

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

ORIGINAL APPLICATION NO. 565 OF 2025

IN THE MATTER OF:

Girish Chandel President & Anr.

...Applicant

Versus

State of Himachal Pradesh & Ors.

...Respondent(s)

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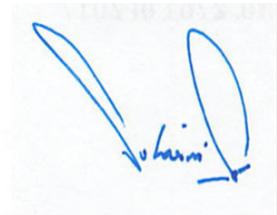
NDOH-19/2/2026

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PLACE *New Delhi*

DATE *16.02.2026*

THROUGH



Ms. Suhasini Sen

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**COUNTER AFFIDAVIT ON BEHALF OF THE MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE.**

MOST RESPECTFULLY SHOWETH:

I, Amardeep Raju, currently working as Scientist - E at the Ministry of Environment, Forest and Climate Change (MoEF&CC), Delhi, do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry of Environment, Forest and Climate Change, in the above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.

2. That the present Original Application has been filed stating illegal dumping of muck and boulders into a river during four-lane highway construction at



Sauli Khad, District Mandi, Himachal Pradesh, and seeking directions regarding compliance with environmental safeguards.

3. That under clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (hereinafter "1986 Act"), the Central Government is empowered to make rules for the purpose of protecting and improving the environment. In exercise of such powers, the answering Respondent had issued the Notification no. S.O. 1533(E) dated 14.09.2006 (EIA Notification, 2006) which requires certain projects to obtain prior Environmental Clearance ("EC") before any construction work in case of new projects or expansion and modernization of existing projects or activities. The Schedule to the Notification details the categories or Projects or Activities which require prior environmental clearance.
4. That, all Projects and Activities are broadly categorized into two categories - Category "A" and Category "B", based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources. All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, require prior environmental clearance from the Central Government in the Ministry of Environment, Forest and Climate Change (MoEF&CC) and all projects or activities included as Category 'B' in the Schedule require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA).



5. That, in exercise of the powers conferred upon the Central Government under sub section (3) of section 3 of the Environment (Protection) Act, 1986 and in accordance with the procedures specified in the EIA Notification, 2006, SEIAAs have been constituted in different States/UTs to discharge the functions of the regulatory authorities for the respective States/UTs.
6. That, the answering Respondent, in this regard humbly submits that under the Schedule to the EIA Notification, 2006, as amended, relating to the list of activities requiring prior Environmental Clearance, Highways are covered under entry 7(f) of Clause (7) of the said Schedule and, the relevant extract is reproduced hereinbelow for ready reference:-

	Project or Activity	Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
7		Physical Infrastructure including Environmental Services		
7(f)	Highways	New National Highways; and Expansion of National Highways greater than 100	All New State High ways projects; State Highway expansion projects in	General Condition shall apply Note: Highways include Expressways



		km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes	hilly terrain (above 1000 m AMSL) and/or ecologically sensitive areas	
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7. It is respectfully submitted that, under Entry 7(f) of the Schedule to the EIA Notification, 2006, requirement of prior Environmental Clearance (EC) for highway projects is governed by the nature of the project and the thresholds and conditions prescribed therein. The project in question pertains to four-laning/upgradation on an existing National Highway alignment, and statutory approvals have been processed in accordance with the extant regulatory framework, including grant of Forest Clearance by the competent authority.

8. It is respectfully submitted that as per extant provisions prior EC is required if, the proposed expansion involves more than 100 km of length and additional right of way (RoW) or land acquisition greater than 40m on



existing alignments and 60m on re-alignments or by-passes. It is further submitted that as EIA Notification, 2006 and subsequent amendment on 22.08.2013, only such project which meets both the conditions, i.e., threshold length of the highway and envisaged expansion width (RoW or land acquisition) of the highway, would require a prior EC.

