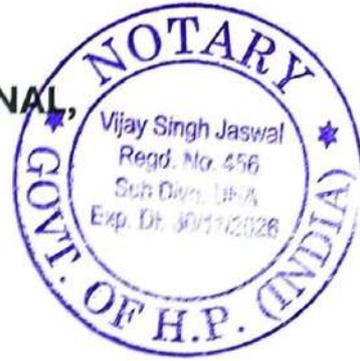


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 148 OF 2025**



IN THE MATTER OF:

Rohit Singh

.....Applicant

Versus

State of Himachal Pradesh and Ors.

...Respondent

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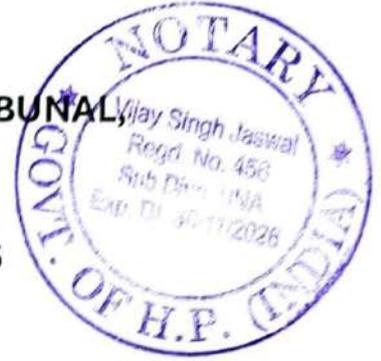
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Dated: 27.11.2025
New Delhi

Saurabh
Petitioner
Through Counsel
Saurabh Ahluwalia
Advocate

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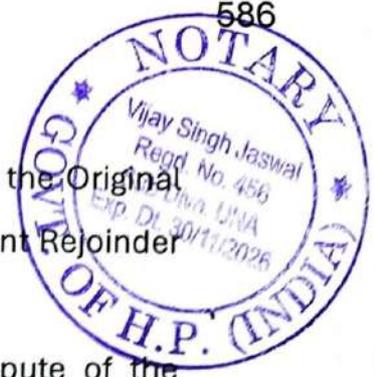
State of Himachal Pradesh and Ors.

...Respondent

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT IN
RESPONSE TO REPLY FILED BY RESPONDENT 2**

MOST RESPECTFULLY SHOWETH:

1. I, Rohit Singh, son of Sh. K.P. Singh, aged about 40 years, resident of 96, Basant Vihar, Near Rakkar Colony, District Una, Himachal Pradesh - 174303, do hereby solemnly affirm and declare as follows.
2. That I am the applicant in the present Original Application and am thoroughly conversant with the facts and circumstances of the present case.
3. That the present rejoinder is being filed by Rohit Singh ("Applicant") in reply to the replies filed by Respondent No. 2 to the present Original Application.
4. That at the very outset, the Applicant categorically denies each averment stated in the replies of Respondent No. 2, except those that are a matter of record and/or are explicitly admitted herein. It is clarified that there shall be no admission on the part of the Applicant for want of specific denial and/or traverse.

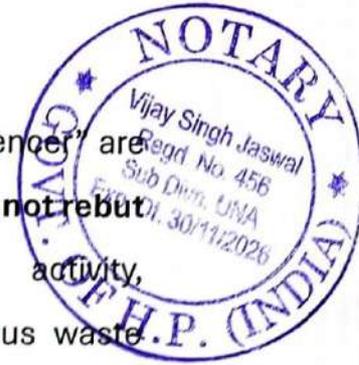


5. That all detailed submissions made by the Applicant in the Original Application may be read as part and parcel of the present Rejoinder and are not being reiterated herein for the sake of brevity.
6. That the Applicant submits this Rejoinder in firm dispute of the contentions raised by Respondent No. 2. It is respectfully submitted that the replies are characterized by selective disclosure, internal contradictions, and misapplication of law. The Respondents have sought to rely upon subsequent administrative circulars and reclassification exercises while conveniently overlooking binding statutory notifications, express conditions of the Environmental Clearance, and clear findings of the expert authorities. The replies fail to cure the illegalities and instead only serve to highlight the evasive conduct of the Respondents, underscoring the fundamental irregularities vitiating the grant of Environmental Clearance and Consent to Establish.

PRELIMINARY SUBMISSIONS AND OBJECTIONS:

1. Public Interest and Standing

The Applicant is a resident of Tehsil Haroli, District Una, Himachal Pradesh, and an environmental law researcher engaged in lawful public interest work, including RTI filings, evidence collection, and litigation to protect community health, water security, and ecological integrity. The Applicant's standing arises from direct geographical proximity, documented environmental risk to over two lakh residents in Himachal Pradesh and Punjab, and constitutional duties under Articles 21, 48A, and 51A(g).



Attempts to malign the Applicant as a “social-media influencer” are irrelevant to the legality of the project. **Personal attacks do not rebut the substantive violations:** pre-clearance project activity, manipulated groundwater assessment, deferred hazardous waste appraisal, and unlawful tree felling and wildlife impacts. The Applicant’s engagement is rooted in statutory rights and constitutional obligations—not personal gain.

2. Core Illegality: Ex-Post Facto Regularization of Pre-EC Project Activity

Prior Environmental Clearance (EC) is mandatory before any project activity or enabling works. HPBDPIL undertook integral works—including drilling 13 of 15 borewells, constructing recharge structures, releasing ₹170 crore seed money for the Satluj lift scheme, and floating tenders for CETP/ZLD and TSDf—**well before EC was granted on 25.09.2025** (documented in reply of R-2).

These are not “incidental” or preparatory—they are irreversible financial and technical commitments. **The EC cannot sanitize prior illegality.** The Joint Inspection’s attempt to ring-fence “inside boundary” activity does not cure the violation. Off-site infrastructure dedicated to the Bulk Drug Park is part of the project and requires prior EC. Filing under the “greenfield” category despite admitted pre-clearance activity constitutes procedural misrepresentation.

3. Groundwater Assessment: Methodological Breach and Suppression of Valley-Wise Stress

The project’s water plan (22.1 MLD total; 15 MLD fresh via groundwater for up to five years) relies on a flawed “static storage” argument and sparse piezometer data. This violates the binding GEC-2015

methodology, which mandates aquifer-wise, valley-specific dynamic resource assessment.

CGWB reports (2013, 2020 as part of Annexure A/11 and A/12) classify

Una and Hum valleys as “Critical” with no scope for further development. The EC relies on district-level aggregates to claim “Safe” status, masking valley-specific stress. No recharge analysis, cumulative extraction modelling, or spring discharge proxies have been provided. The assessment is scientifically unsound and legally insufficient.

4. Deferred Appraisal of Hazardous Waste (TSDf) and CETP/ZLD

The EC (enclosed as Annexure A/11 at page 358) acknowledges an integrated TSDf with incinerators and landfill inside the park but defers its appraisal to a “separate EC.” No TSDf-specific public hearing, design documents, emissions control plan, or third-party audit framework has been disclosed. Similarly, CETP/ZLD performance data, brine handling protocols, and OCEMS/CEMS commitments are absent.

While the EC mentions TSDf components, there is no evidence in the EC or EIA of finalized liner or leachate containment plans, monitoring well grids, or emissions modelling. The deferral of these critical components violates Schedule 7(d) and 7(h) of the EIA Notification, 2006 and renders the EC incomplete and piecemeal deemed violation by binding supreme court judgements.

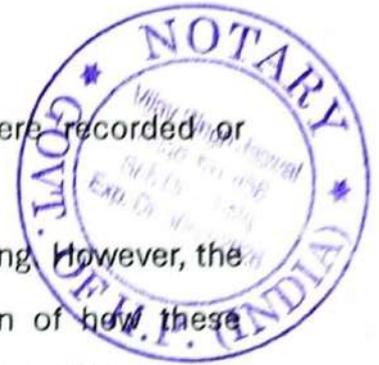
5. Public Hearing: Limited Objections and Lack of Condition Mapping

The public hearing was held only in Una, despite the project’s proximity (~100 meters) to affected villages in Tehsil Garhshankar, District Hoshiarpur, Punjab. No hearing was conducted in Punjab, and



no objections from cross-border stakeholders were recorded or addressed.

Only four objections were recorded during the hearing. However, the EC does not contain any mapping or explanation of how these objections—were addressed through enforceable conditions. This lack of transparency undermines procedural fairness and participatory compliance under the EIA Notification.



6. Wildlife Corridors, Schedule I Species, and Tree Felling

The EC admits the presence of Schedule I species (Leopard, King Cobra, Vultures, etc.) within the 10 km study area and states that the Wildlife Conservation Plan has been “forwarded” to the Chief Wildlife Warden. Yet, it permits tree felling and site development without prior approval of the plan.

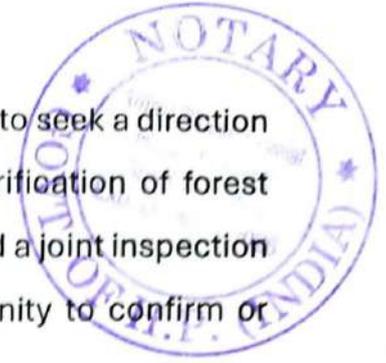
In Phase I, 21,702 trees are authorized for felling: Phase II lists 144 trees. This discrepancy is unexplained. No afforestation plan, species-specific mitigation strategy, or clearance from CWLW has been provided. Projects near ecological corridors and reserve forests cannot proceed without prior approved conservation plans and physical buffer demarcation. Deferred safeguards violate Section 29 of the Wildlife Protection Act, 1972 and binding precedent (Lafarge Umiam Mining, 2011).

