

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
NEW DELHI**

**O.A No. 341/2024**

**IN THE MATTER OF:-**

Dr. Pawan Kumar Banta

.....Petitioner

**Versus**

State of H.P & Ors.

..... Respondents

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PLACE: SHIMLA. REPLYING RESPONDENT No.

1, 5 & 6.

Director,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P.

DATED: 05.10.24

Through

*Divyanshu*

Divyanshu Kumar Srivastava (D/1383/2015)  
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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
NEW DELHI**

**O.A. No. 341/2024**

**IN THE MATTER OF:-**

Dr. Pawan Kumar Banta, Aged 60 Yrs., S/o Late  
Sh. Gian Chand Banta, R/o House No. 500-A,  
Sector-4, New Shimla.

.....**Petitioner**

Versus

1. The State of Himachal Pradesh through Chief Secretary, to the GoH.P, Shimla-2.
2. Himachal Pradesh Pollution Control Board through its Chairman, Him Parivesh, Phase-3, New Shimla.
3. Principal Secretary, Town and Country Planning, GoH.P, HP Secretariat, Shimla-2.
4. The Municipal Corporation, Shimla through its Commissioner.
5. Department of Environment Science Technology & Climate Change through its Chief Secretary, Paryavaran Bhawan, Near US Club Shimla-1
6. State Level Environment Impact Assessment Authority, Department of Environment Science &

  
Director,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P

**ATTESTED**  
  
Executive Magistrate  
H.P. Sectt., Shimla

Technology, Paryavaran Bhawan, Near US Club Shimla-1.

7. M/s Nirvana Woods & Hotels Pvt. Ltd., through its Director Pankaj Gupta.

.....Respondents

**Reply on the behalf of Respondent No. 1 State of H.P. through Chief Secretary), Respondent No. 5 (Department of Environment Science Technology & Climate Change through its Chief Secretary) & Respondent No. 6 (State Level Environment Impact Assessment Authority, Department of Environment Science & Technology).**

**MAY IT PLEASE YOUR LORDSHIPS**

**PRELIMINARY SUBMISSIONS**

1. That the present Application is not maintainable against the replying respondent as no fundamental or legal right of the applicant has been violated by the Replying Respondents in any manner; therefore, the same deserves dismissal. That the petitioner has been a cantankerous litigant and the similar issue is pending adjudication in various other matters too, before the Hon'ble High Court of Himachal Pradesh. The subject matter of these litigations is same and therefore, it is humbly requested that - present Application should be dismissed with cost

  
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2. That the erstwhile owner Mr. Sunil Sood was granted Environment Clearance (“EC”) under EIA Notification, 2006. It was granted to M/s Homeland Exotica vide letter no. HP SEIAA/2015-360 dated 01.04.2016. The owner of M/s Homeland Exotica, Sh. Sunil Kumar Sood was granted the Environment Clearance (EC) as per the norms and after fulfilling all the codal formalities.
  
3. That the Petition is not at all maintainable against the Replying Respondent No. 1, 5 & 6 in view of the fact that Environment Clearance (EC) has been granted under EIA Notification, 2006 to M/s Homeland Exotica as per provisions of the EIA Notification No. S.O. 1533 dated 14<sup>th</sup> September, 2006 vide letter no. HP SEIAA/2015-360 dated 01.04.2016 after examining NOC's/Clearances obtained by project proponent from all concerned Departments’ and no Environment Clearance has been granted by the replying respondent to the M/s Nirvana Woods & Hotels Pvt. Ltd who has been arrayed as Respondent No. 7 in the petition.
  
4. That the petition is not maintainable for non-joinder of the necessary party i.e. Department of Revenue as the petitioner has levied averments pertaining to the irregularities of the land use by the respondent No.7.

**REPLY ON THE BEHALF OF RESPONDENT NO.  
1, 5 & 6**

**Reply on Merits:**

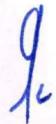
1. That the contents of this para pertaining to the residential address of the applicant are a matter of record and hence needs no submission. It is submitted before the Hon'ble Court that the extraordinary jurisdiction of the Hon'ble Court has been invoked by the applicant earlier also in the same subject matter and in the said matters some cases have been decided/ disposed and some are pending adjudication before the Hon'ble High Court of Himachal Pradesh.
2. The contents of this para pertains to the respondent No.7 hence needs no reply.
3. That the contents of this para pertains to the sale brochure of the project titled "Nirvana Woods" based on the petitioners' assertion hence, needs no reply.
4. The contents of this para pertains to the multiple litigations pending of the said property dispute The subject matter of these litigations is same and therefore, it is humbly requested that these matters may be determined/ adjudicated in the interest of justice to avoid multiplicity of orders. That as far as the matter is concerned, it is submitted the orders

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were passed by Hon'ble National Green Tribunal in  
OA No. 55/2020 stating that:

*".....it is patent from the above that the project proponent does not have Environmental Clearance (EC) apart from other violations. There is nothing to show compliance of requirement of Air and Water Acts. In view of this position, the Director, Town and Country Planning, H.P, Commissioner, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and the State PCB may ensure that the project does not proceed further in violation of law. Action may also be taken for prosecution and assessment and recovery of environmental compensation, following due process of law. Further report in the matter be filed on or before on 31.08.2020 by email at judicial-ngt@gov.in*

In this regard, the action taken report was submitted by the Member Secretary, Himachal Pradesh State Level Environment Impact Assessment Authority as per the directions of Hon'ble National Green Tribunal vide order dated 12.05.2020. As per the averments by the petitioner regarding violations of the laws relating to Environment is concerned, it is submitted before the Hon'ble Court that no Environment Clearance has been granted to the M/s Nirvana Woods & Hotels Pvt. Ltd who has been arrayed as Respondent No. 7 in the petition. That the respondent No.7 had applied for the grant of Environment Clearance vide proposal No. SIA/ HP/ MIS/ 139235/

  
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2020,HPSEIAA/2020-706 dated 28.01.2020 for the same project which was listed in the 73<sup>rd</sup> meeting of SEAC held on 8<sup>th</sup> to 10<sup>th</sup> June, 2020 with some observations and subsequently in 82<sup>nd</sup> meeting of SEAC directing the project proponent to submit the compliance through online portal for further necessary action in the matter. Thereafter, due to non-compliance by the Project Proponent the case was delisted from PARIVESH portal of MOEF&CC, Govt. of India (**Annexre-R-1**).

