

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

IN

O.A. NO. 127 OF 2024

IN THE MATTER OF:

Naathu Ram Chauhan

.....Applicant

Versus

Ministry of Road Transport and Highways & Ors ...Respondents

**OBJECTIONS/RESPONSE ON BEHALF OF THE APPLICANT TO
THE JOINT COMMITTEE REPORT AND MoRTH REPORT**

1. The Joint Committee at running page no. 80 submits that

"It was also submitted by the MoRTH and the contractors that during the flash flood of 2023 in Himachal Pradesh, landslides have occurred at multiple points in the entire stretch of road. Further, it was apprised that there was immense pressure from the State Authorities and public in general to open the road blockades. To open the road, the contractors have pushed the rolled down debris of landslides on the downward side of valleys at a few places instead of dumping the muck at designated dumping sites."

2. With respect to the Joint Committee report it is submitted that the version of the Contractors and the MoRTH regarding landslides at multiple points which created road blocks, has been accepted by the Joint Committee without any verification regarding the actual amount of rainfall and the no. of landslides which have occurred.

Therefore the contention that the muck is because of the landslides, is vague and unacceptable.

3. That the defence of the contractors if taken on face value, then one could imagine a scene where the destroyed hill is at one side of road and muck is on other side of road in the valley. However, to the contrary, the photographs placed by Applicant shows the hills as if they have been cut and not destroyed by landslides. It is submitted that the page no. 33 to 35 and 41, 45 shows the JCBs and machines throwing the hill cut material from the hill side into valley side. Photograph at Page no. 51, 56 and 57 clearly shows the dumping by dumpers in to the valley. It is submitted that no explanation has been offered in reply to these photographs.
4. It is submitted that one could easily distinguish between Landscape created by a landslide and the landscape created by man made cutting of hill.

Therefore from the practical point of view, it is submitted that had the landslides occurred on the steep side of hill, then it must have been visible in the photographs placed by the Applicant. It is therefore submitted that the stand taken by the contractors is false, misleading and incorrect on the face of it.

5. That the Joint Committee at page number 87 acknowledges the damage to the springs and rivulets by stating that **"It is true that many of these streams were found to be obstructed with debris and sediments, leading to damage to the Kuhls and consequently disrupting water supply to the village"**

6. It is submitted that the statement has been made just as a passing reference whereas the fact has been that source of drinking water has been permanently damaged and for that no detailed study has been made as to the number of people affected which survives on these natural streams. Further, the quantity of damage present in future has also not been assessed.
7. It is again submitted that the contractors have again tried to shift claim on the landslides for the destruction of these springs and natural streams. It is submitted that the environment violators are absolutely liable for the damage cost while carrying out any activity affecting the environment.
8. That it appears that the contractors have tried to shift the blame of muck disposal all along the sections of the road, upon the incessant rain occurred during the month of July 2023. However the photographs placed on record by one Shivalik Buildtech private Ltd is depicting altogether a different picture. That the Shivalik Buildtech Private Limited at page no. 745 of the report has submitted to the HPPCB on 05/09/2023, the **before and after damage photographs.**
9. It is submitted that even in the Before damage photographs particularly at page number 746, 747, 748, 753,754,756, 760, 768, there is visibly the disposed of muck lying on the steeper side of the valley. Therefore the stand of at least the Shivalik builtech limited that the muck on the steeper side is because of the landslide occurred during the incessant rainfall, is contrary to the photographs placed on record by it.

10. That the observation of the committee at page number 796 is correct when it says that the entire section of road from 0-87 kilometre there has been no detailing of the approved or selected site of dumping, their location, their area, their capacity, the ownership of area whether land is private or govt has not been recorded.

Therefore it submitted that all such sites wherever the muck is found shall be verified.

11. It is submitted that the observation of Joint committee at page no. 796 to 799, and 802 has confirmed the allegations of the Applicant regarding haphazard disposal of muck on the steep slopes at hill side at the undesignated sites and also destroying the various rivulets.

It is submitted that the defence taken by the contactors that the disposal of muck at the un-designated sites is because of the rainfall and landslides, needs to be thoroughly inquired into by an independent probe.

12. That the MoRTH has placed on the record several photographs showing the Gabion Protection work from running page number 889-911. In this regard it is submitted that same appears to be undesignated sites. It needs to be verified whether the same are from the designated sites or not.

13. It is Submitted that the all the construction companies were directed strictly to take measures for controlling dust, however same has never been adopted. In this regard the applicant has submitted various photographs in its original application showing

bowl of dust during operation of machines and throwing into valley.

14. It is submitted that the MoRTH has discussed the photographs placed on record by the Applicant and made certain observations and action taken to control the debris. The said observations photograph wise is from page no. 1693-1712.

It is However submitted that the MoRTH has not disputed the allegation that the said sites are not designated sites.

15. It is submitted that although this subject matter project has been funded by the World Bank and it has a tagline Green Corridor. However, the Ministry has not explained the extra measures which are required in such a special project and what does this term Green corridor mean in this project.
16. It is further submitted the Stone crushers installed by the contractors HES Infra Pvt Ltd were stated to be valid till 31.03.2024 in the Joint Committee report at page no. 800. However, it is submitted that as per the latest new paper report dated 10 July 2024 published in **Newspaper "Mera Sirmaur"** which reports that the 3 hot mix plants and 2 stone crushers of HES company were operating illegally which has been seized by the authorities. They were reported to be running illegally for long time.

The copy of news paper report dated 10.07.2024 is enclosed herewith.

PRAYER

It is prayed that the defence taken by the contactors that the disposal of muck at the un-designated sites is because of the rainfall and landslides, needs to be thoroughly inquired into by an independent probe.

