

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO 485OF 2023

IN THE MATTER OF:-

DIWAN SINGH

...APPLICANT

VERSUS

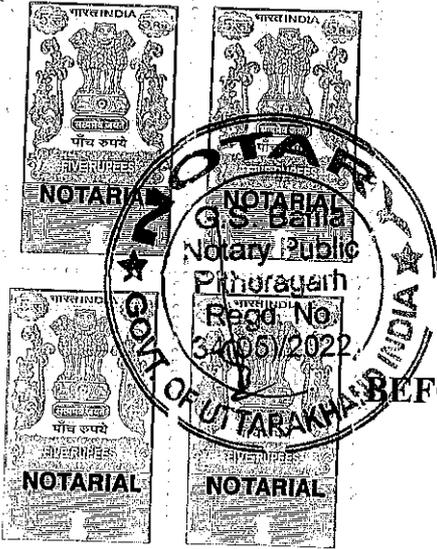
STATE OF UTTARAKHAND & ORS

...RESPONDENTS

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Dated: 20.04.2024



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO 485OF 2023

IN THE MATTER OF:-

DIWAN SINGH

...APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS

...RESPONDENTS

REPLY BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO- 03

DISTRICT MAGISTRATE, PITHORGARH, UTTARAKHAND IN

COMPLIANCE OF THE DIRECTIONS PASSED BY THE HON'BLE

NATIONAL GREEN TRIBUNAL VIDE ORDER DATED 22.11.2023 &

30.1.2024

I Reena Joshi AGE 39 years W/O Shri Chandra Shekhar Joshi, presently posted as district magistrate, Pithoragarh, Uttarakhand, do hereby solemnly affirm and declare

as under:

Solemnly Affirmed before me to day
At.....
By.....
he deponent is identified by Sri/K.m./
Smt.....
have said and declared by examining that
s/he understood the Contents of.....
- Date/Document

Reena Joshi D.M. Pithoragarh

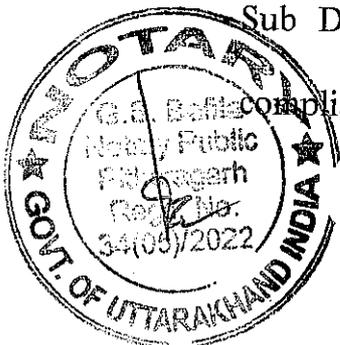
20/04/24

GANGA SINGH BAFILA
Advocate
Notary Public
Distt. Pithoragarh (U.K.) India
Regd No 34(05)/2022

1. I say that in my aforementioned official capacity, I am acquainted with the facts and circumstances of the present case and I am fully competent to file present reply by way of affidavit in the present case.
2. That the matter was listed for hearing 22.11.2023 and this Hon'ble was pleased to pass the following order:

"6. Notice be served on the Project Proponent- M/s. Khutani Power Company Ltd. Village Bankot Tehsil GanaiGangoli District Pithoragadh, Uttarakhand through District Magistrate, Pithoragarh and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Pithoragarh by E-mail for getting service of the same effected on it and sending his report in this regard."

3. That in compliance of the above it is stated that the notice dated 13.12.2023 for respondent no. 5 M/s Khutani Power Company Ltd. was served on 05.01.2024 through the Sub Divisional Magistrate Gangolihat to the representative of the company. That the copy of the compliance is Annexed herewith.
4. That in compliance of the above it is stated that in report was sought by the Sub Divisional Magistrate Gangolihat of the verifications of the three compliances suggested by the Joint Committee vide report dated:



A handwritten signature in black ink, appearing to be 'S' followed by a flourish.

26.09.2023 at the project site by respondent no 5. That in its report dated 27.01.2024 it is stated that :-

- a. Suggestion no 1: On 26.09.2023 in on-site inspection It was found by the Joint committee that previously some muck was dumped by respondent no 5 on muck dumping site 01 situated in village Batgeri. At present temporary no dumping is being done by R 5.

That few temporary tin shades have been built by the respondent no 5 at the Muck dumping site 01. That previously, debris was finely disposed off on this site by respondent no 5. That disposed off debris is at the distance of 50 m from the river. It is submitted that debris is not been disposed at present. It has been apprised by respondent no 5 that being done on the site. It is further submitted that dumping on the said will only be done after construction of the retaining wall as suggested by the Joint committee.

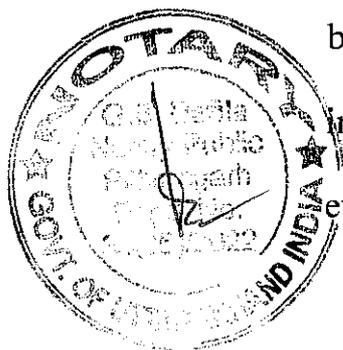
- b. Suggestion no 2: That the muck dumping site 03 is situated in Village Bhanmati as per the joint committee report dated 26.09.2023. As per the report received it is submitted that no dumping has been done by the respondent no 5 on the site. It has been informed by the project manager that before starting the sludge dumping, a retaining wall of appropriate height will be constructed leaving a distance of 30 meters



[Handwritten Signature]

from the river and the sludge will be disposed within it. The project manager has been instructed to follow the suggestions given by the joint committee before starting the dumping of sand on Muck Dumping site 3.

- c. Suggestion no 3: In compliance of the directions passed by Hon'ble National Green Tribunal directions were issued to the Project Manager of respondent no 5 to submit the revised mud dumping plan in order of which it has been informed that the process of preparing the revised anti-dumping plan by the respondent no 5 is in progress.
- d. Suggestion no 4: In order of suggestion no 4 of joint committee report dated 26.09.2023 it is submitted that as per the investigation and technical report of Director Energy Cell, Uttarakhand Government received vide letter dated 22.01.2024 from Secretary, Energy and Alternative Energy Section -1, Government of Uttarakhand, it was apprised that prima facie the excavation work done for the Tunnel work of Khutani Project is not the reason for the cracks in houses of Village Sirsoli. That main caused of the cracks in the buildings have been found to be low quality building construction system, inappropriate design, over loading, low quality construction material etc. That the copy of the letter is Annexed herewith.

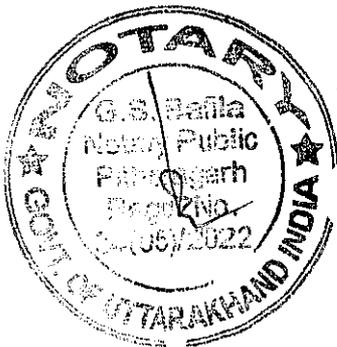


e. That further it is also submitted herein that respondent no 5 despite giving instructions respondent no 5 has not complied with the suggestions given in the report given by the Joint Committee dated 26.09.2023. That the copy of the directions are annexed herewith.

5. That the aforesaid case was again listed on 30.01.2024 before this Hon'ble tribunal and the Hon'ble court was please to grant time to file response:

"14. CPCB shall be nodal agency for coordination and compliance in the matter. 15. The report with regard to causes of cracks developed in residences of local people, after examining the matter in detail, shall be submitted within two months 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.

13. Further, to complete the record, to find out whether cracks have developed in the residences of local people due to activities of Respondent 5 or there are some other reasons, it is appropriate to constitute an Expert Joint Committee to give its report on the subject. The Committee would comprise of an expert on the subject to be nominated by Director of Wadia Institute of Himalayan Geology, Dehradun, subject expert to be nominated by Director of Institute of Seismological Research, Gandhinagar, Central Pollution Control Board (hereinafter referred to as "CPCB"), Regional Officer, Ministry of Environment, Forests and Climate Change, Dehradun and Collector, Pithoragarh.



16. *The other respondents who have not filed their response till date, may do so within one month.*"

6. That It is submitted that in compliance of the above Expert Joint Committee visited the site in question on 11-12 March 2024.

"Based on the field visit, observations and available information, the Joint Committee submitting the following:

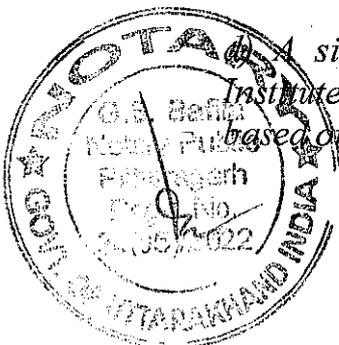
Looking into all the aspects, past reports and on-site inspection, the causes of the development of cracks in the houses at both villages can be summarized as below:

a) *The houses are mostly constructed over colluvial deposit without concrete base slab as such the weight of the overburden (i.e. of the houses) must have distributed un-evenly that resulted in the development of cracks and bulging of the walls.*

b) *The houses are constructed using small rock slabs without cementing materials, only the outer sides of the walls have been plastered either by cement and sand, or locally available materials (mixtures of mud and twigs and cow dungs). The roof slabs are constructed over the top of loosely made walls without proper pillars and beams. The weight of the loosely placed small slabs along with that of the roof slab have resulted in redistribution of the overburden weight that led to the development of cracks and bulging of the walls in the houses.*

c) *Based on the field observations and information collected, it can be concluded that at present cracks observed in the houses of the Villages Batgeri and Sirsauli's are due to local construction practices, materials used and local site conditions. These are not developed due to works carried out by M/s. Khutani Power Company Ltd. (project proponent no.5) at the project construction site.*

A site-specific seismic study may be carried out for the project by Institute of repute. The design calculations of various structures shall be based on seismic coefficient arrived at from such study.



e) *The boundary wall height needs to be enhanced to about 6.0 ft, toward River Saryu to avoid the spillage of debris from muck dump site no. 2.*

f) *Project proponent should submit the action plan to local concern authorities for stabilization of all muck dump site appropriately & concern authority required to review the same periodically and verify the compliance.*

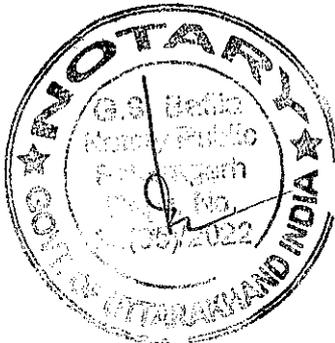
g) *The debris excavated or any disposable material should not be discharged/ disposed on the bank of River Saryu or at any non-identified places. It must be disposed of as per conditions laid down in the Consent to Establish (CTE). The SPCB must periodically monitor and ensure strict compliance of the CTE issued.*

That the report of the Expert joint committee is annexed herewith.

7. It is submitted herein that as per the joint committee report dated 26.09.2023

it was found that Muck dumping site 1 situated in village Batgeri one ramp and dock yard of stone crusher was found without consent of state Authorities. It is submitted herein that letters have issued to the Pollution Board Headquarters for imposing environment compensation and necessary action. That the copy of the letter is Annexed herewith.

8. That the respondent herein reserves his right to submit his reply in detail on any specific application/contention by other respondents/complainant.




Deponent

VERIFICATION:

Verified at 2:32 on 20 Day of April 2024 that the contents of the above affidavit are true and correct to my knowledge and no part of it is false therein and nothing has been concealed therefrom.

Place: Pithoragarh

[Signature]
Deponent.

Date: 20.04.2024

Solemnly Affirmed before me to day

At 2:32 P.M.

by Deena Jishi D.M. Pithoragarh

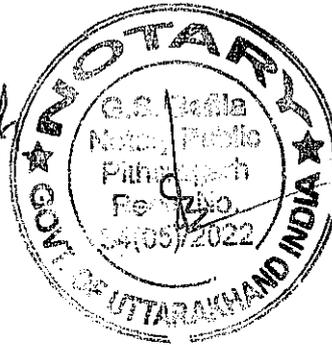
the deponent is identified by Sri/K.M./

Smt. Smt.

I have satisfied my self by examining that

he/she underst and the Contents of this

affidavit/Document



[Signature] 20/04/24
GANGA SINGH BAFILA
Advocate
Notary Public
Distt. Pithoragarh (U.K.) India
Regd. No. 34(05)/2022

Item No.04

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.485/2023

Diwan Singh

Applicant

Versus

State of Uttarakhand & Ors.

Respondents

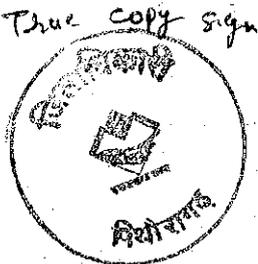
Date of hearing: 22.11.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr. Rahul Verma AAG for State of Uttarakhand &
UJVN. (Through VC).
Mr. Mukesh Verma Advocate for UKPCB. (Through VC).**Application is registered based on a letter petition received by Post****ORDER**

1. Report of the Joint Committee report has been filed vide email dated 18.11.2023.
2. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to seek response thereto from (1) State of Uttarakhand through its Chief Secretary, (2) Uttarakhand Jal Vidyut Nigam through its Managing Director (3) District Magistrate, Pithoragarh, (4) Uttarakhand Pollution Control Board through its Member Secretary and (5) M/s. Khutani Power Company Ltd, Village Bankot Tehsil Ganai Gangoli District Pithoragadh, Uttarakhand who are impleaded as respondents no. 1 to 5. Memo of parties be prepared and attached with the application accordingly.

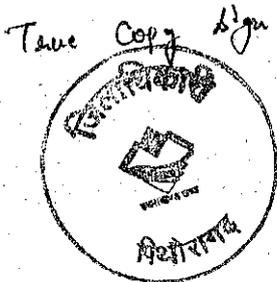


3. Mr. Rahul Verma AAG is appearing for State of Uttarakhand & UJVN and Mr. Mukesh Kumar Verma, advocate is appearing for UKPCB and they seek time to file reply/response on their behalf.
4. Reply/response on behalf of State of Uttarakhand, UJVN and UKPCB be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
5. The Registry is directed to issue notices to respondents no. 3 and 5 requiring them to file reply/response within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. Notice be served on the Project Proponent- M/s. Khutani Power Company Ltd. Village Bankot Tehsil Ganai Gangoli District Pithoragadh, Uttarakhand through District Magistrate, Pithoragarh and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Pithoragarh by E-mail for getting service of the same effected on it and sending his report in this regard.
7. List for further consideration on 30.01.2024.
8. A copy of this order be forwarded to the District Magistrate, Pithoragarh by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 22nd, 2023
N



आवश्यक / समयबद्ध

कार्यालय जिलाधिकारी, पिथौरागढ़।

संख्या : 432 / XXXI-विविध / 2023

दिनांक 16, दिसम्बर, 2023

उपजिलाधिकारी,
गंगोलीहाट।

विषय : For Compliance of order dated 22.11.2023 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi.

उपरोक्त विषयक मा0 एन0जी0टी0 द्वारा विचाराधीन मूल आवेदन संख्या-485/2023 में आदेश दिनांक 22.11.2023 (प्रति संलग्न) पारित किये गये हैं, जिसमें मा0 एन0जी0टी0 द्वारा निम्न निर्देश दिये गये हैं-

5. The Registry is directed to issue notices to respondents no. 3 and 5 requiring them to file reply/response within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. Notice be served on the Project Proponent- M/s. Khutani Power Company Ltd. Village Bankot Tehsil Ganai Gangoli District Pithoragadh, Uttarakhand through District Magistrate, Pithoragarh and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Pithoragarh by E-mail for getting service of the same effected on it and sending his report in this regard.

विषयगत प्रकरण में मा0 एन0जी0टी0 द्वारा प्रतिवादी संख्या- 03 एवं 05 को नोटिस दिनांक 13.12.2023 (प्रति संलग्न) निर्गत करते हुए, मामले में सुनवाई हेतु निर्धारित तिथि 30.01.2024 को मा0 एन0जी0टी0 के समक्ष स्वयं अथवा जरिये अधिवक्ता प्रस्तुत होने हेतु आदेशित किया गया है।

अतः आपको निर्देशित किया जाता है कि प्रकरण में शासकीय पक्ष प्रस्तुत किये जाने हेतु विस्तृत एवं सुस्पष्ट आख्या दिनांक 10.01.2024 तक अनिवार्य रूप से इस कार्यालय को उपलब्ध कराना सुनिश्चित करें। इसके अतिरिक्त मा0 एन0जी0टी0 द्वारा निर्गत नोटिस की प्रति प्रतिवादी संख्या-05 M/s Khutani Power Company Ltd. को तत्काल हस्तागत/तामिल कराते हुए, दूसरी प्रति में प्राप्ति स्वरूप सातिथि हस्ताक्षर प्राप्त कराकर उपलब्ध कराना सुनिश्चित करें।

प्रकरण महत्वपूर्ण एवं मा0 एन0जी0टी0 द्वारा पारित आदेश के अनुपालन से सम्बन्धित है, जिसमें आपका व्यक्तिगत ध्यान अपेक्षित है।

संलग्न : उक्तानुसार।

True copy sign



कार्यालय
जिलाधिकारी, पिथौरागढ़
पत्रांक 15.13... 16/12/23

(Signature)
(रीना जोशी)

जिलाधिकारी, पिथौरागढ़।

BY EMAIL/SPEEDPOST A. D
BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 485/2023

Diwan Singh Vs State of Uttarakhand & Ors.

