

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI.**

ORIGINAL APPLICATION NO. 573/2025

IN THE MATTER OF:

Narender Singh Rathore & Anr.

...Applicant


Versus

Himachal Pradesh Public Works Department & Ors.

...Respondents

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 Sub-Divisional Officer (C)
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 NHAI Parwanoo Shimla Four Gate

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Sub-Divisional Officer (C)
Competent Authority Land Acquisition
NHAI Parwanoo Shimla Four Lane

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Cum-Competent Authority Land Acquisition
NHAI Parwana Shimla Four Lane

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Competent Authority
Land Acquisition -Cum- SDO
(C) Shimla (R).
NHAI Parampara-Shimla Road-Case



FILED THROUGH
COUNSEL FOR THE RESPONDENTS No.4
ANIL JARYAL
Chamber No.109, Block-03
Delhi High Court.
Email: aniljaryal07@gmail.com

Dated: . 15.5.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI.**

ORIGINAL APPLICATION NO. 573/2025

IN THE MATTER OF:

Narender Singh Rathore & Anr.

...Applicant

Versus

Himachal Pradesh Public Works Department & Ors....Respondents

**REPLY ON BEHALF OF RESPONDENT NO.4 I.E. SUB
DIVISIONAL MAGISTRATE - CUM -COMPETENT AUTHORITY
LAND ACQUISITION SHIMLA (R)**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS :-

1. That it is respectfully submitted that the replying respondent has acted with due diligence and promptitude by initiating field inspections, obtaining technical assessments from the Horticulture and Public Works Departments and repeatedly directing the executing agency to undertake corrective measures. However, the actual execution, slope stabilization, and muck management fall within the domain of respondent Nos. 6 to 8, who are bound by the environment clearance conditions and statutory obligations. Any failure in preventing damage to the applicants' land is therefore, attributable to the said respondents.
2. That it is further respectfully submitted that the replying respondent has limited jurisdiction with regard to the execution of construction of Four Lane work. The State is responsible only for its clearance and facilitation of such Projects. It is humbly submitted that it is the responsibility of the respondents No. 6 to 8 to undertake all corrective measures with respect to

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Oath Commissioner
H.P. High Court, Shimla

**Sub-Divisional Officer (c)
Sub-Competent Authority Land Acquisition
NHAI Parwana Shimla Four Lane**

slope stabilization, muck dumping and preventive damage of the private land owners.

3. That after occurrence of the land slide, the replying respondent immediately visited the spot on 25.05.2025, 27.05.2025 & 28.05.2025 respectively and directed the representative of NHAI & concessionaire on the spot to take effective preventive and remedial measures to protect the properties of the applicants. The replying respondent also further directed the concerned Patwari to prepare tatima of the damaged area and submit his report. The Patwari concerned submitted his report on 30.05.2025 which has already been annexed by the petitioners as '**Annexure P/7**'.
4. That the replying respondent No. 4 vide letter no. SIM/ NT/ NHAI/ 2025-189 dated. 30.05.2025 requested the Deputy Director Horticulture to make the evaluation of the damaged fruit bearing plants due to land slide. Copy of letter dated 30.05.2025 is annexed as '**Annexure R4/1**'. In compliance to the letter dated 30.05.2025, the Deputy Director Horticulture vide his letter No. DDH (S) 5-2/2023 (EVOL)-572 dated 28.06.2025 sent to evaluation report of 110 trees amounting to Rs. 7,65,650.60/- . Copy of letter No. 28.06.2025 is annexed herewith as '**Annexure R4/2**'.
5. That the replying respondents No. 4 requested the Executive Engineer HPPWD Division No. 1 vide letter No. SDS -NT / NHAI / 2025-198 dated 03.06.2025 to inspect the spot & prepare evaluation report of the land- side area of the applicants. Copy of letter dated 03.06.2025 is annexed herewith as '**Annexure R4/3**'. The Executive Engineer, HPPWD vide letter No. PW-SD/I/ WA-LAC/ 2025-26-4551-52 dated 23.06.2025 submitted his evaluation report with regard to the removal of muck & debris to maintain the original position of the land to the tune of Rs 40.83 Lakh approximately. Copy of letter dated 23.06.2025 is annexed herewith as '**Annexure R4/4**'.

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Oath Commission,
P. High Court, Shimla


Sub-Divisional Officer (C)
Joint Competent Authority Land Acquisition
NHAI Parwana, Shimla, Pour-Lane

Thereafter, the replying respondent No. 4 sent both the evaluation reports received from Deputy Director Horticulture & Executive Engineer HPPWD, Shimla vide letter No. SIM-NT / NHAI/ 2025 (52-II) 294 dated. 15.07.2025 to the Project Director, NHAI for taking necessary action in the matter. Copy of letter dated 15.07.2025 is annexed herewith as '**Annexure R4/5.**'

6. That the replying respondent No.4 requested the Deputy Director Horticulture vide letter No. SDS-NT/ NHAI/ 2025-286 dated 09.07.2025 to send the evaluation report of the fruit trees which has been damaged due to reoccurrence of land slide. Copy of letter dated 09.07.2025 is annexed herewith as '**Annexure R4/6**'. The Deputy Director Horticulture vide his letter No. DDH (S)5-2/2023- 819 dated 24.07.2025 submitted the evaluation report of 440 damaged fruit trees amounting to Rs. 32,31,452/- .Copy of letter dated 24.07.2025 is annexed herewith as '**Annexure R4/7**'. The said evaluation report was sent to the Project Director NHAI PIU Shimla by the replying respondent vide letter No. SDS-NT / NHAI / 2025 (52-III) 348 dated. 31.07.2025 for taking further necessary actions. Copy of letter dated 31.07.2025 is annexed herewith as '**Annexure R4/8**'.
7. That the replying respondent No. 4 vide letter No. 287 dated 09.07.2025 requested the Executive Engineer HPPWD, Division No. 1 to make a fresh evaluation report with regard the damage sustained to the remaining portion of retaining wall. Copy of letter dated 09.07.2025 is annexed herewith as '**Annexure R4/9**'. The Executive Engineer HPPWD inspected the spot on 10.07.2025 and submitted the evaluation report vide his letter No. 6464-66 dated. 17.07.2025 amounting to Rs 138.58 Lakh. Copy of letter dated 17.07.2025 is annexed herewith as '**Annexure R4/10**'. The replying respondent No. 4 sent the said evaluation report to the Project Director, NHAI, PIU, Shimla vide letter No. 339 dated 29.07.2025 for taking further

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 Civil Commissioner,
 High Court, Shimla

Sub-Divisional Officer (C)
 Joint Competent Authority Land Acquisition
 NHAI Parwana, Shimla Four Lane

necessary action in the matter. Copy of letter dated 29.07.2025 is annexed herewith as 'Annexure R4/11'.

