

N.D.H.: 22.08.2024

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 627 OF 2023****IN THE MATTER OF :**

GOPAL CHANDRA VANWASSI

.....APPLICANT

VERSUS

DEPARTMENT OF INDUSTRIAL
POLICY AND PROMOTION

.....RESPONDENTS

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Place: New Delhi

Date: 17.08.2024

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2. That the present matter after the registered OA was heard by the Hon'ble Tribunal on 12.10.2023; Considering that substantial issue relating to environment is involved, this Hon'ble Tribunal passed an order forming a Joint Committee of Member Secretary, State PCB, Representative of Member Secretary CPCU and the District Magistrate Bageshwar.
3. The Joint Committee was directed to carry out the spot inspection ascertaining the truth of the allegations in letter petition and the extent of violation of environmental law, if any, and to submit the factual report.
4. The Joint Committee submitted its factual report on 30.12.2023 in respect of all the project proponents including the answering Respondent. By the said report, majorly the allegations made in the letter petition by the Applicant were found to be incorrect and rather false. However, the Joint Committee stated about a violation on part of the answering Respondent in its report. Hence, the answering Respondent is submitting the reply to the report of the Joint Committee dated 30.12.2023.
5. **Throwing of muck from Khadiya Mines into river Sariyu affecting the free flow of the river :**
 - 5.1 That it is submitted that the allegation regarding the answering Respondent throwing muck from Khadiya

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Mine into river Sariyu and affecting it's free flow is not only false but also baseless. The answering Respondent is well aware of the requirement of not to affect the flow of the water in the river and dumping of the muck in a manner so as to be harmful to the environment.

- 5.2 That in reply to the allegations made by the Applicant the report of the Joint Committee clearly states that no muck is being discharged/thrown in river Sariyu by the answering Respondent. Moreover, the Khadiya mines are unrelated to the project proponent. The said mines are located around 1.5 kms from the site of the project of the project proponent.
- 5.3 That it may be submitted that as per the report, the project of the answering Respondent is a Mini Hydel Project of 21MW. The agreement for the said project was executed between the answering Respondent and the Government of Utrakhand on 16.07.2014. The partial work of the project has started in 2019 only after obtaining all the required clearances and CTE. Presently, the work in respect of the project is under progress near Village Sisroli, Tehsil Gangolihat, District Pithoragarh.
- 5.4 The Barrage of the Hydle Power Project will be made on the border of distrcits Bageshwar and Pithoragarh and is around 300m downstream from the Sateshwar

Mandir Sangam. This work has not yet started. Currently the work of tunnel construction is in progress.

5.5 That from the Joint Committee report, it is clear that the muck taken out from the tunnel is being kept at a private land which belongs to the answering Respondent and is not being thrown into the river. It is also pertinent that the report clearly mentions that the distance of the river from the dumping ground is around 50m. Hence, there is no possibility of the muck taken out from tunnel obstructing the free flow of the river. A copy of Google imagery of the muck dumping ground is ANNEXURE A-1.

5.6 That as per the report which clearly states that no mine material or muck has been thrown into the river and the report further states that the water of river Sariyu is not found to be polluted on the site of the project. The answering Respondent has not violated any environmental law by disturbing the free flow of water in the river and has rather utilised the waste material in the best possible manner.

6 Answering Respondent is operating a mobile stone crusher without any sanction :

6.1 That the aforesaid allegation against the answering Respondent is incorrect and false. The answering Respondent has not yet installed any stone crusher at

the site and, therefore, no such stone crusher is operating on site of the answering Respondent much less the allegation of operating the stone crusher without any sanction.

- 6.2 That from the perusal of the Joint Committee report it is evident that presently in order to establish a mobile stone crusher of 20 Ton per Hour capacity, application for permission has been made to the District Magistrate Pithoragarh. The report clearly states that the crusher machine will be established after the permission from the District Magistrate Pithoragrah. The report further states in para 2 at page 19 that no stone crusher is in operation at the site.
- 6.3 That is pertinent to mention that earlier the company had purchased a mobile stone crusher but before the same could reach the location of the project, it fell down in the gorge because of the improper road conditions and hence could not be established. Thus, it is clear from the factual report of the Joint Committee that no mobile stone crusher is in operation at the site of the answering Respondent without sanction as alleged by the Applicant.
- 6.4 That it will not be out of place to mention that presently for the purpose of its construction work the answering Respondent is purchasing the stone dust and aggregate of sizes 20mm, 6mm, etc. from the registered

stone crushers operating in District Bageshwar and Pithoragarh. A list of the vendors along with the year and amount of dust and aggregate purchase by the answering Respondent is ANNEXURE A-2.

7 Answering Respondent is alleged to have constructed road on forest/panchayat/civil land without any permission:

- 7.1 That it is incorrect and false allegation by the Applicant against the answering Respondent. There has been no construction on any forest etc land by the answering Respondent without the permission from the authorities concerned.
- 7.2 In reply to the allegation, the report of the Joint Committee is evidently clear that the construction activities carried on by the answering Respondent is done on 3.52h of forest land allotted to it on 40 years lease by the Government of India subject to its terms and conditions.
- 7.3 That pursuant to the approval granted by the Government of India MOEF&CC on 17.01.2019 under Section 2 of the Forest Conservation Act 1980, the State of U.K. granted permission to the answering Respondent for construction of 21 MW capacity hydro power project. The approval granted by the Government of India,

MOEF&CC dated 17.01.2019 is ANNEXURE A-3.

