

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

Original Application No. 225/2024

IN THE MATTER OF:

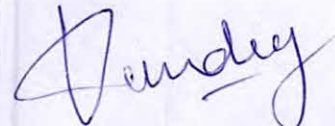
Khildev Singh Rawat Versus State of Uttarakhand & Ors.

INDEX

Sl. No.	PARTICULARS	Page No.
1.	Response by way of affidavit	1-11
2.	ANNEXUURE R4/1 Public Notice for Public Hearing dated 14.07.2024	12-13
3.	ANNEXUURE R4/2 Photographs of Public Hearing dated 05.08.2024	14-16
4.	Vakalatnama	17
5	Proof of service	18

Date: 27.08.2024

Place: New Delhi



Kamal Kumar Pandey
Advocate

37 Lawyers Chamber,
Supreme Court of India,
9312079439

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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

Original Application No. 225/2024

IN THE MATTER OF:

Khildev Singh Rawat

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

AND

IN THE MATTER OF:

Nagar Palika Parishad,

Karnprayag,

Dist.- Chamoli, Uttarakhand ...Respondent No. 4 (Impleaded)

N.D.O.H. -29.08.2024

**RESPONSE ON AFFIDAVIT ON BEHALF THE IMPLEADED
RESPONDENT No. 4 NAMELY NAGAR PALIKA PARISHAD,
KARNPRAYAG**

I, Surendra Kumar aged about 45 years S/o Rajpal Singh,
Executive Officer, Nagar Palika Parishad, Karnprayag, Chamoli,
Uttarakhand on behalf of the above named noticed respondent
herein, being well aware of the facts and circumstances of the



case, I am competent to swear the present affidavit and as such state and affirm that;

1. That, answering respondent is the body responsible for the solid waste management in the parishad area. It is most humbly submitted that the apprehensions raised by the letter petitioner are grossly exaggerated, incorrect and misleading.

It is stated that no construction work has started on the proposed Sanitary Land Fill site for Solid Waste Disposal & Trenching Ground.

As per the inspection report of Range Forest Officer Nandprayag Range, there are 95 trees on the proposed site. Answering respondent vide letter dated 30.10.2023 has sought permission from the Forest Department to cut & compensate. It has been intimated to the answering respondent that permission of the Environment and Climate Change Department, Gol, Dehradun is required and the proposal for it, as per the requirement of law is



under process at the end of answering respondent. Any action in regard to cut aforesaid trees will be taken only after the permission is duly received from the aforesaid authorities.

There is no suitable land available in the parishad area and the proposed site is the most appropriate site both, in terms of accessibility and environmental concerns. The location of the land is in compliance with the prescribed norms and fulfills the criteria of distance from the river (namely Pinder), habitat (namely Tauli Daduli Village) and the National Highway 58.

The apprehensions raised by the complainant in his letter are unfounded and all necessary precautions, preventive and mitigating steps are proposed to be taken to restrict any kind of environmental damage and spilling of the waste from the site. Any construction at the site will be undertaken only after all mandatory No-Objections/permissions are received from the concerned



authorities and environmental clearance is given by the SEAC (State Level Expert Appraisal Committee). The site has also been visited and inspected by the SEAC chairperson prior to the issuance of the ToR Letter 320/SEIAA dated 29.08.2023.

The site is not prone to landslide as alleged by the letter petitioner.

2. That, the present site at Panchpulia at the very entrance of the Parishad area is an old site since prior to the coming into force of the Rules 2016 and is situated on the edge of river Alakhnanda and beside the National Highway 58. Despite all preventive steps being taken, it, due to its location is an environmental and scenic hazard and is not in conformity with the prescribed rules. The public of the town has been protesting and pressurising against the site and State Human Rights Commission has also taken suo moto cognizance of the site location, proceedings in



respect of which are pending before the Commission. Hon'ble State Human Rights Commission has suggested to take steps to shift the site from it's present location. The present site, despite all precautions and preventive steps is unsustainable and requires urgent closing and shifting to new location as early as possible.

