

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

**I.A NO. 153/2026**

**IN**

O.A No. 98 OF 2026

IN THE MATTER OF:

Chandresh Kumar & Others .....APPLICANTS

VERSUS

State of Himachal Pradesh & Others .... RESPONDENTS

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	copies of the Explosive License and permission accorded to the concerned Contractor and the NOC accorded by the Gram Panchyat Kasol.	
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**For Respondent No. 10**

Dated:-18/5/22

Place: Kullu.

*\* Gohilbatal*

Through Counsel

Varun Kant Sharma

Advocate Kullu H.P.

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

IA No.153 OF 2026

IN

ORIGINAL APPLICATION NO.98 OF 2026

IN THE MATTER OF:

Chandresh Kumar and Ors.

...Applicant(s)

**VERSUS**

State of Himachal Pradesh and Ors.

...Respondent(s)

**REPLY ON BEHALF OF RESPONDENT NO. 10 TO  
THE INTERLOCUTORY APPLICATION SEEKING  
INTERIM RESTRAINT ON BLASTING AND  
EXCAVATION ACTIVITIES**

**PRELIMINARY OBJECTIONS**

1. That the present Interlocutory Application is not maintainable either in law or on facts and is liable to be dismissed at the threshold as the same is founded entirely upon conjectures, speculative apprehensions, and generalized allegations unsupported by any cogent scientific material, expert assessment, or statutory

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Advocate  
Cust. Commissioner  
District Court Kullu

finding demonstrating environmental damage or violation of any legal provision.

2. That the Application suffers from suppression of material facts and selective presentation of the record. The Applicants have deliberately failed to disclose that the project activities are being undertaken pursuant to valid statutory approvals, permissions, No Objection Certificates (NOCs), and regulatory compliances granted by the competent authorities after due appraisal under the applicable environmental and technical framework.
3. That the present Application is devoid of any cause of action against the answering Respondent. Mere execution of a duly approved hydroelectric project in accordance with statutory permissions cannot constitute a cause of action unless specific violations supported by scientific evidence are demonstrated. The Applicants have failed to establish any direct nexus between the alleged apprehended harm and the activities undertaken by the answering Respondent.

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Advocate  
Court Commissioner  
District Court Kullu (H.P.)

4. That the Application is liable to be rejected for non-joinder of necessary parties. The Applicants themselves allege transfer/restructuring in favour of a new Project Proponent i.e. M/s Aptsgreen Power Private Limited and seek independent inspection with respect to such entity; however, the said alleged Project Proponent has not been impleaded as a party respondent. In the absence of impleadment of the concerned entity, no effective adjudication can take place and no relief concerning such entity can legally be granted.
5. That the Applicants lack locus standi to maintain the present proceedings in the manner alleged. The Applicants have failed to establish any personal, direct, or legally cognizable injury caused by the project activities. No material has been produced showing any actual damage to residential structures, agricultural land, crops, livelihood resources, or proprietary interests attributable to the answering Respondent.
6. That the present Application is liable to be dismissed for want of scientific and technical substantiation. The allegations relating to slope instability, aquifer collapse, vibration impact, and environmental degradation are

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Advocate  
Civil Court  
District Court Kuzh

unsupported by any geotechnical investigation, hydrological assessment, structural audit, environmental impact analysis, or expert opinion. Bald assertions and generalized fears cannot form the basis for invoking the extraordinary jurisdiction of this Hon'ble Tribunal.

7. That the Applicants are attempting to seek a roving and fishing inquiry under the guise of environmental protection. The law does not permit intrusive inspection proceedings merely on the basis of speculative apprehensions in the absence of prima facie evidence demonstrating environmental non-compliance or statutory violation.
8. That the Application is barred by the principles governing grant of interim relief. The Applicants have failed to establish any prima facie case; any irreparable injury; or that the balance of convenience lies in their favour. On the contrary, the balance of convenience overwhelmingly lies in favour of continuation of the duly approved and regulated project activities being undertaken pursuant to substantial financial

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Ordn Commission  
District Court, Kathmandu (N.P.)

commitments, contractual obligations, and public infrastructure requirements.

9. That the invocation of the precautionary principle is wholly misconceived. The precautionary principle cannot be mechanically invoked on hypothetical assumptions where the project has already undergone statutory scrutiny and appraisal by competent authorities under the environmental regulatory regime.
10. That the present proceedings constitute an abuse of the process of law insofar as the Applicants seek to obstruct and stall a lawfully approved infrastructure project through speculative allegations unsupported by scientific evidence, despite the project being subject to continuous statutory oversight and regulatory compliance mechanisms.
11. That the project activities pertaining to Kasol SHEP are being undertaken strictly in accordance with valid statutory permissions, approvals, No Objection Certificates (NOCs), environmental safeguards, and technical standards prescribed by the competent authorities under the applicable laws including the

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Advocate  
Ordn. Commissioner  
District Court, Kasol

Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Forest (Conservation) Act, 1980, the Explosives Act, 1884, and the Explosives Rules, 2008. Copies of the requisite permissions and approvals already stand annexed with the detailed reply filed by the answering Respondent.

