

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

Original Application No. 290/2025

IN THE MATTER OF:

Hemant Singh Gonja & Ors.

....PETITIONER

Versus

State of Uttarakhand & Ors.

....RESPONDENT

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**RESPONSE AFFIDAVIT BY EXECUTIVE OFFICER, NAGAR
PALIKA BHOWALI, UTTARAKHAND, IN COMPLIANCE
OF DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL VIDE ITS ORDERS DATED 29.08.2025.**

I, Sudhir Kumar aged about 38 years, S/O Shivraj Lal, R/O 32, Gangol Ganw, Dewaldhar, Chamoli, Uttarakhand, 246401, presently posted as Executive Officer, Nagar Palika Bhowali, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my above-mentioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file this Response Affidavit.



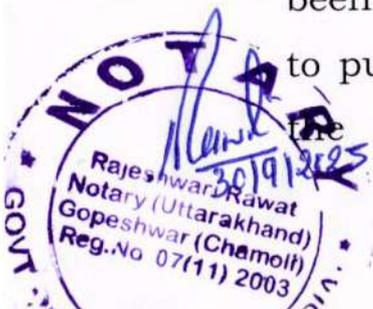
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2. That the Hon'ble Tribunal vide paragraph number 6 of its order dated 29.08.2025, directed the Respondent No. 1 to 3, to file responses to the substantial environmental questions therein. The relevant paragraphs of the order are as follows:

"6. Respondents no. 1 to 3 are directed to file their additional responses mentioning all requisite details regarding action taken/ to be taken for compliance with the Solid Waste Management Rules, 2016 with budgetary allocations and timelines for completion. Respondents no.1 to 3 are also directed to mention in their responses as to whether the water channel in question is regarded/treated/considered by the members of general public to be a river or a storm water drain."

3. That in compliance of the abovesaid order, I am placing on record a detailed status report of the actions, measures and future plans undertaken by the **Nagar Palika Bhowali**, with particular reference to Kainchi Dham, which attracts a large number of devotees and visitors throughout the year, thereby creating significant challenges of sanitation, waste disposal and environmental management. This affidavit has been prepared on the basis of official records and information available with the Palika.

4. That the **Nagar Palika Bhowali**, has consistently been proactive in discharging its statutory duties with respect to public health, sanitation and waste management. While the area of Kainchi Dham falls technically under the



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jurisdiction of the District Panchayat, the Palika has, in larger public interest and in coordination with the District Administration, extended its support and deployed manpower and resources to ensure cleanliness and environmental hygiene in and around Kainchi Dham market area. This intervention is necessary as the influx of devotees, particularly during peak seasons, leads to accumulation of waste far exceeding normal municipal loads, and failure to regulate the same could cause serious ecological imbalance and public inconvenience. Hence, the Palika is voluntarily supplementing the District Panchayat's work in order to maintain environmental standards as mandated under various environmental legislations and municipal laws.

5. With respect to sewerage and soak pits, it is submitted that the Palika periodically inspects the soak pits attached to hotels, lodges and other commercial establishments situated along drains within municipal limits. These inspections are carried out to ensure that untreated sewage is not discharged directly into natural drains or storm water channels. In cases where open sewer discharge is detected, challans are promptly issued as per applicable municipal regulations. As on date, 35 challans have been issued and penalties amounting to ₹41,200/- have been realized.

6. On the issue of solid waste management, the Palika has developed a structured mechanism for door-to-door



collection, segregation at source, transportation and disposal. For this purpose, 24 Paryavaran Mitras (sanitation workers) have been engaged and are supported by 2 dumpers, 4 pickup vehicles and 1 sewer section machine. The Palika undertakes routine collection of approximately 2 Tons Per Day (TPD) of waste from the Bhowali municipal area and an additional 0.45 TPD from the Kainchi Dham region. This collected waste is transported to the Haldwani Cluster, which is a designated solid waste management facility, thereby ensuring compliance with the Solid Waste Management Rules, 2016.

7. That with regard to Kainchi Dham, it is further submitted that even though the area is officially under the jurisdiction of the District Panchayat, the Nagar Palika has taken additional responsibility to maintain cleanliness. Four dedicated Paryavaran Mitras have been deputed exclusively for Kainchi Dham market area who undertake sweeping, garbage collection, and drain cleaning on a daily basis.

