

**HP STATE POLLUTION CONTROL BOARD,
BELOW BCS, PHASE-III, NEW SHIMLA**

No. PCB/OA No. 865/2019/- 25941

Dated:- 30/11/19

From: The Member Secretary

To

✓ The Registrar General,
Hon'ble National Green Tribunal
Faridkot House, Copernicus Marg, Near India Gate, New Delhi,
Delhi 110001.

Subject:- Original Application No. 865/2019 titled Anirudh Bisht & Ors. vs State of HP pending before the Hon'ble NGT.

Sir,

This has reference to order dated 30-10-2019 passed by Hon'ble National Green Tribunal Delhi in the afore-cited matter wherein following directions has been passed:-

".....Grievance in this application is against violation of environmental norms in the course of construction of Rajpura Hydro Power Project on Nogli Khad (river) in Rampur of District Shimla, H.P. It is alleged that dumping of waste as well as encroachment are taking place.

Let the Deputy Commissioner, Shimla Nagar and H.P. State Pollution Control Board (State PCB) look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within one month from the date of receipt of copy of this order by e-mail at judicial-ngt@gov.in. The State PCB will be the nodal agency for coordination and compliance.....".

In this connection, it is submitted that site of Rajpura HEP at Nogli Khad has been jointly visited on 25-11-2019 by the members of the joint committee comprising of Sub Divisional Officer (C) Rampur Bushahr, Deputy Conservator of Forest, Rampur Bushahr and Assistant Environmental Engineer, HPSPCB Regional Office Rampur. It has been reported by the joint committee that construction of this project was started by M/s DLI Power (India) Pvt. Ltd in the year 2009. Later on the said project was purchased by the present management i.e. M/s Rajpur Small Hydro Power Private Limited Project. The capacity of this project was also enhanced from 4.5 MW to 9.9MW. Earlier this project had consent of the Board but from the year 2017 onwards HEPs below 25 MW has been exempted from consent mechanism by Govt. of HP. The major component of this project are weir site, tunnel and water conductor system,

power house and surge shaft. There were six dumping sites earmarked for the project while carrying out the project. Muck generated was disposed off on the designated sites.

As per report of the Committee the work was stopped in year 2015 due to insolvency of old owner. Now the project has been purchased by new owner in the year 2018 and the construction work was resumed on the site. The committee found that temporary labour sheds has been constructed on the Govt forest land for which project proponent has been directed by the committee to remove the sheds immediately. No other encroachment on Govt. land has been found.

The committee further reported that no major muck dumping was found near the river bed, however in future if any excavation is to be done by the project, the muck need to be dumped only on designated dumping site. The designated dumping site is also required to be protected by raising the height of retaining wall.

Copy of detailed report received from the joint committee is enclosed herewith which may kindly be taken / placed on record please.

(Encl: as above)

o/c


Aditya Negi, (IAS)
Member Secretary
HPSPCB, Shimla-9
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H.P. STATE POLLUTION CONTROL BOARD

"Opp. Indira Market, Rampur, Distt. Shimla (HP)"

Phone and Fax No. 01782-233887

Website: <http://hppcb.nic.in>

No.PCB/RMP/OA No.865/2019/- 530-31

Dated: 28/11/19

To

✓
The Member Secretary,
H.P. State Pollution Control Board.
Shimla H.P.

Subject:

OA No.865/2019 titled Anirudh Bisht & Ors. V/s State of HP & ors. pending before the Hon'ble NGT Delhi.

Sir,

Sr. LO
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This is in reference to our head office letter No.PCB- (DL-269)OA No.865/2019-23773-74 dated 5.11.2019 and this office earlier letter No.RMP/OA No.865/2019/19-479-80 dated 6.11.2019 on the subject cited above. In this regard the joint inspection report of M/s Rajpura HEP on Nogli Khad (River) in Rampur, Distt. Shimla H.P. are attached herewith for your kind information and further necessary action at your end please.

28/11/19

Thanking you.

Yours faithfully,



Anju Negi
(Er. Anju Negi)
Asstt. Environmental Engineer
RO Rampur

Encl: As above.

Copy to :-

1. The Deputy Commissioner, Shimla w.r.t. your letter No. SML-SR-Rajpura(4.5)219/23/20111-974 dated 8th Nov.,2019 for your kind information please.

Anju Negi
(Er. Anju Negi)
Asstt. Environmental Engineer
RO Rampur

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Factual Report of the joint Committee in the matter of Original Application No. 865/2019 titled as Anirudh Bisht Vs State of HP.

In compliance to the order passed by the Principal Bench of the Hon'ble National Green Tribunal, New Delhi dated 30.10.2019 in the matter of Anirudh Bisht Vs State of HP, the site under reference has been jointly visited on 25.11.2019 by the Members of the Joint Committee comprised Sub Divisional Officer (C) Rampur Bushahr, Deputy Conservator of Forest, Rampur Bushahr and Assistant Environmental Engineer, HP State Pollution Control Board R.O. Rampur.

During the site inspection, it has been observed by the inspection committee that site in question falls on the land situated at Nogli Khad (river), Rajpur HEP Tehsil Rmapur and District Shimla. It is submitted that previous management i.e. M/s DLI Power (India) pvt. Ltd. Rajpur SHEP started construction in the year April, 2009 later on above said company got involved and further this project was purchased by auction purchaser i.e. present management (M/s Rajpur Small Hydro Power Private Limited Project (9.9 MW) . c/o Arjun Singh Negi, ward No. 9 Opp. Khaneri Petrol Pump, Khaneri, Tehsil Rampur, Distt. Shimla (HP)). The capacity of this project is also enhanced from 4.5 MW to 9.9 MW. Construction of the entire project was carried out with the prior consent of the State Pollution Control Board but later on in the year. 2017 Small Hydro Power Project below 25 MW were exempted from the purview/consent of pollution Control Board by the Govt. of HP. The major components of this project were wear site, tunnel & water conductor system. power house and surge shaft. There were six dumping sites evinced for the project while carrying out the project. Muck generated was disposed off on designated dumping sites. Monthly muck return reports were submitted regularly up to Sept. 2014. on the prescribed format to the HP State Pollution Control Board.

The work was stopped in the month of March, 2015 due to insolvency of old owner/management. Now the project has been purchased by new owner in the year 2018 and the construction work was resumed on the site. During the site visit committee found that there is an existing road connected to the wear site presently being used by the local villagers, Sai Engg. Works pvt. Ltd. (Hydro Power Project) and Rajpur SHEP. This road has been constructed before the year 2014 as per the statement of local villagers. Near the wear site

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there are 2 No. of temporary labour shed constructed by the present project proponent without the diversion of Govt. Forest land. The Committee has given direction to the project proponent to remove the temporary labour shed immediately and project owner has assured that he will shift the labour shed to the nearby land for which he has received diversion approval from the Govt. In addition to this present Project proponent has entered into an agreement with Mata Mangla Kali Mandir Sudhar Sabha for the utilization of temple land for water conductor system for a consideration of rupees 28 lacs. No other encroachment on Govt. land has been found.

The committee found no major muck dumping near the river bed, however future excavation to be done by the project proponent for installation of water conductor system must be dumped on designated dumping site which is approx. 500 meter from the wear site. This designated dumping site is required to be protected by raising the height of retaining wall. The inspection report is submitted for kind perusal please.


Sub-Divisional Officer (C)
Rampur Bushahr, Distt.
Shimla, H.P.


Deputy Conservator of Forest,
Rampur Bushahr, Shimla H.P.


Assistant Environmental Engineer,
HP State Pollution Control Board,
R.O. Rampur Distt. Shimla H.P.