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

ORIGINAL APPLICATION NO. 421 OF 2025

IN THE MATTER OF:

Court on its own motion regarding news item titled "Illegal construction flourish in Himachal Pradesh due to lack of proper checks" appearing in Dainik Tribune dated 08.09.2023.

VERSUS

STATE OF HP & ORS. ...Respondent/s

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FILED THROUGH
COUNSEL FOR THE RESPONDENT No. 3

ANIL JARYAL
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Delhi High Court.
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Mob:9871277207

Dated: 10.11.2025

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

NEW DELHI

OA No. 421/2025

IN THE MATTER OF:-

Court on its own motion regarding news Item titled "Illegal constructions flourish in Himachal Pradesh due to lack of proper checks"

Versus

1. Department of Town and Country Planning, Himachal Pradesh.
2. Department of Urban Development, Himachal Pradesh.
3. Department of Environment, Science Technology & Climate Change, Near US Club, Shimla, 171002.
4. Himachal Pradesh State Pollution Control Board, through Member Secretary, Him Parivesh, Pahse-III, Shimla.
5. Ministry of Environment Forest & Climate Change, to the Government of India, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi, 110003, India.

.....Respondent

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

ATTESTED

Executive Magistrate
H.P. Sectt., Shimla.

REPLY ON THE BEHALF OF RESPONDENT NO. 3

1. It is submitted that the Department of Environment, Science Technology & Climate Change does not grant any permissions/NOC's for construction/building related projects.
2. It is, however, submitted that as per Environment Impact Assessment Notification, 2006 notified under under sub-rule (3) of Rule 5 of **Environment (Protection) Act, 1986**, the certain restrictions and prohibitions have been imposed on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to said notification.
3. The Department of Environment, Science Technology & Climate Change acts/functions as a Secretariat for granting Environment Clearance's to various projects, as specified in Schedule of Environment Impact Assessment (EIA) Notification through State Level Environment Impact Assessment Authority (SEIAA)/State Expert Appraisal Committee (SEAC).
4. The Department of Environment Science Technology & Climate Change is an agency to provide all financial and logistic support and such

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

ATTESTED

Executive Magi...
H.P. Sectt., Sh...

other facilities in respect of all statutory functions of the State Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) Himachal Pradesh as notified by the Ministry of Environment &Forest, Govt. of India, (MoEF & CC), Govt. of India.

5. As per the Environment Impact Assessment Notification 2006 and its subsequent amendment the project has been categorized as **"Category-A"** and **"Category-B"** projects based on capacity/area. The Category-A project are being dealt by Ministry of Environment Forest & Climate Change (MoEF&CC), Govt. of India and **"Category-B"** project by respective State Environment Impact Assessment Authority (HP SEIAA).

6. The proposals for grant of Environment Clearance are received in the HP SEIAA Secretariat through **PARIVESH portal of MoEF&CC,** *http://www.environmentclearance.nic.in,* Govt. of India. The proposals are initially securitized in the Secretariat at DEST&CC office and if found in order, the same are examined by Himachal Pradesh State Expert Appraisal Committee (SEAC), which is an expert body notified by MoEF&CC under the provisions of EIA Notification, 2006 and its subsequent amendments from time to time.

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

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Executive Magistrate
H.P. Secttt., Shimla

7. It is submitted that as per Environment Impact Assessment Notification, 2006 and subsequent amendments thereof, the Environment Clearance is applicable to building and construction projects having built up area more than 20,000 m^2 and the SEIAA grants Environment Clearance to Category-B project's having area >20000 m^2 and <1,50,000 m^2.

8. As per procedure the project proponents make detailed presentations before the SEAC explaining environmental and ecological safeguards taken in the project. It is, however, submitted that prior to grant of Environment Clearance (EC) for all the applicants it is pre requisite to obtain necessary approval of competent authorities like Town and Country Planning Department, HP Forest Department, HP State Pollution Control Board, HP Public Works Departments, Jal Shakti Vibhag, Tourism Department, Soil Conservation expert from Agriculture Department etc.

9. It is submitted that while granting the Environment Clearance to the project proponents, the standard Terms and Conditions along with additional conditions are imposed as per the recommendations of State Expert Appraisal Committee (SEAC) /

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

ATTESTED

Executive Magistrate
H.P. Secttt., Shimla

State Level Environment Impact Assessment Authority (HP SEIAA).

