

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

**ORIGINAL APPLICATION NO. 325 OF 2024
(I.A. no. 126 of 2024)**

IN THE MATTER OF:

Sahdev Thakur & ors.

..... Applicant(s)

Vs.

State of Himachal Pradesh & others

..... Respondent(s)

INDEX

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE NOS.</u>
1.	Counter Affidavit on behalf of Respondent No.1 to 3 & 5 to 13.	1-21
2.	Annexure R-1 Copy of office letter No. Ind (Seri) 1-28/2022-4193 dated 07-03-2023	22-23
3.	Annexure R-2 Copy of order dated 18.04.2023	24-26
4.	Annexure R-3 Copy of photographs showing the current status of Mulberry Saplings (bushes) grown in Farm-1	27
5.	Annexure R-4 Copy of Tourism Hotel Infrastructure Planning guidelines	28-64
6.	Annexure R-5 Copy of office letter dated 30-01-2024.	65-66

7.	Annexure R-6 Copy of latest drone pictures of the site.	67-69
8.	Reply to I.A. no. 126 of 2024 on behalf of respondent State.	70-73
9.	Vakalatnama & Memo of appearance.	74

Date: - 23/5/24

Place: - Shimla

Respondent State

Through

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..... Respondent(s)

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.

1 to 3 & 5 to 13.

I, Devesh Kumar, S/o Shri B.D. Gupta, aged about 49 years, presently posted as Principal Secretary (Tourism & Civil Aviation) to the Government of Himachal Pradesh do hereby solemnly affirm and say as under:

1. That I am one of the Contesting Respondent in the instant Original Application, fully conversant with the facts and circumstances of the case and as such competent to swear this affidavit on behalf of the answering respondents.
2. That the Deponent has read the contents of the Original Application and Deponent is in a position to give para-wise reply to the same. However, before giving para-wise reply, the Replying Respondent/ Deponent would make Preliminary Submissions as under: -

- (A.) That it is submitted that the present Application is complete devoid of merits and the Applicant has failed to make out any grounds for interference by this Hon'ble Tribunal in its statutory power under the provisions of the National Green Tribunal Act, 2010 read with Rules thereof.
- (B.) That it is humbly submitted before this Hon'ble Tribunal that the Applicant are proxy litigants in the present Application. The present Application has been filed before this Hon'ble Tribunal by the Applicants who are busy body and cantankerous litigants who have been propped up by vested interests and is pursuing proxy litigation. The Applicants are not even a resident of vicinity of Nadaun area, residing at Indora, District Kangra, H.P. To the respondent(s) knowledge, Applicants does not own any property in Nadaun area of District Hamirpur, Himachal Pradesh.
- (C.) The Applicants have no Locus Standi to file and maintain the present Application. At the outset, the contents of the Application are disputed. It is further submitted that the Applicants are neither aggrieved nor is affected/sustained any injury Reliance is hereby made to the judicial pronouncements of the Hon'ble Apex Court in the matter of Buddhi Kota Subbarao (Dr.) v. K.Parasaran, (1996) 7 JT 265, whereby it was held that No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a license to file misconceived and frivolous petitions. The Hon'ble Supreme Court in Kishore Samrite v. State of Uttar Pradesh reported in (2013) 2 SCC 398, once again laid down the principles governing obligations of the litigants while

approaching the Court and the consequences for abuse of process of law.

- (D.) That the Hon'ble Supreme Court in ***S.P. Anand v. H.D. Deve Gowda reported in (1996) 6 SCC 734***, observed in para 18 that it is of utmost importance that those who invoke the jurisdiction of the Court by ***Public Interest Litigation***, essentially seeking a waiver of plea of locus standing rule, must exercise restraint in moving the Court by not plunging in areas wherein they are not well versed. Further, the Hon'ble Apex Court in the matter of ***Dattaraj Nathuji Thaware v. State of Maharashtra reported in (2005) 1 SCC 590*** observed as under:

"Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique considerations. The Court must not allow its process to be abused for oblique considerations by masked phantoms that monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives, and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs."

(E.) That the matter in issue is pending for adjudication before the Hon'ble High Court of Himachal Pradesh in various writ petitions on similar cause of action claiming identical relief. The details of pending litigations before the Hon'ble High Court is provided herein as under:-

- i. CWP no. 5373 of 2023 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMP no. 10448 of 2023 and CMP no. 10450 of 2023. D
- ii. CWP no. 10857 of 2023 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMP no. 2250 of 2024, CMP no. 19663 of 2023 & CMP no. 19664 of 2023
- iii. CWP no. 381 of 2024 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMP no. 938 2023 & CMP no. 939 of 2023.
- iv. CoPC no. 28 of 2024 titled as Yadvinder Singh vs. Onkar Sharma & ors.

It becomes pertinent to mention herein that the Hon'ble Apex Court vide its judgment 01.06.2022 in Civil Appeal no. (Diary) no. 16486 of 2022 titled as "State of Andhra Pradesh v. Raghu Ramakrishna Raju Kanumuru (M.P) has categorically observed as under:-

"11. In any case, no law is necessary to state that in so far as the Tribunals are concerned, they would be subordinate to the High Court in so far as the territorial jurisdiction of the High Court is concerned. A reference in this respect was also made to the judgment of Constitution Bench of this Court in the case of L. Chandra Kumar v. Union of India and Others.

12. We are, therefore, of the considered view that it was not appropriate on the part of the Learned NGT to have continued with the proceedings before it, specially, when it was pointed that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the order passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals.

13. In that view of the matter, we are of the considered view that the continuation of the proceedings before the learned NGT for the same cause of action, which is seized with the High Court, would not be in interest of justice."

Likewise in the present matter, the Hon'ble High Court of H.P. is already seized of the matter regarding the dispute over the land which is in illegal possession of the Petitioner in above mentioned writ petitions. Apart from these aforesaid writ petitions, there are numerous civil suits for declaration, permanent prohibitory injunction etc. before the subordinate Court(s) at Nadaun, the subject matter of which is more or less the same as in the present Application, the details of which is provided herein as under:-

- i. Civil Suit no. 364 of 2024 along with Civil Suit no. 54 of 2024 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMA nos. 34 of 2024, 228 of 2024, 246 of 2024 & 250 of 2024.
- ii. Civil Suit no. 210 of 2023 along with Civil Suit no. 18 of 2023 titled as Yadvinder Singh Vs. State of Himachal Pradesh with CMA no. 14 of 2023, 120 of 2023, 586 of 2023, 844 of 2023 & 1145 of 2023.

- iii. Civil Suit no. 152 of 2021 along with Civil Suit no. 29 of 2021 titled as Yadvinder Singh Vs. State of Himachal Pradesh with CMA no. 24 of 2021, 171 of 2021, 180 of 2021, 304 of 2021.
- iv. Civil Suit no. 211 of 2017 titled as Yadvinder Singh Vs. State of Himachal Pradesh

(F.) That the jurisdiction of Tribunals including this Hon'ble Tribunal has been para-material settled by the Hon'ble Apex Court wherein it has been held that that the Constitutional courts have jurisdiction over the Tribunals under Article 226,227 of the Indian constitution. A Constitution Bench of the Hon'ble Apex Court in the case of L. Chandra Kumar v. Union of India and Others (1997) 3 SCC 261 : 1997 INSC 288 has already considered the issue regarding ouster of jurisdiction of Apex Court and the High Court's under Articles 32 and 226 of the Constitution of India Reference is further made to judicial pronouncement of Hon'ble Apex Court in Priya Gupta and Another v. Additional Secretary, Ministry of Health and Family Welfare and Others (2013) 11 SCC 404 : 2012 INSC 601. In view of the aforesaid settled preposition of law, the present Application filed before this Hon'ble Tribunal is non-est in eyes of law and deserves to be dismissed.

(G.) A bare perusal of the Original Application under reply make it amply evident that the Applicants have miserably failed to set forth any case which entitles him to any relief whatsoever from this Hon'ble Tribunal. The allegations are extremely vague and the

Applicants have failed to substantiate any allegations levelled therein.

PARAGRAPH-WISE RESPONSE TO APPLICANTS SYNOPSIS AND LIST OF DATES AND EVENTS

That without prejudice to the foregoing and with reference to the synopsis and list of dates mentioned in the Original Application, the Deponent reserves his comments on the same to be made at the appropriate stage and time.

PARAWISE REPLY TO THE ORIGINAL APPLICATION:

1. That the contents of this para of the Application with regard to the residing of the Applicants in the State of H.P. are denied for want of knowledge. However, it is most respectfully submitted before this Hon'ble Tribunal that the Applicants have no locus standi to file and maintain the present Application against the replying Respondents. The present Application has been filed before this Hon'ble Tribunal by the Applicants who are busy body and cantankerous litigants who have been propped up by vested interests and is pursuing proxy litigation. The Applicants are not even a resident of vicinity of Nadaun area, residing at Indora, District Kangra, H.P. As per the details of address as mentioned in the memo of parties, the Applicants are residing at Indora which is approximately 113 kms away from the Village Seri, Nadaun (The hotel site). The Applicants have not even placed on record any report to show their activities in the field of environment. It is denied in specific that in case the construction of Hotel is allowed at the site, degradation of fresh air or any sort of damage to the Environment shall take place.

2. That the contents of this para of the Application are admitted only to the extent that the Respondent Department (Tourism) and HPTDC are constructing a Tourism Hotel at Village Seri, Nadaun, Distt. Hamirpur (H.P.) It is humbly submitted before this Hon'ble Tribunal that the Applicants have miserably failed to specify that on which date they visited the site and this construction was evidenced by the Applicants and is bereft of any material particulars as to cause of action. It is pertinent to mention here that the land over which the Tourism Hotel is being constructed is not a land of Sericulture Deptt, as alleged. It is also incorrect that many green Sahtoot plants are existing over the said land.
3. That the contents of this para of the Application are admitted to the extent that the land was previously acquired in the name of Sericulture department, Himachal Pradesh. However, the respondent no. 5 & 6 vide its office letter No. Ind (Seri) 1-28/2022-4193 dated 07-03-2023, copy of which is hereby annexed as **Annexure R-1** for kind perusal of this Hon'ble Tribunal apprising that the said land was not in use of Sericulture Department, i.e. respondent no. 13 and there were no objections if the said land was reverted back. Subsequently, in exercise of the powers vested in Distt. Collector, vide Govt. of H.P., Department of Revenue Notification issued vide no. Rev. D.8-14/2015 dated 09.02.2016, respondent no. 10, i.e. District Collector, Hamirpur passed an order to transfer the said land comprising Khata No.699 min, Khatauni No. 748, Khasra No. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 kita 15 total area measuring 4015-11 sq metres and Khata No. 700, Khatauni No. 749, Khasra No.s 1997,

2001 kita 2 total measuring 2892-38 Sq. metres as per jamabandi for the year 2019-2020 situate in Village Seri, Mouza Jalari, Tehsil Nadaun, Distt. Hamirpur (H.P.) in favour of Tourism and Civil Aviation Department. The copy of order dated 18.04.2023 is hereby annexed as **Annexure R-2** along with copy of jamabandi and attestation of mutations in favour of Respondent Tourism & Civil Aviation Department. The Applicants are attempting to mislead this Hon'ble Tribunal with false. Misleading & contrary facts.

It is pertinent to mention herein that Farm-1 was established by the Sericulture Department in the year 1962, followed by the establishment of Farm-2, in the year 1972. The Applicants are referring to Farm-2 in the present application. The distance between these two farms is approximately 600 meters. Currently, there are approximately 32,000 Mulberry Saplings (bushes) grown in Farm-1 which is in an area of 85 kanals, as evidenced by the attached photographs, copy of which is annexed as **Annexure R-3** for kind perusal of this Hon'ble Tribunal. In the year 2017, approximately 6,200 mulberry saplings were planted in Farm-2. However, these saplings did not thrive and only 1,355 saplings remained. As a result, the Sericulture Department ceased using Farm-2 for growing mulberry trees and focused exclusively on maintaining and cultivating Farm-1. It is further submitted that the mulberry plants grown by the Sericulture Department are intended to feed silkworm larvae, as mulberry leaves are their sole source of food. Furthermore, these mulberry plants are classified as bushes and not trees. They are cultivated to a height of only 4 to 5 feet and regular pruning of these mulberry bushes is conducted to control

their height and encourage the growth of more abundant and greener leaves.

4. .That the contents of para 4 of the present Application are absolutely wrong, frivolous and hence denied. It is rather most humbly submitted before this Hon'ble Tribunal that while proposing the construction of Tourism Hotel, the respondent State has followed the due process of Tourism Hotel Infrastructure Planning guidelines and criteria for raising Tourism Hotel and complex. The copy of aforesaid guidelines is hereby annexed as **Annexure R-4** for kind perusal of this Hon'ble Tribunal.

It is further respectfully submitted herein that Nadaun Town is located at the banks of Beas River on the Dharamshala-Shimla highway and is famous for the Jwalaji temple (12 Kms from Nadaun), Garli Paragpur a heritage Village (20 kms from Nadaun)..The Nadaun town has numerous tourist attractions, such as Dhyanu Bhakt Samadhi, Shri Gurudwara Sahib, the Bil-kaleshwar Temple, and the Amtar-Nadaun Fort. Shri Gurudwara Sahib is a Sikh pilgrim centre located on the banks of the river Beas. The Amtar-Nadaun Fort is also an important destination where travellers can see ancient paintings representing the royal heritage of Maharaja Sansar Chand, the King of Katoch Dynasty. Peer-Sahib Grave is another important tourist attraction in Nadaun, which is located in Bharmoti Village. Tourists also enjoy Fishing and rafting in the river Beas. Besides this there is Atal Bihari Vajpayee Cricket Stadium in Amtar, Nadaun which is approximately 1.2 kilometers from the site of proposed hotel. The cricket stadium in Nadaun was constructed in 2005, and it has hosted a few Ranji matches. However, the lack of

proper accommodation options has been a challenge, as the nearest 5-star hotel is approximately 80 kilometers away in Mcleodganj, Dharamshala. The proposed new tourist hotel on Shimla Dharamshala Highway could be a significant boon for the local community and the development of tourism in Nadaun. With better accommodation options in Nadaun, more tourists can be attracted to the area, enhancing the overall experience for visitors. The project of construction of Tourism Hotel on the said site is for social and economic development of the area and the respondents have initiated the same by keeping in view the concept of "Sustainable Development."

