

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

O.A. No. 1034 of 2024

In the matter of:

K. Sanjeev Dogra

...Applicant

...versus

State of Himachal Pradesh and Others

...Respondents

INDEX

S.No.	Particulars	Pg. No.
1.	RESPONSE TO LETTER PETITION/O.A. NO. 1034/2024 AND OBSERVATIONS MADE IN THE INTERIM REPORT, BY WAY OF AFFIDAVIT IN COMPLIANCE TO THE ORDER DATED 10.12.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI, ON BEHALF OF RESPONDENT NO. 2.	1 - 5
2.	<u>Annexure R-1:</u> A COPY OF NOTIFICATION DATED 01.12.2021.	6 - 7
3.	<u>Annexure R-2:</u> A COPY OF NOTIFICATION DATED 01.12.2021.	8 - 9
4.	<u>Annexure R-3:</u> A COPY OF LETTER DATED 26.12.2024.	10
5.	<u>Annexure R-4:</u> A COPY OF LETTER DATED 06.03.2025 & OFFICE ORDER DATED 31. 12.2024.	11 - 12
6.	Proof of Service	13
7.	VAKALATNAMA	14

Through Counsel

Place: New Delhi *Shinda*
Date: 19.03.2025

Shinda
Shaila Arora
Counsel for Respondent No.2
Panel Advocate to the State of H.P.
C-565, Defence Colony
New Delhi - 110024
M:8219582977


Director of Industries
Himachal Pradesh

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

O.A. No. 1034 of 2024

In the matter of:

K. Sanjeev Dogra

...Applicant

...versus

State of Himachal Pradesh and Others

...Respondents

Response to letter petition/O.A. No. 1034/2024 and observations made in the interim report, by way of affidavit in compliance to the order dated 10.12.2024 passed by the hon'ble National Green Tribunal, principal bench, New Delhi, on behalf of Respondent No. 2.

MOST RESPECTFULLY SHEWETH:

I, Yunus S/o [✓] Mohhamad Nazir age 46 years, Occupation Government Service and presently posted as Director of Industries, Himachal Pradesh Shimla, do hereby solemnly affirm and state on oath as under, do hereby solemnly affirm and stated as hereunder:

1. It is most respectfully submitted that the aforementioned Original Application was listed for hearing on 10th December 2024 before this Hon'ble Tribunal. On the said date, this Hon'ble Tribunal graciously passed the following order:

"4. The Registry is hereby directed to prepare the memo of parties and issue notices to Respondents Nos. 1 to 4, directing them to submit their responses to the averments made in the Original Application as well as the observations highlighted in the interim report of the Joint Committee. Such responses shall be filed no later than one week prior to the next date of hearing, as fixed hereby.

5. In the interim, the Director of Mining and Geology, Himachal Pradesh, the District Magistrate, Kangra, and the Superintendent of Police, Kangra, are directed to ensure that no illegal sand mining activities are undertaken along the Chakki River in the Kandwal-Lodhwan-Tipri belt."

