

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

OA No. 341/2024

IN THE MATTER OF:

Pawan Kumar Banta

.....Applicant

VERSUS

State of H.P. and others

.....Respondent(s)

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Respondent No. 2

Dated: 29.08.2024

Place: Shimla

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

OA No. 341/2024

IN THE MATTER OF:

Pawan Kumar Banta

.....Applicant

VERSUS

State of Himachal Pradesh & Ors.

.....Respondent(s)

**REPLY TO ORIGINAL APPLICATION
ON BEHALF OF RESPONDENT NO. 2 i.e.
HP STATE POLLUTION CONTROL
BOARD IN COMPLIANCE TO HON'BLE
NGT'S ORDER DATED 17.05.2024.**

MAY IT PLEASE YOUR LORDSHIPS:-

- 1 That the contents of para- 1 regarding residential status of the applicant etc. are a matter of record hence need no reply from the State Board.
- 2-7 In reply to para 2-7, it is submitted that as per the report of Regional Officer, HPSPCB, Shimla (**Annexure R-2/1**), initially 'Consent to Establish' was granted in favour of Sh. Sunil Kumar Sood (prop.) of Homeland Exotica-Mixed Land Use Construction Project on 03.03.2017 (**Annexure R-2/2**) on the basis of Environmental Clearance issued by HP State Level Impact Assessment Authority (SEIAA) vide letter dated 01.04.2016 (**Annexure R-2/3**) which was valid up to 02.03.2018. Thereafter, the unit didn't apply for Renewal of Consent to Establish (RCTE) and continued to carry out

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Environmental Engineer,
HPSPCB, Regional Office,
1st Floor, Him Parivesh,
Phase - III, New Shimla-9

construction activities without having valid consent of the State Board. In this regard, several show cause notices were issued to the unit asking it to apply for Renewal of Consent to Establish (RCTE) vide letters dated 10.04.2018, 15.02.2019 and 09.10.2019. (Copies of letters are attached as **Annexure R-2/4, collectively**) But, the unit failed to do so. Consequently, power disconnection orders were issued by the State Board on 16.11.2019 since the unit didn't apply for RCTE and in compliance to NGT's order passed in OA No. 55/2020, titled as Pawan Kumar Banta Vs. Union of India & Ors. (Copy of office order dated 16.11.2019 is attached as **Annexure R-2/5**).

In addition, an Environmental Compensation of Rs. 18,00,000/- (Eighteen lacs only) was imposed upon the unit for not complying with the directions issued by the State Board on the basis of methodology prescribed by the National Green Tribunal in its order dated 19.02.2023 passed in O.A. No. 593/2017, titled as Paryavaran Suraksha Samiti & Ors. Vs. Union of India & Ors.

Thereafter, the unit (respondent no. 7), filed an application CMP No. 3608/2021 (in CWP No. 2428/2020) under section 151 of the Code of Civil Procedure for restoration of electricity & water connection to the unit which was disconnected in pursuance of Board's direction dated 16.11.2019 and in compliance to Hon'ble NGT's order.

The Hon'ble High Court vide order dated 06.05.2021 (**Annexure R-2/6**), passed in afore-cited CMP, restored the electricity connection of the unit and directions were also issued to the State Board to pass appropriate orders on the application filed by the unit (respondent no. 10) for Renewal

of Consent to Establish without insisting upon submission of fresh Environmental Clearance Certificate.

In this regard, the State Board filed an application CMP No. 7537/2021 (in CWP No. 2428/2020) before the Hon'ble High Court of H.P. for modification of its impugned order dated 06.05.2021 (**Annexure R-2/6**), and the same is still pending adjudication.

It is pertinent to mention here that in compliance to this Hon'ble Court's order dated 06.05.2021, the Renewal of Consent to Establish was granted to the unit i.e. M/s Nirvavana Woods & Hotels Pvt. Ltd. on 26.08.2023 (annexed at **Annexure R-2/7**). However, it was withdrawn by the State Board vide communication dated 05.12.2023 (**Annexure R-2/8**) for suppression/concealment of material facts on the part of unit i.e. M/s Nirvaan Woods & Hotels Pvt. Ltd i.e. respondent No. 10.

Further, as per report, recently, the inspection of the unit i.e. M/s Nirvana Woods & Hotels Pvt. Ltd was carried out on 13.08.2024. During such inspection, it was observed that no construction activity is going on at site. Hotel part of the unit is complete and development work for flats along the nallah (stream) is still under progress alongwith channelization of nallah. In the Hotel Block, there are 82 rooms, a Banquet Hall of seating capacity of 1000 persons, two restaurants of seating capacity of 98 persons, a coffee shop, a swimming pool, a spa and Gym. Apart from this, there are 56 service apartments and 40 service villas. All the service apartments are complete. Civil structures of 15 villas have been raised out of which 2 villas are complete. In the residential part, there are 181 (2

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 HPSPCB, Regional Office,
 1st Floor, Him Parivesh,
 Phase - III, New Shimla-9

BHK & 3 BHK) flats and 23 Villas are complete. At present, one block is under construction along the nallah. Directions were issued to the unit to ensure that C & D waste generated is disposed of scientifically and proper record is maintained. The unit has proposed that waste water generated will be disposed of through common STP of SJPVL. The unit has proposed an Effluent Treatment Plant for the scientific disposal of waste water generated from laundry. Solid waste will be disposed of through Municipal Corporation, Shimla.

- 8 That the contents of paras 8 relate to the Essentiality Certificate issued to M/s Nirvana Woods & Hotels Pvt. Ltd which relate to T & C P Deptt. and do not pertain to State Board.
- 9 That the contents of para-9 relate to permission granted by the Additional Chief Secretary-cum-F.C., Revenue to purchase land by the unit i.e. M/s Nirvana Woods & Hotels Pvt. Ltd. under Section 118 of the HP Tenancy and Land Reforms Act, 1972 which are a matter of record and need no reply from the State Board.
- 10 That the contents of para 10 are regarding sales deed executed between Ms. Sunil Kumar Sood and the respondent No. 7 i.e. M/s Nirvana Woods & Hotels Pvt. Ltd.
- 11 That the contents of para 11 refers to an agreement dated 03.08.2017 executed between respondent-unit and Director, Town & Country Planning Department and do not pertain to the State Board.

- 12-15 That the contents of pars 12-15 regarding filing of RTI-application(s) to various other departments neither pertains to nor need reply from the State Board.
- 16 That the contents of para-16 relate to a letter issued by the Public Works Department which does not pertain to the State Board.
- 17 That the contents of para-17 relate to the response given by the State Board to the application filed by the applicant is a matter of record. In this regard, it is submitted that the 'Consent to Establish' was granted in favour of Sh. Sunil Kumar Sood, (Prop.) for Homeland-Exotica Mixed Land Use Construction Project on 03.03.2017 on the basis of Environmental Clearance dated 01.04.2016 issued by SEIAA which was valid up to 02.03.2018. Thereafter, the unit didn't apply for 'Renewal of Consent to Establish' and was not having a valid Consent of the State Board at that particular time when the response (vide letter dated 29.10.2018) was given to the said RTI-application filed by the applicant.
- 18 That the contents of para-18 regarding permissions granted to the respondent-unit by the Ground Water Department, Forest Department, HP State Electricity Board, IPH and Gram Panchayat neither pertains to nor need reply from the respondent-Board.
- 19 That the allegations leveled in para-19 that the State Board didn't take any action against the unit i.e. M/s Nirvana Woods & Hotels Pvt. Ltd are wrong hence denied in view of the detailed submissions made in paras supra. The Consent to Establish dated 02.03.2017 granted to the Homeland Exotica-

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Phase - III, New Shimla-9

Mixed Land Use Construction Project expired on 02.03.2018. So, the State Board through show cause notices/letters dated 10.04.2018, 15.02.2019 and 09.10.2019, asked the unit to apply for Renewal of Consent to Establish (RCTE). (Copies of letters are attached as **Annexure R-2/4, collectively**) But, the unit failed to do so. Consequently, power disconnection orders were issued by the State Board on 16.11.2019 since the unit didn't apply for RCTE and in compliance to NGT's order passed in OA No. 55/2020, titled as Pawan Kumar Banta Vs. Union of India & Ors. (Copy of office order dated 16.11.2019 is attached as **Annexure R-2/5**).

In addition, an Environmental Compensation of Rs. 18,00,000/- (Eighteen lacs only) was imposed upon the unit for not complying with the directions issued by the State Board on the basis of methodology prescribed by the National Green Tribunal in its order dated 19.02.2023 passed in O.A. No. 593/2017, titled as Paryavaran Suraksha Samiti & Ors. Vs. Union of India & Ors.

