

Regd.

HP STATE POLLUTION CONTROL BOARD-SHIMLA
BELOW BCS, PHASE-III, NEW SHIMLA (H.P.)

No. PCB-OA No. 991/2019-

24975

Dated:

22/11-19

From: Member Secretary

To

✓ The Registrar General
Hon'ble National Green Tribunal
Faridkot, Copernicus Marg, New Delhi-110001

**Subject: OA No. 991/2019 titled as Kimsuk Krishna V. Union of India & Ors.
pending before the Hon'ble NGT.**

Sir,

This has reference to order dated 11.10.0219 passed by the Hon'ble National Green Tribunal Delhi in the aforementioned matter wherein following direction has been passed:-

".....1. Grievance in this application is that M/s Lawrence School, Sanawar is raising illegal construction in ecological sensitive area of Kasauli. The construction will lead to felling of trees. The proposed construction of value of Rs. 25 Crores will affect the eco-system. The proposed construction will also violate the order of this Tribunal dated 05.10.2018 in O.A No. 218/2017 Society for Preservation of Kasauli and its Environs (SPOKE) v. M/s Kasauli Glaxie Resorts. There is no sanctioned plan for construction. The source of information of the applicant is the Master Plan of the school which mentions the nature of the proposed construction."

".....3. In view of above, before proceeding further, we find it necessary to require a factual and action taken report regarding permissibility of the construction in question without violating the environmental norms from a joint committee comprising the representatives of the Himachal Pradesh State PCB and the Director, Town and Country Planning, Himachal Pradesh within one month by email at judicial-ngt@gov.in."

In this connection, it is submitted that the unit i.e. Lawrence School Sanawar located at Village Sanawar, Tehsil Kasauli Distt. Solan H.P was inspected by the Joint Committee comprising of the Director, Town & Contry Planning Department, GoHP and Sr. Environment Engineer, HPSPCB Regional Office, Parwanoo and was assisted by the Town

& Country Planner, Divisional Town Planning Office, Solan and Assistant Town Planner, Sub Divisional Town Planning Office, Kasauli.

As per the joint inspection report, the Unit is an educational institute and it has about 736 hostel beds, apart from faculty & staff residences and other infrastructure of the school. The Unit has installed 5 no. of STPs for treatment of domestic waste water generated. The Unit has provided 12 no. of individual septic tanks for respective blocks other than hostel buildings.

The Unit has decentralized Solid waste Management for biodegradable waste as it is a residential educational institute and has provided 12 numbers of pits for pit composting in the premises. For the sanitary waste from the girl's hostel the Unit has made an agreement with M/S Enviro Engineers Ltd. (CBMWDF).

Further, as per report, the ownership of the said land is with the Central Government, the constructed area falls outside the urbanisable area hence it does not attract the provisions of the HPTCP Act 1977. The construction under question is beyond the 50 meters from the edge of acquired land width of Kasauli-Garkhal-Dharampur road *via* Moti Kona hence the said construction is exempted under the provisions of Development Plan for Kassauli Planning Area. As the school has not increased the capacity of the school and has provided necessary environmental safeguards therefore, reportedly no adverse effect on the environment is expected.

As per report a single story building having dimension 44.5m X 35.8m (approx.) has been raised to the level of play ground. The School has also carried out renovation of an old amphitheatre.

Copy of Joint Report of the Committee is enclosed herewith which may kindly be taken/placed on record please.

Yours faithfully,


(Aditya Negi, IAS)
Member Secretary
HPSPCB, Shimla

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Inspection Report of the Joint Committee
wrt
The Lawrence School Sanawar,
Village & PO Sanawar, Tehsil: Kasauli, Distt. Solan, HP

The Principal Bench of the Hon'ble NGT has passed orders on 11.10.2019 in OA No. 991/2019 titled "Kimsuk Krishna Sinha Versus Union of India & Ors", the relevant operative part of which is reproduced herein below:-

"In view of the above, before proceeding further, we find it necessary to require a factual and action taken report regarding permissibility of the construction in question without violating the environmental norms from a joint Committee comprising the representatives of the Himachal Pradesh State PCB and the Director, Town and Country Planning, Himachal Pradesh within one month by email at judicialngt@gov.in."

Therefore, in compliance to the orders of Hon'ble NGT, the unit by the name & style of the Lawrence School Sanawar was jointly inspected by a Joint Committee comprising of the following-

1. Director, Town & Country Planning, GoHP, ,
2. Sr. Environmental Engineer, HPPCB Regional Office Parwanoo

The Joint Inspection Committee was assisted by the Town & Country Planner, Divisional Town Planning Office, Solan and Assistant Town Planner, Sub-Divisional Town Planning Office, Kasauli.

