

No. STE-A(3)-5/2024
Government of Himachal Pradesh
Department of Env. Science Technology & Climate Change

From

The Secretary(EST&CC) to the
Government of Himachal Pradesh

To

1. The Member Secretary,
H.P State Pollution Control Board,
Shimla-171009
- 2 M/s Dilip Buildcon Limited,
Plot No. 05, Inside Govind Narayan Singh Gate,
Chunna Bhati, Kolar Road, Bhopal, 462016 (MP)

Dated: Shimla-2, 20-01-2026.

Subject: **Complaint of M/s Dilip Buildcon Limited, District Bilaspur, H.P. before the Adjudicating Officer appointed under Section 15-C of Environment Protection Act, 1986 and Section 45-B of Water Act, 1974.**

Sir

I am directed to refer to the subject cited above and to say that the complaint has been heard today on 20-01-2026 by the Secretary (EST&CC)-cum-Adjudicating Officer and order has been pronounced. Copy of order dated 20-01-2026 is enclosed for your information.

Yours faithfully,


(Satpal Dhiman) 20-01-2026

Additional Secretary (Env.Sci.Tech.&CC) to the
Government of Himachal Pradesh
Phone No.0177-2621874

**BEFORE THE ADJUDICATING OFFICER APPOINTED UNDER
SECTION 15-C OF THE ENVIRONMENT (PROTECTION) ACT, 1986
AND SECTION 45-B OF THE WATER (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1974**

In the matter of:

H.P. State Pollution Control Board

... Complainant

Versus

M/s Dilip Buildcon Limited.

...Respondent

Reserved on 06.01.2026.

Pronounced on 20.01.2026.

Present: Sh. Pawan Sharma, Regional Officer, HPSPCB, Bilaspur, Sh. Sandeep Kumar, Law Officer, HPSPCB. Sh. Tarun Thakur, Asstt. Law Officer, HPSPCB- For the Complainant.

Sh. Arvind Singhal, Legal Head-DBL, Sh. Vishal Srivastva (Liason), DBL-For the Respondent.

ORDER

1. This matter came up on a complaint filed by the Himachal Pradesh State Pollution Control Board (hereinafter referred to as 'Board') under Sections 14-A, 14-B, Section 15 and 15-A of the Environment (Protection) Act, 1986 [as amended by the Jan Vishwas (Amendment of Provisions) Act, 2023] and Sections 41, 41-A, 42,43 and 45A of Water (Prevention and Control of Pollution) Act, 1974 [as amended by Water (Prevention and Control of Pollution) Amendment Act, 2024] wherein, it is averred that M/s Dilip Buildcon Limited (hereinafter referred to as 'Respondent Company'), engaged in the execution of Package No. 5 of the Bhanupalli-Bilaspur-Beri Broad Gauge Railway Project awarded by Rail Vikas Nigam Limited (RVNL), indulged in repeated acts of unscientific muck dumping and debris disposal in the catchment and high flood level areas of the Gobind Sagar Lake, thereby violating statutory provisions, leading or likely to lead to pollution of the water body.

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**Secretary (EST & CC) to the
Government of H.P.**

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Facts:

2. As per the material on record, the brief facts of the case are that officials of the Board inspected the construction sites and tunnel portals on 15.06.2023 and observed indiscriminate muck disposal at T-14 P3, T14 P4, T-15 P1 & P2, T-16 P1 portals and along approach roads without any protection measures, posing an imminent risk to the water body i.e. Gobind Sagar Lake. A show cause notice was issued on 17.06.2023 to which the respondent company replied on 21.06.2023, undertaking that waste dumped on the hill slope of approach roads would be lifted within seven days and assuring that no more muck dumping shall be done on the hill slopes and muck would thereafter be disposed only at two designated sites approved by RVNL. However, during inspection conducted on 01.07.2023, it was again found muck being dumped unscientifically on the hill slopes at dumping yard D-12 sans no protection measures for controlling of rolling down of muck and debris in the water body. Muck was also found dumped unscientifically on the hill slopes of approach road from T-16 P1. Accordingly, a second notice was issued on 07.07.2023.
3. Despite these notices, when a subsequent inspection was conducted by the Board on 29.08.2023, it was observed that muck was still being dumped at approach roads to T-14 P-2, T-16 P-1 and muck dumping yard (D-12), blocking the access roads and endangering water body. A Dumper/Tipper deployed by the Respondent Company was also observed throwing muck directly into the Gobind Sagar Lake. Consequently, a third show cause notice was issued on 30.08.2023. The concerned Regional Officer of the Board at Bilaspur recommended imposition of Environmental Compensation (EC) of ₹29,25,000/- for violations during the period between 15.06.2023 and 01.09.2023. The Member Secretary, HPSPCB, vide office order dated 05.09.2023 levied the same and asked the respondent company to deposit it within 7 days of issuance of notice. In response, the Respondent Company vide letter dated 19.09.2023 sought 20 days time to deposit the amount. Opportunity of personal hearing was also given to the Respondent Company on 30.09.2023. Thereafter, repeated directions and reminders were issued by the Board to comply with the aforesaid order dated

