

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

O.A. NO. 1292 OF 2024

RENUMBERED AS

Execution Application No. 45 Of 2024

IN

O.A. No. 498 of 2015

IN THE MATTER OF:

GANESH SINGH PANCHAL

... APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS.

...RESPONDENTS

INDEX

S. No.	Particulars	Pg. No.
1.	Response Affidavit on behalf of Respondent No. 3.	1 - 5
2.	Annexure A-1 Copy of the letter dated 06.02.2024 bearing no. 334/P.A./2023-24 issued by the Ld. Sub-Divisional Magistrate, Kapkot, District Bageshwar for forming the three member committee along with its true typed copy.	6 - 8
3.	Annexure A-2	9 - 13

	Copy of the report for inspection conducted on 06.05.2024 and prepared by the three member committee along with its true typed copy	
--	---	--

THROUGH COUNSEL



Place: Dehradun, Uttarakhand

Date: 12.02.2025

ADARSH CHAMOLI

**Counsel For Respondent No. 3
5, Lawyers' Chamber Block-I,
Delhi High Court, New Delhi – 110003
Mobile: 8375955697
Email: adarshchamoli93@gmail.com**

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

O.A. NO. 1292 OF 2024

RENUMBERED AS

Execution Application No. 45 Of 2024

IN

O.A. No. 498 of 2015

IN THE MATTER OF:

GANESH SINGH PANCHAL

... APPLICANT

VERSUS

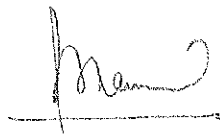
STATE OF UTTARAKHAND & ORS.

...RESPONDENTS


RESPONSE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

I, Jai Lal Sharma, S/o Late B.R. Sharma, aged 58 years, presently posted as Joint Secretary, Department of Irrigation, Government of Uttarakhand:



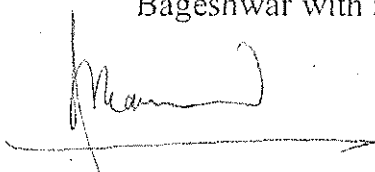


(Deponent)



I, the above name deponent, do hereby solemnly affirm and stated as hereunder:

1. That the deponent is presently posted as Joint Secretary, Department of Irrigation, Government of Uttarakhand i.e. Respondent No. 3 in the present matter as such he is fully conversant with the facts of the case and competent to swear the present Affidavit.
2. That the above captioned matter has been preferred by the Applicant for execution of a final order dated 09.08.2017 passed by this Hon'ble Tribunal in O.A. No. 498 of 2015 titled as "Pushpa Saini v. Ministry of Environment, Forest & Climate Change & Ors." that relates to maintenance of seasonal environmental flow (E-flow) for ecological integrity of rivers.
3. That after hearing the above captioned matter on 25.11.2024, this Hon'ble Tribunal was pleased to issue notice to total 5 Respondents, including Respondent No. 3 vide its aforesaid order dated 25.11.2024 and thereafter, further opportunity has been given to Respondent No. 3 to file its response vide this Hon'ble Tribunal's order dated 15.01.2025.
4. It is respectfully submitted that based on communication done by the Applicant to the Office of Sub-Divisional Magistrate, Kapkot, District Bageshwar with respect to the alleged violations on the part of Parvyati

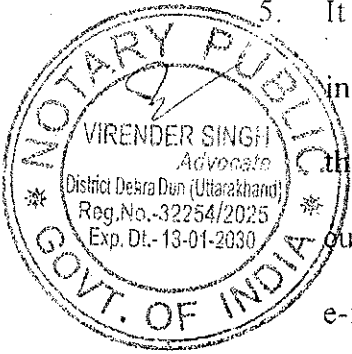


Project Limited of not maintaining the seasonal environmental flow (E-flow) of river Saryu, the Ld. Sub-Divisional Magistrate Kapkot, District Bageshwar vide its letter dated 06.02.2024 bearing no. 334/P.A./2023-24 constituted a three member-committee to investigate the E-flow pertaining to the river Sarayu with respect to such violations. Such committee constituted the following members:

- a. Tehsildar Kapkot;0
- b. Executive Engineer, Irrigation Division, Kapkot which comes under the control of Respondent No. 3; and
- c. Executive Engineer, Jal Nigam, Bageshwar.