8. That it is respectfully submitted that the land- slides occurred majorly due to incessant rainfall / force majeure resulting in loss/damage for which the mitigation responsibility lies with the executing agencies i.e. respondent No. 6 to 8.
9. That the current status of the apple trees/orchard remained the same as it was at the time of the land slide. However, the restoration work in the land slide affected is being carried out by the respondents No. 7&8.

REPLY ON MERIT:-

1. That the contents of para no. 1 are admitted to the extent that the applicants No.1 to 2 are the local inhabitants of Mohal Jungle Mehfuza Mehduda, Mashobra, Tehsil Shimla (Rural), District Shimla, Himachal Pradesh. The land of the applicants comprises khasraNos. 157/1, 195/1, 158/1, 160/1. 163/1/1 and 163/2/1 area measuring 0.90.12 hecets situated at Mohal Jungle Mehfuza Mehduda, Mashobra have been acquired by the Central Government for building, (widening, four laning etc.) maintenance, management and operation of National Highways No.22 from the stretch of Parwanoo-Shimla section. The construction of four lane was carried out after obtaining prior environment clearance from the concerned department. Rest of the contents of the paragraph pertains to the executing agency i.e. respondent No.6 and the concessionaire i.e. respondents No. 7 and 8 respectively.
2. That the contents of para nos. 2 & 3 are admitted being a matter of record.
3. That the contents of para nos. 4& 5 are admitted being a matter of location of the subject land which is not disputed and as such calls for no submissions on behalf of the replying respondent.

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Joint Commissioner
H.P. High Court, Shimla

Sub-Divisional Officer (c)
Joint Commissioner Authority Land Acquisition
All Al Parwanoo, Shimla Pour Case

4. That the contents of para nos. 6 & 7 paras are admitted being a matter of record.
5. That the contents of para nos. 8 & 9 pertains to respondents No. 6 to 8, hence no submissions on behalf of the replying respondent.
6. That the contents of para nos.10.1 pertains to respondents No. 7 & 8, hence no submissions on behalf of the replying respondent.
7. That the contents of paras nos. 10.2 & 10.3 pertains to respondents No. 6 to 8, hence no submissions on behalf of the replying respondent.
8. That the contents of para nos.11.1 to 11.2 pertains to the respondents No. 6 to 8, hence no submissions are called for on behalf of the replying respondent.
9. That the contents of para no. 12 are admitted being a matter of record.
10. That the contents of para no. 13 pertain to respondents No. 6 and 8, hence no submissions on behalf of the replying respondent.
11. That the contents of para no. 14.1 are admitted to the extent that the revenue officials visited the spot on 25.05.2025 and submitted its report on 30.05.2025 and recorded therein that the damage has been caused to the orchard falling in khasra No. 157 situated at Mohal Jungle Mehfuza Mehduda, Mashobra.
12. That in reply to para no. 14.2, it is respectfully submitted that the representation of the applicants was sent to the respondent No. 6 to take immediate safety measures regarding frequent landslide.
13. That the contents of para nos. 15 & 16 pertain to the respondents No. 6 to 8, hence no submissions are called for on behalf of the replying respondent.
14. That in reply to paras nos. 17 & 18, it is respectfully submitted that in compliance to the letter dated 5.07.2025 from the Additional District Magistrate, Shimla, the respondent No.6 has been requested vide letter No. SDS/Reader/2025(52) 326-327 dated 29.07.2025 to address the concern of therepresentations of the applicants. Copy of letter dated 29.07.2025 is annexed herewith as **Annexure R4/12.**

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Joint Commr

P. High Court

Sub-Divisional Officer (C)
Joint Commr Authority Land Acquisition
H.A. Parvati Shimla Four Lane

15. That the contents of para nos. 19 & 20 pertain to respondents No. 6 to 8, hence no submissions are called for from the replying respondent.
16. That the contents of para no. 21.1 are admitted to the extent that the Department of Horticulture carried out the survey of the affected orchard land to assess the extent of loss and damage to the trees and plantation, and also by the H.P. Public Works Department to assess the damage to orchard land by debris and muck that had filled up the orchard land. On the request of the respondent No. 4 vide his letter No. SIM/NT/NHAI/2025-185 dated 30.05.2025, the Deputy Director, Horticulture submitted the Assessment Report vide letter No. DDH(S)5-2/2023 (E-mail)-572 dated 28.06.2025. copy of which has been annexed herewith as **Annexure R4/2**.
17. That in reply to para no. 20.1.2, it is respectfully submitted that the respondent No. 4 again requested the Department of Horticulture vide his letter No. SDS/NT/NHAI/2025-286 dated 09.07.2025 to assess the damage to the trees. The Department of Horticulture, through the Deputy Director of Horticulture, vide letter No. DDH(S)5-2/2023-819 dated 24.07.2025 submitted the Assessment Report. The said Assessment Report has been sent to the Project Director, NHAI, PIU, Shimla-5 vide letter No. SDS-NT/NHAI/2025(52-III) 294 and 348-350 dated 15.07.2025 and 31.07.2025 respectively, for taking further necessary action, copies of which has been annexed as **Annexures R4/5 and R4/8**.
18. That in reply to para no. 21.4.1, it is respectfully submitted that the respondent No. 4 requested the Executive Engineer, Shimla Division No. I, H.P. Public Works Department, Shimla-3, vide letter No. SDS-NT/NHAI/2025-198 dated 03.06.2025, to assess the damage caused due to landslide in Khasra No. 157, situated at Jungle Mehfuzza Mehduda Mashobra. The Executive Engineer, H.P. Public Works Department, Shimla Division submitted the Assessment Report

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with Commissioner
High Court, Shimla

Divisional Officer (S)
State Competent Authority Land Acquisition,
NHAI Parwana-Shimla Four Lane

vide his letter No. PW-SD-7/WA-LAC/2025-26-4551-52 dated 23.06.2025, copy of which has been annexed as **Annexure R4/4**. The said Assessment Report has been sent to the respondent No. 6 by the replying respondent No. 4 vide letter No. SDS-NT/NHAI/2025 (52-III)/339-341 dated 29.07.2025 for taking further necessary action in the matter. Copy of letter dated 29.07.2025 is annexed herewith as **Annexure R4/11**.

