

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHIORIGINAL APPLICATION NO. 481 OF 2025  
(Under Section 14 read with Sections 15 and 18 (1) of the  
National Green Tribunal Act, 2010)IN THE MATTER OF:

Nachiketa Sharma

...Applicant

-Versus-

Union of India &amp; Ors.

...Respondents

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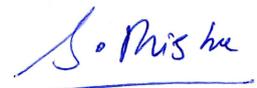
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Date: 26.11.2025

Place: New Delhi

DRAWN AND FILED

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BEFORE THE NATIONAL GREEN TRIBUNAL  
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ORIGINAL APPLICATION NO. 481 OF 2025  
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**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY  
FILED BY THE RESPONDENT NO. 2 I.E. NATIONAL HIGHWAY  
LOGISTICS MANAGEMENT LIMITED (“NHLML”) DATED 08.11.2025**

1. The instant rejoinder is being filed on behalf of the Applicant to the reply filed by the Respondent No.2 i.e. National Highway Logistics Management Limited (hereinafter referred to as “**answering respondent**”). The Applicant at the very outset, disputes and denies each and every averment made by the answering respondent in its reply except those which are being admitted hereinafter specifically or borne out of the record of this case. Unless specifically admitted, nothing in the reply be deemed to have been admitted for want of specific traverse. The Applicant also wishes to reiterate and reaffirm the submissions made by it in the Original Application.
2. It is humbly submitted on behalf of the Applicant that before it proceeds to reply on the merits of the response filed by the answering respondents, the Applicant wishes to make the following preliminary submissions:

**PRELIMINARY SUBMISSIONS AND OBJECTIONS**

**A. ABSOLUTE ABSENCE OF VITAL SCIENTIFIC STUDIES SUCH  
AS SLOPE-STABILITY AND GEOLOGICAL RISK ASSESSMENT**

3. One of the major contentions raised by the Applicant in the Original Application is the ecological fragility of Kharal Valley which has been experiencing frequent landslides. The Applicant has contended that the 2.4 km ropeway project at Bijli Mahadev, Kharal Valley, Kullu District, Himachal Pradesh (hereinafter “Project”) has been set up without conduction

of any scientific studies with respect to the slope stability and geological risk of the Project Site.

4. The answering Respondent No.2 has constantly placed reliance on a feasibility report i.e. Annexure R-2/20 dated 03.07.2023 to contend that all necessary assessments and studies have been conducted at the Project site. However, the said feasibility report is in no manner a detailed scientific report but a preliminary risk assessment report which can in no manner act as a substitute of the required and established scientific studies.
5. Reference in this regard is draw to the Respondent No.2's own feasibility report, wherein it has clearly been first admitted that the Project Site has been situated a Seismic zone-V area (Page No. 180) and the area is prone to natural calamities such as Earth quakes, Landslides and Flooding. The said report merely suggests that "*Structural stability and appropriate safety considerations must be considered further to prevent damage to the ropeway system due to landslides.*"
6. Therefore, the said feasibility report which is being passed off as a comprehensive assessment including all technical and scientific assessments is a mere eye wash and at best is a preliminary survey of the Project site. No evidence of engagement of specialist consultants to assess the risks posed by occurrence of Flooding, Avalanches, Wind and Cyclone and Cloud burst which the area frequently experience, have been put forth by the answering respondent. The Project Site, has admittedly been experiencing frequent landslides and it is the primary responsibility of the answering Respondent to ensure that all due assessments must be undertaken before commencing any work at the Project site.
7. The Reply also ignores the specific recommendations of the Joint Committee of the Hon'ble NGT in O.A. No. 720/2023, which mandated slope stability studies, geotechnical investigations and carrying capacity assessments prior to undertaking major infrastructure in the Higher Himalayas. The State's own affidavit dated 24.05.2025 in those proceedings admits the necessity of such studies.
8. Additionally, the answering respondent has only annexed an incomplete copy of the feasibility report as none of the appendices which form part of the report and contain details about the Geology Report and Environment Impact Assessment Report carried out by the consultant can be found, the same is apparent from a perusal of Page Nos. 203-216 of the reply filed by the answering Respondent.

