March, 2017

S.O. 804(E).—Whereas, a draft notification under sub-section (1), and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), vide number S.O. 1705(E), dated the 10th May, 2016, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for finalising the process for appraisal of projects for grant of Terms of Reference and Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

2. And whereas, copies of the said notification were made available to the public on the 10th May, 2016;

3. And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government.
4. Whereas, subject to the provisions of the Environment (Protection) Act, 1986, under sub-section (1) of section 3 of the Act, the Central Government has the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environment pollution;
5. Whereas, section 5 of the Environment (Protection) Act, 1986 empowers the Central Government to give directions which reads as "Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;
6. Whereas the Ministry of Environment, Forest and Climate Change issued Office Memoranda dated 12.12.2012 and 27.06.2013 to establish a process for grant of environmental clearance to cases of violation.
7. Whereas, the Hon'ble High Court of Jharkhand had passed an order dated the 28th November, 2014 in W.P.

(C) No. 2364 of 2014 in the matter of Hindustan Copper Limited Versus Union of India in which the High Court held that the conditions laid down under Office Memorandum dated 12th December, 2012 in paragraph No. 5 (i) and 5 (ii) were illegal and unconstitutional and had further held that action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance could not await initiation of action against the project proponent. The Hon'ble Court further ruled that the proposal for environment clearance must be examined on its merits, independent of any proposed action for alleged violation of the environmental laws;

8. And whereas, Hon'ble National Green Tribunal, Principal Bench vide its order dated 7th July, 2015 in Original Application No. 37 of 2015 and Original Application No. 213 of 2015 had also held that the Office Memoranda dated 12th December, 2012 and 24th June, 2013 on the subject of consideration of proposals for Terms of Reference or Environment Clearance or Coastal Regulation Zone Clearance involving violations of the Environment (Protection) Act, 1986 or Environment Impact Assessment Notification, 2006 Coastal Regulation Zone Notification, 2011 could not alter or amend the provisions of the Environment Impact Assessment notification, 2006 and had quashed the same;

9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;
10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;
11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process

should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;

12. And whereas, Hon'ble Supreme Court in Indian Council for Enviro-Legal Action Vs. Union of India (the Bichhri village industrial pollution case), while delivering its judgment on 13th, February, 1996, analyzed all the relevant provisions of law and concluded that damages may be recovered under the provisions of the Environment (Protection) Act, 1986 (1996 [3] SCC 212). The Hon'ble Court observed that section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government [or its delegate, as the case may be] to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment.....". Section 5 clothes the Central Government [or its delegate] with the power to issue directions for achieving the objects of the Act. Read with the wide definition of "environment" in Section 2 (a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. In the present case, the said powers will include giving directions for the

removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures..... Hon'ble Court has further observed that levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry. The question of liability of the respondents to defray the costs of remedial measures can also be looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle. "The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

- 13 (1). Now, therefore, in exercise of the powers conferred by sub-section (1) and sub clause (a) of clause (i) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986; the Central Government hereby directs that the projects or activities or the expansion or modernisation of existing projects or activities requiring prior environmental clearance under the Environment Impact Assessment Notification, 2006 entailing capacity addition with change in process or technology or both undertaken in any part of India without obtaining prior environmental clearance from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be, duly constituted by the Central Government under sub-section (3) of Section 3 of the said Act, shall be considered a case of violation of the Environment Impact Assessment Notification, 2006 and will be dealt strictly as per the procedure specified in the following manner:-
- (2) In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the

construction work, or have undertaken expansion, modernization, and change in product- mix without prior environmental clearance, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted environmental clearance by the State Environment Impact Assessment Authority constituted under sub-section (3) Section 3 of the Environment (Protection) Act, 1986 shall be appraised for grant of environmental clearance only by the Expert Appraisal Committee and environmental clearance will be granted at the Central level.

- (3) In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the environmental clearance.
- (4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under subsection (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done

which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

- (5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and

Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

- (6) The Expert Appraisal Committee shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.
- (7) The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

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14. The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.

[F. No. 22-116/2015-IA-III]
MANOJ KUMAR SINGH, Jt. Secy.

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ALOK KUMAR
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Alok Kumar
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F. No. 22-21/2020-IA.III
 Government of India
 Ministry of Environment, Forest and Climate Change
 Impact Assessment Division

APPENDIX - E

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj
 New Delhi - 110003
 sujit.baju@gov.in

Date: 7th July, 2021

Office Memorandum

Subject: Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ - Regarding.

The Ministry had issued a notification number S.O.804(E), dated the 14th March, 2017 detailing the process for grant of Terms of Reference and Environmental Clearance in respect of projects or activities which have started the work on site and/or expanded the production beyond the limit of Prior EC or changed the product mix without obtaining Prior EC under the EIA Notification, 2006.

2. This Notification was applicable for six months from the date of publication i.e. 14.03.2017 to 13.09.2017 and further based on court direction from 14.03.2018 to 13.04.2018.

3. Hon'ble NGT in Original Application No. 287 of 2020 in the matter of Dastak N.G.O. Vs Synochem Organics Pvt. Ltd. &Ors. and in applications pertaining to same subject matter in Original Application No. 298 of 2020 in Vineet Nagar Vs. Central Ground Water Authority &Ors., vide order dated 03.06.2021 held that "(...) *for past violations, the concerned authorities are free to take appropriate action in accordance with polluter pays principle, following due process*".

4. Further, the Hon'ble National Green Tribunal in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24.05.2021 has directed that "*...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country*".

5. Therefore, in compliance to the directions of the Hon'ble NGT a Standard Operating Procedure (SoP) for dealing with violation cases is required to be drawn. The Ministry is also seized of different categories of 'violation' cases which have been

pending for want of an approved structural/procedural framework based on 'Polluter Pays Principle' and 'Principle of Proportionality'. It is undoubtedly important that action under statutory provisions is taken against the defaulters/violators and a decision on the closure of the project or activity or otherwise is taken expeditiously.

6. In the light of the above directions of the Hon'ble Tribunal and the issues involved, the matter has accordingly been examined in detail in the Ministry. A detailed SoP has accordingly been framed and is outlined herein. The SoP is also guided by the observations / decisions of the Hon'ble Courts wherein principles of proportionality and polluters pay have been outlined.

