

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH AT NEW DELHI.**

**O.A. No. 294/2025**

**IN THE MATTER OF:-**

**News Item titled.** "From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump appearing in The Economic Times dated 30.05.2025. **...Applicants**

**Versus**

**State of H.P. & Ors.      ... Respondents**

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FILED THROUGH  
COUNSEL FOR THE RESPONDENT No.6

*mta*  
Chief Secretary  
Govt. of Himachal Pradesh

*Anil Jaryal*

**ANIL JARYAL**  
Chamber No.109, Block-03  
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Dated: 07.03.2026

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH AT NEW DELHI.**

**O.A. No. 294/2025**

**IN THE MATTER OF:-**

**News Item titled.** "From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump appearing in The Economic Times dated 30.05.2025. **...Applicants**

**Versus**

1. Himachal Pradesh State Pollution Control Board, Through its Member Secretary, Him Parivesh, Phase-III, New Shimla-171009. Phone: 0177-2673766. Email: [mspcb-hp@nic.in](mailto:mspcb-hp@nic.in)  
Central Pollution Control Board (CPCB), Through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032. Phone: +91-11-43102030. Email: [mccb.cpcb@nic.in](mailto:mccb.cpcb@nic.in).
2. Central Pollution Control Board (CPCB), Through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032. Phone: +91-11-43102030. Email: [mccb.cpcb@nic.in](mailto:mccb.cpcb@nic.in).
3. Ministry of Environment, Forest and Climate Change Sub-Office, Shimla (Regional Office, Chandigarh), CGO Complex, Shivalik Khand, Longwood, Shimla, Himachal Pradesh-171001 Email: [iro.shimla-mefcc@gov.in](mailto:iro.shimla-mefcc@gov.in).
4. Deputy Commissioner, Kullu Office of the Deputy Commissioner, Dhalpur, Kullu, H.P.-175101 Phone:01902-222727 Email: [dc-kul-hp@nic.in](mailto:dc-kul-hp@nic.in) .
5. Special Area Development Authority, Manikaran Through Member Secretary cum Town and Country Planner, Kullu Himachal Pradesh Nagar Yozna Bhawan Block No. 32-A,

  
Chief Secretary,  
Govt. of Himachal Pradesh

**ATTESTED**  
  
Executive Magistrate  
H.P. Sectt., Shimla

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SDA Complex, Kasumpti, Shimla-171009 Email: tcp-  
hp@nic.in/ [tcpdatabank@gmail.com](mailto:tcpdatabank@gmail.com)

6. State of H.P. through its Chief Secretary, to the Govt. of Himachal Pradesh, Himachal Pradesh Secretariat, Shimla-171002, Himachal Pradesh.
7. Principal Secretary (UD) to the Government of Himachal Pradesh, Shimla -171002(H.P).
8. Principal Secretary (RD) to the Government of Himachal Pradesh, Shimla -171002(H.P).

  
Chief Secretary,  
Govt. of Himachal Pradesh

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Executive Magistrate  
H.P. Sectt., Shimla

**REPLY ON BEHALF OF THE RESPONDENT NO. 6, I.E. CHIEF SECRETARY TO THE GOVT. OF HP IN COMPLIANCE TO THE DIRECTIONS/ORDERS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL VIDE ORDER DATED 13.11.2025**

**MOST RESPECTFULLY SHOWETH:**

**PRELIMINARY SUBMISSIONS:**

1. The present reply is being filed on behalf of Respondent No. 6 i.e. the Chief Secretary to the Govt. of HP in compliance with the directions issued by this Hon'ble Tribunal vide order dated 13.11.2025.
2. It is respectfully submitted that pursuant to the aforesaid order, the Chief Secretary to the Government of Himachal Pradesh has taken prompt steps to ensure compliance with the provisions of the Solid Waste Management Rules, 2016.
3. That in compliance with the specific directions issued by the Hon'ble National Green Tribunal, the Chief Secretary to the Government of Himachal Pradesh directed the Adjudicating Officer-cum-Secretary (Environment, Science, Technology and Climate Change) to take *suo-motu* cognizance and initiate an inquiry into the alleged contravention of the provisions of the Environment (Protection) Act, 1986 and the Solid Waste Management Rules, 2016.
4. In pursuance of the aforesaid directions and in compliance thereof, the Secretary (EST&CC)-cum-Adjudicating Officer issued directions to the Member Secretary, Himachal Pradesh State Pollution Control Board (HPPCB) vide letter No. STE-A (3)-17/2025 dated 10.12.2025, requiring the filing of a formal complaint by the Authorized Officer (the Regional Officer, Kullu, being the officer duly authorized under the Rules for this purpose) in the prescribed Form-I against the alleged violators in

  
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accordance with the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024. The violators have replied to the notice and next date of hearing has been fixed by the Adjudicating Officer on 17th March, 2026. Thus, the matter regarding imposition of penalty against the alleged violators is under process in accordance with the procedure laid down under the Rules *ibid*.

### **REPLY ON MERITS**

5. That the present Original Application arises out of a news report titled "*From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump*" published in The Economic Times dated 30.05.2025. The aforesaid Original Application is pending adjudication before this Hon'ble NGT.
6. That in compliance to the directions given in para 11 of the said order, it is submitted that pursuant to the amendment of the Environment (Protection) Act, 1986, which came into force w.e.f. 01.04.2024, the Ministry of Environment, Forest and Climate Change, Government of India, vide notification dated 04.11.2024, appointed the Secretary Incharge, Environment Department of the State as the Adjudicating Officer under Section 15C of the Act for the purpose of conducting inquiry and imposing penalties for contraventions under the said Act. The procedure for holding such inquiry and imposition of penalty has been prescribed in the Environment Protection (Manner of Holding Inquiry and Imposition of the penalty) Rules, 2024 issued by the MoEF& CC vide notification dated 4-11-2024. Notification dated 4-11-2024 is annexed herewith as **Annexure R-6/1**.
7. As per Rule-3 of the said Rules, the Central Pollution Control Board (CPCB), State Pollution Control Boards (SPCBs), Commission for Air Quality Management and Integrated Regional Offices of the MoEF& CC,

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GoI in their respective jurisdictions, through their authorized Officers, or any other persons, may file a complaint in Form-I through electronic means or speed post or by hand to the Adjudicating Officer regarding any contravention committed under the Environment (Protection) Act, 1986. Further, the Rule 4 of aforesaid Rules provides for holding of inquiry as under:-

4. (1) For the purpose of adjudication under section 15C of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer within thirty days from the date of receipt of the complaint shall, issue a notice in Form-II to such person requiring him to show cause within such period as may be specified in the notice (being not less than fifteen days from the date of service thereof) why an inquiry should not be held against him. In this regard, it is humbly submitted that the Adjudicating Officer has followed the procedure and the process to conduct the inquiry has been initiated accordingly for the alleged contraventions of the provisions of the Act *ibid*.

8. That in compliance to the directions passed in para 13, the Chief Secretary to the Govt. of Himachal Pradesh directed the Adjudicating Officer-cum-Secretary (Environment, Science, Technology and Climate Change), to take *suo-moto* cognizance and initiate an inquiry for contravention of provisions of the Environment (Protection) Act, 1986 and Solid Waste Management Rules, 2016 made thereunder.
9. Accordingly, the Secretary (EST&CC)-cum-Adjudicating Officer issued directions to the Member Secretary, HPPCB vide letter No. STE-A (3)-17/2025 dated 10.12.2025 for filing a formal complaint by the Authorized Officer on prescribed Form-I against the violators for holding inquiry in accordance with amended provisions of the Environment (Protection) Act, 1986. Copy of letter dated 10-12-2025 is annexed as **Annexure R-6/2**.

  
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H.P. Sectt., Shimla

10. In pursuance of the aforesaid directions, the Regional Officer, Kullu- being the duly authorized officer under the relevant rules has filed a formal complaint in the prescribed format against the following two persons for alleged contravention of the applicable provisions of the Act *ibid:-*

- (i) Sh. Ghanshyam Sharma, Member Secretary, Special Area Development Authority (SADA), Manikaran-cum-Town & Country Planner, Town & Country Planning Office, Kullu at Sarwari near Bus Stand Kullu-HP.175101. Contact no- 7018157452, E-mail ID [tcpkullu@hotmail.com](mailto:tcpkullu@hotmail.com)
- (ii) Sh. Gaurav Malik, M/s Lakshay Total Solutions, Head Office: Shop No. 163, Agro Mall, First Floor, Rohtak- 124001. Contact No.9711178318, E-mail ID [tsservice@gmail.com](mailto:tsservice@gmail.com).

11. That the complaint was filed in the prescribed format vide letter dated 13.12.2025 and notices were issued to the alleged contraveners on 08.01.2026 in Form-II as prescribed under the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024. The copy of complaint is annexed herewith as Annexure-**R-6/3** and copy of notices is annexed herewith as **Annexure R-6/4**. Further, the proceedings for imposition of penalty under the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 is currently on-going at the level of Adjudicating Officer and the next date of hearing has been fixed for 17.03.2026.

12. It is worthwhile to mention herein that in the Kasol area of the alleged contravention, the Special Area Development Authority (SADA), is responsible for the waste management and up-keeping of the area. It is further pertinent to mention herein that under Section 70 (v) and (vi) of the Himachal Pradesh Town and Country Planning Act, 1977, the Special

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Area Development Authority is entrusted with the responsibility of providing municipal services and municipal management within the notified special area. Section 70 (V and VI) provides that the functions of the Special Area Development Authority shall be:-

(v) To provide the municipal services as specified in the Himachal Pradesh Municipal Act, 1994;\*

(vi) To provide for the municipal management of the special area in the same manner as is provided in the Himachal Pradesh Municipal Act, 1994.

13. That appropriate proceedings under Section 15B of the Environment (Protection) Act, 1986 have been initiated against the concerned authorities responsible for the alleged contravention.
14. That in further compliance to directions passed in para 12 and 14 of the order of the Hon'ble tribunal, it is respectfully submitted that the Chief Secretary authorized the Deputy Commissioner, Kullu vide letter dated 31.12.2025 to file an affidavit before the Hon'ble NGT on his behalf.
15. That in compliance with the said authorization, the Deputy Commissioner, Kullu has already filed an affidavit before this Hon'ble Tribunal and the same is on record, giving details of action/steps taken for compliance with the Solid Waste Management Rules, 2016 in District Kullu.
16. That *inter-alia*, some of the key steps undertaken by the District Administration for ensuring regulatory compliance and environmental management in the Kasol area are summarised in a tabulated form hereinbelow:-

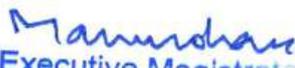
Issue / Regulatory Concern	Action Taken by District Administration	Present Status
Regulation of development activities in Kasol area	Notification issued by the Town & Country Planning	Regulatory framework operational and applicable to

*mtb*  
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Executive Magistrate  
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	Department dated <b>04.03.2024</b> providing regulatory framework governing development activities.	development activities in the area.
Monitoring of environmental management in Kasol	District Administration initiated monitoring and review of environmental issues relating to Kasol on <b>08.01.2025</b> .	Monitoring mechanism initiated at district level.
Waste management and local regulatory coordination	Nagar Panchayat Bhunter issued <b>Letter No. NP Bhunter/-2025-2465-67</b> dated <b>29.12.2025</b> addressing administrative and waste management related measures.	Action communicated to concerned authorities for compliance.
District level review and coordination.	Meeting of concerned departments held on <b>03.01.2026</b> to review compliance and environmental management measures in Kasol.	Inter-departmental coordination mechanism established.
Follow-up compliance monitoring.	District administration undertook further review and follow-up action on <b>13.01.2026</b> pursuant to the meeting.	Compliance monitoring continuing at district level.

  
 Chief Secretary,  
 Govt. of Himachal Pradesh

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**STEPS TAKEN BY THE STATE GOVERNMENT FOR WASTE MANAGEMENT:**

17. That the State of Himachal Pradesh has undertaken several initiatives to address the issue of plastic waste and solid waste management mechanisms across the State.
18. The State of Himachal Pradesh had made a pioneer endeavour by enacting a special legislation titled as H.P. Non-Biodegradable Garbage (Control) Act, 1995 for effective regulation and management of plastic waste. Various notifications have been issued from time to time to ban various single use plastics and penalties have also been imposed in appropriate cases.
19. The Plastic Waste Management Rules (PWMR) formulated by the GoI under the Environment (Protection) Act, 1986 are being implemented and strictly followed across the State. The concerned Departments regularly conduct awareness and IEC activities for proper collection and safe disposal of plastic waste.
20. That the State Government has imposed a ban on Single Use Plastic (SUP) vide notification No. STE-F (4)-1/2020 dated 20.07.2022 issued under the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 along with authorization of officers for entry and inspection under Section 7 (A) and to compound any offence as per provisions of Section-11 of the Act.
21. That the State Government has also implemented a ban on non-woven carry bags vide Notification No. STE-F-(4)-1/2019-L dated 30.07.2022 across the State.
22. The State Government has banned the biodegradable/compostable carry bags vide notification no. STE-F (4)-1/2019-L dated 21.01.2025 in addition to the identified SUPs already banned.

*MUCI*  
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23. Over time, the Government has observed that the widespread use of polyethylene terephthalate (PET) water bottles, particularly those up to 500 milliliters, has raised significant environmental concerns due to their high potential for littering. Keeping in view the environmental concerns, the State Government, in exercise of powers under sub-section (1) of Section 3-A of the HP Non-Biodegradable Garbage (Control) Act, 1995, has issued a notification No. STE-F(4)-1/2017-L dated 29.03.2025, prohibiting the use of PET bottles (up to 500 ml) in all indoor official meetings, conferences, and events organized by Government Departments, Boards, Corporations, and other State Government organizations. This prohibition also applies to HPTDC hotels and private hotels in the State. These entities shall adopt sustainable alternatives such as glass bottles, water dispensers /kiosks of steel containers.
24. That the incidences of littering of bio-degradable and non-biodegradable waste are being observed in the State by tourist vehicles, public & private transport and taxis in Himachal Pradesh causing pollution and damage to environment in addition to clogging of drains. Thus, in order to address littering caused by tourist vehicles and public transport, the State Government, has issued a notification No. STE-F (9)-1/2018-loose dated 28.03.2025, where directions have been passed that all taxi operators, public transport and owners/drivers of private transport vehicles shall install/fix "Garbage Bins" in their vehicles for collection of waste and the same shall be disposed at designated places and thus shall not allow to litter /throw Bio-degradable/Non-biodegradable material in open as specified in the H.P. Non-Biodegradable Garbage (Control) Act, 1995.
25. The MoEF&CC, GoI issued notification dated August 12, 2021 which mandated banning of identified SUP items with effect from July 01, 2022 and has provided the mechanism to eliminate the SUPs. A State Level Special Task Force & District Level Task Force has been notified by the

*msb*  
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Government for taking measures to eliminate Single Use Plastics (SUPs) in the State of Himachal Pradesh. A State level Comprehensive Action Plan and District level Action Plans have been prepared to implement Plastic Waste Management (Amendment) Rules, 2021 to eliminate Single Use Plastic (SUPs) in the State of Himachal Pradesh. In order to have effective implementation of action plans, the meetings of the State Level Task Force are being convened. As on date, total five meetings have been convened under the Chairmanship of the Chief Secretary on dated 06.04.2022, 29.06.2022, 16.01.2023, 24.05.2024 & 28.04.2025. The District Level Action Plans in respect of all Districts have been approved and being implemented in respective Districts and are reviewed during the meetings of "District Environment Plan" under the Chairmanship of concerned Deputy Commissioners.

26. That the State Government has also launched a Deposit Refund Scheme (DRS) vide notification No. STE-F (4)-2/2021 dated 16.06.2025 as envisaged under the Extended Producer Responsibility mechanism for effective management of plastic waste. The copy of the DRS notification dated 16.06.2025 is annexed herewith as **Annexure R-6/5**. The said scheme was formulated after due deliberations with stakeholders and subject experts under the chairmanship of the Chief Secretary to the Government of Himachal Pradesh.

27. That in furtherance of the statutory obligation of the State to prevent environmental pollution and ensure effective plastic waste management, the State of Himachal Pradesh, in exercise of powers under Section 3(1) of the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, has issued various notifications from time to time imposing restrictions on one-time use plastic items. In this regard, the State Government vide Notification No. STE-F-(4)-1/2020 dated 20.07.2022, Notification No. STE-F-(4)-1/2019-L dated 13.10.2022 and Notification

*ms*  
Chief Secretary,  
Govt. of Himachal Pradesh

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No. STE-F-(4)-1/2020 dated 10.07.2024 has imposed a ban on one-time use plastic (Single Use Plastic) items including plastic carry bags and thermocol items made of non-biodegradable material as listed in the Schedule appended to the Act. The aforesaid notifications further authorize officers of various departments to compound offences and to institute proceedings against violators before the competent court in accordance with the provisions of the Act.

28. That the State Government has further observed that certain plastic carry bags described as biodegradable/compostable plastic bags, intended for single-time use for serving and consumption of food, continued to remain in circulation in the State. It has been found that the biodegradation of such materials ordinarily takes place at temperatures ranging between 35°C to 40°C under open conditions and generally requires approximately six months for decomposition. However, such temperature conditions are not ordinarily attainable in hill States like Himachal Pradesh, where the average temperature generally ranges between 30°C to 35°C and often falls below freezing point during the winter season. As a consequence, such biodegradable/compostable plastic carry bags were also found to be contributing to environmental pollution and indiscriminate littering.