**B. THE ANSWERING RESPONDENT HAS PLACED AN OVERWHELMING RELIANCE ON THE ADMINISTRATIVE**

**APPROVALS/PERMISSIONS WHILE COMPLETELY FAILING  
TO ACKNOWLEDGE THE GROUND REALITY OF THE  
PROJECT SITE.**

9. The answering respondent's reply is primarily centered around the approvals and permissions granted to it by Respondent No. 4 and 5. However, the said approvals and permissions have been granted without due regard to the situation at the Project Site.
10. The answering Respondent has alleged that the Applicant has failed to demonstrate nexus between the Project and the landslides in the Project site. The same contention has been made in ignorance of undeniable occurrence at the Project site. The Photographs put forth by the Applicant clearly show fresh slope failure and ground subsidence. It is pertinent to mention that Kharal Valley slope has a history of shallow debris slides triggered by vegetation removal.
11. The setting up of the ropeway project entails widespread deforestation, excavation for tower foundations, cutting of slope benches, movement of heavy machinery and creation of access pathways. These are well known triggers for slope failures in the region and therefore the Respondent's denial is scientifically untenable.
12. The answering respondent repeatedly relies on the fact that various administrative and forest permissions have been obtained. However, statutory permissions cannot substitute scientific risk assessment, nor can they shield the project from judicial scrutiny where the safety of citizens, ecological balance and compliance with statutory norms are in question
13. It is therefore submitted that even if assuming without admitting, the approvals and permissions granted to the answering respondent fulfill of all the necessary compliances, the fragility and precarious situation of the Project site cannot be overlooked.

**C. THE ANSWERING RESPONDENT HAS FAILED TO PRESENT  
THE CORRECT PICTURE WITH RESPECT TO TREE FELLING  
AT THE PROJECT SITE.**

14. The Respondent has attempted to subvert the gravity of the deforestation that has occurred due to setting up of the Project. Even though the Respondent has contended that 72 trees have been approved for felling for the purpose of construction of the forest, the same is in stark contrast to public reports which indicate that a higher number of trees have been cut for the purpose of setting

up of the project. It is an admitted fact that 203 trees were coming under the proposed alignment of the Project.

15. It is submitted that any amount of deforestation in the ecologically sensitive project site would lead to destabilization of slopes.

**D. THE ANSWERING RESPONDENT HAS RESORTED TO FORGING DOCUMENTS IN ORDER TO COMPLY WITH MANDATORY PROVISIONS OF THE FOREST RIGHTS ACT,**

16. While the crux of the answering respondent's reply revolves around the Project being fully compliant with the relevant law, the Respondent has gone to the extent of forging signatures of the Pradhan of the Forest Right Committee in Peccha, District Kullu in the minutes of a meeting purportedly held on 09.12.2019 in compliance of provisions of The Schedule Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 (Page No. 231) .
17. The Pradhan, Shri Kam Nath, has after discovery of the said blatant act of forgery has preferred a criminal complaint before the SHO, Dhalpur, District Kullu, Himachal Pradesh seeking investigation and action in accordance with law. A True Copy of the Complaint dated 26.11.2025 filed by Shri Kam Nath before the SHO, Dhalpur, District Kullu, Himachal Pradesh is annexed and marked hereto as Annexure A/1 (Page Nos. \_\_\_\_ to \_\_\_\_).
18. That the aforesaid facts, taken together, reveal a deeply alarming pattern of conduct on the part of the Answering Respondent. The very act of fabricating signatures of the Pradhan of the Forest Rights Committee, an authority whose consent is statutorily indispensable under the Forest Rights Act, 2006 demonstrates not merely procedural irregularity but a clear and deliberate attempt to mislead statutory authorities and this Hon'ble Tribunal. Such forgery cannot occur without mala fide intent and reflects an unholy haste to push the project through at any cost, even at the expense of statutory compliance, rights of forest-dwelling communities, and the fragile ecology of the Kharal Valley. This conduct strikes at the root of the Respondent's claim of transparency and due diligence, and establishes that the project is being advanced through illegal means that render all subsequent approvals and proceedings fundamentally tainted and liable to be set aside.

