

No. STE-E (5) 4/2019  
Government of Himachal Pradesh  
Department of Environment Science & Technology

From

The Chief Secretary to the  
Government of Himachal Pradesh

To

The District Attorney,  
H.P. Govt. Legal Cell, Himachal Bhawan,  
New Delhi.

Dated: Shimla-2, the 19-12-2023

Subject: O.A No. 726/2023 In re: News item appearing in The Hindu dated 25-11-2023 entitled “ Deforestation, ill –planned construction, and unscientific –illegal mining behind Himachal Pradesh’s Monsoon catastrophe”.

Sir,

I am directed to refer to the subject cited above and to say that the matter is listed for 20-12-2023 before the Hon'ble National Green Tribunal. The reply to the ibid matter is enclosed alongwith the Affidavit and Vakalatnama to be submitted before the Hon'ble NGT on the behalf of the State of Himachal Pradesh.

You are, therefore requested to kindly submit the reply/ response on the behalf of the respondent State before the Hon'ble Tribunal.

Yours faithfully,

  
(Sat Pal Dhillon) 19-12-2023  
Addl. Secretary (EST&CC) to the  
Government of Himachal Pradesh

**IN THE HON'BLE NATIONAL GREENTRIBUNAL  
NEW DELHI.**

**O.A No. 726/2023**

**IN THE MATTER OF:-**

**In re: News item appearing in The Hindu dated  
25.11.2023 entitled "Deforestation, ill-planned  
construction, and unscientific- illegal mining behind  
Himachal Pradesh's Monsoon catastrophe".**

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<b>Sr. no</b>	<b>PARTICULARS</b>	<b>Pages</b>
1.	Reply to O.A No. 726/2023 along with affidavit.	

PLACE: SHIMLA

DATED:

*Shimla*

REPLYING RESPONDENT

**Through**  
**Adv. Secretary**  
**(Env., Science & Technology)**  
**to the Government of HP**  
**Shimla-171002**

**(DIVYANSHU KUMAR SRIVASTAVA)**

Advocate for Respondent

32, Todarmal Road,

New Delhi-110001

**Ph.: 9711872319, Email: dksrivastava0511@gmail.com**

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
NEW DELHI.

O.A No. 726/2023.

IN THE MATTER OF:-

In re: News item appearing in The Hindu dated 25.11.2023 entitled "Deforestation, ill-planned construction, and unscientific- illegal mining behind Himachal Pradesh's monsoon catastrophe".

REPLY ON BEHALF OF RESPONDENT STATE OF  
HIMACHAL PRADESH.

Most respectfully sheweth:-

1. That in the present matter, cognizance was taken by the Hon'ble National Green Tribunal on the newspaper report published in the Hindu dated 25<sup>th</sup> November titled as "*Deforestation, ill planned construction and unscientific – illegal mining behind Himachal Pradesh's monsoon catastrophic*", this Hon'ble Tribunal vide dated 07.12.2023 has registered the captioned Suo Motu matter. The Notice of hearing in the matter was issued to the State of Himachal Pradesh through its Chief Secretary for appearance in person or by a pleader duly instructed on 20<sup>th</sup> December, 2023. The following submissions are made herein before the

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Hon'ble National Green Tribunal for kind perusal please:-

2. That the State of Himachal Pradesh is a small hilly State that forms a part of the North-West Himalaya which are the youngest mountain chains in the world and are still active and in the building phase. The environmentally fragile and ecologically vulnerable Himalayan part has rendered the State highly vulnerable to the natural calamities and disasters. The sensitivity of these mountains pose serious risk concerns to the State and the same was the reason behind the most catastrophic social and environmental loss in the State of Himachal Pradesh. The unabated damage to life, property and the ecology due to the Natural disaster caused by intensive rains has left deep scars on the State's overall well-being. These concerns are being earnestly monitored to resolve and recoup the loss caused to the environment and social fabric of the State.
3. It is submitted that geographically, the State has been divided into three broad units viz. Lower or Outer Himalaya, Middle Himalaya and the Higher or Great Himalaya and each unit is susceptible to different types of hazards depending upon the

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lithological variations, soils and local climatic variations. However, a disaster was neither anticipated nor predicted, but the State has made all out efforts to mitigate loss caused to the life and property and create a mechanism that would be most suitable for such situation of crises.