05.09.2023 and deposit the EC. The Respondent Company failed to comply and rather in its reply dated 04.12.2023 informed that efforts are being made to comply with the directions of the Board.

4. The Board officials inspected the sites again on 12.01.2024 and found serious violations again. Therefore, based on which another notice dated 16.01.2024 was issued by the Board to the Respondent Company, wherein, it was observed that muck dumped on approach road to T16 P1 has not been removed. Also, no protection measures have been provided for controlling rolling down of muck and debris in the Gobind Sagar Lake. Unscientific muck dumping near T14 P2 was also observed. On 31.01.2024 additional EC of ₹56,62,500/- was recommended by the concerned Regional Officer of the Board at Bilaspur for continued violation during further period i.e. from 02.09.2023 to 30.01.2024. The Board imposed further EC of ₹56, 62,500/- on Respondent Company vide order dated 27.06.2024 to be deposited within 3 days. Thus the total EC imposed by the Board along with previous undeposited EC of ₹29,25,000/- amounts to ₹85,87,500/-. The payment of EC imposed initially amounting to ₹29,25,000/- had been deposited by the Respondent Company in July 2024 whereas, the balance amount of ₹56,62,500/- has not been deposited till date despite repeated directions of the Board.

5. The concerned Regional Officer of the Board carried out further inspections of the construction sites, tunnel portals and muck dumping site on 11.06.2024 and submitted a report dated 19.06.2024 alongwith photographs to Member Secretary of the Board stating that no muck has been lifted and no protection measures have been provided at the muck dumped outside of T-16 P-1, approach road to T-15 P-2, approach road to T-14 P-2 and muck dumping site (D-12). Further mentioning that no fresh muck dumping has been observed during the inspection, however, the muck dumped unscientifically and illegally on the hill slope of approach roads from Tunnel T-15 P-1, T-14 P-2 and muck dumping site may spill in ensuing monsoon without protection and has the potential to deteriorate the water quality of the Gobind Sagar Lake.

Submissions:

6. During the course of hearing, vide order dated 01.05.2025 notice was also issued to RVNL, who has awarded the aforesaid work to the Respondent Company. The RVNL submitted its reply dated 28.05.2025 and Respondent Company submitted its reply dated 13.08.2025 wherein they have contended that the Cofferdams at Bridge Sites No. 15 and No. 16 were temporary engineered structures built in order to facilitate the construction of the major Bridges and these Cofferdams have been constructed with the muck generated from the approach roads, cutting and tunnel excavation work, in accordance with statutory clearances and with protective measures such as hume pipes and gabion walls. They further contended that there is a misconception on part of the concerned Board officials that this is unscientific dumping of muck in the reservoir area. As a matter of fact, upon completion the Cofferdams would be dismantled and muck shall be removed. It has been further contended that the muck generated from the construction/excavation works was dumped at the approved muck dumping locations i.e. D-11 & D-12 and protection measures involving provision of crate walls at boundary have been installed at both locations.

7. The Respondent Company has further contended that no water sample reports showing water contamination has been brought on record by the Board. The Board contended that the water sampling is not a suitable mode of proof in muck dumping cases, as the suspended solids in the water settles down and water quality parameters normalises after some time. Thus photographic evidences are used as a mode of proof in such cases. Further, as per Section 24 read with Section 43 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the 'Water Act' in short), liability is attracted not only when actual water pollution is caused but also by the likelihood of pollution that is to say when the water pollution becomes imminent due to inaction or negligence.

