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THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPLE
 BENCH, NEW DELHI

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ORIGINAL APPLICATION NO.689/2023

SANJAY KUMAR

--- APPLICANT

VERSUS

UNION OF INDIA & ORS.

--- RESPONDENTS

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Prasanna
 (प्रसन्न श्री जोशी)
 (Prasanna S Joshi)
 सिग्नेडियर / Brig
 मुख्य अभियन्ता / Chief Engineer
 शिवालिक परियोजना (सी.स.से)
 Project Shivalik (BRO)

INDEX

SL.NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL REPLY ON BEHALF OF BRO	
2.	<u>ANNEXURE-A</u> MINUTES OF MEETING DT.20.11.24	

FILED BY:

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ADVOCATE

CH.NO.457, LAWYERS BLOCK-I

DELHI HIGH COURT, NEW DELHI

Email: gigicgeorge.adv42@yahoo.in

M-9810625315

DATE: 02-12-24

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPLE
BENCH, NEW DELHI

ORIGINAL APPLICATION NO.689/2023

SANJAY KUMAR

--- APPLICANT

VERSUS

UNION OF INDIA & ORS.

--- RESPONDENTS

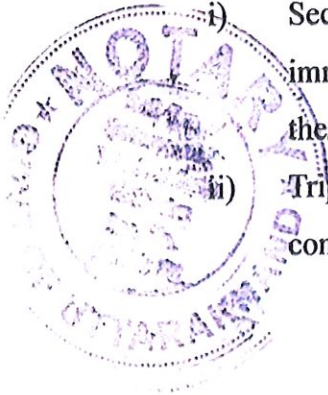
Prasanna
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Project Shivalik (BRO)



**ADDITIONAL REPLY ON BEHALF OF BOARDER ROADS
ORGANISATION IN COMPLIANCE OF ORDER DT.23.08.24**

Most Respectfully Showeth:-

1. That in the present original application grievance raised by the applicant is that NHIDCL has failed to take action for construction of Landslide Protection Gallery, Slope Protection Work and River Protection Work at Gangotri National High Way, District Uttarkashi, Uttarakhand.
2. That this Hon'ble Tribunal vide order dt.23.08.24 directed the Secretary, MoRTH to hold meeting with the heads of organisation i.e. BRO and NHIDCL to ascertain and fix the responsibility.
3. That on the directions of this Hon'ble Tribunal , under the Chairmanship of Secretary(RT&H) , Ministry of Road, Transport and Highways, Govt. of India, a meeting was held on 20.11.24 with Director General(Boarder Road Organization) and Managing Director(NHIDC). A copy of the Minutes of the Meeting dt.20.11.24 is annexed as Annexure-A.
4. That after the detailed deliberations and discussion in the meeting the following decisions were taken:
 - i) Sections of aforesaid isolated stretches of NH-34 shall be immediately handed over by NHIDCL to BRO; BRO to take over these stretches forthwith;
 - ii) Tripartite Agreement shall be signed between NHIDCL, BRO and concerned Contractor engaged by NHIDCL to ensure rectification



Prasanna

(प्रसन्न श्री जोशी)
(Prasanna S Joshi)
ब्रिगेडियर / Brig
मुख्य अभियन्ता / Chief Engineer
शिवालिक परियोजना (सी.स.सं)
Project Shivalik (BRO)

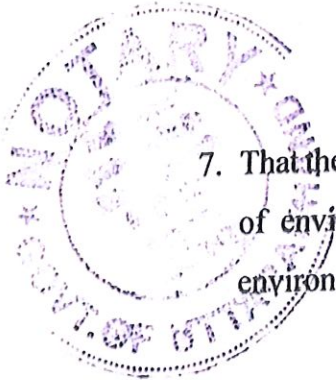
of defects under DLP and concurrent maintenance obligations of Contractors;

- iii) NHIDCL shall urgently identify defects to be rectified under DLP, give notice for implementing the same to the Contractors with copies endorsed to BRO and MoRT&H; NHIDCL to also ensure providing needful supports in rectification of the defects where ever required even after the sections are handed over to BRO;
- iv) BRO shall take up urgent necessary action for preparing DPRs for the protection works on the stretches required, finalize rectification plans and proposal for sanction by MoRT&H;
- v) MoRT&H shall provide funds for the additional protection works.