In relation to enforcement of anti-littering laws and plastic ban, it is respectfully submitted that the Palika has been rigorous in imposing penalties under the Anti-Littering and Spitting Act. Till date, 97 individuals have been fined, resulting in the collection of ₹1,29,700/-. Moreover, in strict compliance with the ban on Single Use Plastic (SUP), 176 challans have been issued and penalties amounting to ₹71,000/- have been recovered. These figures reflect the

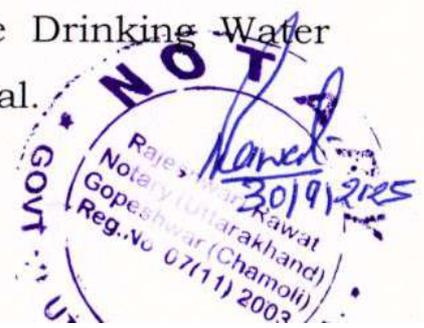


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Palika's commitment to ensuring adherence to environmental directives, and periodic awareness campaigns are also conducted to sensitize shopkeepers, hoteliers and visitors against the use of banned plastic items. The

Palika is determined to implement a zero-tolerance policy against plastic use in public areas falling within its jurisdiction.

9. That as far as door-to-door collection is concerned, the Palika has achieved 100% coverage within the Bhowali municipal area and Kainchi Dham. This effort has generated an amount of ₹27,10,892/- towards garbage collection charges, while an additional revenue of ₹4,47,103/- has been realized from recycling operations. These figures demonstrate not only the efficacy of the waste collection system but also the self-sustainability of municipal operations in this sector. The revenue thus generated is ploughed back into strengthening waste management infrastructure, procuring additional equipment and meeting the recurring expenditure on manpower, thereby ensuring long-term sustainability.
10. With respect to sewerage and drainage planning, it is respectfully submitted that pursuant to the Hon'ble Chief Minister's Announcement No. 618/2024, a comprehensive sewerage and drainage plan has been envisaged for Bhowali municipal area. The task of preparing a Detailed Project Report (DPR) has been entrusted to the Drinking Water Construction Branch, Uttarakhand, Bhimtal.



[Handwritten mark]

11. In light of the above, it is respectfully submitted that the Nagar Palika Bhowali, has not only been discharging its duties in accordance with law but has also gone beyond its strict jurisdictional mandate to provide support in areas like Kainchi Dham, which otherwise falls under the District Panchayat. The Palika has demonstrated both willingness and capacity to respond to environmental challenges by enforcing legal provisions, deploying adequate manpower, collecting penalties, maintaining records and coordinating with district authorities for long-term infrastructural projects. The present affidavit is therefore a true reflection of the sustained efforts of the Palika in safeguarding environmental interests of the region.
12. That the present response affidavit in compliance with the direction passed by this Hon'ble Tribunal is being filed for the kind perusal of this Hon'ble Tribunal. A copy of the letter date 23/09/2025 bearing letter no, 803/R.P./2025-26 by the Office of Nagar Palika Bhowali to the Sub-Divisional Magistrate, Shri Kaichi Dham describing the abovesaid along with it's true translated copy is annexed herewith and marked as **Annexure A**.




DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify and say that the contents of my above submissions. from paragraphs 3—12, by way of the Affidavit are true and correct to my knowledge based on the record, and as the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed therefrom

Verified by me at Gopeshwar, Uttarakhand, on this 30, on this 9 day of September, 2025.


DEPONENT

Sudhir Kumar,
Executive Officer,
Nagar Palika,
Bhowali,
Uttarakhand

certified that Smt. Sri...
the deponent is identified By Sudhir Kumar
Sworn & Verified the Contents of the
Affidavit at Gopeshwar on 30/09/2025
Rajeshwari Rawat
Advocate & Notary
Gopeshwar (Chamoli)
Reg. No. 07(11)/2003

Filed By

DEEPAK BORA,

Counsel for the State of Uttarakhand
17, New Lawyers Chambers,
Setalvad Block,
Supreme Court of India
New Delhi-110001
Mobile No. 9971578987