Thereafter, the unit (respondent no. 10) filed an application CMP No. 3608/2021 (in CWP No. 2428/2020) before the Hon'ble High Court of H.P. under section 151 of the Code of Civil Procedure for restoration of electricity & water connection to the unit which was disconnected in pursuance of Board's letter dated 16.11.2019.

The Hon'ble High Court vide order dated 06.05.2021 (**Annexure R-2/6**), passed in afore-cited CMP, restored the electricity connection of the unit and directions were also issued to the State Board to pass appropriate orders on the application filed by the unit (respondent no. 10) for Renewal

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of Consent to Establish without insisting upon submission of fresh Environmental Clearance Certificate.

Consequently, the State Board filed an application CMP No. 7537/2021 (in CWP No. 2428/2020) before this Hon'ble High Court for modification of impugned order dated 06.05.2021 (**Annexure R-2/6**), and the same is still pending adjudication.

It is pertinent to mention here that in compliance to Hon'ble Court's order dated 06.05.2021, the application of the unit for issuance of RCTE was considered and Renewal of Consent to Establish was granted to the unit i.e. M/s Nirvavana Woods & Hotels Pvt. Ltd. on 26.08.2023 (annexed at **Annexure R-2/7**). However, it was later withdrawn by the State Board vide communication dated 05.12.2023 (**Annexure R-2/8**) for suppression/concealment of material facts on the part of unit i.e. M/s Nirvaan Woods & Hotels Pvt. Ltd i.e. respondent No. 10.

- 20-21 That the contents of para 20-21 relate to the issuing of notice dated 16.02.2019 by M.C. Shimla to the respondent unit for the alleged unauthorized construction which pertains to M.C., Shimla and T & CP Department, Shimla and do not pertain to the State Board.
- 22 That the contents of para-22 regarding the inter-se litigations between Mr. Sunil Kumar Sood and the subsequent owners i.e. M/s Nirwana Woods & Hotels Pvt. Ltd. and the order(s) passed by the Hon'ble High Court in OMP Nos. 269, 285, 459, 490 and 640 of 2018 in COMS. No. 23 of 218 are a matter of record hence, need no reply from the State Board.
- 23 That the contents of para-23 relate to the issuance of office order for the disconnection of electricity of the unit i.e. M/s

Nirwana Woods & Hotels Pvt. Ltd. for the illegal construction without prior valid consent of the Board which are matter of record.

24 That the contents of para-24 relate to the office order dated 05.12.2019 (at Annexure-23 of OA) wherein, it was ordered that the directions for power disconnection of the unit issued earlier are kept in abeyance till 03.01.2020 with the condition that the unit shall submit compliance report within stipulated period which are a matter of record. However, in this regard, it is submitted that after passing of the said office order dated 05.12.2019, the unit deposited the fee for the Renewal of Consent to Establish (RCTO) and also affirmed to comply the directions of the State Board within 2 months hence, the directions were kept in abeyance till 03.01.2020. Thereafter, the unit applied for the renewal of consent of the State Board but, could not submit the copy of valid Environmental Clearance therefore, the case was again recommended for power disconnection and the orders for power disconnection of the unit were issued by the State Board on 13.05.2020 and copy of same is annexed as **Annexure R-2/9**).

25-26 That the contents of para 25-26 relate to the filing of OA No. 55/2020 by the applicant in the Hon'ble Tribunal (regarding alleged issues of unauthorized construction by the M/s Nirvana Woods & Hotels Pvt. Ltd and reliefs claimed therein) and passing of orders dated 02.03.2020 are a matter of record and need no reply from the State Board.

27 That the contents of para-27 do not pertain to the State Board.

- 28 In reply to para-28, it is submitted that a letter was received from Sh. Sunil Kumar Sood on 14.03.2020 wherein, request was made to cancel the Consent to Establish dated 03.03.2017 granted in favour of M/s Homeland Exotica. In this regard, it is submitted that the 'Consent to Establish' dated 03.03.2017 granted to the unit had already expired on 02.03.2018. The State Board had already initiated action against the unit for power disconnection and imposition of Environmental Compensation for not applying for Renewal of Consent to Establish of the State Board but, such issues are still under adjudication before the Hon'ble High Court in CWP No. 2428/2020, titled as M/s Nirvana Woods & Hotels Pvt. Ltd. vs. HP State Pollution Control Board.
- 29 That the contents of para-29 relate to submitting of status report by M.C. Shimla before this Hon'ble Tribunal in compliance to orders passed in OA No. 55/2020 which are a matter of record and do not relate to the State Board.
- 30 That the contents of para-30 do not pertain to the State Board.
- 31 That the contents of para-31 refers to the Action Taken Report filed by SEIAA in the Hon'ble NGT in OA No. 55/2020 which do not pertain to the State Board.
- 32 That the contents of para-32 relate to the order dated 12.05.2020 passed by the Hon'ble NGT in OA No. 55/2020 which are a matter of record.
- 33 That the contents of para-33 relate to office order dated 13.05.2020 passed by the State Board for power disconnection of the respondent-unit (respondent No. 10) which are a matter of record.

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HPSPCB, Regional Office,
1st Floor, Him Parivesh,
Phase - III, New Shimla-9

- 34 That the contents of para 34 regarding installation of sewerage lines by Shimla Jal Prabahndhan Nigam Ltd. neither pertains to nor need reply from the State Board.
- 35 That the contents of para-35 relate to an e-mail of the applicant regarding illegal muck dumping carried out by M/s Nirvana Woods & Hotels Pvt. Ltd. In this regard, it is submitted that several inspection of the unit were carried out by the officials of the State Board and during inspection, it was observed that the unit is using muck generated in refilling of retaining walls. Further, directions were issued to the unit to ensure that muck generated from project is despised of in a scientific manner.
- 36 That the contents of para 36 relate to Board's officer order for disconnection of power of the unit etc. are a matter of record hence need no reply.
- 37 That the contents of para 37 relate to imposition of environmental compensation amounting to Rs. Eighteen Lacs (18,00,000/-) upon the unit i.e. M/s Nirvana Woods & Hotels Pvt. Ltd in compliance to Hon'ble NGT's order dated 12.05.2020 passed in OA No. 55/2020. However, it is denied that the said environmental compensation of Rs. 18,00,000/- was imposed in connivance with the respondent company, as alleged rather, the same was imposed as per the methodology prescribed by the Hon'ble NGT in OA No. 593/2017.
- 38 That the contents of para do not pertain to the State Board.
- 39 That the contents of para 39 refers to a letter dated 09.07.2020 of Shimla Jal Prabhandhan Nigam Ltd. which neither pertains to nor need reply from the State Board.

- 40 That the contents of para 40 regarding filing of RTI-application by the applicant with the Forest Department neither pertains to nor need reply from the State Board.
- 41 That the contents of para 41 regarding filing of CWP No. 2428/2020 by the unit i.e. M/s Nirvana Woods & Hotels Pvt. Ltd. before the Hon'ble High Court are a matter of record.
- 42 That the contents of para 42 relate to notice issued to the unit by the Shimla Jal Prabahndhan Nigam Ltd. which neither pertains to nor need reply from the State Board.
- 43 That the contents of para 43 relate to passing of order dated 17.07.2020 by the Hon'ble High Court in CWP No. 2428/2020 vide which the operation of impugned Board's communication dated 27.06.2020 (imposing environmental compensation of Rs. 18,00,000/-) was stayed which are a matter of record.
- 44-46 That the contents of para 44-46 are a matter of record hence, need no reply from the respondent Board.
- 47 That in reply to para 47, it is submitted that in pursuance of the Hon'ble High Court's order dated 06.05.201 passed in CWP No. 2428/2024, the Renewal of Consent to Establish was granted to the unit i.e. M/s Nirvavana Woods & Hotels Pvt. Ltd. on 26.08.2023 (annexed at **Annexure R-2/7**) which was later withdrawn by the State Board vide communication dated 05.12.2023 (**Annexure R-2/8**) for suppression/concealment of material facts on the part of unit i.e. M/s Nirvaan Woods & Hotels Pvt. Ltd i.e. respondent No. 7.
- 48 That the contents of para-48 are a matter of record.

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Environmental Engineer,
 HPSPCB, Regional Office,
 1st Floor, Him Parivesh,
 Phase - III, New Shimla-9

- 49 That the contents of para 49 relate to filing of a complaint by the applicant to the Municipal Corporation, Shimla which neither pertains to nor need reply from the State Board.
- 50 That the contents of para 50 do not pertain to the State Board.
- 51-52 That the contents of para 51-52 do not pertain to the State Board.
- 53 That the contents of para 53 do not pertain to the State Board.
- 54 That the contents of para 54 regarding filing of OA No. 137/2023 filed by the applicant before the Hon'ble NGT and orders passed therein are a matter of record hence, need no reply from the State Board.
- 55 (A-X) That the grounds taken by the applicant in paras 55(A-X), already stands controverted in view of submissions made in paras 2-7 supra and such submissions are reiterated.