7. Forest Falsification and Encroachment: Polian Reserve Forest

The EC and EIA state that Polian Shamlat Reserve Forest is merely “adjacent” to the project boundary. However, credible local reports suggest project is encroaching into the Polian Reserve Forest.

While formal proof is pending, this discrepancy raises serious concerns. The EC’s assumption of “no forest land involved” may be

factually incorrect. The Applicant reserves the right to seek a direction from the Hon'ble Tribunal for an independent verification of forest boundaries through revenue and forest records, and a joint inspection including applicant and local member of community to confirm or refute encroachment.



8. Site Instability: CBRI Findings on Fragile Terrain

CBRI's own findings describe the site as comprising loose, friable, poorly stratified formations with high erosion risk and steep slopes (>25°). It identifies mandatory green zones and restricted no-build zones due to landslide susceptibility.

Yet, the EC permits heavy industrial infrastructure—boilers, incinerators, TSDF—on this terrain without phase-wise slope stability audits or structural safeguards. This violates the precautionary principle and invites ecological and structural disaster.

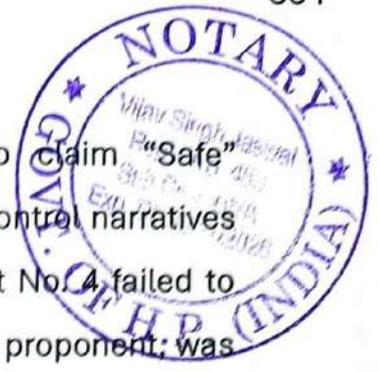
9. Health Infrastructure is Inadequate for Chemical Cluster Risks

Una district lacks toxicology units, burn care, and emergency response capacity. Reliance on distant tertiary facilities (PGIMER, AIIMS) is not a substitute for on-site readiness. The EC imposes no commissioning conditions tied to verified healthcare upgrades or DDMA-approved emergency plans.

RTI response from CMO Una (**annexed as Annexure: A/14 at page 608**) confirm that local facilities are unprepared for chemical exposure, fire, or industrial accidents. This violates the mandate for risk mitigation under the Environment Protection Act and CPCB guidelines for Red Category clusters.

10. Pattern of Selective Disclosure and Evasive Replies

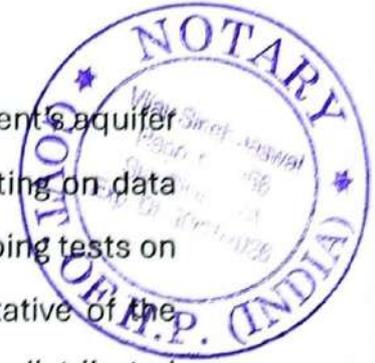
Respondents rely on district-level aggregates to claim "Safe" groundwater status, and on future-tense pollution control narratives without independent verification. While Respondent No. 4 failed to verify these claims, Respondent No. 2, as the project proponent, was obligated to disclose all material environmental impacts—including wildlife corridors, public health risks, and cross-border effects—in the EIA and EC record. Its failure to do so cannot be excused by subsequent disclaimers from Respondent No. 4. The statutory duty to disclose lies with the proponent; the duty to verify lies with the regulator. Both have failed. They deflect core topics—wildlife, health, cumulative cross-border impacts—as "no reply needed." This pattern of evasion, selective disclosure, and post-facto justification underscores regulatory abdication rather than lawful compliance. The EC, built on these evasions, is procedurally and substantively unsustainable.



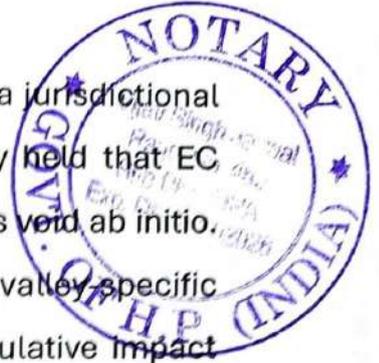
REJOINDER TO PARA-WISE REPLY:

1. The Applicant submits that the contents of Para 1 of Respondent No. 2's reply are noted. No specific reply is pressed, as the paragraph pertains to matters of record.
2. Para 2 is denied in entirety. The Respondent's reliance on static aquifer storage to justify groundwater withdrawal is impermissible under law and renders the Environmental Clearance dated 25.09.2025 void ab initio. The assertion that only 0.07% of groundwater will be withdrawn is based on comparison with an estimated "static" aquifer volume of 655 MCM, a fundamentally flawed approach. The binding Groundwater Estimation Committee Guidelines, 2015 (GEC 2015,

7 SCC 338) holds to be procedurally invalid. The Respondent's aquifer testing methodology is also invalid and incomplete, resting on data from only two observation wells and a few hours of pumping tests on deep, high-capacity tubewells, which are not representative of the broader aquifer regime. GEC 2015 requires a uniformly distributed network of monitoring wells—at least three per unit or one per 100 sq km—and long-term water level data covering both pre- and post-monsoon periods. None of this has been done. In hilly regions like Haroli, GEC 2015 directs that spring discharge and recharge structures must be studied as proxies, but the Respondent ignored this requirement. Their own reply admits crores of rupees have been spent on recharge ponds, yet no study has been conducted to measure their contribution to aquifer recharge, whether they function effectively, or whether they are merely cosmetic works. By ignoring recharge from ponds, springs, and traditional water bodies, and limiting analysis to two piezometers and short-term pumping tests, the Respondent has presented a partial and misleading picture of groundwater availability. This methodology is non-compliant with GEC 2015 and amounts to suppression of material facts, rendering the EC void ab initio. The Respondent has also failed to conduct cumulative impact and climate sensitivity modelling, omitting analysis of drawal across agriculture, domestic, and industrial users, as well as inter-annual variability, drought cycles, and climate risks. Such omissions gravely underestimate depletion risks and render conclusions unreliable. These defects are not isolated lapses but go to the root of the clearance process. The project was appraised without any legally compliant aquifer-wise assessment, recharge



study, or cumulative impact modelling, amounting to a jurisdictional defect. The Hon'ble Supreme Court has consistently held that EC obtained by suppression or deferral of material facts is void ab initio. Here, reliance on static storage, concealment of valley-specific "Critical" status, and omission of recharge and cumulative impact studies demonstrate that appraisal was incomplete and misleading, violating the precautionary principle and binding precedent. The Respondent's assertion that "no construction activity has commenced" is equally misleading, based solely on information from the Joint Director Industries, and contradicted by records confirming borewell drilling, approvals for recharge structures, and tenders for CETP, TSDF, and steam infrastructure initiated before EC was granted. Para 2 of the EIA Notification, 2006 expressly provides that *"prior environmental clearance shall be required before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity."* This clause must be interpreted literally and purposively, extending to all enabling works, tenders, and infrastructure linked to the project. Borewell drilling, recharge structures, CETP and TSDF tenders, and allocation of ₹170 crore seed money to BBMB for the Satluj lift scheme constitute "construction work" and "preparation of land" within Para 2. The Hon'ble Supreme Court in *Sterlite Industries v. Tamil Nadu Pollution Control Board* (2019) and *Lafarge Umiam Mining v. Union of India* (2011) has categorically held that prior appraisal of all components is mandatory, and post-facto justification of pre-clearance activity vitiates the process. By allowing enabling works before clearance, the Respondent rendered appraisal a *fait accompli*, undermining

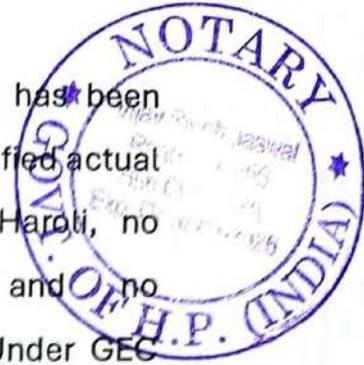


statutory safeguards. Therefore, the Environmental Clearance dated 25.09.2025 is procedurally invalid. The Board's failure to flag these violations, despite its role in forwarding the EC record, reflects procedural abdication and undermines the integrity of appraisal. In light of the above, it is respectfully submitted that the EC dated 25.09.2025 stands vitiated in law. The Respondent's reliance on static storage, concealment of valley-wise "Critical" status, misrepresentation through district-level averaging, invalid aquifer testing, absence of cumulative impact modelling, and violation of Para 2 of the EIA Notification collectively establish that the clearance was obtained by suppression and misrepresentation. The Hon'ble Tribunal is therefore urged to declare the EC void ab initio and direct a fresh aquifer-wise assessment in accordance with GEC 2015, independently validated by CGWB, before any groundwater extraction is permitted.