10. It is submitted that when the Environment Clearances are granted by HP SEIAA to the project proponents, they have to submit six monthly compliance reports on PARIVESH portal of Ministry of Environment Forest & Climate Change (MoEF&CC), which is being monitored by the concerned Regional Office of MoEF&CC, State Level Environment Impact Assessment Authority (HP SEIAA) and Himachal Pradesh State Pollution Control Board for ensuring the compliance of terms and conditions imposed while grant of Environment Clearance.

Prayer:-

That it is humbly submitted that the Department of Environment, Science Technology & Climate Change does not grant any permissions/NOC's for construction/building related projects. The Department of Environment Science Technology & Climate Change (DEST&CC) acts as a Secretariat for State Level Environment Impact Assessment Authority (HP SEIAA), which is being notified by MOEF&CC, Govt. of India for granting Environment Clearances to various

ATTESTED

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

Executive Magistrate
H.P. Sectt., Shimla

projects as per schedule mentioned in Environment Impact Assessment Notification, 2006 notified under under sub-rule (3) of Rule 5 of **Environment (Protection) Act, 1986.**

PLACE: SHIMLA

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

DATED:10-11-2025

FILED THROUGH COUNSEL FOR THE RESPONDENT No 3

ANIL JARYAL
Chamber No. 109, Block 03
Delhi High Court
Mob: 9871277207

ATTESTED
Executive Magistrate
H.P. Sectt., Shimla

Declared before me on 4th day of Nov 2025 on oath (Solemnly Affixation)
by Shri Director Deptt. (ESTACC)
who is personally known to the or who has been identified by Sh K.L Negi,
who is personally known to me. S.A (ESTACC)

Executive Magistrate
H.P. Sectt Shimla

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL
NEW DELHI

OA No. 421/2025

IN THE MATTER OF:-

Court on its own motion regarding news Item titled "Illegal constructions flourish in Himachal Pradesh due to lack of proper checks"

Versus

State of H.P. & Ors.

.....Respondents.

Affidavit

I, D.C Rana S/o Sh.S.R. Rana, aged about 54 years, presently posted as Director, Department of Environment Science Technology & Climate Change to the Government of Himachal Pradesh at Shimla, do hereby solemnly affirm and declare on oath that the accompanying reply has been prepared and drafted at the instance of Respondent No.3 as per record.

i) I have gone through the same. Contents of the reply on merits paras 1- 10 are true and correct to best of my knowledge.

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

ATTESTED

Executive Magistrate
H.P. Secll., Shimla

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

Signed and verified this on 10th day of November, 2025 at Shimla.

DEPONENT

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

Verification:

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

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

Verified at Shimla on 10th day of November, 2025.

ATTESTED
Executive Magistrate
H.P. Sectt.

DEPONENT

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

Declared before me on 10th day of November 2025 on oath (affirmation)
by Shri D.C. Rana (Director Environment)
who is personally known to me / or who has been identified by Dr. Sujata Sinhadc
who is personally known to me.

Executive Magistrate
H.P. Sectt., Shimla

IN THE COURT OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH NGW - DELHI.

Suit/Appeal No.- OA 421 / 2025 JURISDICTION OF 201

In re:-

COURTS ON OWN MOTION V NEWSPAPER TITLED - ILLEGAL CONSTRUCTION FLOURISH IN HP DUE TO LACK OF PROPER CHECKS.

Plaintiff(s) or Petitioner(s)
Appellant(s) Complainant(s)

VERSUS

STATE OF HP & ORS.

Defendant (s)/ Respondent(s) / Accused Know all to whom these Present shall come that I/we DC RANA, S/O SR. RANA, AGED ABOUT-54, PRESENTLY POSTED AS DIRECTOR, DEPT. OF ENVT, SCIENCE & TECH. & C.C.

The above named RESPONDENT NO. 3.

do hereby appoint

ANIL JARYAL - D/3587/16.
Ch- 109, BLOCK- 03, DELHI HIGH COURT. #9871277207

(herein after called the advocate/s) to be my / our Advocate in the above – noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

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

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

To take execution proceedings on paying separate fee.

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

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

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

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

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

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 10th Day of 11 2025 accepted subject to the terms of the fees.

Advocate

Client

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

I Identify the Signature/Thumb Impression of Below Mentioned Person,

Signed in My Presence. The Client.

ANIL JARYAL
D/3587/16