To

1. District Magistrate, Pithoragarh

Email: pitdm@ua.nic.in

Respondent No. 3

2. M/s. Khutani Power Company Ltd.

Village Bankot Tehsil Ganai Gangoli

District Pithoragadh, Uttarakhand

Respondent No. 5

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 22.11.2023 (copy of order, petition and reports is enclosed), when the Hon'ble Tribunal Inter-alia passed the following order (reproduced relevant extracts only):-

"2. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to seek response thereto from (1) State of Uttarakhand through its Chief Secretary, (2) Uttarakhand Jal Vidyut Nigam through its Managing Director (3) District Magistrate, Pithoragarh, (4) Uttarakhand Pollution Control Board through its Member Secretary and (5) M/s. Khutani Power Company Ltd, Village Bankot Tehsil Ganai Gangoli District Pithoragadh, Uttarakhand who are impleaded as respondents no. 1 to 5. Memo of parties be prepared and attached with the application accordingly.

5. The Registry is directed to issue notices to respondents no. 3 and 5 requiring them to file reply/response within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. Notice be served on the Project Proponent- M/s. Khutani Power Company Ltd, Village Bankot Tehsil Ganai Gangoli District Pithoragadh, Uttarakhand through District Magistrate, Pithoragarh and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Pithoragarh by E-mail for getting service of the same effected on it and sending his report in this regard.

7. List for further consideration on 30.01.2024."

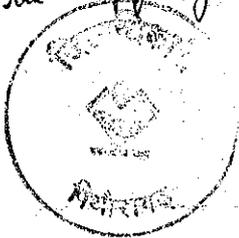
2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 30.01.2024, at Faridkot House, Copernicus Marg, New Delhi-110001 through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file Reply/response, within two months, as per directions of the Hon'ble Tribunal vide Order dated 22.11.2023.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 13th December, 2023.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)

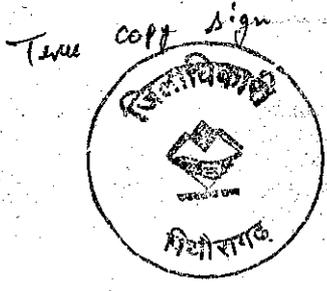
Consultant (Judicial), NGT



महोदय,
नोटिस को संकें प्रति स्कॉडर-2, खुदानी पावर
कम्पनी श्री केशव जैधर को हस्तांत कर विधिवत
तारीख किच गज.

5/1/2024
राजस्थान प्रमाणिक
पट्टी: 2000/2/कां
वडसील: 2000/2/कां
खनपुर- पिथौरागढ़

अवलोकित
06/01/2024



कार्यालय उपजिलाधिकारी गंगोलीहाट (पिथौरागढ़)
संख्या-58 / विविध-खुटा0पा0-एन0जी0टी0 / 22-23 दिनांक 21 जनवरी 2024
सेवा में,

जिलाधिकारी,
पिथौरागढ़।

विषय- For Compliance of order dated 22-11-2023 passed by Hon'ble
National Green Tribunal, Principal Bench, New Delhi.

महोदय,

कृपया उपरोक्त विषयक, पत्र संख्या-432/XXXI-विविध/2023 दिनांक 16 दिसम्बर 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा मा0 एन0जी0टी0 द्वारा विचाराधीन मूल आवेदन संख्या-485/2023 में प्रतिवादी संख्या-05 M/s Khutani Power Company Ltd. को मा0 एन0जी0टी0 द्वारा निर्गत नोटिस की प्रति तामिल करवाते हुये प्रकरण में शासकीय पक्ष प्रस्तुत किये जाने हेतु स्पष्ट आख्या दिनांक 10 जनवरी 2024 तक उपलब्ध कराये जाने की अपेक्षा की गयी है।

2- प्रकरण के सम्बन्ध में अधोहस्ताक्षरी कार्यालय के पत्र संख्या-36/01/विविध-खुटा0पा0-एन0जी0टी0/22-23 दिनांक 09 जनवरी 2024 के द्वारा आख्या पूर्व में महोदय के अवलोकनार्थ प्रेषित की जा चुकी है।

3- उक्त प्रकरण में महोदय द्वारा सयुक्त निरीक्षण रिपोर्ट दिनांक 26.09.2023 में सुझाव संख्या 1 से लेकर 3 में अनुपालन आख्या उपलब्ध काराए जाने के निर्देश दिए गए हैं। संबंधित प्रकरण में तहसीलदार गणाई गंगोली हो जॉचोपरान्त आख्या उपलब्ध काराए जाने के निर्देश दिए गए हैं। संबंधित प्रकरण में राजस्व उप निरीक्षक वनकोट/ग्वाडी तहसील गणाई गंगोली द्वारा दिनांक 25.01.2024 को बिन्दुवार आख्या उपलब्ध करायी गयी है जो निम्नप्रकार है-

1. संयुक्त कमेटी की स्थलीय निरीक्षण आख्या दिनांक 26.09.2023 के सुझाव 01 के संबंध में सादर अवगत कराना है कि खुटानी जल विद्युत परियोजना को मक डम्पिंग साईड 01 ग्राम बटगोरी अन्तर्गत स्थित है। मक डम्पिंग साईट-1 में कम्पनी द्वारा पूर्व में कुछ मात्रा में मक डम्पिंग किया गया है, साईट-1 में लम्बे समय से कम्पनी द्वारा मक डम्पिंग नहीं की जा रही है, मक डम्पिंग साईट-1 में वर्तमान में कम्पनी द्वारा कुछ अस्थाई टिन रोड बनए गये है, पूर्व में परियोजना द्वारा इस क्षेत्र में सूक्ष्म रूप से मलुवा निस्तारित किया गया था, निस्तारित मलुवा नदी से 50 मी0 दूरी से अधिक है। वर्तमान में कोई मलुवा निस्तारण नहीं किया जा रहा है।

मा0 एन0जी0टी0 द्वारा पारित निर्देशों का पूर्ण अनुपालन हेतु परियोजना प्रबन्धक, खुटानी पावर प्रोजेक्ट को निर्देशित किया गया है, जिसका सब डिविजन स्तर पर अनुश्रवण किया जा रहा है।

परियोजना प्रबंधक द्वारा बताया गया है, कि मक डम्पिंग किये जाने से पूर्व संयुक्त कमेटी के सुझाव के अनुरूप रिटेनिंग वाल निर्माण के पश्चात ही मक डम्पिंग किया जायेगा। (फोटोग्राफ संलग्न है)

2. संयुक्त कमेटी की स्थलीय निरीक्षण आख्या दिनांक 26.09.2023 के सुझाव 02 के संबंध में अवगत कराना है, कि मक डम्पिंग साईड-3 ग्राम भानमती

True copy 5/1



अन्तर्गत स्थित है। मक डम्पिंग साइट-3 में वर्तमान तक कोई डम्पिंग की गयी है। परियोजना द्वारा मक डम्पिंग प्रारम्भ किये जाने से पूर्व नदी से 30 मीटर की दूरी छोड़ते हुये समुचित ऊँचाई की रिटेनिंग दीवार का निर्माण कर उसके भीतर ही मक का निस्तारण किया जायेगा। (फोटोग्राफ संलग्न है)

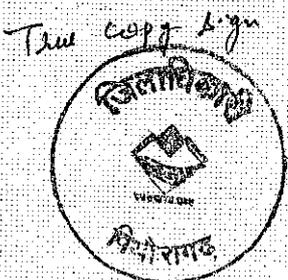
परियोजना प्रबन्धक को मक डम्पिंग साइट-3 पर मक डम्पिंग प्रारम्भ किए जाने से पूर्व संयुक्त कमेटी द्वारा दिए गए सुझावों का अनुपालन किए जाने के निर्देश दिए गए है।

3. संयुक्त कमेटी द्वारा मक डम्पिंग हेतु संशोधित प्लान तैयार कर स्वीकृति प्राप्त करने का सुझाव दिया गया है। मा0 एन0जी0टी0 द्वारा पारित निर्देशों के अनुपालन में संशोधि तमक डम्पिंग प्लान हेतु परियोजना प्रबन्धक, खुटानी पावर प्रोजेक्ट को निर्देशित किया गया है, जिसके क्रम में परियोजना प्रबन्धक खुटानी पावर कम्पनी द्वारा कार्यवाही गतिमान होना अवगत कराया गया है, प्रकरण का सब डिविजन स्तर पर अनुश्रवण किया जा रहा है।

महोदय इसके अतिरिक्त प्रबन्धक परियोजना खुटानी पावर कम्पनी द्वारा संयुक्त कमेटी की स्थलीय निरीक्षण आख्या दिनांक 26.09.2023 के द्वारा दिये गये सुझावों के अनुसार कार्य/अनुपालन नहीं किया गया है, जबकि प्रबन्धक परियोजना खुटानी पावर कम्पनी को संयुक्त निरीक्षक आख्या दिनांक 26.09.2023 का शत-प्रतिशत अनुपालन किये जाने हेतु पूर्व में निर्देश दिये गये है, जिसकी प्रति संलग्न है।

अतः उक्तानुसार सूचना महोदय की सेवा में सादर प्रेषित की जा रही है।
संलग्नक- उक्तानुसार।

भवदीय,
/s/ (भगत सिंह फोनिया)
उपजिलाधिकारी,
गंगोलीहाट।



प्रेषक,

जिलाधिकारी,
पिथौरागढ़।

सेवा में,

श्री राहुल वर्मा,
अधिवक्ता, मा0 सर्वोच्च न्यायालय/मा0 एन0जी0टी0,
अपर महाधिवक्ता, उत्तराखण्ड राज्य,
137, टॉवर नं0 10
सुप्रीम एनक्लेव, मयूर विहार फेज-1
नई दिल्ली (110091)

संख्या : 1256 / XXXI-विविध/2023-24

दिनांक 27 जनवरी, 2024

विषय : For Compliance of order dated 22.11.2023 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi.

महोदय,

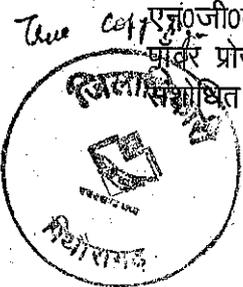
उपरोक्त विषयक कृपया अपने ई-मेल पत्र दिनांक 30.11.2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा मा0 राष्ट्रीय हरित प्राधिकरण में विचाराधीन मूल आवेदन संख्या- 485/2023 में पारित आदेश दिनांक 22.11.2023 की प्रति उपलब्ध कराते हुए प्रकरण में आवश्यक कार्यवाही किये जाने की अपेक्षा की गयी है।

इस सन्दर्भ में अवगत कराना है कि उक्त विचाराधीन मूल आवेदन में मा0 एन0जी0टी0 द्वारा निर्गत नोटिस दिनांक 13.12.2023 की तामिली दिनांक 05.01.2024 को प्रतिवादी संख्या-05 M/s Khutani Power Company Ltd. के प्रतिनिधि को उप जिलाधिकारी गंगोलीहाट के माध्यम से करायी गयी (संलग्न प्रति)। प्रतिवादी संख्या-05 मै0 खुटानी पावर कम्पनी प्रा0लि0 द्वारा परियोजना स्थल पर समिति द्वारा सुझाये गये उपयोग के अनुपालन का सत्यापन उप जिलाधिकारी, गंगोलीहाट के माध्यम से कराया गया। उप जिलाधिकारी, गंगोलीहाट द्वारा आख्या दिनांक 27.01.2024 से अवगत कराया गया है कि :-

संयुक्त कमेटी की स्थलीय निरीक्षण दिनांक 26.09.2023 के सुझाव संख्या-01 के क्रम में खुटानी जल विद्युत परियोजना की मक डम्पिंग साइट 01, ग्राम बटगेरी अन्तर्गत स्थित है। मक डम्पिंग साइट-1 में कम्पनी द्वारा पूर्व में कुछ मात्रा में मक डम्पिंग किया गया है। साइट-1 में लम्बे समय से कम्पनी द्वारा मक डम्पिंग नहीं की जा रही है। मक डम्पिंग साइट-1 में वर्तमान में कम्पनी द्वारा कुछ अस्थाई टिन शेड बनाए गये हैं। पूर्व परियोजना द्वारा इस क्षेत्र में सूक्ष्म रूप से मलुवा निस्तारित किया गया था। निस्तारित मलुवा नदी से 50 मी0 दूरी से अधिक है। वर्तमान में कोई मलुवा निस्तारण नहीं किया जा रहा है। परियोजना प्रबन्धक द्वारा अवगत कराया गया है कि मक डम्पिंग किये जाने से पूर्व संयुक्त कमेटी के सुझाव के अनुरूप रिटेनिंग वॉल निर्माण के पश्चात् ही मक डम्पिंग किया जायेगा।

संयुक्त कमेटी की स्थलीय निरीक्षण दिनांक 26.09.2023 के सुझाव संख्या-02 के क्रम में मक डम्पिंग साइट-3 ग्राम भानमती अन्तर्गत स्थित है। प्राप्त आख्यानुसार मक डम्पिंग साइट-3 में वर्तमान तक कोई डम्पिंग नहीं की गयी है। परियोजना प्रबन्धक द्वारा अवगत कराया गया है कि मक डम्पिंग प्रारम्भ किये जाने से पूर्व नदी से 30 मी0 की दूरी छोड़ते हुए समुचित ऊँचाई की रिटेनिंग दीवार का निर्माण कर उसके भीतर ही मक का निस्तारण किया जायेगा। परियोजना प्रबन्धक को मक डम्पिंग साइट-3 पर मक डम्पिंग प्रारम्भ किए जाने से पूर्व संयुक्त कमेटी द्वारा दिए गये सुझावों का अनुपालन किए जाने के निर्देश दिए गए हैं।

संयुक्त कमेटी की स्थलीय निरीक्षण दिनांक 26.09.2023 के सुझाव संख्या-03 के क्रम में मा0 एन0जी0टी0 द्वारा पारित निर्देशों के अनुपालन में संशोधित मक डम्पिंग प्लान हेतु परियोजना प्रबन्धक, खुटानी पावर प्रोजेक्ट को निर्देशित किया गया है, जिसके क्रम में परियोजना प्रबन्धक, खुटानी पावर प्रोजेक्ट कम्पनी द्वारा संशोधित मक डम्पिंग प्लान तैयार किये जाने की कार्यवाही गतिमान होना अवगत कराया गया है।



संयुक्त कमेटी की स्थलीय निरीक्षण दिनांक 26.09.2023 के सुझाव संख्या-04 के क्रम में सचिव ऊर्जा एवं वैकल्पिक ऊर्जा अनुभाग-1, उत्तराखण्ड शासन के पत्र दिनांक 22.01.2024 के माध्यम से प्राप्त निदेशक ऊर्जा सैल, उत्तराखण्ड शासन की जाँच एवं तकनीकी आख्या दिनांक 21.12.2023 के अनुसार प्रथम दृष्टया में खुटानी परियोजना के टनल कार्यों हेतु हो रही खुदाई कार्यों को परियोजना क्षेत्र के ग्राम सिरसोली के मकानों में हुई दरारों का कारण नहीं पाया गया है। भवनों में दरारों का मुख्य कारण निम्न गुणवत्ता श्रेणी के भवन निर्माण प्रणाली, अनुपयुक्त डिज़ाइन, ओरवलोडिंग, निम्न गुणवत्ता की निर्माण सामग्री इत्यादि पाया गया है। (प्रति संलग्न)

उपरोक्त के अतिरिक्त उप जिलाधिकारी गंगोलीहाट द्वारा अवगत कराया गया है कि प्रबन्धक परियोजना खुटानी पॉवर कम्पनी को समिति द्वारा सुझाये गये उपायों का अनुपालन कर अवगत कराये जाने हेतु दिनांक 26.10.2023 को निर्देश दिये गये थे। इसके उपरान्त भी प्रबन्धक परियोजना खुटानी पॉवर कम्पनी द्वारा संयुक्त कमेटी की स्थलीय निरीक्षण आख्या दिनांक 26.09.2023 के द्वारा दिये गये सुझावों के अनुसार कार्य/अनुपालन नहीं किया गया है।

इस सम्बन्ध में उप जिलाधिकारी, गंगोलीहाट से प्राप्त आख्या एवं स्थल के फोटोग्राफ संलग्न कर प्रेषित किये जा रहे हैं। अतः अनुरोध है कि कृपया उक्तानुसार मा0 राष्ट्रीय हरित प्राधिकरण में शासकीय पक्ष दाखिल करवाने का कष्ट करें।

संलग्न : उक्तानुसार।

भवदीया,



(रीना जोशी)

जिलाधिकारी, पिथौरागढ़।





Energy Section 1

संख्या-1-1/2024-04(08)/129/2010 ई पत्रावली-59011

विधि
संगत

प्रेषक,
आर० मीनाक्षी सुन्दरम,
सचिव,
उत्तराखण्ड शासन।

पुस्तक
30 JAN 2024

सेवा में,
जिलाधिकारी,
पिथौरागढ़।

कार्यालय
जिलाधिकारी, पिथौरागढ़
पत्रांक 2495 दिनांक 30.01.24

ऊर्जा एवं वैकल्पिक ऊर्जा अनुभाग-01

विषय- जलपद पिथौरागढ़ की तहसील गणाई में सिरसोली गांव के समीप सरयू नदी पर हाइड्रो पॉवर प्रोजेक्ट बना रही खुटानी पॉवर कम्पनी, प्रा० लि० द्वारा टनलों के निर्माण हेतु की गई ब्लास्टिंग से उनके भवनों पर आ रही दरारों की जांच कराये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र संख्या-1950, दिनांक 06 जुलाई, 2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से विषयगत प्रकरण की उच्च स्तरीय जांच कराये जाने के सम्बन्ध में शासन स्तर पर विचार किये जाने का अनुरोध किया गया है।

इस सम्बन्ध में निदेशक, ऊर्जा सैल, द्वारा की गयी जांच एवं तकनीकी आख्या संलग्न कर प्रेषित करते हुये मुझे यह कहने का निदेश हुआ है कि विषयगत प्रकरण के सम्बन्ध में आख्या से संज्ञानित होते हुए अग्रेत्तर कार्यवाही करने का कष्ट करें।

संलग्नक: यथोक्त। (संलग्नक में)

भवदीय,

Signed by R. Meenakshi
Sundaram
Date: 22-01-2024 18:46:29

(आर० मीनाक्षी सुन्दरम)
सचिव।



R.No:- 2237/244023
28/12/2023.

