

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI.

O.A. No. 620/2023

In the matter of:

Prashant Sharma & ors

.....Applicants

Versus

State of H.P. & ors.

.....Respondents

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Date: 18/03/2024

Respondent No. 04.
HPSPCB

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

O.A. No. 620/2023

In the matter of:-

Prashant Sharma & ors.

.....Applicants

v/s

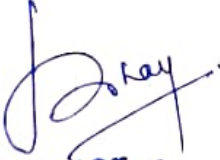
1. State of Himachal Pradesh, through its Chief Secretary.
2. Irrigation and Public Health Department, through its Secretary.
3. The Deputy Commissioner, Mandi.
4. HPSPCB, through its Member Secretary, Him Parivesh, Phase III, New Shimla.

.....Respondents

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

Most respectfully sheweth:-

1. That in the present matter, the Hon'ble National Green Tribunal took cognizance upon letter petition dated 26.06.2023 filed by Mr. Prashant Sharma, Principal, D.A.V. Public School, Ner Chowk (Dadour) Tehsil Balh, District Mandi, H.P. & others,


Regional Officer
H.P. State Pollution Control Board
Regional Office Mandi (H.P.)

wherein it has been averred that debris of old bridge is lying in dilapidated condition in the middle of Kansha River, Tehsil Balh, District Mandi, H.P. which during rainy season obstructs the water flow and diverts the flow towards the school premises posing a threat to the school building, activity stage, and ground area. A large portion of the safety wall built during the previous year was washed away from its foundation itself endangering the school ground and building.


2. That in the present Original Application/letter petition, the applicant has sought direction for construction of retaining wall to safeguard the school building and further prayed that the debris of the old bridge lying in middle of the river may be promptly removed.
3. That considering the averments made in the application/letter petition, the Hon'ble NGT vide



Regional Officer
H.P. State Pollution Control Board
Regional Office Mandi (H.P.)

order dated 02.01.2024 impleaded the above named respondents and sought their response in this matter.

4. That in order to verify the factual position, the site in question was jointly inspected by the officials of Jal Shakti Vibhag, HPPWD, Tehsildar, Mandi, Executive Officer, Municipal Council, Nerchowk, Regional Officer, Mandi, HPSPCB and Mining Officer, Mandi, H.P.
5. That as per the joint inspection report submitted by the committee (comprising of aforesaid members), the School building is situated on the left bank of Kansa Khad and on the right bank, Kansa Ground is situated. The water way at this point is very narrow and huge soil erosion has occurred on both the banks of the river due to heavy floods in the last rainy season, which was declared as State disaster by the Government of Himachal Pradesh. It has been further reported in the joint inspection report that as per the Executive Engineer, HPPWD, it is not


Regional Officer
H.P. State Pollution Control Board
Regional Office Mandi (H.P.)

commendable to construct a retaining wall in the mid of water flow along the boundary shown by the Principal, DAV School, as it will reduce the water way considerably reducing the free flow of water, endangering the nearby bridge. (Copy of the Joint Inspection Report is annexed as **Annexure R-4/1**).

6. That regarding the issue of the obstruction of water flow due to debris of old bridge lying in middle of the Kansha River thereby posing threat to the school building, it is submitted that at the time of the joint inspection of the site on dated 15.02.2024, the removal of the debris of the old bridge was in progress. However later on, vide letter dated 04.03.2024 the Executive Engineer, HPPWD Divison, Nerchowk has reported that the debris of the old bridge lying in the Kansha river has been removed. (The copy of letter dated 04.03.2024 is attached as **Annexure R-4/2**).



Regional Officer
H.P. State Pollution Control Board
Regional Office Mandi (H.P.)

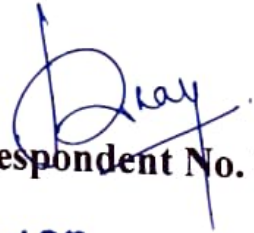
7. Lastly, it is humbly submitted that the issue of construction of a retaining wall to safeguard the school building does not fall within the mandate of the answering respondent. However, representative of the HPPCB has associated in the joint inspection and the inspection report of the committee is annexed at Annexure-R 4/1. The compliance report of Executive Engineer, HPPWD regarding removal of debris of the old bridge is annexed at Annexure R-4/2.

