

**BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL
BENCH) AT NEW DELHI**

O.A. No. 341 of 2024

IN THE MATTER OF:

DR. PAWAN KUMAR BANTA

...APPLICANT

VERSUS

STATE OF HIMACHAL PRADESH AND ORS.

...RESPONDENTS

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THROUGH,



(MEHAAK JAGGI)

Counsel for the Respondent No. 7

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New Delhi 110025

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PLACE: NEW DELHI

DATE: 28.08.2025

BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL
BENCH) AT NEW DELHI

O.A. No. 341 of 2024

In the Matter of:

Dr. Pawan Kumar Banta

...Applicant

Versus

State of Himachal Pradesh and others

...Respondents

SHORT REPLY ON BEHALF OF THE RESPONDENT NO. 7 (M/S.
NIRVANA WOODS & HOTELS PVT. LTD.) TO THE ORIGINAL
APPLICATION

MOST RESPECTFULLY SHOWETH:

1. That the present short reply on behalf of the respondent no. 7 i.e. M/s. Nirvana Woods & Hotels Pvt. Ltd. is being filed through its Director Tushar Gupta, who has been authorised vide resolution dated 25.08.2025, a copy of which is being filed herewith as **ANNEXURE R-7/1**.
2. That at the outset it is submitted that the present original application is not maintainable since no legal or enforceable right of the present applicant has been violated or infringed upon by the present respondent in any manner, hence the present original application is liable to be dismissed. That the applicant is an unscrupulous litigant who has filed cases across several forums against the answering respondent without any legitimate cause and claim, with the sole

intention to harass the answering respondent and misleads the institutions of law.

3. That the applicant has filed several frivolous cases against the answering respondent, the records of which runs into volumes and even the documents of the impugned property are voluminous, hence the answering respondent is filing the present short reply with relevant documents only, with the liberty to file additional reply, additional documents, and to raise further averments and grounds as and when the same are required from the answering respondent or are deemed necessary by this Hon'ble Tribunal.
4. That at the outset it is submitted that all the averments and grounds raised by the applicant in his original application under reply against the answering respondent are vehemently denied in toto for being false, frivolous, motivated, unsubstantiated, and untenable in the eyes of law. The applicant has resorted to raise bald and unsubstantiated allegations against the answering respondent without any iota of proof in support of his frivolous allegations. It is categorically denied that the answering respondent is illegally constructing 11 storeyed hotel/ 9 storeyed hotel, serviced 1BHK apartments/15 serviced villas for commercial purposes on land admeasuring 03-17-68 hectares situated at Mohal Kiari/Rirka, Tehsil and District Shimla, Himachal Pradesh, all without valid clearances/permissions, as falsely alleged. It is submitted here that the answering respondent is construction a hotel on the afore-stated area after obtaining all valid permissions, clearances, and No Objections Certificates from all concerned department and authorities.

5. That it is trite to mention here that prior to the present original application, the applicant had approached this Hon'ble Tribunal vide O.A. No. 55 of 2020, titled as '*Dr. Pawan Kumar Banta vs. Union of India & Ors.*', with identical grievances against the answering respondent, which was disposed off by this Hon'ble Tribunal vide its order dated 07.10.2020. Subsequently, the applicant herein filed another original application before this Hon'ble Tribunal vide O.A. No. 137 of 2023, titled as '*Dr. Pawan Kumar Banta vs. Union of India & Ors.*', again with identical grievances against the answering respondent, which was withdrawn by the applicant with liberty to avail appropriate remedies in accordance with law. Accordingly, the said original application was dismissed as withdrawn by this Hon'ble Tribunal vide its order dated 03.03.2023. Copies of orders dated 07.10.2020 and 03.03.2023 are annexed herewith as **ANNEXURE R-7/2** and **ANNEXURE R-7/3** respectively.
6. That in the meantime the applicant had also filed a Civil Writ Petition on similar grounds before the Hon'ble High Court of Himachal Pradesh at Shimla titled as '*Dr. Pawan Kumar Banta vs. M/s. Nirvana Woods & Hotels Pvt. Lts. & Another*', bearing CWP No. 7993 of 2022. However, the said writ petition was closed by the Hon'ble High Court as being settled vide its order dated 07.04.2025. Hence no dispute between the applicant and the answering respondent survives qua the impugned property and accordingly the present original application is also liable to be dismissed, in light of the observations of the Hon'ble High Court of Himachal Pradesh. Copy of the order dated 07.04.2025 in CWP No. 7993 of 2022 is annexed herewith as **ANNEXURE R-7/4**.

5. That it is trite to mention here that prior to the present original application, the applicant had approached this Hon'ble Tribunal vide O.A. No. 55 of 2020, titled as '*Dr. Pawan Kumar Banta vs. Union of India & Ors.*', with identical grievances against the answering respondent, which was disposed off by this Hon'ble Tribunal vide its order dated 07.10.2020. Subsequently, the applicant herein filed another original application before this Hon'ble Tribunal vide O.A. No. 137 of 2023, titled as '*Dr. Pawan Kumar Banta vs. Union of India & Ors.*', again with identical grievances against the answering respondent, which was withdrawn by the applicant with liberty to avail appropriate remedies in accordance with law. Accordingly, the said original application was dismissed as withdrawn by this Hon'ble Tribunal vide its order dated 03.03.2023. Copies of orders dated 07.10.2020 and 03.03.2023 are annexed herewith as **ANNEXURE R-7/2** and **ANNEXURE R-7/3** respectively.
6. That in the meantime the applicant had also filed a Civil Writ Petition on similar grounds before the Hon'ble High Court of Himachal Pradesh at Shimla titled as '*Dr. Pawan Kumar Banta vs. M/s. Nirvana Woods & Hotels Pvt. Lts. & Another*', bearing CWP No. 7993 of 2022. However, the said writ petition was closed by the Hon'ble High Court as being settled vide its order dated 07.04.2025. Hence no dispute between the applicant and the answering respondent survives qua the impugned property and accordingly the present original application is also liable to be dismissed, in light of the observations of the Hon'ble High Court of Himachal Pradesh. Copy of the order dated 07.04.2025 in CWP No. 7993 of 2022 is annexed herewith as **ANNEXURE R-7/4**.

7. That regarding the allegations about the answering respondent constructing the impugned property without the requisite permissions and clearances, it is submitted here that the answering respondent had already applied for the Consent to Establish/Operate/Renewal the Industry under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 vide its application dated 15.07.2025, which is pending consideration before the concerned authorities. Copy of the application dated 15.07.2025 is annexed herewith as **ANNEXURE R-7/5**.
8. That the answering respondent has also been granted the transfer of Environment Clearance (EC) for its project under the provisions of the EIA Notification 2006 by the State Environment Impact Assessment Authority (SEIAA), vide its letter dated 27.05.2025 with EC Identification bearing no. EC25C3801HP5659702T. Copy of the letter dated 27.05.2025 is annexed herewith as **ANNEXURE R-7/6**.
9. That the applicant herein had also filed a complaint against the answering respondent for the alleged violations of the provisions of Section 118 of the H.P. Tenancy & Land Reforms Act, 1972, which was adjudicated in the Court of the District Collector, Shimla in proceedings titled as '*State of Himachal Pradesh vs. M/s. Nirvana Woods & Hotels Pvt. Ltd.*' bearing Case no. 01 of 2024. The said proceedings were disposed off by the District Collector vide its order dated 30.06.2025, holding in favour of the answering respondent that the respondent had complied with all the requisite permissions given to them and no violation under Section 118 of the H.P. Tenancy & Land Reforms Act, 1972 was found in the instant matter. Accordingly, the said proceedings were dropped against the answering respondent

by the District Collector. Copy of the order dated 30.06.2025 is annexed herewith as **ANNEXURE R-7/7**.

10. That the answering respondent even had approached the Hon'ble High Court of Himachal Pradesh at Shimla in CWP No. 2428 of 2020, titled as '*M/s. Nirvana Woods and Hotels Pvt. Ltd. vs. HP State Pollution Control Board & Another*', for the for restoration of electricity and water connections, which were disconnected by the authorities concerned, in terms of the directions passed by Himachal Pradesh State Pollution Control Board. The Hon'ble High Court, vide its order dated 06.05.2021, allowed the answering respondent's prayer and directed that water and electricity connections of the company to be restored for the purpose of establishment of the Unit. Copy of the Order dated 06.05.2021 is annexed herewith as **ANNEXURE R-7/8**.
11. That from the above raised factums and averments it is clear that the answering respondent has obtained all requisite permissions, clearances, and NOCs from all concerned departments and authorities and is constructing the impugned property in accordance with law. Hence the present original application is totally misconceived, untenable, and has been filed to mislead this Hon'ble Tribunal and harass the answering respondent.
12. That the contents, grounds, allegations, and prayers raised by the applicant in the original application under reply are categorically denied in toto, for the reasons/facts/grounds as stated hereinabove, which are not repeated for the sake of brevity.

