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

In Ref. O. A. NO.646/2023

IN THE MATTER OF:-

MANOJ KUMAR KAUSHAL

Vs.

STATE OF HIMACHAL PRADESH AND OTHERS.

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District Magistrate,
Una, District Una (H.P.)

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Place: Una

Respondent No. 1 to 3

Dated: 04 .03.2024


JATIN LAL, IAS
 District Magistrate,
 Una, District Una (H.P.)
 Una, District Una (H.P.).

Ph. No. 01975-225800.

THROUGH COUNSEL

RAJ KUMAR

 Kapil Kr. Sahni
 (Adv.)
ADVOCATE SUPREME COURT**OFFICE:** 3146, FF, Ram Bazar, Mori Gate,

Delhi – 110006.

E – mail. rajrashiheri@gmail.com

Mobile No.7827377139.

From

The District Magistrate,
Una, District Una (H.P.)

To

Mr. RAJ KUMAR
ADVOCATE SUPREME COURT
OFFICE: 3146, FF, Ram Bazar, Mori Gate,
Delhi – 110006.
E – mail. rajrashiberi@gmail.com
Mobile No.7827377139.

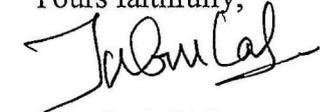
No. 880-885 /ADC/LFA
Dated: - 04 .03.2024

Sub: - Reply to Original Application No. 646/2023 titled as Manoj
Kumar Kaushal versus State of H.P. & ors on behalf of
respondents No.1 to 3.

Sir,

Please refer to your email message dated 02.03.2024, on the
above noted subject and to enclose herewith please find fair draft reply to
the aforesaid Original Application for favour of filing in the Hon'ble NGT
on behalf of the respondents No.1 to 3. Shri Tilak Raj, Meter Reader office
of the Joint Director of Industries Una, District Una (H.P.) is being deputed
to submit the aforesaid draft in your office for filing the same in Hon'ble
NGT on behalf of aforesaid respondents.

Yours faithfully,


Jatin Lal, IAS

District Magistrate,
Una, District Una (H.P.).
Ph. No. 01975-225800.

Encls: As above.

Endst. No. /ADC/LFA Dated .03.2024

A copy is forwarded to: -

1. The worthy Chief Secretary to the Government of H.P.' Shimla alongwith copy of reply to aforesaid OA for favour of information please w.r.t. his department letter No.STE-E(3)-5/2022 dated 21.02.2024.
2. The Principal Secretary (Industries) to the Government of Himachal Pradesh Shimla alongwith copy of reply to aforesaid OA for

favour of information please w.r.t. his department letter No. IND-A-E005/2/2021 dated 16.02.2024.

3. The Ld. District Attorney, H.P. Legal Cell, Himachal Bhawan, 27, Sikandra Road, New Delhi for favour of information & further necessary action please.

4. The Joint Director of Industries, District Industries Centre, Una alongwith copy of reply to aforesaid OA for information & further necessary action please.

5. Shri Tilak Raj, Meter Reader office of the Joint Director of Industries Una, District Una (H.P.) for further immediate compliance.

District Magistrate,
Una, District Una (H.P.).

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

In Ref. O. A. NO.646/2023

IN THE MATTER OF:-

MANOJ KUMAR KAUSHAL

Vs.

STATE OF HIMACHAL PRADESH AND OTHERS.

**WRITTEN REPLY TO THE APPLICATION OF
THE APPLICANT ON BEHALF OF THE No. 1 to 3
THE STATE OF HIMACHAL PRADESH ALONG
WITH ALL ITS CONCERNED DEPARTMENTS.**

PRELIMINARY OBJECTIONS:

- J. B. Col.*
1. That the application of the applicants is not maintainable in the present form and is liable to be rejected.
 2. The applicant has not approached this Hon'ble Tribunal with clean hands as such the applicant is not entitled to any relief from this Hon'ble Tribunal.
 3. That the application of the applicant is bad for hiding material facts from this Hon'ble Tribunal.
 4. That the applicant is estopped by this act and conduct restrained from filing of the present and subsequent application or any suit and case in the Tribunal of competent jurisdiction of the land against the respondent.

**District Magistrate,
Una, District Una (H.P.)**



5. The application of the applicant is bad for the wrong joinder of the required parties, hence the same is liable to be dismissed and rejected.
6. The applicants have no cause of action and at the same time no right to file the present application against the respondent hence the same is liable to be dismissed.
7. That the application of the applicants is barred by the law of limitation.
8. That this Hon'ble Tribunal has no jurisdiction to entertain the present application of the applicants.

PARAWISE REPLY:

1. That the Paras No. 1 & 2 of the application of the applicant are need no reply.
2. That the Para No.3 of the application of the applicant is wrong and denied. It is wrong to say that in army we found greenery everywhere but in civilisation we found new industries are challenged the forest area and entire forest flora and fauna because these industries setup, cutup of hills and uproot the trees normally effected human life.

It is submitted that the Divisional Forest Officer, Forest Division Una District Una (H.P.) vide his office letter No.15072 dated 22.02.2024 (copy annexed as **Annexure R-I**) has reported that on receipt of a proposal with regard to establishment of State of Art

Jubee Gaf.

District Magistrate,
Una, District Una (H.P.)



Industrial Area in Village Pandoga from Industry Department. The status of land proposed in this case was 'Banjar Kadim' and 'Gair Mumkin Choi (Gair mumkin nala)' in the revenue record, but as per Hon'ble Supreme Court of India's orders dated 12.12.1996, the proposed land was treated as 'Forest Land' and accordingly the case was forwarded to the Competent Authority for the necessary approval, under the provisions of Forest (Conservation) Act, 1980.

It is worthwhile to mention that the Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-91/2014-FC dated 19 March 2015 had conveyed in-principal approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una H.P. for the establishment of the State of Art Industrial Area in village Pandoga Uperla, District Una in which 9930 trees/saplings were involved with various conditions. In view of conditions imposed in the in-principal approval, User agency has deposited required amount as per detail given below:-

1. For compensatory afforestation = Rs. 77,40,900/-
2. Net Present Value = Rs. 5,09,46,740/-
3. Contingencies@ 5% on C.A. = Rs. 3,87,045/-
4. Departmental charges @17.5% = Rs. 13,54,658/-

Jubal Lal

District Magistrate,
Una, District Una (H.P.)



5. Cost of 9930 trees/saplings	=	Rs. 1,93,83,399/-
6. VAT	=	Rs. 26,65,217/-
Total:	=	Rs.8,24,77,959/-

It is also submitted that in compliance of the conditions laid down in in-principal approval, Sr. Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-91/2014-FC dated 21 July, 2015 had conveyed final approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una H.P., for the establishment of State of Art Industrial Area in Village Pandoga Uperla (upper), District Una. Out of 9930 trees of various species and classes involved in the current diversion case, 7781 trees of various species and classes were marked and handed over to HPSFDC Ltd. for exploitation during the year 2015-16 and 2016-17.

Jubee Cal.

District Magistrate,
Una, District Una (H.P.)

3. That the para-No.4 of the application of the applicant is wrong and refuted in extenso. It is wrong to say that in Una Himachal Pradesh Pandoga area industry are setup in 2016 but till today only 5 – 6 industries set up and hill area damaged by industries department and other departments, no any regulations following by the industry department issued by the environment ministry.



It is submitted that the averments made by the applicant that only five industries have been set up are also wrong and baseless. It is further submitted that till date department of Industries has allotted 54 numbers of plots in industrial area to 50 numbers of industrial units and 25 numbers of industrial units have been set up with an investment of Rs.13511.43 lacs providing employment to 569 persons. While 25 numbers of Industrial Units are in the process of being set up with projected investment of Rs.4094.00 lacs and projected employment to 656 persons. List of units to whom industrial plots have been allotted and their current status is enclosed at Annexure -VI.

It is worthwhile to mention that the development and industrial development is made in order to Generate and create maximum numbers of employments to the local youth and revenue in the state. This development is to increase the standard of the poor inhabitants of the local area. It is good to the change the life style and provide the basic facilities to the local public. The increasing unemployment and poverty is the great challenge to the Govt. in case it is not addressed in that case it will lead everyone towards hungriness, drug edition, poverty etc. The industrial area in question is being developed to meet the above noted proposes, ends and objects not on the cost of damage and removal of the greenery, trees, grass, species, flora and fauna but with all of these, with the prior permissions of the all

Jubin Cal

District Magistrate,
Una, District Una (H.P.)



concerned authorities, departments, tribunals and ministries. The development is being made but no damage to the forest, flora and fauna is made.

4. That the Para No.5 of the application of the applicant is wrong and denied in toto. It is wrong to say that no any rule and regulation followed by the industry department as per the instructions issued by the environment ministry.

It is submitted that the averments made by the applicant that no rules and regulations were followed by the Department as per instruction issued by Environment Ministry are wrong, devoid merit, facts and circumstances of the establishment of the industrial area and the application is merely an attempt to derail the development of the State. All codal formalities have been duly completed prior to declaration this Industrial Area as is evident from the facts submitted henceforth. Prior to transfer of this land in the name of Department of Industries for setting up of Industrial Area, the case for clearance under Forest Conservation Act was submitted to Ministry of Environment, Forest & Climate Change, Government of India. Ministry of Environment, Forest & Climate Change, Government of India has accorded necessary approval under FCA vide letter number F.No. 8-91/2014-F.C. In lieu of the land transferred to the department, the equal land was transferred to forest department for compensatory afforestation by Revenue Department, and an amount

J. K. Singh

District Magistrate,
Una, District Una (H.P.)