19. That in reply to para no. **21.4.2**, it is humbly submitted that the answering respondent vide letter No. SDS-NT/NHAI/2025-287 dated 09.07.2025 again requested the H.P. Public Works Department to assess the damage caused due to landslide in Khasra No. 157, situated at Jungle Mehfuza Mehduda Mashobra, The Executive Engineer, H.P. Public Works Department vide his letter No. PW-SD-I/WA-LAC/Rain Damage /2025-26-6464-66 dated 17.07.2025 submitted the "Assessment Report" regarding damage to orchard land, (Annexed herewith as **Annexure R4/10**) has been sent by the respondent No.4 to the respondent No. 6 i.e. Project Director, NHAI, PIU Shimla vide his office letter No. SDS/NT/NHAI/2025(52-III)339-341, copy of which is annexed as **Annexure R4/11**. Rest of the action on the report is required to be taken by respondent No. 6.
20. That the contents of para nos. **21.5** pertains to respondents No. 6 & 8, hence calls for no submissions on behalf of the replying respondent.
21. That the contents of paras nos. **22 & 23** to NHAI and concessionaire i.e. respondents No. 6 to 8, hence calls for no submissions on behalf of the replying respondent.
22. That in reply to para no. **24.1 to 24.4**, it is respectfully submitted that before executing the work on the spot, the respondent No. 6 has obtained the prior approval of the environment clearance from the appropriate authority. Rest of

ATTESTED

Project Director (c)
Competent Authority Land Acquisition
Shimla Four Lane

the contents pertains to respondents No. 6 to 8, hence calls for no submissions on behalf of the replying respondent.

23. That in reply to para no. **24.4.1**, it is humbly submitted that the respondent No. 4 has repeatedly requested the respondent No. 6 Vide Letter No. SDS/ NT/2025 (52)-274-276, 278-280 and letter No. SDS/ Reader /2025 (52) 330, 326-327 dated 8.7.2025 and 29.7.2025 respectively to ensure the corrective measures and to prevent damages to the land in question. Copies of the letters dated 8.7.2025 and 29.7.2025 are annexed as **Annexures R4/13, R4/14, R4/15 and R4/12** respectively.
24. That the contents of paras no. **24.4.2 to 24.7** pertain to respondents no. 6 to 8, hence calls for no submissions on behalf of the replying respondent.
25. That the contents of para no. **25** need no submission on behalf of the replying respondent.
26. That the contents of para no. 26 have already been answered in paras 2 to 16 supra, which are not being reiterated herein for the sake of brevity.
27. That the contents of paras nos. **27 & 28** do not require any submission on behalf of the replying respondent.
28. That in reply to para no. 29, it is humbly submitted that it is a general para which does not call for any reply from the answering respondent. However, the applicants have not exhausted the efficacious remedy available to them under the law.
29. That the contents of para no. 30 are denied for want of knowledge.
30. That the contents of these paras nos. **31 & 32** do not require any submissions on behalf of the replying respondent.
31. That in reply to this para no. 33, it is respectfully submitted that no prejudice shall be caused to the applicants, as all the safety measures will be taken to prevent damage to the property.

ATTESTED

Joint Commissioner
I.P. High Court, Ghazipur

Sub-Deputy Commissioner
Joint Commissioner Authority Land Acquisition
NHAI Parvaneh Street Four Lane

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Court may kindly take the reply/response of the answering respondents on record and/or pass any other order/s or direction/s that this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

Competent Authority
Land Acquisition -Cum- SDO
(C) Shimla (R).
Shimla-Divisional Office (C)
Cum-Competent Authority Land Acquisition
NHAI Parsonage Shimla Post Lane

FILED THROUGH
COUNSEL FOR THE RESPONDENTS No.4
ANIL JARYAL
Chamber No.109, Block-03
Delhi High Court.
Email: aniljaryal07@gmail.com

Dated: . 15.5 .2026

AMESTEL

in C. & J. cases
right to life & liberty

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.

ORIGINAL APPLICATION NO. 573/2025

IN THE MATTER OF:

Narender Singh Rathore & Anr.

...Applicant

Versus

Himachal Pradesh Public Works Department & Ors.

...Respondents

AFFIDAVIT

I, Manjeet Sharma S/o Sh. Jagdish Sharma, aged about 57 years at present Sub Divisional Magistrate - cum -Competent Authority Land Acquisition Shimla (R) do hereby solemnly affirm and declare on oath as under:-

1. That the accompanying reply has been drafted at my instance and under my instructions and the contents of preliminary submissions from paras 1 to 9 and reply on merit from paras 1 to 31 are true and correct to the best of my knowledge, belief and as per information derived from official record. No part of it is false and nothing material has been concealed there from.

Amended by

2. That the contents of reply are true and correct to the best of my knowledge and information derived from the official record. No part of it is false and nothing has been concealed there from.

ATTESTED
Oath Commissioner
H.P. High Court, Shimla

Deponent
Sub-Divisional Officer (C)
Competent Authority Land Acquisition
NHAI Panwaroo-Shimla Four Lane

Verification:-

That the deponent further declares that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing has been concealed there from.

Verified at Shimla on this 14th day of May, 2026

14/5/26
Oath Commissioner
H.P. High Court, Shimla

Accountant
All documents, records & Acts done
are attested by me
14/5/26
Oath Commissioner

Deponent
Sub-Divisional Officer (C)
Competent Authority Land Acquisition
NHAI Panwaroo-Shimla Four Lane

Annexure R4/I

No-SIM/NT/NHAI/2025 - 188-189
 Office of the Sub-Divisional Officer(C) cum
 Competent Authority Land Acquisition,
 NHAI (Parwanoo-Shimla four lane)
 Dated Shimla 30th May, 2025.

To

1. The Divisional Forest Officer,
 Shimla Division, Shimla -2.

2. The Deputy Director,
 Horticulture, Shimla

Sub:- Regarding assessment of fruit / non fruit trees in Khasra No. 157 situated in Mohal Jungle Mehfuza Mehduda, Mashobra.