**PARAWISE REPLY**

19. The contents of Paragraphs 1-3 of the Reply are formal submissions and require no specific response. However, the Applicant denies the sweeping allegation that the Original Application is based on "assumptions." The OA

relies on on-ground facts, photographs, scientific reasoning, and statutory non-compliances which the answering respondent has chosen to ignore.

20. The contents of Paragraph 3.1-3.4 regarding the Parvatmala scheme and execution of MoU are matters of record. However, no ropeway project, irrespective of the scheme can be insulated from mandatory scientific assessment and environmental due diligence, especially in a geologically fragile Himalayan region where frequent disasters have been officially recorded. The submissions made in the present rejoinder and the Original Application are reiterated and reaffirmed herein and anything contrary to the submissions made therein are vehemently denied.
21. With respect to contents of Paragraphs 3.5-3.6 it is submitted that the Respondent's reliance on MoEF&CC notification dated 27.04.2022 exempting ropeways from EC does not exempt the answering Respondent from important scientific assessments such as slope stability studies, geotechnical analysis, carrying capacity studies and seismic risk assessment. The Hon'ble Tribunal's Joint Committee report in O.A No. 720/2023 specifically mandates such studies for all Himalayan infrastructure projects. The submissions made in the present rejoinder and the Original Application are reiterated and reaffirmed herein and anything contrary to the submissions made therein are vehemently denied.
22. With respect to Paragraphs 3.7-3.20 it is submitted that the series of administrative approvals relied upon by the Respondent No.2 are irrelevant unless the Respondent demonstrates that these approvals were granted after considering scientific risk assessments. No such material has been furnished. Most significantly it is reiterated that the Feasibility report dated 03.07.2023 (Annexure R-2/20) is not a scientific study but a preliminary technical assessment that itself:
  - i) Admits the Project Area falls in Seismic Zone V.
  - ii) Acknowledges high vulnerability to landslides, earthquakes and flooding, and
  - iii) Recommends further structural stability and safety studies, none of which have been done by the Respondent.

The submissions made in the present rejoinder and the Original Application are reiterated and reaffirmed herein and anything contrary to the submissions made therein are vehemently denied.

23. The contents of Paragraphs 5.1(a) to 5.1(d) are vehemently denied. It is submitted that the answering respondent's reply is silent on the ground level removal of vegetation, clearing of slope benches, excavation and associated disturbances that cumulatively result in deforestation beyond the enumerated trees. It is submitted that the answering Respondent has not filed any

geotagged photographs, field verification reports, stump-count records or joint inspection reports to support its claim of cutting of 67 trees only. The submissions made in the present rejoinder and the Original Application are reiterated and reaffirmed herein and anything contrary to the submissions made therein are vehemently denied

24. The contents of Paragraph 5.2 are wholly denied. The contents of paragraphs 3-8 are reiterated and reaffirmed herein and anything contrary to the said submissions or the submissions made in the Original Application are vehemently denied.
25. The contents of Paragraph 5.3 are wholly denied. The contents of paragraphs 16-18 are reiterated and reaffirmed herein and anything contrary to the said submissions or the submissions made in the Original Application are vehemently denied.
26. The contents of Paragraph wise reply to the Brief facts and the Grounds are denied in toto. The submissions made in the present rejoinder and the Original Application are reiterated and reaffirmed herein and anything contrary to the submissions made therein are vehemently denied.
27. The Petitioner reiterates the prayer made in the Original Application and rejection of the submissions made by the answering Respondents in its reply.