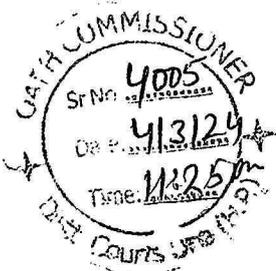
of Rs.5,09,46,740/- was deposited with Forest Department towards NPV of the forest produce and for carrying out compensate afforestation. The DPR for Rs.88.05 Crore under the MIUS scheme of Government of India was approved by Ministry of Corporate Affairs for development of this Industrial Area and all the works have been carried out in accordance with the approved project. Against the total area measuring 60-29-20 hectares acquired for the project, the Industrial Area has been developed only over 29-40-86 hectares while the forest wealth standing on rest of the area has been left untouched. It is, therefore, evident that the Industrial Area has been developed only over 48.77% of land and maximum efforts have been made to retain the forest wealth over the maximum possible area.

Jubal C.

District Magistrate,
Vidya District Una (H.P.)

5. That the Para No.6 of the application of the applicant is wrong and denied in toto. It is wrong to say that one common effluent treatment plant (CETP) was proposed but till today no (CETP) built.

It is submitted that in reply to the averments made by the applicant that initially Common Effluent Treatment Plant (CETP) was proposed for this area but has not been installed it is submitted that although a CETP with 5 MLPD capacity was proposed to be established in Industrial Area Pandoga. However, keeping in view the nature of units established in the Industrial Area, the proposal was kept in abeyance.



It is worth mentioned here that presently, there are only two Industrial Units in the Area that discharge liquid effluents in the area i.e. M/s Hindustan Farmdirect Ingredients Pvt. Ltd. and M/s Ian Macleod Distillers India Ltd. While the former is in orange category and discharge is about 25 KLPD and installed Effluent Treatment Plant ZETP with Zero Liquid Discharge (ZLD) of 35 KLPD capacity. That latter has discharge of about 67 KLPD and has installed ETP with ZLD of 75 KLPD capacity. Keeping the view the fact that there is negligent effluent discharge from the established industrial units and necessary infrastructure to treat the effluents is in place and functional, the establishment of CETP would be a sheer wastage of the public money. Therefore, the proposal for CETP in Industrial Area Pandoga has been kept in abeyance as of now. If the need is felt in future for establishing the CETP, the same shall be established. Such large projects have their own period of gestation and it is not expected that these projects will be established overnight. Similar is the case with this project also. Within few years from now, this area is expected to be one of the best Industrial Areas of the State in terms of industrialisation. The Government of Himachal Pradesh is fully aware of its role and responsibility towards protecting the environment and forest wealth of the State. In order to bring more investment in the State to increase its revenue sources and to generate employment, such projects are the need of the hour. State Government

J. B. G. G.

**District Magistrate,
Una, District Una (H.P.)**



understands and ensures a very fine balance between the development and environment protection. No violation of any sorts has been made while developing this project and all the generalized statements made by the applicant are without material facts and devoid of any scientific facts or evidence.

6. That the Para No.7 of the application of the applicant is wrong and denied in toto. It is wrong to say that the nine thousand nine hundred thirty trees are uprooted and cut from the proposed land but till today new trees are not shown in the area.

It is submitted that the area in question was only waste land and only surkanda or grass was there which is being destroyed by itself during every rainy season due to the flood in the nala. The new forest area is demarcated and many new trees & grasses are planted and the same is now growing and can be seen. But the applicant does not want to accept this reality.

It is worthwhile to mention here that in compliance of the conditions laid down in in-principal approval, Sr. Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-91/2014-FC dated 21 July, 2015 had conveyed final approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una H.P. for the

J. S. Gulati

District Magistrate,
Una, District Una (H.P.)



establishment of State of Art Industrial Area in village Pandoga Uperla, District Una. Out of 9930 trees of various species and classes involved in the current diversion case, 7781 trees of various species and classes were marked and handed over to HPSFDC Ltd. for exploitation during the year 2015-16 and 2016 -17. He has also reported therein that as per condition of approval, necessary compensatory afforestation has also been carried out in following areas under Una Forest Division, Una:-

Year of plantation	Name of area	Area (Ha)	No. of plants planted
2016-17	R.F. Badhera	5.03	5500
-do-	R.F. Polian Beet (Tibbian)	5.00	5544
-do-	R.F. Bhadsali (Jungle Bhadsali)	15.00	16500
(H.P.)-do-	R.F. Ispur (Ispur Uperla)	12.00	13200
-do-	R.F. Lam	9.00	9900
-do-	R.F. Behdala (Chokhyal)	4.66	5126
--do-	R.F. Basal (Thakurdwara)	10.3	11330
	Total:	60.99	67100

Jubulal
District Magistrate,
Una, District Una (H.P.)

It is further submitted that the Joint Director of Industries Una District Una (H.P.) vide his office letter No. Ind/U/Dev/IA Pandoga/- 4119 dated 22.02.2024 (copy annexed as **Annexure R-II**) has reported that the land measuring 60-29-20 hectares was identified in Village Pandoga, Sub Tehsil Ispur, District Una,



H.P. for setting up of new Industrial Area. The land measuring 60-29-20 hectares was transferred in the name of Department of Industries by the Department of Revenue vide letter No. D(3)8-12/2015 dated 06.08.2015 as informed by the Principal Secretary (Industries) to the Government of Himachal Pradesh Shimla vide letter No. Ind-A(F)10-5/2013 dated 06.08.2015. The detail of land transferred in the name of department of industries is as under: -

Sr. No.	Name of Village	Khata/ Khatauni No.	Khasra No.	Area (in hectare)	Kisam (type of land)
1.	Pandoga	654	1244	3-23-92	Banjar Kadeem
2.	Pandoga	-do-	1257	7-22-69	Banjar Kadeem
3.	Pandoga	-do-	1263	0-81-93	Banjar Kadeem
4.	Pandoga	-do-	3214/1265	00-35-59	Banjar Kadeem
5.	Pandoga	-do-	3215/1265	4-31-03	Banjar Kadeem
6.	Pandoga	-do-	1432	1-60-89	Banjar Kadeem
7.	Pandoga	-do-	1433	8-86-35	Banjar Kadeem
8.	Pandoga	-do-	1434	00-56-96	Banjar Kadeem
9.	Pandoga	-do-	1435	0-11-11	Banjar Kadeem
10.	Pandoga	-do-	2753	0-49-53	Banjar Kadeem
11.	Pandoga	-do-	2832	02-63-15	Banjar Kadeem

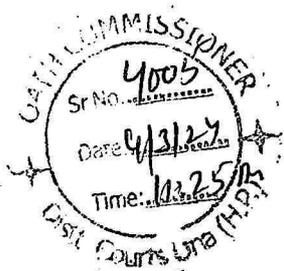
Julian Gal
District Magistrate,
H.P.



12.	Pandoga	-do-	2833	02-15-66	Banjar Kadeem
13.	Pandoga	-do-	2834	05-06-94	Banjar Kadeem
14.	Pandoga	-do-	2835	02-28-14	Banjar Kadeem
15.	Pandoga	-do-	2837	06-28-65	Banjar Kadeem
16.	Pandoga	-do-	2931	0-27-02	Banjar Kadeem
17.	Pandoga	-do-	2932	02-03-07	Banjar Kadeem
18.	Pandoga	-do-	3190	02-15-35	Banjar Kadeem
19.	Pandoga	-do-	3192	01-33-80	Banjar Kadeem
20.	Pandoga	-do-	3194	03-10-05	Banjar Kadeem
21.	Pandoga	-do-	3195	05-37-07	Banjar Kadeem
			Total	60-29-20	

Hence it is evident from the above that the category of land is Banjar Kadeem and no forest land has been diverted for this purpose. The revenue papers of the land are also enclosed herewith at Annexure-II.

7. That the Para No.8 of the application of the applicant is wrong and denied in toto. It is wrong to say that this industrial area was for the green field industries but chemical industries are also allowed in this industrial area.



It is submitted that although a CETP with 5 MLPD capacity was proposed to be established in Industrial Area Pandoga. However, keeping in view the nature of units established in the Industrial Area, the proposal was kept in abeyance. Presently, there are only two Industrial Units in the Area that discharge liquid effluents in the area i.e. M/s Hindustan Farmdirect Ingredients Pvt. Ltd. and M/s Ian Macleod Distillers India Ltd. While the former is in orange category and discharge is about 25 KLPD and installed Effluent Treatment Plant ZETP with Zero Liquid Discharge (ZLD) of 35 KLPD capacity. That latter has discharge of about 67 KLPD and has installed ETP with ZLD of 75 KLPD capacity. Keeping the view the fact that there is negligent effluent discharge from the established industrial units and necessary infrastructure to treat the effluents is in place and functional, the establishment of CETP would be a

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 District Magistrate, sheer wastage of the public money. Therefore, the proposal for Una, District Una (H.P.)