5. That the contents of para 5 of the present Application are wrong, flimsy and hence denied. A bare perusal of the petition evidences that the present Applicants is bereft of any material particulars and has failed to specify the nature or extent of the alleged construction causing harm to the environment. There were only 1355 mulberry saplings at the site comprised in 20 kanals, which were cut by the permission of the Deputy Commissioner, Distt. Hamirpur (H.P.) dated 30-01-2024, copy of which is annexed as **Annexure R-5** for kind perusal of this Hon'ble Tribunal. It is further submitted before this Hon'ble Tribunal that for cutting of mulberry bushes no permission or NOC was mandatory as the Sericulture is an agro-based industry that involves the cultivation of silkworms to produce raw silk, which is the yarn obtained from cocoons spun by specific insect species. These sericulture bushes/saplings are distinct from forest vegetation and are not classified as part of the forest. The Google Maps images annexed application are outdated and do not

reflect the current status. Therefore, the latest drone pictures are hereby submitted for the kind perusal of the Hon'ble Tribunal, copy of which is hereby annexed as **Annexure R-6**. It is not evident, how cutting down these bushes would harm the environment, air quality, or pose serious health issues for local residents. Moreover, all local residents have welcomed the project, and there has not even a single objection from the people of Nadaun or Distt. Hamirpur against the Mulberry bushes/saplings cutting or hotel construction on the reasons stated in the para of the application.

6. That the contents of para 6 of the Application are completely wrong, misleading and hence denied. It is denied in specific that construction of hotel is likely to cause any affect in the ground water level or any adverse affect in the air quality of the area. It is most humbly submitted before this Hon'ble Tribunal that the respondent State is very well aware of its subjects. The Applicants have wrongly assumed that the respondent State is not even capable of safeguarding the environment, ecology and is not aware about the governing principles of the concept of 'Sustainable Development.'

The Hon'ble Apex Court vide its judgment dated 03.06.2022 passed in I.A. No.1000 of 2003(Recommendation of CEC dated 20.11.2003) in Writ Petition (Civil) No. 202 of 1995 has clearly indicated that development cannot be stalled solely on the ground of environment and ecology. Both Right to development & Right to healthy environment are part of sustainable development and go hand in hand. The Apex Court has been pleased to observe as under:-

"35.The approach of the Court in dealing with complaints of environmental degradation has been laid down by this very Bench in this Writ Petition itself in an order passed on 9th May

2022 in connection with another set of applications. In this Order, it has been observed and held:-

"15. Adherence to the principle of sustainable development is a constitutional requirement. While applying the principle of sustainable development one must bear in mind that development which meets the needs of the present without compromising the ability of the future generations to meet their own needs. Therefore, Courts are required to balance development needs with the protection of the environment and ecology. It is the duty of the State under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development on intergeneration equity. While economic development should not be allowed to take place at the cost of ecology or by causing wide environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment."

The respondent State submits herein that the above quoted Hon'ble Apex Court verdict is clearly indicative of the fact that the concept of sustainable development has to be given due regards. The construction of Tourism Unit/ Project at the site is being done addressing the same principle as has been upheld by the Hon'ble Apex Court which is coupled with restrictive building regulations and protection of ecology and environment.

7. That the contents of para 7 of the Application are completely wrong, arbitrary and hence denied. It is most humbly submitted before this Hon'ble Tribunal that the answering respondents are not undertaking any illegal construction activity so there is no

question of any soil erosion. The proposed hotel site is not a hilly area; instead, it is a flat area that extends up to a radius of 3 kilometers. So far as the issue of soil feasibility, structural design and structural stability of the buildings to be constructed in concerned, there already exists ample provision under Section 31-A of the Himachal Pradesh Town & Country Planning Act, 1977 which provides as under:-

"Section 31-A. Structural Stability Certificate- The applicant shall submit a Structural Stability Certificate of the building before putting the same into use, in the manner prescribed including soil investigation report and structural design basis report as per provisions for safety against natural hazard."

8. That the contents of para 8 of the Application are wrong, misleading and denied completely. The total population of Nadaun Town (NAC) is 4430. No guidelines were bypassed during the construction of the tourism hotel. As previously submitted, approximately 500 meters from the hotel site, there is Farm-1 of the Sericulture Department, which comprises approximately 32,000 mulberry bushes grown to feed silkworms. Additionally, the area known as Village Seri extends to the bank of Beas River, with a dense, lush green forest consisting of thousands of pine, mango, and other tree species. The construction will not cause any air or noise pollution to the local inhabitants, as the hotel is not being constructed in the centre of residential area, the site is on the Shimla –Dharamshala Highway having a hardware

showroom, bank and alongside and a bar, hotel and other shops on the opposite side of the road. Nothing adverse to the surrounding environment has been done at the site and at the cost of devastation of environmental laws.

9. That the contents of para 9 of the Application are wrong, misleading and denied completely. The proposed tourism hotel is planned to be established with due procedure. No rules of environmental law are being violated. The concept of "sustainable development" taken into consideration while proposing the construction plan. The current Application is filed for the benefit of an individual or a group of individuals, and there is no iota of evidence to show that there has been any sort of violation of statutory environmental obligations. Furthermore, no community at large is being affected or is likely to be affected by the proposed construction of tourism hotel as the same is for the benefit of local community without disturbing any Environmental balance. The Applicants have exaggerated the entire issue and made false statements/ allegations only to draw the attention of this Hon'ble Tribunal. Neither any member of local community nor the HP State Pollution Control Board has ever pointed out any violation of Environmental Law over the proposed hotel site.
10. That the contents of para 10 of the present Application are wrong, contrary and hence denied. The present Application has been filed by the Applicants with an ulterior motive. The contents of the preceding paragraphs above may kindly be read as part and parcel to this para. It is also not understood how a Tourism Hotel which is being constructed for the benefit of local community can

be socio-economic disaster, rather it will boost the tourism activity and increase the number of employment at the local level.

11. That the contents of para 11 of the Original Application are wrong, contrary, flimsy and hence denied. The contents of this para of the Application are repetitive in nature. It is incorrect to allege herein by the Applicants that usually a tourism complex, Hotel and restaurants are to be planned outside the city areas. Proximity to landmarks, tourist sites, and religious centers is one of the most important factors when choosing a hotel location. In the present case the Hotel site is easily approachable from Bus Stand and other famous Tourists Sites.
12. That the contents of para 12 of the Original Application are wrong, contrary and hence denied. The contents of para supra may kindly be read as part and parcel to the contents of this para of the Application. The respondent State has already prioritized green plantation, fresh air, and a clean environment at the present hotel site, and all necessary measures have been taken and considered. Shifting the hotel outside the city would not benefit the local community. The current site was approved only after considering suggestions from local people and discussing the scope of tourist activities
13. That in response to para 13 the Application, it is most humbly submitted before this Hon'ble Tribunal that the contention of the Applicants are based on newspaper reports and Google maps. However, the State Government is fully alive to the situation and will carry out its constitutional and statutory duties to ensure to promote eco- tourism and forest based adventure tourism. The

eco-tourism development approach, based on natural preservation imperatives is being promoted in the present tourism projects. Through the recognition of interface between tourism, heritage and environment, the present project has been proposed at the site.

14. That the contents of para 14 of the Original Application are wrong, contrary and hence denied. Without prejudice to the above and with reference to the so-called proposed construction at the site, it is stated that there is absolutely no substance of whatsoever nature in the said issues. None of these issues sought to be raised in the Original Application are justified, correct and legally tenable in the eyes of Law. The respondent State most humbly reiterate and reaffirm that the current project is solely for the benefit of the local residents of Nadaun, and there have been no violations of any environmental laws. The residents of Nadaun will continue to enjoy fresh air, healthy groundwater levels, reduced soil erosion, and a clean environment. That as stated above the excessive reliance on newspaper reports goes to show the intention of the Applicants to sensationalize the entire matter. The Applicants have no locus standi to file and maintain present application before this Hon'ble Tribunal. The aforesaid application is a clear cut illustration of vindictive litigation against the respondent State and its instrumentalities.

REPLY TO THE GROUNDS:-

That the contents of para A to h of the grounds of the Original Application are wrong, unjustified, arbitrary and hence denied. The grounds mentioned in para inter-alia holds no legality. The

entire process for going ahead with the present Tourism project duly approved by the State Government. The replying respondents rest upon the judicial pronouncement of the Hon'ble Apex Court in ***Jaipur Shahar Hindu Vikas Samiti versus State of Rajasthan and others (2014) 5 SCC 530***, whereby a Bench comprising of three Hon'ble Judges of the Hon'ble Supreme Court observed as under:-

"49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of public interest litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under the particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation."

The Hon'ble Supreme Court in Common Cause (A Regd. Society) versus Union of India and others (2008) 5 SCC 511 observed as under:-

"59. Unfortunately, the truth is that PILs are being entertained by many courts as a routine and the result is that the dockets of most of the superior courts are flooded with PILs, most of which are frivolous or for which the judiciary has no remedy. As stated in Dattaraj Nathuji Thaware's versus State of Maharashtra (2005) 1 SCC 590, public interest litigation has nowadays largely become "publicity interest litigation", "private interest litigation", or "politics interest litigation" or the latest trend "paise income litigation". Much of PIL is really blackmail."

The Hon'ble Apex court in Manohar Joshi vs. State of Maharashtra (2012) 3 SCC 619 (two-Judge Bench), emphasized the need of planned development in the following term:

"199. As stated above, we adopted the model of democratic planning which involves the participation of the citizens, planners, administrators, Municipal bodies and the Government as is also seen throughout the MRTP Act. Thus when it comes to the Development Plan for a city, at the initial stage itself there is the consideration of the present and future requirements of the city. Suggestions and objections of the citizens are invited with respect to the proposed plan, and then the planners apply their mind to arrive at the plan which is prepared after a scientific study, and which will be implemented."

15. That the contents of para 15 of the original Application are wrong, contrary and hence denied. It is most respectfully submitted that the present Application based upon the contentions raised by the

Applicants are devoid of merits, baseless and for the reasons specified hereunder the body of reply on behalf of replying respondents. It is stated that the Applicants have not approached this Hon'ble Tribunal with clean hands and has deliberately chosen to mislead this Hon'ble Tribunal by distorting facts and raising patently false allegations against the replying respondents.

16. That the present Application is abuse of the process of Law, the premise of which the present Application has been filed is erroneous and is also contrary to the facts of the case and also the documents available on record. The Applicants have no Locus Standi to file and maintain the present Application.

17. **REPLY TO PRAYER CLAUSE: -**

That referring to Prayer/Relief sought by Applicants, the Replying Respondents/Deponent respectfully submits as follows:

The present Original Application being devoid of merit is liable to be dismissed with heavy costs in the interest of justice and equity and special costs may be awarded in the favour of the answering Respondent and the respondent State may be allowed to continue with the present Tourism project in the interest of justice, equity and fair play.


DEPONENT
Principal Secretary (Tourism & Civil Aviation) to the
Government of Himachal Pradesh

VERIFICATION:

I, above named deponent do hereby state on solemn affirmation that the contents of the foregoing paras are true and

21

81

correct to my knowledge as derived from the official record and I believe the same to be true and that nothing material has been concealed there from.

Verified at Shimla on this 25th day of May' 2024


Principal Secretary (Tourism & Civil Aviation) to the
Government of Himachal Pradesh

-22-

Annexure R-X

Ind.(Seri) 1-282022 4193
Govt. of Himachal Pradesh
Directorate of Industries,
"Sericulture Wing"
Dated

From

Director of Industries
Himachal Pradesh.

To

✓ The Director,
Tourism & Civil Aviation,
Government of Himachal Pradesh, Shimla-9

Subject -

Regarding issuance of NOC for land at Nadaun in
Shehtoot Farm (Sericulture Department) from the
Department of Industry, H.P.

Sir,

With reference to your office letter No TSM-5-5/87 ✓
Loose-11381 dated 27.12.2022 & 04 02.2023 on the subject cited above in this
context it is to inform you that the matter has been taken up with the Govt. and the
Govt. has conveyed the No Objection Certificate (NOC) of land measuring 6917 49
sqm (18 01 Kanal) in Khata No. 699 Khasra No. 748/736 & Khata No 700. Khasra
No 749/737 situated in Mohal Seri Tehsil Nadaun, Distt. Hamirpur vide letter No
Ino A(F) 10-2/2019 dated 27/02/2023 (copy enclosed). This is for your information
and necessary action at your end please.

Encls: 01 page

Yours faithfully,


(Rakesh Kumar Prajapati), I A S
Director of Industries
Himachal Pradesh

✓
Attested true copy.


Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

Typed Copy

Annexure -R-1

Ind.(Seri)1-28/2022-4193
Govt. of Himachal Pradesh
Directorate of Industries,
"Sericulture Wing"
Dated :

From

Director of Industries
Himachal Pradesh.

To

The Director,
Tourism & Civil Aviation,
Government of Himachal Pradesh, Shimla-9.

Subject :

Regarding issuance of NOC for land at Nadaun in Shehtoot Farm (Sericulture Department) from the Department of Industry, H.P.