Date: 26.11.2025

Place: New Delhi

DRAWN AND FILED

BY:



Swaroopananda Mishra/Mrigank Bhardwaj/  
Dhriti Sharma/Rahul Kumar  
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IN THE MATTER OF:

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...Applicant

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...Respondents

I, Nachiketa Sharma, S/o Rohini Kumar Sharma, aged about 41 years R/o 10, Upper Dhalpur, Kullu, Himachal Pradesh-175101 and presently in New Delhi, do hereby solemnly declare and affirm as under:

1. That I am the Petitioner in the above-captioned matter and I am competent to file the present petition.
2. That I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.
3. That the contents of the accompanying Rejoinder including the applications has been drafted by my Advocate/counsel as per my instructions and the averments made therein are true to my personal knowledge, and as derived from the records, or based on other sources, and are based on legal advice, which I believe to be true and correct.
4. That the contents of the accompanying Rejoinder are read over to me and no part of the same is wrong and nothing material has been concealed therefrom. I have included information that is, according to me, relevant for the present Petition.



N. S.   
DEPONENT

**VERIFICATION**

Verified at New Delhi on this 09 SEP 2025 day of September, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief based on record. Nothing material has been concealed.

**ATTESTED**  
  
**NOTARY PUBLIC**  
**(INDIA)**

N. S.   
DEPONENT

**09 SEP 2025**

I identified the deponent who has signed the affidavit in my presence  
Adv. Anil Agrawal

सेवा में

स्टेशन हाऊस ऑफिसर,  
कुटलू।

विषय:- लली हस्ताक्षर पर FIR दर्ज करने के लिए।

- महोदय,
- निवेदन यह है कि मैं वन अधिकार समिति पेट्टा  
का प्रधान हूँ दिनांक 20/12/2019 को मुहाल पेट्टा की बैठक  
केपछ ॥ वज पेट्टा में दर्शायी गई है निम्न कार्य पेश हुए।
- 1) वन अधिकार अधिनियम के अन्तर्गत व्यक्तिगत कार्य।
  - 2) वन अधिकार अधिनियम के अन्तर्गत सामुदायिक कार्य।
  - 3) वन अधिकार अधिनियम के अन्तर्गत सामुदायिक वन संरक्षण समिति के कार्य।
- ② पृष्ठ-मे मे 9/12/2019 को मेरी अध्यक्षता में वन अधिकार समिति पेट्टा  
की बैठक दर्शायी गई।

महोदय इन दोनों पत्रों में मेरे लली हस्ताक्षर किए गए हैं। मैंने  
इसमें कोई भी हस्ताक्षर नहीं किए हैं। न ही पेट्टा मुहाल  
में इस प्रकार की कोई बैठक हुई। इस लली कार्य पर FIR  
दर्ज करने की कृपा करें। किसी भी पर उचित कार्यवाही हो  
ताकि आवेदन में भी इस प्रकार के लली कार्य न हो।

दिनांक 26/11/2025

गवदीय  
कांम नाथ

कांम नाथ  
गांव पेट्टा अंवासी  
तहसील जिला कुटलू (दिल्ली)  
प्रधान वन अधिकार समिति  
पेट्टा तहसील जिला कुटलू



swaroop mishra &lt;swarmishra95@gmail.com&gt;

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**Advance service of rejoinders to the Reply filed by Respondent No. 2 in OA No. 481/2025 titled "Nachiketa Sharma v. Union of India and Ors."**

1 message

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**swaroop mishra** <swarmishra95@gmail.com>  
To: rajesh@singhania.in

Thu, Nov 27, 2025 at 8:07 AM

Dear sir,

Please find the copy of the rejoinder to the reply filed by Respondent No.2 that is National Highway Logistics Management Ltd by way of advance service.

Thank you and regards,

--

Swaroopananda Mishra,  
Advocate,  
Phone No.-7016409332**Rejoinder to R 2 dt 26.11.2025.pdf**

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