

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

ORIGINAL APPICATION NO. 578 of 2022

IN THE MATTER OF:

Ram Singh...

..... Applicant

Versus

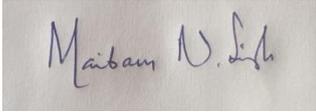
State of Uttarakhand and others...

..... Respondents

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Dated: 25th April, 2023


(AJIT RAJESH & MAIBAM N SINGH)
Counsel for Respondent No.4, KMVN.

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Translated Copy Annexure-R-1

Letter No. 5144/6-Panchchuli

Date: 04-02-2023

Shri Ganesh Singh Dugtal
S/o Shri Ishwar Singh
Resident-Village Kumchia
Post Office Tejam, Dharchula
District Pithoragarh

Sub: Original Application No. 578/2022 - Ram Singh
vs. State of Uttarakhand and others pending
consideration before the Hon'ble NGT

Kindly refer to the Order dated 02.01.2023
passed in Original Application No. 578/2022 - Ram
Singh vs. State of Uttarakhand and others, which is
pending consideration before the Hon'ble NGT, in
which you are also a party. In connection with the
above, it is to inform that FRP huts in District
Pithoragarh, Tehsil Dharchula, Village Dugtu have
been given to you for operation in the year 2021.

In the light of the order dated 02.01.2023
passed in the above mentioned case under

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consideration in Hon'ble NGT regarding the said FRP Huts, photocopy of which is attached, you are directed that you are directed to ensure staying the operation of FRP huts built in Village Dugtu, Tehsil Dharchula with immediate effect till the next date of hearing of the case in Hon'ble NGT.

Enclosure - As above

Sd/-
(A.P. Bajpai)
General Manager (Administration)

Copy to: Tourism Development Officer, Nainital for compliance.

Copy to: Manager, Tourist Home, Dharchula - with this instruction that after handing over the copy of this letter to the concerned, make sure to stop the operation of FRP huts till the next date of hearing.

Sd/-
General Manager
(Administration)

//TRUE TRANSLATED COPY//

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Translated Copy of Annexure-R-2

Letter No. 4150/6-Panchachuli,

Dated 9th December 2022

To

Member Secretary

Uttarakhand Pollution Control Board,
Dehradun.

**Subject: Regarding compliance of the orders passed
by N.G.T. in respect to Ram Singh Versus
State of Uttarakhand in the Original
Application Number 578/2022.**

Sir,

Please refer the above subject to your office Letter No. UKPCB/H.O./No.-183-620/2022/1339, Dated 21-11-2022 for considering the context, by which N.G.T. in its original Application No. 578/2022, Ram Singh Versus State of Uttarakhand formed in order to compliance the norms of the Joint Committee Report, Dated 12.09.2022 or as per the reply for norms in N.G.T. have sent for submission.

In the above connection it is to be informed that the F.R.P. Huts constructed in Village Dugtu, Tehsil

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Dharchula. The huts were constructed by the Tourism Development Council Uttarakhand by Emergency Assistance Program (UEAP) which was a programme funded by A.D.B. In the above said programme in the district Bagheshwar and Pithauragarh at different places F.R.P. Huts were constructed. The plot of land was given by District Magistrate Pithoragarh in the name of Tourism Department for the sake of the hut. In this way under A.D.B. aided U.E.A.P Project , The said constructed property under the project is in proprietorship of the Uttarakhand Tourism Development Council.

Hence, keeping in view the above facts, in the sequence of order passed by the Hon'ble N.G.T in compliance of the report of the committee to follow up the report in relation to the correspondence made by Uttarakhand Tourism Development Council.

Yours faithfully

Sd/-

(Vineet Tomar)

Managing Director

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Translated Copy Annexure-R-3

Letter No. 4149 / 6-Panchachuli,

Dated 9th December 2022

To

Chief Executive Officer

Uttarakhand Tourism Development Board,
Dehradun.

Subject: Regarding to the compliance of the orders passed by Hon'ble N.G.T. in respect to Ram Singh Versus State of Uttarakhand in the Original Application Number 578/2022.