5. It is submitted that the aforesaid three member committee conducted an inspection of the site along the river Saryu on 06.05.2024 and measured the quantum of water at the point of intake into the tunnel to be 50.65 cusec, and the discharge flowing from the intake channel in the form of e-flow was measured to be 12.65 cusecs.

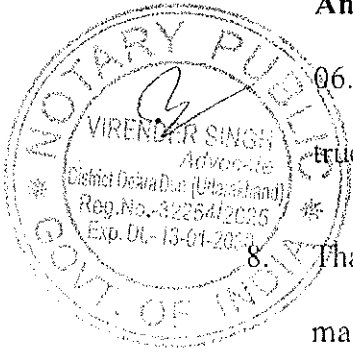
6. It is to be noted that as per Project Manager of M/s Parvyati Project Limited, who was present at the site at the time of the inspection conducted on 06.05.2024, Water from the intake channel is taken into the tunnel, which then is used to generate electricity by reducing the water load by 15 percent for running the turbine machine and the said



A handwritten signature in black ink, appearing to be 'Virender Singh', written over a horizontal line.

15 percent water flows in the river in the form of overflow which is regulated by gate situated at intake point.

7. It was further observed by the said committee that no discharge measuring devices were installed by M/s Parvyati Project Limited and therefore, the committee used the "Area-Velocity" method to measure the water flow at the discharge end of the tunnel. Copy of the letter dated 06.02.2024 bearing no. 334/P.A./2023-24 issued by the Ld. Sub-Divisional Magistrate, Kapkot, District Bageshwar for forming the three member committee along with its true typed copy is annexed as **Annexure A-1**. Copy of the report for inspection conducted on 06.05.2024 and submitted by the three member committee along with its true typed copy is annexed as **Annexure A-2**.



8. That the installation of the discharge measuring device and the maintenance of the seasonal environmental flow (e-flow) of a river by a hydro-electric power plant is monitored by the Uttarakhand Jal Vidhyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun, Uttarakhand and in case of violation of environmental norms, the Uttarakhand Pollution Control Board is held responsible for the same.
9. It is also submitted that as per the response affidavit filed by Respondent No. 6 i.e. Uttarakhand Pollution Control Board, a letter dated 03.01.2025

A handwritten signature in black ink, appearing to be "Virender Singh", written over a horizontal line.

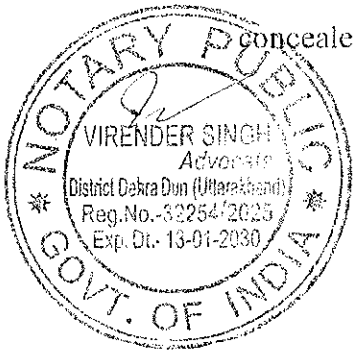
has already been issued by Respondent No. 6 to the said organization i.e. UJVN Ltd. which is relevant for maintenance of E-flow (e-flow).

10. That the deponent undertakes to comply with any further directions that this Hon'ble Tribunal may pass in the present matter.

[Signature]
DEPONENT

VERIFICATION

Verified at Dehradun, Uttarakhand on 11 day of February 2025 that the contents 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.