Sir,

It was notice on the spot that the land situated at Jungle Mehfuza Mehduda, Mashobra has been damaged. Crate retaining wall constructed by M/S Gawar Shimla Highway Pvt.Ltd has been bursted causing huge damage to the landed property and apple orchard of the private owners in Khasra No. 157 of Village Jungle Mehfuza Mehduda, Mashobra. In order to assess the damage of apple orchard and other fruit and non- fruit trees evaluation of the said trees is required

It, is therefore, requested that the evaluation of the damaged fruit & non fruit trees may please be got assessed and the same be sent to this office for taking further necessary action in the matter.

o/c

Yours faithfully,

Competent Authority Land
 Acquisition cum SDO(C) Shimla

Annexure R4/2

12

(12)

No. DDH(S)5-2/2023(Evol) - 572
O/o Deputy Director Horticulture,
Shimla, District Shimla, H.P.

From: The Deputy Director of Horticulture,
Shimla, District Shimla, H.P.

To: Sub Divisional Officer (C)
Shimla (R)-Cum-Competent
Authority Land Acquisition
NHAI (parwanoo-Shimla)
District Shimla.171001
Dated 28-06-2025.

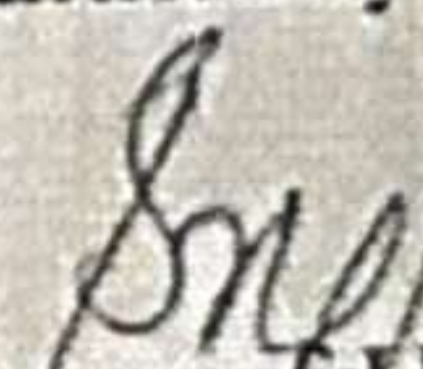
Subject: Regarding assessment of fruit/ non fruit trees in khasra No.157
situated in Mohal Jungle Mehfuza Mehduda, Mashobra.

Sir,

This is in reference to your letter No. SIM/NT/NHAI/2025-189
dated 30-05-2025 on the subject cited above.

In this context it is submitted that aforesaid site has been visited by
the subject Matter Specialist (Hort.) Dev. Block Mashobra along with Hort. Dev.
Officer, Mashobra and has submitted the assessment report of damaged fruit
& Non fruit trees in khasra No 157. The assessment report is being enclosed at
Annexure-1 for favour of information and further necessary action please.

Your faithfully,


Deputy Director of Horticulture
Shimla, District, Shimla-2
Dated:

Assessment of Fruit/non fruit trees in Khasra No.157 situated in Mohal Jungle MehfuzaMehduda,Mashobra.

Sr. No.	Land detail	Kind of fruit plant	No. of plants	Age of plants (Years)	Assessed value per plants (Rs.)	Total value (Rs.)	Remarks
1	Khasra No.157 Village Jungle Mehfuza Mehduza,Mashobra	Apple	44	8	7419.39	326453.16	
			55	7	7433.39	408836.45	
		Pear	11	7	2760.09	30360.99	
					Total	765650.6	

Note:- The value of fruit plants is assessed as per Govt. approved Harbans Singh formula and average annual income and average annual expenditure taken in this formula from all production basis(revised on dated 26.07.2024 vide letter No.29-51/2018(EFP)-udyan-IV-Vol-III).

[Signature]
Horticulture Dev. Officer
Dev. Block Mashora

[Signature]
Subject Matter Specialist (Hort.)
Development Block Mashobra
District Shimla (H.P.) 171007

Annexure R4/3

No. SDS-NT/NHAI /2025 - 198-199 dt. 3-6-25
Office of the Sub Divisional Officer(C)-Cum
Competent Authority Land Acquisition,
NHAI (Parwanoo- Shimla Four Lane).

To,

The Executive Engineer,
HPPWD, Division No. 1 Shimla.

Subject - Assessment of damage Caused due to land slide in
Khasra No.157 in village Jungal Mehfuja Mehdada
Mashobra due to cutting work of Four Lane.

Sir,

On the above noted subject it is intimated that during
the spot visit on 28.05.2025 it was found that the of retaining crate
wall constructed by the company on the above mentioned land
situated at Jungal Mehfuja Mehdada Mashobra has been collapsed
causing massive damage to the cultivated land & apple orchard due
to muck fallen downward in the said khasra No belonging to Sh.
Narinder Singh S/o Durga Singh & ors. beyond ROW.

You are, therefore, requested to assess the damages caused
due to debris / muck and assessment report be made available to this
office at the earliest so that further action could be taken accordingly.
Copy of revenue record is attached for reference pl.

Yours faithfully

Encl. As Above

Sub Divisional Officer(C),
Shimla(R)-Cum-CALA.

Copy forwarded to:-

The Project Director, NHAI, PIU, Shimla for
information & necessary action.

Sub Divisional Officer(C),
Shimla(R)-Cum-CALA.

C/c.

Annexure R4/4

15

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

NO: PW-SD-I/WA-LAC/2025-26:-

4551-52

Dated:- 23/06/2025

To

G.R. [Signature]
25/6/25The Sub-Divisional Officer(C),
Shimla (R)-Cum-CALA.2643
25/6/25SDO
NT (NHAI)
24/6 [Signature]

Subject: -

Assessment of damage caused due to land slide in Khasara No. 157 in village
Jungal Mehfuja Mehdada Mashobra due to cutting work of Four Lane.

Reference: -

Your office letter No. SDS-NT/NHAI/2025-198 dated 03.06.2025.

Sir,

On the subject cited above, it is intimated that the site was visited by the concerned Assistant Engineer, Mashobra Sub-Division, HPPWD Mashobra along with Junior Engineer on dated 18.06.2025. It has been found that a huge landslide has occurred at site due to collapsing of retaining wall and debris/muck and caused substantial damage to the land below on valley side of the road. The quantity of debris/muck is of the tune of 4980.00 cubic meter (copy enclosed). To maintain the original position of the land, the debris should be removed from the site and it will cost around Rs. 40.83 lacs approximately.

This is for your kind information and necessary action at your end please.

Encl:-As above in Original.

1. X-Section Plan.
2. Calculation Sheet.
(Pages 1 to 4)

[Signature]
Executive Engineer,
Shimla Division No-1,
HPPWD, Shimla-3.

Copy to the Assistant Engineer, Mashobra Sub-Division, HP. PWD. Mashobra at Dhalli Shimla-12 w.r.t. his office letter No. PW/SDM-Assessment/2025-197 dated 21.06.2025 for information.

