

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

OA No. 98 OF 2026

IN THE MATTER OF:

Chandresh Kumar and Ors.

...Applicant(s)

Versus

State of Himachal Pradesh and Ors.

...Respondent(s)

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... Respondent No. 6

Dated: 21.05.2026.

through counsel

uo  
Project Director-custd  
Dy. Chief Executive Officer,  
HIMURJA, Shimla-171009

Place: Shimla

1450

**Ankit Kaloti**

**Advocate**

HIM/793/2022

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**IN THE MATTER OF:**

**Chandresh Kumar and Ors.**

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**Versus**


**State of Himachal Pradesh and Ors.**

**...Respondent(s)**

**MAY IT PLEASE YOUR LORDSHIPS:-**

**PRELIMINARY SUBMISSIONS**


1. That the present reply is being filed on behalf of Respondent No. 6, namely HIMURJA (Himachal Pradesh Government Energy Development Agency), which is the designated nodal agency of the Government of Himachal Pradesh for facilitation, allotment and monitoring of Small Hydro Electric

  
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HIMURJA, Shimla-171009

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H.P. High Court Shimla

Projects (SHEPs) up to 5 MW capacity in the State. It is further submitted that the SHEPs were allotted on the basis of self-identified sites selected by the developers themselves in accordance with the prevailing policy of the State Government. Under the applicable policy framework, the responsibility for site selection, technical feasibility, hydrological investigations, environmental appraisal, obtaining statutory/non-statutory clearances, and compliance with social and regulatory obligations rests entirely with the concerned developers. HIMURJA neither undertakes nor exercises any regulatory or supervisory role in respect of such technical, environmental, or site-specific aspects relating to the establishment and execution of the projects. The projects in question were allotted on a Build, Own, Operate and Transfer (BOOT) basis strictly in terms of the policy provisions of the Government of Himachal Pradesh.

Matters relating to environmental clearances, wildlife permissions, blasting activities, slope stability, geological safety, environmental safeguards, hydrological assessments, or compliance with statutory


  
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H.P. High Court Shimla

regulations fall exclusively within the jurisdiction of the respective statutory authorities and regulatory bodies and do not fall within the scope of authority or responsibility of the replying respondent.

### PARA-WISE REPLY

1. That the contents of Para No. 1 is related to the domicile of petitioner therefore, do not pertain to the replying respondent and, therefore, call for no reply. It is submitted that rest of the contents of para are denied for want of knowledge.
2. That the contents of Para No. 2 do not pertain to the replying respondent and call for no reply. Rest of the contents of para are denied for want of knowledge.
3. That regarding the contents of Para No. 3, it is submitted that Kasol 5.00MW SHEP was allotted to M/s Beena Butail (sole) on 10.08.2015 in district Kullu. The Technical Concurrence (TC) of the project was accorded by Directorate of Energy (DoE) on 26.04.2021 for 5.00 MW capacity. The project is envisaged on Kasol Khad a tributary of Parvati river

  
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near Manikaran. Another project namely Grahan Kasol was allotted to M/s Dinesh Butail on 10.08.2015 for 5.00 MW capacity in district Kullu. The technical concurrence (TC) of this project was accorded on 09.09.2021 for 5.00 MW capacity by DoE. The project is envisaged on Grahan nallah, a tributary of Parvati river of Beas basin in district Kullu. The Implementation Agreements (IA) for both the projects were signed on 19.12.2025. As per the clause 5.1 of IA, developer is required to achieve the zero date or start of construction of project within 6 months of signing of IA. Till date, the IPPs have not informed the respondent about the achievement of zero date.


4. That the contents of Para No. 4 of the petition are wrong, and denied and hence not admitted. It is respectfully submitted that the two projects in question were separately allotted in the year 2015 to different individual proponents in accordance with the prevailing Hydro Power Policy of the Government of Himachal Pradesh and were processed independently as distinct projects under the applicable policy

  
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provisions, norms and procedures. Regarding alleged deliberate “project splitting” is wholly baseless, unsupported by any material on record, and is therefore denied.

5. That regarding the contents of Para No. 5, it is submitted that the averments relating to Eco-Sensitive Zone (ESZ), applicability of MoEF&CC notifications, and requirement of NBWL clearance does not pertain to replying respondent. HIMURJA does not grant such statutory environmental approvals. The project proponents are required to obtain all mandatory clearances from the concerned authorities prior to execution. Therefore, no liability can be attributed to this Respondent.
6. That contents of Para No.6 relating to distance measurements, GIS mapping, and wildlife clearances are denied for want of knowledge. It is submitted that such matters fall exclusively within the jurisdiction of the Forest & Wildlife Department and MoEF&CC, and HIMURJA has no role in issuance of such clearances.