5-6. That the content of this para pertains to the granting Environment Clearance to various projects under Environment Impact Assessment Notification, 2006 and its subsequent amendments from time to time after examining NOC's/Clearances obtained by project proponent from all other concerned Departments'. That the office of Member Secretary, Himachal Pradesh State Level Environment Impact Assessment Authority (HP SEIAA) is concerned, the project proposal by Sh. Sunil Kumar Sood M/s Homeland Exotica-mixed land use construction project was received in the Secretariat office on dated 21/4/2015 for seeking prior environmental clearance under Environment Impact Assessment Notification, 2006. Thereafter, the proposal was appraised as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification,

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dated 14<sup>th</sup> September 2006 on the basis of documents viz; Form-I, Pre-feasibility Report, clearances/NOC's from various Departments, EIA/EMP, etc. by the State Expert Appraisal Committee constituted by the competent authority in its 41<sup>st</sup> meeting held on Sept. 9-11, 2015. The SEIAA examined the proposal in its 24<sup>th</sup> meeting held on 27<sup>th</sup> February, 2016 and considered the recommendations made by SEAC in its 41<sup>st</sup> meeting held on Sept. 9.11.2015. After considering the recommendations of the State Level Expert Appraisal Committee, the State level Environmental Impact Assessment Authority accorded Environmental Clearance to the project as per provisions of the EIA Notification No. S.O. 1533 dated 14<sup>th</sup> September, 2006 vide letter no. HP SEIAA/2015-360 dated 01.04.2016. **(Annexure R-2)**. Later the project proponent Sh. Sunil Kumar Sood, M/s Homeland Exotica had applied for change of name from M/s Homeland Exotica-mixed land use construction project to Nirvana Woods on dated 20.04.2016. **(Annexure R-3)**

7-13. That the contents of this para pertains to the permissions and consent granted by the other respondent Departments i.e TCP, MC & Urban Development Department, hence need no comments from replying respondents.

14. That the contents of this para pertain to the RTI information sought by the petitioner and the reply furnished by the SEIAA about the status of the grant of the Environment Clearance.

15-18. That the content of these paras pertains to other respondents under whose purview the RTI application has been sought hence needs no submission.

19 -20. The contents of these paras pertain to the show cause notice issued to the respondent No.7 by the respondent No. 2, hence needs submission from the replying respondents. The State Expert Appraisal Committee (SEAC) and State level Environmental Impact Assessment Authority (SEIAA) could not issue the letter to the project proponent due to non-compliance of the requirements of the prior-approval from the concerned stakeholder departments for the change of the name of the project. Further, it is submitted that due to administrative requirements, i.e expiry of the period of the Committees viz SEIAA & SEAC on 02.12.2017 it took a period of one year for reconstitution of the Committee. On 13.07.2018 the committee was reconstituted and the matter was pending before the committee in want of desired information from the project proponent. In this regard, a letter on dated 20.01.2020 was also issued to M/s Nirvana Woods in compliance to the order passed by Hon'ble High Court in respect of M/s Diamond

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Traxeim Pvt. Ltd. Vs. Sunil Kumar Sood & others stating that in order to transfer Environment Clearance from M/S Homeland Exotica to Nirvana Woods, the project proponent is required to apply as per procedure laid under Rule-11 of EIA Notification, 2006 (**Annexure R-4**). However, on 14.03.2020 Sh. Sunil Kumar Sood had requested for cancellation of the Environment Clearance in favour of M/s Homeland Exotica-mixed land use construction project (sole proprietor Sunil Kumar Sood) on land measuring 46,599m<sup>2</sup> (**Annexure R-5**) However, later M/s Nirvana Woods & Hotels Pvt. Ltd. had applied for the grant of Environment Clearance vide dated 20.01.2020 for the same project which was listed in the 73<sup>rd</sup> meeting of SEAC, held on 8<sup>th</sup> to 10<sup>th</sup> June, 2020 with some observations and consequently, due to non-compliance the case was delisted. The rest of the contents pertaining the illegal construction based on the approved maps from Respondent number 3, need no reply.

21-26. That the contents of these paras does not pertain to the replying respondents hence, needs no reply.

27-32. That the contents of these paras pertain to the letter written by Sh. Sunil Sood on dated 14.03.2020, where Sh. Sunil Kumar Sood had requested for cancellation of Environment Clearance in favour of M/s

Homeland Exotica-mixed land use construction project on land measuring **46,599 m<sup>2</sup>**.

Meanwhile, an order was also passed by the Hon'ble National Green Tribunal in the matter of Dr. Pawan Kumar Banta vs. Union of India & Ors in O.A. No. 55/2020 regarding M/s Homeland Exotica-mixed land use construction project at Shimla on dated 12.05.2020, wherein it was directed that,

*".....it is patent from the above that the project proponent does not have Environmental Clearance (EC) apart from other violations. There is nothing to show compliance of requirement of Air and Water Acts. In view of this position, the Director, Town and Country Planning, H.P, Commissioner, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and the State PCB may ensure that the project does not proceed further in violation of law. Action may also be taken for prosecution and assessment and recovery of environmental compensation, following due process of law. Further report in the matter be filed on or before on 31.08.2020 by email at judicial-ngt@gov.in*

In compliance to the above orders, the concerned officers' from Town and Country Planning Department, Municipal Corporation, Shimla, Member Secretary, HP State Pollution Control Board and Himachal Pradesh State Level Environment Impact Assessment Authority initiated the action against the project proponent to ensure that project proponent does not violate the norms/law.

As far as the office of Member Secretary, HP SEIAA is concerned an action taken report was submitted on dated 28.03.2020 in compliance to the order passed on dated 02.03.2020 by Hon'ble National Green Tribunal.

Later on again an action taken report was again submitted on dated 29.08.2020 before Hon'ble National Green Tribunal. As per the report a notice was issued to Sh. Pankaj Gupta, M/s Homeland Exotica-mixed land use construction project, now working in name of M/s Nirvana Woods & Hotels (P) Ltd., Village-Kiyari & Rirka, Tehsil & District-Shimla, H.P vide letter no. F. No. HP SEIAA/2015-360-loose -367-371 dated 23.05.2020 and directed that this is non compliance by the project proponent to the terms and conditions of Environment Clearance granted as per the provisions contained in the Environment Impact Assessment Notification, 2006 under Section-5 of Environment (Protection) Act, 1986 & the orders of Hon'ble National Green Tribunal dated 12.05.2020. The project proponent was directed to immediately stop the construction activities at project site till further orders or till the construction activities are permitted by Court of Law. **(Annexure R-6)**

It is worthwhile to mention here that the Himachal Pradesh State Level Environment Impact Assessment Authority (HP SEIAA) has complied all the directions of Hon'ble National Green Tribunal in letter and Spirit.

33-42.- That the content of these paras pertains to other respondents under whose preview the RTI application has been sought hence needs no submission.

