

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 648 OF 2024**

**IN THE MATTER OF:-**

**MILKHI RAM SHARMA**

**APPLICANT**

**VS.**

**UOI & ORS.**

**RESPONDENTS**

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1.	REPLY ON BEHALF OF THE RESPONDENT CENTRAL POLLUTION CONTROL BOARD (C.P.C.B.) in compliance to Hon'ble NGT, PB order dated 30.05.2014, in Original Application No. 648/2024.	1-4
2.	Annexure- I A Copy of Water Quality Data of Pong Dam monitored under NWMP-2020-2024(March)	5
3.	Annexure- II A copy of Hon'ble NGT order dated 30.05.2024	6-7



**Filed by Adv. MOHIT SINGHAL  
(on behalf of Central Pollution Control Board)**

***Mohit Singhal***  
Advocate  
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Azadpur, Delhi-110033  
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Email - singhalmohitlegal@gmail.com

**Place: Delhi**

**Dated: 13.09.2024**

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

**OA No. 648/2024**

In matter of:-

MILKHI RAM SHARMA

APPLICANT

VS.

UOI & ORS.

RESPONDENTS

**REPLY ON BEHALF OF THE RESPONDENT CENTRAL POLLUTION  
CONTROL BOARD (C.P.C.B.)**

Most Respectfully Showeth:-

1. That, Hon'ble NGT vide order dated 30.05.2024 has sought the reply of CPCB in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That at the outset, the answering respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control) Act, 1974. It performs the functions under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986.



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**PARA- WISE COMMENTS**

4. That no comments are offered over the averments made by the applicant at Para I&II of the Original application.
5. That the averments made in Para III of the Original application relates to the alleged causing of pollution in the Pong Dam Lake and the Wetland in the state of Himachal Pradesh. It is further alleged that the pollution

activities cause further environmental issues such as water pollution, air pollution and adversely impacts the climate. In this regard, it is humbly submitted that CPCB in association with State Pollution Control Boards (hereinafter referred as SPCBs) in the States and Pollution Control Committees (hereinafter referred as PCCs) in Union Territories has established a National Water Quality Monitoring Network (NWMP) in order to assess status of water quality of water resources and to facilitate for prevention and control of pollution in water bodies.

6. Water Quality of Pong Dam in Kangra monitored by Himachal Pradesh Pollution Control Board under NWMP for the year 2023 is provided as **Annexure-I**. The water quality data reveals that River Beas at Pong Dam, Pong Village is conforming to Primary Water Quality Criteria for Outdoor Bathing for the year 2023..

7. That no comments are offered by the Answering Respondent over the averments made by the applicant at Para 1 to 4 of Facts in brief of the Original application.

8. That the averments made in Para 5 of Facts in brief of the Original application relates to alleged water pollution leading to destruction of aquatic life, flora and fauna. Comments of this answering respondent over the same have been duly provided at Para. No. 6 of this reply. It is humbly requested that the same may kindly be considered and are not repeated for the sake of brevity.

9. That no comments are offered by the Answering Respondent over the averments made by the applicant at Para 6 to 15 of Facts in brief of the Original application, Grounds of application, Limitation and prayer clause of the Original application.

10. The answering respondent craves leave of the Hon'ble Tribunal to file additional reply in future, if required.

11. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



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Vishal Gandhi

Scientist 'E'

Central Pollution Control Board

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

**OA No. 648/2024 titled as**

In Matter Of:-

MILKHI RAM SHARMA

APPLICANT

VS.

UOI & ORS.

RESPONDENTS

**AFFIDAVIT**

I, Vishal Gandhi, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



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DEPONENT

**विशाल गांधी / Vishal Gandhi**  
**वैज्ञानिक 'ई' / Scientist 'E'**  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(Ministry of Environment, Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032


VERIFICATION

Verified at New Delhi on this day of 13 SEP 2024 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed there from or mis-stated.

  
DEPONENT

विशाल गांधी / Vishal Gandhi  
वैज्ञानिक 'ई' / Scientist 'E'  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032



ATTESTED  
  
NOTARY PUBLIC  
GOVT. OF INDIA

13 SEP 2024

विशाल गांधी / Vishal Gandhi  
वैज्ञानिक 'ई' / Scientist 'E'  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

### Water Quality Data of Pong Dam monitored under NWMP-2020-2024(March)

STN Code	Monitoring Location	Year	Dissolved O2 (mg/L)		pH		BOD (mg/L)		Fecal Coliform (MPN/100ml)		Fecal Streptococci (MPN/100ml)		Compliance Status
			Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	
<b>Primary Water Quality Criteria for Outdoor Bathing</b>			> 5 mg/L		6.5-8.5		< 3 mg/L		< 2500 MPN/100 ML		< 500 MPN/100 ML		
1292	RIVER BEAS AT PONG DAM ,PONG VILLAGE	2023	8.2	9.1	7.5	8.5	1.0	1.0	2	78	2	2	Complying

Item No.11

Court No. 1

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

Original Application No. 648/2024  
(I.A. No. 257/2024, I.A. No. 258/2024, & I.A. No. 259/2024)

Milkhi Ram Sharma

Applicant

Versus

UOI &amp;Ors.

Respondent(s)

Date of hearing: 30.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Adarsh Kumar Vashista, Adv. for Applicant (Through VC)

**ORDER**

1. In this Original Application, grievance of the applicant is as against illegal encroachment and illegal activities which are creating danger to Pong Dam Lake Wildlife Sanctuary.
2. Learned Counsel for the applicant has submitted that Pong Dam Lake Wildlife Sanctuary is a Ramsar site and is required to be protected but some anti-social elements have encroached upon the area of the sanctuary and have destroyed the green cover and are cultivating the land of the sanctuary.
3. He has submitted that insecticides and pesticides are used in the cultivation process and it remains flow to the water body affecting the aquatic life of the water body.
4. He has further submitted that after harvesting, stubble burning is also done within the sanctuary area which effects the birds which migrate to the sanctuary.
5. It is the plea of the applicant that sanctuary is being damaged and plundered under the nose of the competent authorities and no action is

being taken, though, sanctuary receives about 100 species of birds numbering more than one lakh during the winter season across the globe.

6. Plea of the applicant is that unauthorized and illegal activities are affecting the biodiversity and the lake ecology.

7. Original application raises substantial question relating to compliance of environmental norms.

8. Issue notice to the respondents.

9. We find that applicant has not impleaded the following relevant authorities in the original application;

(1) National Wetland Committee, MoEF&CC through its Chairman;

(2) State Wetland Authority, State of HP, through its Chairman.

(3) Central Pollution Control Board through Member Secretary

10. Applicant is permitted to implead the above respondents also within two days.

11. Applicant is directed to serve notice upon all respondents and file affidavit of service at least one week before the next date of hearing.

12. List on 17.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz ahmad, EM

May 30, 2024  
Original Application No. 648/2024  
JG.