

**State Level Environment Impact Assessment Authority
Himachal Pradesh**

At Department of Environment, Science & Technology
US Club, Paryavaran Bhawan, Shimla-171001.

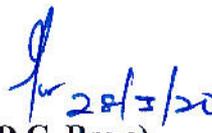
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

In the matter of Original Application No. 55/ 2020
(I.A. No. 110/ 2020 & I. A. No. 111/2020)

Dr. Pawan Kumar Banta Vs. Union of India and ors.

The action taken report in compliance to the orders of Hon'ble NGT dated 02-03-2020 is attached herewith as Annexure I for kind information and further necessary action.

Submitted by


(D.C. Rana)

Member Secretary,
HP State Environment Impact Assessment Authority,
-cum- Director, (Env., Sci. & Tech.)
Himachal Pradesh Shimla, 171001.

NO. SEIAA/2015/360- NGT 55/2020-

the Shimla dated 28th March, 2020.

Encls: Action Taken Report with Annexures.

**State Level Environment Impact Assessment Authority
Himachal Pradesh**

At Department of Environment, Science & Technology
US Club, Paryavaran Bhawan, Shimla-171001.

dated the Shimla,  Mar, 2020.

Action Taken Report:

Ref. Orders of Hon'ble National Green Tribunal in the matter of Dr. Pawan Kumar Banta vs. Union of India & Ors in O.A. No. 55/2020 regarding M/s Homeland Exotica-mixed land use construction project at Shimla.

Hon'ble National Green Tribunal dated 02.03.2020 passed the following orders in the above case:-

".....let the Director, Town and Country Planning, H.P, Commissioner, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and the State PCB look into the matter and take further action in terms of order of this Tribunal, including stopping any construction found to be illegal and furnish an action taken report in the matter within one month by email at judicial-ngt@gov.in. The SEIAA, Himachal Pradesh will be the nodal agency for coordination and compliance".

2. In compliance to the above orders, the concerned officer's from Town and Country Planning Department, Municipal Corporation, Shimla besides Secretary SEAC, Himachal Pradesh State Level Environment Impact Assessment Authority were directed to visit the spot and submit their reports. The concerned officers visited the construction site of M/s Homeland Exotica mixed land use product-Nirvana Woods on dated 18.03.2020 and thereafter reports w.r.t. their respective departments. *were submitted.*

The department wise reports are as under:

Town and Country Planning Department:

3. According to the Town & Country Planning Department the planning permission along with maps of the said project has been duly approved by the then Competent Authority, i.e. Special Area Development Authority, Shogi and the respondent has also been granted requisite license for setting up the project along with Essentiality certificate under the prevalent provisions of Chapter IX-A & B of Himachal Pradesh Town and Country Planning Act, 1977 & Rules, 2014 by the competent Authority/Department. Further the project stands registered under the provisions of Real Estate (Regulation & Development) Act, 2016 by the Himachal Pradesh Real Estate Regulatory Authority. The Department is of the opinion that all the requisite parameters of the HP TCP Act & Rules along with RERA Act, 2016 has been duly

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complied by the respondent. So far as the issues of alleged unauthorized construction or deviations in the construction is concerned, the same lies within the domain of Municipal Corporation, Shimla as the jurisdiction of the area strands transferred in the year 2016. The detailed report of Ms. Anjali Sharma Member Secretary SADA, Shimla, Department of Town & Country Department is attached as **Annexure-A**.

Municipal Corporation, Shimla, Himachal Pradesh:

4. According to Architect Planner Municipal Corporation, Shimla, there exists fifteen number of villas at site i.e. villa no. 1 to 5, 8 to 12, 12-A, 14 to 17 (numbering as per sanction drawings) in different stages of construction. The Hotel Block-9 consists of eight floors including service floor. The service floor has not been approved in sanctioned drawings and has been constructed at lowermost level of the building. The sanctioned height of the building was 25.00m whereas presently the height of Hotel Block-9 building is 25.90m. The Hotel block no. 9 Service Apartments also consists of eight storeys, the overall height of this building is same as per the sanctioned height. There is variation in the dimensions of the buildings i.e. Hotel block No. 9 with Service Apartment block and villas from the sanctioned plan. Also, there exists two storey steel structure of height 10.80m towards road side behind Hotel block-9 with Service Apartment and as per the position of existing Service Apartment block in sanctioned drawings, the portion of this structure falls outside the plot boundary and same is not approved in sanctioned drawings also. Moreover the boundary wall constructed and road developed at site towards entry/exit to P1 parking is also outside the plot boundary with respect to the position of Hotel Block-9 of sanctioned drawings. The foundation work for inclined elevator/lift was in progress and the cutting work at Block-7 & Block-1 was also in progress. These deviations have been observed w.r.t to the approved drawings, however the exact quantum of deviation can only be worked out after the project proponent submits the site drawings clearly depicting the status of the blocks and villas w.r.t the plot boundary, exact location of blocks, villas and their dimensions. The project proponent and the Architect of the project were directed to submit the drawings as per the site by 20/03/2020, however the same have not been submitted.

5. In view of the fact that the construction work at site has not been stopped by the project proponent, despite issuance of verbal directions and various notices issued under HPMC Act 1994, the committee directed that the work be stopped immediately. Further the S.H.O, Thana Boileauganj, Shimla has also been directed under section notice u/s 254(2) of HPMC Act 1994 to remove such person and all his assistants & workers from the site. Detailed report of Sh. Pankaj Sharma, Architect Planner (AP), Municipal Corporation, Shimla is attached as **Annexure-B**.

HP State Pollution Control Board, Shimla:

6. According to HP State Pollution Control Board, consent to establish was issued in the favor of "Sh. Sunil Kumar Sood, prop. of M/s Homeland Exotica Mixed Land Use Construction Project" for establishment of Residential and Hotel Project having a total built up area of 46,599 Sq. Mtr. at Khasra no. 1363/1127/632/1, 641, 408, 1372, 426, 613, 626/1 & amp;

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626/3, 1374/627, 1376/1126/628, 629, 630,631, 1368/1137/632, 1369/1137/632, 642, 643, 644, 645, 646, 647, 648, 649, 429/1, 640, 1, 2, 3, 4, 5, 6, 7, 8, 9, 321/10, Village Kiari & Rirka, Tehsil & District Shimla H.P. vide HPSPCB Shimla letter dated 03.03.2017 on the basis of Environmental Clearance issued by SLEIAA vide letter F. No. HPSEIAA/2015/360-M/s Homeland Exotica- Mixed Land Use Construction Project/-10 dated 01.04.2016. The project was thereafter sold by Sh. Sunil Kumar Sood to Sh. Pankaj Gupta, (Prop.) M/s Nirvana Woods & Hotels Pvt. Ltd.

7. Essentiality Certificate has been issued to M/s Nirvana Woods & Hotels Pvt. Ltd. by TCP department vide letter no. TCP-F(4)-3/2017 dated 16.03.2017 for an area of 31,768.00 Sq. M. Real Estate Regulatory Authority (RERA) has also issued registration in favor of the unit vide letter no. RERAHPSHP12170018 dated 28.01.2020. The unit has applied for fresh Environment Clearance on 20.01.2020 to SLEIAA for revised area measuring 31,768 Sq. Mtrs. at Khasra No. 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640 to 649 at mauza Kiari and Khasra No. 1 to 9 and 321/10 at mauza Rirka, Tehsil & Distt. Shimla as there is change in title, land area & built up area involved and the same is under examination. The unit has also applied for Consent to Establish-Renewal at HPSPCB Shimla but same has not been granted yet in want of Environment Clearance. The detailed report of Sh. Lalit Thakur, Asstt. Env. Engineer, HP PCB is annexed as **Annexure-C**.