3. Para 3 is denied except to the limited extent of the stated water demand. The Respondent's submissions are misleading, incomplete, and procedurally insufficient, rendering the Environmental Clearance dated 25.09.2025 void ab initio. The corrected demand figure itself establishes unsustainability: the project's total water requirement is 22 MLD, of which 7 MLD is proposed to be met through recycling, leaving a net requirement of 15 MLD fresh water. This admission confirms that the project cannot proceed without large-scale freshwater sourcing, initially from groundwater, in aquifers already documented as "Critical." The division between potable and process use does not mitigate the cumulative depletion risk inherent in sustained 15 MLD extraction. The Respondent's reliance on recharge



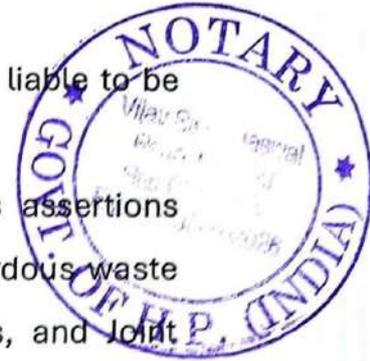
structures is equally untenable. Although ₹11.75 crore has been sanctioned and partial works claimed, no study has quantified actual recharge contributions from ponds or structures in Haroli, no monitoring baselines have been disclosed, and no pre-/post-monsoon trend analysis has been provided. Under GEC 2015, recharge sufficiency must be evidenced through hydrogeological modelling and long-term observations; expenditure without measurement is cosmetic and legally irrelevant to sustainability. The invocation of a future Satluj lift scheme as “long-term strategy” while simultaneously advancing groundwater infrastructure and seed money commitments reflects duplication of pathways and pre-EC enabling works. Such actions do not cure present illegality, as Para 2 of the EIA Notification, 2006 expressly prohibits any construction or preparation of land (beyond securing land) prior to clearance, and tenders, allocations, and linked off-site infrastructure fall squarely within that prohibition. Moreover, no cumulative impact or sustainability appraisal has been conducted. There is no assessment of 15 MLD fresh extraction alongside existing agricultural, domestic, and industrial drawals, no sensitivity analysis for drought or climate variability, and no valley-wise aquifer sustainability analysis. The appraisal thus omits essential material facts required for lawful decision-making. In consequence, clearances obtained by suppression or deferral of material facts are legally unsustainable and liable to be reconsidered. Here, unquantified recharge claims, speculative reliance on surface water, and absence of cumulative sustainability appraisal demonstrate that groundwater viability was never lawfully examined. The Environmental



Clearance dated 25.09.2025 cannot stand in law and is liable to be quashed.

- 4–5. Paras 4 and 5 are denied in toto. The Respondent's assertions regarding "standardized timelines," CETP/ZLD and hazardous waste infrastructure, sectoral approvals, hydrograph snippets, and Joint Inspection Committee/NOC processes are misleading, legally irrelevant to the requirement of prior environmental appraisal, and contrary to the statutory mandate under the EIA Notification, 2006. Bare claims that project parameters for waste disposal, effluent generation, and pollutant discharge are "duly standardized" do not cure the appraisal gap. Standardization under general rules cannot substitute for project-specific environmental scrutiny, which must precede any enabling works. The Respondent's reliance on administrative or sectoral approvals—such as the submission of the Detailed Project Report to the Department of Pharmaceuticals in 2022 or the incorporation of technologies in the Request for Proposal—does not amount to environmental clearance. EC is a distinct and mandatory process, and its bypass through departmental endorsements is legally untenable.

The Respondent's own admission that tenders have been floated for CETP with ZLD (\approx INR 273.6 crore), that effluent conveyance systems are underway, and that land parcels have been earmarked for hazardous waste facilities (with capital commitments variously cited as \approx INR 52.86 crore and INR 28.58 crore), confirms that core infrastructure linked to the project was advanced prior to the grant of EC. Such actions constitute "preparation of land" and "construction work" within the meaning of Para 2 of the EIA Notification, 2006, and



are expressly prohibited except for securing land. The Respondent's attempt to rely on CPCB sector-specific standards notified in 2024 and effective from 2025 is equally misplaced, as post-dated standards cannot retroactively validate enabling works undertaken in violation of prior appraisal requirements. Moreover, the Respondent's reliance on selective hydrographs and generalized recharge narratives is insufficient. Isolated station readings and broad geological claims do not replace valley-wise, aquifer-wise modelling, distributed monitoring, or cumulative drawal analysis. No quantified infiltration data, pre/post monsoon baselines, or validated recharge contributions have been placed on record. Without such metrics, the claim of "recharge sufficiency" remains speculative.

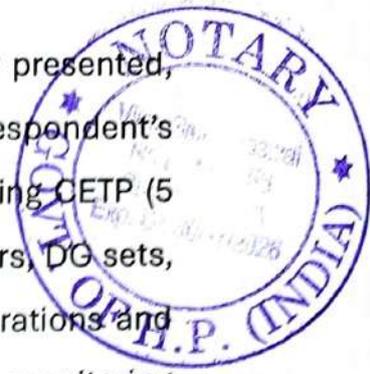
The Respondent's reference to the Joint Inspection Committee and mining-related NOC processes is also irrelevant to the issue of EC compliance. The mining operations in District Una have already been challenged before the Hon'ble National Green Tribunal in OA No. 561/2025, where the legality of mining without a valid District Survey Report, replenishment study, or carrying capacity assessment is under adjudication. Until the Hon'ble Tribunal decides the matter, the Respondent's reliance on JIC processes and riverbed coordinates cannot be treated as evidence of lawful compliance. In light of the above, the Respondent's advancement of CETP/ZLD and hazardous waste infrastructure, reliance on sectoral approvals, and submission of generic standards and hydrograph snippets—without lawful prior appraisal—renders the Environmental Clearance procedurally vitiated and void ab initio.



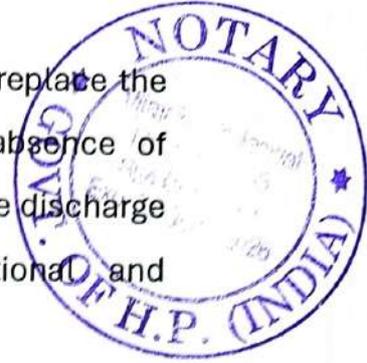
6. Para 6 is denied as procedurally insufficient, selectively presented, and unsupported by independent verification. The Respondent's claims regarding pollution control infrastructure—including CETP (5 MLD), STP (3 MLD), 4 incinerators, 6 boilers, wet scrubbers, DG sets, and TSDF—are based solely on project proponent declarations and lack inspection reports, performance benchmarks, or monitoring protocols. No OCEMS/CEMS framework, emissions modelling, dispersion studies, or vendor prequalification has been disclosed. The Pollution Control Board (Respondent No. 4) has also failed to verify these claims independently, in violation of its statutory mandate under the Environment (Protection) Act, 1986.

The Respondent admits that the TSDF will handle 700–800 TPD of hazardous waste, yet its appraisal has been deferred to a “separate clearance.” No TSDF-specific public hearing, emissions control plan, leachate containment design, or monitoring well grid has been placed on record. As the TSDF involves incinerators and secured landfills, it squarely falls under Schedule 7(d) of the EIA Notification, 2006, which mandates prior appraisal and clearance. The deferral of this critical component renders the Environmental Clearance piecemeal and procedurally invalid, as held by the Hon'ble Supreme Court in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*, (2011) 7 SCC 338 : AIR 2011 SC 2780.

Further, the CETP/ZLD claims are speculative and unsupported. While the CETP is proposed at 5 MLD capacity, no effluent load projections, brine handling protocols, or Zero Liquid Discharge feasibility studies have been disclosed. The Respondent's reliance on CPCB standards notified in 2024 and effective from 2025 does not cure the defect of



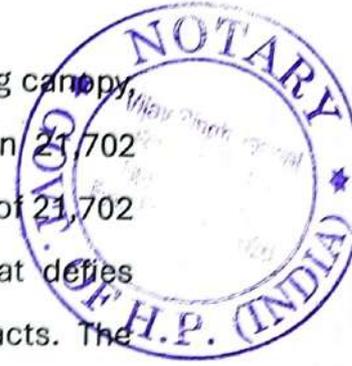
proceeding with enabling works prior to EC, nor does it replace the requirement of prior performance validation. In the absence of emissions modelling, OCEMS integration, and enforceable discharge benchmarks, the CETP/ZLD claim remains aspirational and unappraised.



The Hon'ble Supreme Court in *Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Ltd.*, (2019) 19 SCC 479 : AIR 2019 SC 1074, and the Hon'ble NGT in *Krishna Kant Singh & Anr. v. Union of India & Ors.*, OA No. 299/2013, Principal Bench, order dated 16.10.2014, have held that environmental clearance must be based on verified, enforceable pollution control infrastructure—not speculative declarations. The Respondent's reliance on unverified infrastructure, deferred TSDF appraisal, and future-tense compliance narratives demonstrates that the Environmental Clearance dated 25.09.2025 was granted without lawful appraisal of pollution control safeguards and is therefore procedurally invalid.

