

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

ORIGINAL APPLICATION NO. 565/2025

IN THE MATTER OF:

Girish Chandel & Ors.

...Applicants

Versus

State of Himachal Pradesh & Ors.

...Respondents

INDEX

S. No.	Particulars	Pages
1.	Index	69-70
2.	Reply on behalf of the Respondent No. 5 i.e. Gawar Mandi Highways Pvt. Ltd. along with supporting Affidavit	71-89
3.	Aadhaar Card	90
4.	Annexure - 1 A copy of the notification dated 01.09.2025	91-92
5.	Annexure - 2 The geotagged photograph of the site	93
6.	Annexure - 3 (Colly.) Copies of Geo tagged photos showing expedited progress of work	94-95
7.	Annexure - 4 The proposed remediation plan of the Respondent No.5	96-97

8.	Annexure - 5 (Colly.) Copies of geo-tagged photos showing progress of works	98-102
9.	Vakalatnama along with Power of Attorney	103-106
10.	Proof of Service	107

THROUGH



(Kapil Arora) **(Pravar Veer Misra)**
(En. No. D/1421/2003) (En No.: D/4372/2017)

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Place : New Delhi
Date : 17.02.2026

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**REPLY ON BEHALF OF RESPONDENT NO. 5 i.e. GAWAR MANDI
HIGHWAYS PVT. LTD.**

MOST RESPECTFULLY SHOWETH:

1. The present reply (“**Reply**”) is being filed on behalf of Respondent No. 5 i.e. Gawar Mandi Highways Pvt. Ltd. (“**GMHPL**”/ “**Answering Respondent**”), pursuant to liberty granted by this Hon’ble Tribunal *vide* order dated 06.01.2026 whereby GMHPL was also impleaded as Respondent No.5 in the present Original Application.
2. At the outset, the Answering Respondent denies wrongful muck dumping, as alleged by the Applicants, or otherwise. It is submitted that no environmental compensation ought to be imposed on the Answering Respondent. By the present Reply, the Answering Respondent craves liberty to firstly, set out the correct factual position and, secondly, the remedial steps proposed.

A. PRELIMINARY SUBMISSIONS

3. While more fully detailed hereinbelow, briefly, the Answering Respondent shall set out the following key aspects for consideration of this Hon’ble Tribunal:



- (a) The Appointed Date for the Project i.e. date from which the GMHPL was permitted to commence work, was **18.03.2025**.
- (b) The Answering Respondent (through its Contractor and Sub-Contractor) carefully commenced work, in this hilly and steep terrain. The first phase was preparatory work i.e. to gradually create access for materials and machinery, which was a big challenge because of the nature of the terrain.
- (c) The actual work commenced just before the monsoon season in the state. All care was taken to ensure retention of soil/disposal measures etc.
- (d) However, it is a matter of public record that, unfortunately, the monsoon season in 2025 brought with it widespread devastation in the State of Himachal Pradesh, in the form of multiple cloudbursts, landslides, flash floods. **Admittedly, the entire state of Himachal Pradesh was declared to be 'disaster hit'.**
- (e) The works are being carried out in steep, hilly terrain, which were severely impacted by these natural calamities not in the control of the Answering Respondent.
- (f) Despite the efforts of the Answering Respondent to build crate walls/gabion walls/RS Walls, there was overflow of muck due to heavy rain and landslide.
- (g) It was the direct consequence of overflow caused by these heavy rains/landslides/flash floods, even after the Answering Respondent put in place the retention structures.
- (h) In fact, a lot of the muck that is seen does not relate to any dumping, but also includes soil from the hill out of ROW (even above the road being constructed) and which slid downhill due to heavy rainfall, not in the control of the Answering Respondent.
- (i) Regarding the Nalah, it is submitted that (a) the Nalah is seasonal and not a permanent body being obstructed/alterd (b) the muck was used to create a stable base for safely casting the Girders (c) The remedial works are ongoing



and the Nālah will be restored to its original state by 31.03.2026 i.e. well before the monsoon season (including by removal of any excess muck (not utilized).

- (j) As such, this is not a case of intentional dumping without protective measures but one where there has been overflow of muck despite protective measures.
 - (k) There is also muck unrelated to the Project, including the muck from uphill (above the road and unconnected to the road works), which flowed downhill because of the excessive rains.
 - (l) While this is not attributable to any act of the Answering Respondent, it may be noted that the muck has not reached the river banks, but is lying along the slopes.
 - (m) The Answering Respondent has enclosed a remediation plan, which will be implemented at a cost of INR 75 Lakh (approx.). These works will be carried out by the Answering Respondent (through its Contractor/Sub-Contractor) and their progress overseen by NHAI (the Employer), and are to be completed by 30.06.2026 i.e. prior to the next monsoon season.
 - (n) The works will involve removal of any excess muck which had overflowed, extension of protective structures and soil retention measures, including through gabion walls/crate walls/ RS Walls.
4. In view of this position, it is submitted that there has been no intentional dumping in violation of environmental norms. There are also genuine mitigating factors, especially uncontrollable disaster conditions in the State of Himachal Pradesh. Now that conditions have stabilized, the Answering Respondent has taken proactive steps to mitigate any damage (even though not caused by the actions of the Answering Respondent) including removal of excess muck, and adding to protective/retentive structures which the Answering Respondent had already put in place.



5. For these reasons, as more fully detailed in the present Reply, it is prayed that this Hon'ble Tribunal may not impose any environmental compensation on the Answering Respondent, considering the factors beyond the control of the Answering Respondent as well as the remedial efforts already being implemented by the Answering Respondent at a huge cost of INR 75 Lakh (approx.).