कार्यालय नगर पालिका परिषद, भवाली

e-mail:- eonagarpalikabhowali@gmail.com

पत्रांक: 803 / रि0पी0 / 2025-2026

दिनांक: 23/09/2025

सेवा में,

— उपजिलाधिकारी महोदय,
श्री कैची धाम।

विषय— मा0 राष्ट्रीय हरित प्राधिकरण में योजित मूल आवेदन संख्या -290/2025 हेमन्त गोनिया बनाम उत्तराखण्ड राज्य व अन्य के संबंध में।

महोदय,

मा0 राष्ट्रीय हरित अधिकरण की मुख्य पीठ नई दिल्ली के समक्ष आवेदन सं0-290/225 श्री हेमन्त गोनिया एवं उत्तराखण्ड राज्य एवं अन्य की याचिका पर निम्नानुसार नगर पालिका परिषद, भवाली से सम्बन्धित सूचना सेवा में सादर प्रेषित:-

1- नाले के किनारे बने भवन/होटल की सोक पीटो की जाँच पालिका द्वारा समय-समय पर की जाती है खुले में सीवर बहने पर पालिका द्वारा नियमानुसार चालानी कार्यवाही की जाती है अब तक कुल 35 चालान से 41,200 अर्थदण्ड लिया गया।

2- पालिका द्वारा नगर क्षेत्र में ठोस अपशिष्ट/प्लास्टिक का संग्रहण/निस्तारण का कार्य किया जा रहा है, जिसमें 24 पर्यावरण मित्र कार्यरत हैं एवं 2 डम्पर, 4 पीकप एवं 1 सीवर सेक्शन मशीन सफाई कार्य में लगाये गये हैं। इसके अतिरिक्त पालिका द्वारा समय-समय पर नाले की सफाई की जाती है तथा विभिन्न संगठनों एवं स्कूलों के माध्यम से भी नाले में विशेष सफाई अभियान चलाये जाते हैं। पालिका द्वारा नगर क्षेत्र भवाली में प्रतिदिन 2 TPD एवं कैची धाम से लगभग 0.45 TPD कूड़ा पालिका वाहनो से उठाया जाता है। जिसका निस्तारण हल्द्वानी कलस्टर में किया जाता है। साथ ही कैची धाम बाजार की सफाई व्यवस्था हेतु पालिका स्तर से 04 पर्यावरण मित्रों की तैनाती की गई है, जिनके द्वारा प्रतिदिन कैची धाम में साफ सफाई का कार्य किया जाता है। पूर्व से ही कैची धाम जिला पंचायत क्षेत्र के अन्तर्गत आता है। बढ़ते हुए श्रद्धालुओं को देखते हुए पालिका द्वारा जिला प्रशासन से प्राप्त निर्देशों के क्रम में कैची धाम में सफाई व्यवस्था की जा रही है।

3- नगर पालिका परिषद भवाली द्वारा नाले में खुले रूप से कूड़ा डालने पर नियमानुसार **anti littering and spitting act** के अन्तर्गत चालानी कार्यवाही की जाती है। पालिका द्वारा अब तक 97 व्यक्तियों के चालान कर रु0 1,29,700:00 का अर्थदण्ड वसूला गया है। तथा SUP (सिंगल यूज प्लास्टिक) प्रतिबन्ध पर कुल 176 चालानों रु0-71,000.00 का अर्थदण्ड वसूला गया है।

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बिबिहासो बाघकाशी
नगर पालिका परिषद
भवाली (नैनीताल)

4- नगर पालिका परिषद भवाली द्वारा नगर क्षेत्र में 100 प्रतिशत डोर-टू-डोर कूड़े का कलेक्शन किया जाता है। पालिका द्वारा अब तक भवाली/कैची धाम से रु0 27,10,892:00 की आय कूड़ा कलेक्शन से अर्जित की गई है तथा रु0 4,47,103:00 कूड़े के पुर्नचकरण से आय प्राप्त की है।

5- नगर पालिका परिषद भवाली क्षेत्रान्तर्गत मा0 मुख्यमंत्री घोषणा 618/2024 भवाली नगर क्षेत्र में सीवर एवं ड्रेनेज प्लान का निर्माण कार्य किया जायेगा के क्रम में पेयजल निर्माण शाखा उत्तराखण्ड भीमताल द्वारा डी0पी0आर0 बनाये जाने की कार्यवाही गतिमान है। पत्र की छाँयाप्रति संलग्न है।