Himachal Pradesh State Level Environment Impact Assessment Authority:

8. As per records available in this office the than project proponent applied to this office for grant of Environment Clearance on dated 21.04.2015 The Environment Clearance was granted to Sh. Sunil Kumar Sood, M/s Homeland Exotica-mixed land use construction project, 143, Sector-7, Panchkula, Haryana-134 109 vide this office letter no. HP SEIAA/2015/360-M/s Homeland Exotica-mixed land use construction project dated 01.04.2016. The project proponent Sh. Sunil Kumar Sood, M/s Homeland Exotica also applied for change of name from M/s Homeland Exotica-mixed land use construction project to Nirvana Woods on dated 20.04.2016, the same was approved by SEIAA in its 27th meeting held on 10-06-2016 but letter of change in name was pending in want of information sought from the pp and now on dated 14.03.2020 Sh. Sunil Kumar Sood has requested for surrendering and cancellation of Environment Clearance in favour of M/s Homeland Exotica-mixed land use construction project (sole proprietor Sunil Kumar Sood) on land measuring 46599 square meter. On the other hand the owner of Nirvana Wood & Hotels (P) ltd. has applied for afresh EC for reduced area from 46599 sq. mtrs to 31768 sq. Meters for built up area 55565 sq. mtrs. The observations are as below:-

- i. The letter of Environmental Clearance has not been transferred in the name of M/s. Nirvana Wood as yet and is pending in want of necessary documents required for transferring the EC as per provision at Sr. No. 11 of Environment Impact Assessment Notification.
- ii. As per this office record, the project proponent has not submitted the six monthly compliance reports as per requirement.
- iii. During the site visit it was observed that the construction work was being carried out on site without transfer of Environment Clearance.

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- iv. Very limited plantation work has been done by the project proponent.
- v. The logistic arrangements for labourer were also not found adequate on site.

The detailed report of Sh. Parveen Gupta, Secretary SEAC, HPSEIAA is attached as **Annexure D**.

9. On the basis of site inspection and observation made, a notice under Environment Impact Assessment Notification, 2006 under Environment (Protection) Act, 1986 has been issued to the project proponent on dated 20-03-2020 for non compliance of terms and conditions of Environmental Clearance copy attached as **Annexure-E**.

10 The report is submitted for perusal of Hon'ble National Green Tribunal.


28/3/20
(D.C. Rana)

Member Secretary,
HP State Environment Impact Assessment Authority,
Shimla, 171001.

Encl: As above.



**TOWN AND COUNTRY PLANNING DEPARTMENT
HIMACHAL PRADESH**

No. HIM/TP/Law-VI/ OA No. 55/2020 *11405-07* Dated:- *21.3.20*

To,

Director cum Member Secretary,
State Level Environment Impact Assessment Authority,
Himachal Pradesh, Shimla-171001.

**Subject: - Orders of the Hon'ble National Green Tribunal in the matter of
Dr. Pawan Kumar Banta versus Union of India & others in O.A.
no. 55/ 2020- M/s Homeland Exotica- mixed land use
construction project site inspection-reg.**

Sir,

With reference to the subject cited above and in reference to your office letter no. S & T/HP/SEIAA/2015-360-5335-39, dated 16.03.2020, kindly find attached the status detail (copy enclosed) in respect of joint committee inspection dated 18.03.2020 in Original Application no. 55 of 2020 titled as "Dr. Pawan Kumar Banta versus Union of India & ors" on behalf of the Department for your kind perusal and further necessary action please.

Encls. : - As above

Yours faithfully,

myd
20/3/2020
State Town Planner

Town and Country Planning Deptt.,
Himachal Pradesh, Shimla-9.
Phone No. 0177-2625752 *o/c*

Copy forwarded for information to:-

1. Member Secretary, Himachal Pradesh State Pollution Control Board, New Shimla-9.
2. Commissioner, Municipal Corporation, Shimla-1, H.P

State Town Planner

Town and Country Planning Deptt.,
Himachal Pradesh, Shimla-9.
Phone No. 0177-2625752 *o/c*

STATUS DETAIL IN RESPECT OF JOINT COMMITTEE INSPECTION DATED 18.03.2020 IN ORIGINAL APPLICATION NO. 55 OF 2020 TITLED AS DR. PAWAN KUMAR BANTA VERSUS UNION OF INDIA & ORS

The Principal Bench of the Hon'ble NGT has passed orders on 02.03.2020 in OA No. 55/2020 (I.A.no. 110/ 2020 & I.A.no. 111/ 2020) titled "Dr. Pawan Kumar Banta versus Union of India & Ors", the relevant operative part of which is reproduced herein below:-

"In view of the above, let the Director, Town & Country Planning, H.P, Commissioner, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and the State PCB look into the matter and take further action in terms of order of this Tribunal, including stopping any construction found to be illegal and furnish an action taken report in the matter within one month by email at judicialngt@gov.in. The SEIAA, Himachal Pradesh will be the nodal agency for coordination and compliance"

Therefore, in compliance to the orders of Hon'ble NGT, the site in question was inspected on 18.03.2020 jointly by the representatives of Department of Town & Country Planning, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and Himachal Pradesh State Pollution Control Board. After site inspection, it was decided that the respective departments shall submit their respective comments pertaining to their Departments respectively. Accordingly the details of the matter in issue are hereby submitted as under:-

The site was visited and it was found that the construction activities have commenced at the site. In order to ascertain the quantum of the alleged unauthorized construction at the site, the Joint Inspection Committee directed the Applicant Project Proponent, i.e. M/S Nirvana Woods and Hotels Pvt. Ltd. to submit the drawings to the Municipal Corporation, Shimla as per the actual construction at the site on or before 20.03.2020 as the area under jurisdiction falls within the ambit of Municipal Corporation, Shimla. The Committee also directed the project proponent that no further construction shall be carried at the site. After submissions of the aforesaid drawings as detailed herein above, the nature of alleged unauthorized construction shall be dealt by the Competent Authority, i.e. Municipal Corporation, Shimla, in accordance with the provisions of the Himachal Pradesh Town & Country Planning Act, 1977 read with HP Town & Country Planning Rules' 2014 along with specific guidelines for regulating the issue of unauthorized constructions

framed by the Department of TCP in pursuance to the order and directions of Hon'ble Supreme Court of India in Suo moto (Criminal) contempt no. 2 of 2018.

It is further submitted herein that in order to ascertain the nature of alleged unauthorized construction, the genesis of the matter in question along with the legal implications of the directions passed by the Hon'ble High Court of Himachal Pradesh & Ld. Real Estate Regulatory Authority, Himachal Pradesh are necessarily required to be detailed, which the Original Applicant had suppressed and concealed, while preferring the Original Application before the Hon'ble National Green Tribunal.

GENESIS & DETAILS OF THE PLANNING PERMISSION OF THE CASE.

Brief facts of the case as per the office record are as under:-

1. That the area initially was within the purview of jurisdiction of Special Area Development Authority, Shoghi and the Member Secretary, Special Area Development Authority, Shoghi has approved the drawings of the Project Proponent who was a registered promoter, Sh. Sunil Kumar Sood (Himachali Agriculturist) on 27.11.2015 and subsequently Licence certificate under Section 78 p (3) of the Himachal Pradesh Town & Country Planning Act' 1977 was issued on 17.12.2015 in the name of Shri Sunil Kumar Sood, owner of the project land for developing land as Colony namely **Nirvana Woods**.
2. The revised drawings of the project in question were approved on 01.03.2017 by the Member Secretary, SADA, Shoghi and conveyed to the Shri Sunil Kumar Sood under the provisions of Chapter IX-A & B of the Himachal Pradesh Town & Country Planning Act' 1977 and Rules' 2014. Thereafter Sh. Sunil Kumar Sood applied for transfer of project to company i.e. **M/s Nirvana Woods & Hotel Pvt. Ltd.**
3. The Himachal Pradesh State Pollution Control Board then had issued the consent to establish (copy enclosed) the colony/ aforesaid project on 03.03.2017.
4. **M/s Nirvana Woods & Hotel Pvt. Ltd.** obtained the Essentiality Certificate on 16.03.2017 (copy attached) and also obtained permission under Section 118 of the HP Tenancy and Land Reforms Act, 1972 from the State Govt. on 26.04.2017. (copy enclosed) The sale deed of said land was registered the in the name of **M/s Nirvana Woods & Hotel Pvt. Ltd.**
5. Subsequently, the Project Licence was transferred as per provisions of the then Chapter IX-A & IX-B of the Himachal Pradesh Town and Country planning Act,1977 from Sh. Sunil Kumar Sood, who was an

agriculturist to **M/s Nirvana Woods & Hotel Pvt. Ltd.** on 04.08.2017 (Copy attached) along with the already approved revised drawings dated 01.03.2017.