- 7.4 That the Government of India in principle has granted approval on 29.08.2018 to the Government of Uttarakhand for transfer of 3.525 hc of forest land to answering Respondent for its project in return of transfer of 7.04 hc of civil land in name of forest department.
- 7.5 That pursuant to the said approval on 15.09.2018 and 18.09.2018 the District Magistrates, Bagheshwar and Pithoragarh, respectively sent a letter to the answering Respondent to deposit the cost of the NPV of the 0.34 hct and 3.18 hct, respectively of the forest land to be transferred. Further, by the same letter dated 18.09.2018 the District Magistrate, Pithoragarh informed the answering Respondent to deposit the money for the compensatory afforestation on 7.04 hct of land.
- 7.6 The amounts as directed by the District Magistrate, Pithoragarh towards compensatory afforestation for 7.04 hc land for Rs. 19,61,802 was duly deposited and pursuant to which the 7.04 hct land was also transferred to the forest department as per the order of the District Magistrate, Pithoragarh.
- 7.7 That, thereafter a sum of Rs. 20,89,260/- and Rs. 2,23,380/- total Rs. 23,12,640/- was also deposited

towards the NPV of the forest land of 3.18hct and 0.34 hct in Pithoragarh and Bagheshwar as per the direction of the District Magistrates, Bageshwar and Pithoragarh respectively.

7.8 That thereafter the answering Respondent also gave the undertaking that in case of any increase in the NPV in future under the orders of the Supreme Court/ Government of India, the difference in increased amount will be deposited by the answering Respondent. A letter dated 12.12.2018 indicating the compliance of the terms and conditions of the approval in principle by the Government of India was sent to the Addl. Chief Conservator of Forest, Dehradun for issuance of the approval for transfer of 3.53 hct of forest land on lease of 40 years in favour of answering Respondent. A copy of the letter of compliance issued to the Addl. Chief Conservator of Forest, Dehradun dated 12.12.2018 is **ANNEXURE A-4**

7.9 That, thereafter on approval from the Government of India by letter dated 17.01.2019 the forest land for 3.52 hct was given on lease for 40 years to the answering Respondent to raise necessary construction for the 21 MW hydel power project. The construction as required to be raised is raised only in strict compliance with the terms and conditions of the approval and within the approved area only.

7.10 That there is no land belonging to forest, panchayat or civil land which is being used by the answering Respondent without permission. The allegations made are baseless and incorrect.

8 Mining operation in district Bageshwar and Pithoragarh are carried on in violation of EC/CTE/CTO conditions :

8.1 That the aforesaid allegation is not only false and incorrect but also vague in itself. The Applicant has merely alleged of operation carried out by the answering Respondent in violation of EC/CTE/CTO without specifying the actual conditions violated.

8.2 That the report of Joint Committee clearly mentions that no such violation has been done by the answering Respondent of the EC/CTE/CTO while carrying out its operations.

8.3 That the report clearly mentions that the Mini Hydel Power project of the answering Respondent of 21 MW being less than 25 MW comes within the white category. Such white category limits are kept out of the requirement to obtain CTO from the State Pollution Control Board, Utrakhand by Office Order dated 30.05.2016. The Office Order dated 03.05.2016 provides in Annexure 4 at S.No. 35 that *Solar power generation through solar photovoltaic cell, wind power and mini hydel power (lessthan25MW)* is a white

category industry, hence on a conjoint reading of the Office Orders dated 03.05.2016 and 30.05.2016, it is evident that there is no requirement of CTO for the answering Respondent. Thus, the allegations of any of the conditions of the CTO are per se false and baseless.

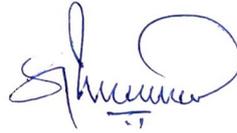
- 8.4 That similarly, as per the EIA Notification 2006, the Schedule provides for River Valley projects at Serial No. 1C wherein Hydro Electric Power projects for less than 25 MW are exempted from any EC. Hence, the answering Respondent is not required to obtain an Environment Clearance (EC) from the Central Government or the State Government for the purpose of setting up its Mini Hydel Power project of less than 25 MW. Thus, in light of the fact that as no EC is required by the answering Respondent for the present project, no activity in violation of any such EC can be said to have been done.
- 8.5 It is further pertinent to mention that the report of the Joint Committee clearly mentions that the answering Respondent has already obtained a Consent To Establish (CTE), as required, on 28.01.2020 that is prior to the commencement of its operation and the activities are carried out strictly in compliance of the said CTE. The Joint Committee also did not found any violation of the CTE by the answering Respondent.

- 8.6 That the allegations levelled by the Applicant pertaining to the violation of EC/CTE/CTO were found to be not existing by the Joint Committee and hence the allegations were proved false.
- 9 That the answering Respondent further submits in respect of the violation noted by the joint Committee regarding the establishment of the ramp and duckyard for the stone crusher by the answering Respondent in absence of EC that the said violation was not a deliberate act rather an irregularity owing to the misunderstanding on part of the answering Respondent. It is submitted that the answering Respondent was under the misconception that the CTE obtained for the project covers the entire processes of the project including setting up of stone crusher which is an intrinsic part of the answering Respondent's project. The answering Respondent being under the aforesaid misconception did not apply for CTE, however, only applied for permission from the District Magistrate, Pithoragarh for setting up the stone crusher.
- 10 That the misunderstanding of the answering Respondent's work for setting up the stone crusher was carried out and the ramp and duckyard was established without the required CTE. However, the same is not a deliberate act on part of the answering Respondent but is only due to the misunderstanding as stated above and hence at the most can be an irregularity.