[Signature]
Executive Engineer,
Shimla Division No-1,
HPPWD, Shimla-3.

16

ABSTRACT OF COST

Name Of Work :-					
Sr. No.	Description of Item	Quantity	Unit	Rate	Amount
1	Disposal of muck excavated earth /removal of slip malva /similar unservicable , dismantal or waste materia lby machanical transport including loading , unloading & disposal up to all leads and lifts including arranging the dumping site at its own cost all taxes etc . The payment shall be paid by contractor for dumping site arranged by the contractor for dumping site arranged by the contractor at private property as per the direction of Engineer in Charge.	4980	Per Cubic metre	820	4083600
				Total =	4083600 .00

Arbab
Singh

AS
TS/EI

Ass. Engineer
H.P.P.W.D. Shimla
Distt.

Arbab
Executive Engineer
Shimla Division No.1
H.P.P.W.D. Shimla-171003

17

(2)

X-SECTION	Area	m/Area	length	Quantity
X-SECTION (A-A)	Nil	—	—	—
X-SECTION (B-B)	214.00 m ²	107.00 m ²	10.00 mt	1070.00 m ³
X-SECTION (C-C)	206.00 m ²	210.00 m ²	10.00 mt	2100.00 m ³
X-SECTION (D-D)	155.00 m ²	181.00 m ²	10.00 mt	1810.00 m ³
Total =				4980.00 m ³

Subal
 Pradyumn
 2/6/20

P-4
 HP
 1/2/20

Executive Engineer
 Shimla Division No. 1
 I.P.W.D. Shimla-171003

Disposal of muck excavated Earth /Removal of Slipes/ Maiba/Similar unsevicible, dismantle or waste materials by mechanical transport including loading, unloading & disposal up to all leads & lifts including arranging the dumping site at its own cost all taxes etc. The payment shall be made for dumping site by contractor for dumping site arranged by the contractor at private property as per the direction of Engineer-In- Charge.

Details of cost for one no.

MATERIAL

Carriage of Materials 1st 5Kms.	1.00	170.81	170.81
5Kms to 10Kms	5.00	13.65	68.25
10Kms to 20Kms	10.00	9.65	96.50
Dumping Site Charges		270.00	270.00
TOTAL			605.56
Add 15 % Contractor's profit and overheads on "Y"			90.83
TOTAL			696.39
ADD GST18%			125.35
TOTAL			821.74

Say Rs 820 only

Executive Engineer
Shimla Division No. 1
HPPWD, Shimla

Annexure 24/5

No. SIM-NT/NHAI/2025/(52-II) 294-296 Dated- 15.07.2025
 Office of The Sub Divisional Officer(C)-Cum
 Competent Authority Land Acquisition,
 NHAI (Parwanoo- Shimla Four Lane).

The Project Director,
 NHAI,PIU, Shimla.

Subject :- Assessment of damage caused due to land slide in Kh. No. 157 in
 village Jungle Mehfuja Mehdada Mashobra due to cutting work of
 four lane.

Sir,

With reference to this office letter No. 198 dated 30.06.2025 & discussion
 held in the meeting headed by ADM (P), Shimla on 5.07.2025 on the subject cited above.

In this regard it is intimated that estimate of damaged caused to cultivated
 land & fruit trees in Khasra No. 157 situated at Jungle Mehfuja Mehdada Mashobra due
 to cutting work of four lane below on valley side of the road has been received in this
 office from Executive Engineer Shimla Division No-1 HPPWD Shimla -3 & Deputy
 Director Horticulture Shimla-2 to the tune of Rs. 40,83,600/- (Forty Lac Eighty Three
 Thousand Six Hundred only) and Rs. 7,65,650.60/- (Seven Lac Sixty Five Thousand Six
 Hundred Fifty and Paise Sixty only) respectively which is submitted in original for
 taking further necessary action in the matter at your end please. It is worthwhile to
 mention here that damage caused due to further land slide occurred on 30.06.2025 will be
 sent separately immediately as and when same is received in this office.

It is further submitted that action taken in this regard may be intimated
 to this office also.

Sincerely,

Sub-Divisional Officer (c) Shimla(R)-Cum-
 Competent Authority Land Acquisition,
 NHAI (Parwanoo Shimla), Distt. Shimla

Copy forwarded to:-

1. Additional District Magistrate (P) for information please.
2. P.A. to Deputy Commissioner Shimla for information.

Sub-Divisional Officer (c) Shimla(R)-Cum-
 Competent Authority Land Acquisition,
 NHAI (Parwanoo Shimla), Distt. Shimla

o/c

Annexure R4/6

20

No. SDS-NT/NHAI/2025-286 Dated. 09.07.2025
Office of the Sub Divisional Officer(C)-Cum
Competent Authority Land Acquisition,
NHAI (Parwanoo- Shimla Four Lane).

To,

The Deputy Director,
Horticulture, Shimla

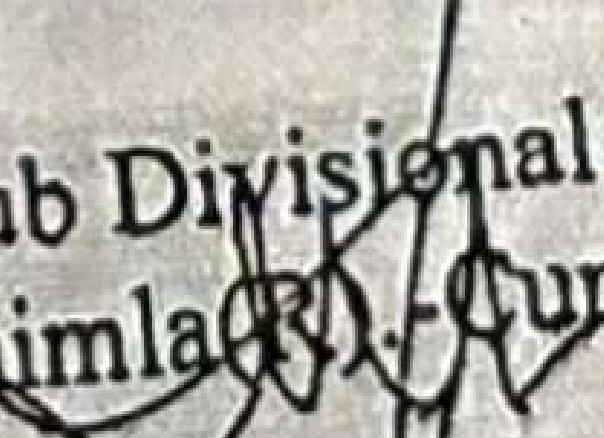
Subject - Regarding assessment of fruit / non fruit trees in Khasra No.
157 situated in Mohal Jungle Mehfuza Mehduda, Mashobra..

Sir,

On the above noted subject it is intimated that during the spot visit on 28.05.2025 it was found that the some portion of retaining crate wall constructed by the company M/s Gawar Shimla Highway Pvt. Ltd. on the above mentioned land situated at Jungal Mehfuza Mehdada Mashobra had collapsed and the estimate of the same has been received from your office. The remaining portion of the said crate wall has again collapsed and has further damaged the apple and other fruit trees grown on the land of Sh. Narinder Singh S/o Durga Singh & Ors.