ATTESTED

OATH COMMISSIONER

Director of Industries
Himachal Pradesh

2. In compliance with the aforementioned directions, it is respectfully submitted that, vide order dated 7th November 2024, this Hon'ble Tribunal was pleased to register a letter petition dated 8th January 2024 as an Original Application. The said petition was filed by the present Applicant, Shri K. Sanjeev Dogra, raising a grievance concerning illegal sand mining along the riverside within the State of Himachal Pradesh. In the letter, the complainant alleged that unlawful sand mining activities were being conducted along the Chakki River, specifically in the Kandwal-Lodhwan-Tipri belt, which runs parallel to the Punjab border but falls under Tehsil Nurpur, District Kangra, Himachal Pradesh. These illegal activities are reportedly not only disrupting the ecological balance of the river but are also causing severe harm to the flora and fauna, thereby endangering the environment.
3. It is respectfully submitted that, in the Respondent State, mining activities are regulated under the Mines and Minerals (Development and Regulation) Act, 1957, along with the rules framed thereunder, namely, the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation, and Storage) Rules, 2015. Furthermore, Chapter VI (Rules 67 to 71A) of the aforesaid 2015 Rules outlines provisions for the registration, location, installation, and operation of Stone Crushers. As per Rule 67, obtaining a mining lease is a mandatory prerequisite for operating a Stone Crusher Unit, ensuring the lawful and regulated supply of minor minerals.
4. The respondent, namely the Industries Department, has executed 13 mining lease deeds pertaining to the riverbed and terrace land of Chakki Khad, located in the Kandwal-Lodhwan-Tipri belt. These leases were finalized only after adhering to all the requisite codal formalities, including securing Environmental Clearance and approval of the Mining Plan, as mandated by the Rules of 2015. Based on the aforementioned mining leases and legally sourced raw materials, 11 stone crusher units are currently operating in the area in question. It is further stated that the remaining concerns raised in the letter petition, particularly those relating to pollution, ecological damage to the river, environmental degradation, and the impact on flora and fauna, fall under the purview of Respondents No. 1 and 4. Therefore, these issues necessitate no reply or action from the replying respondent.
5. That in the interim report dated 08.12.2024 qua the joint inspection conducted on 02.12.2024, the joint committee at point No. 3.0 has submitted as under:

3.0 Submission of the Joint Committee:


Director of Industries
Himachal Pradesh

1. Initial findings made by the Joint Committee during their inspection, along with subsequent information provided by the Mining Department and Police indicate that illegal mining occurs in the area/belt in question.
2. However, the Joint Committee's observations need to be confirmed and supported by documents/information that are still pending from the relevant agencies, namely: ii) the Mining Department and ii) the State Pollution Control Board and iii) District Administration, after which a re-inspection will be necessary, for validation.
3. The information regarding availability of satellite data for the area to assess the extent of illegal mining, both qualitatively and quantitatively, is awaited from Himachal Pradesh Remote Sensing Centre, Shimla
4. This matter involves multiple issues, as outline in Section 2. 3 of this report, including:
 - i) Illegal river bed mining.
 - ii) Unscientific mining.
 - iii) Diversion of river flow.
 - iv) Compliance prescribed norms by crusher stone regarding crushing and mining activities.
5. After receiving the requested details from the concerned departments, multiple visits, including a drone survey, may be necessary for the Joint Committee in order to submit a comprehensive factual report, as directed by the Hon'ble NGT."

The perusal of above submissions made by the joint committee, shows that the observations made in the interim report are still to be confirmed from the respective departments.

6. It is pertinent to highlight that the Kandwal-Lodhwan-Tipri belt, the area in question, shares its boundaries with the State of Punjab. The frequent changes in the course of the Chakki River often lead to boundary disputes between the two states, rendering this region highly vulnerable to illegal mining activities. In light of this, the respondent department, i.e., the Industries Department, has deployed an additional Mining Officer along with necessary support staff to regulate mining activities in Sub-Division Nurpur, District Kangra, Himachal Pradesh. Furthermore, the department has undertaken several measures to curb illegal mining. By invoking the powers conferred under Section 26(2) read with Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, the Additional Chief Secretary (Industries) to the Government of Himachal Pradesh issued a notification dated 01.12.2021. This notification