PRAYER

In light of the facts and circumstances raised hereinabove, it is, therefore, most humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss the present Original Application in its totality along with costs in favour of the Respondents; and
- ii. Pass any other relief or order that this Hon'ble Tribunal may deem fit or proper on the merits in this case and in the interest of justice.

FOR THIS ACT OF KINDNESS THE HUMBLE RESPONDENT SHALL EVER PRAY.

Aupta

RESPONDENT NO. 7

THROUGH

Mehaak

(MEHAAK JAGGI)
Counsel for the Respondent No. 7
D 808, New Friends Colony,
New Delhi 110025

Place: New Delhi
Date: 28.08.2025

BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL
BENCH) AT NEW DELHI

O.A. No. 341 of 2024

In the Matter of:

Dr. Pawan Kumar Banta

...Applicant

Versus

State of Himachal Pradesh and others

...Respondents

AFFIDAVIT

I, Tushar Gupta, S/o Late Shri Pankaj Gupta, aged about 26 years, Director of M/s Nirvana Woods & Hotels Pvt. Ltd., having its office at Up Mohal Kiar/Rirka, Tehsil Shima (R), Himachal Pradesh, the Respondent no. 7 herein, do solemnly affirm and declare on oath as under:

1. That I am the Director & Authorised Representative of the Respondent no. 7 and am competent to depose to this Affidavit.
2. That I have gone through the accompanying Short Reply to the Original Application, which has been drafted under my instructions and the contents of the same are not being repeated herein for the sake of brevity but the same may be read as part of this affidavit.
3. That the factual averments in the accompanying Short Reply are true to the best of my knowledge and based on the records of the Respondent no. 7, while the legal submissions made therein are based on the legal advice received and believed by me to be correct.

ATTESTED
NOTARY PUBLIC
SHIMLA, H.P. INDIA

Tushar
DEPONENT

VERIFICATION:

I, Tushar Gupta, the Deponent, do hereby verify that the contents of the above Affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Verified on this 28th day of August, 2025 at Shimla (H.P.).

Tushar Gupta
DEPONENT



BLIC
GOVT. OF H.P.

Office of
[Signature]

A/NO
5974 2327 0604

ATTESTED

[Signature]
NOTARY PUBLIC
Shimla H.P. INDIA

I do hereby declare that I am the person named in the above document who was identified by Sh./Smt. *[Signature]* on the day of 28/8/25 2025 by Sh./Smt. *[Signature]*. The contents of the above document were read over and explained to the deponent (except in vernacular to which he/she admits to be true and correct at the time of making it).

[Signature]
Public Notary
Govt. of H.P.
Shimla H.P.
INDIA-1
28/8/2025

ANNEXURE R-7/1

CIN: U55101CH2015PTC035609

NIRVANA WOODS & HOTELS PRIVATE LIMITED

Regd. Office Address : Plot No.70, Level 4, Tower –A, Godrej Eternia, Chandigarh

Site : Village Kiyari & Rirka, Tutikandi Near ISBT, Shimla, Himachal Pradesh

Correspondence Address : House No.86, Sector 12, Panchkula, Haryana

BOARD RESOLUTION

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE BOARD MEETING OF NIRVANA WOODS & HOTELS PRIVATE LIMITED HELD ON MONDAY 25th DAY OF AUGUST, 2025 AT 10.00.A.M. AT THE REGISTERED OFFICE OF THE COMPANY OFFICE.

"RESOLVED THAT Tushar Gupta s/o Late Pankaj Gupta director of the company is hereby authorized to represent the company in all legal matters including filing suit, petition, complaint, appeal, revision, review, etc., filed or to be filed by company for quashing, and for filing other matters at National Green Tribunal, New Delhi or against company before any Court, Tribunal, Forum or Commission in New Delhi and do the following acts on behalf of the company:

- (i) sign, execute, verify, confirm, affirm and file and/or contest all the pleadings, plaints, petitions, applications, affidavits, replies, rejoinders, statements, compounding applications, vakalatnama or any other documents concerning to aforesaid complaints and;
- (ii) engage counsels, appoint Power of Attorneys and tender evidence both verbally and documentary to appear before any Court or appellate Authority and to do all such acts and deeds as may be deemed necessary in this connection.

For Nirvana Woods & Hotels Private Limited

FOR NIRVANA WOODS & HOTELS PRIVATE LIMITED

Neelam Gupta
DIRECTOR

Director

Item No. 08

Court No. 1

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

(By Video Conferencing)

Original Application No. 55/2020

(I.A. No. 110/2020: For further interim order for *status quo*
I.A. No. 111/2020: For exemption from filing certified copies
I.A. No. 193/2020: To place on record further facts
I.A. No. 271/2020: for vacation of interim orders
I.A. No. 291/2020: for enforcement of the interim order &
I.A. No. 329/2020: to file additional documents)

(With report dated 29.08.2020)

Dr. Pawan Kumar Banta

Applicant

Versus

Union of India & Ors.

Respondent

Date of hearing: 07.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Dheeraj Gupta, Advocate

Respondent(s): Mr. Divya Prakash Pande, Advocate for HPSPCB
Mr. Bipin Negi, Senior Advocate with Mr. Suneet Goel, Advocate
in I.A No. 271/2020 & 329/2020**ORDER**

1. Grievance in this application is against unauthorised and illegal development and construction of eleven storeyed hotel/apartments on the agricultural land measuring 03-17-68 hectares at Up Mohal Kiari/Rirka, Tehsil Shimla (R), District Shimla, Himachal Pradesh falling within the Municipal limits of Shimla. The applicant has drawn attention

to photographs to submit that massive illegal construction was taking place. Accordingly to the applicant, the construction is in violation of the order of this Tribunal dated 16.11.2017 in O.A No. 121/2014, *Yogendra Mohan Sengupa and Ors. v. Union of India & Ors.*, directing *inter alia* as follows:

*“III. Beyond the Core, Green/Forest area and the areas falling under the authorities of the Shimla Planning Area, the construction may be permitted strictly in accordance with the provisions of the TCP Act, Development Plan and the Municipal laws in force. **Even in these areas, construction will not be permitted beyond two storeys plus attic floor.** However, restricted to these areas, if any construction, particularly public utilities (the buildings like hospitals, schools and offices of essential services but would definitely not include commercial, private builders and any such allied buildings) are proposed to be constructed beyond two storeys plus attic floor then the plans for approval or obtaining NOC shall be submitted to the concerned authorities having jurisdiction over the area in question. **It would be sanctioned only after the same have been approved and adequate precautionary and preventive measures have been provided by the special committee constituted under this judgement along with the Supervisory Committee.**”*

2. The matter considered on 12.05.2020 in the light of report dated 01.04.2020 filed by the SEIAA, H.P., on behalf of the joint Committee of MC, Shimla, PCB and DTCP as follows:-

*“8. As per records available in this office the than project proponent applied to this office for grant of Environment Clearance on dated 21.04.2015 The **Environment Clearance was granted to Sh. Sunil Kumar Sood, M/s Homeland Exotica-mixed land use construction project, 143, Sector-7, Panchkula, Haryana-134 109 vide this office letter no. HP SEIAA/2015/360-M/s Homeland Exotica-mixed land use construction project dated 01.04.2016.** The project proponent Sh. Sunil Kumar Sood, M/s Homeland Exotica also applied for change of name from M/s Homeland Exotica mixed land use construction project to Nirvana Woods on dated 20.04.2016, the same was approved by SEIAA in its 27th meeting held on 10-06-2016 but letter of change in name was pending in want of information sought from the pp and now on dated 14.03.2020 Sh. Sunil Kumar Sood has*

requested for surrendering and cancellation of Environment Clearance in favour of M/s Homeland Exotica-mixed land use construction project (sole proprietor Sunil Kumar Sood) on land measuring 46599 square meter. **On the other hand the owner of Nirvana Wood & Hotels (P) ltd. has applied for afresh EC for reduced area from 46599 sq. mtrs to 31768 sq. Meters for built up area 55565 sq. mtrs.** The observations are as below:-

- i. The letter of Environmental Clearance has not been transferred in the name of M/s. Nirvana Wood as yet and is pending in want of necessary documents required for transferring the EC as per provision at Sr. No. 11 of Environment Impact Assessment Notification.
 - ii. As per this office record, the project proponent has not submitted the six monthly compliance reports as per requirement. iii. During the site visit it was observed that the construction work was being carried out on site without transfer of Environment Clearance.
 - iii. Very limited plantation work has been done by the project proponent. v. The logistic arrangements for labourer were also not found adequate on site.
9. On the basis of site inspection and observation made, a notice under Environment Impact Assessment Notification, 2006 under Environment (Protection) Act, 1986 has been issued to the project proponent on dated 20-03-2020 for non-compliance of terms and conditions of Environmental Clearance copy attached as Annexure-E.”

