

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

Original Application No. 565/2025

IN THE MATTER OF:

Girish Chandel President & Anr.

...Applicant/s

Versus

State of Himachal Pradesh & Ors.

...Respondents

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FILED THROUGH
COUNSEL FOR THE RESPONDENT No.1



ANIL JARYAL

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Delhi High Court.

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Dated: . 162 .2026

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Girish Chandel President & Anr.

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**REPLY ON BEHALF OF THE RESPONDENT NO. 1 I.E. STATE OF H.P.
THROUGH PRINCIPAL SECRETARY, ENVIRONMENT, FOREST AND
CLIMATE CHANGE.**

MOST RESPECTFULLY SHOWETH:

1. At the outset, it is most respectfully submitted that the present Original Application, insofar as it seeks to fasten any operational or execution-related liability upon the replying Respondent No. 1 (State Government through the Department of Environment, Science, Technology & Climate Change), is wholly misconceived and untenable in law, as the replying Respondent is neither the project proponent nor the executing agency of the construction activities complained of.
2. It is submitted that the project in question pertains to widening/construction of a National Highway, which is being executed by the National Highways Authority of India (NHAI) through its appointed contractor. The entire implementation, construction, muck disposal, site management, and compliance with environmental safeguards are the exclusive responsibility of the project proponent and its contractor. The

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Deputy Commissioner,

- replying Respondent has no direct or supervisory control over day-to-day construction activities.
3. It is further submitted that regulatory and enforcement jurisdiction regarding prevention and control of pollution vests statutorily with the Himachal Pradesh State Pollution Control Board (HPPCB). Any monitoring, inspection, issuance of directions, or coercive measures in respect of environmental violations are within the exclusive domain of the HPPCB. Therefore, the replying Respondent cannot be held vicariously or directly liable for any alleged violation, if at all, arising out of acts or omissions of the project proponent or contractor, over whom the State Government exercises no operational control. Further, any environmental violation, if found, is attributable to the project proponent or contractor, who are solely liable in view of "Polluter Pays" principles.
 4. Without prejudice, it is respectfully submitted that immediately upon receipt of directions from this Hon'ble Tribunal, the replying Respondent acted with utmost promptitude and issued necessary directions to the competent authority i.e. HPPCB to look into the matter and take appropriate / necessary action in the matter. It was done to ascertain and initiate remedial measures. Thus, the conduct of the replying Respondent has at all times been bona fide, proactive and in strict compliance with the orders of this Hon'ble Tribunal. Copy of the communication made to HPPCB is annexed herewith as **Annexure-R/1**.
 5. It is clarified that the replying Respondent i.e. the Principal Secretary, Environment & Climate Change has always remained committed to ensuring environmental protection and shall continue to coordinate with the statutory authorities and the project proponent for strict compliance of environmental safeguards.

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Data Commissioner.

REPLY ON MERITS

6. It is submitted that the allegations regarding illegal dumping and environmental damage pertain to construction activities being undertaken by NHAI through its contractor. The replying Respondent has no role in execution or supervision of such activities and therefore denies any liability in that regard.
7. That in view of the order dated 19.11.2025 of the Hon'ble National Green Tribunal, the replying Respondent, in a bona fide and proactive manner, immediately issued directions to the Himachal Pradesh Pollution Control Board to take necessary action in the matter as per the directions of the Hon'ble NGT.
8. Pursuant thereto, a Joint Committee comprising representatives of MoEF&CC (IRO), CPCB, HPPCB and District Administration, Mandi was constituted to verify the factual position and recommend remedial measures.
9. Consequently, the Joint Committee conducted a site visit on 08.12.2025 and in response to the letter dated 08.12.2025 communicated by DEST&CC to HPPCB the "Joint Inspection Report" was received by the DEST&CC on 15.01.2026. In the report it is stated that during the site inspection, it was informed by the Nodal Officer that the four-lane construction project referred to in the complaint forms part of the National Highway project awarded to M/s Gawar Construction Ltd. by NHAI, for construction of 4-laning with paved shoulders of Bijni-Mandi section from Km 202.815 to Km 208.000 of NH-20 (New NH-154), including construction of a twin-tube tunnel of 3.5 km length, under the Hybrid Annuity Mode. The findings recorded in the report pertain to the manner of execution of the project by the contractor. Any deficiencies

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Dean Committee

noted are attributable to the project proponent/executing agency and not to the replying Respondent.

