

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

Original Application No.48/2024

Ashwani Kumar Saini

Applicant

V

State of Himachal Pradesh & Others

Respondents

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**Date: 15.09.2025**

**Place: New Delhi**

**Through**



**Divyanshu Kumar Srivastava  
Advocate – D/1383/2015  
AOR, Supreme Court  
D-8, Ground Floor,  
Jangpura Extension, New Delhi -110014  
Dksrivastava0511@gmail.com**

E file No./221372/MND/Dev./D.A-II/Mining/2024-3089-92

From

The Deputy Commissioner  
Mandi District Mandi H.P.

To,

Sh. Divyanshu Kumar Srivastava, (Panel Council)  
Advocate-on-Record, Supreme Court of India  
D-8, Ground Floor, Jangupra Extension, New Delhi 110014

Dated Mandi the 9 September, 2025

Subject ; **Ashwini Kumar Saini Vs State of HP &Ors (O.A. No. 48/2024 in the Hon'ble NGT), status report is required with respect to the 6 sites where cutting/ excavating activities were carried out.**

Sir,

Kindly refer to your email dated 14-07-2025 regarding submission of present status report in the matter of **Ashwini Kumar Saini Vs State of HP &Ors (O.A. No. 48/2024 in the Hon'ble NGT)**.

Now, said matter was re-enquired through SDM Sundernagar, Project Director, NHAI PIU Mandi, Mining Officer Mandi, and Town & Country Planning Department Mandi to provide the latest status on the matter. As per the information received from these departments, the point wise consolidated reply is submitted as under:-

Points	Reply
1. Whether any action was taken or not with respect to the above-mentioned locations for the cutting/excavating of the land apart from sending show cause notices, If not, why? If yes, what is the current status of such action?	In continuation to the show cause notices issued under Section 38 of the HPTCP Act to the owners of land. <ul style="list-style-type: none"> <li>As per the status report given by TCP Mandi three replies were received from the owners of Site Nos. 3.4 &amp; 5, stating that the excavations were carried out before the enactment of the HPTCP Act, 1977, in the area. They submitted various proofs supporting this claim. Consequently, the notices issued to these three sites were withdrawn by the Town Planning office,</li> </ul>

	<p>Sundernagar on 01/07/2024, 01/07/2024 &amp; 23/07/2024, respectively.</p> <ul style="list-style-type: none"> <li>A subsequent site inspection was again done by the officers/ officials of the TCP office on 21/07/2025. During the inspection, it was observed that the owner of Site No. 5. Sh. Jagarnath S/o Sh. Gurdas, Vill. Dayohi. PO Kangoo, has carried out unauthorized construction. Accordingly, a notice under Section 39(1) of the HPTCP Act, 1977 was issued, and a copy was forwarded to HPSEBL &amp; Jal Shakti Vibhag with request to not issue any service connection or, if already issued to disconnect the same.</li> <li>Simultaneously, notices under Section 39(1) of the HPTCP Act, 1977 were also issued to the owners of Site Nos. 1, 2 &amp; 6.</li> </ul>
<p>2. The quantity of material excavated from the above-mentioned locations?</p>	<p>The matter got re inquired from SDO(C) Sunder Nagar and Mining officer Mandi, Wherein SDO (C) has submitted that no fresh cutting/ excavation is reported from the above mentioned six locations.</p>
<p>3. Details of the locations where such excavated material was dumped?</p>	<p>The matter got re inquired from SDO(C) Sunder Nagar and Mining officer Mandi, Wherein SDO (C) has submitted that no fresh cutting/ excavation is reported from the above mentioned six locations.</p>
<p>4. What is the status of the proceedings initiated by the show cause notices and whether any penalty was imposed on the violators?</p>	<ul style="list-style-type: none"> <li>Town Planner Office, Sundernagar issued six show cause notices under Section 38 of the HPTCP Act. After considering the reply of the owners of Site No. 3.4 &amp; 5, the three sites were withdrawn by the Town Planning office, as per report submitted by the TCP Officer Mandi.</li> <li>No intimation has been received till date from the remaining three sites/ owners, viz Site 1,2, &amp; 6.</li> <li>Further a Show-cause Notice has been issued by the Mining Sub-Division Sunder Nagar vide letter no. dated 29.08.2023, to Sh. Kala Ram S/o Sh. Barlaju VPO Dehar Tehsil Sundernagar Distt. Mandi(HP), wherein he stated in his reply that he had no prior knowledge of the cutting undertaken on his private land</li> </ul>

	along four lane and he is a Cancer patient and currently undergoing treatment in IGMC Shimla and has been living in Shimla for the last 40 years.
5.What is the status of permission sought by the violators from the Department of Town and Country Planning?	<ul style="list-style-type: none"> <li>• None of the owners or violators has applied for any permission from this department.</li> </ul>

The copies of reports as received from these departments are also enclosed herewith for your kind perusal and further necessary action please.