3. The Tribunal observed:-

- “3. It is patent from the above that the project proponent does not have Environmental Clearance (EC), apart from other violations. There is nothing to show compliance of requirement of Air and Water Acts. In view of this position, the Director, Town and Country Planning, H.P, Commissioner, Municipal Corporation, Shimla, SEIAA, Himachal Pradesh and the State PCB may ensure that **the project does not proceed further in violation of law.** Action may also be taken for prosecution and assessment and recovery of environmental compensation, following due process of law. Further report in the matter be filed on or before on 31.08.2020 by email at judicialngt@gov.in.”

4. In pursuance of the above, the SEIAA, H.P has filed an action taken report dated 29.08.2020 mentioning the action taken by the State PCB the SEIAA, H.P., and the Municipal Corporation. The State PCB

disconnected the water and electricity and imposed compensation on the ground that requisite consents had expired and had not been renewed. The action of the State PCB is under challenge before the High Court by the project proponent by way of *CWP No. 2428/2020, Nirvana Woods & Hotels Pvt. Ltd. v. H.P.* The SEIAA has issued notice as its stand is that there is non-compliance of the EC conditions. MC Shimla has also issued notice to the project proponent alleging violations.

5. We have heard the learned counsel for the appearing parties.

6. The question whether constructions are illegal and in violation of order of this Tribunal dated 16.11.2017 or otherwise is being looked into by the statutory authorities. The construction is lying stopped and electricity and water have been disconnected for want of statutory clearance from the State PCB. Notice of violation have also been issued by the SEIAA and the Municipal Corporation. Instead of pre-empting the said proceedings, it will be appropriate that the matter is first determined by the said statutory authorities.

7. Accordingly, we direct the SEIAA, H.P, State PCB, DTP and Municipal Corporation, Shimla to finalize the pending proceedings by passing a clear order within three months. As regards the State PCB, it is stated that the State PCB has already finally decided that the requisites consents under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 cannot be renewed and the matter is now pending in the High Court.

8. In view of the above, the application is disposed of with liberty to the aggrieved party to take their remedies against the decision which may be passed in the pending proceedings, noted above.

In view of disposal of the main application, all pending IAs stand disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 07, 2020
Original Application No. 55/2020
AK

Item No. 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 137/2023

Dr. Pawan Kumar Banta

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 03.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person (through VC).

Respondent: Mr. Mehaak Jaggi and Mr. Vishavjeet Chaudhary,
Advocates for respondents no. 13.

**Application under section 18 read with sections 14 and 15 of the National
Green Tribunal Act, 2010.**
ORDER

1. The applicant has filed the present application under section 18 read with section 14 and 15 of the National Green Tribunal Act 2010 complaining about non-compliance by the respondents with order dated 07.10.2022 passed in O.A No. 55/2020 titled as Dr. Pawan Kumar Banta Vs. Union of India & Ors and order dated 14.09.2022 passed in M.A No. 57/2022 in O.A No. 55/2020 titled as Dr. Pawan Kumar Banta Vs. Union of India & Ors. by Principal Bench of this Tribunal.

2. We have heard the learned Counsel for the applicant and gone through the material on record.

3. In the course of hearing, learned Counsel for the applicant seeks permission to withdraw the application with liberty to avail appropriate remedies in accordance with law.

4. Accordingly, the application is dismissed as withdrawn with liberty as aforesaid.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 03, 2023
AG



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 3832 of 2021 a/w
CWP Nos. 7993 of 2022,
1239 of 2023 & 3541 of 2024
Decided on : 07.04.2025

1. CWP No. 3832 of 2021.

Diamond Traexim Private Limited.

...Petitioner

Versus

State of Himachal Pradesh and others.

...Respondents

2. CWP No. 7993 of 2022.

Dr. Pawan Kumar Banta.

...Petitioner

Versus

M/s Nirvana Woods & Hotels Pvt. Ltd. and another.

...Respondents

3. CWP No. 1239 of 2023.

Kyari Grameen Kalyan Sabha.

...Petitioner

Versus

Union of India and others.

...Respondents

4. CWP No. 3541 of 2024.

Sunil Kumar Sood.

...Petitioner

Versus

State of Himachal Pradesh and others.

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Atul G. Sood, Advocate, in
CWP No. 3832 of 2021.

M/s Adarsh Kumar Vashista and
Shivom Vashista, Advocates, in
CWP Nos. 7993 of 2022 & 1239
of 2023.

Mr. Sanjeev Bhushan, Senior
Advocate, with Mr. Sohail Khan,
Advocate, in CWP No. 3541 of
2024.

For the respondents : Mr. Pushpinder Jaswal,
Additional Advocate General, for
the respondents-State, Mr.
Mukul Sood, Advocate, for
respondent No.4 and Mr. Suneet
Goel, Senior Advocate, with Mr.
Vivek Negi, Advocate, for
respondent No.7, in CWP No.
3832 of 2021.

¹Whether reporters of the local papers may be allowed to see the judgment?

Mr. Suneet Goel, Senior Advocate, with Mr. Vivek Negi, Advocate, for respondent No.1 and Mr. Mukul Sood, Advocate, for respondent No.2, in CWP No.7993 of 2022.

Mr. Balram Sharma, DSGI, for respondent No.1, Mr. Pushpinder Jaswal, Additional Advocate General, for the respondents-State, Mr. Maan Singh, Advocate, for respondents No.3 & 4 and Mr. Mukul Sood, Advocate, for respondent No.5, in CWP No. 1239 of 2023.

Mr. Pushpinder Jaswal, Additional Advocate General, for the respondents-State, Mr. Mukul Sood, Advocate, for respondent No.8, Mr. Sandeep Dutta, Advocate, for respondent No.9 and Mr. Vishwas Kaushal, Advocate, for respondent No.10, in CWP No. 3541 of 2024.

Ajay Mohan Goel, Judge (Oral)

Learned counsel for the parties submits that now the issue raised in these writ petitions, stand settled between the parties.

2. Accordingly, these writ petitions are closed as settled. Pending miscellaneous application(s), if any, also stand

disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 07, 2025
(Shivank Thakur)

High Court of H.P. ◊

Form-I

[See Rule 27]



Application for Consent to Establish/Operate/Renewal the Industry under section-21 of the Air (Prevention & Control of Pollution) Act, 1981

RCTE for the period(01/04/2024-31/03/2026)

From

Nirvana Woods And Hotels Pvt Ltd, Village Kyari & Rirka, Tutikandi
Shimla-171004
City:Shimla
Block:Dodra Kwar
District:Shimla

Date:15/07/2025

Industry ID: 26063
Application No.: 16177689

To

The Member Secretary,
Himachal Pradesh Pollution Control Board,
Him Parivesh, Phase-III, New Shimla,
Shimla- 171009, HP.

Sir,

I/We hereby apply for Consent/Renewal of Consent under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 to Establish/Operate the Industry owned by Nirvana Woods And Hotels Pvt Ltd to be located at 04-08-2017

The relevant details are as under:

1.	Full name of the Industry	Nirvana Woods And Hotels Pvt Ltd
2.	Full address with PIN Code of the Industry with telephone numbers (Give Revenue/City Survey No. for which application is made, 1 stating District, Taluka/Village).	AddressNirvana Woods & hotels pvt ltd Pin :171004 Telephone No. :9216700999
3.	Names of full time directors/partners/ owners with addresses and telephone numbers. (Use separate sheet if space provided is not sufficient)	Village Kiyari & Rirka, Tutikandi P.O. Chaura Maidan Teh. & Distt. Shimla-171004
4.	Total capital cost of the project (Rs. In Lakhs).	9990.0
5.	Specify scale	Large

6	State whether the proposed Industry. is proposed to be located in the prohibited area. If yes, state the name of the authority and furnish the certified copy of the order under which the area has been declared prohibited. Yes/No	N/A			
7.	Date of commission of Industry or proposed date of Establishment/operation :				
a	Approximate date of proposed Establishment of HCF/CBWTF . :	Month :May Year :2017			
b	Expected date of commencement of date of Operation :	Month :December Year :2025			
8.	Total number of employee expected to be Employed	: 100			
9	List of raw materials with monthly consumption rate (MT/month)				
	Raw Materials	Quantiry	Unit		
10	List of products with monthly production rate (MT/month)				
	Name of Products	Quantity	Unit	Intermediate Product	Principal Use
	EWS/LIG	27	Number/Year	Residential Purpose
	3 BHK	112	Number/Year	Residential Purpose
	2 BHK	100	Number/Year	Residential Purpose
	Villas	64	Number/Year	Residential/Tourism Purpose
	Hotel	81	Number/Year	Including Restaurant, Gym, SPA, Coffiee Shop, Banquet , Conference Hall	Tourism Purpose
11	List of By Product Details				
	Name of By Products	Unit	Installed Capacity	Average Production	
12.	Brief description of the manufacturing process together with a flow diagram and layout plan showing location o all vents, stacks and any other emission points.				
13.	Capacity Details of boilers/heaters/ furnaces/ DG sets				
(a)	Boilers				
	Boiler No.	Type of Boiler	Capacity	Type of fuel	Fuel consumption rate in MT/hour or KL/hour or M3 /hour
(b)	Heaters/Evaporators.				

