

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

Original Application No. /2024

In the matter of :

Sh. Kushal Gupta.

.....Petitioner

Versus

State of Himachal Pradesh and others.

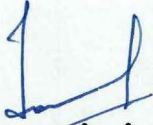
.....Respondents

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Place : Kullu (HP)

Dated : 09-12-2024


**Deputy Commissioner, Kullu
Respondent No. 5 & 7**

**Deputy Commissioner
KULLU (H. P.)**

**Through Ld. Advocate General,
State of H.P. Shimla.**

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

Original Application No. _____ 2024

In the matter of:-

Shri Kushal Gupta.

..... Applicant

Versus

State of Himachal Pradesh and others. Respondents

**REPLY ON BEHALF OF RESPONDENT NO 5 AND 7,
COLLECTOR -CUM- DEPUTY COMMISSIONER
KULLU, DISTRICT KULLU, HP TO THE
APPLICATION UNDER SECTION 15 READ WITH
SECTION 14 OF THE NATIONAL GREEN TRIBUNAL
FILED BY THE APPLICANT ABOVEMENTIONED**

Sir,

The Respondent No. 5 and 7 by way of reply to the application submits as under:

Preliminary Submissions:

1. That, Respondent no. 2 had awarded the contract of construction of Haripur Nallah Bridge to the Respondent no
2. The replying respondent was not involved in this process. Nevertheless, the replying respondent has fulfilled all its

ATTESTED

Executive Magistrate

Deputy Commissioner
KULLU (H. P.)

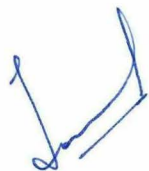
duties diligently and timely as possible outside the purview of the said contract to address the grievance of the applicant. Thus, no action is called for against the replying respondent.

REPLY ON MERITS:

1. That, para no.1 of the application being formal in nature, needs no reply.
2. That, para no. 2 of the application being formal in nature, needs no reply.
3. That, para no. 3 of the application needs no reply from the replying respondent.
4. That, para no. 4 of the application being formal in nature needs no reply.

REPLY TO THE FACTS OF THE APPLICATION:

5. That, the contents of para no. 5 are denied for want of knowledge.
6. That, the para no. 6 being formal in nature needs no reply from the replying respondent.
7. That, the para no. 7 needs no reply from the replying respondent due to lack of knowledge.
8. That, para no. 8 pertains to respondent no 2 and 3 and hence, needs no reply from the replying respondent.




Deputy Commissioner
KULU (H. P.)

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Executive Magistrate

9. That, in reply to the para no. 9, it is admitted that the replying respondent received a legal notice u/s 80 CPC sent by the applicant through his counsel which was duly sent to HPPWD authorities for further necessary action as same was directly related to them.
10. That, in reply to the para no. 10, it is admitted that a letter was sent to the Respondent No. 2 by the replying respondent after receipt of the legal notice with the direction to take appropriate action in the matter and send the action taken report under intimation to the office of District Collector Kullu.
11. That, the contents of para no. 11 need no reply from the replying respondent.
12. That, para No.12 of the application needs no reply from the replying respondent and pertains to respondent nos. 2 and 3.
13. That, the contents of para no. 13 of the application are admitted to the extent that the applicant had submitted an application dated 15.03.2019 to the replying respondent regarding muck dumping on Haripur Nala (Pakhnoj Nalah). It is also submitted that the claim of the applicant about loss of more than 60 lakhs is denied due to the lack of knowledge and the applicant should be put to proof for the same.


Deputy Commissioner
KULLU (H. P.)

ATTESTED

Executive Magistrate

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14. That, in reply to the para no. 14, it is submitted that the grievances of the applicant were forwarded by the replying respondent to the Sub Divisional Officer (Civil) Manali and Deputy Director of Fisheries, Patlikuhl, District Kullu for further inquiry and necessary action. In compliance, a report was submitted by the Deputy Director of Fisheries, Patlikuhl which is attached as **ANNEXURE R1.**

15. That, the contents of para no 15 need no reply from the replying respondent.

16. That, para no. 16 of the application is wrong and misrepresented, hence denied. It is submitted that the loss report prepared by village revenue officer is merely an incident report prepared on the basis of reporting done by the applicant. Such incident reports are routinely done by the Revenue Department field staff for keeping a record of the happenings in the revenue estate. Similar reports are done for any accident, forest fire, natural disaster, death etc. in the area. It cannot be construed that the Village Revenue Officer has offered any expert opinion after conducting a fact finding inquiry on the alleged impact of construction to the trout fishing farm of the applicant.

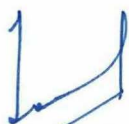
17. That, the contents of para No. 17 need no reply from the replying respondent.

Deputy Commissioner
KULLU (H. P.)

ATTESTED

Executive Magistrate

18. That, in reply to the para no. 18 of the application, it is submitted that the applicant should be put to proof that he has suffered a loss of Rs 47,14,000.
19. That, the contents of para No. 19 need no reply from the replying respondent.
20. That, the contents of para No. 20 need no reply from the replying respondent.
21. That, the contents of para No. 21 need no reply from the replying respondent.
22. That, the contents of para No. 22 being a matter of record need no reply from the replying respondent.
23. That, the contents of para No. 23 are a matter of record and hence, need no reply from the replying respondent.
24. That, the contents of para No. 24 need no reply from the replying respondent. However, applicant should be put to proof that he has suffered a loss of Rs 47,14,000.
25. That, the contents of para No. 25 need no reply from the replying respondent.
26. That, the contents of para No. 26 need no reply from the replying respondent.
27. That, the contents of para No. 27 being formal in nature need no reply from the replying respondent.


Deputy Commissioner
KUNNU (A. P.)