पत्रांक: 24/नि (19) 11Ps/P-32

प्रेषक,
निदेशक-ऊर्जा सैल
उत्तराखण्ड शासन
देहरादून।

सेवा में,
सचिव ऊर्जा
उत्तराखण्ड शासन
देहरादून।

ऊर्जा सैल, ऊर्जा विभाग, देहरादून

दिनांक: 21-12-2023

विषय:- जनपद पिथौरागढ़ की तहसील गणाई में सिरसौली गांव के समीप सरयू नदी पर हाइड्रो पावर प्रोजेक्ट बना रही खुटानी पावर कम्पनी, प्रा0 लि0 द्वारा टनलों के निर्माण हेतु की गई ब्लास्टिंग से उनके भवनों पर आ रही दरारों की जांच कराये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक उत्तराखण्ड शासन के कार्यलय पत्रांक 1157/04(85)/129/2010 (E-59011) दिनांक 24.07.2023 का सन्दर्भ ग्रहण करें, जिसके माध्यम से जनपद पिथौरागढ़ की तहसील गणाई में सिरसौली गांव के समीप सरयू नदी पर हाइड्रो पावर प्रोजेक्ट रही खुटानी पावर कम्पनी, प्रा0 लि0 द्वारा टनलों के निर्माण हेतु की गई ब्लास्टिंग से स्थानीय भवनों पर आ रही दरारों के सम्बन्ध में उप निदेशक/भू-वैज्ञानिक, भूतत्व एवं खनिकर्म विभाग, पिथौरागढ़ के पत्र 237 दिनांक 07.06.2023 के माध्यम से उपलब्ध करायी गई जांच आख्या संलग्न करते हुये प्रश्नगत प्रकरण में भौतिक निरीक्षण करते हुये अभिमत सहित तकनीकी आख्या उपलब्ध कराये जाने हेतु निर्देशित किया गया था।

उक्त के क्रम में ऊर्जा सैल द्वारा अपने कार्यलय ज्ञाप सं0 184 दिनांक 04.09.2023 के माध्यम से प्रश्नगत प्रकरण की तकनीकी जांच किये जाने हेतु 03 सदस्य समिति का गठन किया गया जिनके द्वारा परियोजना में हो रहे निर्माण कार्यों का स्थलीय निरीक्षण करते तकनीकी आख्या उपलब्ध कराये जाने हेतु निर्देशित किया गया।

उपरोक्त के क्रम में समिति द्वारा परियोजना का स्थानीय निरीक्षण कर अपनी तकनीकी जांच आख्या उपलब्ध करायी गई है (छायाप्रति संलग्न) जिसके अनुसार प्रथम दृष्टया में खुटानी परियोजना के टनल कार्यों हेतु हो रही खुदाई कार्यों को परियोजना क्षेत्र के ग्राम सिरसौली के मकानों में हुई दरारों का कारण नहीं पाया गया है। भवनों में दरारों का मुख्य कारण निम्न गुणवत्ता श्रेणी के भवन निर्माण प्रणाली, अनुपयुक्त डिजाइन, ओवरलोडिंग, निम्न गुणवत्ता की निर्माण सामग्री इत्यादि पाया गया है।

कृपया सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

संलग्न:- यथोपरि

A.S. (Energy-1)

22.12.2023

(आर. मीनाक्षी सुन्दरम)
सचिव-भा0 मुख्यमंत्री,
ऊर्जा एवं वैकल्पिक ऊर्जा, श्रम,
नियोजन विभाग, उत्तराखण्ड शासन।

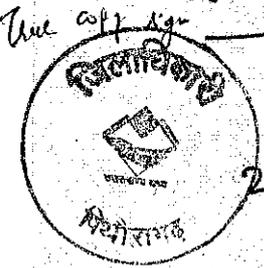
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26/12/23
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28/12/23
(मनोज जोशी)
निजी सचिव
अपर सचिव
उत्तराखण्ड शासन

भवदीय
21.12.23

(सदीप सिंघल)
निदेशक ऊर्जा सैल

US(E)
(विश्वम सिंह राणा)
सचिव
ऊर्जा विभाग
उत्तराखण्ड शासन



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Technical inspection note on cracks developed in the houses of Sirsauli village as reported, due to blasting in the tunnel of Khutani Hydro-power Project being developed by Khutani Power company private limited, in Gangolihat Tahsil of Pithoragarh District, Uttarakhand.

In compliance of the letter no. 184/Director Urja cell / Urja cell, Dehradun, dated 04.09.2023 through which below mentioned committee formed by the Director Urja cell.

Committee members are as follows:

1. Sh. K.L. Mittal, DGM (Civil), UJVNL, Dehradun.
2. Sh. Sanjay Kumar, DGM (Geology), UJVNL, Dehradun.
3. Sh. Sarthak Chauhan, AE (Tech.), Urja Cell.

The committee members visited the affected houses in the Sirsauli village for assessment of the developed cracks and Khutani Hydro-power Project HRT on 18.09.2023 to 20.09.2023 along with the village Pradhan, villagers, and the Khutani project officials. Some direct method testing to observe the vibrations of blasting at the houses was also got done.

All the houses of the village were inspected by the committee along with Pradhan Smt. Kavita devi w/o Hemant Kumar, and the cracks ranging from 0.1mm to 1.00mm and more than 1.00 mm at places were found in some of the houses.

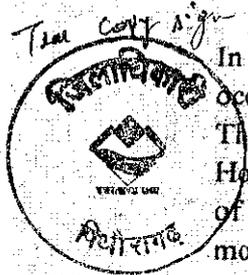
It's worth mentioning here that the 21 MW Hydropower plant is being developed by the Khutani Power company private limited, in the affected area. The project area is located in Gangolihat Tehsil of Pithoragarh district of Uttarakhand, falls between Geographical coordinates of Longitude (N 29°47'03")/ Latitude (E 79°49'25") – Diversion Weir and Longitude (N 29°44'46") / Latitude (E 79°50'41") of the Power House. The project is located at a driving distance of 105 Km from Almora.

GEOLOGICAL SETUP OF THE PROJECT AREA:

The litho-units of Uttarkashi and Pithoragarh area are almost same and comparable with Jaunsar area. In Pithoragarh area, mainly Garhwal Group of rocks belonging to Mesoproterozoic area occurs. The main rock types occurring in and around the project area are: Limestone, dolomitic limestone, quartzite and cherty quartzite, stromatolitic limestone and slate. Metavolcanics and intrusive amphibolites are also seen.

SEISMO-TECTONIC ASPECT OF PROJECT SITE:

The present area containing the project site comes within the Lesser Himalayan Region. In Pithoragarh area, mainly Garhwal Group of rocks belonging to Mesoproterozoic period occurs. The northernmost structural elements of this Pithoragarh District is the Main Central Thrust (MCT) and the southernmost structural element is North Almora Thrust (NAT). However, the MCT is far away from this site. Thus the project area falls in the Himalayan tract of Garhwal Region (Seismotectonic atlas of India and its environs, Narula et al. 2002). One more major tectonic feature located at south east of the present area is Ramgarh Thrust.



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The project area is lying in Uttarakhand which is in highest seismic zone-V.

Recent Earthquakes in Uttarakhand:

- i) An earthquake of M 3.8 occurred on 22th January 2023 at Pithoragarh District, Uttarakhand.
- ii) An earthquake of M 6.2 occurred on 03rd October 2023 epicentre in Nepal, shaken Pithoragarh District, Uttarakhand.

Preliminary geological assessment of Village affected by Khutani Hydroelectric Project

For the assessment of the structures the IS code 1893:2002 has been referred which categorises the different types of structures as per their construction methodology.

Type of structures Description as per the IS code 1893:2002

Type-A Building in field-stone, rural structures, unburnt-brick houses, clay houses.

Type-B Ordinary brick buildings, buildings of large block and prefabricated type, half-timbered structures, buildings in natural hewn stone.

Type-C Reinforced buildings, well-built wooden structures.

Almost all the houses comes under the Type-A & B category except a few in the entire village Sirsauli.

Following points were observed with reference to Geology are as follows..

1. The affected village Sirsauli is situated at a slope of about 10° - 20° in the North side on the uphill side of the Sirsauli- Gangolihat -Bankot-Sirsauli road.
2. Two seasonal streams are passing through the village from NE to SW direction.
3. The aforesaid village is situated on the 2-3m thick overburden soil weathered from moderately hard Shale / Slate rocks. General attitude of the discontinuity foliation in the rocks is $N120^{\circ}/40^{\circ}$ in the village area.
4. The hair line cracks thin to medium (upto 2mm) and a few wider (upto 5mm) are seen in the houses at village Sirsauli (refer below Photographs).