4. That the State has also shown considerable variations in the distribution of rainfall and temperature due to the varying aspects and altitudes. Precipitation declines from west to east and south to north. The average annual rainfall is about 1111 mm, varying from about 450 mm in Lahaul&Spiti to over 3400 mm in Dharamshala, the district headquarter of Kangra. About 70% of precipitation is received from July to September. Winter precipitation in the form of snow is received at elevation above 1800 m.
5. It is submitted that the Natural hazards are a matter of immediate concern to the State of Himachal Pradesh. That every year the State experiences the fury of nature in various forms like landslides and earthquakes by virtue of the diverse lithological variations and the active tectonic set up of the State. Besides this, the cloud bursts, GLOFs, flash floods are also a major cause of concern in the present era of climatic variations. The unprecedented rain in the State is an example of the fast and furious climate

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change. Avalanches and drought also pose challenges to different districts in the state. The unpredictable climatic and weather conditions have been the biggest challenge for the State.

6. The hills and mountains of Himachal Pradesh are susceptible to suffer landslides during monsoons and are vulnerable due to geological, meteorological and anthropogenic factors and also as a result of high intensity earthquakes.. The vulnerability of the geologically young and not so stable steep slopes in various Himalayan ranges, has been found to be increasing during the recent past because of the various developmental process being carried out over the mountains, which may lead to accelerating the instability of the slopes. Although the State Government is committed to protect its environment in developing scenarios and various initiatives are being taken/adopted while undertaking the developmental activities which are essential and much required for the overall growth of the mountain states as we

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*[Signature]*

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*[Signature]*

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7. That the Loss of life, damage to buildings, soil erosion, and loss of tree cover, damage to bridges, communication lines and hydropower infrastructure

are some of the impacts of the landslide and landslips. The State faced the brunt of these extreme weather events or climatic conditions and suffered loss to the life and property.

8. That due to the diverse topography of the area, the flood problem in the state is largely isolated in nature. The monsoon, apart from acting as the lifeline in the young, lofty, and fragile mountain belt of the Himalaya, becomes a potential cause for disturbing slope stability, inflicting heavy loss of life, and damaging Government, private, and public property. High monsoon rains in the areas of the Shiwalik and Lower and Mid Himalayan ranges cause extensive floods during the rainy season. In the upper reaches of the Beas and Satluj valleys, the main problems are flash floods and bank erosion because of the steep slopes of rivers and high River flows due to heavy rains. Often, flash floods caused by cloudbursts and temporary blockages of the river channels have also been observed. Extremely high-intensity rainfall events over a short period of time, or 'cloudbursts, as they may be called, are a natural phenomenon in the Himalaya and have been found to be a dominant factor in causing extensive damage in different parts of the State during the monsoon

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period every year. This kind of situation in the present year has caused havoc in the State.

9. It is submitted that during the current monsoon period of 2023, the State witnessed extensive damage due to heavy precipitation resulting a great a loss to the Government exchequer, besides great human loss in different parts of the State. Kullu, Mandi, Shimla, and Solan were the worst affected districts of the State that suffered heavy losses in life and property.

10. That the major loss in the State occurred in three different spells of monsoon depressions. The first monsoon depression that coincides with that of Western Disturbance during the period 9-11 July 2023 resulted in heavy damage and destruction in the State followed by the second spell during 13-16 August 2023, wherein, the continuous and heavy precipitation resulted heavy damage again in the different districts of the State. During the second spell, Shimla, the capital town of the State experienced very heavy damage in terms of loss of the public property and human lives at different places in and around. The major destruction sites were the Shiv Bauri, Summer Hill, Krishna Nagar, Phagli wherein not only the loss of human lives were witnessed but the loss to the property was

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exponential. The landslide activities resulted in collapsing of houses, public properties, trees, etc. The third spell lasted from 24<sup>th</sup> -26<sup>th</sup> August and mainly affected Mandi, Kangra, Bilaspur & Sirmaur Districts.

