

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

INDEX

IN

REPLY BY WAY OF AFFIDAVIT

(On behalf of the Respondent No. 3)

(In Compliance with the Hon'ble Tribunal's Order dated
22.10.2024)

IN

O.A. No. 494 OF 2022

Soban Singh Rana

Applicant(s)

Versus

Roshan Singh Uniyal

Respondent(s)

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2.	Reply by way of affidavit.	
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Place: New Delhi

Dated:

Filed by



Deepak Bora
Advocate

Counsel for the State of Uttarakhand

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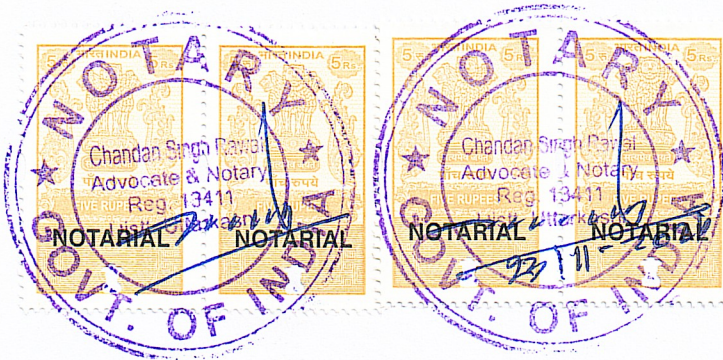
Soban Singh Rana

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Versus

Roshan Singh Uniyal

Respondent(s)



Affidavit of Sunder Lal Semwal,
aged about 57 years,
S/o Sh. Mahanand Semwal
presently posted as
District Magistrate(Incharge)
Uttarkashi, Uttarakhand.

(DEPONENT)

I, the above-named deponent, do hereby solemnly affirm and State:

1. That the deponent is presently posted as District Magistrate, Uttarkashi, Uttarakhand. (Incharge)

Semwal

2. That on 22.10.2024, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and direct the respondents to enquire into the aspect and file an additional reply to the Original Application. The relevant paras of the said Order dated 22.10.2024 are being quoted here for the kind perusal of this Hon'ble Tribunal:

3. *“Further, from Joint Committee report we find that debris/mud includes the material obtained from cutting of hills if and that is so, it amounts to mining activities. Whose conducting the mining activities no investigation has been conducted by concerned authorities in this respect and no action has been taken.*

4. *We accordingly direct Uttarakhand State Pollution Control Board and District Magistrate concerned to enquire into this aspect and submit an additional reply.”*

3. That, in compliance with the aforesaid order, the District Magistrate, Uttarkashi, through Office Order No. 898/21-M.B./2021-22, dated November 14, 2024, constituted a committee to conduct a joint site inspection. The committee comprised the Assistant Land Officer, Assistant Scientific Officer, Revenue Officer, and Sub-Divisional Magistrate of Dunda, who were entrusted with the responsibility to investigate and assess the site in question.

4. That, upon thorough investigation, it was determined that no designated dumping site has been established by the District



Chandra

Administration at the location in question. Furthermore, the site has not been approved or recognized under the Construction and Demolition Waste Management Rules, 2016. It was also ascertained that the debris present at the site is not the construction and demolition waste related to the remains of any civil construction, structural activity.

5. That the Hill River View Resort has been constructed on debris that was previously dumped at the site in question. Pursuant to District Office Letter No. 6677/21-(2021-22) dated August 1, 2022, a joint on-site inspection was conducted on August 8, 2022, by the Revenue Department and the Geology and Mining Department, Uttarkashi, to investigate the illegal dumping of debris on private land owned by Shri Roshan Lal Uniyal, son of Shri Kashi Ram Uniyal, resident of Village Saini, Tehsil Dunda. The inspection revealed that Shri Roshan Lal Uniyal had illegally accumulated 1584 tonnes of debris/soil on his land without obtaining the requisite permissions. Consequently, a total fine of ₹3,38,897/- was imposed on him for this unauthorized activity.