B. PROJECT OVERVIEW

6. The present project is the "*Construction of 4- Laning with Paved Shoulder of Bijni Mandi Section from KM 202.815 To KM 208.00 of NH-20 (New 154) (Design length 5.357 including construction of Twin Tube tunnel for a length of 3.5 KM of Pathankot Mandi Under NH(o) in the Himachal Pradesh on Hybrid Annuity Mode Basis (Package- VB) "*" ("**Project**").
7. The Project was awarded to Gawar Construction Limited ("**GCL**" / "**Contractor**") on a Hybrid Annuity Mode ("**HAM**") by NHAI *vide* letter of awarded dated 16.10.2023. As required, GCL incorporated an SPV to carry out the Project i.e. the Answering Respondent. The SPV, in turn, appointed GCL as its EPC Contractor *vide* EPC Agreement dated 03.02.2025.
8. The process of land acquisition/clearing encumbrances/providing a hindrance free site took some time. Eventually, the Appointed Date of the Project i.e. date from which the Answering Respondent could commence works was declared as **18.03.2025**. The works were further sub-contracted in accordance with the provisions of the EPC Agreement (which had already been duly vetted by NHAI and is part of the financial documents). Accordingly, Bharat Constructions (India) Private Limited ("**BCIPL**"/ "**Sub-Contractor**") was appointed as the Sub-Contractor and was responsible for compliance with applicable rules and



regulations, including environmental regulations as per the terms of the Sub-Contract *inter alia* including clauses 32, 39, 44, 45 and 48.

9. Accordingly, the Sub-Contractor mobilized its resources to commence the work. Owing to the conditions being hilly, steep and comprising difficult terrain, the initial phase of the work was preparatory and it was first necessary to provide an approach to the site for movement of machines and material. Hence, the actual work for the Project could only commence just prior to the monsoon season. All safety measures, such as retaining structures for retaining soil and muck were constructed at site.
10. However, the State of Himachal Pradesh has suffered heavy rainfall during this year 2025. There have been several flash floods, cloud bursts, land slides, leading to widespread devastation, regrettably, including loss of life and property as well. There was extreme rainfall from June 20, 2025, which extended well past September 2025. Accordingly *vide* notification dated 01.09.2025, **the entire State of Himachal Pradesh** was declared disaster hit and the said notification recorded as under:

“WHEREAS during this season the Monsoon is active in the State since 19th June 2025 and it has been continuously raining ever since then. The State has experienced large-scale damage and losses during different heavy spells of rains i.e. 26th June in Dharamshala and Kullu; 30th June and 01 July in various parts of the Mandi district; 5-6 and 13-14 August across the entire state; 24-26 August in Chamba, Kullu and Lahaul & Spiti districts. In Chamba district due to the ongoing Sri Mani Mahesh Yatra many yatris got stranded along the yatra route and between Chamba and Bharmour due to disruption of road connectivity. The state has also been experiencing heavy spell of rainfall from 30th August 2025 and it is likely to continue till 2nd of September and



this is further likely to aggravate the problem and normal life is likely to experience disruption

WHEREAS during this period 45 cloudbursts; 91 flash floods; 105 major landslides have been reported from different parts of the state. Due to various incidents 161 people have lost their lives and 40 are missing. 154 people have died due to road accidents during this period. 845 houses have been fully damaged and 3254 houses have been partially damaged. Total damage to the tune of Rs. 3056 Cr. has been reported so far. Still a lot of damage is yet to be assessed and reported. This does not reflect the damage caused to the national highways. Road connectivity of national highways to Manali, Lahaul & Spiti and Chamba Bharmour has been severely damaged. Many yatris along Chamba and Mani Mahesh still remain stranded despite the fact thousands have already been rescued. More than 780 roads are still blocked; 360 water supply schemes are still disrupted and 2274 DTRs. are down. Many motorable and footbridges have been damaged. This has disrupted movement of vehicles, ration, local produce like apple, vegetables, etc. **Because of this widespread disruption, the entire State is severely affected by disaster;**

A copy of the notification dated 01.09.2025 is annexed herewith as **Annexure 1**

11. It is humbly submitted that the present matter be considered in this background.

C. PROCEEDINGS BEFORE THIS HON'BLE TRIBUNAL

12. That the Applicants addressed a letter to this Hon'ble Tribunal, and the said letter came to be registered as the present Original Application No. 565/2025.



13. By order dated 19.11.2025, this Hon'ble Tribunal directed the formation of a Joint Committee to verify the factual position and submit a report on the same. The said Joint Committee comprising of representatives of Integrated Regional Office, MoEF & CC, Shimla, Himachal Pradesh, Central Pollution Control Board (CPCB), HPPCB and District Magistrate, Mandi have prepared and submitted a report [Pg 8- 58 on the record of this Hon'ble Tribunal].
14. Thereafter, the Answering Respondent was impleaded as Respondent No.5 vide order 06.01.2026.

D. OBSERVATIONS OF THE JOINT COMMITTEE AND RESPONSE BY GMHPL

15. The Joint Committee constituted by this Hon'ble Tribunal visited the site on 08.12.2025. The Committee observed that as per the documents provided, the details of the site as per muck management plan verified by the Project Director, NHAI are as under:

Volume of Muck generated till date

S.No	Village	Design Chainage	Length	Area of dumping Site Sqm	Capacity (Cum)	Total muck dumped till 16.12.25 in Cum	Balance capacity in Cum
1	Ardha	182.950 to 183.150	200	14000	8,40,000.00	1,66,800.50	5,30,059.00



16. Thus, as per the aforesaid details, the balance capacity of the dumping site is still 5,30,059 cum [Cubic Meter]
17. After its inspection, the Joint Committee made observations *qua* six locations where it is alleged that muck was illegally dumped. Pertinently, the said observations do not consider the disaster that befell the state during the monsoon season. The observations of the Joint Committee *qua* these six locations and the Response/proposed compliance by the Answering Respondent are set out hereunder, for ease of reference of this Hon'ble Tribunal:

Sr. No.	Location	Observation	Response and Compliance/ Proposal
I	Near Tunnel Portal-II at Ardha, PO Purani Mandi, Tehsil- Sadar, District-Mandi HP (03 Sites).	<ul style="list-style-type: none"> • Pg 13- providing crate wall at the bottom of the designated dumping site was under progress but it was not adequate so some quantity of the dumped muck spilled over the retention structures made near the river bank. • Pg 13- construction of Reinforced Soil (RS) wall was under 	<ul style="list-style-type: none"> • Allegations are <i>qua</i> 3 sites. • Site 1: Admittedly, this was an approved dumping site. • Site 1: Admittedly, the work for providing crate wall at the bottom of the designated dumping site was under progress. It is clarified that due to heavy rains and landslides, some quantity of muck spilled over the retention structures