11. That as far as the damage and destruction in the State during the recent monsoon season is concerned; the dominant factor is the heavy precipitation during the monsoon months due to interception of two weather systems. Besides this, the prolong precipitation since summer months has also resulted in the oversaturation of the sub soil surface weakening the fragile slopes throughout the State. The heavy precipitation during these two spells also led to the heavy flows in the rivers basins and changing river course following the paleo-channels caused damage and destruction to the infrastructure in the different river basins particularly the Beas river. That as mentioned in the article dated 25.11.2023, *ibid*, the construction on debris waste is key reason for the loss to the property and people. The uprooting deodar and other trees due to intensive rain loosened the soil cover along slopes and in Beas River basin which caused havoc in terms of unexplainable loss to the life and property.

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12. It is submitted before the Hon'ble Tribunal that in Shimla town the damage was also widespread causing more than 15 landslides and human loss of 27 people at mainly three sites. In order to make an assessment of the damage occurred in Shimla town, the State Government constituted a team on 19.08.2023 comprising members from different departments like HP Council for Science technology & Environment, HPPWD, JSV, Geological Wing (Ind.Deptt.), MC Shimla and Revenue Department. The committee submitted its findings in the form of technical report dated 04.09.2023 citing the possible causative analysis of the damage occurred in Shimla. It was noted that geologically, Shimla town is characterized by the presence of metamorphites which are fractured in nature and form part of the Jutogh Group and Shimla Group respectively. The dominant litho units found in Shimla area are the Schist, Phyllies and Slates forming part of Jutogh formation and Shales, Slate Quartzite that of the Shimla formation in the town.

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13. Based on the report, it is observed that heavy precipitation was the dominant factor in accelerating the erosional process along the slopes. The heavy and continuous precipitation that took place in 2023 seems to be one of the major causes of concern for

  
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the recent disaster. Analysis of the IMD data at Mandi, Bhuntar, Shimla, Kangra and Kalpa during the period 2014–2023 from April to August reveals that during 2023, heavy rainfall was recorded at all locations except Kalpa in comparison to the preceding years. Further from the analysis, it is observed that although the total rainfall has increased in each month, the number of rainy days has decreased in each month, reflecting heavy spells of rainfall in 2023 in comparison to the preceding years. Thus, the long-wet spell starting from April to August this year has enhanced the saturation of subsoil, making it highly oversaturated, resulting in debris slides at the time of heavy and continuous rains during August 2023, converting into a major disaster. The rainfall trends of Mandi, Bhunter, Shimla, Kangra were depicted in the table given below:-

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**Rainfall Trend Analysis**

Rainfall Mandi (Monthly Rainfall)										
Year	No. of Rainy Days (April)	Total Monthly Rainfall (April)	No. of Rainy Days (May)	Total Monthly Rainfall (May)	No. of Rainy Days (June)	Total Monthly Rainfall (June)	No. of Rainy Days (July)	Total Monthly Rainfall (July)	No. of Rainy Days (August)	Total Monthly Rainfall (August)
2014	4	33.00	8	76.50	10	155.40	21	414.60	10	89.60
2015	8	105.10	1	9.40	9	41.60	12	150	15	204.40
2016	2	11.90	7	127.00	0	0	12	185.70	10	138.90