43-49- The contents of these para are the directions issued by the Hon'ble Court from time to time as and when the matter was pending adjudication before the Hon'ble Court. That the contents of these paras pertain to the writ petition CWP No. 2428/2020. In this regard it is submitted that a letter vide No. 2428/2020-1704 dated 04.05.2022 has been communicated to the replying Respondent by HPPCB and had requested to submit before the Hon'ble Court the correct and factual position about the prior Environment Clearance which may be brought to the notice of the Hon'ble Court. It is submitted before the Hon'ble Court that the HPPCB filed an application CMP No. 7537/2021 for modification of the order dated 06.05.2021 passed by the Hon'ble High Court in CWP No. 2428/2020 whereby the HPPCB apprised the Hon'ble Court that prior environment Clearance is mandatory before seeking consent by the State Board

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for any such projects to be undertaken by the project proponent. It was further submitted by the HPPCB before the Hon'ble Court that in case the unit is allowed to establish without prior environment clearance, it would weaken the enforcement of the environment norms in the State. It is submitted before the Hon'ble Court that the prior Environment Clearance is mandatory provision for seeking the consent from the HPPCB for any project proponent. That no fresh Environment Clearance has been granted by the Replying Respondent in the name of M/S Nirvana Woods & Hotels Pvt. Ltd and due the non-compliance of the observations by the project proponent and also the earlier Environment Clearance was not transferred in the name of M/S Nirvana Woods & Hotels Pvt. Ltd due to non-submission of NOC from both the parties. The rest of the contents of the para pertains to the SLP being filed before the Hon'ble Apex Court, which being a matter of record needs no submission from replying respondents.

51- 54 The contents of these paras pertains to the compliance on the behest of other respondent departments under whose preview the matter falls.

55. That the replying respondents have not granted any permission to the respondent No.7 for the

construction of the project nor has violated the directions passed by the Hon'ble High Court of Himachal Pradesh in COMS 23/2018 in any manner.

**GROUND:-**

- A-B. That the contents of these paras pertain to the unauthorized construction activities which does not falls under the preview of the replying respondents.
- C. That the contents of this para pertain to the compliance to the directions of the Hon'ble Apex Court hence needs no submission.
- D-E. That the respondents are fulfilling their duty and that there has been no manipulation by the State Authorities.
- F. That the contents of this para pertains to the sanction obtained by the respondent No.7, it is submitted that the replying respondent has not granted any fresh Environment Clearance to the said project proponent.
- G-J. That the replying respondents have acted under the obligation of the Rule of Law and has not granted any consent to construct 11 storyed building. That the said area falls under the jurisdiction of the Respondent No.4 and the permissions for the

  
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construction to the project proponent has been granted by Respondent No. 3.

K. In reply to this para, it is stated that a letter was also written on dated 20.01.2020 to M/s Nirvana Woods in compliance to the order passed by Hon'ble High Court in respect of M/s Diamond Traxeim Pvt. Ltd. Vs. Sunil Kumar Sood & others stating that in order to transfer Environment Clearance, the project proponent is required to apply as per procedure laid under Rule-11 of EIA Notification, 2006.

As far the RTI is concerned, this office has not granted any Environment Clearance to M/s Nirwana Woods and Hotels Pvt. Limited. However, later on the applicant applied afresh on the online portal of Ministry of Environment, Forest & Climate Change (MoEF&CC), to the Govt. of India for granting Environment Clearance on dated 28/01/2020 which was processed by the SEIAA secretariat on dated 19/02/2020 with revised project proposal in the name of "**M/s Nirvana Woods & Hotels (P) Ltd.,**" having revised area measuring **31,768 m<sup>2</sup>** & built up area 55,565 m<sup>2</sup> at Khasra No. 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640 to 649 at Mauza Kiari and

  
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Khasra No. 1 to 9 and 321/10 at Mauza Rirka, Tehsil & Distt. Shimla.

Meanwhile this office, SEIAA Respondent No.6 on dated 14.03.2020 received a letter from Sh. Sunil Kumar Sood made a request to surrender the Environment Clearance granted in favour of M/S Homeland Exotica-mixed land use construction project which was dealt as per Hon'ble NGT order dated 12.05.2020 and copy of the order was issued by SEIAA on 23.05.2020.

L-S . The contents of these paras pertain to the actions taken / permissions granted by other respondents, hence needs no reply.

T-U A report was submitted before Hon'ble National Green Tribunal on dated 28.03.2020 on the basis of observations made by the committee constituted vide order dated 02.03.2020 in the matter of Dr. Pawan Kumar Banta Vs. Union of India & Ors. in OA No. 55/2020. Notices were also issued to project proponent by the Himachal Pradesh State Level Environment Impact Assessment Authority, which is stated in above paras supra.

More so it is stated that as far as the Himachal Pradesh State Level Environment Impact Assessment Authority



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(HP SEIAA) is concerned the Environment Clearance has been issued as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification, dated 14<sup>th</sup> September 2006 and its subsequent amendment on the basis of documents appraised by SEIAA. It is also submitted that all the representations/complaints/RTI have been addressed by this office from time to time.

L.-P That these paras pertains to the permissions granted to the project proponent, Respondent No.7 by other respondent Departments hence, need no submission.

Q. The averments pertain to the Respondent No. 4 and the Revenue Department who has not been arrayed as respondent in the said petition/ application.

R-S. The contents of this para pertains to the directions passed by the Hon'ble High Court of Himachal Pradesh, which were not passed for compliance by the replying respondents hence, needs no submission. That the orders were passed by Hon'ble National Green Tribunal in OA No. 55/2020 and the action taken report was submitted by the Member Secretary, Himachal Pradesh State Level Environment Impact Assessment Authority as per the

  
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directions of Hon'ble National Green Tribunal vide order dated 12.05.2020. As per the averments by the petitioner regarding violations of the laws relating to Environment is concerned, it is submitted before the Hon'ble Court that no Environment Clearance has been granted to the M/s Nirvana Woods & Hotels Pvt. Ltd who has been arrayed as Respondent No. 6 in the petition. That the respondent No.7 had applied for the grant of Environment Clearance vide proposal No. SIA/ HP/ MIS/ 139235/2020, HP SEIAA/2020-706 dated 28.01.2020 for the same project which was listed in the 73<sup>rd</sup> meeting of SEAC held on 8<sup>th</sup> to 10<sup>th</sup> June, 2020 with some observations and subsequently in 82<sup>nd</sup> meeting of SEAC directing the project proponent to submit the compliance through online portal for further necessary action in the matter. Thereafter, due to non-compliance by the Project Proponent the case was delisted from PARIVESH portal of MOEF&CC, Govt. of India.