Sir,

Kindly refer to the above subject Member Secretary, Uttarakhand Pollution Control Board's Letter No. UKPCB/ H.O./ S0-183-620/ 2022/1339 dated 21.11.2022, please take the context which photocopy is attached. In the said letter, the complainant Mr. Ram Singh resident of Dugtu, Tehsil Dharchula, District Pithoragarh Complaint letter sent by the order Dated 25

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April, 2022, in the original Application Number 578/2022, organized in Honorable NGT Compliance with the report of the joint committee constituted in compliance with the order dated 12.9.2022 or forwarded for filing reply in Honorable NGT. By the complainant Mr. Ran Singh resident of Dugtu, Tehsil Dharchula, in his Complaint Letter (photocopy of which is attached) it has been mainly complained that in the year 2016-17, 5 FRP huts have been constructed in Dugtu, an alpine area of 12000 feet height, for which by the District Magistrate, Pithoragarh in the name of Tourism Department at village Dugtu, tehsil Dharchula, Khatauni Khata No. 59 Category-9(3)D barren 0.100 hectare land has been transferred in Farm No. 2630 of Kavil Abad. In the year 2017, the said F.R.P. Huts were given to Mr. Ganesh Singh Dugtal for operation, from the year 2017-18 to 2019-20 about 50000 in the said area visited by the Tourists. It is mentioned that the said area is the area of Musk Deer and Himalayan Medicinal Plants while doing this, mentioning the incident of forest fire in 2018 in an area of 7 hectares due to arson by tourists in the

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sequence of orders passed by the Hon'ble High Court, due to forest and glacier area, human activities are prohibited, mentioning not to increase, requested to transfer FRP Huts units to other places for the convenience of the tourists.

In the said complaint letter, Hon'ble N.G.T. Order was passed on 12 September 2022, photocopy of which is attached, in which it has been mainly mentioned by them that -

3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate,

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Pithoragarh and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

4. In case that Joint Committee observe any violation of consent conditions/environmental norms then it shall forward a copy of its report to -
 - (i) The concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee of file objections against the observations/recommendations in the report of the Joint Committee and also file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

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(ii) The Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh to enable them to take appropriate remedial action by giving notice to hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

5. Reports/Objections/reply/Response may be filed within stipulated period as directed above by e-mail a judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

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6. List for further consideration on 21.11.2022.
7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh by e-mail for compliance.

The following recommendations have been made by the committee formed in pursuance of the order passed by Hon'ble NGT -

1. Complaint Site 05 FRP Huts (Panchachuli Base Camp) Frontier Area of Pithoragarh in Darma Valley is located in the said place is away from the paved road, due to which better communication facilities are not available here 24 hours and it is not possible to provide immediate relief in case of any untoward incident/accident arson. For this coordination between the District Administration and related Departments is necessary.

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2. By displacing the FRP huts from the present place, the Government of Uttarakhand and the District Magistrate Sanctioned Land (Non-Zamindari Destruction Account Number-59, Category 00(3)D of village Dugtu, Patti Dugtu) barren Kabil Abad, by transferring it to Farm No 2630 middle 0-100 hectares) to the Tourism Department/Kumaon Mandal Vikas Nigam and it would be appropriate to be directed to operate after obtaining permission from all concerned departments.
3. It is necessary to establish forest outpost at the entrance of Darma valley, through which it is necessary to monitor the movement of tourists and control their number.
4. Providing self-employment to the local people and to prevent migration from the villages due to the remote area/being a well-maintained area. To do this, it can be considered to encourage host adventure activities at appropriate places.

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Compliance report and reply filed in Hon'ble NGT in response to the recommendations presented by the committee Point Number-2 and 4 of the report presented by the committee is related to the Tourism Department, the rest of the points are in the District Administration and Forest Department, and in the Point Number-2 the constructed 5 F.R.P. Huts in the Village Dugtu is move from current location and should be transferred in the name of Tourism Department by District Magistrate Pithoragarh by giving opinion of displacing the Khata No.-59, Category-09(3)D, barren Kabil Aabad of Farm No. 2630 middle 0-100 hectare in the report of Page No.4 at point No.4 and is mentioned that the said F.R.P. Hut is not constructed on approved place but is a violation of constructed away from the approved land.