Yours Faithfully

Encls; As above.

( Gursimar Singh, IAS)  
Addl. Deputy Commissioner  
Mandi, District Mandi (HP)

Endst. No ( As Above) 30891-92 Dated Mandi 9th September 2025 Copy forwarded to the District Attorney HP Legal Cell, Himachal Bhawan, 27 Sokandra Road Mandi House New Delhi for information.

Addl. Deputy Commissioner  
Mandi, District Mandi (HP)

447  
ANNEXURE A

4

2745233  
228-2025  
DCT/ADCI/ADM/ACT/DRU  
Branch SOT DOTS  
20/8/2025

TOWN AND COUNTRY PLANNING DEPARTMENT  
HIMACHAL PRADESH

NO. TCP (M)T-61(NGT Matters)/2021-22- 539

Dated: 18/08/2025

To

✓ The Deputy Commissioner,  
Mandi, Distt. Mandi.

Subject: - Ashwani Kumar Saini Versus State of H.P. & Ors (O.A. No. 48/2024 in the Hon'ble NGT), status report is required with respect to the 6 sites where cutting/excavating activities were carried out.

Reference: - Your good office letter Nos. 195875-DC-MND-DEVO/DA-2/8/O.A.No.48/2024-24317-22 dated 19/07/2025 and 27015-18 dated 13/08/2025.

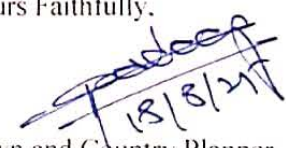
Sir,

"Jai Hind"

Kindly refer to the letters referred under the subject cited above, in this regard it is intimated that the requisite information has already been sent vide this office letter no. TCP (M)T-61 (NGT Matters)/2021-22—518-519 dated 12/08/2025. The copy of same is again enclosed herewith for information and further necessary action, please.

Encl. As above.

Yours Faithfully,

  
18/8/25

Town and Country Planner,  
Divn. Town and Country Planning Office,  
Mandi. (H.P.) Ph.No.-01905-222114  
E-mail: [tcpmandi@gmail.com](mailto:tcpmandi@gmail.com)



TOWN AND COUNTRY PLANNING DEPARTMENT  
HIMACHAL PRADESH

O. TCP (M)T-61(NGT Matters)/2021-22- 518-19

Dated: - 12/08/2025

To

The Deputy Commissioner,  
Mandi, Distt. Mandi.

Subject: - Ashwani Kumar Saini Versus State of H.P. & Ors (O.A. No. 48/2024 in the Hon'ble NGT). status report is required with respect to the 6 sites where cutting/excavating activities were carried out.

Reference: - Your good office letter No. 195875-DC-MND-DEVO/DA-2/8/O.A.No.48/2024-24317-22 dated 17/07/2025.

Sir,

With reference to the queries raised by the Hon'ble Tribunal regarding the matter of illegal excavation at six sites in Sundernagar, District Mandi, the point-wise reply is as under: -

**1. Whether any action was taken or not with respect to the above-mentioned locations for the cutting/excavating of the land apart from sending show cause notices, If not, why? If yes, what is the current status of such action?**

Reply:

With respect to the listed sites, as per office order OA No. 48/2024, by order dated 07/03/2024, Town Planning office, Sundernagar issued six show-cause notices under Section 38 of the HPTCP Act.