Heater No.	Type of Heater	Capacity	Fuel	Fuel consumption rate in MT/hour or KL/hour M3 hour.
(c) Incinerator				
Incinerator No.	Type of Incinerator	Capacity	Fuel	Fuel consumption rate in MT/hour or KL/hour M3 hour.
(d) DG Sets				
DG Sets No.	Type of DG Sets	Capacity	Fuel	Fuel consumption rate in MT/hour or KL/hour M3 hour.
1	Silent equipped with acoustic enclosure & Exhaust muffler	500 KVA	Diesel	17
(e) Others				
No.	Type	Capacity	Fuel	Fuel consumption rate in MT/hour or KL/hour M3 hour.
Electric Heat Pump (2 no.)	Electricity	100 KW Each	Electricity	-
14	Emission details: Emission from boilers/heaters/furnaces and other processes involving fuel combustion			
Emission Details	Stack Identification	Concentration of pollutants	Rate of emission in Kg/hr.	Height of stack from ground level.
(b) Process emissions				
Name and location of the process vessel to which the stack/vent is attached	Rate of emission in Kg./hr	Concentration of pollution like SO ₂ , NOX, H ₂ S, Cl, HCl etc. in mg/NM ³	Height of Vent/outlet/stack from ground level in meters	
15	Details of air Pollution control equipment for the control of pollution resulting from emission of pollutants from process plant and combustion equipment.			
(a) Boilers				
Name of equipment	Attached to	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
(b) Heaters/Evaporators				

Name of equipment	Attached to	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
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(c) Incinerator

Name of equipment	Attached to	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
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(d) DG Sets

Name of equipment	Attached to	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
DG sets	DG Set Outlet	2020-05-01	99	Exhaust Gases

(e) Others

Name of equipment	Attached to	Date/proposed date of installation	Efficiency(%reduction)	Final concentration of pollution being emitted
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16 Declaration:

(i)I/We hereby submit that in case of any change relating to manufacturing process/product, fuel, emission rate, pollution control equipment, capacity of the plant etc., fresh application for consent shall be made until such Consent is granted, no change will be implemented.

(ii)I/We hereby agree to submit to the Board, application for renewal of Consent at least one month prior to the date expiry of the present consent period.

(iii)/We further declare that information furnished through this application is correct to the best of my/our knowledge.

(iv)I/We undertake to furnish any other information within one month of such intimation received from the Board.

I/we, enclose herewith Bank Draft No. 1 Date 23/06/2025 for Rs 0.0 (Rupees) in favour of the Environmental Engineer/ Assistant Environmental Engineer / Regional Member Secretary/Pr. Scientific Officer/Sr. Scientific Officer/Scientific Officer , Himachal Pradesh State Pollution Control Board,..... payable at under section-25 of the Act as per the Fee Schedule attached.

**Yours faithfully,
Signature :**

**Name of the application :
Designation :
Address :**



सत्यमेव जयते



Dated 27/05/2025



To,

Tushar Gupta
M/s Nirvana Woods & Hotels Private Limited
VILLAGE RIRKA AND KIYARI, TEHSIL & DISTRICT SHIMLA, KIYARI AND RIRKA,
SHIMLA, HIMACHAL PRADESH, 171004
nirvanawoods.shimla@gmail.com

Subject: Grant of Transfer of Environmental Clearance (EC) to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

Sir/Madam,

This is in reference to your application submitted to SEIAA vide proposal number SIA/HP/INFRA2/532975/2025 dated 07/04/2025 for grant of transfer of Environmental Clearance (EC) to the project under the provision of para 11 of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC25C3801HP5659702T
(ii) File No.	HPSEIAA/2015/360
(iii) Clearance Type	Transfer of EC
(iv) Category	B2
(v) Project/Activity Included Schedule No.	8(a) Building / Construction
(vii) Name of Project	Nirvana Woods & Hotels Private Limited
(viii) Name of Company/Organization	
(ix) Location of Project (District, State)	SHIMLA, HIMACHAL PRADESH
(x) Issuing Authority	SEIAA
(xi) EC Date	01/04/2016
(xiii) Details of Transferee	M/s Nirvana Woods & Hotels Private Limited VILLAGE RIRKA AND KIYARI, TEHSIL & DISTRICT SHIMLA, KIYARI AND RIRKA, SHIMLA, HIMACHAL PRADESH, 171004
(xiv) Details of Transferor	Homeland Exotica, VILLAGE RIRKA AND KIYARI, TUTIKANDI, SHIMLA, KIYARI AND RIRKA, 23, 2, 171004

1. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-7 were submitted to the SEIAA under the provision of Para 11 of the EIA notification 2006 and its subsequent amendments. Details in Form 7 can be accessed on PARIVESH portal by scanning the QR Code above and can also be accessed at [click here](#).
2. Online application has been received for transfer of EC which was earlier granted on dated 1/4/2016 to Sh. Sunil Kumar Sood, M/s Homeland Exotica for mixed land use construction project at Village Kiyari & Rirka, Distt. Shimla. Sh. Pankaj Gupta after his death had requested to transfer the EC earlier granted to Sh. Sunil Kumar Sood in the name of M/s Nirwan Woods & Hotels Pvt. Ltd.
3. As per the online record, the application for transfer of EC was also submitted on PARIVESH 1.0 portal vide proposal No. SIA/HP/MIS/307077/2023 submitted on PARIVESH 1.0 portal the PP had applied for Transfer of EC. But, the applicant has stated that there were some technical issues on PARIVESH 1.0 portal regarding uploading of documents.
4. The project proponent was informed that as per the directions from the MoEF&CC, Govt. of India issued vide OM No. IA3-19/95/2021-IA-III dated 6th October, 2021, Member Secretaries in the Ministry and State Environment Impact Assessment Authority (SEIAA) are directed to issue system generated EC letter and any new EC issued on or after 20.10.2021 without EC identification number & e-sign shall be treated as invalid. Therefore, no physical application and off-line request was considered and no offline/physical EC approvals were issued by SEIAA, Himachal Pradesh unless it was received & processed online on PARIVESH portal. The project proponent was advised that in order to resolve technical issues, the matter may take up with the Ministry or apply on PARIVESH 2.0 portal. The project proponent re-submitted the application on PARIVESH 2.0 portal.
5. The SEIAA has examined the requisite information/documents required for transfer of EC in accordance with the provisions contained in the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and hereby accords Transfer of EC dated Invalid date to M/s Nirvana Woods & Hotels Private Limited under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of EC conditions issued vide EC letter dated 1/4/2016.
6. The SEIAA may revoke or suspend the clearance, if implementation of any of the EC conditions is not satisfactory. The SEIAA reserves the right to stipulate additional conditions, if found necessary.
7. The PP is under obligation to implement commitments made in the Environment Management Plan, which forms part of this EC issued vide dated 1/4/2016.
8. This issue with the approval of the Competent Authority.

Copy To

1. The Secretary (Environment), Ministry of Environment, Forests & Climate Change (MoEF&CC), GoI, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003 .
2. The Chairman, Central Pollution Control Board, Him Parivesh Bhawan, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032.
3. The Chairman, Himachal Pradesh State Pollution Control Board, Shimla-171009.
4. The Director (Environment, Science & Technology) to the GoHP, Shimla-171001.
5. The Adviser (IA), MoEF&CC, GoI, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003.
6. The Integrated Regional Office, MoEF&CC, CGO Complex, Shivalik Khand, Longwood, Shimla, HP-171001.
7. The Monitoring Cell, MoEF&CC,GoI, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003
8. Record File.

Additional EC Conditions

1. The project proponent shall obtain necessary approval from the Deptt. of Revenue, as may be applicable, under Section 118 of HP Tenancy & Land Reforms Act.
2. The project proponent shall ensure that the construction is carried out as per the National Building Codes applicable to the area under strict supervision of technical institute of national repute.
3. The requisite approval from the HP Real Estate Regulatory Authority shall be taken.

Send Approval Copy To (In case of multiple use comma as separator)



Signature Not Verified

Digitally Signed by : Sh D C Rana
Member Secretary SEIAA

Date: 27/05/2025

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IN THE COURT OF DISTRICT COLLECTOR, SHIMLA
DISTRICT SHIMLA-171001, HIMACHAL PRADESH.

Case No
01/2024

Date of institution
18-11-2024

Date of Decision
30-06-2025

In case:-

State of Himachal Pradesh

-----Petitioner/Applicant.

ANNEXURE R-7/7

Versus

M/S Nirvana Woods & Hotel Pvt. Ltd. Through Shri
Pankaj Gupta, House No. 86, Sector-12, Panchkula-
134109 (Haryana).

..... Respondent.

**Proceedings under Section 118 of the H.P.
Tenancy and Land Reforms Act, 1972.**

Parties represented by:-Shri Suresh Kumar,
Standing /Empanelled
Counsel.

