

Item No. 09

Court No. 1

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

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

Kartik Sharma

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 29.07.2024

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

Respondents: Mr. Deepak Bora, Adv. with Ms. Kahkasha Naseem (Through VC),
Additional Secretary (Environment & Forest), State of Uttarakhand
Mr. Kaushal Gautam, Adv. with Dr. Parag Madhukar Dhakate, Member
Secretary, UKPCB

ORDER

1. In this original application, the Tribunal is considering the issue of violation of environmental norms by the hotels at Mussoorie especially in reference to unregulated withdrawal of water from lake Mussoorie and discharge of sewage etc.
2. The Tribunal in the previous proceedings had taken note of the reports filed by the Uttarakhand Pollution Control Board (UKPCB) and had also pointed out the shortcomings and the heads under which the information was lacking.
3. In terms of the direction of the Tribunal, a fresh report in the form of affidavit by Member Secretary, UKPCB has been filed disclosing the formula on the basis of which Environmental Compensation (EC) has been calculated. It has been stated that the EC on hotels in Mussoorie

has been calculated as per the prescribed formula and procedure, except in respect of two hotels where illegal extraction of spring water was reported. The details of calculation of EC for 50 hotels has been placed on record.

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.

5. We also find that alongwith the response affidavit dated 15.04.2024, Member Secretary, UKPCB has enclosed the chart at page 384 disclosing the wastewater generation from each of the 282 hotels which are covered by that Chart. In the chart in column 13, the details of sewage from the hotel through sewerline to the Common STP having existing capacity of 6.02 MLD, have been disclosed but, the particulars of individual STPs with their capacity utilization and the treated water analysis report, i.e., performance, have not been placed on record. There was a direction for water balance also which is missing.

6. Hence, we are of the view that a further report is required to be filed by the UKPCB giving full particulars keeping in view the observations which have been made above. Let the same be filed within six weeks 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.

7. List on 04.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 29, 2024
Original Application No. 353/2022
IA No. 146/2023 & IA No. 69/2023
DV