7. Para 7 is denied as misleading, incomplete, and legally untenable. The Respondent's assertions regarding forest proximity, Schedule I species, and mitigation through compensatory afforestation fail to address the ecological complexity and statutory requirements governing forest and wildlife appraisal. The Environmental Clearance dated 25.09.2025 stands vitiated for multiple reasons. First, the EIA baseline itself records the presence of shrubs, medicinal plants, grasses, climbers, and associated biodiversity within the project site, yet the EC conditions provide only for tree plantation in a 1:10 ratio (~2,10,000 saplings), ignoring the loss of undergrowth that sustains wildlife corridors and traditional livelihoods. Afforestation of saplings

cannot replicate the multi-tiered forest structure—including canopy, understory, ground cover, and soil fungi—destroyed when 21,702 mature trees are felled in Phase I. The EC authorizes felling of 21,702 trees in Phase I but only 146 in Phase II, a phasing that defies ecological logic and suggests suppression of material facts. The



Hon'ble Supreme Court in *Citizens for Green Doon v. Union of India*, (2021) 12 SCC 674 : AIR 2022 SC 123, and the Hon'ble NGT in its order dated 15.09.2025 in the Kolar Road Tree Felling case, have held that irregular or piecemeal tree felling permissions vitiate environmental clearance.

Second, the compensatory afforestation condition is illusory. While the EC requires ~2,10,000 saplings, land use parameters show only 188 hectares (33%) earmarked as green belt, fragmented between HPBDPIL and individual industries. At standard plantation density (~1100 trees/ha), the maximum feasible plantation is ~2,06,800 trees, leaving no space for shrubs, medicinal plants, or ecological buffers. Even if the numbers appear close, the quality of ecological restoration is compromised—the green belt is landscaped, fragmented, and incapable of supporting a natural forest ecosystem.

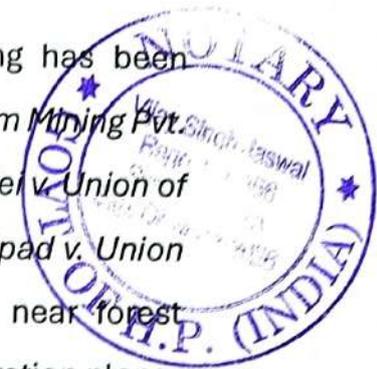
Third, wildlife safeguards have been deferred and corridor impacts ignored. The EC admits the presence of Schedule I species such as Leopard, Sambhar, Hyena, King Cobra, and Vultures within 10 km of the site, but merely states that the Wildlife Conservation Plan was “forwarded” to the Chief Wildlife Warden. Section 29 of the Wildlife Protection Act, 1972 requires prior approval before habitat destruction; post-facto forwarding cannot cure this defect. The adjoining Siwalik forests are recognized ecological corridors, yet no

buffer zone demarcation or corridor impact modelling has been undertaken. The Hon'ble Supreme Court in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*, (2011) 7 SCC 338; *Binay Kumar Dale v. Union of India*, (2022) 5 SCC 605; and *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606, has held that projects near forest corridors cannot proceed without prior approved conservation plans.

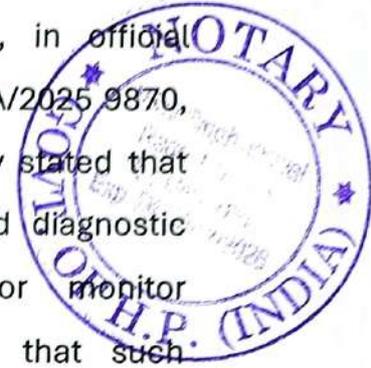
Fourth, the EC's claim that the Polian Shamlat Reserve Forest is merely "adjacent" to the project boundary is disputed. Local reports suggest encroachment into reserve forest land on the southern side of the project. The Applicant seeks independent verification through revenue and forest records, and a joint inspection to confirm or refute encroachment. If encroachment is established, the EC's assumption of "no forest land involved" is factually false and legally fatal.

In consequence, the Respondent's reliance on compensatory afforestation, deferred wildlife safeguards, and misrepresented forest boundaries demonstrates that the Environmental Clearance was granted without lawful appraisal of forest and wildlife impacts. The clearance violates Section 29 of the Wildlife Protection Act, the Forest Conservation Rules, and binding Supreme Court precedent. The EC dated 25.09.2025 is therefore void ab initio and liable to be quashed.

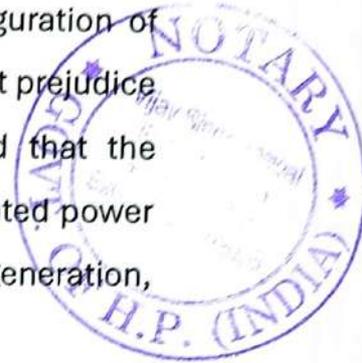
8. Para 8 is denied as misleading, incomplete, and procedurally insufficient. The Respondent's claims regarding health infrastructure and emergency preparedness do not withstand scrutiny. The assertion that a "comprehensive Health Risk Analysis" was conducted and submitted to the Department of Pharmaceuticals in 2022 is legally untenable, as the analysis was not disclosed in the Draft EIA, not appraised by the MoEF&CC, and not subjected to public consultation



as mandated under the EIA Notification, 2006. Reliance on a sectoral submission cannot substitute for prior environmental appraisal. Further, the Chief Medical Officer of Una District, in official correspondence dated 22.08.2025 (Letter No. HFW UNA/2025 9870, annexed as **Annexure A/14 at page 610**), has formally stated that local health authorities lack logistics, manpower, and diagnostic facilities to conduct baseline health surveys or monitor pollution-linked health impacts, and recommended that such responsibility be delegated to a medical college. This admission confirms that Una district is not equipped to handle toxicological emergencies or long-term exposure monitoring, directly contradicting the Respondent's claim of preparedness. References to a "dedicated Emergency Response Centre" and "Safety and Hazards Operations Audit Centre" are conceptual declarations only, unsupported by any timeline, staffing plan, equipment inventory, or DDMA-approved emergency protocol. The Environmental Clearance imposes no commissioning condition requiring verified health infrastructure before project operations commence. The Hon'ble NGT in *Krishna Kant Singh & Anr. v. National Ganga River Basin Authority & Ors.*, OA No. 299/2013, Principal Bench, order dated 16.10.2014, and in *Vikrant Tongad v. Union of India & Ors.*, OA No. 59/2012, Principal Bench, order dated 26.02.2014, has held that environmental clearance must include enforceable health safeguards, especially for hazardous industries. In the present case, the EC was granted without verified toxicology preparedness, without DDMA-approved emergency plans, and without public appraisal of health risks, rendering the clearance procedurally invalid and legally unsustainable.



9. That the contents of Para 9 are noted. The Applicant does not press any specific challenge regarding the adequacy or configuration of power supply infrastructure for the Bulk Drug Park. Without prejudice to the Applicant's broader submissions, it is accepted that the Respondent has made provisions for meeting the anticipated power demand of the project through a combination of on-site generation, solar integration, and grid connectivity.



Additional Submissions Without Prejudice to Para-wise Reply

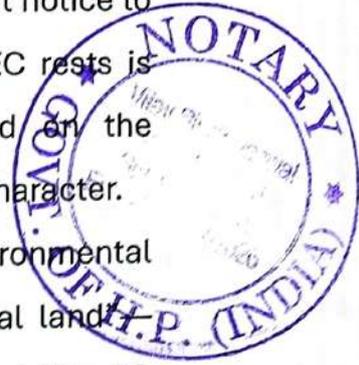
1. **Conversion of Dense Forest into Industrial Land:** Without prejudice to the foregoing para-wise reply, the Applicant submits that the Environmental Clearance dated 25.09.2025 is vitiated by suppression of material facts relating to the nature and legal status of the project land. The Respondents have treated the land comprising Khasra Nos. 710, 711, 711/1 and 1620-1626 as "*banjar qadim*" and transferred it from Reserve Pool to Allotable Pool for allotment to the Industries Department under Section 8-A of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974. This pool change was effected by orders of the District Collector, Una in June and October 2020, despite the fact that the land constitutes the only surviving dense forest patch in Tehsil Haroli, used by local residents for generations under customary rights recorded in the *wajib-ul-arz* and *jamabandi* entries.

The legality of this very pool change has been challenged in CWP No. 4073 of 2022 (Harish Kumar & Anr. v. State of H.P. & Ors.) before the Hon'ble High Court of Himachal Pradesh, where the petitioners have specifically alleged that dense forest land with more than 8 lakh trees

has been arbitrarily converted into “industrial land” without notice to affected residents. Thus, the foundation on which the EC rests is already sub judice, and the Tribunal cannot proceed on the assumption that the land is *banjar qadim* or free of forest character. The pool change may be a revenue act, but its environmental consequence—conversion of dense forest into “industrial land”—falls squarely within the jurisdiction of this Hon’ble Tribunal. The EC process falsely records that “no forest land is involved” and that the site is merely adjacent to forest, thereby concealing the ecological character of the land and avoiding appraisal under the Forest (Conservation) Act, 1980 and Wildlife (Protection) Act, 1972. This suppression is material: the project involves felling of more than 21,000 trees in Phase I alone. Such contradictory conduct undermines the precautionary principle and the constitutional duty under Articles 48A and 51A(g).

Accordingly, the Applicant submits that the EC was obtained by misrepresentation of forest status and is procedurally invalid. The Tribunal is empowered to examine whether environmental safeguards were bypassed by disguising forest/common land as *banjar qadim* and transferring it to the Industries Department. The Applicant further submits that since the pool change itself is under challenge in CWP 4073/2022, the Tribunal may direct independent verification of forest boundaries and customary rights to ensure that environmental safeguards are not defeated by revenue reclassification.