[Signature]

SR. No. 25
Date 11-02-2025

[Signature]
DEPONENT

This affidavit is sworn before me by
snn. Jai Lal Sharma
who is identified by Snn Harsi Dargshan Pooval
at Dehradun on
[Signature] 11-02-2025
virender Singh Time : 04.27 P.M.
Advocate & Notary Dehradun

Annexure A-1

कार्यालय उपजिलाधिकारी कपकोट, जिला बागेश्वर।
संख्या 334/पी0ए0/2023-24

दिनांक 06 फरवरी, 2024

सेवा में,

01. तहसीलदार कपकोट।
02. अधिशासी अभियन्ता, जल निगम बागेश्वर।
03. अधिशासी अभियन्ता, सिचाई खण्ड कपकोट।

विषय:- पर्वतीय पॉवर लिमिटेड (4.8 एम0डब्लू) मुनार परियोजना द्वारा छोड़े जाने वाले प्रतिदिन न्यूनतम पर्वावरणीय प्रवाह ई फलो मानदंडों के उल्लघन के संबंध में।

उपरोक्त विषयक श्री गणेश सिंह पंचपाल निवासी जीतनगर, मण्डलसेरा, जिला व पो0 बागेश्वर द्वारा पर्वतीय पॉवर लिमिटेड (4.8 एम0डब्लू) मुनार परियोजना द्वारा छोड़े जाने वाले प्रतिदिन न्यूनतम पर्वावरणीय प्रवाह ई फलो मानदंडों के उल्लघन के संबंध में प्रार्थना पत्र अधोहस्ताक्षरी कार्यालय में प्रस्तुत किया गया है। प्रकरण में जाँच हेतु तहसीलदार कपकोट, अधिशासी अभियन्ता सिचाई खण्ड कपकोट व अधिशासी अभियन्ता जल निगम बागेश्वर की एक समिति गठित की जा रही है।

अतः उक्तानुसार जाँच हेतु गठित समिति आपस में सामंजस्य स्थापित करते हुये एक सप्ताह अन्तर्गत अनिवार्य रूप से जाँच कर जाँच आख्या से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्न :- उक्तानुसार।

(अनुराग आर्य)
उपजिलाधिकारी,
कपकोट।

- प्रतिलिपि :- 01. जिलाधिकारी महोदया, बागेश्वर को सादर सूचनार्थ प्रेषित।
02. श्री गणेश सिंह पंचपाल निवासी जीतनगर, मण्डलसेरा, जिला व पो0 बागेश्वर को सूचनार्थ प्रेषित।

उपजिलाधिकारी,
कपकोट।

//TRUE TRANSLATED COPY//

OFFICE OF SUB-DIVISIONAL MAGISTRATE KAPKOT,
DISTRICT BAGESHWAR

No.334/P.A./2023-24

Dated 06 February, 2024

To

01. The Tehsildar Kapkot
02. The Executive Engineer, Jal Nigam Bageshwar
03. The Executive Engineer, Irrigation Division Kapkot

Subject:- In relation to violation of minimum environmental flow E-flow norms per day released by Parvatiya Power Limited (4.8 MW) Munar Project

That in the office of the undersigned, an application has been moved by Shri Ganesh Singh Panchpal resident of Jeetnagar, Mandalseera, District and PO Bageshwar for the violation of minimum environmental flow E-flow norms per day released by Parvatiya Power Limited (4.8 MW) Munar Project on the above issue. A Committee of Tehsildar Kapkot, Executive Engineer Irrigation Division Kapkot and Executive Engineer Jal Nigam Bageshwar is being instituted for inquiry in the case.

Therefore, the Committee instituted for investigation as per above should coordinate among themselves and investigate the matter within the period of a week and intimate this office with the Investigation Report.

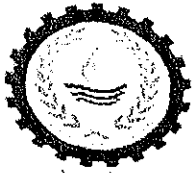
Encl: As above.