- Three replies were received from the owners of Site Nos. 3, 4 & 5, stating that the excavations were carried out before the enactment of the HPTCP Act, 1977, in the area. They submitted various proofs supporting this claim. Consequently, the notices issued to these three sites were withdrawn by the Town Planning office, Sundernagar on 01/07/2024, 01/07/2024 & 23/07/2024, respectively.
- No intimation has been received till date from the remaining three sites/owners, viz. Site Nos. 1, 2 & 6.
- However, it was observed that the owner of Site No. 5, Sh. Jagarnath S/o Sh. Gurdas, Vill. Dayohi, PO Kangoo, has carried out unauthorized construction. Accordingly, a notice under Section 39(1) of the HPTCP Act, 1977 was issued, and a copy was forwarded to HPSSEBI, & Jal Shakti Vibhag, requesting them not to issue any service connection or, if already issued to disconnect the same.
- Simultaneously, notices under Section 39(1) of the HPTCP Act, 1977 were also issued to the owners of Site Nos. 1, 2 & 6.
- A subsequent site visit was again conducted by the officers/officials of this office on 21/07/2025. During the inspection, unauthorized construction at Site No. 5 was observed, for which the aforementioned Section 39(1) notice has already been issued.

**2. The quantity of material excavated from the above-mentioned locations?**

Reply:

- In reply to point no. 2 it is intimated that this department functions as a non-executive and is primarily responsible for the formulation of development plans, zoning regulations and land use planning. It is further submitted that ascertaining the quantity of excavated material and disposal of excavated material, being a executive task, falls under the purview of executive departments

such as Urban Development Department, Public works department, etc. as these departments are equipped with the necessary men & machinery and have access to suitable land or disposal.

**3. Details of the locations where such excavated material was dumped?**

Reply:

- As mentioned in point 2 above.

**4. What is the status of the proceedings initiated by the show cause notices and whether any penalty was imposed on the violators?**

Reply:

- Refer to Reply-1 above for the updated/current status. It is further submitted that during the site inspection conducted on 21/07/2025, except for one site (as indicated in Reply-1 above), the status of the remaining five sites out of the listed six remains unchanged to that observed during the initial inspection conducted on 13/05/2024 i.e., no construction or development activity has taken place.
- It is pertinent to mention that, prior to initiating any further proceedings under the applicable provisions, it is imperative for the competent authority to conclusively determine whether the reported excavation activity was undertaken intentionally or constitutes the natural outcome of rain-induced landslides.

**5. What is the status of permission sought by the violators from the Department of Town and Country Planning?**

Reply:

- None of the owners or violators has applied for any permission from this department.

Placed for information & further action, please.

Yours faithfully,

Town and Country Planner,  
Divl. Town and Country Planning Office,  
Mandi (H.P.)

Copy to: The Planning Officer, Town Planning Office, Sundernagar, Distt. Mandi H.P. for information, please.

Town and Country Planner,  
Divl. Town and Country Planning Office,  
Mandi (H.P.)

No. MO/MDI/NGT/O.A.No./48/2024. 1138  
Office of the Mining Officer,  
Mandi, Distt. Mandi (H.P)  
Mandi

Date: 04 SEP 2025

To,

✓ The Deputy Commissioner,  
Mandi, Distt. Mandi (HP)

Subject: -

Ashwani Kumar Saini V/s State of HP & Ors (O.A. No. 48/2024 in the Hon'ble NGT) Status report is required with respect to the 6 sites where cutting/excavating activities were carried out.

Sir,

Kindly refer to the letter E file No.195875-DC-MND-DEV/DA-2/8/O.A.No 48/2024- 24317-22 Dated 19.07.2025 on the subject cited above. In this context, it is humbly submitted that the Mining Inspector SunderNagar has been vigilant against illegal mining activities in the area especially in the six sites namely Near Pungh on four lane, Near Jio Petrol Pump Sundernagar, near village Chamukha, at Jarol, Near entry to Tunnel No. 4 on Four lane, at Dehar. Further, the current status of the mining activities in respect of the 6 locations in a pointwise manner is stated below:

1. The Mining Inspector Mandi and Assistant Mining Inspector Sadar too inspected the area on Dated 29.08.2025 at Kiratpur Sunder Nagar Four lane at Sundernagar, Chaumukha, Jarol, Bhawana and Dehar upto Baloh Toll Plaza and found no person indulged in illegal mining activities. The report of the Mining Inspector SunderNagar along with the latest GPS photographs are enclosed for your kind perusal.
- ✓ 2. No minor mineral has been excavated from these sites.
- ✓ 3. No minor mineral excavated from these sites has been dumped at any location.
4. In reply of Showcause Notice issued vide letter no. MO/MDI/IllegalMining/Sub-Division SunderNagar/2020-21 dated 29.08.2023, Sh. Kala Ram S/o Sh. Barlaju VPO Dehar Tehsil SunedrNagar Distt. Mandi(HP) has stated in his reply Diary No. 2482 Dated 05.09.2023 that he had no prior knowledge of the cutting undertaken in his private land along four lane and he is a Cancer patient currently undergoing treatment in IGMC Shimla and has been living in Shimla for the last 40 years.
5. The reply pertains to the Department of Town and Country Planning.

