

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN
TRIBUNAL, NEW DELHI

O.A. No.421/2025

In the matter of:-

Illegal Construction Flourish in Himachal Pradesh due to
lack of Proper Checks

V/s

... Applicant

State of Himachal Pradesh & others

.....Respondents

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Date:- 16-05-2026

Place:- Shimla

Respondent No. 1
Town & Country Planning Deptt.
Himachal Pradesh, Shimla-171009
Through

Ld. Addl. Advocate General

Vishnu Jankar

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN
TRIBUNAL, NEW DELHI

O.A. No.421/2025

In the matter of:-

Illegal Construction Flourish in Himachal Pradesh due to lack
of Proper Checks

... Applicant

V/s

State of Himachal Pradesh & others

.....Respondents

REPLY TO THE ORIGINAL APPLICATION NO.421/2025
UNDER SECTION 18 READ WITH SECTIONS 14 & 15 OF
THE NATIONAL GREEN TRIBUNAL ACT, 2010 ON
BEHALF OF RESPONDENT NO.THROUGH
RESPONDENT NO. 1.

Most Respectfully Sheweth:-

1. That the Original Application was listed before this
Principal Bench of Hon'ble National Tribunal on
20.08.2025.
2. That this Principal Bench of Hon'ble Principal Bench of
National Green Tribunal vide order dated 20.08.2025,
was pleased to pass the following orders:-

"2. *The matter relates to the unchecked growth of
illegal constructions in Himachal Pradesh due to a lack
of proper monitoring and enforcement. The article states
that a number of multi-storey buildings coming up on*

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the bank of rivers and rivulets in different parts of the state in violation of rules. Further, as per the article, although the state government had banned such constructions in 2023 following the flash floods in Kullu and Shimla districts, the illegal practice continues unchecked, suggesting that the Town and Country Planning Department has not taken the directive seriously. The article also mentions that buildings located close to riverbanks are often swept away or severely damaged during flash floods. The report notes that once construction approval is granted by the TCP, there is little to no follow-up, and officials rarely inspect the sites thereafter. The news item states that half of the state falls in the zone-V of seismic activity, besides being prone to flashfloods and other natural hazards. Further it is stated in the article that despite directive to the Town and Country Planning Department to impose a complete ban on construction along riverbeds, the illegal activity persists, with the concerned authorities continuing to grant approvals for building plans in these prohibited areas. The article mentions that as per the TCP rules, up to four-storey structures, subject to the floor area ratio (FRA) with a height of 18.80m, are permitted in most towns of the state. However, several buildings above the prescribed height have come up in the past few years. Further the article mentions that Several hotels, malls and shopping complexes have come up on riverbanks and hill slopes leading to tragedies.

“3.The above matter indicates violation of the Environment (Protection) Act, 1986, Water (Prevention

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and Control of Pollution) Act, 1974, and Solid Waste Management Rules, 2016.”

3. That the Hon'ble Principal Bench of National Green Tribunal has impleaded the replying Respondent as a necessary party and issued notice to the respondent directing to file the response/reply by way of affidavit.
4. That in compliance with the order dated 20.08.2025, the replying respondent sought information from the concerned offices vide office letter dated 10.09.2025.
5. That the requisite information received from the concerned offices is summarized as under:-

Sr No.	Department / Office	District	Comments/Remarks
1.	Divisional Town Planning Office, Dharamshala	Kangra	Vide letter dated 28.10.2025, the office informed that it is working in accordance with the provisions of the Himachal Pradesh Town and Country Planning Act & Rules and necessary actions and updates are being implemented as per the revised provisions. Further, the officer/ officials of the department conduct site visit to ensure that construction activities are being carried out in conformity with provision of the H.P. Town and Country Planning Act & Rules.
	Sub-Divisional Town Planning Office, Palampur		Vide letter dated 10.10.2025, it was submitted that- The office is granting permissions strictly in accordance with the provisions of the concerned Development Plans and HPTCP rules, and no permission has knowingly been issued in Contravention thereof.

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			<p>Instances of unauthorized constructions, if any, are generally carried out without approval of the Competent Authority and come to the notice of the office through reports of technical officials or complaints, whereupon necessary action under the provisions of HPTCP Act, and in accordance with the Guidelines for Enforcing Town and Country Planning Act of 1977, notified by the State Government vide Notification No. TCP-F(5)-5/2018 dated 25.07.2018, is initiated.</p> <p>The report further mentioned that, as per the latest notification issued by the Government of Himachal Pradesh, regarding extension/inclusion of new revenue mohals in the already notified Palampur, Baijnath-Paprola Planning Areas and Bir-Billing Special Area, it has come to the notice of this office during site visits that certain buildings were already existing/ situated along the Kuhal/ Nallah / Khad prior to enforcement of the HPTCP Act in the concerned areas. Further, no Planning permission for addition / alteration in respect of the said buildings has been issued.</p>
2.	Divisional Town Planning Office, Hamirpur	Hamirpur	Vide letter dated 03.11.2025, it was informed that five Planning Areas i.e. Hamirpur, Bhota, Sujampur, Nadaun & Four Lane Planning Area and one Special Area namely Baba BalakNath falls under the jurisdiction of District Hamirpur, where provision of HPTCP Act, 1977 are enforced. The Development Plans of Hamirpur Planning Area (for the

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erstwhile Municipal Council, Hamirpur), Bhot and Nadaun Planning Area stands approved, whereas the remaining areas are governed under the provisions of HPTCP Rules. The Nadaun Planning Area is controlled/administered by the Town Planning Office, Nadaun through Planning Officer, while the remaining Planning Areas/Special Areas are under the jurisdiction of this office. The State Government has delegated the relevant powers of the Director (TCP) with respect to urban limits to the concerned Commissioner/ Executive Officer (EO)/ Secretary from time to time.