V- X. That the replying respondents have responded to all the concerns of the petitioner from time to time. More so, at present there is no case pending in the SEIAA of the respondent No.7. An online proposal vide no. SIA/HP/MIS/307077/2023, INFRA-2, for transfer of Environment Clearance was submitted by M/s Nirvana Woods and Hotel Private Limited on 08.12.2023,



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Thereafter, a letter was also forwarded through hard copy on 29.12.2023 for submission of requisite documents. A query was also raised by HP SEIAA on dated 05.01.2024 through online portal of PARIVESH 2.0 for submission of requisite documents, the project proponent submitting a hard copy vide Diary number 1705693 dated 15.07.2024 which was replied by SEIAA on 31.08.2024 (Annexure R-7) to submit the reply on the web portal of PARIVESH 2.0.

It was stated the case shall be listed after compliance submitted by the project proponent on PARIVESH 2.0 portal.

That the content of these para are related to the concerns raised by petitioner w.r.t. construction of the unauthorized construction by the respondent no. 7. As far as the Himachal Pradesh State Level Environment Impact Assessment Authority (HP SEIAA) is concerned the Environment Clearance is issued in the form of a certificate with standard terms and conditions as per prescribed procedure laid under the Environment Impact Assessment Notification, dated 14<sup>th</sup> September 2006 and its subsequent amendment on the basis of documents viz; Form-I, Pre-feasibility Report, clearances/NOC's from various Departments, EIA/EMP.

**PRAYER:**

In view of the submissions made here in above paras supra, the petitioner is not at all entitled to relief prayed for against the replying respondent No. 1, 5 & 6.

It is therefore, most respectfully prayed that the present Petition against the Replying Respondents

being devoid of merits is not maintainable and hence may kindly be dismissed.

PLACE: SHIMLA  
DATED: 05.10.2024

REPLYING  
RESPONDENTS

Director,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P

through

Through

ATTESTED  
  
Executive Magistrate  
H.P. Sectt., Shimla

Divyanshu Kumar Srivastava (D/1383/2015)  
48, Lawyers Chamber, Supreme Court of India

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
NEW DELHI**

**O. A No. 341 /2024**

**IN THE MATTER OF:-**

Dr. Pawan Kumar Banta

.....Petitioner.

**Versus**

**State of H.P. & Ors.**

..... Respondents

**Affidavit**

I, Duni Chand Rana S/o Sh. S.R Rana aged about 52 years, presently posted as Director, Department of Environment Science Technology & Climate Change (DEST&CC)-cum-Member Secretary, State Environment Impact Assessment Authority (SEIAA) to the Government of Himachal Pradesh at Shimla, do hereby solemnly affirm and declare on oath that the accompanying reply has been prepared and drafted at the instance of Respondent No.1, 5 & 6 as per record.

i) I have gone through the same. Contents of the Preliminary Submissions para 1-4 and reply on merits paras 1- 55 and Grounds A-X are true and correct to best of my knowledge.

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ii) I, the above named deponent do hereby further declare that contents of this affidavit are true and correct to my personal knowledge. No part of it is wrong and nothing relevant has been concealed there from.

Signed and verified this on ...<sup>5<sup>th</sup></sup> day of October, 2024 at Shimla.

**DEPONENT**

Verification:

Director,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P

I, the above named deponent do hereby verify that the contents of para i and ii of the instant affidavit are true and correct to the best of my knowledge.

No part of it is false and nothing material has been concealed therein.

Verified at Shimla on ...<sup>5<sup>th</sup></sup> day of October, 2024 at Shimla.

**ATTESTED**  
  
Executive Magistrate  
H.P. Sectt., Shimla

**DEPONENT**

Declared before me on <sup>5<sup>th</sup></sup> day of Oct, 2024  
2024 on oath (Solemnly Affixation)  
by Shri Duni Chand Rana, Director, DEST. cum - Climate Change, Shimla, H.P  
who is personally known to the or who  
has been identified by SH \_\_\_\_\_  
who is personally known to me.

Director,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P  
MS, SE/IAA

Executive Magistrate  
H.P. Sectt., Shimla

State Environment Impact Assessment  
 Authority  
 Himachal Pradesh



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Proposal Type :  TOR  EC  Modification TOR/EC  TRANSFER TOR/EC

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139235

SEARCH

Sno.	Proposal No.	File No.	Project Name	Company	Proposal Status	Project Type	View
1	SIA/HP/MIS/139235/2020	HPSEIAA/2020/706	M/s Nirvana Woods & Hotels Pvt. Ltd.	M/S NIRVANA WOODS & HOTELS PVT. LTD.	Delisted	EC	

*Atkeshay*  
*(Signature)*  
 Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.



**State Level Environment Impact Assessment Authority  
Himachal Pradesh**

*Ministry of Environment, Forest & Climate Change, Government of India,  
at Department of Environment Science & Technology,  
Paryavaran Bhawan, Near US Club, Shimla-1*

Ph: 0177-2656559, 2659608 Fax: 2659609

F. No. HPSEIAA/2015/360- M/s Homeland Exotica-mixed land use construction project

Dtd: \_\_\_\_\_

To

**Sh. Sunil Kumar Sood,**  
M/s Homeland Exotica-mixed land use construction project,  
143, Sector-7, Panchkula, Haryana-134109.  
Phone No. 092165-76999, email: ca\_sunilsood@yahoo.co.in.

**Subject: Project proposal for Homeland Exotica-mixed land use construction project by Sh. Sunil Kumar Sood M/s Homeland Exotica-mixed land use construction project – Environmental Clearance-reg.**

Sir,

This has a reference to your application dated 21/4/2015 seeking prior environmental clearance for the above project under Environment Impact Assessment Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the Environment Impact Assessment Notification, dated 14<sup>th</sup> September 2006 on the basis of documents viz; Form-I, Pre-feasibility Report, EIA/EMP etc. by the State Expert Appraisal Committee constituted by the competent authority in its 41<sup>st</sup> Meeting held on Sept. 9-11, 2015. The said project involves following salient features:

- |  |   |
|--|---|
| a. <b>Project type</b>                                 | : Homeland Exotica-mixed land use construction project (Residential & Hotel Project).   |
| b. <b>Project Location</b>                             | : Khasra number 1363/1127/632/1, 641,408,1372/426,613,626/1 & 626/3, 1374/627, 1376/1126/628, 629, 630, 631, 1368/1137/632, 1369/1137/632, 642, 643, 644, 645, 646,647,648, 649, 429/1, 640, 1,2,3,4,5,6,7,8,9,321/10 at Village-Kiyari & Rirka, Tehsil & District-Shimla, H.P. |
| c. <b>Project Capacity</b>                             | : 46,599.00 sq. mtrs.   |
| d. <b>Cost of Project</b>                              | : 99 Crores.  |
| e. <b>Water requirement</b>                            | : 367 KLD.  |
| f. <b>Energy requirement</b>                           | : 3127 KW.  |
| g. <b>Green cover</b>                                  | : Plantation of 458 new trees of different species in project area.   |
| h. <b>EMP costs</b>                                    | : For construction Phase:<br>Rs. 6.00 lakhs, Recurring cost. 2.80 lakhs<br>For operation Phase:<br>Capital cost: Rs. 122 lakhs, Recurring cost. Rs.10.0   |
| i. <b>Institutional Mechanisms for Env. Protection</b> | : The following will be responsible for maintenance of APCDs and Solid Waste Management sites:<br>i) Construction phase: Developer/ Project Proponent.<br>ii) Operational Phase: Developer/ Project Proponent.  |

The SEIAA examined the proposal in its 24<sup>th</sup> Meeting held on 27<sup>th</sup> February, 2016 and considered the recommendations made by SEAC in its 41<sup>st</sup> Meeting held on Sept. 9-11, 2015. After considering the recommendations of the State Level Expert Appraisal Committee, the State level Environmental Impact Assessment Authority accords Environmental Clearance to the project as per provisions of the EIA Notification No. S.O. 1533 dated 14<sup>th</sup> September, 2006 of Ministry of Environment & Forests, GoI subject to strict compliance of terms and conditions as mentioned below. The Authority reserves the right to revise, revoke or impose additional condition at any stage.

**Part-A- Specific Conditions:**

**I- Construction Phase:**

- "Consent to Establish" shall be obtained from H.P. State Pollution Control Board under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981  
M/s Homeland Exotica-mixed land use construction project 1/5

*Attested*  
*02/11/16*  
Section Officer,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P.

- a copy of same shall be submitted to State Environment Impact Assessment Authority (SEIAA) before start of any construction work at the site.
2. Provisions shall be made for the housing of labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
  3. All required sanitary and hygienic measures should be taken before, during and after the completion of project.
  4. A First Aid Room will be provided in the project both during construction and operation phase of the project.
  5. Adequate drinking water, fuel and sanitary facilities should be provided for construction workers at the site. Provisions should be made for mobile toilets.
  6. The safe disposal of waste water and solid wastes generated during the construction phase should be ensured.
  7. All the top soil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.
  8. Disposal of muck including excavated material during construction phase should not create any adverse effects on the neighboring communities and disposed-off taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority.
  9. Soil and ground water samples shall be got tested from authorized agency to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
  10. Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the competent authority. Diesel generator sets during construction phase should have acoustic enclosures and should conform to Environment (Protection) Act, 1986 and Rules framed there under for air and noise emission standards. Low sulphur diesel type should be used.
  11. The diesel required for operating DG sets shall be stored in under tanks and if required, clearance from Chief Controller of Explosives shall be taken.
  12. Vehicles/ equipment deployed during construction phase should be in good condition and should conform to applicable air and noise emission standards, should have vehicle pollution check certificate and should be operated only during non-peaking hours.
  13. Ambient noise levels should conform to residential standards both during day and night. Only limited necessary construction should be done during night time. Fortnightly monitoring of ambient air quality (SPM, SO<sub>2</sub> and NO<sub>x</sub>) and equivalent noise levels should be ensured during construction phase should be closely monitored during construction phase so as to conform to the stipulated standards fixed by the competent authority. Storm water control and its re-use for various applications as per guidelines.
  14. Boundary wall shall be constructed in such a manner as not to be obstructing the flow of storm water. Necessary arrangement shall be made for the drainage of surrounding area.
  15. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices and technologies available.
  16. Permission to draw ground water shall be obtained from the competent Authority prior to construction/ operation of the project. Opaque wall should meet perspective requirement as per Energy.
  17. Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is operational for non-air conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
  18. Regular supervision of the above and other measures for monitoring should be in place all though the construction phase, so as to avoid disturbance to the surroundings.
  19. The proponent shall be liable for action under the Environment (Protection) Act, 1986 for the violation of any provision of the said Act.

## II- Operational Phase:

1. The installation of the Effluent Treatment Plant/Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Member Secretary, HPSEIAA at Director, Department of Environment, Science & Technology before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled/ reused to the maximum extent possible. Treatment of 100% grey water by decentralized treatment should be done.

Attested  
 (Signature)  
 29/09

M/s Homeland Exotica-mixed land use construction project 2/5

Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.

- Discharge of unused treated effluent shall conform to the norms and standards prescribed. Necessary measures should be made to mitigate the odour problem from STP.
2. The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry/inert solid waste should be disposed of to the approved sites for land filling after recovering recyclable materials.
  3. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. The proponent shall be required to use low sulphur diesel. The location of the DG sets may be decided in consultation with the competent authority.
  4. Noise pollution should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
  5. The green belt of the adequate width and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.
  6. Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon periods.
  7. Rain water harvesting for roof run-off and surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre treatment must be done to remove suspended matter, oil and grease.
  8. The bore well for rainwater recharging should be kept at least 5 mtrs. above the highest ground water table.
  9. The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.
  10. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized as per norms prescribed by the Competent Authority and no public space should be used for this purpose.
  11. Energy conservation measures like installation of CFLs for the lighting the surrounding areas/outside areas the building should be integral part of the project design and should be in place before project commissioning. Used CFLs/ TFLs should be properly collected and disposed off/ sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the possible extent.
  12. Adequate steps should be taken to prevent odour problem from solid waste processing site and STP.
  13. Sprinkling of water etc. be used for air pollution control during construction phase so as to avoid disturbance to the surroundings.

**Part-B- General Conditions:**

1. The environmental safe guards contained/given in the proposal for management of environmental pollution should be implemented in letter and spirit.
2. Six monthly environment monitoring reports shall be submitted to the State Environment Impact Assessment Authority and Ministry of Environment & Forests Regional Office at Dehradun.
3. Officials from the State Environment Impact Assessment Authority, Regional Office of MoEF, Dehradun and Department of Environment, Science & Technology GoHP who would be monitoring the implementation of environmental safeguards shall be given full cooperation, facilities and documents/ data by the project proponents during their inspection.
4. In the case of any change (s) in the scope of the project, the project would require a fresh appraisal by this Authority.
5. The SEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safe guards and measures in a time bound and satisfactory manner.
6. All other statutory clearances shall be obtained, as applicable by the project proponents.
7. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and Environment Impact Assessment Notification, 2006.

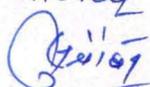
M/s Homeland Exotica-mixed land use construction project 3/5

*Atul*  
*Atul*  
 Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.