Prayer:-

In view of submissions made above, it is humbly submitted that in the light of the facts and circumstances stated herein above, the instant OA may kindly be disposed of qua the respondent Board. Any other order deemed fit by this Hon'ble Tribunal may kindly be passed in public interest.

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Respondent No. 2

Dated: 28.8.24
Place: Shimla

Environmental Engineer,
HPSPCB, Regional Office,
1st Floor, Him Parivesh,
Phase - III, New Shimla-9

ATTES. 2
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OATH COMMISSIONER

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

OA No. 341/2024

IN THE MATTER OF:

Pawan Kumar Banta

.....Applicant

VERSUS

State of Himachal Pradesh and others

.....Respondent(s)

AFFIDAVIT

I, Lalit Kumar, son of late Sh. Surender Kumar, aged 34 years, presently, working as Environmental Engineer, H.P. State Pollution Control Board, Him Parivesh, Phase-III, BCS, New Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under: -

1. That I am duly authorized to file the accompanying reply to OA which has been drafted at my instance and under my instructions.
2. That the contents of paras 1-55 (A-X) of reply are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.
3. I further affirm that the contents of this affidavit of mine are true and correct to my knowledge and belief, no part

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Environmental Engineer,
HPSPCB, Regional Office,
1st Floor, Him Parivesh,
Phase - III, New Shimla-9

of it is false and nothing material has been concealed therefrom.

Verified at Shimla on 29th day of August, 2024.

Identified by

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DEPONENT

Environmental Engineer,
HPSPCB, Regional Office,
1st Floor, Him Parivesh,
Phase - III, New Shimla-9

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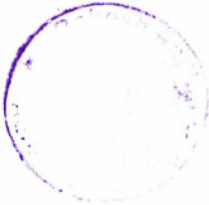
Certified that the above deponent was declared before me on solemn affirmation on this 29th day of August in the District of Shimla by Yashraj Kumar A.L.O. who is personally known to me and who has been read over & explained the contents of the affidavit in vernacular to him and he has admitted the contents to be correct and true at the time of making thereof.

Oath Commissioner
HP High Court, Shimla

29-8-24

All Cuttings and Corrections are duly attested by me

[Signature] 29-8-24
Oath Commissioner



Inspection Report of M/s Nirvana Woods & Hotel Pvt. Ltd.

The inspection of unit by the name & style of M/s Nirvana Woods & Hotel Pvt. Ltd. was carried out on 17.05.2024. It was observed during the inspection that no construction activity is going on at site and status is same as observed during last inspection. Hotel part of the unit is complete and development for flats along nallah is still under progress along with channelization of nallah. In the hotel block, there are 82 rooms, a Banquet Hall of seating capacity 1000, two restaurant of seating capacity 98, a coffee shop, a swimming pool, a spa and gym. Apart from this, there are 56 service apartments and 40 service villas. All the service apartments are complete. Civil structure of 15 villas have been raised out of which 2 villas are complete. In the residential part, there are 181 (2 BHK & 3 BHK) flats and 23 Villas proposed. At present one block is under construction along the nallah. Three storey slabs have been laid and columns of fourth storey are under progress. Directions were issued to the unit to ensure that C&D waste generated is disposed off scientifically and proper record of the same is maintained. Latest muck statement of the unit is attached herewith for reference. The unit has proposed that waste water generated will be disposed off through common STP of SJPNL. The unit has proposed an Effluent Treatment Plant for the scientific disposal of waste water generated from laundry. Solid waste will be disposed off through MC Shimla.

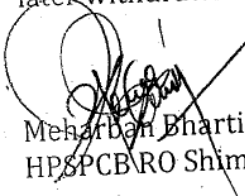
It is pertinent to mention here that Consent to Establish was granted in favor of Sh. Sunil Kumar Sood (Prop.) for Homeland Exotica-Mixed Land Use Construction Project on 03.03.2017 on the basis of Environmental Clearance issued by SLEIAA vide letter F. No. HPSEIAA/2015/360-M/s Homeland Exotica-Mixed Land Use Construction Project/-10 dated 01.04.2016 and was valid up to 02.03.2018. Thereafter, the unit didn't apply for Renewal of Consent to Establish and continued to carry out construction activities without having valid consent of the State Board. Several show cause notices were issued to the unit asking them to apply for Renewal of Consent to Establish vide HPSPCB Shimla letter no. 117-146 on 10.04.2018, letter no. 1785-86 dated 15.02.2019 and letter no. 2036-37 dated 09.10.2019. But the unit didn't apply for Renewal of Consent to Establish. Since the unit didn't applied for Renewal of Consent to Establish, orders for Power Disconnection were issued by State Board on 16.11.2019.


Moreover, an Environmental Compensation amounting to Rs. 18,00,000/- only (Eighteen Lacs only) was imposed upon the unit for not complying with the directions issued by State Board as per methodology prescribed by Hon'ble National Green Tribunal in O.A. No. 593/2017, titled "Paryavaran Suraksha Samiti & Anr. Vs. UoI & Ors. orders dated 19.02.2019.

The unit approached High Court which stayed the orders of HPSPCB regarding imposition of environmental compensation upon M/s Nirwana Woods & Hotels Pvt. Ltd. The Hon'ble High Court of H.P. vide its orders dated 06.05.2021 asked HP State Pollution Control Board to pass appropriate orders on the application filed by M/s Nirvana

Woods & Hotels Pvt. Ltd. for renewal of Consent to Establish without insisting upon for submission of fresh Environmental Clearance certificate. State Board has filed an application (CMP No. 7537/2021 in CWP No. 2428/2020) before Hon'ble High Court for the modification of impugned order dated 06.05.2021, passed by Hon'ble High Court and same is still pending.

In compliance to orders of hon'ble High Court of HP, RCTE was granted to the unit vide consent no. CTE/BOTH/RENEW/RO/2023/9537434 dated 26.08.2023 which was later withdrawn by Head Office.


Meharban Bharti, JEE
HPSPCB RO Shimla


Lalit Thakur, EE
HPSPCB RO Shimla

**H.P. State Pollution Control Board,
"Him Parivesh" Phase-III,
New Shimla-171009.**

No. PCB (434) Sh.Sunil Kumar Sood residential & Hotel/2016
From: Member Secretary

Water/Air Act(ID-26063)
Dated:

To The Director of Tourism,
Department of Tourism, SDA Complex,
Kasumpti,-171 009

Subject: - Consent to Establish for Homeland Exotica mixed land use construction project (Residential and Hotel Project) with a total built up area 46,599.00 Sq.mtrs. at Khasra No. 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, village Kiyari & Rirka, Tehsil & Distt. Shimla H.P.
Sir,

Sh. Sunil Kumar Sood Prop. of M/s Home Land Exotica-Mixed Land use construction Project, House No. 143, Sector-07, Panchkula, Haryana- 134109., have approached to this Board under Water Act, 1974 and Air Act, 1981 for issuing Consent to Establish in their favour construction of Homeland Exotica mixed land use construction project (Residential and Hotel Project) with a total built up area 46,599.00 Sq.mtrs. at Khasra No. 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 & Distt. Shimla H.P. The State Level Environment Impact Assessment Authority H.P. has accorded the Environmental Clearance in favour of this project vide letter No. HPSEIAA/F (2015) /360-M/s Homeland Exotica mixed land use construction project/-10 dated 01-04-2016. In view of the Environmental Engineer, HP State Pollution Control Board Shimla, Distt. Shimla H.P. vide his on line report dated 12-07-2016 has recommended the case for grant of Consent to Establish. The State Board has examined the application and grants consent to establish under Water Act, 1981 and Air Act, 1981 with the following conditions:

1. This Consent to Establish is subject to the compliance of proceeding of the presentation as already circulated vide Endst. No. HPSPCB (434)Sunil Kumar Sood construction Project-Shimla/ 2016- 11799-11804 dated 17-09-2016.
2. This Consent to Establish is subject to the compliance of conditions of Environmental Clearance as incorporated by the State Level Environment Impact Assessment Authority H.P. vide letter No. HPSEIAA/F (2015) /360-M/s Homeland Exotica mixed land use construction project/-10 dated 01-04-2016.
3. This consent to establish is valid for one year from the date of issue and shall subsequently be got renewed for each financial year or part thereof.
4. This Consent to Establish is only for the purpose and under the provisions of the Water(Prevention and Control of Pollution) Act,1974 and Air(Prevention and Control of Pollution)Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law/regulation/direction/order and the applicant shall obtain any such mandatory clearances before taking any steps to establish industry/industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.
5. This consent to establish is issued for:
 - (i) The domestic sewage 367 KLD shall be treated in sewage treatment plant of having capacity 400 KLD as proposed by the unit. The treatment shall conform to the norms as prescribed in Environment (Protection) Rules, 1986 as amended from time to time.
 - (ii) Garbage(Municipal Solid Waste) shall be disposed off by segregation and composting and organic solid waste.