True Copy of the CWP 4073 of ²⁰²⁰~~2020~~ and Office Order by DC Una are annexed as Annexure: A/15 and A/16.



- 
- a) **Forest Rights Act claims:** Pending FRA claims and High Court litigation over Polian Beet lands were ignored, despite statutory requirement to consider such rights before diversion of land.
- b) **ZLD/CETP not foolproof:** Reliance on Zero Liquid Discharge and CETP infrastructure is misplaced; past failures in Baddi-Barotiwala clusters show repeated breakdowns, brine mismanagement, and unmonitored discharges. Without enforceable OCEMS/CEMS and third-party audits, these systems cannot be deemed sufficient.
- c) **Contradictory afforestation policy:** While the State claims to have spent ₹21–22 crore on afforestation, it simultaneously authorizes felling of 21,702 trees in Phase I. This contradiction undermines the precautionary principle and constitutional duty under Articles 48A and 51A(g).
- d) **Polian Reserve Forest encroachment doubts:** Local reports suggest possible encroachment of ~100 meters into Polian Reserve Shamilat Forest. While formal proof is pending, the EC's assertion of "no forest land involved" requires independent verification through joint inspection and GPS-based mapping.

These submissions are made to preserve the Applicant's grounds and highlight the incomplete and misleading nature of the appraisal process. The Applicant reserves the right to seek appropriate directions in subsequent proceedings.

**DEPONENT****VERIFICATION:**

I, Rohit Singh, Aged about 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, Himachal Pradesh, do hereby verify that the contents of this application as stated are true and correct to the best of my knowledge and belief and no part of it has is false and nothing material has been concealed there from.

27.11.2025

New Delhi

**DEPONENT**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO 148 OF 2025



IN THE MATTER OF:
Rohit Singh and Ors.

... Applicant

Versus

State of Himachal Pradesh and Ors.

...Respondent

AFFIDAVIT

I, Rohit Singh, aged 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, HP-174303 do hereby solemnly affirm and states as below:

1. That the deponent is applicant in the above-mentioned matter and as such he is well conversant with the facts and circumstances of the present case.
2. That the deponent has gone through the contents of the accompanying Rejoinder. The same has been drafted as per my instructions. The contents of the same are true and correct to the best of my knowledge and nothing material has been concealed there from.
3. That the annexure annexed to the accompanying Rejoinder are true copy of their respective original.

Rohit Singh

DEPONENT

I, the deponent named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed there from.

Rohit Singh

DEPONENT

Dated: 26.11.2025

"Certified that this Affidavit
 is presented for attestation by Sh. Rohit Singh
 S/o. Sh. K.P. Singh Resident
 of Village Rakkar Colony UNA
 and who is identified by Sh. Arunel Sharma
 Or who is personally known to me and is entered
 at serial 19 on date 26/11/25 11:30 AM
 Time at UNA (Place)"

ATTESTED
[Signature]
NOTARY

1676
ANNEXURE: A/14

Office of the Chief Medical officer Una District Una (HP)

HFW-UNA/2025- 9870

22/08/2025

To

The Director Health Services
Government of Himachal Pradesh
Shimla – 171009

Subject: Request for Conducting Medical checkups to Assess the Health impact of Pollution Caused by M/s Modulus Cosmetics.

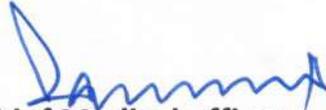
Respected Sir,

With reference to the e-mail dated 04 August, addressed to your good self and subsequently forwarded by the worthy Chief Secretary on the subject cited above.

Since the local health authorities do not have adequate logistics, manpower, or diagnostic facilities to conduct such an extensive assessment, it is respectfully requested that this responsibility be entrusted to the nearest medical college. Such an institution is equipped with the required expertise, modern equipment, and laboratory support to:

- Carry out comprehensive baseline health surveys,
- Correlate environmental exposure with health data, and
- Undertake long-term monitoring of the affected population.

Delegating this responsibility to a well-equipped medical institution will ensure that the health and safety of the affected communities are given utmost priority. It will also guarantee accuracy, transparency, and credibility of the findings, thereby supporting evidence-based preventive and corrective measures.


Chief Medical officer
Una District Una (HP)

Gaurav

1677 ANNEXURE: A/15

IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH, AT SHIMLA

CWP No. 4033/2022

IN THE MATTER OF:-

Harish Kumar & another

..... Petitioner

Versus

State of H.P. & others

..... Respondents

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Place: Shimla

Dated:

Through Counsel

Petitioners

(ANUP RATTAN)
ADVOCATE

Gaurav

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IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH, AT SHIMLA

CWP No. 4073/2020

IN THE MATTER OF:-
Harish Kumar & another

..... Petitioners

Versus

State of H.P. & others

..... Respondents

List of events

Dates	Events
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Petitioner is praying for intervention on the following principles of law:-

In the case of Nature Lovers Movement v. State of Kerala, (2009)5 SCC 373 in paragraph 2, the Apex Court observed thus:

Public Trust Doctrine :- The Indian society has, for many centuries, been aware and conscious of the necessity of protecting environment and ecology. Sages and saints of India lived in forests. Their preachings contained in vedas, upanishads, smritis, etc. are ample evidence of the society's respect for plants, trees, earth, sky, air, water and every form of life. The main motto of social life is to live in harmony with nature. It was regarded as a sacred duty of everyone to protect them. In those days, people worshipped trees, rivers and sea which were treated as belonging to all living creatures. The children were educated by elders of the society about the necessity of keeping the environment clean and protecting earth, rivers, sea, forests, trees, flora, fauna and every species of life."

In the case of M.C. Mehta v. Kamal Nath and Ors., (1997) 1 SCC 388 in paragraph 34 and 35, the Apex Court held thus :

"34. Our legal system -based on English common law - includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the seashore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

35. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find

it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources."

Article 48A lays down that it is the duty of the State to make an Endeavour to protect and improve environment and to safeguard forests. As stated earlier, environment includes plants. Mangroves are essential part of the environment. The land covered by mangroves is be covered by the concept of forest. Under Article(A) (g) of the Constitution, it is the fundamental duty of every citizen of India to protect and improve the natural environment including forests, rivers and wildlife and to have compassion for living creatures. In view of the constitutional mandate under Article (A)(g), it is the fundamental duty of every citizen to protect and improve natural environment including forest which will include mangroves. If this is the obligation of every citizen, the public bodies which are constituted by the citizens are bound by the fundamental duties under Article (A). Thus, it is the duty of the State and citizens to ensure that the forest and wild life are preserved and protected.

On above mentioned principles of Law petitioners are approaching this Hon'ble Court to protect the forest as well as wild life wealth of the area.

The petitioners are the resident of Village Poliyan Beet and meanly dependent upon the agriculture. The land of the area is fertile land and generations of the resident of Poliyan Beet Village and surrounding village have earned their livelihood mainly from agriculture.

1913 To the best of information of the petitioners, In This Year The land comprising in Khewat No. Min 130, Khatauni No. Min 158, Khasra No. 710, 711, 711/1, measuring 108-36-66 hectares in Village Poliyan Beet, District Una, H.P. and

- 3 -

land in Kuthar Beet belongs to the residents of the area and ordered to revert back to the owner.

2002 Revenue court had directed to enter mutation in favor of the residents of the area but same was not taken to logical conclusion.

Since 1913 The land comprising in Khewat No. Min 130, Khatauni No. Min 158, Khasra No. 710, 711, 711/1, measuring 108-36-66 and land comprising in Khatouni No 428/505 Khasra No 1620-1621-1622-1623-1624-1626-1625 kita 7 measuring 63-61-23 (charand) hectares in Village Poliyen Beet, District Una, H.P. is under the ownership of State of Himachal Pradesh and the residents of the area are recorded in cultivation column as *Kabja Savayam Tabe Hakuk Baratandaran* in the jamabandi for the year, 2018-19. It is pertinent to mention here that in revenue record, this land is record as Banjar qadim and Charandh, whereas, in fact on the spot this is the only dense forest of the area. Huge forest wealth wildlife wealth exists on this land. This land is transferred to allotable pool in illegal and erroneous manner. No notice was issued to the residents who have rights in this land since centuries.

That the land comprising in Khewat No. Min 247, Khatauni No. Min 285, Khasra Nos. 66, 68, 303, 312, 315, 489, 605, 805, 820, 823, 839, 961, 926, 963, 1126, 1141, 1146, 1148, 1138, 1453, 1545, 1554, 1663, 1558, 962 measuring 168-36-66 hectares in Village Poliyen Beet, District Una is available for any industrial activity including establishment of farma hub. This land is banjar land and for forest wealth or wildlife wealth does not exist on this land. However, despite availability of this land

The resident of the village have submitted a representation to the respondents for cancellation of the mutation entered into vide transfer No. 315.

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That in order to *prima facie* show that dense forest exist on this land the petitioners are placing on record the photographs of the forest, however, petitioners humbly submitted that this fact may also be got verified from the Legal Service Authority of the State or the District Legal Survey Authority Una.