29. In order to effectively address this issue, the State Government amended the definition of "non-biodegradable material" under Section 2, Clause (ee) of the Himachal Pradesh Non-Biodegradable Garbage (Control) Amendment Act, 2023 so as to include within its ambit those materials which are specified to be compostable or biodegradable only at temperature levels of 35°C to 40°C in open conditions for degradation within approximately six months, or which otherwise do not degrade under the natural climatic conditions prevailing in the State of Himachal Pradesh. Consequent upon the aforesaid amendment, the State

  
Chief Secretary,  
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H.P. Sectt., Shimla

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Government has also prohibited the use of biodegradable/compostable carry bags vide Notification No. STE-F (4)-1/2019-L dated 21.01.2025.

30. That it is most respectfully submitted that the State Government remains fully committed to ensuring effective environmental governance and strict compliance with the applicable statutory framework relating to waste management. The answering respondent respectfully submits that necessary steps have already been initiated and are being continuously monitored at the State/District level. The answering respondent humbly submits that the State shall abide by any further directions that this Hon'ble Tribunal may deem fit to issue in the interest of environmental protection and justice.

#### PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Take the present reply/response filed on behalf of Respondent No. 6 on record; and
- b. Pass such further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

*ante*  
FILED THROUGH  
COUNSEL FOR THE RESPONDENT No.6

Chief Secretary,  
Govt. of Himachal Pradesh

*(Signature)*

**ANIL JARYAL**

Chamber No.109, Block-03  
Delhi High Court.

Email: [aniljaryal07@gmail.com](mailto:aniljaryal07@gmail.com)

Dated: 07-03.2026

ATTESTED

*(Signature)*  
Executive Magistrate  
H.P. Sectt., Shimla

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

**O. A. No. 294 /2025**

**IN THE MATTER OF:-**

**News Item titled.** "From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump appearing in The Economic Times dated 30.05.2025.

**...Applicants**

**Versus**

**State of H.P. & Ors.**

**..... Respondents**

**AFFIDAVIT**

I, Sanjay Gupta S/o Late Sh. Vidya Sagar Gupta aged about 59 years, resident of Set No-4, Type-8, CS House, Old Brockhurst Chotta Shimla-171002, presently posted as Chief Secretary to the Government of Himachal Pradesh at Shimla, do hereby solemnly affirm and declare on oath that the accompanying reply has been prepared and drafted as per record at the instance of replying Respondent No. 6.

i) I have gone through the same. Contents of the Preliminary Submissions paras 1-4 and reply on merits paras 5-30 are true and correct to best of my knowledge.

ii) I, the above named deponent do hereby further declare that contents of this affidavit are true and correct to my personal knowledge. No part of it is wrong and nothing relevant has been concealed there from.

Signed and verified this on <sup>7<sup>th</sup></sup>.....day of March, 2026 at Shimla.

**ATTESTED**  
*Manmohan*  
Executive Magistrate  
H.P. Sectt., Shimla

**DEPONENT**  
*Manmohan*  
Chief Secretary,  
Govt. of Himachal Pradesh

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Verification:

I, the above named deponent do hereby verify that the contents of para i and ii of the instant affidavit are true and correct to the best of my knowledge.

No part of it is false and nothing material has been concealed therein.

Verified at Shimla on <sup>7<sup>th</sup></sup> day of March, 2026 at Shimla.

*[Signature]*  
**DEPONENT**

Chief Secretary,  
Govt. of Himachal Pradesh

**ATTESTED**

*[Signature]*  
Executive Magistrate  
H.P. Sectt., Shimla

<sup>29</sup>  
Declared before me on 7<sup>th</sup> day of March  
2026 on oath (Solemnly Affixation)  
by Shri Sanjay Gupta, Chief Secy to me  
who is personally known to the or who Govt. of H.P.  
has been identified by Sh K.L. Negi as AEST  
who is personally known to me.

*[Signature]*  
Executive Magistrate  
H.P. Sectt., Shimla

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 4th November, 2024

**S.O. 4790(E).**—In exercise of the powers conferred by section 6 and 25 of the Environment (Protection) Act, 1986( 29 of 1986), the Central Government hereby makes the following rules, namely:-

**1. Short title and commencement.** —(1) These rules may be called the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** —(1) In these rules, unless the context otherwise requires, —

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “adjudicating officer” means an officer appointed under section 15C of the Act;

(c) “form” means a form appended to these rules.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act

**3. Complaint.** —The Central Pollution Board, State Pollution Control Boards, Pollution Control Committees, Commission for Air Quality Management and Integrated Regional Offices of the Ministry of Environment, Forest and Climate Change, in their respective jurisdictions, through their authorized Officers, or any other persons, may file a complaint in Form-I through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under sections 7, 8, 9, 10 and 11 of the Act.

**4. Holding of Inquiry.** — (1) For the purpose of adjudication under section 15C of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer within thirty days from the date of receipt of the complaint shall, issue a notice in Form-II to such person requiring him to show cause within such period as may be specified in the notice (being not less than fifteen days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised legal representative, the contravention, committed by such person and the provision of the Act, in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence under Form-III as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bhartiya Sakshya Adhinyam, 2023 (47 of 2023).

(6) While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may by order in writing, impose such penalty under the Act as he considers reasonable.

(9) Every order made under sub-rule (8) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of cost to the complainant and the person against whom the inquiry was held.

(11) The adjudicating officer shall complete the proceeding within six months from the issuance of the notice to the opposite party.

(12) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner,-

- (i) by delivering or tendering it to that person or his authorised representative; or
- (ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or
- (iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

5. Transfer of complaint.- (1) If the adjudicating officer is of the view or it is made to appear that he does not have jurisdiction to entertain any complaint under these rules, he shall transfer the matter to the adjudicating officer concerned within fifteen days of the receipt of such complaint or information made to him after reasons to be recorded in writing.

(2) The adjudicating officer to whom such case is transferred shall proceed with the inquiry from the stage it is transferred to him.

6. Factors to be considered while determining quantum of penalty.- The adjudicating officer, while adjudicating the quantum of penalty shall have due regard to all or any the following factors in addition to factor stated in sub-section (4) of section 15 C of the Act, namely:

- (a) place of operation of project;
- (b) size of the project whether large, medium or Small;
- (c) category of industry;
- (d) type of contravention or violation such as,-
  - (i) working without prior environment clearance as required under the notification number S.O 1533(E) dated the 14<sup>th</sup> September, 2006 issued under the Act;
  - (ii) non-compliance of environmental safeguards and standards prescribed under the Act;
  - (iii) violation of conditions of environment clearances granted under the notification referred to in sub-section
  - (iv) non-compliances of orders or directions;
- (e) quantum of deviation or contravention from the standard prescribed under the Act;
- (f) health impacts or loss likely to be caused;
- (g) undue gain or benefit derived out of contravention or non-compliance;
- (h) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the contravention or non-compliance;
- (i) the repetitive nature of the contravention or non-compliance;
- (j) any other factor as may be considered by the adjudicating officer to be relevant for the protection of environment.

7. Extension of time. —The adjudicating officer may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable.

8. Order and penalties. —(1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Environment Protection Fund established under 16 of the Act.

## FORM I

(see rule 3)

To,

The Adjudication Officer

.....

1. Particular of complainant: -

(a) Name:

(b) Address for service:

(c) Contact No:

(d) Email (for service):

2. Particulars of complaint: -

(a) Date, time and instance of commission of the alleged contravention:

(b) Statement of contravention setting out all relevant material particulars:

(c) Evidence in support of the statement:

(d) Tentative amount of damage (in pecuniary terms) with cost break-up.

I/We....., the complainant.....herein declare that the facts stated herein are correct to the best of my/our knowledge.

3. Name and Signature of the Complainant:

**Note.** – Strike out whichever is not applicable.**Form -II****[See sub- rule (1) of rule 4]**

To

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**SHOW CAUSE NOTICE****Sub: Contravention of the Environment Protection Act, 1986.**

Sir/Madam,

As per the complaint received in Form-I dated \_\_\_\_\_(copy enclosed), contravention has been committed under section ----- of the Environment(Protection) Act, 1986 in .....

2. The above contravention is liable for penalty. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under the Environment (Protection) Act, 1986 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act .

Adjudicating Officer

(Name and seal of the office)

FORM-III	
Furnishing of document or evidence by or on behalf of the contravener	
[See sub-rule (5) of rule 4]	
To Adjudication Officer ..... ..... .....	
1.	I/We, ..... ..... ..... hereby give a counter statement to the complaint made in Form-I  The grounds in which the counter statement is made are as follows: - ..... .....
2.	Complete address including postal index number/code and state along with mobile number and e-mail.
3.	Signature of the contravener or his authorised representative:
4.	Name of the person along with mobile number who has signed.

[F. No. IA-Z-11013/20/2022-IA-II(IND-I)]

VED PRAKASH MISHRA, Jt. Secy.

- 20 -

No. STE-A(3)-17/2025  
Government of Himachal Pradesh  
Department of Environment, Science Technology & Climate Change

From

To The Secretary (Env.Sci.Tech.&CC) to the  
Government of Himachal Pradesh

To

Ed. Advocate General,  
Himachal Pradesh, Shimla-171001.

Subject:

Dated: Shimla-2, the 10-12-2025.  
**Original Application No. 294/2025-News Item titled "From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump appearing in The Economic Times dated 30.05.2025.**

Sir,

I am directed to invite to your attention to the OA No. 294/2025 on the subject cited above and to say that the Hon'ble NGT vide order passed on 13.11.2025 (copy enclosed) in aforesaid matter has given directions in para 12 & 13 as under:-

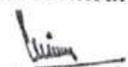
"... 12. The Chief Secretary, Government of Himachal is directed to file an affidavit of his own or through duty authorized officer mentioning in detail action taken for compliance with the Solid Waste Management Rules, 2016 in district Kullu.

13. The Chief Secretary, Government of Himachal Pradesh is also directed to issue appropriate instructions to the Adjudicating officer for taking suo moto cognizance of contravention of the provision of the Act, Rules, Orders and directions and take appropriate action for imposition of penalty on concerned government departments/officers as well as private violators and give relevant details in the affidavit to be filed as mentioned above...".

In this context, it is intimated that the same matter is also under adjudication before the Hon'ble High Court in CWPIIL No. 36/2025-titled as Court on its motion Vs. State of HP & ors. and the matter is listed on 02-03-2026.

Keeping in view of above, it is requested to apprise the Hon'ble Court on the next date of hearing that the proceedings before the NGT be stayed, as the matter is already under adjudication before the Hon'ble High Court Shimla on the same issues.

Yours faithfully,

  
 (Satpal Dhiman)  
 Additional Secretary (Env. Sci. Tech.&CC) to the  
 Government of Himachal Pradesh  
 Phone No. 0177-2621874

To,

The Adjudicating Officer,  
-Cum-Secretary, Environment, Science & Technology & CC,  
Govt of HP Shimla-2

**Subject:** Complaint under Section 15 and 15-B of the Environment (Protection) Act, 1986 for contravention of its provisions of Solid Waste Management Rules, 2016.

**1. Particulars of the Complainant:-**

**a) Name and Address of the Complainant :**

Sunil Sharma, Regional Officer, H.P. State Pollution Control Board, HIMUDA Shopping Complex, Hall No. 5, Beasa More, Kullu, Distt. Kullu HP. Contact No. +91 98171-80663, E-mail ID [pcbokullu1@gmail.com](mailto:pcbokullu1@gmail.com).

**b) Name and Address of the Contraveners/Respondents :**

i) Sh. Ghanshyam Sharma, Member Secretary, Special Area Development Authority, Manikaran-cum-Town & Country Planner, Town & Country Planning Office, Kullu at Sarwari near Bus Stand Kullu- HP. 175101. Contact no- 7018157452, E-mail ID [tepkullu@hotmail.com](mailto:tepkullu@hotmail.com)

ii) Sh. Gaurav Malik, M/s Lakshay Total Solutions, Head Office: Shop No. 163, Agro Mall, First Floor, Rohtak-124001. Contact No. 9711178318 E-mail ID [tsservice@gmail.com](mailto:tsservice@gmail.com).

**2. Particulars of the complaint:-**

- I. That the complainant is the HP State Pollution Control Board, a statutory body constituted under Water (Prevention and Control of Pollution) Act 1974 and having regulatory powers under Water Act, 1974, Air Act, 1981 and Solid Waste Management Rules, 2016 notified under Environmental Protection Act, 1986. The complaint is being filed through Regional Officer, HPSPCB, Kullu who is duly authorized to file the complaint before the Adjudicating Officer under the Environment (Protection) Act, 1986. Copy of office order dated 15-03-2025

✓

authorizing the Regional Officers, HPSPCB to file the complaint is annexed as **Annexure C-1.**

- II. That the respondents / contraveners are the SADA Manikaran and its contractor who are responsible for collection and scientific disposal of solid waste in Kasol area under Solid Waste Management Rules, 2016.
- III. That the inspection of Kasol and Manikaran area was conducted by the Junior Environmental Engineer of Regional Office, Kullu on 24-05-2025 and during inspection huge quantity of mixed solid waste was found dumped in forest area along the road leading to village Grahana causing foul smell in the vicinity in violation to the Solid Waste Management Rules, 2016. As the area in question falls within the jurisdiction of SADA Manikaran accordingly a show cause notice was issued on 28-05-2025 to the SADA Manikaran with a direction to clear the said solid waste dumping hot spot at Grahana village road and dispose off all waste in scientific manner through authorized facility, ensure 100% collection of solid waste to make the area littering/dumping free and process all the waste on daily basis in scientific manner, ensure compliance of Solid Waste Rules and Plastic Waste Management Rules, 2016. Copy of show cause notice dated 28-05-2025 is annexed as **Annexure-C-2.**
- IV. That thereafter the spot was again inspected by the Regional Officer, HPSPCB Kullu on 02-06-2025 alongwith stakeholders departments i.e. Member Secretary, SADA Manikaran, Range Forest Officer Kasol and Supervisor of SADA contractor in view of the video went on viral on social media platform regarding dumping of solid waste near Kasol wherein workers of SADA Manikaran were found lifting the dumped solid waste from the spot located along the road leading to village Grahana. However mixed solid waste was found dumped at the proposed MRF facility, Kasol. On the basis of joint inspection on 02-06-2025 the SADA Manikaran was directed to lift and process the dumped waste from the spot within 07 days and dispose off the same through authorized facility in a scientific manner. Copy of proceedings of joint inspection is annexed as **Annexure C-3.**

- V. The State Board vide order dated 12-06-2025 (**Annexure-C-4**) has imposed an Environmental Compensation of Rs 1 Lakh upon the SADA Manikaran as per the orders dated 29-07-2013 passed by Hon'ble NGT in OA No. 256/2013 for dumping of mixed solid waste in the forest area along the road leading to the village Grahan. The SADA Manikaran has deposited the Environmental Compensation of Rs 1 lakh and informed the State Board vide letter dated 16-06-2025, copy annexed as **Annexure C-5**.
- VI. That vide letter dated 16-06-2025 (**Annexure C-6**) a reply to the show cause notice dated 28-05-2025 was received from the Member Secretary, SADA, Manikaran-cum-TCP Planner, Kullu wherein following was stated:-
- (i) *Earlier the site in question was allotted on temporary basis to the contractor i.e. M/s Lakshay Total Solution for collection and segregation of garbage on verbally basis by the Forest Department with the consent of concerned Gram Panchayat Kasol.*
  - (ii) *After receiving the complaint against the contractor for non-disposal of garbage waste, showcause notice dated 22.05.2025, 23.05.2025 & 27.05.2025 were issued to the contractor for non-segregation of garbage from old Kasol Bridge to Material Recovery Facility (MRF) site (SWM Plant) and to segregate the legacy waste and removal of the same and clearing the site. Further, the penalties as per condition of the tender document are being imposed for non-satisfactory performance on contractor. The garbage was segregated and thereafter the segregated waste (RDF) has been transported to Cement Factory at Bagha, Tehsil Arki, District Solan HP.*
  - (iii) *The plastic item waste segregated from the legacy waste has been sent to the scrap vendors by the contractor. Thereafter, the remaining legacy waste has been shifted to the proposed Solid Waste Management Plant, Kasol. The in-principal approval for diversion of forest land measuring area 0.1982 hac. In favour of Block Development Officer, Kullu has been conveyed by the Deputy Inspector General of Forest (C) Ministry of Environment, Forest & Climate Change. New*

*Delhi vide letter dated 22-11-2024 for proposed Solid Waste Management Site, Kasol.*