- (iii) Noise/Emission from DG set conform to limits prescribed in Sr. No. 94 & 95 of Schedule-I of Environment (Protection) Rules, 1986.
 - (iv) The organic sludge from STP shall be used as manure in horticulture in the premises.
 - (v) Noise & ambient air quality to be maintained within Ambient air Quality Standards for noise as specified in Schedule-III of aforesaid Rules and Noise Pollution (Regulation and Control) Rules, 2000 as well as those CPCB.
6. The proponent shall comply with the provisions of the e-waste (Management & Handling) Rules, 2011, as may be, applicable to it.
 7. The proponent shall comply with any other conditions laid down or directions issued by the Board or State Government or Ministry of Environment & Forests, Govt. of India or Central Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and/or Environment (Protection) Act, 1986 as amended from time to time, as the case may be.
 8. Construction waste arising due to earth work during construction shall be used for landscaping within the premises and no debris are allowed to be disposed out side the premises.
 9. The promoter shall provide adequate arrangement for fighting the accidental leakage's/ discharge of any air pollutant/ gas/ liquids from the vessel, mechanical equipment's etc. which are likely to cause environmental pollution.
 10. The promoter shall comply with any other conditions laid down or direction issued by the Board under the provision of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from time to time.
 11. Nothing in this No Objection Certificate shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibilities or penalties to which the applicant is or may be subject under the provisions of the Water/ Air Acts.
 12. The Promoter shall grow suitable varieties of plants in the premises to maintain greenery.
 13. The Promoter shall construct and commission the sewage treatment plant/emission control devices, simultaneously with the main project and the treated effluent/emissions shall conform to the standards as may be prescribed.
 14. The promoter shall construct a pucca storage tank of sufficient capacity to hold back the effluent in case of failure of Sewage Treatment Plant/ re-circulation system and also for no demand period.
 15. The promoter shall provide terminal manhole at the end of each collection system and a manhole upstream of final outlet(s) out of the premises of the industry for measurement of flow and for taking samples.
 16. All under ground water retaining structures shall be lined with an impervious layer so as to avoid seepage and contamination of sub soil/ water.
 17. The promoter shall not discharge any fugitive emissions/ odour.
 18. The promoter shall obtain consent to operate from this Board and install anti- pollution devices for prevention control and abatement of Water/ Air Pollution before using the for residential and Hotel purpose.
 19. The promoter shall make provisions for rain harvesting from the rooftops and built up areas before operation.
 20. The promoter shall provide the acoustic enclosure over the DG set as per norms.
 21. That the compliance to the norms for emissions/effluent and noise as prescribed of Environment Protection Act, 1986 as amended from time to time.
 22. This consent to establish is subject to the ratification by the State Board.
 23. The State Board reserves the right to revoke/review and alter the conditions of consent to establish as the case may be.
 24. The promoter shall ensure that all the muck to be generated from the construction activities shall be used within the premises.
 25. The promoter shall provide the sewage treatment plant for domestic sewage and also make provision for implementation of Solid Waste Management Rules, 2016.

26. The promoter shall explore the possibility of connecting the sewer line with Municipal Corporation/IPH sewerage deptt.
27. The promoter shall provide dual plumbing system for recycling of entire sewage after treatment in the STP for flushing of toilets.
28. The promoter shall make provision for the implementation of construction and demolition Water Management Rules, 2006.
29. The promoter shall submit Environment Management Plan consisting of all mitigation measures for each component of the environment, during construction operation and the entire life cycle to minimize adverse environmental impacts resulting from actions of the project.
30. The promoter shall increase the tree plantation along the periphery of the project and green belt inside the premises of the project.
31. The promoter shall incorporate best storm water management plan in order to avoid flooding of the area during monsoon.
32. The promoter shall make adequate provision for the transport infrastructure and traffic management at entry and exit to the project.
33. Unit shall provide the SBR technology in the sewage treatment plant.

Yours faithfully,

(Dr. Sanjay Sood, IFS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177- 2673766

Endst. No. PCB (434) Sh.Sunil Kumar Sood residential & Hotel/2016 22750-54 Date 3.3.17

Copy forwarded to the following for information and necessary action:

1. The Director, Town & Country Planning Department, SDA Complex Kasumpti, Shimla
- 1 Sh. Sunil 2. Sh. Sunil Kumar Sood Prop. of M/s Home land Exotica-mixed land use construction Project, House No. 143, Sector-07, Panchkula, Haryana- 134109.
3. The. Env. Engineer, HP PCB, Shimla Distt. Shimla H.P. w.r.t. his on line report.
4. District Tourism Development Officer, Shimla Distt. Shimla H.P.
5. Case file.

(Dr. Sanjay Sood, IFS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177-2673766



**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 14th 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 41st Meeting held on Sept. 9-11, 2015. The said project involves following salient features:

- | | |
|---|---|
| a. Project type | : Homeland Exotica-mixed land use construction project (Residential & Hotel Project). |
| b. Project Location | : 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. Project Capacity | : 46,599.00 sq. mtrs. |
| d. Cost of Project | : 99 Crores. |
| e. Water requirement | : 367 KLD. |
| f. Energy requirement | : 3127 KW. |
| g. Green cover | : Plantation of 458 new trees of different species in project area. |
| h. EMP costs | : For construction Phase:
Rs. 6.00 lakhs, Recurring cost. 2.80 lakhs
For operation Phase:
Capital cost: Rs. 122 lakhs, Recurring cost. Rs.10.0 |
| i. Institutional Mechanisms for Env. Protection | : The following will be responsible for maintenance of APCDs and Solid Waste Management sites:
i) Construction phase: Developer/ Project Proponent.
ii) Operational Phase: Developer/ Project Proponent. |

The SEIAA examined the proposal in its 24th Meeting held on 27th February, 2016 and considered the recommendations made by SEAC in its 41st 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 14th 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:

1. "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

Sundar

- 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 or 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, SO₂ and NO_x) 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.

- 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 filing 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.

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 m². 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.

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

Dated: 1-4-2016.

Endst. No. As Above. 10
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, Uttrakhand 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


H.P. STATE POLLUTION CONTROL BOARD

 REGIONAL OFFICE, "HIM PARIVESH",
 PHASE - III, NEW SHIMLA - 171009

Phone No. - 0177-2673274

No. HPSPCB/ROS/Misc Notice/2018- 17-146

Dated: 15-4-18

To

As per list Attached.

Subject: - Show Cause Notice under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

Whereas as per office record your consent has been expired and you have not applied for the Consent of the State Board, which is mandatory under section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981, hence committed violation of the Water & Air Acts.

Whereas the facts stated above tantamount to violation of the section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 rendering you liable for action as provided in sections 41, 42 and 44 of the Water (Prevention and Control of Pollution) Act, 1974 and 37, 38 & 39 of Air (Prevention and Control of Pollution) Act, 1981 attracting with fine(s) upto Rupees Ten thousand and imprisonment upto six years.

Whereas in addition to above, unit would also be liable to regulatory action under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and section 31-A of Air (Prevention & Control of Pollution) Act, 1981 which provides (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the stoppage or regulation of supply of electricity, water or any other service.

However, before proceeding against you, you are hereby afforded an opportunity to comply the provisions of aforesaid acts and immediately apply online for the consent of the State Board. You are also directed to show cause within 7 days either in person or through authorized person as to why the action under the aforesaid provisions of law should not be taken against you for failure to comply the provisions of Water & Air Acts.

Please note that in the event of failure to comply with above directions, penal and legal actions stated above shall be initiated against you for the above mentioned violations and non-compliance at your risk and cost.

Copy to:-

1. Case File.

[Signature]
 Sr. Environmental Engineer
 H. P. State Pollution Control Board
 Regional Office, Shimla

[Signature]
 Sr. Environmental Engineer
 H. P. State Pollution Control Board
 Regional Office, Shimla



**H.P. STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, "HIM PARIVESH",
PHASE - III, NEW SHIMLA - 171009
Phone No. - 0177-2673274**

No.PCB -ROS/M/s Sunil Kumar Sood /2019- 1785-86 Dated: 15/2/19

To

M/s Nirvana Woods & Hotels Pvt. Ltd.,
Village Kiyari & Rirka,
Tehsil & District Shimla, H.P.

Subject:- Show Cause Notice under Water (Prevention & Control of Pollution) Act, 1974
& Air (Prevention & Control of Pollution Act, 1974).