As far as the matter regarding unchecked growth of illegal constructions due to lack of proper monitoring and enforcement is concerned, it is submitted that all Planning Areas and Special Areas falling under the jurisdiction of this office are being regularly inspected on a weekly basis. Based on the field reports, immediate action is initiated whenever, un-authorized construction or deviation against the approved plan is noticed, and further action under the provisions of Himachal Pradesh Town and Country Planning Act, 1977 is taken against the violators from time to time. The service providing departments are also requested not to release service connections to un-authorized constructions. In case any service connection is released, the same is disconnected with immediate effect. The matter regarding monitoring and enforcement of

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provisions of HPTCP Act, 1977 has also been discussed in detail during the District Level Coordination Committee meeting chaired by the Deputy Commissioner, Hamirpur, and the Sub-Divisional Level Coordination Committee meetings chaired by the concerned SDO(C) of District Hamirpur. Necessary directions have been issued to the service-providing departments to ensure compliance with the notices issued under the HPTCP Act, 1977, however, the requisite action taken reports/compliance reports are still awaited.

With regard to construction along riverbanks and rivulet, it is submitted that approvals have been accorded strictly in accordance with the provisions of HPTCP Rules. Moreover, NOCs for service connections are issued only to those buildings whose construction has been carried out strictly as per the approved plan. In the context of Development Plan of Hamirpur Planning Area (for the erstwhile Municipal Council Hamirpur area only) the maximum permissible building height is below the 18.80 m, whereas in the remaining areas the maximum building height is restricted upto 21m, subject to width of abutting path and permissible Floor Area Ratio (FAR) as per the provisions of the Himachal Pradesh Town and Country Planning Rules, 2014, as amended time to time. It is clarified that no permission/approval has been accorded beyond the regulations as specified in the

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	Town Planning Office, Nadaun	<p>Himachal Pradesh Town and Country Planning Rules, 2014.</p> <p>Vide letter dated 10.10.2025, it was submitted that no instance of un-authorized construction on river bed, Steep slope above 45 degree & vertical extension above 18.80 meter in height or nor any permission granted in violation of prescribed norms has been noticed by this office. As per clause no. 16.8 & sub clause 1 & 2 (copy enclosed as Annexure-A) of General Regulations of Development Plan of Nadaun Planning area-</p> <ol style="list-style-type: none"> 1) The maximum permissible cutting of natural ground profile shall not exceed 3.50 meter. However, in extra ordinary cases where hill cut or excavation is more than 3.50 meter side development plan showing retaining breast wall etc would be prepared/ designed by the structure Engineer. 2) The maximum acceptable slope for development shall be 45degree. <p>Furthermore, as per the order of the Hon'ble National Green Tribunal in respect of application no. 484 of 2014 (NGT order is Annexed as Annexure-B), no construction is permissible within the distance of 25.00 meter from the high flood level of river Beas. Further the rules governing construction along Khad/ Nallah stipulate that a minimum 7.00 meters from Khad & 5.00 meters from Nallah shall be maintained</p>
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		<p>as per the notification no. TCP-A03/1/2023, dated Shimla-2, 05-08-2024 (copy of notification is annexed as Annexure- C).</p> <p>Further, the proper monitoring of un-authorized construction is being maintained within the planning area. Immediate action is initiated whenever, un-authorized construction is noticed. Action as per the Himachal Pradesh Town and Country Planning Act, 1977 is initiated & notices are issued to violators from time to time. Simultaneously, service providing departments are directed not to release service connections to un-authorized construction. In case any service connection is released, this office directs the service providing department to disconnect the same with immediate effect.</p>
	Municipal Corporation, Hamirpur	<p>Vide letter dated 12.11.2025, it has been intimated the concerned office that, Municipal Corporation Hamirpur is implementing the provisions of the Town and Country Planning (TCP) Rules and Development Plan, under which residential and commercial building are permitted up to maximum height of 21 meters, subject to compliance with the Floor Area Ratio (FAR) and other applicable parameters. In cases where building area found to be violating prescribed norms, completion certificates are withheld by the Municipal Corporation.</p> <p>Further, the Municipal Corporation Hamirpur is actively taking action against unauthorized</p>

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			<p>constructions that do not conform to the provisions of the TCP Act by issuing statutory notices to violators, withholding no objection certificates (NOCs) for water and electricity connections, and denying issuance of completion certification for non-compliant buildings.</p>
3.	Divisional Town Planning Office Kullu	Kullu	<p>Vide letter dated 09.10.2025, it was informed that-</p> <p>1. Ban on Construction Along Riverbeds: As per the existing regulations, there is ban on construction activities along riverbeds. Specifically, Regulation No. 12.4.8 of the Development Plan for Kullu Valley Planning Area, 2041 states:</p> <p><i>"Beyond the HF.L. a belt of 25 metres width along river Beas and shall be developed exclusively as a "Green Zone" by the Department of Forest. No construction development other than one related to soil conservation, afforestation, landscaping for tourism and public utilities such as line of movement, water pump houses, sewerage treatment plants, solid waste management plants shall be allowed in this zone."</i></p> <p>Similarly, in the Proposed Land Use Map of the Development Plan for the Manikaran Special Area, 2035, a designated green buffer/no construction zone has been proposed on both sides of River Parvati.</p>