- 11 That it is also pertinent to mention that the answering Respondent has not actually set up the stone crusher except the construction of the ramp and the duckyard. The activities for setting up the stone crusher were stopped by the answering Respondent immediately as soon as it became aware of the requirement of the CTE.
- 12 That the Uttrakhand Pollution Control Board taking cognizance of the aforesaid fact of absence of CTE, without appreciating that it was an irregularity, has passed a direction under section 31A of the Air Act and section 33A of the Water Act dated 24.04.2024 directing for stopping all ongoing establishment activities and imposing environmental compensation at a rate of Rs.3000/- per day. A true copy of the direction passed by the Uttrakhand pollution Control Board dated 24.04.2024 is ANNEXUREA-5.
13. That the answering Respondent submits that it is ready and willing to abide by all the orders and directions issued by the Board as well as this Tribunal. The answering Respondent is committed to follow the rule of law scrupulously as well as carry out its operations without damage to the environment as far as possible. As soon as being aware of the requirement of CTE, the answering Respondent has applied for the same on 14.06.2024 after receiving the approval for mining from the District Magistrate on 07.06.2024 as the approval from the District Magistrate is a mandatory requirement for applying for CTE

and the same is pending before the UKPCB. A true copy of the Application for CTE dated 14.06.2024 is ANNEXUREA-6.

14. That taking into light of the aforesaid submission/ reply to the report of the Joint Committee, the answering Respondent prays that the present O.A deserves to be dismissed with no further directions against the answering Respondent.



Answering Respondent/Project Proponent



Through its counsel



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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 627 OF 2023

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.....APPELLANT

VERSUS

DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION & ORŞ. ...RESPONDENT'S

AFFIDAVIT

I, Santosh Thakur S/o Sh. Ram Sagar Thakur aged about 47 years R/o Plot No. 296, 4th Floor, Sector-45, Gurugram, Haryana- 122003, do hereby solemnly affirm and declare as under:

1. That the deponent is the authorized representative of the answering respondent, M/s Khutani Power Company Pvt. Ltd. in the above noted case, hence, I am competent to swear this affidavit being well conversant with the facts and circumstances of the present case.

2. That I have gone through the accompanying reply in response to the Joint Committee Report dated 30.12.2023 and say that the contents thereof are true and correct to my knowledge and belief and I believe the same to be true.

3. That the Annexures A-1 to A-6 to the same are true copies of their respective originals.

[Signature]
DEPONENT

17 AUG 2024

VERIFICATION:

Verified at New Delhi on this 17th day of August, 2024 that the contents of the above affidavit are true and correct to my knowledge and nothing material has been concealed therefrom.

[Signature]
DEPONENT

CERTIFIED THAT DEPONENT

S/o, W/o, P
R/o
Idet
has
On
date
& sign
before me

[Signature]
[Signature]
[Signature]

WITNESSED BY
WITENDRA KUMAR, NOTARY PUBLIC
Govt. of India

[Signature]
I identified the deponent who has signed in my presence



ANNEXURE A-1



-True Copy-



-True Copy-

DUST, AGGREGATE PAYMENT TO VENDORS			
S.No.	Vendor Name	Year	Amount
1	N. K Enterprises	Feb 2015 to June 2022	1,460,725.00
2	Shree Maa Nanda	July 2020 to August 2022	1,057,904.00
3	Vinod Stone Products	April 2021 to August 2021	123,930.00
4	Himalaya Grits	April 2022 to August 2022	201,158.00
5	Ma Mahakali Associates	January 2022 to Feb 2024	15,428,325.00
		Total	18,272,042.00

-True Copy-



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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पत्र सं० 8बी/यू.सी.पी/01/38/2018/एफ.सी/2183

दिनांक: 17/01/2019

सेवा में,

अपर मुख्य सचिव (वन),
उत्तराखण्ड शासन, सुभाष रोड,
देहरादून।

विषय: पिथौरागढ़ एवं बागेश्वर के अन्तर्गत 21 मेगावाट क्षमता की खुटानी लघु-जल विद्युत परियोजना के निर्माण हेतु 3.52 हे० वन भूमि का खुटानी पॉवर कम्पनी प्रा०लि० को 40 वर्षों की लीज पर दिया जाना। (Online Proposal No. FP/UK/ HYD/17611/2016).

सन्दर्भ: वन संरक्षक एवं नोडल अधिकारी, उत्तराखण्ड शासन की पत्र संख्या-1598/FP/UK/HYD/17611/2016 दिनांक 17.12.2018

महोदय,

कृपया उपरोक्त विषय पर ऑनलाइन प्रस्ताव संख्या FP/UK/HYD/17611/2016 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा राज्य सरकार ने विषयांकित प्रस्ताव पर वन संरक्षण अधिनियम, 1980 की धारा-2 के तहत भारत सरकार की स्वीकृति मांगी थी।

