

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL (PRINCIPAL BENCH AT NEW DELHI)**I.A NO. ³⁵⁷ /2026

IN

O.A No. 98 OF 2026

IN THE MATTER OF:

Chandresh Kumar & OthersAPPLICANTS

VERSUS

State of Himachal Pradesh & Others RESPONDENTS

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For Respondent No. 9

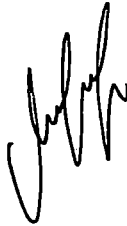
Dated:- 18/5/26

** Gopal Bhatnagar*

Through Counsel

Varun Kant Sharma

Advocate Kullu H.P.



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

I.A. No. 357 of 2026
IN
O.A. No. 98 of 2026

IN THE MATTER OF:

Chandresh Kumar & Ors.

...Applicants

VERSUS

State of Himachal Pradesh & Ors.

...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 9
TO THE INTERLOCUTORY APPLICATION
SEEKING INTERIM RELIEF**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS

1. That the present Interlocutory Application is wholly misconceived, speculative, and founded upon incorrect factual assumptions deliberately intended to obstruct and delay implementation of a duly sanctioned renewable energy project being executed strictly in accordance with applicable statutory permissions, approved technical designs, and environmental safeguards.

ATTENDED
CHANDRA MANI
Advocate
Cust. Commissioner
District Court Kullu (P.D.)

2. That replying Respondent No. 9 is the Sole Proprietor/Project Proponent of Grahan-Kasol Small Hydro Electric Project (SHEP). It is

respectfully submitted that the project execution framework has undergone technical restructuring and implementation methodology has been substantially modified by the new executing/project proponent i.e. M/S APTSGREEN, entrusted with implementation activities.

3. That under the revised execution methodology, the original proposal involving conventional underground tunnelling in certain stretches has been substantially minimized and replaced with an environmentally optimized surface water conveyance system utilizing Mild Steel (M.S.) Pipes supported along the natural edge contour of the river alignment through engineered anchor saddle supports and stabilized retaining mechanisms.
4. That the revised design philosophy has been adopted specifically to reduce geological disturbance, minimize subsurface excavation, avoid vibration-generating activities, reduce muck generation, and substantially eliminate the requirement of drilling and blasting operations in major portions of the alignment.
5. That under the revised execution plan:

~~ATTEND~~
CHANDRA MAM
Advocate
Court Commissioner
District Court Kullu (H.P.)

- water diversion and conveyance are proposed through hydraulically designed M.S. pipe systems;
 - the pipe alignment substantially follows the natural topographical gradient and river edge morphology;
 - pipe supports are proposed through anchor-based structural saddles and localized micro-foundation systems;
 - excavation activities are restricted only to minimal site preparation and localized anchoring requirements;
 - no large-scale underground Head Race Tunnel (HRT) excavation is presently envisaged in the stretches complained of by the Applicants;
 - no uncontrolled or high-intensity blasting activity is required or being undertaken.
6. That the revised alignment and engineering methodology have been developed after consideration of slope stability characteristics, lithological conditions, hydrogeological sensitivity; seismic considerations; terrain morphology; ecological footprint minimization; and long-term operational sustainability.

ATTESTED
CHANDRA MANI
Advocate
Ordn. Commissioner
District Court Kullu (C.L.D.)

7. That the Applicants have intentionally continued to project an outdated and factually incorrect narrative as if extensive tunnelling and indiscriminate blasting activities are presently being carried out beneath habitations, whereas the revised execution methodology substantially avoids such activities altogether.
8. That as per latest information gathered by the replying respondent, the project activities are being undertaken strictly in accordance with the approved Detailed Project Report (DPR), revised engineering methodology, and all statutory permissions and regulatory compliances granted by the competent authorities. The project execution framework fully incorporates and adheres to the environmental safeguards and technical conditions prescribed by the concerned authorities, including scientifically designed hill slope stabilization protocols, river training and erosion control measures, disaster mitigation mechanisms, geotechnical and structural safety standards, and all applicable provisions of the Environment (Protection) Act, 1986, along with the allied environmental and regulatory laws governing hydropower infrastructure projects.