Sir,

With reference to your office letter No. TSM-5-5/87-Loose-11381 dated 27.12.2022 & 04.02.2023 on the subject cited above, in this context it is to inform you that the matter has been taken up with the Govt. and the Govt. has conveyed the No Objection Certificate (NOC) of land measuring 6917.49 sqm (18 01 Kanal) in Khata No. 699 Khasra No. 748/736 & Khata No. 700. Khasra No. 749/737 situated in Mohal Seri Tehsil Nadaun, District Hamirpur vide letter No. Ind.A(F) 10-2/2019 dated 27/02/2023 (copy enclosed). This is for your information and necessary action at your end please.

Yours faithfully,

Encl : 01 page

Sd/-

(Rakesh Kumar Prajapati), IAS
Director of Industries
Himachal Pradesh.

Attested true typed copy -
M. Manta
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

OFFICE OF THE DISTRICT COLLECTOR DISTRICT HAMIRPUR (HP)
NO. DRO/SK/OK(LR)-TL-84

ORDER

Whereas the land Comprised in Kahata No. 699 Min Khatouni No. 748 Min Khasra No. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 kitta 15 total area measuring 4025-11 Sq. meters and Khata No. 700 Khatouni No. 749 Khasra No. 1997, 2001 kitta 2 total area measuring 2892-38 Sq. meter situated in Village Seri Mauza Jalari Tehsil Nadaun District Hamirpur (HP). was in possession of Sericulture Department, but not in use of the same department. Now the Director of Industries Himachal Pradesh vide his office letter No. Ind.(Seri) 1-28/2022-4193 dated 07-03-2023 apprised that the said land is not in use, and there is no objection if the said land reverted back.

Therefore, in exercise of the powers vested in me vide Govt. of HP Department of Revenue Notification issued vide No. Rev.D.(G).8-14/2015 dated 09.02.2016. I, Hemraj Bairwa, IAS, Deputy Commissioner, District Hamirpur, HP. hereby order to transfer the said Govt. land comprised in Kahata No. 699 Min Khatouni No. 748 Min Khasra No. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 kitta 15 total area measuring 4025-11 Sq. meters and Khata No. 700 Khatouni No. 749 Khasra No. 1997, 2001 kitta 2 total area measuring 2892-38 Sq. meters situated in Village Seri Mauza Jalari Tehsil Nadaun Distt. Hamirpur as Jamabandi for the year 2019-2020 in favour of Tourism and Civil Aviation Department.

Place: Hamirpur
Dated:

District Collector,
District Hamirpur (HP).

Endst. No. DRO/SK/OK(LR)/TL/HMR- 2317-18

Dated:- 18.04.2023

Copy forwarded for information and necessary action to:-

1. The Sub- Divisional Officer (C) Nadaun District. Hamirpur.
2. The Tehsildar Nadaun along with the copies of Tatima of implementation in the Revenue record.

Attested true copy.

H. Manik
District Attorney

OK.

20/4/23

H/MC
25/04/23

District Collector,
District Hamirpur (HP)

**OFFICE OF THE DISTRICT COLLECTOR DISTRICT. HAMIRPUR (HP)
NO. DRO/SK/OK(LR)-TL-**

ORDER :

Whereas the land Comprised in Khata No. 699 Min Khatouni No. 748 Min Khasra No. 1914, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 kitta 15 total area measuring 4025-11 Sq. meters and Khata No. 700 Khatouni No. 749 Khasra No. 1997, 2001 kitta 2 total area measuring 2892-38 Sq.meter situated in Village Seri Mauza Jalari Tehsil Nadaun District Hamirpur (HP) was in possession of Sericulture Department, but not in use of same department. Now the Director of Industries Himachal Pradesh vide his office letter No. Ind.(Seri)1-28/2022-4193 dated 07.03.2023 apprised that the said land is not in use, and there is no objection if the said land reverted back.

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Place : Himarpur
Dated :

District Collection,
District Hamirpur (HP).

Endst.No.DRO/SK/OK(LR)/TL/HMR-2317-18
Dated 18.04.2023

Copy forwarded for information and necessary action to :

1. The Sub-Divisional Officer (C) Nadaun District, Hamirpur.
2. The Tehsildar Nadaun alongwith the copies of Titaima of implementation in the Revenue record.

Attended have copy.

Mayank Manta

ASSISTANT DISTRICT
ATTORNEY

District Collection,
District Hamirpur (HP).

Government of India
Ministry of Tourism
(H&R Division)

C-1 Hutments
Dara Shukoh Road
New Delhi - 110 011
Tel: 011-23012810

No. 8-T11-I (3)/2013-Pt-1

Dated: 19.01.2018

To,

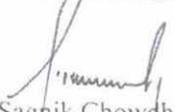
1. Secretary (Tourism), All State Governments/UT Administrations
2. President, Federation of Hotel & Restaurant Associations of India (FHRAI)
3. President, Hotel Association of India (HAI)
4. President, Indian Heritage Hotels Association (IHHA)
5. President, Travel Agents Association of India (TAAI)
6. President, Indian Association of Tour Operators (IATO)
7. Principal, IHMs
8. All Indiatourism Offices in India

Subject: Revised Guidelines for approval of Hotels at Project Stage and Star Classification / Re-Classification of Operational Hotels

Madam / Sir,

1. The undersigned is directed to enclose herewith a copy of the revised Guidelines for Approval of Hotels at Project Stage and Star Classification / Re-Classification of Operational Hotels
2. These guidelines are required to be adhered to by all the existing Classified hotels/ Hotel Projects and those seeking Approval / Classification/Re-classification by the Ministry of Tourism under all categories and will come into force with immediate effect.
3. You are requested to kindly circulate these revised guidelines to all concerned.
4. These guidelines are also available on the official website of the Ministry of Tourism www.tourism.gov.in.

Yours faithfully,


(Sagnik Chowdhury)
Assistant Director General (H&R)
Member Secretary (HRACC)

Attended true copy.
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

No. 13. HRACC (14)/2018-H&R

Date: 31.12.2018

To.

1. Secretary (Tourism), All State Governments/UT Administrations
2. Secretary General, Federation of Hotel & Restaurant Associations of India (FHRAI)
3. President, Hotel Association of India (HAI)
4. President, Indian Heritage Hotels Association (IHHA)
5. President, Travel Agents Association of India (TAAI)
6. President, Indian Association of Tour Operators (IATO)
7. Principal, IHMs
8. All Indiatourism Offices in India

Subject: Guidelines for Classification / Re-classification of Hotels.

Madam / Sir,

Kind reference is invited to this Ministry's communication no. 8-TH-I(3)/2013-Pt.I dated 19.01.2018 on the subject cited above. It has been observed that at Annexure III of the said guidelines, that is, in the checklist of facilities for classification / re-classification of operational hotels, the facility of Barber's Shop has appeared twice, as under:

FACILITIES & SERVICES	1*	2*	3*	4*	5*/5*D	Yes/No	COMMENTS
Health Fitness and Barber's Shop	D	D	D	D	N		Indian system of treatments should preferably be offered
Beauty Salon and Barber's Shop	D	D	D	D	D		

It is hereby clarified that the facility of Barber's Shop is a desirable criterion for all categories of classified hotels. Thus, the above may be read as under: -

FACILITIES & SERVICES	1*	2*	3*	4*	5*/5*D	Yes/No	COMMENTS
Health - Fitness	D	D	D	D	N		Indian system of treatments should preferably be offered
Beauty Salon and Barber's Shop	D	D	D	D	D		

This issues with the approval of Competent Authority.

Yours faithfully,

(Sagnik Chowdhury)
Assistant Director General
& Member Secretary (HRACC)

Attested true copy
M. Manta
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

GOVERNMENT OF INDIA
MINISTRY OF TOURISM
(H&R DIVISION)

**GUIDELINES FOR APPROVAL OF HOTEL PROJECTS AND STAR CLASSIFICATION
OF OPERATIONAL HOTELS**

Hotels are an important component of the tourism product. They contribute to the overall tourism experience through the standards of facilities, amenities and services offered by them. With the aim to provide contemporary standards of facilities and services, the Ministry of Tourism has a voluntary scheme for approval of Hotel Projects in the following categories:

- i. 5 – Star
- ii. 4 – Star
- iii. 3 – Star
- iv. 2 – Star
- v. 1 – Star
- vi. Heritage (Basic)

The Ministry of Tourism also has a voluntary scheme for Classification/Reclassification of Operational Hotels in the following categories:

- i. 5 – Star Deluxe
- ii. 5 – Star with or without alcohol service
- iii. 4 – Star with or without alcohol service
- iv. 3 – Star
- v. 2 – Star
- vi. 1 – Star

2. Hotel Projects are approved at implementation stage. Hotels are classified under the aforementioned categories once they become operational, subject to the hotel applying for such classification and being found fit for classification.

3. Applications for Approval of Hotels at the Project Stage under any of the categories mentioned in para 1 above, should be submitted online on the portal <https://www.hotelcloud.nic.in> along with the fee payable by digital mode only in respect of application for the project approval and subsequent extension if any.

4. Applications for Approval of Hotels at the Project Stage and Classification/Re-classification of Operational Hotels under 3 Star, 2 Star and 1 Star categories with the requisite fee may be submitted online to the concerned Regional Director, India Tourism Office in whose region the hotel project or Operational hotel is located at <https://www.hotelcloud.nic.in>. Queries in this regard may be addressed to the concerned Regional Director, India Tourism Office. The office addresses of the Regional Directors are as under:

- i. Regional Director, Indiatourism (Western & Central Region), 123 Maharshi Karve Road, Mumbai - 400 020
- ii. Regional Director, Indiatourism (Northern Region), 88 Janpath, New Delhi - 110 001
- iii. Regional Director, Indiatourism (Southern Region), 154 Anna Salai, Chennai-600002
- iv. Regional Director, Indiatourism (Eastern Region), 'Embassy', 4 Shakespeare Sarani, Kolkata - 700 071
- v. Regional Director, Indiatourism (North Eastern Region), Assam Paryatan Bhawan, 3rd Floor, Near Nepali Mandir, A.K. Azad Road, Paltan Bazar, Guwahati - 781 008

Attested true copy
M. Manta
M. Manta
ASSISTANT DISTRICT
ATTORNEY

5. Applications for Approval of Hotels at the Project Stage and Classification/Re-classification of Operational Hotels under 4 Star, 5 Star, 5 Star Deluxe and Heritage (Basic) categories with the requisite fee may be made on www.hotelcloud.nic.in. Queries in this regard may be addressed to Member Secretary (HRACC), Hotels and Restaurants Division, Ministry of Tourism, Government of India, C-1 Hutments, Dara Shukoh Road, New Delhi 110011, Tel: 011-23012810.

6. The detailed Guidelines for the Approval of Hotel at the Project Stage and for Classification Re-classification of Operational Hotels are at **Annexure-I and Annexure II** respectively.

7. The Ministry of Tourism reserves the right to modify the Guidelines / Terms and Conditions from time to time.

Attested true copy.
M. Mani Manja
M. Mani Manja
NICT

GENERAL TERMS, CONDITIONS & APPLICATION FORMAT FOR APPROVAL OF HOTELS AT THE PROJECT LEVEL

1. Ministry of Tourism will approve hotels at project stage based on documentation. Project approval is given for the following categories:

- i. 5 – Star
- ii. 4 – Star
- iii. 3 – Star
- iv. 2 – Star
- v. 1 – Star
- vi. Heritage (Basic)

2. Project approval will be granted for a period of 5 years. However, the Project Approval will cease to be valid 3 months prior to the date of expiry of such approval, or with effect from the date the hotel becomes operational, even if all its rooms are not ready, whichever is earlier. The project approval granted for a period of 5 years may be extended by another one year on genuine grounds or extenuating circumstances, at the discretion of Chairman HRACC. Request for such extension, if any, shall be considered if and only if such request is proffered to Chairman HRACC 3 clear months prior to the expiry of the original project approval. A fee equal to the full fee prevalent for project approval for the relevant category will have to be paid by the applicant in case such extension is permitted by Competent Authority. Incomplete applications will not be accepted.

3. The hotel must apply for Star Classification within 3 months of the hotel becoming operational. The application for Project Approval will be submitted online on the portal <https://wwwv.hotelcloud.nic.in> complete in all respect as per details given below.

4. **Application Form should have the following details:**

- i. Proposed name of the Hotel
- ii. Name of the promoters with a note on the business antecedents in not more than 60 words
- iii. Complete postal address of the promoter with Telephone, Fax and Email address.
- iv. Status of the owner/promoter:
 - a. If Public/private limited company, the copies of Memorandum and Articles of Association.
 - b. If Partnership, a copy of Partnership Deed and Certificate of Registration.
 - c. If proprietary concern, name and address of proprietor / Certificate of Registration.
- v. Location of hotel site with postal address
- vi. Details of the site:
 - a) Area (in sq. feet)
 - b) Title - owned / leased with copies of sale / lease deed.
 - c) Copy of Land Use Permit issued by Competent Authority to construct Hotel from local authorities.
 - d) Distance (in Km) from: (a) Railway station (b) Airport (c) Main Shopping center / water body.
- vii. Details of the project:
 - a) Copy of Feasibility Report
 - b) Star category planned
 - c) Number of rooms (with attached bathrooms) and size for each type of room (in sq. ft)
 - d) Size of bathrooms (in sq. ft.)

