

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 145 OF 2024**

IN THE MATTER OF:-

Friends

... Applicant

VERSUS

Union of India & Ors

... Respondents

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Through



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Place:- New Delhi

Dated:- 12.09.2025

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PRINCIPAL BENCH AT NEW DELHI
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REPORTS FILED BY THE RESPONDENTS: CENTRAL
POLLUTION CONTROL BOARD (CPCB), HIMACHAL
PRADESH POLLUTION CONTROL BOARD (HPPCB), AND
THE DEPUTY COMMISSIONER, LAHAUL AND SPITI**

MOST RESPECTFULLY SHOWETH:-

1. That the present Original Application relates to illegal, reckless dumping/littering of solid and all forms of wastes in Koksar, an extremely eco-sensitive area, situated at an altitude of 5484 met (17992.13 ft) in District Lahaul & Spiti on the Leh-Manali Highway in Himachal Pradesh.
2. That this Hon'ble Tribunal was pleased to grant opportunity to the Applicant to file a response to the status reports filed by the respondents Central Pollution Control Board (CPCB), Himachal Pradesh Pollution Control Board (HPPCB), and the Deputy Commissioner Lahaul and Spiti vide order dated 30.01.2025.
3. That the General Secretary of the Applicant organisation visited Koksar on 29.06.2025 and observed blatant violations of the applicable Environmental norms despite submissions made by the respondents concerned before this Hon'ble Tribunal about taking appropriate measures in this

connection. Prior to placing the above observations before this Hon'ble Tribunal, the Applicant respectfully seeks to respond to the contents of the reports under consideration.

4. That it is very humbly submitted that the Status-Cum-Action Taken Report, dated: 17.10.2024, submitted by the CPCB, Respondent No.3, fails to indicate any sustained and effective action on the serious issue prevailing in Koksar, and merely refers to some letters issued to the HPSPCB, Respondent No.4, requesting them to furnish the current status of compliance with the relevant provisions of the Solid Waste Management Rules, 2016(SWM Rules, 2016), and the Plastic Waste Management Rules, 2016(PWM Rules, 2016) along with a status-cum-action taken report regarding the issues raised by the applicant and noted in the orders of this Hon'ble Tribunal, and replies to the aforementioned letters sent by the HPSPCB.
5. That as per the CPCB report dated: 17.10.2024 in question, the Compliance Status of SWM Rules, 2016 is extremely disappointing. The report states: *“The Gram Panchayat Koksar has established a Material Recovery Facility (MRF) near the Koksar (Dimpuk) and Shredder & Bailer were found in place which is not functional as there is no source of electricity/power backup for the operation of MRF site till 11.09.2024. Letter has been issued to Sub-Divisional Magistrate-cum-Member Secretary, SADA Keylong vide letter dated 12.06.2024 to make necessary arrangements for power supply. No arrangement for the wet waste treatment has been provided. No sanitary landfill site has been established.”*
6. That regarding the Compliance Status of Plastic Waste Management Rules 2016 (As amended), the said report states: *“Plastic carry bags (irrespective of their sizes and thickness) have been banned in Himachal Pradesh since 2009. State Board has carried out regular surveillance and inspections in Koksar & surrounding area of Atal Tunnel to check*

littering/dumping of Solid waste and issued challan amounting to Rs.43,000/- since opening of Atal Tunnel. Further State Board has imposed Environmental Compensation amounting to Rs.1,00,000/- on Gram Panchayat, Koksar as per orders of Hon'ble NGT in OA No. 256 of 2013 titled as Abishek Rai vs State of H.P. & Ors."

7. That the said report dated: 17.10.2024 further states that *"The information provided by HPSPCB was found to be incomplete and hence CPCB has issued letter dated 16.10.24 to HPSPCB to take necessary action including issuing directions to the local body, for implementation of provisions of Air (Prevention and Control of Pollution) Act 1981, Water (Prevention and Control of Pollution) Act, 1974, SWM Rules 2016 and PWM Rules 2016 in the region. HPSPCB has also been asked to monitor the progress of the actions taken by concerned local Authorities in this regard, and submit progress report to this office."*
8. That in view of the findings presented in the report, it is evident that the respondent, CPCB, has expressed dissatisfaction with the prevailing levels of compliance with the applicable environmental norms and statutory obligations.
9. That it is further evident that the Inspection-cum-Action Taken Report, dated: 17.10.2024 filed by HPSPCB is again deeply unsatisfactory, as it reveals continued non-compliance with applicable environmental laws, regulatory directives, and statutory obligations.
10. That the abovementioned report dated: 17.10.2024 states that the regional office of the HPSPCB at Kullu is regularly inspecting Koksar and the concerning area around to check the littering of solid waste and banned single use plastic items, and other violations of environmental norms and laws. As per the said report, the said office had carried out regular surveillance and inspections on 25.04.2024, 13.05.2024,