### **Reply on Merit**

1. That the contents of paragraph 1 of the Application are matters of record to the extent of the description of the Applicants and the geographical location of Village Thunja. However, the remaining averments are denied for want of knowledge and strict proof. It is specifically denied that the project activities pose any threat whatsoever to the alleged drinking-water source, grazing area, or habitation of the Applicants. It is respectfully submitted that the tunneling activities in question are being undertaken near RS Café, which is situated at an approximate distance of 700 meters from Village Thunja and at a substantially lower elevation than the said habitation. The project alignment and tunneling corridor are therefore geographically and

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District Commissioner  
District Court Kullu (J.P.)

topographically distinct from the residential settlement, drinking-water source, and alleged grazing areas referred to by the Applicants. It is further submitted that owing to the significant difference in elevation and terrain profile, the tunneling activities do not interfere with, affect, or destabilize the alleged pasture land, spring-fed bawdi, or habitation of Village Thunja. The tunneling is being carried out within a separate mountainous section having an independent slope system, distinct geological orientation, and different drainage characteristics from those associated with the village settlement. The Applicants have failed to place on record any scientific study, hydrological assessment, geological mapping, contour analysis, or expert report demonstrating any hydrological connectivity or geotechnical linkage between the tunneling zone and the alleged drinking-water source or grazing land of Village Thunja. Mere generalized apprehensions unsupported by technical evidence cannot override the actual topographical and geological realities of the area. It is respectfully submitted that the tunneling operations are being carried out in a controlled and scientifically

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Dist. Commissioner  
District Court Kullu (J.P.)

regulated manner in mountainous terrain far away from the habitation area, under proper technical supervision and in accordance with approved engineering practices and statutory safeguards. Consequently, the allegations regarding threat to the village, pasture land, or drinking-water source are wholly speculative, unfounded, and devoid of any scientific basis.

2. That the contents of paragraph 2 are wrong and denied to the extent the same seek to create an impression of uncontrolled or hazardous construction activity. It is submitted that the tunneling, excavation, and allied construction works are being carried out through mountainous terrain in a scientifically regulated and controlled manner under technical supervision and in accordance with approved engineering methodologies, geological safety protocols, and statutory safeguards. As admitted by the Applicants themselves, the tunneling is being carried out through mountainous terrain away from habitation. The project alignment has been technically designed keeping in view geological characteristics, slope stability parameters, habitation buffers, and engineering feasibility assessments. It is

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Advocate  
Joint Commissioner  
District Court Kullu (J.P.)

respectfully submitted that the averments made by the Applicants to the effect that the tunneling and blasting activities are being carried out beneath the slope supporting Village Thunja are factually incorrect, misleading, and hence specifically denied. The tunneling site is situated at a considerable distance from Village Thunja and at a lower elevation, with a separate and independent slope system, geological profile, and drainage pattern. The said slope does not constitute the foundational or supporting slope of Village Thunja as falsely projected by the Applicants. It is further submitted that the Applicants are deliberately attempting to create an exaggerated and misleading narrative by portraying themselves as victims of alleged environmental and structural danger despite there being no scientific material, geotechnical assessment, hydrological study, or expert report substantiating such claims. The allegations are speculative in nature and are intended only to create unwarranted apprehension before this Hon'ble Tribunal. It is, however, admitted that controlled blasting operations are being undertaken as part of the tunneling process, but the same are being

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Advocate  
Cust. Commissioner  
District Court Kodaikanal

carried out strictly in accordance with the applicable statutory norms, approved engineering methodologies, safety protocols, and regulatory compliances governing hydroelectric tunneling activities in mountainous terrain. The blasting operations are scientifically designed and executed under technical supervision with prescribed vibration-control measures, sequential blasting patterns, and slope stabilization mechanisms to ensure structural safety and environmental protection. The Applicants have failed to demonstrate any actual structural damage, slope destabilization, aquifer disruption, or environmental degradation attributable to the regulated tunneling activities. In the absence of any credible scientific evidence, the allegations made in the Application are wholly unfounded and liable to be rejected.

3. That the contents of paragraph 3 are wrong, misleading, and denied. The alleged reliance upon the 2016 Joint Inspection Report is wholly misconceived and taken out of context. A generalized observation regarding slope conditions in mountainous terrain cannot be interpreted as a prohibition against regulated hydroelectric

~~ATTESTED~~  
~~CHANDRA MANSI~~  
Advocate  
Oath Commissioner  
District Court Kathu (H.A.)

development activities, particularly where the project has subsequently received requisite approvals and clearances from the competent authorities after due technical scrutiny. It is respectfully submitted that Tunneling for Small Hydro Electric Projects (SHEPs) in the mountainous terrain of Himachal Pradesh is generally carried out through scientifically regulated excavation techniques suited to the fragile and geologically complex Himalayan region. Owing to the steep slopes, varying rock strata, fault zones, shear zones, and water-bearing formations commonly encountered in the Himalayas, tunneling activities are undertaken only after detailed geological, geotechnical, and hydrological investigations. These investigations typically include geological mapping, Rock Mass Rating (RMR) analysis, slope stability studies, hydrogeological assessments, and seismic evaluations in order to determine the most suitable tunneling methodology and support system for the project. In most hydroelectric projects situated in Himachal Pradesh, tunneling is primarily undertaken through the controlled "*Drill and Blast Method*" in conjunction

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Advocate  
Civil Commissioner  
District Court, Kullu (S.D.)

with the New Austrian Tunneling Method (NATM). Under this methodology, the excavation process is carried out in a phased and controlled manner. Blast holes are drilled at the tunnel face using specialized hydraulic drilling equipment, following which precisely calculated quantities of explosives are charged and detonated in sequential delay patterns. The blasting is scientifically designed to minimize vibration intensity, overbreak, slope disturbance, and impact upon the surrounding rock mass. Normally, excavation progresses in short rounds depending upon the geological condition and rock quality encountered at the site. Immediately after each excavation cycle, stabilization and support measures are installed as part of the NATM approach. The NATM system treats the surrounding rock mass as a natural load-bearing component and accordingly provides adaptive support depending upon real-time geological conditions. Such support measures generally include shotcrete lining, rock bolting, steel ribs, lattice girders, wire mesh reinforcement, grouting, and drainage systems. Continuous monitoring of tunnel convergence, rock

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Advocate  
Civil Commissioner  
District Court Kullu (H.P.)