Attested true copy.
Mr. Manta
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

- e) Details of public areas with size in sq. ft. - Lobby / Lounge; Restaurants; Bar; Shopping; Banquet / Conference halls; Business centre; Health club; Swimming pool; Parking facilities (no. of vehicles)
- f) Facilities for the differently abled guests (room with attached bathroom earmarked for this purpose, designated parking, ramps for free accessibility in public areas and to at least one restaurant, designated toilet (unisex) at the lobby level etc.
- g) Eco-friendly Practices (a) Sewage Treatment Plant (b) rain water harvesting (c) waste management (d) pollution control method for air, water and light (e) introduction of non CFC equipment for refrigeration and air conditioning.
- h) Energy / water conservation (use of CFL lamps, solar energy, water saving devices/ taps).
- i) Details of Fire Fighting Measures / Hydrants etc.
- j) Date by which project is expected to be completed and become operational.
- k) Any other additional facilities.
- l) Security related features.
- m) The architecture of the hotel building in hilly and ecologically fragile areas should incorporate creative architecture keeping in mind sustainability and energy efficiency and as far as possible in conformity with local art and architecture with use of local materials.

5. **Blue prints/ Building Plans** signed by the owner, the architect and approved by the competent authority showing:

- i. Site plan
- ii. Front and side elevation
- iii. Floor plans for all floors
- iv. Detail of guest rooms and bath rooms with dimensions in sq. ft.
- v. Details of Fire Fighting Measures/ Hydrants etc.
- vi. Air-conditioning details for guest rooms, public areas

6. **Local approvals by:**

- i. Municipal Authority
- ii. Concerned Police Authority
- iii. Any other local authority as may be applicable / required (viz. Pollution Control Board/ Ministry of Environment & Forests etc.)
- iv. Approval / NOC from Airports Authority of India for projects located near Airport

7. **Note:** The above mentioned approvals/ NOCs are the responsibility of the promoter / concerned company as the case may be. The Ministry's approval is no substitute for any statutory approval and the approval given is liable to be withdrawn in case of any violation without notice.

8. Proposed capital structure:

- a) Total project cost
- b) Equity component with details of paid up capital
- c) Debt - with current and proposed sources of funding

9. Submission of 'Undertaking' for observance of regulatory conditions / terms & conditions to be furnished by the applicant (Format enclosed at **Annexure IV**).

10. Applications for project approvals under any category should be submitted online on the portal <https://www.hotelclould.nic.in> along with the fee payable by digital mode only in respect of application for the project approval and subsequent extension if any. (further details are given at clause 14).

11. In the event of any change in the project plan, the applicant should apply afresh for approval under the desired category

Accepted here copy
M. Janta
Mayank MISTRICT
ASSISTANT ATTORNEY GENERAL

12. Authorized officers of the Ministry of Tourism should be allowed free access to inspect the project from time to time without prior notice **94**

13. The hotel must immediately inform the Ministry of the date from which the hotel becomes operational and may apply for Classification within 3 months from the date of operation

14. The fee payable for the Project Approval and subsequent extension, if required, which is payable only by RTGS / NEFT/ Debit/Credit Card, is as under.

Star Category	Amount in Rs.
5- star	15,000
4-star	12,000
3-star	8,000
2-star	6,000
1-star	5,000
Heritage Category	12,000

15. The promoter must file online returns showing quarterly progress in prescribed format on the portal <https://www.hotelcloud.nic.in> failing which the project approval is liable to be withdrawn. On completion of the Hotel Project, the promoter shall submit a completion certificate issued by the competent authority.

16. The originals of documents are required to be uploaded on the online portal. All documents must be valid at the time of application. Documents in local language should be accompanied by a translated version in English which should also be duly certified / attested / notarized.

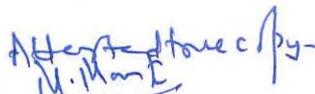
17. The application for Hotel Project Approval should indicate whether a few rooms or all rooms are to be let out on a Time Share basis. Hotel Projects, where it is proposed to let out part or whole of the hotel on 'Time Share basis', will not be covered under these guidelines but under a separate scheme Guideline of Timeshare Resort which are available at www.tourism.gov.in

18. Any change in the project plan or management for Heritage, 5 Star and 4 Star categories should be informed to the Ministry of Tourism and for 3 Star, 2 Star and 1 Star categories to the respective Regional Indiatourism Office within 30 days of such change being effected, failing which the approval will stand withdrawn / terminated.

19. The Project Approval is only applicable for new hotels coming up and not for additional rooms coming up in existing hotels.

20. The minimum size of rooms and bathrooms for all categories have been specified in the Guidelines for Classification / Re-classification of hotels. Hotels of 1 Star, 2 Star, 3 Star and 4 Star categories availing subsidy / tax benefits / other benefits from the Central / State Government would be subject to a Lock- in period of 8 years so that these hotels continue to serve as budget category hotels. Hotels would be permitted to apply for upgradation to a higher star category after the completion of the lock in period. All projects seeking approval of the Ministry of Tourism are required to submit an undertaking in this regard in the format at **Annexure – IV and an Affidavit at Annexure V.**

21. Applicants are requested to go through the **Checklist of Facilities & Services (Annexure-III)** contained in this document before applying for Approval of Hotels at the Project Stage/Classification of Operational Hotels.


 Mayank Manta
 ASSISTANT DISTRICT
 ATTORNEY

22. Application for approval of Hotel Project forwarded through post or delivered by hand will be summarily rejected and no action whatsoever shall be taken on such applications.

23. Only one application for approval of Hotel Project shall be permissible at a given point of time. Multiple applications for approval made under one or more categories for the same hotel project at a given point of time will be summarily rejected.

Admitted
have copy
M. Mark
DISTRICT
ATTORNEY

GENERAL TERMS, CONDITIONS & APPLICATION FORMAT FOR CLASSIFICATION/ RE-CLASSIFICATION OF OPERATIONAL HOTELS

1. With the aim to provide contemporary standards of facilities and services, the Ministry of Tourism has a voluntary scheme for Classification / Reclassification of Operational Hotels in the following categories:

- i. 5 – Star Deluxe
- ii. 5 – Star with alcohol service / without alcohol service
- iii. 4 – Star with alcohol service / without alcohol service
- iv. 3 – Star
- v. 2 – Star
- vi. 1 – Star

2. Classification for newly operational hotels, if approved by Ministry of Tourism at project stage, must be sought within 3 months of commencing of the operations. Operating hotels may opt for Classification at any stage. However, hotels seeking Re-classification should apply for the same and complete the process at least six months prior to the expiry of the current period of classification

3. If a hotel fails to apply for Re-classification and complete its documentation free of all deficiencies a clear six months prior to the expiry of the classification period, the application will be treated as a fresh case of classification

4. Once a hotel applies for Classification / Re-classification, it should be ready at all times for inspection by the inspection committee of the HRACC. No request for deferment of inspection will be entertained

5. Classification will be valid for a period of 5 (Five) years from the date of approval of Chairman HRACC, or in the case of Re-classification, from the date of expiry of the last classification, provided that the application complete in all respect and free of all deficiencies has been received six months prior to the expiry of the current period of classification, along with all valid documents. Incomplete applications will not be accepted.

6. The application for Classification/Reclassification should indicate whether the hotel proposes to let out a few rooms or all rooms on 'Time Share basis'. Hotels which propose to let out part of or all its rooms on Time-share basis, will not be eligible for classification under this scheme.

7. Hotels applying for Classification/Re-classification must provide the following information/ documentation.

- i. Name of the Hotel
- ii. Complete postal address of the hotel with telephone, fax and Email address
- iii. Status of the owner / promoter;
 - a) If Public/Private Limited Company Copy of Memorandum and Articles of Association
 - b) If Partnership, a copy of Partnership Deed and Certificate of Registration
 - c) If proprietary concern, name and address of proprietor/certificate of registration
- iv. Date on which the hotel became operational
- v. Details of hotel site with postal address and distance (in kms) from
 - a) Airport
 - b) Railway Station
 - c) City centre / downtown/shopping area

Attended some copy.
M. K. K. K.
MAYANK MANTA
ADV. DISTRICT
ATTORNEY

8. Details of the hotel:

97

- i. Area of Hotel site (in sq. metres) with title - owned/ leased with copies of sale/lease deed.
- ii. Star category being applied for
- iii. Number of rooms and size for each type of room in sq. ft. (Single/ Double/ Suites - all rooms to have attached bathrooms.
- iv. Size of bathrooms (in sq. ft.).
- v. Air-conditioning details for guest rooms, public areas.

9. Details of public areas:

- i. Lobby/lounge
- ii. Restaurants with No. of covers
- iii. Bar
- iv. Shopping area
- v. Banquet / conference halls
- vi. Health club/ Business centre /Swimming pool
- vii. Parking facilities (no. of vehicles which can be parked).
- viii. Facilities for the differently abled guests: Dedicated room with attached bath room, designated parking, ramps, free accessibility in public areas and at least to one restaurant, designated toilet (unisex) at the lobby level etc.
- ix. Eco-friendly Practices (a) Sewage Treatment Plant (b) rain water harvesting (c) waste management (d) pollution control method for air, water and light (e) Introduction of non CFC equipment for refrigeration and air conditioning and other Eco-friendly measures and initiatives.

A Sewage treatment plant will not be a mandatory condition for hotels which have obtained completion certificate for construction before 01.04.2012.

- x. Measures for energy and water conservation, water harvesting (use of CFL lamps, solar energy, water saving devices/ taps etc.).
- xi. Details of Fire Fighting Measures.
- xii. Security features viz. CCIV, X-Ray check, verification of staff etc.
- xiii. The architecture of the hotel building in hilly and ecologically fragile areas should incorporate creative architecture keeping in mind sustainability and energy efficiency and as far as possible in conformity.
- xiv. Any other additional facilities

10. Originals of Certificates / No Objection Certificates to be uploaded (copies should be current/ valid and duly self-attested / certified by an authorized representative of the hotel):

- i. Certificate / license from Municipality / Corporation to show that the establishment is registered as a Hotel
- ii. No Objection Certificate from the Fire Service Department (Local Fire Brigade Authority).
- iii. Affidavit on prescribed format for all clearances on Stamp Paper of Rs.100.00 (*Annexure VI*)
- iv. Bar License is mandatory if the hotel is applying for 4 Star with Alcohol Service, 5 Star with Alcohol Service, and 5 Star Deluxe.
- v. If classified earlier, a copy of the Classification Order issued by the Ministry of Tourism

The above-mentioned approvals / Licenses / No Objection Certificates are the responsibility of the Owner / Promoter / concerned Company as the case may be. The approval of the Ministry of Tourism is no substitute for any statutory approval and the approval given is liable to be withdrawn without notice in case of any violations or misrepresentation of facts.

11. Hotel will show the following NOCs / Licenses / Certificates which should be current, valid and in original at the time of its inspection by HRACC and upload the same on hotelcloud portal:

Attested home copy.
M. S. Manta
Mohanik Manta
ASSISTANT DISTRICT
ATTORNEY

- a) Trade license to operate as hotel
- b) NOC from Fire Department
- c) Clearance certificate from Municipal Health Officer/Sanitary Inspector (Health NOC)
- d) NOC from Police Department
- e) Consent to operate from the State Pollution Control Board
- f) Bar License, wherever applicable
- g) NOC from Ministry of Environment & Forests (wherever applicable)
- h) NOC from Airport Authority of India for hotels located near the Airport (wherever applicable)
- i) CRZ clearance (wherever applicable)
- j) Land use permission
- k) Building plans duly sanctioned/approved by the competent authority
- l) Occupancy certificate
- m) Sewage Treatment Plan

12. All applications for Classification and Re-Classification must be complete in all respects viz. application form, application fee, prescribed clearances / NOCs / certificates etc. **Incomplete applications will not be accepted.**

13. The application fees for Classification / Re-classification is payable only by RTGS/NEFT/Debit/Credit Cards and are as follows.

Star Category	Classification / Re-classification fee in Rs.
1 – Star	6,000
2 – Star	8,000
3 – Star	10,000
4 – Star (with or without Alcohol service)	15,000
5 – Star (with or without Alcohol service)	20,000
5 – Star Deluxe	25,000

14. Upon receipt of application complete in all respects, the hotel will be inspected by the Hotel & Restaurant Approval and Classification Committee (HRACC). The Committee will be constituted as follows:

A. For 4 & 5 Star category with and without Alcohol Service and 5 Star Deluxe categories:

- Chaired by Additional Director General (Tourism), Govt. of India/ Chairperson (HRACC) or a representative nominated by him/her
- Representative from FHRAI
- Representative from HAI
- Representative from IATO
- Representative from TAAI
- Principal Institute of Hotel Management OR his / her representative who shall be the member of teaching faculty of the Institute
- Regional Director, Indiatourism Office/ Director or Manager of Local Indiatourism office
- Member Secretary HRACC

The HRACC representatives / nominees of FHRAI, HAI, IATO and TAAI should have requisite expertise and experience of the hospitality and tourism industry (hands on experience)

B. For 1, 2 & 3 Star category hotels:

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21. Any changes in the Building Plans or Management of the hotel should be informed to the HRACC, Ministry of Tourism, Govt. of India within 30 days, otherwise the classification will stand withdrawn / terminated.

In case of change of company name / hotel name, a copy of the fresh 'Certificate of Incorporation' or a copy of the 'Resolution of the Board of Directors' regarding the name change along with any other relevant documents should be submitted.

22. The minimum size of rooms and bathrooms for all categories have been specified in the Guidelines. Hotels of 1, 2, 3 and 4 star categories availing subsidy/tax benefits/ other benefits from the Central / State Government would be subject to a lock-in period of 8 years, so that these hotels continue to serve as budget category hotels. Hotels would be permitted to apply for up- gradation to a higher star category only after the completion of the lock in period.

23. Applicants are requested to go through the **Checklist of Facilities and Services** (Annexure III) contained in this document while applying for Classification / Re-classification. The checklist must be duly filled up and should be submitted along with the online application.

