

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

O.A. No.1332/2024

IN THE MATTER OF:

Kashmir Singh S/o Sh. Sant Ram, Village Khater, P.O. Barmana, Tehsil Sadar, District Bilaspur, H.P.

.....Petitioner

VERSUS

State of Himachal Pradesh Through, Principal Secretary (Environment), to the Government of Himachal Pradesh, Shimla-171002& Ors.

..... Respondents

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3. Vakalatnama on behalf of Respondent Nos. 1,2 and 3 13-15

Place: New Delhi

Date: 12-07-2025

FILED BY



ANIL JARYAL
ADVOCATE

Chamber No. 109,
Block-03, Delhi High Court
Email: aniljaryal07@gmail.com
Mob: 9871277207

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

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IN THE MATTER OF:

Kashmir Singh S/o Sh. Sant Ram, Village Khater, P.O.
Barmana, Tehsil Sadar, District Bilaspur, H.P.

.....Petitioner

VERSUS

- 1.State of Himachal Pradesh Through, Principal Secretary
(Environment), to the Government of Himachal Pradesh,
Shimla-171002.
- 2.The Director of Industries, Himachal Pradesh Majitha
House, Shimla-171002.
- 3.District Magistrate Bilaspur, DC Office, Bilapur, H.P .
- 4.HP Pollution Control Board through its Chairman, Him
Parivesh, Ph-III, New Shimla-9.
- 5.M/s ACC Ltd. Gagaj Cement Works (Project Proponent)
P.O. Barmana, Distt. Bilaspur, H.P.-174036.

....Respondents

**REPLY TO ORIGINAL APPLICATION BY
RESPONDENT NO. 2 I.E. DIRECTOR,
INDUSTRIES, HP**

RESPECTFULLY SHEWETH:**PRILIMINARY SUBMISSION(S):**

1. That the present OA is not maintainable in respect of answering respondent for having very limited role in addressing the grievance of petitioner. In this regard, it is submitted that M/s ACC Ltd. Gagal Cement Works, Barmana, District Bilaspur was granted, in-principle approval, by Industrial Project Approval & Review Authority (IPARA) for manufacturing cement vide letter dated 15.11.1990/ ANNEXURE-R2/1. Accordingly, the unit came into commercial production of cement w.e.f. 15.09.1994. The Hon'ble Court may consider that as per said letter dated 15.11.1990, the Respondent No. 5 was instructed to take measures to prevent Air, Water and Soil Pollution and, in this regard, respondent department never received any reference regarding violation. As such, the answering respondent has no regulatory role in day to day operations of the industry, however, the department is facilitating the industries in obtaining various approvals etc. from various line departments of the State as well as Government of India as and when company approaches the Department. On this score, the application is liable to be dismissed in respect of replying respondent.
2. That the grievance of the petitioner, primarily, is regarding nuisance of dust flying from cement manufacturing

causing, thereby, environmental degradation. In this regard, it is worthwhile to submit Hon'ble Tribunal that the subject matter is being regulated under Air Act-1981 which is within the preview of Pollution Control Board i.e. Respondent No. 1 & 4 and the Respondent department has negligent role in the matter. On this ground, the application is liable to be dismissed in respect of replying respondent.

REPLY ON MERIT

Paras 1 & 2: That the contents of paras are denied for want of knowledge.

Paras 3 to 5: That in reply to this para, it is submitted that no complaint was ever received in the Respondent Department as alleged in the para. Moreover, as submitted in the preliminary submissions, the replying respondent has very limited/negligible role in the implementation of provisions of Air Act.

Para 6: That the contents of this para being wrong. It is submitted that the petitioner had never represented his grievances, if any, in the respondent department and moreover no documentary proof has been put forth in order to substantiate his plea in respect of replying respondent.

PRAAYER :

1 to 4: That the contents of these paras are denied in view of the submissions in preceding paras and are not sustainable in respect of replying respondent in view of preliminary submissions.