deformation, and slope movement is undertaken through instrumentation and geotechnical supervision to ensure structural safety and stability. It is respectfully submitted that as per the information received the new Project Proponent is carrying out the tunneling activities strictly in accordance with the established engineering practices, approved construction methodologies, geological safety protocols, and statutory safeguards applicable to hydroelectric projects in mountainous terrain. The tunneling operations are being undertaken through scientifically regulated methods commonly adopted for Small Hydro Electric Projects in the Himalayan region, including controlled drill-and-blast techniques and adaptive stabilization measures suited to the prevailing geological conditions. It is further submitted that the excavation activities are being executed under technical supervision and in compliance with the applicable provisions of the Environment (Protection) Act, 1986, the Explosives Act, 1884, the Explosives Rules, 2008, and the conditions stipulated under the relevant statutory approvals, permissions, and No Objection Certificates

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Oath Commissioner  
District Court Kathmandu (10)

granted by the competent authorities. Appropriate slope stabilization measures, vibration control protocols, drainage management systems, and structural support mechanisms are being adopted during the tunneling process to ensure safety, structural integrity, and environmental protection. The copies of the Explosive License and permission accorded to the concerned Contractor and the NOC accorded by the Gram Panchyat Kasol are being annexed herewith as **ANNEXURE R-10/R1 (Collectively)**. The tunneling activities are therefore neither arbitrary nor unregulated, but are being undertaken in accordance with recognized hydroelectric tunneling standards and established engineering practices applicable to mountainous terrain in the State of Himachal Pradesh.

4. That the contents of the present paragraph are wrong, misleading, and hence specifically denied. It is specifically denied that any blasting activity is occurring directly below the alleged drinking-water source of Village Thunja or beneath the structural base of the habitation as falsely alleged by the Applicants. The tunneling and controlled blasting activities are

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Oath Commissioner  
District Court Kasol (P.L.)

being undertaken near RS Café, which is situated approximately 700 meters away from Village Thunja and at a substantially lower elevation with a separate and distinct slope system, geological profile, and drainage pattern. It is further submitted that the Applicants have failed to place on record any scientific material, site map, hydrological assessment, contour survey, geological report, or expert study demonstrating the existence of any drinking-water source in the immediate vicinity of the tunneling site or establishing any hydrological connectivity between the alleged bawdi and the tunneling corridor. Bald assertions unsupported by technical evidence cannot be treated as proof of threat to water security or aquifer stability. It is specifically denied that the tunneling activities are being carried out beneath the structural foundation or supporting slope of Village Thunja. It is specifically submitted here that the IPH now Jal Shakti Vibhag has also NOC issued in favour of the replying respondent in this regard vide letter dated 18/02/2016 which is already on record as Annexure R-10/8 annexed with the reply filed by the Respondent No. 10. The project

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District Court Kullu

alignment is geographically and topographically distant from the habitation area and does not form part of the foundational slope system of the village. The Applicants are deliberately attempting to create an incorrect and exaggerated impression before this Hon'ble Tribunal by misrepresenting the actual terrain configuration and project location. It is further denied that the controlled blasting operations have caused any perceptible structural damage, slope loosening, cracks, or threat to life and property. No structural audit, geotechnical investigation, vibration analysis, engineering assessment, or expert report has been placed on record substantiating the alleged damage. The blasting operations, wherever undertaken, are being conducted strictly in accordance with approved engineering methodologies, statutory safeguards, prescribed vibration-control measures, and technical supervision under the applicable laws and regulations governing hydroelectric tunneling activities in mountainous terrain. In the absence of any scientific or technical evidence demonstrating actual environmental harm, structural instability, or impact upon any drinking-water

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~~CHANDRA MANI~~  
Advocate  
Civil Commissioner  
District Court Kulu (P.S.)

source, the allegations made by the Applicants are speculative, exaggerated, and devoid of merit. The alleged photographs and video recordings annexed by the Applicants do not establish any illegality whatsoever. The same merely depict lawful project activities being undertaken under approved procedures and technical supervision. The said photographs themselves reflect the quality, regulated nature, and technically compliant work being carried out at the project site in accordance with approved engineering standards and prescribed safety protocols. A bare perusal of the photographs demonstrates that the tunneling and allied construction activities are being undertaken in an organized and scientifically controlled manner with proper structural support systems, regulated excavation procedures, slope protection measures, and adherence to safety norms applicable to hydroelectric tunneling works in mountainous terrain.

5. That the contents of paragraph 5 are wrong and denied. The Applicants have incorrectly invoked the concept of continuing cause of action under Section 14(3) of the National Green Tribunal Act, 2010 in the absence of

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Advocate  
Oath Commissioner  
District Court Kullu (118)

any demonstrable environmental injury or statutory violation. Mere continuation of a duly approved infrastructure project cannot by itself constitute a recurring environmental wrong.

6. That the contents of paragraph 6 are denied. The apprehensions regarding slope failure, aquifer collapse, structural damage, or displacement are entirely speculative, hypothetical, and unsupported by empirical data or scientific analysis. The Applicants have failed to establish any causal nexus between the regulated project activities and the alleged apprehended consequences.
7. That the contents of paragraph 7 are wrong and denied. The Applicants are not entitled to any interim restraint in the absence of a prima facie case, proof of irreparable injury, or balance of convenience in their favour. On the contrary, the balance of convenience lies entirely in favour of continuation of the regulated project activities. The project is being executed pursuant to valid statutory clearances, substantial financial commitments, contractual obligations, and public infrastructure mandates. Any restraint at this

ATTEST  
CHANDRA MANG  
Advocate  
Civil Commissioner  
District Court Kullu (H.P.)

stage would result in severe financial prejudice, project disruption, contractual complications, and public loss without any corresponding environmental justification.