CETP in Industrial Area Pandoga has been kept in abeyance as of now. If the need is felt in future for establishing the CETP, the same shall be established. Such large projects have their own period of gestation and it is not expected that these projects will be established overnight. Similar is the case with this project also. Within few years from now, this area is expected to be one of the best Industrial Areas of the State in terms of industrialisation. The Government of Himachal Pradesh is fully aware of its role and responsibility towards protecting the environment and forest wealth of the State. In order to bring more investment in the State to increase its revenue sources and to generate employment, such projects are the need of the hour. State Government understands and ensures a very fine balance



between the development and environment protection. No violation of any sorts has been made while developing this project and all the generalized statements made by the applicant are without material facts and devoid of any scientific facts or evidence.

- 1) That the Regional Tribunal H.P. State Pollution Control Board Una (H.P.) vide his office letter No. HPSPCB/RO/Una/OA No. 646 of 2023/2023-2645-46 dated 22.02.2024 (copy annexed as **Annexure R-III**) has reported that the State Government has proposed to set up a State of Art Industrial Area for the establishment of various kind of industries viz. Chemical, Glass, Ceramic, Mechanical and allied product, service establishment, Engineering, steel furniture, pharma, steel wire, wooden furniture, food based, paper based. The HPSIDC has also proposed a project namely Green field project for Common Effluent Treatment (CETP) of capacity 05 MLD for the treatment of waste water likely to be generated from the operation of upcoming industrial unit in the proposed industrial area. The term 'Greenfield' does not imply the establishment of a Green Category of Industry; instead, it means to any entirely new project. Hence, the averment of the petitioner regarding imparting of misinformation in Draft EMP/EIA report is false. As the proposed project of CETP falls under the Category "A" projects prescribed in EIA Notification 2006 hence required prior Environmental Clearance as per the provisions of EIA Notification 2006. As per the provisions of EIA Notification 2006 Environmental Public Hearing

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District Magistrate,
Una, District Una (H.P.)



was conducted by the State Board on 03.01.2017 and submitted to the MoEF & CC of GoI which has granted Environmental Clearance to the establishment of CETP vide letter No. F.No. 10-25/2015-IA-III dated 14.01.2019 for the construction of Common Effluent Treatment Plant (CETP) of capacity 05 MLD in Industrial Area Pandoga. Further, he has reported that at present the Industrial Area Pandoga has already been developed and 18 numbers of industry are already in operation, while 07 numbers of industries are proposed/construction stage which are falling under the Consent mechanism of the State Board. The H.P. State Pollution Control Board ensures that effluent generated by the water polluting industries is being treated in their captive Effluent Treatment Plant. The inspections of these industries are being done, on regular basis by the State Board. He has further mentioned in his report that development of new industrial areas in the State pertains to the HPSIDC. The State Board while granting consent to the industries ensures the scientific disposal of the effluent/emissions of the industries. In the present case, a CETP was proposed for the treatment of the effluent which is being generated by the industries in the area, however it has been kept in abeyance by the Industry Department due to lack of effluent discharge by the industries. However, the Industries which are generating waste water have installed their captive Effluent Treatment for the treatment of waste water with ZLD (Zero Liquid Discharge) facility and the State Board carry out regular

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Una, District Una (H.P.)



inspection/sampling of these units to monitor compliance of the effluent w.r.t. the prescribed standards.

- 2) That the Mining Officer Una District Una (H.P.) vide his office letter No. Udyog (Bhu)-Laghu-UNA-OA Manoj Kumar 2169 dated 09.02.2024 (copy annexed as **Annexure R-IV**) has reported that the area in question is related with Industrial area in village Pandoga Tehsil Haroli District (H.P.) and as per the Himachal Pradesh Minor Minerals (Concession) Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 mineral concession over private land is granted in form of mining lease & over Government land the concession is granted by Auction only. In present case, the land is developed for industrial area in village Pandoga Tehsil Haroli District Una, H.P. & no mineral concession is granted by his office. Only cut and fill work over the area was observed. There is no provision in the Himachal Pradesh Minor Minerals (Concession) Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 for granting permission of plot development work.

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District Magistrate,
Una, District Una (H.P.)

8. That the last para as well as prayer clause is false frivolous and same is vehemently denied.

It is submitted that the development is demand of the time. The state of H.P. is small poor state which has not much industries and source of revenue, employments generation. Due to which it's the policy matter of the State to generate revenue and employment in order to increase per-capita



income and upliftment of the living standard of the public of the State and in order to achieve this novel cause they inviting the corporate houses and industrialists to establish industries in the State and the State has identified the areas after the survey of all authorities.

It is submitted that the all of these informations were provided to the applicant and his wife by way of information under the right to information Act. After the receiving these informations he approached to this Hon'ble tribunal in order to pressurise and disturb the work of public development.

It is worthwhile to mention here that the area in question is marked as industrial area in 2015 and the applicant has not made any such complaint to any of the authority. But he made this complaint because he uses to sell dry fruits in the trade fare but the authorities found that neither he is producing the dry fruits nor he is growing the same. The trade fare authority of India has made complaint to the State govt. to investigate and find out the credentials of the applicant whether he manufactures the product or purchase from manufacturers and resale it. The investigation made and the authorities found that he has cane furniture show room in the market of Una city and he does not manufacture this furniture. Due to which the application of him was rejected and he could not install his stall in the trad fare due to which he has made this application just to achieve this ulterior motive and hidden design. The applicant has grudge against the Govt. authorities and Govt. for the rejection of his application to participate in trad fare in Delhi.

Jubulal

District Magistrate,
Una, District Una (H.P.)



PRAYER:

It is therefore most respectfully prayed that the application of the applicant is false frivolous and vexatious and the same is liable to be dismissed with heavy and exemplary cost in the interest of fair and natural justice

And the reply/response submitted before this Hon'ble National Green Tribunal may kindly be accepted the reply on behalf of the respondents No.1 to 3 in the interest of justice.

Place: Una

Dated: 4 .03.2024

Respondent No. 1 to 3

Jatin Lal

JATIN LAL, IAS

District Magistrate,
Una, District Una (H.P.).

Ph. No. 01975-225800.

THROUGH COUNSEL

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RAJ KUMAR

ADVOCATE SUPREME COURT

OFFICE: 3146, FF, Ram Bazar, Mori Gate,
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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

In Ref. O. A. NO.646/2023

IN THE MATTER OF:-

MANOJ KUMAR KAUSHAL

Vs.

STATE OF HIMACHAL PRADESH AND OTHERS.

AFFIDAVIT

I, Jatin Lal S/o Shri Naresh Kumar Lal, aged 36 years, permanent resident of B-18, Second Floor, Moti Nagar, New Delhi- 110015 presently, posted as Deputy Commissioner-cum- District Magistrate, Una District Una (H.P.) do hereby solemnly affirm and declare as under:-

1. That I am an officer of the respondent No.1 and one of the respondents of the above noted case and I am fully conversant with the facts and circumstances of the case and I am competent to swear and state in evidence by way of the affidavit.
2. That the accompanying reply is drafted by the counsel under my instructions and instance based on my personal knowledge under official capacity and official record, being an officer of the state govt. The averments made in the reply are to be treated the part and parcel of this affidavit same are not being repeated here for the sake of brevity.

Replied

Jatin Lal
District Magistrate,
Una, District Una (H.P.)
Deponent

Verification

I, the deponent above-named herein verify on this 4 day of March, 2024, that the contents of the all the paras of the above-mentioned affidavit are true and correct to the best of my knowledge derived from the official records and nothing material has been concealed therein.

Jatin Lal
District Magistrate,
Una, District Una (H.P.)
Deponent



affirmed that *Jatin Lal* Deponent made a declaration on oath before me and over explained and admitted correct identified by *Self* 4/3/24

ATTORNEY
Jatin Lal
Deputy Commissioner-cum-District Magistrate
Una District Una (H.P.)

No. 15072
H.P. Forest Department

Dated Una, the 22-02-2024

From: The Deputy Conservator of Forests,
Una Forest Division, Una (HP).

To: The Deputy Commissioner,
Una, District Una (HP).

Sub: - Original Application No. 646/2023 titled as Manoj
Kumar Kaushal versus State of H.P. & ors.

2040 9840
23/02/2024

Sir,

ADC/LFA

23/2/24
Subdt. G.II
2.

Kindly refer to your office letter No. 851-54/ADC/LFA
dated 07.02.2024 on the subject cited above.

In this connection it is submitted that Response/reply to
the averments made in the original Application No. 646/2023 titled as
Manoj Kumar versus State of H.P. & Ors. Has been prepared and
enclosed herewith for favour of further necessary action please.

Yours faithfully,


Sushil Kumar,

Deputy Conservator of Forests,
Una Forest Division, Una (HP).

ATTESTED


Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

No.

H.P. Forest Department

Dated Una, the

From:

The Deputy Conservator of Forests,
Una Forest Division, Una (H.P.).

To

The Consultant (Judicial),
Hon'ble National Green Tribunal,
Faridkot House,
Copernicus Marg, Near India Gate, New Delhi,
Delhi-110001.

Sub: - Original Application No. 646/2023 titled as Manoj
Kumar Kaushal versus State of H.P. & ors.

Sir,

Kindly refer to your office email message dated 06.02.2024 whereby the copy of order dated 08.01.2024 passed by the Hon'ble National Green Tribunal in aforesaid Original Application has been supplied to this office for further necessary action.

