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BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, SITTING AT, NEW DELHI.

OANo.383 of 2024

IN THE MATTER OF:-

Kushal Gupta

Applicant

Versus

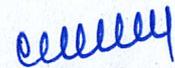
State of Himachal Pradesh, through Secretary, Department of

Town & Country Planning & Ors.

Respondents

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Respondent No. 4

Director-cum-Warden of Fisheries
Himachal Pradesh, Bilaspur-174001

Filed Through:

SHIMPY SHARMA, ARMAN ROOP SHARMA,
PRIYA PACHOURI

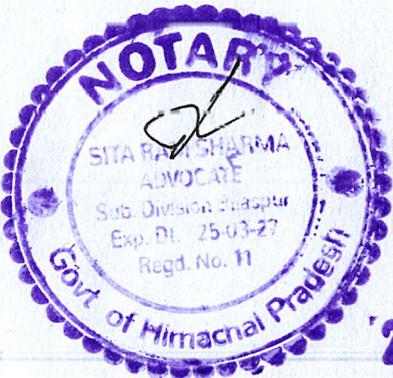
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27 AUG 2025

Place: Bilaspur

Date: 15.08.2025

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Sita Ram Sharma
Notary Public
Sub Division Bilaspur (H.P.)

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BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, SITTING AT, NEW DELHI.

OA No. 383 of 2024

IN THE MATTER OF:-

Kushal Gupta

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State of Himachal Pradesh, through Secretary, Department of
Town & Country Planning & Ors. Respondents

REPLY FILED ON BEHALF OF RESPONDENT NO. 4.

MOST RESPECTFULLY SHOWETH:

1. The present Reply to the Original Application ("OA") is being filed on behalf of the answering Respondent No. 4. At the outset, it is respectfully submitted that the answering Respondent No. 4 has only a limited and peripheral role in the subject matter of the OA. Accordingly, Respondent No. 4 has furnished specific and categorical replies to the paragraphs that pertain to or concern its Department. It is further submitted that the remaining averments made in the OA do not relate to or fall within the domain or responsibility of Respondent No. 4, and hence no response is being offered thereto.

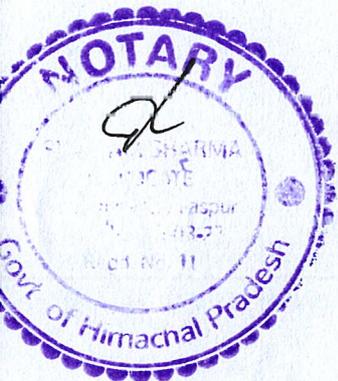
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PRELIMINARY SUBMISSIONS

1. The Senior Fisheries Officer posted at Trout Fish Farm, Patlikuhal, Distt. Kullu under the administrative control of the Deputy Director of Fisheries, Patlikuhal, Distt. Kullu conducted an inspected the site pursuant to the telephonic intimation received from the Applicant dated 12.03.2019. Upon inspection, the Senior Fisheries Officer observed that substantial loss had occurred to the trout livestock being reared at the aforesaid Trout Fish Farm.

2. It is further submitted that the report pertaining to the said livestock loss, as prepared by the Senior Fisheries Officer, was duly submitted to the Deputy Director of Fisheries, Patlikuhal, District Kullu. The contents of the report were thereafter communicated to the applicant vide Letter No. TFP-5-200/18-D-505, dated 16.03.2019, the details of which are annexed Annexure A-10 with OA. It is pertinent to mention that while preparing the said loss assessment report, the sale rate of trout fish was revised from Rs. 500/- to Rs. 450/- per kilogram, as per the instructions issued by the Director-cum-Warden of Fisheries, Himachal Pradesh, vide Letter No. FSH-F(6)-4/79-D-II-1689-94, dated 17.02.2018 annexed as



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Annexure A-11 with OA. The estimated mortality of trout fish livestock, as assessed and reported by the Senior Fisheries Officer, is tabulated herein below:

Sr. No.	Particulars	Mortality(in No's)	Available Livestock (in No's)
1	Eyed Ova	90000	200000
2	Alevin	85000	----
3	Fertilized Eggs	-----	-----
	Total	175000	200000
4	Brooder	40	200
5	1 st Year	40000	50000
6	Table size/Saleable Fish	5000	12000

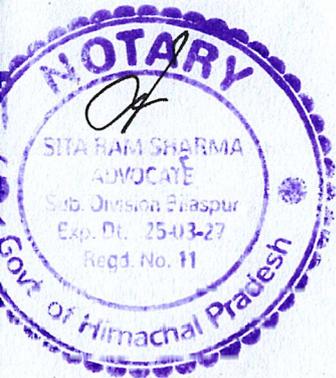
3. The Respondent No.4 has not, at any point in time, conveyed any figures of financial loss amounting to Rs. 47,14,000/- (Forty-Seven Lakh Fourteen Thousand Only) to the Applicant. The Respondent No.4 has merely conveyed the livestock loss assessment report to the Applicant in terms of

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Annexure A-10 without assigning any monetary valuation thereto.

4. In the present circumstances, the Respondent No.4, is not in a position to verify or endorse the financial loss figure of Rs. 47,14,000/- (Forty-Seven Lakh Fourteen Thousand Only) as stated in the OA, due to lack of specific knowledge. However, the mortality of 90,000 eyed ova, as per the prevailing Government rate in 2019 of Rs. 2/- per ova, amounts to a financial loss of Rs. 1.80 lakh. Alevin, being the immediate developmental stage following eyed ova and not a saleable commodity, does not have a government-notified price. Nevertheless, by analogy, its value may reasonably be considered at the same rate of Rs. 2/- per piece, thereby resulting in an additional financial loss of Rs. 1.70 lakh for the 85,000 deceased alevin. Furthermore, the valuation of the remaining categories of trout(i.e., Brooder, First Year, and Table Size Fish) has been assessed based on standard growth and biomass calculations by the then Senior Fisheries Officer, Patlikahal (presently posted at Hamirpur). The said Officer has also reported that, during the inspection, the fish were found in a highly decomposed state, rendering it impracticable to physically weigh the biomass for precise measurement. The



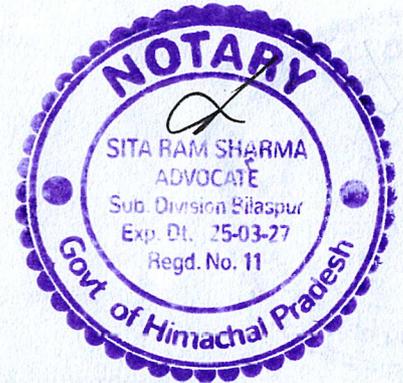
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calculations by the then Senior Fisheries Officer, Patlikuhal is annexed herewith as **Annexure R-1**

REPLY ON MERITS

1. The contents of Paras No. 1 and 2 need no reply.
2. The averments made in this Para No. 3 pertain to Respondents No. 2, 3, and 6. However, to the limited extent relevant to the answering Respondent No. 4, it is submitted that it is admitted that the Trout Fish Farm is situated approximately 50 meters downstream from the Haripur Nalla, and that the stream serves as the source of fresh water for the aquatic species being cultivated at the applicant's Trout Fish Farm.



3. The contents of Paras No. 4 need no reply.
4. The contents of Para No. 5 need no reply for want of knowledge.
5. The contents of Para No. 6 are admitted to the limited extent that the applicant participated in the Trout Fisheries Training Programme conducted by the Respondent No. 4, Department of Fisheries at Patlikuhal, as well as at the ICAR Institute, Bhimtal.

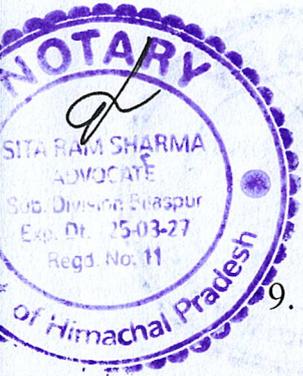
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6. The contents of Para No. 6 are partly admitted to the extent as per detailed mentioned in Annexure A-10 annexed with the OA.