You are therefore requested to submit the fresh evaluation report with respect to the above said land.

Yours faithfully,


Sub Divisional Officer(C),
Shimla(R)-Cum-CALA.

Annexure R4/7

21

No. DDH(S)5-2/2023 - 819
Deputy Director Horticulture,
Shimla, District Shimla, H.P.

3192
28/7/25

From:

The Deputy Director of Horticulture,
Shimla, District Shimla, H.P.

To,

✓ Sub. Divisional officer (C)
Shimla (R)- Cum
Competent Authority Land Acquisition
NHAI(Parwanoo - Shimla Four Lance)
Dated:- 24/7/2025

SDS
NHAI
do
28/7
Sh. Anil
28/7/25

Subject: Regarding assessment of fruit / non fruit trees in Khasra No . 157
situated in Mohal Jungle Mehfuza Mehduda, Mashobra.

Sir,

This is in reference to your Letter No. SDS-NT/NHAI/2025-286
Dated 09-07-2025 on the subject cited above.

In this context, please find enclosed here with the fresh evaluation
assessment of fruit/non fruit trees grown on the Land situated at Jungal Mehfuja
Mehdada Mashobra of Sh. Narinder Singh S/o Sh. Durga Singh & Ors . along
with spot inspection of the concerned Horticulture Development Officer
Dev. Block Mashobra for favour of kind information and further necessary action
at your end please.

Encls:- as above in original

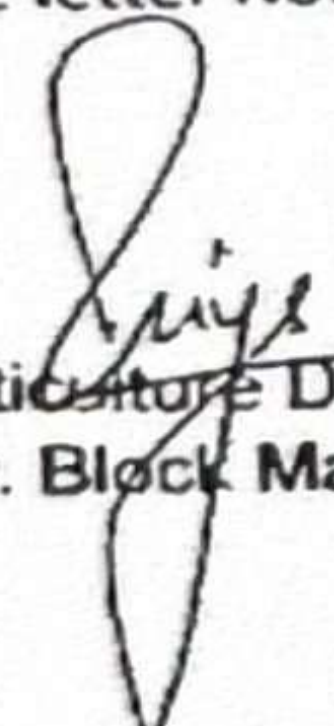
Your faithfully,

Deputy Director of Horticulture
Shimla. District, Shimla-2

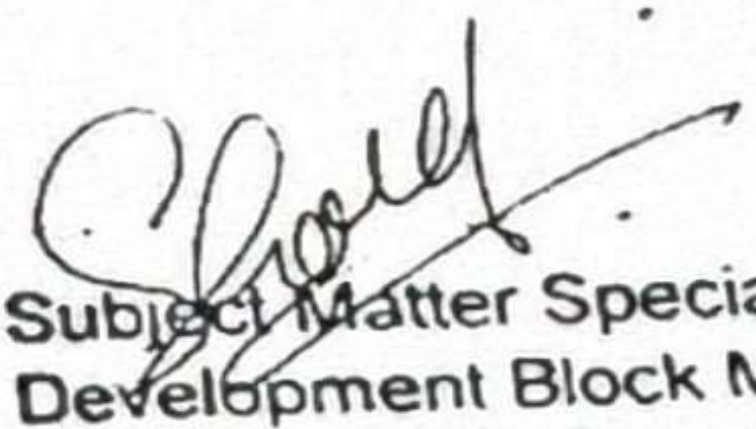
Assessment of Fruit/non fruit trees in Khasra No.157 situated in Mohal Jungle MehfuzaMehduda, Mashobra

Sr. No.	Land detail	Kind of fruit plant	No. of plants	Age of plants (Years)	Assessed value per plants (Rs.)	Total value	Remarks
1	Khasra No.157 Village Jungle Mehfuza Mehduza, Mashobra	Apple	400	7	7433.39	2973356	
		Apple	40	30	6452.39	258096	
					Total	3231452	

Note:- The value of fruit plants is assessed as per Govt. approved Harbans Singh formula and average annual income and average annual expenditure taken in this formula from all production basis(revised on dated 26.07.2024 vide letter No.29-51/2018(EFP)-udyan-IV-Vol-III).


Horticulture Dev. Officer
Dev. Block Mashobra

Recommended for approval
RS.


Subject Matter Specialist (Hort)
Development Block Mashobra
District Shimla (H.P.) 171007

SPOT INSPECTION REPORT

I, (Name & Designation)..... Priya Kahl HDO
 O/o..... Subject Matter Specialist (Hort.) D.B. Mashobra
 And Halqa (Patwar)/Revenue Officer Sh..... Kuldeep Thakur..... Conducted the sp
 Inspection of the proposed land on dated..... 17/07/2025..... comprising of Khasra No..... 157
 total land measuring..... 00-88-30.4

hectares situated in Mohal/Mauza..... Mashobra
 Tehsil..... Shimla..... District..... Shimla..... for assessment of losses to the fruit trees caused due
 land slide. During the visit it was found that total 440 no. of Apple plants were completely destroyed due
 uprooting caused by the landslide.

Detail of fruit plants destroyed is as below:

N.no	Name of the crop	Age of plant	Quantity
1	Apple royal plants	30	40
2	Apple	7	400

Note* Age of the plants as reported by the respective owner.

Hence the report is submitted to the Subject Matter Specialist (Hort.) Development Block
 Mashobra for kind information and necessary action please.

Name and Signature of the owner

Rishi Rathour

Anand Kaurin

Shelli - 17/07/25

Priya
 Horticulture Dev. Officer
 Dev. Block Mashobra

Signature and Stamp of the Reporting Officer

Annexure R4/8

24

No. SDS-NT/NHAI /2025 (52-III) 348-350 dated. 31.7.25
 Office of the Sub Divisional Officer(C)-Cum
 Competent Authority Land Acquisition,
 NHAI (Parwanoo- Shimla Four Lane).

To,

The PD. NHAI
 PIU, Shimla.

Subject - Assessment of damage Caused due to land
 slide in Khasra No.157 in village Jungal
 Mehfuja Mehdooda Mashobra due to cutting
 work of Four Lane.

Sir,

Please find enclosed herewith the evaluation assessment
 report of fruit / non fruit trees in Khasra No. 157 in village
 Jungal Mehfuja Mehdooda Mashobra destroyed due to land slide
 during construction work of four lane has been received from
 Deputy Director of Horticulture to the tune of Rs. 32,31,452.00 .

