

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

Original Application No. 353/2022
(IA No 69/2023, IA No 146/2023)

Kartik Sharma

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 03.12.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Kaushal Gautam, Adv. for UKPCB (Through VC)
Dr. Rajkumar Chaturvedi, Scientific Officer, UKPCB
Mr. Deepak Bora, Adv. for the State of Uttarakhand
Dr. Abhishek Atrey & Mr. Navneet Gupta, Advs. for Uttarakhand Jal
Sansthan

ORDER

1. In this Original Application (OA), applicant had raised a grievance against unregulated drawl of water from Mussoorie Lake causing potential damage to the Lake. The violators were mainly the hotels located in Mussoorie.

2. Tribunal by order dated 18.05.2022 had appointed the joint committee by directing as under:-

“ 3. Accordingly, we direct joint Committee of CPCB, State PCB, District Magistrate, Dehradun and State Wetland Authority with State PCB being the nodal agency to ascertain facts and take remedial action incoordination with concerned authorities. The factual and action taken report may be filed with the Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. The joint committee had visited the site on July 13-14, 2022 and had submitted the report on 20.08.2022. The details of report so submitted have been noted by the Tribunal in the proceedings dated 12.01.2023 recording as follows:

“3. In pursuance of above, the State PCB on behalf of the joint Committee has filed its report on 20.08.2022, annexing observations during the field visit on July 13-14, 2022. Relevant extracts from the report are as follows:-

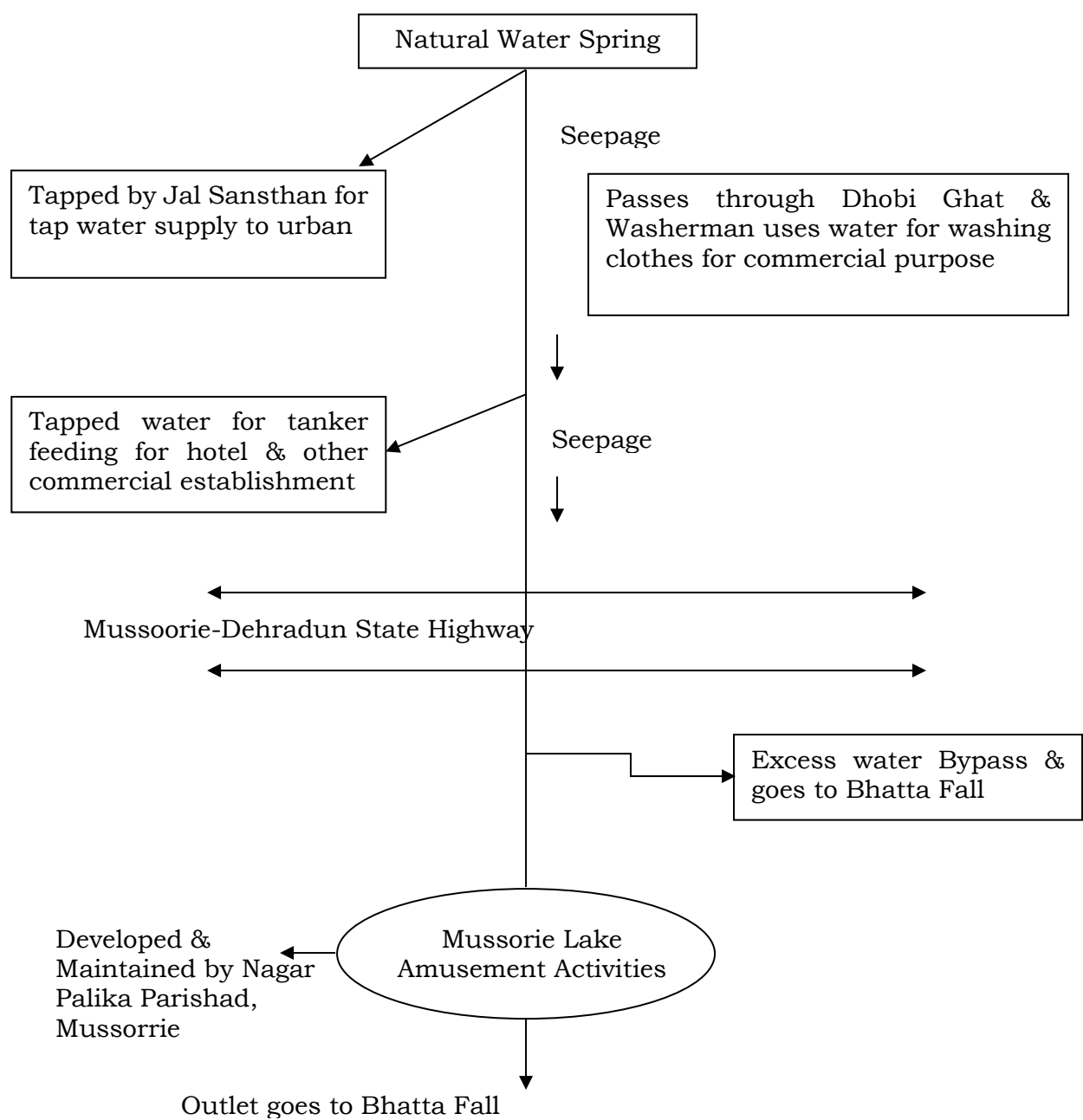
“Field visit and observation of the Joint Committee During July 13-14, 2022