Whereas inspection conducted by the undersigned on dated 14.02.2019 and found that non compliance from 2017-18, 2018-19. Whereas Consent to Establish was issued vide letter No. PCB (434)/Sh. Sunil Kumar Sood residential & Hotel/2016-22750-54 dated 03.03.2017 which was valid upto 02.03.2018. Thereafter you have not applied for up-to-dated consent of the State Board, which is gross violation of Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution Act, 1974). In this context, Show cause notice under Water & Air Acts is already issued vide this office letter No. HPSPCB/ROS/Misc. Notice/2018-117-146 dated 10.04.02018.

Whereas as per this office letter No. HPSPCB-ROS/M/s Sunil Kumar Sood/2018-1390 dated 16.10.2018 you have also not submitted the revised Environmental Clearance, which was previously in the name of M/s Homeland Exotica-mixed land use construction project (Residential & Hotel Project).

Whereas the facts stated above tantamount to the violation of the provisions contained in the above quoted laws and liable for action under Section 41, 43 & 44 of the Water (Prevention & Control of Pollution) Act, 1974 and 37, 38, 39 of Air (Prevention & Control of Pollution) Act, 1981 attracting fine(s) upto Rupees Ten Thousand and imprisonment up to six years.

Whereas in addition to above, unit would also be liable to regulatory action under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and 31-A Air (Prevention & Control of Pollution) Act, 1981 which provides (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the stoppage or regulation of supply of electricity, water or any other service.

However before proceeding further, you are hereby given an opportunity to apply for Renewal of Consent through our portal i.e. <http://hpocmms.nic.in> and also submit the revised Environmental Clearance at the earliest and application for change of Name with relevant supporting documents.

Please note that in the event of failure to comply with above directions, penal and legal actions stated above shall be initiated against you for the above mentioned violations and non-compliance at your risk and cost without issuing further Notice.

Er. Ajeet Kumar,
Sr. Environmental Engineer,
HPSPCB, R.O. Shimla.

Copy to:-

1. The Member Secretary, H.P. State Pollution Control Board, Phase-III, Him Parivesh, New Shimla, 171009 for information please.

Er. Ajeet Kumar,
Sr. Environmental Engineer,



Reminder/Urgent

H.P. STATE POLLUTION CONTROL BOARD
Regional Office, Him Parivesh, Phase-III,
New Shimla, 171009, H.P.

No. PCBROS/M/s Nirvana Woods (Earlier M/s Sunil Kumar Sood)/2019

Dated:

To

M/s Nirvana Woods & Hotels Pvt. Ltd.,
 Village Kiyari & Rirka,
 Tehsil & District Shimla, H.P.

Sub: - Notice under Water (Prevention & Control of Pollution) Act, 1974 and
 Air (Prevention & Control of Pollution) Act, 1981.

Sir,

This is in continuation to this office letter No. 1785-86 dated 15.02.2019 and letter No. PCB/ROS/Sunil Kumar Sood/2019-1130 dated 19.09.2019. Whereas it has been observed that you have not applied upto date for the consent of the State Board from 31.03.2018 onwards and you have also not submitted the revised Environmental Clearance which is gross violation of the consent conditions earlier issued and Air (Prevention & Control of Pollution) Act, 1981 and Water Act, 1974.

The facts stated above are tantamount to the violation of the provisions contained in the above quoted laws and liable for action under Section 41, 43 & 44 of the Water (Prevention & Control of Pollution) Act, 1974 and 37, 38, 39 of Air (Prevention & Control of Pollution) Act, 1981 attracting fine(s) upto Rupees Ten Thousand and imprisonment up to six years.

Whereas in addition to above, unit would also be liable to regulatory action under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and 31-A Air (Prevention & Control of Pollution) Act, 1981 which provides (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the stoppage or regulation of supply of electricity, water or any other service.

However before proceeding further, you are hereby given an opportunity to apply for up-to-date consent of the State Board through our web portal i.e. www.hpocmms.nic.in and also submit the revised Environmental Clearance.

Please note that in the event of failure to comply with above directions, penal and legal actions stated above shall be initiated against you for the above mentioned violations and non-compliance at your risk and cost.

Copy to:-
 1. Case File

[Signature]
 Asstt. Environmental Engineer,
 H. P. SPCB, R.O. Shimla

[Signature]
 Asstt. Environmental Engineer,
 H. P. SPCB, R.O. Shimla



OFFICE ORDER

Whereas the Assistant Environmental Engineer, H.P. State Pollution Control Board, Shimla, Distt. Shimla HP vide letter No.2229 dated 7.11.2019 has reported that M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP has not applied for renewal of consent of the State Board, also not submitted the Environmental Clearance and recommended for directions under the provision of the 33-A of the Water Act, 1974/Section 31-A of Air Act, 1981.

Whereas show cause notice were issued vide RO office letter No.1785-86 dated 15.2.2019 and 2036-37 dated 9.10.2019 for necessary compliance but no compliance report received till date.

In consideration of the facts stated above H.P. State Pollution Control Board in exercise of power conferred under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31-A of Air(Prevention and Control of Pollution) Act, 1981, the H.P. State Electricity Board in general and the Executive Engineer, Electrical Division, Kasumpti, Shimla, Distt. Shimla, HP in particular are, hereby directed to disconnect the power supply to the unit M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP forthwith.

Direction is also issued M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP, not to use DG set.

Non-compliance of these directions shall constitute a cognizable offence for days for following action:-

Fine and imprisonment up to six years as provided under section 41,43 & 44 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 37,38 & 39 of the Air (Prevention and Control of Pollution) Act, 1981. Strict compliance from all concerned is solicited to avoid legal liability on their part.

(Aditya Negi, IAS)

Member Secretary

H.P.State Pollution Control Board

Dated: 16-11-19

- No. PCB/246/Sunil Kumar Sood Construction Project(Nirvana Woods)/2019-
Copy forwarded to the following for information and immediate necessary action:
1. The Chairman, H.P. State Electricity Board, Vidyut Bhawan, Shimla.
 2. The Executive Engineer, Electrical Division, HPSEB, Electrical Div. No.1, Kasumpti Shimla, Distt. Shimla, HP.
 3. The Assistant Environmental Engineer, HPSPCB, Shimla to give compliance report immediately
 4. M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP.
 5. Case file

(Aditya Negi, IAS)

Member Secretary

H.P.State Pollution Control Board



CWP No. 2428 of 2020

06.05.2021

Present: Mr. B.C. Negi, Sr. Advocate with Mr. Suneet Goel, Advocate for the petitioner/applicant.

Mr. Maan Singh, Advocate for the respondents.

(Through Video Conference)

CMP No. 3608 of 2021

By way of this application, the applicant/petitioner has prayed for restoration of electricity and water connections, which have been disconnected by the authorities concerned, in terms of the directions passed by Himachal Pradesh State Pollution Control Board. The writ petition has been filed by the petitioner *inter alia* praying for quashing of Annexure P-14, vide which notice of demand, the applicant/petitioner-Company has been directed by the respondent-Board to pay environmental compensation to the tune of ₹18.00 Lac, which stands imposed upon it by the respondent-Board. The operation of Annexure P-14, i.e. communication dated 27.06.2020, has been stayed by Hon'ble Division Bench of this Court vide order dated 17th July, 2020.

2. Mr. B.C. Negi, learned Senior Counsel appearing for the applicant/petitioner-Company submits that even after the stay of impugned demand notice dated 27.06.2020, the electricity and water connections of the petitioner-Company have not been restored. He further submits that the impugned notice of demand

dated 27.06.2020, was otherwise passed by the respondent-Board, in terms of an order passed by learned National Green Tribunal dated 12.05.2020, in O.A. No. 55 of 2020 at the back of the applicant/petitioner. He states that subsequently the main application as well as I.As. filed in O.A. No. 55 of 2020 stood disposed of by the National Green Tribunal vide order dated 07.10.2020 by directing the authorities mentioned in para-7 of the order to finalize the pending proceedings within three months and with liberty to the aggrieved party to take remedies against the decision which may be passed in the pending proceedings which have yet not been finalized by the authorities. Accordingly, Mr. Negi has argued that as there was a valid consent to establish which stood issued in favour of the project concerned and as there was also an environmental clearance certificate issued in favour of the project, the disconnection of electricity and water by the respondent-Board, is arbitrary and not sustainable in law. He thus prays that it will be in the interest of justice in case during the pendency of the main petition, the electricity and water connections of the petitioner-Company are restored to the extent that it may continue to carry out its construction activity in consonance with the permissions so granted by the competent authority.

3. Opposing the application, learned Counsel for the respondent-Board has drawn the attention of this Court to the

reply filed to the application and annexures appended therewith. He has submitted that vide office order dated 16.11.2019, H.P. State Electricity Board was directed to disconnect the power supply to the petitioner-Unit as the petitioner-Unit had failed to submit compliance report in terms of show cause notice issued on 15.02.2019 and 09.10.2019. He has also drawn the attention of the Court to office order dated 13.05.2020 and submitted that water and electricity connections of the petitioner-Unit were rightly disconnected as the petitioner-Company had failed to submit consent to operate as well as environment clearance qua the project in issue.