24. The Hotel should adhere to the tenets of the **Code of Conduct for Safe & Honourable Tourism** for which the following action would have to be taken:

- i. A signed copy of the Pledge and Undertaking of commitment towards "**Safe & Honourable Tourism**" should be attached with the application. The format of the 'Pledge & Undertaking - Code of Conduct for Safe & Honorable Tourism' are attached at Annexure VII and Annexure VIII respectively.
- ii. On the day a new staff member joins the Hotel, he / she would be required to take / sign the pledge. The pledge would be incorporated in the appointment letter / joining report of the staff.
- iii. Two focal points/Nodal Officers would be nominated (i.e., from HRD, security side etc.) at the time of applying for approval by the Hotel in the case of hotels which have more than 25 personnel. In the case of Hotels with less than 25 personnel, one focal point would have to be nominated.
- iv. The training would be provided to the staff of the classified/approved hotels by Ministry of Tourism under its Capacity Building of Service Providers (CBSP) scheme in connection with "**Safe & Honourable Tourism**". The focal points of the hotel would be trained first within first six months of MOT approval. Subsequently, the trained focal points in turn would impart further in-house training to the staff which would be arranged within next six months.
- v. The Pledge of Commitment towards "**Safe & Honourable Tourism**" would have to be displayed prominently in the staff areas / back areas of the Hotels / Restaurants etc. and in the office premises of all the Head of the Departments (HODs).
- vi. The signatories of the Code of Conduct would be required to maintain a record of action taken by them in compliance of the provisions of this para, which shall be kept in their office & shown to the Committee(s) at the time of Classification/Re- classification.

25. It is mandatory for hotels applying for fresh Classification or Reclassification under the categories 1 Star to 5 Star Deluxe to have facility/ infrastructure for accepting /making payments by digital transactions.

As per Government of India's initiative for Promotion of Digital Transaction, it is mandatory for all Hotels classified/re-classified by the Ministry of Tourism, to submit data pertaining to Occupancy Reports and Digital Transaction as per prescribed template available online at <https://www.hotelcloud.nic.in> positively by 20th of every month for the previous month.

26. Incomplete applications for Classification / Reclassification will not be entertained. Efforts will be made to ensure that all cases of classification are given final decision within three months from the date of receipt of the application, subject to the following:

- i. Receipt of the application complete in all respect (without deficiencies)
- ii. All essential documents of the inspected hotel being found to be current, valid and satisfactory by the inspection Committee (HRACC).
- iii. Timely uploading of all essential documents produced before the inspection committee (HRACC) on hotelcloud portal by the inspected hotel.
- iv. Compliance/rectification of deficiencies pointed out by the inspection committee at the time of inspection within the stipulated time.

27. Only one application for classification for an operational Hotel shall be permissible at a given point of time. Multiple applications for classification made under one or more categories for the same hotel project at a given point of time will be summarily rejected.

28. Cases of hotels where classification is pending due to the non-fulfilment of HSRT Targets under the present guidelines would be considered for classification without insisting upon HSRT targets. The requirement of attainment of HSRT targets would be waived off for such hotels. However, hotels whose application have been given a final decision prior to the amended guidelines coming into force, would need to apply afresh, if they are desirous of classification.

29. The timelines for clearance of classification application of hotels would be as follows:

I. For 4 Star, 5 Star, and 5 Star Deluxe hotels.

1. **Allotment of hotels for inspection to an officer nominated as Chairperson of inspection committee:** Within 15 working days of receipt of application free from all deficiencies, and confirmation of receipt of application fee by PAO, MoT.
2. **Inspection of Hotels:** Inspection has to be scheduled within 40 working days of communication of nomination of an officer as Chairperson, by the nominated officer.
3. **Uploading of Inspection report by Chairperson of Inspection Committee:** Within 7 working days of inspection.
 - a. In case of recommendation for rejection, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation.
 - b. In case of compliance observations pertaining to physical compliances, online compliance verification will be done and submitted for online compliance approval of Competent Authority within 7 working days of online receipt of compliance observations.
 - c. In case of recommendation for approval, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation, subject to the uploaded documents being found to be free of all deficiencies. In case of deficiencies being found in uploaded documents, the same will be sent back to the hotel for rectification. This cycle will be repeated till such time the hotel uploads all documents free from all deficiencies. However, once the uploaded inspection report is received by the hotel through hotelcloud portal, the hotel will upload documents / complete all requirements as per the guidelines within three months of receipt of uploaded inspection report. If the hotel fails to upload documents/ complete all requirements as per the guidelines within three months, the application will be summarily rejected.

4. **After submission of compliance report by the hotel.**

102

- a. In cases where re-visit by a committee / sub-committee is required, allotment of hotel, for inspection, to officer(s) nominated as Chairperson / Member (in case of a sub-committee where no officer is nominated as Chairperson) of inspection committee/ sub-committee will be done within 15 working days of online submission of compliance report by the hotel. Inspection has to be scheduled within 40 working days of communication of such allotment / nomination of an officer as Chairperson, by the nominated officer. Uploading of Inspection report by Chairperson / Member of Inspection Committee will be done within 7 working days of inspection. In case of recommendation for rejection, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation. In case of recommendation for approval, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation, subject to the uploaded documents being found to be free of all deficiencies. In case of deficiencies being found in uploaded documents, the same will be sent back to the hotel for rectification. This cycle will be repeated till such time the hotel uploads all documents free from all deficiencies. However, once the inspection report is uploaded on the online hotelcloud portal, the hotel will upload documents / complete all requirements as per the guidelines within three months of uploading of inspection report. If the hotel fails to upload documents/ complete all requirements as per the guidelines within three months, the application will be summarily rejected.
 - b. In cases where re-visit is not required, the proposal will be processed for approval of Competent Authority within 15 working days of online receipt of compliance report, subject to the uploaded documents being found to be free of all deficiencies. In case of deficiencies being found in uploaded documents, the same will be sent back to the hotel for rectification. This cycle will be repeated till such time the hotel uploads all documents free from all deficiencies. However, once the inspection report is uploaded on the online hotelcloud portal, the hotel will upload documents / complete all requirements as per the guidelines within three months of uploading of inspection report. If the hotel fails to upload documents/ complete all requirements as per the guidelines within three months, the application will be summarily rejected.
- 5. **Approval of Competent Authority for classification / rejection** – within 10 working days of receipt of recommendation (except in cases where there are queries / observations of Competent Authority necessitating further action / clarification.
 - 6. **Uploading of Classification letter** – within 5 working days of online approval of Competent Authority.

II. **For 1 Star, 2 Star, and 3 Star hotels.**

- 1. **Allotment of hotels for inspection to an officer nominated as Chairperson of inspection committee:** Within 15 working days of receipt of application free from all deficiencies, and confirmation of receipt of application fee by PAO, MoT.
- 2. **Inspection of Hotels:** Inspection has to be scheduled within 40 working days of communication of nomination of an officer as Chairperson, by the nominated officer.

Date of Submission

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3. **Uploading of Inspection report by Chairperson of Inspection Committee:** Within 7 working days of inspection.

- a. In case of recommendation for rejection, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation.
- b. In case of compliance observations pertaining to physical compliances, online compliance verification will be done and submitted for online compliance approval of Competent Authority within 7 working days of online receipt of compliance observations.
- c. In case of recommendation for approval, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation, subject to the uploaded documents being found to be free of all deficiencies. In case of deficiencies being found in uploaded documents, the same will be sent back to the hotel for rectification. This cycle will be repeated till such time the hotel uploads all documents free from all deficiencies. However, once the inspection report is uploaded on the online hotelcloud portal, the hotel will upload documents / complete all requirements as per the guidelines within three months of uploading of inspection report. If the hotel fails to upload documents/ complete all requirements as per the guidelines within three months, the application will be summarily rejected.

4. **After submission of compliance report by the hotel.**

- a. In cases where re-visit by a committee / sub-committee is required, allotment of hotel, for inspection, to officer(s) nominated as Chairperson / Member (in case of a sub-committee where no officer is nominated as Chairperson) of inspection committee/ sub-committee will be done within 15 working days of online submission of compliance report by the hotel. Inspection has to be scheduled within 40 working days of communication of such allotment / nomination of an officer as Chairperson, by the nominated officer. Uploading of Inspection report by Chairperson / Member of Inspection Committee will be done within 7 working days of inspection. In case of recommendation for rejection, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation. In case of recommendation for approval, the proposal will be processed for approval of Competent Authority within 12 working days of online receipt of recommendation, subject to the uploaded documents being found to be free of all deficiencies. In case of deficiencies being found in uploaded documents, the same will be sent back to the hotel for rectification. This cycle will be repeated till such time the hotel uploads all documents free from all deficiencies. However, once the inspection report is uploaded on the online hotelcloud portal, the hotel will upload documents / complete all requirements as per the guidelines within three months of uploading of inspection report. If the hotel fails to upload documents/ complete all requirements as per the guidelines within three months, the application will be summarily rejected.
- b. In cases where re-visit is not required, the proposal will be processed for approval of Competent Authority within 15 working days of online receipt of compliance report, subject to the uploaded documents being found to be free of all deficiencies. In case of deficiencies being found in uploaded documents, the same will be sent back to the hotel for rectification. This cycle will be repeated till such time the hotel uploads all documents

- 44-

free from all deficiencies. However, once the inspection report is uploaded on the online hotelcloud portal, the hotel will upload documents / complete all requirements as per the guidelines within three months of uploading of inspection report. If the hotel fails to upload documents/ complete all requirements as per the guidelines within three months, the application will be summarily rejected.

5. **Approval of Competent Authority for classification / rejection** – within 10 working days of receipt of recommendation (except in cases where there are queries / observations of Competent Authority necessitating further action / clarification.
6. **Uploading of Classification letter** – within 5 working days of online approval of Competent Authority.

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CHECKLIST OF FACILITIES FOR CLASSIFICATION / RE-CLASSIFICATION OF OPERATIONAL HOTELS

FACILITIES & SERVICES	1*	2*	3*	4*	5*/5*D	Yes/No	COMMENTS
GENERAL							
Full time operation 7 days a week in season	N	N	N	N	N		
Establishment to have all necessary trading licenses / Permissions	N	N	N	N	N		
Establishment to have public liability insurance	D	D	D	D	D		
24hr. lifts for buildings higher than ground plus two floors	N	N	N	N	N		Mandatory for all hotels. Local laws may require a relaxation of this condition. Easy access for the differently abled guests.
Bedrooms, Bathrooms, Public areas and kitchen fully services daily	N	N	N	N	N		
All floor surfaces clean and in good shape	N	N	N	N	N		Floor may be of any type.
GUEST ROOM							
Minimum 10 lettable rooms, all rooms with outside windows / ventilation.	N	N	N	N	N		
Minimum size of bedroom excluding bathroom in sq.ft.	120	120	130	140	200		Rooms should not be less than the specified size. The area may include the vestibule and other covered area within the room but exclude outdoor verandah/ balcony. Single occupancy rooms may be 20 sq.ft. less.
Air – conditioning - % of Rooms	25%	25%	50%	100%	100%		Air –conditioning / heating depends on climatic conditions and architecture. Room Temperature should be between 20 to 28 degree Celsius.
A clean change of bed and bath linen daily and between check –in	N	N	N	N	N		Definitely required between each check – in. On alternate days for 1 & 2 Star category hotels.
Guest linen							Good quality linen to be provided.
Minimum bed width for single 90 cm and double 180 cm.	D	N	N	N	N		
Mattress thickness minimum 10 cm	D	D	N	N	N		Coir, foam or spring foam

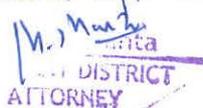
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Minimum bedding 2 sheets, pillow and case, blanket, mattress protector / bed cover	N	N	N	N 106	N		Blankets available in air conditioned room as per seasonal requirement in non A/C rooms. Mattress protector is 'desirable' in 1 Star and 2 Star category hotels and 'necessary' for the other categories.
Suite (2 rooms or 2 room-bays having a bedroom and separate sitting area, having one bathroom and one powder room.)	D	D	D	N	N		Minimum 1 suite. A suite must be sold as one room.
Hairdryers	D	D	N	N	N		Where not provided in bathroom, must be available on request. 3 Star, 4 Star, 5 Star and 5 Star Deluxe category hotels shall provide hair dryer facility in the room on complimentary basis. In 1 Star and 2 Star hotels, this facility will be made available on request on complimentary basis.
Safe keeping / in room safe	D	D	D	N	N		1,2, and 3 Star hotels to have facilities for safe keeping in the reception. All 4 Star, 5 Star and 5 Star Deluxe hotels shall provide a safe in the room.
Mini bar / Fridge All 3 Star hotels shall have facility of a mini fridge and all 4 Star, 5 Star, and 5 Star Deluxe hotels shall have a the facility of mini bar.	D	D	N	N	N		Contents must conform to local laws.
Drinking water with minimum one glass per guest.	N	N	N	N	N		All star category hotels to provide 2 sealed bottles of branded packaged drinking water of minimum 500 ml per person per day on complimentary basis. Ultra violet treated water will not be acceptable.
Guest Linen							Good quality linen to be provided.
Shelves / drawer space	N	N	N	N	N		Necessary for hotels of 1,2 and 3 Star category to have a wardrobe.
Wardrobe with minimum 4 clothes hangers per bedding	N	N	N	N	N		In one star or two star hotels, this may be without doors.
Sufficient lighting (1 lamp per bed)	N	N	N	N	N		

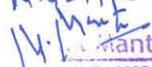
A 5 amp earthed power socket	N	N	N	N 107	N		
A bedside table and drawer	N	N	N	N	N		1 per twin bed and two for a double bed.
TV Cable if available	D	D	N	N	N		TV must have a remote. Exception: for eco and nature resorts TV cable is not mandatory for 3 Star to 5 Star Deluxe category hotels. However, it is mandatory that they provide a television with cable in the lobby or other common area.
A writing surface with sufficient lighting	D	D	N	N	N		
Chairs	N	N	N	N	N		Preferably one per bed
Waste paper basket	N	N	N	N	N		
Opaque curtains or screening at all windows	N	N	N	N	N		All 4 Star, 5 Star, and 5 Star Deluxe hotels shall have blackout curtains
A mirror at least half length (3 ft.)	N	N	N	N	N		
A stationary folder containing stationary	D	D	N	N	N		
A 'do not disturb' notice	N	N	N	N	N		
Night spread / bed cover	N	N	N	N	N		
Energy saving lighting	N	N	N	N	N		
Linen Room	N	N	N	N	N		Should be well ventilated
BATHROOM							
Number of rooms with attached bathrooms	All	All	All	All	All		All bathrooms to have a sanitary bin with lid.
Minimum size of bathroom in square feet	30	30	36	36	45		25% of bathrooms in 1 & 2 Star hotels to have western style WC. For hotels built before 1.1.2012, the Minimum bathroom size may be relaxed by 10% (to be rounded off to the next integer) provided the total size of the room and the bathroom taken together are as follows: 1 Star & 2 Star – 150 sq. ft., 3 Star-166 sq. ft., 4 Star – 176 sq. ft., 5 Star & 5 Star Deluxe – 245 sq. ft.

