

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

Original Application No. 726/2023

News Item Titled “Deforestation Ill-Planned Construction And Unscientific
- Illegal Mining Behind Himachal Pradesh’s Monsoon Catastrophe”
Appearing In The Hindu Dated 25.11.2023

Versus

State of Himachal Pradesh & Ors.

Date of hearing: 29.01.2026

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

Respondents: Mr. Divyanshu Kumar Srivastava, Adv. for the State of HP (Through VC)
Mr. Aaditya Vijaykumar, Adv. for HP SPCB (Through VC)

ORDER

1. The status report dated 24.07.2025 has been filed by the HP PCB
stating as under:-

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xxx

xxx

5. That the aforesaid Joint Committee has imposed an amount of Rs.10,80,0000/- (Rupees One Crore and Eighty Lakhs) as environmental compensation for illegal mining activities on 41 different violators as per the notification dated 18.08.2022. The names and addresses of aforesaid 41 violators are mentioned in table-A and table-B of the Joint Committee report, which is annexed as Annexure-II. As per record, notices to the violators whose names are mentioned in table-A and table-B of the aforesaid joint inspection Member Secretary, report have been issued and the process to recover the environment compensation is in progress. However, since the utilization of the amount of Rs.1,08,00,000/-was urgently required for remediation of the damage caused to the environment, therefore, in accordance with the directions of Hon'ble NGT vide order dated 14.02.2025 passed in O.A. No. 137 of 2024 *Vijay Chandel vs. State of Himachal Pradesh & Ors*, the sum of Rs.1,08,00,000/- has already been deposited by the State of Himachal Pradesh in the State Level Nodal account maintained by the Director, Department of Environment, Science, Technology & Climate Change for the purpose of restoration measures/remediation of the damage caused to the environment.

Further, the Committee has also imposed Compensation for illegal mining amounting to Rs. 79,00,000/- (Rupees Seventy Nine Lakhs) on

29 number of violators, detail of which are annexed as Annexure-III. The HPSPCB has initiated the recovery process of the compensation of Rs. 79,00,000/- through District Administration. Further, a compensation of Rupees 70,000/- was imposed by HPSPCB on M/s Bimla Devi Mining Project, village Hurcha, P.O. Bhallan, District Kullu, H.P. for carrying out mining operations without prior consent of the HPSPCB, which has been recovered.

6. That regarding the action taken in respect of destruction of forests, it is humbly submitted that the HPSPCB has no mandate under Forest Laws. However, the Hon'ble NGT vide order dated 27.12.2024 in O.A No. 807/2022 titled Bhavak Prashar vs. Smt. Indu Walia & ors had directed HPSPCB to impose & recover Environmental Compensation for illegal tree felling on violators. Accordingly, as per the report received from the Forest department, Environmental Compensation of Rupees 3,83,870/- for illegal tree felling was imposed by HPSPCB on Smt. Indu Walia, wife of Sh. Ram Prakash Singh, resident of House no. 108, Basant Vihar, Rakkar Colony, Una, District Una, H.P. which has also been recovered.

7. That the present status report filed by Respondent no. 02/HPSPCB in compliance to order dated 26.03.2025, may kindly be taken on record. The answering respondent i.e. HPSPCB shall abide by any further order or directions passed by Hon'ble NGT."

2. It is stated in the above paragraph that in accordance with the direction of the Tribunal contained in the order dated 14.02.2025 passed in the OA No. 137/2024, *Vijay Chandel vs. State of Arunachal Pradesh & Ors.* an amount of Rs. 1,08,00,000/- was deposited by the State of Himachal Pradesh in the State level nodal account maintained by the Director, Department of Science, Technology and Climate Changes. We have perused the order of the Tribunal dated 14.02.2025 passed in OA No. 137/2024 wherein the direction was to deposit this amount with the HP PCB for utilization for remediation of environmental damage caused. The clear direction of the Tribunal in the order dated 14.02.2025 in OA No. 137/2025 was as under:-

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xxx

14. Recovery and utilization of the amount of Rs.10,80,0000/- is, therefore, urgently required for remediation of the damage caused respondent no.4-HPSPCB and respondent no.1-State of Himachal Pradesh are directed to take appropriate steps for recovery of the environmental compensation from the violators. In case any of the violators is from different State, appropriate reference may be made to the concerned District Magistrate for recovery of the amount of environmental compensation from the violators concerned.

15. In case of any default on the part of the State of Himachal Pradesh and its instrumentalities in recovery of the amount of the environmental compensation within 60 days, it will be appropriate that the State of Himachal Pradesh deposits amount of Rs. 10,80,0000/- with HPSPCB from District Mineral Fund or other heads as may be considered appropriate for utilization for remediation of environmental damage caused.”

3. The plea which has been taken in paragraph 5 of the reply as quoted above runs contrary to the direction of the Tribunal. Hence, the Respondent No. 1 and 2 are required to furnish explanation in the form of an affidavit for depositing the amount of environmental compensation otherwise then what was directed in the order of the Tribunal quoted above. Let this affidavit be filed without four weeks.

4. List on 20.04.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 29, 2026
Original Application No. 726/2023
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