

# 573

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

ORIGINAL APPLICATION NO. 689/2023

SANJAY KUMAR

.... APPLICANT

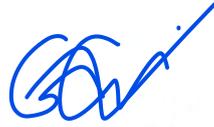
VERSUS

UNION OF INDIA & ORS.

..... RESPONDENTS

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# 574

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO. 689/2023

IN THE MATTER OF:

SANJAY KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS

....RESPONDENTS

**ADDITIONAL REPLY ON BEHALF OF RESPONDENT NO. 6  
(BORDER ROADS ORGANISATION (BRO)) IN COMPLIANCE OF  
ORDER DT. 18.09.2025**

Most Respectfully Showeth:-

1. That Border Road Organisation (BRO), Respondent No. 6 in the above-referenced Original Application, most respectfully submits this detailed reply in compliance with the Hon'ble National Green Tribunal's Order dated 18.09.2025. That this reply outlines the comprehensive actions taken by Respondent No. 6 in response to the Tribunal's directives, including the formal takeover of critical infrastructure projects and the initiation of essential protection and maintenance works on the Gangotri National Highway and other designated stretches in the State of Uttarakhand.

A copy of the Order dated  
18.09.2025 is annexed as  
Annexure-A

(Jitendra Singh)  
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2. That Respondent No. 6 filed its initial response, which led to the Hon'ble Tribunal's observation in its Order dated 23.08.2024, noting the differing stands of BRO and NHIDCL regarding responsibility for the works. That to resolve this, the Hon'ble Tribunal directed the Secretary, Ministry of Road, Transport and Highways (MoRTH), to convene a meeting of the heads of both organisations to ascertain and fix responsibility.
3. That pursuant to this directive, a joint meeting was held on 20.11.2024, the minutes of which were submitted by Respondent No. 6 to the Hon'ble Tribunal. The Hon'ble Tribunal, in its Order dated 03.12.2024, adopted the decisions from this meeting, directing NHIDCL to immediately hand over identified stretches of NH-34 to Respondent No. 6, for Respondent No. 6 to take over forthwith, and to prepare Detailed Project Reports (DPRs) for protection works, with MoRTH providing the necessary funds.
4. That despite these initial steps, the Hon'ble Tribunal, in its Order dated 07.08.2025, expressed concern over the shifting responsibilities and the urgency of the protection work. It directed Respondent No.1 to again hold a joint meeting of high officials of BRO and NHIDCL promptly to definitively fix responsibility and ensure the requisite protection work is done, with an Action Taken Report to be filed by 18.09.2025.
5. That a decisive joint meeting on 01.09.2025, overseen by the Secretary (Road Transport & Highways), was conducted in strict accordance with the Hon'ble Tribunal's Order dated 07.08.2025. That minutes of this meeting, which were subsequently placed on record before the Hon'ble Tribunal, unequivocally fixed responsibility for the future identified works upon Respondent No. 6. The key directives from this meeting, which form the bedrock of Respondent No. 6's current actions, are as follows:

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Officer Commanding  
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- a. Respondent No. 6 shall take over three completed stretches of NH-34 (Barethi Road, Bridge & Slope protection; Nalupani Landslide Zone protection; Dharasu-Gangotri valley side slope stabilisation) from NHIDCL immediately, and maintenance of these stretches will be done by Respondent No. 6.
  - b. NHIDCL shall resolve contractual issues related to the Landslide Protection Gallery work at Barethi by 30.09.2025, after which Respondent No. 6 shall take over this stretch.
  - c. Respondent No. 6's DPR for Protection Work at Barethi, already submitted for approval, shall be examined by ADG(North) for priority decision to commence stabilisation activities earliest.
  - d. Respondent No. 6 to prepare an estimate for short-term maintenance of the handed-over stretches and submit it to MoRT&H for sanction.
  - e. Respondent No. 6 shall deal with litigation/legal matters if the cause of the dispute arises after the date of handover of the stretches.
  - f. Immediate fund requirements for maintenance are to be met from Respondent No. 6's general maintenance fund, with additional requirements to be sent to Planning Zone, MoRT&H.
6. That in furtherance of the directives issued in the court hearing dated 07.08.2025, and in strict compliance with the Hon'ble NGT Order dated 18.09.2025, the Border Road Organisation (BRO) has formally taken over the following projects from NHIDCL on 18.09.2025:

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- (i) Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the state of Uttarakhand, covering a Length of 760m. The Defect Liability Period (DLP) for this project was completed on 30.04.2025.
- (ii) Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km. 123+970) section of NH-34, covering a Length of 675m. The DLP for this project was completed on 15.01.2024.
- (iii) Construction of valley side slope stabilisation treatment, including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilisation of dumping zone in the State of Uttarakhand, covering a Length of 890m. The DLP for this project was completed on 09.08.2025.

