

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

COMPLIANCE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD

Original Application No. 353/2022

Kartik Sharma

Petitioner

Versus

State of Uttarakhand

Respondents

Sl. No.	Particulars	Pg. No.
1.	Index	1 - 2
2.	Compliance Affidavit	3 - 10
3.	<u>Annexure No. 1</u> (Copy of the show cause notices issued to 46 hotels.)	11 - 102
4.	<u>Annexure No. 2</u> (Copy of the inspection report.)	103 - 104
5.	<u>Annexure No. 3</u> (Copy of the letters sent to 06 hotels.)	105 - 110
6.	<u>Annexure No. 4</u> (Copy of the show cause notice issued to 106 hotels.)	111 - 114

7.	<u>Annexure No. 5</u> (Copy of the instructions issued to the R.O. Dehradun.)	115 - 115
8.	<u>Annexure No. 6</u> (Copy of letter bearing no. 1407, dated 02.06.2023.)	116 - 169

Dated: July, 2023

Advocate
(Counsel for the respondent)

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

COMPLIANCE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD

Original Application No. 353/2022

Kartik Sharma

Petitioner

Versus

State of Uttarakhand

Respondents

AFFIDAVIT of Dr. Raj Kumar Chaturvedi, aged about 50 years, S/o Shri Ram Swaroop Chaturvedi. Presently posted as Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Dehradun.

Rik
Deponent

I, the above-named deponent does hereby solemnly affirm and state on oath as under: -

- 1) That the deponent is presently posted as the Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Dehradun and is authorized to sign and swear the instant affidavit.

Rik

- 2) That the above noted O.A. was listed for hearing on 21.04.2023, wherein the Hon'ble National Green Tribunal was pleased to note that following undertaking on behalf of UKPCB: -

"1. Consolidated Consent & Authorization (CCA) of 46 Hotels (which have used excess water compared with supplied water quantity by Uttarakhand Jal Sansthan) has been modified immediately to the extent of availability of water being supplied by the Uttarakhand Jal Sansthan.

2. Operation of excess rooms in above said 46 Hotels has been restricted through above said modified CCA order. Accordingly one week notice for closure/sealing of excess rooms in the hotel is being issued by UKPCB immediately today itself.

3. After one week, the closure/sealing of excess rooms will begin with the help of District Administration.

4. The calculation and imposition of Environmental Compensation on above said hotels will be completed within 15 days.

5. The water assessment in the remaining 106 hotels out of total 282 hotels shall be completed within 15 days. The action against the hotels, which are using excess water compared with supplied water by Uttarakhand Jal Sansthan, shall be initiated immediately as outlined in above paras."



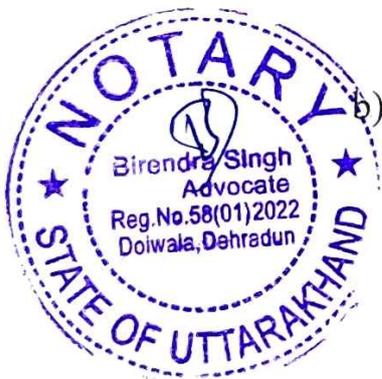
- 3) That after hearing the matter, the Hon'ble National Green Tribunal was pleased to issue the following directions:

"15. In the light of above, the authorities in the State of

Pik

Uttarakhand need to take remedial measures to control and regulate commercial and construction activities in the area, including illegal withdrawal of potable water and waste management by commercial establishments for protecting environment and public health, fixing liability for past violations and preventing continuing violations. Review may be undertaken at the level of Chief Secretary, Uttarakhand with all other concerned departments and remedial action planned and executed within two months from today. An action taken report filed to this Tribunal before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

- 4) That in order to comply with the undertaking, following actions have been taken by the UKPCB;
- a) In continuance of modified CCA issued earlier to 46 hotels, the said units have been instructed for ensuring Water Harvesting System and use of treated waste water in order to meet additional water demand if any in future.
- b) Show cause notices have been issued to all 46 hotels for excessive water usage against authorized Jal Sansthan Water Supply and hence consequential ceiling of excess rooms based on water need/supply assessment as per BIS. Copy of the show cause notices issued to 46 hotels are being collectively marked and filed as **Annexure No. 1** to this affidavit.



Rik

- c) Reply to the show-cause notices have been received from the concerned units following which inspection was conducted by the Regional Office, Dehradun, UKPCB on 19th May, 22nd May and 30th June, 2023. A copy of the one-such inspection report is being marked and filed as **Annexure No. 2** to this affidavit.
- d) As per the inspection report, one hotel was found permanently closed and 39 hotels were found to be using water from Jal Sansthan as source supply and also using rain water harvesting storage facility in the hotel premises to meet needful water demand of all existing rooms in the hotel. Hence, these 39 hotels have been considered to be using water from authorised source. One hotel has been closed down.
- e) In case of the remaining six hotels, the inspection team found that the concerned units are obtaining water from Jal Sansthan as supply source, but the evidence of usage of water from rainwater harvesting storage facility could not be established. Hence the possibility of usage of tankers from unauthorised source could not be ruled out. As a last opportunity, UKPCB has asked these six hotels to make a presentation before the Member Secretary regarding their occupancy in the year, water usage and proof (if any) of using authorised water source other than Jal Sansthan. A copy of the letters sent to 06 hotels in this regard are collectively being marked and filed as **Annexure No. 3** to this affidavit.
- f) Further, show-cause notices were issued to 106 hotels operating without consent to operate of the Board. Copy of the



Rik

show cause notices issued to 106 hotels are being collectively marked and filed as **Annexure No. 4** to this affidavit.

g) Based on the reply received as on date, it has been found that 18 out of 106 hotels possess the desired consent to operate and hence have no violation. 30 hotels have applied for the consent which is under assessment by the Regional Officer Dehradun. 8 hotels have been found completely closed and 50 hotels did not respond to the show cause notice issued to them. In this connection, necessary directions have been issued to the Regional Officer, Dehradun to conduct on the spot inspection of these hotels with regard to their physical existence, operational status, status of grant of consent and also verify the consumption of water against permitted capacity of Jal Sansthan. A copy of the instructions issued to the R.O. Dehradun is being marked and filed as **Annexure No. 5** to this affidavit.

