

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

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

Kartik Sharma

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 07.11.2023

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

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Kaushal Gautam, AAG with Mr. MukeshVerma, Adv. (Through VC)
for UKPCB

ORDER

1. The issue under consideration is in respect of operating of hotels in Mussoorie without following the environmental norms and also unregulated withdrawal of water from the lake Mussoorie. Earlier the affidavit of Regional Office, Uttarakhand Pollution Control Board dated 24.07.2023 was filed and the notice at Page 264 mentions that as per the record of the RO, UKPCB, Dehradun, 106 hotels were operating without valid consent to operate from the State Pollution Board.

2. In the above affidavit, it is stated that the show cause notice was issued to 106 hotels operating without consent to operate by the Board and based on their reply, it was found that 18 out of 106 were possessing the desired consent to operate and had done no violation, 30 hotels had applied for consent which was under assessment by the RO, 8 hotels were found to be completely closed and 50 did not respond to the show cause notice. The Tribunal after considering the said reply by order dated 26.07.2023 had issued the following directions to take necessary action

against the hotels having no valid consents and also action against the past violations:-

“4. Accordingly, we direct the State PCB to take necessary action against the units/hotels which have no valid consent and further to take action against the past violation. Further ensure that there shall not be any discharge of untreated sewage or sullage into the open land or in any stream and ensure functional STP. Each Hotel is subjected to be scrutinized for water balance. There has to be dual piping system and uncontaminated wash water after polishing can be used for flushing.”

3. The fresh action taken report has been filed on behalf of the UKPCB on 06.11.2023 giving the following chart in the tabular form in respect of the hotels found to be either complying or violating the norms:-

S.N.	Particulars	Nos.
1.	<i>Hotels having valid CCA of the Board.</i>	215
2.	<i>CCA application under process</i>	33
3.	<i>Hotels closed and presently non-operational.</i>	18
4.	<i>Covered under Homestay which do not required CCA of the Board.</i>	07
5.	<i>Hotels not applied for CCA to the Board, but presently operational.</i>	09
<i>Total of Hotels inventoried</i>		282

4. It has been disclosed that in 9 hotels who have not obtained CCA/not applied for Consolidated, Consent and Authorization (CCA) to the Board and 18 hotels which were found close during verification,the closure direction under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 have been issued and that for illegal extraction of water from spring near Mussoorie lake, the show cause notices have been issued to two hotels namely M/s Jaypee Residency Minor, Barlowganj, Mussoorie and M/s Hotel The Savoy, Library Bazar, Gandhi Chowk, Mussoorie.

The current report filed on 06.11.2023 does not disclose the action which has been taken against the defaulting hotels for their past violation and this report also does not completely disclose the action against 18 hotels which were either found to be non-compliant in the past or found to be closed or under assessment or not responding as mentioned in paragraph g) of earlier affidavit dated 24.07.2023. Further, the report is silent on compliance by the individual hotels about management of sewage, water balance and dual piping system as directed in para 4 of the order dated 26.07.2023. We also note that even the notices which are enclosed with the fresh report are issued only yesterday i.e. on 06.11.2023 and till yesterday, there was no action. Hence, we are of the view that the direction issued by the Tribunal in paragraph 4 of the earlier order has not been fully complied with.

5. Learned Counsel appearing for UKPCB seeks further time to comply with the said direction. The direction of the Tribunal was very clear and has not been complied with. Therefore, we accept the prayer for grant of further time to fully comply with the earlier order of the Tribunal and also to disclose the outcome of the notices which were issued to the defaulting hotels by filing a fresh report within two weeks, subject to deposit of cost of Rs. 10,000/- in the ring-fenced account of the UKPCB.

6. Learned Counsel appearing for the State submits that in terms of the earlier statement, the additional 6 MLD water is now being supplied to Mussoorie by the Jal Sansthan. He is directed to file affidavit disclosing that the additional 6 MLD supply of water takes care of the need of all the hotels in Mussoorie.

7. List this matter on 22.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

November 07, 2023
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