5. That the Boarder Road Organisation will abide by the decision taken in the Joint meeting held on 20.11.24.

6. That the Boarder Road Organisation is a responsible organisation which works under difficult terrains and concise of the Environmental issues where it works.

7. That the Boarder Road Organisation is taking utmost care for the protection of environment and execute its projects in such a way that minimal environmental damage is caused.



RESPONDENT NO.6

Prasanna
 (प्रसन्न श्री जोशी)
 (Prasanna S Joshi)
 ब्रिगेडियर / Brig
 मुख्य अभियन्ता / Chief Engineer
 शिवालिक परियोजना (सी.स.स)
 Project Shivalik (BRO)

This Affidavit is Sign And Sworn
 Before Me... *Prasanna Joshi*
 Person Who is Identified By... *Deepak Jugram*

And Date... *02/12/24*
 Tehsil... *Rishikesh*

530

File No.: NH-12024/03/2024/UK/North-I
Government of India
Ministry of Road Transport & Highways
(Zone -I)

Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated: /11/2024

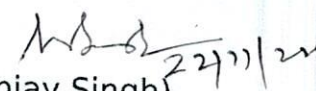
OFFICE MEMORANDUM

Subject: Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20.11.2024 in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi – reg.

Please find enclosed the Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20th November, 2024 at New Delhi on the subject matter.

It is requested to take necessary action accordingly and submit the Action Taken Report (ATR).

Encl: As above.


(Rananjay Singh)
Superintending Engineer (North I)
For DG (RD) & SS

To

1. Director General (Border Roads), BRO, New Delhi
2. Managing Director, NHIDCL, New Delhi

Copy to:

1. PSO to Secretary (RT&H)
2. PSO to DG (RD) & SS, MORTH
3. PS to ADG (North I), MORTH
4. RO, MoRTH, Dehradun

531

Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20.11.2024 in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi - Reg.

At the outset Secretary (RT&H) welcomed the participants to the meeting which was held in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

List of participants is annexed.

2. Hon'ble NGT, Principal Bench, New Delhi vide its order dated 23.08.2024 in the context of Original Application No. 689/2023 (Sanjay Kumar vs Union of India) directed that the Secretary, MoRTH to hold the meeting of heads of both organizations, i.e., NHIDCL and BRO and ascertain and fix the responsibility on the one organization for construction of landslide protection gallery, slope protection work and river protection work at Barethi, Uttarkashi in Gangotri National Highway taking cognizance of contradictory stands taken by BRO & NHIDCL. The next date of hearing is on 03.12.2024.

3. The MoRT&H and NHIDCL were impleaded as Respondent no. 2 and respondent No. 3 respectively in the above mentioned Original Application; MoEF&CC is Respondent no. 1; BRO was subsequently impleaded as Respondent no. 6 in hearing dated 29.02.2024. The application pertains to Badethi/Bareti location on NH-34 in the state of Uttarakhand and was first heard on 09.11.2023.

4. Vide order dated 09.11.2023, Hon'ble NGT, Principal Bench, New Delhi also inter-alia noted that "Land subsidence and landslide activities triggered by the river's force have caused considerable damage to the highway at three major locations namely Chinyalisaur, Matli and Badethi Chungi".

