

Joint Inspection Report of the Committee

Submitted in Reference to

Hon'ble National Green Tribunal (NGT), Central Bench,

Bhopal order dated 16-03-2023 in the Matter of

Original Application No. 21/2023 (CZ)

Ashok Malik

Versus

State of Rajasthan & Others

Member of the Committee

1. Sh Sushil Kumar Commissioner, Ajmer Municipal Corporation, Ajmer.
2. Smt. Devika Tomar, ADM (II), Nominee of District Collector, Ajmer.
3. Sh Narendra Ajmera, Ajmer Smart City Ltd. Ajmer.
4. Sh P. R. Beniwal, Director Planning, Ajmer Development Authority, Ajmer.
5. Sh. Deepak Tanwar, EE & Regional Officer, RSPCB, Kishangarh (Nodal Officer)

Joint Inspection Report of the Committee

In compliance of the Hon'ble National Green Tribunal (NGT) Central Bench, Bhopal order dated 16.03.2023, in the matter of Original Application No. 21/2023 (CZ), Ashok Malik versus State of Rajasthan and Others, the Committee of following 05 members visited the Patel Stadium, Luv Kush park, Gandhi Smriti Udhyan, periphery of Anasagar Lake, Ajmer on 04.04.2023 to record the factual situation and actions required to be taken:

1. Sh. Sushil Kumar, Commissioner, Ajmer Municipal Corporation, Ajmer.
2. Smt. Devika Tomar, ADM (II), Nominee of District Collector, Ajmer.
3. Sh Narendra Ajmera, Ajmer Smart City Ltd., Ajmer
4. Sh P. R. Beniwal, Director Planning, Ajmer Development Authority, Ajmer.
5. Sh Deepak Tanwar, EE & Regional Officer, RSPCB, Kishangarh (Nodal Officer)

As per the order of Hon'ble NGT, the Committee verified the factual status of the site, observations are as under:-

1. Committee observed that prior to this Original Application that the matter related with Anasagar lake was previously dealt in Principal Bench of Hon'ble NGT case no. 63/2021. The committee consisted of:
 - 1) Sh. Mahesh Dutt Purohit, Sc-C, MoEFCC, IRC, Jaipur (Raj.)
 - 2) Sh. Sunil Kumar Meena, Sc-D, CPCB, Regional Directorate, Bhopal (M.P.)
 - 3) Sh. Vikram Kasharee Pradhan, IFS, Member Secretary, State Wetland Authority Rajasthan, Jaipur (Raj.)
 - 4) Sh. Deepak Tanwar, EE, Regional Officer, RSPCB, Kishangarh (Nodal Officer)

The Joint Committee stated that Anasagar lake is a manmade lake which was constructed by King Annaraj in the year 1135-1150. The various constructed works undertaken for the development of Anasagar Lake by Smart City Ltd. Ajmer are in accordance with recommendations of District Lake Conservation & Development Committee Date 13/09/2021.

The Joint Committee constituted in the matter of O.A. No. 63/2021 (CZ), recommended the following.

- 1) Anasagar Lake is not a Notified Wetland under Wetlands (conservation and Management) Rules, 2017 or Ramsar convention, hence violation of Wetland Rules is ruled out.
- 2) The construction of concretized pathway around Anasagar Lake has not been done after filling up the submerged area of wetland.
- 3) During the visit as such no violation of any of the provision of Rajasthan Lakes (Protection and Development) Authority Act 2015 was found; while doing construction works, permission of Rajasthan Lake Development Authority has been sought as per rule.
- 4) No dumping of the construction materials within the submergence area and in the high flood line of the wetland and in the zone of influence was found.
- 5) No dumping of soil and other earth material for filling up and reclaiming the wetland was found. Rather after construction of pathways the silt from the Lake bed has been removed which will increase the water holding capacity.
- 6) Wonder park is being developed outside protected area of Lake. So the issue raised by the applicant about construction of Wonder Park after reclaiming the wetland area in front of Maheshwari Public school, Vaishali nagar, Ajmer is factually incorrect.

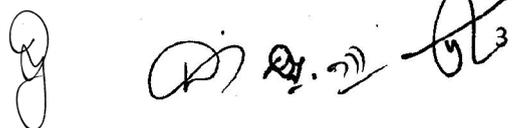
On the recommendation of Committee Honourable special bench of five Judges disposed off the matter vide order dated 13.12.2021. (Annexure-1)

2. The Construction of Seven Wonder's Park was discussed in the above case and the joint committee concluded the followings.