The petitioners are in favour of establishment of the bulk drug park as same is for the development of the area, however, the petitioners are against the establishment of this park by cutting the huge forest wealth. Petitioners humbly submit that the respondents would cut at least 8 lakh trees of various species from this land to provide the land for bulk drug park. The respondents are acting in an arbitrary manner, erroneous manner and illegal manner, as the respondents were required to first discuss the issue with the local residents who would be the most affected persons.

Present petition is being filed.

Place: Shimla

Petitioners

Dated:

Through Counsel

(ANUP RATTAN)
ADVOCATE

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**IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH, AT SHIMLA**

CWP No. 4073 /2020

IN THE MATTER OF:-

1. Harish Kumar S/o Sh. Ram Lubhaya, R/o Village Poliyen Beet, Tehsil Haroli, District Una, H.P.
2. Rajender Singh S/o Sh. Jagat Ram, R/o Village Poliyen Beet, Tehsil Haroli, District Una, H.P.

.....Petitioners

Versus

1. State of Himachal Pradesh, through Secretary (Forest) to the Government of Himachal Pradesh.
2. State of Himachal Pradesh, through Secretary (Industries), to the Government of Himachal Pradesh.
3. Principal Chief Conservator of Forest, Himachal Pradesh, Shimla.
4. Principal Chief Conservator (Wild Life), Himachal Pradesh, Shimla.
5. Director of Industries, Himachal Pradesh, Shimla.
6. District Collector, Una, District Una, H.P.
7. General Manager Industries, Una, District Una, H.P.
8. Divisional Forest Officer, Una, District Una, H.P.
9. Divisional Forest Officer Wild Life , Una, District Una, H.P.

..... Respondents

**CIVIL WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA FOR ISSUANCE OF
AN APPROPRIATE WRIT, ORDER OR DIRECTION
WHICH THIS HON'BLE COURT MAY DEEM FIT
AND PROPER IN THE FACTS AND
CIRCUMSTANCES OF THE CASE MENTIONED
HEREAFTER IN THE BODY OF THE PETITION IN
THE INTEREST OF LAW AND JUSTICE.**

Place: Shimla

Petitioners

Dated:

Through Counsel

(ANUP RATTAN)

ADVOCATE

MAY IT PLEASE YOUR LORDSHIPS:-

1. That the petitioners are citizen of India and permanent resident of addresses given in the memo of parties. Since grave injustice has been done to the petitioners by the respondents. Therefore, petitioners are entitled to file and maintain the present Writ Petition before this Hon'ble Court.
2. That the respondents are the State within the meaning of Article 12 of the Constitution of India hence is amenable to the jurisdiction of this Hon'ble Court.
3. That the petitioners are the resident of Village Poliyan Beet and meanly dependent upon the agriculture. The land of the area is fertile land and generations of the resident of Poliyan Beet Village and surrounding village have earned their livelihood mainly from agriculture. Petitioners are filing this petitioner as representative of the villagers in their interest as well as in the interest of petitioners.
4. That respondent state is custodian of natural wealth of state and it must use the same in a manner that natural wealth is protected and sustainabale development can also be made. The state government can not fell down large number of trees may be in lakhs to establish an industry. State cannot oust/extinguish the wild life existing on such land just to establish an industry despite the fact that huge land is available with the state in near vicinity which is Banzar Kadeem and suitable for establishment of industry.
5. *In the case of Nature Lovers Movement v. State of Kerala, (2009)5 SCC 373 in paragraph 2, the Apex Court observed thus:*

Public Trust Doctrine :- The Indian society has, for many centuries, been aware and conscious of the necessity of protecting environment and ecology. Sages and saints of India lived in forests. Their preachings contained in vedas, upanishads, smritis, etc. are ample evidence of the society's respect for plants, trees, earth, sky, air, water and every form of life. The main motto of social life is to live in harmony with nature. It was regarded as a sacred duty of everyone to protect them. In those days, people worshipped trees, rivers and sea which were treated as belonging to all living creatures. The children were educated by elders of the society about the necessity of keeping the environment clean and protecting earth, rivers, sea, forests, trees, flora, fauna and every species of life."

In the case of M.C. Mehta v. Kamal Nath and Ors., (1997) 1 SCC 388 in paragraph 34 and 35, the Apex Court held thus :

"34. Our legal system -based on English common law - includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the seashore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

35. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State

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Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources."

Article 48A lays down that it is the duty of the State to make an Endeavour to protect and improve environment and to safeguard forests. As stated earlier, environment includes plants. Mangroves are essential part of the environment. The land covered by mangroves is be covered by the concept of forest. Under Article(A) (g) of the Constitution, it is the fundamental duty of every citizen of India to protect and improve the natural environment including forests, rivers and wildlife and to have compassion for living creatures. In view of the constitutional mandate under Article (A)(g), it is the fundamental duty of every citizen to protect and improve natural environment including forest which will include mangroves. If this is the obligation of every citizen, the public bodies which are constituted by the citizens are bound by the fundamental duties under Article (A). Thus, it is the duty of the State and citizens to ensure that the forest and wild life are preserved and protected.

On above mentioned principles of Law petitioners are approaching this Hon'ble Court to protect the forest as well as wild life wealth of the area.

6. That the land comprising in Khewat No. Min 130, Khatauni No. Min 158, Khasra No. 710, 711, 711/1, measuring 108-36-

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66 hectares land comprising in Khatouni No 423/505 Khasra No 1620-1621-1622-1623-1624-1626-1625 kita 7 measuring 63-61-23 (charand) hectares in Village Poliyar East, District Una, H.P. is under the ownership of State of Himachal Pradesh and the residents of the area are recorded in cultivation column as *Kabja Savayam Tabo Hakuk Baratandaran* in the jamabandi for the year, 2018-19. It is pertinent to mention here that in revenue record, this land is record as Banjar qadim, whereas, in fact on the spot this is the only dense forest of the area. Huge forest wealth wildlife wealth exists on this land. It is humbly submitted that the land in question contains the most dense forest of the area having more than 8 lakhs trees of various species excluding small plants and brushes. The area is also shelter for wildlife and to the best of the information of the residents more than 8 Leopards, ^{Deer} hundreds of bears, Sambhar, Neel Gai, forest peak and other wild animals are cohabiting in this area. Apart from the wildlife and forest life, the residents of the area are dependent upon agriculture allied activities, such as collection of firewood, grass, wood for funeral etc. These all rights are also recorded in the Wajib Ul Arz of the area. Petitioner is placing on record the copy of the jamabandi of the area as **Annexure P-1**. Copy of the Wajib Ul Arz is placed on record as **Annexure P-2**. The petitioners have come to know that the respondent State is requiring the land for farma hub and it has come to the notice of the petitioners that this dense forest land

farma hub in the area. It is pertinent to mention here that the land comprising in Khewat No. Min 247, Khatauni No. Min 285, Khasra Nos. 66, 68, 303, 312, 315, 489, 605, 805, 820, 823, 839, 961, 926, 963, 1126, 1141, 1146, 1148, 1138, 1453, 1545, 1554, 1663, 1558, 962 measuring 168-36-66 hectares in Village Poliyani Beet, District Una is available for any industrial activity including establishment of farma hub. This land is banjar land and for forest wealth or wildlife wealth does not exist on this land. However, despite availability of this land, the District Collector has changed the entries of *Kabja Savayam Tabe Hakuk Baratandaran* in favour of the petitioners to Himachal Pradesh Sarkar and the other land was recorded as *Kabja Savayam Tabe Hakuk Baratandaran*. Copy of nakal roznamcha is placed on record as **Annexure P-3**. The petitioner humbly submits that replying respondents have also obtained No Objection Certificate from the Gram Panchayat Poliyani which includes the land having dense forest and dense wildlife in the area. Copy of such resolution is placed on record as **Annexure P-4**.

7. That the resident of the village have submitted a representation to the respondents for cancellation of the mutation entered into vide transfer No. 315. Copy of such representation is placed on record as **Annexure P-5**. The petitioners have also submitted a representation to the Divisional Forest Officer. Copy of such representation is placed on record as **Annexure P-6**.

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8. That in order to *prima facie* show that dense forest exist on this land the petitioners are placing on record the photographs of the forest, however, petitioners humbly submitted that this fact may also be got verified from the Legal Service Authority of the State or the District Legal Survey Authority Una. Copies of the photographs are annexed herewith as **Annexure P-7 (colly)**.

9. That the petitioners are in favour of establishment of the bulk drug park as same is for the development of the area, however, the petitioners are against the establishment of this park by cutting the huge forest wealth. Petitioners humbly submit that the respondents would cut at least 8 lakh trees of various species from this land to provide the land for bulk drug park. The respondents are acting in an arbitrary manner, erroneous manner and illegal manner, as the respondents were required to first discuss the issue with the local residents who would be the most affected persons. The District Collector has changed the entry without giving any notice to the general public or the people who are affected by changing the entries of the land and transferring the land to a lotable pool under Section 8A of the Himachal Pradesh Village Common Vesting Land Act, 1973. The Gram Panchayat has also not taken into confidence the residents of the area and without calling the Gram Sabha, issue the No Objection Certificate under the political pressure against the interest of the residents of the area. The petitioners in favour of sustainable development. It is need of our that all species living on the

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earth should live harmoniously. It is duty of the respondent State under Article 21 as well as Articles 48 and 51A to protect the flora and fauna of the State. The respondent State instead of protecting, is acting as a destructor or a natural predator to cut the forest wealth and expose the wild life to human. Such action of the respondents is totally in violation of law and the duty enshrined under the Constitution upon the State.