PRELIMINARY OBJECTIONS

SECRETARY
CIAA
Address
Chief Commissioner
District Court Building

1. That the present application is liable to be dismissed at the threshold as the Applicants have suppressed material facts regarding the revised execution methodology and continue to rely upon generalized allegations unsupported by current technical realities.
2. That the allegations regarding extensive tunnelling and blasting are factually incorrect in view of the revised implementation framework adopted by the new executing/project proponent. The revised water conveyance mechanism primarily involves installation of Mild Steel Pipes along the river edge corridor supported through engineered anchor saddle systems, thereby substantially eliminating the necessity of underground tunnelling and associated blasting operations.
3. That the revised execution methodology adopted for the project constitutes an environmentally superior, geotechnically stable, and scientifically optimized alternative to conventional tunnelling-based hydroelectric construction systems. The revised methodology, which primarily envisages diversion and conveyance of water through Mild Steel (M.S.) pipe systems aligned along the natural contour of the river edge, substantially minimizes subsurface geological intervention and significantly reduces

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CHANDRA MAHA
Advocate
Civil Commissioner
District Court, Kullu (H.P.)

disturbance to the existing lithological and geomorphological conditions of the area. By avoiding extensive underground excavation and large-scale tunnelling operations, the revised design ensures negligible vibration generation and eliminates the risks ordinarily associated with repetitive drilling and blasting activities, including shock-wave propagation, rock mass fracturing, slope stress redistribution, and destabilization of surrounding strata. The methodology further results in minimal muck generation, thereby substantially reducing the environmental burden relating to excavation debris handling, transportation, storage, and disposal. It is further submitted that the revised alignment considerably lowers the potential for slope destabilization, surface subsidence, and erosion-induced failures by preserving the natural load-bearing characteristics and continuity of the hill slope formations. The reduced excavation footprint also minimizes interference with local hydrogeological systems, including aquifer pathways, subsurface seepage regimes, natural drainage channels, and groundwater recharge characteristics, thereby ensuring preservation of the existing hydrological equilibrium. The methodology additionally facilitates preservation of natural rock

strata continuity and in-situ geological integrity by avoiding deep intrusive excavation into structurally sensitive mountain formations. Owing to the substantially reduced construction footprint, limited terrain cutting, lower vegetation disturbance, and minimal alteration of the surrounding natural landscape, the revised execution framework correspondingly results in a significantly reduced ecological footprint while ensuring compliance with principles of sustainable development, environmental conservation, and scientifically regulated hydropower infrastructure implementation.

4. That the Applicants have failed to place on record any prima facie scientific, technical, or legally admissible material demonstrating the occurrence of slope failure, terrain instability, aquifer disruption, hydrological diversion, ecological degradation, structural damage to any habitation, or breach of any statutory environmental condition attributable to the project activities. No geological assessment report, hydrogeological study, geotechnical investigation, structural audit, environmental monitoring report, biodiversity assessment, expert inspection report, or other scientific evidence has been produced establishing any causal nexus between the ongoing

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CHANDRA MANI
Advocate
Cada Commissioner
District Court Kulu (GLR)

project activities and the alleged environmental or geological impacts. The allegations raised are entirely speculative, generalized, and unsupported by empirical data, technical analysis, or field-based scientific evaluation, and therefore do not disclose any prima facie case warranting interference by this Hon'ble Tribunal.

5. That the balance of convenience overwhelmingly lies in favour of permitting continuation of regulated project activities since stoppage of partially executed stabilization and installation works may itself expose the terrain to erosion, slope instability, and environmental vulnerability.

PARA-WISE REPLY

1. That the contents of para 1 of the application are wrong and denied to the extent they allege illegal blasting, environmental degradation, or unsafe tunnelling activities. It is respectfully submitted that the Applicants have deliberately failed to disclose that the revised execution framework envisages diversion and conveyance of water primarily through Mild Steel Pipe systems laid along the river edge alignment supported upon engineered anchor saddles and structural stabilization supports. The revised design significantly minimizes geological

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CHANDRA MAHA
Advocate
Cada Commissioner
District Court Nulda (PLD)

intervention and substantially reduces the need for underground excavation activities. The pipeline alignment has been selected after technical evaluation of:

- riverbank morphology;
- terrain stability;
- slope inclination;
- rock mass behaviour;
- hydraulic efficiency; and
- environmental sensitivity parameters.