		<p>process and the same has been provided in approx. 50 mtr and to be extended through 700 mtr adjoining to river bank.</p>	<p>during the execution of the work but this muck has not reached up to the River bed, but rests on slopes. So, no water or air pollution is caused.</p> <ul style="list-style-type: none"> • Sites 2 and 3: There was no 'dumping' but the muck spilled over because of excessive rainfall. These sites have now been fully protected now. The geotagged photograph of the site is enclosed as Annexure 2 • General compliance: Protective/retentive structures are gradually increased based on progression of work. Accordingly, works today are nearly 30% complete and the length of RS/Gabion/Crate wall is extended to 250 Metres as on date.
II	Near Tunnel Portal-I at VPO	The dumping has been made on unapproved site.	As already apprised to inspecting team, the



	Bijni, PO Purani Mandi, Tehsil-Sadar, District-Mandi HP (01 Site).		dumping was being made within the Right of Way (ROW). The road is constructed by cutting the hill at one side and filling at outer edge for providing required width to create a stable, level, and safe roadbed. This technique optimizes earthwork volumes, balances costs, and reduces the environmental impact of transporting material.
III	Near power house at VPO Bijni, PO Purani Mandi, Tehsil-Sadar, District-Mandi HP (01 Site).		Proper protection in the form of the Crate wall was under construction near Tunnel Portal-I at VPO Bijni and Near power house at VPO Bijni, so that muck may be retained within ROW as this material was to be used for the construction of road. But the Crate Wall which was under construction got damaged during the unprecedented heavy rains in



			<p>the area.</p> <p>It is clarified that some quantity of muck which spilled over the retention structure due to heavy rains and landslides, rested on slopes. This muck has not reached up to River bed. So, no water or air pollution has caused.</p> <p>Now the protection work has been again started and will be completed by 30.06.2026, as also mentioned in the remediation plan enclosed.</p>
IV	Near Blasting site at VPO Tandu, Tehsil-Sadar, District - Mandi HP 01 Site).	Alternate arrangement (like temporary culverts) be made so that natural flow of water drainage course of Ropu Nala is not obstructed. Further the temporarily dumped muck at Ropu Nala should be completely removed upon completion of girder launching by 30 th June 2026 and the natural	It was informed to Joint Committee that the Nala bed was temporarily levelled for creating a levelled surface for the Girder casting. Since it is a hilly terrain, casting the Girder at site, using a levelled area is safer. Since in a hilly area, movement of long trailers (carrying pre-cast girders) is not possible.



		<p>drainage course of the nallah shall be restored to its original profile in a time bound manner by the contractor and NHAI before the next rainy season.</p>	<p>As also informed to the Joint Committee, while the original timeline for girder launching was 30.06.2026, the Answering Respondent will complete this by 31.03.2026. Therefore, the natural drainage course of the nallah shall be restored to its original profile by 31.03.2026. In any event, at present, temporary drainage has been constructed and 02 layers gabion wall have been provided. The remaining work is under progress and will be completed by 31.03.2026.</p>
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E. GENERAL SUBMISSIONS AND REMEDIATION PLAN

18. As can be seen from the aforesaid table, the 6 sites of wrong dumping identified by the joint committee, have been sub-divided by them into 4 categories, mentioned in Sr. No. 1 to 4 of the table herein above.

19. In the 3 sites mentioned in Sr. No.1 (Tunnel Portal II), the issue is overflow of muck from retention structures, not any dumping done intentionally and without



any retention structures. As detailed hereinabove, this was due to the state wide disaster caused by the incessant rains.

20. Sr. No. II and III in this table relate to areas where muck dumping was done within the right of way area. Even so, there were protective crate walls being built, which got damaged by the rains. This is why there was spill over of the muck. This too was not intentional.
21. Sr. No. IV in the table relates to the Nallah. It is reiterated that this was done temporarily for the Girder casting process, which requires a flat, levelled area. It is submitted that such a long, flat and levelled surface (which is required for casting of PSC Girder) is not available in a hilly terrain. So, such site was created by levelling the bed of the Ropu Nallah. Pertinently, this is a seasonal Nallah and this levelling was done only for temporary use during the dry season. The Answering Respondent was going to complete this restoration work by 30.06.2026. However, this has now been expedited further and this restoration work will be completed by 31.03.2026. Therefore, the original flow of the Nallah (which, in any event is seasonal), will be restored by 31.03.2026. Geo tagged photos showing expedited progress of work are enclosed as **Annexure 3 (Colly.)**
22. It is submitted that the muck uphill (above the construction site) also slid downhill to these uncontrollable adverse inclement weather conditions, cannot be attributed to the Answering Respondent and is also a factor to be considered.
23. The Answering Respondent submits that none of these sites are a case of intentional muck dumping. It is reiterated that dumping was made only after adequate retention structures were in place. It is submitted that the height of the retention structure [gabion wall/crate wall/ RS wall] is usually raised gradually, based on height of dumping to enable proper stabilisation of the site. The



Answering Respondent humbly submits dumping was only made after the adequate retention structure. However, due to the intense monsoon season, resulting in flash floods, land slides and cloud bursts, spilling of the muck over the retention structures occurred. Due this reason, there was also downflow of muck which was uphill (above the road site). Thus, the deposit of muck was not due to intentional dumping by the Answering Respondent on these sites, but due to spillage on account of factors not in the control of the Answering Respondent, even after protective measures.

24. Thus, it is humbly submitted that there has not been intentional dumping of muck, without protective structures on these sites by the Answering Respondent. It is further submitted that this muck has not slid down to the river bank, but is resting on the slopes and as such, have not caused any air/water.
25. It is further submitted that the Answering Respondent has made it a priority to remediate the areas where the muck was found to have been spilled over. Retention structures (gabion wall/crate wall/RS wall) are being repaired and extended and the works in this respect will be completed on priority by or before 30.06.2026.
26. The Answering Respondent has enclosed a remediation plan, which it will implement at a cost of INR 75 Lakh (approx.). These works will be carried out by the Answering Respondent (through its Contractor/Sub-Contractor) and their progress overseen by NHAI (the Employer), and are to be completed by 30.06.2026 i.e. prior to the next monsoon season. The works will involve removal/utilization/retention of any excess muck which had overflowed, extension of protective structures and soil retention measures, including through gabion



walls/crate walls/ RS Walls. The proposed remediation plan is enclosed as **Annexure 4**