8. Environmental Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 460 of 2004 as may be applicable to this project.
9. Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

**Part-C- Special Conditions:**

1. The project Proponent shall submit the Water balance sheet, Carbon balance sheet and Energy balance sheet to the authority from time to time.
2. The air pollution control devices /STP shall be installed with interlocking with the main electric supply to the unit having independent energy meter respectively.
3. The Project Proponents shall submit returns/ details of recyclable wastes, and other solid wastes which shall be generated from the process to the Authority regularly.
4. The HP SPCB shall conduct regular monitoring of emissions and treated air, water quality of the project.
5. The Proponent shall undertake installation and commissioning of the requisite pollution control devices concurrent with the construction of proposed project and shall submit progress report to the Authority.
6. The costs of EMP shall be as per the proposal under construction phase (Capital cost: Rs. 6.00 lakhs, Recurring cost. 2.80 lakhs) & Operation phase (Capital cost: Rs. 122 lakhs, Recurring cost. Rs.10.0).
7. The unit shall install DG set shall be provided with proper exhaust muffler and stack height with DG set and other fugitive emission sources shall be more than 10-15 feet above room level. Norms prescribed for DG Sets in the Environment (Protection) Rules, 1986 shall be complied with.
8. The Project Proponents shall provide the appropriate mechanism for the collection, segregation, treatment and disposal of municipal solid waste. The waste will be collected at a specific dumping site inside of the project premises through local occupants and *safai karamcharies* as proposed.
9. The Project Proponents shall install Sewage Treatment Plant (STP) of 400 KLD with SBR Technology for treatment of sewage.
10. The Project Proponent shall collect the rain water by constructing Rain Water Harvesting pits measuring 6M x 4M x 5M as proposed and the total capacity of four RWH (Rain Water Harvesting) shall be 480 m<sup>2</sup>. The stored rain water shall be utilized regularly for non-drinking usages including firefighting, landscaping, water fall apart from domestic use as proposed.
11. The Project Proponent shall conserve energy through use of Solar light in garden area, open parking area and solar water heater for hot water. The total 13.83 lacs units/annum energy should be saved.
12. The project proponent shall maintain the existing road for about 500-1000 mtrs. outside the project area for about five years post commissioning of the project and shall construct rain shelter on that road under proposed CSR activity with budgetary allocations.
13. All the hazardous wastes shall be managed as per the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, as amended to date for Isolated Storage and Hazardous Waste (Management, Handling and Trans Boundary Movement) Rules, 2008 as amended from time to time under Environment (Protection) Act, 1986 and authorization from prescribed authority under the Rules shall be obtained.
14. Onsite and offsite Emergency Plans shall be prepared for storage & handling of chemicals by the proponent under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, as amended to date, if any.
15. All non-hazardous wastes of domestic originated from the hostels, residential areas, offices etc. shall be strictly managed as per the provisions of Municipal Solid Wastes (Management and Handling) Rules, 2000 as amended from time to time, if any.
16. The unit shall undertake Public liability insurance and shall identify accidents due to fire/ spillage and provide adequate measures to deal with such accidents.
17. The Project Proponent shall ensure that there are proper arrangements for management of occupational health and safety in accordance with the law as required for machinery safety, personnel safety and health care, fire & explosion safety and shall have proper onsite and offsite emergency plans in place. The labourers shall be provided with gumboots, aprons, gloves, hamlets etc. desired health safety equipments for their safety during the operational stage of the project.

Attested  


Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.

M/s Homeland Exotica-mixed land use construction project 4/5

18. The total power demand for the project shall be 3127 KW (2061 KW for residential + 1066 KW for Hotel) as proposed.

Yours sincerely,

**Member Secretary**  
State Level Environment Impact Assessment Authority  
Himachal Pradesh

Endst. No. As Above. 10

Dated: 1-4-2016.

Copy to following for further necessary action:

1. The Secretary (Environment), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003
2. The Chairman, Central Pollution Control Board, Him Parivesh Bhawan, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032.
3. The Chairman, Himachal Pradesh State Pollution Control Board, Shimla-171009.
4. The Director (Environment, Science & Technology) to the GoHP, Shimla-171001.
5. Adviser (IA), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003.
6. Additional Pr. Chief Conservator of Forests, Ministry of Environment, Forest & Climate Change, Regional Office, C/o Forest Research Institute, P.O.New Forest, Dehradun, Utrakhand 248006.
7. Monitoring Cell, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003
8. Record File.

**Member Secretary**  
State Level Environment Impact Assessment Authority  
Himachal Pradesh

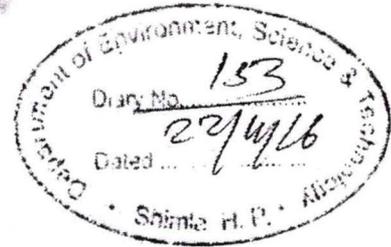
*Attes Keel*  
*Chaitan*

Section Officer,  
Department of Environment, Science Technology  
Climate Change, Shimla, H.P.

(29)

Annexure R/3775

(28)



Member Secretary,  
 State Level Environment Impact Assessment Authority,  
 Himachal Pradesh,  
 Shimla

From : Sunil Kumar Sood  
 House No. 143,  
 Sector-7, Panchkula  
 Dated : 20.04.2016

Respected Sir,

**Subject : Environmental Clearance of Mixed Land use construction Project by Sh. Sunil Kumar Sood**

Kindly refer to the Environmental clearance granted to me vide your office letter F.no. HPSEIAA/ 2015-360-M/s Homeland Exotica – mixed land use construction project dated 01.04.2016. I undertake to comply with all the terms and conditions as laid in the above environmental clearance letter dated 01.04.2016. As per the directions from our Panditji the name of the project should be read as Sunil Kumar Sood M/s Nirvana Woods instead of Sunil Kumar Sood M/s Homeland Exotica. I Sunil Kumar Sood remains the sole proprietor of M/s Nirvana Woods. There is no change in the scope of the project whatsoever.

Kindly make the necessary change of name of project to Nirvana Woods in your records.

Thanking you,

*(Handwritten signature)*  
 (SUNIL KUMAR SOOD)

Attested

*(Handwritten signature)*

Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.

*(Handwritten notes and signatures):*  
 Director (E.M.S.T.)  
 PSD (E.M.)  
 21/4/16  
 M/S  
 22/4

No. Env. S&T/HP SEIAA-2015-360-Vol-II-4701-4702  
**Department of Environment, Science & Technology**  
**Paryavaran Bhawan, Near US Club, Shimla-1**  
 Ph: 0177-2656559, fax: 2659609

From:

**The Director,**  
 Department of Environment, Science & Technology,  
 Government of H.P.

To

**M/s Nirvana woods & Hotels Pvt. Ltd.**  
 House No.335, Advocate Enclave,  
 Sector 49-A, Chandigarh.

Dated: Shimla-1. the 20/01/2020.