INFRASTRUCTURE:

The unit is located in Village Sanawar, Tehsil Kasauli, Distt. Solan, HP. The unit is a Residential Educational Institute and is operational since 1847. The unit has about 736 hostel beds apart from faculty & staff residences and other infrastructure of the school. The aerial view of the campus of the unit is as below (Pic No 01 & 02) –



Aerial pictures of the Lawrence School Sanawar (Pic No 01 & 02)

WASTE WATER GENERATION & TREATMENT :

The unit caters for the fresh water supply from borewell in the premises, MES Supply & hired tankers. As per the information provided by the unit the fresh water intake is about 188.0 KLD. The waste water generated from the domestic activities is treated in 05 no of Sewage Treatment Plants of capacity 30, 25, 20, 20 & 05 KLD. The combined treatment capacity of the STPs is 100 KLD. The treated waste water is reused in toilet flushing and gardening in the premises only. As the premises is spread in a hilly terrain with different blocks separated by distance and height along different slopes, the unit has provided 12 no of individual septic tanks for respective blocks other than Hostel buildings. These 12 no of septic tanks are connected to 02 no of common septic tanks of capacity 30 KL & 25 KL followed by soakage pits for treatment & disposal of domestic waste water from these buildings.

ROOF TOP RAIN WATER HARVESTING :

The unit has made provision for roof top rain water harvesting by providing 06 no of collection tanks of capacity 1.45, 1.65, 0.90, 2.5, 3.80 & 2.0 lakh liters. The harvested water is used in hostels for toilet flushing etc in the lean periods.

CONTROL OF AIR POLLUTION:

The unit has provided Hot Water Generators, Thermopacks and power back up Diesel Generator sets all fired on HSD. The details of the same are as below-

- a) 02 no of Thermopack of capacity 01 lakh kilo calories fired on HSD with stacks
- b) 01 no of Thermopack of capacity 02 lakh kilo calories fired on HSD with stack
- c) 01 no of Hot Water generator of capacity 600 kg/ hour fired on HSD with stack
- d) 03 no of power back up DG sets of capacity 125, 250 & 250 KVA each. The DG sets are acoustically enclosed with stack.

SOLID WASTE MANAGEMENT :

The unit has provided decentralized Solid Waste Management for bio degradable waste as it is a residential educational institute and has provided 12 no of pits for pit composting in the premises.

For the disposal of sanitary waste from girls hostel the unit has made an agreement with M/s Enviro Engineers Ltd. (CBMWDF).

COMPLIANCE TO THE PROVISIONS OF THE TOWN & COUNTRY PLANNING ACT 1977 :

Details of fresh construction noticed at site:

1. A single storey building having dimensions 44.5m x 35.8m (approx.) has been raised to the level of playground. (Pic No 03)
2. The unit has carried out renovation of an old amphitheater. (Pic no 04)



Pic no 03



Pic no 04

However it is pertinent to mention here that as per clause 1.(4).(d) mentioned in Chapter 1 of HPTCP Act 1977 (Act 12 Of 1977), *“Nothing in this Act shall apply to- Lands owned by any department of the Central Government where operational constructions are going on.”*

Further as per section 30-A (2) of the HPTCP Act 1977 (Act 12 Of 1977) *“Any person who owns land in areas falling outside urbanisable areas, as shown in the interim Development Plans or Development Plans of Planning or Special Areas, shall be exempted from permission under this Act for the development activities specified under sub – section (1) up to the limits as may be prescribed.”*

Also as per the Development Plan for Kasauli Planning area Clause 17.1.8 (b) the Lawrence School Sanawar falls partly in the urbanisable area up to the 50 mtrs from the edge of the acquired land width of Kasauli-Garkhal- Dharampur road via (Moti Kona).

OBSERVATIONS:

In view of the above as the ownership of the said land is with the Central Government, the area falls outside the urbanisable area hence it does not attract the provisions of the HPTCP Act 1977. The construction under question is beyond the 50 meters from the edge of acquired land width of Kasauli-Garkhal- Dharampur road via (Moti Kona) hence the said construction is exempted under the provisions of Development Plan for Kasauli Planning Area. As the unit has not increased the capacity of the school and has provided the necessary environmental safeguards therefore no adverse effect on the environment is expected.


Dr Sharawan Kumar
Senior Environmental Engineer
HP State Pollution Control Board


Lalit Jain, IAS
Director
Department of Town & Country Planning