In view of above, it is therefore, prayed that the submissions of replying respondent may kindly be taken on record for consideration and the application may be dismissed in the interest of law and justice.

Place: Shimla

Date: 12-07-2025

FILED BY



ANIL JARYAL

ADVOCATE FOR

RESPONDENT NO. 2

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL, PRINCIPLE BENCH,
NEW DELHI

O.A. No.1332/2024

IN THE MATTER OF:

M/s Kashmir Singh S/o Sh. Sant Ram, Village Khater,
P.O. Barmana, Tehsil Sadar, District Bilaspur, H.P.

..... Petitioner

VERSUS

State of Himachal Pradesh Through, Principal Secretary
(Environment), to the Government of Himachal Pradesh,
Shimla-171002& Ors.

..... Respondents

AFFIDAVIT IN SUPPORT OF REPLY

I, Yunus, S/o Sh. Mohammad Nazir, aged about 46
years, presently posted as the Director of Industries, H.P.
do, hereby, solemnly affirm & state on oath, as under:-

1. That the accompanying reply to the application has
been drafted at my instance and under my instruction. I
am fully conversant with the facts of the case on the
basis of record maintained in the Department.
2. That the contents of preliminary submissions of
accompanying reply from Paras 1 to 2 are based on the
legal advice and paras 1 to 6 including prayer clause of
reply, are true and correct to the best of my knowledge

No. Ind. Dev. F(34)(IPARA)
GOVERNMENT OF HIMACHAL PRADESH
INDUSTRIES DEPARTMENT

REGISTERED

Dated Shimla-171002 the 15-11-80

To

M/s Associated Cement Companies Ltd.,
Gagal-Cement-Works,
Barmana, District Bilaspur(H.P.).

Subject:- Your application for the approval of Project for the manufacture of Portland cement (expansion of capacity from 5.6 lakh tonne to 15.6 lakh tonne net increase 10 lakh tonne per annum).

Dear Sir,

Your application for the approval of Project for the manufacture of Portland cement (expansion of capacity from 5.6 lakh tonne to 15.6 lakh tonne) with project cost of Rs. 155 crores was considered in the 59th meeting of State Level Industrial Projects Approval & Review Authority held on 21.6.1980. It has been decided to approve your project for the establishment of new undertaking at existing plant District Bilaspur the capacities specified Gagal (Barmana) basis of maximum utilisation of plant & machinery.

Item of manufacture	Annual Capacity
Portland cement	Expansion of existing capacity from 5.6 lakh tonne to 15.6 lakh tonne net increase 10 lakh tonne

The approval is subject to the following conditions:

1. You will have to make own arrangements of land.
2. You will have to make own arrangements for the procurement of water from the source to the factory site at your own cost.
3. In case you sink a tubewell for your unit, you will ensure that it does not upset the water table in that area significant
4. Adequate steps shall be taken by you to the satisfaction of the Govt. to prevent air, water and soil pollution. Further such antipollution measures to be installed should conform to the effluent standards prescribed by the State Board for Prevention & Control of Water Pollution.

5. The equipment for anti-pollution measures will form a part of your project report. The design of the equipment will have to be got approved from the State Board for Prevention and Control of Water Pollution.
6. You shall take effective steps within the validity period of letter of approval and show concrete progress in implementing your project. Inadequate progress would constitute/adequate grounds for recommending to the Govt. of India for cancellation of letter of intent/industrial licence.
7. Please note that this letter of approval does not constitute an authorisation under the Industries (Development Regulation) Act, 1951 or any other relevant Acts of the Govt. of India whereaever applicable such permission or clearances as may be required under the provision of such Acts should be separately obtained by you before taking any effective steps for the implementation of the project.
8. Please note that the fact of approval of your project will not imply any commitment whatever on the part of the Govt. to provide the ~~fin~~ finance, raw material, land any other assistance request for which would be considered separately on merits after you have made the necessary application to the concerned authorities.
9. You are required to furnish quarterly progress report in the prescribed form 'D' (reproduced in Annexure-II) untill the commencement of production. This report will have to be furnished every quarter ending 31st March, 30th June 30th Sept. and 31st December.
10. You shall have to employ bonafide residents of Himachal Pradesh and also trained persons from ITI's and RITI's in Himachal Pradesh in your industrial unit. You are further required to give a quarterly return regarding employment of Himachalis and non-Himachalis to the General Manager, District Industries Centre of your district.
11. You shall have to inform our office about the commencement of production.
12. The unit will appoint as personnel manager, such persons who have first hand personal basic knowledge of H.P. and its people and their aspirations and should be Himachali.
13. You will associate a representative of the Director of Industries Himachal Pradesh in its Staff Selection Committee for the requirement of all categories of personnel.
14. You will notify the vacancies to all the employment exchange in H.P. These vacancies shall be filled in as per notifications issued by the Director of Industries from time to time.
15. You will have to obtain a COB licence from the Govt. of India.