7. Relevant Court Cases on the issue: It is noted that while deciding issues related to violations of the Environment Protection Act, 1986 on account of running the project/activity without prior environmental clearance or in excess of capacity allowed in such clearances, the Hon'ble courts have, *inter-alia*, deliberated on various facets involving 'violation' cases and have enunciated principles of 'Proportionality' and 'Polluter Pays' in various decisions viz. Industrial Council for Enviro-Legal Action Vs Union of India (the Bichhri village industrial pollution case) (1996 SCC [3] 212); Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. (C.A. No. 1526 of 2016, order dated 1.4.2020) and Hindustan Copper Limited Vs Union of India in (W.P. (C) No. 2364 of 2014, order dated 28.11.2014). The salient extracts of the judgements are as under:

Issue 1: Proposal for grant of Environmental Clearance in violation cases - to be considered on merits:

i. Hon'ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014

Held: "(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent."

"(...) the proposal of the petitioner company for environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws."

ii. Hon'ble Madras High Court in the matter of Puducherry Environment Protection Association Vs The Union of India in W.P. No. 11189 of 2017, vide order dated 13.10.2017

Held "27. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down only because of failure to obtain prior environmental clearance, even though the establishment may not otherwise be violating

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pollution laws or the pollution, if any, can conveniently and effectively be checked. The answer necessarily has to be in the negative."

"29. It is reiterated that protection of environment and prevention of environmental pollution and degradation are non-negotiable. At the same time, the Court cannot altogether ignore the economy of the Nation and the need to protect the livelihood of hundreds of employees employed in projects, which as stated above, otherwise comply with or can be made to comply with norms."

Issue 2: Environmental Clearances - Prospective & not ex-post facto:

Hon'ble Supreme Court in the matter of Common Cause Vs Union of India in W.P. (C) No. 114 of 2014, vide order dated 2.8.2017

Held: "(...) an EC will come into force not earlier than the date of its grant."

Issue 3: 'Principles of Proportionality' - to be applied:

Hon'ble Supreme Court in the matter of Alembic Pharmaceuticals Ltd. Vs Rohit Prajapati & Ors. in C.A. No. 1526 of 2016, vide order dated 1.4.2020

Held: "(...) this Court must take a balanced approach which holds the industries to account for having operated without environmental clearances in the past without ordering a closure of operations. The directions of the NGT for the revocation of the ECs and for closure of the units do not accord with the principle of proportionality"

Issue 4: 'Polluter pays' principle &

&

Issue 5: Costs for remedial measures implicit in Sections 3 & 5 of Environment (Protection) Act, 1986.

Hon'ble Supreme Court in the matter of Indian Council for Enviro- Legal Action Vs Union of India (the Bichhri village industrial pollution case) in (1996 SCC [3] 212)

Held:

a) The Central Government is empowered to take all measures and issue all such directions as are called for the above purpose. The said powers will include giving directions ... and also the power to impose the cost of remedial measures on the offending industry and utilize the amount so recovered for carrying out remedial measures.....

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b) Levy of costs required for carrying out remedial measures is implicit in Sections 3 and 5 which are couched in very wide and expansive language. Sections 3 and 5 of the Environment (Protection) Act, 1986, apart from other provisions of Water and Air Acts, empower the Government to make all such directions and take all such measures as are necessary or expedient for protecting and promoting the 'environment', which expression has been defined in very wide and expansive terms in Section 2 (a) of the Environment (Protection) Act. This power includes the power to prohibit an activity, close an industry, direct to carry out remedial measures, and wherever necessary impose the cost of remedial measures upon the offending industry.

c) The question of liability of the respondents to defray the costs of remedial measures can also be looked into from accepted universally sound principle, viz., the "Polluter Pays" Principle. The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution".

8. Legal provisions:

i. The Environment (Protection) Act, 1986 mandates the Central Government to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (reference sub-section (1) of Section 3 of Environment (Protection) Act, 1986). Further, clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 specifies that the measures stipulated under sub-section (1) of Section 3 of the Environment (Protection) Act 1986 includes 'such other matters as the Central Government deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act'.

ii. Further, notwithstanding anything contained in any other law but subject to the provisions of the Environment Protection Act, 1986, Section 5 of the Environment (Protection) Act, 1986, provides that the Central Government may, in the exercise of powers and performance of Central Government functions under the said Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

9. Definition of Violation and Non-compliance:

The Standard Operating Procedure (SoP) considers 'Violation' & 'Non-compliance' from the following perspective:

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i. "Violation" means cases where projects have either started the construction work or installation or excavation, whichever is earlier, on site or have expanded the production capacity and / or project area beyond the limit specified in the Environmental Clearance (Prior-EC) without obtaining Prior-EC or change of scope without prior approval from the Ministry.

ii. "Non-compliance" means non-compliance of terms and conditions prescribed by the Regulatory Authority in the Prior Environment Clearance accorded to the project.

10. Standard Operating Procedure – Guiding Principles:

i. Without prejudice to any other consequences, action has to be initiated under section 15 read with section 19 of The Environment (Protection) Act, 1986 against all violations.

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period - proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2.	If prior EC is available for existing/old unit	Order to revert the activity/production to permissible limits.
3.	If prior EC was not required for earlier production level but is now required	Restrict the activity/production to the extent to which prior EC was not required.

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

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Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of commencement of project. Therefore, the activity is not permissible and therefore it shall be closed & demolished.

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluters Pay principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued which shall be effective from the date of issue.

v. However, during appraisal after examination if it is found that even though the project may be permissible but not environmentally sustainable in its present

form/configuration/features then the project shall be directed to be modified so that the project would be environmentally sustainable.

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.

Note - The activities, as per above clauses, shall be undertaken simultaneously wherever feasible. Environmental Clearance, if granted, to such projects or activities, after due appraisal of EIA/EMP report, shall be effective only from the date of issuance of such clearance and shall be subject to compliance of obligations towards Damage Assessment, Remedial Plan & Community Augmentation Plan, etc. finalized in each case.