- (iv) *The temporary site has now been cleared and no waste has been kept in open space and the legacy waste stands transported to the proposed Solid Waste Management Plant, Kasol. Further, SADA, Manikaran has already released Rs. 30 Lacs in favour of Block Development Office, Bhunter for construction of proposed Solid Waste Management Plant, Kasol vide letter dated 01.05.2025.*
- (v) *Now, SADA, Manikaran has already stopped the garbage collection work till the proposed Solid Waste Management Plant, Kasol is fully established. Further, necessary steps for removal of legacy waste are being taken with the co-ordination of other departments and concerned Gram Panchayats.*
- VII. The inspection of the site was again conducted by the Officials of the Regional Officer, HPSPCB, Kullu on 18-06-2025 and 01-07-2025 wherein it was found that SADA Manikaran has not completely lifted the waste from the alleged spot and traces of inert waste found lying at site. The waste was also found dumped at the proposed site of MRF facility, Kasol. On the basis of inspection dated 18-06-2025 SADA Manikaran was again directed vide letter dated 21-06-2025 to take immediate action to comply with directions of State Board and scientifically process the remaining dumped solid waste and submit the detail of quantum of processed /disposed solid waste within 7 days. copy of State Boards letter dated 21-06-2025 is annexed as **Annexure C-7**.
- VIII. That since, the SADA Manikaran had not completely lifted the waste from the site, therefore the State Board, vide letter dated 01-08-2025, again imposed the Environmental Compensation of Rs. 1,90,000/- upon the SADA Manikaran for continuous violation from 25-5-2025 to 01-07-2025 as per methodology approved by the Hon'ble NGT in OA No. 593/2017. Copy of order dated 01-08-2025 is annexed as **Annexure C-8**. The SADA Manikaran vide letter dated 20-08-2025 has informed that Environmental Compensation has been deposited with the State Board. Copy of letter dated 20-08-2025 is annexed as **Annexure C-9**. lv

- IX. That, thereafter Kasol area was inaccessible from the month of July to September 2025, due to continuous rainfall and cloudburst in district Kullu and the closure of road leading to Kasol near Jachhani. Hence, the Officials of Regional Office, HPSPCB, Kullu could not conduct the inspection during this period.
- X. That the re-inspection of the Special Area Development Authority, Manikaran was conducted by the Regional Office, HPSPCB, Kullu on dated 14.10.2025, 05.12.2025 & 06.12.2025 and during the course of the inspection, following observations were made;

*Observations on inspection dated 14.10.2025;*

1. The SADA, Manikaran has not completely lifted the legacy waste from the alleged spot. Traces of waste were still found lying at the site; however, no fresh dumping was observed during the inspection.
2. The construction work of retaining wall was going on at the alleged spot.
3. The waste dumped near the proposed Material Recovery Facility, Kasol has not been processed till date.
4. The construction work of the Material recovery facility, Kasol was found to be at initial stage. Foundation pits for the column were found excavated and construction material was lying at the site. **(Photographs taken during the inspection are enclosed as Annexure-C-10).**

*Observation on inspection dated 05.12.2025 & 06.12.2025;*

1. Legacy waste at the alleged spot was lifted, but littering was observed in surrounding area of alleged spot and construction work of SHEP project was observed at alleged spot.
2. The waste dumped near the proposed MRF site remained unprocessed.
3. MRF construction was at a very initial stage (only the column has been provided at the site).
4. The inspection of the littering hotspots in SADA, Manikaran area was conducted on 06.12.2025 and during the course of the inspection, dumping of solid waste has been observed at various locations near Kasol Entrance, Old Kasol Bridge

(Graham Road), MDR-29 near NHPC Colony, Manikaran Bus stand all along the bank of river Parvati. The photographs taken during the inspection are enclosed as **Annexure-C-11.**

In view of the above observations a show cause notice dated 22-12-2025 has been issued to the Member Secretary, SADA-cum-Town & Country Planner, HP & TCP Kullu. The copy of the show cause notice dated 22-12-2025 is enclosed as **Annexure-C-12.**

- XI. That the Hon'ble NGT has also registered a suo moto Original Application No. 294/2025 on the basis of news item published in 'The Economic Times' dated 30-05-2025. The Hon'ble NGT vide order dated 13-11-2025 passed directions to the Adjudicating Officer to initiate inquiry under Environment Protection Act, 1986. The copy of news item and copy of order dated 13-11-2025 are annexed as **Annexure C-13 and Annexure C-14.**
- XII. That the aforesaid act and omission on the part of the respondents tantamount to violation of provisions of the Environment Protection Act, 1986 and are liable for imposition of penalty specified in the said Act after conducting an inquiry.
- XIII. Evidence in support of statement :  
Notices issued to the SADA Manikaran from time to time along with photographs and replies submitted by the SADA Manikaran.
- XIV. Tentative amount of damage in financial terms :  
The Contraveners/Respondents may be penalized for maximum penalty as provided under section 15(1) and 15-B of Environmental Protection Act, 1986. The contraveners may also be penalized for additional penalty of continuous contravention from the first violation observed on 24-5-2025 provided under section 15(2) of Environmental Protection Act, 1986 as the authority deemed fit. ✓

**Relief Sought:**

-27-

7

In view of the submissions made above, it is prayed that Inquiry against contraveners/respondents may kindly be initiated under Sections Section 15 and 15-B of the Environment (Protection) Act, 1986 and maximum penalty may be imposed for violations committed by the violators.

**DECLARATION:**

I, Sunil Sharma, Regional Officer, HPSPCB, Kullu the complainant herein declare that the facts stated herein are correct to the best of my knowledge and belief.



**Complainant**  
**Regional Officer,**  
HPSPCB Kullu District Kullu HP

Dated: 23/12/2025

Place: Kullu

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

Him Parivesh, Phase III, NEW SHIMLA-171 009.

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**No. HPPCB/Amendments in Env Laws/2024- 19701-19721**  
**Dated: 15/03/25**

**OFFICE ORDER**

The Government of India has introduced certain amendments in Environment (Protection) Act, 1986 and Air (Prevention and Control of Pollution) Act, 1981 with effect from 01.04.2024 by way of separate notifications passed under the Jan Vishwas (Amendment of Provisions) Act, 2023. Similar amendments have also been inserted in Water Act, 1974, with effect from 15.02.2024.

Under these amendment Acts, the Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 and Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 were notified by the Central Government. Subsequently, under the power given under the relevant sections of these Acts, the Central Government has appointed the Secretary-in-charge of the Environment Departments of the State Governments/UTs as the 'Adjudicating Officer'. Under Rule-3 of these rules, the complaint has to be filed by an authorised officer before the Adjudicating Officer w.r.t. their respective area of jurisdiction for levy of penalty under the provisions of the above referred Acts.

Now, consequent to above amendments in the Air Act, Water Act, Environment (Protection) Act and rules made thereunder and in reference to letter no. D.O. No. Q-15012/1/2022-CPW dated 14.02.2025 received from the Joint Secretary, MoEF & CC, Govt. of India, the Regional Officer(s) and Laboratory-in-charge(s) of the H.P. State Pollution Control Board are hereby authorised to file complaints under Rule 3 of the above mentioned Rules, of their respective area of jurisdiction. Regarding the matters pertaining to the Head Office of the State Board, the Incharge, Consent-cum-Regulatory Branch is hereby authorised file complaints under these rules. The authorised officers

shall be assisted by the Legal Cell, HPSPCB during the hearing of complaints.

-sd-

**Anil Joshi, IFS  
Member Secretary,  
HPSPCB, Shimla.**

**Copy to following for information and necessary action :-**

1. Joint Controller (F&A), Assistant Controller (F&A), HQ, HPSPCB.
2. Incharge, Consent-cum-Regulatory Branch, HPSPCB, HQ, Shimla.
3. All Regional Officers of HPSPCB at Shimla, Kullu, Hamirpur, Chamba, Rampur, Parwanoo, Bilaspur, Baddi, Mandi, Paonta Sahib, Dharamshala, Una, H.P.
4. All Lab-in-charge(s) of HPSPCB.

Signed by

Anil Joshi

Date: 13-03-2025 14:35:05

**Anil Joshi, IFS  
Member Secretary,  
HPSPCB, Shimla.**



**H.P. STATE POLLUTION CONTROL BOARD**  
 Regional Office: HIMUDA Shopping Complex, Hall No-5, Beasa Moar Kullu,  
 Tehsil & Distt-Kullu-175101(HP), Phone: 01902-223149  
 Website: <http://hppeb.nic.in> E-mail: [pcbokullu1@gmail.com](mailto:pcbokullu1@gmail.com)



No- PCB/RO Kullu/(1641)/MSWM/Vol-II/Kullu/2025 378-84

Dated: 22.05.2025

To

**The Town & Country Planner -cum- Member Secretary,**  
 Special Area Development Authority, Manikaran.  
 Distt. Kullu (H.P.)

**Sub: - Show Cause Notice under the Water (Prevention and Control of Pollution) Act, 1974 for non-compliance of the Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016 and Environment (Protection) Act, 1986.**

Whereas, inspection of Kasol & Manikaran area was conducted by the JEE of this office on dated 24.05.2025 w.r.t. check the status of solid waste management in SADA area and in view of the directions issued in the Hon'ble High Court order in CWPII No. 269/2017. During the course of inspection, it has been observed that solid waste was found littered/dumped along the river Parvati and forest area at various locations which indicate that there is no 100% collection of the solid waste. In addition to this huge dumping of mixed solid waste has been carried out by the contractor of SADA in the forest area along the road leading to the Village Grahan which cause foul smell in the vicinity and may deteriorate the water quality of Grahan Nallah. (Photographs are enclosed as Annexure-1). The aforesaid act is the gross violation in the Water (Prevention & Control of Pollution) Act, 1974 & Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016 & Environment (Protection) Act, 1986.

Whereas, as per the **Rule-3(w)** of Plastic Waste Management Rules, 2016 that "local body" means urban local body with different nomenclature such as municipal corporation, municipality, nagar palika, nagar nigam, nagar panchayat, municipal council including notified area committee (NAC) and not limited to or any other local body constituted under the relevant statutes such as gram panchayat, where the management of plastic waste is entrusted to such agency.

Whereas, as per the **Rule-6(1)** of Plastic Waste Management Rules, 2016 that Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.

(2) The local body shall be responsible for setting up, operationalization and co-ordination of the waste management system and for performing the associated functions, namely: -

- (a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste.
- (b) ensuring that no damage is caused to the environment during this process.
- (c) Ensuring channelization of recyclable plastic waste fraction to recyclers.
- (d) Ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board.
- (e) Creating awareness among all stakeholders about their responsibilities.
- (f) Engaging civil societies or groups working with waste pickers.
- (g) Ensuring that open burning of plastic waste does not take place.

Whereas, as per the **Rule-20** of Solid Waste Management Rules, 2016 the duties and responsibilities of the local authorities shall be the same as mentioned in **Rule-15** with the additional clauses as under;

(c) Local body shall frame Bye-laws and prohibit citizen from littering wastes on the streets and give strict direction to the tourists not to dispose any waste such as paper, water bottles, liquor

bottles, soft drink cans, tetra packs, any other plastic or paper waste on the streets or down the hills and instead direct to deposit such waste in the litter bins that shall be placed by the local body at all tourist destinations.

(d) Local body shall arrange to convey the provisions of solid waste management under the bye-laws to all tourists visiting the hilly areas at the entry point in the town as well as through the hotels, guest houses or like where they stay and by putting suitable hoardings at tourist destinations.

(e) Local body may levy solid waste management charge from the tourist at the entry point to make the solid waste management services sustainable.

Whereas, this office has already endorsed copy of notices issued to Gram Panchayat Kasol & Manikaran to implement the Solid Waste Management Rules, 2016 & Swachh Bharat Mission guidelines in aforesaid Gram Panchayats, but despite of this no compliance has been made and submitted by you till date.

Whereas, above mentioned facts tantamount to the provisions of above mentioned Act constituting with cognizable offence punishable under:

- ❖ Section 41, 43 and 44 of the Water (Prevention and Control of Pollution) Act, 1974 attracting fines not be less than **ten thousand rupees**, but which may extend to **fifteen lakh rupees** and where such contravention continues, he shall be liable to pay an additional penalty of **ten thousand rupees every day during which such contravention continues**".
- ❖ Section 49 of the Water (Prevention and Control of Pollution) Act, 1974 empowers the State Board to file criminal complaint against the violators in the Court of Judicial Magistrate (1<sup>st</sup> Class) for non-compliance of provisions of these acts.
- ❖ Environment Compensation as per Hon'ble NGT order on dated 29.07.2013 in O.A. No. 256 of 2013 titled Abhishek Rai V/s State of HP. & Ors & in OA No. 606/2018.
- ❖ Section 15 of the Environment (Protection) Act, 1986 attracting fines not is less than **ten thousand rupees**, but which may extend to **fifteen lakh rupees** and where such contravention continues, he shall be liable to pay an additional penalty of **ten thousand rupees every day during which such contravention continues**".

In view of all above, it is required to take action in compliance to above mentioned Rules and Acts and you are hereby directed to show cause as to why the action proposed above shall not be initiated against you and submit the compliance report within **15 days** on the following;

1. Clear the aforesaid solid waste dumping hotspots at Grahan village road and disposed off all waste in a scientific manner through authorized facility.
2. Ensure 100% source segregation as well as 100 % collection of solid waste to make the area littering/dumping free and process all the waste on daily basis in scientific manner.
3. Ensure compliance of the Rule-6 of Plastic Waste Management Rules, 2016 & Rule-20 of Solid Waste Management Rules, 2016.
4. Ensure that there will be no solid waste burning in your area of jurisdiction.

In case of non-compliance the State Board is bound to initiate the action under Water Act, 1974, Environment (Protection) Act, 1986 and w.r.t. to the directions issued by the Hon'ble NGT in order in O.A. No. 606 of 2018, O.A. No. 256 of 2013 and OA. No. 593/2017, against you at your risk and cost.

(Er. Sunil Sharma)

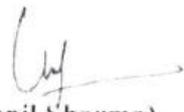
Regional Officer, HPSPCB, Kullu

O/c

Copy to:

1. The Member Secretary, HPSPCB, Shimla-09 for information and necessary action please.
2. The Deputy Commissioner, Kullu for information and necessary action please.
3. The Divisional Forest Officer, Parvati at Vill. Shamshi, Tehsil Bhuntar, Distt. Kullu (H.P.) for information and with a request to take strict action against the violator for dumping of solid waste in forest area please.
4. The Block Development Officer, Bhuntar Distt. Kullu (H.P.) for information and with a request to implement the swachh bharat mission guidelines in the aforesaid Gram Panchayats and also

- submit the action plan w.r.t. construction and operation of Material Recovery facility proposed at Kasol within 15 days to this office please.
5. The Pardhan Gram Panchayat, Kasol, Distt. Kullu (H.P.) for information and with directions to ensure the 100% collection of solid waste to make area littering free and clear the aforesaid hotspot along with SADA immediately and submit the action plan w.r.t. solid waste management facility.
  6. The Pardhan Gram Panchayat, Manikaran, Distt. Kullu (H.P.) for information and with directions to ensure the 100% collection solid waste to make area littering free and clear the littering/dumping hotspots of the area immediately and submit the action plan w.r.t. solid waste management facility.

  
(Er. Sunil Sharma)

Regional Officer, HPSPCB, Kullu.  
o/c 

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Annexure- C-3

Proceedings of the spot inspection held on 02.06.2025 at 02:30 PM w.r.t. the "Dumping of Solid Waste near Kasol in reference to video went viral on social and online media platforms".

In view of the video went viral on social media and online platforms w.r.t dumping of solid waste near Kasol, the Regional Officer, HPSPCB, Kullu conducted spot inspection along with concerned stakeholder departments on 02.06.2025 at 02:30 PM. The details of the officers/officials & representatives were present in the spot inspection is enclosed as Annexure-1.

Further, during the course of inspection following observations were made:

1. The workers of SADA, Manikaran were found lifting the dumped Solid Waste from the spot located along the road leading to village Garahan and 3 Nos of tippers were standing near the spot to lift the material.
2. The mixed solid waste was found dumped at the proposed Material Recovery Facility, Kasol and it was also observed that some dumped waste at proposed Material Recovery Facility was found covered with sand. (The Photographs taken during the joint inspection are enclosed as Annexure-1).

Further, the Regional Officer, HPSPCB, Kullu asked all the representatives of concerned departments to submit their response/feedback w.r.t. the aforesaid violations observed during inspection. The following responses/feedbacks were submitted by the officers of concerned departments:

1. **Sh. Ghanshyam Sharma, Member Secretary, SADA, Manikaran-cum-Town & Country Planner, TCP, Kullu** informed that the solid waste dumped at this spot is being lifted and 02 Nos of trucks approx.. 3-4 ton compressed solid waste sent by them to the cement plant i.e. M/s Ultratech Cement Plant at Baga and the remaining waste has been stored by them in open area at proposed/ allotted MRF site. He further apprised that the some portion of recyclable solid waste was sold out by the contractor to the local vendors/Kavaris.
2. **Sh. Jog Raj Sharma, Range Officer, Kasol, Forest Department** apprised that he has filed FIR (First Information Report) against the SADA, Manikaran in Police Station, Manikaran for dumping waste in forest area. He further apprised that he will also issue D.R. (Damage Report) of SADA, Manikran for damaging the forest area soon.

In view of the violations observed at the site and feedback submitted by the officers of the concerned departments, the Regional Officer, HPSCB, Kullu issued following directions:

1. The Member Secretary, SADA, Manikaran-cum- Town & Country Planner, TCP, Kullu shall submit the compliances on the following points:

- Completely lift & process the dumped solid waste from the spot immediately within 7 days and dispose the same through the authorized facility in a scientific manner.
- Submit the report w.r.t. quantum of waste with end disposal proof i.e. receipt of lifted solid waste processed at Cement Plant and also submit detailed action plan to process the waste dumped at the proposed Material Recover Facility, Kasol within 7 days positively.
- Submit the reply of the Show Cause Notice already issued by the undersigned vide letter no. 378-84 dated 28.05.2025 in view of the inspection already conducted by the JEE of this office on dated 24.05.2025 within 07 days positively.
- Ensure that no Solid Waste shall be littered/ dumped in any water body & forest area.
- Ensure collection, transportation and disposal of daily incoming waste of SADA Manikaran area in scientific manner.