21.05.2024, 07.06.2024, 10.07.2024, and 20.07.2024 to check the littering/dumping of the solid waste and violations in Koksar and the surrounding area of Atal Tunnel with respect to the reply submitted by Gram Panchayat Koksar vide letter no. 124 dated 27.03.2024 in compliance with the show cause notice issued the said office of the HPSPCB.

11. That it is submitted that the HPSPCB has, vide Report dated: 17.10.2024, made the following observations during the course of inspections on the above dates –

- The littering of solid waste was observed in area opposite to North Portal of Atal Tunnel, at various locations along the road and at the snow tourism Koksar village along the road to Rohtang pass and at snow tourism activity points beyond the Koksar barrier and next to water body.
- The Gram Panchayat, Koksar has dumped the mixed solid waste at Dimpuk(Koksar) Village and littering of the solid waste was also observed around the aforesaid location.
- The Material Recovery Facility near Koksar was not made functional.
- No wet waste treatment facility was provided by the Gram Panchayat, Koksar.
- No warning/signages boards were found installed in Dimpuk/Koksar village, at snow tourism activity points etc.
- Open burning of solid waste was observed on 16.02.2024 in Dimpuk/Koksar village.

It is also submitted that in view of the violations observed, HPSPCB had imposed an environmental compensation amounting to Rs.100000 (Rupees One Lakh) on the Gram Panchayat, Koksar. The report mentions that HPSPCB inspected the Material Recovery Facility (MRF) near Koksar

again on 11.09.2024 and found it was still not functional due to the lack of electricity supply, but there was an accumulation of dry waste inside the MRF. The respondent HPSPCB has further annexed photographs taken during inspections on various dates. These photographs provide direct visual evidence of serious violations of essential environmental rules, norms, directions, and statutory mandates.

12. That it is pertinent to mention that Mr. Sharad Tiwari, the General Secretary of the Applicant organization, also made identical observations during his visit to Koksar on 29.06.2025, approximately 11 months after the last surveillance and inspection of the area conducted by the office concerned of the HPSPCB on 20.07.2024 (an inspection was also carried out on 11.09.2024, but it was limited to the MRF). The Applicant observed that the MRF was non-functional. This indicates that the said office of the HPSPCB has not been conducting regular surveillance and inspection of the area, which is extremely necessary given the persistent violations of environmental norms, laws, and directions in that region.

13. That it is stated in the report dated: 17.10.2024 that a committee was constituted by the Deputy Commissioner Lahaul and Spiti for the identification of the Vending & Non-Vending Zones at Koksar, Sissu & North Portal of Atal Tunnel, Rohtang. The Committee visited the area on 25.04.2024 and the following decisions were made:

- *The area/land opposite to Atal Café, Sissu was found suitable for the vending zone and parking shall also be provided near to vending zone, and no vending shall be allowed in the helipad area. The helipad area shall be declared as a Non Vending zone.*
- *The area/forest land opposite to North Portal of Atal Tunnel near the BRO residence was found*

suitable for a vending zone with parking facility. It was also decided that the entire vending area shall be raised at least 3 to 5 feet above the ground level (only platform for vendors) with a strong base, keeping in view snow/avalanche conditions in the area.

- *The area/forest land near the old bridge on the right bank of River Chandra at Village Kokhsar was found suitable for a vending zone, and the area near the new bridge on the left bank of River Chandra opposite to the forest land is close to the HFL (High Flood Level) of River Chandra.*
- *The area opposite to forest land at Tunnel to Sissu Village on the left bank en route up to Kokhsar Village may be declared as a No Vending zone.*

14. That it is submitted that no progress with regard to the establishment of the said vending zones was observed by the Applicant. It is also noteworthy that the respondents must exercise due caution while taking any decision in this regard, as establishing vending zones on Forest land or on the banks of the River Chandra may contravene applicable environmental norms, directions, and laws.