6. After which, the first notice number-2622/32- MB-Illegal Mining (2021-22) dated 15 September, 2022 and second notice number-2134/32- MB-Illegal Mining (2021-22) dated 09 January, 2023 was sent by the office of District Magistrate Uttarkashi. After the above, an appeal has been made by the opponent in the office of Divisional Commissioner Garhwal,



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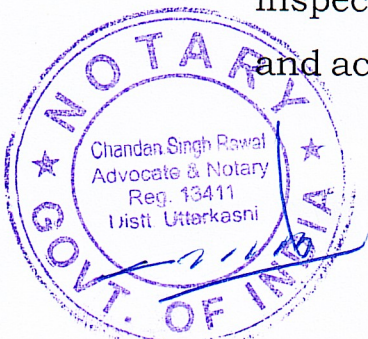
the proceedings of which are in progress in the office of Divisional Commissioner Garhwal.

7. That, during the inspection conducted by the committee members, the following findings were recorded:

A. The dumping zone in question has a "Hill River View Resort" constructed at a distance of 63 meters from the Bhagirathi River. The area between the dumping zone and the river, measuring 63 meters, consists of flat land. The map for the construction of the resort has been duly approved by the District Panchayat, Uttarkashi, and the State Pollution Control Board has granted consent to operate under the applicable Climate Acts.

B. The site in question pertains to private land where debris was dumped without obtaining prior permission from the District Administration. It was found that the debris was used to alter the nature and character of the land. Consequently, appropriate action has been initiated at the district level for this unauthorized activity.

8. That the letter bearing reference No. 473/P.A.-Various Letter/2024 dated November 16, 2024, along with the joint inspection report, has been annexed to this submission. True and accurate translated copies of the said documents are also



A handwritten signature in blue ink, appearing to be "Gurpreet", written over a horizontal blue line.

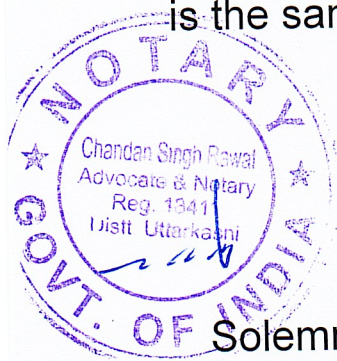
annexed herewith and are marked as **Annexure A** and **Annexure B** respectively.

I, the above-named deponent. Do hereby verify that the contents of Para nos. 1 to 8 of this affidavit are true to my knowledge, which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

DEPONENT

I, Mukesh Chand Ramola do hereby identify the deponent who has produced the records of the case before me and I am satisfied that he is the same person as alleged.

IDENTIFIER



Solemnly affirmed before me today, the 23 day of November 2024 by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.

OATH COMMISSIONER/NOTARY

23/11/2024
 Chandan Singh Rawat
 Advocate & Notary
 Reg. 13411
 Distt.-Uttarkashi, Uttarakhand