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		<p>2. Monitoring of Construction Activities: After the approval of building plans/maps, construction activities are regularly monitored. Incases where deviations from the approved plans are detected, appropriate action is initiated inaccordance with the provisions of the Himachal Pradesh Town and Country Planning Act,1977.</p> <p>3. Permissible Building Height: Within the jurisdiction of this office, buildings are permitted up to a maximum height of 21 metres, subject to compliance with the prescribed Floor Area Ratio(FAR) as per the applicable planning regulations.Further in the Development Plan of KVPA, 2041, the height of the commercial buildingshall be related to the width of abutting path/road:</p> <ul style="list-style-type: none"> • For path/road up to 3.00 m width, the permissible height would be 15.00 m. • For path/road having more than 3.00 m wide, the permissible height would be 18.00 m. • For path/road having more than 5.00 m wide, the permissible height would be 21.00 m.
	<p>Sub-Divisional Town Planning</p>	<p>Vide letter dated 10.10.2025, it was stated that:-</p> <p>1. Ban on Construction Along Riverbeds:</p>

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	Office, Manali		<p>As per the existing regulations, there is ban on construction activities along riverbeds. Specifically, Regulation No. 12.4.8 of the Development Plan for Kullu Valley Planning Area, 2041 states:</p> <p><i>"Beyond the H.F.L. a belt of 25 metres width along river Beas and shall be developed exclusively as as a Green Zone" by the Department of Forest. No construction development other than one related to soil conservation, afforestation, landscaping sewerage treatment plants, solid waste management plants shall be allowed in this zone."</i></p> <p>Restriction has been imposed by the Hon'ble N.G.T. vide order dated 29.07.2019 on commercial use in the restricted area of D.P. for KVPA 2041.</p> <p>2. Monitoring of Construction Activities: After the approval of building plans/maps, construction activities are regularly monitored. In cases where deviations from the approved plan are detected, appropriate action is initiated in accordance with the provisions of the Himachal Pradesh Town and Country Planning Act, 1977.</p> <p>3. Permissible Building Height: It is also submitted that within the jurisdiction of this office, buildings are permitted up to a maximum height of 21 meters, subject to compliance with the</p>
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			prescribed Floor Area Ratio (FAR) as per the applicable planning regulations.
4.	Divisional Town Planning Office, Nahan	Sirmaur	<p>Vide letter dated 27.09.2025, it was informed that that permissions are granted in accordance with the notified Development Plans and the HPTCP Rules, 2014 for carrying out construction activities in the Planning/Special Areas.</p> <p>During processing and approval of each application received from Planning/Special Areas or Deemed Planning Areas, the mandatory provisions of safe distance from Rivers/ Khuds/Nallahs as per the provisions contained in the respective Development Plans and HP TCP Rules as amended from time to time is duly ensured before grant of approvals. Further, the hill cutting and structural safety is also being ensured in each building planning permission as per applicable rules and regulations.</p> <p>Further, with regard to the Planning/ Special Area wise regulations with respect to the safe distance from River/ Khuds/ Nallahs, it has been submitted that-</p> <p>i) In the Nahan Planning Area, the old Development Plan notified in the year 2004 and does not contain any provisions. Therefore, General Regulation No. 16 of Appendix-1 of the HPTCP Rules, 2014 amended vide Notification No. A03/1/2023 dated 05.08.2024 is adhered</p>

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			<p>to</p> <p>ii) In the Dhaulakaun Majra Planning Area, Regulation No.14.2, Sr. No.18 of Development Plan(2025-2041) provides that, an NOC from the concerned Department is required to be submitted regarding safe distance from the Highest Flood Level (HFL) of the river. No permanent construction shall be permitted within 25.00 meter from the HFL of the river, except for essential infrastructure, flood-resilient structures and projects approved by the competent authority with flood mitigation measures. The construction shall be allowed at a minimum distance of 5.00 meter from Nallah/Khala and and 7.00 meter from Khud respectively. No construction shall be allowed on land parcel prone to flooding</p> <p>iii) In the Trilokpur Special Area, Regulation No. 20.1(28) of Development Plan (2017-2031) provides that, distance from the Highest Flood Level (HFL) along Rivers shall be 25.00 meters and distance from Khuds and Nallahs shall be 05.00 meters. In other areas, no construction shall be allowed in parcel of land prone to floods.</p> <p>iv) In Paonta Sahib Special Area, Regulation No. 16.2(27) of Development Plan (2022-2035) provides</p>
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			<p>that, Highest Flood Level of Bata River is 2.00 meter and of Yamuna River is 10.00 meter, thus distance from the Highest Flood Level (HFL) along Yamuna and Bata River shall be 25.00 meter i.e. no construction shall be permitted in within 25.00 meter from the River bank. Distance/ setbacks of 5.00 meter from Khud and 3.00 meter from Nallahs to be maintained. In other areas, no construction shall be allowed in parcel of land prone to floods.</p> <p>Further, it is also important to specify here that in terms of General Regulation No. 16 of Appendix-1 of the HPTCP Rules, 2014 amended vide Notification No. A03/1/2023 dated 05.08.2024, the safe distance for carrying out construction activity from Khuds/ Nallahs in all Planning and Special Areas falling under jurisdiction of this office is now being allowed at a distance of 5.00 Metre and 7.00 Metre from Nallah and Khud respectively.</p> <p>Further, the Structure Stability Certificate is obtained from the registered Structure Engineer for all the buildings before granting planning permission. Geological Investigation Report along with Structural Design Report and Structure Stability Certificate is obtained mandatorily from all the high risk buildings.</p>
	Town Planning Office,		<p>Vide letter dated 01.11.2025, it was submitted that:-</p> <ol style="list-style-type: none"> 1. This office is granting

