

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

O.A. No 421/2025

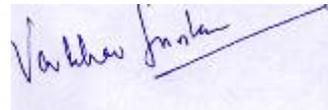
In the matter of:

News Item titled “Illegal constructions flourish in Himachal due to lack of proper checks” appearing in The Tribune dated 08.08.2025.

Versus

1. Department of Town and Country Planning, Himachal Pradesh.
2. Department of Urban Development, Himachal Pradesh.
3. Department of Environment, Science Technology & Climate Change Through it's Director, Himachal Pradesh.
4. Himachal Pradesh State Pollution Control Board Through it's Member Secretary Paryavaran Bhawan, Phase-III, New Shimla – 171009, Himachal Pradesh.
5. Ministry of Environment, Forest and Climate Change, Government of India.

.....**Respondents.**



THROUGH COUNSEL
VAIBHAV SRIVASTAVA
ADVOCATE FOR R-4

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Member Secretary,
HP State Pollution Control
Shimla

**RESPONSE ON BEHALF OF RESPONDENT
No. 04 i.e. H.P. STATE POLLUTION CONTROL
BOARD (HPSPCB).**

Most Respectfully Sheweth:

1. That the instant matter is related to the unchecked growth of illegal constructions in Himachal Pradesh due to lack of proper monitoring and enforcement of planning and development norms, which has been taken up suo motu by the Hon'ble NGT on the basis of a news item titled "Illegal constructions flourish in Himachal due to lack of proper checks" appearing in The Tribune dated 08.08.2025. As per the news article a number of multi-storey buildings coming up on the bank of rivers and rivulets in different parts of the State in violation of rules. Further, as per the article, although the State government had banned such constructions in 2023 following the flash floods in Kullu and Shimla districts, the illegal practice continues unchecked, suggesting that the Town and Country Planning Department has not taken the directive seriously. In this matter, the Hon'ble NGT impleaded the respondents named herein above and directed to them file their Reply/Response by way of Affidavit.

2. That in this regard, it is submitted that the mandate of respondent no. 04 i.e. H.P. State Pollution Control Board (hereinafter referred to as the "State Board" in short) is with respect to enforcement of environmental laws under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. It is submitted that regulation of construction, grant of building plan approvals, building permissions, land use, zoning, structural safety etc. falls within the jurisdiction of the development authorities such as Department of Town & Country Planning, Municipal Bodies, Gram Panchayats, Special Area Development Authority (SADA) etc. The Environment Clearance to various Category-B projects based on capacity/area, as specified in Schedule of Environment Impact Assessment (EIA) Notification is granted by the Department of Environment, Science Technology & Climate Change acts/functions through State Level Environment Impact Assessment Authority (SEIAA)/State Expert Appraisal Committee (SEAC).

It is submitted that the State Board issues Consent to Establish to the Industrial units, Building,

Construction and Township Projects, Hotels etc. only after grant of NoCs / building plan approvals by the concerned developmental bodies i.e. Department of Town & Country Planning, Municipal Bodies etc. and such consent is subject to the terms and conditions related to pollution control measures to be taken by the proprietor/project proponent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

3. It is submitted that the State Board before issuing of Consent to Establish, as per its SOPs require the proponents of the "Building, Construction and Township Projects" to produce Registration/No Objection Certificate issued by Development Authorities such as Town & Country Planning, Municipal Bodies, Special Area Development Authority (SADA), Gram Panchayat etc (as applicable). These projects are also required to produce approved conceptual plan to verify total built up area, muck management plan, proposals for installation of STP with complete drawing & design and completion certificate from the afore-mentioned development authorities.

4. It is submitted that the State Board is monitoring the issues of solid waste management and discharge of untreated sewage into rivers/rivulets. Regarding the issue of discharge of untreated sewage into the rivers/rivulets/water bodies, it is submitted that as a mandatory requirement for obtaining Consent of the State Board, the Hotel/Tourism units are required to be connected with the sewerage line and where no sewerage line exists, small hotels are required to provide septic tanks and soak pits. Larger Hotels/Tourism units (above 25 double bed rooms) are required to install their own STP/ETP. It is also a mandatory requirement that Water flow meter should be provided at the outlet of STP/ETP/ETP cum STP. Separate energy meter should be provided for STP/ETP. Log book of STP/ETP should be maintained having details regarding daily inflow, energy consumption and chemicals used. Regarding the issue of Solid Waste management, it is submitted that it is a mandatory requirement for obtaining Consent of the State Board that the Hotel/Tourism units shall dispose Biodegradable and non-biodegradable waste by means of composting/organic waste converter/ vermicomposting/incineration or through authorised recycler/ local

body as per Solid Waste Rules, 2016. Hotels with capacity of more than 50 double bed rooms are required to provide their own Bio-degradable Organic Waste Composting/Converter Machine.

5. That in case of violation of consent conditions relating to discharge of untreated sewage, improper Solid Waste Management or non-installation of STP/ETP, the State Board initiate action under Section 33-A of the Water Act, 1974 and Section 31-A of Air Act, 1981 including issuance of closure directions, disconnection of electricity and imposition of Environmental Compensation.
6. It is respectfully submitted that effective control over illegal construction require coordinated action by Town & Country Planning Department, Urban Development Department, Rural Development Department, Municipal bodies, Special Area Development Authority (SADA) and District administration. It is submitted that the State Board extend all technical support in environmental matters to the concerned authorities.
7. That the present response filed on behalf of Respondent no. 04/HPSPCB may kindly be taken on record. The answering respondent i.e. HPSPCB shall

abide by any further order or directions passed by
Hon'ble NGT.

Dated: 20.01.2026
Place: Shimla. H.P.

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Respondent No. 04
Member Secretary,
HP State Pollution Control
Shimla