2017	2	20.20	4	60.40	9	220.50	12	164.80	9	87.30
2018	3	47.10	1	6.20	3	51.6	14	229.60	11	173.4
2019	4	32.60	3	28.50	5	33.60	18	232.30	20	372.60
2020	8	73.90	9	97.50	16	190.70	13	176.50	19	451.00
2021	5	93.60	12	104.80	13	112.30	23	485.80	22	305.40
2022	5	13.20	18	150.80	9	96.40	24	571.80	20	525.40
2023	14	185.20	18	253.80	15.00	286.80	27	528.70	17	693.7

### Rainfall Bhuntar (Monthly Rainfall)

Year	No. of Rainy Days (April)	Total Monthly Rainfall (April)	No. of Rainy Days (May)	Total Monthly Rainfall (May)	No. of Rainy Days (June)	Total Monthly Rainfall (June)	No. of Rainy Days (July)	Total Monthly Rainfall (July)	No. of Rainy Days (August)	Total Monthly Rainfall (August)
2014	8	66.10	12	92.8	10	44.50	13	106.80	4	10.5
2015	11	108.40	3	33.10	13	43.80	10	146	14	80.60
2016	4	62.60	6	42.10	0	0	15	57.10	15	137.00
2017	2	20.4	7	27.90	10	118.70	11	74.50	10	50.50
2018	9	61.40	6	17.50	4	11.1	14	104.10	9	69
2019	6	45.40	8	40.00	11	56.60	13	77.30	20	243.30
2020	16	96.90	13	52.60	12	52.8	16	88.70	17	153.90
2021	7	150.40	14	57.60	11	89.40	19	274.70	12	50.30
2022	9	13.40	17	80.00	15	92.30	26	239.30	18	201.90
2023	14	196.70	17	138.50	15	86.50	19	257.1	7	134.1

### Rainfall Kangra (Monthly Rainfall)

Year	No. of Rainy Days (April)	Total Monthly Rainfall (April)	No. of Rainy Days (May)	Total Monthly Rainfall (May)	No. of Rainy Days (June)	Total Monthly Rainfall (June)	No. of Rainy Days (July)	Total Monthly Rainfall (July)	No. of Rainy Days (August)	Total Monthly Rainfall (August)
2014	6	71.10	6	59.10	9	132.30	22	606.90	10	145.00
2015	7	69.20	0	0.00	9	186.70	17	399.20	20	731.00
2016	2	10.00	6	55.30	0	0	19	450.30	12	456.00
2017	2	31.20	3	12.10	10	209.40	15	377.90	11	359.10
2018	8	60.00	5	50.80	4	44.4	20	461.90	15	881
2019	3	63.50	7	59.90	9	40.10	22	288.80	22	608.80
2020	10	62.70	10	98.00	14	147.40	21	387.80	24	814.60
2021	6	64.30	14	74.00	13	216.80	23	609.30	26	477.30
2022	3	2.80	12	56.90	12	175.00	30	863.80	23	1196.00
2023	12	122.30	16	213.20	19	336.00	28	595.50	22	628.3

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### Rainfall Shimla (Monthly Rainfall)

Year	No. of Rainy Days (April)	Total Monthly Rainfall (April)	No. of Rainy Days (May)	Total Monthly Rainfall (May)	No. of Rainy Days (June)	Total Monthly Rainfall (June)	No. of Rainy Days (July)	Total Monthly Rainfall (July)	No. of Rainy Days (August)	Total Monthly Rainfall (August)
2014	7	68.90	11	65.00	13	218.00	22	560.10	8	47.40
2015	12	81.70	2	1.50	13	58.10	18	317.80	17	182.70
2016	4	21.10	6	81.50	9	118.80	18	316.50	17	267.20
2017	3	16.20	8	68.40	11	105.20	14	133.70	10	134.80
2018	8	56.20	7	20.60	5	128.50	19	398.50	14	313.70
2019	4	24.50	9	54.90	10	79.50	24	346.20	25	499.00
2020	10	94.20	13	124.00	11	183.20	22	232.90	22	156.90
2021	5	156.50	13	86.20	16	186.00	21	281.40	22	246.40