12. Penalty provisions for Violation cases and applications:

a. For new projects:

- i. **Where operation has not commenced:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report; [Ex: Rs.1 lakh for project cost of Rs.1 Cr]
- ii. **Where operations have commenced without EC:** 1% of the total project cost incurred up to the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover during the period of violation. [Ex: For Rs.100 Cr project cost and Rs.100 Cr total turnover, the penalty shall be Rs.1 Cr + Rs. 0.25 Cr = Rs.1.25 Cr]

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b. For expansion projects:

- i. **Where operation/production with expanded capacity has not commenced:**
1% of the project cost, attributable to the expansion, incurred up to the date of filing of application along with EIA/EMP report.
- ii. **Where operation/ production with expanded capacity have commenced:**
1% of the project cost (attributable to the expansion activity) incurred upto the date of filing of application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

12.1. Without prejudice to obligation as per (a) & (b) above, where the project or activity is considered for appraisal as above & the project proponent fails to provide required information or requisite documents or complete the requisite study for the purpose of EIA/EMP reports or does not furnish such reports within such period, as specified by the appraisal committee, without reasonable cause, it shall be inferred that the project proponent is not serious enough and the project or activity shall be directed to be demolished / closed.

12.2. The percentage rates, as above, shall be halved if the project proponent *suo-moto* reports such violations without such violations coming to the knowledge of the Government either on inquiry or complaint.

12.3. The penalty, as above, shall be in addition to liability for carrying out various remedial measures which shall be worked out based on the damage assessment for quantifying the environmental damage caused due to unauthorized project activity [as per Step 3 enumerated above].

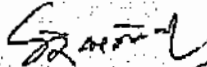
13. Identification of Violation cases:

With a view to protecting the environment and to expeditiously bring violators into a regulatory regime so as to prevent & control environment damage caused by such violation & to determine whether operation of such projects is permissible and to take action stipulated under Section 15 of the Environment (Protection) Act, 1986 for contravention of the provisions of the said Act, Rules, orders and directions, it is expedient to also identify the cases of violation, examine and appraise such projects so as to refrain them from causing further environmental damage and also to compensate for causing damage to the environment. Therefore, in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Central Government hereby directs that:-

- i. State Pollution Control Boards & Union Territory Pollution Control Committees, before grant or renewal of Consents under Water(Prevention & Control of Pollution) Act, 1974 & Air (Prevention& Control of Pollution) Act, 1981, shall ensure that the project proponents applies for or possess valid Prior

Signature

- Environmental Clearance in terms of extant EIA Notification and shall not grant or renew CTO (Consent to Operate) unless Environment Clearance (if applicable) has been obtained.
- ii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall identify cases of violation under their respective jurisdiction, report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also revoke CTO, if granted to the unit after giving an opportunity of being heard.
 - iii. The Central Pollution Control Board, all State Pollution Control Boards and all Union Territory Pollution Control Committees shall expeditiously examine the references, received from public and other bodies, relating to violations and take necessary steps as per (ii) above.
14. This is issued with the approval of the Competent Authority.


 (Dr. Sujit Kumar Bajpayee)
 Joint Secretary (IA)

To

1. Chairperson/Member Secretary of Central Pollution Control Board
2. Chairperson/Member Secretaries of all the SEIAs/SEACs
3. Chairman/Members of all the Expert Appraisal Committees
4. Chairman/Members of all the State Pollution Control Boards and Union Territory Pollution Control Committees

Copy for information:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS for Environment, Forest and Climate Change
3. PPS to Secretary(EF&CC)
4. PPS to AS(RS) / AS (RA)/ AS (UD)/ JS(JT) / JS (MP)/ JS (NPG)
5. All the officers of IA Division
6. Website of MoEF&CC/PARIVESH/Guard file

Copy (by email) also forwarded to the Registrar, NGT, in compliance to instruction given in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors.(order dated 24.05.2021).

H.P. State Pollution Control Board,
"Him Parivesh" Phase-III,
New Shimla-171009.

APPENDIX - F

Water/Air Act(ID-26063)

Dated:

No. PCB (434) Sh.Sunil Kumar Sood residential & Hotel/2016

From: Member Secretary

To: The Director of Tourism,
Department of Tourism, SDA Complex,
Kasumpti,-171 009

Subject: - Consent to Establish for Homeland Exotica mixed land use construction project (Residential and Hotel Project) with a total built up area 46,599.00 Sq.mtrs. at Khasra No. 1363/1127/632/1, 641, 408, 1372/426, 613, 626/1 & 626/3, 1374/627, 1376/1126/628,629,630,631,1368/1137/632,1369/1137/632, 642,643,644,645,646,647,648,649, 429/1, 640, 1,2,3,4,5,6,7,8,9, 321/10, village Kiyari & Rirka, Tehsil & Dist. Shimla H.P.

Sir,

Sh. Sunil Kumar Sood Prop. of M/s Home Land Exotica-Mixed Land use construction Project, House No. 143, Sector-07, Panchkula, Haryana- 134109., have approached to this Board under Water Act, 1974 and Air Act, 1981 for issuing Consent to Establish in their favour construction of Homeland Exotica mixed land use construction project (Residential and Hotel Project) with a total built up area 46,599.00 Sq.mtrs. at Khasra No. 1363/1127/632/1, 641, 408, 1372/426, 613, 626/1 & 626/3, 1374/627, 1376/1126/628,629,630,631,1368/1137/632, 1369/1137/632, 642,643,644,645,646,647,648,649, 429/1, 640, 1,2,3,4,5,6,7,8,9, 321/10, at village Kiyari & Rirka, Tehsil & Dist. Shimla H.P. The State Level Environment Impact Assessment Authority H.P. has accorded the Environmental Clearance in favour of this project vide letter No. HPSEIAA/F (2015) /360-M/s Homeland Exotica mixed land use construction project/-10 dated 01-04-2016. In view of the Environmental Engineer, HP State Pollution Control Board Shimla, Dist. Shimla H.P. vide his on line report dated 12-07-2016 has recommended the case for grant of Consent to Establish. The State Board has examined the application and grants consent to establish under Water Act, 1981 and Air Act, 1981 with the following conditions:

1. This Consent to Establish is subject to the compliance of proceeding of the presentation as already circulated vide Encl. No. HPSPCB (434)Sunil Kumar Sood construction Project-Shimla/ 2016- 11799-11804 dated 17-09-2016.
2. This Consent to Establish is subject to the compliance of conditions of Environmental Clearance as incorporated by the State Level Environment Impact Assessment Authority H.P. vide letter No. HPSEIAA/F (2015) /360-M/s Homeland Exotica mixed land use construction project/-10 dated 01-04-2016.
3. This consent to establish is valid for one year from the date of issue and shall subsequently be got renewed for each financial year or part thereof.
4. This Consent to Establish is only for the purpose and under the provisions of the Water(Prevention and Control of Pollution) Act,1974 and Air(Prevention and Control of Pollution)Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law/regulation/direction/order and the applicant shall obtain any such mandatory clearances before taking any steps to establish industry/industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.
5. This consent to establish is issued for:
 - (i) The domestic sewage (67 KLD) shall be treated in sewage treatment plant of having capacity 400 KLD as proposed by the unit. The treatment shall conform to the norms as prescribed in Environment (Protection) Rules, 1986 as amended from time to time.
 - (ii) Garbage(Municipal Solid Waste) shall be disposed off by segregation and composting and organic solid waste.

- (iii) Noise/Emission from DG set conform to limits prescribed in Sr. No. 94 & 95 of Schedule-I of Environment (Protection) Rules, 1986.
- (iv) The organic sludge from STP shall be used as manure in horticulture in the premises.
- (v) Noise & ambient air quality to be maintained within Ambient air Quality Standards for noise as specified in Schedule-III of aforesaid Rules and Noise Pollution (Regulation and Control) Rules, 2000 as well as those CPCB.
- 6. The proponent shall comply with the provisions of the e-waste (Management & Handling) Rules, 2011, as may be, applicable to it.
- 7. The proponent shall comply with any other conditions laid down or directions issued by the Board or State Government or Ministry of Environment & Forests, Govt. of India or Central Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and/or Environment (Protection) Act, 1986 as amended from time to time, as the case may be.
- 8. Construction waste arising due to earth work during construction shall be used for landscaping within the premises and no debris are allowed to be disposed out side the premises.
- 9. The promoter shall provide adequate arrangement for fighting the accidental leakage's/ discharge of any air pollutant/ gas/ liquids from the vessel, mechanical equipment's etc. which are likely to cause environmental pollution.
- 10. The promoter shall comply with any other conditions laid down or direction issued by the Board under the provision of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from time to time.
- 11. Nothing in this No Objection Certificate shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibilities or penalties to which the applicant is or may be subject under the provisions of the Water/ Air Acts.
- 12. The Promoter shall grow suitable varieties of plants in the premises to maintain greenery.
- 13. The Promoter shall construct and commission the sewage treatment plant/emission control devices, simultaneously with the main project and the treated effluent/emissions shall conform to the standards as may be prescribed.
- 14. The promoter shall construct a pucca storage tank of sufficient capacity to hold back the effluent in case of failure of Sewage Treatment Plant/ re-circulation system and also for no demand period.
- 15. The promoter shall provide terminal manhole at the end of each collection system and a manhole upstream of final outlet(s) out of the premises of the industry for measurement of flow and for taking samples.
- 16. All under ground water retaining structures shall be lined with an impervious layer so as to avoid seepage and contamination of sub soil/ water.
- 17. The promoter shall not discharge any fugitive emissions/ odour.
- 18. The promoter shall obtain consent to operate from this Board and install anti- pollution devices for prevention control and abatement of Water/ Air Pollution before using the for residential and Hotel purpose.
- 19. The promoter shall make provisions for rain harvesting from the rooftops and built up areas before operation.
- 20. The promoter shall provide the acoustic enclosure over the DG set as per norms.
- 21. That the compliance to the norms for emissions/effluent and noise as prescribed of Environment Protection Act, 1986 as amended from time to time.
- 22. This consent to establish is subject to the ratification by the State Board.
- 23. The State Board reserves the right to revoke/review and alter the conditions of consent to establish as the case may be.
- 24. The promoter shall ensure that all the muck to be generated from the construction activities shall be used within the premises.
- 25. The promoter shall provide the sewage treatment plant for domestic sewage and also make provision for implementation of Solid Waste Management Rules, 2016.

26. The promoter shall explore the possibility of connecting the sewer line with Municipal Corporation/PH sewerage deptt.
27. The promoter shall provide dual plumbing system for recycling of entire sewage after treatment in the STP for flushing of toilets.
28. The promoter shall make provision for the implementation of construction and demolition Water Management Rules, 2006.
29. The promoter shall submit Environment Management Plan consisting of all mitigation measures for each component of the environment, during construction operation and the entire life cycle to minimize adverse environmental impacts resulting from actions of the project.
30. The promoter shall increase the tree plantation along the periphery of the project and green belt inside the premises of the project.
31. The promoter shall incorporate best storm water management plan in order to avoid flooding of the area during monsoon.
32. The promoter shall make adequate provision for the transport infrastructure and traffic management at entry and exit to the project.
33. Unit shall provide the SBR technology in the sewage treatment plant.

Yours faithfully,

(Dr. Sanjay Sood, IFS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177- 2673766

Endst. No. PCB (434) Sh. Sunil Kumar Sood residential & Hotel/2016 22.1.2017 Date 22.1.17

Copy forwarded to the following for information and necessary action:

1. The Director, Town & Country Planning Department, SDA Complex Kasumpti, Shimla
2. Sh. Sunil Kumar Sood Prop. of M/s Home land Exotica-mixed land use construction Project, House No. 143, Sector-07, Panchkula, Haryana- 134109.
3. The, Env. Engineer, HP PCB, Shimla Dist. Shimla H.P. w.r.t. his on line report.
4. District Tourism Development Officer, Shimla Dist. Shimla H.P.
5. Case file.

(Dr. Sanjay Sood, IFS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177- 2673766

APPENDIX - G

OFFICE OF THE PUBLICIST
H.P.O. NEW SHIMLA-171009
Phone No. 0177-2673274

No. PCB/ROS/Misc. Notice/Sund/2019-1990 Dated: 15/09/2019

To: M/s Nirvana Woods & Horticulture
Village Koyal & R.P.O.
Tehsil & District Shimla, H.P.