- A) *Status of water resources in Mussoorie during the visit: - It was found that the major water resources for the supply in the city or lake is natural water springs emanating from different points in the hilly area. These water springs are being tapped and supplied by the Jal Sansthan to their consumer that is domestic (Urban Area) as well as commercial purpose (hotels and other commercial activities). As per the discussion had with representative of Jal Sansthan Mr. Abhay Bhandari (Asst. Engineer), Mr. Abhay Singh Tirthwal(J.E), all the hotels are having water connection to fulfill their regular water requirements in normal days. The committee has verified some of the water bill, which was raised by Jal Sansthan and paid by hotels, which are enclosed for reference. (Annexure-1).*
- B) *As the prime matter of concern of the complainant is "Mussoorie Lake" which is manmade and is being developed and maintained by the Nagar Palika Parishad, Mussoorie. Mussoorie Lake is newly developed picnic spot located at 6 km from Mussoorie on Dehradun-Mussoorie Road. The Mussoorie Lake get water form natural water spring of the nearby hill, which is passing through Dhobi Ghat. The Mussoorie Lake is being used as aesthetic scenic beauty as well as amusement activities for the children as well as tourists.*

In Dhobi Ghat approximately 50-60 families are habituating on the either bank of the water spring in this hilly area. All of them are engaged in the washing of clothes for commercial purpose. During discussion with the people around that they get clothes mostly from the hotels/ hospitals. They are not well organized and the wastewater generated from washing activities being directly discharged into the continuous flowing water spring which further goes to different hotel industries, commercial establishment and Mussoorie Lake. In the upstream of Dhobi Ghat water has been tapped by the Jal Sansthan, which they are using for the supplying in the urban areas, which

includes hotels and other commercial activities. The seepage form this point goes downstream and used by the washerman, tapping by the tankers and rest water goes to Mussoorie Lake and Bhatta fall. Detailed flow diagram of water feeding system in Mussoorie lake is given as under with relevant photographs.

Water Feeding System in Mussoorie Lake



- ❖ No metering system installed in this water spring.
- ❖ Water extraction is not regulated by any authority

No water extraction point in the Mussoorie Lake has been seen by the Joint Committee, which could be the potential use for the commercial establishment such as by hotels etc.

C) *Operation and maintenance of the water supply by the Jal Sansthan in Mussoorie is being carried out by tapping of different natural water springs& extraction of ground water to the local urban area, which includes commercial establishments.*

D) *To ascertain the facts as applicant has raised in their grievances that hotels are withdrawing the water from Mussoorie Lake to fulfill their requirements, some of the hotels which are having more than 100 rooms capacity and operating in Mussoorie area has been visited by the Joint Committee to see their water management system they have adopted.*

(1) *Hotel The Savoy, Library Bazar Gandhi Chowk Post Savoy, Mussoorie, Uttarakhand*

- *Room Capacity — 110 Rooms (as per the Consent granted by UKPCB)*
- *Total Water connection from Jal Sansthan — 12*
- *Receives approximately 30 KLD (average) of water during month of April — May 2022 (Data is based on the April — May Bill raised by Jal Sansthan)*
- ***Additional water requirements during the peak periods the hotel management take water from the natural water spring using water tankers, during night hours (10:00 PM to 5:00 AM) to avoid traffic congestion.***
- ***It was informed by the hotel management that during month of April—May approximately 56 KLD water they consume from the natural water springs which is located on the Dehradun-Mussoorie State Highway.***
- *The wastewater generated by the different activities by the hotel is being treated by the existing Sewage Treatment Plant (STP) of 80 KLD Capacity as well as Effluent Treatment Plant (ETP) of 10 KLD Capacity. The quality of water outlet of these treatment facilities as per the analysis report provided by the hotel, complying with the prescribes norms.*
- *It was informed that the treated waste water is being used for horticulture activities within the premises.*

