

Item No. 30

Court No. 2

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

Original Application No. 187/2023

Shailendra Kumar Yadav

Applicant

Versus

State of H.P.

Respondent

Date of hearing: 13.03.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Shailendra Kumar Yadav, Applicant in Person

Application is registered based on a complaint received by post/e-mail

ORDER

1. Heard Applicant in person.
2. This original application has been registered under Section 14 & 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition received on 27.01.2023 from Sh. Shailendra Kumar Yadav, Advocate at Delhi and Mumbai, R/o Chamber No. Y-2, Civil Wing, Tis Hazari Court.
3. Normally, a letter petition from an advocate is not entertained by us in view of order of this Tribunal dated 11.01.2023 in *Original Application No. 865/2022, Ravi Kumar Mehra v. State of Haryana* unless some substantial environmental issue is raised which requires immediate attention of this Tribunal.
4. We find that in this case, a serious environmental issue has been raised, which requires indicate attention of this Tribunal hence, we are entertaining this application and proceeding further.

5. It is said that as per knowledge of applicant, Kufri was first place in in India to be developed for alpine skiing sport by the Britishers. Country's first winter sports club was established here. This was because of lush deodar forest around made it possible for the area to have lots of snowfall during winter months starting from late November till end of February. This not only ensured adequate water supply and moisture required for Rees and forest fauna in the area but also continuous recharging of many natural sources of water in the area. However, due to callous attitude of State Authorities, rising number of horses and other local reasons, snowfall in the area is continuously declining for the last two decades. As a consequence thereof, water resources are drying. Shimla town itself remains devoid of any snow for most of the winter season. In order to encourage skiing activities in the area and for augmenting tourism, several steps were taken but this also adversely affected ecological balance in the area. Presently, there are about 700-800 horses functioning in a small area of 8-10 Sq. Kms, in and around the tourist village of Kufri, which is at the edge of reserve forest and catchment. Uncontrolled movement of horses has irreparably damaged flora and fauna of this eco-system. It has damaged food chain in the area. Continuous plying of horses has severely damaged beautiful forest trail and causing further damage to tree roots. The local administration has made available a huge area as parking area for horses in the prohibited area of forest. After the day's plying, the owners of these horses let the horses into the adjoining forests causing severe damage to deodar tree roots along with flora and fauna therein. One can see naked tree roots and drying trees and shrubs with heaps of stinking horse dung all over the area. Forest at a particular patch about one km from Kufri on the ChailKufri Road has been severely damaged by the horse owners by making an illegal road applying a JCB machine which was in

the knowledge of the forest authorities but they have not taken any action in the matter.

6. It is said that continuing degrading situation demands immediate action in the area as the forest and ecology of the area and has been will be severely damaged.

7. In our view, a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen but before taking any further action in the matter, we find it appropriate to obtain a factual report for which purpose we constitute a joint Committee comprising Divisional Forest Officer, Shimla, Regional Officer, MoEF&CC, Chandigarh, State PCB and District Magistrate, Shimla who shall visit the site, collect relevant information and submit a factual as well as action taken, if any, report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

8. State PCB will be nodal agency for coordination and compliance.

9. List this matter for further consideration on 25.05.2023.

10. A copy of this order, along with copy of complaint, be forwarded to Divisional Forest Officer, Shimla, Regional Officer, MoEF&CC, Chandigarh, State PCB and District Magistrate, Shimla by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 13, 2023
Original Application No. 187/2023
AB