

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

**Original Application No. 69 of 2017
(Earlier O.A. No. 506 of 2015)**

And

**Original Application No. 70 of 2017
(Earlier O.A. No. 506 of 2015)**

And

**Original Application No. 71 of 2017
(Earlier O.A. No. 506 of 2015)**

And

**Original Application No. 72 of 2017
(Earlier O.A. No. 506 of 2015)**

And

**Original Application No. 73 of 2017
(Earlier O.A. No. 506 of 2015)**

And

**Original Application No. 74 of 2017
(Earlier O.A. No. 506 of 2015)**

IN THE MATTER OF:

Society for Preservation of Kasauli and its Environs (SPOKE)

Vs.

**Bird's View Resort; Chelsea Resorts; Hotel Pine View; Narayani Guest House;
Nilgiri Hotel; Hotel Divshikha**

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

**Present: Applicant: Mr. A.R. Takkar, Adv. with Shriya Takkar
and Mr. Archit Upadhyay, Advs.
Mr. Gudipati G. Kashyap and Ms.
Apoorva Pandey, Advs.
Mr. D.K. Thakur, AAG and Mrs. Seema
Thakur, DAG for State of Himachal
Pradesh
Mr. Gurpreet Singh, Adv., Mr. Bakul
Jain, Adv. with notices**

	Date and Remarks	Orders of the Tribunal
	Item No. 20 to 25 April 27, 2017	<u>Hotel Pine View</u> In relation to Hotel Pine View and Hotel Pine View-II, even today, after adjournment having been sought earlier, no document has been produced before us to show that these hotels had ever operated with the consent of the Board and their plans were approved in accordance with law.

**Item No.
20 to 25**

**April 27,
2017**

It is clarified by the Learned Counsel appearing for the State, upon instructions from Ms. Leela Shyam, Town and Country Planner Department that there are two structures. One is three storied building which is connected with other four storied building, thus making a total of 7 storied. The order issued on 01st March, 2017 which described seven storied unauthorized construction, in fact, means that. The Department of Town and Country Planning had come to know of the seven storied structure prior to August, 2010 and had issued a Notice on 31st August, 2010.

Thereafter, Notice was issued against unauthorized construction for third, fourth and fifth storied. The Noticees have constructed over two stories and a Notice was issued on 4th March, 2016. The Notice for disconnection of electricity was also issued subsequent to the Notice dated 4th March, 2016. The Noticees are present and they informed the Tribunal that no action was taken since August, 2010 till 2016 and only request for disconnection of facility was made.

Notice was given on 3rd December, 2008 and Department of Tourism was requested to deregister. In the said Notice, it was recorded that it has come to the notice of the undersigned, which was issued by Mr. Sandeep Sharma, Town and Country Planner, that Mr. Devender Bhandari has started raising construction of four storied, without prior approval.

Order

The Officers present from the Town and Country

**Item No.
20 to 25**

**April 27,
2017**

Planning Department, Himachal Pradesh are unable to answer the query of the Court. Let Town and Country Planner, Mr. Sandeep Sharma be present before the Tribunal, with complete records, on the next date of hearing.

List these matters on 02nd May, 2017.

Mr. Praveen Gupta, Sr. Environmental Engineer is present, who had granted the consent to the hotels. He had never visited the site before issuing the consent order dated 18th June, 2016.

Mr. Praveen Gupta and Mr. Anil Kumar, officers of the Board have produced the original records which have been directed to be retained in the court. We are shocked by the answers provided by the two officers to the queries of the Tribunal. According to them, there is no prescribed procedure in the Board for submission, processing and passing of the consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and any other matters falling in the jurisdiction of the Board. The Chairman and the Member Secretary of the Board who are present before the Tribunal stated that it is factually incorrect, as they have duly prescribed procedure for submission of Application, processing and passing of consent order.

Mr. Praveen Gupta and Mr. Anil Kumar, have submitted that no consent to hotels can be granted without actually verifying the intake and discharge from the said hotel. According to them, Hotel is a tourism industry. In the Application, it is noted that the industrial

	<p>Item No. 20 to 25</p> <p>April 27, 2017</p>	<p>intake is zero. These officers did not verify the contents of the Application at all.</p> <p>There is no inspection Report before the Tribunal which shows that actually inspection of the premises was conducted, even in the note put forward on 9th June, 2016. They shall be present on the next date of hearing.</p> <p><u>Narayani Guest House</u></p> <p>The owner has constructed six storied building as against the approved three storied and a parking floor.</p> <p>List these matters on 02nd May, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
--	--	--