8. The additional responses dated 11.07.2025 and dated 08.09.2025 have been filed by the Board alongwith photographic evidences submitting that violation/non-compliance persisted even at non-cofferdam sites. In its response dated 11.07.2025, the Board submitted a total of 28

photographs alongwith site co-ordinates which have been taken on various dates i.e. 15.06.2023, 01.07.2023, 29.08.2023, 12.01.2024 & 11.06.2024, showing unscientific muck dumping by Respondent Company at 09 locations. The Board has submitted that out of these 09 locations, only 02 locations are of Cofferdams and remaining 07 locations are other sites. These 02 locations of Cofferdam sites include (i) Cofferdam site of Bridge No. 15 [(between T-14 P-2 & T-15 P-1) (photograph no. 03, 04, 10 & 27)] and (ii) Cofferdam Site of Bridge No. 16 [(Between T-15 P-2 and T-16 P-1) (photograph no. 20)]. The other 07 number of locations include (i) outside T-14 P-3 (photograph no. 01), (ii) approach road to T-15 P-1 (photograph no. 02, 14, 16 & 21), (iii) approach road to T-16 P-1 (photograph no. 05, 15, 17 & 22), (iv) approach road to Muck dumping yard D-12 at Padgal (photograph no. 06, 07, 11 & 12), (v) D-12 Muck dumping yard at Padgal (photograph no. 08, 23, 24 & 25), (vi) approach road to T-14 P-2 (photograph no. 09, 13, 18, 26 & 28), (vii) outside T-14 P-2 (photograph no. 19).

9. The Respondent Company in its response dated 25.08.2025 has submitted location wise clarification on aforesaid photographs submitted by the complainant Board as a proof of muck dumping. As per the clarification provided regarding these 07 number of non-Cofferdam locations, the Respondent Company has mainly stated that the muck generated from the construction/excavation works was dumped only at the approved muck dumping locations i.e. D-11 & D-12 and protection measures involving provision of crate walls at boundary have been installed at both locations. It has been further stated that at some of these locations muck has slid downhill either due to natural landslides occurring because of heavy rainfall or as a natural consequence of hill cutting process for road construction.

10. Whereas the complainant Board has contended that the Respondent Company is not only guilty of unscientific muck dumping but also did not fully comply with the directions of the Board regarding deposition of the EC imposed vide office order dated 27.06.2024. The Respondent Company has only deposited EC amounting to ₹29,25,000/- and the remaining amount of ₹56,62,500/- has not been deposited till date. The non-payment of EC amounts to violations of the directions of the Board

issued under section 33-A of Water Act and for that the Respondent Company is also liable for penalty under section 41-A of the Water Act, 1974.

11. Written submissions dated 11.12.2025 and additional written submissions dated 17.12.2025 have also been filed by the Respondent Company. The Complainant Board has also submitted additional written submissions dated 06.01.2026. In addition, to the submissions already made, the Respondent Company further took the ground of violation of the principle of natural justice contending that no prior notices, no reasonable opportunity of hearing and opportunity to participate in the inspections were afforded by the complainant Board. It is also contended that all the notices issued by the complainant Board were issued under the Water Act, 1974. However, the present complaint has been filed under both the Water Act, 1974 and the Environment (Protection) Act, 1986. Therefore, the complaint deserves to be dismissed. It is further contended that the Board has filed a criminal complaint against the respondent company and also imposed Environmental Compensation. Now, the present complaint before the Adjudicating Officer has also been filed for the same offence/violation which amounts to Double Jeopardy. The respondent company has further contended that last show cause notice was issued by the complainant Board on 16.01.2024, whereas, the Water (Prevention and Control of Pollution) Amendment Act, 2024 came into force on 15.02.2024 (which contains provisions regarding complaint proceedings against the violators & imposition of penalty by the Adjudicating Officer). Thus, taking cognizance of the complaint filed by the Board and penalising the respondent company would amount to retrospective application of laws. Lastly, it has been argued by the respondent company that EC has been illegally & wrongly imposed by the Board.