From the review of the report submitted by the committee, on the first sight it is the evident that what facts have not been mentioned in the report by the

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committee, in which environmental rules and regulation violation have been reflected.

Construction room in relation to the above 5 F.R.P. Hut in Village Dugtu, Tehsil Dharchula, Kumaon Mandal Development Corporation provided information the construction of the said huts along with other places by U.T.D.B. (Uttarakhand Tourism Development Board Dehradun) sponsored by A.D.B., Under the Uttarakhand Emergency Assistance Project (UEAP), (Tourism Sector, Programme) in the plan of Kumaon total 9 places in District Bagheshwar and 17 places in Janpad Pithoragarh F.R.P. Huts was prepared by the selected and appointed consultant. In the scheme, 9 places in Bagheshwar, Supi, Pakhwa, Jhuni, Dhakudi, kafni, Badiyakot, Pindari, Bodbadla, and Kathaliya and 16 places in District Pithoragarh have selected as follows. Program Manager P.I.U.(Tourism Kumaon) as per its Letter No.: 95/PIU/UEAP(T)KMVN/2016-17 Dt. 20 May, 2016, in District Bageshwar and Pithoragarh the location has been changed from 16 to 17 A.B.D. and sanctioned and

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there is no change of huts in numbers (100 items), due to which roads have been changed at old places and land acquired is not useful, who is obtained by the total F.R.P. and whose description are as following:-

District	Previously Accepted	Changed Location
Bagheshwar	Pakhwa, Bodbadla, Kathliya, Pindari, Kafni, Dhakuri	Jaikuni, Sorag, Bachhamtok, Dhakuri, Phurkiya, Saarag, Tok Dhoor and Teekh
Pithoragarh	Paangu, Paanchhu, Sirkha, Leelam, Maangti and Urthig	Ganghar, Raalam, Narayan Ashram Dugtu and Vedaang

On 31 May, 2016 H.P.C. (Letter enclosed) in the Minutes of the Meeting Resolution No. 4 to 5, as provided above

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mentioned for acceptance. In this order, the Pithoragarh District Administration has sent 0.100 hectares of land to the Tourism Department in the name of Pithoragarh in which 05 Nos F.R.P. Huts and 03 Nos. Toilets were constructed.

By the Corporation in the work planned by A.B.D. the land marked by Additional Engineer of Revenue Personnel at that time made available for F.R.P. Huts, which was completed by the Corporation on 10 October, 2018. Its information sent to Program Director A.B.D., UEAP Dehradun.

At the time of formation of the scheme, D.P.R. Provisions have been made as follows:-

9. OPERATION & MAINTENANCE

A. Regarding FRP Huts/HYBRID Huts proposed in the premises of TRH it is proposed to lease out the development asset for tourism business and day to day operation and maintenance to respective TRH. A MOU in this regard is proposed between the state

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authority (SDMA/UTDB) & TRH authority with following provisions:

- a- The day to day operation and maintenance of the FRP Huts/HYBRID Huts shall be the responsibility of respective TRH.
 - b- During normal of time the FRP Huts/HYBRID Huts can be utilized by the TRH authorities for the benefit of Tourism.
 - c- During natural calamity/emergence time the district administration will have the sole right for use of FRP Huts/HYBRID Huts and TRH authority will abide by the instructions of the SDMA & District Administration regarding the use of FRP Huts/ HYBRID Huts.
 - d- The TRH will be required to pay lease rental charges to state authority (SDMA/UTDB)
- B. Regarding FRP Huts/HYBRID Huts proposed other than within the premises of TRH i is proposed to lease out the developed asset business and day operation and maintenance to local people/local