OC/ ~~LBZ~~ ALC

Date

उप जिलाधिकारी
उत्तरकाशी
16/11/24

प्रेषक,

उप जिलाधिकारी,
डुण्डा।

सेवा में,

जिलाधिकारी,
उत्तरकाशी।

संख्या 473 /पी0ए0-विविध पत्रा0/2024

दिनांक 16 नवम्बर, 2024

विषय :- मा0 राष्ट्रीय हरित प्राधिकरण नई दिल्ली में योजित मूल आवेदन संख्या-494/2022 सोबन सिंह राणा बनाम उत्तराखण्ड राज्य में मा0 हरित प्राधिकरण द्वारा पारित आदेश दिनांक 22.10.2024 के अनुपालन में संयुक्त स्थालीय निरीक्षण आख्या के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक आपके कार्यालय के आदेश संख्या 898/21-एम0बी0/2021-22 दिनांक 14 नवम्बर, 2024 के द्वारा मा0 राष्ट्रीय हरित प्राधिकरण नई दिल्ली में योजित मूल आवेदन संख्या-494/2022 सोबन सिंह राणा बनाम उत्तराखण्ड राज्य में मा0 हरित प्राधिकरण द्वारा पारित आदेश दिनांक 22.10.2024 के अनुपालन में उक्त प्रकरण की संयुक्त स्थालीय जांच किये जाने हेतु समिति गठित की गयी है। जिसके अनुपालन में उक्त गठित समिति द्वारा दिनांक 16.11.2024 को प्रश्नगत स्थल का स्थलीय निरीक्षण किया गया। संयुक्त स्थलीय निरीक्षण आख्या मूल में संलग्न कर महोदय की सेवा में सादर प्रेषित की जा रही है।

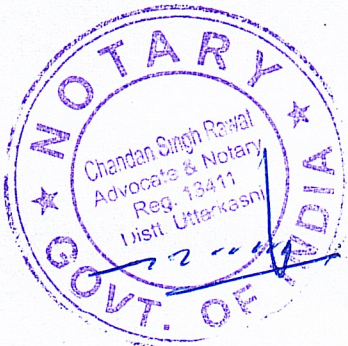
संलग्न-यथोपरि।

16.11.24

(देवानन्द शर्मा)

उप जिलाधिकारी,

डुण्डा।



:: संयुक्त स्थलीय निरीक्षण आख्या ::

विषय— मा0 राष्ट्रीय हरित प्राधिकरण नई दिल्ली में योजित मूल आवेदन संख्या-494/2022 सोबन सिंह राणा बनाम उत्तराखण्ड राज्य मे मा0 हरित प्राधिकरण द्वारा पारित आदेश दिनांक 22.10.2024 के अनुपालन के सम्बन्ध में।

उपरोक्त के अनुपालन में कार्यालय जिलाधिकारी महोदय उत्तरकाशी के आदेश संख्या-898 /21-एम0बी0 2021-22 दिनांक 14 नवम्बर,2024 को गठित संयुक्त समिति (जिला प्रशासन, उत्तरकाशी, भूवैज्ञानिक/भूतत्व एवं खनिकर्म विभाग उत्तरकाशी एवं राज्य प्रदूषण नियंत्रण बोर्ड देहरादून) द्वारा दिनांक 16.11.2024 को प्रश्नगत स्थल का स्थलीय निरीक्षण किया गया। मा0 एन0जी0टी0 द्वारा आदेश संख्या-22.10.2024 के क्रम में संयुक्त निरीक्षण आख्या निम्नवत है:-

- ❖ प्रश्नगत स्थल पर जिला प्रशासन द्वारा कोई डम्पिंग साईट Construction and Demolition Waste Mangement Rule. 2016 के अन्तर्गत स्वीकृत नहीं की गई है। प्रश्नगत स्थल पर मलवा किसी सिविल कन्स्ट्रक्शन, ढांचे आदि का अवशेष Construction and Demolition Waste नहीं है।
- ❖ प्रश्नगत स्थल पर पूर्व से डम्पिंग किये गये मलवे के उपर हिल रिवर व्यू रिसोर्ट निर्मित किया गया है जिसमें जिला कार्यालय के पत्र संख्या-6677/21-(2021-22) दिनांक 01.08.2022 के क्रम में श्री रोशन लाल उनियाल पुत्र श्री काशी राम उनियाल ग्राम सैणी तहसील डुण्डा के द्वारा अपने निजी नाप भूमि पर अवैध मलवा डम्पिंग का स्थलीय संयुक्त निरीक्षण दिनांक 08.08.2022 को राजस्व विभाग व भूतत्व एवं खनिकर्म विभाग उत्तरकाशी के द्वारा किया गया जिसमें पाया गया श्री रोशन लाल उनियाल द्वारा अपनी भूमि में 1584 टन मलवा/मिट्टी बिना अनुमति एकत्रित/भण्डारित किया गया था। जिसमें कुल 3,38,897/- ₹0 का अर्धदण्ड आरोपित किया जा चुका है।