### **REPLY TO GROUNDS FOR INTERIM RELIEF**

A. That the allegations under Ground A regarding the alleged violation of the precautionary principle are wholly misconceived, untenable, and hence denied. It is respectfully submitted that the precautionary principle cannot be invoked mechanically, in vacuum, or merely on the basis of hypothetical apprehensions and exaggerated fears unsupported by any scientific or technical material. The project activities are being undertaken pursuant to valid statutory approvals, permissions, and clearances granted by the competent authorities after due appraisal of the geological, environmental, hydrological, and engineering aspects of the project. The tunneling and controlled blasting activities are being carried out strictly in accordance with approved engineering methodologies, safety standards, environmental safeguards, and regulatory compliances applicable to hydroelectric projects in mountainous terrain. In the absence of any

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Advocate  
Ombudsman  
District Court

demonstrable environmental degradation or breach of statutory conditions, the Applicants cannot invoke the precautionary principle merely to obstruct a duly approved public infrastructure project.

B. That the allegations under Ground B are speculative, exaggerated, and unsupported by any credible scientific evidence. The Applicants have failed to place on record any geological investigation, slope stability analysis, structural audit, vibration-impact assessment, hydrological study, aquifer mapping, or disaster-risk appraisal establishing any imminent threat to life, property, water source, or habitation. It is specifically denied that the tunneling activities are taking place beneath the structural base of Village Thunja or directly below any drinking-water source as falsely alleged. The tunneling activities are being undertaken near RS Café, approximately 700 meters away from Village Thunja and at a substantially lower elevation with a separate and distinct slope system, geological profile, and drainage pattern. The Applicants have failed to demonstrate any hydrological connectivity or

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CHANDAN MANI  
Advocate  
Omkar Commission  
District Court Kullu (H.P.)

geotechnical linkage between the tunneling corridor and the alleged bawdi or habitation area.

C. That the allegations under Ground C are wrong and denied. The generalized observations contained in the alleged 2016 Joint Inspection Report cannot be selectively extracted or interpreted in isolation so as to override the subsequent statutory approvals, technical evaluations, engineering appraisals, and regulatory permissions granted by the competent authorities. The mere observation that certain mountainous slopes are “not stable” cannot amount to a prohibition upon regulated hydroelectric development activities, particularly where such activities are being carried out through scientifically regulated tunneling techniques under technical supervision and with prescribed stabilization measures. It is further submitted that as per the inspection report 18/11/2016, it is specifically mentioned that “ **the user agency has proposed three different alignments in first alignment total 1.49 hectares of forest land is involved with least number of trees getting affected. In second alignment and third alignment are rejected due thick forest and**

ATTORNEY  
CHANDRA MANSI  
Advocate  
Couch Commissioner  
District Court Bhubaneswar

moreover topography of the same is not suitable for the water conductor system, penstock and slopes are not suitable for construction of project, Since first alignment is geological more stable, involves minimum forest land and least number of trees, the same has been finalized and the second and third alignment has been rejected by the joint inspection committee. The joint inspection committee therefore recommends diversion of 1.49 hectares forestland under section 2 of the Forest Conservation Act."It is further submitted that from the bare perusal of the report it is clear that the Joint Inspection committee has rejected the second and third alignments on the ground that **due thick forest and moreover topography of the same is not suitable for the water conductor system, penstock and slopes are not suitable for construction of project**, in view of this the replying respondent has applied for the diversion of forest land and vide communication dated 01/04/2024 (annexed with the main reply as Annexure R-10/9) the O/o Principal Chief Conservator of Forest (Wildlife) , Himachal Pradesh has sent the proposal to the Nodal Officer-cum-APCCF

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CHANDRA MANSI  
Assistant  
Chief Commissioner  
District Court Kuria (4-1-20)

(FCA) O/o PCCF (HoFF) H.P for the diversion of 1.496448 hectares of forest land in favour of Beena Butail, Palampur, Tehsil Palampur District Kangra for the construction of Kasol Hydro Power Project (5MW) SHEP within the jurisdiction of Parvati Forest Division, District Kullu, H.P. Thereafter, due permission for the diversion of above mentioned forest land was accorded by the Office of Union Ministry of Environment, Forest and Climate Change vide communication dated 12/12/2024 (Annexure R-10/10 annexed with the main reply filed by the R-10). In view of this it is clear that there was no threat to slope collapse or any other loss to the area in question as the joint inspection committee has already rejected the alignment no 2 and 3 and granted permission for alignment number 1. The Applicants are deliberately attempting to misrepresent the terrain configuration and create an incorrect impression before this Hon'ble Tribunal.

D. That the allegations under Ground D are false, misleading, and denied. The Applicants have failed to identify any specific statutory provision, environmental safeguard, clearance condition, or regulatory

ATTESTED  
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A. Iveszla  
Cada Commissioner  
District Court Kullu (H.P.)

requirement allegedly violated by the answering Respondent/new Project Proponent. The tunneling and controlled blasting activities are being undertaken in accordance with recognized engineering practices applicable to hydroelectric tunneling in the Himalayan region, including controlled drill-and-blast methodology, vibration-control mechanisms, slope stabilization measures, regulated muck disposal systems, and structural support protocols. All requisite permissions, approvals, consents, and No Objection Certificates issued by the competent authorities have already been annexed with the detailed reply filed before this Hon'ble Tribunal.