Sd/-
(Anurag Arya)
Sub-Divisional Magistrate,
Kapkot

Copy to: 01. The District Magistrate, Bageshwar - for information
02. Shri Ganesh Singh Panchpal resident of Jeetnagar, Mandalsera, District and Post Bageshwar - for information

Sd/-
Sub-Divisional Magistrate,
Kapkot

//TRUE TRANSLATED COPY//



अपार शक्तेः स्रोतः गंगेयम्

कार्यालय अधिशासी अभियन्ता, सिंचाई खण्ड कपकोट

E Mail : eeidkapkot18@gmail.com

Phone : 05963253072

Annexure A-2

75
आजादी का
अमृत महोत्सव

9

पत्रांक :- 610 /सि0ख0क0/ विविध/
प्रेषित,

दिनांक :- 20.05.2024

उपजिलाधिकारी
कपकोट

विषय- पर्वतीय पॉवर लिमिटेड (4.8 MW) मुनार परियोजना द्वारा छोड़े जाने वाले प्रतिदिन न्यूनतम पर्यावरणीय प्रवाह ई-फ्लो मानदंडों के उल्लंघन के सम्बन्ध में।

सन्दर्भ -आपका कार्यालय पत्र संख्या 334/पी0ए0/2023-24 दिनांक 06.02.2024

महोदय,

आपके उपरोक्त विषयक सन्दर्भित पत्र के क्रम में पर्वतीय पॉवर लिमिटेड (4.8 MW) परियोजना द्वारा छोड़े जाने वाले प्रतिदिन न्यूनतम पर्यावरणीय प्रवाह ई-फ्लो मानदंडों के उल्लंघन के सम्बन्ध में दिनांक 06.05.2024 को सरयू नदी पर बने इनटेक का निरीक्षण गठित समिति द्वारा किया गया जिसकी जांच आख्या संलग्न कर अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक- जांच आख्या 01 नग।

अधिशासी अभियन्ता
सिंचाई खण्ड, कपकोट

पर्वतीय पॉवर लिमिटेड (4.8 MW) मुनार परियोजना जांच आख्या

पर्वतीय पॉवर लिमिटेड (4.8 MW) मुनार परियोजना द्वारा न्यूनतम पर्यावरणीय प्रवाह ई-फ्लो के उल्लंघन के सम्बन्ध में अधिशासी अभियन्ता सिंचाई खण्ड कपकोट, सहायक अभियन्ता, जल निगम बागेश्वर, एवं तहसीलदार कपकोट द्वारा परियोजना के सरयू नदी पर बने इनटेक (जहां से पानी लिया है) का निरीक्षण दिनांक 06.05.2024 को किया गया। पर्वतीय पॉवर लिमिटेड द्वारा इनटेक के पास कोई श्राव मापक यंत्र अधिष्ठापित नहीं किया गया है। न्यूनतम पर्यावरणीय प्रवाह ई-फ्लो के सम्बन्ध में पावर प्रोजेक्ट के स्थल पर उपस्थित प्रोजेक्ट मैनेजर द्वारा अवगत कराया गया कि प्लांट स्टार्ट के समय उनके द्वारा इनटेक चैनल से पूरा पानी टनल में लिया जाता है। टरबाईन मशीन चलाने के उपरान्त 15 प्रतिशत लोड और कम कर विद्युत उत्पादन किया जाता है। जिससे न्यूनतम 15 प्रतिशत पानी डी-टैंक से ओवर फ्लो के रूप में नदी में वापस प्रवाहित होता है, जिसे योजना के इनटेक पर बने गेट से कन्ट्रोल किया जाता है। और ई-फ्लो के रूप में मुख्य धारा/नदी में बहता रहता है।

निरीक्षण की तिथि को स्थल पर श्राव मापन यंत्र अधिष्ठापित न होने के कारण Area Velocity विधि द्वारा स्थल पर श्राव मापन किया गया। सरयू नदी में इनटेक चैनल से पूर्व 50.65 Cusec श्राव आंकलित किया गया। जबकि इनटेक चैनल से ई-फ्लो के रूप में बह रहे श्राव का मापन 12.65 Cusec आंका गया। शिकायत कर्ता श्री गणेश सिंह पंचपाल निवासी जीतनगर, मण्डलसेरा, बागेश्वर द्वारा मशीन द्वारा लोड के अनुसार लिये जा रहे डिस्चार्ज की गणना किये जाने हेतु बताया गया।