4. In rebuttal, learned Senior Counsel appearing for the applicant/petitioner has drawn the attention of the Court to Annexure P-3 (colly.) appended with the writ petition and by relying upon proceedings of 24th meeting of State Level Environment Impact Assessment Authority, dated 02.03.2016, in general and Clause 5.12 of the same in particular, he has submitted that in the said meeting, environmental clearance was issued in favour of the "Unit". He has also drawn the attention of the Court to Annexure P-10 appended with the petition which is consent to establish given in favour of the Project by the respondent-Board, which subsequently stood acquired by the petitioner-Company by way of transfer dated 03.03.2017. Learned Senior Counsel has stated that after the expiry of the

period of consent to establish, renewal thereof has already been applied to respondent-Board, as is evident from page 113 of the paper book (Annexure P-13), and as the environmental clearance already exists in favour of the project in issue, the act of the respondent-Board of calling upon the petitioner-Company to submit a fresh environmental clearance is not sustainable in law.

5. I have heard learned Counsel for the parties and also gone through the pleadings of the application as well as the documents appended therewith as also annexures appended with the petition.

6. It is not in dispute that electricity and water connections of the petitioner-Unit, have been disconnected on two grounds, (a) its failure to submit to the competent authority the consent to operate; and (b) its not submitting environmental clearance certificate.

7. During the course of arguments, learned Counsel for the respondent-Board was put a query by the Court that why the application submitted by the applicant/petitioner-Company for renewal of consent was not being processed by the Board. Learned Counsel for the respondent-Board, on instructions, informed the Court that the application for renewal of consent was not being processed as environmental clearance in favour of the petitioner-Unit was still awaited. On another pointed query to learned Counsel for respondent-Board as to under which

particular statutory provision of any of the pollution laws, there was a necessity to obtain a fresh environmental clearance upon transfer of a Project and under which provision the environmental clearance already granted by the competent authority to Unit is not valid post its transfer, learned Counsel for the respondent-Board submitted that the pollution laws do not envisage any such provision.

8. In this background, in the considered view of this Court, the disconnection of electricity and water supply on the direction of the respondent-Board by the authorities concerned is not sustainable in the eyes of law. Respondent-Board is a statutory Board and it can exercise only such powers, which are provided for in the laws, implementation of which is the duty of the respondent-Board. It cannot call upon a party to perform such acts which are not envisaged in any of the pollution laws. The Court repeats and reiterates that no statutory provision was brought in the notice of the Court by the respondent-Board to the effect that after transfer of a Unit in favour of another party, post transfer a fresh environmental clearance certificate was required for the Unit, which was put to transfer.

9. Accordingly, this application is allowed and it is directed that water and electricity connections of the petitioner-Company be restored for the purpose of establishment of the Unit. Respondent-Board shall also pass appropriate orders on the

application filed by the petitioner-Unit for renewal of consent without insisting upon for submission of fresh environmental clearance certificate. Needful shall be done within a period of four weeks from today. It is clarified that construction activity being carried out by the applicant/petitioner shall be done strictly as per approvals so granted in its favour by the competent authority. This order is subject to final decision of the writ petition and it will not confer upon any equity upon the petitioner nor the petitioner shall claim equity of any nature on the basis of any activity carried out by it post this order, in case, it does not succeeds in the main petition.

Copy dasti.

(Ajay Mohan Goel)
Judge

May 06, 2021
(narender)



H.P.STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009

HPSPCB No : 246/434

Date: 26/08/2023

Industry Registration ID: 26063

Application No : 9537434

To,

Nirvana Woods And Hotels Pvt Ltd
Village Kyari & Rirka, Tutikandi Shimla-171004
Shimla
Shimla
171004

Subject: Renewal of 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981.

With reference to your application for obtaining Renewal of 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981, you are hereby, authorized to Establish an industrial unit subject to the Terms and Conditions as mentioned in this Consent letter.

1. Particulars of Consent to Establish under Water Act, 1974 and Air Act, 1981 granted to the industry

Consent No.	CTE/BOTH/RENEW/RO/2023/9537434
Date of issue :	01/04/2017
Date of expiry :	31/03/2024
Certificate Type :	RENEW
Previous CTE/CTO No. & Validity :	

2. Particulars of the Industry

Name & Designation of the Applicant	Pankaj Gupta, (Director)
Address of Industrial premises	Nirvana Woods And Hotels Pvt Ltd, Village Kyari & Rirka, Tutikandi Shimla-171004, Shimla, Shimla-171004
Capital Investment of the Industry	9900.0 lakhs
Category of Industry	Red
Type of Industry	1063-Building and construction project more than 20,000 sq.m built up area and having waste water generation 100 KLD and above
Scale of the Industry	Large
Office District	Shimla
Capacity	

Products (Name with quantity per day)

Name of Products	Unit	Quantity	Intermediate Product	Principal Use
3 BHK	Number/Year	112	---	Residential Purpose
2 BHK	Number/Year	100	---	Residential Purpose
EWS/LIG	Number/Year	27	---	Residential Purpose
Villas	Number/Year	64	---	Residential/Tourism Purpose
Hotel	Number/Year	81	Including Restaurant, Gym, SPA, Coffee Shop, Banquet, Conference Hall	Tourism Purpose

Details of the Effluent Treatment Plant

Type of Effluent	Capacity	Quantity
STP	100 KLD	1 KLD
ETP	20 KLD	1 KLD

Mode of Disposal

Description	Quantity(in KLD)	Method of Treatment	Method of Disposal
Industrial Process	16	ETP	STP
Domestic	100	Sewer line having terminal treatment facility	Other
Domestic	81	STP	Irrigation/Gardening

Quantity of fuel required (in TPD) and capacity of boilers/ Furnace/Thermo heater etc.

Type	No. of Boiler/Heater/Evaporator/Incinerator/DG Set/Other	Capacity	Type of Boiler/Heater s/Evaporators/Incinerator/DG Sets/Others	Type of Fuel	Fuel consumption rate in MT/hour or KL/hour or M3 /hour
DG Sets	1	500 KVA	Silent equipped with acoustic encloure & Exhaust muffler	Diesel	17
Others	Electric Heat Pump (2 no.)	100 KW each	Electricity	Electricity	-

Type of Air Pollution Control Devices installed

Equipment Type	Equipment Name	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
DG sets	DG Sets	Sun Jan 05 00:01:00 IST 2020	99	Exhaust Gases



Approved By
Chairman
(H. P. State Pollution Control Board)

Endst. No.:

Copy To:-

The Regional Office, HPSPCB, Shimla for information and to ensure the operation of the unit as per consent and with adequate PCDs.



ANIL JOSHI
Digitally signed
by ANIL JOSHI
Date:
2023.08.27
12:19:25 +05'30'

Anil Joshi, IFS
Member Secretary
For & on behalf of
(H. P. State Pollution Control Board)

TERMS AND CONDITIONS

A. SPECIFIC CONDITIONS

1. This Consent to Establish is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law/regulation/direction/order and the applicant shall obtain any such mandatory clearance before taking any steps to establish industry/ industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.
2. Nothing in this Consent shall be deemed to neither preclude the institution of any legal action nor relieve the applicant from any responsibilities, liabilities or penalties to which the applicant is or may be subjected to under this or any other Act.
3. The unit shall apply for further extension in the validity of the Consent to Establish, at least two months before the expiry of this 'Consent to Establish', if applicable.
or
The unit shall obtain prior Consent to Operate from the State Board, before starting operational activity and gets its completion plan approved by the Competent Authority (As applicable).
4.
 - i) The unit shall made provisions for the compliance of Waste Management Rules i.e. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016/ Plastic Waste Management Rules, 2016/ E-Waste (Management) Rules, 2016/Construction & Demolition Waste Management Rules, 2016 and Manufacture, Storage & Import of Hazardous Chemical Rules, 1989 and provisions made thereunder, as amended from time to time, without any adverse effect on the environment, in any manner (As Applicable)
 - ii) The unit shall made provisions for the compliance Solid Waste Management Rules, 2016 and provisions made thereunder and unit shall also not practice burning activity of solid waste/waste generated from fuel within/outside premises, to avoid public nuisance.
5. This 'Consent to Establish' is for:-
 - i) The emissions from all sources conforming to the norms as prescribed in Schedule-I of Environment (Protection) Rules, 1986 as amended from time to time.
 - ii) Noise and Ambient Air Quality shall be maintained within Ambient Air Quality Standards for noise as specified in Schedule-III of Environment (Protection) Rules, 1986 and Noise Pollution (Regulation and Control) Rules, 2000, as amended from time to time.
 - iii) The effluent (Domestic/Industrial) shall conform to the limits as prescribed in Schedule-I or Schedule-VI or Industry specific standards of Environment (Protection) Rules, 1986 as amended from time to time.
 - iv) Sewage and sullage generated from the unit to be disposed-off in a properly designed septic tank system/Sewage Treatment Plant/ Public Sewer System (as applicable).
6. The unit shall install adequate pollution control devices and provide the separate energy meter and flow meter. The unit shall maintain the logbook/ record with respect to operation of pollution control devices (As applicable). The achievement of the adequacy and efficiency of the effluent treatment plant/pollution control devices/re-circulation system installed shall be the entire responsibility of the unit.
7. **CONDITIONS UNDER WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974.**
 - a) The unit shall provide terminal manhole(s) at the end of each collection system and a manhole upstream of final outlet (s) out of the premises of the industry for measurement of flow and for taking samples.
 - b) The unit shall install flow meter and maintain the record regarding the daily water consumption.