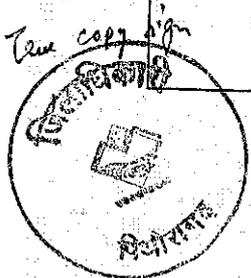
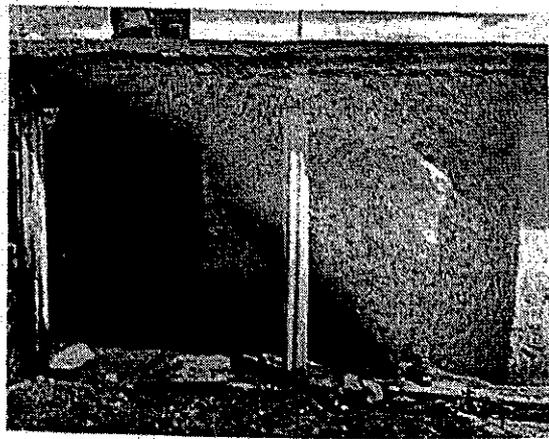
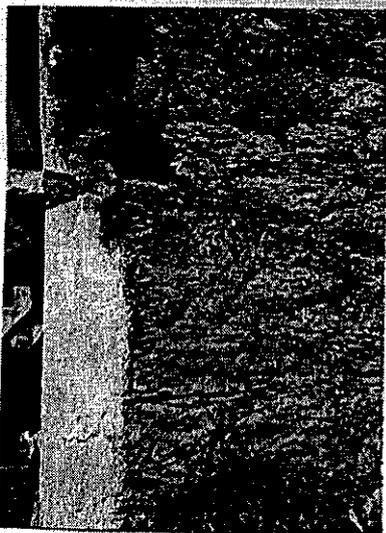
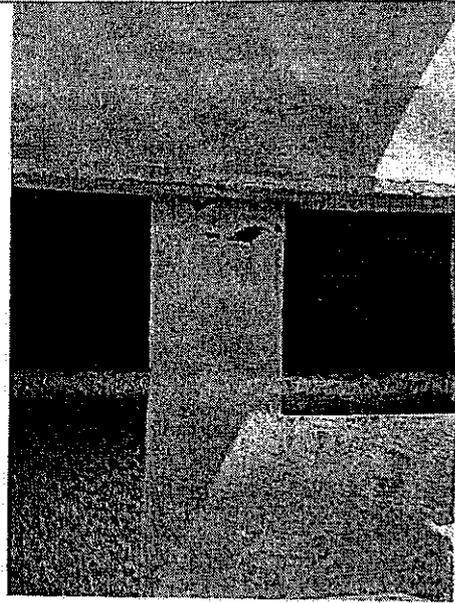
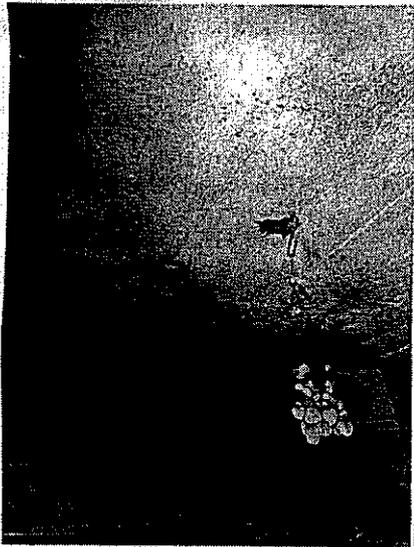
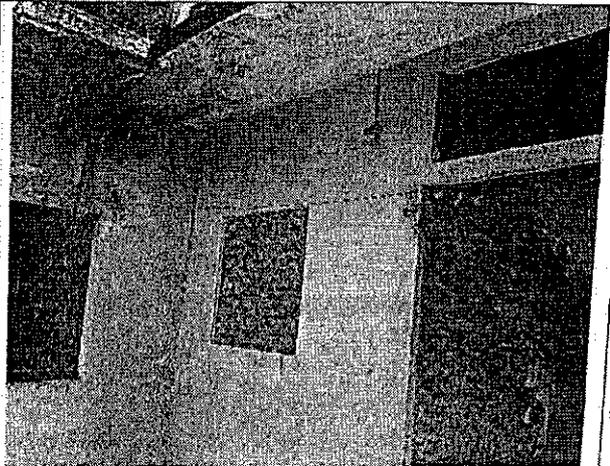
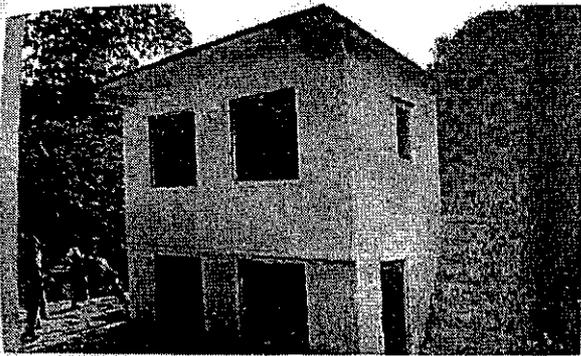
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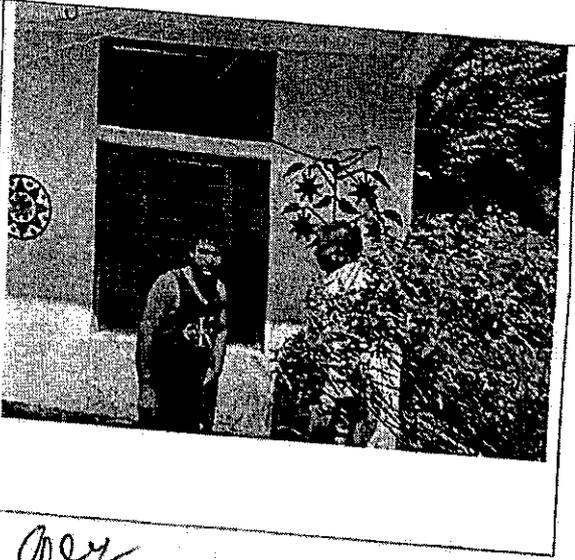
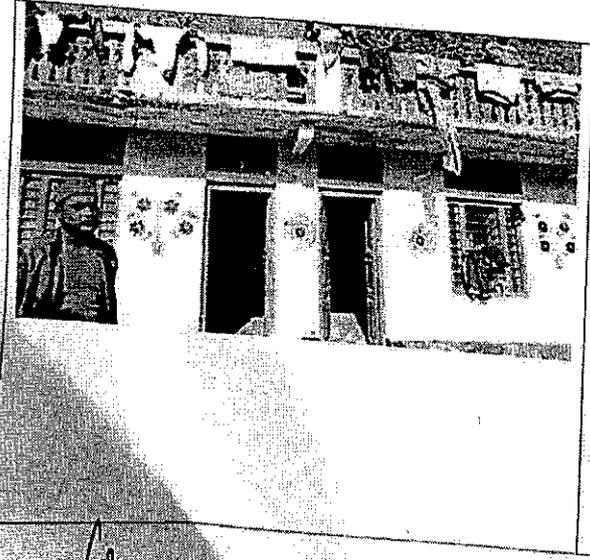
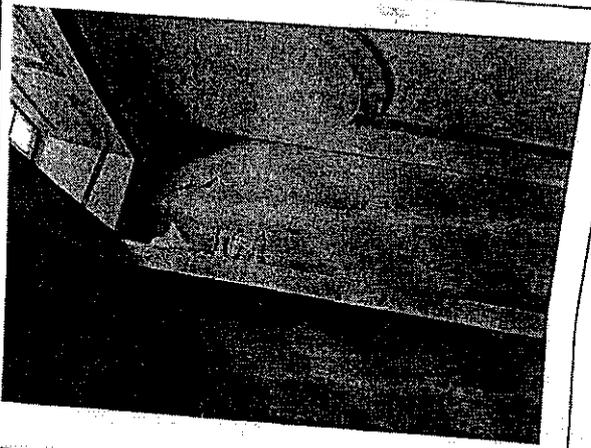
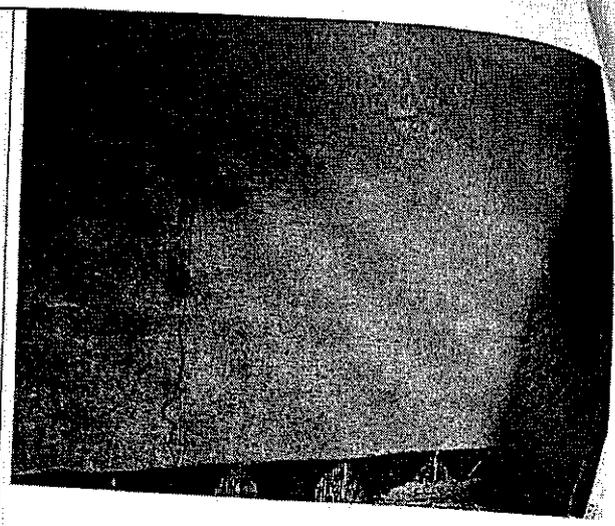
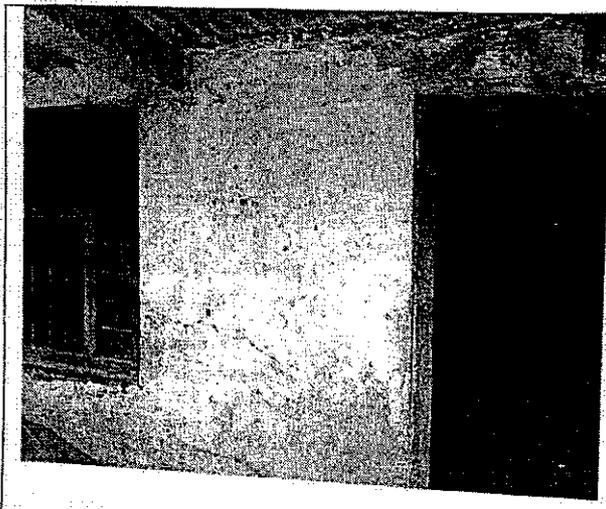
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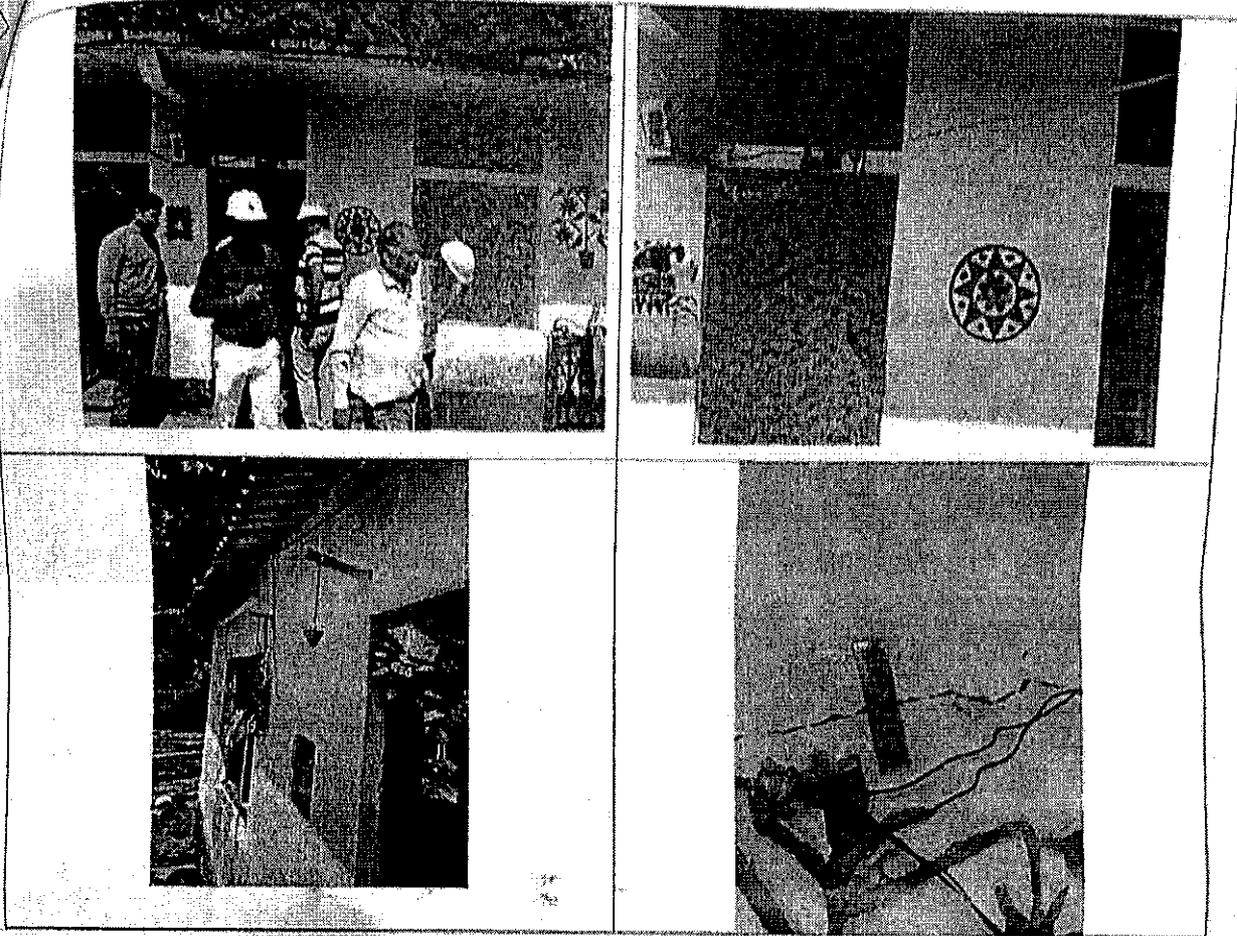
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5. It is observed that there is no proper drainage maintained in and around the houses of the entire village.
6. The houses are built on the slopes without proper back slope stability measures and retaining walls.
7. At present HRT (Head Race Tunnel) of 5m finish dia. and 5.6m excavation diameter is under excavation for which Face-2 & Face-3 of HRT is being excavated through Adit-1 in the vicinity of the above mentioned village.
8. It is being observed that the rock cover above the tunnel near the Sirsauly village is varying from 80 to 100m and horizontal distance from village is around 80m in North East side of the village. The same is verified with the help of the project layout contour plan and section along the HRT (copy attached for ready reference as Annexure-I, II).
9. The constructed tunnel of Khutani power project for which the complaints are raised for the development of cracks due to the blasting, is situated at about 80 to 100m below the village Sirsauly (refer x-section of HRT Annexure-III).
10. The HRT Face-2 & 3 were also visited by be committee members along with the project officials and noted that moderate to hard thinly bedded slate rock with weak bands /shear seams of clay is encountered at the face.(Geological Face map of HRT, Annexure-IV)

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11. It is informed by the project authority at site that blasting in HRT is being done in V-cut drilling pattern in 32mm drilling hole diameter while explosive is used upto 25mm for getting a pull of 1-1.5m. (Blasting Pattern, Annexure-V)
12. It is worth mentioning here that the tunnel excavation has been done by Long Delay Detonator (LDD), which minimize the transmission of cracks to surroundings. Although there may be the extent of damage from eighty to one hundred eight times the charge diameter/blast hole diameter due to blast in underground (Siskind et.al. 1980, Siskind, D.E., 2000, James J. Snodgrass et.al., 1974).
13. Usually, the diameter of the blast bores is 32mm hence; the damage due to charging of blasting hole will be confined to a distance of 3.0 to 3.2m. Hence, there seems no possibility of damages due to vibrations travelling to such a distance, i.e. about 80m.
14. The foundation itself is formed of the stone masonry/ blocks which are placed with or without mortar in such a way that it leaves gap/space between fragments/blocks, which is a clear manifestation of the local settlement or slope instability.
15. On request of the villagers the committee got done very common tests with filled water glass and hanging plumb bob test physically itself to see the impact of the blast at two locations on 19.09.2023. In these tests it was observed that the vibrations in the plumb bob and water were very minimal and could not be seen prominently.
16. Though the HRT face has already moved ahead the boundaries of Sirshauli village on this testing day, the effect of blasting are insignificant in the present scenario. Moreover, to reconfirm the influence of blasting on the houses may be got done by any other specialized fully equipped agency.
17. It was informed by the project representative that the glass tell-tales were also installed for monitoring cracks progress and further propagation if any and the other committee of various departments of Pithoragarh district, constituted by SDM Gangolihat tehsil in their visit on 17.08.2023 have not reported any progress in the cracks.
18. Prima facie, it seems that the cracks in the above mentioned Sirshauli village houses cannot be ascribed to the blasting undertaken during the excavation of the Khutani Project tunnel.
19. It appears that the cracks or damages in the house are because of sub-standard building practices such as improper design, faulty construction, overloading and use of poor quality construction material as evidenced by the broken walls, exposure and corrosion of reinforcement, fallen plaster of the ceiling and crack only in plaster and also because of ageing of the structures.

Sarthak Chauhan
09/10/2023
Sarthak Chauhan Asstt.
Engg. (Tech),
Urja Cell, Dehradun.

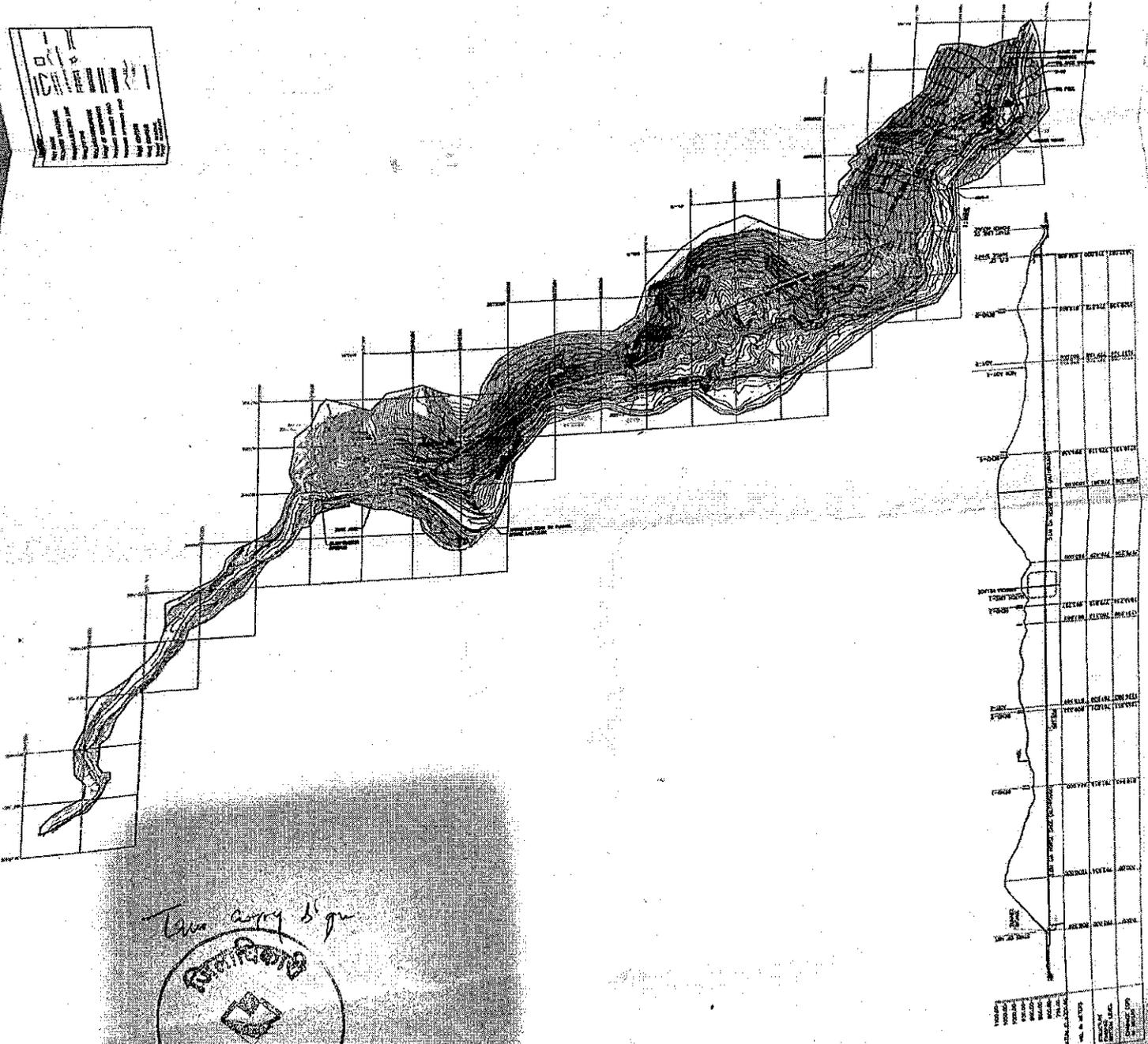
Sanjay Kumar
09/10/2023
Sanjay Kumar
DGM (Geology),
UJVNL, Dehradun.