7. The contents of Para Nos. 8 to 12 do not pertain to answering Respondent No. 4. Hence, need no reply.

8. The contents of Para No. 13 are denied to the extent that the representation dated 15.03.2019 was never received in the office of the Director-cum-Warden of Fisheries, Bilaspur, Himachal Pradesh. However, it is submitted that appropriate and timely action had already been undertaken by the Senior Fisheries Officer on 12.03.2019 at the Applicant's Trout Fish Farm, the details of which are duly reflected in Annexure A-10 annexed with the OA.



9. The contents of Para No. 14 are admitted to the extent that the representation dated 15.03.2019 was received in the office of the Deputy Director of Fisheries, Patlikuhai, District Kullu, Himachal Pradesh, through the office of the Deputy Commissioner, Kullu, annexed as Annexure A-7 with the OA. It

is further submitted that prior to the receipt of the said representation, the applicant's Trout Fish Farm had already been

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inspected by the Senior Fisheries Officer on 12.03.2019, and the report prepared by the said officer was duly communicated to the applicant by the Deputy Director of Fisheries, Patlikuhall on 16.03.2019, in accordance with the details set out in Annexure A-10.

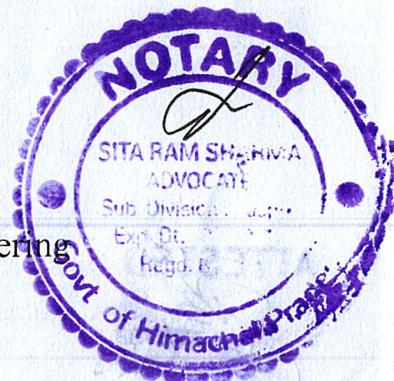
It is also submitted that, based on the physical inspection report of livestock loss submitted by the Deputy Director of Fisheries, Patlikuhall, the Applicant has claimed an estimated financial loss of Rs. 47,14,000/-. However, it is respectfully stated that no conclusive determination of the actual financial loss can be made at this stage, as no assessment of the biomass was conducted at the time of fish mortality. Nonetheless, if the financial loss is calculated in accordance with the standard growth metrics for rainbow trout, the average value of biomass assessed by the Senior Fisheries Officer, Hamirpur (who was then serving as the Senior Fisheries Officer, Patlikuhall and had conducted the on-site inspection)—when converted into monetary terms at the prevailing sale rates of 2019, amounts to an estimated Rs. 27,39,500/-, as reflected in the report.

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The contents of Para Nos. 15 and 16 do not pertain to answering

Respondent No.4. Hence, need no reply.

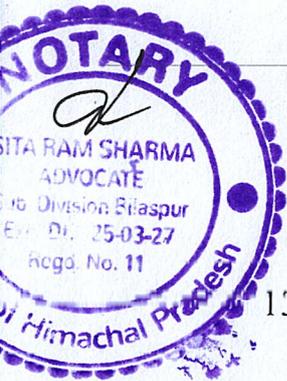


11. The contents of Para No. 17 are admitted to the extent that, as reported by the Deputy Director of Fisheries, Patlikuhal, the mortality of trout fish livestock was caused due to the discharge and dumping of excavated soil, silt, muck, and other debris into the Haripur Nalla during the course of bridge construction activities. The resultant pollution of the water source led to significant mortality of trout fish at the Trout Fish Farm known as the 'Himalayan Trout Fish Farm', situated at Village and Post Office Haripur, Tehsil Manali, District Kullu, Himachal Pradesh.

12. The answering Respondent No. 4 has addressed the contentions raised in the Para No.18 within the reply to the Para No.14. Therefore, craves reference to the contents of reply to the Para No.14 Preliminary Submissions above which are not repeated herein for the sake of brevity.

13. The contents of Para Nos. 19 and 20 do not pertain to answering Respondent No.4. Hence, need no reply.

14. The answering Respondent No. 4 has addressed the contentions raised in the Para No. 21 within the Preliminary Submissions. Therefore, craves reference to the contents of Preliminary



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Submissions above which are not repeated herein for the sake of brevity.