**Action By: Member Secretary, SADA, Manikaran-cum- Town & Country Planner, TCP, Kullu.**

2. The Range Officer, Kasol, Forest Department shall ensure that there will be no littering/ dumping of waste in forest area and take strict action against violators as per the Forest Conservation Act, 1980.

**Action By: Range Officer, Kasol, Forest Department.**

3. The Block Development Officer, Bhuntar shall submit the action plan w.r.t construction and operation of Material Recovery Facility proposed at Kasol within 7 days positively.

**Action By: Block Development Officer, Bhuntar.**

W

474

All above officers/departments shall strictly comply with the aforesaid directions and ensure to submit the report within the 07 days positively.



Er. Sunil Sharma,  
Regional Officer,  
HPSPCB, R.O. Kullu  
o/c

Endst. No. PCB/RO Kullu/1641/MSW/VOI-II/2025- 2154-6)

Dated- 25-6-2025

**Copy forwarded to the following:**

1. The Member Secretary, HPSPCB, Shimla (H.P.) for information please.
2. The Deputy Commissioner, Kullu, Distt. Kullu (H.P.) for information and necessary action please.
3. The Divisional Forest Officer, Parvati at Shamshi, Distt. Kullu for information and necessary action please.
4. The Block Development Officer, Bhuntar, Distt. Kullu (H.P.) for information and compliances please.
5. The Member Secretary, SADA, Manaikaran-cum- Town & Country Planner, TCP, Kullu (H.P.) for information and compliances please.
6. The Range Officer, Kasol, Forest Department, Distt. Kullu (H.P.) for information and compliances please.
7. The Secretary Gram Panchayat, Kasol & Manikaran, Distt. Kullu (H.P.) for information and compliances please.
8. Case file.



Er. Sunil Sharma,  
Regional Officer,  
HPSPCB, R.O. Kullu  
o/c

w2

475

Annexure-1

Attendance sheet of Joint inspection of Spot w.r.t. "Dumping of solid waste near Kasol in reference to video wet viral on social media and online platform" on dated 02.06 2025 at 02:30 PM

Sr No.	Name of Representative	Designation/Organization	Contact No.	E-mail ID	Signature
1.	Maharaj	Supervisor, Lab Station Solid Waste CCADAP, Kasol	82155-27467		None
2.		Pragna Prasad	7018280756		
3.		ACC, HPSPCB, Kasol	9817180663		
4.		JCC, HPSPCB, Kasol	98166-59190		
5.			941110287		
6.					
7.					
8.					
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10.					
11.					
12.					
13.					
14.					
15.					

Annexure C-4

**REGD. POST**



**HP State Pollution Control Board**  
HIM Parivesh Bhawan, Phase-III, New Shimla-09  
Phone No. 0177-2673766, 2673020 FAX-0177-2673018



सत्यमेव जयते  
ONE EARTH - ONE FAMILY - ONE FUTURE

No. HPSPCB/MSW/ SADA, Manikaran (Kullu) /2025 - <sup>3560-62</sup> Dated: 12/08/2025

**Environmental Compensation for violation of provisions under Water (Prevention & Control of Pollution) Act, 1974 and Hon'ble NGT Order O.A. No. 256 (THC) of 2013 titled as Abhishek Rai vs State of H.P. & Ors. reg**

To,  
**The Member Secretary SADA Manikaran -cum-T&C Planner,  
TCP Kullu, District-Kullu (H.P).**

WHEREAS, as per the report dated 31.05.2025 regarding status of solid waste management is received from Regional Officer, HPSPCB, Kullu it has been reported routine inspection of the Manikaran area was conducted on dated 24.05.2025 and during the course of the inspection, it was observed that solid waste was found littered/dumped along the river Parvati and forest area at various locations which indicate that there is no 100% collection of the solid waste. In addition to this huge dumping of mixed solid waste has been carried out by the contractor of SADA in the forest area along the road leading to the Village Grahani which cause foul smell in the vicinity and may deteriorate the water quality of Grahani Nallah

WHEREAS, under the provisions of Solid Waste Management Rules, 2016 you are required to manage and treat solid waste in a proper/ scientific manner but it has been observed that SADA Manikaran has not taken corrective steps for scientific management, handling and disposal of waste.

Hon'ble National Green Tribunal has passed the following order on 29-07-2013 in the matter of Abhishek Rai vs. State of HP & Ors."

*..... We also direct all the authorities concerned to keep a strict vigil to prevent throwing of municipal solid waste, untreated sewage, effluent or other material/construction material into river Beas. Who so ever is found to be throwing or dumping any such material, effluent etc. directly or indirectly into the river Beas or its tributaries or even at its banks, will have to pay a sum of Rs.1.00 lakh as compensation for causing pollution on the basis of the "Polluter pays principle"...."*

Whereas, under section 33-A of the Water (Prevention & Control of Pollution) Act, 1974, the State Pollution Control Board may in exercise of its powers and performance

of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Therefore, in exercise of powers conferred under Section 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and on the basis of the principal laid down by Hon'ble NGT in O.A No. 256 (THC) of 2013 titled as Abhishek Rai Vis State of H.P. & Ors, Environment Compensation of ₹ 1, 00 000/- (One Lakh only) is hereby imposed on you for illegal dumping of solid waste near the water body on the basis of polluter pays principal.

Therefore, you are hereby directed to deposit the aforesaid amount in the account of Member Secretary, HP State Pollution Control Board, Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM) under intimation to this office within a week's time.

Signed by

Anil Joshi

Date: 10-06-2025 09:01:10

(Anil Joshi, IFS)

*ofc*  
Member Secretary  
HPSPCB, Shimla-9.

Copy to:-

1. The Deputy Commissioner, Kullu for kind information please.
2. The Regional Officer, HPSPCB, Kullu for information and further necessary action.

(Anil Joshi, IFS)  
Member Secretary  
HPSPCB, Shimla-9

SPECIAL AREA DEVELOPMENT AUTHORITY  
MANIKARAN HIMACHAL PRADESH

417

Annexure C-5

No. SADA Manikaran-T-4/2025- 111- 113  
From

Dated:- 16/06/2025

The Chairman,  
SADA Manikaran-Cum-M.L.A.  
Kullu, Himachal Pradesh.

To

Member Secretary  
HPSPCB, Shimla-9.

Dr. No. 697 Date 21-06-2025  
H.P. State Pollution Control Board  
KULLU (H.P.)

Subject:- Environmental compensation for violation of provisions under water (prevention & Control of pollution) Act, 1974 and Hon'ble NST order O.A. No. 256 (THC) of 20132 titled as Abhishek Rai vs State of H.P. & Ors. Reg.

Reference:- Your office letter no. HPSPCB/MSW/SADA, Manikaran (Kullu) 2025-3560-62 dated 12.06.2025.

Sir,

This is with reference to the above cited subject. in this regard it is submitted that the Environment Compensation of Rs. 1,00,000/- (one lakh only) for illegal dumping of solid waste near the water body at Kasol is deposited in the account of Member Secretary, HPSPCB, Bank of Baroda A/c No. 54140100001617 through cheque no. 305606.

This is for your information and further necessary action. please.

Yours Faithfully,

Member secretary, SADA Manikaran  
-cum-Town & Country Planner,  
Divisional Town Planning Office,  
Kullu District Kullu (H.P.)

Copy to:-

1. The Deputy Commissioner, Kullu for information. please.
2. The Regional officer, HPSPCB, Kullu for information. please.

JHJ  
21/06/2025  
FR  
AES  
OCS  
Acc II

21/06/2025

Please update record & sect information to H.O. agency  
update (confirmed) H.O. as attached  
file pls 25/06/2025  
GA

Member secretary, SADA Manikaran  
-cum-Town & Country Planner,  
Divisional Town Planning Office,  
Kullu District Kullu (H.P.)

JHJ  
25/06/2025

(459)

Annexure C-6

**SPECIAL AREA DEVELOPEMNT AUTHORITY  
MANIKARAN**

NO. SADA Manikaran-T-4/2025- 114

Dated:- 16/06/2025

From:-

The Chairman,  
SADA Manikaran-cum- MLA,  
Kullu, Himachal Pradesh.

696

21-06-2025

✓ To

Regional Officer,  
Himachal Pradesh Pollution Control Board,  
District, Kullu, Himachal Pradesh.

**Subject: Show Cause Notice under the Water (Prevention and Control of Pollution) Act, 1974 for non-compliance of Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016 and Environment (Protection) Act, 1986.**

**Reference: Your office Letter No. PCB/RO Kullu/(1641)/ MSWM/Vol-II/Kullu/2025-378-84 dated 28.05.2025.**

Sir,

This is with reference to the letter quoted under reference on above cited subject in this regard it is submitted that the detail of action taken report of SADA in the above said matter is as below:

1. Earlier the site in reference was allocated on temporary basis to the contractor (M/s Lakshay Total Solutions) for collection and segregation of garbage on verbally basis by Forest Department with the consent of concerned Gram Panchayat, Kasol.
2. After the receiving of the complaints against the contractor for non disposal of garbage waste, show causes notices dated 22.05.2025, 23.05.2025 and 27.05.2025 (Copies enclosed) were issued to the contractor for non-segregation of garbage, non-compliance for lifting of garbage from Old Kasol Bridge to MRF site (SWM Plant) and to segregate the legacy waste and removal of the same and clearing the site. Further the penalties as per the conditions of the tender documents are being imposed for non-satisfactory performance on contractor.
3. Accordingly the garbage was segregated and thereafter the segregated waste (RFD) has been transported to Cement factory at Bagha, Teh. Arki, Distt Solan H.P.
4. The plastic item waste segregated from the legacy waste has been sent to the scarp vendors by the contractor. Thereafter the remaining legacy waste has been shifted to the proposed Solid Waste Management Plant, Kasol.
5. The **in principle approval for diversion of forest land measuring area 0.1982 hac. in favor of Block Development, officer Kullu** has been conveyed by the Deputy Inspector General of Forest (C), Ministry of Environment, Forest and Climate Change, New Delhi vide letter dated

Received today

FR

21/06/25

PCB-2

21/06/25

Please put up on file immediately

22/11/2024 for proposed Solid Waste Management Site, Kasol. (C enclosed).

6. The temporary site has been now cleared and no waste has been kept in open space and the legacy waste transported to the proposed Solid Waste Management Plant, Kasol.
7. The SADA Manikaran has already released Rs. 30.00 Lac in favor of Block Development Officer, Bhunter for construction of proposed Solid Waste Management Plant, Kasol vide letter No. **SADA-T-4/2025-18-21** dated 01.05.2025.
8. Now the SADA has already stopped the Garbage collection work till the proposed Solid Waste Management Plant, Kasol is fully established.
9. Further necessary steps for removal of legacy waste are being taken with the co-ordination of other departments and concerned Gram Panchayats.

This is for your information and further necessary action, please.

Yours Faithfully,

Member Secretary SADA Manikaran  
-cum- Town and Country Planner,  
Divisional Town Planning Office,  
Kullu, Himachal Pradesh.

Encls: As Above



**H.P. STATE POLLUTION CONTROL BOARD**  
 Regional Office: HIMUDA, Shopping Complex, Hall No-5,  
 Kullu, Pin-175101 (H.P.) Phone: 01902-223149  
 Website: <http://hppcb.nic.in> e-mail: [pcbokullu1@gmail.com](mailto:pcbokullu1@gmail.com)

Annexure C-7



No.PCB/RO Kullu (1641)/MSWM/Vol-II/Kullu/2025- 2329-3/

Dated: 21.6.2025

To

**The Town & Country Planner, Kullu-cum- Member Secretary,**  
 Special Area Development Authority, Manikaran,  
 At Kullu, Distt. Kullu (H.P.).

**Sub: Regarding unscientific, dumping of Solid Waste at Kasol.**

Sir,

This is in continuation to Show Cause Notice & proceeding issued vide letter no. PCB/RO Kullu(1641)/MSWM/Vol-II/Kullu/2025-378-84 dated 28.05.2025 & Endst. No. PCB/RO Kullu (1641)/MSWM/Vol-II/Kullu/2025-2154-61 dated 05.06.2025 respectively issued by this office to you.

In this context, it is informed that to check the compliance of directions issued through the proceeding as mentioned above, the re-inspection of the alleged spot in forest area along the road leading to Village Grahana was conducted on dated 18.06.2025 by the undersigned and during the course of the inspection, following observations were made:

1. The SADA, Manikaran has not completely lifted the waste from the alleged spot and traces of inert waste found lying at the site and some recyclable waste was found at site packed in garbage bags.
2. The waste was found dumped at the proposed Material Recovery Facility, Kasol and garbage bags were filled with solid waste lying at site.
3. The construction work of Material Recovery Facility, Kasol was found started and foundation pits for column has been excavated at proposed MRF site (**photographs taken during the spot inspection are enclosed as Annexure-I**).

In view of the aforesaid non-compliances and in case of continuous violations non-compliances of the directions issued by the State Board, the Environmental Compensation as per the Hon'ble NGT orders in O.A. No. 593/2017 and others will be calculated from the date of violations observed to till the date of compliance.

Hence, in view of the above, you are hereby directed to take immediate action to comply with the directions issued by the State Board and scientifically process the remaining dumped solid waste and submit the detail of quantum of processed/disposed solid waste within 07 days. In case of any further violations an Environmental Compensation shall be imposed as per the directions issued by the Hon'ble NGT in order in O.A. No. 606 of 2018, O.A. No. 256

of 2013, O.A. No. 593 of 2017 & MA no. 79/2023 of O.A. No. 758 of 2022 against you at your risk and cost.

  
(Er. Sunil Sharma)  
Regional Officer,  
HPSPCB, Kullu

Copy to:

1. The Member Secretary, HPSPCB, Shimla for kind information and necessary action, please.
2. The Deputy Commissioner, Kullu for kind information and necessary action, please.

  
(Er. Sunil Sharma)  
Regional Officer,  
HPSPCB, Kullu

Annexure C-8

REGD.POST

**HP State Pollution Control Board**  
 HIM Parivesh Bhawan, Phase-III, New Shimla-09  
 Phone No. 0177-2673766, 2673020 FAX-0177-2673018



एक स्वास्थ्य - एक परिवार - एक भविष्य  
 ONE HEALTH - ONE FAMILY - ONE FUTURE

No. HPSPCB/MSW/ SADA, Manikaran (Kullu) /2025 -

6822-24

Dated: 01/08/25

Environmental Compensation for violation of provisions under Solid Waste Management Rules, 2016 as per order by Hon'ble NGT in O.A. No. 606/2018.

To,

**The Member Secretary SADA Manikaran -cum-T&C Planner,  
 TCP Kullu, District-Kullu (H.P).**

WHEREAS, as per the report dated 03.07.2025 inspection of the spot near the road leading to Garhan Village on dated 18.06.2025 and 01.07.2025 has been conducted and following observations were made: -

1. **SADA, Manikaran has not completely lifted the waste from the alleged spot and traces of inert waste found lying at site and some recyclable waste was found at site packed in garbage bags.**
2. **The waste was found dumped at the proposed Material Recovery Facility. Kasol and garbage bags filled with sound waste were lying at Site.**

WHEREAS, under the provisions of Solid Waste Management Rules, 2016 you are required to manage and treat solid waste in a proper/ scientific manner but it has been observed that SADA Manikaran has not taken corrective steps for scientific management, handling and disposal of waste.

WHEREAS, the State Board has issued correspondences to SADA Manikaran vide letters dated 28.05.2025, 12.06.2025 and 21.06.2025; however, compliance has not been ensured.

WHEREAS, as per the Solid Waste Management Rules, 2016, Schedule-II, A (a) "... To the extent possible, the waste storage area should be covered. If, such storage is done in an open area, it shall be provided with impermeable base with facility for collection of leachate and surface water run-off into lined drains leading to a leachate treatment and disposal facility..."

WHEREAS, under the provisions of Water (Prevention & Control of Pollution) Act, 1974 Sec. 24 (a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [stream or well or sewer or on land];

WHEREAS, the above acts and omissions tantamount to violation of the provisions of the Environment (Protection) Act, 1986, Water (Prevention & Control of Pollution) Act, 1974, Solid Waste Management Rules, 2016 and the directions

issued by the State Board which is a punishable offence under the said Act/Rules. The said violation also attracts the penal provisions as directed by the Hon'ble NGT in its order dated 28.02.2020 in O.A. No. 606/2018 titled "Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues" WHEREAS, Hon'ble NGT vide order dated 28.08.2019 passed by in O.A. No. 593/2017 titled **Paryavaran Suraksha Samiti V/s Union of India & ors.** approved the methodology for levy of Environmental Compensation on the basis of polluter pays principle on violating units.

WHEREAS, Hon'ble High Court in CWP No. 2369/2018 vide order dated 06.04.2023 has directed all Local bodies not to dispose of garbage/ solid waste illegally along water bodies & ensure proper collection, segregation & disposal but the aforesaid acts of yours also tantamount to violation of said Court orders.

Despite the repeated requests/correspondences and notices issued by the State Board, SADA Manikaran is not complying with the provisions of law and directions issued therein by the Board or the Hon'ble Court. Therefore, Environmental compensation amounting to **₹ 1,90,000 /- (Rupees One Lakh Ninety Thousand only)** is hereby imposed as per the orders of Hon'ble NGT in O.A. No. 593 of 2017 from the date of violation observed i.e., dated 25.05.2025 to 01.07.2025 for above mentioned violation.

