

BEFORE THE PRINCIPAL BENCH OF NATIONAL GREEN TRIBUNAL
AT DELHI

ORIGINAL APPLICATION No. 389/2018
[Earlier O.A. No. 237/2013 (THC)]

In the matter of:

Court on its own motion

----- Petitioners.

Versus

State of H.P.&Ors.

----- Respondents

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(Vikas Mahajan)
Addl. Advocate General

Place: New Delhi

Date: .02.2020

**BEFORE THE PRINCIPAL BENCH OF NATIONAL GREEN TRIBUNAL
AT DELHI**

**ORIGINAL APPLICATION No. 389/2018
[Earlier O.A. No. 237/2013 (THC)]**

In the matter of:

Court on its own motion

----- Petitioners.

Versus

1. State of H.P. Through the Additional Chief Secretary (Forests) to the Government of Himachal Pradesh, Shimla-2.
2. H.P. Pollution Control Board through its Member Secretary, New Shimla.
3. Deputy Commissioner, Kullu, District Kullu, H.P.
4. Principal Secretary (Tourism) to the Govt. of H.P. Shimla.
5. Principal Secretary (Forests) to the Govt. of H.P. Shimla.
6. HIMURJA through its Chief Executive Officer, Shimla.

----- Respondents

Status report in compliance to the orders of the Hon'ble NGT dated 20.11.2017, 09.10.2018 and in compliance to the order dated 10-10-19 in O.A. 389/18 [earlier 237(THC)/2013].

MAY IT PLEASE YOUR LORDSHIPS:-

This Hon'ble Tribunal vide order dated 20.11.2017 had directed the State Government to file quarterly status report on the steps taken for the implementation of the directions passed by the Hon'ble Tribunal and also directed vide order dated 9.10.18 in O.A. 389/18 [earlier 237(THC)/2013] to file periodic reports on the progress made on the implementation of the orders of the Hon'ble Tribunal.

The Hon'ble Tribunal vide order dated 10.10.2019 directed that further Quarterly Status Report may be filed before the Hon'ble Tribunal by e-mail at ngt.filing@gmail.com

Attested
4/02/2020
Executive Magistrate
Shimla-02

Secretary (Env., S&T) to the
Govt. of H.P.
Shimla-171002

It is submitted that a review meeting was convened by the Secretary (Env., S & T) on dated 20-01-2020 to review the implementation status of the orders of the Hon'ble National Green Tribunal. The department wise steps taken/compliance status with respect to implementation of the orders of the Hon'ble National Green Tribunal is submitted as under:

A. Local Administration/ Deputy Commissioner, Kullu.

The Deputy Commissioner, Kullu has submitted following status on the implementation of the directions of the Hon'ble Tribunal.

(i) Ropeway from Palchan to Rohtang:

The Conservator of Forests, Kullu has informed that Stage-1 Forest Clearance has already been granted by the MoEF& CC, GOI for the diversion of 8.98 Ha. of forest land in favour of Manali Ropeway Pvt. Ltd. for the construction of the Palchan- Rohtang ropeway project.

Now the Project Proponent has deposited Net Present value (NPV) and Compensatory Afforestation amount of Rs.1,13,36,324/- as well Rs. 1,16,35,274/- towards cost of trees and departmental charges with the Forest Department and the case for Stage-II forest clearance has been sent by the Nodal Officer (FCA), Government of HP to the MoEF & CC on 18-01-2020.

The Chief Conservator of Forests (Wildlife) has also informed that proposal for the declaration of Eco-sensitive Zone with respect to Manali Wildlife Sanctuary has been prepared *de-novo* and has been sent by the PCCF (Wildlife), Himachal Pradesh to the MoEF&CC, GOI on 1-11-2019.