5) It is further pertinent to mention that the Jal Sansthan has now established a systematic and regulated method for collection of water by the water tankers. A copy of letter bearing no. 1407, dated 02.06.2023 is being marked and filed as **Annexure No. 6** to this affidavit.

6) As per assessment of Jal Sansthan, total water requirement in Mussoorie is 15.78 MLD, out of which regular water supply of Jal Sansthan is 7.69 MLD. Further, the Yamuna river pumping water scheme for Mussoorie has been made operational from June, 2023 providing 2.5 MLD in addition to the above regular supply. Moreover, the Jal Sansthan has informed that from

Rik



September, 2023 onward, additional 6 MLD water will be supplied to Mussoorie, thereby providing adequate water supply to meet the demand.

- 7) That the deponent is a responsible Government servant having the highest regards for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.

RK

Deponent

Verification: -

I, R.K. Chaturvedi, do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos. are true to my personal knowledge and those in paragraph nos. and are based on the perusal of records. Nothing material has been concealed and no part of it is untrue. So, help me God.

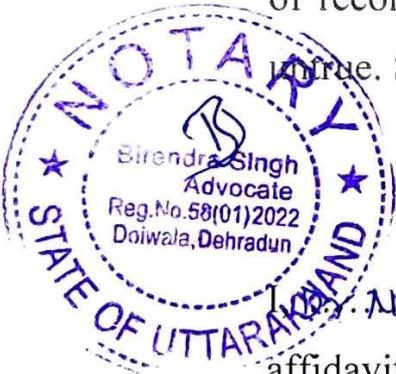
RK

Deponent

Dr. N.K. Pant, Ad., do hereby declare that the person making this affidavit and alleging himself to be deponent is the same person known to me from the perusal of the Aadhar Card No. 487299426476 of deponent R.K. Chaturvedi which he produced before me in this case.

RK

Dr. N.K. Pant
डा० नरेन्द्र के० पन्त
इलाहाबाद
रजि० नं०-यूके०/885/2018



Solemnly affirmed before me on this 24 day of July, 2023 at about 4:30 PM by the deponent who has been identified by the aforesaid advocate.

I have satisfied myself by examining the deponent who understood the contents of this affidavit, which has been read over and explained to him.

Notary

Pik



This affidavit is sworn before me by
shri... Dr. Raj Kumar Chaturvedi
who is identified by shri... D. Y. M. K. Pant
at Doiwala Dehradun
Bir Singh
Advocate Notary
Doiwala Dehradun
24.7.2023



LIFE
Lifestyle For
Environment

G243
FIRST PRIORITY
पर्यावरण संरक्षण
ONE BIRTH - ONE FAMILY - ONE FUTURE

मुख्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"
46वीं, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून
E-mail : msukpcb@yahoo.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-568 / 2023 / 529,
स्पीड पोस्ट

दिनांक 24.07.2023

सेवा में,

डा0 आर0 के0 चतुर्वेदी
क्षेत्रीय अधिकारी
क्षेत्रीय कार्यालय,
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
ई-115 नेहरू कॉलोनी, देहरादून।

विषय:- मा0 एन0जी0टी0 में योजित मूल आवेदन सं0 353/2022 कार्तिक शर्मा बनाम उत्तराखण्ड राज्य के सम्बन्ध में।

महोदय,

उपरोक्त विषयक प्रकरण मा0 एन0जी0टी0 में सूचीबद्ध है। उक्त विषयक प्रकरण में उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड द्वारा मा0 एन0जी0टी0 में Compliance Affidavit दाखिल किया जाना है। विषयगत प्रकरण में राज्य बोर्ड की ओर से Compliance Affidavit दाखिल किये जाने हेतु डा0 आर0 के0 चतुर्वेदी, क्षेत्रीय अधिकारी, क्षेत्रीय कार्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून, को नामित किया जाता है।

डा0 चतुर्वेदी को निर्देशित किया जाता है कि वे राज्य बोर्ड के अधिवक्ता श्री मुकेश वर्मा से सम्पर्क कर मा0 एन0जी0टी0 में Compliance Affidavit दाखिल करने का कष्ट करें। Compliance Affidavit संलग्नकों सहित प्रेषित है।

संलग्नक: यथोपरि।

भवदीय

(एस0 के0 पटनायक)

सदस्य सचिव

etc
hr

पत्रांक : यूकेपीसीबी / एच.ओ. / सा0-183-568 / 2023 / तददिनांकित।

प्रतिलिपि:- श्री मुकेश वर्मा, अधिवक्ता, 50 जी.एल. सांगी ब्लॉक लायर्स चैम्बर, सुप्रीम कोर्ट ऑफ इंडिया, नई दिल्ली को सूचनार्थ सादर प्रेषित।

सदस्य सचिव

etc
hr