3. That, Karnprayag is at the confluence of rivers Alaknanda and Pindar and there is gross scarcity of suitable and accessible, non-forest land. No land suitable for SWM is available within the parishad area. Presently, approx 2.5 ton of garbage is being collected per day for which the site at Panchpulia is being used for segregation and disposal.
4. That, the proposed site has been allotted by the administration after thorough deliberations and due consideration for the environment protection and the Rules thereof.



5. That, the land in question is a non-agricultural (Dhangar) forest land, allotted to the answering respondent by the District Magistrate, Chamoli vide letter dated 24.11.2022 for the purpose of 'Waste Disposal & Trenching Ground'. It is most humbly reiterated that no other similar accessible alternative suitable site is available in the parishad area. The mountainous terrain and forest cause severe constraints in availability of accessible suitable land.
6. That the proposed site fulfils all prescribed criteria and parameters except one marginally i.e. it's distance from the nearest Airstrip.

In this regard it is most humbly submitted that the concerned criteria is prescribed primarily with an objective of 'Air Safety'. Answering Respondent is conscious of balancing both the factors i.e. 'air safety' and 'environment protection'. No high-rise building or tower is proposed to be constructed at the site and the answering



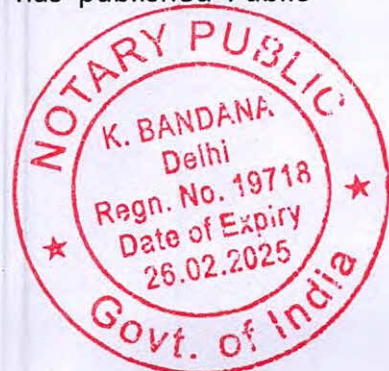
respondent vide letter 168/NPPKPG/NOC/2024025 dated 15.06.2023 has sought permission from the Airport Authority of India and will comply with the conditions imposed by it.

7. That answering respondent on 03.03.2023 had invited urgent quotation for EIA (Environment Impact Assessment) from the firms/organisations registered with Accreditation of EIA consultant organisation and EIA is under process.
8. That the Joint Committee constituted by this Hon'ble Tribunal has inspected the site on 14.06.2024 and had submitted it's report dated 29.06.2024. The Report has not found any violations of the Rules by the answering respondent.
9. That, the answering respondent has received NoC dated 19.07.2023 from the irrigation department directing to



take all mitigation steps to prevent any adverse impact to the rivers Akahnanda and Pindari. In this respect 4 mtrs GI Sheet (galvanized iron sheet) fencing is proposed at the proposed site to cover the spillage and view of the site. The transportation of the waste will be done by means of covered vehicles. A boundary wall is proposed to be constructed to prevent any kind of spillage from the site. Water channels will be constructed on both sides of the boundary to prevent spillage. Additionally, Flash flood water channel, water storage tank, siltation and screening chambers will be constructed inside the site.

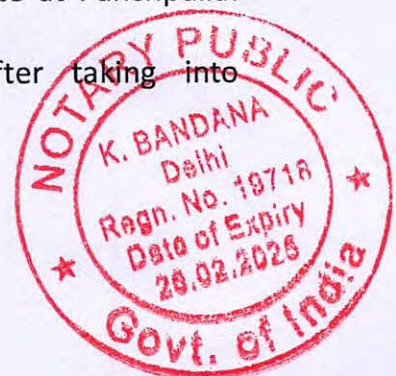
10. That answering respondent has been engaging itself with the public and all the genuine and bonafide grievances and concerns of public interest will be given due deliberations and suitably addressed. Answering respondent vide letter dated 26.02.2024 has already made payment to the Uttrakhand Pollution Control Board for public hearing. Uttrakhand Pollution Control Board has published Public



notice dated 14.07.2024 in Times of India and Amarujala newspaper for Public Hearing and inviting oral, written suggestions, comments, objections from the public within 30 days. As per the Notice on 05.08.2024 public hearing was held at the site on 05.08.2024. The true copy of the Public Notice is annexed herewith as **ANNEXURE R4/1** and the photographs of the Public Hearing dated 05.08.2024 held at the site is annexed as **ANNEXURE R4/2**.