You are, therefore, request to take further
 necessary action at your end under intimation to the Deputy
 Commissioner Shimla as well as to this office at the earliest.

Yours faithfully

Encl. As Above

Sub Divisional Officer(C),
 Shimla(R).-Cum-CALA.

Copy forwarded to:-

1. Additional District Magistrate (P) Shimla for information.
2. P.A. to D.C. Shimla.

Sub Divisional Officer(C),
 Shimla(R).-Cum-CALA.

Annexure R4/9.

No. SDS-NT/NHAI /2025 - 287 Dated - 9.7.2025
 Office of the Sub Divisional Officer(C)-Cum
 Competent Authority Land Acquisition,
 NHAI (Parwanoo- Shimla Four Lane).

To,

The Executive Engineer,
 HPPWD, Division No.1 Shimla

Subject - Assessment of damage Caused due to land slide in Khara No.157
 in village Jungal Mehfuja Mehdada Mashobra due to cutting work
 of Four Lane.

Sir,

On the above noted subject, it is intimated that during the spot visit
 on 28.05.2025 it was found that the some portion of retaining crate wall
 constructed by the M/s Gawar Shimla Highway Pvt. Ltd. company on the above
 mentioned land situated at Jungal Mehfuja Mehdada Mashobra had collapsed and
 the estimate of damages of the same has been received from your office. The
 remaining portion of the said crate wall has again collapsed and has further
 damaged the land of Sh. Narinder Singh S/o Durga Singh & Ors.

You are, therefore, requested to submit the fresh evaluation/
 assessment report with respect to the above said land.

Yours faithfully,

Sub Divisional Officer(C),
 Shimla(R)-Cum-CALA.

- Copy forwarded to:- 286-287 Dated - 9.07.25
1. The Project Director, NHAI, PIU, Shimla for information &
 necessary action.
 2. PA to Deputy Commissioner Shimla for information please.

Sub Divisional Officer(C),
 Shimla(R)-Cum-CALA.

O/C

Annexure R4/10

26

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

PW-SD-I/WA-LAC/Rain Damage/2025-26:-

6464-66

Dated:- 17/7/25

The Sub-Divisional Officer(C),
Shimla (R)-Cum-CALA.3078
19/7/25S.D.O.
M.P. (L.H.A.I.)
C.C.
P.P.
S.D.O. P.H.
19/7/25

Subject: -

Assessment of damage caused due to land slide in Khasara No. 157 in village
Jungal Mehfuja Mehdada Mashobra due to cutting work of Four Lane.

Reference: -

Your office letter No. SDS-NT/NHAI/2025-287 dated 09.07.2025.

Sir,

On the subject cited above, it is intimated that the site was visited by the concerned Assistant Engineer, Mashobra Sub-Division, HPPWD Mashobra along with Junior Engineer & Staff on dated 10.07.2025. The fresh landslide has occurred at site on dated 2nd and 3rd July, 2025. Once again, a huge landslide has occurred at site due to collapsing of the retaining wall and debris/muck and caused substantial damage to the land below on valley side of the road. The quantity of debris/muck is of the tune of 16900.00 cubic meter as assessed on 10.07.2025(copy enclosed) to maintain the original position of the land, the debris should be removed from the site and it will cost around Rs. 138.58 Lacs (i.e. total loss till date 10.07.2025) approximately.

This is for your kind information and necessary action at your end please.

Encl:-As above in Original.

- 1.X-Section Plan.
- 2.Calculation Sheet.

Executive Engineer,
Shimla Division No-I,
HPPWD. Shimla-3.

Copy to the Assistant Engineer, Mashobra Sub-Division, HP. PWD. Mashobra at Dhalli Shimla-12 w.r.t. his office letter No. PW/SDM-Assessment/2025-252 dated 14.07.2025 for information.

Copy to Rain Damage File.

Executive Engineer,
Shimla Division No-I,
HPPWD. Shimla-3.

ABSTRACT OF COST

Name Of Work :-

Sr. No.	Description of Item	Quantity	Unit	Rate	Amount
1	Disposal of muck excavated earth /removal of slip malva /similar unservicable , dismantal or waste materia lby machanical transport including loading , unloading & disposal up to all leads and lifts including arranging the dumping site at its own cost all taxes etc . The payment shall be paid by contractor for dumping site arranged by the contractor for dumping site arranged by the contractor at private property as per the direction of Engineer in Charge.	16900	Per Cubic metre	820	13858000
				Total =	13858000

Abul
Sumra

H.S.
(S.E.)

Pij
Engineer
Division
Dhalla

Abul
Executive Engineer
Shimla Division No.1
H.P.P.W.D. Shimla-171003

Of Work:-		Detail Of Measurment			
S.No	X-Sectoin	Area	M/Area	Length	Quantity
1	A-A	305			
2	B-B	360	333	10	3325
3	C-C	391	376	10	3755
4	D-D	361	376	10	3760
5	E-E	272	317	10	3165
6	F-F	307	290	10	2895
				Total=	16900

*Arbab
Sungu*

*Arbab
(Sungu)*

Annexure R4/11

No. SDS-NT/NHAI/2025 (52-III) 339-341 Dated- 29.7.25

Office of the Sub Divisional Officer(C)-Cum
Competent Authority Land Acquisition,
NHAI (Parwanoo- Shimla Four Lane).

To,

The PD. NHAI
PIU, Shimla.Subject - Assessment of damage Caused due to land
slide in Khasra No.157 in village Jungal
Mehfuja Mehdooda Mashobra due to cutting
work of Four Lane.

Sir ,

Please find enclosed herewith the assessment report of damage caused due to land slide in Khasra No. 157 in village Jungal Mehfuja Mehdooda Mashobra due to cutting work of four lane has been received from Executive Engineer HPPED, Division No. 1 Shimla 3 to the tune of Rs. 138.58 Lacs (Total loss up to 10.07.2025) approximately.

You are, therefore, request to take further necessary action at your end under intimation to the Deputy Commissioner Shimla as well as to this office at the earliest.

Yours faithfully

Encl. As Above

Sub Divisional Officer(C),
Shimla(R)-Cum-CALA.

Copy forwarded to:-

1. Additional District Magistrate (P) Shimla for information.
2. P.A. to D.C. Shimla.

Sub Divisional Officer(C),
Shimla(R)-Cum-CALA.

