

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

Original Application No. 646/2023

Manoj Kumar Kaushal

Applicant

Versus

State of Himachal Pradesh & Ors.

Respondents

Date of hearing: 11.07.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in Person.

Respondents: Mr. Raj Kumar, Advocate for respondents no. 1 to 4.
Mr. Vaibhav Srivastava, Advocate for respondent no.5.
Ms. Meghna Singh and Mr. Harsh Shukla, Advocates for respondent no. 6.
Mr. Madhav Bhatia, Mr. Shreshth Arya and Mr. Angad Pathak, Advocates for respondents no. 7.
Mr. Pareekshit Bishnoi, Advocate for respondent no. 8.
Mr. Sumit Teterwal, Advocate for respondent no. 9- MoEF & CC (through VC).

ORDER

1. Mr. Manoj Kumar Kaushal, resident of Kotla Kalan Lower Takka Road, Una, Himachal Pradesh has sent the present letter petition by post to this Tribunal, which has been treated and registered as original application.

2. The applicant has raised grievances regarding violation of environmental norms in setting up of Industrial Area in village Pandoga, Tehsil Haroli, Upper District Una, Himachal Pradesh. Due to setting up of industries, there is cutting of hills and uprooting of trees. About 9930 trees have been cut thereby changing the flora and fauna of entire forest area.

One Common Effluent Treatment Plant (CETP) of 5 MLD capacity was proposed to be built but the same has not been built so far.

3. Vide order dated 08.01.2024, concerned authorities were impleaded as respondents no. 1 to 5 and notices were ordered to be issued to them.

4. In the course of hearing, the concerned project proponents were impleaded as respondents no. 6 to 8.

5. Vide order dated 05.03.2025, MoEF&CC was impleaded as respondent no.9.

6. In compliance thereof reply dated 10.07.2025 has been filed by MoEF & CC.

7. Learned counsel for respondent no. 9- MoEF&CC has conceded that the relevant grievances pointed out by the applicant have not been specifically responded to in the reply filed by respondent no. 9- MoEF&CC and he seeks time to file additional reply.

8. Additional reply on behalf of respondent no. 9- MoEF&CC may be filed within one month.

9. As against the complaint made by the applicant that 9930 trees were cut for development of the industrial area, in its reply, respondent no. 4- Divisional Forest Officer, Una Tehri Forest Division has mentioned that 7781 trees were felled by H.P State Forest Development Corporation Limited under the supervision of H.P State Forest Department and 67100 trees have been planted in land measuring 60.99 hectares and that amount of Rs.8,24,77,959/-was deposited by the user agency as directed by MoEF&CC with the Forest Department out of which, amount of Rs. 77,40,900/-was utilized for carrying out plantation as mentioned above.

10. In its reply respondent no. 4- Divisional Forest Officer, Una Tehri Forest Division has not mentioned the distance of the areas where the compensatory afforestation has been made from the area of the project and has not taken any steps for appropriate plantation in the periphery or areas reserved for open spaces or greenbelt in the industrial area.

11. Respondent no. 4- Divisional Forest Officer, Una Tehri Forest Division is directed to file additional response within month giving all relevant details regarding utilization of the amount deposited by the user agency also regarding proposed plantation in the periphery or areas reserved for open spaces or greenbelt in the industrial area.

12. The applicant is given opportunity to file objections to the responses filed by the respondents in the present case.

13. For this purpose, the applicant may visit the industrial area and also the area of compensatory afforestation, if so desired, and the concerned authorities are directed to facilitate and cooperate such visit of the applicant if so requested for by the applicant.

14. This Tribunal receives letter petitions from members of public disclosing serious environmental violations and neglect/inaction on the part of concerned authorities. Suo motu cognizance is taken by this Tribunal on the basis of such letter petitions for exercise of jurisdiction/powers under Sections 14 and 15 of the National Green Tribunal Act, 2010. However, in substantial number of such letter petitions that the applicants are unable to appear before this Tribunal physically or through VC and to collect and produce the relevant material regarding environmental violations available due to constraints of time and resources. We are of the considered view that the efforts of member of public pointing out serious environmental violations to this Tribunal need to be encouraged and appreciated. Further, appropriate amount by way of

litigation expenses also needs to be paid to them out of the amount of the environmental compensation imposed to enable them to appear and also to collect and produce relevant material before this Tribunal. We appreciate the efforts of the applicant in sending the present letter petition to this Tribunal and in the facts and circumstances of the case we also consider that appropriate amount is required to be paid to the applicant for compensating him for the expenses in filing the application and attending the proceedings before this Tribunal and as litigation expenses to enable him to collect relevant material and to appear and produce the same before this Tribunal.

15. Accordingly, an amount of Rs. 25,000/- is ordered to be paid to the applicant out of the amount of environmental compensation lying deposited with Respondent no. 5- HPSPCB.

16. Respondent no. 5- HPSPCB is directed to pay an amount of Rs. 25,000/- to the applicant within one month as mentioned above.

17. Respondent no. 5- HPSPCB is directed to look into the aspects of effluent generation and its management and disposal by the industries setup/to be set up in the industrial area as per ZLD conditions imposed, management and disposal of fly ash as per utilization notifications, development of greenbelt and utilization of CER/CSR funds and file an additional response before the Tribunal within one month.

18. List on 26.08.2025 for final hearing.

19. Pleadings may be completed before that date and if any response /additional response is to be filed by any of the other respondents, then the same may be filed within one month and in case any rejoinder to the same is to be filed by the applicant, then the same may be filed by the

applicant at least one day before the date of hearing fixed and no further adjournment will be granted for this purpose.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 11, 2025
Original Application No. 646/2023
AB