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stakeholders committee. A MoU in this regard is proposed between the state authority (SDMA/UTDB) & local people local stakeholders committee with following provisions:

- e. The day to day operation and maintenance of the FRP Huts/HYBRID Huts shall be the responsibility of respective local people/local stakeholders committee.
- f. During normal of time the FRP Huts/HYBRID Huts can be utilized by the local people/local stakeholders committee for the benefit of Tourism.
- g. During natural calamity/emergence time the district administration will have the sole right for use of FRP Huts/HYBRID Huts and local people/local stakeholders committee will abide by the instructions of the SDMA & District Administration regarding the use of FRP Huts/HYBRID Huts.

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- h. The local people/local stakeholders committee will be required to pay lease rental charges to state authority (SDMA/UTDB)

Due to the importance and time-bound planning of A.B.D., according to the Direction of Program Director, UEAP Dehradun, the Corporation was transferred by the corporation itself. Thereafter in the year 2020 Panchachuli Base Camp, Village Dugtu, the aforesaid constructed F.R.P. were rented for 7 years to Shree Ganesh Singh Resident of Umchia, P.O. Tejam, Dharchula through tender for operating the said FRP conducted on the basis of annual rent since 01.01.2021 to the date of expiry of which is 31.12.2026. Thus, it is clear from the above facts that the above constructed scheme under ADB assisted UEAP in which the property is owned by the Department of Tourism, Due to which, in order to instructions given by Honorable NGT, the constituted Point No. 2 of the recommendations presented by the committee, in which the said FRP huts were given by the committee to the tourism department.

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It has been recommended to transfer the name to the registered land, on examination it has been found that the land which has been registered in the name of tourism department his some part have been cut during the road construction, mostly part is suppressed by debris and the remaining land due to sloping is not in use. It is also known that the land on which the F.R.P. Hut is pre built and the land which is transferred to the Tourism Department, both land comes under proprietorship of State Government under category 9(3)D, barren land kabil aabad and is of the same account and in the control and managed by Revenue Department. In the difference of Khasra Number of the sole land in view of District Administration Pithoragarh and District Tourism Development Officer, Pithoragarh through which the land on which F.R.P. Hut is constructed, that also transferred to the Tourism Department and action has been taken to leave the transferred land as reply can be made in front of Hon'ble N.G.T. by pointing objection in Point No.2 of the Committee. Since presented by the Committee in the

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review of joint inspection report it is clear that the committee in his report under UEAP project constructed and described earlier the F.R.P. Huts by the construction there is not mentioned about violating any kind of environmental rules from this.

Therefore, the above reports along with enclosures are sent with the request that A.B.D. aided U.E.A.P. Project, keeping in view the objectives of the project and in its report by the committee, has not mentioned any restrictions or violation of rules along with any other restrictions on the land allotted to it. Whose redressal on F.R.P. huts made on transferring in the name of Tourism Department. Therefore, if saib agreed then on his level may hand over the land of the currently built huts to the Tourism Department and get the Tourism Department please direct to work on the already allotted land and give development work to Pithoragarh District. as allotment land was to Pithoragarh District and Tourism Department. Along with this, try to protest against the

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National Green Tribunal by responding of the Tourism Department.

Enclosure: As above.

Yours faithfully,

**Sd/-
(Vineet Tomar)
Managing Director**

Copy to: District Administration for information and necessary action.

Copy to: District Tourism Development Officer, Pithoragarh with the intention that to receive the direction from Tourism Development Council and do action in transferring the land.