2) *M/s Jaypee Residency Manor Near St Georges Collage, Barlowganj, Mussoorie*

- *Room capacity — 135 number (as per the Consent granted by UKPCB)*
- *Total Water connection from Jal Sansthan — 02*

- *Total water received during April-May, 2022 as per the bill raised by the Jal Sansthan —45.6 KLD (Average)*
- *Additional water fetch through water tanker — 1.6KLD (Average). They are meeting out their additional requirement through water tanker, which they fetch from the natural water spring near Mussoorie Lake as other hotels or commercial establishments practices. The collection of additional water is carried out from the natural water springs during night hours (10:00pm to 5:00am) as per direction of local administration to avoid traffic congestion as the water extraction point is on the Dehradun-Mussoorie State Highway.*
- *Sewage Treatment Plant (STP) for the treatment of the Sewage generated in the hotel — 110KLD, Effluent Treatment Plant (ETP) for the treatment of laundry- 12KLD*
- *As per the analysis report provided by the hotel for the treated waste water, which is being used for horticulture purpose all the prescribed parameters, were found well in the prescribed norms.*
- *The Hotel is surrounded by the residential area, it seems the treated/untreated waste water is not being discharged by the hotel in the surrounding water bodies. In this regard, State Pollution Control Board not found any public complaint in the recent past.*
- *As per available log book with the hotel 35-40 KLD treated waste water generated from treatment facility, which is being used for horticulture within the premises (approx. 6-acre area out of 9-acre land).*

During the site visit by the Joint Committee, no clear-cut evidence could trace out which can make responsible the hotel for polluting the Mussoorie Lake.

- E) As the complainant raised the issue of environmental function performed by lake, recharge of ground water aquifer, habited to aquatic and semi-aquatic plants and animals and quality of water etc. the Joint Committee visited the site and collected water samples from different locations of water spring and Mussoorie Lake to find out the factual position. These water samples are being analysis in Uttarakhand Pollution Control Board laboratory. The report and observations will be submitted in due course of time.*
- F) The detail study of environmental function performed by lake, recharge of ground water aquifer, habited to aquatic and semi-aquatic plants and animals is specialized task and required expert/specialized designated organization such as Limnologist/Lake Conservation Dept., Ground Water Board etc. The specialist of the subject concerned/ department of the area concerned may be involved/engaged in this investigation to ascertain the factual position of Mussoorie Lake in Mussoorie in*

case Hon'ble NGT feel necessary considering the interim report submitted by Joint Committee.

- G) *As per the information available in Uttarakhand Pollution Control Board the total number of hotels is 282 of different categories that is Red, Orange and Green, operating in Mussoorie. Categorization is made based on the number of rooms of hotel being operated. The status of these hotels with respect to their regulatory requirement is annexed for reference (Annexure No 2). The Uttarakhand Pollution Control Board required to have strict vigil over the water quality management being practice by hotels to avoid deterioration of environmental conditions nearby water resources. They also required to prepare an inventory of potential water resources, which are being used for commercial purposes, in coordination with Jal Sansthan and Urban Local Bodies in this area to ensure sustainable water resource management.*
- H) *Regarding washing activities at commercial level by the washerman in Dhobi Ghat, the local urban body required to regulate washing activities as per the establish norms to avoid further deterioration the water quality of the natural water spring, in coordination with Jal Sansthan, Wetland development authority & State Pollution Control Board.*
4. *After considering the report Tribunal found that apart from water connection from Uttarakhand Jal Sansthan, Hotels are taking water through tankers which is taken from natural water spring near the Lake. Collection of additional water from natural water spring is in night hours.*
5. *In view of the report, it is clear that water is being collected from springs near the lake which is bound to adversely affect flow of water in the lake and downstream. There is no regulation for such drawal for commercial use to the detriment of those who depend on spring for scarce drinking water. Thus, scarce and precious clean water is being unauthorizedly taken from the catchment area of the Lake at the cost of the environment as shown by the flow chart report. This situation needs to be remedied, particularly when water is not surplus. If such drawal of water is not regulated, content of water in the Lake will be substantially reduced and downstream water bodies and water supply will be obstructed, to the detriment of the environment. Further, it needs to be ensured that no wash water from washing of clothes or other source of waste water goes into the Lake and contaminates the same. The water quality of Lake needs to be monitored at least of Class 'B' of Primary Water Quality Criteria.*
6. *Having said so, the Tribunal constituted a five member Committee headed by Chairman, Uttarakhand Pay Jal Sansthan with nominees of National Wetland Authority, State Wetland Authority, State PCB and District Magistrate, Dehradun and passed following order:*
- “... 7. Accordingly, we direct a five member joint Committee to be headed by Chairman, Uttarakhand Pay Jal Sansthan with*