27. The Answering Respondent submits that it has already started the works in this regard and the works mentioned in the remediation plan will be completed by or before 30.06.2026. The Answering Respondent will incur a substantial cost of INR 75 Lakh (approx.) or more in carrying out these works. Copies of geo-tagged photos showing progress of works is annexed herewith as **Annexure 5 (Colly.)**
28. In this background, it is submitted and prayed that no environmental compensation be imposed on the Answering Respondent, for the following reasons:
- i) There has been no intentional dumping of muck by the Answering Respondent.
 - ii) The Answering Respondent had put in place retentive structures and the muck spilled over the same, because of factors beyond the Answering Respondent's control i.e. incessant, unrelating rainfall, cloudbursts, landslides, leading to the entire State of Himachal Pradesh being declared a disaster hit area.
 - iii) Imposition of EC ought to be tied to demonstrable harm caused by a party. However, in this case the muck was not dumped without retention structures, rather there was spill over caused by heavy rainfall i.e. weather factors beyond the control of the Answering Respondent.
 - iv) Environmental Compensation must be strictly tied to demonstrable environmental harm with clear causation.
 - v) The present situation is one where extraordinary natural events are the cause of the spill over of the muck. In that situation, liability cannot be



mechanically imposed without evidence direct role of the party (Answering Respondent), by disregarding the natural events.

- vi) The Answering Respondent has proactively taken steps to mitigate the damage and put in place remedial measures (at a cost of INR 75 Lakh), even though it did not directly cause the spill of the muck.
- vii) The overflow of the muck is not deliberate or intentional, nor done by the Answering Respondent to cut any corners or flout any norms, to derive a gain.
- viii) The Answering Respondent has already faced financial loss and great hardship in carrying out the works in the face of such difficult conditions caused by the rainfalls. The Answering Respondent has also/will also incur a substantial cost of INR 75 Lakh (approx.) in further protective/remedial works.

29. It is most respectfully submitted that imposition of EC in these facts would be contrary to the settled principles of proportionality commensurate to damage caused. In the present facts, it is respectfully submitted that the muck observed has not been dumped by the Answering Respondent, but is the result of spillage from retention structures, downhill flow of muck from uphill (above the road structures)- caused not by the Answering Respondent, but due to the extraordinary rainfall. In these facts, there is no direct causation, nor intention to circumvent environmental norms. Despite this, the Answering Respondent is incurring expenditure to remedy the situation and has proactively taken steps in furtherance of this.

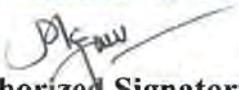
30. In these facts, it is prayed that the present Original Application be disposed of, recording the Answering Respondent's compliance, and no further action against



The image shows a handwritten signature in blue ink, which appears to be 'G. J. Saw'. Below the signature is a circular official stamp. The text within the stamp is partially legible and includes 'GAJAB MANDI' and 'HIS'. There is also a small asterisk at the bottom of the stamp.

the Answering Respondent. The Answering Respondent undertakes to implement its remediation plan, under the supervision of the NHAI.

For GAWAR MANDI HIGHWAYS PVT. LTD.


Authorized Signatory
Gawar Mandi Highways Pvt. Ltd.
Respondent No.5

THROUGH



(Kapil Arora)

(En. No. D/1421/2003) ((En No.: D/4372/2017)

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(Pravar Veer Misra)

Place : New Delhi

Date : 17.02.2026

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Girish Chandel & Ors.

...Applicants

Versus

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...Respondents

AFFIDAVIT IN SUPPORT OF REPLY

I, **Phul Kumar Gaur**, S/o Shri Niranjana Lal, aged about 65 years, having AADHAR No. 9726 0631 6124, resident of House 413, Sector 51, Gurgaon Haryana -122 001, do hereby solemnly affirm and declare that:

1. I am the authorized representative of the Respondent No. 5 i.e. . Gawar Mandi Highways Pvt. Ltd.
2. I am conversant with the facts of the matter based on records maintained by the Respondent No.5 Company and am competent to swear this affidavit.
3. That I have read and understood the contents of the accompanying Reply, which has been drafted by my counsel, under my instructions.
4. The contents of the Accompanying Reply are true and correct to my knowledge based on record of the Respondent No.5



Company and the legal averments are believed to be correct on the basis legal advice.

5. My self-attested Aadhaar Card is enclosed as Identity Proof.

For GAWAR MANDI HIGHWAYS PVT. LTD

[Signature]
 AUTHORIZED SIGNATORY
DEPONENT

Verification: -

Verified at Gurgaon that the contents of this affidavit are true and correct to my knowledge, based on records maintained by the Respondent No.5 Company. No part of it is false and nothing material has been concealed therein.

For GAWAR MANDI HIGHWAYS PVT. LTD,

[Signature]
 AUTHORIZED SIGNATORY
DEPONENT

Place: Gurgaon

Dated: 17.02.2026



17 FEB 2026

ATTESTED

[Signature]
 RAM NIWAS MALIK, ADVOCATE
 NOTARY, GURUGRAM (HR.) INDIA



भारतीय विशिष्ट पहचान प्राधिकरण
 भारत सरकार
 Unique Identification Authority of India
 Government of India



समावेशन क्रमांक/Enrolment No: 1088/05911/07215

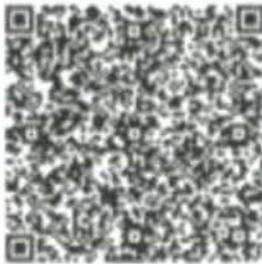
Phul Kumar Gaur (फुल कुमार गौर)
 S/O: Niranjan Lal, H No-413, Sector-51, Gurgaon,
 Gurgaon,
 Haryana - 122001
 आपका **Aadhaar** क्रमांक/ Your **Aadhaar** No.:

सूचना

- **Aadhaar** पहचान का प्रमाण है, नागरिकता का नहीं।
- पहचान का प्रमाण ऑनलाइन अधिष्ठापित करने द्वारा प्राप्त करें।
- यह एक इलेक्ट्रॉनिक प्रविष्टि द्वारा बना हुआ पत्र है।

INFORMATION

- **Aadhaar** is a **proof of identity**, not of citizenship.
- To establish identity, authenticate online.
- This is electronically generated letter.