In this connection, it is submitted that the Hon'ble National Green Tribunal vide order dated 08.01.2024 has impleaded

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O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

the State of Himachal Pradesh through Chief Secretary Government of Himachal Pradesh, Department of Personnel, H.P. Secretariat, Principal Secretary (Industries) Govt. of Himachal Pradesh, District Magistrate Una. Mini Secretariat, Una, Himachal Pradesh, Divisional Forest officer, Una and Himachal Pradesh Pollution Control Board through its Member Secretary, Him Parivesh, Phase-III, New Shimla-171009 as respondents No.1 to 5 and directed them to file their response/reply to the averments made in the application within two months at judicial-ngt@gov.in.

1. Response/reply to the averments made in the Application

It is submitted that Sh. Manoj Kumar Kaushal, resident of Kotla Kalan Lower, Takka Road, Una Himachal Pradesh has alleged in the present letter petition addressed to Hon'ble National Green Tribunal with regard to violation of environmental norms in setting up of Industrial area in village Pandoga, Tehsil Haroli, Distt. Una, Himachal Pradesh.

It is submitted that on receipt of a proposal with regard to establishment of State of Art Industrial Area in village Pandoga from Industry Department. The status of land proposed in this case was 'Banjar Kadim' and 'Gair Mumkin Choi' in the revenue record, but as per Hon'ble Supreme Court of India's orders dated 12.12.1996, the proposed land was treated as 'Forest Land' and accordingly the case was forwarded to the Competent Authority for necessary approval under the provisions of Forest (Conservation) Act, 1980.

It is further submitted that Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-

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R
Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

91/2014-FC dated 19 March 2015 had conveyed in-principal approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una HP for the establishment of State of Art Industrial Area in village Pandoga Uperla, District Una in which 9930 trees/saplings were involved with various conditions copy of which is enclosed herewith.

In view of conditions imposed in the in-principal approval, User agency has deposited required amount as per detail given below:

1. For compensatory afforestation	=	Rs. 77,40,900/-
2. Net Present Value	=	Rs. 5,09,46,740/-
3. Contingencies @ 5% on C.A.	=	Rs. 3,87,045/-
4. Departmental charges @17.5%	=	Rs. 13,54,658/-
5. Cost of 9930 trees/saplings	=	Rs. 1,93,83,399/-
6. VAT	=	Rs. 26,65,217/-
Total:	=	Rs.8,24,77,959/-

It is further submitted that on compliance of the conditions laid down in in-principal approval, Sr. Assistant Inspector General of Forests, Government of India, Ministry of Environment, Forests and Climate Change (Forest Conservation Division) Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi vide letter No. File No. 8-91/2014-FC dated 21 July, 2015 had conveyed final approval accorded by the Central Government for diversion of 60.29.20 ha forest land in favour of General Manager, District Industry Centre, Una HP for the establishment of State of Art Industrial Area in village Pandoga Uperla, District Una.

Out of 9930 trees of various species and classes involved in the current diversion case, 7781 trees of various species and classes were marked and handed over to HPSFDC Ltd. for exploitation during the year 2015-16 and 2016-17.

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Una, Distt. Una (H.P.)

It is further submitted that as per condition of approval, necessary compensatory afforestation has also been carried out in following areas under Una Forest Division, Una:

Year of plantation	Name of area	Area (Ha)	No. of plants planted
2016-17	R.F. Badhera	5.03	5500
-do-	R.F. Polian Beet (Tibbian)	5.00	5544
-do-	R.F. Bhadsali (Jungle Bhadsali)	15.00	16500
-do-	R.F. Ispur (Ispur Uperla)	12.00	13200
-do-	R.F. Lam	9.00	9900
-do-	R.F. Behdala (Chokhyal)	4.66	5126
--do-	R.F. Basal (Thakurdwara)	10.3	11330
	Total:	60.99	67100

The reply/response is submitted for favour of consideration of the Hon'ble National Green Tribunal and the same may kindly be accepted.

Yours faithfully,


Sushil Kumar,

Divisional Forest Officer,

Una Forest Division, Una (HP).

Ph. No. 01975-223636.

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O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

1745-

Annexure-R-II

No: Ind/U/Dev/IA Pandoga/- 4119
Office of the Joint Director Industries,
District Industries Centre, Una, H.P.
Dated: Una the 22.02.2024

To

The District Magistrate,
Una, Distt. Una, Himachal Pradesh.

20409821
22/02/24

Subject: Regarding Original Application No.
646/2023 titled Manoj Kumar Kaushal Vs
State of H.P. & Ors

Sir,

This is with reference to your office letter
No. 851-54/ADC/LFA Dated 07.02.2024 on the subject
cited above.

In this regard the point-wise reply on the
averments made is submitted as under:

1. The land measuring 60-29-20 Hectares was identified
in Village Pandoga, Sub Tehsil Ispur, Distt. Una, H.P.
for setting up of new Industrial Area.
2. The land measuring 60-29-20 hectares was transferred
in the name of Department of Industries by the
Department of Revenue vide letter no. D (3)-
12/2015, dated 06-08-2015. As informed by Principal
Secretary (Industries) to the Government of Himachal
Pradesh vide letter No. Ind-A(F)10-5/2013 dated 06-
08-2015 (copy enclosed at Annex-1)

The detail of land transferred in the name of
department of Industries is as under:

Sr. No	Name of Village	Khata/ Khata uni No.	Khasra no.	Area (Hectare)	Kisam (Type) of Land
1	Pandoga	654	1244	3-23-92	Banjar Kadeem
2	Pandoga	-do-	1257	7-22-69	Banjar Kadeem

ADC/LFA

R
Subdt
22/2/24

Joint Director (Industries)
Distt. Industries Centre
Una, Distt. Una (H.P.)

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O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

3	Pandoga	-do-	1263	0-81-93	Banjar Kadeem
4	Pandoga	-do-	3214/12 65	00-35-59	Banjar Kadeem
5	Pandoga	-do-	3215/12 65	4-31-03	Banjar Kadeem
6	Pandoga	-do-	1432	1-60-89	Banjar Kadeem
7	Pandoga	-do-	1433	8-86-35	Banjar Kadeem
8	Pandoga	-do-	1434	00-56-96	Banjar Kadeem
9	Pandoga	-do-	1435	0-11-11	Banjar Kadeem
10	Pandoga	-do-	2753	0-49-53	Banjar Kadeem
11	Pandoga	-do-	2832	02-63-15	Banjar Kadeem
12	Pandoga	-do-	2833	02-15-66	Banjar Kadeem
13	Pandoga	-do-	2834	05-06-94	Banjar Kadeem
14	Pandoga	-do-	2835	02-28-14	Banjar Kadeem
15	Pandoga	-do-	2837	06-28-65	Banjar Kadeem
16	Pandoga	-do-	2931	0-27-02	Banjar Kadeem
17	Pandoga	-do-	2932	02-03-37	Banjar Kadeem
18	Pandoga	-do-	3190	02-15-35	Banjar Kadeem
19	Pandoga	-do-	3192	01-33-80	Banjar Kadeem
20	Pandoga	-do-	3194	03-10-05	Banjar Kadeem
21	Pandoga	-do-	3195	05-37-07	Banjar Kadeem
			Total:	60-29-20	

As is evident from above, the category of land is Banjar Kadeem and no forest land has been diverted for this purpose. The revenue Papers of the land are also enclosed herewith at **Annexure-II**

3. The averments made by the appellant that no rules and regulations were followed by the Department as per instruction issued by Environment Ministry are wrong, devoid of facts and merely an attempt to derail the development of the state.

Joint Director (Industries)
Una, Distt. Una (H.P.)

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

All codal formalities have been duly completed prior to declaration of this area Industrial Area as is evident from the facts submitted henceforth.

4. Prior to transfer of this land in the name of Department of Industries for setting up of Industrial Area, the case for clearance under Forest Conservation Act was submitted to Ministry of Environment, Forest & Climate Change, Government of India.

5. Ministry of Environment, Forest & Climate Change, Government of India

has accorded necessary approval under FCA vide letter number F.No. 8-91/2014-FC. (Copy Attached at **Annexure-III**)

In lieu of the land transferred to the department, the equal land was transferred to forest department for compensatory afforestation by Revenue department, and an amount of Rs. 5,09,46,740/- was deposited with Forest department towards NPV of the forest produce and for carrying out compensate afforestation.

6. The DPR for Rs. 88.05 Crore under the MIUS scheme of Government of India was approved by Ministry of Corporate Affairs for development of this Industrial Area and all the work have been carried out in accordance with the approved project. Copy of the sanction is enclosed at **Annexure-IV**

It is pertinent to mention here that against the total area measuring 60-29-20 hectares acquired for the project, the Industrial Area has been developed only over 29-40-86 hectares while the forest wealth standing on rest of the area has been left untouched.


Joint Director (Industries)
Distt. Industries Centre
Una, Distt. Una (H.P.)

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

It is therefore evident that the Industrial Area has been developed only over 48.77 % of land and maximum efforts have been made to retain the forest wealth over the maximum possible area.