Hence feeling aggrieved and dissatisfied with, the petitioners are presenting the present Writ Petition before this Hon'ble Court on the following amongst the other grounds:

- a. That the respondent State is the custodian of the forest wealth as well as wildlife and minerals of the State. Respondent State cannot act as a destructor of the forest wealth. In present case in order to establish an industry, the respondent State is choosing said land which is a dense forest of the area and wildlife is existing in such area. The petitioners humbly submit that this Hon'ble Court may call for a report from the Legal Service Authority of the State to check the veracity of the statement made by the petitioners in this Writ Petition. District Una is a plain area having huge agriculture potential as well as agriculture land. In Tehsil Haroli of District Una this is one of the surviving forest in the area. In case this forest is allowed to be fell down, the ecology of the area would be disturbed. Hence the petitioners seek intervention of this Hon'ble Court to protect the flora and fauna of the area.

- b. That the District Collector has acted in an arbitrary manner while changing the entries of the land in question. The petitioners humbly submit that the two lands of equal size are available in Poliyan Beet Village as mentioned in para supra namely the land comprising in Khewat No. Min 130, Khatauni No. Min 158, Khasra No. 710, 711, 711/1, measuring 108-36-66 hectares, land comprising in Khatouni No 428/505 Khasra No 1620-1621-1622-1623-1624-1626-1625 kita 7 measuring 63-61-23 (charand) hectares and the land comprising in Khewat No. Min 247, Khatauni No. Min 285, Khasra Nos. 66, 68, 303, 312, 315, 489, 605, 805, 820, 823, 839, 961, 926, 963, 1126, 1141, 1146, 1148, 1138, 1453, 1545, 1554, 1663, 1558, 962 measuring 168-36-66 hectares. The land comprising in Khewat No. 247, Khatauni No. 285 is more suitable land, as in case bulk drug farma park is established on this land leased forest wealth would be destructed. Rather the petitioners would submit that the said land is actually banjar qadim land and more suitable for establishment of industry in the area. It is again submitted at the cost of repetition that petitioners do not want to be hurdle in execution of any developmental activity. The main call of the petitioners and the cause of the petitioners is that forest wealth and wildlife wealth is protected, as the area is lacking the forest. Huge forests land were either washed away due to floods in such area or allowed to fell down in illegal manner. In the humbly submission of the petitioners, this is the only

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डॉ. एन. युवराज भा.प्र.से.
संयुक्त सचिव
Dr. N. YUVARAJ, I.A.S.
Joint Secretary



सत्यमेव जयते

भारत सरकार
रसायन और उर्वरक मंत्रालय
औषध विभाग
शास्त्री भवन, डॉ. राजेन्द्र प्रसाद मार्ग,
नई दिल्ली - 110001
Government of India
Ministry of Chemicals & Fertilizers
Department of Pharmaceuticals
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi - 110 001
Tel. : 23385131 Fax : 23074011
E-mail : n.yuvaraj36@ias.nic.in

Respected Sir,
Namaste!

D.O. No. 31026/58/2020-Policy
Dated the 30th August, 2022

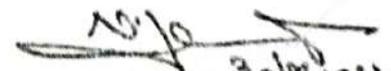
Please refer to communication No. IND.DEV.F(16) Proposal-BDP/2020 dated 13th October 2020 vide which the proposal under the Scheme "Promotion of Bulk Drug Parks" was submitted by the Government of Himachal Pradesh. After scrutiny of the proposals, the Scheme Steering Committee (SSC) has granted "In-Principle" approval for providing grant-in-aid for creation of common infrastructure facilities in the Bulk Drug Park proposed in Tehsil Haroli, District Una, Himachal Pradesh.

2. As per the Guidelines, a Detailed Project Report (DPR) is required to be submitted to the Project Management Agency i.e IFCI Ltd. as per the prescribed format within 180 days of date of issuance of in-principle approval letter. However, it has been decided by the SSC to reduce the time from 180 days to 90 days for submission of the same. The DPR shall include, among other things, the details as given in para 14.2 and Annexure-2 of the Scheme Guidelines. The charges for utilities and other incentives/ subsidies quoted by your State in its proposal are reproduced at **Annexure-I**, which should form the part of DPR to assess the financial viability of the park.

3. IFCI Ltd will extend all assistance required to go forward in this project starting with the submission of the DPR. The DPR is to be submitted within 90 days from the receipt of this letter for consideration of the final-approval under the scheme. Also, the acceptance of the "In-Principle" approval may kindly be conveyed within 7 days of the receipt of this letter.

with regards.

Yours sincerely,


(N. Yuvaraj)

To,

Shri Ram Dass Dhiman, IAS
Chief Secretary
Government of Himachal Pradesh
E-201B, HP Secretariat, Shimla -171002
Himachal Pradesh
[Email:- cs-hp@nic.in]

H4-

- forest area available in this part of the district Una and the same is required to be protected in the best interest of people.
- c. That Article 51A imposes duty on every citizen of India to protect/improve the natural environment and **peripheral** rights to come before appropriate Court for appropriate relief. The Hon'ble Supreme Court as well as this Hon'ble Court has time and again held that the environmental pollution is slowly poisoning and pollution the atmosphere. Thereby, *interfering* in pollution free air and water as well as life of the petitioners. Hence the impugned action of the respondents is violative of Articles 14, 21 and 51A(g) of the Constitution of India.
- d. That this Hon'ble Court as well as the Hon'ble Supreme Court has time and again passed the orders to relocate the hazards industries which are closed to human habitation. It is pertinent to mention here that need of the our is that the natural resources should be used with requisite attention and care to protect the ecology and environment, but in the present case the respondent State is arbitrarily selecting a land comprising huge forest for drug park by cutting about 8 lakh trees, whereas, the other land of equal size available in the area which is banjar qadim and no loss to the environment would be caused.
- e. That the action of the Collector changing the entries of *Kabja Savayam Tabe Hakuk Baratandaran* is bad, illegal, erroneous, as the same was changed without notice to the general public or the residents of the area as well as affected persons including the petitioners. The District Collector is required to

issue show cause notice of the proceedings conducted before the change of such land. It is settled law that while affecting the change, if civil rights are affected, the same would amount to civil consequences and such order is required to be passed after complying with the principles of natural justice. The respondents have not acted in accordance with law. Hence the impugned action of the respondents is bad.

10. That there is no other alternative and efficacious remedy available with the petitioners except to approach this Hon'ble Court.
11. That the petitioners have neither approached the Hon'ble Supreme Court of India or this Hon'ble Court except by way of present writ petition on the same or similar grounds and for the same or similar relief(s).

It is, therefore, respectfully prayed that the present petition may very kindly be accepted and an appropriate writ, order or direction may very kindly be passed in favour of the present petitioners to the following effect:-

- i. That the action of the respondents to cut more than 8 lakh trees to establish Drug Park on land comprising in Khewat No. Min 130, Khatauni No. Min 158, Khasra No. 710, 711, 711/1, measuring 108-36-66 hectares land comprising in Khatouni No 428/505 Khasra No 1620-1621-1622-1623-1624-1626-1625 kita 7 measuring 63-61-23 (charand) hectares in Village Poliyen Beet, District Una, H.P. may kindly be declared to be illegal, *ultra vires* to the Articles 21

-16-

and 48 of the Constitution of India and same may be quashed and set aside.

- ii. That the respondents may kindly be directed to protect the forest wealth and wildlife wealth of the area.
- iii. That respondents be directed to establish the drug park on land comprising in Khewat No. Min 247, Khatauni No. Min 285, Khasra Nos. 66, 68, 303, 312, 315, 489, 605, 805, 820, 823, 839, 961, 926, 963, 1126, 1141, 1146, 1148, 1138, 1453, 1545, 1554, 1663, 1558, 962 measuring 168-36-66 hectares in Village Poliyen Beet, District Una if so desired.
- iv. That the action of District Collector of changing the entry from *Kabja Savayam Tabe Hakuk Baratandaran* to State of Himachal Pradesh without issuing notice to the affected parties including petitioners may kindly be declared as illegal, null and void and the same may be quashed and set aside.
- v. Entire record pertaining to the case may very kindly be summoned from the respondent.
- vi. Any other order which this Hon'ble Court deems fit in the facts and circumstances of the case may very kindly be also passed in favour of the petitioners.

Anup Pattan

Place: Shimla
Dated:

Through Counsel

Petitioners

(ANUP PATTAN)
ADVOCATE

1695

**IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH, AT SHIMLA**

CWP No. _____/2020

IN THE MATTER OF:-
Harish Kumar & another

..... Petitioners

Versus

State of H.P. & others

..... Respondents

AFFIDAVIT IN SUPPORT OF WRIT PETITION

I, Harish Kumar S/o Sh. Ram Lubhaya, R/o Village Poliyan
Beet, Tehsil Haroli, District Una, H.P. , aged about 49 years,
occupation Agriculturist, do hereby solemnly declare and
affirm on oath as under:

1. That I am duly authorized and competent to file and maintain the accompanying Writ petition, which has been drafted at my instance and under my instructions.
2. That the contents of the same as contained in Para No. 1 to 11 are true and correct to the best of my personal knowledge and are based on the legal advice from my counsel belief, and nothing wrong has been stated therein.

