

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

Original Application No. 372/2022

**IN THE MATTER OF:-**

Avinash Vidhrohi

.....Applicant

Versus

State of Himachal Pradesh & Ors.

..... Respondents

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**Respondent No. 4**

Place: Shimla

Dated:- 31-10-2022

-/-

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Original Application No. 372/2022

**IN THE MATTER OF:-**

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..... Respondents

**Response on behalf of Respondent No. 4 i.e. HP State  
Pollution Control Board in compliance to order dated 28-  
9-2022.**

**MAY IT PLEASE YOUR LORDSHIPS:-**

1. That the present application has been registered on the email complaint of Sh. Avinash Vidhrohi which alleged cutting/pruning of 200 fruit bearing mango trees standing on Daulatpur-Gagret Guglehad road by a contractor of PWD without obtaining requisite permission from the concerned departments.
2. That the matter was listed on 4-7-2021 wherein Hon'ble Tribunal was pleased to constitute a Joint Committee comprising of representative of Regional Office of MoEF at Chandigarh, State PCB, Principal Chief Conservator of Forests, Government of Himachal Pradesh and Deputy Commissioner, Una to undertake site

visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law.

3. That the report filed by the Joint committee has been considered by the Hon'ble Tribunal on dated 28-9-2022 and the Hon'ble Tribunal further passed the following order:-

*".....4. In view of the averments made in the application, we also consider it appropriate to seek response from (1) State of Himachal Pradesh through Chief Secretary, Government of Himachal Pradesh, (2) Principal Chief Conservator of Forests (HoFF), Government of Himachal Pradesh, (3) Principal Secretary, PWD, Government of Himachal Pradesh (4) State PCB, (5) District Magistrate, Una and (6) the Contractor- Mr. Rohit Jaswal S/o Shri Narender Jaswāl R/o Dangoh, Tehsil Ghanari, District, Una, Himachal Pradesh who stand impleaded as respondents No. 1 to 6. Notice of the application be issued to the respondents requiring them to file their response/ reply to the averments made in the application besides their response/objections to the observations made in the report of Joint Committee within two months at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 6 accordingly....."*

4. That in reference to afore-cited order the replying respondent with utmost reverence to this Hon'ble Tribunal makes the following submissions.

5. That the present application relate to issues of cutting/pruning of 200 fruit bearing mango trees without permission. It is submitted that State Board is mandated under Water Act 1974 and Air act 1981 to check water and air pollution and not mandated under these Acts to check or grant permission for felling /cutting/pruning of trees under Water Act, 1974 and Air Act, 1981. Further State Board did not grant any kind of permission to the contractor in this matter. The issues of trees cutting and maintenance of road are being regulated by the HP Forest Department and Public Works Department. As such action on the alleged matter i.e. trees cutting in violation of laws i.e. Indian Forest Act, 1927 and Forest Conservation Act, 1980 for protection of forests relate to Forest Department and do not pertain to the State Board.
6. That as per directions of the Hon'ble NGT dated 4-7-2022 the State Board's Regional Officer, Una acting as nodal associated with joint committee and the report was filed to the Hon'ble NGT. In response to said Report it is submitted that the allegations were found correct by the Joint Committee and the cutting/pruning of 201 trees has been carried out without any permission from Forest Department. Reportedly due action in the matter by filing FIR in Police Station Gagret Una, has been taken by the Forest Department though damages /cost ought to have been recovered by the Forest department under Forest Laws from the contractor including afforestation. So far as State Board is concerned, there is no complaint of violation of Water Act, 1974 and Air Act, 1981 and has no mandate to grant permission for forestation or in deforestation activities under these legislations.

**Prayer:-**

In view of the detailed submissions made hereinabove and facts and circumstances of the case, it is therefore prayed that the aforesaid Application may kindly be disposed off qua the replying respondent. Any other order which this Hon'ble Tribunal deems fit, may kindly be passed in the interest of justice.



**Respondent No. 4**  
Member Secretary,  
HP State Pollution Control Board  
Shimla

**Through Counsel**

**Place : Shimla**  
**Date : / 10/2022**