E. That the allegations under Ground E are wholly speculative and unsupported by any empirical or scientific evidence. The Applicants have failed to establish any irreparable injury, environmental degradation, slope destabilization, aquifer collapse, or structural damage attributable to the project activities. No structural audit, geotechnical investigation, hydrological analysis, environmental impact assessment, or expert opinion has been placed on record

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Advocate  
C-11, Sector-11, Connaught Place  
New Delhi-110021

substantiating the alleged apprehensions. On the contrary, the photographs and video recordings relied upon by the Applicants themselves reflect organized, technically compliant, and scientifically regulated construction activity being carried out with proper structural support systems, slope protection measures, and adherence to safety protocols. Mere apprehensions unsupported by scientific evidence cannot constitute grounds for injunctive relief. It is respectfully submitted that the project in question is a green and renewable energy project undertaken in furtherance of public interest and sustainable development objectives. Respondent No. 10 has undertaken the project only after obtaining the requisite statutory permissions, approvals and clearances from the competent authorities and after carrying out the necessary technical studies and preparation of a detailed project report in accordance with law. It is further submitted that respondent No. 10 has already made substantial financial investments in the execution of the project on the basis of approvals granted by the Government and other competent authorities. The activities being

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HANU RAMAN  
Commissioner  
District Court Kuala Lumpur

undertaken at the site are regulated and subject to continuous monitoring under the applicable statutory framework. It is submitted that unless any credible scientific material or expert assessment demonstrates violation of environmental norms or actual ecological damage, no adverse inference ought to be drawn against respondent No. 10, particularly when the project is being executed pursuant to permissions granted by the competent authorities and in compliance with the statutory requirements.

F. That the allegations under Ground F are denied. The balance of convenience overwhelmingly lies in favour of continuation of the duly approved and regulated project activities. The new Project Proponent is executing a hydroelectric project pursuant to valid statutory clearances, regulatory permissions, financial commitments, contractual obligations, and public infrastructure mandates. Any interim restraint at this stage would result in severe financial prejudice, disruption of contractual obligations, escalation of project costs, and obstruction of a lawfully sanctioned infrastructure project. On the contrary, the Applicants

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CHAMBERA MAM  
Advocate  
Court Commissioner  
District Court Kullu (S.D.)

have failed to establish any actual environmental harm, statutory violation, or irreparable injury warranting such extraordinary interference.

G. That the allegations under Ground G are misconceived and denied. Each lawful tunneling, excavation, or construction activity undertaken pursuant to statutory approvals and regulatory permissions cannot be treated as a fresh or continuing cause of action in the absence of any demonstrable environmental violation or legally cognizable injury. The Applicants are wrongly attempting to invoke the concept of continuing cause of action merely to maintain speculative and unsubstantiated proceedings against the project.

It is further respectfully submitted that the Applicants have completely failed to demonstrate as to how they are personally and directly affected by the project activities. No material whatsoever has been placed on record showing any actual loss or damage to houses, agricultural land, standing crops, pasture land, livelihood resources, proprietary interests, or drinking-water sources attributable to the tunneling activities.

The Applicants have failed to produce any site-specific

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CHANDRA MAM  
Advocate  
Couch Construction  
District Court Koda (12)

evidence, contour analysis, geological mapping, hydrological assessment, or technical report demonstrating that the project activities have impacted Village Thunja or its alleged water source. The entire Application is therefore founded upon generalized assertions, exaggerated apprehensions, selective presentation of facts, and speculative fears lacking any substantive evidentiary basis and is liable to be dismissed accordingly.

It is respectfully submitted that the prayer for independent inspection is unwarranted, premature, and legally unsustainable in the absence of any prima facie material demonstrating environmental non-compliance or statutory violation. The answering Respondent cannot be subjected to unnecessary inspection proceedings based merely on conjectural allegations and speculative apprehensions. In view of the aforesaid facts and circumstances, the present Interlocutory Application is devoid of merit and is liable to be dismissed.

### **PRAYER**

It is therefore most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

~~WITNESSED~~  
~~CHANDRAMANI~~  
Advocate  
Cada Commissioner  
District Court Kollam (4130)

- A. Dismiss the present Interlocutory Application seeking interim restraint on blasting, tunneling, excavation, and project activities;
- B. Reject the prayer for independent inspection in the absence of impleadment of the alleged new Project Proponent and in absence of any prima facie evidence of environmental violation; and
- C. Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

RESPONDENT NO 10

Dated:- 18/5/20

Place: Kullu

ATTESTED  
CHANDRA MANI  
Advocate  
Civil Court  
District Court Kullu (H.P.)

Through Counsel

Varun Kant Sharma

Advocate Kullu H.P.

a. Gopal  
Anand  
[Signature]

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

ORIGINAL APPLICATION NO. 98 OF 2026

IN THE MATTER OF:

Chandresh Kumar & Others .....APPLICANTS

VERSUS

State of Himachal Pradesh & Others.... RESPONDENTS

**AFFIDAVIT IN SUPPORT OF REPLY TO THE APPLICATION.**

I, Gokul Butail S/o Sh. Dinesh Butail, aged 33 Years, R/o Bundla Complex, Bundla Tea Estate, Palampur, District Kangra, Himachal Pradesh, Occupation Bussiness, H.P do hereby state on solemn affirmation that I am competent and duly authorized to file the accompanying reply, which has been drafted at instance and under my instructions and I have gone through it and that the contents of para 1 to 11 of preliminary objections ; paras 1 to 7 reply on merits paras A to G reply to grounds are true to my personal knowledge and information derived from official records and from the new project proponent,

**TESTED**  
**CHANDRAMANI**  
District Commissioner  
District Court Kangra



R-10/RIA (Call)

## अनुज्ञप्ति प्ररूप एच. ई.-3 | LICENCE FORM LE-3

(विस्फोटक नियम, 2008 की अनुसूची 4 के भाग 1 के अनुच्छेद 3(क) से (घ) देखिए।)

(See article 3(a) to (d) of Part 1 of Schedule IV of Explosives Rules, 2008)

(ग) उपयोग के लिए एक समय पर वर्ग 1, 2, 3, 4, 5 या वर्ग 7 के विस्फोटक या किसी भी वर्ग 6 के विस्फोटक रखने के लिए अनुज्ञप्ति