8. The averments made by the appellant that the area has been damaged by Industries Department are wrong, baseless and not based on technical grounds. It is a fact that the state of Himachal is a hill state and to develop any project, especially project of this scale, need based land development is required to be carried out. Without this need based development, project cannot be established. Perhaps, appellant is not aware of the fact that prior to developing any Industrial Area, basic need based infrastructure like roads, sewage system, water supply system, common facility centre, power substation, labour hostel, parking area etc. is required to be developed. Without this infrastructure, the whole purpose of developing the Industrial Area will get defeated. Had he been aware of the concept of development, he would not have made such illogical statement, devoid of any material facts. Merely making the statements without any substantial technical and documentary evidence does not prove the fact that Industrial Area has been developed in violation of any rules and regulation.


 Joint Director (Industries)
 Distt. Industries Centre
 Una, Distt. Una (H.P.)

Certificate from development agency i.e HPSIDC is also enclosed here with at **Annexure-V** stating that only minimum and need based development in accordance with approved project parameters has been carried out while setting up of this Industrial Area.

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 Superintendent Grade-I
 O/o the Deputy Commissioner,
 Una, Distt. Una (H.P.)

9. The averments made by the appellant that only five industries have been set up are also wrong and baseless. Till date department of Industries has allotted 54 number of plots in industrial area to 50 number of industrial units and 25 number of industrial units have been set up with an investment of Rs.13511.43 lacs providing employment to 569 persons. While 25 number of Industrial Units are in the process of being set up with projected investment of Rs. 4094.00 lacs and projected employment to 656 person. List of units to whom industrial plots have been allotted and their current status is enclosed at **Annexure-VI.**

10. In reply to the averments made by the applicant that initially Common Effluent Treatment Plant (CETP) was proposed for this area but has not been installed it is submitted that although a CETP with 5 MLPD capacity was proposed to be established in Industrial Area Pandoga. However, keeping in view the nature of units established in the Industrial Area, the proposal was kept in abeyance.

Presently, there are only two Industrial Units in the Area that discharge liquid effluents in the area i.e M/s Hindustan Farmdirect Ingredients Pvt. Ltd. and M/s Ian Macleod Distillers India Ltd. While the former is in orange category and discharge is about 25 KLPD

Joint Director (Industries)
Distt. Industries Centre
Una, Distt. Una (H.P.)

and installed Effluent Treatment Plant ZETP with Zero Liquid Discharge (ZLD) of 35 KLPD Capacity.

The latter has discharge of about 67 KLPD and has installed ETP with ZLD of 75 KLPD Capacity.

Keeping the view the fact that there is negligent effluent discharge from the established industrial units

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O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

and the necessary infrastructure to treat the effluents is in place and functional, the establishment of CETP would be a sheer wastage of the public money. Therefore the proposal for CETP in Industrial Area Pandoga has been kept in abeyance as of now. If the need is felt in future for establishing the CETP, the same shall be established.

11. It is also pertinent to mention here that such large projects have their own period of gestation and it is not expected that these project will be established overnight. Similar is the case with this project also. Within few years from now, this area is expected to be one of the best Industrial Areas of the state in terms of industrialisation.

It is further submitted that Government of Himachal Pradesh is fully aware of its role and responsibility towards protecting the environment and forest wealth of the state. In order to bring more investment in the state to increase its revenue sources and to generate employment, such projects are the need of the hour. State government understands and ensures a very fine balance between the development and environment protection. No violation of any sorts have been made while developing this project and all the generalized statements made by the appellant are without material facts and devoid of any scientific facts or evidence.

It is therefore prayed that application may be dismissed with costs.

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)


Joint Director Industries,
District Industries Centre,
Una, Distt. Una HP

13/04

0177-2621715

URGENT

Nn Ind.A(F)10 5/2015
Government of Himachal Pradesh
Department of Industries

The Pr. Secretary (Industries) to the
Govt. of Himachal Pradesh.

The Divisional Commissioner,
Division Kangra Distt. Kangra
at Dharamsala (HP)

Dated: Shimla-2, the 6th August, 2015

Transfer of Govt. land measuring 60-29-20 hec. in the name of
Industries Department, H.P. for the development of Industrial Area in
Village Pandoga Upperla Tehsil & Distt. Una (HP).

I am directed to refer to your letter No. Div.Commr/Bhu-Su-
12/2031, dated 30th July, 2015, on the above subject and say that the matter
was taken up with ACS-cum-FC(Revenue) who vide their letter No. Revenue-
38-12/2015, dated 6th August, 2015 has conveyed the approval for the transfer
of Govt. land measuring 60-29-20 hectare Khewat No.419 min. Khatauni No.602.
Khasra No.1244,1257,1263, 3214/1265, 3215/1265,1432,1433,1434,1435.
2753,2832, 2833,2834, 2835,2837, 2931,2932, 3190, 3192, 3194, 3195 Kitta 21
measuring 60-29-20 hectare as per the Jamabandi for the year 2007-08 in favour of
Industries Department, Himachal Pradesh for the development of Industrial Area in
Village Pandoga Upperla Tehsil and District Una (HP).

The land shall be used for the purpose for which it has been transferred
within a period of 2 years. The user Department shall furnish utilization certificate to
the effect to the concerned Deputy Commissioner. The transferee shall ensure that
demarcation and mutation are done immediately after the land is transferred.

The above approval is only for transfer of possession of Government
land and the ownership shall remain with the Government and is subject to the final
decision of SLP No. 1077/2007, State Vs Khatri Ram pending in the Hon'ble
Court of India.

Joint Director (Industries)
Distt. Industries Centre
Una, Distt. Una (H.P.)

All the requisite revenue papers pertaining to this case as received are
attached herewith.

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

It is, therefore, requested to kindly take further necessary action in the under intimation to this department.

Yours faithfully,

Additional Secretary (Inds.) to the
Govt. of Himachal Pradesh.

st. No. Ind-A(F)10-5/2013 Dated: Shimla-2, the 4-8-2015

Copy for information and necessary action is forwarded to:-

The ACS-cum-FC (Revenue) to the Govt. of H.P. Shimla-2 with reference to his letter referred to above.

The Director of Industries, H.P. Shimla-1.

The Deputy Commissioner, Una Distt. Una H.P.

The General Manager, DIC, Una Distt. Una (HP).

Additional Secretary (Inds.) to the
Govt. of Himachal Pradesh.

ATTENDED

Joint Director (Industries)
Distt. Industries Centre
Una, Distt. Una (H.P.)

Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

**H.P. STATE POLLUTION CONTROL BOARD**

Regional Office Una

Office: Phase-IV Rakkar Colony, Tehsil & Distt. Una, Pin-174303(H.P.)

Phone: 01975-238131

Website : <http://www.hppcb.nic.in> e-mail : pcbrouna2@gmail.com

No: HPSPCB/RO/Una/OA No. 646 of 2023/2023-2645-46

Dated: 22/02/2024

From: Regional Officer

To

The Member Secretary,
HP State Pollution Control Board,
Shimla-9 (HP).

Subject: Compliance of order dated 08-01-2024 passed by the Hon'ble NGT in Original Application No. 646/2023 titled as Manoj Kumar Kaushal versus State of H.P. & Ors pending before the Hon'ble NGT, New Delhi.

Sir,

Kindly refer to your office letter no. PCB/(DL372) OA No. 646/2023-15245 dated 05/02/2024 on the subject cited above. In this regard, the requisite comments/response in the matter pertaining to this office in the matter is enclosed herewith as Annexure-A.

This is for favour of your kind information and further necessary action please.

Yours faithfully,

Encls. As above.

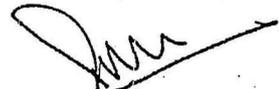

Er. Praveen Kumar
Regional Officer
HPSPCB Una

Copy to:

The Deputy Commissioner Una, Distt. Una (HP) w.r.t. his office letter no. 851-54/ADC/LFA dated 07/02/2024 along with above said enclosure for kind information and further necessary action please.

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)


Er. Praveen Kumar
Regional Officer
HPSPCB Una

OIC

Parawise Comments in the OA No. 646 of 2023 titled as Manoj Kumar Kaushal vs State of HP & Ors.

1. Contents of para 1 relate to citizenship and occupational status of the applicant which are matter of record and need no reply.
- 2-5 Contents of para 2-5 relate to legal framework provided under various laws for protection of environment which are also a matter of record and need no reply.
6. Contents of para 6 relate to establishment of new industrial area by the respondent No. 4 at Village Pandoga, Tehsil Haroli Distt. Una (HP) are a matter of record. It is submitted that information available with the State Board the State Govt. has proposed to set up a State of Art Industrial Area for the establishment of various kind of industries viz. chemical, Glass & Ceramic, Mechanical and allied product, service establishment, Engineering, steel furniture, pharma, steel wire, wooden furniture, food based, paper based.

That the respondent No. 4 i.e. HPSIDC has also proposed a project namely Green field project for Common Effluent Treatment Plant (CETP) of capacity 05 MLD for the treatment of waste water likely to be generated from the operation of upcoming industrial unit in the proposed industrial area. The term 'Greenfield' does not imply the establishment of a Green Category of Industry; instead, it means to an entirely new project. Hence, the averment of the Petitioner regarding imparting of misinformation in Draft EMP/EIA report is false.