**Sd/-
Managing Director**

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Translated Cop of Annexure-R- 4

Order

On the basis of the provisions contained in Government Order No. 1887 / XVIII (II) / 2015-18 (169) / 2015 dated 30.07.2015 of the Revenue Section-2 Government of Uttarakhand Dehradun, Government Order No. 111/XXVII(7)50(39)-15/ 2015 dated 09.07.2015 and Government Order No. 496/XVIII(II)/2020-08(63)/2016 dated 28.07.2020 of Finance (V.A.S.R.) Section-7, free transfer of government land bearing Farm No. 2117, Rakba 0.070 hectare, related to FRP huts built in Dugtu village of Tehsil Dharchula, Village Dugtu Patti Dugtu Tehsil Dharchula Non-Zamindari Abolition Khatauni Account Number-59 Category-9(3) E of Barren Kaabil Awad, is approved to the Tourism Department, Uttarakhand subject to the following conditions/ restrictions, in accordance with the Government Order No.260 / Finance Section-3 / 2002 dated 15.02.2002 of Finance Section-3 and the consent of the tourism department:-

1. There should not be any building or tree of religious or historical importance on the land.

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2. The project for which the land is being transferred should be an approved project for which consent has been obtained from the government.
3. If the transferred land is used for a purpose other than the proposed work, approval will have to be obtained again from the parent department.
4. If the land is not required or the transferred land is not used for the proposed work for 03 years, it will automatically vest in the parent department and vide Order No. 1739/7-86/ 2014-15 dated 15.09.2015, the approval related to 0.100 hectare land in Farm No. 2630 approved in the name of Tourism Department for construction of FRP huts will automatically be considered cancelled.
5. The land shall not be transferred to any other person, institution, committee or department etc. for any purpose other than the purpose for which it is being transferred.
6. After fulfilling the purpose for which the land is being allotted, if the land remains unutilized, the parent department will have the right to take it back.

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7. In case the provisions of the Forest Conservation Act, 1980 are applicable on the land in question, the change of use of the land for non-forestry work will be permitted only after obtaining permission from the prescribed authority under the said Act.
8. Before the allotment of non-ZA land in question, the sub-district magistrate will ensure the compliance of provisions equivalent to section 132 of the Zamindari Abolition and Land Reforms Act and other relevant provisions.
9. In this regard, compliance of Hon'ble Supreme Court's order dated January 2011 passed in Civil Appeal No.1132/2011 (SLP)/C No.3109/2011 -Mr. Jagpal Singh and others Vs. State of Punjab and others and in Civil Appeal No. 436/2011 @ SLP (C) No.20203/2007 State of Jharkhand and others Vs Pakur Jagran Manch and others, and other relevant instructions will also be ensured.
10. In the event of the expiry of the period of allotment or violation of any of the above conditions from point number 01 to 09, the land in question along with the

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construction will be vested in the Revenue Department, for which no compensation will be payable.

Therefore, after demarcating the approved land as per above, the process of transfer and transfer of name to the petitioner's department should be ensured soon.

Date April 19, 2023

Sd/-

(Reena Joshi)

District Magistrate, Pithoragarh

Office of the District Magistrate Pithoragarh.

Number- 1486/ Seven-86/ 2014-15

Date April 19, 2023

Copy sent to the following for information and necessary action-

1. Secretary, Department of Tourism, Government of Uttarakhand, Dehradun.
2. Deputy District Magistrate, Dharchula.
3. District Tourism Development Officer, Pithoragarh
4. Tehsildar Dharchula - Sent with the intention to demarcate the land in question and ensure transfer and renaming in the name of the proposer department, a copy of the Khasra is being sent herewith.

Sd/-

(Reena Joshi)

District Magistrate, Pithoragarh

//TRUE TRANSLATED COPY//

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Translated Copy ~~XXXXXXXXXX~~

Minutes of the Meeting

On dated 07.12.2022 under the leadership of Managing Director regarding taking action on the Original Application No. 578/2022 in respect to Ram Singh in front of Corporation/Advocate for Dugtu Camp.

The following participated in the conversation:-

1. General Manager (Administration)
2. General Manager (Construction)
3. Project Sale Officer (Construction)
4. Shri Sanjay Sah, Assistant Engineer, Nainital
5. Tourism Development Officer
6. Shri Shobhit Sahariya, Advocate, Hon'ble High Court Uttrakhand, Nainital
7. Shri K.P. Vijalwan, Advocate Environment/Legal.