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	Paonta Sahib		<p>permission for construction strictly in accordance with the provisions under the Development Plans and HPTCP Rules. Further, no permission has knowingly been issued in contravention of the provisions of the concerned DP and HPTCP rules.</p> <ol style="list-style-type: none"> 2. Instances of unauthorized construction, if any, are generally carried out without approval of the Competent Authority and often come to notice of this office only upon through local reporting by the concerned technical official/complaints; where after necessary action under the provisions of the HPTCP Act, and in accordance with the guidelines for enforcing Town and Country Planning Act, 1977 notified by the State Government vide Notification No. TCP-F(5)-5/2018 dated 25.07.2018, is initiated. 3. It is also pertinent to apprise that the two major rivers passing through Paonta Sahib are Yamuna & Bata River and no building/structures have been swept away or severely damaged. 4. It is intimated that new planning permission are being granted as per Government Notification No. TCP-A03/1/2023 dated 05th Aug. 2025 i.e construction shall be allowed at distance of 5.00 Meter and 7.00 Meter from Nallah and
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 Himachal Pradesh, Shimla-171004

			Khud, respectively.
5	Divisional Town & Country Planning Office, Mandi	Mandi	<p>It has been intimated vide letter dated 10.10.2025, that there are five Planning areas and two Special areas under the jurisdiction of this office in District Mandi, viz. Jogindernagar Planning area, Aut Planning area, Nerchowk Planning area, Four lane Planning areas along Kiratpur-Manali (NH-03) and Pathankot-Mandi (NH-154), Ratti-Nagchala Special Area and Barot Special Area.</p> <p>Further, regular monitoring of construction activities is being carried out to the extent possible. However, due to limited technical staff and infrastructural resources, continuous on-ground surveillance becomes challenging. Despite this, all efforts are made to ensure adherence to rules and notifications issued by the Government from time to time. No multi-storied buildings are sanctioned by this office beyond the limits prescribed under the Government notifications and Himachal Pradesh Town and Country Planning Rules, 2014 (amended up to 2025). All approvals strictly adhere to the permissible Floor Area Ratio (FAR), height restrictions and various other regulatory provisions notified from time to time. These restrictions/provisions are also being a policy matter; the department/office is bound to act strictly in accordance with legislative provisions and Government directions.</p> <p>This department/office</p>

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Date Commissioner

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strictly follows all the orders and notifications of the Government, including Notification No. TCP-A03/1/2023 dated 05.08.2024, regarding construction near rivers, khads and nalas. No construction permissions or approvals have been granted in the prohibited areas.

As per the prevailing norms, the minimum permissible height of a building is 21 meters, and for real estate or planned development projects, the permissible height is 25 meters in hilly areas and 30 meters in plain areas, subject further to the floor area ratio and road width.

It is further submitted that, no hotels, malls or shopping complexes have been sanctioned within the Jurisdiction of this office on riverbanks or hill slopes more than 45°. The directions of the Hon'ble National Green Tribunal in its earlier order dated 25.07.2016 in O.A. No. 484 of 2014 "Sushma Bisht vs. State &Ors" (copy already annexed as Annexure:A) are also being followed.

Further, apart from its primary responsibility of planned development through formulation of various plans viz. Regional Plan, Development Plan, etc., is also entrusted with the approval of building plans in accordance with the prescribed planning regulations/ norms in its area of jurisdiction. The role of the department office after granting approval is to check (to the extent of its mandate) that the construction carried out on the site matches the sanctioned plan,

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		<p>i.e. verification of conformity of construction with the approved plan. Final NOC is issued only after the construction is found in confirmation to the approval granted.</p> <p>It is pertinent to mention that whenever an unauthorized development is noticed, the provisions of Section 38 and Section 39 of the Himachal Pradesh Town and Country Planning Act, 1977 (amended up to 2025), are duly invoked, empowering the authority to initiate action against unauthorized constructions, including issuances of notices, stoppage of work, and ordering demolition or alteration of such structures, wherever required under law. This process is followed in a time-bound manner, and appropriate records of such actions are maintained.</p>
	<p>Town Planning Office, Sundernagar</p>	<p>Vide letter dated 21.11.2025, it was informed that two planning areas namely, Sundernagar Planning Area and the Four-Lane Planning Area along Kiratpur-Manali (NH-03) falls under its jurisdiction. Construction work/activities are regularly monitored as far as possible, however, due to limited staff and resources, constant field checking/inspections are difficult. Nevertheless, all rules, government notifications, and planning regulations are strictly followed, and no building exceeding the permissible limits has ever been approved.</p> <p>It has further been intimated that the Government notification</p>

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			<p>dated 05.08.2024 regarding construction near rivers, khads and nalas, is being strictly complied with, and no permission has been granted in restricted areas. As per the prescribed norms, building height limits are 21 meters for general buildings, 25 meters for real-estate projects in hilly areas, and 30 meters in plain areas, depending upon the FAR and road width. No hotels, malls or commercial complexes have been sanctioned on riverbanks or steep slopes above 45 degrees. The earlier order of Hon'ble NGT dated 25.07.2016 is also being complied with.</p> <p>After grant of approval, this office verifies whether the construction has been carried out in accordance with the approved plan, and the final NOC is issued only after confirming that the construction of building is found correct. In case of unauthorized construction, action is taken under Sections 38 and 39 of the Himachal Pradesh Town and Country Planning Act, 1977, including issuance of notices, stoppage of work, and demolition orders, whenever required.</p>
6	Sub-Divisional Town Planning Office, Chamba	Chamba	<p>Vide letter dated 09.10.2025, it was submitted that certain mohals of Chamba Planning Area and Chamera Reservoir Special Area abut two Rivers namely, Ravi River and Baira Sihul River.</p> <p>The mohals of Chamba Planning area abut the river bank of Ravi include Mangla, Karian, Mugla, Chamba I and II, Sultanpur, Surein, Sarol, Udaipur,</p>