15. The contents of Para Nos. 22 and 23 need no reply for want of knowledge.

16. The contents of Para Nos. 24 do not pertain to answering Respondent No. 4. Hence, need no reply.

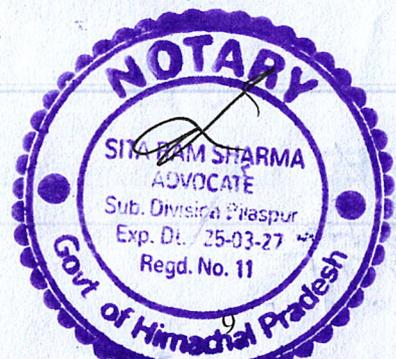
17. The contents of Para No. 25 are admitted answering Respondent No. 4 has addressed the contentions raised in the said para within the Preliminary Submissions. Therefore, craves reference to the contents of Preliminary Submissions above which are not repeated herein for the sake of brevity.

18. The contents of Para Nos. 26 and 27 do not pertain to answering Respondent No. 4. Hence, need no reply.

19. The contents of Para No. 28 are admitted and response thereto, it is respectfully submitted that the polluted water is unfit for the survival and sustenance of both fish and fish eggs.

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20. The contents of Para Nos. 29 to 31 do not pertain to answering Respondent No.4. Hence, need no reply.

REPLY TO THE GROUNDS

21. The contents of Paragraphs A to Q of the OA pertain to the grounds raised therein. It is submitted that these paragraphs are largely repetitive in nature, and most of the averments contained therein do not relate to or concern the answering Respondent No. 4. To the limited extent that they do pertain to the answering Respondent No. 4, appropriate responses have already been provided in the Preliminary Submissions and in the respective replies on merits. Accordingly, the answering Respondent No. 4 respectfully craves reference to the said Preliminary Submissions and replies on merits, which are not being reproduced herein again for the sake of brevity.

22. The contents of Para Nos. 32 to 34 are largely repetitive in nature, and most of the averments contained therein do not relate to or concern the answering Respondent No. 4. To the limited extent that they do pertain to the answering Respondent No. 4, appropriate responses have already been provided in the Preliminary Submissions and in the respective replies on merits.



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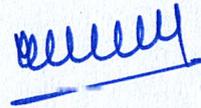
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Accordingly, the answering Respondent No. 4 respectfully craves reference to the said Preliminary Submissions and replies on merits, which are not being reproduced herein again for the sake of brevity

23.The contents of Para Nos. 35 to 37 do not pertain to answering Respondent No.4. Hence, need no reply.

24.It is submitted that Respondent No. 4 reserve their right to add/amend/supplement the above, if required and advised.

25.In response to the contents of the prayer clause, it is respectfully submitted that no specific relief has been sought by the applicant against Respondent No. 4.



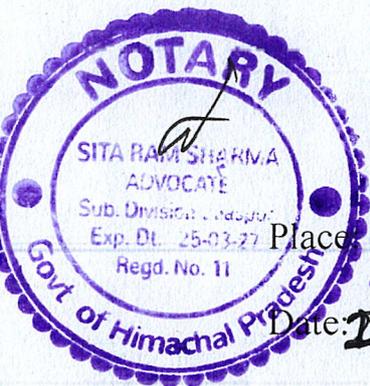
Respondent No. 4

Director-cum-Warden of Fisheries
Himachal Pradesh Bilaspur-174001

Filed Through:

SHIMPY SHARMA, ARMAN ROOP SHARMA, PRIYA
PACHOURI

Advocates for the Appellant,
303 & 404, Silver Arch Apartments,
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Mob: (+91) 9971550603
shimpy@anandsharmaassociates.com



Place: Bilaspur
Date: 27 AUG 2025
15.08.2025

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BEFORE THE HON'BLE NATIONAL GREEN
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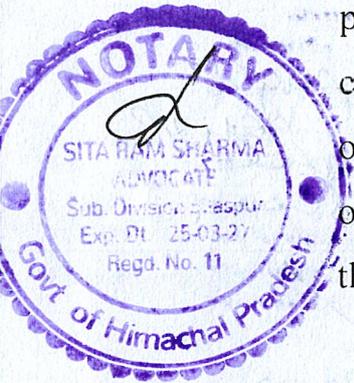
AFFIDAVIT