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1 bath towel and 1 hand towel to be provided per guest	N	N	N	N 108	N		
Bath Mat	D	D	N	N	N		
Guest toiletries to be provided. Minimum 1 new soap per guest.	N	N	N	N	N		Quality products depending on Star category.
Bottled toiletry products to be provided.	D	D	D	N	N		
Clothes – hooks in each bath / shower room	N	N	N	N	N		All star category hotels shall provide two (2) clothes hooks in the bath / shower room
Sanitary bin	N	N	N	N	N		These must be covered
Each western WC toilet to have a seat with lid and toilet paper.	N	N	N	N	N		
All Star hotels shall provide water sprays or bidets or washlets or other modern water based post- toilet – paper hygiene facilities.	N	N	N	N	N		
Floors and walls to have non – porous surfaces	N	N	N	N	N		
Hot and Cold running water available 24 hours	N	N	N	N	N		
Shower cabin	N	N	N	N	N		A shower with shower curtain will suffice where shower cabin is not available.
Bath tubs				D	D		
Water saving taps and showers	N	N	N	N	N		
Energy saving lighting	N	N	N	N	N		
PUBLIC AREA							
Lounge or seating area in the lobby	N	N	N	N	N		<p>Lobby shall have furniture and fixtures which shall include chairs / arm chairs, sofa, tables and fresh floral display.</p> <p>Door man on duty for 4 star categories and below 4 star categories, the presence of a door man on duty in the lounge or sitting area in the lobby shall not be mandatory. However, in such areas, the presence of staff on duty shall be obligatory around the clock 24/7</p>

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Reception facility	N	N	N	109	N		Manned minimum 16 hours. Call service 24 hours. Local directions to hotel including city street maps to be available.
Valet (parking) services to be available	D	D	N	N	N		
Availability of Room, F&B and other tariff	N	N	N	N	N		
Heating and cooling to be provided in public areas	-	-	-	N	N		Temperatures to be between 20 degrees Celsius to 28 degrees Celsius. Air - conditioning in common areas like lobby, restaurants, verandahs, bar where they are open to nature on one or more sides, shall not be mandatory for beach, lake, backwater, river, hill, mountain, forest or nature hotels & Resorts.
Public rest rooms for ladies and gents, a wash basin with running hot and cold water, a mirror, a sanitary bin with lid in unisex 7 ladies toilet.	N	N	N	N	N		
ROOM AND FACILITIES FOR THE DIFFERENTLY ABLED GUEST							
At least one room for the differently abled guest	N	N	N	N	N		The room shall have low height furniture, low peep hole, cupboard with low clothe hangers, audible and visible (blinking light) alarm system and doorbell. The almirah / cupboard doors in the differently abled room should be sliding to enable opening the same by the differently abled person. Blinking light in the room and bathroom should also be connected with the door bell for the hearing impaired. Cordless telephone in the room. Direct calling facility to the front desk or operator.
Bathroom	N	N	N	N	N		Door width for room of the differently abled persons and bathroom of such rooms should allow easy accessibility of wheel chair made available by the hotel).

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				110		<p>For new hotels coming up after 01.04.2017, the minimum door width of such rooms and their bathroom shall be minimum 90 cm.</p> <p>The door width of the room and bathroom for differently abled persons in existing hotels shall be 90 cm. with effect from 01.04.2023</p> <p>Bathroom for the differently abled guest shall have suitable fixtures like low wash basin with wheel chair accessibility, low vanity unit, Wall mounted seat in shower area, hand shower, Grab bars net to the WC and shower area.</p>
Ramps with anti-slip floors at the entrance. Minimum door width should be one meter to allow wheel chair access	N	N	N	N	N	<p>Fixed and anti – slip ramp to be provided in all public areas.</p> <p>Free accessibility in all public areas, and to at least one restaurant in 5 star and 5 star deluxe hotel.</p>
Public Restrooms	N	N	N	N	N	<p>All star category hotels should have a public restroom for differently abled guests (unisex) with minimum door width which allows easy accessibility of wheel chair (made available by the hotel). Low height urinal with grab bars.</p> <p>For new hotels coming up after 01.04.2017, the minimum door width of such public rest room (unisex) shall be minimum 90 cm.</p> <p>For existing hotels, the minimum door width of public restroom (unisex) shall be mandatory after 01.04.2023</p>

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FOOD & BEVERAGE OUTLETS

111

1 Star & 2 Star						1 & 2 Star categories should have minimum one dining room serving all meals.
3 Star Category						One Multi – cuisine Restaurant cum Coffee Shop open from 07.00 am. To 11.00 pm. And 24 hr. Room Service.
4 Star category (with alcohol service or with no alcohol service)						<p><u>Grade A cities:</u></p> <p>One Multi – cuisine Restaurant cum Coffee Shop open from 07.00 am. To 11.00 pm., one specialty Restaurant and 24 hr. Room Service.</p> <p>The specialty Restaurant may either be indoors with air-conditioning, or outdoors. The Specialty Restaurant must serve specific form of cuisine. The Specialty Restaurant may be open for lunch / dinner.</p> <p><u>Cities other than grade A cities:</u></p> <p>One Multi – cuisine Restaurant cum Coffee Shop open from 07.00 am. To 11.00 pm. and 24 hr. Room Service.</p>
5 Star category (with alcohol service or with no alcohol service) and 5 Star Deluxe						<p><u>Grade A cities:</u></p> <p>One 24 hour Multi Cuisine Restaurant cum Coffee Shop, one Specialty Restaurant and 24 hr. Room Service.</p> <p>The Specialty Restaurant may either be indoors with air – conditioning, or outdoors. The Specialty restaurant must serve specific form of cuisine. The Specialty Restaurant may be open for lunch / dinner.</p> <p><u>Cities other than Grade A cities:</u></p> <p>One 24 hour Multi Cuisine Restaurant cum Coffee Shop and 24 hr. Room Service. One Specialty Restaurant would be desirable.</p>

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Grade A: Delhi, ** Mumbai, Kolkata, Chennai, Bangalore, Pune, Hyderabad, Secunderabad.

112

Note: The Ministry of Tourism may review and revise the cities falling under the Grande 'A' from the time to time.

** Delhi would include the hotels falling Gurgaon, Faridabad, Ghaziabad, Noida, And Greater Noida"

Crockery and glassware	N	N	N	N	N	Plastic ware acceptable in pool area.
Cutlery to be at least stainless steel	N	N	N	N	N	All category hotel should see good quality metal cutlery. Aluminum cutlery is prohibited.
Bar	D	D	D	N	N	Bar will not be mandatory wherever bar licence is prohibited as per local law. Wherever bar is allowed as per local law, the hotel will have to first obtain bar license before applying to the Ministry of Tourism for Classification of the hotel. Liquor shops/ liquor stores will not be considered while granting classification under 'with alcohol' category.

KITCHEN / FOOD PRODUCTION AREA

Refrigerator with deep freezer	N	N	N	N	N	Capacity based on quantum of F&B Operations.
Segregated storage of meat, fish and vegetables	N	N	N	N	N	Meat, fish and vegetables to be kept in separate freezers
Tiled walls, non slip floors	N	N	N	N	N	
Colour coded synthetic chopping boards	N	N	N	N	N	Wooden chopping boards
Head covering for production staff	N	N	N	N	N	
Daily germicidal cleaning of floors	N	N	N	N	N	
Good quality cooking vessels / utensils	N	N	N	N	N	Use of aluminum vessels is prohibited except for bakery
All food grade equipment containers.	N	N	N	N	N	
Drinking water	N	N	N	N	N	Water treated with UV+ filtration
Ventilation system	N	N	N	N	N	
Garbage to be segregated – wet and dry	N	N	N	N	N	To encourage recycling
Wet garbage area to be air-conditioned.	D	D	N	N	N	
Receiving areas and stores distinct from garbage area.	N	N	N	N	N	Should have sink with table surface, weighing machine

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				113			quality control and pre wash area.
Six monthly medical check ups for production staff	N	N	N	N	N		Records to be submitted along with pathological records to HRACC during inspection of the hotel
First aid training for all kitchen staff	N	N	N	N	N		
Pest control	N	N	N	N	N		Record to be shown to the HRACC during inspection of the hotel
STAFF							
Staff uniforms for front of the house.	N	N	N	N	N		Uniforms to be clean and in good condition.
English speaking front office staff	D	D	N	N	N		This may be relaxed outside the metros / sub-metros for 1 Star and 2 Star category hotels.
Percentage of Supervisory staff	20%	20%	40%	40%	80%		Hotels of 4 Star category and above should have qualified Heads of Departments. The supervisory or the skilled staff may have training or skill certification as follows: Degree / Diploma from Central or Star IHMs/ FCIs or from NCHMCT affiliated IHMs or from other reputed Hospitality Schools.
Percentage of skilled staff	20%	20%	30%	30%	60%		The supervisory or the skilled staff may have training or skill certification as follows: Degree / Diploma from Central or Star IHMs/ FCIs or from NCHMCT affiliated IHMs or from other reputed Hospitality Schools. Skill training certificate issued under the guidelines and scheme of the Ministry of Tourism
STAFF WELFARE FACILITIES							
Staff Rest Rooms	D	D	N	N	N		Separate for male and female employees, with bunk beds. Rooms should be well lighted and ventilated
Staff locker Rooms	D	D	N	N	N		
Toilet facilities	N	N	N	N	N		Full length mirror, hand dryer with liquid soap dispenser
Separate Dining area & Facility	D	D	N	N	N		

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A public telephone on premises. Unit charges made known	D	D	N	N ¹⁵	N		There should be at least one telephone no higher than 24" from floor level in 5 and 5 Star Deluxe (to also cater to differently abled guest)
Wake – up call service on request	N	N	N	N	N		
Messages for guests to be recorded and delivered	N	N	N	N	N		A prominently displayed message board will suffice for 1 & 2 Star Categories
Name address and telephone number of doctors with front desk	N	N	N	N	N		Doctor on call in 3,4,5 & 5 Star Deluxe
Stamps and mailing facilities	D	D	D	D	D		
Newspapers available	D	D	D	N	N		This may be placed in the lounge for 1,2,& 3 Star hotels
Access to travel desk facilities	N	N	N	N	N		This need not be on the premise for 1,2&3 Star categories
Left luggage facilities	D	D	N	N	N		This must be in a well secured room / 24 hours manned area. All 4 Star, 5 Star and 5 Star Deluxe hotels shall provide luggage racks, portable or fixed, for two large suitcases. This will be stated on the hotel's website under the head 'Facilities and Amenities provided on complimentary basis' and mentioned to guest while checking in.
Provision for emergency supplies toiletries / first aid kit	D	D	N	N	N		
Health – Fitness and Barber's Shop	D	D	D	D	N		Indian system of treatments should preferably be offered
Beauty Salon and Barber's Shop	D	D	D	D	D		
Florist	D	D	D	D	D		
Utility shop / kiosk	D	D	D	D	D		The presence of a utility kiosk / shop will not be a mandatory condition for classification under 1 to 5 Star Deluxe categories. NO separate book shop shall be necessary.
Money changing facilities	D	D	D	D	D		Money changing facility to be made available.
SAFETY & SECURITY							
Metal detectors (door frame or hand held)	D	D	N	N	N		
CCTV at strategic location	N	N	N	N	N		

X-Ray Machine	D	D	D	D 116	N		For 5 Star Deluxe category, it would be 'Necessary' to have an x-ray machine at the guest entrance for screening of baggage Manual check may be conducted for staff and suppliers at designated entry points.
Under belly scanners to screen vehicles.	D	D	D	N	N		
Verification	N	N	N	N	N		All hotels should conduct antecedent verification of their staff and suppliers by the Police / private security.
Staff trained in firefighting Drill	N	N	N	N	N		All hotels to conduct periodic fire drills and maintain 'Manuals' for disaster management, First Aid and Fire Safety
Security arrangements for all hotels entrances.	N	N	N	N	N		
Each bedroom door to be fitted with lock and key, viewport / peephole & internal securing device.	D	D	N	N	N		A safety chain / wishbone latch is acceptable in place of viewport / peephole.
Smoke Detectors	N	N	N	N	N		These can be battery operated.
Fire and Emergency alarms should have visual & audible signals.	N	N	N	N	N		
First aid kit with over the counter medicines at the front desk	N	N	N	N	N		
Fire Exit Signs on guest floors with emergency / backup power.	N	N	N	N	N		
COMMUNICATION FACILITIES							
Telephone facility within arm's reach of the toilet seat	D	D	D	N	N		
Provide at least two multi – purpose sockets	N	N	N	N	N		All Star hotels shall provide at least two multi-purpose sockets capable of handling US, European Community and Japanese plugs at or just above the table level. It should be possible for guest to charge a laptop and cell phone simultaneously. This condition shall be applicable to all new hotels that will start operating from 01.04.2016. For the hotels which have come into operation before 31.03.2016 this parameter will be applicable from 01.04.2022. However, till such time as this facility is

