

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

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

Kartik Sharma

Applicant

Versus

State of Uttarakhan & Ors.

Respondent(s)

Date of hearing: 12.02.2025

CORAM: **HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON**
 HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
 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 this Original Application, the Tribunal is considering the issue of illegal withdrawal of water from lake Mussoorie by the hotels and also compliance of other environmental norms, including waste management. In terms of the direction of the Tribunal, UK PCB has filed the fresh report dated 10.02.2025. The report contains the list of 106 hotels (page 472) operating without Consent to Operate (CTO) and also mentions that show cause notices were issued to them. Another list has been filed along with the same report on page 521, mentioning that the show cause notices issued to these hotels have been revoked or the hotels are closed. It has been pointed out that out of these 106 hotels that were operating without CTO and to whom show cause notice was issued, 89 are still functioning and the remaining 17 have been closed. It has not been

disclosed as to why the show cause notice issued to these 89 hotels which are still operating, has been revoked. It is also not disclosed as to what action has been taken against the remaining 17 hotels, which are now closed but were earlier operating without CTO and had earlier committed violation of the norms. Even no copy of the show cause notice has been placed on record to show the action proposed or details of the violation alleged.

2. In the report dated 10.02.2025, it is also mentioned that the EC was imposed against 49 hotels, against which Appeal No. 5/25, 53/24, 54/24 and 55/2024 have been filed before NGT. The list of these 49 hotels is on page 526. The above appeals have been preferred against the enhancement of the EC on the ground that no show-cause notice and opportunity of hearing was given before enhancing the EC. Learned Counsel for the UK PCB, on instructions from Dr. Chaturvedi one of the Officer of the UK PCB has submitted that due opportunity of hearing was given and show cause notices were issued before the passing the order of enhancement of EC against these 49 hotels. We find that such a submission is contrary to the plea that has been taken in the pending Appeals. Hence. We require Dr. Chaturvedi to appear and produce the entire record disclosing action for enhancement of EC after compliance with the Principle of Natural Justice.

3. We also find that though 106 hotels were initially found to be operating without CTO and as per the disclosure made in the latest report 89 are still operating, yet the action of enhancement EC has been taken only against 49. Learned Counsel for the UK PCB is not in a position to explain it.

4. The chart at page 497, disclosing the current status of 282 hotels with Consolidated Consent to operate and Authorization (CCA) validity

does not disclose the complete details, and many of the blocks in the chart have been left blank.

5. Thus, we require the Member Secretary, UK PCB, to file the affidavit within four weeks clarifying the position in respect of the above issues.

6. From the charts enclosed with the report dated 10.02.2025 that;

- (i) Some of the hotels with a large number of rooms have septic tanks but do not disclose their design features to justify adequacy. Further, such hotels either connected with sewer lines and or having septic tanks, should adopt modular STP with disinfection system and utilize treated water.
- (ii) It is disclosed on pages 497 to 520 that 11 hotels have in-house STPs, but their compliance with the consented standards and mode of disposal of treated effluents during the non-use period for horticulture has not been disclosed.
- (iii) It has also not been disclosed what the designed capacity of combined/common STP is, nor has its performance and mode of disposal of effluents been disclosed.
- (iv) The chart discloses water consumption but does not give details of sources of water like public supply and others.

7. Hence, we require UK PCB to file fresh report by way of affidavit covering the above aspects.

8. List on 17.04.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 12, 2025
Original Application No. 353/2022
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