**Subject: Orders passed by Hon'ble High Court in re: M/s Diamond Traxeim Pvt.Ltd. vs. Sunil Kumar Sood & Another and In re: Sunil Kumar Sood vs. M/s Nirvana Woods and Hotels Pvt. Ltd & Another-reg.**

Sir,

Please refer to your letter no. nil dated 24.10.2019 in reference to the orders of Hon'ble High Court dated 13.08.2019 in the matter of OMP No. 415 of 2017 & 184, 128, 455 and 637 of 2018 in COMS No. 8 of 2017 and OMP No. 269, 285, 459, 490 and 640 of 2018 in COMS No. 23 of 2018.

In this regard, it is to inform that in order to transfer the letter of Environment Clearance, the project proponent is required to apply as per procedure laid under Rule-11 of Environment Impact Assessment Notification, 2006 as amended from time to time. You, are requested to kindly apply as per procedure ibid in order to proceed in the matter.

Thanking You.

Sincerely yours,



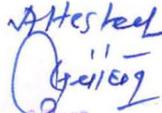
(D.C. Rana) /c  
 Director  
 Department of Environment, Science & Technology  
 Himachal Pradesh, Shimla-1

Endst. No. As above:  
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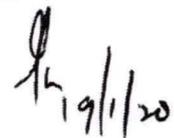
dated the Shimla-1,

, 2020

The Addl. Chief Secretary, (Env. S&T), to the Govt. of Himachal Pradesh, H.P.  
 Secretariat, Shimla-2, for information please.

Attested  
  
 Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.

(D.C. Rana) /c  
 Director  
 Department of Environment, Science & Technology  
 Himachal Pradesh, Shimla-1



**SPEED POST/ BY HAND/EMAIL**

From : Sunil Kumar Sood,  
House No.143, Sector-7,  
Panchkula -134109  
(Haryana)  
Dated: 14.03.2020

Sh. D.C. Rana  
Director  
State Level Environment Impact Assessment Authority,  
Himachal Pradesh,  
Ministry of Environment, Forest & Climate Change,  
Government of India,  
at Department of Environment Science & Technology,  
Paryavaran Bhawan, Near US Club Shimla - 1  
Email: dc.rana04@nic.in

**SUB : CANCELLATION/ SURRENDER OF ENVIRONMENTAL CLEARANCE GRANTED IN FAVOUR OF M/S HOMELAND EXOTICA VIDE LETTER NO. F.NO. HPSEIAA/2015/360- Homeland Exotica - mixed land use construction Project dated 01.04.2016 (SOLE PROPRIETOR SUNIL KUMAR SOOD) ON LAND MEASURING 46599 SQ. MTRS.**

Dear Sir,

Further to my letters dated 15.10.2019, 18.12.2019 and 02.01.2020, I Sunil Kumar Sood submit that the Environmental Clearance granted issued vide your office letter no. F.NO. HPSEIAA/2015/360- Homeland Exotica - mixed land use construction Project dated 01.04.2016. I submit that since long I have abundant my project. I hereby surrender the said Environmental Clearance dated 01.04.2016 issued in my favour.

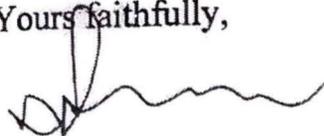
I also draw your kind attention to your office letter no. HPSEIAA/RTI/ 2010 / 25-VOL-II - 2174 dated 10<sup>th</sup> August 2018 stating No Environmental Clearance has been granted to M/s Nirvana Woods and Hotels Pvt. Ltd. Village Kiyari, District Shimla H.P. However, request from Sh. Sunil Kumar Sood for change of name from M/s Homeland Exotica to Nirvana Woods is under process. The copy of the same is enclosed herewith. It is submitted that Homeland Exotica as well as Nirvana Woods are my Sole Proprietorship firms and the Sole Proprietor firm N/s Nirvana Woods to totally difference firm than Nirvana Woods and Hotels Pvt. Ltd. which is a registered company under the Companies Act.

Attested  
Chitrey

Section Officer,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P.

I further state that the land measuring 03-17-68 hectares on which illegal / unauthorized construction has been done by M/s Nirvana Woods and Hotels Pvt. Ltd., the title of land measuring 03-17-68 hectares is under dispute in COMS No. 23 of 2018 before the Hon'ble High Court of Himachal Pradesh as consideration of Rs. 10.32 crores for sale of land has not been paid to me by Nirvana Woods and Hotels Pvt. Ltd.

Thanking you,  
Yours faithfully,



(Sunil Kumar Sood)

Encl: As above

*Attested*



Section Officer,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P.



# State Level Environment Impact Assessment Authority

Ministry of Environment Forest & Climate Change, Government of India,  
at Department of Environment Science & Technology,  
Paryavaran Bhawan, Near US Club, Shimla-1, Himachal Pradesh  
Ph: 0177-2656559, 2659608 Fax: 2659609

F. No. HP SEIAA/2015-360-loose - 367371

Dated: 23/5/2020

## ORDER

Whereas vide letter no. HP SEIAA/2015/360-M/s Homeland Exotica 143, Sector-7, Panchkula, Haryana-134109-a construction project was granted Environment Clearance vide letter dated 01.04.2016 for mixed land use construction project;

Whereas vide this office letter no. HP SEIAA/2015-360-loose-5413-5414 dated 28.03.2020, a notice was issued to the project proponent for explaining within 15 days as to why the legal action should not be initiated against the unit for non compliance of terms and conditions of Environment Clearance issued in your favour;

Whereas as per this office record the project proponent has failed to comply with directions of this office and has not responded to the directions of this office till date;

Whereas as per the orders of Hon'ble National Green Tribunal passed in the matter of Dr. Pawan Kumar Banta vs. Union of India & Ors in O.A. No. 55/2020 on dated 02.03.2020, the construction site of project proponent was inspected and it was observed that the project proponent has not complied with the stipulated terms & conditions of the Environmental Clearance granted as above and accordingly a report was submitted to Hon'ble National Green Tribunal on dated 01.04.2020;

Whereas the above matter was again listed on 12.05.2020 before Hon'ble National Green Tribunal and Hon'ble National Green Tribunal has passed following orders:-

*....."it is patent from the above that the project proponent does not have Environmental Clearance (EC) apart from other violations. There is nothing to show compliance of requirement of Air and Water Acts. In view of this position, the Director, Town and Country Planning, H.P. Commissioner, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and the State PCB may ensure that the project does not proceed further in violation of law. Action may also be taken for prosecution and assessment and recovery of environmental compensation, following due process of law".....*

And whereas apart from above orders non-submission of compliance report to the terms and conditions of environment clearance, non-compliance to the notice of this office tantamount for legal action as per the provisions contained in the Environment Impact Assessment Notification, 2006 under Section-5 of Environment (Protection) Act, 1986 including withdrawal of Environmental Clearance granted in favour of project proponent:

Now therefore, keeping in view the non compliance by the project proponent to the terms and conditions of Environment Clearance & the orders of Hon'ble National Green Tribunal dated 12.05.2020, the project proponent is here by directed to immediately stop the construction activities at project site till further orders or till the construction activities are permitted by Court of Law.

