

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

Original Application No. 523 of 2025

In the matter of: -

Bijli Mahadev Mandir Committee

.... Applicant

Versus

Union of India & Ors.

...Respondents

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**Filed by Adv. Soni Singh
On behalf of Central Pollution Control Board**

Place: Delhi

Dated: 12.11.2025

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Original Application No. 523 of 2025

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Applicant

Vs.

Union of India & Ors.

Respondents

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) i.e RESPONDENT NO. 3**

1. That, Hon'ble National Green Tribunal, Principal Bench (hereinafter referred as "NGT") vide order dated 14.10.2025 has sought the reply of Central Pollution Control Board (hereinafter referred as "CPCB") in the instant matter i.e. Original Application No. 523/2025 (hereinafter referred to as "OA"). Thereby, the reply is made in the instant OA in succeeding paragraphs.
2. That, at the outset, the answering respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the referred OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.
3. That, it is humbly submitted that, CPCB has been constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and The Environment (Protection) Act, 1986 (hereinafter referred to as "E (P) Act, 1986").



PRELIMINARY SUBMISSIONS: -

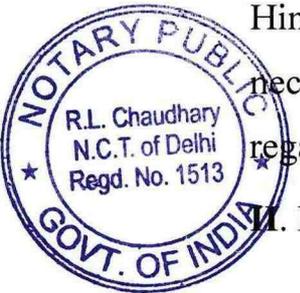
4. That, the issues raised in the matter are about construction of a 2.4 km long ropeway project allegedly without proper clearances and allegedly by doing reckless and unchecked tree felling and ecological destruction at Bijli Mahadev, Kharal Valley, Himachal Pradesh.

5. That, in context of requirement of Environmental Clearance (hereinafter referred to as "EC"), it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the requirements of prior EC and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before commencement of any construction work, or before start of land preparation, or before start of any expansion and modernization, as stipulated therein.

6. That, the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) in every State/Union Territory have been constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 5&6 of the Air (Prevention and Control of Pollution) Act, 1981 and are responsible for implementation of the provisions of both the Acts in their respective State/Union Territory



7. That, in context of cutting/felling of trees, it is humbly submitted that the conservation and protection of trees grown on private land are governed by the Himachal Pradesh Land Preservation Act, 1978 and the Himachal Pradesh Land Preservation Rules, 1983. The implementation of these provisions rests with the Forest Department of Himachal Pradesh, through the Divisional Forest Officer (DFO) concerned. Cases of trees grown on Government Forest Land, are dealt under the provisions of the Indian Forest Act, 1927, which is also implemented by the Forest Department.
8. That, upon receipt of the matter, it has been duly communicated to the concerned enforcement authorities/agencies, viz., the State Environment Impact Assessment Authority, Himachal Pradesh, and the Principal Chief Conservator of Forests (HoFF), Himachal Pradesh Forest Department, Government of Himachal Pradesh, for examining the matter at the appropriate level and taking necessary action in accordance with law. True copies of the letters issued in this regard are annexed herewith as **Annexure-R3-I** and **Annexure-R3-II**. Responses are awaited.



PARAWISE REPLY: -

9. That, the averments made in Paragraph No. 1 are about the cause of filing the original application and seeking of Hon'ble Court intervention on the issue of non-implementation of various environmental laws, more particularly non implementation of the Forest (Conservation) Act, 1980; the Air (Prevention and Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986; and the Environmental Impact Assessment Notification, 2006, which has led to adverse impacts of climate change across the country. In this context, submissions made at paragraph nos. 5-8 of the preliminary submissions of this instant reply are reiterated and are not repeated herein for the sake of brevity.

10. That, the averments made in Paragraph No. 2 to 37 are about the applicant side, alleged cause of filing of original application, presence and significance of Temples including Temple under reference i.e. Bijli Mahadev in the State of Himachal Pradesh, old and native tree cover around the temple and spiritual and natural benefit due to having said tree cover, efforts of Mandir Committee and locals for protection of sanctity of referred Temple and surroundings and background of granting of above stated project, brief of the project, existing connectivity towards referred Temple, earlier and recent efforts of the State Government, concerned stakeholders, applicants' efforts and approach to various Government Departments and for protection of Temple and forest and inaction of the Government Departments, reference of Hon'ble Supreme Court judgment in the W.P. (Civil) No. 838/2019, execution of the ropeway project by alleged unscientific felling of trees and without carrying out Stability Study and necessary permissions, applicability of Forest Right Act, 2006, reference of various studies related to landslide and susceptibility etc. In this context, submissions made at paragraph nos. 5-8 of the preliminary submissions of this instant reply are reiterated here and same are not repeated herein for the sake of brevity.