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			Haripur, Rajpura, Kiyani, Rajnagar, Saru, Bhanouta and some parts of the Mohals namely, Chehli, Tipri, Hunjad, Seru and Gandiar. Similarly, the mohals of Chamera Reservoir Special Area abut the River bank of Ravi namely, Sal, Chaklu and Ghatta and some mohals abuts with the river bank of Baira Sihul i.e. Plei, Chandi, Mohal, Prahnuie, Mohadi, Kandla, Danoon, Talori, Tuhi, Chhudra, Janna, Kandi, Saloori, Barangal, Taleru and Kamandi. The Planning Permissions are being granted in these Planning/Special areas in accordance with the TCP Rules and Regulations.
7	Sub-Divisional Town Planning, Una	Una	Vide letter dated 26.09.2025, it was informed that no permission has been granted to carry out the construction of buildings/ multi-storeyed buildings on the bank of rivers and rivulets/ khuds and nullah within notified Planning / Special Areas falling under the jurisdiction of this office. It has further been intimated that no building permission has been granted beyond the permissible Floor Area Ratio (FAR) and height limits.
	Town Planning Office, Amb-Gagret		It was intimated vide letter dated 19.03.2026, that no construction activity, as referred to in the said order, has been found near the banks of rivers and rivulets within the Amb-Gagret Planning Area.
8	Divisional Town Planning Office, Solan	Solan	Vide letter dated 29.09.2025, it was submitted that no major river passes through any of the Planning or Special Areas falling under the jurisdiction of this office. However, some rivulets do pass

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through certain parts of these areas, and the prescribed distance from such rivulets is strictly ensured while granting Planning Permissions and No Objection Certificates (NOCs), in accordance with the prevailing norms notified by the Government from time to time.

With regard to the areas falling outside the notified Planning/Special Areas, it is submitted that Sections 1(3A) and 1(3B) of the Himachal Pradesh Town and Country Planning Act, 1977 have been incorporated, which provide as follows:

"It shall apply to buildings or projects having a plot area of more than 1000 m² to be developed on land outside the notified Planning/Special Areas constituted under this Act, and such areas shall be deemed to be Planning Areas.

These provisions have come into force with effect from 1st August 2025, vide Government Notification No. TCP-A03/2/2022 dated 23.07.2025. Prior to this, approval was required only for real estate projects having area of plot more than 2500 m². Further, permissions for all buildings and projects, irrespective of their intended use, are being granted strictly in accordance with the prevailing rules and regulations. Compliance with the prescribed setbacks from rivulets is being strictly ensured as per applicable norms. Moreover, the number of storeys and the height of buildings are also being regulated as per the norms envisaged in the respective Development Plans


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		and the General Regulations envisaged under Himachal Pradesh Town and Country Planning Rules, 2014 (amended upto 2025).
	Sub-Divisional Town Planning Office, Kasauli	<p>Vide letter dated 29.09.2025, it was informed that no river passes through the Kasauli Planning Area. However, some rivulets passes through certain parts of Kasauli Planning Area, and the prescribed distance for such rivulets is strictly ensured while granting planning permissions and No Objection Certificate, in accordance with the prevailing norms notified by the Govt. from time to time.</p> <p>It has further been intimated that, no multi-storeyed buildings have come up in the Kasauli Planning Area after the order dated 05.10.2018 passed by the Hon'ble National Green Tribunal, and there is no violations of rules or the direction of Hon'ble NGT. Proper monitoring of illegal constructions is being carried out from time to time. Moreover, the number of storeys and the height of buildings are being ensured strictly regulated as per the guidelines/order passed by the Hon'ble NGT and as per the regulations envisaged in the Development Plan Kasauli, as well as general regulation under HPTCP Rules 2014 amended up to 2024.</p>
	Municipal Corporation, Solan	It has been intimated vide letter dated 30.10.2025 that no major river passes through any of the areas under the jurisdiction of this office. However, some rivulets do pass through certain parts of

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 Town & Country Planning Deptt.
 Himachal Pradesh, Shimla-171001

			<p>these areas, and the prescribed distance from such rivulets is strictly ensured while granting planning permissions and No objection Certificates (NOCS), in accordance with the prevailing norms notified by the Government from time to time. The permissions for all buildings and projects, irrespective of their intended use are being granted strictly in accordance with the prevailing rules and regulations. Compliance with the required setbacks from rivulets is being strictly ensured as per applicable norms. Moreover, the number of storeys and the height of buildings are also being regulated as per the norms envisaged in the respective Development Plans and general regulations envisaged under Himachal Pradesh Town & Country Planning Act 1977 and Rules, 2014 (amended up to 2025). Further, it is submitted that whenever any information is received or comes to the notice of the field staff regarding unauthorized construction, the matter is dealt with in accordance with the procedure laid down in the HPMC Act and HPTCP Act, and appropriate action is taken accordingly. During the last two years this office has issued notices to respondents and proceedings have been initiated against 56 respondents. Field staff has been directed to keep vigil on unauthorized construction cases and fortnightly report is taken from them.</p>
9	Divisional Town	Shimla	Vide letter dated 08.05.2026, it was informed that-