Respondent:- Shri Vivek Negi, Advocate.

ORDER:

The proceedings for violation of provisions of Section 118 of the H.P. Tenancy & Land Reforms Act, 1972 (hereinafter to be referred as Act) have been initiated against M/s Nirvana Woods & Hotels Pvt. Ltd. Located at House No. 86, Sector-12 Panchkula Haryana (hereinafter to be called as respondent) on the basis of complaint filed by Dr. Pawan Kumar Banta & others (hereinafter referred as complainants). The complainant has alleged that the respondent has violated the provisions of Section 118 of the ibid Act by failing to utilize land within the specified timeframe and by

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Shimla District
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altering the land use without the prior government approval. On the said complaint, the inquiry was conducted by the Additional District Magistrate (Protocol), Shimla.

The brief facts of the case are that the M/s Nirvana Woods & Hotels Private Limited had purchased the land comprised in Khasra Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 at Mohal Kiyari and Khasra Nos. 1 to 9, 321/10 at Mohal Rirka, Tehsil Shimla (Rural), District Shimla having total land area measuring 31768 Square Meters for setting up a residential colony under clause (h) of Sub-Section (2) of Section 118 of the ibid Act. The permission was granted to the respondent vide letter No. Rev. B. F. (10)-69/2017 dated 26-04-2017 for setting up a residential colony. The complainant in his complaint has submitted that the land was not used for its intended purpose within the specified time frame and it was used for constructing a hotel rather than a housing colony.

The Additional District Magistrate (P), Shimla has intimated that during the enquiry in the instant matter, two correspondences were received, one from the Department of Tourism & Civil Aviation, vide letter No. Tsm-F(5)-11/2013-III dated 16-05-2020 and another one from the o/o the Principal Secretary (Revenue) to the Government of H.P. vide letter No. Rev. B. F.(5)-7/2019 dated 25-10-2021. The Tourism & Civil Aviation Department has intimated that respondent had submitted an application in their department, seeking registration for hotel, which prime-fascia contradicted the

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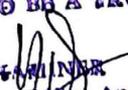
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provision outlined in Section 118 of the ibid Act and latter correspondence disclosed that initially an approval/license for the development of the aforementioned land as a colony named "Nirvana Woods" in Mohal Kiyari & Rirka Tehsil Shimla (Rural), District Shimla, H.P was granted in favour of Shri Sunil Kumar Sood in which ground coverage for residential use stood at 27.09% and for commercial use at 5.38 % including a hotel block. Subsequently at the proposal of Shri Sunil Kumar Sood, the residential area was reduced from 27.09 to 17.66 %, while the commercial use was augmented from 5.38 % to 16.79 % attributing to the inclusion of Service Villas and Apartments under commercial use. It was also intimated that despite these adjustments, the ground coverage remained at 33% instead of 32.47% resulting in no significant alteration in the overall ground coverage area. The complete licensed project including the approved revised drawing was transferred with due compliance of the provisions under Sub-Section 14 of Section 78(p) of the H.P. TCP Act 1977 to the registered promoter company namely M/s Nirvana Woods & Hotel Private Limited. Further the Town & Country Planning department vides its letter No. HIM/TP/APT/Lic-04-Nirvana Woods/2022-1306 dated 07-06-2022 has clarified that there is a provision to keep the land for commercial use in the colony as per the land use structure envisaged in Regulation (5) of the Appendix-7 of the H.P. TCP Rules, 2014. Further, the complete licensed project including the revised approved plan was transferred to M/s Nirvana woods & Hotel (P) Ltd on 04-08-2017 by original promoter, Shri Sunil Kumar Sood after obtaining the

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necessary Essentiality Certificate, hence there was no requirement of obtaining Essentiality Certificate/NOC from the department of Tourism & Civil Aviation.

The inspection was conducted on the basis of the complaint, the inspection report reveals that a hotel had been developed on approximately 2,148 Square Meters of land in part of Khasra Nos. 2, 3, 4, 8, 9 and 321/10 in Mohal -Rirka, consisting of 81 completed and furnished rooms, lobbies, one banquet hall, one kitty hall, and a restaurant, with 56 additional rooms under construction. The hotel was found to be in the final stages of construction. Furthermore, 15 villas (two completed and 13 under construction) and another building (under Construction) were also observed on-site.

Accordingly, notice was issued to the respondent under Section 118 of the H.P. Tenancy & Land Reforms Act, 1972. In compliance of notice, the respondent has filed the reply that he was granted permission under the provisions of Section 118 Sub-Section (2) Clause (h) of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 and Rule 38(a) Sub-Rule (3) of the Himachal Pradesh Tenancy and Land Reforms (Amendment Rules), 2014 dated 26-04-2017 to purchase the land comprised in Khasra Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 at Mohal Kiyari and Khasra Nos. 1 to 9, 321/10 at Mohal Rirka, Tehsil Shimla (Rural), District Shimla having total land area measuring 31768 Square Meters for construction of residential

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colony. As per definition of the colony contained in Section 2(ze) of H.P. Town and country Planning Act at the time when the said permission had been granted to the answering respondent, colony meant an area of land not less than 2500 Square Meters contiguous divided or proposed to be divided into plots or apartment or building for residential, commercial or industrial purpose including cyber city, cyber park, construction of integrated commercial complexes. The respondent has stated that the earlier owner namely Shri Sunil Sood was granted sanction/approval by SADA, Shoghi vide Diary No. 440 dated 20-01-2015 for mixed land use for residential, commercial, public and semi-public purpose. The respondent has further stated that all the concerned authorities were duly aware about the purpose for which land was being purchased and the proposal for which it was to be utilized i.e. mixed use for residential and commercial purpose, including hotel as per the approval granted by Town and Country Planning Department. The Director Town and Country Planning were vested with statutory powers under the Himachal Pradesh Town and Country Planning Rules to grant such approval/sanction changing the ratio/percentage of area under residential use from 27.09% to 17.66% and for commercial use from 5.38% to 16.79%. It is submitted that such change of ratio/percentage in accordance with the statutory provisions in no manner changed the initial scope for which permission had been accorded i.e. setting up of colony. Thereafter the case was fixed for arguments. Arguments were advanced by both the Ld. Counsels for their respective parties. The Standing/Empanelled Counsel for the

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State has argued on behalf of State that permission was granted to the respondent vide letter No. Rev. B. F. (10)-69/2017 dated 26-04-2017 to purchase the land comprised in Khasra Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 and Khasra Nos. 1 to 9, 321/10 at Mohal Rirka, Tehsil Shimla (Rural), District Shimla having total land area measuring 31768 Square Meters situated in Up-Mohal Kiyari and Mohal Rirka, Tehsil Shimla (Rural), District Shimla for setting up a residential colony under the provisions of clause (h) of Sub-Section (2) of Section 118 of the ibid Act. The Standing/Empanelled Counsel for the state has further argued that land was not used for its intended purpose within the specified timeframe, it was used for constructing a hotel rather than a housing colony and hence the same deserves to be vested into the state as per the provisions laid down in the Himachal Pradesh Tenancy and Land Reforms Act, 1972. Further he has argued that the State Government has issued instruction vide letter No. Rev. B.A.(3)-5/2001-1 dated 22-09-2011, regarding change of land use of land purchased with the prior permission of the State Government and the respondent has never taken permission from the State Government for change of land use.

The counsel for the respondent has also given written arguments and has submitted that the permission was granted under the provisions of Section 118 of Sub-Section(2)clause (h) of the H.P. Tenancy and Land Reforms Act, 1972 and Rule 38(a) Sub-Rule(3) of the Himachal Pradesh Tenancy and Land Reforms



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(Amendment Rules), 2014 dated 26-04-2017 to purchase the land comprised in Khasra Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 and Khasra Nos. 1 to 9, 321/10 at Mohal Rirka, Tehsil Shimla (Rural), District Shimla having total land area measuring 31768 Square Meters situated in up-Mohal Kiyari and Mohal Rirka, Tehsil Shimla (Rural), District Shimla for setting up a residential colony. The counsel for the respondent has stated that earlier owner namely Shri Sunil Sood was granted sanction/approval by SADA, Shoghi vide Diary No. 440 dated 20-01-2015 for mixed land use for residential, commercial, public and semi-public purpose. He further stated that the Essentiality Certificate issued to the respondent also envisaged setting up of colony. All the concerned authorities were duly aware about the purpose for which land was being purchase and the proposal for which it was to be utilized i.e. mixed use for residential and commercial purpose, including hotel, as per the approval granted by Town and Country Planning Department. He has further adduced that Shri Sunil Sood had submitted revised drawings, which were duly approved by Chairman, SADA on 3-12-2016 and thereafter, the case was forwarded to the Director, Town & Country Planning vide letter No. 401, dated 18-01-2017 and the same was also approved by him. The counsel for the respondent has further adduced that the permissions to Shri Sunil Kumar Sood were transferred in favour of the answering respondent pursuant to the transfer to the project in its favour. The respondent has carried out construction of the colony as per the approval granted to it by the competent authority. The



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land in question has been put to use strictly in accordance with the approvals, sanctions and permissions granted for the project and there has not been any change of the land use. The present proceedings are an outcome of malafide and motivated complaint made by M/s Diamond Tracxim Limited have been unsuccessful to obtain favorable order/relief inter alia in the following litigations initiated by it against the respondent in active collusion with the earlier owner of the project namely Shri Sunil Kumar Sood and others. The respondent has prayed that present proceedings are liable to be dropped against the respondent.

