

Item No.06

Court No. 1

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

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

Kartik Shama

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 04.11.2024

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

Applicant: None appeared

Respondent: Mr. Kaushal Gautam & Ms. Snehpreet Kaur, Advs. for UKPCB
Dr. Abhishek Atrey & Ms. Jyoti Verma, Advs. for Uttarakhand Jal
Sansthan
Mr. Deepak Bora & Mr. Sai Darshan Patra, Advs. for the State of
Uttarakhand

ORDER

1. In terms of the previous order, a fresh compliance affidavit has been filed by the UK PCB disclosing that now it has taken a decision to levy environmental compensation w.e.f. 21.12.2019 upon the hotels which were found operating without consent as on 21.12.2019.

2. The stand of the UK PCB in the latest affidavit dated 28.10.2024 is as under:-

“That in the above-stated meeting following decisions were taken regarding the reassessment of said environmental compensation:

- i. The Uttarakhand Pollution Control Board, in its 23rd meeting, resolved to assess environmental compensation, effective from December 21, 2019. Thereafter, those hotels which were operating without consent as on 21.12.2019, the first day of violation has been considered from 21.12.2019. Apart from this, for the hotels which were operating without consent, it*

would be appropriate to assess environmental compensation from 21.12.2019 or the date of operation, whichever is higher.

ii. That vide letter bearing no.-UEPPCB/HO/S A-06-24 BOB/2020/1599-319 dated 13.07.2020. the Uttarakhand Pollution Control Board extended the period of consent to 31.03.2021, for such businesses which had valid consent till 31.03.2020. Due to this, the businesses which had valid consent till 31.03.2020 and did not apply for renewal, it would be appropriate to consider the first day violation as 01.04.2021.

iii. That for the hotels other than the above, it would be appropriate to assess environmental compensation from the first day after the expiry of their consent validity.

In connection with the above facts, a copy of the charts showing reassessment of environmental compensation for the hotels is collectively being marked and filed as Annexure No.2 to this affidavit.

The previous assessment of environmental compensation resulted in the amount of Rs. 80,66,250/- whereas the reassessment of the environmental compensation results in the amount of Rs. 8,30,25,75/-."

3. The Affidavit further discloses that out of 282 hotels 11 have their own sewage treatment plants (STPs), 119 have been utilizing septage management and 152 are connected to a common sewer system.

4. In this latest affidavit, there is no disclosure about the hotels that have adopted dual piping system. Counsel for the UK PCB seeks time to file a fresh report comprehensively covering all the issues covering the hotels operating without CTO and action taken against them, the drawl of water by the hotels from the lake or other natural resources without permission, action taken against them, the installation of dual piping system by the hotels and also further action taken in pursuance to the show cause notice for imposition of EC against the hotels.

5. Let the fresh status report be filed within eight weeks.

6. List on 12.02.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

November 4, 2024
Original Application No. 353/2022
(IA Nos. 146/2023 & 69/2023)
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