  
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Dy. Chief Executive Officer,  
HIMURJA, Shimla-171009

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7. That the contents of Paras No. 7 & 8 do not pertain to the replying respondent and call for no reply.
8. That the contents of Para No. 9 do not pertain to the replying respondent and call for no reply.
9. That regarding the contents of Para No.10, it is submitted that as per the clause 5.1 of IA, IPP is required to achieve the zero date or start of construction of project within 6 months of signing of IA. Till date, the IPPs have not informed the respondent about the achievement of zero date.

It is respectfully submitted that the identification of project sites, hydrological assessments, feasibility analysis and technical design of a Small Hydro Electric Project are undertaken by the Independent Power Producer (IPP)/project developer through detailed field investigations, discharge measurements and professional studies conducted by qualified experts.

The power potential of such projects is determined on the basis of hydrological discharge, available head of the stream, and contributions from tributaries or intermediate water flows within the project stretch. These technical aspects are examined by the competent authorities

  
Project Director-cum-  
Dy. Chief Executive Officer,  
HIMURJA, Shimla-171009

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H.P. High Court Shimla

concerned as per the applicable policy framework and regulatory norms.

Furthermore, issues relating to inter-project distance, environmental impacts, eco-sensitive zones, wildlife considerations and statutory clearances fall within the jurisdiction of the concerned environmental and regulatory authorities under the applicable environmental and wildlife protection laws.

With respect to allegations concerning blasting activities, slope instability or unauthorized project activities, it is submitted that no complaint or official communication regarding any such violation was ever received by HIMURJA from any quarters.

In any event, compliance with safety protocols, environmental safeguards, geological stability norms and statutory conditions during project implementation is the responsibility of the project developer, subject to monitoring and enforcement by the relevant competent authorities.

In view of the facts and submissions stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

  
Project Director-cum-  
Dy. Chief Executive Officer,  
HIMURJA, Shimla-171009

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Oath Commissioner  
H.P. High Court

- a) Dismiss the present Original Application insofar as it concerns Respondent No. 6, as the allegations made therein are misconceived, unfounded and not attributable to the replying respondent; and
- b) Pass any other order or direction which this Hon'ble Tribunal may deem fit and proper in the interest of justice.



... Respondent No. 6  
Dy. Chief Executive Officer,  
HIMURJA, Shimla-171009

Dated: 21.05.2026 .

through counsel

Place: Shimla

ATTESTED

  
Oath commissioner  
H.P. High Court Shimla

Ankit Kaloti

Advocate

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**AFFIDAVIT IN SUPPORT OF  
ACCOMPANYING REPLY**

I, Narender Singh Chauhan, S/o Sh. K.L. Chauhan, age 48 years, Occupation- Project Director-cum-Dy. CEO, HIMURJA, R/o Flat NO. 1, GF Block-B, Verma Apartments, Dyertion Estate, Below Talland, Shimla, H.P., do hereby solemnly affirm and declares as under:

  
Project Director-cum-  
Dy. Chief Executive Officer,  
HIMURJA, Shimla-171002

**ATTESTED**  
  
Oath Commissioner  
H.P. High Court Shimla

1. That the accompanying reply has been drafted at my instance and under my instructions and the contents of para no.1 of preliminary submission and para no. 1 to 9 along with sub paras of the reply on merits is true and correct to the best of my knowledge.
2. That the statement made in the accompanying reply to the application is true to my knowledge and records available and nothing material has been concealed therefrom.

Identified by

Verified at Shimla on this 21<sup>st</sup> day of May, 2026.

ATTESTED

Oath commissioner  
H.P. High Court Shimla



Deponent  
Project Director  
Dy. Chief Executive Officer  
HIMURJA, Shimla-171002

Certified that the above overleaf who was declared before me on solemn affirmation on this 21<sup>st</sup> day of May, 2026 at Shimla in the District of Shimla by Sh. Alexander Singh Chaudhary who identified by Sh. Manoj K. Kumar (J.E.) Who is personally known to me, the above contents of the affidavit are duly read and explained to the deponent in vernacular who admitted the contents thereof to be true

-All Cuttings and ...  
are duly attested by me  
21/05/26  
Oath Commissioner