अतः उक्तानुसार की गई कार्यवाही महोदय की सेवा में सादर प्रेषित।

भवदीय,


अधिसासी अधिकारी
नगर पालिका परिषद,
भवाली।

पत्रांक \ व दिनांक उक्त ही।

- प्रतिलिपि-
- 1- संयुक्त संचिव पर्यावरण संरक्षण एवं जलवायु परिवर्तन अनुभाग उत्तराखण्ड शासन देहरादून की सेवा में सादर सूचनार्थ प्रेषित।
 - 2- जिलाधिकारी महोदय नैनीताल की सेवा में सादर सूचनार्थ प्रेषित।
 - 3- क्षेत्रीय अधिकारी यू0के0पी0सी0बी0, हल्द्वानी को सूचनार्थ प्रेषित।


अधिसासी अधिकारी
नगर पालिका परिषद,
भवाली।


अधिसासी अधिकारी
नगर पालिका परिषद
भवाली (नैनीताल)

Office of Nagar Palika , Bhowali

email:- eonagarpalikabhowali@gmail.com

Letter No. 803/R.P./2025-26

Date: 23/09/2025

To,

Sub-Divisional Magistrate,

Shri Kainchi Dham

Subject- **Regarding Original Application No.- 290/2025 Hemant Goniya V/S**

State of Uttarakhand & Ors filed in the Hon'ble National Green

Tribunal

Sir,

In connection with the petition number 290/225 filed by Mr. Hemant Goniya against the State of Uttarakhand and others before the Principal Bench of the National Green Tribunal, New Delhi, the following information related to the Nagar

Palika , Bhowali is respectfully submitted for your service:-

- 1- The soak pits of buildings/hotels constructed along the side of the drains are periodically inspected by the Corporation. In case of open sewer discharge, the Palika issue challans as per the rules. Till date, 35 challans have been issued and a penalty of ₹41,200 has been collected.
- 2- The Palika is carrying out solid waste/plastic collection and disposal work in the municipal area, where 24 Paryavaran Mitras are employed, along with 2 dumpers, 4 pickups, and 1 sewer section machine deployed for cleaning operations. Additionally, the Palika periodically undertakes drain cleaning, and special cleaning drives are carried out through various organizations and schools. **The Palika collects roughly 2 TPD (tons per day) of garbage daily from Bhowali municipal area and about 0.45 TPD from Kainchi Dham, which is disposed at the Haldwani cluster. Further, for cleanliness in the Kainchi Dham market area, 4 Paryavaran Mitras have been deputed, who carry out daily cleaning work at Kainchi**


बिहारी बांधकावी
नगर पालिका बहोली
बहोली (नेनीबाब)

Dham. Kainchi Dham already falls under the district panchayat area. Considering the increasing number of devotees, the Palika is organizing cleanliness arrangements at Kainchi Dham based on instructions received from the district administration.

- 3- The Nagar Palika, Bhowali penalizes open dumping in the drain under the **anti-littering and spitting act** as per rules. So far, 97 individuals have been fined, amounting to ₹1,29,700. Additionally, on the ban on Single Use Plastic (SUP), a total of 176 challans have been issued, recovering ₹71,000 as penalty.
- 4- The Palika carries out 100 percent door-to-door garbage collection within the municipal area. **Till date, the Palika has generated an earning of ₹27,10,892 from garbage collection in Bhowali/Kainchi Dham, and ₹4,47,103 from recycling garbage.**
- 5- Under the Hon'ble Chief Minister's announcement 618/2024, construction of a sewer and drainage plan will be carried out in Bhowali municipal area. For this, the Drinking Water Construction Branch, Uttarakhand, Bhimtal is preparing the DPR (Detailed Project Report). A copy of the letter is enclosed.

Thus, the above actions have been submitted herewith for your service.

Regards
Executive Officer
Nagar Palika,
Bhowali

Copy of the letter to be respectfully sent to the service of -

- 1- Joint Secretary, Environment Protection & Climate Change Section, Uttarakhand Government, Dehradun
- 2- District Magistrate, Nainital
- 3- Regional Officer, U.K.P.C.B., Haldwani

Executive Officer
Municipal Corporation,
Bhowali


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उपर पालिका इस्वी
क्यापी (नेतीबाब)