I, have gone through the entire record of the case, official correspondence, reply filed by the respondents, arguments advanced by both the counsels for their respective parties and it has been found that in the present case the permission was granted vide letter No. Rev. B.F.(10)-69/2017 dated 26-04-2017 in favour of M/S Nirvana Woods & Hotels Private Limited to purchase land comprised in Khasra Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 and Khasra Nos. 1 to 9, 321/10 at Mohal Rirka, Tehsil Shimla (Rural), District Shimla having total land area measuring 31768 Square Meters situated in up-Mohal Kiyari and Mohal Rirka, Tehsil Shimla (Rural), District Shimla for setting up a residential colony. The respondent has constructed the residential colony and hotel as per the permission was granted to the earlier owner Shri Sunil Kumar by the Town & Country Planning Department. From the perusal of the record it has been found that

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the initially approval/license was granted in favour of original promoter Shri Sunil Kumar for developing land as colony namely "Nirvana Woods" at Mohal Kiayari & Ridka, Tehsil & District Shimla Himachal Pradesh measuring 31768.00 Square Meter on dated 17-12-2015 by the Director Town & Country Planning Department. In the proposal, the ground coverage of residential use was 27.09 % and commercial use was 5.38 % including a Hotel Block. Later on previous promoter Shri Sunil Kumar Sood moved an application for revised sanction of drawings of the project and want to convert some residential apartments and villas into service apartments and service villas. As per new proposal area under residential use decreased from 27.09% to 17.66% while that under commercial use increased from 5.38% to 16.79% owing to inclusion of service apartments and services villas under commercial use. However the overall ground coverage remained 33% instead of 32.47% as approved earlier, thus there was no substantial change in overall ground Coverage area.

Later on the license for the project was transferred by Shri Sunil Kumar Sood in favour of M/s Nirvana Woods and Hotels Private Limited on dated 04-08-2017 and fresh license has been issued by the Director TCP vide No. HIM/TP/APT/Lic.-04/2015 M/S Nirvana Woods and Hotels Pvt. Ltd/2017-3964-71 dated 04-08-2017. In reference to the letter No TCP-F (4) -3 of 2017 dated 14-09-2020 issued by the Secretary (TCP) to the Government of H.P., The Director, Town & Country Planning Department Himachal Pradesh has intimated vide his letter No. HIM/TP/APT/Nirvana



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Woods/2020-6591 dated 16-12-2020 to the Secretary (TCP) to the Government of Himachal Pradesh that there is provision to keep the land for commercial use in the colony case as per land use structure envisaged in Regulation (5) of Appendix-7 of H.P. TCP Rules-2014 under which promoter has proposed hotel block under commercial category in the initial approval granted to Shri Sunil Kumar Sood.

The proposal for transfer of above said license/project in favour of M/S Nirvana Woods & Hotels Private Limited, as per Rule 56-A (vi) of the H.P. Town and Country Planning Rules, 2014 (amended upto 2016), was also examined in the committee meeting for scrutinizing and recommending the cases of Essentiality Certificates grant of license. M/s Nirvana Woods and Hotels Private Limited is a company and registered as a promoter under the H.P. Town & Country Planning Act, 1977 (amended upto 2015). The committee recommended the case and sent to the Government for issuance of Essentiality Certificate in favour of M/s Nirvana Woods & Hotels Private Limited for setting up colony.

Further, from the perusal of letter No HIM/TP/APT/Lic-04/Nirvana Woods/2020 -2958-60 dated 21-08-2021 it has been found that the clarification was given by the Director TCP to the Principal Secretary cum- F C Revenue in reference to his letter No-Rev. B.F.(4)-7/2019 dated-23-06-2021 and has submitted that the case was examined at Directorate Level and the specific reasons for revision of land use in the instant case are followed as per clause-5 Appendix-7 of the H.P. TCP Rules, 2014 which states that



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Director may for the reasons to be recorded in writing revise the % age of land use as prescribed in clause-5. Hence the proposal was considered by the Director as per provision of the appendix-& of H.P. TCP Rules, 2014.

Accordingly, the revised drawings were sent to TCP, Shimla-cum-Member Secretary, SADA Shoghi for examination recommendation and approval of the proposal. The drawings were approved by TCP Shimla-cum-Member Secretary, SADA Shoghi vide letter No. SADA(s)case No. 481/11-401 dated 18-01-2017. Thereafter the case was placed in the 12th meeting of the Committee constituted for scrutinizing the case of apartment held on 20-02-2017, wherein proposed drawing were approved.

Further, the complete licensed project, including the approved revised drawings was transferred with due compliance of the provision contained under sub-Section (14) of Section 78(p) of the HPTCP Act, 1977 to the registered promoter company namely, M/s Nirvana Woods & Hotels (P) Ltd vide license after transfer of project dated 04-08-2017. The proposal for transfer of above said license/project in favour of M/s Nirvana woods and Hotels Private Limited as per Rule56-A(vi) of the H.P. Town and country planning Rules, 2014 (amended upto 2016) was also examined in the committee meeting vide which it was observed that the M/S Nirvana Woods and Hotels Private Limited is company and registered as a promoter under the H.P. Town and country planning Act, 1977 (amended upto 2015). The committee was of the opinion that the case

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be considered and sent to the Government for issuance of Essentiality Certificate in favour of M/S Nirvana woods and Hotels Private Limited for setting up colony.

Further, in reference to this office letter No. SML-LRM-21(2)/2017-I-158894 dated 26-03-2022 & 21-04-2022, the Director, Town & Country Planning Department Himachal Pradesh, Shimla vide his letter No. HIM/TP/APT/ Lic.04-NirvanaWoods/2022-1306 dated 7-06-2022 has intimated that initially the project in question was for the construction of residential colony and necessary approval/license was granted/ sanctioned in favour of Shri Sunil Kumar Sood for developing land as colony namely "Nirvana Woods" at Mohal Kiyari & Rirka Tehsil Shimla measuring 31768.. Sqm on dated 17-12-2015 by the department. In the said proposal the residential use as 27.09% and commercial use was 5.38% incusing a hotel Block. Further the complete licensed project including the revised approved plans were transferred to M/s Nirvana Woods & Hotel Private limited on 04-08-2017 by the original Promoter Shri Sunil Kumar Sood after obtaining the necessary Essentiality Certificated issued by the Additional Chief Secretary (TCP) to the Govt. of H. P. vide letter dated 16-03-2017, Hence, there was no requirement of obtaining Essential Certificate/NOC form the Department of Tourism & Civil Aviation.

Further, he has also intimated to this office that mainly the project was for construction of residential colony including a hotel complex under commercial use which was already approved in



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the name of Shri Sunil Kumar Sood on 17-12-2015 and revised on 01-03-2017 and further during the transfer of the project to M/s Nirvana Woods & Hotels (P) Limited, the complete project including the plans as approved in the name of Shri Sunil Kumar Sood remained unchanged. Further has intimated that the M/s Nirvana Woods & Hotels Private Limited has not obtained any completion/occupation certificate from his department till 03-03-2021 as the area under question falls within the ambit of jurisdiction of Municipal Corporation Shimla and the entire record pertaining to the case stands transferred to Municipal Corporation Shimla.

From the perusal of the Commissioner's order No 359(AP) dated 21-11-2022, it has also been found that the Municipal Corporation Shimla has approved the revised -cum-completion plan of mixed building use of Block No.1 No 3(3BHK & 23 No. 2BHK) eight floors, Block No. 07 for EWS (LIG & MIG) having seven floors, Block No. 08 ground and to be used for public and semipublic use and first floor to seventh floor to be used as parking floor, Block No. 09 for commercial use i.e. Hotel having eight floors, Block No. 09-A for commercial use as service apartment having eight floors and commercial villas from V-I to V-40 (commercial use) having three floors & V-41 to V-63 (residential villas) having three floors on khasra No. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 at up Mohal Kiyari and khasra No. 1 to 9 & 321/10 measuring area 31768.00 Sq. Mtrs. At Mohal Rirka Tehsil & District



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 BY OFFICER
 Shimla Dist. (H.P.) Authority
 By Section 76 of the Indian
 Contract Act 1872
 9/7/25

Shimla in which Block-9 (Hotel building) and Block 9-A service apartment villas V-1 to V-5 (Type-I), V-8 to V-12, V-12A, V-14 to V-17 (Type-III) along with roof is completed and Blok No. 01 to 06, Block No. 07 for EWS (LIG & MIC) & Villas V-6, V-7 & V-18 to V-63 and Block No. 08 Public and semipublic and multilevel parking as proposed has been received for consideration of approval.