जिसके उपरान्त कार्यालय जिलाधिकारी उत्तरकाशी द्वारा प्रथम नोटिस संख्या-2622/32-एम0बी0-अवैध खनन (2021-22) दिनांक 15 सितम्बर,2022 एवं द्वितीय नोटिस संख्या-2134/32-एम0बी0-अवैध खनन (2021-22) दिनांक 09 जनवरी,2023 को प्रेषित किया गया। उक्त के उपरान्त विपक्षी द्वारा मण्डलायुक्त गढवाल के कार्यालय में अपील की गई है, जिसकी कार्यवाही मण्डलायुक्त गढवाल के कार्यालय में गतिमान है।

- ❖ समिति के सदस्यों द्वारा निरीक्षण के समय पाया गया है कि:-

1-प्रश्नगत डम्पिंग जोन भागीरथी नदी से 63 मीटर की दूरी पर "हिल रिवर व्यू रिसोर्ट" निर्मित है डम्पिंग जोन एवं नदी के मध्य 63 मीटर का क्षेत्र एक समतल भू-भाग है। उक्त होटल निर्माण के लिए जिला पंचायत उत्तरकाशी से मानचित्र स्वीकृत है एव राज्य प्रदूषण नियंत्रण बोर्ड से जलवायु अधिनियमों के अन्तर्गत संचालन की सहमति निर्गत की गई है।

2-प्रश्नगत स्थल एक निजी नाप भूमि का भू-भाग है जिसमें डम्पिंग किये जाने से पूर्व जिला प्रशासन से कोई पूर्व अनुमति प्राप्त नहीं की गई है। बिना पूर्व अनुमति के भूमि के स्वरूप में परिवर्तन किये जाने के उद्देश्य से मलवा डम्पिंग किया गया है, जिसमें जिला स्तर से कार्यवाही की जा चुकी है।

उपरोक्त आख्या अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।

(एस0एस0 चौहान)

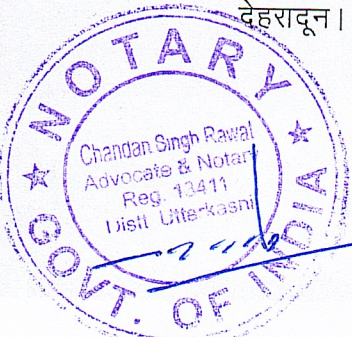
सहायक वैज्ञानिक अधिकारी
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
देहरादून।

(प्रदीप)

सहा0भू0वै0/जिला खान अधि0
भूतत्व एवं खनिकर्म विभाग
उत्तरकाशी।

(अनिल कान्बोज)

तहसीलदार
डुण्डा।



(देवानन्द शर्मा)
उपजिलाधिकारी डुण्डा

ANNEXURE B (TRUE TYPED COPY)

To

Deputy District Magistrate,
Dugadda.

Through:

District Magistrate,
Uttarkashi.

Reff. Number: 473/P.A.-Various Letter/2024 Date: 16/11/2024

Subject: In compliance with the joint site inspection report in relation to the original application No. 494/2022 (Soban Singh Rana vs. State of Uttarakhand) in the Hon'ble National Green Tribunal, New Delhi.

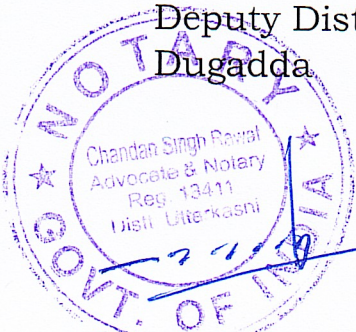
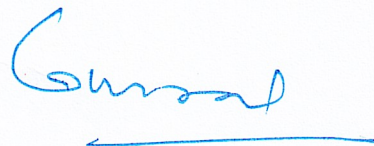
Respected Sir,

As per your office's order No. 898/21- M.B./2021-22, dated November 14, 2024, regarding the original application No. 494/2022 filed in the Hon'ble National Green Tribunal, New Delhi (Soban Singh Rana vs. State of Uttarakhand), the compliance with the order passed by the Hon'ble Tribunal on October 22, 2024, requires conducting a joint site inspection.