ATTESTED

Executive Magistrate

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28. That, the contents of para No. 28 need no reply from the replying respondent.
29. That, the contents of para No. 29 need no reply from the replying respondent.
30. That, the contents of para No. 30 need no reply from the replying respondent.
31. That, the contents of para No. 31 need no reply from the replying respondent.

FOUNDATIONS:

In reply of the para no (A) to (Q), it is submitted that the replying respondent has not neglected his/her duty as per law and has taken timely action to the matters brought to its attention. There has been no dereliction of duty and hence, no action is called against the replying respondent.

Rest of the contents need no reply from the replying respondent.

LIMITATION:

In reply to the paras no. 32 to 37, it is submitted that the contents need no reply from the replying respondent.

PRAYER:

The prayers submitted by the applicant before the Hon'ble Tribunal do not pertain to the replying respondent and hence, needs no reply/pleadings.

ATTESTED


Executive Magistrate



Deputy Commissioner
KULLU (H. P.)

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In view of the facts and submission made hereinabove, the application being devoid of any merit against the replying respondent may kindly be dismissed, in the interest of justice.



Respondent
Deputy Commissioner
KULLU (H. P.)

Place: -KULLU
Date: 09.12.2024

ATTESTED

Executive Magistrate

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

Original Application No. /2024

In the matter of :

Sh. Kushal Gupta.

.....Petitioner

Versus

State of Himachal Pradesh and others.

.....Respondents

Affidavit in Support of Reply:-

I, Torul S. Raveesh D/O Sh. Balbir Singh, Age 38 Years presently posted as Deputy Commissioner, Kullu Distt. Kullu H.P do hereby solemnly affirms and declare on oath as under:

1. That the accompanying reply has been prepared and drafted at my instance and under my instructions and I have gone through the contents of the same.
2. That the content of para 1 of the preliminary submissions and paras No. 1 to 31 of reply to the petition are true and correct to my knowledge and belief as derived from official record. No part of it is false and nothing has been concealed therein.

ATTESTED
Executive Magistrate

Deponent

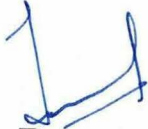
**DEPUTY COMMISSIONER
KULLU (H. P.)**

Verification:-

I, the above named deponent do hereby verified that the contents of Para 1 & 2 of my affidavit are true and correct to the best of my knowledge as derived from the official record, no part of it is false and nothing material has been concealed therein. Verified at Kullu today on dated. 09. 12.2024.

Dated: 09.12.2024

Place : Kullu


Deponent
Deputy Commissioner
KULLU (H. P.)

... documents was presented before me for Attestation today by *Ms. Toral S. Raveesh* who was identified by Sh. *Hari Singh Yadav* who is personally known to me, the contents of the documents was read over and explained to the deponent who admit and accepts them to be true & correct. hence attested

Executive Magistrate
Kullu (H. P.)

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02-4-19

No. TFP-5-184/05-D-II- 824
Trout Farming Project
Patlikuhal 175129 dated 1 -04-2019

From Deputy Director Fisheries
Patlikuhal Distt Kullu H.P

To Deputy Commissioner
Kullu. Distt Kullu.

Subject:- Application regarding muck dumping on Haripur Nala (Pankhnoj Nalah.

Sir,

This is a reference to your letter No. 623-24/Gr.Cell dated 22-03-2019 on the subject cited above. In this regard it is to be informed to you that matter has already been taken up at this office level & applicant has been given the detailed reasons of mortalities of Brood fish (Copy attached) and fingerling at his trout farm. As this is private fish farm & beneficiary has set this farm on his own level with provision of water supply from nalah. As per contents in complaint fish mortality at his farm occur due to muck dumping at source of water supply to his farm, hence the matter should be taken with Public works department. As per concerned with fisheries department there is no any such provision of insurance or relief to farmers in such situation.

Hence report is submitted for information & necessary action please.

Yours faithfully.

ATTESTED

Executive Magistrate


(Mahesh Kumar)
Dy. Director Fisheries
Patlikuhal Distt Kullu
Phone:01902-250163
E-mail:-ddfiseries-kul-hp@nic.in

ADM
2/4/19
TBC
Gr. Cell
ADM
2
2/4

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

OA No. 383/2024

IN THE MATTER OF:

Kushal Gupta son of Sh. Mohan Lal Gupta Resident of Village and Post Office Haripur, Tehsil Manali,
District Kullu, Himachal Pradesh, 175136

....Applicant

VERSUS

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

.....Respondents

VAKALTNAMA

I, Torul S. Raveesh D/o Sh. Balbir Singh aged 38 years posted as Deputy Commissioner, Kullu Appellants(s)/Petitioners(s)/Respondent(s)/Opposite party in the above Suit/Appeal Petition/Reference do hereby appoint and retain Sh. _____ Advocate of the Supreme Court to act and appear for me/us in the above Suit/Appeal/Petition/Reference and of my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my or behalf in the said Suit/Appeal/Petition/Reference and in application of Review and to represent me/us and to take all necessary steps on my/our behalf in the above matter, I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority:

Dated this the day of 2024.

APPELLANT(S)(Signed)
Petitioners(s) INTERVENOR(s) RESPONDENT(S)
Advocate Supreme Court of India

Accepted
ATTESTED

EXECUTIVE MAGISTRATE

MEMO OF APPEARANCE

To,
The Registrar,
Supreme Court of India
New Delhi.

Sir,
Please enter my appearance on behalf of the Petitioner(s)/Appellant(s)/
Respondent(s)/Intervener in the matter above mentioned.

Dated this the day of 2024.

Yours faithfully,
Advocate for Petitioner(s)/Appellant(s)/Respondent(s).