

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL, NEW
DELHI

ORIGINAL APPLICATION NO. 556 OF 2022

IN THE MATTER OF :

Amit Das

Appellant

Versus

State of Uttarakhand

Respondent

INDEX

Sr. No.	Particulars	Pages
1.	Reply /Response on Behalf of the Respondent /No. 2 (Uttarakhand Pollution Control Board)	

Filed by

[MUKESH VERMA]

Advocate for Uttarakhand Pollution Control Board/Respondent
Chamber No. 50,
G.L. Sanghi Block,
Supreme Court of India
New Delhi-110 001
9810108098
Email:- mvermadv@gamil.com

Dated:



BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL, NEW
DELHI

ORIGINAL APPLICATION NO. 556 OF 2022

IN THE MATTER OF :

Amit Das

Appellant

Versus

State of Uttarakhand

Respondent

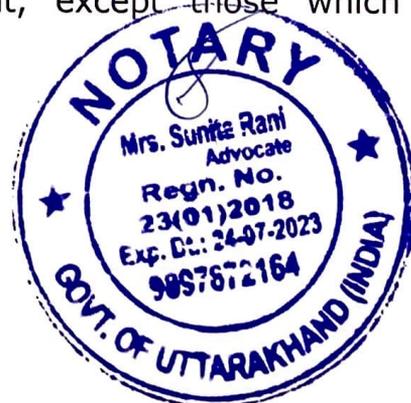


**Reply /Response on Behalf of the Respondent /No. 2
(Uttarakhand Pollution Control Board)**

I, R.K. Chaturvedi, presently posted as Regional Officer, Uttarakhand Pollution Control Board, Regional Office, E-115, Nehru Colony, Dehradun, District Dehradun, Uttarakhand, do hereby solemnly affirm and declare as under:

1. That I am in the above noted capacity and as per records available in the department, I am fully conversant with the facts and circumstances of the case, hence competent to swear this counter affidavit on behalf of the answering Respondent.
2. That I have gone through and understood the contents of the Original Application and report filed by the Joint Committee. I deny each and every averment, except those which are admitted herein expressly.

PARAWISE REPLY:

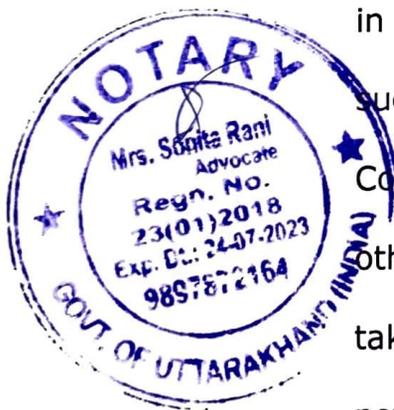


Ru

1. That this Hon'ble Tribunal vide its order dated 07.09.2022 passed the following directions:-

1. Mr. Amit Das, resident of 329, Chandreswar Nagar, Rishikesh has sent the present letter petition, which is treated and registered as original application, complaining that house was being constructed by Mr. Sardar Harminder by making bund on river Chanderbhaga. Previously, the construction was stopped by Mussoorie Dehradun Development Authority (MDDA) but Sardar Harminder has again started fixation of tiles stealthily in the interiors.

2. This Tribunal is empowered to take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 suo moto as held by Hon'ble Supreme Court in Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation. O. A. No. 556/2022 Amit Das Vs. State of Uttarakhand -2-



file

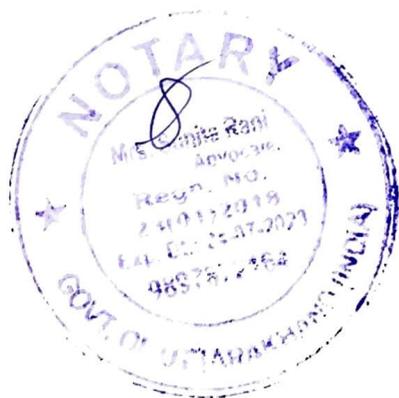
3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Ministry of Jal Shakti Government of Uttarakhand, Mussoorie Dehradun Development Authority, State PCB and District Magistrate, Dehradun and direct the same to meet, undertake visit to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-



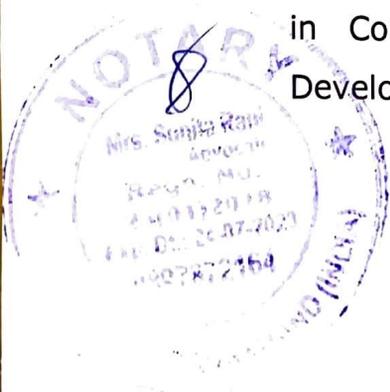
Sum

- (i) the concerned Project Proponent to enable him to comply with the recommendations in the report of the Joint Committee or file objections against observations/recommendations in the same and also file his response before this Tribunal if so desired within one month from the date of receipt of a copy of the report of the Joint Committee; and
- (ii) the concerned Statutory Authorities including State PCB and District Magistrate, Dehradun to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection O. A. No. 556/2022 Amit Das Vs. State of Uttarakhand -3- and improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee. The reports be submitted by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.



File

5. List for further consideration on 20.12.2022.
 6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Ministry of Jal Shakti Government of Uttarakhand, Mussoorie Dehradun Development Authority, State PCB and District Magistrate, Dehradun by e-mail for compliance.
2. That the field inspection was carried out by joint committee on 30.11.2022 which was comprising of officials of Revenue Department, Mussoorie Dehradun Development Authority, Irrigation Department, Dehradun, Uttarakhand Payjal Nigam and Uttarakhand Pollution Control Board. The report of Joint Committee dated 30.11.2022 is already filed.
 3. That, the Joint Committee observed Shri Sadar Harvinder Singh constructed 02 Room, 01 Kitchen and Toilet total area (11.60M×12M) on the right bank of Chandbhaga River. No discharge of sewer is found in Chandbhaga River.
 4. The Joint Committee Report States that the matter is sub-judice in Court of Commissioner/Chairman Mussoorie Dehradun Development Authority, Dehradun.



File

- 5. The above the construction activity does not comes under Consent Management under the classification of Red, Orange, Green and White categories by Central Pollution Control Board.

File
Deponent

VERIFICATION:

I, the deponent above named do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified at 6/2/2023 on this day of February, 2023

File
Deponent

Filed by

[MUKESH VERMA]
Advocate for Uttarakhand Pollution Control Board/Respondent
Chamber No. 50,
G.L. Sanghi Block,
Supreme Court of India
New Delhi-110 001
9810108098
Email:- mvermadv@gamil.com

Dated:



R.No 3646/23
This affidavit is solemnly affirmed
sworn, signed and verified the contents
by Mr./Mrs.....Dr. R.K. Chaturvedi
who is identified by Mr.....
at Place Dehra Dun, Uttarakhand
6/2/2023
Mrs. Sumita Rani
Advocate & NOTARY
Supr. Court, Dehradun
(Uttarakhand) INDIA
No. 23(01)2018