प्रश्नगत प्रकरण में इस कार्यालय के समसंख्यक पत्र दिनांक- 29.08.2018 द्वारा सैद्धान्तिक स्वीकृति प्रदान की गयी थी जिसमें उल्लिखित शर्तों की अनुपालना आख्या वन संरक्षक एवं नोडल अधिकारी, उत्तराखण्ड के उपरोक्त संदर्भित पत्र द्वारा प्रस्तुत की गयी है। राज्य सरकार के प्रस्ताव पर ध्यानपूर्वक विचार करने के उपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद-पिथौरागढ़ एवं बागेश्वर के अन्तर्गत 21 मेगावाट क्षमता की खुटानी लघु-जल विद्युत परियोजना के निर्माण हेतु 3.52 हे० वन भूमि का खुटानी पॉवर कम्पनी प्रा०लि० को 40 वर्षों की लीज पर दिया जाने हेतु विधिवत् स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. वन भूमि की विधिक स्थिति बदली नहीं जाएगी।
2. प्रयोक्ता अभिकरण के व्यय पर वन विभाग द्वारा प्रत्यावर्तित भूमि के बदले प्रस्तावित 7.04 हे० ग्राम-भानमती सिविल एवं सोयम भूमि पर क्षतिपूर्क वृक्षारोपण एवं 07 से 10 वर्षों तक रखरखाव किया जाएगा। प्रतिपूरक वृक्षारोपण हेतु चयनित भूमि को छः माह के अन्दर भारतीय वन अधिनियम, 1927 के अन्तर्गत आरक्षित/संरक्षित वन घोषित किया जायेगा तथा नोडल अधिकारी द्वारा अधिसूचना की एक प्रति क्षेत्रीय कार्यालय को प्रेषित की जाएगी। प्रतिपूरक वृक्षारोपण इस पत्र के जारी होने की तिथि से एक से दो वर्षों के अन्दर पूर्ण किया जाना आवश्यक होगा।
3. एन.पी.वी. की दरों में अगर बढ़ोतरी होती है तो प्रयोक्ता अभिकरण बढ़ी दरों पर एन.पी.वी. देने के लिए बाध्य होगा।
4. प्रयोक्ता अभिकरण द्वारा प्रस्तावित वन क्षेत्र के आस-पास मजदूरों/स्टॉफ के लिये किसी भी प्रकार का लेबर कैम्प नहीं लगाया जायेगा।
5. प्रयोक्ता अभिकरण के द्वारा निर्माण कार्य के दौरान स्थल पर कार्यरत मजदूरों एवं स्टॉफ के लिये रसाई गैस/करासिन तेल की आपूर्ति की जायेगी, जिससे निकटवर्ती वनों को क्षति न पहुँचे।
6. परियोजना के निर्माण व रख-रखाव के दौरान आस-पास के क्षेत्र की वनस्पतियों एवं जीव-जन्तुओं को किसी प्रकार की क्षति नहीं पहुँचायी जायेगी।

-True Copy-

7. निर्माण कार्यों के पूर्ण होने के पश्चात् जहां-जहां संभव हो, परियोजना क्षेत्र के रिक्त स्थानों पर प्रयोक्ता अभिकरण द्वारा अपने व्यय पर वन विभाग की देख-रेख में उपयुक्त प्रजाति के पौधों का रोपण किया जायेगा।
8. वन भूमि का प्रयोग प्रस्ताव में दिये गये layout plan में दर्शाये गये उद्देश्य के अलावा अन्य किसी उद्देश्य के लिए नहीं किया जायेगा तथा किसी भी परिस्थिति में इस वन भूमि को किसी अन्य संस्था, विभाग या व्यक्ति के पक्ष में भारत सरकार की पूर्व अनुमति के बिना Transfer नहीं किया जाएगा।
9. कम से कम वृक्षों का कटान/पातन किया जाएगा, जिनकी संख्या प्रस्ताव के अनुसार 35 trees (33 in Bageshwar FD & 2 in Pithoragarh FD) से अधिक न हो।
10. State Govt. will issue final G.O after submitting the CA scheme of Rs. 19, 61,802/-, in original.
11. The user agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable).
12. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
13. The User Agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
14. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
15. State Govt. shall ensure that the user agency shall comply the provisions of the all Rules, Regulation and Guidelines issued for laying transmission line in forest areas the time being in force, as applicable to the project.
16. The boundary of the forest land being diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoin pillars etc.
17. The User Agency and the State Govt. shall ensure compliance to provisions of all Acts, Rules Regulations and Guidelines, for the time being in force, as applicable to the Project.
18. User Agency shall submit the annual self compliance report on the conditions stipulated in the approval to the State Government and the concerned Regional Office of this Ministry.
19. ऐसी अन्य कोई भी शर्त जो कि भारत सरकार भविष्य में पर्यावरण, वन एवं वन्य जीवों के संरक्षण हेतु आवश्यक समझे।

यदि विधिवत् स्वीकृति में दी गई शर्तों का संतोषजनक अनुपालन नहीं किया जाता है तो स्वीकृति को तत्काल प्रभाव से निरस्त किया जा सकता है।

भवदीय,



(डॉ० योगेश गौरोला)

तकनीकी अधिकारी (वानिकी)

प्रतिलिपि सूचनार्थ एवं आवधिक कार्यवाही हेतु प्रेषित:

1. अपर वन महानिदेशक (एफ०सी०), पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोरबाग रोड, अलीगंज, नई दिल्ली।
2. अपर प्रमुख वन संरक्षक एवं नोडल अधिकारी, वन संरक्षण, इन्दिरा नगर फारेस्ट कालोनी, देहरादून, उत्तराखण्ड
3. आदेश पत्रावली।

(डॉ० योगेश गौरोला)

तकनीकी अधिकारी (वानिकी)





Ref No: PROJ-02 / FC/ 112

Date: 12.12.2018

सेवा में,

अपर प्रमुख वन संरक्षक,
एवं नोडल अधिकारी
वन संरक्षण, इन्दिरानगर फॉरेस्ट कालोनी,
उत्तराखण्ड देहरादून ।

विषय:- जनपद पिथौरागढ़ एवं बागेश्वर के अन्तर्गत 21 मेगावाट क्षमता की खुटानी जल विद्युत परियोजना के निर्माण हेतु 3.52 हे० वन भूमि का गैर वानिकी कार्यो हेतु खुटानी पावर कम्पनी प्रा० लि० को 40 वर्षो की लीज पर दिया जाना ।
(ऑन लाईन प्रस्ताव संख्या-FP/UK/HYD/ 17611/2016)

