

BEFORE SHRI SUSHIL KUMAR SINGLA, IFS, SECRETARY ENVIRONMENT,
SCIENCE, TECHNOLOGY & CLIMATE CHANGE-CUM-APPELLATE
AUTHORITY AS CONSTITUTED UNDER SECTION 28 (1) OF THE WATER
(PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND AIR
(PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

Appeal No. 01/2026

Sh. Sahab Singh S/o Sh. Kehar Singh, R/o Village Sangti, PO Chaily, Summer Hill, District
Shimla - 171005

Versus

H.P. State Pollution Control Board, Him Parivesh, Phase-III, New Shimla-171009.

Dated: 01.07.2026

Case called at 11:30 AM

Present: For Appellant: None

Representatives of HPSPCB, Shri Sandeep Kumar, Law Officer, Smt Kusum
Singh, Regional Officer, HPSPCB, Shimla, Sh. Archit Rehalia, ALO,
HPSPCB

ORDER

1. The HP State Pollution Control Board (hereafter referred to as HPSPCB) has passed an order dated 24-09-2025 wherein the Environment Compensation (hereafter referred to as EC) of ₹ One lakh has been imposed upon the appellant for unscientific disposal of muck along Sangti Nallah. The impugned order was challenged before this Appellate Authority in Appeal no. 16/2025 on the ground that a show cause notice dated 01-07-2025 was received from the HPSPCB for taking steps for scientific disposal of muck and for providing retaining structure. In response to the show cause notice, the appellant requested vide letter dated 09-07-2025 to grant a period of 2.5 months (75days) to remove the muck. However appellant alleged that without considering his reply, the HPSPCB has passed an order dated 24-09-2025 for imposition of ₹ One lakh EC which is unreasonable. The said appeal was dismissed by this Authority on 24.03.2026 wherein this Authority declined to interfere/set aside the impugned order passed by HPSPCB. The Appellant had challenged the order dated 24-03-2026 of

Appellate Authority before the Hon'ble High Court of Himachal Pradesh in CWP No. 6759 of 2026, titled *Sahab Singh vs. State of H.P. & Another*. The Hon'ble High Court of HP vide order/ judgment dated 06.05.2026, set aside the order dated 24-3-2026 and passed the following directions:-

".....5. Having regard to the above stand of the parties, the impugned order dated 24.03.2026 is set aside. The Appellate Authority i.e. respondent No.1 is directed to consider petitioner's appeal afresh. Parties through their leaned counsel are directed to appear before the Appellate Authority on 13.05.2026. The matter be decided in accordance with law, within four weeks, thereafter. It shall be open to the petitioner to supplement the appeal filed by him within one week of appearing before respondent No.1....."

2. Pursuant to the directions of the Hon'ble High Court of HP, the matter was heard afresh and both the parties appeared before this authority. The appellant had filed supplementary pleading/ documents submitting therein that he had removed /adjusted the muck at the site within the undertaken time. However appellant pleaded that this fact could not be brought into the notice of the Appellate Authority. To verify the factual position, this authority had directed the HPSPCB vide orders dated 13-05-2026 and 03-06-2026 to conduct the site inspection and submit report. In compliance, the Regional Officer, HPSPCB, Shimla had carried out the inspection of site on 04-06-2025 and submitted the report that a significant amount of muck generated from landslide and construction activities had been reutilized by the appellant, however, some quantity of muck remained stockpiled along the slope adjoining Sangti Nallah without adequate protection measures. The matter was listed on 06-06-2026 before this Authority wherein the Appellant had requested for further time to comply with the observations of the Regional Officer, Shimla for removal of muck and construction of retaining wall.

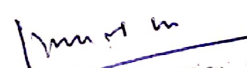
Thereafter, the appellant filed a compliance report dated 23.06.2026 alongwith photographs and supporting material wherein the appellant has stated that the muck has been removed/reutilized to the extent required and that necessary retaining and protective measures have been completed.

3. The Regional Officer, HPSPCB, Shimla has verified the compliance status by conducting another inspection on 30-06-2026 wherein it was observed that the appellant has completed the requisite remedial measures by constructing retaining/ protective structures to prevent the flow of muck into the adjoining Sangti Nallah and the muck deposited in the nallah has been removed and retained behind the retaining wall.

OPERATIVE PART:

Taking into consideration the entire record of the case, directions passed by the Hon'ble High Court of HP, the compliance done and remedial measures provided at the site by the appellant and reports submitted by the Regional Officer Shimla, this authority is of the considered view that cause of action cease to exist as of now. Accordingly, the present appeal is allowed and order dated 24.09.2025 passed by the HPSPCB w.r.t. levy of Environmental Compensation of ₹ One Lakh only upon the appellant without giving him reasonable time to remove the muck is hereby set aside.

The appeal stands disposed off in the above terms.


(Sushil Kumar Singla, IFS)
Secretary (EST & CC) to the
Government of H.P.