Accordingly, you are hereby directed to take corrective measures and deposit Environmental Compensation of **₹ 1,90,000** the aforesaid amounts in the account of Member Secretary, HP State Pollution Control Board, **Bank of Baroda A/c No. 54140100001617 (IFSC Code BARB0NEWSIM)** under intimation to this office within a week's time failing which action under the provisions of Environment (Protection) Act, 1986 and Solid Waste Management Rule, 2016 shall be initiated at your own risk and cost. **Also note, if the violations persists the amount of Environmental compensation shall increase accordingly.**

Signed by

Anil Joshi

(Anil Joshi, IFS)

Member Secretary  
HPSPCB, Shimla-9.

Date: 07/06/2025 14:57:31

Copy to:-

1. The Deputy Commissioner, Kullu for kind information please.
2. The Regional Officer, HPSPCB, Kullu for information and further necessary action.

(Anil Joshi, IFS)  
Member Secretary  
HPSPCB, Shimla-9.

SPECIAL AREA DEVELOPMENT AUTHORITY MANIKARAN  
HIMACHAL PRADESH

(26)

Annexure C-9

No. SADA (Manikaran) T-4 /2025: 156-158

Dated: 20/08/2025

From

The Chairman,  
SADA Manikaran,  
Cum-MI A Kullu.

To

Member Secretary  
HPSPCB, Shimla-9.

By No. 1239 22.8.25  
H.P. State Pollution Control Board  
KULLU (H.P.)

Subject: - Environmental Compensation for violation of provisions under Solid Waste Management Rules, 2016 as per order by Hon'ble NGT in O.A. No. 606/2018.

Reference: - Your office letter no. HPSPCB/MSW/SADA, Manikaran (Kullu)/2025-6822-24 dated 01/08/2025.

Sir,

This is with reference to above cited subject, in this regard it is submitted that the amount in the account of Member Secretary, HPSPCB, Bank of Baroda A/c No. 54140100001617 through Cheque No. 305619 is deposited as a Environment Compensation of Rs. 1,90,000/- (Rupees One Lakh Ninety Thousand Only).

This is for your information and further necessary action, please.

Yours Faithfully,

Member Secretary,  
SADA Manikaran-cum-  
Town & Country Planner,  
Divisional Town Planning Office,  
Kullu Distt. Kullu (H.P.).

Copy to:-

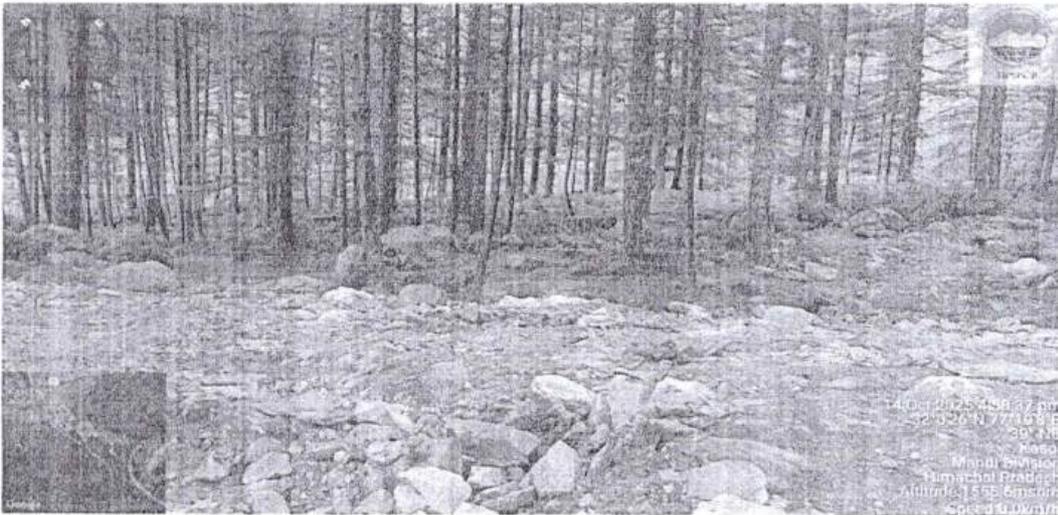
- 1. The Deputy Commissioner, kullu for information, please.
- 2. The Regional officer, HPSPCB, Kullu for information, please.

PR  
AJEE  
ACCH.  
Please check with HO and also get it noted to JEE/2  
22/08/2025

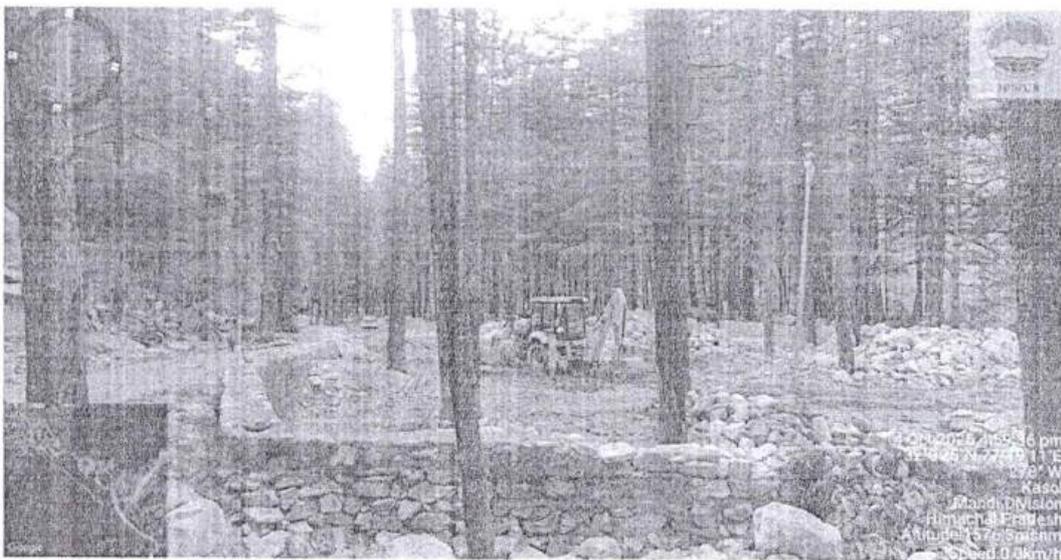
Member Secretary,  
SADA Manikaran-cum-  
Town & Country Planner,  
Divisional Town Planning Office,  
Kullu Distt. Kullu (H.P.).

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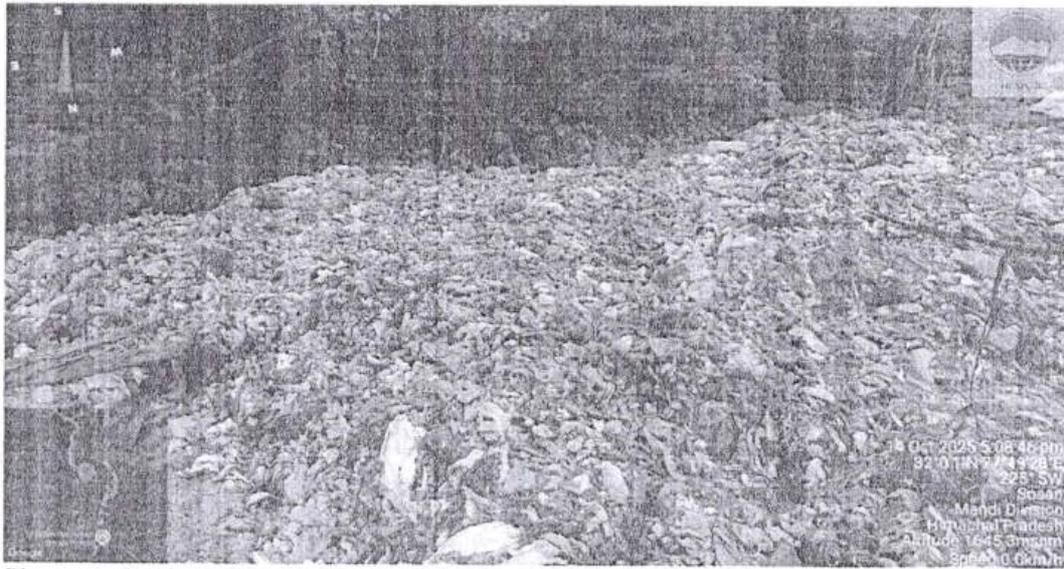
Annexure-C-10



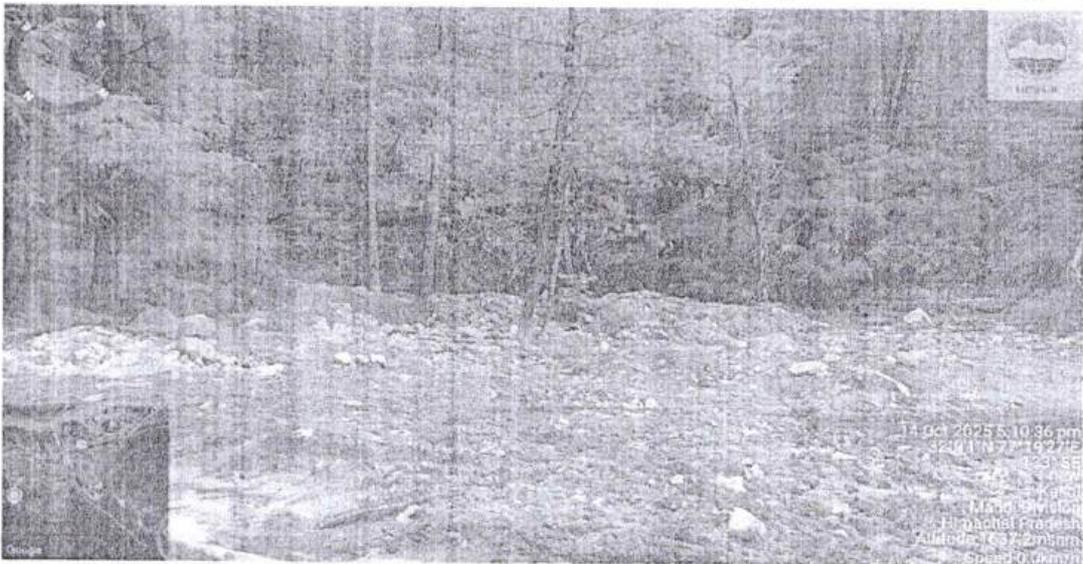
Photograph depicting waste not completely lifted by SADA Manikaran.

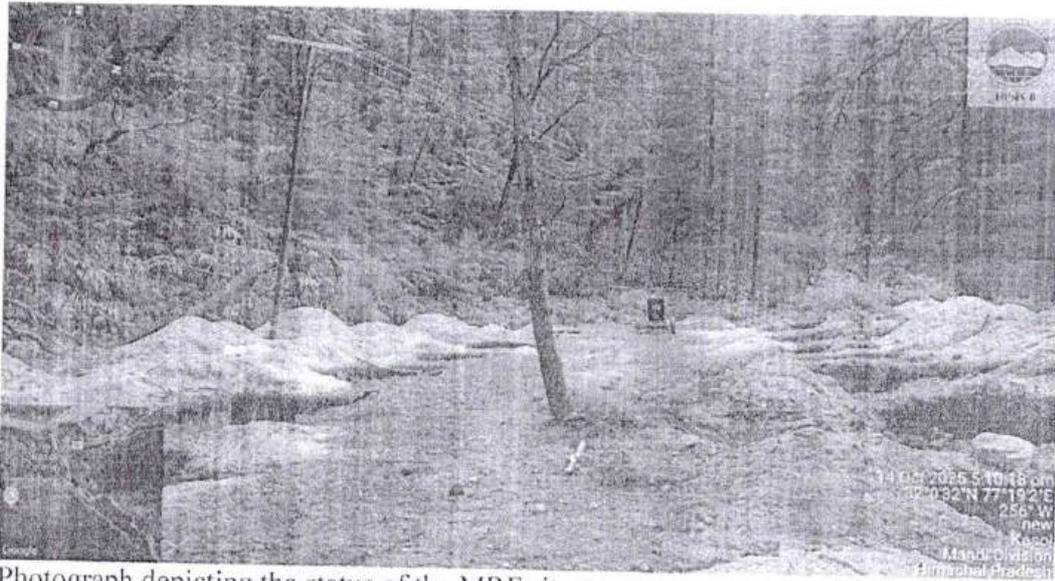


Photograph depicting the construction work carried near the alleged spot.



Photographs depicting the status of the dumped waste near proposed MRF site lying unprocessed.



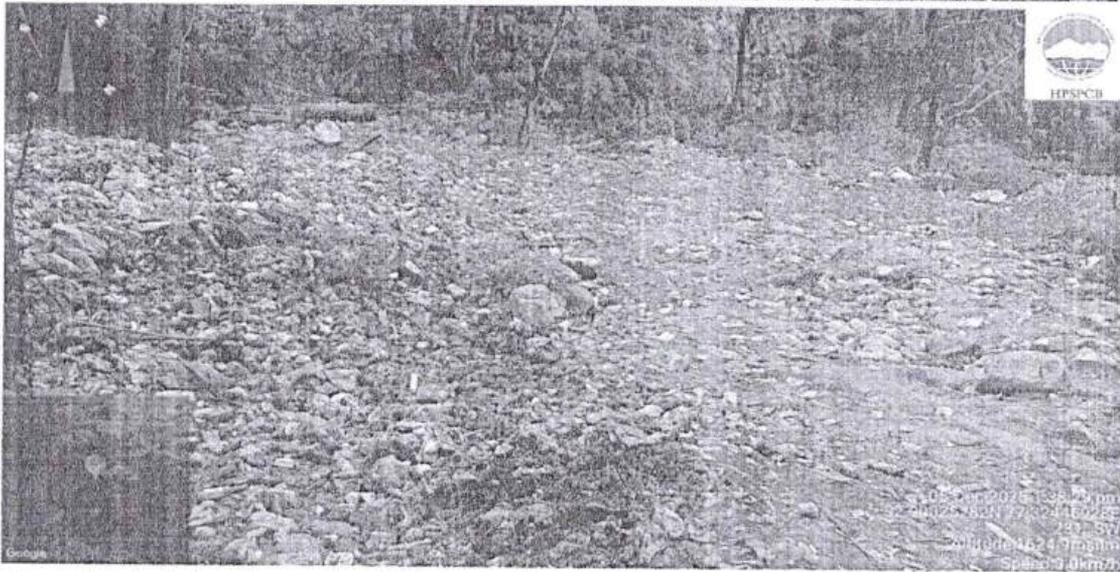


Photograph depicting the status of the MRF site.

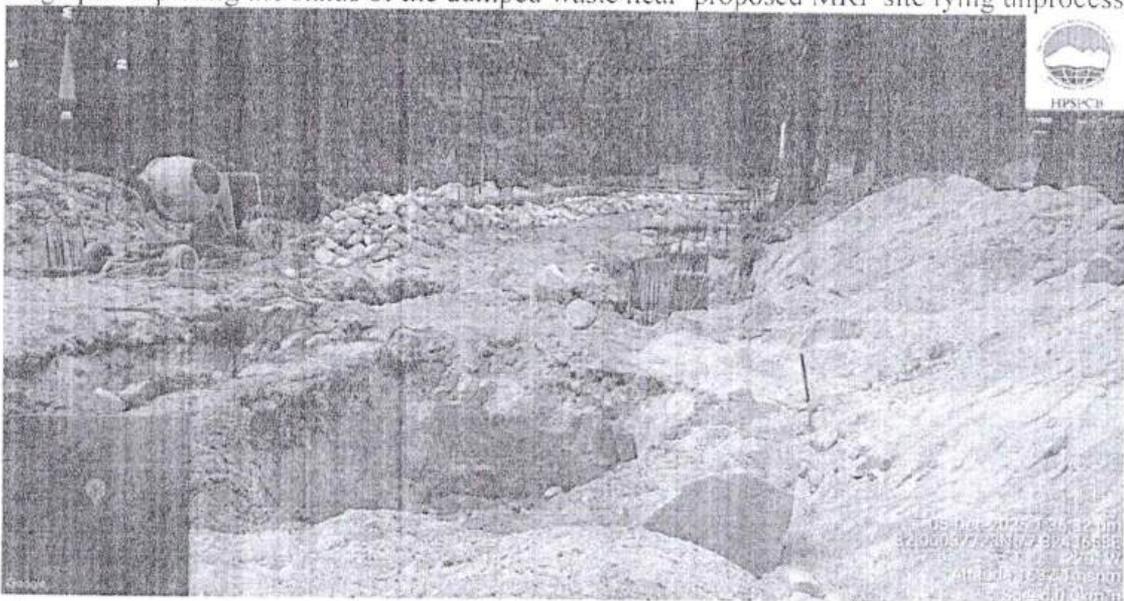


Photograph depicting the status of approach road to MRF site.