K. L. Mittal
09/10/2023
K. L. Mittal
DGM (Civil),
UJVNL, Dehradun.

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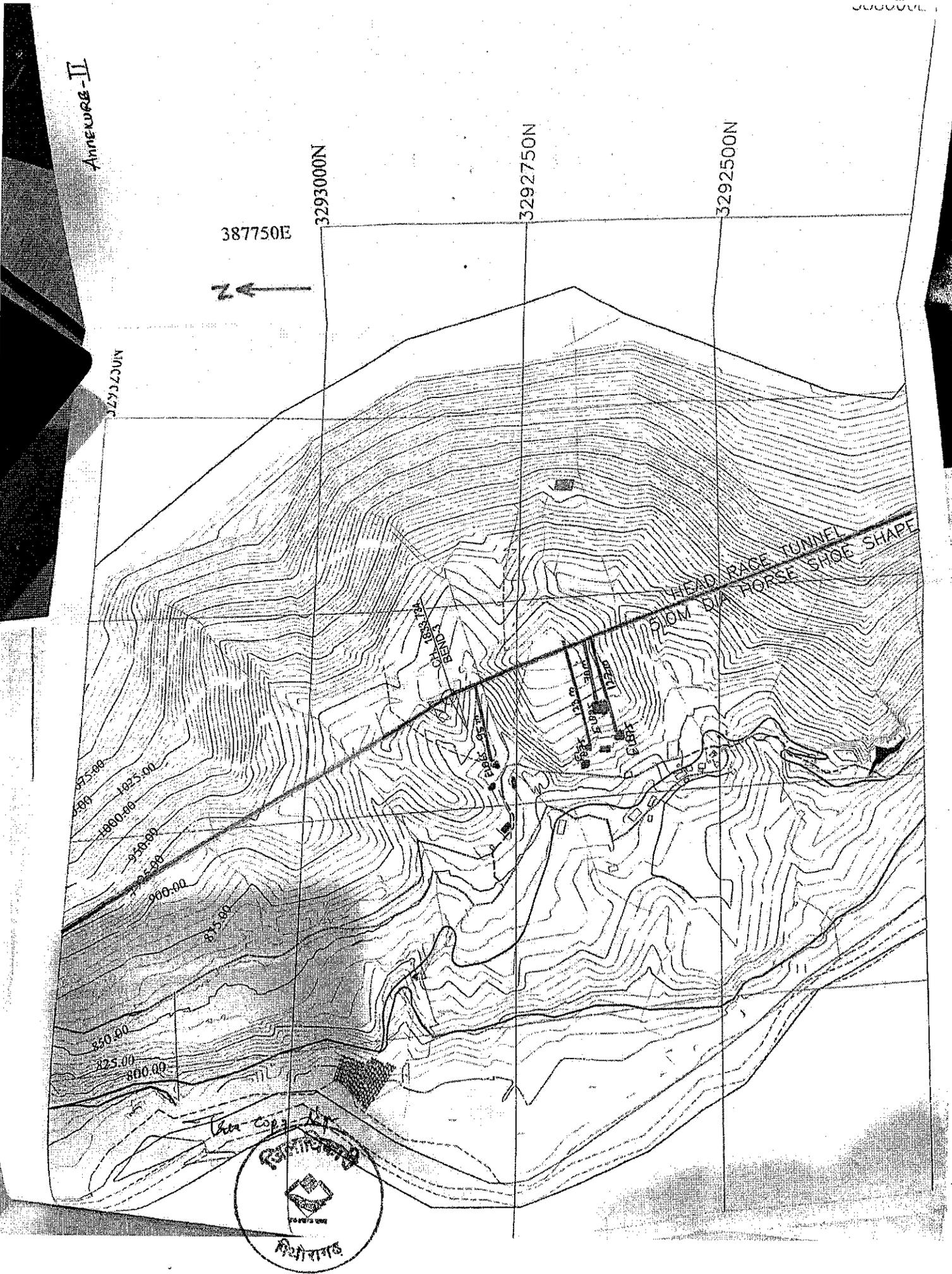


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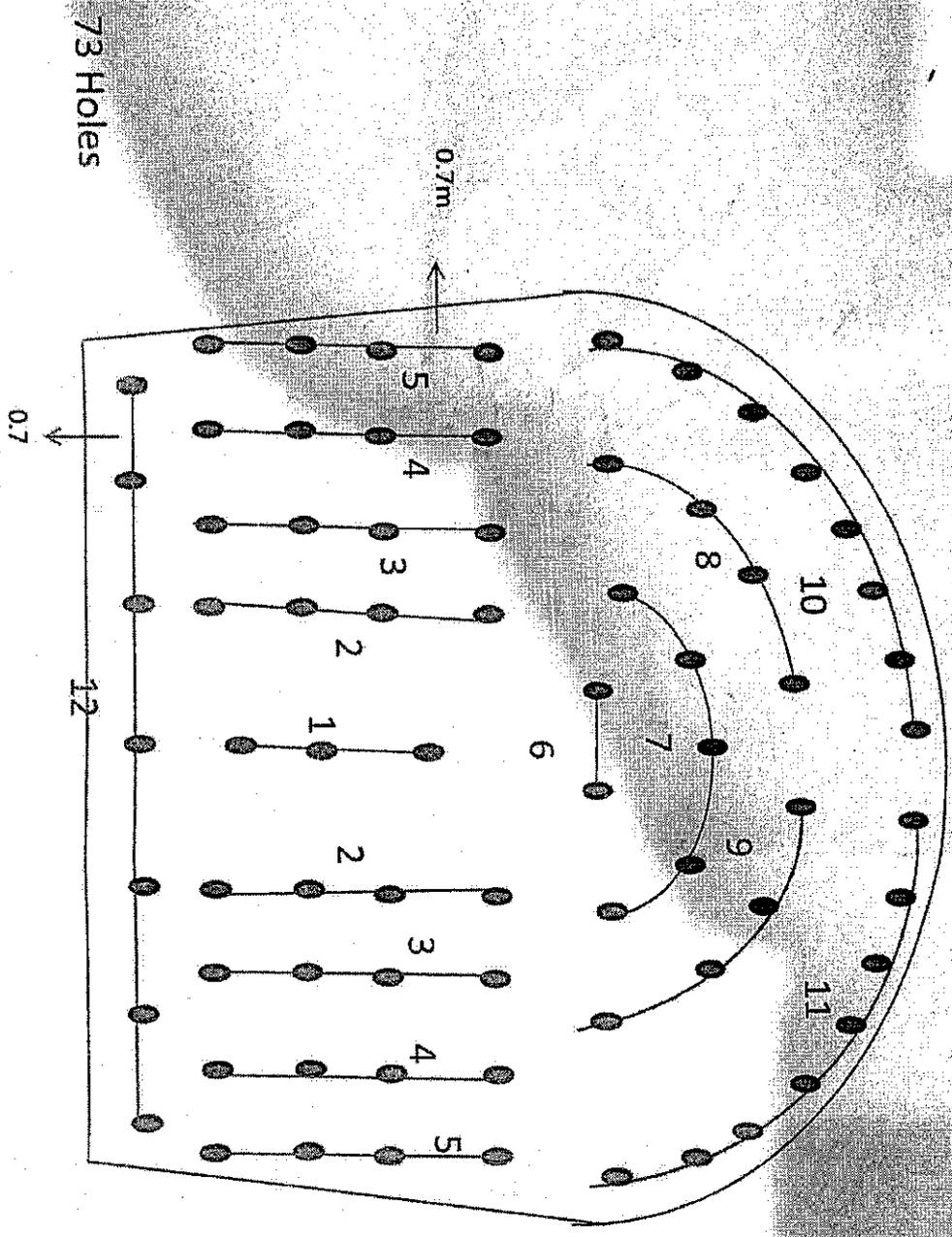
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ANNEXURE-II



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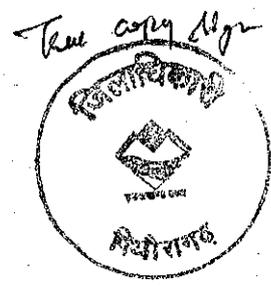


73 Holes

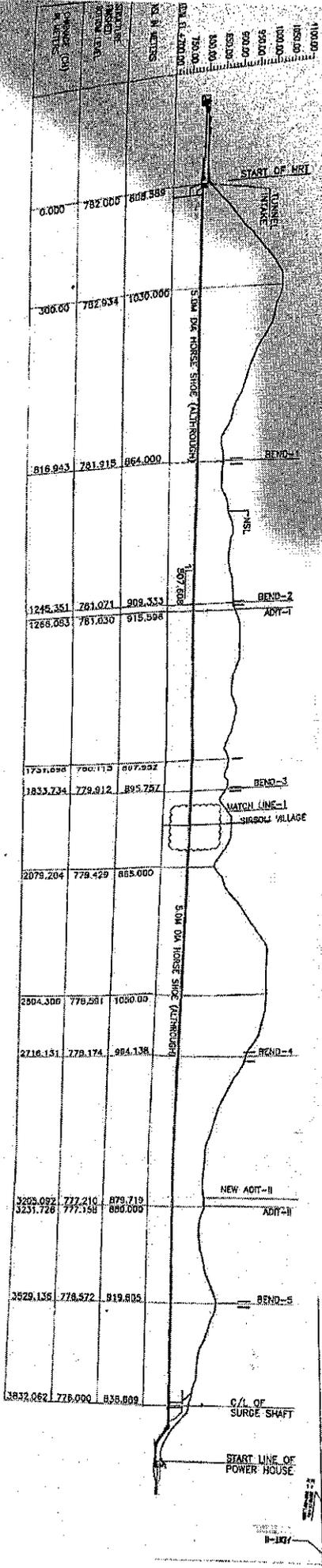
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HRT Invert Level - EL+702



ANNEXURE - III

ANNEXURE - IV

KHUTANI POWER

HRT FACE- 03...

ENGINEER: KHUTANI POWER INDIA LTD



Khutani Power Company Pvt Ltd. Construction of Tunnel, Adit-1, 2 & Pressure Shaft

ENGINEER:



TUNNEL FACE MAPPING SHEET (TFMS)

KPCPL

Prepared by VISHNU DUTT SHARMA

Date 05/09/2023.

GENERAL CHARACTERISTICS

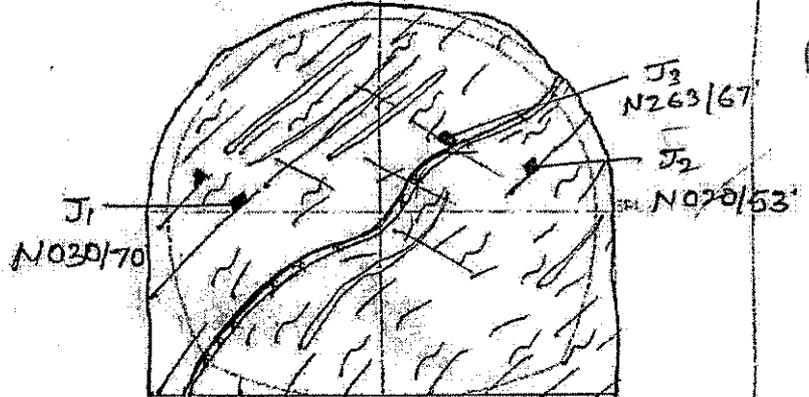
Point proceeding from	80-00	Elevation at the front (m)	
Distance from the portal (m)	2171.76	Overburden/ cover (m)	105 - PTL
Tunnel excavation face at Cn (m)	905.760	Excavation method	Conventional
Unsupported height (m)		Excavation approach	Drill & Blast
Support Section type (actual)	RIB	Support Section type (design)	15MIB RIB (150X75)
Bolting distance from the front (m)		Final lining distance from the front (m)	

Rib installed at 0051 m @ spacing 01 m c/c Rib no. 388,389

TUNNEL EXCAVATION FACE GEOTECHNICAL DESCRIPTION

Legend

- Joint
- Foliation
- Qtz intrusion
- Shear Alarm
- Slatel



Direction N161.3°

Rock Quality (Q-Value)/ Rock Class

$Q = (RQD/m) \cdot (Jr/Ja) \cdot (1/SRF)$

$Q = \frac{20}{9} \times \frac{3}{6} \times \frac{1}{2.5} = 0.333$

Characteristics	Value	Rating
Rock Quality Designation (RQD)	22.6	20
Joint set No. (Jn)	03 set	09
Joint roughness No. (Jr)	R10	03
Joint alteration no. (Ja)	CIF	08
Joint water correction (Jw)	1 set	01
Stress Reduction Factor (SRF)		2.5

Rockmass may be black in colour, fine grained, thinly bedded, fractured, folded rock masses, Slatel/metamorphic Rock. It contains three joint set, foliation, thin filling Qtz intrusion and thin Shear Alarm observed. Rock mass rough irregular & undulating and moderately weathered with clay soft filling observed and dry excavation.

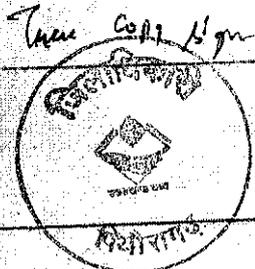
Joint discontinuities (ISRM 1981)

Type	Dip	Spac. (mm)	Pers. (m)	Height	Aperture (mm)	Altera	Fill	Joint Gr.	Note
J1	N030/70°	10-20	20-2	R10	20.1	M1W	SIF		
J2	N020/53°	10-20	20.1	R10	20.1	M1W	SIF		
J3	N263/67°	10-20	20.1	R10	Closed	M1W	SIF		

Other parameters (tested/observed)

Rock mass		Front	Roof	Support	Ribs	Shotcrete	Box	RRR/Rock class
Name				Description				
Wedge instability				Loosening				
Chipping				Breaking				
Scaling Rock burst				Creep				
Sealing								

Notes:



KPCPL Geologist
Name: Vishnu Dutt Sharma
Sign: [Signature]
Date: 05/09/2023

कार्यालय उपजिलाधिकारी गंगोलीहाट (पिथौरागढ़)

संख्या-02/01/विधि-खुदापाठ-संयु0नि0आ0अनुलान/22-23 दिनांक 26 अक्टूबर 2023

परियोजना प्रबन्धक,
खुदानी पावर कम्पनी,
गणाई-गंगोली,
जिला पिथौरागढ़।

विषय- मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-485/2023 दीवान सिंह बनाम उत्तराखण्ड राज्य में पारित किये गये आदेश दिनांक 04.08.2023 में किये गये स्थल निरीक्षण की संयुक्त स्थलीय आख्या।

कृपया उपरोक्त विषयक, सचिव, उत्तराखण्ड प्रदूषण नियन्त्रण बोर्ड के द्वारा नामित संयुक्त कमेटी के सदस्यों द्वारा दिनांक 28.08.2023 को मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-485/2023 दीवान सिंह बनाम उत्तराखण्ड राज्य में पारित किये गये आदेश दिनांक 04.08.2023 में किये गये स्थल निरीक्षण किया गया। जिसकी प्रति आपको प्रेषित की जा रही है।

अतः आपको निर्देशित किया जाता है कि उक्त संयुक्त निरीक्षण आख्या का भलिभाँति अध्ययन उपरान्त दिये गये सुझावों का शत-प्रतिशत अनुपालन करना सुनिश्चित करें।

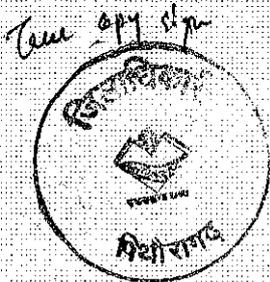
सलग्नक- निरीक्षक रिपोर्ट की 04 प्रति।

(भगत सिंह फोनिया)

उपजिलाधिकारी,
गंगोलीहाट।

प्रतिलिपि जिलाधिकारी महोदय पिथौरागढ़ को सादर अवलोकनार्थ प्रेषित।

उपजिलाधिकारी,
गंगोलीहाट।



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कार्यालय उपजिलाधिकारी गंगोलीहाट (पिथौरागढ़)

संख्या-ज्ञाप/विविध-खुटा0पा0-संयु0नि0आ0अनुपालन/22-23दिनांक03 जनवरी 2024

परियोजना प्रबन्धक,
खुटानी पावर कम्पनी,
गण्डाई-गंगोली,
जिला पिथौरागढ़।

विषय- For Compliance of order dated 22-11-2023 passed by Hon'ble
National Green Tribunal, Principal Bench, New Delhi.

कृपया उपरोक्त विषयक, जिलाधिकारी महोदय पिथौरागढ़ पत्र
संख्या-432/XXXI-विविध/2023 दिनांक 18 दिसम्बर 2023 का सन्दर्भ ग्रहण करने
का कष्ट करें, जिसके द्वारा मा0 एन0जी0टी0 द्वारा विचाराधीन मूल आवेदन
संख्या-485/2023 में प्रतिवादी संख्या-05 M/s Khutanf Power Company Ltd. को मा0
एन0जी0टी0 द्वारा निर्गत नोटिस की प्रति तामिल करवाते हुये प्रकरण में शासकीय
पक्ष प्रस्तुत किये जाने हेतु निर्देशित किया गया है।

अतः आपको निर्देशित किया जाता है कि सयुक्त निरीक्षण रिपोर्ट
दिनांक 26.09.2023 में दिये गये सुझावों का अनुपालन एवं मा0 एन0जी0टी0 द्वारा
पारित निर्देशों का शतप्रतिशत अनुपालन करना सुनिश्चित करें।
संलग्नक- उक्तानुसार।

(शगत सिंह फोनिया)
उपजिलाधिकारी,
गंगोलीहाट।

प्रतिलिपि जिलाधिकारी महोदय पिथौरागढ़ को सादर अवलोकनार्थ प्रेषित।

True copy Sign



उपजिलाधिकारी,
गंगोलीहाट।

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Item No. 18

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 485/2023

Diwan Singh

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 30.01.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None present

Respondent: Mr. Rahul Verma, AAG for State of Uttarakhand. (Through VC)
Mr. Mukesh Verma, Advocate for UKPCB. (Through VC)
Mr. Nikhil Nayyar, Senior Advocate with Ms. Sugandha Batra Advocate
for Respondent No. 5-Project Proponent.**ORDER**

1. *Suo motu* cognizance was taken in this matter on a letter petition of Diwan Singh pointing out that cracks have appeared in houses of residents in Village Batgeri and Sirsauli Tehsil Ganai Gangoli, Block Gangolihat, District Pithoragadh, State of Uttarakhand due to execution of Khutani Power Project in that area. It was also mentioned that construction activities have commenced and muck is being discharged in Saryu River which is adversely affecting aquatic life.