6. Subsequently the area under question was transferred to the Municipal Corporation, Shimla in the year 2016 and the entire record pertaining to the planning permission was transferred to MC Shimla.
7. M/S Nirvana Woods and Hotels Pvt. Ltd. had applied for the purpose of registration of real estate project situated at Up Mohal Kiari/ Rirka, Tehsil and District Shimla, Himachal Pradesh measuring 31,768 sqm with the Himachal Pradesh Real Estate Regulatory Authority (herein referred as HP RERA) on 20.12.2017.
8. The seller and the buyer along with the interested parties have been contesting amongst themselves over financial matters. Further the disputing parties in the instant case are already pursuing the matter before the Hon'ble High Court of Himachal Pradesh as to the civil liabilities and implications related to the project under question amongst themselves in OMP nos. 415 of 2017 & OMP nos. 184,128,455 & 637 of 2018 in COMS no. 8 of 2017 and OMP nos. 269, 285, 459, 490 and 2018 in COMS no. 23 of 2018 and COMS no. 25 of 2018.
9. The Hon'ble High Court of Himachal Pradesh vide its judgment dated 13.08.2019 had directed as under, the relevant extract of which is summarized as under,
***“Be that as it may, the rejection of the afore espousal of the plaintiff in COMS no.23 of 2018, would not relive M/s Nirvana Woods and Hotels Pvt. Ltd., of, the dire obligations, of, its ensuring its raising constructions, upon, the suit land, upon, its/ theirs holding, a, valid sanction, from the authorities concerned, vis-à-vis, the proposed construction. In sequel the contesting defendants are permitted to raise construction, only upon, its holding a validly meted sanction, by the authorities concerned, and, also if construction is commenced by M/s Nirvana Woods and Hotels Pvt. Ltd., fling an affidavit with a clear disclosure therein, that, it would not claim any equities, in, the construction raised, upon, the suit land. (a) even if a verdict adverse to it is pronounced, upon, COMS No. 8 of 2017, and, upon COMS No. 23 of 2018, (b) thereupon, the afore espousal made in the affidavit furnished, on behalf of M/s Nirvana Woods and Hotels Pvt. Ltd, shall obviously carry the requisite binding effects, upon, it. Since accordingly prima facie case is loaded in favour of the applicants/defendants concerned, balance of is convenience also is loaded in favour of the applicants/defendants concerned, and, also since, the, continuance of the order, strived to be modified rather would encumber*”**

hardship and injury, upon, the applicants/defendants concerned, hence not re-compensable in monetary terms thereupon, the relevant order(s), is/are, with the afore observations hence modified."

10. The Ld. Real Estate Regulatory Authority, Himachal Pradesh had passed a speaking order on 03.01.2020 stating that *the real estate project of M/s. Nirvana Woods and Hotels Pvt. Ltd. is fit for registration under the provisions of the Real Estate (Regulation and Development) Act' 2016. The real estate project may be registered strictly in consonance with the provisions of the Real Estate (Regulation and Development) Act' 2016 read with Himachal Pradesh Real Estate (Regulation and Development) Rules' 2017 subject to the further orders of the Hon'ble High Court of Himachal Pradesh in this matter. The complaint(s) filed by the Shri Daman Kapoor and Dr. Pawan Kumar Banta being general in nature have been heard, we find no material substance to be adjudicated upon by this Authority. Hence the same are dismissed.*

In view of the foregoing submissions, order(s) passed by the Hon'ble High Court of Himachal Pradesh and the Ld. Real Estate Regulatory Authority, Himachal Pradesh, it is submitted that the Original Applicant Dr. Pawan Kumar Banta had deliberately misled the Hon'ble National Green Tribunal by suppressing these material facts in the Original Application that has been filed before the Hon'ble NGT. The Original Applicant has suppressed the material facts before the Hon'ble National Green Tribunal and henceforth stands guilty of *'suggestion falsi and suppression veri*. The replying respondent seeks to place reliance upon the judicial pronouncement passed by the Hon'ble Supreme Court of India in *Arunima Baruah Vs. Union of India (Uoi) and ors. (2007)6SCC120* whereby the Hon'ble Apex Court has held that,

"Ubi jus ibi remedium is a well known concept. He who comes into equity must come with clean hands. A court of equity refuses relief to a plaintiff whose conduct in regard to the subject matter of the litigation has been improper. This was formerly expressed by the maxim "he who has committed iniquity shall not have equity", and relief was refused where a transaction was based on the plaintiff's fraud or misrepresentation, or where the plaintiff sought to enforce a security improperly obtained, or where he claimed a remedy for a breach of trust which he had himself procured and whereby he had obtained money. Later it was said that the plaintiff in equity must come with perfect propriety of conduct, or with clean hands. In application of the principle a

person will not be allowed to assert his title to property which he has dealt with so as to defeat his creditors or evade tax, for he may not maintain an action by setting up his own fraudulent design.

Therefore, the Department is of the view that planning permission along with maps of the said project has been duly approved by the then Competent Authority, i.e. Special Area Development Authority, Shoghi and the respondent has also been granted requisite License for setting up the project along with Essentiality Certificate under the prevalent provisions of Chapter IX A & B of the Himachal Pradesh Town & Country Planning Act, 1977 & Rules' 2014 by the Competent Authority/ Department. Further the project stands registered under the provisions of Real Estate (Regulation & Development) Act, 2016 by the Himachal Pradesh Real Estate Regulatory Authority. The Department is of the opinion that all the requisite parameters of the HP TCP Act & Rules along with RERA act, 2016 has been duly complied by the respondent. So far as the issue of alleged unauthorized construction or deviations in the construction is concerned, the same lies within the domain of Municipal Corporation, Shimla as the jurisdiction of the area stands transferred in the year 2016.

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20/3/2020

State Town Planner
Department of Town & Country Planning, HP

Assisted by:-

M. Manta
Mayank Manta,
Assistant District Attorney, TCP

H.P. State Pollution Control Board,
"Him Parivesh" Phase-III,
New Shimla-171009.

Water/Air Act(ID-26063)

No. PCB (434) Sh.Sunil Kumar Sood residential & Hotel/2016

Dated:

From: Member Secretary

The Director of Tourism,
Department of Tourism, SDA Complex,
Kasumpti,-171 009

Subject: - Consent to Establish for Homeland Exotica mixed land use construction project (Residential and Hotel Project) with a total built up area 46,599.00 Sq.mtrs. at Khasra No. 1363/1127/632/1, 641, 408, 1372/426, 613, 626/1 & 626/3, 1374/627, 1376/1126/628,629,630,631,1368/1137/632,1369/1137/632, 642,643,644,645,646,647,648,649, 429/1, 640, 1,2,3,4,5,6,7,8,9, 321/10, village Kiyari & Rirka, Tehsil & Distt. Shimla H.P.