सन्दर्भ:- भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, देहरादून की पत्र संख्या 8बी/यू.सी.पी./01/38/2018/एफ.सी / 1073 दिनांक 29-08-2018

महोदय,

कृपया भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, देहरादून के उपरोक्त विषयक सन्दर्भित पत्र का सन्दर्भ ग्रहण करने का कष्ट करें, जिसमें भारत सरकार द्वारा प्रश्नगत प्रकरण पर कतिपय शर्तो के तहत सैद्धान्तिक स्वीकृति निर्गत की गयी है। खुटानी पावर कम्पनी प्रा० लि० द्वारा सैद्धान्तिक स्वीकृति में अधिरोपित शर्तो की अनुपालन आख्या निम्न प्रकार संलग्न कर प्रेषित किया जा रहा है:-

1. शर्त संख्या-1 के अनुपालन में खुटानी पावर कम्पनी प्रा० लि० द्वारा पिथौरागढ़ वन प्रभाग में 7.04 हे० हेतु क्षतिपूरक वृक्षारोपण एवं उसके 10 वर्षो तक रख -रखाव हेतु सम्बन्धित प्रभागीय वनाधिकारी के डिमान्ड नोट के अनुसार धनराशि रू० 19,61,802.00 (रू० उन्नीस लाख इक्सठ हजार आठ सौ दो) मात्र ऑनलाईन चालान के माध्यम से जमा की जा चुकी है। (संलग्नक-1) एवं उक्त 7.04 हे० भूमि का जिलाधिकारी पिथौरागढ़ के आदेश संख्या 335/सात-01/2018-19 दिनांक 03-12-2018 एवं राजस्व उपनिरीक्षक, बनकोट के दिनांक 05-12-2018 के द्वारा वन विभाग के नाम हस्तान्तरण/नामान्तरण कर अमल दरामद कर दिया गया है। (संलग्नक-2)
2. शर्त संख्या-2 के अनुपालन में खुटानी पावर कम्पनी प्रा० लि० द्वारा एन०पी०वी० हेतु पिथौरागढ़ वन प्रभाग में 3.18 हे० हेतु सम्बन्धित प्रभागीय वनाधिकारी के डिमान्ड नोट के अनुसार धनराशि रू० 20,89,260.00 (रू० बीस लाख नवासी हजार दो सौ साठ) मात्र एवं बागेश्वर वन प्रभाग में 0.34 हे० हेतु सम्बन्धित प्रभागीय वनाधिकारी के डिमान्ड नोट के अनुसार धनराशि रू० 2,23,380.00 (दो लाख तेइस हजार तीन सौ अस्सी) मात्र अर्थात् कुल देय धनराशि रू० 23,12,640.00 (तेइस लाख बारह हजार छः सौ चालीस) मात्र ऑनलाईन चालान के माध्यम से जमा की जा चुकी है।

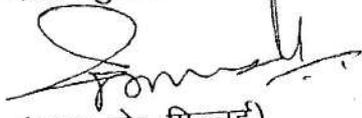
KHUTANI POWER COMPANY PRIVATE LIMITED

3. शर्त संख्या-3 के अनुपालन में खुटानी पावर कम्पनी प्रा0 लि0 द्वारा एन0पी0वी0 की वचनबद्धता का प्रमाण -पत्र संलग्न कर प्रेषित किया जा रहा है। (संलग्नक-3)
 4. शर्त संख्या-4 के अनुपालन में खुटानी पावर कम्पनी प्रा0 लि0 द्वारा ऑनलाईन चालान के माध्यम से उपरोक्तानुसार कुल जमा धनराशि रू0 42,74,442.00 (बयालीस लाख चौहत्तर हजार चार सौ बयालीस) के रसीद की प्रति संलग्न कर प्रेषित की जा रही है। (संलग्नक-4)
 5. शर्त संख्या-5 के अनुपालन में खुटानी पावर कम्पनी प्रा0 लि0 द्वारा निर्माण कार्यों के पूर्ण होने के पश्चात जहां-जहां सम्भव हो परियोजना क्षेत्र के रिक्त स्थानों पर अपने व्यय पर वन विभाग की देख-रेख में उपयुक्त प्रजाति के पौधों का वृक्षारोपण की वचनबद्धता का प्रमाण -पत्र संलग्न कर प्रेषित किया जा रहा है। (संलग्नक-5)
- अतः सैद्धान्तिक स्वीकृति में दी गयी शर्तों की अनुपालन आख्या अग्रिम कार्यवाही हेतु मय संलग्नकों के प्रेषित ।

संलग्न- यथोपरि:-

भवदीय

वास्ते खुटानी पावर कम्पनी प्रा0 लि0



(आर0 के0 पिल्लई)

महाप्रबन्धक

मो0 : 7055217051

Email: khutani.hep@gmail.com

प्रतिलिपी निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. प्रभागीय वनाधिकारी, पिथौरागढ़ वन प्रभाग, पिथौरागढ़।
2. प्रभागीय वनाधिकारी, बागेश्वर वन प्रभाग, बागेश्वर।



HEAD OFFICE
Uttarakhand Pollution Control Board
"Gaura Devi Paryavaran Bhawan"
46B, IT Park, Sahastradhara Road, Dehra Dun
E-mail : msukpcb@yahoo.com, Phone No.-0135-2607092

UKPCB/HO/C&M-131/2024/04

Date: 24/04/2024

Speed Post

To,

M/s Khutani Power Company Pvt. Ltd.,
Vill-Bankot, Tehsil-Ganai-Gangoli,
Distt- Pithoragarh.