2. Tribunal considered the complaint on 04.08.2023 and found it appropriate to obtain a factual report for the purpose whereof it constituted a joint Committee comprising representative of Ministry of Environment, Forest and Climate Change (MoEF&CC), Integrated Regional Office, Dehradun, Uttarakhand Environment Protection and



Pollution Control Board (UEPPCB) and District Magistrate (DM), Pithoragarh.

3. Joint Committee has submitted its report dated 18.11.2023. With regard to cracks in the houses, there does not appear to be any definite opinion expressed by the Joint Committee. It has stated that survey from a subject expert should be got conducted to find out reasons of cracks developed in the residences of local people.

4. Joint Committee report was considered on 22.11.2023 and thereafter, following were impleaded as respondents:

- (1) State of Uttarakhand through its Chief Secretary,
- (2) Uttarakhand Jal Vidyut Nigam through its Managing Director
- (3) District Magistrate, Pithoragarh,
- (4) Uttarakhand Pollution Control Board through its Member Secretary and
- (5) M/s. Khutani Power Company Ltd. Village Bankot Tehsil Ganai Gangoli District Pithoragadh, Uttarakhand."

5. Notices were issued to all the said respondents.

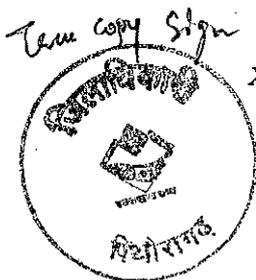
6. Pursuant thereto, Respondent 5 has filed its response dated 24.01.2024. It is stated therein that similar issue relating to disposal of muck in Saryu River and cracks in the houses of local residents has been raised in Writ Petition No. 151/2022 (PIL), *Praveen Kumar vs. State of Uttarakhand & Ors.*, before High Court of Uttarakhand at Nainital. The prayers made in the writ petition are as under:

- I. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to **identify suitable muck disposal sites 500 meters away from the river bank of River Sarayu (Sarju) for disposal of muck, and excavated material.**
- II. Issue a writ, order or direction in the nature of mandamus commanding the District Magistrates of District Pithoragarh and Bageshwar to ensure that **no muck, debris or**



excavated material is dumped directly into the river Sarayu by Khutani Power Company Pvt. Ltd.

- III. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to **take suitable action and coercive steps against** the persons including officials of Khutani Power Company Pvt. Ltd. **involved in the dumping of muck/excavating material into the river Sarayu directly in an indiscriminate manner, forthwith.**
- IV. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to initiate a fair investigation on the subject of illegal transfers of lard made by Khutani Power Company Pvt. Ltd. form the people belonging to Schedule Caste category in the 15 revenue villages (mentioned in para 07) and take proper action according to law and direct them to follow the GO No. 702/XVIII (II)/2017-01(03)/2016 dated 04.05.2017 (annexed as Annexure-3 with this petition) in letter and spirit.
- V. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to direct the Khutani Power Company to disburse the correct rehabilitation and displacement amount to the affected parties of the 15 revenue villages of the SHEP area.
- VI. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to review the Joint Investigation Report dated 18.12.2015 (annexed as Annexure-4) and take appropriate actions in this regard.
- VII. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to reallocate Sateshwar Shiv Dham, Masand Baba Mandir located at Village Naghar Gram Sabha Batgeri, Gandai. Gangoli Gangolihaat. District Pithoragarh and the cemetery from the to be submerged area to safe zone.
- VIII. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to resettle the Bodi-Dhurapaat Drinking Water Pump Plan in the area.
- IX. Issue a writ, order or direction-inn the. nature of mandamus commanding the respondent. no. 1 to 5 to initiate proper investigation upon the Company to **check for socio-economic viability of the tunnel being built from the middle of the Village Sirsloi because of which a hazardous situation is prevalent as many cracks are flow been seen in the houses of the Villagers and to seek proper compensation in the regard.**
- X. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 6 and 7 to verify the demarcation of the forest land through RCC pillars by the



Khutani Power Company Pvt. Ltd, and take into account the indiscriminate deforestation of the forest land.

- XI. *Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to initiate investigation upon the change of alignment of approach road by the Khutani Power Company from FWD road to Bhanmati Village as was approved in DPR.*
- XII. *Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to 5 to resettle the suspension bridge in the SHEP area.*
- XIII. *Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."*

7. Leaned Counsel appearing for Respondent 5 also referred to order dated 24.11.2022 passed in above Writ Petition by Division Bench of High Court of Uttarakhand at Nainital which reads as under:

"Mr. Shashank Saun, the learned counsel for the petitioner.

Issue notice.

Mr. B.S. Parihar, the learned Standing Counsel for the State of Uttarakhand appears and accepts notice on behalf of respondent nos. 1, 3, 4, 5, 6 and 7.

Mr. Aditya Pratap Singh, the learned counsel appears and accepts notice on behalf of respondent no. 2.

Mr. Shubhr Rastogi, the learned counsel appears and accepts notice on behalf of respondent nos. 8 and 9.

Copy of the Writ Petition be supplied by the counsel for the petitioner, to the counsel for respondent nos. 8 and 9, during the course of the day.

The grievance of the petitioner is that respondent nos. 8 and 9 are dumping muck and debris in the banks of River Sarju (Sarayu), while undertaking developmental works. Photographs have been placed on record in this regard.

We direct the respondents to file their status report/ counter affidavit within three weeks.

The State Pollution Control Board, i.e. the respondent no. 2, should cause an immediate inspection of the area, and it should issue necessary directions, if they are called for in the circumstances of the case.

List on 24.04.2023."



8. There are two subsequent short orders dated 24.04.2023 and 21.09.2023 therein last sentence is that 'interim order, if any, shall continue to operate till the next date'. Learned Senior Counsel however stated that no interim order has been passed by High Court of Uttarakhand at Nainital in the above writ petition.

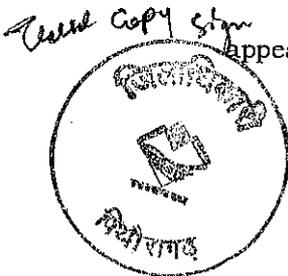
9. Placing reliance on Supreme Court's judgment in *The State of Andhra Pradesh vs. Raghu Ramakrishna Raju Kanumuru (Member of Parliament), (2022) 8 SCC 156* particularly Paragraphs 12, 13, 14, learned Senior Counsel argued that once High Court is seized of the matter, similar matter should not be taken up by Tribunal. Reliance is also placed on another Supreme Court judgment in Civil Appeal Nos. 5348-5349/2019, *State of Himachal Pradesh & Ors. vs. Yogendera Mohan Sengupta & Anr.*, decided on 11.01.2024, paragraph 109, wherein Supreme Court has observed as under:

"xxxxxx.....xxx

109. In view of the settled legal position, we are of the view that the continuation of the proceedings by the NGT during the pendency of the writ petitions before the High Court was not in conformity with the principles of judicial propriety. Needless to state that the High Court of Himachal Pradesh, insofar as its territorial jurisdiction is concerned, has supervisory jurisdiction over the NGT. Despite pendency of the proceedings before the High Court including the one challenging the interim order dated 12th May 2022 passed by NGT, the NGT went ahead with the passing of the second order impugned herein."

10. Shri Rahul Verma and Shri Mukesh Verma, Advocates have appeared on behalf of State of Uttarakhand and Uttarakhand Pollution Control Board. Both of them stated that they also want to file their detailed response and may be given two weeks' time for the said purpose.

11. Further on the objection raised by learned Senior Counsel appearing for Respondent 5 that since similar issue has been raised by



another petitioner in Uttarakhand High Court at Nainital in a Writ Petition (PIL) No. 151/2022, therefore, this Tribunal should not continue with the parallel proceedings, both learned Counsel appearing for Respondents 1 and 4 said that cognizance in the matter has been taken on a complaint made by a different person. If there is an issue giving rise to substantial question of environment arising due to implementation of enactments mentioned in the Schedule of National Green Tribunal Act, 2010 (hereinafter referred to as "**NGT Act, 2010**"), this Tribunal is under statutory obligation to adjudicate the same and it has no discretion to non-suit or close its door to such matter only on the ground that some other person has filed a writ petition in the High Court. It is said that Tribunal may not pass any order contradictory to the order(s) of High Court, but when a substantial question relating to environment which is duly covered by Section 14 of NGT Act, 2010 is brought before Tribunal, being a statutory body governed by the provisions of NGT Act, 2010, it is under statutory obligation to adjudicate the same and there is no discretion vested in it to decline to answer or adjudicate such issue only on the ground that the matter is pending in High Court in a writ petition, a discretionary jurisdiction. Any other approach adopted by Tribunal would amount to ousting its jurisdiction vested in it which would not be consistent with the provisions of NGT Act, 2010.

12. In our view, the question raised by learned Senior Counsel appearing for Respondent 5 needs be considered. Since present matter has been initiated on a letter petition, we find it appropriate to appoint an Amicus Curiae in the matter to assist Tribunal on behalf of Applicant and, therefore, we appoint Mohd. Rafat Shamshad, Advocate (Enrollment No. D/1349/2000) as Amicus Curiae to assist Tribunal who will be paid professional remuneration/fee of Rs. 35,000/-, per hearing, by



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Uttarakhand Pollution Control Board from the funds of environment compensation deposited with it.

13. Further, to complete the record, to find out whether cracks have developed in the residences of local people due to activities of Respondent 5 or there are some other reasons, it is appropriate to constitute an Expert Joint Committee to give its report on the subject. The Committee would comprise of an expert on the subject to be nominated by Director of Wadia Institute of Himalayan Geology, Dehradun, subject expert to be nominated by Director of Institute of Seismological Research, Gandhinagar, Central Pollution Control Board (hereinafter referred to as "CPCB"), Regional Officer, Ministry of Environment, Forests and Climate Change, Dehradun and Collector, Pithoragarh.

14. CPCB shall be nodal agency for coordination and compliance in the matter.

15. The report with regard to causes of cracks developed in residences of local people, after examining the matter in detail, shall be submitted within two months 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.

16. The other respondents who have not filed their response till date, may do so within one month.

17. A copy of this order be forwarded to Director of Wadia Institute of Himalayan Geology, Dehradun, Director of Institute of Seismological Research, Gandhinagar, CPCB, Regional Officer, Ministry of Environment, Forests and Climate Change, Dehradun and Collector, Pithoragarh by e-mail for compliance.



18. List the matter on 23.04.2024.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 30, 2024
Original Application No. 485/2023
DV



मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में दायर ओ0ए0 संख्या-485/2023 " दीवान सिंह बनाम उत्तराखण्ड राज्य" में पारित आदेश दिनांक 30.01.2024 के अनुपालन में क्षेत्रीय निदेशक, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय निदेशालय लखनऊ द्वारा मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा पारित उक्त आदेश के समयबद्ध अनुपालन हेतु एक सदस्य नामित किये जाने की अपेक्षा की गई है। प्रकरण में मा0 राष्ट्रीय हरित अधिकरण द्वारा दिनांक 30.01.2024 को निम्न आदेश परित किये गये हैं:-

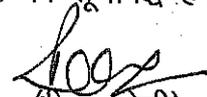
" Further, to complete the record, to find out whether cracks have developed in the residences of local people due to activities of Respodent 5 or there are some other reasons, it is appropriate to constitute an Expert Joint Committee to give its report on the subject. The Committee would comprise of an expert on the subject to be nominated by Director of Wadia Institute of Himalayan Geology Dehradun, Subject expert to be nominated by Director of Institute of Seismological Research Gandhinagar, Central Pollution Control Board (hereinafter referred to as "CPCB), Regional Officer, Ministry of Environment, Forest and Climate Change, Dehradun and Collector Pithoragarh

CPCB shall be Nodal agency for Coordination and Compliance in the matter.

The Report with regard to cause of cracks developed in residences of local people, after examining the matter in detail, shall be submitted within two months 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

अतः मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में दायर ओ0ए0 संख्या-485/2023 " दीवान सिंह बनाम उत्तराखण्ड राज्य" में पारित आदेश दिनांक 30.01.2024 के अनुपालन एवं क्षेत्रीय निदेशक केन्द्रीय प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय निदेशालय लखनऊ द्वारा की गई अपेक्षा के कम में अधोहस्ताक्षरी के प्रतिनिधि के रूप में श्री यशवीर सिंह, उप जिलाधिकारी गंगोलीहाट को सदस्य के रूप में नामित किया जाता है।

उक्त नामित अधिकारी, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा नामित प्रतिनिधि श्री कमल कुमार वैज्ञानिक "ई" (मो0 नं0 9412750224) एवं संयुक्त जांच समिति के अन्य सदस्यों/अधिकारियों के साथ सम्पर्क/विभागीय समन्वय स्थापित करते हुए, नियत तिथि एवं यथासमय आवश्यक कार्यवाही सुनिश्चित करेंगे। प्रकरण मा0 राष्ट्रीय हरित अधिकरण में सुनवाई हेतु दिनांक 23.04.2024 को सूचीबद्ध है। दिनांक मार्च 4, 2024


(रीना जोशी),
जिलाधिकारी, पिथौरागढ़।

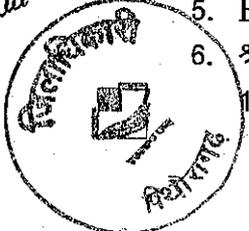
कार्यालय जिलाधिकारी, पिथौरागढ़।

संख्या: 953 /XXXI-विविध/2023-24 दिनांक मार्च 4, 2024

प्रतिलिपि : निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

1. श्री यशवीर सिंह, उप जिलाधिकारी गंगोलीहाट (मो0नं0- 9690803057)।
2. क्षेत्रीय निदेशक, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय निदेशालय लखनऊ, पिकप भवन, विभूति खण्ड, गोमता नगर, लखनऊ-226010, उत्तर प्रदेश।
3. Director of Wadia Institute of Himalayan Geology Dehradun..
4. Director of Institute of Seismological Research Gandhinagar.
5. Regional Officer, Ministry of Environment, Forest and Climate Change, Dehradun.
6. श्री राहुल वर्मा, अधिवक्ता, मा0 सर्वोच्च न्यायालय/मा0 एन0जी0टी0, उत्तराखण्ड राज्य, 137, टावर नं0.10, सुप्रीम एनक्लेव, मयूर विहार फेज-1, दिल्ली-110091


(रीना जोशी),
जिलाधिकारी, पिथौरागढ़।



Expert Joint Committee Report
on O.A. No. 485/2023
in the matter of Diwan Singh versus State of Uttarakhand
Hon'ble NGT order dated 30.01.2024

Hon'ble NGT vide its Order dated 30.01.2024 on Original Application No. 485/2023 in the matter of Diwan Singh versus State of Uttarakhand, instructed the following: -

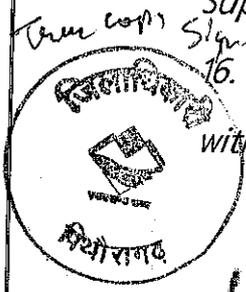
"..... 13. Further, to complete the record, to find out whether cracks have developed in the residences of local people due to activities of Respondent 5 or there are some other reasons, it is appropriate to constitute an Expert Joint Committee to give its report on the subject. The Committee would comprise of an expert on the subject to be nominated by Director of Wadia Institute of Himalayan Geology, Dehradun, subject expert to be nominated by Director of Institute of Seismological Research, Gandhinagar, Central Pollution Control Board (hereinafter referred to as "CPCB"), Regional Officer, Ministry of Environment, Forests and Climate Change, Dehradun and Collector, Pithoragarh.

14. CPCB shall be nodal agency for coordination and compliance in the matter.

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Support PDF and not in the form of Image PDF.

16. The other respondents who have not filed their response till date, may do so within one month.



[Signature]

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17. A copy of this order be forwarded to Director of Wadia Institute of Himalayan Geology, Dehradun, Director of Institute of Seismological Research, Gandhinagar, CPCB, Regional Officer, Ministry of Environment, Forests and Climate Change, Dehradun and Collector, Pithoragarh by e-mail for compliance.