11. That, in view of the facts and circumstance stated in the preceding paras, geographical location of the Karnparayag imposes severe constraints in respect of the availability of suitable land. Answering respondents being aware and conscious of the environmental concerns is following all the prescribed rules and is taking all necessary steps to obtain necessary clearances from the all concerned authorities. However, it is necessary to urgently shift the waste management from the present site at Panchpulia.

The new site has been allotted after taking into



consideration all the factors and the site fulfills all the prescribed norms as per the Rules of Environmental concern, except one i.e. Air Safety in terms of distance from the nearest Air Strip, for which NoC has been requested from the Airport Authority. Answering respondent is also taking necessary steps to address the genuine concerns of the public. All precaution and preventive steps will be taken to mitigate any adverse impact on the environment or the public.

[Handwritten Signature]
IDENTIFIED

[Handwritten Signature]
 DEPONENT

VERIFICATION:

Verified that the contents of the present affidavit paras 1 to 11 are true and correct to the best of my personal knowledge and based on records, nothing stated is false and nothing material has been concealed. Documents annexed along are true and correct copies. Verified at New Delhi on this ^{26th} day of August, 2024.

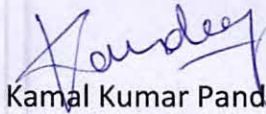
NOTARY PUBLIC
 K. BANDANA
 Delhi
 Regn. No. 19718
 Date of Expiry
 26.02.2025
 Govt. of India

NOTARY PUBLIC
 K. BANDANA
 Regn. No. 19718
 Date of Expiry
 26.02.2025
 Govt. of India

Through

[Handwritten Signature]
 DEPONENT

12.6 AUG 2024 ATTESTED
NOTARY PUBLIC DELHI
GOVT. OF INDIA
 Mob.: 9654768498



Kamal Kumar Pandey
Advocate

37 Lawyers Chamber,
Supreme Court of India,
9312079439

adv.kamal.kr.pandey@gmail.com



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मुख्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

"गौरा देवी पर्यावरण भवन", 46बी, आई0टी0 पार्क, सहस्रधारा रोड, देहरादून
E-mail : msukpcb@yahoo.com, दूरभाष: 0135-2607092

पर्यावरणीय स्वीकृति हेतु लोक सुनवाई के लिये सूचना

मै. नगर पालिका परिषद, कर्णप्रयाग द्वारा ग्राम डिम्बर, जनपद चमोली में प्रस्तावित सेनेटरी लैंडफिल की पूर्व पर्यावरणीय स्वीकृति हेतु लोक सुनवाई का प्रस्ताव उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून के समक्ष प्रस्तुत किया गया है। प्रस्ताव के लिए राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण (SEIAA) द्वारा Terms of Reference निर्धारित किये गये हैं, जिनके अन्तर्गत प्रस्तावक के द्वारा ड्राफ्ट पर्यावरण प्रभाव मूल्यांकन रिपोर्ट एवं पर्यावरण प्रबन्धन योजना तैयार कर प्रस्तुत की गयी है। पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा जारी ई.आई.ए. अधिसूचना 14.09.2006 (यथासंशोधित) के अनुसार उक्त प्रकार की परियोजनाओं के क्रियान्वयन से पूर्व लोक सुनवाई का प्राविधान है, जिस हेतु 30 दिनों का नोटिस समाचार पत्रों के माध्यम से जन साधारण के संज्ञानार्थ दिया जाना आवश्यक है। लोक सुनवाई हेतु पैनल की संरचना उक्त अधिसूचना के अनुरूप निम्नवत् है:-

1. जिलाधिकारी, जनपद चमोली या उनके द्वारा नामित/अधिकृत प्रतिनिधि जो जिला स्तरीय अधिकारी हो-लोक सुनवाई के अध्यक्ष।
2. उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड के प्रतिनिधि।

प्रस्ताव से सम्बन्धित जमा समस्त अभिलेख (i) क्षेत्रीय कार्यालय, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, 25-सुभाष रोड, देहरादून (ii) मुख्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, गौरा देवी पर्यावरण भवन, 46-बी, आई.टी. पार्क, सहस्रधारा रोड, देहरादून (iii) क्षेत्रीय कार्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, ई-115, नेहरू कॉलोनी, देहरादून (iv) कार्यालय जिलाधिकारी, चमोली (v) कार्यालय, जिला पंचायत, चमोली (vi) जिला उद्योग केन्द्र, चमोली में उपलब्ध है, जिनका कोई भी इच्छुक संस्था/व्यक्ति अवलोकन कर सकता है। ड्राफ्ट पर्यावरण प्रभाव मूल्यांकन रिपोर्ट एवं सारांश की प्रति www.ueppcb.uk.gov.in पर भी उपलब्ध है।