Annexure R4/12

No-SDS/Reader/2025(52) 326-327 Dated 29.07.2025
Office of the Sub-Divisional Officer (Civil)-Cum-
Competent Authority Land Acquisition,
NHAI (Parwanoo-Shimla) four lanes
Shimla -171001 Dated:- .06.2025

To,

The Project Director,
NHAI (PIU) Shimla.

Subject :-

Regarding follow-Up on safety concerns regarding frequent landslides and
and retaining wall issues in the Four-laning of NH-05 (Shakral to Dhalli
Section, near Dhalli-Mashobra Kufri Junctions.

Sir,

With reference to office letter No SmL-LFA-Misc(NHAI)/2025-160 Dt. 5-7-
2025 from the office of Deputy Commissioner Shimla endorsed to you and copy also sent to this
office.

In this behalf it is submitted that necessary action be taken to address the
concerns of the representatives and action taken report be made available to the Deputy
Commissioner Shimla as well as to this office.

Yours Faithfully,

Sub-Divisional Officer (c) cum Competent
Authority Land Acquisition

Copy forwarded to:-
1. ADM (P) Shimla with reference to letter No SmL-LFA-Misc(NHAI)/2025-160 Dt. 5-7-2025 for
information.

Sub-Divisional Officer (c) cum Competent
Authority Land Acquisition

Annexure R4/13

No-SDS/NT/2025(52) 274-276
Office of the Sub-Divisional Officer (Civil)
Shimla (Rural)-Cum-Competent Authority Land
Acquisition, NHAI (Parvanoo-Shimla) four lanes
Shimla -171001 Dated:- 07.07.2025

To,
The Project Director,
NHAI (PIU) Shimla.

Subject :- E-mails received from Sh. Nishant Rathore R/o
Lambidhar, Dhalli

Sir,

Please find enclosed herewith copies of various e-mails
from Sh. Nishant Rathore R/o Lambidhar, Dhalli whereby following issues
were raised:-

1. Immediate safety Measures.
2. Corrective action.
3. Protective steps.

In this behalf you are requested to take immediate
safety/corrective measures so as to prevent any untoward incidents on the
spot under intimation to this office as well as to the applicant.

Yours Sincerely,

Sub-Divisional Officer (C)
Shimla(Rural)-cum- Competent
Authority Land Acquisition

Copy forwarded for information:-

1. P.A. to D.C. Shimla.
2. Sh. Nishant Rathore R/o Lambidhar, Dhalli

Sub-Divisional Officer (C)
Shimla(Rural)-cum- Competent
Authority Land Acquisition

Annexure R4/14

No-SDS/NT/2025(52) 278-280
Office of the Sub-Divisional Officer (Civil)
Shimla (Rural)-Cum-Competent Authority Land
Acquisition, NHAI (Parwanoo-Shimla) four lanes
Shimla -171001 Dated:- 07.07.2025

To,
The Project Director,
NHAI (PIU) Shimla.

Subject :- Regarding urgent request for inspection and safety assessment due to frequent landslides near by NH-05 Four laning project from Shakral village to Dhalli section near Dhalli-Mashobra- Kufri Junction.

Sir,
Please find enclosed herewith copy of letter received from ADM(P) along with copy of representation received from Sh. Narinder Rathore and Hitender Rathore R/o Lambidhar, Dhalli, Shimla requesting therein to take necessary precautionary measures to mitigate the risks posed by the ongoing construction work to prevent further landslide and also to conduct thorough inspection of the affected area. You are therefore requested to take necessary protective steps under intimation to this office as well as to the applicant.

Yours Sincerely,

Sub-Divisional Officer (C)
Shimla(Rural)-cum- Competent
Authority Land Acquisition

Copy forwarded for information to:-

1. P.A. to D.C. Shimla.
2. Sh. Narinder Rathore, Hitender Rathore R/o Lambidhar, Dhalli, Shimla

Sub-Divisional Officer (C)
Shimla(Rural)-cum- Competent
Authority Land Acquisition

Annexure R4/15

No-SDS/Reader/2025(52) 330 *Added - 29.07.25*
Office of the Sub-Divisional Officer (Civil)-Cum-
Competent Authority Land Acquisition,
NHAI (Parwanoo-Shimla) four lanes
Shimla -171001 Dated:- .06.2025

To,

The Project Director,
NHAI (PIU) Shimla.

Subject :-

Intimation regarding collapsing of retaining wall erected by NHAI
for ongoing construction work of Four Lane and similar treat to
house of local resident of Mohal Lambidhar.

Sir,

With reference to letter No SML-OK/Rural/2025/874Dt. 4-7-
2025 from Tehsildar Shimla regarding damage accrued to the property of Rajesh S/o
Savitri, Rishi S/o Narinder Singh, Narender Singh S/o Durga Singh and others in Khasra
No 157 and 158 and the house of Sh. Devinder Singh S/o Durga Singh built over Khasra
No 159 at Mohal Mehduda Mehfuza Mashobra, addressed to this office and copy enclosed
to you on the subject cited above.

In this regard it is submitted that action taken report be made available
to this office so that the matter can be processed accordingly.

Yours Faithfully,

Enclosed As Above,

Sub-Divisional Officer © cum Competent
Authority Land Acquisition

IN THE COURT OF NATIONAL GREEN TRIBUNAL 184 MUNICIPAL BENCH, DELHI
Suit/Appeal No. OA - 573/2025 JURISDICTION OF 201

In re:-
NARENDER SINGH RATHORE & ORS.
Plaintiff(s) or Petitioner(s)
Appellant(s) Complainant(s)

VERSUS
HP - PUBLIC WORK DEPT. & ORS.
Defendant(s)/Respondent(s)/Accused Know all to whom
these Present shall come that I/we MANJOT SHARMA, S/O JAGDISH SHARMA,
PRESENTLY POSTED AS SOM-CUM COMPETENT AUTHORITY LAND ACQUISITION
SHIMLA - HP. RESPONDENT NO. 4.
The above named

do hereby appoint
Anil JARYAL, ADV. - 013587116.
C/o - 109, Block - 03., DHC.
9871217207.
(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 15.05.2025 201 Accepted subject to the terms of the fees.

Advocate
Anil JARYAL
013587116

Client

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

Signed in My Presence. The Client.



Handwritten signature and stamp of the client, including the text "City Land Acquisition" and "NCT of Delhi".