



**Gurdayal Sharma & Ors. v. DSL Hydrowatt (P)
Ltd. & Ors.
CWPNo.19147 of 2025**

06.01.2026 Present: Mr. Nitin Rishi, Advocate, for the petitioners.

Mr. Vikas Chauhan, Advocate, for respondent No.1.

Mr. R.P. Singh, Deputy Advocate General, for respondents No. 2, 3, 5 and 6-State.

Mr. Vivek Singh Thakur, Advocate, for respondents No.4 and 7.

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



2026:HHC:10821-DB

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.

(Ajay Mohan Goel)
Judge

January 06, 2026
(*Vinod*)