12. The Board has contended that since the Water Amendment Act commenced on 15.02.2024 and the last reported contraventions/non-compliances by the respondent company continued till 11.06.2024, therefore, cognizance can be taken in the present complaint proceedings and there is no retrospective application of law. The Board has further submitted that

the criminal case against the respondent company in the Trial court at District Bilaspur, H.P, has been filed by the Board for contraventions/non-compliances committed by the respondent company before 15th February, 2024, whereas, the present complaint proceedings against the respondent unit has been filed by the Board for contraventions/non-compliances which continued after 15th February, 2024 till 11th June, 2024. Thus, the issue of double jeopardy does not arise as the period of contraventions/non-compliance is not the same. Regarding imposition of EC, the Board has contended that EC is a restitutionary and compensatory remedy and not a penalty as such. Thus, there is no conflict between the powers of the Board to direct payment of EC under Sections 33A of the Water Act and the powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act, 1974. Lastly, the Board has contended that the issue relating to the alleged wrongful imposition of EC does not fall within the scope of the present proceedings, which have been initiated on the basis of the complaint filed by the Board for imposition of penalty upon the respondent company. If the respondent company is aggrieved by the EC order, it may avail the appropriate appellate remedy for setting aside the same.

Issues involved and Findings:

Issue-I. Whether penalising the respondent company would amount to retrospective application of laws and whether the Adjudicating Officer has jurisdiction to hear the present Complaint?

13. The Water (Prevention and Control of Pollution) Amendment Act, 2024 came into effect on 15th February, 2024 which decriminalised certain provisions of the Water Act, 1974 and instead provided for civil adjudicatory process introducing provisions regarding appointment of the Adjudicating Officer, complaint proceedings against the violators and conferring powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act, 1974.

14. In the present case, last show cause notice, preceding the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 2024 was issued to the respondent company by the Board

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on 16.01.2024. The Water (Prevention and Control of Pollution) Amendment Act, 2024 came into force on 15.02.2024. Thus, the issue arises whether taking cognizance of the complaint filed by the Board and penalising the respondent company would amount to retrospective application of laws?

15. As per the record, the non-compliances by the respondent company persisted even after the commencement of the Amendment Act, 2024. The concerned Regional Officer of the Board carried out further inspections of the construction sites, tunnel portals and muck dumping site on 11.06.2024 and submitted a report dated 19.06.2024 alongwith photographs to Member Secretary of the Board stating that no muck has been lifted and no protection measures have been provided at the muck dumped outside of T-16 P-1, approach road to T-15 P-2, approach road to T-14 P-2 and muck dumping site (D-12). Further mentioning that no fresh muck dumping has been observed during the inspection, however, the muck dumped unscientifically/illegally on the hill slope of approach roads from Tunnel T-15 P-1, T-14 P-2 and muck dumping site may spill in ensuing monsoon without protection and has the potential to deteriorate the water quality of the Gobind Sagar Lake.

16. Therefore, this is a case of continuing cause of action, since the last reported contraventions/non-compliances by the respondent company continued till 11.06.2024. Further, the Water (Prevention and Control of Pollution) Amendment Act, 2024 does not create any new offence, as Section 24 under which the alleged contravention or non-compliance is stated to have occurred was in existence even prior to the amendment. The amendment merely prescribes a new procedure for the imposition of penalties by the Adjudicating Officer in place of trial courts. Accordingly, there is no retrospective application of the law.

17. The respondent company has further advanced an ingenious argument that the Rules prescribing the procedure for conducting an inquiry by the Adjudicating Officer were notified only on 11.11.2024, and that the appointment of the Adjudicating Officer for the State of Himachal Pradesh was made vide order dated 12.11.2024 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of

India, designating the Secretary, Department of Environment, as the Adjudicating Officer. It is contended that, at the time when the alleged acts or omissions are stated to have occurred, the procedural framework now sought to be invoked was not in existence and, therefore, not applicable to the respondent company. On this basis, it is argued that the Adjudicating Officer lacks the jurisdiction to take cognizance of the present complaint.

18. The aforesaid argument of the respondent company is not backed by any authority, precedents or rulings and thus lacks any legal basis. The Water (Prevention and Control of Pollution) Amendment Act, 2024 brought into existence the new regime for imposition of penalties by the Adjudicating Officer. It received the assent of the President of India on the 15th February, 2024 and came into force, at once in the States of Himachal Pradesh and Rajasthan and the Union territories.

19. The last reported contraventions/non-compliances by the respondent company continued till 11.06.2024. The Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 were notified on 11.11.2024; which is a 'procedural law' providing for manner of holding inquiry by the Adjudicating Officer. The present complaint under the *ibid* amended Act was filed by the Board on dated 02.12.2024 i.e. after the aforesaid Rules, 2024 were notified on 11.11.2024 and the Adjudicating Officer was appointed on 12.11.2024.