The respondent has also made part of this case, the orders passed by The Real Estate Regulatory Authority Himachal Pradesh on 03-01-2020 in the case titled as M/S/.Diamond Traxim Private Limited Versus M/S Nirvana Woods and Hotels Private Limited and the orders passed by the Ld Principal Secretary (Urban Development) to the Government of H.P. (Exercising the power of Government of H.P. under Section 403 of the H.P. Municipal Corporation Act, 1994 Shimla-2 on 05-08-2022 passed in Revision Petition titled as Doctor Pawan Kumar Banta V/s M/s Nirvana Wood and others.

The Real Estate Regulatory Authority Himachal Pradesh vide its order dated 03-01-2020 has held that the real estate project of the M/S Nirvana Woods and Hotels Private Limited is fit for registration under the provisions of the Real Estate (Regulation and Development) Act, 2016 read with Himachal Pradesh Real Estate (Regulation and Development) Rules 2017 subject to the further orders of the Hon'ble High Court of Himachal Pradesh in this matter. The complaints filed by M/s Diamond Traexim Private Limited and



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Shimla Dist. Office Authority
By Section 76 of the Indian
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Shri Sunil Kumar Sood are therefore disposed of in view of the present order passed by this Authority.

The Principal Secretary Urban Development to the Himachal Pradesh (Exercising the power of Government of H.P. under Section 403 of the H.P. Municipal Corporation Act , 1994 Shimla-2, vide its order dated 05-08-2022 passed in Rev. Petition titled as Doctor Pawan Kumar Banta V/s M/s Nirvana Wood and others has held that the petition filed by the petitioner is devoid of merit and the planning permission along with maps of the said project has been duly approved by the then competent authority i.e. Special Area Development Authority, Shoghi and the respondent No. 1 has also been granted requisite License for setting up the project along with Essentiality Certificate under the prevalent provisions of Chapter IX A & B of the Himachal Pradesh Town & Country Planning Act, 1977 & Rules 2014 by the Competent Authority/Department.

From the perusal of the above discussed record, contents of the complaint and the enquiry conducted by the revenue field agency it has been found that the two issues require consideration and adjudication in the present case:-

- 1) Whether the respondent has violated the permission granted under Section 118 of the H.P. Tenancy and Land Reforms Act, by constructing a hotel on the land in question.
- 2) Whether the respondent has put in use the land in question with in stipulate time period as per the instructions issued by the government in permission granted to the respondent under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972.

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By Section 28 of the Indian
Evidence Act 1908

4/7/25

To adjudicate both the above issues, detailed enquiry was conducted in the instant matter and it has been found that the respondent while applying for the permission under Section 118 of the Act ibid submitted a component plan and other documents enclosed with the file and it has been found that the hotel in question was already in the said component plan as the same was earlier included in the maps submitted by the Sunil Kumar Sood original promoter of the said project and the license was also granted to him for the same. As per the agreement to sell attached with the permission file, the agreement was executed between the seller and purchaser to sell the land in question along with the transfer of license in favour of the purchaser/respondent. Accordingly, permission was granted by the Government on the basis of Essentiality Certificate issued by the Town & Country Planning Department on the same component plan as approved in favour of the previous promoter of the land in question i.e. Shri Sunil Kumar Sood and was transferred in the name of M/s Nirvana Woods & Hotels. Private Limited.

The above fact was also ascertained from the report received from the Director, Town & Country Planning Department, Himachal Pradesh, Shimla-9 vide his letter No HIM/TP/APT/ Lic.04-NirvanaWoods/2022-1306 dated 7-06-2022 , that initially the project in question was for the construction of residential colony and necessary approval/license in accordance with the statutory provision of the then existing HP Town & Country Planning Act, 1977



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read with Rules thereof was granted/sanctioned in favour of Shri Sunil Kumar Sood for developing land as colony namely "Nirvana Woods at Mohal Kiyari & Rirka Tehsil & District Shimla, H.P. measuring 31768.00 Square meters on dated 17-12-2015 and proposal, the residential use was 27.09% and commercial use was 5.38% including a Hotel Block. He has also mentioned that the project was for construction of residential colony including a hotel complex under commercial use, which was already approved in the name of Shri Sunil Kumar Sood on 17-12-2015 and revised on 01-03-2017 and further during the transfer of the project to M/s Nirvana Woods & Hotels Private Limited, the complete project including the plans as approved in the name of Shri Sunil Kumar Sood remained unchanged. It has also been found from the perusal of the sanction issued by the Architect Planner, M.C. Shimla that case for the approval of revise/completion plan of Nirvana Woods & Hotels Private Limited mixed use development at Shimla on above mentioned Khasra Nos. was placed before the 83th meeting of house plan approval Committee held on 07-10-2022 and committee in its meeting has considered the case and same has been approved subject realization of compounding fee Rs. 51, 14, 843/- (Fifty One Lac Fourteen Thousand Eight Hundred Forty Three only).

Further it has also been found that the land in question has also been used by the respondent by constructing permanent structure on the said land as mentioned above. The government vide letter No. Rev.B.F.(10)/10/2024-Revenue-B dated 11-02-2025,

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By Section 16 of the Indian
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it has been clarified that the "Put to use" in r/o land purchase for residential purpose means that a residential house was constructed as per the map approved by the competent authority and the purchaser has used the house for residential purpose only for a substantial time. In case the map was not approved at the time of seeking permission u/s 118, the component authority may verify that the land was completely used for construction of a residential house consisting of all basic amenities for habitation like kitchen, toilet, room etc. which are proportionate to the size of the plot. Temporary structures raised for camouflaging the utilization of land may not be considered as proper utilization." Hence, in the instant matter no temporary structures have been raised and prime-fascia same have been found constructed as per the component plan submitted by the respondent for the purpose of land use.

In view of the above facts, it is clear that the respondent has applied for the permission under Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 on 06-03-2017 in the name of M/s Nirvana Woods & Hotels Private Limited to purchase the land comprised in Khasra Nos. 641, 408, 613/1, 630, 631, 1368/1137/632, 1369/1137/632, 640, 642 to 649 and Khasra Nos. 1 to 9, 321/10 at Mohal Rirka, Tehsil Shimla (Rural), District Shimla having total land area measuring 31768 Square Meters situated in up-Mohal Kiyari and Mohal Rirka, Tehsil Shimla (Rural), District Shimla for setting up a residential colony and the Hotel which has been constructed by the respondent which is a

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Shimla District Collector
By Section 76 of the Indian
Evidence Act 1908

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subject matter of the present case has been clearly mentioned in the component plan submitted by the respondent. The said application along with the component plan was perused at the various level of the government i.e. SADA, TCP, Revenue department etc. but the component plan was neither rejected nor the respondent was directed to submit the amended component plan qua the deletion of the hotel from the same before granting the said permission to the respondent and the permission was granted with the same component plan. It is matter of concern that the Town and Country Planning department has also clarified that the project was for construction of residential colony including a Hotel complex under commercial use, which was already approved in the name of Shri Sunil Kumar Sood on 17-12-2015 and revised on 01-03-2017 and further during the transfer of the project to M/s Nirvana Woods & Hotels Private Limited, the complete project including the plans as approved in the name of Shri Sunil Kumar Sood remained unchanged.

Hence, the construction has been carried out by the respondents as per the component plan attached with the application/form LR-XIV, which is a part and parcel of said permission granted to the respondent. In view of these facts, I don't find any reason on record that M/S Nirvana Woods have deliberately hidden the content of hotel as it is a core part of the approved map/component plan. Further the appropriate department i.e. Town and country Planning has ever objected to the proposed map and the same was duly approved by the competent authorities i.e. SADA,

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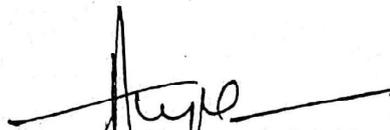
BY THE
Collector
Shimla District
By Section 76 of the Indian
Evidence Act 1973

4/7/15

TCP, Revenue etc. Hence, on the both above issues, the respondent has complied with the permission given to them for the purchase of the land by the Government vide letter No Rev.B.F. (10)-69/2017 dated 26-04-2017 and no violation under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972 was found in the instant matter. Therefore no case is made out against the present respondent for violation of permission granted under section 118 of the H.P. Tendency & Land Reforms Act. Keeping in view of the above facts and evidences, the proceeding under the provisions of Section-118 of the Himachal Pradesh Tenancy & Land Reforms Act, 1972 is dropped against the respondent. The copies of this order be sent to all the concerned for immediate compliance. The file be consigned to the Record Room after due completion.

Announced in the open Court.




 (Anupam Kashyap), I.A.S.
 District Collector,
 Shimla, District Shimla (H.P.)
 District Collector
 Shimla District (H.P.)