मेरा आधाार, मेरी पहचान



- **Aadhaar** देश भर में मान्य है।
- **Aadhaar** के लिए आपको एक ही **Aadhaar** आवाहन पर **Aadhaar** की आवश्यकता है।
- कृपया अपना **Aadhaar** सही ढंग से अपडेट करें। इससे आपको विभिन्न सुविधाएं प्राप्त करने में सहायता मिलेगी।
- **Aadhaar** is valid throughout the country.
- You need to enrol only once for **Aadhaar**.
- Please update your mobile number and e-mail address. This will help you to avail various services in future.



भारत सरकार
 GOVERNMENT OF INDIA



भारतीय विशिष्ट पहचान प्राधिकरण
 UNIQUE IDENTIFICATION AUTHORITY OF INDIA



फुल कुमार गौर
 Phul Kumar Gaur
 जन्म तिथि/DOB: 20/10/1960
 लिंग /MALE



पता:
 आवाह, निरंजन लाल, गच
 न-413, सेक्टर-51, गुरुगौड़,
 हरियाणा - 122001
 Address:
 S/O Niranjan Lal H No-413
 Sector 51 Gurgaon Gurgaon
 Haryana 122001

Handwritten signature and date: 17/2/2016

मेरा आधाार, मेरी पहचान

MEERA AADHAAR. MERI PEHACHAN

189 Annexure - 1

Government of Himachal Pradesh
Department of Revenue,
Disaster Management Cell (DMC)

No. Rev. (DMC)(F)11-1/2023

Dated, Shimla-171002, 01 September 2025

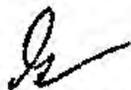
ORDER

WHEREAS, during this season the Monsoon is active in the State since 19th June 2025 and it has been continuously raining ever since then. The State has experienced large-scale damage and losses during different heavy spells of rains i.e. 26th June in Dharamshala and Kullu; 30th June and 01 July in various parts of the Mandi district; 5-6 and 13-14 August across the entire state; 24-26 August in Chamba, Kullu and Lahaul & Spiti districts. In Chamba district due to the ongoing Sri Mani Mahesh Yatra many yatris got stranded along the yatra route and between Chamba and Bharmour due to disruption of road connectivity. The state has also been experiencing heavy spell of rainfall from 30th August 2025 and it is likely to continue till 2nd of September and this is further likely to aggravate the problem and normal life is likely to experience disruption;

WHEREAS, during this period 45 cloudbursts; 91 flash floods; 105 major landslides have been reported from different parts of the state. Due to various incidents 161 people have lost their lives and 40 are missing. 154 people have died due to road accidents during this period. 845 houses have been fully damaged and 3254 houses have been partially damaged. Total damage to the tune of Rs. 3056 Cr. has been reported so far. Still a lot of damage is yet to be assessed and reported. This does not reflect the damage caused to the national highways. Road connectivity of national highways to Manali, Lahaul & Spiti and Chamba Bharmour has been severely damaged. Many yatris along Chamba and Mani Mahesh still remain stranded despite the fact thousands have already been rescued. More than 780 roads are still blocked; 360 water supply schemes are still disrupted and 2274 DTRs. are down. Many motorable and footbridges have been damaged. This has disrupted movement of vehicles, ration, local produce like apple, vegetables, etc. Because of this widespread disruption, the entire State is severely affected by disaster;

WHEREAS, the district and State authorities have been proactively engaged in restoring damaged and disrupted services and making all out effort to provide relief to the affected people, but still this needs to be further accelerated and speeded up keeping in view the fact that Monsoon is still very active and heave spells are still affecting the states;

NOW THEREFORE, in view of current situation and in order to ameliorate the suffering of the people of the state and those visiting HP, the undersigned as Chief Secretary cum Chairman of the State Executive Committee constitute under the Disaster Management Act 20025, in exercise of the powers conferred on me under **sub section (e) of Section 24 of the Act** ibid to further strengthen the implementation of the Act order as under:



TRUE COPY

- i) All the Departments of the State shall ensure that the Emergency Support Functions (ESFs) notified vide order Rev.(DMC-C)20-2/2020-COVID19 dated 26th March 2024 by the SEC are strictly adhered to and necessary actions taken by all concerned to ensure prompt action for emergency response.
- ii) The District Magistrate may issue all necessary orders under section 34 of the Act, which authorizes them to do so in the event of a threatening disaster situation.
- iii) The PWD, JSV and HPSEBL shall take adequate measures to ensure restoration of their respective services on war footing.
- iv) All the Departments and DDMA's of the State shall take all measures required to ensure smooth movement of people, goods and services within their respective jurisdiction.
- v) All the DDMA's shall ensure that relief measures are taken timely to provide relief to the affected people.
- vi) All the Telecom Services Providers shall ensure that mobile and landline connectivity is restored and maintained on war footing across the State.
- vii) All the Local Authorities (PRIs and ULBs) shall take all measures for emergency response, restoration and relief in the affected areas and render necessary assistance to the DDMA's and Departments of the State.

By order


(Prabodh Saxena, IAS)
Chief Secretary-cum-CEO
SDMA, Himachal Pradesh.