Avank Manta
 DISTRICT ATTORNEY

				117			provided on a permanent basis, it will be mandatory for all Star hotels to provide multi-socket adapter plugs on request.
A telephone for incoming & outgoing calls in the room	D	N	N	N	N		4 star and above should have direct dialing and STD / ISD facilities. 1,2 and 3 Star category hotels may go through a telephone exchange.
PC available for guest use with internet access	D	D	N	N	N		This can be a paid service. Upto 3 Star, PC can be in the executive offices, Internet subject to local access being available.
E-mail service	D	D	N	N	N		Subject to local internet access being available.
Fax, photocopy and printing Services.	N	N	N	N	N		
In room Internet / wi-fi connection	D	D	D	N	N		Subject to local internet access being available. Wi-Fi wherever possible.
Business Centre	D	D	D	N	N		This should be a dedicated area. (This provision may be relaxed for resort destinations, tourist and pilgrimage centers).
Swimming Pool	D	D	D	D	N		This can be relaxed for hill destinations. Mandatory to have trained Life Guard, Board containing Do's and Don'ts, No Diving sign, pool depth etc. should be displayed at a strategic location in the pool area. All 4 Star, 5 Star and 5 Star Deluxe hotels shall provide a luminous LED wall clock with numerals of three inches or more on display near their swimming pools
Parking Facilities	D	D	N	N	N		Should be adequate in relation to the number of rooms & banquet / convention hall capacity. Exclusively earmarked accessible parking nearest to the entrance for differently abled guest.
Conference Facilities.	D	D	D	D	N		
ECO FRIENDLY PRACTICES							
Sewage Treatment Plant	N	N	N	N	N		A Sewage Treatment Plant will not be a mandatory condition for hotels which have obtained completion certificate for construction before 01.04.2012.

Accepted true copy.
M. Maiti
Assistant District
 ATTORNEY

Rain Water Harvesting	N	N	N	N 118	N		
Waste management	N	N	N	N	N		
Pollution control methods for air, water and light	N	N	N	N	N		
Introduction of non CFC equipment for refrigeration and air conditioning and other Eco-friendly measures / initiatives.	N	N	N	N	N		

Checklist of Services and Facilities (Annexure III)

D Desirable

N Necessary

There is no relaxation in the '**Necessary**' criteria of the Checklist of Services and Facilities (Annexure II), except as specified in the comments column of said checklist.

Note 1.

All hotels should clearly indicate on their websites the facilities and amenities provided to guests "free of cost" like complimentary breakfast (indicating broad classification like Indian breakfast, Continental breakfast or American breakfast), iron and iron board facility, shoe cleaning facility, shoe horn and slippers, other "free" facilities like dental kit, shaving kit etc.

If any facility is provided only 'on request' but is included in the room rent, this should be mentioned on the hotel's website under the head '**Facilities and Amenities Provided on complimentary basis**' and also be mentioned to the guest when the hotel staff introduce the room to him / her on arrival. In case the 'complimentary breakfast' is not a buffet, the guest must be shown a list stating in English the name of all complimentary items.

(All hotels shall submit a compliance of Note 1 in the form of a screen shot of their website showing the "Facilities & Amentias provided on complimentary basis")

Note 2.

It will be mandatory for all the hotels classified under all category to display their classification status prominently on their websites under a separate icon on the opening page, which on the click will display the order of classification issued by the Ministry of Tourism, Government of India, and at the reception.

Note 3.

All the hotels shall be required to submit an affidavit with respect to clearances along with their applications for approval of Hotel at the Project Stage and for Classification / Re-classification of Operational Hotels, as given in **Annexure V and VI respectively.**

Note 4:

- a. If any hotel is found to obtain classification on a false pretext or on the basis of misrepresentation of facts, or is found to display wrong classification status, or found to promote / market the hotel on the basis of wrongful claims pertaining to hotel classification, then the unit / hotel will stand declassified with immediate effect and it shall be debarred from applying for classification under any category for a minimum period of two years from the date of debarment by the competent authority i.e. the Chairman, HRACC.
- b. If a hotel which has applied for classification under any category to the Ministry of Tourism is found to display false classification status, or found promote / market the hotel on the basis of wrongful claims pertaining to hotel classification, then the application for classification of the unit / hotel will stand summarily rejected and it shall be debarred from applying for classification under any category for a minimum period of two years from the date of debarment by the competent authority i.e. the Chairman, HRACC.
- c. In case of debarment, a hotel, which is found to otherwise fulfil to the satisfaction of the inspection committee, all criteria pertaining to the classification parameters of the star / heritage category under which it was found to wrongfully promote itself, will have the one-time opportunity for revocation of the debarment by paying a penalty prescribed below. Such observation of the committee, if any, will

Accepted

M. Manta
DISTRICT
ATTORNEY

119
have to be recorded in the inspection marks sheet by the committee. However, if a hotel is found to evoke the grounds for debarment mentioned hereinabove, at any point of time subsequent to the one-time revocation, it shall be declassified (if classified earlier) and debarred from applying for classification under any category for a minimum period of two years from the date of debarment by the competent authority i.e. the Chairman, HRACC.

Amount of Penalty to be paid for one time revocation of debarment:

- 1 Star – Rs. 25,000.00
- 2 Star – Rs. 50,000.00
- 3 Star – Rs. 1.00 lakh
- 4 Star – Rs. 2.00 lakh
- 5 Star & 5 Star Deluxe – 3.00 lakh

Hotels that have been debarred from applying for classification prior to these guidelines coming into force, will also be extended a one-time opportunity for revocation of the debarment by paying a penalty as prescribed above. However, the conditions specified under this Note shall be applicable to such hotels.

- d. However, this Note shall not be applicable to hotels that have successfully applied online for "RE-CLASSIFICATION", for the interim period between the date of expiry of the period of the previous classification and date of final decision on their application for re-classification.

Advised here copy.
M. Mani
MAYANK MANI
ASSISTANT DISTRICT
M. JOHNEY

120

FORMAT FOR UNDERTAKING

(To be on official company
letterhead)

To,
The Secretary (Tourism)
Ministry of Tourism
Govt. of India
New Delhi

UNDERTAKING

I have read and understood all the terms and conditions mentioned in the Guidelines for Approval of Hotel Project under the Star category and hereby agree to abide by them. The information and documents provided are correct and authentic to the best of my knowledge.

I understand that the approval of the Ministry of Tourism is no substitute for any statutory approval, and the approval given is liable to be withdrawn in case of any violation or misrepresentation of facts or non-compliance of directions that may be issued by the Ministry of Tourism, Government of India, without notice

It is also to certify that in the event the hotel avails of subsidy / tax benefits / other benefits from the Government, the hotel will (would) not seek upgradation to a higher category for a period of eight (8) years.

In case of any dispute/ legal measure, the same may be eligible in the jurisdiction falling under the NCT of Delhi.

Signature
Name in block letters
Seal of the applicant

Place: -----

Date: -----

Attested true copy.
M. Manta
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

(For Approval of ¹²¹Hotel at Project Stage)
On Stamp Paper of Rs. 100.00

I.....son / daughter of Shri..... a resident of..... and Director / Partner / Owner / Chairman / Managing Director / CEO / Authorised representative of the Hotel Project..... On.....day of..... month..... year.....do hereby affirm and declare as follows:

That the Hotel Project..... under proposed.....Star category located at (town/city)..... (State).....has obtained all necessary approvals / Permissions / clearances/ No objection certificates from the concerned authorities for construction of the Hotel Project from the Coastal Regulation Zone (CRZ), Environment & Forests, State Pollution Control Board (Consent to Establish), Police, Fire, Municipal/ Local Authority (s), Airports Authority of India etc. and that the Hotel Project..... will be constructed / is being constructed as per the Acts, Rules, Regulations and guidelines prescribed by the Local Authorities (Panchayat or Municipal) and / or State Government / Union Territory Administration and / or Government of India.

If at any stage, it is found that the Hotel Project has not obtained any clearance/permission/Noc from the local Authorities (Panchayat or Municipal) and /or State Government / Union Territory Administration and / or Government of India or any other relevant authority, or if it is found that such clearance (s) has / have been obtained on the basis of misrepresentation of fact (s), or if it is found that any fact mentioned in the application seeking the Hotel Project Approval is incorrect, then the Hotel Project Approval granted by the Ministry of Tourism, Government of India, shall stand withdrawn with immediate effect and I..... Director/Owner/Partner/Chairman/ Managing Director/ CEO / Authorised representative of the Hotel Projectshall be liable for facing criminal proceedings for misrepresentation of facts to the Ministry of Tourism, Government of India.

(Deponent)

I, the undersigned, Notary Public, do hereby affirm that Shri/Smt personally appeared before me on the..... day of..... and signed the above Affidavit.

Signature and stamp of the Notary Public

Notarised true copy.
M. Manta
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

**(For Classification/Re-classification of Operational Hotels
On Stamp Paper of Rs. 100.00)**

I,, son/daughter of Shri, a resident of, and Director / Partner / Owner / Chairman / Managing Director / CEO and Authorised representative of the Hotel, on day of (month), (year), do hereby affirm and declare as follows:

That the Hotel..... has obtained all necessary approvals from the concerned authorities for construction and running of the hotel like clearances / no objection certificates from the Coastal Regulation zone (CRZ), Environment & Forests, Pollution Control, Police, Fire and Municipal / Local Authorities and that the hotel has been constructed and is being run as per the Acts, Rules, Regulations and guidelines prescribed by the local Authorities (Panchayat or Municipal) and / or State Government / Union Territory Administration and / or Government of India.

If at any stage it is found that the hotel has not obtained any clearance from the local Authorities (Panchayat or Municipal) and / or State Government / Union Territory Administration and / or Government of India or it is found that such clearance (s) has / have been obtained on the basis of misrepresentation of fact (s) or if it is found that any fact mentioned in the application seeking the classification / re-classification status / approval is incorrect, then the classification / re-classification status / approval granted by the Ministry of Tourism, Government of India shall stand withdrawn with immediate effect and I,, Director / Owner/ Partner / Chairman / Managing Director / CEO and Authorized representative of the Hotel shall be liable for facing criminal proceedings for misrepresentation of facts to the Ministry of Tourism, Government of India.

(Deponent)

I, undersigned, Notary Public, do hereby affirm that Shri / Smt..... Personally appeared before me on the day of, and signed the above Affidavit.

(Notary Public)

Attested true copy.
V. Manta
ASSISTANT DISTRICT ATTORNEY

PLEDGE FOR COMMITMENT TOWARDS SAFE & HONOURABLE TOURISM AND SUSTAINABLE TOURISM (For internal circulation and use of hotel)

I / we solemnly pledge and reiterate our commitment to conduct our business in a manner that befits the culture and ethos of our rich and ancient civilization and the tolerant and accommodating nature of our multicultural society and protect all individuals, especially women and children from all derogatory acts which are contrary to the spirit of our country. We hereby commit to abide by the Code of Conduct for Safe and Honourable Tourism.

Recognizing that every earth resource is finite and fragile, I / we further pledge to fully implement sustainable tourism practices, consistent with the best environment and heritage protection standards, such that my / our present tourism resource requirements optimize both local community benefit and further sustainable uses.

Signature

Name

On behalf of

In the presence of

Attested true copy
M. Manta
Mayank Manta
ASSISTANT DISTRICT
ATTORNEY

Format of 'Undertaking' in respect of the "**Pledge for Commitment towards Safe & Honourable Tourism**"

(To be on official company letterhead)

To
The Secretary,
Ministry of Tourism,
Govt. of India,
New Delhi.

UNDERTAKING

It is to hereby confirm that I / we have read and understood the "Code of Conduct for Safe and Honourable Tourism" adopted on 1st October 2010 as per copy attached with application with respect to Project Approval / Classification / Re-classification of hotels under the Star / Heritage categories and hereby agree to abide by them.

That I/ We solemnly pledge and reiterate our commitment to conduct our business in a manner that befits the culture and ethos of our rich and ancient civilization, and the tolerant and accommodating nature of our multicultural society and protect all individuals, especially women and children from all derogatory acts which are contrary to the spirit of our country. I / We hereby commit to abide by the Code of Conduct for Safe and Honourable Tourism.

Recognizing that every earth resource is finite and fragile, I / we further pledge to fully implement sustainable tourism practices, consistent with the best environment and heritage protection standards, such that my / our present tourism resource requirements optimize both local community benefit and further sustainable uses.

Signature
Name in 'BLOCK LETTERS'

Seal

Place.....
Date.....

Attached true copy
H. Mank
[Stamp: H. Mank, DISTRICT ATTORNEY]

OFFICE OF THE DEPUTY COMMISSIONER, ¹²⁵ DISTT. HAMIRPUR (HP)

ORDER:-

With the approval of competent authority (Deputy Commissioner), Whereas an application for felling of trees within the limit of Nagar Panchayat, Nadaun, Distt. Hamirpur has been received from the Deputy Conservator of Forest, Hamirpur, Distt. Hamirpur (HP) which was duly enquired into and the spot was inspected by the committee under the chairmanship of Sub Divisional Officer (Civil), Nadaun vide his letter No. 131/OK/SDN dated 27th January, 2024 has forwarded the recommendation of the committee for cutting of Nineteen trees different species and descriptions.