nominees of National Wetland Authority, State Wetland Authority, State PCB and District Magistrate, Dehradun to ensure that drawl of water from the catchment area of the Lake is duly regulated. State PCB needs to regulate consents only to the extent of availability of water with a commercial establishment from water harvesting or recycled waste water or water supplied by the Jal Sansthan, No hotel be allowed to draw water from springs flowing into the lake without strict regulation, considering the extent of availability and priority for availability of water for drinking purposes for the inhabitants. The State PCB will be the Nodal Agency for coordination and compliance. The Committee may ascertain the extent of capacity of the Jal Sansthan to supply water for domestic and commercial purposes separately. The Committee may also suggest regulatory measures to ensure that no unregulated drawl of water takes place for commercial purposes from the catchment areas of the Lake. A report about compliance status as per above directions as on 31.10.2022 be furnished by 15.11.2022 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDE"

7. Pursuant to order dated 02.09.2022, a factual and action taken report has been filed on 19.01.2023 and the report says as under:

“संयुक्त समिति द्वारा दिनांक 28-11-2022 को धोबीघाट स्थित श्रोतों, मसूरी झील एवं भट्टा फॉल का स्थलीय निरीक्षण किया गया तथा विभागों द्वारा संकलित की गयी सूचनाओं का आंकलन कर निम्नानुसार आख्या प्रस्तुत है।

1. धोबीघाट श्रोत एक प्राकृतिक स्प्रिंग है जो धोबीघाट बस्ती के Up-stream से आती है। स्प्रिंग में ग्रीष्म ऋतु में लगभग 950 एल०पी०एम० पानी रहता है तथा माह जुलाई से माह दिसम्बर तक लगभग 1500 एल०पी०एम० तक पानी उपलब्ध रहता है। जल श्रोत से जल संस्थान मसूरी द्वारा वर्ष 2003-04 में 350 एल०पी०एम० पानी टेप कर धोबीघाट पम्पिंग पेयजल योजना बनायी गयी है। जिससे मसूरी नगर क्षेत्र में जलापूर्ती की जाती है। अवशेष जल जो कि ग्रीष्म ऋतु में लगभग 600 एल०पी०एम० तथा अन्य माह में लगभग 1150 एल०पी०एम० रहता है।
2. यह जल मसूरी धोबीघाट से प्रवाहित होता हुआ मसूरी झील में जाता है जिसके उपरान्त झील में ओवरफ्लो करता हुआ भट्टा फॉल नाले में प्रवाहित होता है।
3. मसूरी झील एक कृत्रिम सीमेन्ट / कॉन्क्रीट निर्मित झील है जिससे किसी प्रकार से Ground Water recharge नहीं होता है। धोबीघाट नाले से झील में गेट पद्धति से 200 एल०पी०एम० पानी लिया जाता है जो कि ओवरफ्लो होकर नाले में पुनः प्रवाहित हो जाता है। शेष जल झील के बाईपास गेट से भट्टा फॉल नाले में निरन्तर बहता है। यह झील कृत्रिम है। जिसका उपयोग मनोरंजन पार्क के लिये किया जाता है झील में किसी प्रकार की Aquatic macrophyte नहीं पाये गये।
4. धोबीघाट पर 50 से 60 परिवार धोबी निवास करते हैं। जिनका व्यवसाय कपड़ों की धुलाई करना है। उपरोक्त धुलाई से जनित उत्स्रवाह प्राकृतिक पानी की गुणवत्ता को प्रभावित करता है। जिसके लिये धुलाई से जनित उत्स्रवाह को बिना उपचार के धोबीघाट नाले में छोड़ा नहीं जाना चाहिए।