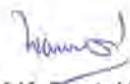
Endst. No. As above

Dated Shimla-171002, the

01 September 2025

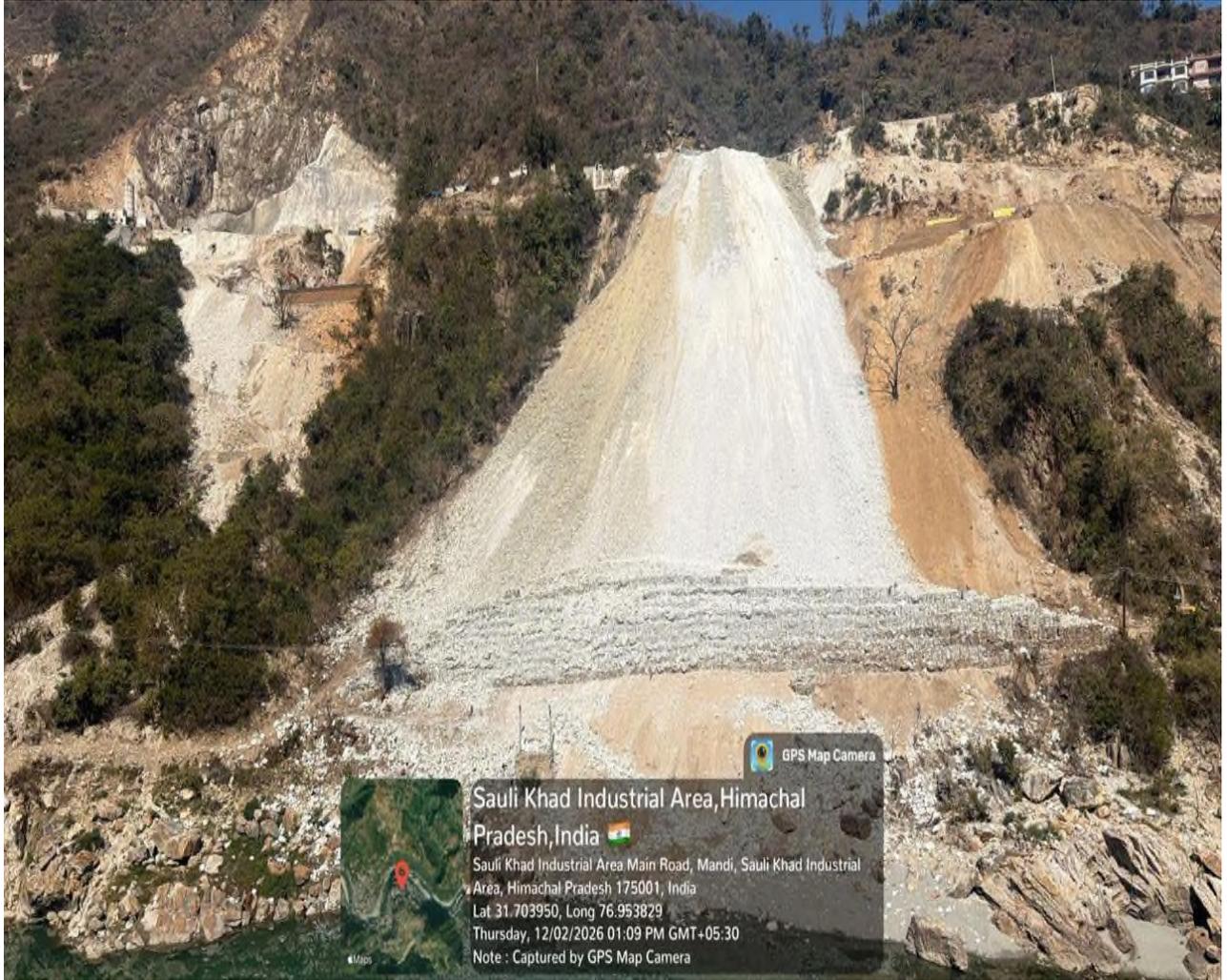
Copy forwarded to the following for information and immediate necessary action:

- 1) All the Administration Secretary to the Govt. Of Himachal Pradesh
- 2) The Secretary to the Governor, Himachal Pradesh, Shimla-2
- 3) All the Divisional Commissioner of Himachal Pradesh.
- 4) The Chairman HPSEBL/CMD SJVNL/ NHPC/NTPC
- 5) All Deputy Commissioners-cum Chairman, DDMA, Himachal Pradesh
- 6) All the Heads of the Departments of the Himachal Pradesh.
- 7) The Principal Pvt. Secretary-cum-Special Secretary to the Chief Minister, HP, Shimla-2
- 8) The Sr. Pvt. Secretaries of all Hon'ble Ministers of the State.
- 9) The Sr. Pvt. Secretary to the Chief Secretary to the GoHP.
- 10) Guard File.


(K.K. Pant, IAS)
Additional Chief Secretary (Revenue) to the
Government of Himachal Pradesh.


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ANNEXURE 2



ANNEXURE 3 (COLLY.)





ANNEXURE – 4

CONSOLIDATED REMEDIAL MEASURES TO BE TAKEN WITH AN ACTION PLAN, BUDGETARY ALLOCATION AND IMPLEMENTING AGENCY IN COMPLIANCE OF HON'BLE NATIONAL GREEN TRIBUNAL NEW DELHI ORDER DATED 06.01.2026 IN ORIGINAL APPLICATION NO. 565/2025.

S. No.	Environmental Issue	Remedial Measures Proposed	Time Frame	Present Status
1	Near Tunnel Portal-II at Ardha, PO Purani Mandi, Tehsil- Sadar, District-Mandi HP (03 Sites).	Construction of Crate Wall/Gabion protection wall at the bottom and intermediate Reinforced Soil Wall of approx. 700 mtr. length. Slope stabilization by providing Coir-mat Vegetative stabilization	30 th June 2026	The construction of Gabion wall at bottom of Approved dumping site is under process and 08 th layer of it constructed. 250 mtr RS wall completed and 450 mtr is yet to be constructed. Gabion wall at bottom of 02 no. designated site along with coir mat for protection of muck flow.
2.	RD 183/500: Ropu Naala Bridge.	Muck was dumped for Temporarily levelled bed for creating levelled surface for Girder casting, which shall be removed after completion of girder launching by 31 st , March 2026 and the natural drainage course of the nallah shall be restored to its original profile, ensuring unobstructed flow and compliance with environmental and hydraulic requirements.	31 st March 2026	Temporary drainage has been constructed and 02 layers gabion wall have been provided. Rest work is under process.