Directions under Section 31(A) of Air (Prevention and Control of Pollution) Act- 1981 and Section 33(A) of Water (Prevention and Control of Pollution) Act- 1974

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981; and vide provisions of this Act every water/air polluting industry/unit/operation/processes is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, it is mandatory on the part of industry to obtain the prior consent of the Board to establish/operate/process an industrial plant under Section-25 of the Water (Prevention and Control of Pollution) Act, 1974; and

WHEREAS, it is mandatory on the part of industry to obtain the prior consent of the Board to establish/operate/process an industrial plant under Section-21 of the Air (Prevention and Control of Pollution) Act, 1981; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industries, operations or processes to keep their effluent/emission quality within the specified norms; and

WHEREAS, in compliance of the order passed by the Hon'ble NGT in OA no.-485/2023, Deewan Singh Vs State of Uttarakhand on dated 04.08.2023, an under construction Electricity Project of -21 MW capacity at M/s Khutani Power Company Pvt. Ltd., Pithoragarh was inspected by the joint committee on dated 26.09.2023 and made following observations :-

1. निरीक्षण के दौरान निर्माणाधीन परियोजना के मलवा निस्तारण स्थल-1 बटवारी के पास राज्य बोर्ड से बिना स्थापनार्थ सहमति प्राप्त किये स्टोन केसर के रैम्प एवं डक यार्ड स्थापना का कार्य निर्मित पाया गया।
2. वर्तमान तक इकाई द्वारा स्थापनार्थ सहमति हेतु बोर्ड की ऑनलाईन व्यवस्था में आवेदन नहीं किया गया है।

AS SUCH, it is evident from the above observations that the Unit has started construction without obtaining Consent to Establish from the Board and has violated the provisions of Air (Prevention and Control of Pollution) Act- 1981 and Water (Prevention and Control of Pollution) Act- 1974 ; and

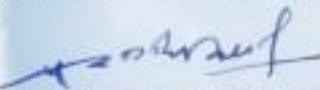
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Clean Environment and Healthy Life Style
सुखा स्वच्छता व स्वस्थ जीवन शैली

-True Copy-

-2-

NOW THEREFORE, in exercise of the power conferred under Section 31(A) of Air (Prevention and Control of Pollution) Act- 1981 and Section 33(A) of Water (Prevention and Control of Pollution) Act- 1974, M/s Khutani Power Company Pvt. Ltd., Vill-Bankot, Tehsil-Ganai-Gangoli, Distt- Pithoragarh is hereby directed to stop all ongoing establishment activity with immediate effect, further Environment Compensation at the rate of ₹3000/day is also imposed till compliance.


(Dr. Parag Madhukar Dhakate)
Member Secretary

Ref: UKPCB/HO/ C&M-131/2024/ 04

Dehradun, 24, 04.2024

SPEED POST

To,
Managing Director,
Uttarakhand Power Corporation Ltd.,
Urja Bhawan, Kanwali Road,
Dehradun (Uttarakhand).

Directions under Section 31(A) of Air (Prevention and Control of Pollution) Act- 1981 and Section 33(A) of Water (Prevention and Control of Pollution) Act- 1974

WHEREAS, it is evident from the above observations that the Unit is violating the provisions of Air (Prevention and Control of Pollution) Act- 1981 and Water (Prevention and Control of Pollution) Act- 1974; and

NOW THEREFORE, in exercise of the powers conferred under Section 31(A) of Air (Prevention and Control of Pollution) Act- 1981 and Section 33(A) of Water (Prevention and Control of Pollution) Act- 1974 as amended thereafter, you are hereby directed to instruct concerned officials of UPCL for discontinuing the power supply of the Unit with immediate effect and intimate to this office on priority.

This issues with the approval of the Competent Authority of the Board.


(Dr. Parag Madhukar Dhakate)
Member Secretary

Letter no :- UKPCB/HO/ C&M-131/2024/

Dated : as above

Copy to :-

1. District Magistrate, Pithoragarh for information and ensure compliance of the aforementioned direction please.
2. Regional Officer, UKPCB, Regional Office, Haldwani with the direction for strict compliance of the closure order and send compliance immediately.
3. Account section
4. Consent Management Cell-1/Consent Management Cell-2, UKPCB to keep the copy of this order in concerned consent file.
5. Guard File.


Member Secretary

Clean Environment and Healthy Life Style
सुख पर्यावरण व स्वस्थ जीवन शैली

-True Copy-



Consent to Establish (No Objection Certificate) Form

Application for Consent To Establish

Note: 1. All enclosures, appendices, projects, plans and scheme to be submitted in triplicate.

2. Incomplete application will be rejected.

3. No work pertaining to site development or construction of industry be undertaken without NOC doing so would be the sole responsibility of the applicant and against public interest.

From ,

Khutani Power Company Private Limited, PLOT NO.49, 4TH
FLOOR, SECTOR-44, GURGAON-122001
City:
Block:Pithoragarh
District:Pithoragarh

Dated

14/06/2024

To ,

The Members Secretary,
Uttarakhand Pollution Control Board,
Dehradun.

Sir,

I/We M/s Khutani Power Company Private Limited (name of proposed unit), whose owner is Mr./Mrs. R K Pillai hereby apply for Consent To Establish (NOC) from pollution and Environmental angle for proposed production of per/day by use of main raw material per/day at proposed land . The annexure, appendices other particulars and plans in triplicate are attached herewith.