In between aforesaid members action taken on corresponded letter received from Hon'ble N.G.T. regarding

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Ram Singh Vs. State of Uttarakhand & Others and the Corporation has the participant for which by the corporation consulted for Advocacy.

First of all, it was known that the scheme of R.B.D. to help U.E.P. (Uttarakhand, Emergency Assistance, Project) Project Management Unit Dehradun in Kumaon region, sites were identified in high Himalayan District Bageshwar and District Pithoragarh and by not using concrete etc. F.R.P. report of the plan was prepared by setting up huts, which would be made available to the tourists during the season through the tourism department, and on disaster these huts would automatically be handed over to the district administration and S.D.M.A. will be operated by for disaster relief. from which 9 places in district Bageshwar and 17 places in district Pithoragarh, which mainly fall on the marked route, were selected and the implementation of the scheme was done by Kumaon Mandal Vikas Nigam and F.R.P. installed by Huts. Dugtu in

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Dharchula block was also selected and implemented in the same way.

In the spirit of the said complaint letter, Hon'ble N.G.T. order was passed on 12th September 2022, the photocopy of which is attached, in which it has been mainly mentioned by them -

3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a *Joint* Committee be constituted to verify the factual position. *Accordingly*, we constitute a *Joint* Committee comprising of representative of Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh and direct the same to meet within two weeks, undertake visits to the *site*, *look into* the *grievances* of the applicant,

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associate the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

4. In case that Joint Committee observe any violation of consent conditions/environmental norms then it shall forward a copy of its report to-
 - (i) the concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee of file objections against the observations/ recommendations in the report of the Joint Committee and also file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and
 - (ii) the Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh to enable them to

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take appropriate remedial action by giving notice to/ hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

5. Reports/Objections/reply/Response may be filed within stipulated period as directed above by e-mail a judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. List for further consideration on 21.11.2022.
7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded

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to the Principal Chief Conservator of Forests (HoFF}, Government of Uttarakhand, State PCB and District Magistrate, Pithoragarh by e-mail for compliance.

The following recommendations have been made by the committee formed in pursuance of the order passed by Hon'ble NGT

1. The site of the complaint is 05 FRP huts (Panchchuli Base Camp) situated in Darma Valley in the frontier area of Pithoragarh. The above site is far from the paved road, due to which better communication facilities are not available here 24 hours and it is not possible to provide immediate relief in case of any untoward incident, contingencies, arson. For this, coordination between the district administration and related departments is necessary.
2. By displacing the FRP huts from the present place and transferring them to the land approved by the Government of Uttarakhand and the District

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Magistrate (non-zamindari destruction account number 59 category 00(3) of village Dugtu, Patti Dugtu, field no. 2630 middle 0.100 hectare of Panjar Kachit Abad), Tourism Department Kumaon It would be appropriate to direct Mandal Vikas Nigam to operate after obtaining permission from all concerned departments.

3. It is necessary to set up forest squares at the entrance of Darma Valley, through which it is necessary to monitor the movement of tourists and control their number.
4. Due to the well-defined border area, to prevent migration from the villages, it can be considered to encourage host adventure works at appropriate places to provide self-employment to the local people.

In response to the recommendations presented by the committee, compliance report and reply was filed in NGT.

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Point number-2 and 4 of the report presented by the committee are related to the tourism department, the rest of the points are related to the district and forest department. In point number-2 of its report by the committee, 5 F.R.S. By displacing the huts from the present place, Pithoragarh District Magistrate transferred them to the Tourism Department, Khata No.-59, Category-09(03)D, Banjar Kaabil Abad Ke Khet No. Suggesting transfer of 2630 middle 0.100 hectare, it has been mentioned in the point number of the page of its report that the said F.R.P. The hut has been violated by not being constructed at the site approved by the District Magistrate, Pithoragarh and the Divisional Forest Officer, Pithoragarh, away from the approved site.

Prima facie it is clear from the observation of the report presented by the committee that no such fact has been mentioned by the committee in its inspection report, which reflects the violation of environmental rules and orders.