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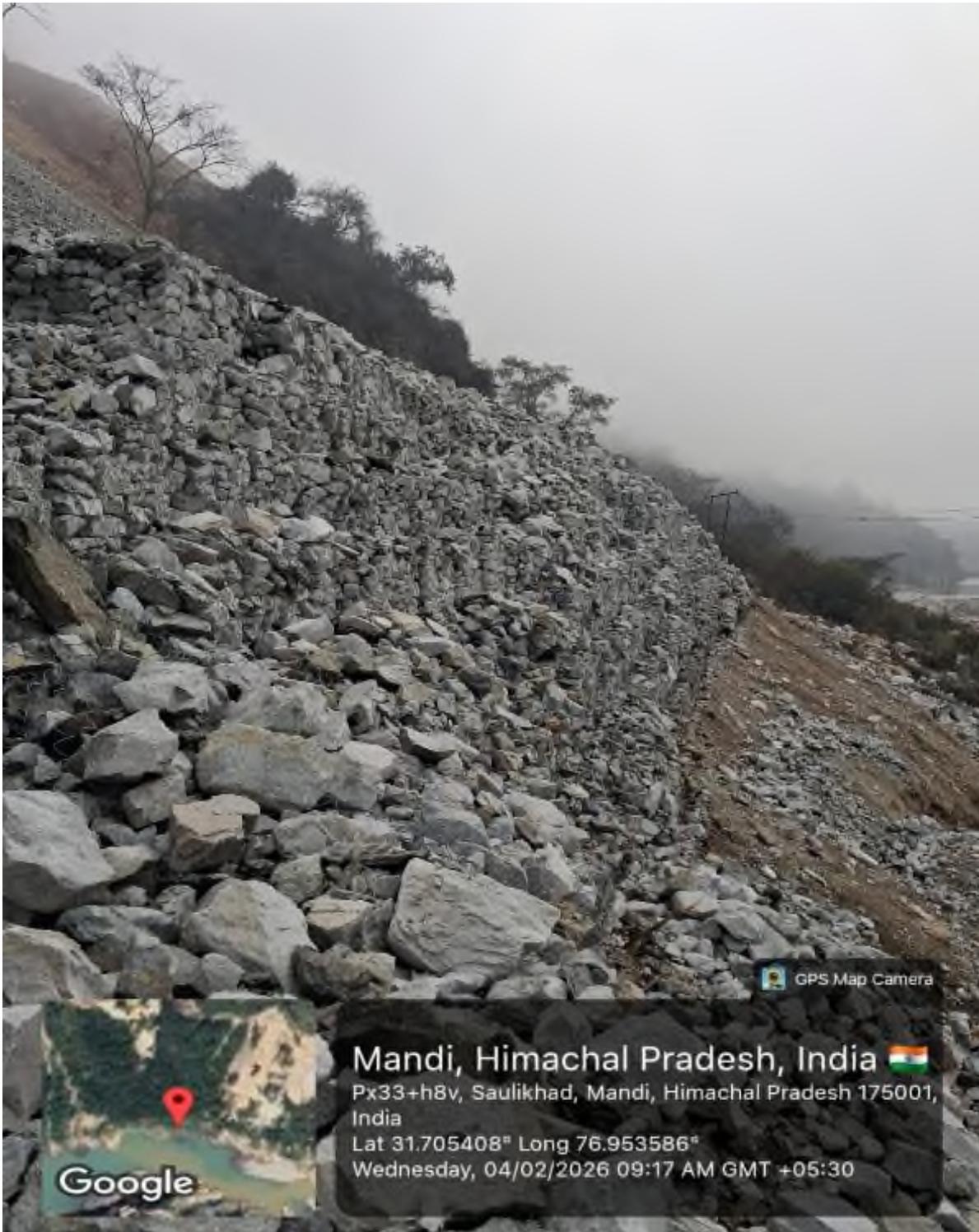
3	Near Tunnel Portal-I at VPO Bijni, PO Purani Mandi, Tehsil- Sadar, District-Mandi HP (01 Site).	Construction of Crate Wall/Gabion protection wall/RS wall with proper foundation and drainage provisions Slope stabilization by providing Coir-mat Vegetative stabilization	30 th June 2026	Gabion wall work is under process, approx. 24 layers will be constructed and 08 no. layers have already been constructed. Rest work is under process
4	Near power house at VPO Bijni, PO Purani Mandi, Tehsil- Sadar, District- Mandi HP (01 Site).	Construction of Crate Wall/Gabion protection wall/RS wall with proper foundation and drainage provisions Slope stabilization by providing Coir-mat Vegetative stabilization	30 th June 2026	Muck dumping completed. Gabion wall work completed; 04 layers of gabion wall provided. Slope stabilization by providing Coir-mat yet to be started.
5	Near Blasting site at VPO Tandu, Tehsil- Sadar, District - Mandi HP 01 Site).	Construction of Crate Wall/Gabion protection wall/RS wall with proper foundation and drainage provisions Slope stabilization by providing Coir-mat Vegetative stabilization	30 th June 2026	Muck dumping completely stopped. Gabion wall work completed; 02 layers of gabion wall provided. Slope stabilization by providing Coir-mat the work has been started.

- Total Estimated Budget: ₹ 75 Lakhs
- The cutting/Excavation works at Ardha Portal II and Ropu Bridge have already been completed and no further muck generation will be there and so no muck will be dumped at this site in future.


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ANNEXURE 5 (COLLY.)













BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 565/2025

Girish Chandel & Ors.

...Applicants

Versus

State of Himachal Pradesh & Ors.

...Respondents

VAKALATNAMA

KNOW ALL to whom these presents shall come that I, Phul Kumar Gaur, Authorised Representative of M/s Gawar Mandi Highways Pvt. Ltd. i.e. the Respondent No.5 herein, do hereby authorise:

**Mr. Kapil Arora, Adv. (En No: D/1421/2003) | Ms. Manjula Baxla, Adv. (En No.: D/535/2010)
Ms. Aditi Tambi, Adv. (En No.: D/4699/2016) | Ms. Palak Nagar, Adv. (En No.: D/5755/2018),
Ms. Ekshita Choudhary, Adv. (En. No.: P/514/2011) | Mr. Prayar Veer Misra, Adv. (En. No.: D/4372/2017)
Mr. Kartik Sharma (En. No. D/12396/2023) |**

Cyril Amarchand Mangaldas, Level 1 & 2, Max Towers, C-001/A, Sector 16 B, Noida – 201301,
U.P., Tel: +91-120-6699000 Fax: +91-120-6699009: Mob: 9599487161

Email: kapil.arora@cyrilshroff.com

(hereinafter called the Advocate) to be my Advocates in the above noted case and authorize him/them:-

To act, appear plead in the above noted case in this Court in which the same may be tried or heard and also in Courts.

To sign, file verify and present pleadings, replications, appeals, cross objections or petitions for executions, review, revision, restorations, withdrawal compromise or other petition, replies, objections or affidavits or other documents as maybe deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

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

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and other instruments and grant receipts thereof and to all other acts and things which may be necessary to be done for the progress and in the course of prosecution of that said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the attorney on my behalf.

And I/we the undersigned do hereby agree to ratify and confirm 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 purposes.

And I/we the undersigned do hereby agree to not hold the Advocate or his substitute responsible for the result of the said cause as a consequence of his absence from Court when the said cause is called for hearings or for any negligence of the said Advocate/s or his substitute.