It is further submitted that the revised conveyance system utilizes:

- corrosion-resistant M.S. pipes;
- anchor saddle supports;
- reinforced foundation pads;
- retaining and breast wall protection systems;
- anti-scour stabilization measures; and
- controlled surface alignment techniques.

The said methodology ensures minimal disturbance to the surrounding geological strata and substantially eliminates vibration-inducing excavation activities. The allegations

regarding indiscriminate tunnelling beneath habitations are therefore false, misleading, and contrary to the actual execution methodology presently adopted.

2. That the contents of para 2 are denied being misconceived and factually incorrect. It is respectfully submitted that the Applicants continue to proceed on the erroneous assumption that large-scale underground tunnelling operations are being undertaken beneath inhabited zones. In fact, under the revised implementation plan, water conveyance is proposed substantially through surface-aligned M.S. pipe systems running along the edge contour of the river corridor. The revised alignment has been specifically engineered to minimize subsurface excavation; avoid interference with habitation zones; reduce hydrogeological disturbance; preserve slope integrity; and reduce environmental footprint. It is further submitted that no uncontrolled blasting operations are being undertaken. Wherever minor site preparation or anchoring activity is required, the same is carried out through localized controlled engineering methods under technical supervision and in accordance with applicable safety standards. The Applicants have failed to place on record any geotechnical assessment; vibration monitoring report; hydrogeological study; structural audit; slope

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

failure analysis; or expert scientific material demonstrating any actual environmental or geological damage attributable to the project.

3. That the contents of para 3 are misconceived and denied. It is respectfully submitted that the statement recorded before this Hon'ble Tribunal on 02.04.2026 was made bona fide and strictly in the factual context prevailing at the relevant time. It was specifically submitted that blasting activities were not being undertaken and that only pipeline-related activities were being carried out. The said statement remains substantially consistent with the revised implementation methodology presently adopted by the project executing agency. It is respectfully submitted that the revised execution methodology involving M.S. pipe conveyance systems substantially avoids conventional tunnelling and associated blasting operations. The Applicants are therefore attempting to create artificial controversy by selectively interpreting the proceedings divorced from their technical and factual context. It is respectfully submitted that the statement recorded before this Hon'ble Tribunal was specifically and exclusively in relation to the Replying Respondent No. 9 (SOLE PROPRIETOR OF GRAHAN-KASOL SHEP) on the instructions of the

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Advocate
Court Commissioner
District Court Kasol (S.P.)

authorized representative of the project who was present before the Honorable Tribunal on the said date of hearing. A plain and conjoint reading of paragraphs 3 and 4 of the order dated 02.04.2026 clearly establishes that the submissions were made only on behalf of replying respondent No. 9, more particularly with respect to the status of Grahan-Kasol SHEP. Paragraph 3 records that the “unit has been transferred to the third party,” while paragraph 4 records the submission that “blasting is not being done now as only pipeline is being laid and no tunnelling is being done.” The said submissions were therefore project-specific and confined to Respondent No. 9 i.e. Grahan-Kasol SHEP. The statement cannot, by any stretch of interpretation, be read as applying to any other respondent, project, or activity beyond the limited scope expressly recorded in the proceedings. It is further submitted that the Applicants are attempting to misinterpret the judicial record by selectively extracting portions of the order divorced from their context. The order must be read as a whole, and when so read, it unequivocally demonstrates that the statement pertained solely to Respondent No. 9. Any contrary interpretation is misconceived, misleading, and liable to be rejected. The relevant portion of the

ATTEST
CHANDRA MANI
Advocate
Cath. Commissioner
District Court Kullu (C.S.)

order dated 02.04.2026 is reproduced hereinbelow for the kind perusal of this Hon'ble Tribunal:

1. *Learned Counsel for the Respondent No. 3 submits that the reply has been filed today morning. Office to examine and place it on record. He has further submitted that he will obtain instructions on behalf of the Respondents No. 1, 2, 4 and 5. Let the reply on behalf of these respondents be also filed within four weeks.*
2. *Learned Counsel for the Respondents No. 6 and 7 seeks three weeks' time to file the reply.*
3. *Learned Counsel for the Respondents No. 9 and 10 submits that the unit has been transferred to the third party. They are permitted to file the reply and place the status on record within three weeks.*
4. *Learned Counsel for the Respondents No. 9 and 10 submits that the blasting is not being done now as only pipeline is being laid and no tunnelling is being done.*
5. *The Respondents are also directed to file reply to the IA No. 153/2026 - an application for interim direction filed by the Applicant within three weeks.*
6. *Since IA No. 153/2026 has been taken up today, therefore, IA No. 154/2026 which is an application*

ATTORNEY
CHANDRA MANSI
Advocate
Cust. Commissioner
District Court Kashti (S.D.)

for early hearing has become infructuous and is accordingly disposed of.