I have perused the recommendation of the Committee constituted for the purpose and keeping in view the said recommendation and in pursuance of the provision contained in section 221 of the HP Municipal Act, 1994 read with rule 3 of the HP Municipal (Prevention of Soil Erosion and Hill Side Safety) Rules 1975, permission is hereby granted subject to the following terms and conditions in favour of Divisional Forest Officer, Hamirpur, Sub Division Hamirpur Distt. Hamirpur (HP) for cutting of Nineteen trees standing in khasra No. 1914-2002,2003,2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 Mohal Seri, Nadaun, on Govt. land ownership of Himachal Pradesh govt. possessed by Tourism Department and as per joint inspection report these trees are required to be cut for development project i.e. Construction of Tourism Hotel.

1. The applicant will ensure to plant 5 trees in place of felling of one tree as per Govt. instruction, which will be ensured by the Secretary, Nagar Panchayat, nadaun & Forest Department.
2. The applicant will deposit necessary fee as provided in the rules.
3. The applicant will carry videography of the whole felling process in order to maintain transparency.
4. The trees may be handed over to the H.P. State Forest Corporation.

Addl. Deputy Commissioner,
Distt. Hamirpur (HP)

Dated: 30th January, 2024

Inst. No DC/ UDB/2024 42-47

Copy forwarded to the following for information and necessary action:-

1. The Sub Divisional Officer (Civil), Nadaun, District Sujnapur with reference to his office letter No. & date referred to above.
2. The Divisional Forest Officer, Hamirpur Distt., Hamirpur (HP).
3. The Divisional Manager, Forest Corporation, Hamirpur.
4. The Executive Engineer, HP PWD Division, Hamirpur, Distt., Hamirpur (HP)
5. The Secretary, Nagar Panchayat, Nadaun, Distt. Hamirpur (HP)
6. The Assistant Tourism Development Officer, Hamirpur, Distt. Hamirpur (HP) with request to conduct the videography of the area in question before removing the said tree for records Distt. Hamirpur (HP).

* Hotted tree copy
M. K. Khatun
District
ATTORNEY

Addl. Deputy Commissioner,
Distt. Hamirpur (HP)

**OFFICE OF THE DEPUTY COMMISSIONER, DISTT. HAMIRPUR (HP)
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I have perused the recommendation of the Committee constituted for the purpose and keeping in view the said recommendation and in pursuance of the provision contained in section 221 of the HP Municipal Act, 1994 read with rule 3 of the HP Municipal (Prevention of Soil Erosion and Hill Side Safety) Rules, 1975, permission is hereby granted subject to the following terms and conditions in favour of Divisional Forest Officer, Hamirpur, Sub-Division Hamirpur Distt. Hamirpur (HP) for cutting of Nineteen trees standing in Khasra No. 1914-2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 Mohal Seri, Nadaun, on Govt. land ownership of Himachal Pradesh govt. possessed by Tourism Department and as per joint inspection report these trees are required to be cut for development project i.e. Construction of Tourism Hotel.

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2. The applicant will deposit necessary fee as provided in the rules.
3. The applicant will carry videography of whole felling process in order to maintain transparency.
4. The trees may be handed over to the H.P. State Forest Corporation.

Sd/-

Addl. Deputy Commissioner,
Distt. Hamirpur (HP)

Indst.No.DCH-UDB/2024 4247

Dated: 30th January, 2024.

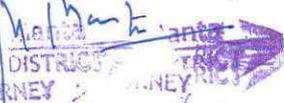
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2. The Divisional Forest Officer, Hamirpur Distt., Hamirpur (HP).
3. The Divisional Manager, Forest Corporation, Hamirpur.
4. The Executive Engineer, HP PWD Division, Hamirpur, Distt. Hamirpur (HP).
5. The Secretary, Nagar Panchayat, Nadaun, Distt. Hamirpur (HP).
6. The Assistant Tourism Development Officer, Hamirpur, Distt. Hamirpur (HP) with requested to conduct the videography of the area in question before removing the said tree for records Distt. Hamirpur (HP).

Sd/-

Addl. Deputy Commissioner,
Distt. Hamirpur (HP)

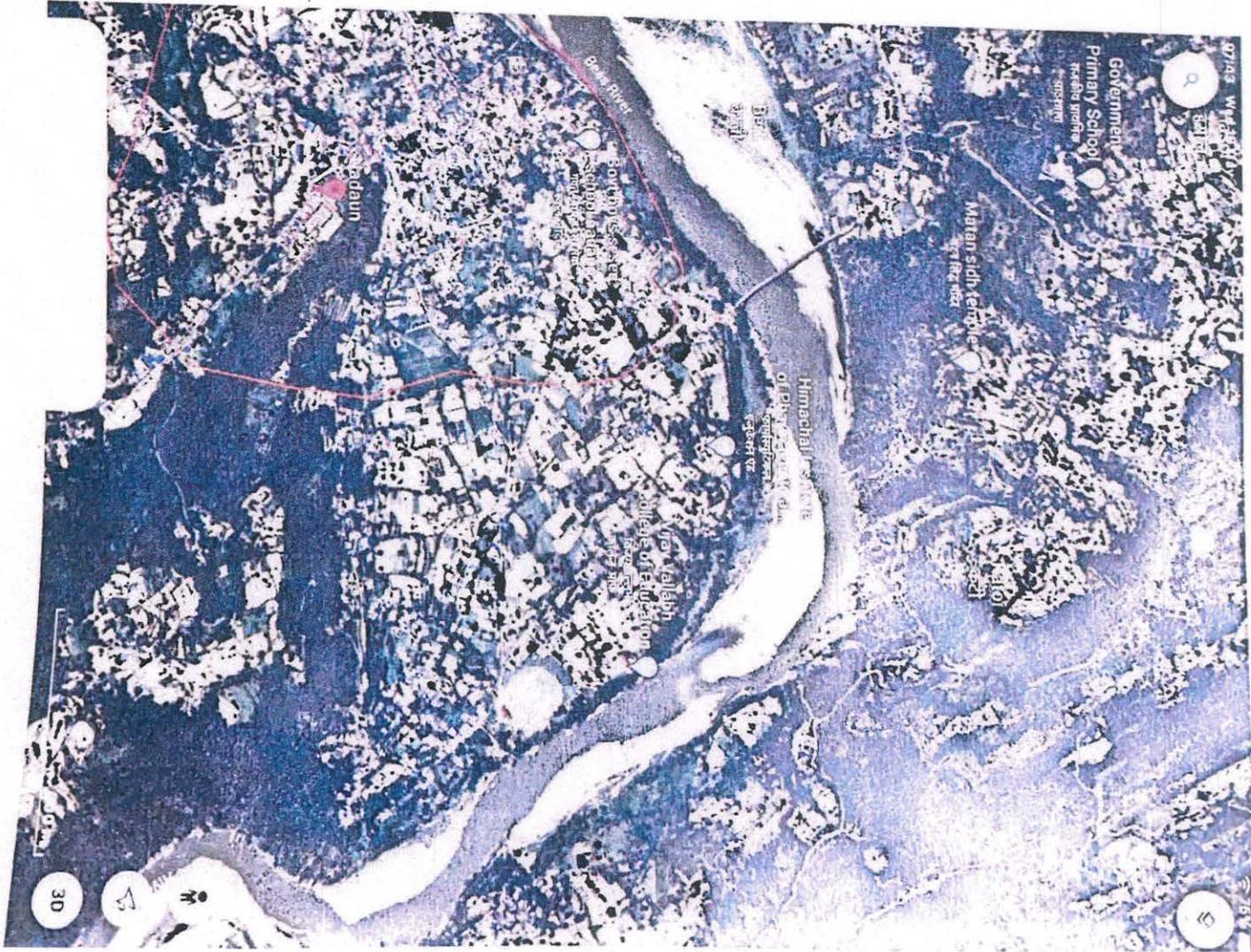
Accepted true typed copy.



ANEXUL
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-67-







- 70 -
130

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

**ORIGINAL APPLICATION NO. 325 OF 2024
(I.A. no. 126 of 2024)**

IN THE MATTER OF:

Sahdev Thakur & ors.

..... Applicant(s)

Vs.

State of Himachal Pradesh & others

..... Respondent(s)

**REPLY TO I.A. NO. 126 OF 2024 FOR INTERIM DIRECTIONS ON
BEHALF OF RESPONDENT STATE.**

To,

The Hon'ble Chairperson and

His Hon'ble Companion Members of the

Hon'ble National Green Tribunal, Principal Bench at New Delhi.

May it Please your Lordship:-

Reply on Merits:

1. That the contents of the para of this application are admitted being a matter of record, hence calls for no reply. The contents of reply to the main Original Application may kindly be read as part and parcel to the contents of this para of the application.
2. That the contents of the para of this application are admitted being a matter of record, hence calls for no reply.

3. That the contents of the para of this application are wrong, unlawful and hence denied. It is denied specifically that the applicants has got a prima facie good case and is likely to succeed in all eventualities.
4. That the contents of para 4 of this Application are absolutely wrong, contrary and hence denied. As already submitted in the main reply to the Original Application that Applicants have no locus standi to file and maintain the present Application against the replying Respondents. The present Application has been filed before this Hon'ble Tribunal by the Applicants who are busy body and cantankerous litigants who have been propped up by vested interests and is pursuing proxy litigation. Furthermore, the matter in issue qua the proposed construction of Tourism Project/ Hotel is *lis-pendens* on record before the Hon'ble High Court of Himachal Pradesh in various writ petitions on similar cause of action claiming identical relief. The details of pending litigations before the Hon'ble High Court is provided herein as under:-
 - i. CWP no. 5373 of 2023 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMP no. 10448 of 2023 and CMP no. 10450 of 2023. D
 - ii. CWP no. 10857 of 2023 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMP no. 2250 of 2024, CMP no. 19663 of 2023 & CMP no. 19664 of 2023
 - iii. CWP no. 381 of 2024 titled as Yadvinder Singh vs. State of Himachal Pradesh & ors along with CMP no. 938 2023 & CMP no. 939 of 2023.
 - iv. CoPC no. 28 of 2024 titled as Yadvinder Singh vs. Onkar Sharma & ors.

5. That the contents of para 5 of this Application are wrong, contrary and hence denied. The contents of para 4 supra may kindly be read as part and parcel to the contents of this para and it is categorically denied that the present application has been made bonafide.

It is, therefore, most humbly submitted and prayed that the application filed by the Applicants, being devoid of any merits, in absence of locus standi and legal nexus/ justification be dismissed with heavy costs to the applicants in submissions of the above mentioned reply to the application in the interest of justice, equity and fair play.


Replying Respondent(s) / State
Government of Himachal Pradesh
Through
Counsel.

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 325 OF 2024
(I.A. no. 126 of 2024)



IN THE MATTER OF:

Sahdev Thakur & ors.

..... Applicant(s)

Vs.

State of Himachal Pradesh & others

..... Respondent(s)

Affidavit in support of Civil Miscellaneous Application on behalf of Respondent State.

I, Devesh Kumar, S/o Shri B.D. Gupta, aged about 49 years, presently posted as Principal Secretary (Tourism & Civil Aviation) to the Government of Himachal Pradesh do hereby solemnly affirm and declare that the contents of paras 1 to 5 of the reply of application are true and correct to the best of my knowledge as derived from the official record placed before me.

IDENTIFIED BY
M. Mani

I, the above named deponent do hereby further solemnly affirm that the contents of this affidavit are true, no part of it is false and nothing has been concealed there from

Signed and Verified at Shimla on this the 25th day of May' 2024.

ATTESTED

Mani
Oath Commissioner

[Signature]
Principal Secretary (Deponent) to the
Government of Himachal Pradesh

"I/We, the above named deponent" was declared
in the presence of me on this 25th
day of May 2024 at Shimla
in the presence of State by Mr. Devesh Kumar
who was identified by Mr. Mani (C.A.D.A.)
who is personally known to me and the contents
of the above affidavit were read over &
explained to him and he admitted them to be
true and correct and true at the time
of making thereof.

Mani
Oath Commissioner
25/05/2024

- 74 -
34
**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 325 OF 2024
(I.A. no. 126 of 2024)**

IN THE MATTER OF:

Sahdev Thakur & ors.

..... Applicant(s)

Vs.

State of Himachal Pradesh & others

..... Respondent(s)

I, Devesh Kumar, S/o Shri B.D. Gupta, aged about 49 years, presently posted as Principal Secretary (Tourism & Civil Aviation) to the Government of Himachal Pradesh, one of the contesting respondent/ State in the above Original Application//suit/appeal/reference do hereby appoint and retain **Shri Anubhav Sharma, Panel Advocate**, to act and appear for me/us in the above Original Application/Suit/Appeal reference and on my/our behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for review, to file and obtain, return of documents and to deposit and receive money on my/our behalf in the said Civil Writ petition/ Suit/Appeal/Reference and in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 25th day of May' 2024

Accepted, Identified and certified by:-


Advocate(s)

Code No HIM/90/21


Principal Secretary (Tourism & Civil Aviation) to the
Government of Himachal Pradesh

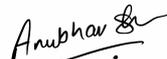
MEMO OF APPEARANCE

To,
The Registrar
National Green Tribunal,
New Delhi.

Sir,

Please enter my appearance on behalf of the
Petitioner(S)/Appellant(S)/Respondent(S)/Opposite Parties/Intervener in the
mentioned above.

Dated this the 25th day of May' 2024


Yours Faithfully

(ANUBHAV SHARMA)

Panel Advocate
S-466, 2nd Floor,
Greater Kailash-I,
NEW DELHI-110048
+ Tel:- +91-97362-99505
E-mail:- adv.anubhav@outlook.com