(ii) Construction of Sewage Treatment Plant at Marhi

a) Providing of Sewer Network upto Sewage Treatment Plant (STP) Site:

The work was awarded by the I&PH Department to the contractor on dated 27.09.2018 as per the timelines fixed. The sewer line of this work has been laid and work for the construction of RCC Chambers has been completed.

b) Providing and setting up of STP at Marhi:

Attested
4/2/2020
Executive Magistrate
Shimla-02

Secretary (Env. S&T) to the
Govt. of H.P.
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The Executive Engineer, I&PH Department, Manali has informed that due to excessive water accumulation at the existing site, the work of construction of STP was hindered and alternative site was finalized. Now, the tender has been awarded and execution work of the STP is in progress.

c) Improvement/Up-gradation of STP at Manali:

The Executive Engineer (I&PH), Kullu informed that the Administrative Approval and Expenditure Sanction for Rs. 6.61 Crores has been accorded by the Government for the up-gradation of the STP at Manali. Tenders were called twice but these could not be finalized due to receipt of insufficient bids. Now, after calling the tenders again and evaluation of the technical bids, the financial bids have also been opened on 20-01-2020 and the work shall be awarded shortly.

(iii) Development of parking facilities.

The Executive Engineer, PWD has informed that two parking places with adequate parking facilities to cater the present needs have been already developed near Gulaba.

The DTDO, Kullu has informed that an estimate of Rs. 1,04,14,545/- given by the PWD for the development of third parking at Gulaba for 70-80 vehicles has been sanctioned and an amount of Rs. 50.00 Lakhs has been released to the Public works Department (PWD) for the early execution of developing parking at Gulaba.

(iv) Construction of Eco-friendly Market at Marhi and allotment of restaurants /shops at Marhi:

The Construction work of Eco-friendly market at Marhi comprising fourteen restaurants have been completed and possession of all these restaurants have been given to the stakeholders through a transparent process.

The Executive Engineer, PWD (Mechanical) has informed in the review meeting held on 20-01-2020 that construction of

Accepted
4/2/2020
Executive Magistrate
Shimla-02

Secretary (Env., S&T) to the
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Shimla-171002

remaining six shops has also been completed and the allocation process shall be completed shortly.

(v) Development of Solid Waste Management Facility at Manali.

The Deputy Commissioner, Kullu has informed that Waste to Energy Facility for the Management of the Solid Waste is being established at the existing site at Rangri in Manali.

First section of the Solid Waste Management Facility for the production of the Refuse Derived Fuel (RDF) has been made fully operational. About 30-35 tonnes of RDF is produced per day which is being further sent to ACC Barmana for co-processing. The process for establishing the second section i.e. Waste to Energy is ongoing and shall be completed shortly. The concessionaire is making efforts to set up second section and has ensured to complete the same before July, 2020.

B. Forest Department

(i) Establishment of Nature Park at Gulaba :

The Conservator of Forests, Kullu informed that detailed plan for establishment of Nature Park at Gulaba has been prepared. An amount of Rs.35 Lakhs has been received for the establishment of this Park.

The tender of fencing and construction of Nature Trail has been processed and work has been started. The Sky cycling has been introduced which will be first of its kind. The trial run for the sky cycling has been done and some issues with respect to safety remain to be resolved before making it operational. The Mountaineering Institute, Manali has been asked to make necessary arrangements for the safe operations of Sky Cycling and make it operational during the coming Tourist Season.

C. Transport Department:-

(i) Operation of Electric Buses.

Admitted
4/8/2020
Executive Magistrate
Shimla-02

Secretary (Env., S&T) to the
Govt. of H.P.
Shimla-171002

The Transport department has submitted report in compliance to the orders of the Hon'ble National Green Tribunal. The latest status is as follows:-

After the successful trial of operation of electric buses on Rohtang stretch, 25 Electric Buses were procured by the Himachal Road Transport Corporation (HRTC). Seven charging points have been installed at Manali, Four at Kullu and Four at Mandi.

Himachal Road Transport Corporation started operation of electric buses at Rohtang stretch w.e.f November 2017. During Tourist season electric buses are operated on Manali-Rohtang route after opening of the road for vehicular traffic. After closing of the tourist season and closing of road due to snowfall these buses are plied on other local routes.

In the review meeting held on 20-01-2020, It was discussed that plying of small electric buses on a difficult hilly terrain such as Manali- Rohtang route would be more efficient instead of long electric buses and decided that Transport Department may request Department of heavy industries, GOI with regard to availability of suitable electric buses for the difficult hilly areas which can be operated for a longer duration during inclement weather conditions.

(ii) Installation of Weigh- in-Motion Bridge.