5. MD (NHIDCL) apprised following: -

(i) NHIDCL had executed following standalone slope protection works including the Barethi project on NH-34: -

S. No	Project Description	NH No.	Scope of Work			Appointed Date	DLP Status	St Ent
			Type of work	Length	Location			
1	(i) Nalupani Landslide Zone (Km 123+080 to Km 123+480, Km 123+665 to Km 123+740, and Km 123+770 to Km	34	Landslide mitigation	0.675	Hillside	11.09.2017	DLP completed on 15.01.2024	

532

	123+970)						
	(ii) Dharashu-Gangotri Road (Km 123.080 to Km 123.970)	34	Landslide Mitigation	0.890	Valley Side	08.01.2019	DLP to be completed on 09.08.2025
2	(i) Bareti Landslide (Km 100.300 to Km 101.060) including protection gallery	34	Landslide Mitigation	0.760	Hillside	04.01.2018	DLP to be completed on 30.04.2025
	(ii) Additional Work at Bareti (Km 100.300 to Km 101.060)	34	Landslide Protection gallery	0.760	Hillside & protection on Roadside	31.08.2020	DLP to be completed on 28.05.2027

(ii) DPR for the Dharasu-Gangotri stretch from Km 0.00 to Km 124.00 on NH-34 was prepared by NHIDCL and was handed over to BRO as per the direction of MoRT&H. However, the above-mentioned slope protection works were executed by NHIDCL as standalone projects as per directions of MoRT&H.

(iii) Prior to completion of the above-mentioned works, NHIDCL initially in March 2022 requested BRO to take over these stretches for better administration and maintenance of NH-34.

(iv) In response, BRO requested that the stretch may continue to remain with NHIDCL till completion of maintenance period and thereafter, these works may be handed over to BRO.

(v) Landslides/erosions have been observed on the valley side of the Barethi location. On enquiry by Secretary (RT&H), it was clarified by NHIDCL that landslide is on valley side and the standalone projects executed by NHIDCL for landslide protection and protection gallery are on the hillside; therefore these are beyond the scope of the present contractor.

(vi) It was further apprised that landslide mitigation measures are required to be studied by specialised agency like THDC or any other agency of repute and DPR may be got prepared.

6. DG(BR) expressed concerns regarding the stability/ structural integrity of protection gallery as the landslide on the valley side has exposed foundation of some piers.

7. After detailed deliberations, following decisions were taken: -

(i) Sections of aforesaid isolated stretches of NH-34 shall be immediately handed over by NHIDCL to BRO; BRO to take over these stretches forthwith;

(ii) Tripartite Agreement shall be signed between NHIDCL, BRO and concerned Contractor engaged by NHIDCL to ensure rectification of defects under DLP and concurrent maintenance obligations of Contractors;

533

(iii) NHIDCL shall urgently identify defects to be rectified under DLP, give notice for implementing the same to the Contractors with copies endorsed to BRO and MoRT&H; NHIDCL to also ensure providing needful supports in rectification of the defects wherever required even after the sections are handed over to BRO;

(iv) BRO shall take up urgent necessary action for preparing DPRs for the protection works on the stretches required, finalize rectification plans and proposals for sanction by MoRT&H;

(v) MoRT&H shall provide funds for the additional protection works.

8. The meeting ended with a Vote of Thanks to the Chair.

Annexure

List of participants in the Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20.11.2024 in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi

1. Ministry of Road Transport & Highways

- i. Sh. V Umashankar, Secretary, MoRTH, New Delhi - **In Chair**
- ii. Sh. D. Sarangi, DG(RD)&SS, MoRTH, New Delhi
- iii. Sh. Sudip Chaudhury, ADG (NoRTH-I), MoRTH, New Delhi
- iv. Sh. Rananjay Singh, SE (NoRTH-I), MoRTH, New Delhi

2. Border Road Organization (BRO)

- i. Lt Gen Raghu Srinivasan, VSM, DGBR, New Delhi
- ii. Brig. Prasanna S Joshi, CE(P) Shivalik, Border Road Organization, Dehradun, Uttarakhand

3. National Highways & Infrastructure Development Corporation Limited (NHIDCL)

- i. Sh. Krishan Kumar, Managing Director, NHIDCL New Delhi.
- ii. Sh. Amrendra Kumar, Director(Tech), NHIDCL, New Delhi.

