

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

**Original Application No. 635 of 2017
(M. A. No.1396/2017)**

**Ramesh Chand
Vs.
State of Himachal Pradesh & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER**

**Present: Applicant : Mr. Raj Panjwani, Sr. Adv. Mr. Aditya Dhawan, Adv.
Himachal Pradesh : Mr. D.K. Thakur, AAG and Ms. Seema Sharma, DAG
Mr. Suresh Chander Sharma, Adv. for MC Manali
Mr. Deepak Kaushal Adv.
Mr. Ajay Marwah, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 22 December 08, 2017	<p><u>Hotel Manali Valley</u></p> <p>Another glaring example of unauthorized construction, operating without consent for the entire building and causing other environmental degradation is the Hotel Manali Valley. In this, it not necessary for us to state the facts or the respective contentions in any greater detail in view of the fact owner of the Hotel – Noticee is present Learned counsel appearing for the Hotel Noticee upon instruction submits that without prejudice to their rights and contention they are prepared to take all corrective, restorative and all other actions and measures to protect and restore environment, ecology in that area. He submits upon instruction from Mr. Mahinder Singh who is present before the Tribunal as follows:-</p> <ol style="list-style-type: none">1. They would give possession of 877 Sq.mt. of Government land back to the Government may be some part of this land has been covered in the passage/ path way constructed by the Noticee for

		<p>pathway to this Hotel. It is submitted that pathway may not be disturbed, however, they would provide for that much area, (equal to pathway) setback immediately thereafter to the State Government. It is undertaken that they will provide such area within two weeks from today. It will be handed over in the presence of the SDM of the area. They have already started demolition and would completely demolish the double storey structure beyond the Hotel which had been constructed and put to commercial use so far. This will completely demolish and no construction would be raised on this area.</p> <ol style="list-style-type: none">2. According to the counsel the demolition has already started.3. They would also demolish 34 sq. mt. of the area in the main hotel building which have been constructed in excess of what was in the sanctioned plan. It is stated that this will be done within two weeks from today.4. According to the counsel they had consent to operate for 22 rooms and they had applied for obtaining consent of the Board for 45 rooms. However, the consent has not been granted as yet. The matter is pending. It is submitted that Board may deal with the same. The Application may be directed to be disposed of expeditiously by the Board.5. Counsel further submits that in the interest of environment protection and restoration they
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would plant 1000 trees of acceptable species in that area and would maintain them for a period of 5 years. These trees would be planted in and around the Hotel particularly from where the unauthorized constructions are demolished and the road leading to the Hotel and the surroundings areas.

6. Learned counsel further submits that they would remove the debris strictly in accordance with the C&D Rules. They also offer the debris for construction of the road which is under construction and make a request to the SDM in that behalf, whatever direction SDM in that behalf shall issue will be carried out. Counsel further states whatever has been stated is upon instruction from Mr. Mahinder Singh would also bind on the Mrs. Promila Devi, his wife.

7. The parking area in that building would be used exclusively for parking and the partition of wall should be demolished within four weeks from today.

In view of the statement made, we do not wish to adjudicate on the merits. The Noticee shall abide by his undertaking which is accepted by the Tribunal. The inspection shall be conducted by the SDM under his personal supervision and to ensure that the undertaking is complied with in its entirety. If for any reason whatsoever the Noticee fails to comply with the above direction, in that event he shall be liable to pay environmental compensation of Rs. 10 lacs after expiry of

two weeks. But if effective and substantial steps are taken and complied with and the directions the environmental compensation will not be imposed upon the Noticee.

The SDM will submit compliance report to the Tribunal.

Citrus Hotel

Learned counsel appearing for the Noticee submits that he need still further time to produce relevant records before the Tribunal.

We hardly find any reason for further adjournment. However, in the interest of justice, we allow last and final opportunity to them. Let this matter be listed on 12th December, 2017 as first case on the Board after the admission matters.

Learned counsel appearing for the Himachal Pradesh, Country and Town Planning Department shall submit whether as already admitted the Hotels falls within the High Flood Plain line of river Beas and give complete History with document as to sanctioning of development plan right from 1993 till date.

Learned counsel appearing for the Noticee has produced some documents before us which on the face are suspicious. We direct Director of Forensic and Science Laboratory Rohini, Delhi to examine the sanction plan submitted by the Noticee who is present before the Tribunal and to compare it and give report whether the document is actually 11 years old and report to the Tribunal on the next date of hearing that is positively by 12th December, 2017.

The Director of the Institute shall depute a special

	<p>person to submit the report to the Tribunal.</p> <p>List this matter on 12th December, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p>
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