This is for your kind information and further necessary action at your end please.

Yours faithfully,

*Mandi*  
Mining Officer  
Distt. Mandi,(H.P)  
Ph. No.01905-223342

Endst. No. As above \_\_\_\_\_ Dated \_\_\_\_\_

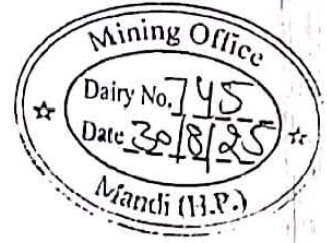
Copy to:-

1. The Geologist Zone-IV, Himachal Pradesh, Shimla-9 for information please.

*Mandi*  
Mining Officer  
Distt. Mandi,(H.P)

Sh. Prakashji  
AMI Sankar  
सेवा में, मण्डी  
30.08.2025

खनि अधिकारी,  
मण्डी, जिला मण्डी,  
हिमाचल प्रदेश।



विषय:-

Ashwani Kumar Saini Vs. State of HP & Ors. ( OA No. 48/2024 in the Hon'ble NGT) Status report is required with respect to the 6 sites where cutting/excavating activities were carried out.

महोदय,

सविनय निवेदन है कि आपके आदेशानुसार मैंने आज दिनांक 27-08-2025 को पुंघ के नजदीक फोरलेन कटींग, जियो पेट्रोल पंप के पास कंटींग, गांव चगुखा, जरोल, डेहर नजदीक टोल प्लाजा, टनल नं० 04 के पास कटींग आदि के पास हो रहे अवैध खनन का मौका निरीक्षण <sup>मौका</sup> निरीक्षण के दौरान मौका पर कोई भी अवैध खनन का कार्य होता हुआ नहीं पाया गया। साथ ही महोदया को अवगत करवाया जाता है कि उक्त सभी स्थलों का मौका निरीक्षण समय समय पर किया जा रहा है ताकि कोई भी अवैध खनन की गतिविधि न होनी पाए। अतः मौका निरीक्षण रिपोर्ट मौका पर लेये गए फोटो की प्रतियां आपकी सेवा में आगामी कार्यावाही हेतु प्रेषित की जा रही है।

दिनांक : 28.08.2025

महोदय,

(प्रकाश चन्द्र राणा)  
खनि निरीक्षक  
सुन्दर नगर, जिला मण्डी  
(हि०प्र०)।



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार

## National Highways Authority of India

(Ministry of Road Transport and Highways, Govt. of India)

NHAI PIU-Mandi, Bagla Muhal Chakkar P.O. Nagchala, Teh. Balh, Distt. Mandi, Pin - 175021

Email: mandi@nhai.org; pd.mandipiu@gmail.com | Phone: 01905-246383



NHAI/PD/PIU-Mandi/2023-24/Misc/05/1636

29 Aug 2025

To

Additional Deputy Commissioner,  
Distt. Mandi.

**Sub:** Regarding Ashwani Kumar Saini Vs State of H.P. & Ors. (OA No. 48/2024 in the Hon'ble High Court).

**Ref:** Your office letter no. 195875-DC-MND-DEVO/DA-2./8/O.A.No. 48/2024-24317-22 dated 19.07.2025 & 195875-DC-MND-DEVO/DA-2./8/O.A.No. 48/2024-27015-18 dated 13.08.2025.

Sir,

Reference is invited to your office letters under Ref wherein the status report with respect to the 6 sites of alleged cutting/excavating activities was sought.

2. In this regard, the point-wise reply from this office is submitted as under:

S. No.	Description	Reply
1	Whether any action was taken or not with respect to the above-mentioned locations for cutting/excavating of the land apart from sending show cause notices, if not why and if yes, what is the current status of such action.	It is submitted that taking action against mining, cutting, or excavation activities does not fall within the purview of this office. The Kiratpur to Nerchowk section of the project was completed in June 2023, and no construction activity is presently being carried out. However, notices have been served to the concerned persons for not taking access permission.
2	The quantity of material excavated from the above-mentioned locations.	N/A
3	Details of the locations where such excavated material was dumped.	N/A
4	What is the status of proceedings initiated by the show cause notice and whether any penalty is imposed or not on the violators.	N/A
5	What is the status of the permission sought by the violators from the department of Town and Country Planning.	The matter pertains to the jurisdiction of the Town and Country Planning (TCP) Department. It is further clarified that no access permission has been sought from this office.