2022	0	0.00	14	227.40	14	139.50	28	433.90	27	514.30
2023	14	221.40	18	225.40	21	383.60	30	530.70	20	552.1

### Rainfall Kalpa (Monthly Rainfall)

Year	No. of Rainy Days (April)	Total Monthly Rainfall (April)	No. of Rainy Days (May)	Total Monthly Rainfall (May)	No. of Rainy Days (June)	Total Monthly Rainfall (June)	No. of Rainy Days (July)	Total Monthly Rainfall (July)	No. of Rainy Days (August)	Total Monthly Rainfall (August)
2014	9	51.60	9	55.30	5	7.00	11	69.30	6	12.90
2015	8	25.00	7	13.50	11	42.90	11	34.20	11	13.90
2016	5	64.40	8	17.00	0	0.00	9	28.20	16	44.60
2017	3	23.80	3	1.80	7	30.60	14	16.60	6	7.60
2018	9	38.20	5	16.40	3	7.2	15	57.80	6	25.2
2019	5	10.70	10	53.50	11	59.80	15	26.80	20	91.20
2020	15	51.00	13	25.40	12	21.00	13	44.90	13	17.80
2021	8	56.20	12	87.20	18	62.00	18	62.00	11	39.60
2022	14	20.20	13	50.60	9	14.20	19	58.40	17	50.90
2023	17	120.80	19	82.60	12	31.70	22	196.60	5	14.6

Besides the heavy precipitation, the report further clarifies that as most of the Himalaya's slopes are fragile by virtue of their origin, as the Himalayas are the youngest mountain chains in the world and are still in the building phase. The Indian Plate is moving northward and subducting under the Eurasian Plate, and the Himalayas are still rising at a rate of about 5mm per year, making them geologically very active and structurally weak. Geologically, Shimla town is situated over a dislocated block formed by the tectonic dislocation of older rocks overriding the younger formations along the Jutogh Thrust. This has resulted in fragility in litho units comprising metasediments, mainly the phyllites, shales, schists, carbonaceous phyllites, quartzites, etc., supporting the slopes on which the town is situated. Over a period of time, these slopes are characterized by thick debris cover in the form of overburden overlying the

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metasediments at varying depths by virtue of erosion, deforestation, and other constructional activities, and the changing land use resulted in the failure of slopes being highly fragile. Most of the events that took place during the current monsoon season in Shimla may be due to the thick debris cover, as observed in most of the cases, which resulted in slope failure by virtue of the oversaturation of the unconsolidated subsurface material supporting these slopes.

14. That the uprooting of the deodar trees from the almost vertical slopes during heavy precipitation has also resulted in the failure of the slopes supporting thick soil cover or debris cover, leading to debris flow in most of the cases in the recent disaster. A large number of trees have been uprooted during the heavy precipitation from these fragile slopes, may be by virtue of their life span, and decreasing binding strength with the subsoil surface has also contributed to enhancing the debris flow in most of the cases in Shimla during the current disaster.

15. It is submitted that the metasediments from the Jutogh and Shimla groups of rocks supporting the slopes are generally found to be fractured in nature and contribute to enhancing the fragility of the slopes.

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16. In metamorphic terrains, the rocks lack primary porosity, and these are permeable along the fractures having secondary porosity only. The linear depressions in the Himalayas are assumed to be structurally controlled and are the weak planes. These fractures and the structural depressions are the conduits for the infiltration of subsurface water, and all infiltration takes place along these fractures, which have secondary porosity, enhancing the saturation of the substrata.

17. Thus, to summarize, the damage that occurred during the recent disaster in Shimla seems to be the combination of the depositions of the thick debris cover on the slopes at the major slide areas like Krishnanagar, Phagli, Shiv Bauri, Majitha House, etc., wherein, by virtue of the heavy precipitation, the subsurface material was highly oversaturated, resulting in slope failure and debris flow movement in the region along with uprooting of the tree cover. The fractured and linear structural depressions have further helped in enhancing the impact, in places like Shiv Bauri, where major destruction and loss took place. The construction on the hill slopes and open drainage systems further accelerated the process of making the slopes more fragile and unstable. The prolonged wet spell during 2023 with a gradual

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increase in the total rainfall even in the summer months has enhanced the saturation level of the subsoil material, resulting being highly oversaturated and weak at times of heavy precipitation, leading to slope failure along with the uprooting of tree cover.