As the proposed project of CETP falls under the Category "A" projects prescribed in EIA Notification 2006 hence required prior Environmental Clearance as per the provisions of EIA Notification 2006. As per the provisions of EIA Notification 2006 Environmental Public Hearing was conducted by the State Board on 03/01/2017 and submitted to the MoEF & CC of GoI which has granted Environmental Clearance to the establishment of CETP vide letter no vide F.No. 10-25/2015-IA-III dated 14/01/2019 for the construction of Common Effluent Treatment Plant (CETP) of capacity 05 MLD in Industrial Area Pandoga. Copy of Env. Clearance is enclosed as **Annexure-I**.

Further, it is submitted that at present the Industrial Area Pandoga has already been developed and 18 numbers of industry are already in operation, while 07 numbers of industries are proposed/construction stage which are falling under the Consent mechanism of the State Board. The HPSPCB has ensures that effluent generated by the water polluting industries is being treated in their captive Effluent Treatment Plant. The inspections of these industries are being done on regular basis by the State Board. List of Industries operational in Industrial Area Pandoga is annexed as **Annexure- II**.

- 7-11 Contents of para 7-11 relate to uprooting of trees and leveling of hills for development of new industrial area which pertains to and calls for reply of the Forest Department and

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 Superintendent Grade-I
 O/o the Deputy Commissioner,
 Una, Distt. Una (H.P.)

Department of Industry and needs no reply from the replying respondent. As regard to the issue of Environmental Clearance, the HPSIDC has already obtained Env. Clearance from the MoEF& CC of GoI (attached as Annexure-I) for Common Effluent Treatment Plant (05 MLD). However, the construction of same has not been started by the industry department due to lack of effluent discharge. In this context, the copy of letter received from Joint Director Industries, Una is enclosed as Annexure-III.

12. Contents of para 12 relate to location of Boarder Security Force (BSF) training centre near to which pertains to calls for reply of the respondent No. 4 & 6.
13. Contents of para 13 relate to apprehension of the applicant of climate change due to establishment of industrial area which calls for study of the meteorological department.
- 14-15. Contents of para 14-15 are denied as stated. It is submitted that development of new industrial areas in the State pertains to the HPSIDC. The State Board while granting consent to the industries ensures the scientific disposal of the effluent/emissions of the industries. In the present case a CETP was proposed for the treatment of the effluent which is being generated by the industries in the area, however it has been kept in abeyance by the Industry Department due to lack of effluent discharge by the Industries. However, the Industries which are generating waste water have installed their captive Effluent Treatment for the treatment of waste water with ZLD (Zero Liquid Discharge) facility and the State Board carry out regular inspection/sampling of these units to monitor compliance of the effluent w.r.t. the prescribed standards.
- 16-17. Contents of para 16-17 regarding cutting of trees and leveling of hills calls for reply of the forest and industries departments.
18. Contents of para 18 applicants concern for appointment of committee do not calls for reply of the replying respondent.
- 19-20. Contents of para 19-20 relate to judgments passed by Hon'ble Supreme Court which are a matter of record.
- 21-22. Contents of para 21-22 are denied. It is submitted that no compliant has been received in this matter in the office of replying respondent. The issues of cutting of trees and leveling of hills calls for reply of the forest and industries departments.
- 23(i-ii). Contents of para 23(i-ii) are denied. It is submitted that the Industrial Area Pandoga is being developed by the respondent no. 4 & 6 after obtaining mandatory Forest Clearance from the Ministry of Environment, Forest& Climate Change, Government of India vide letter number F.No. 8-91/2014-FC. Copy enclosed as Annexure-IV.
- 23(iii). In reply to 23(ii) as already submitted in para supra the term 'Greenfield Project' means to an entirely new project rather than industry of Green Category etc. The Industry Department has clearly proposed to establish different type of industries in the Industrial Area Pandoga including Chemical, Pharma etc. which likely to

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

generate effluent and for the treatment of effluent a common Effluent Treatment Plant was also proposed.

23(iv-v) Contents of the para 23(iv-v) needs no reply from the replying respondent.

23(vi-ix) Contents of the para 23(vi-ix) relate to cutting of trees and leveling of hills calls for reply of the forest and industries departments.

23(x) Contents of the para 23(x) are denied.

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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

F.No. 10-25/2015-IA-III

F. No.10-25/2015-IA-III

Government of India

Ministry of Environment, Forest and Climate Change
(IA.III Section)Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 3Date: 14th January, 2019

To,

M/s Himachal Pradesh State Industrial Development Corporation Limited
New Himrus Building,
Shimla - 171 001, Himachal Pradesh
Email: hpsidc@rediffmail.com

**Subject: Proposed CETP - 5 MLD at Pandoga, Himachal Pradesh by M/s
Himachal Pradesh State Industrial Development Corporation Limited
- Environmental Clearance - reg.**

Sir,

This has reference to your online proposal No. IA/HP/MIS/30340/2015 dated 15th May, 2017, submitted to this Ministry for grant of Environmental Clearance (EC) in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986.

2. The proposal for grant of environmental clearance to the project 'Proposed CETP - 5 MLD at Pandoga, Himachal Pradesh promoted by M/s Himachal Pradesh State Industrial Development Corporation Limited, was considered' by the Expert Appraisal Committee (Infra-2) in its 19th meeting held on 27-29 June, 2017, 28th meeting held on 5th March, 2018, 32nd meeting held on 2-4 July, 2018 and 35th meeting held on 29-31 October, 2018. The details of the project, as per the documents submitted by the project proponent, and also as informed during the above meeting, are as under:-

- (i) Common Effluent Treatment Plant (CETP) of 5 MLD is proposed at Khasra No.1244,1257,1263,3214/1265,3215/1265,1432,1433,1434,1435, Kita-9,2832 of Village Pandoga, Tehsil Haroli, District Una (Himachal Pradesh).
- (ii) Total site area is 2.511 Hect. (25,112 sqm). The nearest National Highway is (NH-22) at a distance of 500 m in the south direction and state highway (SH-25) at distance of 6.88 Km in the NE direction. Nearest railway station is Panoh about 7.88 NE direction and UNA Railway Station about 12.80 km SE (Aerial distance) from project site.
- (iii) Terms of Reference was granted to the project vide F.No.10-25/2015-IA.III dated 29th February, 2016.
- (iv) Public hearing (consultation) was conducted on 3rd January, 2017 at project site.
- (v) Water Requirement will be 15 KLD and will be met out through bore Well
- (vi) Waste water quantity will be 5 MLD. The treated water from the ZLD based CETP plant can be used in horticultural activity and also can be sell it back to

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the individual industrial unit or builders to minimize the use of bore well water for horticulture and flushing purpose by Pipelines.

- (vii) Bio sludge can be used as manure. The chemical inorganic hazardous sludge will be sent to the solid waste management facility for final disposal. Used oil will be sold to the registered dealer/vendor. Discarded containers will be decontaminated and given to the state authorized vendor.
- (viii) Power requirement will be 2,000 kW and will be supplied by 132 KVA Substation. It will be sourced from Himachal Pradesh State Electricity Board. Two DG sets of 1000 kVA capacity will be installed for emergency backup supply.
- (ix) Investment/cost of the project is Rs. 33.89 Crore.
- (x) Employment potential: During Construction 150 workers and during operational phase 30 workers will work. Indirect Employment is about 12300.
- (xi) Benefits of the project: : Positive impact on environment in terms of better management of waste water in the region, More employment opportunities will be created and Aesthetics of the area will improve.

3. The project/activity is covered under category 'B' of item 7(h) 'CETPs' of the Schedule to the EIA Notification, 2006, and requires appraisal at SEAC level. However due to applicability of general Condition i.e. Punjab Inter-State boundaries at a distance of 3.35 km (W), the proposal is appraised at Central level.

4. The EAC, deliberated the proposal 19th meeting held on 27-29 June, 2017, 28th meeting held on 5th March, 2018, 32nd meeting held on 2-4 July, 2018 and 35th meeting held on 29-31 October, 2018. After detailed deliberations on the proposal and additional information provided by the project proponent, the EAC recommended the project for grant of Environmental Clearance. As per recommendations of the EAC, the Ministry of Environment, Forest and Climate Change hereby accords Environmental Clearance to the project 'Proposed CETP - 5 MLD at Pandoga, Himachal Pradesh promoted by M/s Himachal Pradesh State Industrial Development Corporation Limited, under the provisions of the EIA Notification, 2006 and amendments/circulars issued thereon, and subject to the specific and general conditions as under:-

PART A – SPECIFIC CONDITIONS:

- (i) The project proponents will implement the project only after getting Consent to Establish from the Himachal Pollution Control Board.
- (ii) It shall be ensured that primary treatment of effluents to the level of influent quality standards as prescribed by the Board, is ascertained at the member units.
- (iii) Members shall only be allowed access to the CETP if they have consent from the State Pollution Control Board.
- (iv) A dedicated access controlled conveyance system shall be provided for transporting effluents from the member units to the CETP.
- (v) Conformance to the influent and effluent standards shall be the responsibility

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of the CETP.