16. The capacity and specification of the induction furnace proposed to be installed should be such that the annual capacity does not exceed the approved capacity.

17. i) The company will not be given additional mining lease area at Bagga or other areas in this belt as applied for by the company

ii) The company will strictly adhere to the emission standards as prescribed by H.P. State Pollution Control Board.

iii) The company shall have to get their scientific mining plan approved. If any extension to the period of validity is found necessary, you may apply in this regard to this office with full justification, giving circumstances and the period for which extension is sought. You are informed that on no account will the validity of the letter of approval be extended beyond 12 months from the expiry of initial validity period.

You shall function strictly in accordance with the above mentioned conditions. Any violation shall mean automatic revocation of this approval. You are requested to take effective steps in the implementation of your project in Himachal Pradesh. You may contact our office for any further clarification or assistance you may need.

Yours faithfully,

Director of Industries,
Himachal Pradesh.

Dated: 15-11-80

No. Ind. Dev. F(34)(IPARA) _____ for
244/89

Copy to:-

1. The Deputy Secretary (Industries) to the Government of Himachal Pradesh, Shimla-171002.
2. The Chairman, H.P. State Electricity Board, Shimla-4. w.r.t. e. No. H.P. SEB/Com-11-66(244)/90-5415-20/01-30-70-80
3. The General Manager, District Industries Centre, Bilaspur
4. The District Employment Officer, Bilaspur
5. Guard file.

Director of Industries,
Himachal Pradesh.
for

No. Ind. Dev. F(34) (IPARA)-244/89
 GOVERNMENT OF HIMACHAL PRADESH
 INDUSTRIES DEPARTMENT
 REGISTERED

Dated Shimla-171002 the 15-11-1990

To
 M/s Associated Cement Companies Ltd.,
 Gagal Cement Works,
 Barmana, District Bilaspur (HP).

Subject:- Your application for the approval of Project for the manufacture of : **Portland cement (expansion of capacity from 5.6 lakh tonne to 15.6 lakh tonne net increase 10 lakh tonne per annum).**

Dear Sir,

Your application for the approval of Project for the manufacture of **portland cement (expansion of capacity from 5.6 lakh tonne to 15.6 lakh tonne)** with capital cost of 155 crores was considered in the 59th meeting of State Level Industrial Projects Approval & Review Authority held on 21.6.1990. It has been decided to approve your project for the establishment of new undertaking at expansion capacity of your existing plant Gagal (Barmana) District Bilaspur the capacity specifies below on the basis of maximum utilization of plat & machinery.

Item of manufacture	<u>Annual Capacity</u>
Portland cement	<u>Expansion of existing capacity from 5.6 lakh tonne to 15.6 lakh tonne net increase 10 lakh tonne)</u>

The approval is subject to the following conditions:

1. You will have to make own arrangements of land.
2. You will have to make own arrangements for the procurement of water from the source to the factory site at your own cost.