Subject: Show Cause Notice under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1974

Whereas inspection conducted by the undersigned on dated 14.09.2019 and found that non-compliance from 2017-18 to 2018-19 whereas Consent to Establish was issued vide letter No. PCB (A34)/Sh. Sundar Kumar Sood Residential & Hort/2018/2750-54 dated 03.03.2017 which was valid upto 02.12.2018 in that you have not applied for re-dated consent of the State Board, which is a violation of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1974. In this context Show Cause Notice under Water & Air Act is already issued vide this office letter No. H.P.S.P.B./ROS/Misc. Notice/2019-1990 dated 04.09.2019.

Whereas as per this office letter No. H.P.S.P.B./ROS/Misc. Sund/ Kumar Sood/2019-1990 dated 15.10.2018 you have also not submitted the revised Environmental Clearance, which was previously in the name of M/s. Himalaya Ecofarmers and use construction project (Residential & Horticulture).

Whereas the facts stated above are a ground for violation of the provisions contained in the above quoted laws and liable for action under section 41, 43 & 44 of the Water (Prevention & Control of Pollution) Act, 1974 and 37, 38, 39 of Air (Prevention & Control of Pollution) Act, 1974, afflicting the (a) upto Rupees Ten Thousand and imprisonment for six year.

Whereas in addition to above you would also be liable to regulatory action under section 23 A of Water (Prevention & Control of Pollution) Act, 1974 and 14 A of Air (Prevention & Control of Pollution) Act, 1974 which provides (a) the closure, prohibition or regulation of any industry, operation or trades or (b) the stoppage or regulation of supply of electricity, water or any other service.

However before proceeding further you are hereby given an opportunity to apply for Renewal of Consent through our portal e-shimla /Dnecms/ulcm and also submit the revised Environmental Clearance, where as also and application for change of Name with relevant supporting documents.

Please note that in the event of failure to comply with above directions, penal and legal actions stated above shall be initiated against you for the above mentioned violations and non-compliance at your risk and responsibility in this regard.

Dr. Ajeet Kumar
Sr. Environmental Engineer
H.P.S.P.B., R.O. Shimla

Copy to:-
1. The Member Secretary, H.P. State Pollution Control Board, Phased II, Hill Park, Porthugh, New Shimla, 171009 for information please.

Dr. Ajeet Kumar
Sr. Environmental Engineer

FILED TODAY
14 SEP 2019



H.P. STATE POLLUTION CONTROL BOARD
Regional Office, Him Parivesh, Phase-III,
New Shimla, 171009, H.P.

No. PCBROS/M/s Nirvana Woods (Earlier M/s Sunil Kumar Sood)/2019

Dated:

20.6.19

10/19

To
M/s Nirvana Woods & Hotels Pvt. Ltd.,
Village Kiyari & Riirka,
Tehsil & District Shimla, H.P.

Sub: - Notice under Water (Prevention & Control of Pollution) Act, 1974 and
Air (Prevention & Control of Pollution) Act, 1981.

Sir,

This is in continuation to this office letter No. 1785-86 dated 15.02.2019 and letter No. PCB/ROS/Sunil Kumar Sood/2019-1130 dated 19.09.2019. Whereas it has been observed that you have not applied upto date for the consent of the State Board from 31.03.2018 onwards and you have also not submitted the revised Environmental Clearance which is gross violation of the consent conditions earlier issued and Air (Prevention & Control of Pollution) Act, 1981 and Water Act, 1974.

The facts stated above are tantamount to the violation of the provisions contained in the above quoted laws and liable for action under Section 41, 43 & 44 of the Water (Prevention & Control of Pollution) Act, 1974 and 37, 38, 39 of Air (Prevention & Control of Pollution) Act, 1981 attracting fine(s) upto Rupees Ten Thousand and imprisonment up to six years.

Whereas in addition to above, unit would also be liable to regulatory action under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and 31-A Air (Prevention & Control of Pollution) Act, 1981 which provides (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the stoppage or regulation of supply of electricity, water or any other service.

However before proceeding further, you are hereby given an opportunity to apply for up-to-date consent of the State Board through our web portal, i.e. www.hp-cmms.nic.in and also submit the revised Environmental Clearance.

Please note that in the event of failure to comply with above directions, penal and legal actions stated above shall be initiated against you for the above mentioned violations and non-compliance at your risk and cost.

Copy to:-
1. Case File

[Signature]
Asstt. Environmental Engineer,
H. P. SPCB, R.O. Shimla

[Signature]
Asstt. Environmental Engineer,
H. P. SPCB, R.O. Shimla

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H.P. STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, "HIM PARIVESH",
PHASE - III, NEW SHIMLA - 171009
Phone No. - 0177-2673274

No.PCB -ROS/M/s Sunil Kumar Sood /2019- 1785-86

Dated: 15/2/19

To
M/s Nirvana Woods & Hotels Pvt. Ltd.,
Village Kiyari & Rirka,
Tehsil & District Shimla, H.P.

Subject:- Show Cause Notice under Water (Prevention &
Control of Pollution) Act, 1974 & Air (Prevention
& Control of Pollution Act, 1974).

Whereas inspection conducted by the undersigned on dated 14.02.2019 and found that non compliance from 2017-18, 2018-19. Whereas Consent to Establish was issued vide letter No. PCB (434)/Sh. Sunil Kumar Sood residential & Hotel/2016-22750-54 dated 03.03.2017 which was valid upto 02.03.2018. Thereafter you have not applied for up-to-dated consent of the State Board, which is gross violation of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution Act, 1974). In this context, Show cause notice under Water & Air Acts is already issued vide this office letter No. HPSPCB/ROS/Misc. Notice/2018-117-146 dated 10.04.2018.

Whereas as per this office letter No. HPSPCB-ROS/M/s Sunil Kumar Sood/2018-1390 dated 16.10.2018 you have also not submitted the revised Environmental Clearance, which was previously in the name of M/s Homeland Exotica-mixed land use construction project (Residential & Hotel Project).

Whereas the facts stated above tantamount to the violation of the provisions contained in the above quoted laws and liable for action under Section 41, 43 & 44 of the Water (Prevention & Control of Pollution) Act, 1974 and 37, 38, 39 of Air (Prevention & Control of Pollution) Act, 1981 attracting fine(s) upto Rupees Ten Thousand and imprisonment up to six years.