Prayer:-

In view of submissions made above, it is humbly submitted that the matter may kindly be disposed of qua the replying respondent. Any other order deemed fit by the Hon'ble Tribunal may kindly be passed in the interest of justice.

Place: MANDI

Date: 18-03-2024.


Respondent No. 04

Regional Officer
H.P. State Pollution Control Board
Regional Office Mandi (H.P.)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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In the matter of:

Prashant Sharma & ors

.....Applicants

v/s

State of Himachal Pradesh & ors.

.....Respondents

AFFIDAVIT

I, Vinay Kumar, S/o Sh. Ram Krishna aged about 37 years, at present holding charge as Regional Officer, H.P. State Pollution Control Board at Regional Office, Mandi, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:-

1. That I am well conversant with the facts of the case and has been duly authorised to file reply affidavit on behalf of HPPCB.
2. That the submissions made in paras 1 to 7 of the reply are true and correct to the best of my knowledge, derived from official record, no part of it



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H.P. State Pollution Control Board
Regional Office Mandi (H.P.)

is false and nothing material has been concealed therefrom.

3. I further affirm that the contents of this affidavit are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Mandi, H.P. on 18th day of March ,
2024.



DEPONENT

**Regional Officer
H.P. State Pollution Control Board
Regional Office Mandi (H.P.)**

JOINT INSPECTION REPORT

In compliance to Deputy Commissioner Mandi office letter No. MND/DEV/DA-III/OA No. 620/2023-2958-64 dated 29.01.2024, the Committee visited the DAV Public School Building Ner Chowk at Dadaur Tehsil Balh Distt. Mandi HP on 15.02.2024 at 11.00 am to look into the grievances / allegations made by the applicant and to verify the factual position on the site. The following members of the Committee were present at spot:

1. Executive Engineer, JSV Division Baggi
2. Executive Engineer, HPPWD Division Ner Chowk
3. Tehsildar, Balh Distt. Mandi
4. Executive Officer, Municipal Council Ner Chowk
5. Regional Officer, State Pollution Control Board Mandi
6. Mining Officer, Mandi Distt. Mandi HP


The Brief History of the case is that Sh. Prashant Sharma & others have filed an application dated 26.06.2023 before the Hon'ble National Green Tribunal, New Delhi, vide which they have expressed their grievances regarding debris of old bridge lying in the middle of Kansa Khad Tehsil Balh Distt. Mandi HP and seek direction to Deputy Commissioner Mandi to instruct SDM Balh to construct Retaining Wall to safeguard the school. The Hon'ble NGT has treated and registered the application as O.A. No. 620/2023 titled as Prashant Sharma & others versus State of Himachal Pradesh and others. The first hearing of the case was listed on 02.01.2024. During the hearing, Hon'ble Tribunal has ordered (1) State of Himachal Pradesh, through its Chief Secretary; (2) Irrigation and Public Health Department, through its Secretary; (3) Deputy Commissioner Mandi and (4) HPSPCB, through its Member Secretary to file their reply/response within two months.

In the instant Application, the applicants state that their School building is adjoining to Kansa Khad and there was an old bridge over the river near to the school which was replaced with new one by PWD Department about 9 years back. The application also states that during the rainy season the debris of old bridge diverted the flooded water of the Kansa khad towards the school premises caused soil erosion and endangered the school building, activity stage and ground area. A large portion of their safety wall built during last year was also washed away during this flood.

During visit the Principal, DAV Public School Dadaur was also called upon to site. He told that the Govt. has sanctioned 1 Acre of Govt. land on lease basis to construct the School building at Khasra No. 1329/1214/1 at village Dadaur in the

Year 2009 on which the school is running. But the flooded river in the rainy season every year is eroding the soil and is a great threat to their School. He added that the flow of water diverts towards the school due to debris of old bridge lying in the khad. He also told the boundaries of leased land in the half of the khad and asked to construct protection wall along their boundary line.