It is further prayed that all such sites wherever the muck is found shall be verified whether they are designated or not.

Dated 23.07.2024



Applicant

Through



Counsel

दिव्य हिमाचल 3783 मेरा सिरमौर

अपनी जिमी का एक अखबार



नाहन। यूको स्वरोजगार योजना के तहत सिल्वर प्रशिक्षण के दौरान मौजूद महिलाएं

divyahimachal.com

शिमला, बुधवार, 10 जुलाई, 2024

f/divyahimachal d/divyahimachal

फोरलेन कंपनी के तीन मिक्सचर-दो क्रशर सीज

पांवटा साहिब में एसडीएम शिलाई और प्रदूषण नियंत्रण बोर्ड की कार्रवाई से हड़कंप

सुरत पुडीर - नाहन

पांवटा साहिब से फेडिब रूडविय राजमार्ग-707 पर कैकेज-3 का चौड़ीकरण कार्य कर रही कंपनी पर एसडीएम शिलाई और प्रदूषण नियंत्रण बोर्ड ने बड़ी कार्रवाई अमल में लाई है।

इस दौरान प्रशासन व प्रदूषण नियंत्रण बोर्ड की संयुक्त टीम ने तीन क्रशर प्लांट व दो मिक्सचर प्लांट सीज कर दिए हैं। जानकारी के मुताबिक सड़क निर्माण कार्य



कर रही एचईएस इंफ्रा कंपनी व एचईएस की सबलेट रुधनव इंफ्रा कंपनी कई महीनों से नियमों को ताक पर रखकर कई महीनों से अवैध रूप से मिक्सिंग और क्रशर प्लांट चला रहे थे, जिसके संदर्भ में प्रदूषण नियंत्रण बोर्ड ने नोटिस भी जारी किए थे, लेकिन कंपनी ने

बरसात में पहाड़ों का अंडर कर लगाकर क्रशर के लिए भारी मात्रा में पत्थरों को निकला, जिससे पैदा हुए मानव निर्मित धूल-खलन में लोगों को कई प्रकार के नुकसान उठाने पड़े तथा प्रदूषण बोर्ड के बंद करने के नोटिस के बावजूद भी कंपनी दिन रात क्रशर व मिक्सचर प्लांट चला रही थी, जिस पर प्रदूषण नियंत्रण बोर्ड ने कड़ा संज्ञान लेते हुए क्रशर को सीज कर दिया है। एसडीएम शिलाई सुरेंद्र मोहन ने बताया कि एचईएस कंपनी द्वारा

- पहाड़ काटकर पत्थर निकालना पड़ा महंगा, नोटिस के बाद भी नहीं माने
- प्रशासन ने मैटिरियर भी कब्जे में लिया



क्रशर और मिक्सचर प्लांट से होने वाले प्रदूषण के कई पहलुओं में कमी पाई गई, जिस पर प्रदूषण नियंत्रण बोर्ड ने पीडब्ल्यूडी अधिशाषी अभियंता शिलाई, पुलिस प्रशासन की संयुक्त टीम के

साथ प्लांटों को सीज कर दिया है। उन्होंने बताया कि प्रदूषण नियंत्रण बोर्ड द्वारा कंपनी के उपर जांच पड़ताल के बाद जुर्माना कर सकता है। जब तक कंपनी सारे नियमों और शर्तों को पुरा नहीं करती तब तक प्लांट को बंद रखा जाएगा तथा वहां पड़े मैटिरियल स्टॉक को भी जब्त कर लिया गया है। एचडीएम

शौचालयों के रखरखाव के टैंडर शुरू

पांवटा साहिब में बाहरी राज्यों खाद्य सामग्री लाने पर वसूल होगी मार्केट फीस

कार्यालय संवाददाता-पांवटा साहिब

पांवटा साहिब में बाहरी राज्यों से पहुंचने वाले दुग्ध, मुर्ग-अंडे समेत कई अन्य खाद्य सामग्रियों पहुंचती हैं। अब इनसे मार्केट फीस वसूल की जाएगी। इसके लिए मंडी समिति टास्क फोर्स कमिटी गठित कर दी

एपीएमसी सिरमौर अध्यक्ष सीता राम शर्मा ने कहा कि बिना लाइसेंस लहसुन, दुग्ध उत्पाद, मुर्ग व अंडे बाहरी राज्यों से पहुंच रहे हैं। निर्धारित नियमों के अनुसार इनसे मार्केट फीस वसूल कर आय बढ़ाई जायेगी।

ललित किराया राशि वसूलने के लिए नोटिस जारी

बैठक में विचार मंथन हुआ। जिसके लिए एसडीएम पांवटा के नेतृत्व में कमिटी के माध्यम से

31 अगस्त तक चलेगा डायरिया नियंत्रण अभियान

उपायुक्त ने बैठक कर दिए निर्देश, ओआरएस घोल और जिंक टेबलेट बांटी जाएं

दिव्य हिमाचल ब्यूरो - नाहन

सिरमौर जिला में वर्षा ऋतु के दौरान फैलने वाले डायरिया की रोकथाम के लिए एक जुलाई से 31 अगस्त, 2024 तक विशेष अभियान चलाया जा रहा है। नाहन



एचईपीओ के टीके लगाए गए हैं। उन्होंने सभी माताओं से अपने-अपने शिशुओं को नियमित रूप से टीके लगाने का आह्वान किया है। इस अभियान में विद्यार्थियों को स्वास्थ्य, शिक्षा, स्वच्छता, नागरिक अधिकार, सामाजिक सरोकार आदि