3. In case you sink a tube well for your unit, you will ensure that it does not upset the water table in that area significant.
4. Adequate steps shall be taken by you to the satisfaction of the Govt. to prevent air, water and soil pollution. Further such antipollution measures to be installed should conform to the effluent standards prescribed by the State Board for Prevention & Control of Water Pollution.
5. The equipment for anti-pollution measures will form a part of your project report. The design of the equipment will have to be got approved from the State Board for Prevention and Control of Water Pollution.
6. You shall take effected steps within the validity period of letter of approval and show concrete progress in implementing your project. Inadequate progress would constitute/adequate grounds for recommending to the Govt. of India for cancellation of letter of intent/Industrial Licence.
7. Please note that this letter of approval does not constitute an authorization under the Industries (Development Regulation) Act, 1951 or any other relevant Acts of the Govt. of India, whereaever applicable such permission or clearances as may be required under the prevision of Acts should be separately obtained by you before taking any effective steps for the implementation of the project.
8. Please note that the facts of approval of your project will not imply any commitment whatever on the part of the Govt. to provide the finance, raw material, land any other assistance request for which would be considered separately on merits after you have made the necessary application to the concerned authorities.
9. You are required to furnish quarterly progress report in the prescribed form 'D' (reproduced in Annexure-II) until the commencement of production. This report will have to be furnished every quarter ending 31st March, 30th June, 30th Sept., and 31st December.
10. You shall have to employ bonafide residents or Himachal Pradesh and also trained persons from ITI's and RITI's in Himachal Pradesh in your Industrial unit. You are further required to give a quarterly return regarding employment of Himachalis and non-Himachalis to the General Manager, District Industries Centre of your district.
11. You shall have to inform our office about the commencement of production
12. The unit will appoint as personnel manager, such persons who have first hand personal basic knowledge of H.P. and its people and their aspirations and should be Himachali.
13. You will associate a representative of the Director of Industries, Himachal Pradesh in its Staff Selection Committee for the requirement of all categories of personnel.
14. You will notify the vacancies to all the employment exchange the H.P. These vacancies shall be filled in as per notifications issued by the Director of Industries from time to time.
15. You will have to obtain a COB license from the Govt. of India.
16. The Capacity and specification of the induction furnace proposed to be installed should be such that the annual capacity does not exceed the approved capacity.
17. i) The company will not be given additional mining lease area at Bagga or other areas in this belt as applied for by the Company
ii) The Company will strictly adhere to the emission standard as prescribed by H.P. State Pollution Control Board.
iii) The Company will have to get their scientific mining plan approved from the competent Authority.

This Letter of approval will be valid for a period of 12 month from its date of issue. If, an extension to the period of validity is found necessary you may apply in this regard to this office with full justification, giving circumstances and the period for which extension is sought. You are informed that on no account will the validity of the letter of approval be extended no account will the validity of the letter of approval be extended beyond 12 months from the expiry of initial validity period.

You shall function strictly in accordance with the above mentioned conditions. Any Violation shall mean automatic revocation of this approval. You are, requested to take effective steps in the implementation of your project in Himachal Pradesh. You may contact our office for any further clarification or assistance you may need.

Yours Faithfully,

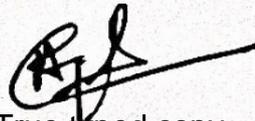
Director of Industries,
Himachal Pradesh

No.Ind.Dev.F(34)(IPARA).....for
ated.....

Copy to:-

1. The Deputy Secretary, (Industries) to the Government of Himachal Pradesh, Shimla-171002.
2. The Chairman, H.P. State Electricity Board, Shimla-4 w.r.t. to letter No. HPSEBL/com.1-66(2447)/40-5419-20 Dated-30.10.1990.
3. The General Manager, District Industries Centre, Bilaspur.
4. The District Employment officer Bilaspur
5. Guard File.