According to the information provided by the construction room, Kumaon Mandal Vikas Nigam in relation

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to the said 5 FRP huts built in village Dugtu Tehsil Dharchula, along with other places, the construction of the said huts was sponsored by UTDB (Uttarakhand Tourism Development Council, Dehradun) and sponsored by ADB (UEAP)

Under the Uttarakhand Emergency Assistance Project (Tourism Sector, Programme), 9 places in Kumaon district Bageshwar and 17 places in Pithoragarh district under F.R.P. The plan was prepared by the selected and appointed consultant for the installation of huts. Under the scheme, 9 places in Bageshwar were selected as Supi, Pakhwa, Jhuni, Dhakudi, Kafni, Badiyakot, Pindari, Bodbadla, and Kaithalia and 16 places in district Pithoragarh as follows. Gunji, Bundi, Kalapani, Nabidhang, Malpa, Mangti, Martoli, Panchhu, Barfon, Urthi, Leelam, Pangu, Sirkha, Gala, and Kutti were selected. Program Manager P.U. (Tourism Kumaon) in its letter no. 95/piu//uaap(t)kmwan/2016-17 dt. According to 20th May 2016 (letter attached-1), the district was informed that instead of 16 places in district Pithoragarh, R.D.B. Received approved by and total F.R.P. There has been no

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change in the number of huts (100 pieces), as well as due to the damage of the roads in the pre-identified sites and the lack of feasibility (useful) in the acquired land, the sites were changed, which are district-wise as follows:-

District	Previously Accepted	Changed Location
Bagheshwar	Pakhwa, Bodbadla, Kathliya, Pindari, Kafni, Dhakuri	Jaikuni, Sorag, Bachhamtok, Dhakuri, Phurkiya, Saarag, Tok Dhoor and Teekh
Pithoragarh	Paangu, Paanchhu, Sirkha, Leelam, Maangti and Urthig	Ganghar, Raalam, Narayan Ashram Dugtu and Vedaang

On 31 May, 2016 H.P.C. (Letter enclosed) in the Minutes of the Meeting Resolution No. 4 to 5, as provided above

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mentioned for acceptance. In this order, the Pithoragarh District Administration has sent 0.100 hectares of land to the Tourism Department in the name of Pithoragarh in which 05 Nos F.R.P. Huts and 03 Nos. Toilets were constructed.

By the Corporation in the work planned by A.B.D. the land marked by Additional Engineer of Revenue Personnel at that time made available for F.R.P. Huts, which was completed by the Corporation on 10 October, 2018. Its information sent to Program Director A.B.D., UEAP Dehradun.

At the time of formation of the scheme, D.P.R. Provisions have been made as follows:-

9. OPERATION & MAINTENANCE

A. Regarding FRP Huts/HYBRJD Huts proposed in the premises of TRH it is proposed to lease out the development asset for tourism business and day to day operation and maintenance to respective TRH. A

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MOU in this regard is proposed between the state authority (SDMA/UTDB) & TRH authority with following provisions:

- a. The day to day operation and maintenance of the FRP Huts/HYBRID Huts shall be the responsibility of respective TRH.
 - b. During normal of time the FRP Huts/HYBRID Huts can be utilized by the TRH authorities for the benefit of Tourism.
 - c. During natural calamity/emergence time the district administration will have the sole right for use of FRP Huts/HYBRID Huts and TRH authority will abide by the instructions of the SOMA & District Administration regarding the use of FRP Huts/ HYBRID Huts.
 - d. The TRH will be required to pay lease rental charges to state authority (SDMA/UTDB)
- B. Regarding FRP Huts/HYBRID Huts proposed other

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than within the premises of TRH it is proposed to lease out the developed asset business and day operation and maintenance to local people/local stakeholders committee. A MOU in this regard is proposed between the state authority (SDMA/UTDB) & local people/local stakeholders committee with following provisions:

- a. The day to day operation and maintenance of the FRP Huts/HYBRID Huts shall be the responsibility of respective local people/local stakeholders committee.
- b. During normal of time the FRP Huts/HYBRID Huts can be utilized by the local people/local stakeholders committee for the benefit of Tourism.
- c. During natural calamity/emergence time the district administration will have the sole right for use of FRP Huts/HYBRID Huts and local people/local stakeholders committee will abide by the instructions of the SOMA & District Administration regarding the use of FRP **Huts/**

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HYBRID Huts.