18. As far as the unscientific and illegal mining activities in Beas river catchment are concerned, the Government is completely aware and are regulating the mining activities in river Beas Catchment as per the H.P. Mining Mineral Rules. It is pertinent to mention that the State Government took the stringent measures that were required to be taken by the State to safeguard of the life, property and natural environment of the State of Himachal Pradesh. The State Disaster Management Authority took cognizance of the catastrophic flooding, landslides, failing of the river banks, unprecedented erosion in most of the areas and calamities being witnessed by the State. Accordingly, in exercise of the power vested under Section 24(1) of the Disaster Management Act, 2005, on 23.08.2023 ordered the Director Industry to immediately stop the operations of all stone crushers irrespective of the perenniality, on river Beas and its tributaries keeping in mind the fact that any such relevant activities including

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mining is associated with operation of stone crushers. In addition to this, the Department of Environment Science Technology & Climate Change were directed on 08.09.2023 to conduct a high level consultations immediately involving experts from IITs, NIT's, R&D Institutes, Universities, to identify the factors which resulted in such a disastrous position in the recent monsoon. The Department of Environment Science Technology & Climate Change also formed a comprehensive scientific study by a Multi Sectoral Expert Committee on 08.09.2023 to evaluate the cumulative impact of unscientific/illegal mining activities and also assess to redefine limits as based on the findings, thereby allowing more effective regulation and management of such operations to preserve the environment in River System and avoid any such anthropogenic induced disasters in the state. The interim report dated 09.11.2023 submitted by the committee has observed that the change in the river dynamism is an indicator of the environmental stress caused by various factors including unscientific and illegal mining. It was further observed that the environmental impact of stone crushers, while not much significant, or is relatively lesser compared to unscientific mining operations in the area. The

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Committee also analyzed various compliances w.r.t environmental standards including siting parameters and the factual conclusions are being drawn and same are yet to be submitted as once the district wise investigations, geo hazards, geological and carrying capacity survey is completed which would be required for finalizing the report. The Stone Crusher owners were directed to construct their respective unit masonry boundary walls of adequate size around the stone crushers land after proper demarcation from revenue officers. The committee further recommended that stone crusher shall be liable and solely responsible for any type of illegal dumping, extraction etc., in 500 meter area periphery from the crusher boundary. The Stone Crusher shall be operated only on EIA approved mining leases and not stock based or auction based material shall be allowed to be used in future.

19. It is submitted that the State of Himachal Pradesh has suffered adversely due to this disaster which has inflicted significant damage on human settlement and public infrastructures. The State has engaged with various stakeholder and organizations to study the landslides, cases of land subsidence and suggest measures to mitigate the adverse impacts. Every effort will be made to take required steps to

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reduce the impact of future disaster. However, it needs to be noted that the extreme events such as cloudbursts caused by climate change are difficult to predict will keep posing challenges in the mountain States like Himachal Pradesh.

### PRAYER

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It is most respectfully prayed that the present compliance report may be taken on record and the notice may be dropped as the State Government is



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seized of the matter and taking all required steps to reduce and mitigate the impacts of disaster.



**Replying Respondent**

**Addl. Secretary  
(Env., Science & Technology)  
to the Government of HP  
Shimla-171002**  
Through

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**(DIVYANSHU KUMAR SRIVASTAVA)**

Advocate for Respondent  
32, Todarmal Road,  
New Delhi-110001

**Ph.:** 9711872319, **Email:** dksrivastava0511@gmail.com

Dated : 19.12.2023

Place : Shimla.

