

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

**Original Application No. 506 of 2015  
(M.A. No. 1219/2015 & M.A. No. 1274/2015)**

**IN THE MATTER OF:**

**Society for Preservation of Kasauli and its Environs (SPOKE)  
Vs.  
Himachal Pradesh Tourism Development Corporation & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

**Present:** **Applicant:** Mr. P.S. Patwalia, Sr. Adv. and Ms. Natasha Sen, Mr. Pawan Verma, Mr. B. M. Singh, Mr. Brig W. S. Choudhary, Lt. Gen. M. S. Bhullar Advs.  
**Respondent Nos. 1 to 3&7:** Mr. Suryanaryana Singh, Sr. Addl. Adv. General  
**Respondent No. 05:** Mr. Rajesh K. Singh, Adv.  
Mr. A. K. Prasad and Mr. Panshul Chandara, Advs.

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No.</b> <b>02</b> <b>June 06,</b> <b>2016</b>  <b>jg</b>	<p>We have heard the Learned Counsels appearing for the parties, at some length.</p> <p>Serious rival contentions are being raised on either side. The contentions raised merit consideration. This matter should be listed for final disposal immediately upon the opening of the Tribunal. In the meanwhile, we pass the following directions:</p> <ol style="list-style-type: none"><li>1. The Learned Counsel appearing for the State of Himachal Pradesh would file all annexures which are annexed to the report including plan for Rain Water Harvesting System that they have placed on record, within two weeks from today. Copies thereof would be provided to all the Learned Counsel appearing in this case.</li><li>2. The Learned Counsel appearing for the applicant has filed copy of the judgment of the Division Bench of Himachal Pradesh High Court as well as his objections. Let copies of the same be furnished to all</li></ol>

the Learned Counsel appearing for the parties.

3. The Learned Counsels appearing for the Respondents are at liberty to file their responses to the documents filed by the applicant today before the Tribunal which have been taken on record. This should be done within two weeks from today.

4. The CGWA shall file a detail and proper affidavit giving its expert views in relations to various issues involving water scarcity in Tehsil Kasauli. The Affidavit should be comprehensive and complete in all respect. It should clearly meet the stand whether in its opinion it is permissible to take tubewell at the depth of 271 meters in Kasauli whether Kasauli Cantonment Board has authority to grant such permission.

5. Himachal Pradesh Pollution Control Board shall file an affidavit of the Member Secretary of the Board why physical inspection of the site was done after granting the permission to the Project Proponent. They shall provide complete details of the project, maintenance of sewage and re-utilization of water, collection and disposal of Municipal Solid Waste and other waste and the provisions of Rain Water Harvesting Systems if at all.

6. The Board shall also states as to how many hotels in entire planning area of Kasauli are operating in violation of law, without obtaining consent of the Board, where from construction were permitted and they have approved and planned, do they have tubewell/borewell for extracting of water, do they have their own STP and how they are re-utilizing the

treated effluents domestic or sewage in all these hotels and the action taken by the Board. Let this affidavit also be filed within three weeks from today.

7. Liberty is granted to the parties to react to the respective reports and submit their suggestions within one week thereafter.

8. The Learned Counsel appearing for the State of Himachal Pradesh submits that the area does not fall under the planning area but it falls under the Cantonment Board area.

List the matter for hearing on 19<sup>th</sup> and 20<sup>th</sup> July, 2016.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Raghuvendra S. Rathore)

.....,EM  
(Dr. Ajay A. Deshpande)