Sir,

Sh. Sunil Kumar Sood Prop. of M/s Home Land Exotica-Mixed Land use construction Project, House No. 143, Sector-07, Panchkula, Haryana- 134109., have approached to this Board under Water Act, 1974 and Air Act, 1981 for issuing Consent to Establish in their favour construction of Homeland Exotica mixed land use construction project (Residential and Hotel Project) with a total built up area 46,599.00 Sq.mtrs. at Khasra No. 1363/1127/632/1, 641, 408, 1372/426, 613, 626/1 & 626/3, 1374/627, 1376/1126/628,629,630,631,1368/1137/632, 1369/1137/632, 642,643,644,645,646,647,648,649, 429/1, 640, 1,2,3,4,5,6,7,8,9, 321/10, at village Kiyari & Rirka, Tehsil & Distt. Shimla H.P. The State Level Environment Impact Assessment Authority H.P. has accorded the Environmental Clearance in favour of this project vide letter No. HPSEIAA/F (2015) /360-M/s Homeland Exotica mixed land use construction project/-10 dated 01-04-2016. In view of the Environmental Engineer, HP State Pollution Control Board Shimla, Distt. Shimla H.P. vide his on line report dated 12-07-2016 has recommended the case for grant of Consent to Establish. The State Board has examined the application and grants consent to establish under Water Act, 1981 and Air Act, 1981 with the following conditions:

1. This Consent to Establish is subject to the compliance of proceeding of the presentation as already circulated vide Endst. No. HPSPCB (434)Sunil Kumar Sood construction Project-Shimla/ 2016- 11799-11804 dated 17-09-2016.
2. This Consent to Establish is subject to the compliance of conditions of Environmental Clearance as incorporated by the State Level Environment Impact Assessment Authority H.P. vide letter No. HPSEIAA/F (2015) /360-M/s Homeland Exotica mixed land use construction project/-10 dated 01-04-2016.
3. This consent to establish is valid for one year from the date of issue and shall subsequently be got renewed for each financial year or part thereof.
4. This Consent to Establish is only for the purpose and under the provisions of the Water(Prevention and Control of Pollution) Act,1974 and Air(Prevention and Control of Pollution)Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law/regulation/direction/order and the applicant shall obtain any such mandatory clearances before taking any steps to establish industry/industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.
5. This consent to establish is issued for:
 - (i) The domestic sewage 367 KLD shall be treated in sewage treatment plant of having capacity 400 KLD as proposed by the unit. The treatment shall conform to the norms as prescribed in Environment (Protection) Rules, 1986 as amended from time to time.
 - (ii) Garbage(Municipal Solid Waste) shall be disposed off by segregation and composting and organic solid waste.

- (iii) Noise/Emission from DG set conform to limits prescribed in Sr. No. 94 & 95 of Schedule-I of Environment (Protection) Rules, 1986.
- (iv) The organic sludge from STP shall be used as manure in horticulture in the premises.
- (v) Noise & ambient air quality to be maintained within Ambient air Quality Standards for noise as specified in Schedule-III of aforesaid Rules and Noise Pollution (Regulation and Control) Rules, 2000 as well as those CPCB.
6. The proponent shall comply with the provisions of the e-waste (Management & Handling) Rules, 2011, as may be, applicable to it.
 7. The proponent shall comply with any other conditions laid down or directions issued by the Board or State Government or Ministry of Environment & Forests, Govt. of India or Central Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and/or Environment (Protection) Act, 1986 as amended from time to time, as the case may be.
 8. Construction waste arising due to earth work during construction shall be used for landscaping within the premises and no debris are allowed to be disposed out side the premises.
 9. The promoter shall provide adequate arrangement for fighting the accidental leakage's/ discharge of any air pollutant/ gas/ liquids from the vessel, mechanical equipment's etc. which are likely to cause environmental pollution.
 10. The promoter shall comply with any other conditions laid down or direction issued by the Board under the provision of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from time to time.
 11. Nothing in this No Objection Certificate shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibilities or penalties to which the applicant is or may be subject under the provisions of the Water/ Air Acts.
 12. The Promoter shall grow suitable varieties of plants in the premises to maintain greenery.
 13. The Promoter shall construct and commission the sewage treatment plant/emission control devices, simultaneously with the main project and the treated effluent/emissions shall conform to the standards as may be prescribed.
 14. The promoter shall construct a pucca storage tank of sufficient capacity to hold back the effluent in case of failure of Sewage Treatment Plant/ re-circulation system and also for no demand period.
 15. The promoter shall provide terminal manhole at the end of each collection system and a manhole upstream of final outlet(s) out of the premises of the industry for measurement of flow and for taking samples.
 16. All under ground water retaining structures shall be lined with an impervious layer so as to avoid seepage and contamination of sub soil/ water.
 17. The promoter shall not discharge any fugitive emissions/ odour.
 18. The promoter shall obtain consent to operate from this Board and install anti- pollution devices for prevention control and abatement of Water/ Air Pollution before using the for residential and Hotel purpose.
 19. The promoter shall make provisions for rain harvesting from the rooftops and built up areas before operation.
 20. The promoter shall provide the acoustic enclosure over the DG set as per norms.
 21. That the compliance to the norms for emissions/effluent and noise as prescribed of Environment Protection Act, 1986 as amended from time to time.
 22. This consent to establish is subject to the ratification by the State Board.
 23. The State Board reserves the right to revoke/review and alter the conditions of consent to establish as the case may be.
 24. The promoter shall ensure that all the muck to be generated from the construction activities shall be used within the premises.
 25. The promoter shall provide the sewage treatment plant for domestic sewage and also make provision for implementation of Solid Waste Management Rules, 2016.

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26. The promoter shall explore the possibility of connecting the sewer line with Municipal Corporation/IPH sewerage deptt.
 27. The promoter shall provide dual plumbing system for recycling of entire sewage after treatment in the STP for flushing of toilets.
 28. The promoter shall make provision for the implementation of construction and demolition Water Management Rules, 2006.
 29. The promoter shall submit Environment Management Plan consisting of all mitigation measures for each component of the environment, during construction operation and the entire life cycle to minimize adverse environmental impacts resulting from actions of the project.
 30. The promoter shall increase the tree plantation along the periphery of the project and green belt inside the premises of the project.
 31. The promoter shall incorporate best storm water management plan in order to avoid flooding of the area during monsoon.
 32. The promoter shall make adequate provision for the transport infrastructure and traffic management at entry and exit to the project.
 33. Unit shall provide the SBR technology in the sewage treatment plant.

Yours faithfully,

(Dr. Sanjay Sood, IFS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177- 2673766

Encl. No. PCB (434) Sh. Sunil Kumar Sood residential & Hotel/2016 22750-54 Date 3.3.17
Copy forwarded to the following for information and necessary action:

1. The Director, Town & Country Planning Department, SDA Complex Kasumpti, Shimla
2. Sh. Anil Kumar Sood Prop. of M/s Home land Exotica-mixed land use construction Project, House No. 143, Sector-07, Panchkula, Haryana- 134109.
3. The. Env. Engineer, HP PCB, Shimla Distt. Shimla H.P. w.r.t. his on line report.
4. District Tourism Development Officer, Shimla Distt. Shimla H.P.
5. Case file.

(Dr. Sanjay Sood, IFS)
Member Secretary,
HP State Pollution Control Board
Telephone No. 0177- 2673766

Government of Himachal Pradesh
Town and Country Planning Department

File No. TCP-F(4)-3/2017 Dated : Shimla-171002,

16-03-2017

ESSENTIALITY CERTIFICATE

In compliance to the revised guidelines circulated vide Department of Revenue Notification No. Rev. B.A. (3)-5/2000-I dated 23-12-2011, this is to certify that land measuring 31768.00 sqm as detailed below situated at Mauja Kiyari on Kh. Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 and at Mohal Rirka, Tehsil Shimla, District Shimla, H.P. on Kh. No. 1 to 9 and 321/10 is required by Nirvana Woods and Hotels Pvt. Limited House No. 86, Sector 12-A, Panchkula, Haryana. for the purpose of setting up a residential colony:-

Location of Proposed land	Khasra Nos.	Area.
1.	2.	3.
Mauja Kiyari Tehsil and District Shimla.	641, 408, 613/1, 630, 631, 1368 / 1137 / 632, 1369 / 1137 / 632, 640, 642 to 649.	31768.00 sqm.
Mohal Rirka Tehsil and District Shimla.	1 to 9 and 321/10	
	Total	31768.00 sqm.