7. *The Applicant is directed to supply a copy of IA No. 153/2026 to Counsel for the Respondents within three working days.*

List on 29.04.2026.”

It is a settled principle of law that judicial orders are required to be read as a whole and in the context in which observations have been made. Any attempt to selectively extract a portion of the order divorced from its surrounding context would amount to a manifest misinterpretation of the record. The proceedings, therefore, leave no ambiguity that the statement in question was confined exclusively to Respondent No. 9 and cannot be expanded beyond its expressly intended scope.

4 to 6. That the contents of paragraphs 4 to 6 are wrong, misconceived, and hence specifically denied. It is respectfully submitted that the photographs and video recordings relied upon by the Applicants do not pertain to any alleged tunnelling or blasting activity associated with Grahan-Kasol Small Hydro Electric Project (SHEP). It is further submitted that the Grahan-Kasol SHEP is presently being executed under a revised engineering methodology primarily involving surface-based hydraulic

conveyance through Mild Steel (M.S.) pipeline systems aligned along the riverbank/shoreline corridor using engineered anchor saddles, retaining structures, and localized stabilization supports, substantially eliminating the requirement of underground tunnelling and associated drilling or blasting operations.

7. That the contents of para 7 are wrong and denied. As submitted in paras supra the revised project execution methodology constitutes an environmentally sustainable and geotechnically safer approach aimed at minimizing terrain disturbance and geological intervention. The project incorporates slope stabilization measures, erosion control structures, retaining walls, drainage management systems, anti-scour protection, regulated muck disposal protocols, bio-engineering techniques, and continuous geotechnical monitoring. Further, the revised Mild Steel (M.S.) pipe-based conveyance system substantially reduces underground excavation, rock mass disturbance, blasting-induced vibration, muck generation, hydrogeological interference, and slope destabilization risks, thereby ensuring implementation of the project in consonance with principles of sustainable development and scientific environmental management.

REPLY TO GROUNDS

Ground No. 1 – Alleged Misrepresentation

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Advocate
Orin Commission
District Court Kuvempu

The contents thereof are denied. No false statement was made before this Hon'ble Tribunal. The statement recorded on 02.04.2026 correctly reflected the factual position that blasting activities were not being undertaken and that pipeline-related activities formed part of the execution framework. The said submissions were therefore project-specific and confined to Replying Respondent No. 9 i.e. Grahan-Kasol SHEP. The statement cannot, by any stretch of interpretation, be read as applying to any other respondent, project, or activity beyond the limited scope expressly recorded in the proceedings. The Applicants are attempting to misinterpret isolated portions of the proceedings without appreciating the revised technical methodology adopted in the project implementation process.

Ground No. 2 – Alleged Environmental Damage

The allegations are denied being vague, speculative, and wholly unsupported by any scientific or technical evidence. It is respectfully submitted that the revised project execution methodology substantially minimizes the environmental footprint by adopting surface-aligned Mild Steel (M.S.) pipe conveyance systems in place of extensive underground excavation and conventional tunnelling activities, thereby significantly reducing geological disturbance and ecological impact. The

Applicants have failed to place on record any hydrological

~~ATTESTED~~
~~CHANDRA MAAN~~
Advocate
Distt. Commissioner
District Court, Raha (S.P.)

assessment, slope instability report, ecological survey, groundwater impact study, vibration analysis, seismic assessment, scientific environmental audit, or any other expert material demonstrating actual environmental degradation, hydrogeological interference, terrain destabilization, or ecological damage attributable to the project activities.