9. That the answering Respondent respectfully submits that, as per records available, the project in question pertains to four-laning works on NH-154 (earlier NH-20) in District Mandi, Himachal Pradesh, for which Final (Stage-II) Forest Clearance has been accorded by the Regional Office, MoEF&CC, Chandigarh vide letter dated 14.03.2025, pursuant to earlier in-principle approval granted for the project. A true copy of the said Forest Clearance is marked and annexed herewith as **Annexure R6-1**.
10. That the answering Respondent respectfully submits that the contentions raised in the present Original Application primarily relate to on-site execution and management of construction activities including muck disposal during four-laning works on NH-154 in District Mandi, Himachal Pradesh. The factual aspects relating to implementation, monitoring and compliance during execution are being examined through the Joint Committee constituted by this Hon'ble Tribunal.
11. That, the Final (Stage-II) Forest Clearance accorded by the Regional Office, MoEF&CC, Chandigarh dated 14.03.2025 stipulates specific safeguards and conditions for protection of forest land and environment. The clearance also



prescribes conditions relating to use of forest land strictly for the approved purpose, prior approval for any change in layout plan, demarcation of boundaries of the diverted forest land on ground, and undertaking compensatory afforestation at the cost of the user agency.

- 12. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.
- 13. The answering Respondent craves liberty to file additional information, if any, till *pendente lite*.

[Handwritten signature]

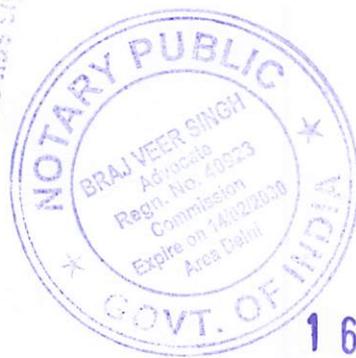
DEPONENT

AMARDEEP RAJU
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

I, the aforementioned Deponent do hereby declare on this _____ day
16 FEB 2026
of _____ at _____ that the contents of the affidavit are true to my knowledge and belief and nothing material has been concealed therefrom.

I identified the deponent/executant who has signed in my presence.



16 FEB 2026

CERTIFIED THAT THE DEPONENT

Signature of *Amardeep Raju*
Slb. V. No. 01
Working as *Scientist E.*
Ministry of *Environment & forest dept govt*

539

[Handwritten signature]
16 FEB 2026

[Handwritten signature]

DEPONENT

AMARDEEP RAJU
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



सत्यमेव जयते

Ministry of Environment, Forest and Climate Change

Regional Office, Chandigarh (Sub-office Shimla) Himachal Pradesh



Online Proposal No.: FP/HP/ROAD/440879/2023



Dated: 14/03/2025

To,

Additional Chief Secretary (Forest)
Himachal Pradesh Government
Armsdale Building, Shimla
(Email:-forestsecy-hp@nic.in)

Subject:

Diversion of 7.7913 ha of forest land in favour of NHAI for the construction of 4-Laning with Paved Shoulder of Bijni to Mandi Section from Existing KM 202.815 To Km 208.000 of NH-20 (New Nh-154) (Design Length 5.357 Km) including Construction of Twin Tube Tunnel for a length Of 3.500 KM of Pathankot-Mandi under NH(O) in Himachal Pradesh on Hybrid Annuity Mode Basis (Package-VB), within the jurisdiction of Mandi Forest Division, Distt. Mandi, Himachal Pradesh.-reg.

Sir/Madam,

Kindly refer to the subject cited above and letter under reference for seeking prior approval in accordance with section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 7.7913 ha of forest land for non-forestry purpose. In this proposal, *In-principle* approval was granted by this office's letter of even number dated 18.11.2024, whose compliance report was received through State Government's Stage-I Compliance report dated 22.02.2025. After careful examination of the received compliance, I am directed to convey *Final Approval* for the above-mentioned project, subject to the following conditions:

1. General Conditions

S. No	Conditions
1.1	<p>1. Legal status of the forest land shall remain unchanged.</p> <p>2. The number of trees/plants to be felled shall not in any way exceed the number indicated in the proposal and no harm shall be done to the wildlife during felling of trees. The felling of trees/plants will be carried out under the strict supervision of the State Forest Department and the amount spent on felling of trees/plants will be deposited by the user agency to the State</p>