1. This land is recommended for transfer after ascertaining the eligibility of transferee as per the criteria laid down by the Department.
2. This land is recommended for transfer in favour of party as the same is essentially required for the aforesaid purpose. The aforesaid activities cannot be run in a lesser area.

...2...

...2...

3. This land is recommended for transfer after obtaining all NOCs from all relevant departments/authorities and after ensuring adherence to any guidelines of the department, under Rule 38-A of the H.P. Tenancy and Land Reforms Rules, 1975.

By Order,

Addl. Chief Secretary (TCP) to the
Govt. of Himachal Pradesh.

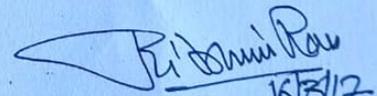
Endst. No. TCP-F(4)-3/2017

Dated, Shimla-2,

16-3-2017

Copy is forwarded to the following for information and necessary action to:-

1. M/s Nirvana Woods and Hotels Pvt. Limited House No. 86, Sector 12-A, Panchkula, Haryana.
2. The ACS-cum- FC (Revenue) to the Government of Himachal Pradesh, Shimla-2.
3. The Competent Authority-cum-Director, Town & Country Planning Department, H.P., Shimla-9 w.r.t. letter No. HIM/TP/APT/EC/M/s Nirvana Woods & Hotels/2017-20380 dated 07-03-2017.
4. The Director, Urban Development Department, Talland, Shimla-171001.
5. The Deputy Commissioner, Shimla, District Shimla, H.P.
6. The Labour Commissioner, H.P. Shimla-171002.
7. The Private Secretary to the Urban Development Minister, H.P., Shimla- 171002.


(Rikhi Ram) 16/3/17

Deputy Secretary (TCP) to the
Govt of Himachal Pradesh.

No. Rev.B.F. (10)-69/2017
Government of Himachal Pradesh
Department of Revenue

From

The Addl. Chief Secretary-cum-F.C. (Revenue) to the
Government of Himachal Pradesh.

To

✓ M/s Nirvana Woods & Hotels Pvt. Ltd.
through Sh. Pankaj Gupta
House No. 86, Sector-12,
Panchkula-134109 (Haryana).

Dated: Shimla-2,

26-04-2017

**Subject: - Permission to purchase land by M/s Nirvana Woods & Hotels Pvt. Ltd.,
for setting up a residential colony.**

Sir,

I am directed to refer to the office letter No. SML-LRM-21(2)/2017-134109 dated 20-03-2017 received from the Deputy Commissioner, Shimla on the subject cited above and to say that keeping in view the provisions of Clause (h) of Sub-Section (2) of Section 118 of the Himachal Pradesh Tenancy & Land Reforms Act, 1972 and serial number (6) of sub-rule (3) of rule 38-A of Rules framed under the aforesaid Act, the Government has granted permission in favour of M/s Nirvana Woods & Hotels Private Limited, to purchase land comprised in Khasra No. 641,408,613/1,630,631,1368/1137/632,1369/1137/632, 642,643,644,645,646,647,648,649,640 and 1,2,3,4,5,6,7,8,9,321/10 measuring 03-17-68 Hect (31768 Sq. Mtrs) situated in Up-Mohal Kiyari and Mohal Rirka, Tehsil Shimla (Rural), District Shimla, H.P. for setting up Residential Colony on the following conditions:-

1. The permission will be valid for one year from the date of issuance of this letter.
2. In the instant case the details furnished by the applicant have not been verified at Government level and are assumed to be correct. Hence, if at any time it is found that the details are not correct, the permission shall be deemed to have been withdrawn/cancelled and land if so purchased shall vest in the State Government free from all encumbrances alongwith structures, if any. Further, in case any dispute(s) arises between the transferor and transferee, the State Government will not be responsible for that and can not be impleaded as party in any court/forum.
3. Your attention is drawn to the proviso below section 118(2)(h) of the Act ibid which requires the purchaser to utilize the land for the purpose for which allowed to be purchased within a period of 2 years further extendable by 1 year. In this regard, this period of 2 years will be counted from the date of registration. However before purchase, please satisfy yourself that you will be able to complete various other formalities to set up the industrial unit, construct factory building, install machinery and start production all within a period of 2 years (extended by one year if required). In case you fail to do this, the land will vest in the State, alongwith structure if any, free from all encumbrances. Further, in case you fail to do so, the Government or any authority can not give extension beyond three years.
4. An entry will be made in remarks column of the concerned Jamabandi with red ink that the transferee will not become an agriculturist on account of such transfer of land and he/she will not become eligible for allotment/lease/grant from the Government. The transferee of land will remain non-agriculturist for all purposes.
5. The stamp duty of land proposed to be transferred will be charged from the transferee as per Law.

Yours faithfully,

(Ashish Kohli)

Joint Secretary (Revenue) to the
Government of Himachal Pradesh

P.T.O.

-2-

Endst. No. As above. Dated: Shimla-2,

26-04-2017

Copy is forwarded to -

1. The Deputy Commissioner, Shimla, Himachal Pradesh.
2. The Deputy Secretary (TCP) to the Government of Himachal Pradesh w.r.t. Essentiality Certificate issued vide letter No. TCP-F(4)-3/2017 dated 16-03-2017 with the request to ensure utilization of land within a period of 2 years and send a certificate to this effect as per direction issued by this department vide letter No. Rev.B.F.(10)-187/2003, dated 29.10.2003.

(Ashish Kohli)
Joint Secretary (Revenue) to the
Government of Himachal Pradesh

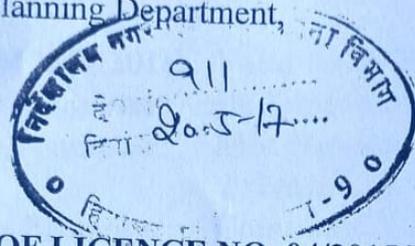
MS
In Sharma
20.5.17

NIRVANA WOODS & HOTELS PVT. LTD.

86, Sector-12, Panchkula (Haryana)

Dated: 19.05.2017

The Director,
Town & Country Planning Department,
Himachal Pradesh,
Shimla



Dear Sir,

Re : TRANSFER OF LICENCE NO. 04/2015 DATED 17.12.2015

We are to inform you that we have been granted permission to purchase land by Govt. of Himachal Pradesh under section 118 of H.P. Tenancy and Land Reforms Act 1972 vide Department of Revenue letter no. Rev.B.F-(10)-69/2017 dated 26.04.2017. The sale deeds of land measuring 03-17-68 Hectares have already been registered in the name of the company with Sub-Registrar Shimla (Rural). The Mutation in favour of the company has also been approved in the Revenue records. The copy of jamabandies of land measuring 03-17-68 Hectares are enclosed herewith.

You are requested to transfer the above License in favour of the Company.

Thanking you,

Yours faithfully,
FOR NIRVANA WOODS & HOTELS PVT.LTD.


PANKAJ GUPTA
(DIRECTOR)

Please Dear

In Sharma
20.5.17

Su. P. Chauhan



Department of Town & Country Planning
Government of Himachal Pradesh

FORM-60
(See rule 56-A)

LICENCE AFTER TRANSFER OF PROJECT

File No. HIM/TP/Apt-Lic.-04/2015-M/s. Nirvana Woods & Hotels (P) Ltd. Shimla, Dated:

Registration No. RM0063/2016, Valid upto 01.11.2021.
Name of Transferor Promoter: Sh. Sunil Kumar Sood.
Name of Transferee Promoter: M/s. Nirvana Woods & Hotels Private Ltd.
Status of Transferee Promoter: Company.