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(PRINCIPAL BENCH), NEW DELHI  
ORIGINAL APPLICATION NO.726/2023**

**IN THE MATTER OF :**

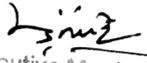
**IN RE NEWS ITEM TITLED "DEFORESTATION ILL-PLANNED CONSTRUCTION AND UNSCIENTIFIC - ILLEGAL MINING BEHIND HIMACHAL PRADESH'S MONSOON CATASTROPHE" APPEARING IN THE HINDU DATED 25.11.2023.**

**AFFIDAVIT**

I, Sat Pal Dhiman S/o Late Sh. Nand Lal, aged about 52 years presently working as Additional Secretary (EST&CC) in the State of Himachal Pradesh, do hereby solemnly affirm and state as under: -

1. That I am the Authorised Signatory of the Respondent State in the present matter and I am fully conversant with the facts and circumstances of the case, and I have been duly authorized and am, therefore, competent to affirm this affidavit.
2. I state that I have read the contents of the Reply from paras 1 to 19 and pages 1 to 19. I state that the facts contained therein are true to the best of my knowledge and belief as derived from the record.
3. I state that the legal argument in the Reply is based on the legal advice given to me by my Counsel and factual statements are based on documents/records relied upon.

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**DEPONENT**

**Add. Secretary  
(Env., Science & Technology)  
to the Government of HP  
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VERIFICATION

I Sat Pal Dhiman the Deponent abovenamed, do hereby verify that the contents of paragraph no. 1 to 3 of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Shimla on this 19<sup>th</sup> day of December 2023.

ATTESTED

[Signature]

Executive Magistrate  
Shimla

S. No. 473/2023  
Declared before me this 19<sup>th</sup> day of Dec.  
2023 on oath (solemn affirmation) by  
Sh. Sat Pal Dhiman Add. Secy (EST2CC)  
who is personally known to me, and do the Govt of  
has been identified by Sh. HP.  
who is personally known to me.

[Signature]

Executive Magistrate  
Shimla

[Signature]

DEPONENT

**Add. Secretary  
(Env., Science & Technology)  
to the Government of HP  
Shimla-171002**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(PRINCIPAL BENCH), NEW DELHI  
ORIGINAL APPLICATION NO.726/2023**

**IN THE MATTER OF:**

IN RE NEWS ITEM TITLED "DEFORESTATION ILL-PLANNED CONSTRUCTION AND UNSCIENTIFIC - ILLEGAL MINING BEHIND HIMACHAL PRADESH'S MONSOON CATASTROPHE" APPEARING IN THE HINDU DATED 25.11.2023.

...  
**VAKALTNAMA**

KNOW ALL to whom these presents shall come that I Sat Pal Dhiman, working as Additional Secretary (EST&CC) in the State of Himachal Pradesh, do hereby appoint **SHRI DIVYANSHU SRIVASTAVA (D/1383/2015)**, hereinafter called the Advocate to be My/our Advocates in the above noted case and authorisethem/him:

- a) To act, appear and plead in the above noted case in this court in any other court in which the same may be tried or heard and also in the appellate courts.
- b) To sign, file, verify and present pleading, applications, appeals, cross-objections or petitions for execution, review, revision, withdrawal, compromise or other petition, replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
- c) To file and take back documents.
- d) To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
- e) To take out execution proceedings.
- f) To deposit, draw and receive moneys, cheques and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- g) To appoint and instruct any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I/we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our authorised agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presents of which have been understood by me/us this 19<sup>th</sup> day of December, 2023.

ACCEPTED:

**(DIVYANSHU KUMAR SRIVASTAVA)**

32, Todarmal Road, New Delhi -110001

Dksrivastava0511@gmail.com

*Shimla*  
CLIENT  
Add. Secretary  
(Env., Science & Technology)  
to the Government of HP

ATTESTED

*D. Singh*  
Executive Magistrate  
Shimla