The Transport Department has installed Weigh-in-Motion Bridge at Bahang barrier to check the vehicles for overloading. This Weigh-in -Motion Bridge is functional.

(iii) Development of Software

D.C Kullu has informed that the Software for the regulation of the check posts is being developed with the assistance of NIC.

D. H.P State Pollution Control Board.

The Member Secretary H.P. Pollution Control Board has submitted the latest status as follows:-

Advised
4/2/2020
Executive Magistrate
Shimla

Secretary (Envt., S&T) to the
Govt. of H.P.
Shimla-171002

(i) Ambient Air Quality Monitoring.

Ambient Air Quality Monitoring Data of Rohtang Area for the month of December 2019

Sr.No	Location	Date	Time	Results in ug/m ³					
				RSPM	NOx		SO ₂		NH ₃
1.	Bahang	04-12-2019	08:00 AM – 04:00 PM	49.62	BDL	BDL	BDL	BDL	2.98
2.	Bahang	17-12-2019	08:00 AM – 04:00 PM	30.56	BDL	BDL	BDL	BDL	3.16
3.	Bahang	23-12-2019	08:00 AM – 04:00 PM	39.96	BDL	BDL	BDL	BDL	2.63

BDL - Below Detection Limit, Detection Limit for Nox parameter is 9.0 µg/m³, Detection Limit for SO₂ parameter is 4.0 µg/m³

(ii) Vehicular emission checking-cum awareness: -

Camps were organized at Bhang barrier, in association with Transport department & Police authorities on dated 04.12.19., 17.12.19, 23.12.19 regarding vehicular emission checking-cum awareness. The detail of respective vehicle emission checking is as below:

Date of Inspection	No. of vehicles checked	No. of Vehicles found with PUC/meeting Emission Norms	No. of Vehicles without PUC/ violating Emission Norms.
04-12-2019	128	128	Nil
17-12-2019	59	58	1
23-12-2019	327	317	10

(iii) Sewage Treatment Plant, (STP), Manali: The Regional office, Kullu is inspecting the Sewage Treatment Plant on monthly basis and is also collecting samples which are being analyzed at Regional Laboratory, Sundernagar and results are as below:

Date of collection	BOD (mg/l)	COD (mg/l)	O&G (mg/l)	pH	TSS (mg/l)	Limit
23-12-2019	34	160	1.2	6.34	53	Above limit for BOD, Notice has been issued to the EE, I&PH Deptt vide no.PCB/RO Kullu(476) I&PH/Vol-II/2010-3125 dated 15-01-2020.

Executive Monitoring
4/2/2020

Secretary (Env., S&T) to the Govt. of H.P. Shimla-171002

PRAYER

It is most respectfully prayed that the present status report may be taken on record and an appropriate order in the interest of justice may be passed.

Jay Singh
Respondent No. 1
Secretary (Env., S&T) to the
Govt. of H.P.
Shimla-171002
Through

(VIKAS MAHAJAN)
Additional Advocate General

Dated: 4/2/2020

Shimla

Jay Singh
Executive Magistrate
Shimla-02
4/2/2020

Jay Singh
Secretary (Env., S&T) to the
Govt. of H.P.
Shimla-171002

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AFFIDAVIT

I, Rajneesh S/o Sh. R.R. Garg aged 47 years, presently posted as Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh at Shimla, do hereby solemnly affirm and declare on oath as under:

1. That in my capacity as Secretary (Environment, Science & Technology) to the Government of Himachal Pradesh I am competent to swear this affidavit.
2. That the contents of this status report are true and correct to my knowledge derived on the basis of records.

VERIFICATION

Verified at Shimla on 4th day of February 2020, that the contents of above status affidavit are correct to best of my knowledge and belief, as derived from official record and nothing material has been concealed there from.

NO-26/2020
Declared before me on 4th day of Feb.
2020 on oath (Solemnly affirmation)
by Shri Rajneesh Garg (E.S.&T)
who is personally known to the or who is the
has been identified by Sh. _____ Govt. H.P.
who is personally known to me /

Executive Magistrate
SHIMLA

Rajneesh Garg
Secretary (Env. S&T) to the
Govt. of H.P.
Shimla-171002
DEPONENT

Rajneesh Garg
Secretary (Env. S&T) to the
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