15. That the report dated: 17.10.2024 filed by the HPSPCB indicates that the vital issue concerning the determination of the carrying capacity of Koksar, Sissu and the surrounding areas, including Manali and Solang, is still awaiting action. Additionally, the HPSPCB has requested the Deputy Commissioner, Lahaul and Spiti, to enforce and implement the Applicant's suggestions for effective solid waste management in the area through the stakeholder departments, via letter dated 26.09.2024. However, it is pertinent to mention that neither has any action been taken to determine the Carrying Capacity of aforesaid areas nor has there been any enforcement or implementation of the Applicant's suggestions, as was also observed by the Applicant's General

Secretary during his visit, approximately nine months after the issuance of the said letter.

16. That the Status Report dated: 21.01.2025 filed by the Deputy Commissioner Lahaul and Spiti, Respondent No.5, in compliance with the orders dated 12.07.2024 and 18.10.2024 of this Hon'ble Tribunal in the instant OA, merely states that the rules have been framed under the Rule 20 (c) of the SWM Rules 2016, and arrangements have been made to charge Green Fee at the entry point near Atal Tunnel North Portal. However, no effective implementation of such rules was observed by the Applicant. It is very humbly submitted that merely charging a Green Fee does not, by itself, ensure the protection and betterment of the environment.

17. That the aforesaid report dated: 21.01.2025 further states that the entry of tourists is being checked and regulated at Gufa Hotel (North Portal) by police personnel on a continuous basis. It is further submitted that tourists found littering non-biodegradable materials are being challaned under the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995. However, the respondent has not annexed details of such challans issued to tourists. Additionally, as per local people, the number of tourists visiting Koksar each day is far in excess of the sanctioned limit.

18. That it is also submitted that the Applicant did not notice any signboards in the Koksar area to make tourists aware of the need to maintain cleanliness and protect the environment. Interestingly, the report states that *"to aware the tourists various signboards and dustbins were placed at various locations, however, due to heavy snowfall signboards get damaged during every winter season."* The Applicant respectfully submits that its representative visited Koksar at the end of the peak tourist season, when there had been no snow in the area for approximately two months and tourists

were thronging the place, yet there were hardly any signboards or dustbins visible in the area.

19. That the report dated: 21.01.2025 further states that “to deal with solid waste management at Koksar, Material Recovery Facility Plant has been established. Further, to have decentralized mechanism for the treatment of Solid waste generated in the valley one more MRF plant near District Head Quarter has also been functionalized.” The copies of the photographs of the said plants, attached with the report as Annexure-R-IV and supplied to the Applicant, are in black and white and not clear. However, the Applicant found only one MRF plant at Koksar, which was not functional.

20. That, in addition to the above, the status report dated: 21.01.2025 filed by the Deputy Commissioner, Lahaul and Spiti, refers to the installation of CCTV cameras and toilets in the area, as well as the respondent’s stated commitment to eco-sensitivity, sanitation, solid waste management, and the protection of the region’s environment; however, during the site visit, the Applicant found no evidence of any such measures having been implemented on the ground. The Applicant is placing on record its observations during the said site visit in the following paragraphs.

21. That, as submitted earlier, the Applicant’s representative, its General Secretary, visited Koksar on 29.06.2025, which was at the end of the tourist season in that area. While travelling towards Koksar from Manali, littering along the sides of the highway was a common sight. Approximately 4.5 km before the Atal Tunnel, a significant accumulation of non-biodegradable solid waste was observed, comprising polythene bags, disposable glasses, and plastic bottles. Photographs of the said waste, along with signage showing the distance of this location from the Atal Tunnel, are annexed herewith and marked as **ANNEXURE R-1.**

22. That it is further submitted that the Applicant was deeply disturbed to observe a significant accumulation of mixed solid waste at the very entry point to Koksar, directly beneath the welcome signboard bearing the words "Welcome to Koksar.". The waste comprised non-biodegradable materials such as polythene bags, packaging wrappers for processed foods, plastic bottles, and liquor/beer bottles. What was most alarming, however, was that this waste had been dumped along the banks of the river, posing a serious threat to the local environment and water quality. A photograph of the same is annexed herewith for the kind perusal of this Hon'ble Tribunal and marked as **ANNEXURE R-2.**