20. The substantive law is legally 'in force' from its effective date, meaning that all rights, obligations, and provisions contained therein are legally binding from that point onwards. The absence of an immediate enforcement mechanism or corresponding 'procedural law' does not render the 'substantive law' inoperative. Accordingly, the present complaint proceedings are in conformity with Article 20(1) of the Constitution of India, and the plea of retrospective application of law as well as the objection regarding lack of jurisdiction of the Adjudicating Officer are not sustainable.

Issue II. Whether the respondent company has been subject to Double Jeopardy?

21. On the issue of double jeopardy, the Board has submitted that the criminal case against the respondent company in the Trial court at

District Bilaspur, H.P. has been filed for the past violations that were committed by the respondent company before the decriminalisation of the provisions of the Water Act, 1974 vide Amendment Act, 2024 which came into effect on 15th February, 2024. The Board has further submitted that the aforesaid criminal complaint has been filed in compliance to the orders of the Hon'ble High Court of H.P. passed on dated 31.5.2024, 08.08.2024 & 13.11.2024 in CWPIL No. 31/2023 titled Madan Lal v. State of H.P & ors, wherein, the Hon'ble court had directed the State to not only collect the fines but also to initiate penal action and prosecute the people responsible for illegal muck dumping. Vide order dated 13.11.2024, the Hon'ble High Court observed that violators can be prosecuted for the past violations committed before the Amendment Act, 2024 came into force. The Board has contended that the present complaint against the respondent company has been filed for contraventions/non-compliances which continued after 15th February, 2024 till 11th June, 2024. Thus, the periods of contravention/non-compliance are not the same in so far as the criminal complaint filed by the Board and the present complaint proceedings are concerned.

22. Further, there is no conflict between the powers of the Board to direct payment of EC under Sections 33A of the Water Act and the powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act. The **Hon'ble Supreme Court of India** has clarified this position in **Judgment dated 04.08.2025** passed in **Civil Appeal 757-760 of 2013** titled **Delhi Pollution Control Committee v. Lodhi Property Company Ltd** holding that there is a distinction between the directions for payment of restitutionary and compensatory damages as a remedial measure for environmental damage or as an *ex-ante* measure towards potential environmental damage on one hand and a punitive action of fine or imprisonment for violation under Chapter VII of the Water Act on the other hand. Thus, the imposition of monetary penalty under Chapter VII of the Water Act is a necessary and legally distinct process which is independent of and may be in addition to the levy of EC. Therefore, the plea of double Jeopardy raised by the respondent is not sustainable.

Issue III. Whether there is a violation of the principle of natural justice?

23. It has been contended by the Board that the provisions of the Water Act, 1974 does not require any prior intimation/notice before conducting the inspections. Such a course of action would only defeat the purpose of the Act. The perusal of the record reveals that the Respondent Company was afforded repeated opportunities by way of show cause notices for the repeated violations, personal hearings and extended timelines for compliance, which satisfies the requirements of natural justice. As noted earlier, show cause notices dated 17.06.2023, 07.07.2023, 30.08.2023 and 16.01.2024 were issued by the Board to the respondent company. Further, the record produced by the Board shows that in addition to the notices, two opportunities of personal hearings were also afforded to the respondent on dated 30.09.2023 and on dated 06.06.2024. While, the personal hearing fixed on dated 30.09.2023 was attended by a representative of the respondent company whereas, the personal hearing fixed by the Board at its Head Office at Shimla on 06.06.2024 was not attended by any representative of the respondent company. Therefore, it appears that the respondent company has either deliberately or negligently remained absent from the inquiry. Thus, the plea of violation of natural justice of the respondent company is not found sustainable.

Issue IV. Whether the Respondent Company is liable for penalty under Environment (Protection) Act, 1986 and the Water Act, 1974 ?

24. The present complaint has been filed by the Board under the Water Act, 1974 and the Environment (Protection) Act, 1986. However, the complainant Board has admitted that notices have been issued to the respondent company for violation of the Water Act only and no notice has been issued to the respondent company under Environment (Protection) Act, 1986 for the contravention/non-compliance in question. Since, the facts stated in the complaint, notices, other records and evidences produced by the Board relate only to violation of the provisions of Water Act, hence, the penalty liable to be imposed in these proceedings shall be confined only to the provisions of the Water Act.