ATTESTED

OATH COMMISSIONER



Director of Industries
Himachal Pradesh

authorized various authorities, including the Police, Forest, and Industries Departments, as well as General Administration officials, to seize any unlawfully mined or transported minerals, along with tools, equipment, vehicles, or any other items used for such purposes. A copy of this notification is attached as **Annexure R-1** for the Hon'ble Tribunal's reference. Additionally, on the same date, the Additional Chief Secretary (Industries) issued another notification, empowering 25 authorities across departments like Police, Forest, and Industries to file written complaints in courts of competent jurisdiction for any offences punishable under the Act or its rules. This notification is enclosed as **Annexure R-2** for kind perusal. To prevent unauthorized crushing of minor minerals, the department has also linked the production capacity of mining leases to the electricity consumption of the stone crusher units. Following the order dated 10.12.2024 passed by this Hon'ble Tribunal, the respondent department forwarded a letter dated 26.12.2024 to the Mining Officer of Nurpur, District Kangra, instructing that no illegal sand mining be allowed in the riverbed, including the Chakki River within the Kandwal-Lodhwan-Tipri belt. A copy of this letter is annexed as **Annexure R-3** for the Tribunal's consideration. In response to the aforementioned directions, the Mining Officer, through a letter dated 06.03.2025, reported that field staff routinely visit the area and conduct surprise inspections to deter illegal mining activities. Offenders found engaging in unlawful mining, transportation, or storage of minor minerals face action under the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015. Moreover, a flying squad was constituted through office order dated 31.12.2024 under the supervision of the Mining Inspector. This squad, comprising two Assistant Mining Inspectors and two Mining Guards, has been tasked with monitoring illegal mining activities and submitting weekly reports to the Mining Officer of Nurpur. Copies of the letter dated 06.03.2025 and the office order dated 31.12.2024 are annexed as **Annexure R-4 (Colly)** for the Tribunal's reference. Post the issuance of these orders, only two cases of illegal transportation have been detected, both of which are under investigation. The respondent department is making every possible effort to take stringent action against offenders involved in illegal mining activities.

7. That the present Affidavit may kindly be taken on record.


Director of Industries
Himachal Pradesh

ATTESTED
OATH COMMISSIONER

Place: New Delhi
Date: 19.03.2025

Respondent No.2
Director of Industries
Himachal Pradesh

Through Counsel

Shaila

Shaila Arora
Counsel for Respondent No.2
Panel Advocate to the State of H.P.
C-565, Defence Colony
New Delhi - 110024
M:8219582977

Jaswanth Singh
by

VERIFICATION:

I, the above deponent do hereby verify that the contents of this Affidavit from Para 1 to 7 are true and correct to the best of my knowledge and belief as the information has been derived from the official record. No part of it is false and nothing material has been concealed therefrom. Verified at *Shimla* on this day *18th* March, 2025.

ATTESTED

OATH COMMISSIONER

I, the undersigned do hereby declare
on solemn affirmation on this
the District of Shimla by
who was identified by
who is personally known to me and
contents of it above stated have been read
over & explained to the deponent in vernacular
who admitted them to be correct and true at the
time of making thereof

Oath Commissioner
UP High Court Shimla
18-3-25

Readings, Corrections & Additions
are attested by me
18-3-25
Oath Commissioner



(Authoritative English text of this department notification number Ind-II(F)6-20/2005 dated 01.12.2021 as required under clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Industries

No. Ind-II (F) 6-20/2005

Dated Shimla-2, 01.12.2021

NOTIFICATION

In supersession of the Govt. Notification number Ind-II (F) 6-20/2005 dated 30.4.2011 and in exercise of the power conferred under Sub-Section (2) of Section 26 read with Section 21 (4) of the Mines and Minerals (Development, and Regulation) Act, 1957 (Act No. 67 of 1957) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to empower/authorize the following Officers to seize any mineral raised or transported or caused to be raised or transported by any person without any lawful authority, any mineral from any land and for that purpose uses any tool, equipment, vehicle or any other thing for this purpose with immediate effect:-

- | | |
|--|-----------------------------------|
| 1. All the Deputy Commissioners in HP | In their respective jurisdiction. |
| 2. All the Additional Deputy Commissioners in HP | --do-- |
| 3. All the Sub-Divisional Magistrates in HP | --do-- |
| 4. All the Executive Magistrates in HP | --do-- |
| 5. All the Superintendents of Police in HP | --do-- |
| 6. The Additional Superintendents of Police in HP | --do-- |
| 7. All the Deputy Superintendents of Police in HP | --do-- |
| 8. All the Conservator of Forests in HP | --do-- |
| 9. All the Divisional Forest Officers in HP | --do-- |
| 10. All the Assistant Conservator of Forests in HP | --do-- |
| 11. All the Range Officers of Forests in HP | --do-- |
| 12. All the General Managers, DIC in HP | --do-- |
| 13. All the Mining Officers in HP | --do-- |

This supersedes all the previous Notifications issued in this behalf.