1. I/We further declare that the information furnished in the Annexure, appendices and plans is correct to the best of my/our knowledge.
2. I/We hereby guarantee that quality of final discharge of effluent and emissions will be within the prescribed standards of the Board. The trial production will be started only after implementing and operating the pollution control advices as proposed herein.
3. I/We hereby guarantee that quality of final discharge of effluent and emissions will be within the prescribed standards of the Board. The trial production will be started only after implementing and operating the pollution control advices as proposed herein.
4. I/We undertake that I/we will apply for seeking consent under section 25/26 of Water Act and consent under section-21 of the Air Act at least two months before start of trial and comply with the Water Cess Act-1977.
5. I/We declare that the provisions of these Acts have been known to me/us.
6. I/We accept that the application is for proposals submitted and if the site is not approved then the final decision of Board will be accepted.

Yours faithfully,

Signature

Name of Applicant:- R K Pillai

Address of applicant:- KHASRA NO-2415, 2416, 241

Dated :14/06/2024

-True Copy-



(Annexure to NOC Application)

1.	Name and Address, Category & Type of Industry	Khutani Power Company Private Limited and PLOT NO.49, 4TH FLOOR, SECTOR-44, GURGAON-122001 ORANGE Stone crushers		
2.	General			
2.1	Name & Address of Applicant	R K Pillai & KHASRA NO-2415, 2416, 241		
2.2	Proposed Location (Attach location map of site Showing of point 2.3)	Not Attached		
2.3	Details of direction and distance of nearest sanctuary, highway railway line, human settlements, river, drain, reserved forests religious places etc form the site (In a 5 km. distance)	Surrounding of Site	Distance (in meters)	Description
2.4	Present use of land (enclosure certificate) Agricultural/ Residential/ Commercial/ Industrial	Not Attached		
2.5	Details of letter of intent/SSI Registration	Document-Not Attached		
2.6	Brief process description with flow chart	Enclosure No.- Document-Not Attached		
2.7	List of main products with daily designed capacity	Product Name	Quantity	
		STONE GRITS AND SAND	20 Metric Tonnes/Hour	
2.8	List of bye products with daily designed capacity	By Product Name	Licence Quantity	Installed Quantity
		STONE GRITS, SAND	20 Metric Tonnes/Hour	20 Metric Tonnes/Hour
2.9	List of Basic raw material with daily consumption	Raw Materials Name	Quantity	
		RIVER BED MATERIAL & STONE BOLDER	20 Metric Tonnes/Hour	
2.10	List of other industrial units operated by applicant or its partners.			
2.11	Capital cost of project	91.0		
2.12	Expected date of commissioning of plant	July 2024		
3.	Water Pollution			
3.1	Source of Supply of water	Source Type	Source Name	Quantity
		Other	JAL SANSTHAN DEPARTMENT	10.0
3.2	Daily Consumption of water	Source Consumption	Quantity	
		Domestic	2	
		Industrial	8	
3.3	Total quantity of liquid effluents discharged per day.	Generation	Waste Water Generation Quantity	
3.4	Are there any expected Pollutants.	Yes		
3.5	Type of Pollutants	Liquid		
3.6	Indicate available information on effluent characteristic as below :	Name of Effluent	Characteristics	Available Information
3.6	Is the effluent to be generated within specifications	Yes		
3.7	Proposed Time bound programme for Water Pollution Control System.	Document-Not Attached		
3.8	Mode of final discharge	Open Drain		

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3.9	Point of final discharge	Municipal				
3.10	Is industrial effluent allowed to mix with domestic effluent, if no specify disposal of domestic effluent.	Yes				
4.	Air Pollution					
4.1	Type and quantity of fuel consumed per day in manufacturing or subsidiary process.	Fuel		Consumption		
4.2	Details of emissions form fuel combustion	Expected,Agricultural				
4.3	Expected process emissions sources quantity					
4.4	Proposed Air Pollution Control System for flue gas and process emission	Not Attached				
4.5	Capacity of Proposed Diesel Generating Set in K.V.A.					
4.6	Height of all sources of emission					
5.	Solid/Waste	Nature of Waste	Approximate Composition	Total Quantity(per day)	Hazardous	Mode of Disposal
6	Details of use and storage of Hazardous materials	Chemical	Daily Use	Storage at a time		
6.1	Plan for Safety and disaster management	Document-Not Attached				

Dated : 14/06/2024

Name of Applicant:- R K Pillai

Address of Applicant:- KHASRA NO-2415, 2416, 241

Transaction Id	Payment Date	Transaction Status	Ammount
940283343	14/06/2024	Successful	25000.0

INFORMATION REQUIRED FOR NOC:-

1. PROJECT REPORT (Attached)
2. Plastic Waste Generation Details (Attached)
3. DPR including complete details of raw material(per month),production capacity(per month) and proposed investment (Attached)
4. Land Allotment Letter(Lol) (Attached)
5. Manufacturing process along with detailed process flow chart (Attached)
6. Hazardous Wate/E-Waste - Management plan (Attached)
7. Proposal for Air Pollution Control measures along with fuel types and daily consumption (Attached)
8. Proposal for waste water treatment & disposal along with detail of water consumption,waste water generation & installed capacity of treatment system(KLD),along with adequacy report (Attached)
9. Article of Association,Memorandum of Understanding (Attached)
10. Layout Plan of the project/industry site (Attached)

Common General Information required for consent to operate under Water Pollution (Prevention & Control) Act, 1974 and Air Water Pollution (Prevention & Control)Act, 1981.