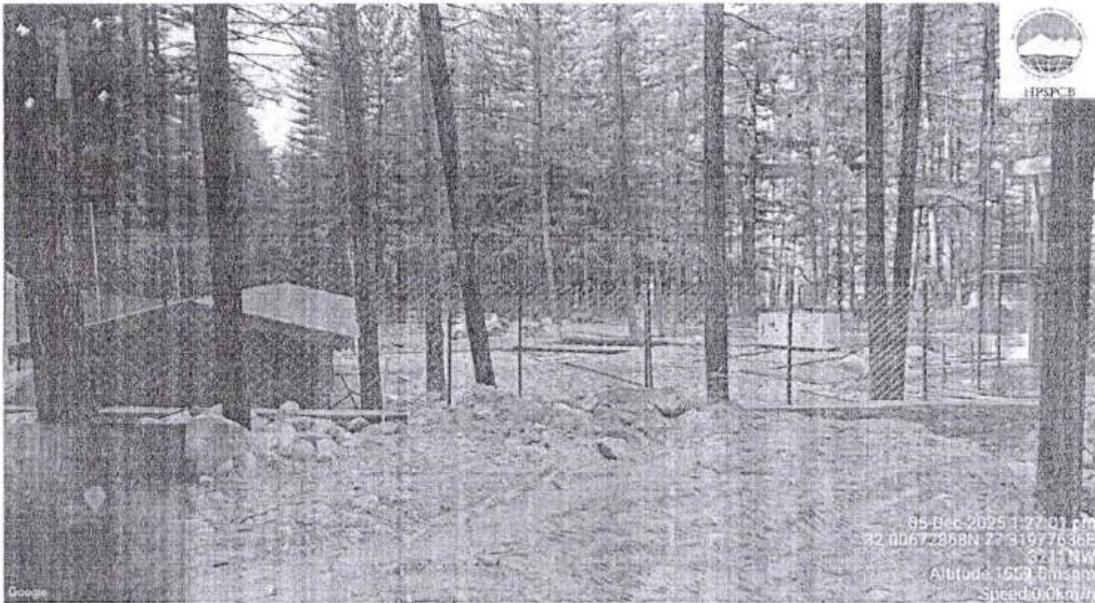
Annexure-C-11



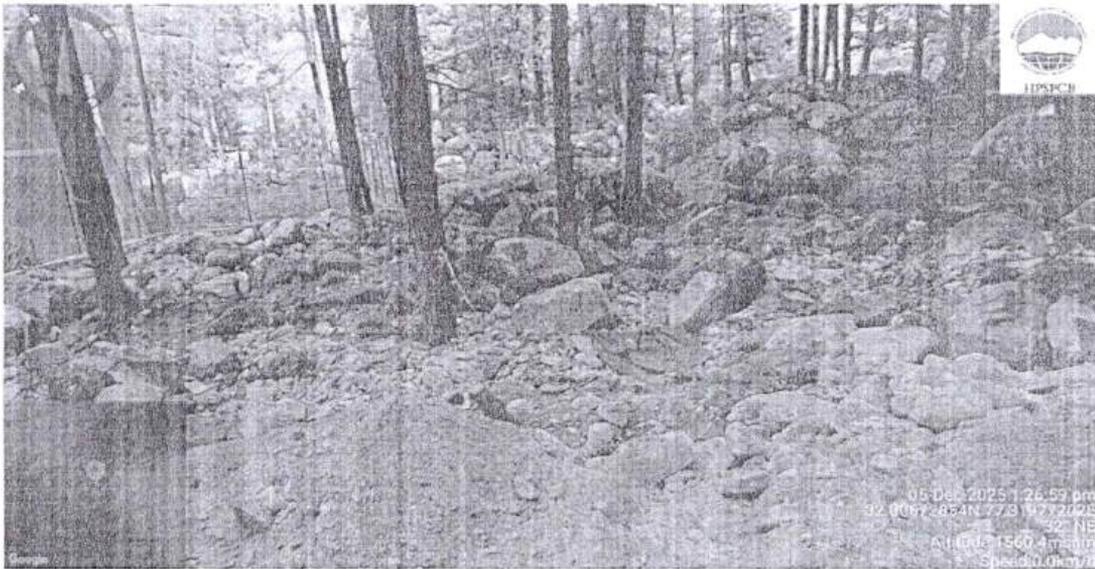
Photographs depicting the status of the dumped waste near proposed MRF site lying unprocessed.



Photographs depicting the status of the proposed MRF site.

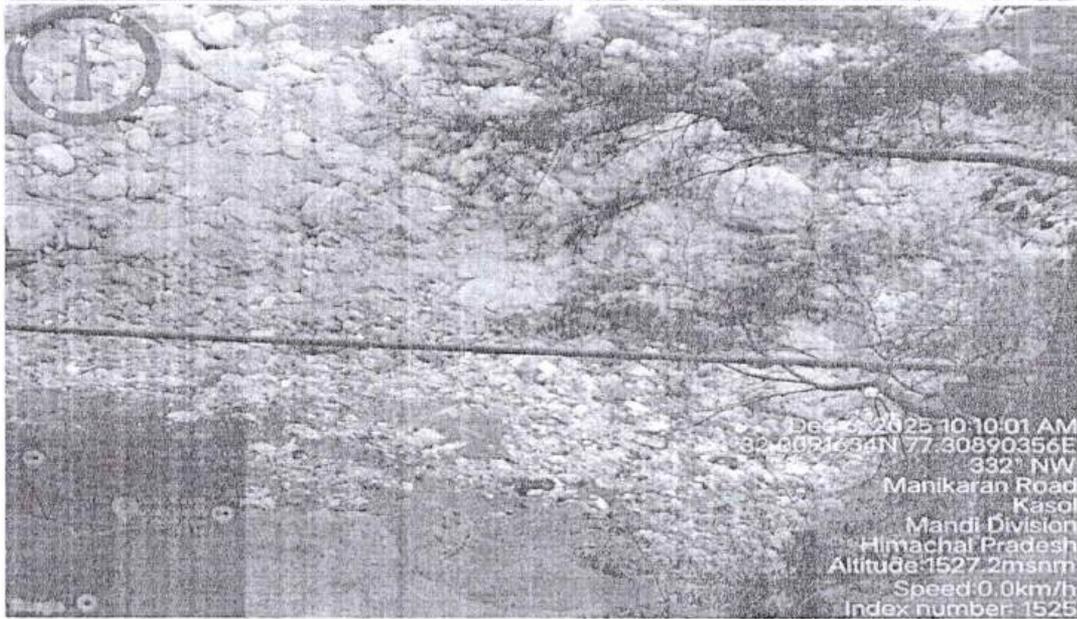


Photographs depicting the status of the alleged spot.





Photographs depicting the littering of solid waste in the surrounding area of alleged spot.

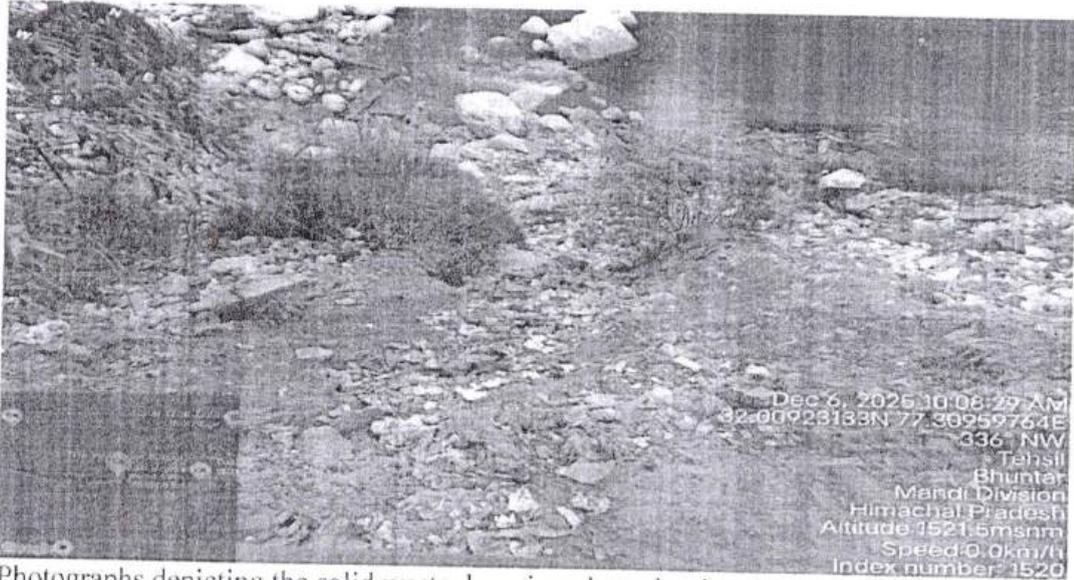




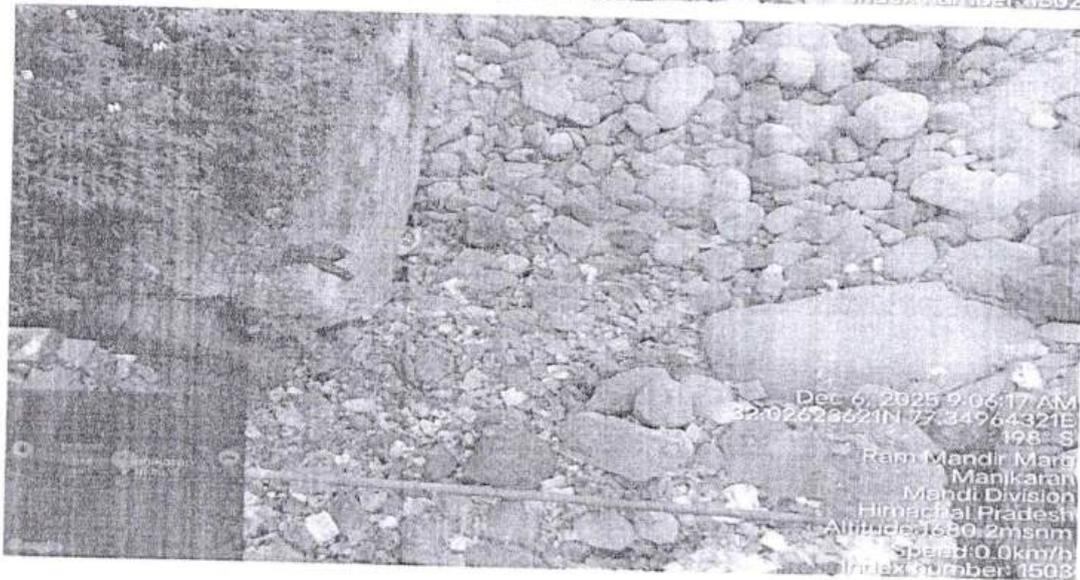
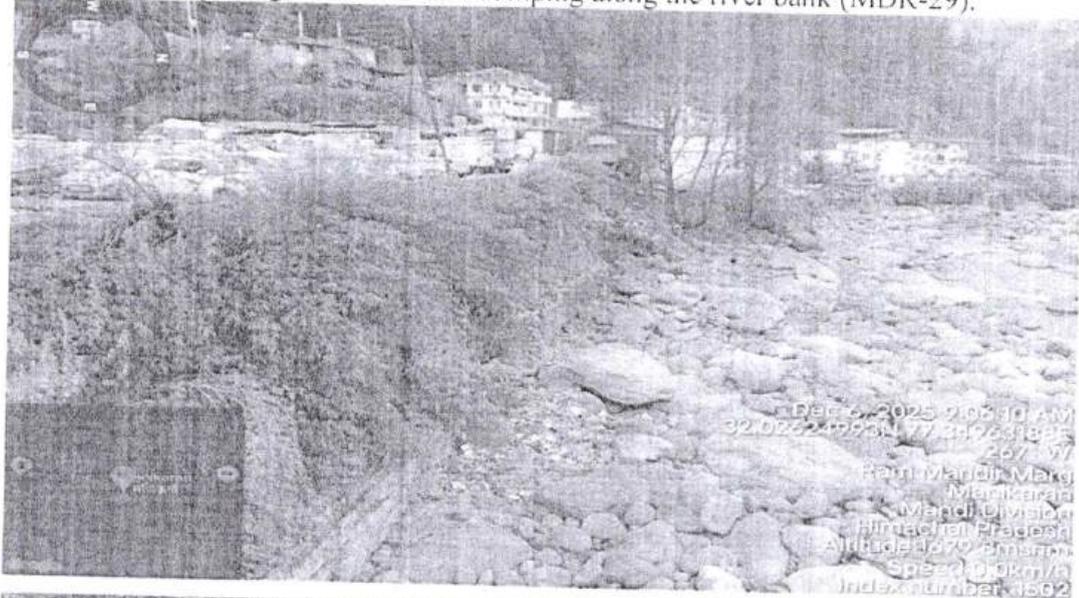
Photograph depicting Solid Waste Dumped at Kasol Entrance in the bank of river Parvati.



Photograph depicting Solid Waste Dumped opposite of Village Choj MDR-29 near Hotel Moksha Riverside in the bank of river Parvati.



Photographs depicting the solid waste dumping along the river bank (MDR-29).





Photographs depicting the solid waste dumping along the river bank Manikaran bus stand.



Photographs depicting the solid waste dumping old Kasol bridge (Graham Road).



## H.P. STATE POLLUTION CONTROL BOARD

Regional Office: HIMUDA, Shopping Complex Hall No-5, Beasa  
Moar- KulluDistt-Kullu, Pin-175101 (Phone: 01902-223149)  
Website: <http://hppcb.nic.in> e-mail: pcbrokullu1@gmail.com



Speed Post

**Show Cause Notice under Water (Prevention & Control of Pollution) Act, 1974  
w.r.t. non-compliance of the Solid Waste Management Rules, 2016.**

To

**The Member Secretary, SADA-cum- Town & Country Planner,  
HP TCP, Kullu, Distt. Kullu (H.P.).**

Whereas, inspection of the Special Area Development Authority, Manikaran was conducted by the Regional Office, HPSPCB, Kullu on dated 14.10.2025, 05.12.2025 & 06.12.2025 and during the course of the inspection, following observations were made:

***Observations on inspection dated 14.10.2025;***

1. The SADA, Manikaran has not completely lifted the legacy waste from the alleged spot. Traces of waste were still found lying at the site; however, no fresh dumping was observed during the inspection.
2. The construction work of retaining wall was going on at the alleged spot.
3. The waste dumped near the proposed Material Recovery Facility, Kasol has not been processed till date.
4. The construction work of the Material recovery facility, Kasol was found to be at initial stage. Foundation pits for the column were found excavated and construction material was lying at the site. **(Photographs taken during the inspection are enclosed as Annexure-1).**

***Observation on inspection dated 05.12.2025 & 06.12.2025;***

1. Legacy waste at the alleged spot was lifted, but littering was observed in surrounding area of alleged spot and construction work of SHEP project was observed at alleged spot.
2. The waste dumped near the proposed MRF site remained unprocessed.
3. MRF construction was at a very initial stage (only the column has been provided at the site).
4. The inspection of the littering hotspots in SADA, Manikaran area was conducted on 06.12.2025 and during the course of the inspection, dumping of solid waste has been observed at various locations near Kasol Entrance, Old Kasol Bridge (Graham Road), MDR-29 near NHPC Colony, Manikaran Bus standall along the bank of river Parvati **(Photographs taken during the inspection are enclosed as Annexure-2).**

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Whereas, the State Board has already imposed Environmental Compensation amounting to Rs.2,90,000/- only w.r.t. dumping of solid waste and continuous non-compliances of the Solid Waste Management Rules, 2016 and orders of the Hon'ble NGT in OA No. 256/2013 and OA No. 593/2018.

Whereas, the facts stated above tantamount to violation of the provisions section 15 of Environmental Protection Act 1986 and Sections 24 of the Water (Prevention & Control of Pollution) Act, 1974 rendering you liable for penalty which shall not be less than Rupees ten thousand, but which may extend to Fifteen Lakh Rupees for each such contravention/non-compliance. The unit shall also be liable to pay additional penalty of ten thousand rupees for each day in case, such contravention or non-compliance continues.

Whereas, in addition to above, under section 15B of Environment Protection Act 1986 and Section 48 (1) & (2) where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department, any officer, other than Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary. The Environmental Compensation shall be imposed on the unit based on the 'Polluter Pays Principle', as per methodology approved by Hon'ble NGT in OA No. 593/2017 titled "Paryavaran Suraksha Samiti & Anr. vs. UoI& Ors." as per 'pollution index' (PI) of the industry and for every day violation period and as per the orders of the Hon'ble NGT in order in O.A. No. 606 of 2018, O.A. No. 256 of 2013 & MA no. 79/2023 of O.A. No. 758 of 2022 as the case may be;

Whereas, it is pertinent to mention here that as per the meeting held under the chairmanship of the Secretary RD&PR, Government of Himachal Pradesh on 26.06.2025 w.r.t. resolve institutional ambiguity regarding Solid Waste Management (SWM) responsibilities between SADAs and Gram Panchayats in overlapping jurisdictions and to formulate actionable directions for role clarity and effective execution, the responsibility of Solid/Liquid Waste Management in areas notified under Special Area Development Authorities (SADAs) has been entrusted to the respective SADAs. This obligation is binding only on those SADAs which are already engaged in SWM activities, and such authorities are required to take effective steps for proper management within their jurisdiction.

