

Item No. 03

Court No. 1

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

Original Application No. 747/2018

Rakesh Kumar

Applicant(s)

Versus

State of Himachal Pradesh

Respondent(s)

(Compliance Report in O.A. No. 747/2018)

Date of hearing: 25.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): None

For Respondent (s): Mr. Anil Sharma, Commissioner, M.C. Shimla

**ORDER**

1. The issue for consideration is the remedial action against illegal construction on the Mall Road, Shimla at Bridge View Hotel between the *nallah* flowing between the said hotel and Indira Gandhi Sports Complex, Shimla in violation of order of this Tribunal in *Yogendra Mohan v. State of H.P., 2018 NGTR (1) PB 250*.
2. The report furnished by the Director, Town and Country Planning Department on 22.04.2019 was that illegal construction could not be demolished on account of stay granted by the Court and that the

matter was pending before the Additional District Judge, Shimla. The Tribunal vide order dated 28.05.2019 sought explanation as to why illegal construction was allowed in violation of judgement of this Tribunal, close to the office of the Municipal Corporation itself. The Commissioner, Municipal Corporation, Shimla and the Director, Town and Country Planning Department were required to remain present in person.

3. The Officers present today are unable to furnish any meaningful explanation.
4. In view of above, we direct the Secretary, Town and Country Planning Department, Himachal Pradesh to furnish a status of enforcement of order of this Tribunal in *Yogendra Mohan v. State of H.P. (supra)* before the next date.

List for further consideration on 15.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 25, 2019  
Original Application No. 747/2018  
DV