

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

O.A. No. 505/2022

IN THE MATTER OF:-

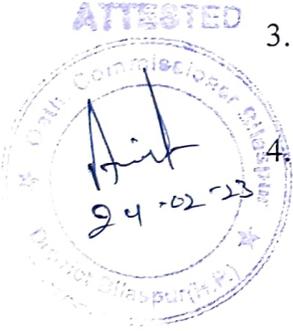
Devendra Kumar & Anr.

.....Applicants

Versus

1. State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh.
2. Principal Chief Conservator of Forest (HoFF), Government of Himachal Pradesh, Talland, Milsington Estate, Chotta Shimla, Shimla, H.P. 171002.
3. Himachal Pradesh. State Pollution Control Board, Him Parivesh, Phase-III, New Shimla-171009.
4. Deputy Commissioner, Mandi, District Mandi, 175001.

.....Respondents



**Reply/Response on behalf of Respondent No. 03.**

**Most respectfully sheweth:-**

- 1 That the present matter is a letter petition of Sh. Devender Kumar claiming to be Chairman of 'Bharat ki Janvadi Naujawan Sabha' and Sh. Mir Chand claiming to be Secretary of 'Naujawan Sabha, Regional Committee Bali Chowki, District Mandi, H.P.' which was treated and registered as original application by this Hon'ble Tribunal. The matter relate to alleged construction of the road from Khoda Thatch to Jogni

  
Environmental Engineer  
H.P. State Pollution Control Board  
Regional Office Mandi (HP)

Naala in Bali Chowki area **5B** District Mandi, H.P. passing through dense forest which will result in cutting of green trees in violation of the norms and the directions of Hon'ble Supreme Court of India.

2. That the Hon'ble NGT vide order dated 30.08.2022 constituted a Joint Committee comprising of representatives of Principal Secretary, PWD, Principal Chief Conservator of Forests, Government of Himachal Pradesh, State PCB and Deputy Commissioner, Mandi, to look into the issues, visit the site and submit factual and action taken report.
3. That in compliance to the aforesaid order dated 30.08.2022, the representatives of the Joint Committee carried out the site visit and submitted its factual and action taken report. As per the report, construction of the road project is being executed by HPPWD Division, Thalout, District Mandi, H.P. and necessary clearances/permissions have been issued for construction of the road. The report of the Joint Committee is already on the record of this Hon'ble Tribunal.
4. It is submitted that construction small link road projects are exempted from consent mechanism of the State Board, whereas consent is required for project components such as Captive



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Stone Crushers, Hot Mix Plants etc, if used for construction of roads. However in the present case, no such component has been observed to be installed by the project authorities/contractors.

5. It is humbly submitted that other issues involved in the case regarding diversion of forest land and compensatory afforestation plan falls within the mandate of Forest Department under the Forest Conservation Act, 1980. Further, no other violations/issues have been observed for which action under Water Act, 1974 or Air Act, 1981 is warranted from the replying respondent. It is submitted that in case any violation under Water Act, 1974, Air Act, 1981 or Environment Protection Act/Rules is observed, the State Board shall initiate action.

**Prayer:-**

In view of submissions made above, it is humbly submitted that the application may kindly be disposed of qua the replying respondent as there are no issues pertaining to the respondent Board. Any other order deemed fit by the Hon'ble Tribunal may kindly be passed in the interest of justice.



**Respondent No. 3**

Place: **BILASPUR**

Date: **24-02-2023**

**Environmental Engineer  
H.P. State Pollution Control Board  
Regional Office Mandi (HP)**

ATTESTED



**55**  
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

O.A. No. 505/2022

In the matter of:

Devendra Kumar & Anr.

...Applicants

Versus

State of H.P. and others.

...Respondents

**AFFIDAVIT**

I, Atul Parmar, S/o Col. S.S. Parmar (Retd) aged about 38 years, at present working as Regional Officer, H.P. State Pollution Control Board at Regional Office Mandi, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:-

1. That I am well conversant with the facts of the case and duly authorised to file this affidavit on behalf of Respondent No. 3.
2. That the submissions made in paras 1 to 5 of this application are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.
3. I further affirm that the contents of this affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at **BILASPUR** on **24<sup>th</sup>** day of **FEB**, 2023.



**DEPONENT**

Environmental Engineer  
H.P. State Pollution Control Board  
Regional Office Mandi (HP)



Dependent is identified by Sanjay Kumar as Helper State Pollution Board whose signature is given below.

Signature of the Dependent (with date) Atul 24-02-2023

Signature of the Oath Commissioner Amr 24-02-2023

Verified at BILASPUR on 24<sup>th</sup> day of FEB, 2023.

Time 10:50 AM

Dependent is identified by Sanjay Kumar as Helper State Pollution Board whose signature is given below.

Signature of the Dependent (with date) Atul 24-02-2023

Signature of the Oath Commissioner Amr 24-02-2023

Verified at BILASPUR on 24<sup>th</sup> day of FEB, 2023.

Time 10:50 AM