Licence to possess : (c) for use, explosion of class 1, 2, 3, 4, 5, 6 or 7 in a magazine

अनुज्ञप्ति सं. (Licence No.) : E/HQ/HP/22/82(E37881)

वार्षिक फीस रूपए (Annual Fee Rs): 17900/-

1. Licence is hereby granted to

M/s. Apple Valley Developers (अधिभोगी / Occupier : Shri Arun Sharma), Village &amp; Post Mohal, Town/Village - Kullu, District-KULLU, State-Himachal Pradesh, Pincode - 175126



को अनुज्ञप्ति अनुदान की जाती है।

2. अनुज्ञप्तिधारी की प्रास्थिति | Status of licensee : Company

3. अनुज्ञप्ति निम्नलिखित प्रयोजनों के लिए विधिमाम्य है।

Licence is valid only for the following purpose.

possess for use of Nitrate Mixture, Cast Booster, Safety Fuse, Detonating Fuse, Detonators, - के उपयोग के लिए

4. अनुज्ञप्ति विस्फोटकों के निम्नलिखित किस्मों, प्रकार और मात्रा के लिए विधिमाम्य है।

Licence is valid for the following kinds and quantity of explosives: -- (क) (a)

क्र. सं.	नाम और विवरण	वर्ग और प्रभाग	उप-प्रभाग	मात्रा किसी एक समय में
Sr. No.	Name and Description	Class & Division	Sub-division	Quantity at any one time
1.	Nitrate Mixture	2, 0	0	9000 Kg.
2.	Cast Booster	3, 2	0	1000 Kg.
3.	Safety Fuse	6, 1	0	50000 Mtrs
4.	Detonating Fuse	6, 2	0	40000 Mtrs
5.	Detonators	6, 3	0	44000 Nos.

(ख) किसी एक कलेंडर मास में खरीदे जाने वाले विस्फोटक की मात्रा [अनुच्छेद 3(ख) और (ग) के अधीन अनुज्ञप्ति के लिए]

(b) Quantity of explosives to be purchased in a calendar month [applicable for licence under article 3(b) and (c)]:

5. निम्नलिखित रेखाचित्र (रेखाचित्रों) से अनुज्ञप्ति परिसर की पुष्टि होती है।

The licensed premises shall conform to the following drawing(s):

रेखाचित्र क्र. (Drawing No.) E/HQ/HP/22/82(E37881)

दिनांक (Dated) 05/09/2006

13 times  
as above.

6. अनुज्ञप्ति परिसर निम्नलिखित पते पर स्थित हैं। The licensed premises are situated at following address:

Khasra No. 72, 73, 74, 78, 79, 80 &amp; 81, Khata No. 163, 164, Khatuni No. 231, 232, ग्राम (Town/Village): Village Uttersal, Chauki Muhallihri

जिला (District)

MANDI

राज्य (State)

Himachal Pradesh

दूरभाष (Phone)

ई. मेल (E-Mail)

पिनकोड (Pincode)

फैक्स (Fax)

7. अनुज्ञप्ति परिसर में निम्नलिखित सुविधाएं अंतर्विष्ट हैं।

The licensed premises consist of following facilities.

: a main high explosives storage room, a lobby and a detonators storage room

8. अनुज्ञप्ति समय - समय पर यथासंशोधित विस्फोटक अधिनियम, 1884 और उनके अधीन विरचित विस्फोटक नियम, 2004 के उपबंधों, शर्तों और अतिरिक्त शर्तों और निम्नलिखित उपाबंधों के अधीन रहते हुए अनुदान की जाती है।

The licence is granted subject to the provision of Explosives Act 1884 as amended from time to time and the Explosives Rules, 2004 framed there under and the conditions, additional conditions and the following Annexures.

1. उपर्युक्त क्रम सं. 5 में यथा कथित रेखाचित्र (स्थान, सन्निर्माण संबंधी और अन्य विवरण दर्शित करते हुए)।

Drawings (showing site, constructional and other details) as stated in serial No. 5 above.

2. अनुज्ञप्ति प्राधिकारी द्वारा हस्ताक्षरित इस अनुज्ञप्ति की शर्तों और अतिरिक्त शर्तों।

Conditions and Additional Conditions of this licence signed by the licensing authority.

3. दूरी प्ररूप DE-2 | Distance Form DE-2.

9. यह अनुज्ञप्ति तारीख 31 मार्च 2008 तक विधिमाम्य रहेगी। This licence shall remain valid till 31st day of March 2008.

यह अनुज्ञप्ति, अधिनियम या उसके अधीन विरचित नियमों या अनुसूची V के भाग 4 के प्रति निर्दिष्ट सेट-VII के अधीन तथा उपवर्णित इस अनुज्ञप्ति की शर्तों का अधिकरण करने या यदि अनुज्ञप्ति परिसर योजना या उससे संलग्न उपबंध में दर्शित विवरण के अनुरूप नहीं पाए जाने पर निलंबित या प्रतिसंहत की जा सकती है, जहां वह लागू हो।

This licence is liable to be suspended or revoked for any violation of the Act or Rules framed there under or the conditions of this licence as set forth under Set VIII, wherever applicable, referred to in Part 4 of Schedule V or if the licensed premises are not found conforming to the description shown in the plans and Annexure attached hereto.

तारीख | The Date - 05/09/2006

Amendments :

- Amendment of Quantity of Explosives/Monthly Purchase Limit dated : 30/11/2015

मुख्य विस्फोटक नियंत्रक | Chief Controller of Explosives

Sd/-

नवीनीकरण के पृष्ठांकन के लिए स्थान  
Space for Endorsement of Renewalनवीकरण की तारीख  
Date of Renewalसमाप्ति की तारीख  
Date of Expiryअनुज्ञापन प्राधिकारी के हस्ताक्षर और स्टाम्प  
Signature of licensing authority and stamp

13/04/2022

31/03/2026

Dy. Chief Controller of Explosives, Chandigarh

कानूनी चेतावनी : विस्फोटकों को गलत ढंग से चलाने या उनका दुरुपयोग विधि के अधीन गंभीर दंडित अपराध होगा।  
Statutory Warning : Mishandling and misuse of explosives shall constitute serious criminal offence under the law.