23. That the Applicant further observed the presence of non-biodegradable solid waste at multiple locations alongside the road, as well as near natural water springs flowing adjacent to the roadway in Koksar. The said waste comprised polythene bags, packaging wrappers for processed foods, plastic bottles used for packaged water and soft drinks, liquor bottles, and beer bottles. Some of the photographs documenting this littering are annexed herewith for the kind perusal of this Hon'ble Tribunal and marked as **ANNEXURE R-3.**

24. That the Applicant also observed a large accumulation of white solid waste bags placed beside the highway. In addition to the dumped bags, plastic and glass bottles, processed food wrappers, and other non-biodegradable waste were found scattered around the site, having spilled out from the bags. Upon making an enquiry, a member of the Gram Panchayat, Koksar, informed the Applicant that the waste had been collected and temporarily stored at that location, with plans for future disposal. However, such dumping is in clear violation of the prescribed environmental norms, and the scattered waste poses an immediate risk of re-entering the natural environment. The waste had reportedly been lying at the site for several days, raising serious concerns as to why it was accumulated there despite the Material Recovery Facility

(MRF) not being functional since its installation, and how the waste will be disposed off in the absence of an operational MRF. Photographs of the same are annexed herewith for the kind perusal of this Hon'ble Tribunal and marked as **ANNEXURE R-4.**

25. That the Applicant also inspected the Material Recovery Facility (MRF), which is situated near Koksar, directly on the banks of the pristine Chandra River. The MRF was found to be non-functional at the time of inspection and was visibly dumped with mixed solid and plastic waste, as is evident from the photographs annexed herewith. It is a matter of grave concern that the said MRF has been installed immediately adjacent to the Chandra River, and several garbage bags were lying dangerously close to the riverbank, with the potential to fall into the river at any moment. It is noteworthy that no waste management facility can and should be established directly on the banks of a river, particularly one as ecologically sensitive as a high-altitude, glacial-fed watercourse like the Chandra River. In view of the above, there is an urgent need to relocate the said MRF to a more suitable site, in accordance with the applicable environmental guidelines. It is also submitted that the Applicant could find only one MRF facility which was not functional. The photographs of the said MRF site are annexed herewith for the kind perusal of this Hon'ble Tribunal and marked as **ANNEXURE R-5.**

26. That it is further submitted that, as per the official Swachh Bharat Mission (Grameen) 2.0 website, there is no Plastic Waste Processor or Recycler registered in the entire Lahaul and Spiti District. Additionally, the said website indicates that the district has no ODF Plus Model Verified Village. An ODF Plus Model Village is defined as *“a village which is sustaining its ODF status; has arrangements for both Solid*

Waste Management and Liquid Waste Management; observes visual cleanliness i.e. minimal litter, minimal stagnant wastewater and no plastic waste dump in public places; and displays ODF Plus IEC messages.” This clearly reflects that Koksar, being a village within the same district, lacks the requisite facilities and achievements under the ODF Plus Model criteria. Screenshots displaying the aforementioned information from the Swachh Bharat Mission website <https://sbm.gov.in/sbmgdashboard/DistrictDashboard.aspx> taken on 08.09.2025, are annexed herewith for the kind perusal of this Hon’ble Tribunal and marked as **ANNEXURE R-6.**

27. That the above facts and figures from the Swachh Bharat Mission (Grameen) 2.0 website regarding the status of villages in the Lahaul and Spiti District directly contradict the claims made in the report filed by the Deputy Commissioner, Lahaul and Spiti. It is evident from the said data that Koksar has neither been verified nor declared as an ODF Plus Model Village. This clearly indicates that Koksar does not meet the criteria for visual cleanliness, which includes minimal litter, minimal stagnant wastewater, and the absence of plastic waste dumped in public places. Furthermore, the village does not display ODF Plus Information, Education & Communication (IEC) messages at designated locations. The fact that Koksar does not fall within the verified category of ODF Plus Model Villages alone substantiates the contentions raised by the Applicant in the instant OA.