- (vi) The Design of the CETP should be as approved by the Pollution Control Board.
- (vii) The composition of industries and waste water quantity shall be restricted as follows:

Textile	Total effluents from all textile units not to exceed 500 KLD
Food and Spice	Total effluents from all Food and spice units not to exceed 1250 KLD
Bakery and confectionary:	Total effluents from all Bakery and confectionary units not to exceed 250 KLD
Synthetic Detergent	Total effluents from all Synthetic Detergent Units not to exceed 750 KLD
Pharmaceutical (Ayurvedic and Homoeopathic)	Total effluents from all such pharmaceutical units not to exceed 1500 KLD
Automobile Assembling and services without Metal Plating and finishing	Total effluents from all such automobile assembling and servicing units not to exceed 1250 KLD

- (viii) The CETP shall operate on the principle of ZLD into inland surface waters. Treated effluents shall be used in Horticulture and shall also be sent back, in ratios of their receipts, to the various industrial units for recycle and reuse to the satisfaction of the Pollution Control Board.
- (ix) There shall be Flow meters at inlet and outlet of CETP to monitor the flow. Suitable meters shall be provided to measure the quantity of effluent received, quantity of effluent recycled/reused and discharged.
- (x) The units and the CETP will maintain daily log book of the quantity and quality of discharge from the units, quantity of inflow into the CETP, details of the treatment at each stage of the CETP including the raw materials used, quantity of the treated water proposed to be recycled, reused within the textile park/units, quantity of the treated effluent discharged. All the above information shall be provided on-line of the web site exclusively prepared for the purpose by the CETP owner. The website shall be accessible by the public. The financial and energy details of the CETP will also be provided along with details of the workers of the CETP.
- (xi) Periodical monitoring shall be carried out for the functioning of CETP and outlet parameters.
- (xii) The MoU between CETP and member units shall indicate the maximum quantity of effluent to be sent to the CETP along with the quality.
- (xiii) Individual members to the CETP shall treat their effluents in Primary treatment systems to the Inlet quality standards of the CETP as prescribed by the State Pollution Control Board.
- (xiv) Individual Members shall segregate their wastes in to concentrated and diluted streams and also as per the nature of chemical contamination vis. Cr⁺⁶, Ni, Pb, Zn etc and store them as per conditions to be specifically imposed in this regards by the State Pollution Control Board.

- (xv) Chemical recovery and reuse, either in-house or outside shall be practiced to the satisfaction of the State Pollution Control Board. Use in agriculture shall be exercised with caution after getting the irrigation management plan approved by the SPCB.
- (xvi) All tankers carrying untreated wastes and all hazardous and other wastes shall be properly labeled and transported as per the Hazardous and Other Wastes (Management and Transboundary) Rules, 2016.
- (xvii) The detailed design of the various unit operations shall strictly conform to the directions of the state pollution control board as given in the consent to establish.
- (xviii) The Project Proponent and the State Pollution Control Board should ensure that the Member Ship of the CETP is restricted to only those industries which legitimately exist in the area. A list of industries in this regards shall be prepared by the Association which will have the following details.
- Name of Industry
 - Office Address
 - Location of Industry
 - Status of Consent under Water Act along with order number.
 - Status of consent under Air Act along with order number.
 - Production capacity as per consent orders.
 - Total industrial Effluent to CETP as per consent order.
- (xix) The Unit shall inform the State Pollution Control Board at least a week prior to undertaking maintenance activities in the recycle system and store/dispose treated effluents under their advice in the matter.
- (xx) The unit shall also immediately inform the Pollution Control Board of any breakdown in the recycling system, store the effluents in the interim period and dispose effluents only as advised by the Pollution Control Board.
- (xxi) The unit shall maintain a robust system of conveyance for primary treated effluents from the member units and constantly monitor the influent quality to the CETP. The Management of the CETP and the individual member shall be jointly and severally responsible for conveyance and pre-treatment of effluents. Only those units will be authorized to send their effluents to the CETP which have a valid consent of the Pollution Control Board and which meet the primary treated standards as prescribed. The CETP operator shall with the consent of the State Pollution Control Board retain the powers to delink the defaulter unit from entering the conveyance system.
- (xxii) The CETP operator will maintain an annual register of member units which will contain the details of products with installed capacities and quality and quantity of effluents accepted for discharge. This will form a part of the initial and renewal applications for consent to operate to be made before the State Pollution Control Board.
- (xxiii) Any changes in the manufacturing process, installed capacity or the quality or quantity of effluents as agreed upon in the initial MOU between the operator and the member units, will only be done after an approval of the Gujarat State Pollution Control Board in the matter.

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Una, Distt. Una (H.P.)

- (xxiv) The treated effluent from CETP shall be blended with treated sewage prior to its discharge in river.
- (xxv) Domestic water requirement is 0.675 KLD, which will be met through Water Tankers supply.
- (xxvi) The quantity of hazardous waste i.e. ETP sludge to be generated from CETP facility shall be handled and disposed to nearby authorized TSDF site as per HWM Rules, 2016.
- (xxvii) Non Hazardous solid wastes and sludges arising out of the operation of the CETP shall be adequately disposed as per the Consent to be availed from the State Pollution Control Board. Non Hazardous solid wastes and sludges shall not be mixed with Hazardous wastes.
- (xxviii) The effluent from member units shall be transported through pipeline. In case the effluent is transported thorough road, it shall be transported through CETP tankers only duly maintaining proper manifest system. The vehicles shall be fitted with proper GPS system.
- (xxix) Before accepting any effluent from member units, the same shall be as permitted by the SPCB in the consent order. No effluent from any unit shall be accepted without consent from SPCB under the Water Act, 1974 as amended.
- (xxx) The CETP shall have adequate power back up facility, to meet the energy requirement in case of power failure from the grid.
- (xxxi) All the recommendation of the EMP shall be complied with letter and spirit. All the mitigation measures submitted in the EIA report shall be prepared in a matrix format and the compliance for each mitigation plan shall be submitted to RO, MoEF&CC along with half yearly compliance report.
- (xxxii) The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xxxiii) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.
- (xxxiv) Project proponent should develop green belt all along the periphery of the site with native plant species that are significant and used for the pollution abatement.
- (xix) As per the Ministry's Office Memorandum F.No. 22-65/2017-IA.III dated 1st May 2018, and proposed by the project proponent, an amount of Rs. 67.78 Lakhs @ 2.0% of project cost (expansion) shall be earmarked under Corporate Environment Responsibility (CER) for the activities such as road development, solar panel for street lighting, construction roads in the locality, skill development programs, drinking water facilities and health camps in the area as proposed. The activities proposed under CER shall be restricted to the affected area around the project. The entire activities proposed under the CER shall be treated as project and shall be monitored. The monitoring report shall be submitted to the regional office as a part of half yearly compliance report, and to the District Collector. It should be posted on the website of the project proponent.

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 Una, Distt. Una (H.P.)

PART B - GENERAL CONDITIONS

- (i) A copy of the environmental clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries Centre and Collector's Office/ Tehsildar's office for 30 days.
- (ii) The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.
- (iii) Officials from the Regional Office of MoEF&CC, Dehradun who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF&CC shall be forwarded to the APCCF, Regional Office of MoEF&CC, Dehradun.
- (iv) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.
- (v) The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
- (vi) All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, the Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.
- (vii) These stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and the EIA Notification, 2006.
- (viii) The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forest and Climate Change at <http://www.envfor.nic.in>. The advertisement shall be made within Seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Dehradun.
- (ix) Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- (x) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad/Municipal Corporation, Urban Local Body and the

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 O/o the Deputy Commissioner,
 Una, Distt. Una (H.P.)

Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

- (xi) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; PM_{2.5}, PM₁₀, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- (xii) The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.
5. This issues with the approval of the Competent Authority.


(Kushal Vashist)
Director

Copy to:

- 1) The Additional Chief Secretary, Department of Environment, Science and Technology, Paryavaran Bhawan, Near US Club, Shimla - 171001, Himachal Pradesh.
- 2) The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32.
- 3) The Member Secretary, Himachal Pradesh State Pollution Control, Board, Him Parivesh, Phase-III, New Shimla - 171009, Himachal Pradesh.
- 4) The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (NCZ), Regional Office (NCZ), 25, Subhash Road, Dehradun - 248001.
- 5) Monitoring Cell, MoEF&CC, Indira Paryavaran Bhavan, New Delhi.
- 6) Guard File/Monitoring File.
- 7) MoEF&CC website.


(Kushal Vashist)
Director

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Una, Distt. Una (H.P.)