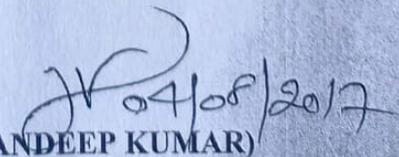


Permanent Address: House No.86, Sector-12, Panchkulla, Haryana.
Correspondence Address: House No.86, Sector-12, Panchkulla, Haryana
E. mail: ca_sunilsood@yahoo.com.in , Phone No. 9216700999
Project Name/ Style: **Nirvana Woods & Hotels.**
Description of land: **Khasra Nos. 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640 to 649 at mauza Kiyari and Kh. No.1 to 9 & 321/10 at mauza Ridka Kita-26, measuring 31768.00 sqm., Tehsil and District Shimla, Himachal Pradesh.**

Licence No. HIM/TP/LIC-04/2015 Dated :17/12/2015,Valid upto:16/12/2020
Due date of Renewal: 17/12/2020 Renewed upto :--

This Licence is granted for the aforesaid project in accordance with the revised project plan/drawings approved by The Member-Secretary, SADA(Shoghi)-cum-Town & Country Planner, Shimla, H.P. vide letter No. SADA(s) Case No. 481/2011-401 dated 18.01.2017, subject to the condition that the undersigned has right to withdraw or cancel this Licence at any time during its tenure, if the Licencee/Promoter has given any wrong information in his application or violates the provision of the Himachal Pradesh Town and Country Planning Act, 1977 and rules made thereunder.

Place: Shimla
Dated:


(SANDEEP KUMAR)

Director,

Town & Country Planning Department,
Himachal Pradesh, Shimla-171009,
Phone No. 0177-2622494

Department of Town & Country Planning
Himachal Pradesh, Shimla-171009
Phone No. 0177-2622494

File No. HIM/TP/Apt-Lic.-04/2015- M/s. Nirvana Woods & Hotels (P) Ltd/2017 -3964-71

Shimla, Dated: 4-8-17

Copy to:-

1. M/s Nirvana Woods & Hotels (P) Ltd, House No.86, Sector-12, Panchkulla, Haryana.
2. The Private Secretary to Hon'ble Minister (TCP) to the Government of Himachal Pradesh, Shimla-2.
3. The Additional Chief Secretary (TCP) to the Government of Himachal Pradesh, Shimla-171002.
4. The Additional Chief Secretary (Revenue) to the Government of Himachal Pradesh, Shimla-171002.
5. The Deputy Commissioner, Shimla, District Shimla, H.P.
6. The Registrar/ Sub-Registrar, Tehsil Shimla (Rural), Distt., Shimla H.P. with the request not to register any sale deed in case of Apartments/Colonies unless completion and occupation certificate is given by the Director, TCP Department to the Builder/Promoter.
7. The Member Secretary, H.P. State Environment & Pollution Control Board, Shimla-9.
8. The Member-Secretary, SADA(Shoghi)-cum-Town & Country Planner, Shimla, H.P. w.r.t. his office letter No. SADA(s) Case No. 481/2011-401 dated 18.01.2017, for information.

04/08/2017
(SANDEEP KUMAR)

Director,

Town & Country Planning Department,
Himachal Pradesh, Shimla-171009,

Phone No. 0177-2622494

SPECIAL AREA DEVELOPMENT AUTHORITY
SHOGHI SPECIAL AREA

No. SADA(S) Misc/2018 147-76

Dated:- 10-07-2018

To

The Commissioner
Municipal Corporation
Shimla-171001

Subject: - Regarding transfer of case files falling under Up Mohal Kiari
Vide Govt. Notification No. UD-(1) 6/2015 dated 14/10/2016

Sir

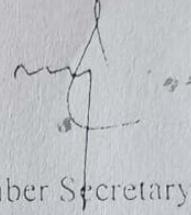
This is with reference to Govt. Notification No. UD-(1) 6/2015 dated 14/10/2016 (copy enclosed) .As per the notification some area of revenue village upmohal Kiari falls within the jurisdiction of Municipal Corporation Shimla and this authority has sanctioned some planning permission cases for residential commercial/sub division purpose. In some cases planning permission has been accorded by the private practitioner. The detail of the cases is as under:-

1. Sh. Rakesh Mahajan Case no. SADA (S) case no. PP 494/14 noting pages 1-4 and file pages 1-51.
2. Sh. Khushi Ram Case no. SADA (S) case no. PP 342/07 noting pages 1-18 and file pages 1-92.
3. Sh. Salig Ram and Amarnath SADA (S) case no. PP 167/04 noting pages 1-8 and file pages 1-33.
4. Smt. Anu Sharma SADA (S) case no. PP 330/07 noting pages 1-18 and file pages 1-95.
5. Sh. Sunil Kumar Sood SADA (S) case no. PP 481/11 Vol I & Vol II noting pages 1-58 and file pages 1-203.
6. Sh. Durga Dass Lakhnupal) case no. PP 371/08 noting pages 1-43 and file pages 1-231.

Not received

7. Sh. G.K. Lakhanpal sanctioned online with reference no. 0220160018 noting pages 1-2 and file pages 1-13.
8. Sh. Devender Kumar sanctioned online with reference no. 0220160019 noting pages 1-3 and file pages 1-16.
9. Smt. Kamlesh Thakur sanctioned online with reference no. 0220160020 noting pages 1-2 and file pages 1-21.
10. Smt. Sarla Chauhan sanctioned online with reference no. 0220160018 noting pages 1-4 and file pages 1-30.
11. Sh. Durga Dass sanctioned online with reference no. 02201601207 noting pages 1-2 and file pages 1-21.
12. Smt. Ritu Lakhanpal & others case no. SADA (S) AR29/2012 sanctioned by private practitioner Smt. Rekha Kaundal file pages 1-14.
13. Sh. Ashish Lakhanpal case no. SADA (S) AR30/2012 sanctioned by private practitioner Smt. Rekha Kaundal noting page 1-1 and file pages 1-25.
14. Smt. Susheela Lakhanpal case no. SADA (S) AR31/2012 sanctioned by private practitioner Smt. Rekha Kaundal noting page 1-7 and file page 1-38.
15. Sh. Anuj Lakhanpal case no. SADA (S) AR32/2012 sanctioned by private practitioner Smt. Rekha Kaundal noting page 1-7 and file pages 1-21.
16. Smt. Priyanaka Lakhanpal SADA (S) AR33/2012 sanctioned by private practitioner Smt. Rekha Kaundal noting page 1-4 and file pages 1-54.
17. Sh. Amar Nath SADA (S) AR54/2012 sanctioned by private practitioner Sh. Rajeev Shrama noting page 1-9 and file pages 1-72.
18. Sh. Amarinder Singh & others SADA (S) AR134/2014 sanctioned by private practitioner Sh. S.K. Chauhan noting page 1-5 and file pages 1-53.
19. Sh. Nirmal & Others SADA (S) AR143/2014 sanctioned by private practitioner Ar. Monika thakur noting pages 1-7 and file pages 1-43.
20. Smt. Nirmala Sharma SADA (S) AR154/2014 sanctioned by private practitioner Sh. Rajeev Sharma noting pages 1 and file pages 1-13.
21. Smt. Suman Gautam Others SADA (S) AR163/2015 sanctioned by private practitioner Sh. Rajeev Sharma noting pages 1 and file pages 1-25.
22. Sh. Ashwani Doegar & others SADA (S) AR169/2015 sanctioned by private practitioner Sh. Abhishek Kumar file pages 1-35.