Note :- This is system generated document does not require physical signature. Applicant may take printout for their records.

## अनुज्ञप्ति प्ररूप एल. ई.-3 | LICENCE FORM LE-3

(विस्फोटक नियम, 2008 की अनुसूची 4 के भाग 1 के अनुच्छेद 3(क) से (घ) देखिए।)  
(See article 3(a) to (d) of Part I of Schedule IV of Explosives Rules, 2008)

(ग) उपयोग के लिए एक समय पर वर्ग 1,2,3,4,5 या वर्ग 7 के विस्फोटक या किसी मैगजीन में वर्ग 6 के विस्फोटक रखने के लिए अनुज्ञप्ति  
Licence to possess : (c) for use, explosives of class 1, 2,3,4,5,6 or 7 in a magazine

अनुज्ञप्ति सं. (Licence No.) : E/HQ/HP/22/82(E37881)  
वार्षिक फीस रूपए (Annual Fee Rs): 17900/-

1. Licence is hereby granted to

M/s. Apple Valley Developers (अधिभोगी / Occupier : Shri Arun Sharma), Village & Post Mohal, Town/Village - Kullu, District-  
KULLU, State-Himachal Pradesh, Pincode - 175126



को अनुज्ञप्ति अनुदत्त की जाती है।

2. अनुज्ञप्तिधारी की प्राप्ति | Status of licensee : Company

3. अनुज्ञप्ति निम्नलिखित प्रयोजनों के लिए विधिमान्य है।  
Licence is valid only for the following purpose.

possess for use of Nitrate Mixture, Cast Booster, Safety Fuse, Detonating Fuse,  
Detonators, - के उपयोग के लिए

4. अनुज्ञप्ति विस्फोटकों के निम्नलिखित किस्मों, प्रकार और मात्रा के लिए विधिमान्य है।

Licence is valid for the following kinds and quantity of explosives: -- (क) (a)

क्र Sr. No.	नाम और विवरण Name and Description	वर्ग और प्रभाग Class & Division	उप-प्रभाग Sub-division	मात्रा किसी एक समय में Quantity at any one time
1.	Nitrate Mixture	2,0	0	9000 Kg.
2.	Cast Booster	3,2	0	1000 Kg.
3.	Safety Fuse	6,1	0	50000 Mtrs
4.	Detonating Fuse	6,2	0	40000 Mtrs
5.	Detonators	6,3	0	44000 Nos.

(ख) किसी एक कलेंडर मास में खरीदे जाने वाले विस्फोटक की मात्रा [अनुच्छेद 3(ख) और (ग) के अधीन अनुज्ञप्ति के लिए]

(b) Quantity of explosives to be purchased in a calendar month [applicable for licensee under article 3(b) and (c)] :

13 times  
as above.

5. निम्नलिखित रेखाचित्र (रेखाचित्रों) से अनुज्ञप्त परिसर की पुष्टि होती है।  
The licensed premises shall conform to the following drawing(s) :

रेखाचित्र क्र. (Drawing No.) E/HQ/HP/22/82(E37881)  
दिनांक (Dated) 05/09/2006

6. अनुज्ञप्ति परिसर निम्नलिखित पते पर स्थित हैं। The licensed premises are situated at following address:

Khasra No. 72, 73, 74, 78, 79, 80 & 81, Khata No. 163, 164, Khatuni No. 231, 232, ग्राम (Town/Village) : Village Uffersal, Chauki Mubaltihri  
पुलिस थाना (Police Station) : Sadar Mandi

जिला (District) MANDI राज्य (State) Himachal Pradesh पिनकोड (Pincode)  
दूरभाष (Phone) ई. मेल (E-Mail) फेक्स (Fax)

7. अनुज्ञप्ति परिसर में निम्नलिखित सुविधाएं अंतर्विष्ट हैं।

: a main high explosives storage room, a lobby and a detonators storage room

The licensed premises consist of following facilities.

8. अनुज्ञप्ति समय - समय पर यथासंशोधित विस्फोटक अधिनियम, 1884 और उनके अधीन विरचित विस्फोटक नियम, 2004 के उपबंधों, शर्तों और अतिरिक्त शर्तों और निम्नलिखित उपाबंधों के अधीन रहते हुए अनुदत्त की जाती है।

The licence is granted subject to the provision of Explosives Act 1884 as amended from time to time and the Explosives Rules, 2008 framed there under and the conditions, additional conditions and the following Annexures.

- उपयुक्त क्रम सं. 5 में यथा कथित रेखाचित्र (स्थान, सन्निर्माण संबंधी और अन्य विवरण दर्शित करते हुए)।  
Drawings (showing site, constructional and other details) as stated in serial No. 5 above.
- अनुज्ञप्ति प्राधिकारी द्वारा हस्ताक्षरित इस अनुज्ञप्ति की शर्तों और अतिरिक्त शर्तों।  
Conditions and Additional Conditions of this licence signed by the licensing authority.
- दूरी प्ररूप DE-2 | Distance Form DE-2.

9. यह अनुज्ञप्ति तारीख 31 मार्च 2008 तक विधिमान्य रहेगी। This licence shall remain valid till 31st day of March 2008.