By order

R.D. Dhiman
Addl. Chief Secretary (Industries) to the
Government of Himachal Pradesh

Geological (Zone-II)
Geological Wing
Deptt. of Industries Shimla-1

Encls. No. Ind-II(F)6/20/2003

Dated Shimla-2, the 01.12.2021

Copy forwarded to:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh for information.
2. The Director of Industries, Himachal Pradesh, Shimla-1 for necessary action and circulation among all concerned under his control.
3. All the Deputy Commissioners in Himachal Pradesh for necessary action and circulation among all concerned under their control.
4. All the Superintendents of Police in Himachal Pradesh for necessary action and circulation among all concerned under their control.
5. All the Conservators of Forests in Himachal Pradesh for necessary action and circulation among all concerned under their control.
6. All the Block Development Officers in Himachal Pradesh for necessary action and circulation among all concerned under their control.
7. All the Executive Engineers, HPPWD in Himachal Pradesh for necessary action and circulation among all concerned under their control.
8. All the Executive Engineers, I&PH in Himachal Pradesh for necessary action and circulation among all concerned under their control.
9. The State Geologist, Himachal Pradesh, Shimla-1 for necessary action.
10. All the General Managers, District Industries Centre in Himachal Pradesh for necessary action.
11. All the Mining Officers in Himachal Pradesh for necessary action.
12. Guard file.


Under Secretary (Industries) to the
Government of Himachal Pradesh


Geologist (Zone-II)
Geological Wing
Deptt. of Industries Shimla-1

(Authoritative English text of this department notification number Ind-II(F)6-20/2005 dated 01.12.2021 as required under clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Industries

No. Ind-II (F) 6-20/2005

Dated Shimla-2, 01.12.2021

NOTIFICATION

In supersession of the Govt. Notification number Ind-II (F) 6-20/2005 dated 30.4.2011 and in exercise of the power conferred under Sub-Section (2) of Section 26 read with Section 22 of the Mines and Minerals (Development And Regulation) Act, 1957 (Act No. 67 of 1957) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to authorize the following Officers/Officials to make complaints in writing in the Court of competent jurisdiction in respect of any offence punishable under the said Act or any rules made there under, with immediate effect:-

- | | |
|--|-----------------------------------|
| 1. The Director of Industries | Throughout Himachal Pradesh. |
| 2. All the Deputy Commissioners in HP | In their respective jurisdiction. |
| 3. All the Superintendent of Police in HP | --do-- |
| 4. The State Geologist | Throughout Himachal Pradesh. |
| 5. All the Geologists | --do-- |
| 6. All the Assistant Geologists | --do-- |
| 7. All the Technical Assistant (Geology) | --do-- |
| 8. All the General Managers, DIC in HP | In their respective jurisdiction |
| 9. All the Mining Officers in HP | --do-- |
| 10. All the Mining Inspectors in HP | --do-- |
| 11. All the Assistant Mining Inspectors in HP | --do-- |
| 12. All the Managers, Industries in HP | --do-- |
| 13. All the Industrial Promotion Officers in HP | --do-- |
| 14. All the Economic Investigator, Industries in HP | --do-- |
| 15. All the Extension Officers, Industries in HP | --do-- |
| 16. All the Addition Deputy Commissioners in HP | --do-- |
| 17. All the Sub-Divisional Magistrates in HP | --do-- |
| 18. All the Tehsildars/Naib Tehsildar in HP | --do-- |
| 19. All the Additional Superintendents of Police in HP | --do-- |

- | | |
|--|--------|
| 20. All the Deputy Superintendents of Police in HP | --do-- |
| 21. All Inspectors/SIs/ASIs of Police Department in HP | --do-- |
| 22. All the Divisional Forest Officers in HP | --do-- |
| 23. All the Conservator of Forests in HP | --do-- |
| 24. All the Assistant Conservator of Forests in HP | --do-- |
| 25. All the Range Officers of Forests in HP | --do-- |

This supersedes all the previous Notifications issued in this behalf.