28. That it is further the submission of the Applicant that, as evident from the aforementioned reports, the Respondents have completely failed to discharge their statutory obligations with respect to the effective implementation of indispensable environmental regulations. It is also a matter of serious concern that the vital issue of assessing the Carrying Capacity of Koksar, Sissu, Manali, Solang and other surrounding areas is still awaiting action, even after the lapse of twenty months

since the first hearing of the instant OA. Consequently, the Respondents have neglected to take appropriate measures to safeguard this Eco-Sensitive Region from imminent ecological threats.

PRAYER

In view of the foregoing facts and circumstances and in the interest of ecology, environment, and human well-being, the Applicant most humbly prays that this Hon'ble Tribunal may, graciously, be pleased to grant the reliefs sought in the Original Application and/or pass any other or such other further Order(s) or direction(s), in favour of the Applicant, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



APPLICANT

Through



Akash Vashishtha

(Advocate for the Applicant)

490, Lawyers' Chamber block-II

Delhi High Court, New Delhi-110002

Ph.: 9717006866

Email: akashvashishtha.official@gmail.com

Place:- New Delhi

Dated:- 12.09.2025

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 145 OF 2024

IN THE MATTER OF:-

Friends ... Applicant

Versus.

Union of india & ors. ... Respondents

AFFIDAVIT

I, Sharad Tiwari, S/o. Lt. Sh. T.C. Tiwari, aged about 58 years, R/o C-802, Swagatam Apartments, Plot No. C-58/7 Sector- 62, Noida (Uttar Pradesh)- 201309, do Presently at New Delhi hereby solemnly affirm and state as under:

1. That I am the General Secretary of the Applicant organization in the above titled Original Application and am conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit.
2. That the contents of the accompanying Response applicant and Annexure are true and correct and nothing material has been concealed therefrom.



DEPONENT

Verification

Verified at ____ on the ____ day of September 2025 that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed therefrom.



DEPONENT



ATTESTED

NOTARY PUBLIC

ANNEXURE R-1

Dumping of Non-biodegradable Solid Waste 4.5 KM before Atal Tunnel





GPS Map Camera



Dhundi, Himachal Pradesh, India
944j+673, Dhundi, Himachal Pradesh 175103, India
Lat 32.354578° Long 77.130562°
29/06/2025 02:07 PM GMT +05:30





GPS Map Camera



Gadherni, Himachal Pradesh, India
658r+xhj, Gadherni, Himachal Pradesh 175143, India
Lat 32.217893° Long 77.192064°
29/06/2025 01:00 PM GMT +05:30

Google



ANNEXURE R-2**Dumping of Non-biodegradable Solid Waste alongside the River Just at the Entry Point to Koksar**

Littering Observed at various Locations in Koksar(Photo-1)

Littering Observed at various Locations in Koksar(Photo-2)



Littering Observed at various Locations in Koksar(Photo-3)



Littering Observed at various Locations in Koksar(Photo-4)



Littering Observed at various Locations in Koksar(Photo-5)



Littering Observed at various Locations in Koksar(Photo-6)



Littering Observed at various Locations in Koksar(Photo-7)



Littering Observed at various Locations in Koksar(Photo-8)



Littering Observed at various Locations in Koksar(Photo-9)



Littering Observed at various Locations in Koksar(Photo-10)



ittering Observed at various Locations in Koksar(Photo-11)



PHOTOGRAPH SHOWS POLLUTION OF A NATURAL SPRING





Dumping of Solid Waste alongside the Road in Koksar(Photo-1)



Dumping of Solid Waste alongside the Road in Koksar(Photo-2)