Whereas in addition to above, unit would also be liable to regulatory action under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and 31-A Air (Prevention & Control of Pollution) Act, 1981 which provides (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the stoppage or regulation of supply, of electricity, water or any other service.

However before proceeding further, you are hereby given an opportunity to apply for Renewal of Consent through our portal i.e. <http://hpocmms.nic.in> and also submit the revised Environmental Clearance at the earliest and application for change of Name with relevant supporting documents.

1539

Please note that in the event of failure to comply with above directions, penal and legal actions stated above shall be initiated against you for the above mentioned violations and non-compliance at your risk and cost without issuing further Notice.

Er. Ajeet Kumar,
Sr. Environmental Engineer,
HPSPCB, R.O. Shimla.

Copy to:-1. The Member Secretary, H.P. State Pollution Control Board, Phase-III Parivesh, New Shimla, 171009 for information please.

Sd/-
Er. Ajeet Kumar,
Sr. Environmental Engineer,
HPSPCB, R.O. Shimla.

1541

02.03.2018. I hereby surrender the said consent to establish dated 03.03.2017 issued in my favour.

I also draw your kind attention to your office letter no. HPSPCB-ROS-/RTI Act, 2005/2018-1435 dated 29.10.2018 stating that as per office record no consent has been issued in the name of M/s Nirvana Woods and Hotels Pvt. Ltd. at Village Kiyari, District Shimla H.P. The copy of the same is enclosed herewith.

I further state that the land measuring 03-17-68 hectares on which illegal / unauthorized construction has been done by M/s Nirvana Woods and Hotels Pvt. Ltd., the title of land measuring 03-17-68 hectares is under dispute in COMS No. 23 of 2018 before the Hon'ble High Court of Himachal Pradesh as consideration of Rs. 10.32 crores for sale of land has not been paid to me by Nirvana Woods and Hotels Pvt. Ltd.

Thanking you,
Yours faithfully,
Sd/-

(Sunil Kumar Sood)

Encl: As above

1542

SPEED POST/ BY HAND/EMAIL

From : Sunil Kumar Sood,
House No.143, Sector-7,
Panchkula -134109,(Haryana)

Sh. Rajneesh I.A.S
Secretary Environment and Chairman,
H.P. State Pollution Control Board,
Himachal Pradesh Secretariat
New Shimla
Email: envsecyhp@nic.in

Dated: 14.03.2020

**SUB : CANCELLATION/ SURRENDER OF CONSENT
TO ESTABLISH DATED 03.03.2017 GRANTED IN
FAVOUR OF HOME LAND EXOTICA (SOLE PROPRIETOR
SUNIL KUMAR SOOD) ON LAND MEASURING 46599
SQ. MTRS.**

Dear Sir,

Further to my letters dated 04.05.2019, 15.10.2019, 18.12.2019 and 02.01.2020, I Sunil Kumar Sood submit that the consent to establish issued vide your office letter no. PCB(434) Sh. Sunil Kumar Sood residential & Hotel / 2016 dated 03.03.2017, which as per para 3 of letter dated 03.03.2017, the said consent to establish issued in my favour was valid only up to 02.03.2018. I submit that since long I have abundant my project, therefore, I never applied for renewal of the said consent to establish which expired on

1543

02.03.2018. I hereby surrender the said consent to establish dated 03.03.2017 issued in my favour.

I also draw your kind attention to your office letter no. HPSPCB-ROS-/RTI Act, 2005/2018-1435 dated 29.10.2018 stating that as per office record no consent has been issued in the name of M/s Nirvana Woods and Hotels Pvt. Ltd. at Village Kiyari, District Shimla H.P. The copy of the same is enclosed herewith.

I further state that the land measuring 03-17-68 hectares on which illegal / unauthorized construction has been done by M/s Nirvana Woods and Hotels Pvt. Ltd., the title of land measuring 03-17-68 hectares is under dispute in COMS No. 23 of 2018 before the Hon'ble High Court of Himachal Pradesh as consideration of Rs. 10.32 crores for sale of land has not been paid to me by Nirvana Woods and Hotels Pvt. Ltd.

Thanking you,
Yours faithfully,
Sd/-

(Sunil Kumar Sood)

Encl: As above



APPENDIX - I



H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009

HPSPCB No : 246/434

Date: 15/09/2025

Industry Registration ID: 26063

Application No : 16177689

To,

Nirvana Woods And Hotels Pvt Ltd
Village Kyari & Rirka, Tutikandi Shimla-171004
Shimla
Shimla
171004

Subject: Renewal of 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981.

With reference to your application for obtaining Renewal of 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981, you are hereby, authorized to Establish an industrial unit subject to the Terms and Conditions as mentioned in this Consent letter.

1. Particulars of Consent to Establish under Water Act, 1974 and Air Act, 1981 granted to the industry

Consent No.	CTE/BOTH/RENEW/RO/2025/16177689
Date of issue :	02/03/2018
Date of expiry :	31/03/2026
Certificate Type :	RENEW
Previous CTE/CTO No. & Validity :	

2. Particulars of the Industry

Name & Designation of the Applicant	<i>Yashar Gupta, (Director)</i>
Address of Industrial premises	<i>Nirvana Woods And Hotels Pvt Ltd, Village Kyari & Rirka, Tutikandi Shimla- 171004, Shimla, Shimla-171004</i>
Capital Investment of the Industry	<i>9990.0 lakhs</i>
Category of Industry	<i>Red</i>
Type of Industry	<i>1063-Building and construction project more than 20,000 sq.m built up area and having waste water generation 100 KLD and above</i>
Scale of the Industry	<i>Large</i>
Office District	<i>Shimla</i>
Capacity	

Products (Name with quantity per day)

Name of Products	Unit	Quantity	Intermediate Product	Principal Use
EWS/LIG	Number/Year	27	Residential Purpose
3 BHK	Number/Year	112	Residential Purpose
2 BHK	Number/Year	100	Residential Purpose
Villas	Number/Year	64	Residential/Tourism Purpose
Hotel	Number/Year	81	Including Restaurant, Gym, SPA, Coffee Shop, Banquet, Conference Hall	Tourism Purpose

Details of the Effluent Treatment Plant

Type of Effluent	Capacity	Quantity
STP	100	1
ETP	20	1

Mode of Disposal

Description	Quantity(in KLD)	Method of Treatment	Method of Disposal
Industrial Process	16	ETP	STP
Domestic	100	Sewer line having terminal treatment facility	Other
Domestic	81	STP	Irrigation/Gardening

Quantity of fuel required (in TPD) and capacity of boilers/ Furnace/Thermo heater etc.