For this purpose, a committee was formed to investigate the matter. The committee conducted the site inspection on November 16, 2024, and the inspection report is enclosed herewith for your reference. This joint site inspection report is being forwarded for further necessary action.

With regards,

Devendra Samant
Deputy District Magistrate,
Dugadda.



Joint Field Inspection Report

Subject - Regarding compliance of the order dated 22.10.2024 passed by the Hon'ble Green Authority in the original application number-494/2022 Soban Singh Rana vs State of Uttarakhand filed in Hon'ble National Green Authority, New Delhi.

In compliance with the above, the Joint Committee (District Administration, Uttarkashi, Geologist / Geology and Mining Department Uttarkashi and State Pollution Control Board Dehradun) constituted on November 14, 2024 by the Office of District Magistrate, Uttarkashi, order number-898 / 21-M.B. 2021-22, conducted a field inspection of the site in question on 16.11.2024. In order to order number-22.10.2024 by Hon'ble NGT, the joint inspection report is as follow:-

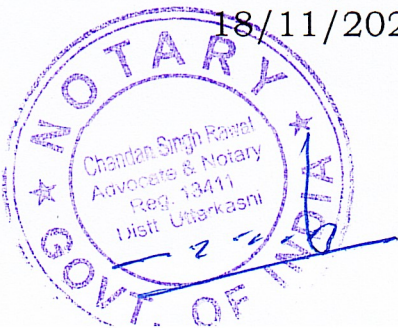
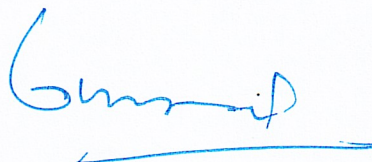
* No dumping site has been set up by the District Administration at the place in question. It has not been approved under Management Rule 2016. The debris at the site in question is not the remains of any civil construction, structure, construction and demolition Waste.

* Hill River View Resort has been constructed on the debris dumped earlier at the site in question, In continuation of the District Office letter number-6677/21-(2021-22) dated 01.08.2022, a joint on-site inspection of illegal dumping of debris on the private measured land by Shri Roshan Lal Uniyal son of Shri Kashi Ram Uniyal, village Saini, Tehsil Dunda was conducted by the Revenue Department and Geology and Mining Department, Uttarkashi on 08.08.2022, in which it was found that Shri Roshan Lal Uniyal had collected 1584 tonnes of debris/soil in his land without permission. In which a total fine of Rs 3,38,897/- has been imposed.

The above report is respectfully sent for further necessary action.

Pradeep

18/11/2024 (Pradeep)

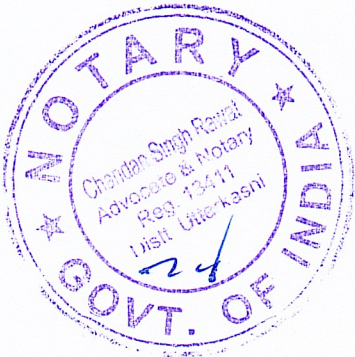


Assistant Land Officer / District Mining Officer
Department of Geology and Mining, Uttarkashi

S.S Chauhan
16/11/2024
Assistant Scientific Officer
Uttarakhand Pollution Control Board

Anil Kamboj
Revenue officer
Dunda.

Devanand Sharma
Sub Collector Dunda



Chandan Singh Rawat

23/11/2024
Chandan Singh Rawat
Advocate & Notary
Reg. 13411
Distt.-Uttarkashi, Uttarakhand