

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.19147 of 2025****Decided on: 8th April, 2026**

Gurdayal Sharma and others **.....Petitioners**

Versus

DSL Hydrowatt (P) Ltd. and others **.....Respondents**

Coram**Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioners: Mr. Nitin Rishi and Mr. Khem Raj,
Advocates.

For the Respondents: Mr. Ankush Dass Sood, Senior
Advocate with Mr. Vikas Chauhan,
Advocate, for respondent No.1.

Mr. Vishwadeep Sharma, Additional
Advocate General, for respondents No.2,
3, 5 and 6-State.

Mr. Ankit Kaloti, Advocate, for
respondents No.4 and 7.

Jyotsna Rewal Dua, Judge

Petitioners-residents of Village & Post Office
Shallang, Tehsil & District Kullu, had filed this writ petition
seeking directions to the respondents, *inter alia*, for
constituting an Expert Members Committee to conduct in-
situ investigation to find the actual cause of disaster in the

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



adherence or invoking Clause (h) of Section 36, Clauses (i) & (m) of Section 34 and Clause (i) of Section 39 of the Disaster Management Act, 2005. Further prayer was made to direct the respondents to conduct safety audits of the project components of respondent No.1 and also to conduct the assessment of damages caused to the petitioners.

2. Vide interim order dated 04.12.2025 passed in this writ petition, respondent No.3 was directed to inspect the project site alongwith team of experts. Pursuant to the aforesaid directions, report was furnished on 09.12.2025. Another order was passed in the matter on 06.01.2026, which reads as under:-

“In compliance to the order passed by this Court on 04.12.2025, learned Deputy Advocate General has handed over a site inspection report submitted by Chief Engineer (Energy), Directorate of Energy, Government of Himachal Pradesh, which is taken on record. The inspection report demonstrates that the site was inspected by Project Director-cum-Deputy CEO HIMURJA, who was the chairman of the Inspection Committee and two Additional Superintending Engineers, one each of the Directorate of Energy and from the office of C.E(Gen.) HPSEBL, Sundernagar. Besides them, the Committee also comprised of the Sub Divisional Magistrate, Kullu, District Kullu, H.P., Assistant Engineer (Electrical), Directorate of Energy, Shimla and Project Officer, HIMURJA, Kullu. As far as the project proponent is concerned, Sh. Shayam Sunder Thakur, General Manager and Sh. Deepak Bhandari, were associated by the Inspection Committee in the course of the inspection of the project. A perusal of the report, prima facie, demonstrates that there is merit in the issues, which have been raised by the petitioners and for the purpose of the order that is being passed by



the Court today, the conclusion of the inspection report is quoted for ready reference:-

“Based on the inspection and observations at the Sarbari Small Hydro Project site, the Committee draws the following conclusions:

1. Impact on Surge Shaft/Tank Area:

- The surge shaft/tank area has been severely affected by rock mass movement, resulting in structural damage, including widening cracks and displacement of associated infrastructure such as the penstock.*
- The initial movement was triggered by excessive and persistent rainfall in 2023 and was further aggravated during the 2025 monsoon season.*

2. Remedial Measures and Restoration:

- Cement grouting and stabilization works were undertaken in 2023 and are currently ongoing to address structural deterioration and stabilize the rock mass.*
- Restoration work is in progress, with 62 personnel deployed at the site.*
- The Committee emphasizes that while remedial and restoration measures are underway, the long-term safety and stability of the surge shaft/tank area require detailed geological studies. However, a comprehensive geological investigation/report, essential to assess the adequacy and long-term safety of the remedial measures, has not been provided to the committee members for review.*

3. Monitoring and Safety:

- Continuous monitoring of the surge shaft/tank and surrounding areas is essential to detect further rock mass movement and evaluate the effectiveness of stabilization and grouting measures.*
- Close coordination with local authorities and the Gram Panchayat must be maintained to ensure adherence to safety protocols and proper implementation of all remedial and protective measures.*

4. Hydraulic Concerns:

- Water spilling from the surge shaft is not in accordance with design provisions.*



- *A detailed hydraulic and transient analysis of the system is required to prevent future spilling events, particularly in case of operational failure of powerhouse equipment.*
5. *Downstream Impact and Compensation:*
- *The massive rock mass slide downstream of the surge tank has caused deposition of muck and debris at the river confluence opposite the petitioner's land, diverting the flow of the Sarbari River towards the left bank.*
 - *This has resulted in significant damage to the petitioner's land, as verified by on-site observations and revenue records.*
 - *It is noted that the project proponent has already paid compensation to other affected persons upstream for similar damage caused by this rock mass movement.*

The report is respectfully submitted for placing before the Hon'ble High Court of Himachal Pradesh on 10.12.2025.”

In the light of the aforesaid and taking into consideration the fact that as per the report, the project proponent is presently undertaking the restoration work, it is ordered that the case be listed on 07.03.2026, on which date, a fresh inspection report shall be filed by the said Inspection Committee.

In order to assess the damages to the properties of the petitioners and other similarly situated persons, they are given liberty to move appropriate applications/representations before the Deputy Commissioner concerned, who shall constitute a Committee, to have the damages, if any, assessed. The assessment be placed on record on or before the next date of hearing. The petitioners positively to submit their representations with the Authority on or before 20.01.2026.

Further, in the light of the fact that learned counsel appearing for the project proponent has stated in the Court that presently no generation activity is being carried out by respondent No.1, due to restoration activity, it is ordered that no generation activity shall be commenced by the said respondent without the leave of the Court.



List on 07.03.2026. In the meanwhile, respondents are at liberty to file their response to the writ petition. Copy of the report placed on record today be also handed over by the Registry to the learned counsel for the parties, who can file their respective responses thereto also before the next date of hearing.”

In terms of above order, respondent No.1 was not to carry out any generation activities in the project without the leave of the Court.

3. Pursuant to the above directions, inspection report was furnished on 02.03.2026. In the interregnum, respondent No.1 also moved an application seeking leave of the Court to operationalize and start generating electricity in its project.

4. Learned counsel for the parties, more specifically, learned counsel for the petitioners have now apprised that all the grievances of the petitioners have been redressed and the petitioners have also been duly compensated.

5. In view of the statement made by learned counsel for the petitioners, this writ petition to stand disposed of. By way of abundant caution, it is clarified that interim orders passed in this writ petition shall not create any embargo in generation of electricity by respondent No.1 in its project, which of course, shall be subject to



completion of all requisite clearances & codal formalities.
Pending miscellaneous application(s), if any, also stand
disposed of.

April 08, 2026
Mukesh

Jyotsna Rewal Dua
Judge