In view of the repeated inspections conducted on 24.05.2025, 02.06.2025, 01.07.2025, 14.10.2025, and 05.12.2025 & 06.12.2025, and the persistent non-compliances observed therein, the Special Area Development Authority (SADA), Manikaran is hereby directed to show cause within a time period 15 days as to why the action shall not be taken against you for violations of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Solid Waste

Management Rules, 2016 notified under the Environment (Protection) Act, 1986 and you are hereby directed to ensure the compliance of the following directions:

1. Ensure complete removal of all waste dumped, and littered from the surrounding areas, river banks, within the jurisdiction of the SADA, Manikaran and dispose off the same in a scientific manner immediately.
2. Make arrangements for to ensure 100% door-to-door collection & segregation of waste in the entire jurisdiction of SADA, Manikaran and strictly prevent littering and illegal dumping of waste at public places, forest areas, and along water bodies.
3. Ensure that all solid waste dumped near the under construction Material Recovery Facility (MRF), Kasol is segregated and processed and disposed in a scientific manner without further delay.
4. Install warning boards/signages and CCTV cameras, deploy adequate manpower, and conduct public awareness drives to prevent littering and illegal dumping within the SADA area.
5. Ensure that no burring of solid waste shall be carried out in SADA area.

Please note that in the event of failure to comply with the above directions within a period of **15 days**, appropriate regulatory action or legal proceedings or both shall be initiated against you for the above mentioned violations/non-compliances, entirely at your own risk and cost.

  
 (Er. Sunil Sharma)  
 AEE-cum-Regional Officer,  
 HPSPCB, Kullu.

Endst. NO. PCB/ RO Kullu (2858)O.A. No. 294/2025- 4055-58

Dated: 22-12-2025

Copy to:-

1. The Member Secretary, HPSPCB, Shimla-09 for information and necessary action, please.
2. The Deputy Commissioner, Kullu, Distt. Kullu for information and necessary action, please.
3. The Block Development Officer, Bhuntar, Tehsil Bhuntar Distt. Kullu HP with the directions to expedite the construction of the Material Recovery Facility, Kasol and make it fully functional and ensure compliance as per the Solid Waste Management Rules, 2016 and CPCB guidelines, and submit a time-bound action plan for completion within 15 days.
4. Case file.

  
 (Er. Sunil Sharma)  
 AEE-cum-Regional Officer,  
 HPSPCB, Kullu.

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# From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump

ET Online · Last Updated: May 30, 2025, 04:32:00 PM IST

Preferred on

### Synopsis

Kasol, once known as the 'Pride of Himachal', faces a severe pollution crisis. Social media videos show garbage scattered across the Parvati Valley. This raises concerns about environmental policies and enforcement. Citizens criticize irresponsible tourists and local authorities. They question the use of the 'green tax'. The situation highlights the decline of responsible tourism in the Himalayan region.



Viral video shows how the green patches of Kasol have turned into garbage dumping ground. (Pic courtesy: Screenshot from @thekinddoctor13's video)

Once hailed as the "Pride of Himachal," Kasol, a picturesque village nestled in the Pr  
Often Top Nifty50 stocks analysts suggest buying in this volatile week  
and la

» **Wealth Edition:** Latest Edition of weekly money management guide is out now.

### Popular in Panache

Medical leave request turns into job termination after two days: Employee says got fired



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Item No.02

Court No. 2

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

Original Application No. 294/2025

News Item titled "From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump" appearing in The Economic Times dated 30.05.2025.

Date of hearing: 13.11.2025

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

Applicant: Suo moto.

Respondent: Mr. Anoop Ratan, Advocate General assisted by Mr. Anil Jarayal, Advocate for respondent no.4-DC, Kullu.  
Mr. Vaibhav Srivastava, AAG with Mr. Bhagava Ravikumar, Advocate for respondent no.1 and 4.  
Mr. Amit Singh Chauhan, Mr. Arindam Bhardwaj and Mr. Ahmad Kammal, Advocates for respondent no.2.  
Dr. Ankit Gupta, Advocate for respondent no.3 (through VC).  
Mr. Deven Khanna, Advocate and Mr. Mayank Manta, Deputy District Attorney for respondent no.5.

**ORDER**

1. Reply dated 10.11.2025 has been filed by respondent no. 4-Deputy Commissioner, Kullu.
2. Learned Advocate General has submitted that Hon'ble Himachal Pradesh High Court has taken suo moto cognizance by registering CWPIIL No. 36 of 2025 and passed orders dated 19.06.2025, 24.07.2025, 01.09.2025, 10.10.2025 and 12.11.2025 and in view thereof, this Tribunal may not proceed with the matter.
3. This Tribunal took cognizance on 05.06.2025 and it appears that this fact was not brought to the notice of Hon'ble Himachal Pradesh High Court. Responses have already been filed before this Tribunal and proceedings before this Tribunal have reached advance stage of hearing. In the very nature of things, the substantial environmental questions involved

do not exclude exercise of jurisdiction by this Tribunal concurrently as any conflict of order can be avoided by clarifying that in case of conflict, order passed by Hon'ble Himachal Pradesh High Court shall prevail and order passed by this Tribunal shall, to the extent of any such conflict, be liable to be ignored.

4. Learned counsel for respondent no. 5 has submitted that reply was filed by respondent no. 5 through e-filing portal on 12.11.2025.

5. The Registry has informed that the said reply has not been received.

6. Learned counsel for respondent no. 5 has sent through Whats App copies of the reply, screenshot in support of factum of filing of the same through e-filing portal.

7. The Registry is directed to look into the reason as to why the reply filed through e-filing portal was not reflected in the portal and could not be downloaded by the Registry and to ask the NIC to take appropriate remedial action.

8. We have gone through the replies filed and notice the action taken. However, in view of the magnitude of the problem and also requirement of the Solid Waste Management Rules, 2016, respondent no. 5 is directed to make further appropriate alternative arrangements for management and disposal of solid waste in consultation with the District Environment Committee headed by the Deputy Commissioner, Kullu and file additional response giving details of action taken for management and disposal of solid waste and also due compliance with Solid Waste Management Rules, 2016. Additional response by respondent no. 5 as directed above may be filed within two months. In the additional response, respondent no. 5 shall

mention all requisite details with reference to compliance with Clause (a) to Clause (zl) of the Solid Waste Management Rules, 2016.in tabular format.

9. In view of the facts and circumstances of the case and also the fact that in O.A. No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016, Chief Secretary, Government of Himachal Pradesh is monitoring the aspect of compliance of Solid Waste Management Rules, 2016, State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh is impleaded as respondent no. 6. In view of relevant provisions of the Solid Waste Management Rules, 2016, the Principal Secretary, Urban Development Department and Principal Secretary, Rural Development Department, Government of Himachal Pradesh are impleaded as respondents no. 7 and 8.

10. The Registry is directed to amend the memo of parties accordingly. Notice for newly added respondents no. 6, 7 and 8 is accepted by learned Advocate General and learned counsel assisting him.

11. It may be observed here that the Environment (Protection) Act, 1986 was amended by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023) (w.e.f. 01.08.2024) and amended Section 15 thereof provides for imposition of penalty for contravention of provisions of the Act, Rules, Orders and directions. Amended Section 15 B provides for imposition of penalty in case of contravention by Government Department. Amended Section 15 C provides for appointment of adjudicating officer.

12. The Chief Secretary, Government of Himachal Pradesh is directed to file an affidavit of his own or through duly authorized officer mentioning in detail action taken for compliance with the Solid Waste Management Rules, 2016 in district Kullu.

13. The Chief Secretary, Government of Himachal Pradesh is also directed to issue appropriate instructions to the Adjudicating officer for taking suo moto cognizance of contravention of the provisions of the Act, Rules, Orders and directions and take appropriate action for imposition of penalty on concerned government departments/officers as well as private violators and give relevant details in the affidavit to be filed as mentioned above.

14. The affidavit as directed above may be filed by the Chief Secretary, Government of Himachal Pradesh himself or through the officer duly authorized by him within two months.

15. Responses by respondent no. 7 and 8 may also be filed mentioning all requisite details regarding compliance with Rule 11 and 13 of the Solid Waste Management Rules, 2016.

16. Respondent no. 4-Deputy Commissioner, Kullu is directed to file additional response with regard to compliance with the Solid Waste Management Rules, 2016.

17. List on 16.01.2026 for final hearing.

18. Pleadings may be completed before that date and if any response /additional response is to be filed by any of the other respondents, then the same may be filed within one month.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 13<sup>th</sup>, 2025  
Original Application No. 294/2025/AB

URGENT  
HON'BLE NGT MATTER

From No. STE-A(3)-17/2025  
Government of Himachal Pradesh  
Department of Environment, Science Technology & Climate Change

To The Chief Secretary to the  
Government of Himachal Pradesh

The Deputy Commissioner, Kullu,  
District Kullu Himachal Pradesh.

Dated; Shimla-2, the 31-12-2025.

Subject: Authorization letter:-Filing of affidavit before the National Green Tribunal in O.A. No. 294 of 2025 regarding compliance with Solid Waste Management Rules, 2016.

Madam/Sir,

In reference to the matter pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in Original Application No. 294 of 2025, initiated on the basis of the news item titled "*From paradise to landfill? Viral video shows famous Himachal Pradesh hill station turned into a garbage dump*", I hereby authorize Ms. Torul S. Raveesh, Deputy Commissioner Kullu to swear an affidavit on my behalf in this matter pending adjudication before the Hon'ble NGT.

Therefore, it is requested to take further necessary action in the matter accordingly.

  
(Sanjay Gupta, IAS)  
Chief Secretary to the  
Government of Himachal Pradesh

**Before Shri Sushil Kumar Singla IFS, Secretary (Env.Sci.Tech.&CC) to the Government of Himachal Pradesh-cum-Adjudicating Officer as constituted under Section-15C (1) of the Environment(Protection) Act, 1986.**

File No: STE-A (3)-17/2025

Dated: the Shimla,

08-01-2026

To

1. Sh. Ghanshyam Sharma, Member Secretary, Special Area Development Authority (SADA) Manikaran-cum-Town & Country Planner, Town & Country Planning Office, Kullu at Sarwari near Bus Stand Kullu-HP. 175101, E-mail ID [tcpkullu@hotmail.com](mailto:tcpkullu@hotmail.com)
2. Sh. Gaurav Malik, M/s Lakshay Total Solutions, Head Office: Shop No. 163. Agro Mall, First Floor, Rohtak-124001. Contact No. 9711178318 E-mail ID [tservice@gmail.com](mailto:tservice@gmail.com).

**SHOW CAUSE NOTICE**

Subject: Complaint under section 15 and 15-B of the Environment (Protection) Act, 1986 for contravention of provisions of the Solid Waste Management (SWM) Rules, 2016 made thereunder.

Sir/Madam,

A complaint dated 23-12-2025 (copy enclosed) has been filed by the Regional Officer, HP State Pollution Control Board (HPSPCB), Kullu in Form-I against Sh. Ghanshyam Sharma, Member Secretary, Special Area Development Authority (SADA) Manikaran-cum-Town & Country Planner, Town & Country Planning Office, Kullu and Sh. Gaurav Malik (Contractor), M/s Lakshay Total Solutions, alleging that huge quantity of mixed solid waste was found dumped in forest area along the road leading to village Grahani, Kasol. As per the provisions of Solid Waste Management Rules, 2016 waste shall be collected, segregated and shall be disposed of scientifically at designated site. That in the instant matter the dumped mixed solid waste is causing foul smell in the vicinity in violation to Solid Waste Management Rules, 2016. The details are given in the enclosed complaint. The Member Secretary, SADA Manikaran and said contractor Sh. Gaurav Malik, are responsible for managing collection, transportation, and scientific disposal of solid waste in the Kasol area under the Solid Waste Management Rules, 2016. Thus, contravention has been committed by them under Section 15(1) and 15-B of the Environment (Protection) Act, 1986.

The above contravention is liable for penalty under Section 15 of the Environment (Protection) Act, 1986. Therefore, a notice is hereby served to you to show cause within a period of thirty days of service of this notice, why an inquiry should not be initiated against you under Rule (4) of the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 for imposition of penalty. In case, no reply is received within the given period, further action shall be taken under the aforesaid Act.

*Sushil Kumar Singla*  
08/01/2026  
(Sushil Kumar Singla, IFS)

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**Government of Himachal Pradesh**  
**Department of Environment, Sci. Tech. & Climate Change**

No. STE-F(4)-2/2021

Dated: Shimla-2

16<sup>th</sup> June, 2025.

**NOTIFICATION**

In pursuance of Extended Producers Responsibility (EPR) guidelines (reference guideline sr. no. 10.5) under Plastic Waste Management Rules, 2016 amended time to time by MoEF & CC, Gol, the Governor, Himachal Pradesh is pleased to make the following scheme for regulating and providing a mechanism for collection of Non-Biodegradable packaging waste as per the polluters pay principle to prevent littering or disposing of Non-Biodegradable Garbage in public drains, roads and places open to public view in the State of Himachal Pradesh and ensuring proper recycling of collected waste to promote circular economy within the State of Himachal Pradesh.

Provisions of the Himachal Pradesh Deposit Refund Scheme (DRS), 2025

**PART I-GENERAL**

- |   |    |   |
|---|----|---|
| <b>Short title, Extent and Commencement</b> | 1. | 1) The Scheme may be called the Himachal Pradesh Deposit Refund Scheme, 2025.<br>2) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint<br>3) It shall extend to the whole State of Himachal Pradesh.   |
| <b>Application of the Scheme</b>            | 2. | The provisions of this Scheme shall apply to;<br>Liquor and non-liquor in glass bottles, plastic beverage containers, aluminium beverage containers, liquid packaging board (e.g. tetra pack), flexible plastic packaging, and multilayered packaging;<br>Or any such product as maybe notified by the Scheme Administrator from time to time   |
| <b>Definitions</b>                          | 3. | 1) In this Scheme, unless there is anything repugnant in the subject or context :-<br>a. ' <b>Act</b> ' means the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995;<br>b. ' <b>Annual Scheme Participation Fee</b> ' or ' <b>ASPF</b> ' means the annual fees charged from the manufacturers for the purpose of registration and participation in the DRS as per the procedure specified by Scheme Administrator;<br>c. ' <b>Banks</b> ' means the Financial Institutions that are listed under Schedule II of the Reserve Bank of India Act, 1934;<br>d. ' <b>Collection Point</b> ' means an authorized location where a redeemer can return their DRS product to claim the |



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- refundable deposit secured on the DRS product;
- e. **'Distributor'** means a business entity including but not limited to super stockists, and wholesalers that sell packaged goods to retailers for sale towards final consumption. The Distributor typically operates at a higher level of the supply chain than the retailer and may be responsible for importing, storing and distributing the package goods to retailers;
  - f. **'Deposit'** means a fully refundable amount secured additionally over the price paid for the DRS product;
  - g. **'Depositor'** means a person who pays a refundable deposit over the price paid for the DRS product;
  - h. **'Deposit Refund Scheme'** or **'DRS'** means a process or scheme where a refundable deposit secured on a DRS product shall be refunded on the return of the product at the collection point to a Redeemer.
  - i. **'DRS Product'** means a product made of Non-Biodegradable Material specified in the Schedule of the Act; and used for the purpose of packing the commodity suitable for sale in the State of Himachal Pradesh;
  - j. **EPR "Extended Producer Responsibility"** means the responsibility of a producer for the environmentally sound management of the product until the end of its life;
  - k. **'Escrow Account'** means an escrow bank account opened and operated by the bank for receiving amounts related to Escrow Bank Account opened and operated by the bank independently on behalf of the Scheme Administrator as per the terms and conditions agreed between the Scheme Administrator, the Scheme Operator and such Bank with whom the Escrow Bank Account is opened. This account will be used for receiving deposits for
    - i) Refundable deposit secured under DRS
    - ii) Annual Scheme Participation Fee (ASPF)
    - iii) Reverse Collection Fee (RCF)
    - iv) Penalties charged under this Scheme
    - v) Any other amount related to DRS as may be specified by Scheme administrator
  - l. **'Handling Fee'** means a fee paid to the authorized collection point by the Scheme Operator to handle the collection mechanism under this Scheme;
  - m. **'Manufacturer'** means a brand owner or importer or producer who introduce DRS product in the state of Himachal Pradesh;
  - n. **'Non-recyclable Product'** means a DRS product which is not fit for "Recycling".

- o. **'Official Gazette'** means the Official Gazette of the Himachal Pradesh State Government;
- p. **'Property'** shall include, but not be limited to, all Products, Recyclable Products, Non-Recyclable Products, any assets utilized for DRS including money or valuable security, belonging to, or in the charge or possession of, Scheme Administrator;
- q. **'Recycling'** means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes, but it does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;
- r. **'Recycler'** are entities who are engaged in the process of recycling of DRS Product;
- s. **'Retailer'** means a business entity that sells products packaged in Non-Biodegradable Packaging for final consumption ;
- t. **'Redeemer'** means a person who claims the refundable deposit amount secured on a DRS Product upon its return;
- w. **'Reverse Collection Fee'** means an amount charged from manufacturers for collection, sorting and recycling of material introduced and creating awareness among stakeholders in the State of Himachal Pradesh, or such incidental activities as may be notified from time to time;
- x. **'Recyclable DRS Product'** means DRS Product which is fit for Recycling;
- y. **'State Government'** means the State Government of Himachal Pradesh.
- z. **'Scheme administrator'** means an entity, person or authority or agency appointed as Scheme Administrator by the Government as per the provisions of this notification;
- aa. **'Scheme Operator'** means a person, company or organization i.e. authorized by the Scheme Administrator to implement the deposit refund scheme in the State of Himachal Pradesh;
- bb. **'Unique Serialised Identifier'** or USI is a unique identification or any similar marking printed on DRS product and is secured with a refundable deposit which may be refunded upon the return of the DRS product within a validity period;
- cc. **'Un-redeemed Deposit'** means a deposit secured on a DRS product and has not been claimed within the validity period of the Unique Serialized Identifier against which



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such deposits were secured and appropriated.