Director-cum-Member Secretary,  
HP State Level Environment Impact Assessment Authority,  
Himachal Pradesh, Shimla-171001

**Sh. Pankaj Gupta,**  
M/s Homeland Exotica-mixed land use construction project,  
Now working in name of M/s Nirvana Woods & Hotels (P) Ltd.,  
Village-Kiyari & Rirka, Tehsil & District-Shimla, H.P.

Endst. No.: As above dated the Shimla-1, , 2020

Copy endorsed to:

1. **The Secretary, (Env. S&T),** to the Govt. of Himachal Pradesh, Shimla-2, for kind information please.
2. **The Member Secretary,** H.P. State Pollution Control Board Him Parivesh, Phase-III, New Shimla, for kind information & necessary action please.
3. **The Director,** Town and Country Planning Department, Himachal Pradesh, Shimla-1711009, for kind information & necessary action please.
4. **The Commissioner,** Municipal Commissioner, Shimla-171001 for kind information & necessary action please.

Section Officer,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P.

Director-cum-Member Secretary,  
HP State Level Environment Impact Assessment Authority,  
Himachal Pradesh, Shimla-171001



**State Level Environment Impact Assessment Authority Himachal Pradesh**  
**Ministry of Environment Forest & Climate Change, Government of India**  
**at Department of Environment Science Technology & Climate Change**  
**Paryavaran Bhawan, Near US Club, Shimla-1**

Ph: 0177-2656559, 2659608 Fax: 2659609

F. No. SIA/HP/MIS/307077 (HPSEIAA/2015/360)

Dated: 31<sup>st</sup> August, 2024

From:

**Member Secretary (HPSEIAA)-cum-Director,**  
 Department of Environment, Science Technology & Climate Change,  
 GoHP, Shimla-171001.

To

**M/s Nirvana Woods & Hotel Private Limited,**  
**Village Rirka and Kiyar, Tutikandi, Shimla 171004.**

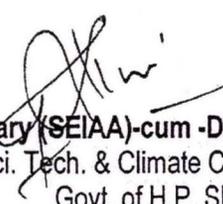
**Subject: Regarding Online Application No. SIA/HP/MIS/307077/2023 (HPSEIAA/2015/360)-3009 - Transfer of EC -reg.**

Sir,

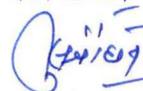
This is in reference to your application dated 10/07/2024 submitted to the office of MS, HPSEIAA in response to this office letter Dated 29/12/2023 (Copy attached). The same letter was also uploaded/hosted on PARIVESH portal on dated 5/1/2024 as EDS (Essential Documents Sought) against your online application No. SIA/HP/MIS/307077/2023 dated 8/12/2023. Screen shot of the EDS is attached for kind reference.

In this regard, it is to inform that your documents can be processed only through online portal where the EDS has been generated. It is further informed that even after lapse of more than 30 days after submitting the hard copy, the reply has not been submitted online as per requirement for proposal number SIA/HP/MIS/307077/2023. In absence of online response, the application can not be listed in the meeting of SEIAA, as agenda items can only be prepared online. You are, therefore, requested to kindly respond as per procedure online so that the matter could be processed for further decision.

Yours sincerely,

  
**Member Secretary (SEIAA)-cum -Director**  
 Department of Environment, Sci. Tech. & Climate Change,  
 Govt. of H.P, Shimla-1

Encl.: As above.

*Attested*  
  
 Section Officer,  
 Department of Environment, Science Technology &  
 Climate Change, Shimla, H.P.

(35)

Annexure R/781  
(copy)



# State Level Environment Impact Assessment Authority Himachal Pradesh

Ministry of Environment Forest & Climate Change, Government of India,  
at Department of Environment Science Technology & Climate Change  
Paryavaran Bhawan, Near US Club, Shimla-1

Ph: 0177-2656559, 2659608 Fax: 2659609

Online Proposal No. SIA/HP/MIS/307077/2023 (HPSEIAA/2015/360) 3009 Dated: 29/12/2023

From:

Member Secretary (SEIAA)-cum-Director (Env.,ST&CC),  
State level Environment Impact Assessment Authority,  
Shimla, Himachal Pradesh-171001.

To

Sh. Pankaj Gupta,  
M/s Nirvana Woods & Hotels Private Limited,  
Village Rirka and Klyar, Tutikandi, Shimla, HP 171004.

Subject:

Online Application No. SIA/HP/MIS/307077/2023 - Transfer of EC- reg.

Sir,

This is in reference to your online application No. SIA/HP/MIS/307077/2023 dated 8<sup>th</sup> December, 2023 and xerox copy of application dated 7/12/2023 on the subject cited above. In this regard, you are requested to submit following documents:

1. Application with relevant forms duly signed by project proponent (in ink), mentioning reasons of transfer with supporting document and indicating online proposal number.
2. No Objection/ Affidavit from Transferee/ Transferor (in original).
3. Latest Jamabandi (in original) duly verified by the revenue officer/patwari with name of Project Proponent (owned or leased) mentioned and highlighted in Jamabandi.
4. Copy of Consent to Operate duly attested by the competent authority.
5. Copy of Permission under Section 118 of the H.P. Tenancy & Land Reforms Act, 1972, if applicable.
6. Self attested copies of compliance to the EMP and other conditions with activity wise expenditure statement.
7. Copies of all the relevant permissions & documents duly attested by the competent authority.

Please note that application will only be processed after receipt and verification of the above mentioned documents in original.

Attested  
*[Signature]*

Section Officer,  
Department of Environment, Science Technology &  
Climate Change, Shimla, H.P.

*[Signature]*  
Yours sincerely,  
27/12/23

Member Secretary (SEIAA)-cum-  
Director (Env.,ST&CC)  
State level Environment Impact Assessment Authority,  
Himachal Pradesh.

*[Signature]*