The School premises situates at left bank of Kansa Khad immediately downside the Dadaur Bridge on Ner Chowk - Gohar MDR. On the other bank, there situates Kansa Ground. The water way at this point is little narrow and huge soil erosion has been occurred at both banks of the khad due to heavy flood during previous rainy season which is declared as state disaster by the Govt. The retaining walls constructed for protection of school premises at this bank as well as for Kansa Ground at other bank have totally been damaged/washed away. The removal of debris of damaged old bridge is in progress at site. Executive Engineer, HPPWD present at spot states that it is not recommendable to construct a retaining wall in the mid of water flow along boundary shown by the Principal DAV School as it will reduce the water way considerably and will obstruct the free flow of flooded water and endanger the bridge on MDR, however for remedial measures, protection work at banks of khad is necessary as per site conditions.


Mining Officer
Mandi Distt. Mandi HP


Regional Officer
HP State Pollution Control Board


Executive Office
M.C. Nerchowk


Tehsildar
Balh Distt. Mandi HP


Executive Engineer
HPPWD Nerchowk


Executive Engineer
Jal Shakti Vibhag Baggi


Sub Division Magistrate
Balh, Distt. Mandi HP

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No. PW-NCD-WA/Misc./2023-24- 14998-99
To

Dated: 4-3-24

The Deputy Commissioner,
Mandi, District Mandi (H.P.)

Subject:- O.A No. 620/2023 titled as Prasant Shirma and others V/s State of H.P. & other filed in National Green Tribunal New Delhi.

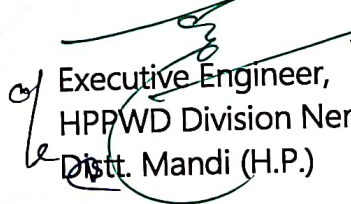
Reference:- Your office Office Order No. MND/Dev/DA-II/O.A. No. 620/2023-2958-64 dated 29-01-2024 & 8787-92 dated 04-03-2024.

Sir,

In this context, it is submitted that the debris of old bridge lying in Kansha river near Kansha bridge on Shimla Mandi road via Tattapani has been removed. (Photograph attached)

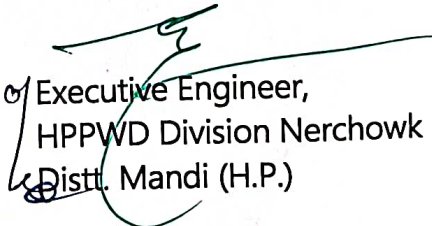
Submitted for your kind information please.

DA. As above.


Executive Engineer,
HPPWD Division Nerchowk
Distt. Mandi (H.P.)

Copy to:

1. The Assistant Engineer, Chakkar Sub Division, HPPWD Nerchowk w.r.t. his office letter No. 3337-38 dated 26-02-2024 for information.


Executive Engineer,
HPPWD Division Nerchowk
Distt. Mandi (H.P.)



Note cam lite
 Address : Tawan,Himachal Pradesh,India
 Latitude : 31.593605000000004°
 Longitude : 76.92844833333334°
 Altitude : 771.0 meter
 Date : 03/04/2024 03:04 pm
 Accuracy : 1.5 meter
 Time zone : IST
 Note : kansa bridge



Note cam lite
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 Latitude : 31.593973333333333°
 Longitude : 76.92875166666666°
 Altitude : 771.0 meter
 Date : 03/04/2024 03:06 pm
 Accuracy : 1.6 meter
 Time zone : IST
 Note : kansa bridge

Assistant Engineer,
 Chakkar Sub-Division
 H.P.P.W.D. Ner Chowk



📷 Note cam lite

Address : Tawan, Himachal Pradesh, India

Latitude : 31.593615°

Longitude : 76.92865166666667°

Altitude : 771.0 meter

Date : 03/04/2024 03:04 pm

Accuracy : 1.6 meter

Time zone : IST

Note : kansa bridge



📷 Note cam lite

Address : Tawan, Himachal Pradesh, India

Latitude : 31.5941124°

Longitude : 76.9298675°

Altitude : 773.0 meter

Date : 03/04/2024 03:01 pm

Accuracy : 104.1 meter

Time zone : IST

Note : kansa bridge

Assistant Engineer,
Chakkar Sub-Division
-I.P.W.D. Ner Chowk