

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

RESPONSE AFFIDAVIT ON BEHALF OF UTTARAKHAND

POLLUTION CONTROL BOARD

Original Application No. 578/2022

Ram Singh

Applicant

Versus

State of Uttarakhand and Ors.

Respondents

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Dated: April, 2023

Advocate
(Counsel for the respondent)

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Affidavit of Dr. D.K. Joshi (Male) aged about 57 years S/o Late H.C. Joshi R/o presently posted as Regional Officer, Regional Office, Uttarakhand Pollution Control Board, Awas Vikas Colony, Nainital Road Haldwani.



D.K. JOSHI
Deponent

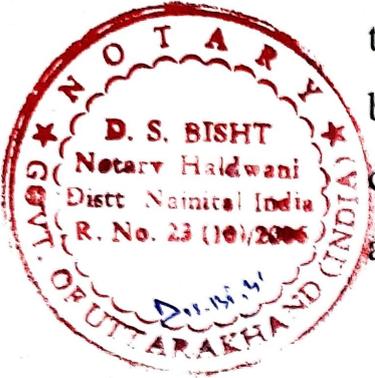
I, the above-named deponent does hereby solemnly affirm and state on oath as under: -

- 1) That the deponent is presently posted as Regional Officer, Regional Office, Uttarakhand Pollution Control Board, Haldwani (Nainital) and is authorized to sign and swear the instant affidavit.

D.K. JOSHI

Ninety Thousand Four Hundred Only) within 30 days. In this connection copy of letter dated 21.04.2023 is being marked and filed as Annexure No. 1 to this affidavit.

6) That the deponent is a responsible Government servant having the highest regards for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.



[Signature]

Deponent

Verification: -

I, *D.S. Bisht*, Advocate, do hereby declare that the person making this affidavit and alleging himself to be is the same person who is known to me from the papers produced by him before me in this case.

D. S. Bisht

.....
Advocate

Enroll. No. ...
R.N. 23 (10) 2006

I, solemnly affirmed before me on this day of *25* April, 2023 at *Haldwani* ~~Dehradun~~ at about *11:35* AM/PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.

Certified that Sri/Smt. *D. K. Jaiswal*
the deponent identified by *D. S. Bisht Adv.*
examined & verified the contents of the
affidavit at *Haldwani*
on date *25/4/2023* time *11:35 A.M.*

D. S. Bisht
Advocate
Notary, Haldwani
Distt. Nainital U.K. India

25/4/2023

Notary



LIFE
Lifestyle For
Environment



गंगा नदी
संरक्षण आयोग

HEAD OFFICE

Uttarakhand Pollution Control Board

"Gauradevi Paryavaran Bhawan"

46B, IT Park, Sahastradhara Road, Dehradun

E-mail : msukpcb@yahoo.com, Phone No.-0135-2607092

Letter No.: UKPCB/HO/Gen-328/2023/151,

SPEED POST / E-MAIL

Date: 21/04/2023

To,

✓ Managing Director,
Kumaon Mandal Vikas Nigam,
Oak Park House,
Mallital, Nainital (Uttarakhand)



Sub.: Establish and Operation of FRP Tourist Huts in the base of Panchchuli mountains – reg.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 19781. and vide provisions of these act every water/air polluting industry/unit/ operation/process is required to obtain consent to establish and consent to operate from the State Pollution Control Board: and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industry. operations or processes of keep their effluent quality within the specified norms; and

WHEREAS, the matter is of illegal establishment and allotment of 05 FRP tourist huts by Kumaon Mandal Vikas Nigam. Nainital in the mid of alpine area at the altitude of more than 12000 feet in Panchchuli mountains instead of installation of the same in land comprising in Khasra No. 2630 situated in village Digtu, Patti Digtu, Tehsil Dharchula, District Pithoragarh allotted by District Magistrate, Pithoragarh to Tourism Department of Uttarakhand, is under consideration before the Hon'ble NGT in the matter of O.A. No. 578 of 2022 titled as "Ram Singh versus State of Uttarakhand & Ors.. and Hon'ble NGT constituted a Joint Committee comprising of representatives of Forest Department, State PCB and District Magistrate Pithoragarh, for factual position, and

WHEREAS, the Joint Committee visited the area in question on 18.10.2022 and submitted its report to Hon'ble NGT for consideration. Hon'ble NGT passed *inter alia* following directions on dated 02.01.2023 for compliance:

10. In the meanwhile, the 05 FRP Huts in question are ordered to be shifted to the land bearing Khet no. 2630 (Area-0.100 hectare), village Digtu, Patti Digtu, Tehsil Dharchula, District Pithoragarh originally allotted by the District Magistrate, Pithoragarh and the land underneath the same is ordered to be restored to its natural environment.

11. Since, unauthorized setting up of the FRP Tourist Huts in ecologically sensitive zone *prima facie* involves violation of the provisions of the Environment (Protection) Act, 1986, the UKPCB is directed to take appropriate proceedings for imposition and realization of environmental compensation in accordance with law.

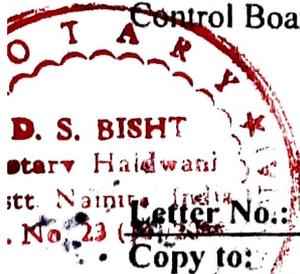
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WHEREAS, in compliance of order of the Hon'ble NGT, Regional Officer, Uttarakhand Pollution Control Board, Haldwani has submitted its report and stated that said 05 FRP tourist huts are in operation without Consent of the Board.

As such it is evident from report of Joint Committee that 05 FRP tourist huts are established and allotted in the base of Panchchuli mountains instead of installation of the same in land comprising in Khasra No. 2630, (0.100 hectare area) situated in village Digtu, Patti Digtu, Tehsil Dharchula (Pithoragarh) allotted by District Magistrate, Pithoragarh to Tourism Department, without requisite Consent from Uttarakhand Pollution Control Board. Therefore, days of violation (from date of inspection to date of compliance) has been treated as non-compliance for which environment compensation will be levied as per approved procedure adopted by the State Board. Since, date of compliance is not communicated yet, therefore, as an interim EC, 164 days (from date of inspection to 31.03.2023) are considered for imposition of environment compensation of Rs. 5,90,400.00 (Rs. Five Lakh Ninety Thousand Four Hundred only). Environment compensation of rest of days will be communicated separately.

In view of above observations and in compliance of order dated 02.01.2023 passed by the Hon'ble NGT in OA No. 578/2022, the Managing Director, Kumaon Mandal Vikas Nigam, Oak Park House, Mallital, Nainital is hereby directed to submit environment compensation of Rs. 5,90,400.00 (Rs. Five Lakh Ninety Thousand Four Hundred only) to this office with 30 days of issue of notice, in the form of demand draft in favour of "Uttarakhand Pollution Control Board" payable at Dehradun.




(S.K. Pattnaik)
Member Secretary

Letter No.: UKPCB/HO/Gen-328/2023/Dated: As above.

Copy to:

1. District Magistrate, Pithoragarh for information and with request to forward compliance status of order dated 02.01.2023 of the Hon'ble NGT, to this office.
2. Regional Officer, UKPCB, Regional Office, Haldwani, Distt. Nainital (Uttarakhand) for information and compliance of Hon'ble NGT order dated 02.01.2023.
3. Guard File.


Member Secretary