Annexure-II

Sr. No.	Name & Address of Industry
1	JSR enterprises, Plot No. D-13, Ind. Area Pandoga, Tehsil Haroli, Distt. Una HP
2	KVS Industries Unit-1, Plot No. 13, IA Pandoga, Tehsil Haroli, Distt. Una
3	Rudra Exports, Plot No. D-12, I.A. Pandoga, Tehsil Haroli, distt. Una HP
4	Guru Food Products, Plot No. D-14, IA Pandoga, Tehsil Haroli, Distt. Una HP
5	Hindustan Farm Direct Ingredients Pvt. Ltd., A-5, IA Pandoga, Tehsil Haroli, Distt. Una HP
6	Anmol Agro Mills, Plot No. D-19 (1), IA Pandoga, Tehsil Haroli, Distt. Una HP
7	Holten King, Plot No. B-8, I.A. Pandoga, Sub Tehsil Ishpur, Distt. Una HP
8	Dutta Pine industries, Plot No. D-19 (IV), IA Pandoga, Sub Tehsil Ispur, Distt. Una HP
9	Enviro Engineers unit-II, Plot No-B-7(2), Industrial Area Pandoga, Tehsil Haroli District Una HP, 177207,
10	KVS Industries Unit-II, IA Pandoga, Tehsil Haroli, Distt. Una
11	Green Antworks Enterprises (Formellay Mehta Enterprises), Plot No. B-1-I, Ind. Area Pandoga, Tehsil Haroli, District Una HP
12	Cravvinzz Food Varieties, Plot No C-2, Industrial Area Pandoga Tehsil Haroli Distict Una HP
13	Nagi Wood wool Udyog, Plot No. C-15 (A), IA Pandoga, Tehsil Haroli, Distt. Una HP
14	Leopan Motors Pvt. Ltd., Plot No- B3-1, Industrial Area Pandoga, Tehsil Haroli District Una HP
15	Cart Studio, Plot No. C-4, IA Pandoga, Tehsil Haroli, Distt. Una HP
16	Alphapine And Aromatics Pvt. Ltd., Plot No C-10, C-17, C-18, C-19, Industrial Area Pandoga, Tehsil Haroli, District Una HP
17	Ambaji Enterprises, Plot No D-9&10, Industrial Area Pandoga Tehsil Haroli District Una HP
18	Renny Packaging, Plot No. 11 D-11 (i) IA Pandoga, Tehsil Haroli, Distt. Una HP HP

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 Superintendent Grade-I
 O/o the Deputy Commissioner,
 Una, Distt. Una (H.P.)

No: Ind/U/Dev/IA Pandoga/- 4091
Office of the Joint Director Industries,
District Industries Centre, Una, H.P.
Dated: Una the 26-2-24

To

The Executive Engineer,
HP Pollution Control Board,
Una, Himachal Pradesh.

Subject: Regarding CETP in Industrial Area Pandoga

Sir,

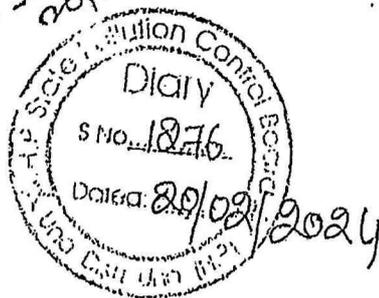
This is in reference to the discussion held with your good self on the subject cited above. In this regard it is submitted that although a CETP with 5 MLPD capacity was proposed to be established in Industrial Area Pandoga. However keeping in view the nature of units established in the Industrial Area, the proposal was kept in abeyance.

As you are aware that there are only two Industrial Units in the Area that discharge liquid effluents in the area i.e M/s Hindustan Farmdirect Ingerdients Pvt. Ltd. and M/s Ian Macleod Distillers India Ltd. While the former's discharge is about 25 KLPD and installed ETP with ZLD of 35 KLPD Capacity. The later has discharge of about 67 KLPD and installed ETP with ZLD of 75 KLPD Capacity.

Keeping the view the lack of effluent discharge from the Industrial units, the establishment of CETP with such a huge public funds would be a wastage of resources. Therefore the proposal for CETP in Industrial Area Pasndoga has been dropped as of now.

Yours Faithfully

Adul
Joint Director Industries,
District Industries Centre,
Una District Una, H.P.
Phone: 01975-223002



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Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

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[Signature]
20/02/2024

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F. No. 8-91/2014 - FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road
New Delhi - 110003
Date: 19th March, 2015

[Handwritten signatures and dates: 20/3/15]

To

The Principal Secretary (Forests),
Government of Himachal Pradesh,
Shimla.

Sub: Diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the Jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh.

Sir,

I am directed to refer to the State Government's letter No. Ft. 48-2797/2014 (FCA) dated 18.09.2014 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and subsequent letter No. Ft. 48-2797/2014 (FCA) dated 02.01.2015, forwarding information/documents, as sought by the Ministry. Proposal of the State Government, along with the subsequent information/documents furnished by the State Government was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 60.2920 ha of forest land in favour of General Manager, District Industries Centre Una, H.P. for the establishment of State of Art Industrial Area in village Pandoga Uperla Distt. Una, within the Jurisdiction of Una Forest Division, Distt. Una, Himachal Pradesh subject to fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the equivalent Shamlat land (community land) shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale.
- (iv) The Shamlat land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (v) The Shamlat land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927

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[Signature]
Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

- (vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (viii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (x) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) No labour camp shall be established on the forest land;
- (xii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xiii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xvi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xix) Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO.

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O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)



- (xx) In case of blank areas along the roads planting of trees should be done in at least 5 meter wide strip.
- (xxi) Only built up area should be fenced so that other areas are available for free movement of animals.
- (xxii) Along the arterial roads, natural forests should be maintained,
- (xxiii) No additional or new path will be constructed inside the forest area for carrying out any activities related to the project work.
- (xxiv) The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- (xxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxvi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the compliance report on the fulfilment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully

(Signature)
(T. C. Nautiyal)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Himachal Pradesh, Shimla.
2. The Addl. PCCF (Central), Regional Office, Chandigarh.
3. The Nodal Officer (FCA), Office of the PCCF, Government of Himachal Pradesh, Shimla.
4. User Agency (General Manager, Distt Industries Centre, Una, Himachal Pradesh).
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

(Signature)
(T. C. Nautiyal)

Assistant Inspector General of Forests

Encl: 1. Ind/1/Dev/11/Pandoga/FCA for approval: 20-3-2015
Forwarded to:

1. Deputy Commissioner, Una for information please
2. Df.c Una, for information & n/a please. He is also requested to convey the amount to be deposited for C.A.

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(Signature)
Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

(Signature)
20/3/2015

No.: Udyog (Bhu)-Laghu-UNA-OA Manoj Kumar 2169
Office of the Mining Officer, Una
Distt. Una (H.P.)

O/o SEM, UNA
SUPDT. G-II
STEND 289
SDA
SDX 12/2/24
READER
K.P.O.
FIELD AND BRANCH
L.A. DEPT. UNJUNGO
K.P.O. DEPT. UNJUNGO (C)

To

Una

Dated: 09.02.2024
~~24.08.2023~~

✓ The District Magistrate,
Una, District Una H.P.

Subject: Original Application No 646/2023 titled as Manoj Kumar Kaushal Vs State of H.P & Ors

Reference: No 851-54/ADC/LFA dated 07.02.2024

Sir

In compliance to the directions contained in letter No 851-54/ADC/LFA dated 07.02.2024, on the subject cited above, it is submitted that the area in question is related with Industrial area in village Pandoga Tehsil Haroli District Una H.P. It is submitted that as per The Himachal Pradesh Minor Minerals (Concession) Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2015 mineral concession over private land is granted in form of mining lease & over Government land the concession is granted by Auction only. In present case the land is developed for industrial area in village Pandoga, Tehsil Haroli District Una H.P & no mineral concession is granted by this office. Only cut and fill work over the area was observed. There is no provision in The Himachal Pradesh Minor Minerals (Concession) Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules 2015, for granting permission of plot development work.

This is for your information & consideration, please.

Yours faithfully,

(Neeraj Kant)

Mining Officer, Una

Mobile No +91-9816519502

e.mail: miningofficeruna@gmail.com

Endst. No.: As above _____ dated 09.02.2024

Copy to:

The Geologist Zone-II Himachal Pradesh for information, please ..

ATTESTED


Superintendent Grade-I
O/o the Deputy Commissioner,
Una, Distt. Una (H.P.)

e.mail: : miningofficeruna@gmail.com

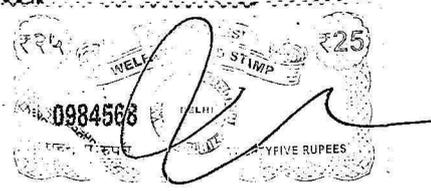
(Neeraj Kant)

Mining Officer, Una

Mobile No +91-9816519502

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 646 of 2023

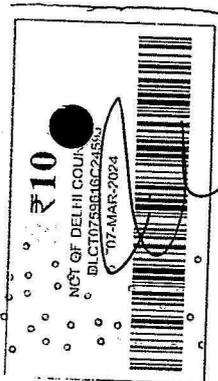


IN THE MATTER OF:

Manoj Kumar Kaushal Applicant

Versus

State of Himachal Pradesh & ors. Respondents



I, Jatin Lal S/o Shri Naresh Kumar Lal, aged about 36 years, presently posted as District Magistrate, Una District Una, Himachal Pradesh, the respondent in the above Original Application/suit/appeal/petition/reference do hereby appoint and retain Raj Kumar, Rajiv Kumar Sahni & Kapil Sahni to act and appear for me/us in the above Original Application/ Suit/Petition/ Appeal reference and on my/our behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for review, to file and obtain, return of documents and to deposit and receive money on my/our behalf in the said Original Application/ Suit/ Petition/ Appeal/Reference and in the above matter. I /We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 07th day of February, 2024

Accepted, Identified and certified by

Advocate

Code No. 3593 .

[Signatures]
Respondent No.3
Kapil K. Sahni (Adv)

MEMO OF APPEARANCE

To,
The Registrar,
National Green Tribunal,
New Delhi.

Sir,
Please enter my appearance on behalf of the Petitioner (S)/ Appellant (S)/Respondent (S)/ Opposite Parties/Intervener in the mentioned above.

Dated this the 4 day of ~~February~~³ February, 2024

Yours faithfully,
[Signature]
Advocate for the Respondent/State
Kapil K. Sahni