3. This is for your information and necessary action please.

With regards,

Project Director  
NHAI, PIU-Mandi

प्रधान कार्यालय: जी-5 एवं 6, सेक्टर-10 द्वारका, नई दिल्ली-110075  
Head Office: G-5&6, Sector-10, Dwarka, New Delhi - 110075

No: SDM/SNR/OK/2025- 6196

From

Sub-Divisional Officer (Civil),  
Sundernagar, District Mandi HP,

To

✓ The Deputy Commissioner,  
Mandi, District Mandi HP,

Dated 03/09/2025

Subject: - Ashwini Kumar Saini Vs State of HP & Ors (O.A. No. 48/2024 in the Hon'ble NGT), status report is required with respect to the 6 sites where cutting excavating activities were carried out.

Sir,


Kindly refer to your office letter No. E-File No. 195875-DC-MND-DEVO/DA-2.8/O.A. No. 48/2024- 24317-22 dated 19-07-2025 on the subject cited above. In this regard, it is submitted that as per report from Tehsildar, Sundernagar and Naib Tehsildar, Dehar, the latest status report of 6 locations where cutting/ excavation activities were identified, is as under:-

S. No.	Name of Land Owner	Muhal	Present Status
1	Balak Ram s/o Gokal Das S/o Tulsi Ram	Kh.no. 30, 1139/31, Muhal Chamukha/41	No fresh cutting /excavation is reported.
2	Mrs . Kusham Lata W/o Subhash Chand	Kh. no. 1240/870/ 207, Muhal Chamukha/41	No fresh cutting /excavation is reported.
3	Balak Ram s/o Gokal Das S/o Tulsi Ram	Kh.no. 1154/89, Muhal Chamukha/41	No fresh cutting /excavation is reported.
4	Surendra S/o Padam Singh s/o Bhikham	Kh.no. 1322/1059/405, Muhal Chamukha/41	No fresh cutting /excavation is reported.
5	Sunil Kumar S/o Hem Raj s/o Nandlal and Smt. Draupadi Devi W/o Bhag Singh S/o Maghu.	Kh.no. 1324/1060/405, Muhal Chamukha/41	No fresh cutting /excavation is reported.
6	Jagarnath S/o Gurdas s/o Gugur R/o Dehvi	Kh.no. 1109/285, Muhal Dehvi/84, Sub- Tehsil Dehar	On some part of land construction was undertaken and no fresh cutting activity is reported.

Point wise information as per letter mentioned above is as under:-

1. Notice to owners mentioned at Sr. No. 1 to 6 of above mentioned was not issued by this office.
2. The individuals mentioned at Sr. No. 1 to 6 have excavated and had leveled their land and information regarding quantity of materials excavated from above mentioned locations is not available as no fresh excavation is reported.
3. No fresh cutting/excavation was reported from the land Sr. No. 1 to 6.
4. In this regard, it is submitted that point number 4, does not pertain to this office as such no show cause notice was issued to above mentioned landowner by this office.
5. In this regard, it is submitted that point number 5, does not pertain to this office.

Yours Faithfully,

  
Sub-Divisional Officer (Civil),  
Sundernagar, District Mandi HP,



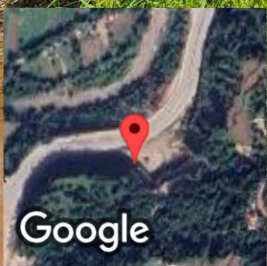
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## Mandi, Himachal Pradesh, India

Nh154, Himachal Pradesh 175018, India, Mandi, Himachal Pradesh  
175018, India

Lat 31.454506° Long 76.860026°

29/08/2025 01:06 PM GMT +05:30



Google



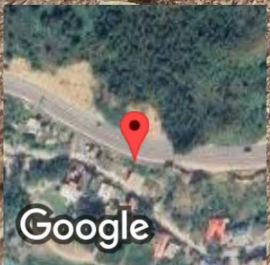
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Dehar, Himachal Pradesh, India

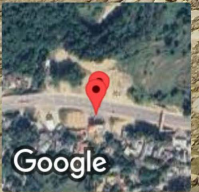
Crg6+339, Dehar, Himachal Pradesh 175030, India