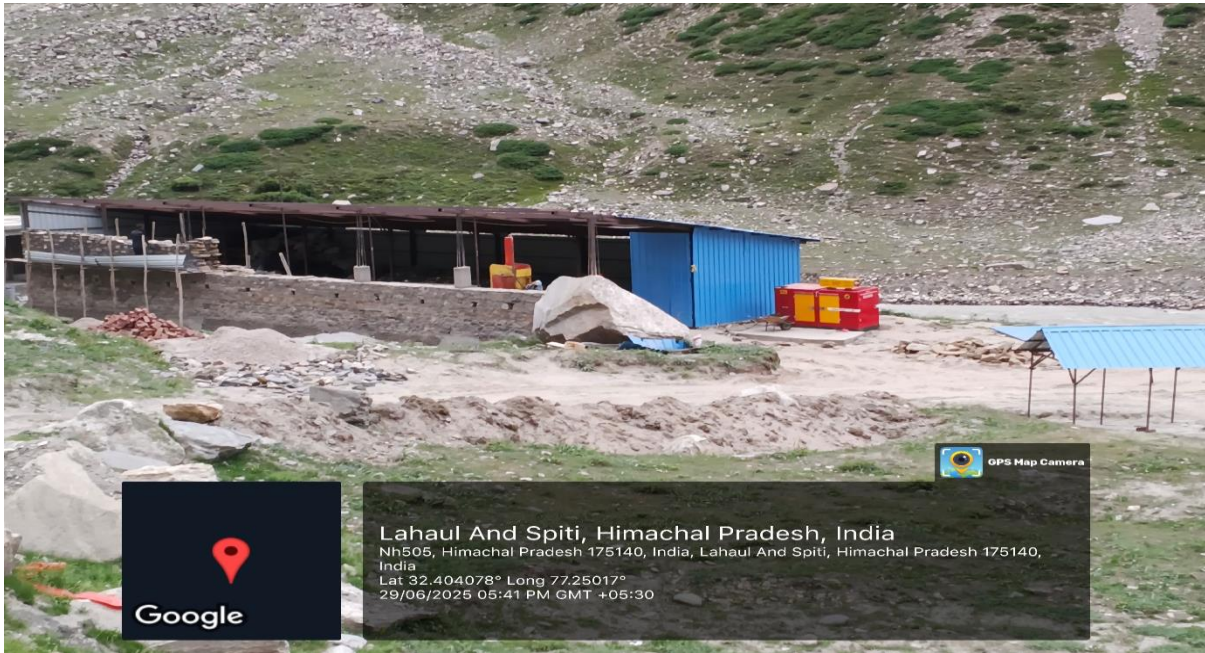




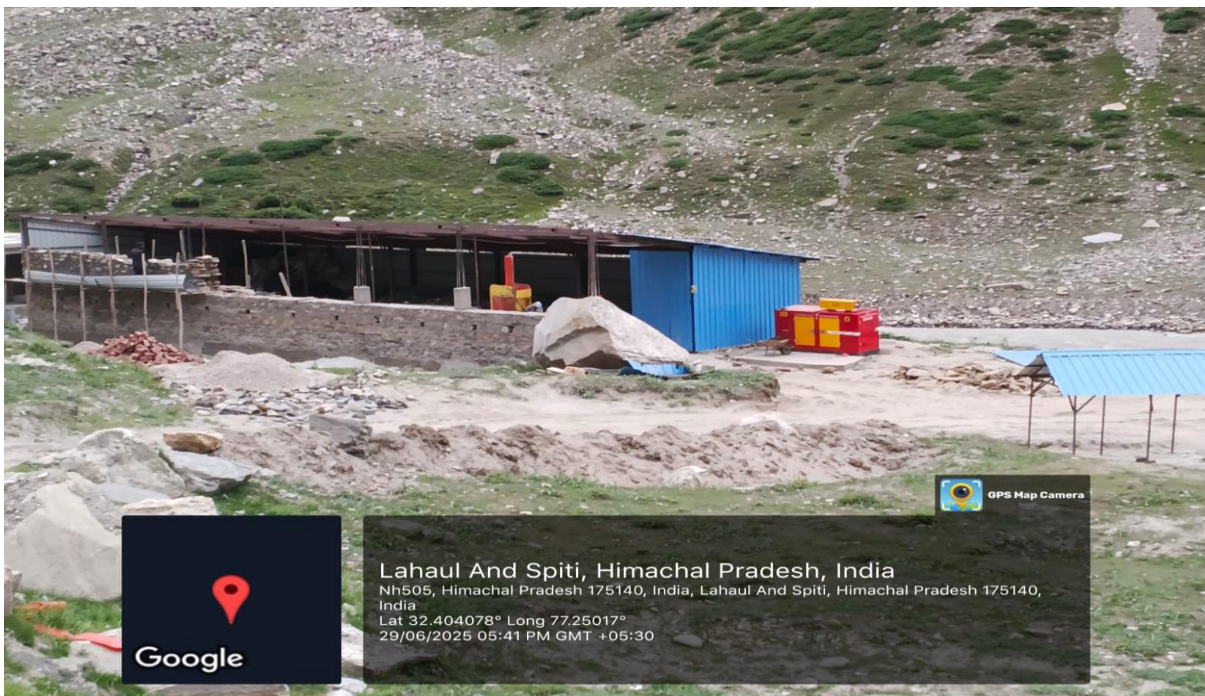
ANNEXURE R-5

MRF Facility in Koksar on the Banks of Chandra River





MRF Facility in Koksar



ANNEXURE-R-6

Swachh Bharat Mission Website Shows No Plastic Waste Processor/Recycler in Lahaul and Spiti District