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EXAMINED
 Shimla Distt. Officer
 By Section 76 of the Code
 Evidence Act 1972

4/7/25

Endst. No. SML-Reader(09/2024)/2025- ⁸³⁰⁻⁵³ Dated 23rd July, 2025. **Regd.**

Copy of order dated 30-06-2025 passed by the Ld. District Collector, Shimla is forwarded for information and further necessary action:-

1. The Additional District Magistrate (P), Shimla, H.P.
2. The District Revenue Officer, Shimla, H.P.
3. M/S Nirvana Woods & Hotel Pvt. Ltd. Through Shri Pankaj Gupta, House No. 86, Sector-12, Panchkula-134109 (Haryana).
4. Guard File.

Reader to
Deputy Commissioner, Shimla.

1 Sr No of Application..... 6469

2 Date of Presentation..... 31/7/25 21

3 Pages..... 21

4 Fee..... 84

5 Copying Fee..... 42

6 Stencil Fee..... 10

7 Printing & Binding Fee..... 5

8 Name of Case.....

9 Name of Applicant..... Allep

10 Date of Application..... 4/7/25

11 Date of Issue..... 4/7/25

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Mandates Act 1978

4/7/25



CWP No. 2428 of 2020

06.05.2021 Present: Mr. B.C. Negi, Sr. Advocate with Mr. Suneet Goel, Advocate for the petitioner/applicant.

Mr. Maan Singh, Advocate for the respondents.

(Through Video Conference)

CMP No. 3608 of 2021

By way of this application, the applicant/petitioner has prayed for restoration of electricity and water connections, which have been disconnected by the authorities concerned, in terms of the directions passed by Himachal Pradesh State Pollution Control Board. The writ petition has been filed by the petitioner *inter alia* praying for quashing of Annexure P-14, vide which notice of demand, the applicant/petitioner-Company has been directed by the respondent-Board to pay environmental compensation to the tune of ₹18.00 Lac, which stands imposed upon it by the respondent-Board. The operation of Annexure P-14, i.e. communication dated 27.06.2020, has been stayed by Hon'ble Division Bench of this Court vide order dated 17th July, 2020.

2. Mr. B.C. Negi, learned Senior Counsel appearing for the applicant/petitioner-Company submits that even after the stay of impugned demand notice dated 27.06.2020, the electricity and water connections of the petitioner-Company have not been restored. He further submits that the impugned notice of demand

dated 27.06.2020, was otherwise passed by the respondent-Board, in terms of an order passed by learned National Green Tribunal dated 12.05.2020, in O.A. No. 55 of 2020 at the back of the applicant/petitioner. He states that subsequently the main application as well as I.As. filed in O.A. No. 55 of 2020 stood disposed of by the National Green Tribunal vide order dated 07.10.2020 by directing the authorities mentioned in para-7 of the order to finalize the pending proceedings within three months and with liberty to the aggrieved party to take remedies against the decision which may be passed in the pending proceedings which have yet not been finalized by the authorities. Accordingly, Mr. Negi has argued that as there was a valid consent to establish which stood issued in favour of the project concerned and as there was also an environmental clearance certificate issued in favour of the project, the disconnection of electricity and water by the respondent-Board, is arbitrary and not sustainable in law. He thus prays that it will be in the interest of justice in case during the pendency of the main petition, the electricity and water connections of the petitioner-Company are restored to the extent that it may continue to carry out its construction activity in consonance with the permissions so granted by the competent authority.

3. Opposing the application, learned Counsel for the respondent-Board has drawn the attention of this Court to the

reply filed to the application and annexures appended therewith. He has submitted that vide office order dated 16.11.2019, H.P. State Electricity Board was directed to disconnect the power supply to the petitioner-Unit as the petitioner-Unit had failed to submit compliance report in terms of show cause notice issued on 15.02.2019 and 09.10.2019. He has also drawn the attention of the Court to office order dated 13.05.2020 and submitted that water and electricity connections of the petitioner-Unit were rightly disconnected as the petitioner-Company had failed to submit consent to operate as well as environment clearance qua the project in issue.

4. In rebuttal, learned Senior Counsel appearing for the applicant/petitioner has drawn the attention of the Court to Annexure P-3 (colly.) appended with the writ petition and by relying upon proceedings of 24th meeting of State Level Environment Impact Assessment Authority, dated 02.03.2016, in general and Clause 5.12 of the same in particular, he has submitted that in the said meeting, environmental clearance was issued in favour of the “Unit”. He has also drawn the attention of the Court to Annexure P-10 appended with the petition which is consent to establish given in favour of the Project by the respondent-Board, which subsequently stood acquired by the petitioner-Company by way of transfer dated 03.03.2017. Learned Senior Counsel has stated that after the expiry of the

period of consent to establish, renewal thereof has already been applied to respondent-Board, as is evident from page 113 of the paper book (Annexure P-13), and as the environmental clearance already exists in favour of the project in issue, the act of the respondent-Board of calling upon the petitioner-Company to submit a fresh environmental clearance is not sustainable in law.

5. I have heard learned Counsel for the parties and also gone through the pleadings of the application as well as the documents appended therewith as also annexures appended with the petition.

6. It is not in dispute that electricity and water connections of the petitioner-Unit, have been disconnected on two grounds, (a) its failure to submit to the competent authority the consent to operate; and (b) its not submitting environmental clearance certificate.

7. During the course of arguments, learned Counsel for the respondent-Board was put a query by the Court that why the application submitted by the applicant/petitioner-Company for renewal of consent was not being processed by the Board. Learned Counsel for the respondent-Board, on instructions, informed the Court that the application for renewal of consent was not being processed as environmental clearance in favour of the petitioner-Unit was still awaited. On another pointed query to learned Counsel for respondent-Board as to under which

particular statutory provision of any of the pollution laws, there was a necessity to obtain a fresh environmental clearance upon transfer of a Project and under which provision the environmental clearance already granted by the competent authority to Unit is not valid post its transfer, learned Counsel for the respondent-Board submitted that the pollution laws do not envisage any such provision.

8. In this background, in the considered view of this Court, the disconnection of electricity and water supply on the direction of the respondent-Board by the authorities concerned is not sustainable in the eyes of law. Respondent-Board is a statutory Board and it can exercise only such powers, which are provided for in the laws, implementation of which is the duty of the respondent-Board. It cannot call upon a party to perform such acts which are not envisaged in any of the pollution laws. The Court repeats and reiterates that no statutory provision was brought in the notice of the Court by the respondent-Board to the effect that after transfer of a Unit in favour of another party, post transfer a fresh environmental clearance certificate was required for the Unit, which was put to transfer.

9. Accordingly, this application is allowed and it is directed that water and electricity connections of the petitioner-Company be restored for the purpose of establishment of the Unit. Respondent-Board shall also pass appropriate orders on the

application filed by the petitioner-Unit for renewal of consent without insisting upon for submission of fresh environmental clearance certificate. Needful shall be done within a period of four weeks from today. It is clarified that construction activity being carried out by the applicant/petitioner shall be done strictly as per approvals so granted in its favour by the competent authority. This order is subject to final decision of the writ petition and it will not confer upon any equity upon the petitioner nor the petitioner shall claim equity of any nature on the basis of any activity carried out by it post this order, in case, it does not succeeds in the main petition.

Copy dasti.

(Ajay Mohan Goel)
Judge

May 06, 2021
(narender)

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. _____ OF 2025

IN THE MATTER OF:

Pawan Kumar Banta

...APPLICANT

VERSUS

State of Himachal Pradesh and others

...RESPONDENT

KNOW ALL to whom these present shall come that I, Tushar Gupta, S/o Late Shri Pankaj Gupta R/o House No. 86, Sector 12, Panchkula, Haryana do hereby appoint:



MEHAAK JAGGI

D/1701/2015

D-808, Ground Floor, New Friends Colony

New Delhi – 110025

9811250312 mehaakjaggi@gmail.com

(hereinafter called the advocate/s) to be my/our Advocate in the above noted case authorised him:-

To act appear and plead in the above noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint, and instruct any other Legal Practitioner, authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the Power of Attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our acts, as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 28 day of August, 2025.

Accepted subject to the terms of fees.

Advocate

(MEHAAK JAGGI)
D/1701/2015

Client

IDENTIFIED THE CLIENT SIGNATURE



Mehaak Jaggi <office@chambersmj.com>

Advance Service_Reply by R7 in OA No. 341/2024

Mehaak Jaggi <office@chambersmj.com>

Fri, 29 Aug at 11:21

To: <artakkar@artlo.in>

Cc: Mehaak Jaggi <mehaakjaggi@gmail.com>, <vishavjeet_chaudhary@yahoo.com>

Please find attached the captioned reply. Please note that this email shall be treated as proof of advance service.

 Final short reply R 7.pdf**Chambers of Mehaak Jaggi**

Office: D-808, Ground Floor

New Friends Colony, New Delhi - 110065

Mob.: 9811250312

Email: office@chambersmj.com | mehaakjaggi@gmail.com

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Final short reply R 7.pdf