Type	No. of Boiler/Heater/Evaporator/Incinerator/DG Set/Other	Capacity	Type of Boiler/Heaters/Evaporators/Incinerator/DG Sets/Others	Type of Fuel	Fuel consumption rate in MT/hour or KL/hour or M3 /hour
DG Sets	1	500 KVA	Silent equipped with acoustic enclosure & Exhaust muffler	Diesel	17
Others	Electric Heat Pump (2 no.)	100 KW Each	Electricity	Electricity	-

Type of Air Pollution Control Devices installed

1546

Equipment Type	Equipment Name	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
DG sets	DG Sets	2020-05-01	99	Exhaust Gases



Approved By
Chairman
(H. P. State Pollution Control Board)

Endst. No.:

Copy To:-

The Regional Office, HPSPCB, Shimla for information and to ensure the operation of the unit as per consent and with adequate PCDs.



PARVEEN
CHANDER
GUPTA

Digitally signed by
PARVEEN CHANDER
GUPTA
Date: 2025.09.15
14:52:54 +05'30'
Dr Parveen Chander Gupta
Member Secretary
For & on behalf of
(H. P. State Pollution Control Board)

TERMS AND CONDITIONS

A. SPECIFIC CONDITIONS

1. This Consent to Establish is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law/regulation/direction/order and the applicant shall obtain any such mandatory clearance before taking any steps to establish industry/ industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.
2. Nothing in this Consent shall be deemed to neither preclude the institution of any legal action nor relieve the applicant from any responsibilities, liabilities or penalties to which the applicant is or may be subjected to under this or any other Act.
3. The unit shall apply for further extension in the validity of the Consent to Establish, at least two months before the expiry of this 'Consent to Establish', if applicable.
or
The unit shall obtain prior Consent to Operate from the State Board, before starting operational activity and gets its completion plan approved by the Competent Authority (As applicable).
4.
 - i) The unit shall made provisions for the compliance of Waste Management Rules i.e. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016/ Plastic Waste Management Rules, 2016/ E-Waste (Management) Rules, 2016/Construction & Demolition Waste Management Rules, 2016 and Manufacture, Storage & Import of Hazardous Chemical Rules, 1989 and provisions made thereunder, as amended from time to time, without any adverse effect on the environment, in any manner (As Applicable)
 - ii) The unit shall made provisions for the compliance Solid Waste Management Rules, 2016 and provisions made thereunder and unit shall also not practice burning activity of solid waste/waste generated from fuel within/outside premises, to avoid public nuisance.
5. This 'Consent to Establish' is for:-
 - i) The emissions from all sources conforming to the norms as prescribed in Schedule-I of Environment (Protection) Rules, 1986 as amended from time to time.
 - ii) Noise and Ambient Air Quality shall be maintained within Ambient Air Quality Standards for noise as specified in Schedule-III of Environment (Protection) Rules, 1986 and Noise Pollution (Regulation and Control) Rules, 2000, as amended from time to time.
 - iii) The effluent (Domestic/Industrial) shall conform to the limits as prescribed in Schedule-I or Schedule-VI or Industry specific standards of Environment (Protection) Rules, 1986 as amended from time to time.
 - iv) Sewage and sullage generated from the unit to be disposed-off in a properly designed septic tank system/Sewage Treatment Plant/ Public Sewer System (as applicable).
6. The unit shall install adequate pollution control devices and provide the separate energy meter and flow meter. The unit shall maintain the logbook/ record with respect to operation of pollution control devices (As applicable). The achievement of the adequacy and efficiency of the effluent treatment plant/pollution control devices/re-circulation system installed shall be the entire responsibility of the unit.
7. **CONDITIONS UNDER WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974.**
 - a) The unit shall provide terminal manhole(s) at the end of each collection system and a manhole upstream of final outlet (s) out of the premises of the industry for measurement of flow and for taking samples.
 - b) The unit shall install flow meter and maintain the record regarding the daily water consumption.

- c) The pollution control devices shall be interlocked with the manufacturing process of the industry (if applicable) and the authorized outlet and mode of disposal shall not be changed without the prior written permission of the Board. Unit shall not use any unauthorized out-let(s) for discharging effluents from its premises.
 - d) Solids, sludge, filter backwash or other pollutant removed from or resulting from treatment or control of waste waters shall be disposed-off in scientific manner.
 - e) The unit shall submit a detailed plan showing therein, the distribution system for conveying wastewaters.
8. **CONDITIONS UNDER AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981.**
- a) The unit shall provide canopy and stack of adequate height of the D.G sets so as to control the noise & air pollution in order to comply with the provision of notification No GSR-371 E dated 17-5-2002 or direction as issued by MOEF from time to time, under Environment (Protection) Act, 1986.
 - b) The unit shall ensure disposal of boiler ash/fuel ash through authorized person or within premises in a scientific manner (as the case may be) and shall maintain proper record for the same, if applicable.
 - c) The unit shall provide proper and adequate air pollution control arrangements for control emission from its coal/fuel handling area and emissions from handling, transportation and processing of raw material & product of the industry, as applicable.
 - d) The unit shall provide port-holes, platforms and/or other necessary facilities as may be required for collecting samples of emissions from any chimney, flue or duct or any other outlets as per the specifications.

Specifications of the port-holes shall be as under:-

- i) The sampling ports shall be provided atleast 8 times chimney diameter downstream and 2 times upstream from the flow disturbance. For a rectangular cross section the equivalent diameter (D_e) shall be calculated from the following equation to determine upstream, downstream distance:-

$$D_e = 2 LW / (L+W)$$
 Where L= length in mts. W= Width in mts.
- ii) The sampling port shall be 7 to 10 cm in diameter
- e) The unit shall submit a detailed plan showing therein, the distribution system for conveying wastewaters.