26. Sh. Om Parkash C/o RSDI 3-G ,Rohal Villa Lane -3 New Shimla
27. Sh. Krishan Kumar C/o RSDI 3-G ,Rohal Villa Lane -3 New Shimla
28. Sh. Om Parkash C/o RSDI 3-G ,Rohal Villa Lane -3 New Shimla
29. Sh. Rajesh vill. Kiari P.O. Tara Devi Teh & Distt Shimla.



Member Secretary
Special area Development Authority
Shoghi Special area
Block No. 32 SDA Complex
Kasumpti shimla-9

O/c

MUNICIPAL CORPORATION SHIMLA

No. MCS/AP/e.gov/2020- 1223

Dated 20-03-20

From

Commissioner,
Municipal Corporation Shimla.

To

✓ The Director-cum-Member Secretary,
State Level Environment impact
Assessment Authority,
Himachal Pradesh, Shimla- 171001.

Director (E.S.P)

Adcll. Officer

PSD (A)

Subject : Orders of Hon'ble National green tribunal in the matter of Dr. Pawan Kumar Banta vs. Union of India & Ors in O.A No. 55/2020-M/s Homeland Exotica-mixed Land use construction project site inspection –reg.

10/3/20

With reference to your office letter no. S&T/HP-SEIAA/2015-360-5335-39 dated 16.03.2020 on the above cited subject, It is stated that, site inspection of the Homeland Exotica-mixed land use construction project (Nirvana Woods) located at up mohal Ridka and Kyari, Shimla, was conducted by the Committee, dt. 18.03.2020. As decided during the site inspection, please find enclosed herewith the site report of the project for taking further necessary action please.

Commissioner,
Municipal Corporation Shimla.

Site visit/Status Report

Initially the case was submitted by Sh. Sunil Kumar Sood for approval of map for mixed development at village Kiyari and Ridka in the year 2015 for 46,599 Sq. of land situated at up mohal Kiyari and Ridka, Shimla. The license for developing the land as Colony namely Nirvana Woods was issued to Sh. Sunil Kumar Sood by the Director TCP vide No. 9329-35 dt. 17.12.2015.

Revised drgs. of the project was approved by the Director TCP vide letter No. 20118-19 dt. 01.03.2017 on land measuring area 31,768.00 Sq.m. and having total built up area of 55566.40 Sq.m.

Subsequently the name of the project was changed from Nirvana Woods & Hotels to Nirvana Woods in the License dt. 04.08.2017 issued by the Director TCP vide No. 7312-18 dt. 21.11.2017.

It is further intimated that the complaint was received from Sh. Pawan Kumar Banta regarding unauthorized construction and site was inspected by the concerned Junior Engineer and it was observed that construction at site is not as per the approved drawings. Accordingly the notice under section 254(1) of HPMC Act 1994 was issued to the Project Manager, Nirvana Woods vide notice no. 6 dated 16.02.2019 to stop the further construction work since the construction work of Hotel Block 9 executed at site was not as per the sanction granted by T&CP department. Thereafter notice under section 254(6) and 253 r/w 242 of HPMC Act 1994 was issued to the Project Manager Nirvana Woods & Hotels Pvt. Ltd. to raise the height of Block-9 to 25.90m against the sanctioned height of 25.00m from the Town & Country Planning department vide no. HIM/TP/Apt./Lic.4/2015.Sh.Sunil Kumar Sood/2017-20118-19 dated 01.03.2017. And the case for the same has been initiated in the court of Id. Commissioner Municipal Corporation Shimla.

It is submitted that the site was again inspected on 18.03.2020 a/w other members of the Committee and observed that the construction was going on at site. Since the Completion drawings/site drawings of Hotel Block 9 with Service Apartment Block and villas has not been submitted alongwith the letter by M/s Nirwana Woods & hotels (P) Ltd., the construction carried out at site has been inspected with respect to the Proposal drawings sanctioned vide TCP letter No. 20118-19 dt. 01.03.2017. The detailed site report is as under: -

There exists fifteen number of villas at site i.e. villa no. 1 to 5, 8 to 12, 12-A, 14 to 17 (numbering as per sanction drawings) in different stages of construction. The Hotel Block-9 consists of eight floors including service floor. The service floor has not

been approved in sanctioned drawings and has been constructed at lowermost level of the building. The sanctioned height of the building was 25.00m whereas presently the height of Hotel Block-9 building is 25.90m. The Hotel block no. 9 Service Apartments also consists of eight storeys, the overall height of this building is same as per the sanctioned height.

There is variation in the dimensions of the buildings i.e. Hotel block No. 9 with Service Apartment block and villas from the sanctioned plan.

Also, there exists two storey steel structure of height 10.80m towards road side behind Hotel block-9 with Service Apartment and as per the position of existing Service Apartment block in sanctioned drawings, the portion of this structure falls outside the plot boundary and same is not approved in sanctioned drawings also.

Moreover the boundary wall constructed and road developed at site towards entry/exit to P1 parking is also outside the plot boundary with respect to the position of Hotel Block-9 of sanctioned drawings. The foundation work for inclined elevator/lift was in progress and the cutting work at Block-7 & Block-1 was also in progress.

These deviations have been observed w.r.t to the approved drawings, however the exact quantum of deviation can only be worked out after the project proponent submits the site drawings clearly depicting the status of the blocks and villas w.r.t the plot boundary, exact location of blocks, villas and their dimensions. The project proponent and the Architect of the project were directed to submit the drawings as per the site by 20/03/2020, however the same have not been submitted.

In view of the fact that the construction work at site has not been stopped by the project proponent, despite issuance of verbal directions and various notices issued under HPMC Act 1994, the committee directed that the work be stopped immediately. Further the S.H.O, Thana Boileauganj, Shimla has also been directed under section notice u/s 254(2) of HPMC Act 1994 to remove such person and all his assistants & workers from the site.

The report submitted for necessary action please.


Junior Engineer


Sr. Architect/Planner



**H.P. STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, "HIM PARIVESH",
PHASE - III, NEW SHIMLA - 171009**

www.hppcb.nic.in

Phone No. - 0177-2673274

No. PCB/ROS/

2852

Dated- 21/3/2020

To

The Director-cum-Member Secretary,
State Level Environment Impact Assessment Authority,
Himachal Pradesh, Shimla 171001

**Subject: - OA No. 55/2020 titled as Dr. Pawan Kumar Banta Vs. Union of India & Ors.
pending before Hon'ble NGT.**

Sir,

This is with reference to DEST office letter no. 5336 dated 16.03.2020 and HPSPCB HO letter No. PCB-OA No. 55/2020-5278 dated 21.03.2020. In this context, inspection report of M/s Nirvana Woods & Hotels Pvt. Ltd. pertaining to HPSPCB is hereby attached for your kind information and further necessary action please.

Yours faithfully,

o/c


Asstt. Environmental Engineer,
HP SPCB, Shimla

Inspection Report of M/s Nirvana Woods & Hotels Pvt. Ltd.:-

The unit by the name & style of M/s Nirvana Woods & Hotels Pvt. Ltd., Village Kiari & Rirka, Tehsil and District Shimla, H.P. is engaged in the construction of a residential colony and a hotel at Mauza Kiari & Rirka, Tehsil and District Shimla H.P. The hotel part comprises of 80 DBRs, 2 Family Suites, 56 Service Apartments, 40 Villas, Restaurant, Banquette Hall, Swimming Pool, Gym and Spa. Residential Colony comprises of 23 Nos. Villas, 104 Nos. 3 BHK, 120 Nos. 2 BHK and 34 Nos. EWS & LIG apartments. Construction of hotel part is almost complete. As per data submitted by the unit, 78,300 M³ of muck with 45% swelling factor will be generated during the construction and same will be reutilized in the leveling and backfilling process. The unit has also proposed an ETP cum STP of capacity 100 KLD to treat the waste water generated from the project. The unit has proposed composting pits/bio-digestors for disposal of bio-degradable waste generated from the project. Non biodegradable waste will be disposed of through MC Shimla.