5. प्रदूषण नियन्त्रण बोर्ड के आंकड़ों के अनुसार मसूरी नगर में लगभग 322 होटल पंजीकृत हैं। पंजीकृत आंकड़ों के अनुसार जिनकी कुल पानी की मांग लगभग 2.0 एम०एल०डी० है। उत्तराखण्ड जल संस्थान द्वारा व्यवसायिक जल के वितरण के आंकड़ों का आंकलन किया जा रहा है जिनके संकलन के उपरान्त राज्य प्रदूषण नियन्त्रण बोर्ड को शीघ्र उपलब्ध कराये जाये जिससे उनके निर्गत जल-वायु सहमति में आवश्यक संशोधन किये जा सके।
6. उत्तराखण्ड जल संस्थान द्वारा मसूरी में कुल 7.10 एम०एल०डी० जलापूर्ती की जाती है, जिससे मसूरी के व्यवसायिक उपयोग हेतु को लगभग 3.50 एम०एल०डी० जलापूर्ती की जा रही है। ग्रीष्म ऋतु में Floating population बढ़ जाने से पानी की मांग बढ़ जाती है। जिसके कारण से धोबीघाट श्रोत से पेयजल के अतिरिक्त अन्य प्रयोजन (पेयजल, भवन निर्माण, बागवानी, शौचालय इत्यादि) हेतु टैंकरों के माध्यम से Local Venders द्वारा जलापूर्ती करायी जाती है।
7. वर्तमान में मसूरी नगर क्षेत्र हेतु यमुना नदी से उत्तराखण्ड पेयजल निगम द्वारा मसूरी पेयजल पुनर्गठन योजना का कार्य गतिमान है, जिस पर सम्बन्धित विभाग द्वारा अवगत कराया गया कि पेयजल का लगभग 70 प्रतिशत कार्य पूर्ण हो चुका है। इस योजना के पूर्ण हो जाने से वर्ष 2052 तक पानी की मांग पूर्ण हो जायेगी। (संलग्न 1)

मसूरी नगर क्षेत्र में पानी की मांग।

क्र०सं०	वर्ष	2022 Base year	2037 Mid Year	2052 Design year
	पेयजल की कुल मांग एम०एल०डी० में	12.62	15.58	19.17
1	उपलब्ध जल की मात्रा	7.10	6.04	4.17
2	अवशेष जल की मात्रा	5.52	9.54	15.00
3	जल की क्षति (wastage)	1.10	1.88	3.00
4	आवश्यक जल की मांग	6.62	11.42	18.00

(उपरोक्त तालिका के आंकड़े उत्तराखण्ड पेयजल निगम के अनुसार)

8. धोबीघाट से एकत्रित किया जा रहा पानी वर्तमान category "D" में आता है। जिसका उपयोग बिना उपचार किये पेयजल के लिये नहीं किया जा सकता।

समिति का सुझाव

1. धोबीघाट पर टैंकरों को दूषित पानी से भरे जाने हेतु टैंकर संचालकों द्वारा स्वयं की गयी अस्थायी व्यवस्था को समाप्त कर दिया जाये इसके अतिरिक्त वर्तमान में अन्य उपयोगों हेतु (पेयजल, भवन निर्माण, बागवानी, शौचालय इत्यादि) जल को Up-stream से स्प्रिंग के वॉटर हैड (जहां पर जल संस्थान द्वारा वर्तमान में पम्पिंग हेतु श्रोत टेप किया गया है)

से ग्रीष्म ऋतु में रात्री 10:00 बजे से प्रातः 6:00 बजे तक टैंकरों के माध्यम से अतिरिक्त जल आपूर्ति की व्यवस्था स्थानीय निकाय/ जिला प्रशासन / पेयजल विभाग द्वारा संचालित किया जाये। जिसकी मात्रा श्रोत पर उपलब्ध जल की मात्रा का 70 प्रतिशत से अधिक न हो शेष 30 प्रतिशत जल धोबीघाट नाले में स्वतंत्र रूप से प्रवाहित होता रहे। यह व्यवस्था उत्तराखण्ड पेयजल निगम द्वारा बनाई जा रही मसूरी पुनर्गठन पेयजल योजना के निर्माण तक अस्थायी व्यवस्था के अन्तर्गत की जाये।

2. धोबीघाट में रहने वाले सभी परिवारों के सीवर संयोजन सुनिश्चित किये जाये जिससे धोबीघाट नाले में प्रवाहित जल की गुणवत्ता बनी रहे।
3. धोबीघाट नाले (Up-stream/ Down-stream) की गुणवत्ता में सुधार करने हेतु कपड़ों के धोने से उत्पन्नवाह को उपचार के उपरांत ही नाले में प्रवाहित किया जाए, जिसके लिए स्थानिय निकाय एवं उत्तराखंड पेयजल निगम के द्वारा कार्य योजना बनाई जानी होगी।"

"On 28-11-2022, Joint Committee conducted on-site inspection of Dhobighat sources, Mussoorie lake and Bhatta fall and after assessing the information collected by the departments, the report is presented as follows.

