

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN
TRIBUNAL, NEW DELHI

Original Application No. 709/2019

In the matter of:-

Rajesh Kumar

..... Applicant(s)

VERSUS

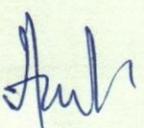
State of Himachal Pradesh

..... Respondent(s)

**Status report in compliance to order dated
16.09.2019 on behalf of Deputy Commissioner,
Shimla cum Chairman, Special Area
Development Authority, Ghanahatti."**

I, Amit Kashyap, S/o late Sh. K.N. Kashyap, aged about 55 years presently working as Deputy Commissioner, Shimla-cum-Chairman, Special Area Development Authority, Ghanahatti do hereby solemnly affirm and declare as under:-

1. That the aforesaid Original Application no. 709 of 2019 is pending for adjudication before this Hon'ble National Green Tribunal and is fixed for hearing on 12.12.2019.
2. That the Hon'ble National Green Tribunal vide order dated 16.09.2019 was pleased to pass the directions in the aforesaid matter , the relevant extract of which is hereby summarized as under:-


Chairman
Special Area Development Authority
D.C. Shimla (19)

**The Deputy Commissioner Shimla, and Director Town and
country planning Department look in to the matter, and take
appropriate action in accordance with law and furnish a
factual and action taken report in the matter with in one**

ATTESTED

OATH COMMISSIONER

month, and in the instant case Deputy Commissioner, Shimla will be the nodal agency for compliance and coordination”.

List for further consideration on 12.12.2019.”

3. That the Deponent with utmost reverence to this Hon'ble Tribunal craves to make following submissions before this Hon'ble Tribunal:-

a) It is most respectfully submitted before this Hon'ble Tribunal that in pursuance to the directions passed order dated 16.09.2017, that the site in question falls within the purview of Special Area Development Authority Ghanahatti and a online Planning Permission for construction of four storey +one parking floor for construction of a residential building at Mohal Kanda, bearing Khasra nos. 2276/3/5 measuring 210.00 sqm, was granted in favour of Smt. Anita Sharma, D/o Sh. Anoop Ram vide reference no 02201600800 dated 15.03.2017. It is further submitted before this Hon'ble Tribunal that as per the official record, Smt. Anita Sharma is the wife of Sh. Suresh Sharma. The said locality is situated between National Highway and a village link road where more than five plots exists, out of which, two plots are of local residents and the other plots have already been accorded the planning permission for carrying out the construction of the residential buildings. The officers/officials of the Department of Town & Country Planning/ Special Area Development Authority, Ghanahatti had visited the site in question on 08.10.2019 and it was found that the land upon which Smt. Anita Sharma has constructed the

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Chairman
Special Area Development Authority
-Cum-
D.C. Shimla (HP)

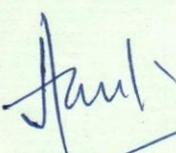
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OATH COMMISSIONER

building is in three terraces and as such no adverse effect on environment was observed at site.

b) That it is respectfully submitted before this Hon'ble Tribunal that no planning permission for construction of six storey residential building has been granted by the Competent Authority till date in the name of Sh. Suresh Kumar. As per the Joint Site Inspection conducted by the representative of the Deputy Commissioner, Shimla along with concerned Halka Patwari of the area and Assistant Town Planner, Shimla representatives of the Director, Town and Country Planning Department, Shimla on 08.10.2019, it was noticed at the time of site inspection that Smt. Anita Sharma D/o Sh. Anoop Ram has constructed four storey+ one parking floor (framed structure building) for residential use in her own land and no encroachment has been found at site in others plot/ land. However, it is also submitted that there is no further construction, being undertaken at the moment and no digging of soil has been carried out at site as alleged by the complainant. It becomes important to specify before this Hon'ble Tribunal that the adjoining building which is under construction is not in the name of Sh. Suresh Sharma, but is approved in the name of Sh. Munshi Ram and Sh. Mani Ram, who have already been given permission for raising construction up to four storey+ one parking floor for residential building.

c) That it is respectfully submitted before this Hon'ble Tribunal that after the aforesaid order no sanction / planning permission has been accorded contrary to the judgement passed in O. A No 121/ 2014 by the Competent Authority. The Deponent denies


Chairman
Special Area Development Authority
-Cum-
D.C. Shimla (HP)

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each and every averment and contention raised by the Original Applicant except those which have been expressly admitted by the answering Respondent in this affidavit. The Original Applicant has in fact made several baseless allegations, raised several contentions that are clearly devoid of any merit or substance whatsoever and has, purportedly in support thereof, made various false and misleading statements. The premise on which the present contentions of the Original Applicant is based has been filed is erroneous and is also contrary to the facts of the case and also the documents

In view of the above submissions, it is, respectfully and humbly prayed that the action taken report/ status report on behalf of the deponent may kindly be taken on record in the interest of justice, equity & fair play.

[Signature]
 Chairman
 Special Area Deponent Authority
 D.C. Shimla (HP)

Verification:-

Identified by

I, the above named deponent, do hereby further solemnly affirm that the contents of para 1 to 3 are true and correct to the best of my knowledge and nothing has been concealed there from.

Signed and Verified at Shimla on day of 23rd October' 2019

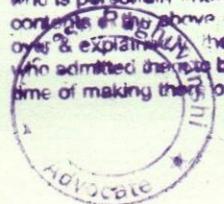
ATTESTED

OATH COMMISSIONER

[Signature]
 Chairman
 Special Area Deponent Authority
 D.C. Shimla (HP)

Drawn by:
[Signature]
 Mayank Manta,
 Assistant District Attorney-cum-Law Officer,
 TCP Department, HP .

Certified that the above affidavit was declared before me on solemn affirmation on this day of 23rd Oct 2019 in the District of Shimla by Sh. Amrit Kaur sp who is personally known to me and the contents of the above affidavit have been read over & explained to the deponent in vernacular who admitted the same to be correct and true at the time of making thereof.



Oath Commissioner
 HP High Court, Shimla
23/10/19

All Cuttings and Corrections
 are duly attested by me.
[Signature]
 Oath Commissioner

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Drawn & e-Filed through:

M. Manta

Mayank Manta,
Assistant District Attorney-cum-
Law Officer, TCP Department, HP.