Ground No. 3 – Alleged Irreversibility

That the allegations are wrong, misconceived, and hence denied. It is respectfully submitted that the project is a duly sanctioned renewable energy infrastructure project being implemented strictly in accordance with statutory approvals, technical standards, and environmental safeguards under a scientifically optimized and environmentally moderated execution framework. The revised engineering methodology substantially minimizes permanent terrain intervention and incorporates adaptive environmental safeguards and stabilization mechanisms. No irreversible ecological damage has been demonstrated by the Applicants.

Ground No. 4 – Precautionary Principle

It is respectfully submitted that the reliance placed by the Applicants upon the precautionary principle is entirely misplaced in the facts and circumstances of the present case. The project execution methodology has already been

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CHANDRA MANI
Advocate
Oath Commissioner
District Court Kullu (P.L.)

consciously restructured to reduce environmental intrusion and geological stress upon the surrounding terrain. Instead of adopting conventional large-scale tunnelling and excavation methods, the revised project configuration utilizes surface-based Mild Steel (M.S.) pipe conveyance systems aligned along naturally stable contours of the riverbank, thereby significantly limiting subsurface disturbance and minimizing the requirement of blasting operations. The alignment and execution strategy have been developed after due consideration of slope morphology, terrain stability, drainage behaviour, and hydrogeological sensitivity of the area. The project further incorporates engineered slope protection systems, erosion control measures, retaining structures, controlled drainage management, and continuous monitoring mechanisms to ensure structural and ecological stability during execution. In these circumstances, where the project itself has been designed and implemented through environmentally moderated and technically controlled measures intended to reduce ecological impact, the precautionary principle cannot be invoked merely on the basis of hypothetical apprehensions unsupported by any scientific material demonstrating imminent or irreversible environmental harm.

Ground No. 5 – Balance of Convenience

~~ATTORNEY AT LAW~~
~~CHANDRA MANI~~
Advocate
Over Commissioner
District Court Kullu (S.D.)

The balance of convenience overwhelmingly lies in favour of permitting continuation of regulated project activities. The project constitutes an important renewable energy infrastructure initiative undertaken in larger public interest and pursuant to valid statutory permissions. Interruption of ongoing stabilization and installation works may itself expose partially executed stretches to erosion; destabilization; slope vulnerability; and environmental degradation.

The Applicants have failed to establish any immediate or irreparable environmental injury warranting extraordinary interim restraint.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

1. Dismiss the present Interlocutory Application seeking interim relief;
2. Decline the prayer seeking stay of project activities;
3. Permit continuation of pipeline laying, stabilization, anchoring, and allied construction activities in accordance with statutory permissions and safeguards;

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Advocate
Oath Commissioner
District Court Kullu (GLN)

4. Pass any other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE ANSWERING RESPONDENT SHALL EVER PRAY.

For Respondent No. 9

Varun Kant Sharma
Through Counsel

Varun Kant Sharma
Varun Kant Sharma

Advocate Kullu H.P.

Place: *Kullu*

Date: *18/5/21*

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CHANDRA MANI
Advocate
Chest Commissioner
District Court Kullu (H.P.)

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

I.A NO. /2026

IN

O.A No. 98 OF 2026

IN THE MATTER OF:

Chandresh Kumar & OthersAPPLICANTS

VERSUS

State of Himachal Pradesh & Others

.... RESPONDENTS

**AFFIDAVIT IN SUPPORT OF REPLY TO THE STAY
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 Business, 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 8 of preliminary submissions and paras 1 to 5 of preliminary objections ; paras 1 to 7 reply on merits paras 1 to 6 reply to grounds are true to my personal knowledge and information derived from official records and from the

ATTESTED
CHANDRAMANI
Advocate
Cada Commissioner
Court Kulu (S.D.)

new project proponent, nothing stated therein is false and nothing has been concealed.

I solemnly swear/ affirm that this Affidavit is true, no part of it is false and nothing has been concealed therein.

Verified at *Kulku* on this *18th* day of May, 2026.

X Gokul Butai

Deponent

ATTESTED
CHANDRA MANI
Advocate
Oath Commissioner
District Court Kulku (R.D.)

Deponent
Identified by

V. S. Sharma
ODU

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I have verified that the deponent has duly sworn to the contents of the affidavit dated *18/5/26* at *Kulku* by *Gokul Butai* personally known to me and identified by *V. S. Sharma* who is personally known to me and explained the contents to me.
District Commissioner
District Court Kulku (R.D.)