1. Dhobighat sources is a natural spring which comes from the up-stream of Dhobighat township. About 950 LPM of water is available in the spring in summer and about 1500 LPM of water is available from the month of July to the month of December. In the year 2003-04, the Dhobighat Pumping Drinking Water Scheme has been made by tapping 350 LPM water from the water source by Jal Sansthan, Mussoorie. From which water supply is done in Mussoorie city area. Remaining water is about 600 LPM in summer and about 1150 LPM in other months.
2. This water flowing from Mussoorie Dhobighat goes to Mussoorie lake after which overflowing from the lake flows in to Bhatta Fall drain.
3. Mussoorie Lake is an artificial cement / concrete made lake which in any way does not recharge ground water. From Dhobighat drain, 200 L.P.M. water is taken in the lake by gate method, which after overflowing flows back into the drain. The rest of the water flows continuously from the bypass gate of the lake into the Bhatta fall drain. This lake is artificial, which is used for amusement park, no aquatic macrophyte had been found in the lake.
4. 50 to 60 families of washer men reside at Dhobighat. Whose business is washing clothes. The effluent generated from above washing affects the natural water quality. For which the effluent generated from washing is should not be discharged into the Dhobi Ghat drain without treatment.
5. According to the statistics of the Pollution Control Board, there are about 322 hotels registered in Mussoorie city. According to the registered data, whose total water demand is about 2.0 MLD. The statistics of distribution of commercial water is being assessed by the Uttarakhand Jal Sansthan, which after compilation should be made available to the State Pollution Control Board immediately so that necessary amendments can be made in their issued water and air consent.
6. A total of 7.10 MLD water is supplied in Mussoorie by the Uttarakhand Jal Sansthan. Due to which about 3.50 MLD of water was supplied for the commercial use of Mussoorie. Due to increase in floating population

in summer, the demand for water increases, because of which apart from the Dhobi Ghat source, other than drinking water for other purposes (drinking water, building construction, gardening, toilets etc.) water supply is done by local vendors through tankers.

7. *At present, for Mussoorie city area the work of Mussoorie Drinking Water Reorganization Scheme is being carried out by the Uttarakhand Drinking Water Corporation from Yamuna River, on which it was informed by the concerned department that about 70 percent drinking water work has been completed.
With the completion of this scheme, the demand of water will be fulfilled by the year 2052. (Enclosed 1).*

Water demand in Mussoorie city area.

<i>S. No.</i>	<i>Year</i>	<i>2022 Base year</i>	<i>2037 Mid Year</i>	<i>2052 Design year</i>
	<i>Total Demand of Drinking Water in M.L.D.</i>	<i>12.62</i>	<i>15.58</i>	<i>19.17</i>
<i>1</i>	<i>Amount of available Water</i>	<i>7.10</i>	<i>6.04</i>	<i>4.17</i>
<i>2</i>	<i>Amount of remaining water</i>	<i>5.52</i>	<i>9.54</i>	<i>15.00</i>
<i>3</i>	<i>Wastage of water</i>	<i>1.10</i>	<i>1.88</i>	<i>3.00</i>
<i>4</i>	<i>Demand of remaining water</i>	<i>6.62</i>	<i>11.42</i>	<i>18.00</i>

8. *The water being collected from Dhobighat currently comes in category "D". Which cannot be used for drinking water without treatment.*

Committee’s Suggestion

1. *The temporary arrangements made by the tanker operators to fill the tankers with contaminated water at Dhobighat should be abolished, in addition to this, at present for other purposes (drinking water, building construction, gardening, toilets etc.) water pumped from Up-stream to spring’s water head (where the source is currently taped for pumping by Jal Sansthan), arrangement of additional water supply through tankers in summer season from 10 PM in night to 6.00 AM in morning may be operated by local body/district administration/drinking water department. The quantity of which should not exceed 70 percent of the quantity of water available at the source, the remaining 30 percent water should flow freely in the Dhobighat drain. This arrangement should be made under temporary arrangement till the construction of Mussoorie Reorganization Drinking Water Scheme being made by Uttarakhand Drinking Water Corporation.*

2. Sewer connections of all the families living in Dhobighat should be ensured so that the quality of water flowing in the Dhobighat drain is maintained.
3. In order to improve the quality of Dhobighat drain (Up-stream / Down-stream), the effluent from washing of clothes should flow into the drain only after treatment, for which a plan will have to be made by the local body and Uttarakhand Drinking Water Corporation.”