ATTESTED


<p>Planning Office, Shimla</p>		<ol style="list-style-type: none"> 1. No major river falls within the jurisdiction of Shimla Planning Area. However, minor khud/nullah falls in the area and requisite distances of 5.0 to 7.0 mtrs respectively are being ensured during granting planning permission/completion /issuance of NOCs. 2. With regard to monitoring of construction activities, proper check/inspection is made and the empanelled Architects, who submit plan and secure the sanction, supervise the construction work. The Architect also submits a specific undertaking in the form of supervision certificate to this effect. Moreover, the buildings constructed, either partly or wholly are not granted basic amenities such as water connection, electric connection and sewerage connection without obtaining the NOCs from the Department. Commercial/Tourism units cannot be made operational without registration from the Tourism Department, which ensures/requires completion/ part completion issued by the TCP Department/concerned local bodies, consent to operate from the Pollution Control Board, and NOC from the Fire Department. All these statutory checks restrict the applicants from carrying out construction of building in
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ESTABLISHED
with Compliances

Director,
Town & Country Planning Deptt.
Himachal Pradesh, Shimla-171009

		<p>violation to the prescribed norms, as such building cannot be put to use without fulfilling the mandatory requirements. The Department also ensures submissions of Structural Stability certificate from registered Structural Engineer while granting completion certificate/sanction.</p>
	<p>Sub-Divisional Town Planning Office, Rampur</p>	<p>Vide letter dated 09.10.2025, it was submitted that all permission are being granted as per the provision of HPTCP Act, 1977 and Rules 2014, as amended from time to time. Further, periodic site visits are conducted regularly by the official of the department in the concerned areas as per the guideline issued by the Director, Town and Country Planning Department in 2018. No Objection Certificate is issued by the Director, Town and Country Planning Deptt. in 2018. No Objection Certificate at plinth level are issued as per the provision HPTCP, Act and Rules for the connection of water, electricity and sewerage provided that construction is to be found in accordance to the approved building plan/map.</p> <p>It has been further submitted that the major river passing through Rampur is the Satluj river. However, the area of Satluj river and its High Flood Line (HFL) falls outside the jurisdiction of the Rampur Planning Area, The area falling under the jurisdiction of the Sub-Divisional Town and Country Planning Office, Rampur is</p>

TESTED
Sath Gaurav

Director,
Town & Country Planning Deptt.
Himachal Pradesh, Shimla-171001

	Town Planning Office, Rohru	<p>approximately 116 hectares only.</p> <p>Vide letter dated 24.10.2025 it was submitted that:-</p> <p>This Office is granting permissions strictly in accordance with the provisions of the concerned Development Plans and HPTCP rules. Further, no permissions have been knowingly issued in contravention of the provisions of the concerned DP Rohru and HPTCP rules.</p> <ol style="list-style-type: none"> 1. Instances of unauthorized constructions, if any, which are generally carried out without approval of the Competent Authority and often come to notice of this office through local reporting by the concerned technical officials/complaints. There after necessary action under the provisions of HPTCP Act, is initiated in accordance with the "Guidelines for enforcing Town and Country Planning Act of 1977" notified by the State Government vide Notification No. TCP-F (S)-5/20 18 dated 25.07.2018. 2. It has been further submitted that during site visits/inspections, it has come to notice of office that certain buildings already existed /situated along the Kuhal / Nallah / Khad prior to enforcement of the HPTCP Act in the concerned areas. Moreover these areas now fall within the jurisdiction of Municipal Council, Rohru.
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ATTESTED:

with stamp

Director,
Town & Country Planning Deptt.
Himachal Pradesh, Shimla-171009

	Municipal Council Theog		<p>It has been intimated vide letter dated 29.10.2025 that:-</p> <ol style="list-style-type: none"> 1. That there is no river or rivulet within the jurisdiction of Municipal Council Theog. 2. Further Municipal Council Theog is implementing the Town and Country Planning rules and development plan of Theog under which residential & commercial buildings are permitted upto maximum height of 21 mtrs subject to compliance of floor area ratio. For building violating the norms completion certificates of the buildings are withheld. <p>The council is taking action against unauthorized construction that do not conform to the provision of TCP Act by issuing of notices, withholding NOC for water connection, non-issuance of completion certificate of building.</p>
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Hence, the present affidavit may kindly be taken on record in pursuance of the order dated 20.08.2025 passed by the Principal Bench of the Hon'ble National Green Tribunal.

Date:- 16.5.26

Place:- *Shimla*

Respondent No.1
 Director,
 Town & Country Planning Deptt.
 Himachal Pradesh, Shimla-171005
 Through

Ld. Addl. Advocate General

ATTESTED
 with Commission

Reply drafted by:
 Anu Fishta,
 Assistant District Attorney-cum-Law Officer,
 Town & Country Planning Department, Himachal Pradesh.

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL, NEW DELHI

O.A. No.421/2025

In the matter of:-

Illegal Construction Flourish in Himachal Pradesh due to lack of Proper Checks

... Applicant

V/s

State of Himachal Pradesh & others

.....Respondents

Affidavit in support of reply to the Original Application on behalf of Respondent No. 1.

I, Hemis Negi, S/o Sh. S.S. Negi, Aged 50 years, presently working as Director, Town & Country Planning Department, Himachal Pradesh, do hereby solemnly affirm and declare the contents of para 1 to 5 to the reply of the Original Application are true and correct to the best of my knowledge as derived from the office record.

I, the above named deponent do hereby further solemnly affirm that the contents of para 1 & 2 of the affidavit are true and correct to the best of my knowledge and nothing has been concealed there from.

Signed and Verified at Shimla on day of 16th May, 2026.

I, the undersigned, do hereby certify that the above deponent was before me on oath affirmation on this 16th day of May, 2026 at Shimla in the District of Shimla by Sh. Hemis Negi who was identified by Sh. Anurag Singh A.S.H. who is personally known to me.