By order

R.D. Dhiman
Addl. Chief Secretary (Industries) to the
Government of Himachal Pradesh,

Endst. No. Ind-II(F)6/20/2005.

Dated Shimla-2, the 01.12.2021

Copy forwarded to:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh for information.
2. The Director of Industries, Himachal Pradesh, Shimla-1 for necessary action and circulation among all concerned under his control.
3. All the Deputy Commissioners in Himachal Pradesh for necessary action and circulation among all concerned under their control.
4. All the Superintendents of Police in Himachal Pradesh for necessary action and circulation among all concerned under their control.
5. All the Conservators of Forests in Himachal Pradesh for necessary action and circulation among all concerned under their control.
6. All the Block Development Officers in Himachal Pradesh for necessary action and circulation among all concerned under their control.
7. All the Executive Engineers, HPPWD in Himachal Pradesh for necessary action and circulation among all concerned under their control.
8. All the Executive Engineers, I&PH in Himachal Pradesh for necessary action and circulation among all concerned under their control.
9. The State Geologist, Himachal Pradesh, Shimla-1 for necessary action.
10. All the General Managers, District Industries Centre in Himachal Pradesh for necessary action.
11. All the Mining Officers in Himachal Pradesh for necessary action.
12. Guard file.


Under Secretary (Industries) to the
Government of Himachal Pradesh

Geologist (Zone-II)
Geological Wing
Deptt. of Industries Shimla-1

Personal Attention

No Udyog Bhu (Khani-4) Laghu-497/2024 - 8960
Government of Himachal Pradesh
Department of Industries
"Geological Wing"
Dated, Shimla-171001, the 26/11/2024

To

The Mining Officer,
Nurpur, District Kangra
District H.P.

Subject: OA no. 1034/2024 titled as K Sanjeev Dogra V/s State of Himachal Pradesh.

Memo,

Please find enclosed herewith a copy of the order dated 10.12.2024 of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in OA no. 1034/2024 titled as K Sanjeev Dogra V/s State of Himachal Pradesh. In this regard, the Hon'ble Tribunal vide above said order has directed that no illegal riverbed sand mining be carried out along the Chakki River in the Kandwal-Lodhwan-Tipri belt. You are therefore, directed to comply with the order of the Hon'ble National Green Tribunal, New Delhi and also supply the complaint filed by Sh. K. Sanjeev Dogra regarding alleged illegal Mining in the said area. A detailed report/comments shall also be supplied w.r.t. the allegations of illegal mining and action taken by you in this matter, so that a reply could be filed in the Hon'ble Tribunal well within time.

Geologist (Zone-II)
Geological Wing
Deptt. of Industries Shimla-1

Geologist (Zone-II)
Himachal Pradesh

No.: Udyog (Bhu)-Laghu-NURPUR-NGT OA No. 1034/224-3387
Office of the Mining Officer,
Nurpur Dist. Nurpur (H.P.)

157

11

ANNEXURE-R4

Nurpur

Dated: 6.3.2025

(Golly)

To

The Director of Industries,
Himachal Pradesh,
Shimla.

Subject: OA No. 1034 / 2024 : K Sanjeev Dogra Vs State of Himachal Pradesh.

Reference: Udyog Bhu(Khani-4)Laghu-497 Laghu-497/2024-8960 dated 26-12-2024.

Sir,

This is with above referenced letter received from your good office on the subject cited above.

In this regard, it is submitted that to ensured that no illgal mining in river bed sand mining be carried out on the field including the Chakki River falling in the Kandwal-Lodhwan-Tipri belt. The undersigned along with field staff keep on visiting the area and surprise raids are also conducted , if any anyone is found indulged in illegal mining, transportation and Storage of Minor minerals action has been taken against the offender as per the provision as per Himachal Pradesh minor Mineral (Concession) and Minerals (Prevention of illegal Mining , Transportation and Storage) Rule 2015.

It is also submitted that flying squad has also been constituted vide office order dated 31.12.2024 under the supervision of Mining Inspector which consist two number of Assistant Mining Inspector and two Mining Guards and they have been specially assigned the work to check the illegal mining and submit the weekly report to this office. after the said order, 2 number of illegal transportation cases have been deducted and same are under enquiry. A copy office order dated 31-12-2024 is enclosed herewith as Annexure-A.