10. It is respectfully submitted that upon receipt of the Joint Inspection Report, it was recommended that the HPPCB shall direct the project contractor to:

- Remove unscientifically and illegally dumped muck at unauthorized locations.
- Ensure that muck dumping is carried out on designated site only,
- The Protective structures are completed before monsoon,
- That no dumping shall be done even on the slope of designated site where the protective wall has not been constructed completely by NHAI.

That the replying Respondent has acted diligently and in full compliance with the orders of this Hon'ble Tribunal and has facilitated monitoring through the appropriate statutory bodies.

11. Those without prejudice, the replying Respondent deny negligence, omission, or statutory breach on its part and submit that no cause of action survives against it.

PRAYER

In view of the facts and submissions made hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Take the reply on record filed by the answering respondent,
- b. Dismiss the present Original Application qua Respondent No. 1,
- c. Pass any other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

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Chief Commissioner

FILED THROUGH
COUNSEL FOR THE RESPONDENT No.1

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

ANIL JARYAL
Chamber No.109, Block-03
Delhi High Court.
Email: aniljaryal07@gmail.com

Dated: . 16-2 .2026

A T T E S T E D


Oath Commissioner.

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI

O. A No. 565 /2025

IN THE MATTER OF:-

Garish Chandel President &Anr.

.....Petitioner.

Versus

State of H.P. & Ors.

..... Respondents

Affidavit

I, Duni Chand Rana S/o Sh. S.R.Rana aged about 54 years, presently posted as Director, Department of Environment Science Technology &Climate Change (DEST&CC) to the Government of Himachal Pradesh at Shimla, do hereby solemnly affirm and declare on oath that the accompanying reply has been prepared and drafted at the instance of Respondent No.1, as per record.

i) I have gone through the same. Contents of the reply paras 1-11 are true and correct to best of my knowledge.

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

Signed and verified this on ^{16th} day of February , 2026 at Shimla.

Identified by
Gay

A T T E S T E D

Oath Commissioner

That the above/overleaf was developed on solemn affirmation on this ^{16th} Feb 26 at Shimla District of Shimla by Sh. Duni Chand Rana who was identified by me. The contents of the above/overleaf have been read over & explained to the deponent who admitted them to be correct and true at the time of making thereof. 16-2-26
Oath Commissioner
HP High Court, Shimla

All Cuttings, Corrections & Additions are attested by me 16-2-26
Oath Commissioner

Verification:

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

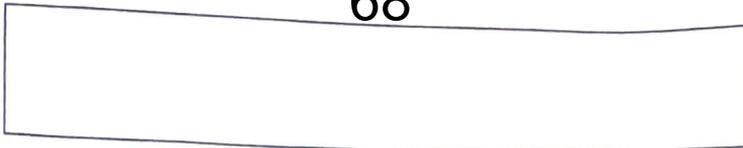
No part of it is false and nothing material has been concealed therein.

Verified at Shimla on 16th day of February, 2026 at Shimla.



DEPONENT

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



IN THE COURT OF HONBLE NATIONAL GREEN TRIBUNAL, NEW DELHI
Suit/Appeal No. OA No. 565/2025 JURISDICTION OF 201

In re:-

GIRISH CHANDEL PRESIDENT & ANR.
Plaintiff(s) or Petitioner(s)
Appellant(s) Complainant(s)

VERSUS

STATE OF HP & ORS.
Defendant (s)/ Respondent(s) / Accused Know all to whom
these Present shall come that I/we DUNI CHAND RANA, AGED - 54 YRS, POSTED AS
DIRECTOR, DEST & CC, HP AT SHIMLA

The above named RESPONDENT NO. 1

do hereby appoint

ANIL JARYAL, AOV, D/3587/16.
CHAMBER NO. 109, BLOCK - 03. DHC

(herein after called the advocate/s) to be my / our Advocate in the above - noted case authorize him:-
9871277207

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.

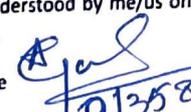
And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

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 16.02 Day of 2021 Accepted subject to the terms of the fees.

Advocate  D/3587/16

Client

Client

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

Signed in My Presence, The Client.
Department of Environment, Science Technology & Climate Change, Shimla, H.P.