Lat 31.425501° Long 76.810727°

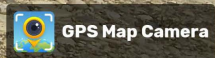
29/08/2025 01:23 PM GMT +05:30




Google



**Dehar, Himachal Pradesh, India**  
Kiratpur - Nerchowk Hwy, Dehar, Himachal Pradesh 175030, India  
Lat 31.427386° Long 76.81825°  
29/08/2025 01:48 PM GMT +05:30





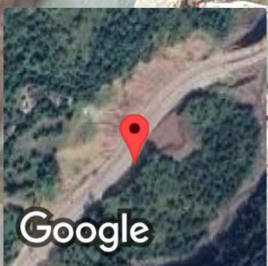
 GPS Map Camera

## Mandi, Himachal Pradesh, India

Kiratpur - Nerchowk Hwy, Himachal Pradesh 175030, India, Mandi,  
Himachal Pradesh 175030, India

Lat 31.445522° Long 76.841612°

29/08/2025 01:12 PM GMT +05:30



Google



Google

## Harabaag, Himachal Pradesh, India

Fvxf+6jx, Nh21, Harabaag, Himachal Pradesh 175018, India

Lat 31.497811° Long 76.874458°

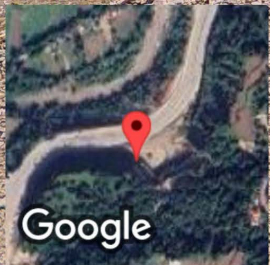
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GPS Map Camera



 GPS Map Camera




## Mandi, Himachal Pradesh, India

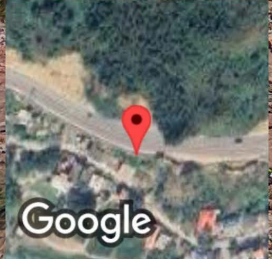
Nh154, Himachal Pradesh 175018, India, Mandi, Himachal Pradesh  
175018, India

Lat 31.454496° Long 76.86002°

29/08/2025 01:06 PM GMT +05:30



 GPS Map Camera



**Dehar, Himachal Pradesh, India**  
Crg6+339, Dehar, Himachal Pradesh 175030, India  
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29/08/2025 01:25 PM GMT +05:30



 GPS Map Camera

## Harabaag, Himachal Pradesh, India

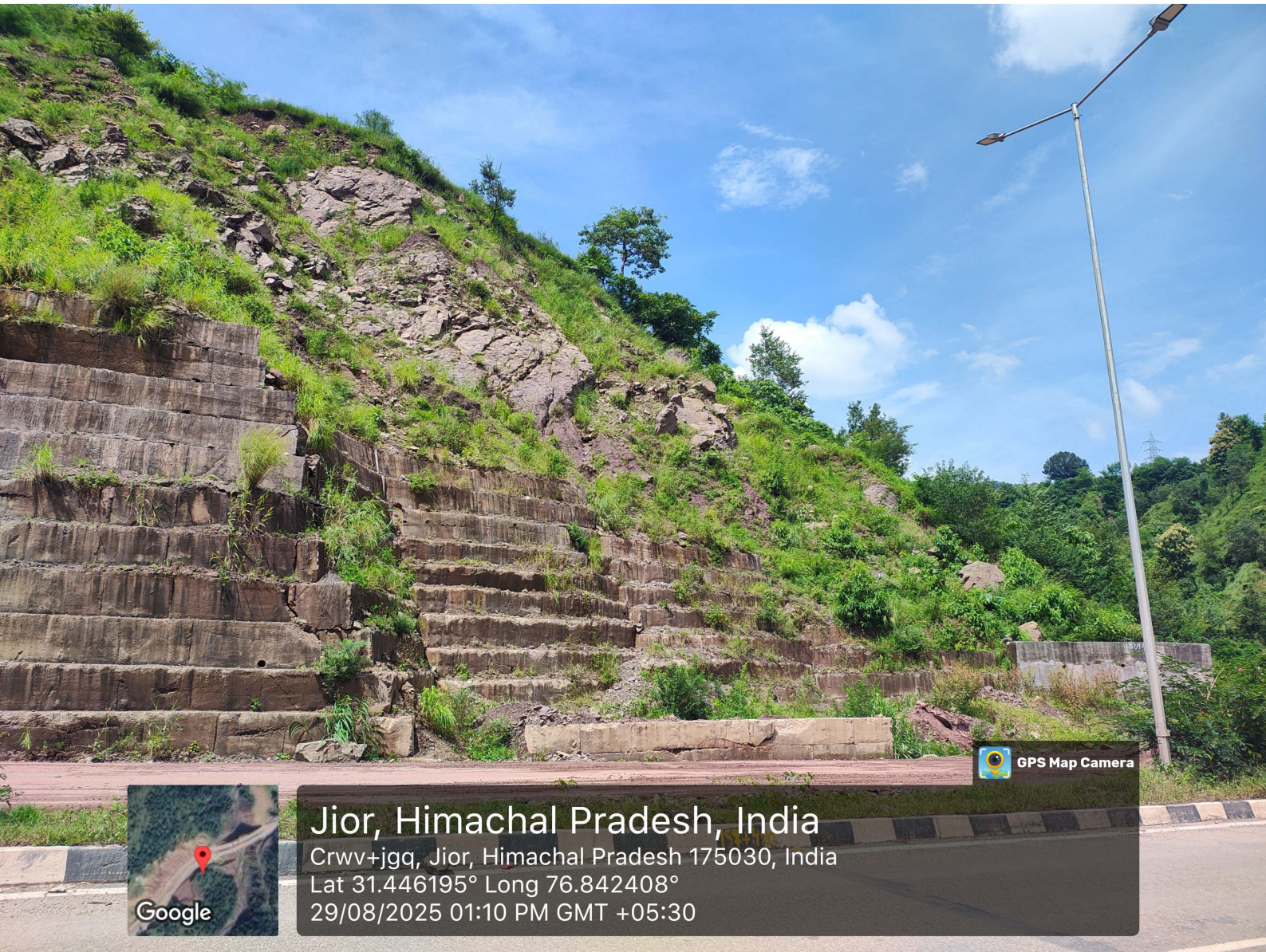
Fvxf+6jx, Nh21, Harabaag, Himachal Pradesh 175018, India