25. It is clear from the facts noted above that the contravention/non-compliance has been continuing since the year 2023. Though the amended Water Act came into effect in this State with effect from 15.02.2024, cognizance for the imposition of penalty shall be taken only for the subsequent period during which such contravention/non-compliance continued. As per the record, the latest inspection was conducted by the Board on 11.06.2024; therefore, it can safely be held that such contravention/non-compliance continued at least up to 11.06.2024.

26. Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 prohibits the use of stream or well for disposal of polluting matter. Clause (b) of Section 24 provides as follows:-

"...no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences..."

Therefore, from the plain language of Section 24 of the Water Act, it is evident that the requirement for constituting a contravention or non-compliance under the said provision is satisfied not only where muck is dumped directly into a water body, but also where muck is dumped in such a manner as to create a likelihood or risk of its rolling down into the water body. Thus, in order to attract liability under Section 24 read with Section 43 of the Water Act, 1974, it is not absolutely necessary that water pollution has actually been caused rather it would be enough that there is danger/likelihood of water pollution due to unscientific muck dumping. In such cases proof by way of water sampling reports showing actual water pollution is not absolutely necessary. Photographic evidence showing danger/likelihood of water pollution & ecological damage due to muck dumped on hill slopes adjacent to water bodies in unscientific manner without providing adequate protection measures/retaining walls are enough to prove contravention under the provisions of Section 24 of the Water Act.

27. The photographic evidences adduced by the Board clearly shows that as on date 11.06.2024, muck was dumped along the approach

roads near the High Flood Level (HFL) of Gobind Sagar Lake without providing the protection measures. Even at the approved muck dumping sites no protection measures are visible as per the photographs taken on 11.06.2024. Also, the argument put forth regarding extraordinary rainfall does not absolve the Respondent Company of its statutory responsibility to adopt scientific practices and to provide adequate preventive measures.

28. In view of the facts discussed in the foregoing paras, documents placed on record, photographs submitted as evidence and submissions made by both the parties, it is clear that non-compliance at various locations as mentioned in para-5 supra were observed and these were reflected in the report dated 19.06.2024 of the Board after the site inspections carried out on 11.06.2024. The photographic evidence of inspections conducted on 11.06.2024 have been provided for the 04 non-compliant sites which are not Cofferdams i.e. approach road to T-15 P-1, near T-16 P-1, muck dumped without protection measures at dumping site D-12 and approach road to T-14 P-2. Therefore, even though no fresh muck dumping was reported in the report dated 19.06.2024 of the Board, it is held that the respondent company is liable for penalty under Section 43 of the amended Water Act for committing violations of statutory provisions and directions of the Board, since it failed to either lift the muck or providing the protection measures at the sites where the muck was dumped.

Operative Part:

29. In view of the findings above and in exercise of powers vested in the Adjudicating Officer under Section 43 of the Water Act, 1974 maximum penalty of ₹15,00,000/- (Rupees Fifteen Lakhs only) is hereby imposed on the Respondent Company.

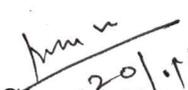
30. As observed in para-22 of this order, the Hon'ble Supreme Court of India has held there is a distinction between the directions for payment of restitutionary and compensatory damages as a remedial measure for environmental damage or as an *ex-ante* measure towards potential environmental damage on one hand and a punitive action of fine

or imprisonment for violation under Chapter VII of the Water Act on the other hand. Thus, penalty of ₹15,00,000/- imposed above is independent and in addition to the EC imposed by the Board.

31. It is noted that Respondent Company neither challenged the order of EC dated 27.06.2024 within reasonable time nor deposited the EC amount with the Board. However, now, a petition CWP No. 480/2026 titled M/s Dilip Buildcon Limited Vs. State of H.P. & others has been filed on 31.12.2025 by the Respondent Company challenging the EC orders passed by the Board, which is under consideration before the Hon'ble High Court of H.P.

32. It shall be imperative that the Respondent Company shall maintain continuous environmental safeguards at all sites, including muck dumping yards, tunnels, and approach roads, and submit regular compliance reports to the Board till completion of the project.

33. Let a copy of this order be communicated to the parties for strict compliance. With these directions, the complaint stands disposed of on this 20th day of January, 2026.


(Sushil Singla, IFS)

Secretary (EST & CC) to the
Government of H.P.