- d. The local people/local stakeholders committee will be required to pay lease rental charges to state authority (SDMA/UTDB)

Due to the importance and time-bound planning of A.B.D., according to the Direction of Program Director, UEAP Dehradun, the Corporation was transferred by the corporation itself. Thereafter in the year 2020 Panchachuli Base Camp, Village Dugtu, the aforesaid constructed F.R.P. were rented for 7 years to Shree Ganesh Singh Resident of Umchia, P.O. Tejam, Dharchula through tender for operating the said FRP conducted on the basis of annual rent since 01.01.2021 to the date of expiry of which is 31.12.2026. Thus, it is clear from the above facts that the above constructed scheme under ADB assisted UEAP in which the property is owned by the Department of Tourism, Due to which, in order to instructions given by Honorable NGT, the constituted Point No. 2 of the recommendations presented by the committee, in which the said FRP huts

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were given by the committee to the tourism department. It has been recommended to transfer the name to the registered land, on examination it has been found that the land which has been registered in the name of tourism department his some part have been cut during the road construction, mostly part is suppressed by debris and the remaining land due to sloping is not in use. It is also known that the land on which the F.R.P. Hut is pre built and the land which is transferred to the Tourism Department, both land comes under proprietorship of State Government under category 9(3)D, barren land kabil aabad and is of the same account and in the control and managed by Revenue Department. In the difference of Khasra Number of the sole land in view of District Administration Pithoragarh and District Tourism Development Officer, Pithoragarh through which the land on which F.R.P. Hut is constructed, that also transferred to the Tourism Department and action has been taken to leave the transferred land as reply can be made in front of Hon'ble N.G.T. by pointing objection in Point No. 2

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of the Committee. Since presented by the Committee in the review of joint inspection report it is clear that the committee in his report under UEAP project constructed and described earlier the F.R.P. Huts by the construction there is not mentioned about violating any kind of environmental rules from this.

At present, the question is of Tourism/Uttarakhand Tourism Development Council, the corporation is only for its supervision and operation getting it done through a private person. In this regard, it is also important that the arrangements for the operation of the above project have been made by U.T.D.B./S.D.M.A. It was to be done through private organizations or individuals and under the disaster, the above property was to be used for disaster-free works on the retirement of the Disaster Authority/District Magistrate. The basic purpose of building the above property was disaster survival. Therefore, at present Hon'ble N.G.T. The report prepared in pursuance of the order of Due to this, T.D.B. Informing, it seems

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appropriate to make a request regarding advance action in it. It is also worth mentioning here that due to lack of proprietary rights in relation to the property with the Corporation, it is not proper from its level to transfer it elsewhere. Therefore, according to the above, U.T.D.B. Informed of all the facts, a request letter should be sent for necessary action and the private person through whom the operations are currently being conducted, should be sent to the Hon'ble N.G.T. Due to the speeding up of the case, the operation should be directed to be closed with immediate effect.

After discussing the above by all the members present, it was decided that a letter should be sent to the Uttarakhand Tourism Development Council, Dehradun in the above case, along with the member Hon'ble N.G.T. While keeping them informed as above, a letter should be sent for correspondence with Uttarakhand Development Council, Dehradun.

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Finally the meeting was concluded with thanks to all the present officers.

Sd/-
(Vineet Tomar)
Managing Director
Office Kumaon Divisional Development Corporation
Ltd., Nainital

Letter No.: Memo/ 10-Construction/ 2023-24

Dated:7th December, 2022

Copy to :

1. General Manager (Administration) for kind information
2. General Manager (Construction) for kind information
3. Assistant Engineer for kind information
5. Account Officer for kind information

Sd/-
Managing Director