Certified that the contents of the above affidavit were read over and explained to the declarant in vernacular and admit them to be correct

Subscribed & Identified By

ATTESTED
Oath Commissioner

Rakesh Raghuvanshi
Advocate

16/5/26

Deponent
Director,
Town & Country Planning Deptt.
Himachal Pradesh, Shimla-171006

All Cuttings and Corrections are duly attested by me.

16/5/26
Oath Commissioner

8. The applicants shall not be insisted for submission of No Objection Certificate (NOC) from National Highway Authority of India (NHAI) or Himachal Pradesh Public Works Department (HPPWD) authorities. However, the Competent Authority shall ensure and coordinate with other related Authorities that building is sanctioned strictly as per the Regulations and facilitate single window clearance to the applicant. Applicant will submit his layout plan with clearly demarcated, acquired and controlled width etc.

16.8 General Regulations

The following General Regulations shall apply to all development activities in the Nadaun Planning Area: -

1. Maximum cutting of the natural ground profile shall not exceed more 3.50 Metre. However, in extra ordinary cases where hill cut or excavation is more than 3.50 meter site development Plan showing retaining/ breast wall etc. would be prepared/ designed by the Structural Engineer.
2. Maximum acceptable slope for development shall be 45 degrees.
3. Construction should be allowed on sandwiched plots without any kind of setbacks but projection shall not be allowed over the streets/roads.
4. Sky view impression on the ground should be such that nothing including projections and appendages such as AC outdoor units/sign bards etc. should project on the streets/ roads/ others' land.
5. Water, sludge and sewage should also not trickle on the streets or roads. Septic Tank and provision to lay out sewerage service line or connecting with the existing sewerage lines shall be mandatory.
6. The height of the room for human habitation shall not be less than 2.75 Metres measured from the surface of the floor to the soffit of the slab, provided that the minimum headway under any beam shall not be less than 2.40 Metres.
7. No boundary wall, fence and hedge along any yard or plot shall exceed 1.50 Metre in height.
8. On a corner plot bounded by a vehicular road in any land use zone or area, nothing shall be erected, placed, planted or allowed to grow in such a manner so as to materialiy impede vision to avoid accidents and smooth running of vehicular traffic.
9. No construction shall be allowed within 5.00 Metre distance from the existing forest or green belt boundary.
10. Minimum building width of 5.0 Metre be ensured after leaving setbacks. There will be No side setbacks in case of row housing.
11. There would be mixed land use in the entire Planning Area as per para 16.16 Zoning regulations. Hence, the change of Land use shall not be attracted, if the proposed construction is a permitted activity in a particular land use zone.

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 484 of 2014
(M.A. No. 24 of 2015, M.A. No. 164 of 2015 & M.A. No. 292 of 2016)

IN THE MATTER OF :-

Sushma Bisht Vs. State & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant: Mr. Suryanarayana Singh, Sr, Adv, and AG, HP
Respondent No Mr. A.K. Prasad and Mr. Panshul Chandra, Adv.
for CWC

Date and Remarks	Orders of the Tribunal
<p>Item No. 22</p> <p>July 25, 2016</p> <p>ss</p>	<p>On the oral request of the Learned Counsel appearing for the State of Himachal Pradesh the Central Water Commission, Central Ground Water Authority and National Institute of Hydrology, Roorkee are directed to be impleaded as respondent - party in this application.</p> <p>Issue Notice. The Learned Counsel appearing for Central Water Commission accepts notice waive service. Let the Notice be issued to National Institute of Hydrology, Roorkee to be present before the Tribunal on the next date of hearing and in the meanwhile carry out directions that are issued in this order.</p> <p>The Secretary, Urban Development, H.P., Deputy Commissioner, Mandi, Director, Urban Development and Executive Officer, Municipal Corporation, Mandi and Executive Engineer, Irrigation and Public Health Department, Mandi are present. It has been submitted by the Learned Counsel appearing for State of H.P. upon instructions from these officers that in relation to river Beas, the high flood level has already been demarcated physically on the site and in the revenue record. He</p>