इह अनुज्ञप्ति, अधिनियम या उसके अधीन विरचित नियमों या अनुसूची V के भाग 4 के प्रति निर्दिष्ट सेट-VII के अधीन तथा उपवर्णित इस अनुज्ञप्ति की शर्तों का अधिक्रमण करने या यदि अनुज्ञप्त परिसर योजना या उससे संलग्न उपबंध में दर्शित विवरण के अनुरूप नहीं पाए जाने पर निर्लंबित या प्रतिसंहत की जा सकती है, जहां वह लागू हो।

This licence is liable to be suspended or revoked for any violation of the Act or Rules framed there under or the conditions of this licence as set forth under Set VIII, wherever applicable, referred to in Part 4 of Schedule V or if the licensed premises are not found conforming to the description shown in the plans and Annexure attached hereto.

तारीख | The Date - 05/09/2006

Sd/-  
मुख्य विस्फोटक नियंत्रक | Chief Controller of Explosives

**Amendments :**

- Amendment of Quantity of Explosives/Monthly Purchase Limit dated : 30/11/2015

नवीनीकरण के पृष्ठांकन के लिए स्थान  
Space for Endorsement of Renewal

नवीकरण की तारीख Date of Renewal	समाप्ति की तारीख Date of Expiry	अनुज्ञापन प्राधिकारी के हस्ताक्षर और स्टाम्प Signature of licensing authority and stamp
01/04/2026	31/03/2031	Dy. Chief Controller of Explosives, Chandigarh

**कानूनी चेतावनी :** विस्फोटकों को गलत ढंग से चलाना या उनका दुरुपयोग विधि के अधीन गंभीर दंडित अपराध होगा।  
**Statutory Warning :** Mishandling and misuse of explosives shall constitute serious criminal offence under the law.

**Note :- This is system generated document does not require physical signature. Applicant may take printout for their records.**

# CHAMAN SHARMA

Government Contractor & Supplier  
Green Park Colony, Ward No. 8, Upper Mohal, Tehsil Kullu, Distt. P. 175101

R. No.

dated:

## Agreement

This agreement is made between M/S Apple Valley Developers. VPO Mohal, Tehsil & Distt. Kullu H.P. who holds explosive license in Form-22 (E/HQ/HP/22/82E37881 and M/S CHAMAN SHARMA having its site at Grahana Nala Kasol Manikaran Kullu H.P. The agreement is based on the following terms & conditions;

1. M/s Apple Valley Developers will execute the Drilling and blasting works.
2. Explosive along with all accessories will be provided by M/s Apple Valley Developers. All necessary permissions for procurement and use of explosive shall be obtained by M/s Apple Valley Developers with no extra cost to M/S CHAMAN SHARMA.
3. Licensed short firer will be appointed at the site to do the blasting work and after each blast the shot firer will intimate the consumption of explosive, detonators, fuse etc to the nominated person of M/s Apple Valley Developers and will retain a copy of the same for his own records.
4. M/s Apple Valley Developers will provide two licensed explosive vans to carry the explosive and its accessories however licensed gunman will be appointed by M/S CHAMAN SHARMA to safe guard the explosive vans.
5. In case of any un-towards incident at the site of blasting the whole responsibility shall be M/S CHAMAN SHARMA and any incidental charges as laid down by the law shall be born by M/S CHAMAN SHARMA.
6. TDS as per government rules shall be deducted from the bill.
7. Tax would be chargeable extra as applicable Govt. Rates.
8. The price for explosives are valid for one month from the date of issue of LoA. It has been observed that the rate of explosive are being revised by the manufacture on regular basis because of increase/decrease in price of diesel and other raw material. The rates may be revised if there is any increase/decrease in the rates by the manufacturer against proper documentary evidence.
9. The Payments of explosives material have to be made in advance. In case of credit, the payments have to be made within 30 days of the supplying of material and after that interest @ 2% per month shall be chargeable. In case of credit one blank cheque having ch. No. 612588 will be provided by M/S CHAMAN SHARMA.
10. Fuel on actual consumption will be provided by M/S CHAMAN SHARMA for plying of explosive vans at the site.
11. In case driver is required for plying of explosive vans at the site. Lodging & boarding arrangements of drivers have to be done by M/S CHAMAN SHARMA and payment of rupees 16000/- per month will be paid extra.

This agreement is read over by both the parties and after finding it right have signed today on M/S CHAMAN SHARMA, at Kullu H.P.

Accepted and on behalf of  
M/S Apple Valley Developers  
Authorized Signatory

For Chaman Sharma

CHAMAN SHARMA  
Govt. Contractor  
Vill. Goshal, P.O. Chander  
Distt. Kullu (H.P.)



# कार्यालय ग्राम पंचायत कसोल

डाकघर कसोल विकास खण्ड कुल्लू, जिला कुल्लू (हि.प्र.)-175105

प्रस्ताव संख्या .....

दिनांक : .....

ग्राम सभा बैठक	ग्राम पंचायत बैठक

उपस्थिति .....  
अध्यक्षता प्रधान :  
उपप्रधान :

## NO OBJECTION CERTIFICATE

This is to certify that Gram Panchayat ~~Erzahn~~ <sup>Kasol</sup>, Tehsil Bhunter, District Kullu (H.P.) has no objection to the controlled blasting activities being carried out for the construction works of the Kasol an Erzahn Kasol Small Hydro Electric Project (SHEP), located within the jurisdiction of Gram Panchayat Erzahn.

The Panchayat understands that the controlled blasting will be executed under the supervision of qualified technical personnel, following all prescribed safety norms and regulation, ensuring that there will be no damage to nearby houses, Public Property, or the environment.

Pradhan

Gram Panchayat ~~Erzahn~~ <sup>Kasol</sup>

प्रतिलिपि :

- 1) .....
- 2) .....
- 3) .....



वेकल देवी  
ग्राम पंचायत कसोल  
जिला कुल्लू जिला

प्रधान/उपप्रधान/सचिव