Lat 31.497789° Long 76.874518°

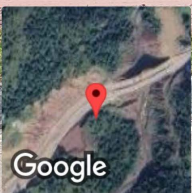
29/08/2025 12:56 PM GMT +05:30



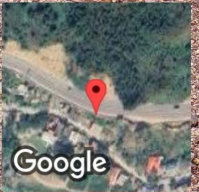
Google



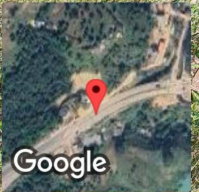
 GPS Map Camera



**Jior, Himachal Pradesh, India**  
Crwv+jgq, Jior, Himachal Pradesh 175030, India  
Lat 31.446195° Long 76.842408°  
29/08/2025 01:10 PM GMT +05:30



**Dehar, Himachal Pradesh, India**  
Crg6+339, Dehar, Himachal Pradesh 175030, India  
Lat 31.425502° Long 76.810737°  
29/08/2025 01:23 PM GMT +05:30



Google



GPS Map Camera


### Dehar, Himachal Pradesh, India

Crg4+5jg, Dehar, Himachal Pradesh 175030, India

Lat 31.426085° Long 76.806738°

29/08/2025 01:44 PM GMT +05:30



 GPS Map Camera



**Mandi, Himachal Pradesh, India**  
Kiratpur - Nerchowk Hwy, Himachal Pradesh 175030, India, Mandi, Himachal Pradesh  
175030, India  
Lat 31.446037° Long 76.842106°  
29/08/2025 01:11 PM GMT +05:30



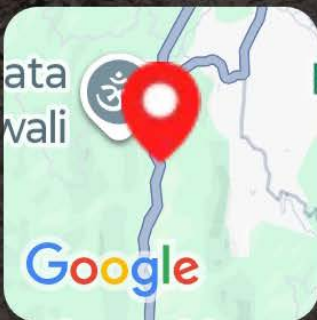
GPS Map Camera

Dehar, Himachal Pradesh, India  
Crg5+p4c, Dehar, Himachal Pradesh 175030, India  
Lat 31.426276° Long 76.807926°  
29/08/2025 01:19 PM GMT +05:30





GPS Camera App



GV6F+5R6, next to chamukha,  
Chamukha, Himachal Pradesh 175018,  
India

Lat: 31.509330° N, Lng: 76.875556° E  
29-08-25 12:50 PM

20.9



 8.3

 84%

 909.2000...