18. List the matter on 23.04.2024. "

Hon'ble NGT vide its Order dated 30.01.2024 constituted a Expert Joint Committee comprises the following organization's:

1. An expert on the subject to be nominated by Director of Wadia Institute of Himalayan Geology, Dehradun
2. Subject expert to be nominated by Director of Institute of Seismological Research, Gandhinagar
3. Central Pollution Control Board (hereinafter referred to as "CPCB")
4. Regional Officer, Ministry of Environment, Forests and Climate Change, Dehradun
5. Collector, Pithoragarh

In compliance of the Hon'ble NGT order, the following Expert Joint Committee (EJC) has been constituted:

1. Dr. Sumer Chopra, Director & Head, Seismic Hazard Assessment and Microzonation Group, (nominated by Institute of Seismological Research)
2. Dr. K. Luirei, Scientist-F, (nominated by Wadia Institute of Himalayan Geology, Dehradun)
3. Sh. Kamal Kumar, Scientist-E, RD-Lucknow (nominated by CPCB)
4. Dr. K. Mondal, Scientist-D, Regional Office, Dehradun (nominated by MoEF&CC)

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5. Shri Yashvir Singh, SDM, Gangolihat, Pithoragarh (nominated by DM, Pithoragarh)

Further, a meeting of Joint Committee members was convened on 26.02.24 through Video conferencing to discuss the Hon'ble NGT order in details and to frame the strategy for field visit and Information collection during March 11-12, 2024. Based on the inspection and information collected during field visit, the Expert Joint Committee are delineated as under:

A. Basic Information about region under investigation: The geology of Bageshwar region can be broadly classified into the crystalline of the Almora, Askot and Baijnath nappes and the sedimentaries of the Inner Lesser Himalaya. The nappes are made up of the Almora group of rocks comprising of a variety of schists, micaeous quartzites and gneisses belonging to the lower amphibolite facies of regional metamorphism with concordantly emplaced plutonic bodies of granodiorites and granites. The vast window of the inner Lesser Himalaya reveals the Pre-Cambrian sedimentary groups made up of Damtha, Tejam and Jaunsar groups. Damtha is made up of Chakrata and Rautgara formations. In the present study area only Rautgara Formation is exposed and is made up of fine to medium-grained muddy quartzite, sparse lentils of conglomerates, slates, characterized by extensive occurrence of basic sills, dykes, and lava-flows.

The Tejam Group of rocks is well exposed in the present area and comprises of the Deoban (Gangolihat) and the Mandhali (Sor+Thalkedar) formations. Deoban formation is an extensive succession of the stromatolite bearing cherty dolomite and dolomitic limestone with bands and intercalations of blue limestone and grey slates. Mandhali Formation is made up of greyish green and black carbonaceous pyritic phyllites and slates. Berinag Formation of the Jaunsar Group is made up of huge succession of massive, coarse-grained to pebbly or even boulder and



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usually sericitic quartzarenite with metamorphosed amygdaloidal vesicular basalts and tuffites.

B. Inspection of Batgeri and Sirsauli villages:

The member of Expert Joint Committee has visited the houses located in Batgeri and Sirsauli villages. During visit most of the houses were not having any kind of crack, barring few houses which were quite old. It was endorsed by the local villagers that these cracks are not developed in recent past. Most of the houses are built on weathered portion of the underlying rocks or on slope material. The houses built on slopes neither they have any back support nor have any retaining walls. The houses are also built with local available materials. The villages are also devoid of proper drainage and water percolates through this weathered portion making houses unstable. The village Batgeri area falls in the carbonate terrain of the Deoban Formation. The settlement is over unconsolidated colluvial sediments in the north facing slope on the left bank of Badhar Gad. The village Sirsauli is settled in the debris fan deposited by the Chorkhet Gadhera the bedrock is made up of the slates of the Mandhali Formation.

B1. Village Batgeri:

- a) At village, almost all the houses were found constructed over the unconsolidated colluvial sediments at Batgeri. (**Annexure-1**)
- b) The walls of the affected houses were observed to have been constructed by laying small stone slab over one another without any cementing material. The walls were only plastered on the outward side by either mixtures of cement and sand, mud, or mud mixed with cow dungs. The houses also don't have proper pillars and beams to support the weight of the structure (house).
- c) The affected houses neither they have proper foundation, nor strong concrete floor slab or roof slab. The weight of the individual small stone slabs along with that of the roof slab have resulted in redistribution of the overburden weight.
- d) Roof slabs were just laid over the walls without pillars and beams.



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B2. Village Sirsauli:

- a) The affected houses at Village Sirsauli have founded in the proximity of the debris fan deposits which is unconsolidated while some are constructed partly in bedrock and debris fan. The sediments are laid down by the Chorkhet Gadhera. (Annexure-2)
- b) The walls of the affected houses were built with small stone slabs without cementing materials and pillars. They were only plastered from outside using locally available materials or cement. The Roof slabs were laid over the walls without pillars.

The villagers were asked whether they felt vibrations regularly. They informed the committee that vibrations were felt occasionally but not regularly. Since the site fall in Himalayan region of Uttarakhand state, which is in active plate boundary zone. The earthquakes are more frequent here and the vibrations may be due to the earthquakes which occur within 100-200 km from the epicentre.

The vibrations from earthquakes might have been felt by the villagers but may not have any engineering significance. Also, the vibrations of all earthquakes of $M > 4$ occurring within 100 km from the epicentre, may be felt but may not cause any damage to structures though small cracks may appear in poorly constructed dwellings.

C. Inspection of Project's Construction site of Tunnel: The Expert Joint Committee Members visited Construction site where tunnel is being constructed near villages Sirsauli and Batgeri by M/s Khutani Power Company Ltd under the Khutani Hydroelectric Project of 21 MW. The Expert Joint Committee Members had discussions with the project authorities regarding blasting charge, pattern, and timings, etc. The minimum distance of the blasts is varying from 80-100 m from Sirsauli village. Generally, it is observed that most of the energy of the blasts attenuates in few tens of meters. Also, the rocks that have been excavated are very fragile and does not require heavy blast to dismember it. Looking into these inputs, it is inferred that such blasting does not have any effect



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on dwellings at the surface otherwise the villages would have felt these vibrations regularly, which they denied.

The Khutani Hydroelectric Project site is located in Zone-V as per seismic zoning map of India. This come under high seismic hazard zone where earthquakes up to M8 may be expected. In the recent past the Uttarakhand region has experienced two large earthquake M6.8 Uttarkashi earthquake in 1991 and M6.6 Chamoli earthquake in 1999 beside many moderate earthquakes. The main Himalayan seismic belt, where earthquakes are more frequent, is around 50 km away from the project site where earthquakes are more frequent.

A report on structural design calculation for tunnel intake prepared by M/s Tata Consulting Engineers Limited is also shared with the committee. The report was reviewed in detail. It was found that M/s Tata has wrongly considered the project in Zone IV as per seismic zoning map of India published by BIS. Actually, the project site is located in Zone V. Considering the available documents, it seems the site-specific seismic studies were not carried out for the project. The calculations are based on seismic zone factor only. The recommended horizontal seismic coefficient as per Zone V is 0.24 as per National Committee on Seismic Design Parameters (NCSDP) while M/s Tata has considered 0.11 factor for calculations.

D. The Expert Joint Committee visited the Villages Batgeri & Sirsauli and Project's construction site of Tunnel and identified muck dump sites 1, 2, & 3. During the inspection, it was observed that tunnelling work was in progress (**Annexure- 3**) and the tunnel's debris were being dumped at the identified site no. 2. The distance between boundary wall at muck dump site no.-2 (**Annexure- 4**) and River Saryu is approx. 10-35 meters.

No muck dumping seen on the river bed during the visit. It was informed by project representative that after filling the muck dump site they will develop it as agriculture/ plantation land.



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Based on the field visit, observations and available information, the Joint Committee submitting the following:

Looking into all the aspects, past reports and on-site inspection, the causes of the development of cracks in the houses at both villages can be summarized as below:

- a) The houses are mostly constructed over colluvial deposit without concrete base slab as such the weight of the overburden (i.e. of the houses) must have distributed un-evenly that resulted in the development of cracks and bulging of the walls.
- b) The houses are constructed using small rock slabs without cementing materials, only the outer sides of the walls have been plastered either by cement and sand, or locally available materials (mixtures of mud and twigs and cow dungs). The roof slabs are constructed over the top of loosely made walls without proper pillars and beams. The weight of the loosely placed small slabs along with that of the roof slab have resulted in redistribution of the overburden weight that led to the development of cracks and bulging of the walls in the houses.
- c) Based on the field observations and information collected, it can be concluded that at present cracks observed in the houses of the Villages Batgeri and Sirsauli's are due to local construction practices, materials used and local site conditions. These are not developed due to works carried out by M/s. Khutani Power Company Ltd. (project proponent no.5) at the project construction site.
- d) A site-specific seismic study may be carried out for the project by Institute of repute. The design calculations of various structures shall be based on seismic coefficient arrived at from such study.
- e) The boundary wall height needs to be enhanced to about 6.0 ft, toward River Saryu to avoid the spillage of debris from muck dump site no. 2. Project proponent should submit the action plan to local concern authorities for stabilization of all muck dump site appropriately & concern

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authority required to review the same periodically and verify the compliance.

- g) The debris excavated or any disposable material should not be discharged/ disposed on the bank of River Saryu or at any non-identified places. It must be disposed of as per conditions laid down in the Consent to Establish (CTE). The SPCB must periodically monitor and ensure strict compliance of the CTE issued.

The above Joint Committee Report is being filed for the kind perusal and consideration of the Hon'ble Tribunal.



(Dr. Sumer Chopra)

Director & Head

Sesmic Hazard Assessment
and Microzonation Group,
Institute of Seismological
Research



(Dr. K. Luirei)

Scientist-F

Wadia Institute of
Himalayan
Geology,
Dehradun



(Kamal Kumar)

Scientist-E

RD-Lucknow

CPCB



(Dr. K. Mondal)

Scientist-D

Regional Office, Dehradun,
MoEF&CC



(Yashvir Singh)

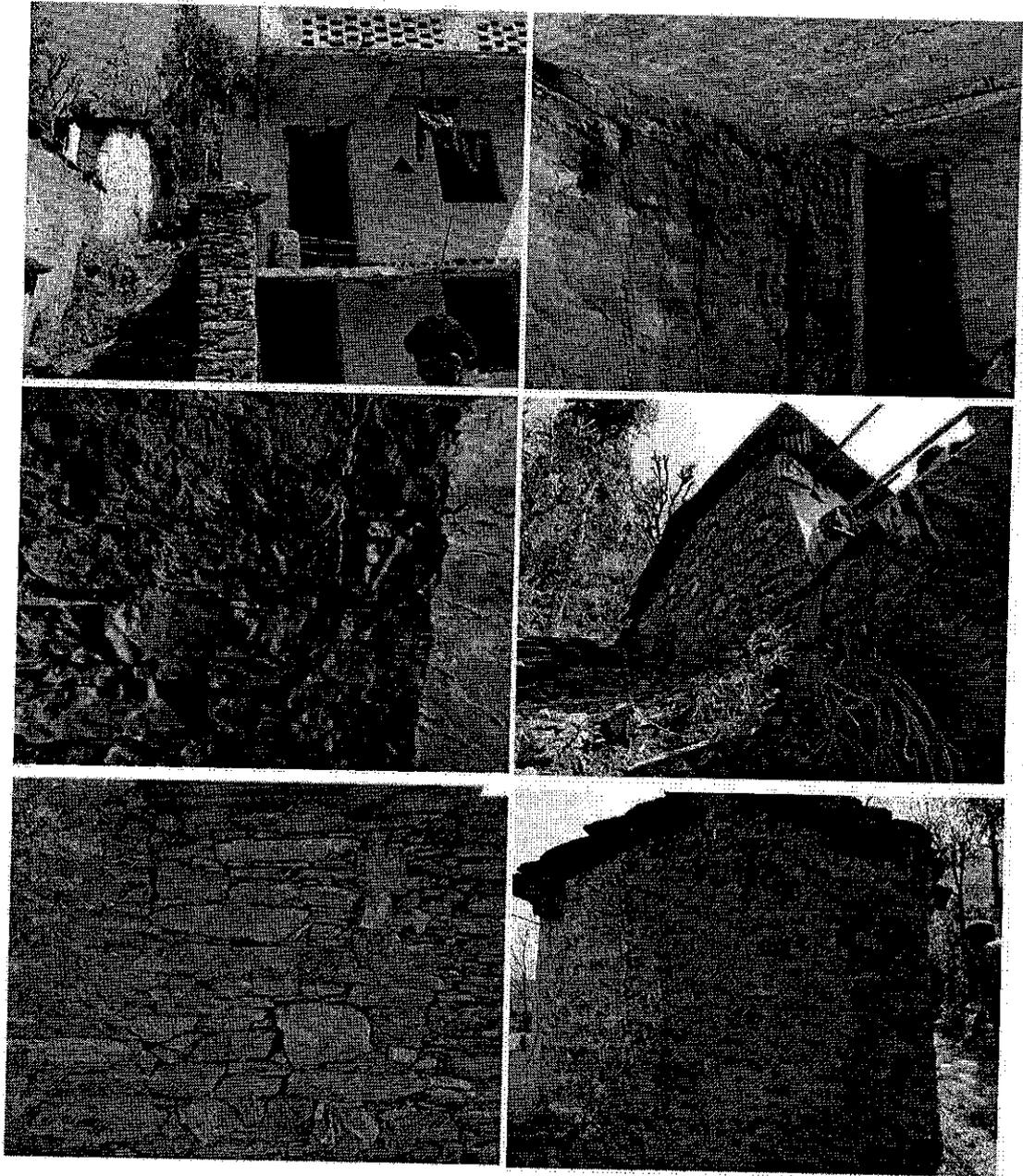
SDM, Gangolihat

Pithoragarh

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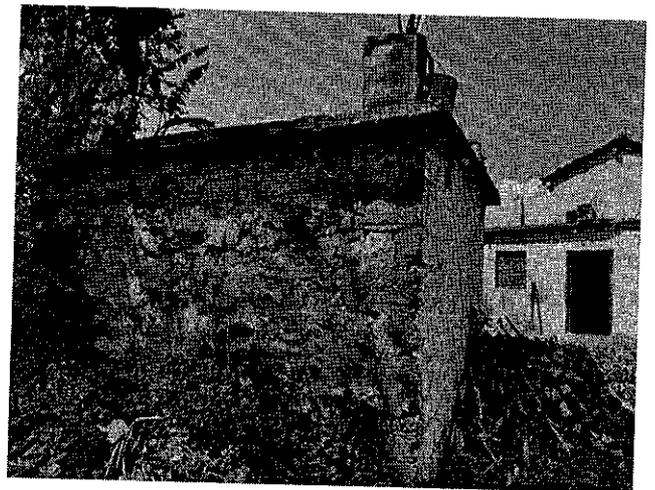
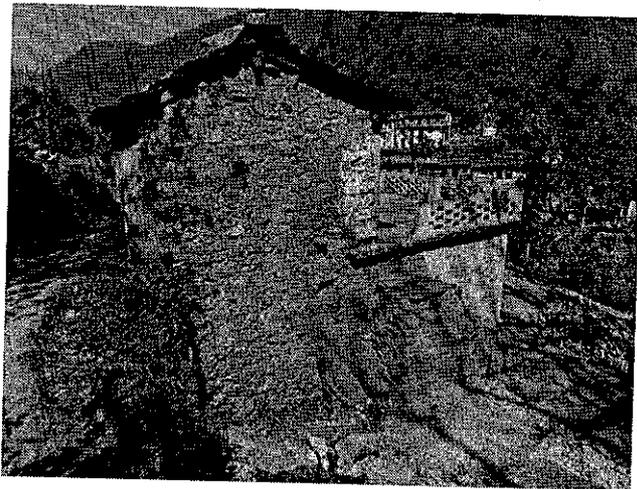
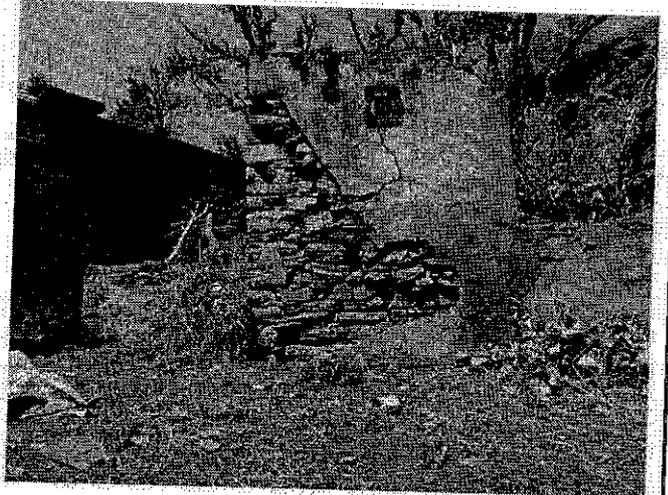
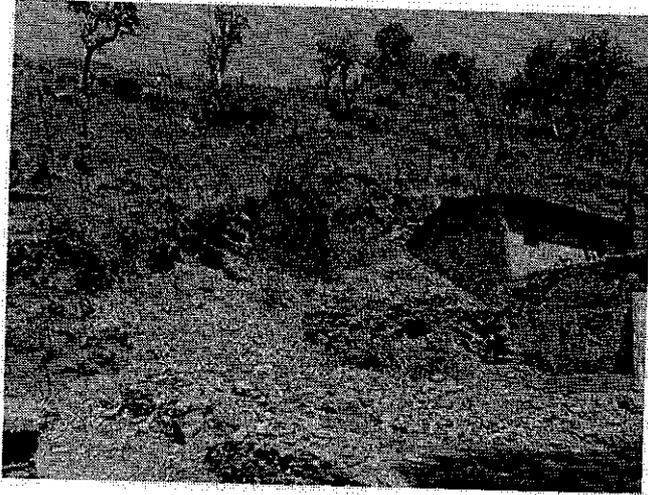
Annexure-1