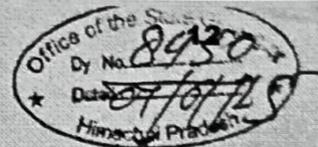
Submitted for your information and necessary action please.

Yours faithfully


Mining Officer
Nurpur, Distt. Kangra (HP)

Geologist (Zone-II)
Geological Wing
Deptt. of Industries Shimla-1

No: Udyog(Bhu)-NPR/158/2024-
Office of the Mining Officer
Nurpur Distt. Kangra (H.P.)
Nurpur



Dated:

Office Order

In compliance to the Original Application No. 1034/2024 of the National Green Tribunal for complete prevention of illegal mining in the area of Kandwal, Lodhwan, Tipri, and Bari Khad along with chakki River, A Flying squad under the supervision of Sh Vikaram jeet , Mining Inspector is hereby constituted to check the illegal mining in above said area, who will ensure weekly reporting to the office of the undersigned till further order.

Sr. No.	Member of Flying Squad	Designation
1.	Sh Ashwani Kumar	Assistant Mining Inspector
2.	Sh Madan Lal	Assistant Mining Inspector
3.	Sh Abhinandan Sharma	Mining Guard
4.	Sh Parvesh Kumar	Mining Guard

Mining Officer
Nurpur, Distt. Kangra(HP)

Dated: 31-12-2024

Endst. No.: As above. - 2846

Copy to:

1. The Geologist (Zone-II), Himachal Pradesh, Shimla for information please. .
2. Sh Vikaram Jeet , Mining Inspector Nurpur, Tehsil Nurpur, Distt. Kangra for strict compliance and necessary action please
3. Sh Ashwani Kumar , AMI Damtal and Sh Madan Lal, Assistant Mining Inspector, for strict compliance and necessary action please.
4. Sh Abhinandan Sharma, Mining Guard Jawali and Sh Parvesh Kumar , Mining Guard Indora, Distt. Kangra for strict compliance and necessary action please.

Mining Officer
Nurpur, Distt. Kangra(HP)

Geologist (Zone-II)
Geological Wing
Deptt. of Industries Shimla-1



Sonu Chettiyar <sonuchettiyar29@gmail.com>

**SERVICE OF RESPONSE TO LETTER PETITION IN O.A. NO.1034 OF 2024 - K.
SANJEEV DOGRA VS. STATE OF HIMACHAL PRADESH & ORS.**

1 message

Sonu Chettiyar <sonuchettiyar29@gmail.com>

Wed, Mar 19, 2025 at 1:04 PM

To: dbt-hp@nic.in, mspcb-hp@nic.in, dc-kan-hp@nic.in, envsecy-hp@nic.in

PFA

Thanking You

Regards

[SHAILA ARORA]
Adv. for Respondent No.2



RESPONSE LETTER K SANJEEV DOGRA.pdf

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160

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

O.A. No. 1034 of 2024

In the matter of:

K. Sanjeev Dogra

...Applicant

...versus

State of Himachal Pradesh and Others

...Respondents

I, **Yunus S/o Mohhamad Nazir** age 46 years, Occupation Government Service and presently posted as Director of Industries, Himachal Pradesh Shimla, Respondent No.2 in the above named matter do hereby appoint and retain Mrs. Shaila Arora, Advocate, to act and appear for me/us in the aforementioned Petition and on my behalf to conduct and prosecute the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceeding in taxation and applications for Review to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Petition and application of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I agree to ratify all the aforesaid Advocate in pursuance of this authority. I agree to clear outstanding amount, either towards court fees or Advocate's remuneration for professional service, as and when called upon.

Dated this 18th Day of September 2024

Accepted, Identified, Certified & Verified by:



Shaila Arora

Counsel for Respondent No.2

Panel Advocate to the State of H.P.

C-565, Defence Colony

New Delhi – 110024

M:8219582977



Respondent No.2
Director of Industries
Himachal Pradesh