I, the above named deponent, do further verify that the contents of my above affidavit are true and correct to the best of my personal knowledge and nothing material has been concealed there from.

Signed and verified at Shimla on this ___ day of September,
2020.

Harish Kumar

-18-

IN THE HON'BLE HIGH COURT OF HIMACHAL
PRADESH, AT SHIMLA

CWP No. _____/2020
IN THE MATTER OF:-
Harish Kumar & another

.....Petitioners

Versus
State of H.P. & others

.....Respondents

LIST OF DOCUMENTS

Particulars	Page
Annexure P-1: Copy of the jamabandi.	
Annexure P-2: Copy of the wajib ul arz.	
Annexure P-3: Copy of nakal roznamcha.	
Annexure P-4: Copy of resolution.	
Annexure P-5: Copy of representation.	
Annexure P-6: Copy of representation submitted by the petitioners.	
Annexure P-7: Copies of the photographs.	

Place: Shimla
Petitioners
Dated:

Through Counsel

(ANUP RATTAN)
ADVOCATE

Gaurav

ORDER**ANNEXURE: A/16**

Whereas, the General Manager, District Industries Centre Una District Una (H.P.) vide his office letter No. Ind/U/Dev/Land Transfer-392, dated 10.06.2020 had requested to identify the suitable Government land for setting up of Bulk Drug Park and requested to get transferred in the name of Industries Department.. Since the proposed Government land comprising in Khasra numbers 710, 711, 711/1 kitta 3 measuring 108-36-66 Hects. situated at Mohal Tibbian Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2018-19 and land comprising in Khasra No. 1620, 1621, 1622, 1623, 1624, 1625, 1626 kitta 7 measuring 63-61-23 Hects. situated at Mohal Polian Beet Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2013-14 are in Reserve Pool. The Sub-Divisional Officer (C), Haroli was requested to submit the proposal for change of pool of land.

And whereas, the Sub Divisional Officer(C), Haroli vide his office letter No. SDM/H/SDK-823 dated 15.06.2020, submitted proposal for change of pools of Government land along with NOC of Gram Panchayat Polian Beet, vide resolution No. 40, dated 06.06.2020 and statement of Villagers, and recommended that the land comprising in Khewat No. 130 min, Khatuni No. 148 min, Khasra numbers 710, 711, 711/1 kitta 3 measuring 108-36-66 Hects. situated at Mohal Tibbian Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2018-19 is in Reserve Pool be changed with the Allotable Pool land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 66, 68, 303, 312, 315, 489, 605, 805, 820, 823, 839, 961, 962, 963, 967, 1126, 1128, 1141, 1146, 1148, 1438, 1453, 1545, 1554, 1603, 1558 kitta 26 measuring 108-36-68 Hects. situated in Mohal Janani, Sub Tehsil Dulehar District Una (H.P.) and Government land comprising in Khewat No. 428 min, Khatuni No. 505 min, Khasra numbers 1620, 1621, 1622, 1623, 1624, 1625, 1626 kitta 7 measuring 63-61-23 Hects. situated at Mohal Polian Beet Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2013-14 is in Reserve Pool be changed with the Allotable Pool land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 114, 402, 711, 979, 1101, 1118, 1124, 1164, 1167, 1179, 1180, 1181, 1182, 1251, 1559, 1580, 1611 kitta 18 measuring 63-61-38 Hects. situated in Mohal Janani Sub Tehsil Dulehar District Una (H.P.)

As per Notification No. Rev.B.A.(3)-2/2011 dated 28.10.2011, issued by the Department of Revenue, Government of Himachal Pradesh, the District Collectors have been authorized to change pool of land vested in the State Govt. under the provisions of section 8-A of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974). After careful consideration of the case and in the interest of development, it is ordered to change the Pool of Government land comprising in in Khewat No. 130 min,

AUTHENTICATED*[Signature]***P.I.O.****District Revenue Officer
Una (H.P.)***[Signature]*

1698

Khatuni No. 148 min, Khasra numbers 710, 711, 711/1 kitta 3 measuring 36-66 Hects. situated at Mohal Tibbian Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2018-19 from Reserve Pool to Allotable Pool and Government land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 66, 68, 303, 312, 315, 489, 605, 805, 820, 823, 839, 961, 962, 963, 967, 1126, 1128, 1141, 1146, 1148, 1438, 1453, 1545, 1554, 1603, 1558 kitta 26 measuring 108-36-68 Hects. situated in Mohal Janani Sub Tehsil Dulehar District Una (H.P.) from Allotable Pool to Reserve Pool and Government land comprising in Khewat No. 428 min, Khatuni No. 505 min, Khasra numbers 1620, 1621, 1622, 1623, 1624, 1625, 1626 kitta 7 measuring 63-61-23 Hects. situated at Mohal Polian Beet Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2013-14 from Reserve Pool to Allotable Pool and Government land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 114, 402, 711, 979, 1101, 1118, 1124, 1164, 1167, 1179, 1180, 1181, 1182, 1251, 1559, 1580, 1611 kitta 18 measuring 63-61-38 Hects. situated in Mohal Janani Sub Tehsil Dulehar District Una (H.P.) from Allotable Pool to Reserve Pool

[Signature]
22/06/2020

Sandeep Kumar (IAS)
District Collector,
Una, District Una (H.P.).

of c

Endst. No. 687-89/DRO/LR

Dated 22.06.2020

Copy forwarded to:-

1. The Sub-Divisional Officer(C), Haroli for information and further necessary action please.
2. The Officer In-Charge, DRA Branch at Sadar, Una, for information and necessary action.
3. The Naib Tehsildar, Sub Tehsil Dulehar, District Una (H.P.) with copy of Proposal for information and further necessary action.

[Signature]
District Collector,
Una District Una (H.P.).

of c

AUTHENTICATED

[Signature]
P.T.O.
District Revenue Officer
Una (H.P.)

uring
ct Una (H.P.)
Allotable Pool
No. 285
839, 961,
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OFFICE OF THE DISTRICT COLLECTOR, UNA DISTRICT UNA(H.P.)

ORDER

Whereas, the General Manager, District Industries Centre Una District Una (H.P.) vide his office letter No. Ind/U/Dev/Land Transfer-392, dated 10.06.2020 had requested to identify the suitable Government land for setting up of Bulk Drug Park and requested to transfer it in the name of Industries Department. Since the proposed Government land comprising in Khasra numbers 1580 kitta 1 measuring 8-23-64 Hects. situated at Mohal Janani Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2016-17 is in Reserve Pool. The Sub-Divisional Officer (C), Haroli was requested to submit the proposal for change of pool of land.

And whereas, the Sub Divisional Officer(C), Haroli vide his office letter No. SDM/H/SDK-4286 dated 08.10.2020, submitted proposal for change of pools of Government land along with statement of Villagers, and proposed the land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 1580 kitta 1 measuring 8-23-64 Hects. situated at Mohal Janani Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2016-17 is in Reserve Pool be changed with the Allotable Pool land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 788, 804, 1072, 1252 kitta 4 measuring 08-23-66 Hects. situated in Mohal Janani, Sub Tehsil Dulehar District Una (H.P.).

As per Notification No. Rev.B.A.(3)-2/2011 dated 28.10.2011, issued by the Department of Revenue, Government of Himachal Pradesh, the District Collectors have been authorized to change pool of land vested in the State Govt. under the provisions of section 8-A of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974). After careful consideration of the case and in the interest of development, it is ordered to change the Pool of Government land comprising in in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 1580 kitta 1 measuring 8-23-64 Hects. situated at Mohal Janani Sub Tehsil Dulehar District Una (H.P.) as per the Jamabandi for the year 2016-17 from Reserve Pool to Allotable Pool and Government land comprising in Khewat No. 247 min, Khatuni No. 285 min, Khasra numbers 788, 804, 1072, 1252 kitta 4 measuring 08-23-66 Hects. situated in Mohal Janani, Sub Tehsil Dulehar District Una (H.P.) from Allotable Pool to Reserve Pool.

AUTHENTICATED
[Signature]
P.I.O.
District Revenue Officer
Una (H.P.)

[Signature]
Sandeep Kumar (I.A.S.)
District Collector,
Una, District Una (H.P.)

Endst. No.. / 623-25... / DRO/LR

Dated 08.10.2020

Copy forwarded to:-

1. The Sub-Divisional Officer(C), Haroli for information and further necessary action please.
2. The Officer In-Charge, DRA Branch at Sadar, Una, for information and necessary action.
3. The Naib Tehsildar, Sub Tehsil Dulehar, District Una (H.P.) for compliance and report.

2/c


Sandeep Kumar (I.A.S.)
District Collector,
Una District Una (H.P.).

AUTHENTICATED

P. Q. Q.
District Revenue Officer
Una (H.P.),

Gaurav