1. (a) Full name of the applicant with address : R K Pillai ,KHASRA NO-2415, 2416, 241 (Tel. No.) 91-9557166569
- (b) Is the firm registered? : YES
- (c) If yes, give the number & date of registration and authority with whom registered. : ,
- (d) Full Address of the registered office :

-True Copy-



- (e) Names, designation and full address of persons like Partners, Managing Director/Manager etc. : R.K.PILLAI
PROJECT HEAD
KHATA NO-23, VILLAGE-BATGERI
TEHSIL-GANAI GANGOLI
PITHORAGARH
- (f) Under which category does the industry fall: Large/Medium/Small Scale. : large
2. Full name of the Land/Premises/Institute/Factory/Industry/Local body with address : Khutani Power Company Private Limited

Address: PLOT NO.49, 4TH FLOOR,
SECTOR-44, GURGAON-122001
Tel. No.:91-9557166569
E-mail :Khutani.hep@gmail.com
3. Give revenue /City Survey No. of the land/premises for which the application is made: : District:Pithoragarh
Town/Village:
City Survey no./Revenue Survey no.:KHASRA NO-2415,
2416, 241
Khata No.:23
Area in Hectares:
4. State month and year in which the plant was actually put into commissions or is proposed to be put into commission: : July,2024
5. State the Civil/Military /Defence/industrial Estate etc. under whose administrative jurisdiction the occupiers/industrial plant is situated: : Civil

District:Pithoragarh
Corporation:
Village Panchayat
Contonment:
Defence Deptt:
State Govt:
Prohibited areas:
Others:
6. (a) State whether plant site has been declared as prohibited area: : NO
(b) If yes, state the name of the Authority and furnish a certified copy of the order under which the area has been declared as prohibited area : -

-True Copy-



BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 627 OF 2023

IN THE MATTER OF:

GOPAL CHANDRA VANWASI

.....APPELLANT

VERSUS

DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION & ORS. ...RESPONDENT'S

KNOW ALL to whom these present shall come that I, Santosh Thakur, Director/A.R of Respondent/ Project Proponent i.e. Khutani Power Company Pvt. Ltd. do hereby appoint.

ALOK SINGH, DEEPAK SHUKLA & GAURAV AGARWAL

Office Address: A-81, First Floor, South Extension Part-II, New Delhi-110049

Mob:9871638609/9205659057

Email:deepakshukla181@gmail.com

D/1496/2002, D/88-A/2005

New Delhi (herein after called the advocate/s) to be mv/our Advocates in the above noted case authorize him/her :-

To act, appear and plead in the ; may be tried or heard and also ; separately for each court by me ;

To sign, file, verify and present ; revision, withdrawal, compron ; deemed necessary or proper for the prosecution of the said case ; fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and the do all other acts and things which may be necessary to be done for the progress and in the course of th prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power an authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign th power of attorney of out behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or h substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearing and will inform the Advocate for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible fo the result of the said case. The adjournment costs whenever ordered by the Court shall be of th Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw form the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 1 year the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 17th day of August, 2024

(Alok Singh), (Deepak Shukla)), (Gaurav Agarwal), (Ashutosh Shukla) & (Gaurav Bhardwaj)

Accepted

(x) Client (s)



in any other Court in which the same High Court subject to payment of fees

ons or petitions for executions review vits or other documents as may be in all its stages subjects to payment of



Handwritten signatures and dates: D/1496/2002.

Handwritten signatures and dates of the clients: 09/08/2024, 09/08/2024.

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT 01ST/2024-25 MEETING OF BOARD OF DIRECTORS OF KHUTANI POWER COMPANY PRIVATE LIMITED HELD ON THURSDAY, 11TH DAY OF APRIL, 2024 STARTED AT 11:00 A.M. AND CONCLUDED AT 11:15 A.M. AT 04TH FLOOR, PLOT NO. 49, SECTOR-44, GURUGRAM, HARYANA-122002

AUTHORIZATION TO REPRESENT THE COMPANY BEFORE ALL COURTS, TRIBUNALS, QUASI JUDICIAL BODIES, GOVERNMENT BODIES/AUTHORITIES /DEPARTMENTS, ETC IN STATES OF INDIA

"RESOLVED THAT Mr. Santosh Kumar Thakur, Director of the Company be and is hereby severally authorized to represent the company before all Courts, Tribunals, Quasi Judicial Bodies, Government Bodies/Authorities /Departments, etc in the states of India to sign, execute and verify all the required papers, documents and all kinds of applications, objections, affidavits, replies, documents, petitions, rejoinders, appeals, revisions, vakalatnama and complaints etc. in respect of any legal matter.

RESOLVED FURTHER THAT Mr. Santosh Kumar Thakur also hereby authorized to appoint /engage on behalf of the company any pleader, advocate or solicitor to perform and execute all acts, deeds and thinks as may be considered necessary to give effect to the said resolution whenever he thinks proper to do so.

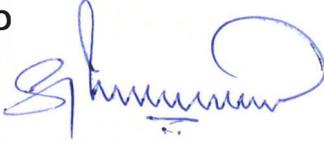
RESOLVED FURTHER THAT a copy of the foregoing resolution certified to be true copy by either of the Directors of the Company be provided to anyone concerned or interested in the matter and they be requested to act thereon."

Certified True Copy

For KHUTANI POWER COMPANY PRIVATE LIMITED


Ramesh Chandra Sharma
(Director)
DIN: 09216630




Santosh Kumar Thakur
(Director)
DIN: 01193834



Date: 11.04.2024
Place: Gurugram

KHUTANI POWER COMPANY PRIVATE LIMITED

Corporate Office :
Plot No. 49, 4th Floor,
Sector-44, Gurgaon - 122001
Tel. : 0124 - 2645151
Fax : 0124 - 2645120

CIN No. U40102DL2007PTC137580

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Regd. Office :
720, Mahabir Prasad Block
Asiad Village
New Delhi - 110049