S. No	Conditions
	<p>Forest Department.</p> <ol style="list-style-type: none"> 3. As per the proposed CA Scheme, Compensatory afforestation (CA) shall be taken up by the State Forest Department over degraded forest land in 5 ha, Survey/compartiment No.-H43E2, Hataun/Deod DPF, Badar Block, Panarsa Forest Range, 3.5826 ha, in compartiment No-H43E2, DPF Banouli/Guhi, Badar Block, Panarsa Forest Range, 5 ha in compartiment No-H43E2, Wasan DPF, Rehardhan Blck, Mandi Forest Rnage, 02 ha, Compartiment No. H43E2, Bhuiil DPF, Rehardhan Block, Mandi Forest Range, Mandi Forest Division, District-Mandi at the cost of the user agency. The Plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species shall strictly be avoided. 4. The Divisional Forest Officer shall ensure that the approved CA will not be changed without the approval of Competent Authority. 5. The Nodal Officer (State CAMPA) Authority shall ensure that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme. 6. The State Government shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the <i>E-Green watch portal of FSI</i>, before handing over of forest land to the user agency. 7. The initial permission will be given to this proposal for 99 years. After that the permission shall again be obtained from the Government of India. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favor of the user agency or the project life, whichever is less. 8. The forest land shall not be used for any purpose other than that specified in the proposal. 9. The user agency shall pay additional amount of NPV as and when increased by the order of Hon'ble Supreme Court and the State Government will ensure that the increased amount is deposited. 10. No kind of damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land. 11. The forest land proposed to be diverted shall, under no circumstances, be transferred to any other agency, department, or person without approval of the Central Government. 12. The layout plan of the proposal shall not be changed without prior approval of Central Government. 13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer. 14. The user agency shall carry out muck disposal at pre-designated sites as per the scheme approved. 15. Any other condition may be stipulated by this regional office from time to time, in the interest of conservation, protection and development of forests & wildlife. 16. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable. 17. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as per para 1.16 mentioned in the consolidated guidelines and clarifications on Van (Sanrakshan Evam Samvardhan) Adhinyam,

S. No	Conditions
	<p>1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023, issued by Ministry of Environment, Forest and Climate Change (MoEF&CC).</p> <p>18. It will be the responsibility of the State Government/User Agency to obtain all other prior approvals/clearances under all other relevant Acts/Rules/ Court's Rulings/instructions, etc., including environmental clearance, as applicable to this proposal.</p>

2. Standard conditions

3. Specific Conditions

S. No	Conditions
3.1	<p>1. The Ministry may suspend/cancel this approval if the implementation of any of the above conditions is not satisfactory. The State Government will ensure compliance of these conditions through the Forest Department.</p> <p>2. This final approval is subject to the final outcome wrt Hon'ble Supreme Court Orders in the CWP (C) No 1164/2023 dated 3.2.2025 & 4.3.2025.</p>

Copy To

Sd/-
Raja Ram Singh
DIGF (C)

Your's faithfully

1. **Inspector General of Forests (ROHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi. (E-mail: ramesh.pandey@nic.in).**
2. **Nodal Officer-cum-Additional Principal Chief Conservator of Forests (FCA), Government of Himachal Pradesh, Forest Department, Talland, Shimla (E-mail: nodalfcahp@yahoo.com).**
3. **Divisional Forest Officer, Mandi Forest Division, District Mandi, Himachal Pradesh (E-mail: head-fordivmanhp@hp.gov.in)**
4. **Project Director, National Highway Authority of India (Ministry of Roads Transport & Highways) PIU-PALAMPUR, Office 1st & 2nd Floor Dyalji Niwas, Opp. Govt. Primary School Chimbhalhaar, Palampur (HP) (E-mail :- pdpiupalampum@gmail.com).**