अतः पर्वतीय पॉवर लिमिटेड (4.8 MW) मुनार परियोजना में विद्युत उत्पादन हेतु लोड के अनुसार मशीन द्वारा लिये जा रहे डिस्चार्ज के आंकलन की पुष्टि Electrical / Mechanical Engineer से कराया जाना उचित प्रतीत होता है।

Ud 15/5/24
अधिशासी अभियन्ता
Canal Division
जल निगम बागेश्वर
Bagaswar

अधिशासी अभियन्ता
सिंचाई खण्ड कपकोट
अधिशासी अभियन्ता
सिंचाई खण्ड, कपकोट

परवेज

21/05/2024

//TRUE TRANSLATED COPY//

APAAR Office of Executive Engineer, 75 AZADI
SHAKTI: Irrigation Division Kapkot KA AMRIT
SOURCE: E Mail: MAHOTSAV
GANGEYAM eeidkapkot18@gmail.com
Phone: 05963253072

Let No.610/S.K.K/Misc/

Date: 20.05.2024

To**Sub-Divisional Magistrate
Kapkot**

Subject: In relation to violation of minimum environmental flow e-flow norms per day released by Parvatiya Power Limited (4.8 MW) Munar Project.

Ref: Your office letter No. 334 / P.A. / 2023-24 dated 06.02.2024

Sir,

This is in furtherance of your above-mentioned subject reference letter, the intake built on the Saryu River was scrutinized by the Instituted Committee on 06.05.2024 about the violation of the daily minimum ecological flow e-flow customs released by Parvatiya Power Limited (4.8 MW) Project, whose Inquiry Report is attached and referred for further essential action.

Encl : Inquiry Report 01 No.

Sd/-
Executive Engineer
Irrigation Division, Kapkot

//TRUE TRANSLATED COPY//

PARVATIYA POWER LIMITED (4.8 MW) MUNAR
PROJECT INVESTIGATION REPORT

This is in violation of least ecological flow e-flow by Parvatiya Power Limited (4.8 MW) Munar Project, Executive Engineer, Irrigation Section, Kapkot, Assistant Engineer, Jal Nigam, Bageshwar, and Tehsildar, Kapkot scrutinized the intake built on the Saryu River (from where water is taken) of the Project on 06.05.2024. No flow of measuring device has been installed near the intake by Parvatiya Power Limited. For the minimum environmental flow e-flow, the Project Manager present at the site of the Power Project informed that at the time of plant start, all the water is taken into the tunnel from the intake channel by them. After running the Turbine Machine, electricity is produced by decreasing the load by 15 percent. Due to which least 15 percent water flows come back into the river as overflow from the D-tank, which is controlled by the gateway constructed at the intake of the Scheme and continues to flow in the main stream/river in the form of e-flow.

On the date of scrutiny, since the flow measuring apparatus was not installed at the site, flow measurement was done at the site by Area Velocity method. Flow in Saryu river was measured to be 50.65 Cusec before the intake channel, whereas the flow flowing from the intake channel in the form of e-flow was measured to be 12.65 Cusec. The complainant namely Shri Ganesh Singh Panchpal, a resident of Jeetnagar, Mandalsera, Bageshwar was told to analyze the discharge being taken by the machine as per the load.

Therefore, it appears suitable to get the calculation of discharge being taken by the machine as per the load for power generation in Parvatiya Power Limited (4.8 MW) Munar project verified from an Electrical / Mechanical Engineer.

Sd/-
15.5.24
Executive Engineer
Water Corporation
Bageshwar

Sd/-
Executive Engineer
Irrigation Division Kapkot
Irrigation Division,
Kapkot

Sd/-
21.05.2024