(English Translation by Tribunal)

8. The report shows that Dhobighat Water Spring is a natural spring which comes upstream of Dhobighat residential area. In the winter time normal water availability in Dhobighat Water Spring is 950 Liters Per Minute (hereinafter referred to as "LPM)" and from July to December the rate of water availability is 1500 LPM. In 2003-04, Jal Sansthan Mussoorie framed a scheme of tapping 350 LPM water from Dhobighat Natural Spring in the name of 'Dhobighat Pumping Pey Jal Yojna'. The said scheme was for the purpose of supply of water in Mussoorie city. The remaining water allowed in the spring to the extent of 600 LPM during Summer and 1150 LPM during other time. The water flow from Dhobighat to Mussoorie Lake and after overflow it reaches to Bhatta Fall drain. Mussoorie Lake is a manmade concertized Lake in which there is no provision of groundwater recharge. From Dhobighat Spring, 200 LPM water is taken in the Lake for the purpose of Lake which on overflow reaches Bhatta Fall drain. The remaining water of Dhobighat Water Spring through bye-pass gate reaches Bhatta Fall drain and continues flow. Near Dhobighat there are 50-60 families of washer men engaged in the occupation of washing clothes. Their washing activities causes pollution in the water since the polluted water is discharged directly in Dhobighat Water Spring. As per the record of UKPCB, Mussoorie city has 322 registered hotels and their demand of water is 2 MLD. The actual statistics of commercial use of water and supply by Uttarakhand Jal Sansthan are being collected. It has also said that Uttarakhand Jal Sansthan is supplying 7.10 MLD water in Mussoorie city, out of which 3.50 MLD is used for commercial purposes. During summer season the demand of water gets increase due to increase of floating population. On account of short supply of water by Jal Sansthan, for other purposes the requirement of water is met by collecting water from Dhobighat Water Spring through tankers which are operated by local vendors. The Mussoorie Pay Jal Punergathan Yojna is in process whereof 70% work has been completed and rest of the work will be completed by 2052. A chart has been given with respect to the current demand of water availability which is already mentioned hereinabove. They also admitted that the water quality of Dhobighat Water Spring is in category "D" which cannot be used for drinking purposes without treatment.
9. The entire report dossier shows as to under what authority the local vendors can take away water from natural spring since natural assets are owned by the people, i.e., the State and it has to work as custodian of natural assets. Nobody can take way natural asset like mined

minerals, water, boulders or stones etc. without authority given by the State in accordance with law. It is not the case that any vendor has been authorized by the State to take away water from Dhobighat Water Spring and supply in private for commercial use or otherwise. It is also not stated anywhere that any hotel has obtain any authority to collect water from Dhobighat Water Spring for commercial purposes and to obtain it through private vendors by tankers.

10. *The Tribunal in the last order dated 02.09.2022 very categorically directed that there has to be regulation of drawl of such water for commercial use since scarcity of water will cause further scarcity or availability of drinking water.*
11. *The joint Committee which was constituted to ensure that drawl of water from catchment area of Lake is duly regulated and UKPCB should regulate consents only to the extent of availability of water with commercial establishments from water harvesting or recycled waste water or water supply by Uttarakhand Jal Sansthan but the said directions have not been given any attention either by the joint Committee or UKPCB. This attitude and approach on the part of the joint Committee and UKPCB cannot be appreciated. Further, the Tribunal very categorically said that no hotel be allowed to draw water from springsflowing into Lake without strict regulation, considering the extent of availability and priority for availability of water for drinking purposes for the inhabitants.*
12. *The Tribunal also directed the Committee to ascertain extent of capacity of Jal Sansthan to supply water for domestic and commercial purposes separately and to suggest regulatory measures to ensure that no unregulated drawl of water takes place for commercial purposes from the catchment areas of the Lake. The report unfortunately is silent on this aspect and no specific directions/observations/provisions/suggestions have been made by the Committee.*
13. *The report, in fact, is incomplete and now, shows ineffective compliance of this Tribunal's order dated 02.09.2022. Since, drawl of water by private vendors for supply thereof for commercial use by the hotels is continuing with unregulated, irrespective of the fact that availability of drinking water supplied by Uttarakhand Jal Sansthan is not sufficient and as much as total demand of water in MLD is 12.62 and availability of water is only 7.10 MLD. The shortage of water is 6.62 MLD and no provision has been shown as to how the shortage of water is being met or would be met.*
14. *Obviously, in a wholly unregulated and irrational manner the natural resources are being exploited by private persons using the natural asset for personal-commercial purposes affecting the availability of natural resources to be utilized for the public purpose. Public Trust Doctrine, in fact, in this case is being not complied by the Authorities in blatant illegal manner. It is no doubt true that the principal of Sustainable Development must be kept in mind which included running of hotels but not at the cost of the general people with regard to the availability of water for drinking and for domestic purposes.*
15. *In the fact and circumstances, till proper effective regulatory measures are provided by the UKPCB and other Authorities including District*