Department of Drinking Water & Sanitation
Ministry of Jal Shakti

Swachh Bharat Mission (Grameen) 2.0

G20 India 2023
Azadi Ka Amrit Mahotsav

Hindi

[-] Plastic Waste Processor /Recyclers

Sr.No.	District Name (LGD Code)	No. of Plastic Waste Processor
1	2	3
1.	BILASPUR (15)	0
2.	CHAMBA (16)	0
3.	HAMIRPUR (17)	0
4.	KANGRA (18)	2
5.	KINNAUR (19)	0
6.	KULLU (20)	0
7.	Lahaul And Spiti (21)	0
8.	MANDI (22)	0
9.	SHIMLA (23)	1
10.	SIRMAUR (24)	6
11.	SOLAN (25)	30
12.	UNA (26)	4
Total		43

Home

GOBARdhan Portal

Village Progress Report

Capacity Building Dashboard

SWSM/DWSM Dashboard

As Per Swachh Bharat Mission Website, Lahaul and Spiti District has no ODF Plus Model Verified Village

Department of Drinking Water & Sanitation Ministry of Jal Shakti		Swachh Bharat Mission (Grameen) 2.0				G20 India 2023 Azadi Ka Amrit Mahotsav	
[-] View ODF-Plus Model Verified Villages							
District Name (LGD Code)	Total No of Blocks	Total Model Blocks	Total No of Villages	Total No of ODF Plus Model Declared Villages	Total No of ODF Plus Model Verified Villages	Verified as ODF Plus Model (1 st Verification)	Percentage of ODF-Plus Model Verified Villages
1	2	3	4	5	6	7	8=(7/5)*100
CHAMBA (16)	7	0	1114	1012	947	825	81.52
MANDI (22)	14	0	3007	2420	2141	1490	61.57
BILASPUR (15)	4	0	951	895	493	493	55.08
KULLU (20)	6	2	309	229	218	122	53.28
SHIMLA (23)	13	0	2535	2019	689	583	28.88
KINNAUR (19)	3	0	210	59	18	13	22.03
SIRMAUR (24)	7	2	967	946	120	44	4.65
UNA (26)	5	0	747	582	174	24	4.12
HAMIRPUR (17)	6	0	1675	1613	135	21	1.30
SOLAN (25)	6	0	2262	1989	68	15	0.75
KANGRA (18)	18	0	3577	2601	279	18	0.69
LAHAUL AND SPITI (21)	2	0	264	93	0	0	0.00
Total	91	4	17618	14458	5282	3648	36.53



650

Fwd: Advance Service of Response in O.A. No. 145/2024, Friends Vs. Union of India & Ors.

1 message

AKASH VASHISHTHA <akashvashishtha.official@gmail.com>

Fri, Sep 12, 2025 at 1:34 PM

----- Forwarded message -----

From: **AKASH VASHISHTHA** <akashvashishtha.official@gmail.com>

Date: Fri, Sep 12, 2025 at 1:33 PM

Subject: Advance Service of Response in O.A. No. 145/2024, Friends Vs. Union of India & Ors.

To: satpaldhiman <satpaldhiman@yahoo.com>, mspcb-hp <mspcb-hp@nic.in>, sectionenvironment <sectionenvironment@gmail.com>, <dc-lah-hp@nic.in>, Advocate Raj Kumar <advraj कुमार@gmail.com>, <secy-moef@nic.in>

Dear Sir,

Please find attached copy of the Response to the Status cum Action Taken Reports filed by the CPCPB, HPPCB and Deputy Commissioner, Lahaul and Spiti in Additional Affidavit in O.A. No. 145/2024, *Friends Vs. Union of India & Ors.*

Regards,

Akash Vashishtha
(Advocate)
Ph.: 9717006866

2 attachments**Response on behalf of the Applicant.pdf**

13670K

**Additional Affidavit.pdf**

1209K