11. That, with regard to the alleged contentions of the Applicant under "GROUNDS" the submissions made at preceding paragraphs of this instant reply are reiterated and same are not repeated herein for the sake of brevity.

12. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional replies if required in future.



13. That, in light of the above submission, it is respectfully submitted that, this answering respondent i.e. CPCB shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in this original application.



A handwritten signature in blue ink that reads "Sharandeep Singh".

(Sharandeep Singh)
Scientist 'E'
Central Pollution Control Board
12.11.2025



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PRINCIPAL BENCH, NEW DELHI**

Original Application No. 523 of 2025

In the matter of:

Bijli Mahadev Mandir Committee

Applicant

Vs.

Union of India & Ors.

Respondents

AFFIDAVIT

I, **Sharandeep Singh**, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 3 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein, is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT



शरणदीप सिंह / Shara.ndeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this day of 12 NOV 2025 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

शरणादीप सिंह / Sharana Deep Singh
 वैज्ञानिक ई / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
DEPONENT
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Ministry of Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032



ATTESTED
 NOTARY PUBLIC
 GOVT. OF INDIA
 12 NOV 2025



546

Annexure R3-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

No.: CM-13011/153/2025-LAW-HO-CPCB-HO

November 03, 2025

To

The Member Secretary**State Environment Impact Assessment Authority (SEIAA) Himachal Pradesh**Paryavaran Bhawan, Near US Club, Shimla-1,
Himachal Pradesh-171001

Subject: Hon'ble NGT Original Application No. 481/2025 (I.A. No.623/2025) titled Nachiketa Sharma Versus Union of India & Ors. and Original Application No. 523/2025 (I.A. No.676/2025) titled Bijli Mahadev Mandir Committee Versus Union of India & Ors. - reg.

**Ref.: (i) Hon'ble NGT (PB) Notice dated 07.10.2025 received along with order dated September 19.09.2025 in OA No. 481/2025 (I.A. No. 623/2025); and
(ii) Hon'ble NGT (PB) Notice dated 15.10.2025 received along with order dated September 14.10.2025 in OA No. 523/2025 (I.A. No. 676/2025).**

Sir/Madam,

This is in reference to above cited Hon'ble National Green Tribunal (NGT) orders (Copies enclosed).

2. Issues raised in the corresponding matters are about construction of a 2.4 km long ropeway project without proper clearances and doing reckless and unchecked tree felling and ecological destruction at Bijli Mahadev, Kharal Valley, Himachal Pradesh. It is stated that, the said project area is fragile slopes of Kharal Valley which is prone to landslides.

3. CPCB is Respondent No. 3 in the matter and has to file response/reply in both the matters. Therefore, it is requested that, the matter especially the issue of execution of the project without carrying out proper clearance study may kindly be examined at the appropriate level. It is also requested that, action as deemed fit may please be taken and status of action taken be intimated to this office at the earliest.

Encl.: As above

Yours faithfully,

(Sharandeep Singh)

Additional Director & Head-UPC-I

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



No.: CM-13011/153/2025-LAW-HO-CPCB-HO

November 03, 2025

To

**The Principal Chief Conservator of Forest, HoFF,
Himachal Pradesh Forest Department,
Government of Himachal Pradesh,
Talland, Shimla, Himachal Pradesh - 171001**

Subject: Hon'ble NGT Original Application No. 481/2025 (I.A. No.623/2025) titled Nachiketa Sharma Versus Union of India & Ors. and Original Application No. 523/2025 (I.A. No.676/2025) titled Bijli Mahadev Mandir Committee Versus Union of India & Ors. - reg.

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Encl.: As above

Yours faithfully,

(Sharandeep Singh)

Additional Director & Head-UPC-I

**'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.
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