<p>Item No. 22</p> <p>July 25, 2016</p> <p>ss</p>	<p>further state that they have fixed the prohibited area - 25 Meters beyond the High Flood Line for construction on river Beas. As far as the demarcation of other water bodies like Sukati Khud, Skodi Khud and other water bodies alike in district Mandi and, High Flood Line could not be completed as they are lacking the technical knowhow for completing the same.</p> <p>Consequently, we direct the Central Water Commission and National Institute of Hydrology, Roorkee to provide manpower and expertise to Deputy Commissioner, Mandi, H.P. to ensure that the High Flood Line (HFL) is demarcated physically and the prohibitory zone in the water bodies other than the river Beas as indicated above is also demarcated. This should be done within three weeks from today without default. The Director or the officer in-charge of both the institutes shall nominate officers within one week from today. The Secretary, Irrigation and Public Health Department shall directly correspond with these authorities and ensure that the directions are implemented.</p> <p>The Director, Urban Development would depute officers from the Irrigation and Public Health Department for implementing the directions contained in this order and report the matter to the Tribunal on the next date of hearing.</p> <p>In view of the High Flood Line having been demarcated by the Administration itself on the river Beas, we direct that no construction would be permitted to be raised of any kind within 25 meters of the High Flood Line and no Authority will sanction any construction plan in that behalf.</p>
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<p>Item No. 22</p> <p>July 25, 2016</p> <p>ss</p>	<p>We further direct that within 25 meters from the edge of the river/water bodies in reference to Sukati Khud and Skodi Khud no construction would be raised under any circumstances. Furthermore, no authority would sanction construction plan on these water bodies and or other water bodies located in district Mandi in relation to collection, transportation and disposal of Municipal Solid Waste and other waste. It has been stated that efforts are being made to establish a well prepared site for depositing Municipal Solid Waste and other waste in accordance with law.</p> <p>We are not satisfied with the extent of the steps being taken by the authorities concerned. Thus we direct all the officers concerned i.e. Executive Officer of the Corporation, Director, Urban Development and Secretary, Urban Development to ensure that the Municipal Solid Waste and other waste collection, disposal and dumping is strictly in accordance with rule and particularly as per the Solid Waste Management Rules, 2016 that has come into force in the recent past. Every effort would be made appropriately to collect and segregate waste at the source itself. Incentives should be provided to the people who segregate.</p> <p>The Deputy Commissioner, Urban Development, Mandi, and the Secretary Ministry of Urban Development of the State of Himachal Pradesh shall submit a complete proposal before the Tribunal in relation to the matter of Municipal Solid Waste collection and disposal whether in the form of clusters and single. Let the report be submitted before the Tribunal positively by the next date</p>
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<p>Item No. 22</p> <p>July 25, 2016</p> <p>ss</p>	<p>of hearing. All these three officers will also file a complete and comprehensive plan with regard to generation of sewage, its treatment and disposal in district Mandi again in the form of clusters and single. Let that plan also be submitted before the next date of hearing.</p> <p>List this matter on 02nd September, 2016.</p> <p><u>M.A. No. 24 of 2015</u></p> <p>Nobody is present on behalf of the Applicant. Consequently M.A. No. 24 of 2015 is dismissed for default of appearance.</p> <p><u>M.A. No. 164 of 2015</u></p> <p>This application has become infructuous and dismissed as such, in view of the order passed today. Accordingly the M.A. No. 164 of 2015 does not survive for consideration and disposed of without any order as to cost.</p> <p><u>M.A. No. 292 of 2016</u></p> <p>This application has been rendered infructuous in furtherance to above as the matter has been heard. Thus M.A. No. 292 of 2016 stands disposed of. No order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p>
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	<p>Item No. 22</p> <p>July 25, 2016</p> <p>ss</p>	<p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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(AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT NOTIFICATION NO. TCP-A03/1/2023 DATED 05-08-2024 AS REQUIRED UNDER CLAUSE (3) OF ARTICLE 348 OF THE CONSTITUTION OF INDIA)

GOVERNMENT OF HIMACHAL PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT

NOTIFICATION

No. TCP-A03/1/2023 Dated Shimla-2, 05 -08-2024

WHEREAS, the draft notification to carry out amendments in the Himachal Pradesh Town and Country Planning Rules, 2014, was notified vide this Department notification of even number dated 21st January, 2024 and published in the Rajpatra (e-Gazette), Himachal Pradesh dated 30th January, 2024 for inviting objection(s) and suggestion(s) from the person(s) likely to be affected thereby within a period of thirty days from the date of publication of the said notification in the Rajpatra (e-gazette) Himachal Pradesh;

AND WHEREAS, no objection(s)/suggestion(s) received in this behalf within the stipulated period by the Government;

NOW THEREFORE, in exercise of the powers conferred by section 87 of the Act, 1977 (Act No. 12 of 1977), the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Town and Country Planning Rules, 2014 notified vide this Department Notification No. TCP-A (3)-1/2014-I dated 1st December, 2014 and published in the Rajpatra (e-Gazette), Himachal Pradesh on 01st December, 2014, namely:-

Short title
and
commencement.

1. (1) These rules may be called the Himachal Pradesh Town and Country Planning (**Eleventh Amendment**) Rules, 2024.
- (2) These rules shall come into force from the date of its publication in the Rajpatra (e-Gazette), Himachal Pradesh.

Amendment
of rule 21.

2. In rule 21 of the Himachal Pradesh Town and Country Planning Rules, 2014 (hereinafter referred to as the 'said rules'), after sub-rule (2), the following new sub rules (3) & (4) shall be added, namely:-

“(3) For all High Risk Buildings as per Risk Based Classification notified by the Government, Geological Investigation Report along with Structural Design Report and Structural Stability Certificate shall be mandatory.

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- (4) The Director may suspend or cancel the registration of any registered structural engineer in case any structure infirmity is found in the structural design submitted and approved by the concerned Structural Engineer or in case the structural stability certificate is issued by a Structural Engineer upon completion of the building and the building is not found structurally stable.”

Amendment of Appendix-1. 3. In Appendix-1 of the 'said rules', in serial number III of General Regulations -

- (a) for regulation 16, the following regulation shall be substituted, namely:-

“16. The construction shall be allowed at distance of 5.00 Metre and 7.00 Metre from Nallah and Khud respectively.”; and

- (b) after regulation 31, the following Regulation shall be added, namely:-

“32. **Valley View** -Notwithstanding anything contained under the general regulations of any Development Plan/ Interim Development Plan for the time being in force, as applicable in respect of any planning or special area notified under the statutory provisions of the Himachal Pradesh Town and Country Planning Act, 1977, any building to be constructed on the valley side of the identified stretches of the Four Lanes/National Highway/State Highway in whole of the State of Himachal Pradesh shall remain 1.00 M below the road level. However, before imposition of Valley View on any road stretches having great vantage/view points and tourism potentials, same shall be identified by the State Government in order to fully preserve and protect the valley view.

Note- For imposition of Valley View regulations on Four Lanes/National Highway/State Highway falling beyond the jurisdiction of the act ibid, the road stretches having great vantage/view points and tourism potentials shall be identified by the State Government and the implementation and monitoring of same shall be ensured by the Rural Development and Panchayati Raj Departments as per the provisions contained in section 11 of the Himachal Pradesh Panchayati Raj Act, 1994.”

By Order

Devesh Kumar
Principal Secretary (TCP) to the
Government of Himachal Pradesh