Director of Industries,
Himachal Pradesh



True typed copy

IN THE MATTER OF:

Kashmir Singh S/o Sh. Sant Ram Thakur, Village Khetad, Post Officer Barmana, Tehsil Sadar,
 District Bilaspur, Himachal Pradesh

.....Applicant

Versus

State of H.P and others

.....Respondent

**VAKALATNAMA**

I, Satpal Dhiman, Additional Secretary (Environment, Sci. Tech. & Climate Change) to the Government of Himachal Pradesh on behalf of Chief Secretary to the Government of Himachal Pradesh do hereby appoint and retain Shri Anil Jaryal, Panel Advocate to act and appear for me/us in the above Suit/ Appeal/Petition/Reference and on my /our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my 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 Suit/Appeal/Petition/Reference and in application for Review and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate in pursuance of this authority.

Dated this...21... day of April, 2025

ACCEPTED


ANIL JARYAL
ADVOCATE

 21-04-2025
 Appellant(s) (Signed) Petitioner (s)

Intervener(s)

Respondent(s) **NO.1**
Add. Secretary
(Env., Science & Technology)
to the Government of HP
Shimla-171002

To
 The Registrar,
 National Green Tribunal,
 New Delhi.

Sir,

Please enter my appearance on behalf of Respondent(s)/Intervenor in the matter above mentioned.

Dated this the..... day of April, 2025

Yours faithfully,


ANIL JARYAL

Advocate for the respondent(s)

NO.1



IN THE COURT OF Hon'ble National Green Tribunal

Suit/Appeal No. OA 1332 /2024 JURISDICTION OF 2024

In re:-

Kashmir Singh

Plaintiff(s) or Petitioner(s)
Appellant(s) Complainant(s)

VERSUS

State of H.P.

No.2

Defendant (s)/ Respondent(s) / Accused Know all to whom these Present shall come that I/we Yunus S/o Mohd. Nazir, Posted as Director of Industries Himanchal Pradesh

The above named Respondent No.2

do hereby appoint
**Shri Anil Jaryal, Advocate, Enrl. No. D/3587/2016, Chamber No. 109, Block-03,DHC, ND-03
Mob: 9871277207**

(herein after called the advocate/s) to be my / our Advocate in the above – noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences of disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/we undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 12th Day of July, 2025 accepted subject to the terms of the fees.

Advocate

Client

Client

**ANIL JARYAL
ADVOCATE
ENRL: D/3587/2016
M-9871277207**

I Identify the Signature/Thumb Impression of Below Mentioned Person,

Signed in My Presence. The Client.

**Director of Industries
Himachal Pradesh**





IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1332/2024

IN THE MATTER OF:

Kashmir Singh

.....Applicant

VERSUS.

State of H.P.

.....Respondent(s)

VAKALATNAMA

I/We, Rahul Kumar, S/o Shri Raj Kumar, aged 36 years, at present working/ posted as Deputy Commissioner, Bilaspur, District Bilaspur, Himachal Pradesh, Appellants(s)/ Petitioner(s) Opposite party in the above Suit/Appeal/Petition Reference do hereby appoint and retain Sh./Smt. ANIL JARYAL, Advocate of the National Green Tribunal to act and appear for me/us in the above Suit/Appeal/Petition/ Reference and on my/our behalf to conduct and prosecute or defend 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 proceeding 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 Suit/ Appeal/ Petition/ Reference and application of review, and to represent me/us and to take all necessary steps on my /our behalf in the above matter. I/We agree to rectify all acts done by the aforesaid Advocate on record in pursuance of this authority.

Dated _____ day of 2025

(ANIL JARYAL) Advocate

[Signature]
Deputy Commissioner
Distt. Bilaspur (H.P.)
Deputy Commissioner,
Bilaspur, District Bilaspur, H.P.

Accepted, verified and identified the client

[Signature]
(ANIL JARYAL)
ADVOCATE SUPREME COURT

APPELLANT(s) (Signed)
PETITIONER(s) INTERVENOR(s) RESPONDENT(s)
No.3

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)/ Intervener in the matter mentioned above.

Dated this the 12TH day of JULY 2025.

Yours faithfully, *[Signature]*
ANIL JARYAL
Advocate for Petitioner/Appellant/Respondent(s)
No.3