

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

Original Application No. 515/2022

IN THE MATTER OF:

Dharamvir

....Applicant

Versus

State of Haryana & others.

....Respondents

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Place :- Nahan

Dated :- 24<sup>th</sup> Feb 2023

  
**Respondent**  
Superintending Engineer,  
Jal Shakti Circle, Nahan (HP)

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

Original Application No. 515/2022

IN THE MATTER OF:

Dharamvir S/O Sh. Om Parkash, R/o House No. 521/13, Milk Road, Krishna Coloney, Naraingarh, Tehsil Naraingarh, District Ambala, Haryana.

....Applicant

Versus

1. State of Haryana through Chief Secretary, Government of Haryana
2. State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh
3. Ministry of Jal Shakti, Haryana
4. Ministry of Jal Shakti, Himachal Pradesh
5. CPCB
6. Haryana State PCB
7. Himachal Pradesh State PCB
8. District Magistrate, Ambala
9. District Magistrate, Kurukshetra
10. District Magistrate, Sirmour

....Respondents

Reply/response on behalf of Respondent No. 2 and 4 i.e. Chief Secretary, Government of Himachal Pradesh and Secretary Jal Shakti Vibhag to the Government of Himachal Pradesh.

Respectfully Sheweth:

Preliminary submissions:

- I. That an applicant named Sh. Dharamvir has preferred to file complaint dated 23.04.2022 before this Hon'ble National Green Tribunal which is registered as OA No. 515/2022. The applicant prayed for directions to the Respondents to stop releasing polluted water of industries situated at Kala Amb in river Markanda.

Superintending Engineer,  
Jal Shakti Circle, Nahan (HP)

ATTACHED  
3  
24/4/23  
M. J. J. J. J.

2. That the matter was listed for hearing on 01.09.2022, when this Hon'ble Tribunal after hearing the matter constituted a joint committee comprising of representative of Additional Chief Secretaries/Principal Secretaries, Department of Jal Shakti, Environment and Industry and PCBs of both the state of Himachal Pradesh and Haryana and Deputy Commissioner, Nahan (Himachal Pradesh), Ambala and Kurukshetra (Haryana) and further directed that the Pollution Control Boards of State of Himachal Pradesh and Haryana will be the nodal agencies for coordination and compliance.
3. That in compliance to the orders of the Hon'ble Tribunal, the joint committee inspected the site and formed joint inspection report, which has been filed before this Tribunal on 23-11-2022 by the Nodal Agency i.e. Regional Officer, HP State Pollution control Board, Distt. Sirmour at Paonta Sahib. The Joint Committee inspected the entire stretch of the Nallah till its ultimate confluence into river Markanda and Joint Committee did not found any illegal drain in the name of "Kaimi drain" which goes into River Markanda as alleged.
4. That the Nodal Agency i.e. Regional Officer, H.P State Pollution Control Board, Distt. Sirmour at Paonta Sahib had filed the detailed reply before this Hon'ble Tribunal on 07-01-2023. The replying respondent No. 2 & 4 is hereby adopted the reply filed by the respondent No.7 for sake of brevity and mere repetition.

  
 Superintending Engineer,  
 Jal Shakti Circle, Nahan (HP)

## ON MERITS:

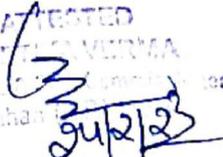
1. That it is respectfully submitted that the Joint Committee inspected the entire site and found that there is no illegal drain exists in the name of "Kaimi drain" which polluted the River Markanda as alleged by the applicant. It is further submitted that as per joint inspection report, only treated industrial water is discharged into River Markanda, hence contents of this para are wrong and, denied.
2. That the contents of this para-2 of the complaint are wrong and denied in view of the preliminary submissions and Joint Inspect Report submitted by the Nodal Agency i.e. Regional Officer, HP State Pollution control Board, Distt. Sirmour at Paonta Sahib.

In this view of the matter this Hon'ble Tribunal may kindly consider and appreciate that the complaint filed by the applicant are based on the conjecture and surmises and have no legal grounds and thus has no cause to file and maintain the present original application which deserves to be dismissed and may kindly be dismissed in the interests of justice and fair play.

**Place :- Nahan**

**Dated :- 24/feb/2023**

  
**Respondent**  
 Superintending Engineer,  
 Jal Shakti Circle, Nahan (HP)

ATTESTED  
 CE/PAV/VERMA  
 Adv. Secy. to the Tribunal  
 Nahan  
  
 24/2/23

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

Original Application No. 515/2022

IN THE MATTER OF:

Dharamvir

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....Respondents

AFFIDAVIT

I, Er. Vishal Jaswal, S/o Sh. H.R. Jaswal aged about 45 years, presently working as Superintending Engineer, Jal Shakti Circle Nahan, District Sirmour, Himachal Pradesh do hereby solemnly declare and affirm on oath as under:-

- I) That I am competent to file reply/response on behalf of responded No. 2 & 4 and the accompanying reply/response has been drafted at my instance and under my instructions.
- II) That the contents as contained in Paras 1 to 4 of preliminary submissions and reply of in paras 1 to 2 are true and correct as per information derived from official record, no part of it is false and nothing material has been concealed therein.
- III) That I the above named deponent, do hereby further verify that the contents of my above affidavit are true and correct to best of my knowledge. No part of it is false and nothing material has been concealed therein.

*Identified the Deponent*  
*Sh. Sachin Puri*  
*CLerk in*  
*IPH, Nahan District*  
*Sirmour HP*

Certified that the above was declared on oath solemn affirmation before me on this day 24<sup>th</sup> of Feb of 2023  
By Sh./Smt. Er. Vishal Jaswal  
deponent who is personally known to me identified by Sh. Sachin Puri (Clerk)  
and the contents of the same were read over & explain to the deponent who finally understand the same.

Verified at Nahan on this 24<sup>th</sup> day of February, 2023  
*TESTED*  
*CELIA VERMA*  
*Advocate*  
*Nahan (HP)*  
24/2/23

*[Signature]*  
**DEPONENT**  
Superintending Engineer,  
Jal Shakti Circle, Nahan (HP)