मै. नगर पालिका परिषद, कर्णप्रयाग द्वारा ग्राम डिम्बर, जनपद चमोली में प्रस्तावित सेनेटरी लैंडफिल की पूर्व पर्यावरणीय स्वीकृति हेतु लोक सुनवाई दिनांक 05.8.2024 को प्रातः 11:00 बजे से परियोजना स्थल में तत्समय कोविड-19 के संदर्भ में विद्यमान SoP के अधीन सोशल डिस्टेंसिंग, आवश्यक रूप से मास्क का प्रयोग, धर्मल स्क्रीनिंग एवं हैंडवाश व सेनेटाइजर तथा अन्य सुरक्षात्मक उपायों के साथ निर्धारित की जाती है।

अतः सर्वसाधारण को सूचित किया जाता है कि सम्बन्धित परियोजना के प्रस्ताव के सम्बन्ध में अपने मौखिक, लिखित सुझाव, टीका टिप्पणियों एवं आपत्तियाँ इस कार्यालय अथवा बोर्ड के क्षेत्रीय कार्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, ई-115, नेहरू कॉलोनी, देहरादून में इस सूचना से सम्बन्धित विज्ञापन प्रकाशन की तिथि से 30 दिनों के अन्दर प्रेषित कर सकते हैं अथवा लोक सुनवाई के समय भी प्रस्तुत कर सकते हैं।

सदस्य सचिव

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

Times of India 4/7/2024

|| True Copy ||

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358@gmail.com
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और गांव के लोगों के साथ सत्संग में शामिल होने गई थीं, जहां भगदड़ में महिला की मौत हो गई। इसके अलावा सत्संग में गई ऊंचीमहुवट निवासी बंदो देवी राणा और खेतलसंडा खाम निवासी कमला देवी घायल हो गई। मृतका मोहम्मदपुर भुड़िया निवासी द्रौपदी देवी (45) पत्नी करम सिंह का शव मंगलवार देररात गांव लाया गया। शव के पहुंचते ही परिजनों में कोहराम मच गया। संवाद



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प्रस्ताव से सम्बन्धित जमा समस्त अभिलेख (i) क्षेत्रीय कार्यालय, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, 25-सुभाष रोड, देहरादून (ii) मुख्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, गौरा देवी पर्यावरण भवन, 46-बी, आई.टी. पार्क, सहस्रधारा रोड, देहरादून (iii) क्षेत्रीय कार्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, ई-115, नेहरू कॉलोनी, देहरादून (iv) कार्यालय जिलाधिकारी, चमोली (v) कार्यालय, जिला पंचायत, चमोली (vi) जिला उद्योग केन्द्र, चमोली में उपलब्ध है, जिनका कोई भी इच्छुक संस्था/व्यक्ति अवलोकन कर सकता है। ड्राफ्ट पर्यावरण प्रभाव मूल्यांकन रिपोर्ट एवं सारांश की प्रति www.ueppcb.uk.gov.in पर भी उपलब्ध है।

मै. नगर पालिका परिषद, कर्णप्रयाग द्वारा ग्राम डिम्मर, जनपद चमोली में प्रस्तावित सेनेटरी लैंडफिल की पूर्व पर्यावरणीय स्वीकृति हेतु लोक सुनवाई दिनांक 05.8.2024 को प्रातः 11:00 बजे से परियोजना स्थल में तत्समय कोविड-19 के संदर्भ में विद्यमान SoP के अधीन सोशल डिस्टेंसिंग, आवश्यक रूप से मास्क का प्रयोग, थर्मल स्क्रीनिंग एवं हैंडवाश व सेनेटाइजर तथा अन्य सुरक्षात्मक उपायों के साथ निर्धारित की जाती है।