- 2) Words and expressions used herein and not defined but defined in the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995 shall have the same meaning respectively assigned to them in that Act.

## PART II-GENERAL CONDITIONS

4. 1) Manufacturers, distributors and retailers selling or introducing products packaged in non-biodegradable packaging shall be mandated to secure a deposit on such DRS product at the time of sale, distribution or introduction of DRS product in the market;
- 2) The deposit to be secured shall be collected at first level and shall be transferred at each distribution level until the final consumer;
- 3) The Deposit secured on the DRS product shall be exempted from commercial taxes, duties, levies, etc and shall not form part of the MRP charged to the customers;
- 4) Such collected deposit shall be deposited in an escrow account created for the purpose of DRS;
- 5) Retailers shall take all necessary actions to spread awareness on DRS through clearly legible and visible signs in their business premises;
- 6) Manufacturers shall provide the information related to Deposit separately, on the labels (print or emboss) of the DRS product;
- 7) The Deposit shall be fully refunded to the redeemer, at no cost, upon acceptance of the DRS product at the collection point;
- 8) The obligation to accept any such returned packaging shall be limited to packaging material of the type that has been specified in the Schedule 1 of the Act;
- 9) After this Scheme have come into effect, with respect to DRS products introduced in the market, there shall be collection target obligations from the year as may be notified by the Scheme Administrator from time to time ;
- 10) In case of conflict with the objective of this Scheme with any other scheme or bye-laws in the State; this scheme shall prevail over such scheme.

## PART III-ESTABLISHMENT AND CONSTITUTION

- High Powered 5. 1) The State Government shall constitute a high-powered  
Committee
- 1) The State Government shall constitute a high-powered Committee to advise the State Government on such matters arising out of the administration of the Scheme as may be



referred to it by the Government, including matters relating to the implementation and management of the DRS;

#### High Powered Committee

#	Designation and Department	As- Designated
1.	Chief Secretary to the GoHP	Chairperson
2.	Admn. Secy (UD) to the GoHP	Member
3.	Admn. Secy (RD) to the GoHP	Member
4.	Admn. Secy (PWD) to the GoHP	Member
5.	Admn. Secy (Forest) to the GoHP	Member
6.	Admn. Secy (Tourism) to the GoHP	Member
7.	Admn. Secy (Food Civil Supplies & Consumer Affairs) to the GoHP	Member
8.	Admn. Secy (Fin. & Planning) to the GoHP	Member
9.	Admn. Secy (Industries) to the GoHP	Member
10.	Admn. Secy (Excise & Taxation) to the GoHP	Member
11.	Admn. Secy (Health) to the GoHP	Member
12.	Admn. Secy (EST&CC) to the GoHP	Convener

#### Powers and Duties of the High Powered Committee

6. 1) The Chief Secretary of the State of Himachal Pradesh shall be the Chairperson of the high powered Committee;
- 2) The high-powered committee shall formulate and recommend policies, guidelines and procedures for the implementation of the DRS within the jurisdiction of the State Government;
- 3) The high-powered committee shall constitute the scheme administrator and appoint the vacant positions on the board of scheme administrator
- 4) Monitoring and evaluation of DRS performance annually.

#### Scheme Administrator

7. 1) The board of the society (not for profit entity) is termed as Scheme Administrator.
- 2) The Scheme Administrator shall consists the following

#	Designation and Department	As Designated
1.	Admn. Secretary (Env., Sci. Tech & Climate Change) to the GoHP	Chairperson
2.	Director (UD)	Member
3.	Director (RD)	Member
4.	E-n-C (PWD)	Member
5.	PCCF (Forest)	Member
6.	Director (Tourism)	Member
7.	Director (Food Civil Supplies & Consumer	Member

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	Affairs)	
8.	Director Advisor (Fin. & Planning)	Member
9.	Director (Industries)	Member
10.	Commissioner (Excise & Taxation) to the GoHP	Member
11.	MS (PCB)	Member
12.	Director (TCP)	Member
13.	Director (Health)	Member
14.	Director (IPR)	Member
15.	Member Secretary (SPCB)	Member
16.	MD Milkfed	Member
17.	Director (EST&CC)	Convener

**Powers and Duties of the Scheme Administrator**

- 1) The Scheme Administrator shall be responsible for the implementation of the Scheme;
- 2) The Scheme Administrator shall create a separate fund as may be required in this Scheme;
- 3) The Chairperson shall administer the functioning of the DRS and ensure free flow by creating necessary policy development and amendments ;
- 4) The Convener shall promote awareness campaigns for propagating the Deposit Refund Scheme in the State with the help of high powered Members;
- 5) The Secretary shall convene the meetings of the high-powered Committee at least four times a year at such time and place as agreed by the Chairperson ;
- 6) The quorum necessary for the transaction of a business at a meeting of the high-powered Committee shall be four ;
- 7) The Chairperson when present shall preside at every meeting of the Committee and in his absence the senior most Member and in the absence of both any other Member shall preside at such meeting;
- 8) Save as otherwise provided in the Scheme, all questions that come up before any meeting of the Committee shall be decided by a majority of Members present and voting. In the case of an equality of votes, the Chairperson shall have a casting vote.
- 9) The Scheme Administrator shall provide provisions for the appointment and appoint a Scheme Operator with the approval of Chairperson for the purpose of implementation of the Deposit Refund Scheme in the State;
- 10) The Scheme Administrator shall have the powers, rights and authority to dispose of and channelize the collected DRS product either by Scheme Operator himself or through Scheme Operator;
- 11) The Scheme Administrator shall notify the deposit value of

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each item specified in the schedule of the Act including any new item added from time to time;

- 12) The Scheme Administrator where it is expedient to do so may add or omit any product category from the category of products under the Deposit Refund Scheme through a notification;
- 13) The Scheme Administrator where it is expedient to do so shall prescribe the refundable deposit value on the DRS products through a notification;
- 14) The Scheme Administrator shall prescribe the registration process for the manufacturers to comply with the obligation of the Scheme;
- 15) The Scheme Administrator shall mandate the printing of Unique Serialised Identifier on the DRS product by the manufacturers ;
- 16) The Scheme Administrator shall form or designate a society (Not for profit organization) or for the purpose of managing DRS escrow account
- 17) The Scheme Administrator shall monitor the operation of the escrow account designated for the purpose of the Deposit Refund Scheme in the State.
- 18) The Scheme Administrator shall develop the Memorandum for the registration of manufacturers and conducting business of the Board of Society.
- 19) The Scheme Administrator shall appoint such persons as required for the effective implantation of the Scheme as well as the effective functioning of the State Pollution Control Board.
- 20) The Scheme Administrator shall collect, use, process, store, transfer all information collected under this Scheme as per the applicable Data Protection laws in India.
- 21) The Scheme Administrator shall ensure that a gradual/ phased manner mechanism is adopted for smooth and sustainable implementation of DRS scheme e.g. under the scheme liquor bottles, cans can be prioritized in first phase.
- 22) The Scheme Administrator shall ensure that some brand, type specific pilots are also undertaken after identifying the brands.

**Scheme Operator**

9. 1) The Scheme Operator shall establish infrastructure including but not limited to collection, segregation, storage, transportation and disposal of the material collected through the Deposit Refund Scheme;
- 2) The Scheme Operator shall deploy the digital applications, interface and procedure for securing the deposit and ensuring refund of the deposit under Deposit Refund Scheme;

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- 3) The Scheme Operator shall provide technology and support for printing and integration of Unique Serialised Identification to the manufacturers for the purpose of securing deposit;
- 4) The Scheme Operator shall run and operate DRS at the State level in a manner that DRS shall be self-sustained by the value of collected material or any other fees as may be notified by Scheme Administrator from time to time;
- 5) The Scheme Operator shall provide state of art technical support for grievance redressal and queries;
- 6) The Scheme Operator shall establish collection points, define a collection mechanism, develop a reverse logistics mechanism of the collected DRS products
- 7) The Scheme Operator shall have the absolute rights over the collected DRS product;
- 8) The Scheme Operator shall ensure that the collected and segregated DRS products are recycled at the recycling or disposal facilities registered with the Himachal Pradesh State Pollution Control Board.

*Provided that the Scheme Operator shall be authorized to channelize and dispose the collected DRS product with the recyclers authorized under any of the State Pollution Control Board of India;*

- 9) The Scheme Operator shall ensure that all the collected DRS products shall be disposed of in an environmentally sound manner;
- 10) The Scheme Operator shall create dashboards for information dissemination and monitoring;
- 11) The Scheme Operator shall take all actions as may be required towards integration of the informal sector into the Deposit Refund Scheme for the economic and social empowerment of the informal sector in consultation with the Scheme Administrator.
- 12) The Scheme Operator shall place collection centers at as many as public convenient places so as to ease of access of consumer or end user.
- 13) The Scheme Operator shall formulate SOPs for waste pickers, and shall ensure the incentives over and above to costs of material collected sold by waste pickers out of the ESCROW account. Some space and temporary locations are allotted for these waste pickers.
- 14) The Scheme Operator shall pay the handling fee to these collection points to promote the collection of DRS product by paying a handling fee to the collection points. Such handling fees paid by the scheme operator to the said collection points shall be reimbursed from the unredeemed deposit, if available. In case of non-availability of Unredeemed

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**Responsibilities of Urban Local Bodies, Gram Panchayats, and Himachal Pradesh Forest Department, SPCB**

Deposits, Scheme operators do not have any rights to claim the handling fee from Scheme Administrator.

10. 1) The Urban Local Bodies, Gram Panchayats, Himachal Pradesh Forest Department or any similar administrative body shall provide space for the development of collection points and material recovery facilities at their geographical jurisdiction;
- 2) The Urban Local Bodies, Gram Panchayats, Himachal Pradesh Forest Department or any similar administrative body shall monitor that all the DRS products sold in the State are secured by refundable deposit;
- 3) Identify and appoint a nodal officer to assist the Scheme Administrator for successful implementation of Deposit Refund Scheme in the applicable jurisdiction,
- 4) The Urban Local Bodies, Gram Panchayats, Himachal Pradesh Forest Department or any similar administrative body shall ensure mass awareness creation of Deposit Refund Scheme through IEC activities;
- 5) The appointment of the aforementioned nodal officer shall be the responsibility of the state pollution control board or pollution control committee under The Air (Prevention and Control of Pollution) Act, 1981;
- 6) Mandate retailers' participation through a notification in the respective geographical jurisdiction.

**Responsibilities of Manufacturer**

11. 1) The collection of refundable deposit shall be secured through digitally printed Unique Serialized Identifier (USI) or any other technology as identified by the Scheme Administrator from time to time, valid for a defined period on the DRS product label printed or embossed
- 2) Manufacturers are mandated to secure a refundable deposit on the DRS product introduced in the State and shall be mandated to collect back the DRS product introduced in the Himachal Pradesh State through a Scheme Operator appointed by Scheme Administrator;
- 3) Manufacturers shall be securing the refundable deposit as defined by scheme administrator prescribed here within this Scheme and deposit the same in the escrow account;
- 4) The Manufacturers shall transfer in escrow account, an amount equivalent to consolidated deposits of the DRS products at the time of dispatch of DRS product from manufacturing facility, where DRS products are manufactured. The said consolidated deposit shall be further passed on within the downstream supply chain until finally collected from the customer or end user.
- 5) Manufacturers shall register themselves with the Scheme Administrator for participation in the Deposit Refund Scheme under this Scheme as per the modalities prescribed by

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- Scheme Administrator;
- 6) Manufacturers are obligated to share the relevant information as may be required and as notified by the Scheme Administrator for the purpose of Deposit Refund Scheme;
- 7) Manufacturers shall be obliged to pay Reverse Collection Fee as prescribed by scheme administrator.
- Responsibilities of Distributors** 12. 1) Distributors shall purchase the DRS product from Manufacturers along with the deposit secured over the fixed product price
- 2) Distributors shall only sell the DRS product to the supply chain below by collecting the additional deposit over the fixed product price.
- Responsibilities of Retailer** 13. 1) Retailer shall purchase the DRS product from the distributor along with a deposit secured over the fixed product price;
- 2) Retailer shall only sell the DRS product to the consumer by collecting a deposit ;
- 3) Retailer shall inform the customer about the mandate to return the packaging and to get the refund of the deposit , by means of clearly recognizable and legible notices in the business premises;
- Responsibilities of Collection Points** 14. 1) Collection points shall be established at the Urban Local Bodies and at Gram Panchayat, Forest Department level for collection of DRS product Points and refund of the deposit;
- 2) All designated collection points shall accept at their place of business, from a redeemer any DRS product notified under this Scheme;
- 3) The refund of the deposit must be in a legal tender; direct credit to the account or in cash;
- 4) The processing of refund is subject to clear visibility of the Unique Serialized Identifier on the DRS product returned at the collection point;
- 5) A redeemer can claim the deposit from the collection point which may be refunded from the escrow account directly to the account or in cash.
- Responsibilities of Consumer and Redeemer** 15. 1) Shall only purchase DRS products with USI affixed on the product category pertinent to the Scheme;
- 2) Shall be mandated to return the used DRS product with clearly legible and readable USI and without any foreign material
- Disposal Methodology of Collection Product** 16. 1) The collected DRS product under the Scheme shall be provided to the recyclers registered with Himachal Pradesh State Pollution Control Board in the state to enhance the recycling ecosystem in the State;

*Provided that the Scheme Operator shall be authorized to channelize and dispose the collected DRS product with the recyclers authorized under any of the State Pollution Control Board of India in case adequate recyclers are not available in the State*

- 2) The disposal process shall follow the guidelines set by the State Pollution Control Board or the approved methodologies of the Central Pollution Control Board

#### PART IV-MISCELLANEOUS

- Imposition of Penalty** 17. 1) Penalty shall be based as per the Polluter Pays Principle with respect to non-fulfilment of obligations defined under this Scheme;
- 2) Scheme Administrator shall levy the Penalty on Manufacturers, Distributors and Retailers in case of non-fulfilment of obligations set out in the Scheme, and the same shall be notified;
- 3) Payment of Penalty shall not absolve the manufacturers, distributors and retailers of the obligations set out in the Scheme;
- 4) The Penalty collected shall be utilized in the implementation of the Deposit Refund Scheme.
- Penalty for unlawful possession of Property** 18. 1. Whoever is found, or is proved to have been, in possession of any Property reasonably suspected of having been stolen or unlawfully obtained shall, unless he proves that the Property came into his possession lawfully, be punishable as per law.-
- Application of Un-redeemed Deposit** 19. 1) The Unredeemed Deposit shall be applied by the Scheme Administrator to meet the expenditure incurred in connection with measures and facilities which, in the opinion of the Scheme Administrator are necessary or expedient to promote the Deposit Refund Scheme and in particulars:-
- a) To provide required funds for the implementation and operation of the Deposit Refund Scheme;
- b) To sanction any money in aid of any scheme for the welfare of the Deposit Refund Scheme;
- c) To meet the allowances if any, of the members of the High Powered Committee, and Scheme Administrative Committee and Scheme Operator under Point No 4, 6 & 7 respectively and the salaries and allowances, if any of persons appointed under this Scheme;
- d) Any other expenditure which the State Government may direct to be defrayed from the Unredeemed Deposit;

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- 2) The Scheme Administrator shall have the power to decide whether any particular expenditure is or is not debitable to the Unredeemed Deposit and its decision shall be final.
- Protection of Action taken in Good Faith** 20. 1) No suit, prosecution or other legal proceedings shall lie against the State Government or the existing or new Government, Company or any Officers or any other employee of the Deposit Refund Scheme for anything which is in good faith done or intended to be done under the Scheme;
- Power to Remove Difficulties** 21. 1) If any difficulty arises in giving effect to the provisions of the Scheme, the State Government may, by order remove the difficulty;
- Members, Officers and Employees of the Deposit Refund Scheme to be Public Servant** 22. 1) All the Members and all Officers and Employees of the Deposit Refund Scheme when acting or purporting to act in pursuance of the provisions of the Scheme shall be deemed to be Public Servant within the meaning of Section 21 of the Indian Penal Code 1860.
- Execution of Pilot Projects** 23. 1) One location shall be identified within the State to launch a small pilot program for the Deposit Refund Scheme (DRS). This pilot project may serve as a model for evaluating the feasibility, effectiveness, and potential challenges of implementing the DRS across the State.

By Order,

Prabodh Saxena  
Chief Secretary to the  
Government of Himachal Pradesh

Endst. No. STE-F(4)-2/2021 Dated: Shimla-2, 2025.

Copy forwarded to the followings for information and necessary action to:

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary to the Chief Minister, Himachal Pradesh, Shimla-2.
3. The Private Secretary to the Chief Secretary to the Govt. of Himachal Pradesh.
4. All the Administrative Secretaries to the Government of Himachal Pradesh.
5. All the Divisional Commissioners of Himachal Pradesh.
6. The Director, Deptt. of Environment, Science Technology & Climate Change, U.S. Club Shimla-1.
7. All Heads of Department of Himachal Pradesh.
8. All the Deputy Commissioners of Himachal Pradesh.
9. The Member Secretary, H.P. State Pollution Control Board, Phase-III, New Shimla-9.
10. All the Municipal Corporations/Municipal Council in Himachal Pradesh.
11. Guard file.

(Sat Pal Dhiman) 16-06-2025  
Addl. Secretary (Env., Sci., Tech. & CC) to  
the Government of Himachal Pradesh  
Phone No. 0177-2621874