- c) The pollution control devices shall be interlocked with the manufacturing process of the industry (if applicable) and the authorized outlet and mode of disposal shall not be changed without the prior written permission of the Board. Unit shall not use any unauthorized out-let(s) for discharging effluents from its premises.
- d) Solids, sludge, filter backwash or other pollutant removed from or resulting from treatment or control of waste waters shall be disposed-off in scientific manner.
- e) The unit shall submit a detailed plan showing therein, the distribution system for conveying wastewaters.
8. **CONDITIONS UNDER AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981.**
- a) The unit shall provide canopy and stack of adequate height of the D.G sets so as to control the noise & air pollution in order to comply with the provision of notification No GSR-371 E dated 17-5-2002 or direction as issued by MOEF from time to time, under Environment (Protection) Act, 1986.
- b) The unit shall ensure disposal of boiler ash/fuel ash through authorized person or within premises in a scientific manner (as the case may be) and shall maintain proper record for the same, if applicable.
- c) The unit shall provide proper and adequate air pollution control arrangements for control emission from its coal/fuel handling area and emissions from handling, transportation and processing of raw material & product of the industry, as applicable.
- d) The unit shall provide port-holes, platforms and/or other necessary facilities as may be required for collecting samples of emissions from any chimney, flue or duct or any other outlets as per the specifications.

Specifications of the port-holes shall be as under:-

- i) The sampling ports shall be provided atleast 8 times chimney diameter downstream and 2 times upstream from the flow disturbance. For a rectangular cross section the equivalent diameter (De) shall be calculated from the following equation to determine upstream, downstream distance:-
- $$De = 2 LW / (L+W)$$
- Where L= length in mts. W= Width in mts.
- ii) The sampling port shall be 7 to 10 cm in diameter
- e) The unit shall submit a detailed plan showing therein, the distribution system for conveying wastewaters.

(i) Stack height for boiler plants

S.NO.	Boiler with Steam Generating Capacity	Stack heights
1.	Less than 2 ton/hr.	9 meters or 2.5 times the height of neighboring building which ever is more
2.	More than 2 ton/hr. to 5 ton/hr.	12 meters
3.	More than 5 ton/hr. to 10 ton/hr	15 meters
4.	More than 10 ton/hr. to 15 ton/hr	18 meters

5. More than 15 ton/hr. to 20 21 meters ton/hr
6. More than 20 ton/hr. to 25 24 meters ton/hr.
7. More than 25 ton/hr. to 30 27 meters ton/hr.
8. More than 30 ton/hr. 30 meters or using the formula
 $H = 14 Qg^{0.3}$
 $H = 74 (Qp)^{0.24}$
 Where Qg = Quantity of SO₂ in Kg/hr.
 Qp = Quantity of particulate matter in Ton/day.

Note : Minimum Stack height in all cases shall be 9.0 mtr. or as calculated from relevant formula whichever is more.

(ii) For industrial furnaces and kilns, the criteria for selection of stack height would be based on fuel used for the corresponding steam generation.

(iii) Stack height for diesel generating sets:

Capacity of diesel generating set	Height of the Stack	
0-50 KVA	Height of the building	+ 1.5 mt
50-100 KVA	-do-	+ 2.0 mt.
100-150 KVA	-do-	+ 2.5 mt.
150-200 KVA	-do-	+ 3.0 mt.
200-250 KVA	-do-	+ 3.5 mt.
250-300 KVA	-do-	+ 3.5 mt.

For higher KVA rating stack height H (in meter) shall be worked out according to the formula:

$$H = h + 0.2 (KVA)^{0.5}$$

where h = height of the building in meters where the generator set is installed.

9. The unit shall submit on-site and off-site emergency plan approved by the Chief Inspector of Factories, Himachal Pradesh (If applicable)
10. The unit shall provide real time online monitoring equipment's and provisions for the uninterrupted transfer of data as per guidelines of CPCB (if applicable).
11. The unit shall provide adequate arrangements for fighting the accidental leakages/ discharge of any air pollutant/gas/liquids from the vessels, mechanical equipment's etc. which are likely to cause environmental pollution.
12. The unit shall plant minimum three layer of trees so far possible as per plantation guide (may be download from the website <http://hppcb.nic.in/plantationguide.pdf>) all along the boundary of the industrial premises and check air/water/noise pollution at source.
13. Any guidelines issued by the Central Government/State Government/MoEF/CPCB/SPCB/any other authority concerned, shall be binding.
14. This 'Consent to Establish' is subject to orders on any litigation pending in any Court of Law. Any direction/order issued by any court shall be binding (if any).
15. The Board reserves the right to revoke the 'Consent to Establish' granted to the industry at any time, in case the industry is found violating the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 as amended from time to time.
16. The unit shall comply with any other conditions laid down or directions issued in due course by the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

B. OTHER CONDITIONS

1. The unit shall comply with the conditions imposed by the MoEF/State Level Environment Impact Assessment Authority/ District Level Environment Impact Assessment Authority in the environmental clearance granted to it as required under EIA notification dated 14-9-06, if applicable.
2. The issuance of this consent does not convey any property right in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State or Local Laws or Regulations.
3. Stone Crusher units shall comply with the provisions of guidelines notified by the State Government vide Notification No. STE-E(3)-11/2012, dated 29-05-2014 (If Applicable).
4. Brick Kiln units shall comply with the provisions of guidelines notified by the MoEF vide Notification No. G.S.R.233.(E), dated-15-03-2018 and by the State Government vide Notification No. STE-E(5)-6/2013, dated-07-03-2014 (If Applicable).
5. Hydroelectric Projects shall install Online Real Time Monitoring System for the measurement of 15% of minimum discharge in lean season as per orders of Court/Government. The unit shall also ensure provisions for the regular and uninterrupted transfer of data from the real time online monitoring system for 15% of minimum discharge of flow to SPCB, failing which unit shall be liable for action on account of violation of the directions issued by Court/Government/SPCB in this regard (If Applicable).
6. Unit shall strictly adhere to the capacity approved by the Industries Department/ Department of Tourism & Civil Aviation/any other concerned Authority (As Applicable).
7. The unit shall not cause any nuisance/traffic hazard in vicinity of the area.
8. The unit shall ensure that there will not be significant visible dust emissions beyond the property line.
9. The unit shall obtain and submit Insurance cover as required under the Public Liability Insurance Act, 1991.
10. The unit shall put display Board indicating environmental data in the prescribed format at the main entrance gate.
11. The unit shall maintain record regarding the operation of effluent treatment plant i.e. record of quantity of chemicals and energy utilized for treatment and sludge generated from treatment so as to satisfy the Board regarding regular and proper operation of pollution control equipment.
12. Any amendments/revisions made by the Board/CPCB/MOEF in the emission/stack height standards shall be applicable to the industry from the date of such amendments/revisions.

C. SPECIAL CONDITIONS

1. The validity of this consent will be subject to the final outcome of the MA filled by the State Board in CMP No: 7537/2021 and CWP No. 2428/2020.
2. The unit shall apply for CTE-Expansion immediately and before consideration of CTE-expansion, state board shall not consider the case for CTO-fresh for partial project, because it would be difficult to grant partial project operational permission and verification of compliance specially in present circumstances, when substantial expansion has already been made by unit, as reported by RO concerned.
3. The unit shall not carry out bulk laundry washing without prior consent of the State Board.
4. This consent has been recommended considering the adequacy of the proposed pollution control devices and waste management systems/mechanism only.
5. This Consent of the State Board does not absolve the proponent of his responsibility to take pre-approvals / approvals / prior NOCs / from other deptts./agencies as the case may be, for the violation of which, the State Board bears No responsibility.