अतः सर्वसाधारण को सूचित किया जाता है कि सम्बन्धित परियोजना के प्रस्ताव के सम्बन्ध में अपने मौखिक, लिखित सुझाव, टीका टिप्पणियों एवं आपत्तियाँ इस कार्यालय अथवा बोर्ड के क्षेत्रीय कार्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, ई-115, नेहरू कॉलोनी, देहरादून में इस सूचना से सम्बन्धित विज्ञापन प्रकाशन की तिथि से 30 दिनों के अन्दर प्रेषित कर सकते हैं अथवा लोक सुनवाई के समय भी प्रस्तुत कर सकते हैं।

सदस्य सचिव
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

Amarudalg. 4/7/2024

44

ANNEXURE R 4/2

नगर पालिका परिषद कर्णप्रयाग द्वारा
परियोजना स्वतः ग्राम डिम्बर, तहसील - कर्णप्रयाग, जिला चमोली द्वारा
सेग्रेटरी लैंडफिल हेतु
पर्यावरणीय स्वीकृति के लिए लोक सुनवाई
दिनांक - 05.08.2024, समय प्रातः - 11.00 बजे
स्थान: परियोजना स्वतः ग्राम डिम्बर, तहसील - कर्णप्रयाग, जिला चमोली
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून



|| True Copy ||

परियोजना स्वतंत्र ग्राम डिम्बर, नदीकोट - कनकपुरा, जिला नवलपरासी बागमती प्रदेश

सेमिनार लैडिफिल हेतु

पर्यावरणीय स्वीकृति के लिए लोक संस्थाई

दिनांक:- 05.08.2024, मंगल दिन - 11.00 बजे

स्थान: परियोजना स्वतंत्र ग्राम डिम्बर, नदीकोट - कनकपुरा, जिला नवलपरासी

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून



|| True Copy ||



|| True Copy ||

Khildev Singh Rawat

PETITIONER/APPLICANT

VERSUS

State of Uttarakhand & Ors

RESPONDENTS/DEFENDANT

KNOW ALL to whom these presents shall come that I/We the Respondent above named do hereby appoint

Mr. Kamal Kumar Pandey

Chamber No. 37, R. K. Garg Block,
Supreme Court of India, New Delhi-2
Mob: 9312079439, 9971049936
adv.kamal.kr.pandey@gmail.com

Hereinafter called the advocate(s) to be my/our Advocate(s) in the above noted case and authorize them:

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried to hear and also in the Appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdraw, compromise or file other petitions or affidavits or documents as may be deemed necessary or for proper execution of the said case in all its stages subject to payment of fee each stage.

To file and take back documents, to admit &/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relation to the said case. To take execution proceedings.

To deposit, draw and receive moneys, cheque(s), cash and grant receipt thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.


To appoint and instruct any other Legal practitioner or person authorizing him to exercise the power and authority hereby conferred upon the Advocate(s) whatever he then may think fit to do so & sign the power of attorney or

And I/We the undersigned so hereby agree to ratify and confirm all acts done by the Advocates or their substitute in the matter as my/our own acts as done by me/us to all intents and purposes. And I/We undertake that I/We or my/our duly authorised agent(s) would appear in court on all hearings & will inform the Advocate(s) for appearances when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment cost, whatever ordered by the Court shall be the Advocate, which he shall receive and retain for himself.


And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the proceeding of the said case until the same is paid up. The fee settled is only for the above case and above Court, for a period of three years only. I/We hereby agree that once the fee is paid I/We will not be entitled for the refund of the same in any case whatsoever. For execution of decrees & getting their satisfactions from Court(s), Separate fee shall be payable.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 20th day of August, 2024, accepted subject to the terms of fees.


COUNSEL

(Kamal Kumar Pandey)

CLIENT


अधिसूत्री अधिकारी
नगर पालिका परिषद
कर्णप्रयाग (चमोली)

CLIENT

- identified






Surendra mehra <surendramehra74@gmail.com>

NGT

1 message

Surendra mehra <surendramehra74@gmail.com>
To: Mukesh Verma <mvermadv@gmail.com>

Tue, Aug 27, 2024 at 3:18 PM

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