I, Vivek Chandel S/o Sh. Man Singh Chandel, aged 48 years, presently working as Director-Cum-Warden of Fisheries, Himachal Pradesh, Bilaspur do hereby solemnly affirm and state as under:

i. That the accompanying reply to the OA No. 383 of 2024 has been prepared at my instance and under my instructions and I have carefully gone through the contents of the same and competent to file the same on behalf of Respondent No. 4.

ii. That the accompanying reply has been prepared at my instance and I have gone through the contents of the reply paras 1 to 37 including sub- paras, which are true and correct to the best of my knowledge and belief on the basis of information as derived from the official record. No part of it is false and nothing material has been concealed therefrom.

iii. I, the above named deponent, do hereby further verify that the contents of this affidavit of mine as contained in paras i



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Sub-Division Bilaspur (H.P.)

and ii above are true and correct. No part of it is false and nothing material has been concealed there from.



[Handwritten signature]

DEPONENT

Director-cum-Warden of Fisheries
Himachal Pradesh Bilaspur-174001

VERIFICATION:

I, the deponent above named do hereby verify that the contents of my present affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

27 AUG 2025

Verified at ~~Bilaspur~~ on this 27th day of Aug, 2025.

[Handwritten signature]

DEPONENT

IDENTIFIED BY

[Handwritten signature]
Sita Ramesh
Adv.
Bilaspur
HP

Director-cum-Warden of Fisheries
Himachal Pradesh Bilaspur-174001

Attested



...that the above-mentioned
...before me on oath / affirmation
this 27th day of August
at Bilaspur District of HP
by Sh Vivek Chandola
by Sh Sita Ramesh
personally known to me, the contents of the
affidavit are duly read over and explained
to the deponent, who admitted the contents
thereof to be true.

[Handwritten signature]
27/8/2025
NOTARY

No. Fish FAXR -90-2000-II 184
H. P. Fisheries Department.
Dated Hamirpur 15-07-2025

From

Senior Fisheries Officer,
Hamirpur

To

Director-cum Warden Fisheries
Himachal Pradesh, Bilaspur.

Subject:
Sir.

Regarding livestock loss in Haripur

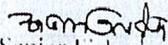
In reference to subject cited above, I would like to state that on 12-03-2019, as per the orders of the Deputy Director Fisheries, Patlikuhah, I visited the farm of Sh Khushal Gupta s/o, Shri Mohan Lal Gupta, in Haripur, Tehsil Manali Distt Kullu HP. After the inspection, the Deputy Director Fisheries, Patlikuhah, was informed about the loss of livestock that occurred at the Haripur farm.

The number of dead fishes was on the basis of stocking capacity. It was not possible to weigh the dead fishes at that time, as they were completely decomposed. However, the financial loss can be estimated on the basis of average weight, as per following details.

Name	Mortality in nos	Qty in nos/	Biomass in kg	Pricer per piece/ kg	Amount
Eyed Ova	90000	90000	---	2/- per piece	180000
Alevin	85000	85000	----	2/- per piece	170000
01 Total	---	----	----	----	350000
Name	Mortality in nos	Average wt.	Biomass in kg	Pricer per kg	Amount
Brooders	40	1.5 kg	60 kg	450/-	27000
Ist Year	40000	100gms	4000kg	450/-	1800000
Table size	500	250gms	1250kg	450/-	562500
02 Total	--	---	5310kg	---	2389500
01+02	--	--	--	--	2739500

It is submitted for favour of information and further necessary action, please

Yours Faithfully,


Senior Fisheries Officer,
Junior Fisheries Officer
Distt. Hamirpur (H.P.),-17700.

Attested to be a true
copy



Assistant Director of Fisheries (20 Point)
Directorate of Fisheries Himachal Pradesh.
e-mail-Adfisherlestp-bil-hp@nic.in
Tel/Fax : 01978-223212