Wonder park is being developed outside protected area of Lake. So the issue raised by the applicant about construction of Wonder Park after reclaiming the wetland area in front of Maheshwari Public school, Vaishali nagar, Ajmer is factually incorrect.

The same of concern has been raised by the petitioner in different ways before the Hon'ble NGT.

As per Master Plan 2013-2033, the land use of the area utilized for construction of Seven Wonder Park is marked as "Park & Open space". It is important to state herewith that the land use of the above area was also the same in the Master Plan 2001-2021. Therefore, Seven Wonder Park constructed by Ajmer Smart City Ltd., Ajmer is in accordance with the land use earmarked in Master plans of Ajmer city. Seven Wonders Park being a recreational facility

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in the Ajmer city is making footfalls of tourists in a significant number, since its opening date from 01.11.2022.

3. Food Court near Luv Kush Garden was not constructed Ajmer Smart City Ltd instead the same was constructed by RSRDC for Ajmer Municipal Council, Ajmer under the HRIDAY Scheme in the year 2016-18.

During the visit, it was observed that the waste water discharge from the toilets and washing facilities of restaurant and kitchen of the Food Court are connected with septic tank. No discharge into the lake was observed during the visit. Waste from Food Court & Restaurant is collected and dumped on designated site by AMC. The construction of parking area was done by AMC using interlocking blocks/tiles. No green area of Luv Kush Park has been covered by Food Court.

4. During the visit of Azad Park and Patel Stadium, it was observed that following sports infrastructure facilities are being constructed: Badminton Court, Swimming Pool area, Athletic track, Football ground, Basket Ball court & other indoor gaming facilities for Table Tennis, Wrestling, Boxing, Kabbadi etc. Out of these sport facilities, some of the pre-existing have been renovated and some others have been newly constructed for larger public interest.

Patel stadium being located in the heart of the Ajmer city and as per Master Plan 2013-2033, the land use of the area is marked as recreational, open area & park area. The permissible uses as marked in the Master Plan are namely viz., Science park, Water park, Amusement park, Recreational club, Indoor stadium & outdoor stadium, Playground and Mela ground. Thus, the area utilized for construction of above facilities by Ajmer Smart City Ltd. is permissible in the light of Master Plan of the Ajmer city-2033.

As far as up-rooting of old trees (32 nos.) and other garden area of Azad Park is concerned, it is important to highlight herewith that permission from competent authority was obtained for the purpose with condition to replace ten times the number of plants which were up rooted. Till date, 29 number of trees have been up rooted and approx. 4024 saplings have been planted in Ajmer city area by Ajmer Smart City Ltd. In addition to the construction of above sports infrastructure facilities, construction of sports allied facilities have been constructed.

7. The Gandhi Smriti Udhyan has been developed on the land reserved for Smarak in the ADA approved Yojna in Hari Bhau Upadayay Nagar (extension). Most of the land within the udhyan is rocky and greenery has been developed on the same using 25000 cum of sand. Construction of Pathway in the Udhyan using stone slabs has been done for morning and evening walkers. An auditorium has also

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constructed for the propaganda of incidents of the life journey of Mahatma Gandhi.

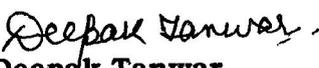
- 8 Construction of pathways around Anasagar Lake has stopped illegal encroachment in Lake boundary. Plantation done along the pathway of the lake has not only provided aesthetic view to the lake but also enhanced ecological promotion. Construction of Seven Wonders and Food Court has also enhanced the beauty of Anasagar lake. Seven Wonders as State of Art for tourism is now an important place to visit in Ajmer city. Thus, it is a recreational facility in the Ajmer city as earmarked in Master plan too. As such No violation of No Construction Zone have been made. The matter was disposed of in the Hon'ble NGT case no. 63/2021 in Original Application of Surendra Singh Shekhawat V/s State of Rajasthan & Others previously too. Construction of sports complexes in Patel Stadium and Azad Park area have been done taking care of No Construction Zone and Master Plan as the area is defined for sports facilities, therefore, no violation of No Construction Zone has been made. It is evident from the above facts that the construction done by ASCL and AMC in Ajmer city has restricted encroachment, increased recreational spaces and thus, enhanced aesthetic beauty of the city.


Sh Sushil Kumar
Commissioner, AMC
Ajmer


Smt. Devika Tomar, ADM II
Nominee of District Collector,
Ajmer


Sh Narendra Ajmera, ACE
Ajmer Smart City ltd.
Ajmer


Sh. P. R. Beniwal,
Director Planning, ADA
Ajmer


Deepak Tanwar
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