By Order
Chairman
(H. P. State Pollution Control Board)





HP State Pollution Control Board
 HIM Parivesh Bhawan, Phase-III, New Shimla-09
 Phone No. 0177-2673766, 2673020 FAX-0177-2673018



PCB/(246/Sunil Kumar Sood Construction Project(Nirvana Woods)2023 -

Dated:

To,

M/s Nirvana Woods & Hotel Pvt. Ltd
 Village Kiyari & Rirka,
 Tehsil & District Shimla HP

Sub: Regarding Renewal of Consent to Establish U/s 25/26 of Water (Prevention & Control of Pollution) Act 1974 and U/s 21 of Air (Prevention & Control of Pollution) Act 1981 in favour of Nirvana Woods and Hotel Private Ltd. and name change.

Sir,

This is in reference to letter no. 12059-65 dated 29-11-2023 issued from this office on the subject cited above vide which you were afforded an opportunity to submit your stand on or before 5-12-2023 at 11:00 AM w.r.t. issues raised by Sh. Sunil Kumar Sood that you have concealed vital facts from the State Board and Hon'ble High Court for obtaining RCTE and Name Change. The same was shared with you through e-mail on 29-11-2023 at 11:13 AM for information and further action.

In this context, initially a reply email was received from you on 01-12-2023 at 10:28 AM after a gap of 2 days with a request to also provide with copy of all the Annexures of the representation of Sh. Sunil Kumar Sood which was duly reverted back to you on 02-12-2023 at 11:15 AM through e-mail enclosing the same. Your reply dated 5-12-2023 has been received through e-mail and the reply has been examined.

The Basic Document is the "Purpose" approved by the State Government while granting Permission U/s 118 of H.P. Tenancy & Land Reforms Act 1972. Since in the present matter the permission is not for Tourism Project hence CTE for Tourism purpose was not granted and as such RCTE also for Tourism Project stands null and void. Because of this the Tourism Department has also objected to a Tourism Project on the said land. The Revenue Department has granted permission U/s 118 of Tenancy Act for the purpose of residential units vide letter dated 26-04-2017 hence the present proposal of Nirvana Woods for Tourism Project cannot be approved. It is a matter of record that Nirvana Woods has applied for fresh EC with SEIAA in its name which is still not approved. Hence the claim that fresh EC is not required is not sustainable. Nirvana Woods has now applied CTO and CTE-Expansion for Tourism Project which cannot be granted under the above circumstances.

As such after going through the matter in detail it has emerged that you have concealed vital facts/information from the State Board and Hon'ble High Court of HP for obtaining RCTE and Name Change which are as below:

1. That the CTE granted in favour of Sh. Sunil Kumar for his project named M/s Homeland Exotica has not been transferred to any other person as the same has been surrendered by the original proprietor, thus the same cannot be renewed.

(Handwritten signature)

5/12/2023

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2. That the EC granted to the original proprietor Sh. Sunil Kumar Sood of M/s Homeland Exotica is still not transferred as per clause-11 of notification issued by MoEF & CC Government of India dated 14-09-2006 under sub-rule 3 of Rule 5 of EP Rules, 1986 as he has denied consent to the transfer of EC. Further afresh EC application stands filed by M/s Nirvana Woods & Hotel Private Ltd which is still pending before HPSEIAA and has been also stand objected by Sh. Sunil Kumar Sood.
3. That the Essentiality Certificate issued by Town and Country Planning Department, HP vide letter dated 16-03-2017 is only for the purpose of setting up of Residential Colony.
4. That the permission to purchase land by M/s Nirvana Woods & Hotel Pvt. Ltd. under section 118 issued by Revenue Department vide letter dated 26-04-2017 is also for setting up of residential colony only.
5. That letter of Tourism and Civil Aviation Department of HP dated 12-02-019 also states that NOC for Tourism Project (Hotel and Service villas) was not obtained by M/s Nirvana Woods & Hotels Private Ltd which should have been obtained prior permission under section 118 of HP Tenancy and Land Reforms Act 1972 in case they intend to construct a tourism project.
6. That at the time of Name Change of the unit from M/s Homeland Exotica to M/s Nirvana Woods & Hotel Private Ltd it was concealed that Sh. Sunil Kumar Sood has not given his consent to change of the name of his project from M/s Homeland Exotica to M/s Nirvana Woods & Hotel Private Ltd.

In fact the Revenue Department is at liberty to initiate violation of section 118 of HP Tenancy and Land Reforms Act, 1972 for change of purpose for which the transfer of land was approved as the Tourism Project has been constructed illegally on spot.

In light of the aforementioned circumstances and the facts stated above it is apparent that the consent granted U/s 25/26 of Water (Prevention & Control of Pollution) Act 1974 and U/s 21 of Air (Prevention & Control of Pollution) Act 1981 and name change obtained by you from the HPSPCB by concealing vital facts. Therefore, it has been decided that the Renewal of Consent to Establish issued by the State Board, vide letter dated 26.08.2023 and name change taken on record by the State Board vide letter dated 6-02-023 are hereby withdrawn with immediate effect.

Approved by Competent Authority

Vide Note- 45

PCB/(246/Sunil Kumar Sood Construction Project(Nirvana Woods)2023 -

Dated: 5/12/2023

Copy forwarded to:

1. The Chief Secretary to the Government of Himachal Pradesh in reference to letter dated 24-11-2023 for information please.
2. The Principal Secretary-cum-FC (Revenue) to the Government of HP for information.
3. The Director (TCP) to the Government of HP for information.
4. The Director-cum-Member Secretary SEAC, EST to the Government of HP for information and further action in continuation to this office letter dated 18-11-2023.
5. The Director, Tourism and Civil Aviation, HP for information.
6. The Regional Officer, HPSPCB, Regional Office Shimla.
7. Sh. Sunil Kumar Sood, House no. 143, Sector 7, Panchkula-134109 (Haryana).
8. Dr. Pawan Kumar Banta, House No. 500 A Sector-IV, New Shimla-171009.

Environmental Engineer-HQ

For the Member Secretary

H. P. State Pollution Control Board, Shimla

H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III
NEW SHIMLA-171009



OFFICE ORDER

Whereas direction under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and 31-A of the Air (Prevention & Control of Pollution) Act, 1981 vide this office order No.24540-43 dated 16.11.2019 was issued to the Executive Engineer, Electrical Division, HPSEB, Electrical Div. Kasumpti, Distt. Shimla, HP for disconnection of power supplies of M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP for not obtaining renewal of consent to operate and not submitting Environmental Clearance and the same subsequently was kept in abeyance vide this office letter No.26318-21 dated 5.12.2019 till 3.1.2020 and unit was granted two months time for necessary compliance.

Whereas the Assistant Environmental Engineer, Regional Office, Shimla vide letter No.2434 dated 22.2.2020 has again reported that unit has not made the compliance, although the unit had applied for renewal of consent to establish but it has not submitted Environmental Clearance and again recommended for the power disconnection of the unit. The letter No.1202-05 dated 10.2.2020 has also been received from the Assistant Executive, HPSEBL Khalini, Shimla-2 for the further directions in view of the representation received from the project proponent.

In consideration of the facts stated above H.P. State Pollution Control Board in exercise of power conferred under section 33-A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31-A of Air(Prevention and Control of Pollution) Act, 1981, the H.P. State Electricity Board in general and the Executive Engineer, Electrical Division, Kasumpti, Shimla, Distt. Shimla, HP in particular are, hereby directed to disconnect the power supply to the unit M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP forthwith.

Direction is also issued to M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP, not to use DG set.

Non-compliance of these directions shall constitute a cognizable offence for following action:-

Fine and imprisonment up to six years as provided under section 41,43 & 44 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 37,38 & 39 of the Air (Prevention and Control of Pollution) Act, 1981. Strict compliance from all concerned is solicited to avoid legal liability on their part.

(Aditya Negi, IAS)
Member Secretary

6572-76 H.P. State Pollution Control Board
No. PCB/246/Sunil Kumar Sood Construction Project(Nirvana Woods)/2019- Dated: 13.6.5.2020
Copy forwarded to the following for information and immediate necessary action:

1. The Chairman, H.P. State Electricity Board, Vidyut Bhawan, Shimla.
2. The Executive Engineer, Electrical Division, HPSEB, Electrical Div. No.1, Kasumpti Shimla, Distt. Shimla, HP.
3. The Assistant Executive Engineer, Electrical Division, HPSEB, Electrical Div. Khalini Shimla, Distt. Shimla, HP.
4. The Assistant Environmental Engineer, HPSPCB, Shimla to give compliance report immediately
5. M/s. Nirvana Woods & Hotels Pvt. Ltd. Village Kiyari & Rirka, Tehsil & Distt. Shimla, HP.
6. Case file

(Aditya Negi, IAS)
Member Secretary

H.P. State Pollution Control Board