Magistrate, Dehradun, we hereby direct UKPCB and District Magistrate, Dehradun to ensure that no private vendor draw any water to carry through taker for supply for commercial use by the hotels and any violation will attract imposition of environmental compensation payable by such vendors and users, i.e., hotels.

16. In the meantime, we also direct that UKPCB shall take steps for determination of compensation for illegal use of water drawn from Dhobighat Water Spring by the hotels for commercial purposes, list whereof have been submitted as Annexure-2 to the report dated 20.08.2022, in accordance with law. The compensation shall also be determined against the private vendors who have illegally drawn water from the above water stream, in accordance with law.

17. We further direct that a further detailed effective compliance report in terms of the directions given by this Tribunal in the order dated 02.09.2022 be placed before this Tribunal by means of further compliance and action taken report which shall be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF. Nodal agency will be the District Magistrate, Dehradun, Uttarakhand for coordination and compliance.”

4. Thereafter reports have been filed by UKPCB from time to time.

5. It has been disclosed that there were 106 hotels in the area and on inspection 17 hotels were found to be closed and as against 89 hotels, show cause notices were issued and 40 hotels had responded by submitting that they are complying, therefore, action against remaining 49 hotels was started. It has further been pointed out that against these 49 hotels, initially, Environmental Compensation (EC) was levied from the date of show cause notice. Therefore, Tribunal in the order dated 29.07.2024 had considered this issue and had recorded the statement of Member Secretary, UKPCB disclosing that initially EC was imposed from the date of issuance of show cause notice and recording the assurance that the EC will be imposed against each violators from the date of violation. The statement so made by the Member Secretary, UKPCB as recorded in paragraph no.4 of the order dated 29.07.2024 was as under:

“4. The Member Secretary, UKPCB present in person has submitted that the hotels which were violating the norms have been imposed the EC from the date of issuance of show cause notice. These

violations also cover the non-existing dual piping system and operation without CTO. Hence, action of imposition of EC was required to be taken with effect from the date of violation. Member Secretary, UKPCB has assured that in respect of each violator, now, the date of violation will be ascertained and the action will be taken.”

6. In pursuance to the above statement, EC against some of the hotels in Mussoorie was imposed from the date of violation but without giving any opportunity of hearing, therefore, a batch of appeals were filed before the Tribunal which were disposed of by setting aside those orders and directing fresh proceedings after complying with the Principles of Natural Justice.

7. Dr. Rajkumar Chaturvedi, Scientific Officer, UKPCB present today has informed that though only some of the aggrieved project proponents had approached the Tribunal by way of appeal but so far as UKPCB is concerned it had issued fresh notices to all the affected project proponents by treating the demand notice issued without opportunity of hearing as cancelled and giving a fresh opportunity of hearing to all the concerned parties.

8. It is worth mentioning at this stage that when the matter was taken up by the Tribunal on 12.02.2025 a statement was made by Counsel for the UKPCB that due opportunity of hearing was given and show cause notices were issued before passing the order of enhancement of EC in the second round against 49 hotels. This statement was made purportedly on instructions from Dr. Rajkumar Chaturvedi, Scientific Officer, UKPCB whereas the record indicated otherwise, therefore, subsequent affidavits dated 21.11.2025 and 24.11.2025 have been filed by Dr. Rajkumar Chaturvedi and the Advocate for UKPCB clarifying that the said statement was made on account of some miscommunication. Hence, affidavits are taken on record and unconditional apology is accepted.

9. Since it has been pointed that now fresh proceedings are taken up against 49 defaulting hotels for levy of EC from the date of violation by complying with the Principles of Natural Justice. Therefore, we direct the UKPCB to take expeditious steps and complete the process of calculation and levy of EC after duly following the Principles of Natural Justice and submit the action taken report at least one week before the next date of hearing.

10. Personal appearance of Dr. Rajkumar Chaturvedi, Scientific Officer, UKPCB is exempted.

11. List on 09.03.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

A. Afroz Ahmad, EM

December 03, 2025
Original Application No. 353/2022
(IA No 69/2023, IA No 146/2023)
JG