(i) Stack height for boiler plants

S.NO.	Boiler with Steam Generating Capacity	Stack heights
1.	Less than 2 ton/hr.	9 meters or 2.5 times the height of neighboring building which ever is more
2.	More than 2 ton/hr. to 5 ton/hr.	12 meters
3.	More than 5 ton/hr. to 10 ton/hr	15 meters
4.	More than 10 ton/hr. to 15 ton/hr	18 meters

5. *More than 15 ton/hr. to 20 21 meters ton/hr*
6. *More than 20 ton/hr. to 25 24 meters ton/hr.*
7. *More than 25 ton/hr. to 30 27 meters ton/hr.*
8. *More than 30 ton/hr.* 30 meters or using the formula
 $H = 14 Qg^{0.3}$ or
 $H = 74 (Qp)^{0.24}$
 Where Qg = Quantity of SO_2 in Kg/hr.
 Qp = Quantity of particulate matter in Ton/day.

Note : Minimum Stack height in all cases shall be 9.0 mtr. or as calculated from relevant formula whichever is more.

(ii) For industrial furnaces and kilns, the criteria for selection of stack height would be based on fuel used for the corresponding steam generation.

(iii) Stack height for diesel generating sets:

Capacity of diesel generating set	Height of the Stack	
0-50 KVA	Height of the building	+ 1.5 mt
50-100 KVA	-do-	+ 2.0 mt.
100-150 KVA	-do-	+ 2.5 mt.
150-200 KVA	-do-	+ 3.0 mt.
200-250 KVA	-do-	+ 3.5 mt.
250-300 KVA	-do-	+ 3.5 mt.

For higher KVA rating stack height H (in meter) shall be worked out according to the formula:

$$H = h + 0.2 (KVA)^{0.5}$$

where h = height of the building in meters where the generator set is installed.

9. The unit shall submit on-site and off-site emergency plan approved by the Chief Inspector of Factories, Himachal Pradesh (if applicable)
10. The unit shall provide real time online monitoring equipment's and provisions for the uninterrupted transfer of data as per guidelines of CPCB (if applicable).
11. The unit shall provide adequate arrangements for fighting the accidental leakages/ discharge of any air pollutant/gas/liquids from the vessels, mechanical equipment's etc. which are likely to cause environmental pollution.
12. The unit shall plant minimum three layer of trees so far possible as per plantation guide (may be download from the website <http://hpcpcb.nic.in/plantationguide.pdf>) all along the boundary of the industrial premises and check air/water/noise pollution at source.
13. Any guidelines issued by the Central Government/State Government/MoEF/CPCB/SPCB/any other authority concerned, shall be binding.
14. This 'Consent to Establish' is subject to orders on any litigation pending in any Court of Law. Any direction/order issued by any court shall be binding (if any).
15. The Board reserves the right to revoke the 'Consent to Establish' granted to the industry at any time, in case the industry is found violating the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as amended from time to time.
16. The unit shall comply with any other conditions laid down or directions issued in due course by the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

B. OTHER CONDITIONS

1. The unit shall comply with the conditions imposed by the MoEF/State Level Environment Impact Assessment Authority/ District Level Environment Impact Assessment Authority in the environmental clearance granted to it as required under EIA notification dated 14-9-06, if applicable.
2. The issuance of this consent does not convey any property right in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State or Local Laws or Regulations.
3. Stone Crusher units shall comply with the provisions of guidelines notified by the State Government vide Notification No. STE-E(3)-11/2012, dated 29-05-2014 (If Applicable).
4. Brick Kiln units shall comply with the provisions of guidelines notified by the MoEF vide Notification No. G.S.R.233.(E), dated-15-03-2018 and by the State Government vide Notification No. STE-E(5)-6/2013, dated-07-03-2014 (If Applicable).
5. Hydroelectric Projects shall install Online Real Time Monitoring System for the measurement of 15% of minimum discharge in lean season as per orders of Court/Government. The unit shall also ensure provisions for the regular and uninterrupted transfer of data from the real time online monitoring system for 15% of minimum discharge of flow to SPCB, failing which unit shall be liable for action on account of violation of the directions issued by Court/Government/SPCB in this regard (If Applicable).
6. Unit shall strictly adhere to the capacity approved by the Industries Department/ Department of Tourism & Civil Aviation/any other concerned Authority (As Applicable).
7. The unit shall not cause any nuisance/traffic hazard in vicinity of the area.
8. The unit shall ensure that there will not be significant visible dust emissions beyond the property line.
9. The unit shall obtain and submit Insurance cover as required under the Public Liability Insurance Act, 1991.
10. The unit shall put display Board indicating environmental data in the prescribed format at the main entrance gate.
11. The unit shall maintain record regarding the operation of effluent treatment plant i.e. record of quantity of chemicals and energy utilized for treatment and sludge generated from treatment so as to satisfy the Board regarding regular and proper operation of pollution control equipment.
12. Any amendments/revisions made by the Board/CPCB/MOEF in the emission/stack height standards shall be applicable to the industry from the date of such amendments/revisions.
13. The validity of this consent shall be coterminous with the life of the industry or the maximum period as mentioned in the certificate, whichever is earlier.

C. SPECIAL CONDITIONS

1. The validity of this consent will be subject to the final outcome of the MA filed by the State Board in CMP No. 7537/2021 and CWP No. 2428/2020.
2. The unit shall apply for CTE-Expansion immediately and before consideration of CTE-Expansion, state board shall not consider the case for CTO-fresh for partial project, because it would be difficult to grant partial project operational permission and verification of compliance specially in present circumstances, when substantial expansion has already been made by unit, as reported by RO concerned.
3. The unit shall not carry out bulk laundry washing without prior consent of the State Board.
4. This consent has been recommended considering the adequacy of the proposed pollution control devices and waste management systems/mechanism only.
5. This Consent of the State Board does not absolve the proponent of his responsibility to take pre-approvals / approvals / prior NOCs / from other depfts./agencies as the case may be, for the violation of which, the State Board bears No responsibility.



**By Order
Chairman
(H. P. State Pollution Control Board)**