Houses in Batgeri village Showing Cracks

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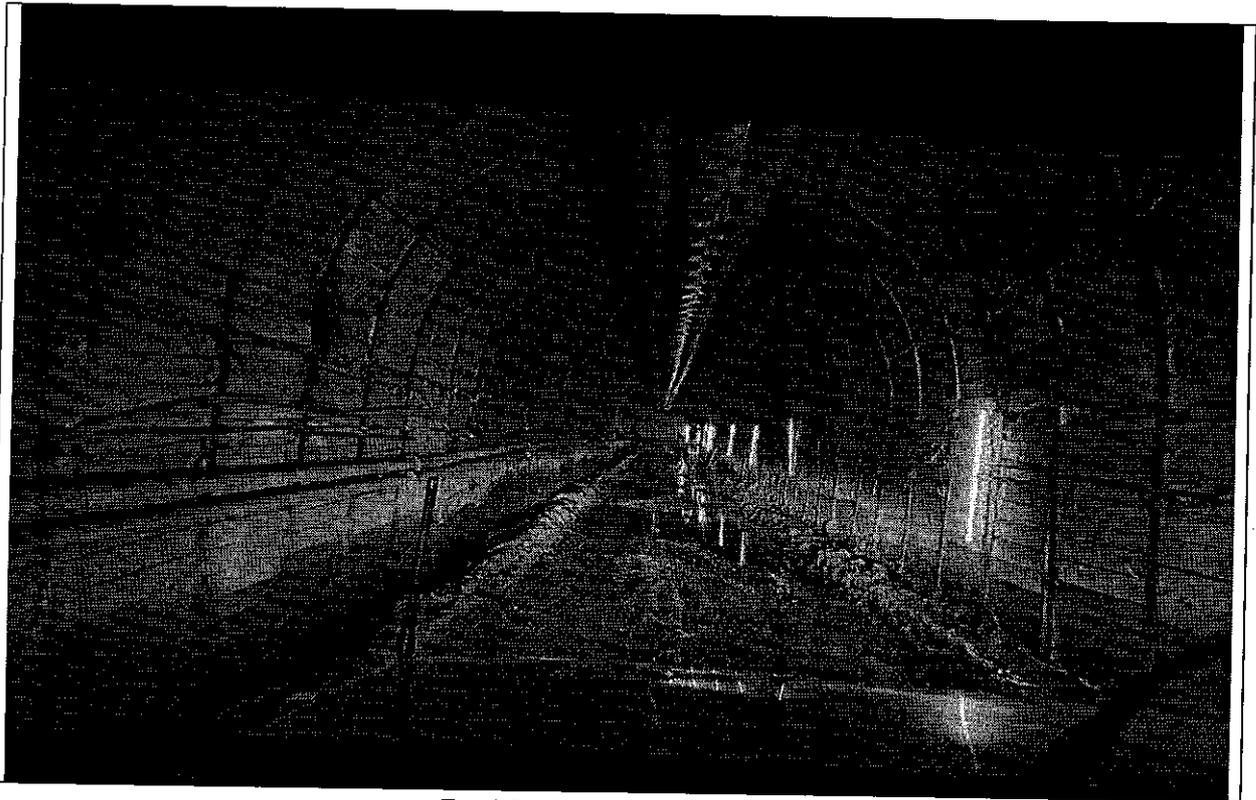
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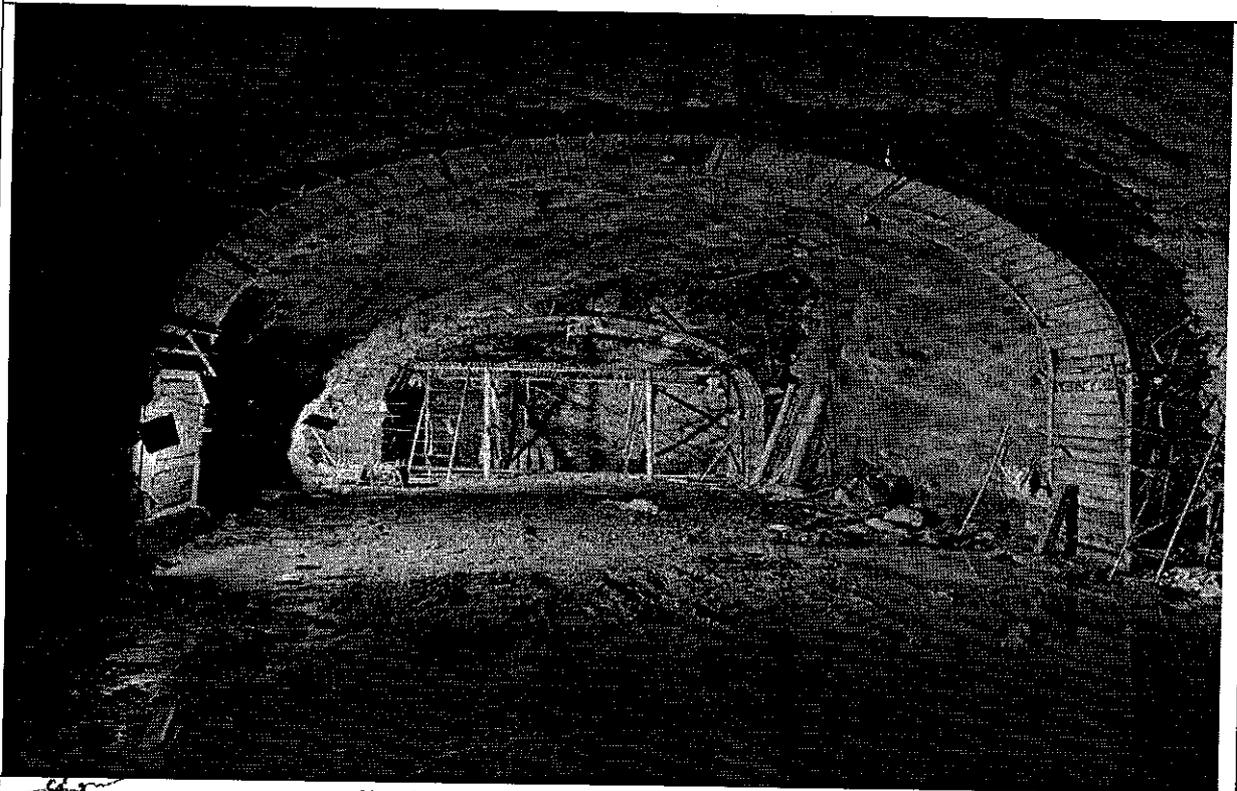
Houses in Sirsauli village Showing Cracks

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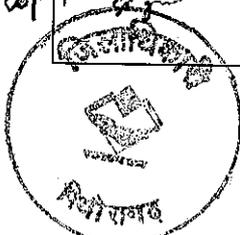


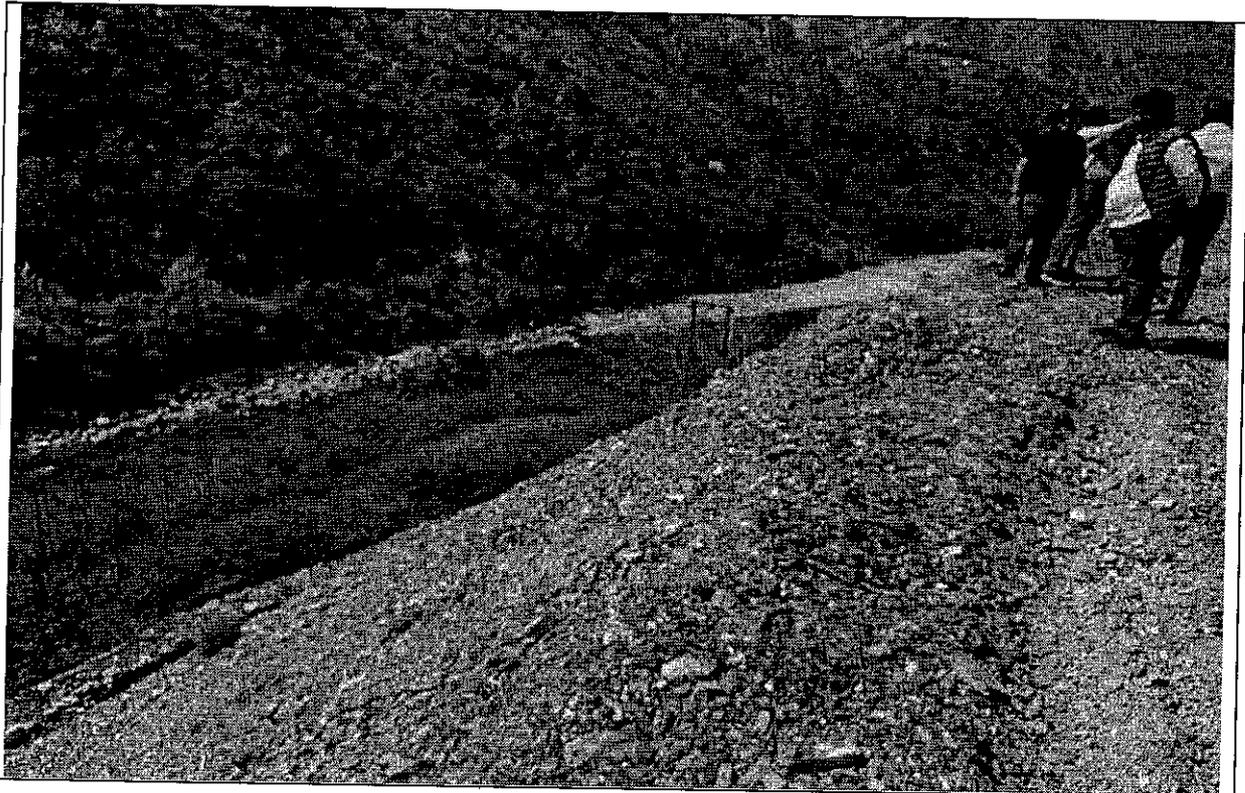


Inside View of Tunnel

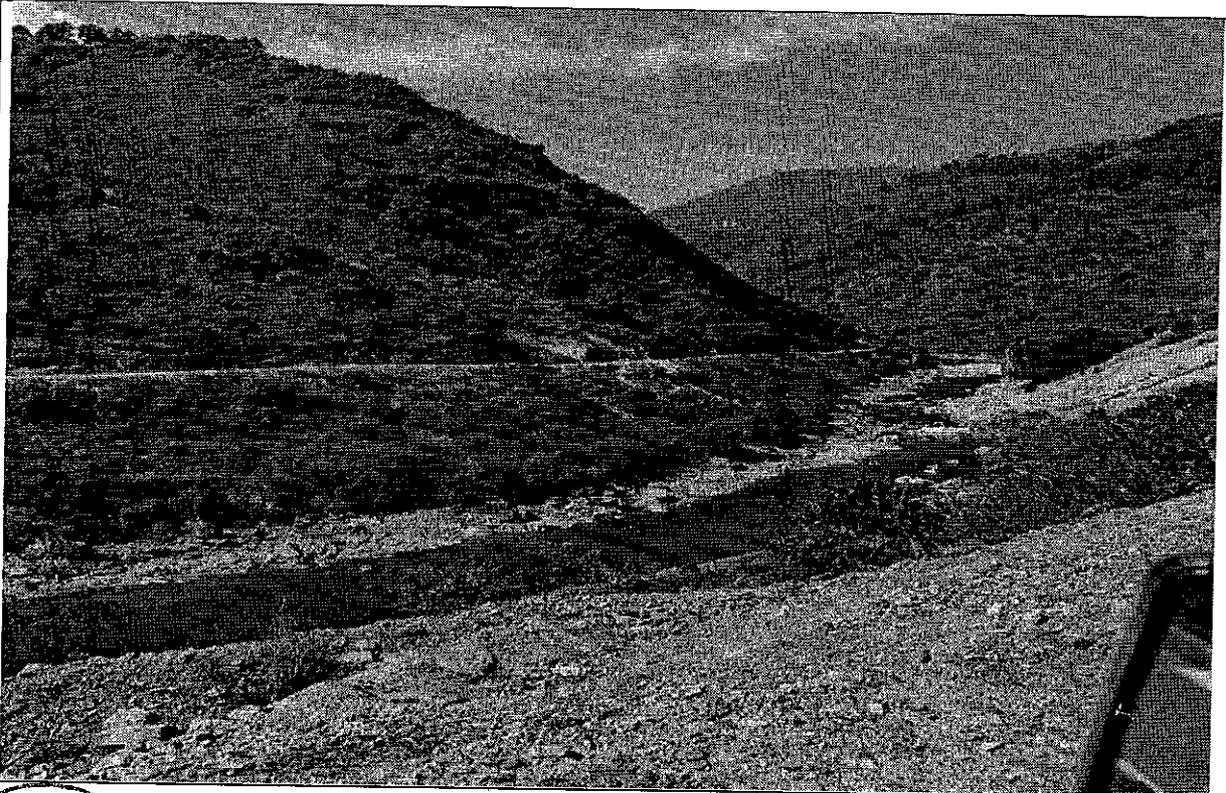


Inside View of Tunnelling work

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Muck Dump Site No. 02



Muck Dump Site No. 02

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क्षेत्रीय कार्यालय

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

आवास विकास कालोनी, हल्द्वानी (नैनीताल)

UKPCB

Ph No.- 05946-225618, 221532 Web Site-www.uappcb.uk.gov.in

Ref: UKPCB/ROH/रिस्ट/485/23/1567-551

Dt. 18/10/2023

सेवा में,

सदस्य सचिव महोदय,
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड,
देहरादून।

विषय- मै0 खुटानी पावर कम्पनी प्रा0लि0 द्वारा ग्राम-बनकोट तहसील गणाई गंगोली जनपद-पिथौरागढ़ में बिना स्थापनार्थ सहमति प्राप्त किये स्टोन केशर की स्थापना के संबंध में।

महोदय,

कृपया उपरोक्त विषयक मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन सं-485/2023, दीवान सिंह बनाम उत्तराखण्ड राज्य में पारित किये गये आदेश दिनांक 04/08/2023 के अनुपालन में गठित समिति द्वारा मै0 खुटानी पावर कम्पनी प्रा0लि0 ग्राम-बनकोट तहसील गणाई गंगोली जनपद-पिथौरागढ़ में 21 मेगावाट क्षमता के निर्माणाधीन विद्युत परियोजना का निरीक्षण दिनांक 26.09.2023 को किया गया है। निरीक्षण के दौरान निर्माणाधीन परियोजना के मलवा निस्तारण स्थल-1 बटगोरी के पास राज्य बोर्ड से बिना स्थापनार्थ सहमति प्राप्त किये स्टोन केशर के रैम्प एवं डक यार्ड स्थापना का कार्य निर्मित पाया गया तथा वर्तमान तक इकाई द्वारा स्थापनार्थ सहमति हेतु बोर्ड की ऑनलाईन व्यवस्था में आवेदन नहीं किया गया है जोकि जल/वायु अधिनियमों तथा ई0पी0 एक्ट का उल्लंघन है।

अतः मै0 खुटानी पावर कम्पनी प्रा0लि0 को को कारण बताओं नोटिस निर्गत करने एवं पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति निम्न घटकों सहित आवश्यक कार्यवाही हेतु सादर प्रेषित की जा रही है।

S.No	Factor	Value
1	Pollution Index of Industrial Sector (PI)	40
2	Numbers of days of violation (N)	संयुक्त निरीक्षण तिथि 26.09.2023 से उद्योग द्वारा अनुपालन किये जाने की तिथि तक।
3	A Factor in Rupees for EC (R)	100/-
4	Factor for Scale of operation (S)	0.5
5	Location Factor (LF)	1
6	Violation Factor (VF)	1.5

भवदीय

(डॉ० डी०के०जोशी)
क्षेत्रीय अधिकारी