Consent to Establish was issued in the favor of "Sh. Sunil Kumar Sood, prop. of M/s Homeland Exotica Mixed Land Use Construction Project" for establishment of Residential and Hotel Project having a total built up area of 46,599 Sq. Mtr. at Khasra no. 1363/1127/632/1, 641, 408, 1372/426, 613, 626/1 & 626/3, 1374/627, 1376/1126/628, 629, 630,631, 1368/1137/632, 1369/1137/632, 642, 643, 644, 645, 646, 647, 648, 649, 429/1, 640, 1, 2, 3, 4, 5, 6, 7, 8 ,9, 321/10, Village Kiari & Rirka, Tehsil & District Shimla H.P. on the basis of Environmental Clearance issued by SLEIAA vide letter F. No. HPSEIAA/2015/360-M/s Homeland Exotica- Mixed Land Use Construction Project/-10 dated 01.04.2016. The project was thereafter sold by Sh. Sunil Kumar Sood to Sh. Pankaj Gupta, (Prop.) M/s Nirvana Woods & Hotels Pvt. Ltd.

Essentiality Certificate has been issued to M/s Nirvana Woods & Hotels Pvt. Ltd. by TCP department vide letter no. TCP-F(4)-3/2017 dated 16.03.2017 for an area of 31,768.00 Sq. M. Real Estate Regulatory Authority (RERA) has also issued registration in favor of the unit vide letter no. RERAHPSHP12170018 dated 28.01.2020. The unit has applied for fresh Environment Clearance on 20.01.2020 to SLEIAA for revised area measuring 31,768 Sq. Mtrs. at Khasra No. 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640 to 649 at mauza Kiari and Khasra No. 1 to 9 and 321/10 at mauza Rirka, Tehsil & Distt. Shimla as there is change in title, land area & built up area involved and the same is under examination. The unit has also applied for Consent to Establish-Renewal at HPSPCB Shimla but same has not been granted yet in want of Environment Clearance.



**State Level Environment Impact Assessment Authority
Himachal Pradesh**

*Ministry of Environment Forest & Climate Change, Government of India,
at Department of Environment Science & Technology,
Paryavaran Bhawan, Near US Club, Shimla-1
Ph: 0177-2656559, 2659608 Fax: 2659609*

File No. S&T/HP SEIAA/2015-360

Dated:

From:

The Secretary,
State Expert Appraisal Committee,
at State Level Environment Impact Assessment Authority,
Shimla, Himachal Pradesh.

To

The Member Secretary,
Himachal Pradesh State Level Environment Impact Assessment Authority,
Shimla, H.P.

Dated: Shimla-1.

the

19/3/2020

Subject: Site inspection report of M/s Homeland Exotica-mixed land use construction project w.r.t. orders of Hon'ble National Green Tribunal in the matter of Dr. Pawan Kumar Banta vs. Union of India & Ors in O.A. No. 55/2020-reg.

Sir,

This is in reference to the subject cite above. In this regard, it is submitted that the site inspection was conducted on 18.03.2020 by the undersigned and as per records available in this office the project proponent applied to this office for grant of Environment Clearance on dated 21.04.2015 The Environment Clearance was granted to Sh. Sunil Kumar Sood, M/s Homeland Exotica-mixed land use construction project, 143, Sector-7, Panchkula, Haryana-134 109 vide this office letter no. HP SEIAA/2015/360- M/s Homeland Exotica-mixed land use construction project dated 01.04.2016. The project proponent Sh. Sunil Kumar Sood, M/s Homeland Exotica also applied for change of name from M/s Homeland Exotica-mixed land use construction project to Nirvana Woods on dated 20.04.2016, the same was approved by SEIAA in its 27th meeting held on 10-06-2016 but letter of change in name was pending in want of information sought from the pp and now on dated 14.03.2020 Sh. Sunil Kumar Sood has requested for surrendering and cancellation of Environment Clearance in favour of M/s Homeland Exotica-mixed land use construction project (sole proprietor Sunil Kumar Sood) on land measuring 46599 square meter. On the other hand the owner of Nirvana Wood & Hotels (P) ltd. has applied for afresh EC for reduced area from 46599 sq. mtrs to 31768 sq. Meters for built up area 55565 sq. mtrs.

The observations are as below:-

1. The letter of Environmental Clearance has not been transferred in the name of M/s. Nirvana Wood as yet and is pending in want of necessary documents required for transferring the EC as per provision at sr. no. 11 of Environment Impact Assessment Notification.
2. As per this office record, the project proponent has not submitted the six monthly compliance reports as per requirement.
3. During the site visit it was observed that the construction work was being carried out on site without transfer of Environment Clearance.
4. Very limited plantation work has been done by the project proponent.
5. The logistic arrangements for labourer were also not found adequate on site.

This is for your kind information please.

Thanking You.

Sincerely yours,

Secretary,
State Expert Appraisal Committee,
Himachal Pradesh, Shimla-171 001



State Level Environment Impact Assessment Authority

Ministry of Environment Forest & Climate Change, Government of India,

at Department of Environment Science & Technology,

Paryavaran Bhawan, Near US Club, Shimla-1, Himachal Pradesh

Ph: 0177-2656559, 2659608 Fax: 2659609

F. No. HP SEIAA/2015-360-loose
To

Dated: 20/3/2020

Sh. Pankaj Gupta,

M/s Homeland Exotica-mixed land use construction project,
Now as M/s Nirvana Woods & Hotels (P) Ltd.,
Village-Kiyari & Rirka, Tehsil & District-Shimla, H.P.

Subject: Notice for Non-compliance of Terms & Conditions of EC-Non-submission of Six Monthly Environment Compliance Report-reg.

Whereas vide letter no. HP SEIAA/2015/360-M/s Homeland Exotica-mixed land use construction project dated 01.04.2016 now named as M/s Nirvana Woods & Hotels (P) Ltd., the environment clearance has been granted to the project proponent M/s Homeland Exotica-mixed land use construction project under Environment Impact Assessment Notification, 2006 under Environment (Protection) Act, 1986.

Whereas as per the mandate, monitoring of status of compliance of safeguards stipulated in the environmental clearance is required to be carried out as per the provisions laid under the Environment (Protection) Act, 1986.

Whereas on dated 18.03.2020, the construction site was inspected and it has been observed that the project proponent has not complied with the stipulated terms & conditions of the Environmental Clearance granted as above.

Whereas the project proponent has not (i) got the letter of Environment Clearance transferred in the name of M/s. Nirvana Wood as yet (ii) has not submitted the six monthly compliance reports as per requirement (iii) plantation work has been done at construction site (iv) the logistic arrangements for labourer are not provided adequately on site and beside the fact that have failed to submit the six monthly compliance reports on regular basis.

Whereas submission of these compliance report to the terms and conditions of environment clearance is mandatory and non-compliance of the same tantamount for legal action as per the provisions contained in the Environment Impact Assessment Notification, 2006 under Environment (Protection) Act, 1986 including withdrawal of Environmental Clearance granted in favour of project proponent. You are, therefore, directed to explain within 15 days as to why the legal action should not be initiated against you for non compliance of terms and conditions of Environment Clearance issued in your favour.

Director-cum-Member Secretary,
HP State Level Environment Impact Assessment Authority,
Himachal Pradesh, Shimla-171001

Endst. No.: As above dated the Shimla-1, , 2020

Copy endorsed to:

The Member Secretary, H.P. State Pollution Control Board Him Parivesh, Phase-III, New Shimla, for kind information & necessary action please.

Director-cum-Member Secretary,
HP State Level Environment Impact Assessment Authority,
Himachal Pradesh, Shimla-171001