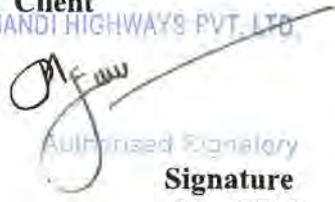
And I/We the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter as my/our duly authorised agent would appear in this Court on all hearings and will inform the

Advocate for appearance when the case is called up for hearing, or any negligence of the said Advocate/s or his/their substitute.

And I/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to those presents the contents of which have been understood by me/us this 17th day of February, 2026 .

Accepted:

Client
For GAWAR MANDI HIGHWAYS PVT. LTD.

Authorized Signatory
Signature Identified



Mr. Kapil Arora
Advocate
(En No: D/1421/2003)

Manjula Baxla

Ms. Manjula Baxla
Advocate
(En No.: D/535/2010)



Ms. Aditi Tambi
Advocate
(En No.: D/4699/2016)



Ms. Palak Nagar
Advocate
(En No.: D/5755/2018)



Ms. Ekshita Choudhary
Advocate
(En. No.: P/514/2011)



Mr. Pravar Veer Misra
Advocate
(En. No.: D/4372/2017)



Mr. Kartik Sharma
Advocate
(En. No. D/12396/2023)

Affidavit



Indian-Non-Judicial Stamp Haryana Government



Date : 17/02/2026

Certificate No. G0Q2026B1389



Stamp Duty Paid : ₹ 101

(Rs. Only)

GRN No. 147325573



Penalty : ₹ 0

(Rs. Zero Only)

Deponent

Name : Gawar Mandi highways Private limited

H.No/Floor : Dss378

Sector/Ward : 16-17

Landmark : Na

City/Village : Hisar

District : Hisar

State : Haryana

Phone : 95*****09



Purpose : All Purpose to be submitted at Other

The authenticity of this document can be verified by scanning this QrCode Through smart phone or on the website <https://egrashry.nic.in>

POWER OF ATTORNEY

Know all men by these presents, we, **Gawar Mandi Highways Private Limited**, having registered office at DSS-378, Sector 16-17, Hisar-125001 (Haryana) (hereinafter referred to as "the Company") do hereby constitute, nominate, appoint and authorize **Mr. Phul Kumar Gaur (Aadhar No. 9726-0631-6124) S/o Sh. Niranjana Lal, House No. 413, Sector-51, Gurgaon Haryana - 122001**, as our true and lawful attorney of the contract for the work "Construction of 4-Laning with Paved Shoulder of Bijni to Mandi Section from existing Km 202.815 to Km 208.000 of NH-20 (New NH-154) (Design Length 5.357 Km) including construction of Twin Tube Tunnel for a length of 3.500 Km of Pathankot-Mandi under NH(O) in Himachal Pradesh on Hybrid Annuity Mode basis (Package-VB)" as our true and lawful attorney in connection with the Girish Chandel & Ors. Vs State of Himachal Pradesh & Ors., Original Application No. - 565/2025 before in the Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi, to do or execute all or any of the below acts or things on behalf of the Company:

1. To appear to file Suit/Appeal on behalf of the Company and represent it before the court with jurisdiction in the matter or any other court to which the case may be transferred in the future.
2. To engage or appoint any solicitor, counsel, advocate, pleader, or lawyer to conduct the aforementioned appeal and to sign vakalatnama.
3. To file appeal and proceedings, plaints, pleadings, applications, petitions, replies, or documents before the court/NGT, and to deposit, withdraw, and receive documents and any money from the court/NGT or any other party, either in execution of the decree or otherwise.
4. To apply for inspection of documents and records and to obtain copies of documents and papers.

For GAWAR MANDI HIGHWAYS PVT. LTD.

Himani
Director

Director

Page 1 of 2



- 5. To file any appeal, writ, revision, or review against any interim or final order before any court, including the High Court, Supreme Court and National Green Tribunal (NGT), or to defend any appeal, revision, review, or other petitions filed in this case before any court/NGT up to the highest court against any order passed in this case.

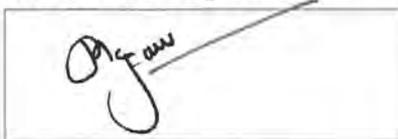
Notwithstanding the rights/powers granted to the Attorney hereinabove, it is hereby clarified that, with respect to the court cases, the rights/powers of the Attorney shall be subject to the following restrictions:

- I. The authority granted will be restricted to the subject cited above from 1 to 5.
- II. Attorney cannot delegate authority given, to another person.
- III. POA cannot indulge into any illegal/unauthorized activity.
- IV. This Power of Attorney shall be valid for the one year from the of date of issuance i.e. from 17-02-2026 to 16-02-2027.

AND we hereby agree to ratify and confirm all acts, deeds and things lawfully done or caused to be done by our said attorney to and in exercise of the power conferred by this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us and these acts, deeds shall legally bind to our company.

In witness whereof we **Gawar Mandi Highways Private Limited**, have executed this Power of Attorney on this 17th day of Feb 2026.

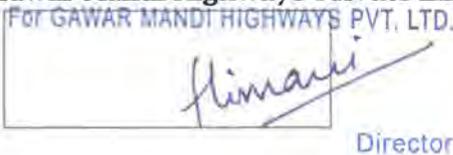
Specimen Signature
Of Mr. Phul Kumar Gaur
In token of acceptance



For & on Behalf of
For Gawar Mandi Highways Private Limited
For GAWAR MANDI HIGHWAYS PVT. LTD.


Director
Director

Signature attested by
Director
Gawar Mandi Highways Private Limited
For GAWAR MANDI HIGHWAYS PVT. LTD.


Director

Witness: -
1. 
Pandey Kumar
Gawar Construction Ltd.
Gurgaon



17 FEB 2026

ATTESTED

RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR) INDIA

Misra, Pravar

From: Misra, Pravar
Sent: 17 February 2026 17:34
To: 'judicial-ngt@gov.in'
Cc: Arora, Kapil; Asawa, Ansh; Tambi, Aditi
Subject: OA 556/2025- Reply by Res No. 5
Attachments: OA 556 OF 2025- Reply by Res No 5.pdf

Dear Sir,

We write with reference to the captioned Original Application pending before the Hon'ble Principal Bench and act for Respondent No. 5 i.e. Gawar Mandi Highways Pvt. Ltd.

Please find attached the reply [OCR version] being filed on behalf of the Respondent No.5.

Would request that the same be taken on record.

Kind regards,
Pravar