A copy of the Reply report by Respondent No. 6 (BRO) is annexed as Annexure- B

7. That the formal handover of these stretches for further maintenance work and future responsibility by Respondent No. 6 has been meticulously documented by NHIDCL vide their Site Handover Document dated 09.09.2025, which was in compliance with the MoRT&H letter No. NH-12024/03/2024/UK/North-1 (Com. No. 245593). Furthermore, the

1 (Jitendra Singh)  
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NHIDCL letter dated 30.10.2025 explicitly details the termination of the EPC contractor's contract (M/s Sai GR) and directs Respondent No. 6 to take over the stretches immediately for execution of protection work, specifically citing compliance with the Hon'ble NGT Order dated 18.09.2025. This seamless transition, despite the inherent complexities of such large-scale infrastructure projects in challenging terrains, underscores Respondent No. 6's commitment to national service and environmental stewardship.

8. That following the formal take over on 18.09.2025, the responsibility for protection work and maintenance of the aforementioned stretches now lies entirely with Respondent No. 6. Respondent No. 6 acknowledges this responsibility and is fully geared to ensure the safety, stability, and environmental integrity of these critical national assets.
9. That Respondent No 6 has taken full responsibility for the protection work. The work for which BRO is now also responsible for ongoing maintenance are as under:
  - (i) Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the state of Uttarakhand, Length: 760m (DLP Completed on 30.04.2025).
  - (ii) Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km. 123+970) section of NH-34, Length: 675m (DLP Completed on 15.01.2024).
  - (iii) Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilization of dumping

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zone in the State of Uttarakhand, Length: 890m (DLP Completed on 09.08.2025).

10. That as per NHIDCL letter No NHIDCL/RO-DDN/NH-34/Entrustment/2023-24/6879 dated 30.10.2025, NHIDCL terminated the contract with M/s Sai GR. The process of handover of the balance tunnel is currently in progress, and BRO is actively coordinating with NHIDCL to expedite its formal completion.
11. That the Detailed Project Report (DPR) for landslide treatment works, including for slope protection at Barethi, has been submitted for approval to the Ministry (MoRT&H). This proposal has been thoroughly examined by the Ministry, and the Integrated Finance Division (IFD) has concurred with the proposal amounting to Rs 213.42 Cr for 06 No. of Landslide Treatment (LST) locations. The Barethi LST works are already included in this proposed work. Upon receipt of sanction from the Ministry of Road Transport and Highways, the work will be initiated through the tendering process as soon as possible. That this aligns with the communication from MoRT&H dated 04.11.2025 requesting the submission of SFC documents for this concurred proposal. Respondent No.6 is committed to deploying state-of-the-art engineering solutions and environmentally sustainable practices to ensure long-term stability and safety.
12. That the submission of the estimate regarding the maintenance of the recently handed-over stretches for short-term maintenance is in process by Respondent No.6 and will be submitted shortly. This proactive measure ensures that immediate maintenance requirements are addressed without delay, preventing further deterioration of the infrastructure.

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13. That the estimate for the requirement of funds for comprehensive maintenance is currently in process and will be expedited. Respondent No.6 is actively coordinating with the Planning Zone, MoRT&H, to secure the necessary financial resources, as directed in the joint meeting dated 01.09.2025, to ensure uninterrupted and effective execution of all maintenance and protection works.
14. That Respondent No. 6 has submitted a comprehensive DPR to the Ministry for approval related to Landslide protection on a priority basis. This DPR is currently under sanction in the Ministry. That upon receipt of the necessary sanction, the associated work will be completed within one year. This reflects Respondent No. 6's strategic vision and proactive approach to mitigating environmental risks and enhancing road safety in the region.
15. That in further compliance with the Hon'ble NGT Order dated 18.09.2025, Respondent No.6 has prepared and is actively implementing a comprehensive time-bound plan for remedial action. This plan encompasses all identified works, including the formal takeover of stretches, commencement of maintenance, and the initiation of protection works. Key milestones include:
- a. Commencement of Short-Term Maintenance: Short term maintenance responsibility rested upon BRO.
  - b. Submission of Estimate for Short-Term Maintenance: Submission of Estimate is in process for approval/sanction of MoRT&H.
  - c. Readiness for Takeover of Landslide Protection Gallery at Barethi: BRO teams ready to take over immediately after 30.09.2025, was pending due to NHIDCL's resolution of contractual issues. Now on

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30.10.2025 NHIDCL terminated the contract & Handing/ Taking over with BRO is in progress.

- d. Follow-up for Expedited Approval of DPR for Protection Work at Barethi: Continuous liaison being done with MoRTH for approval of LST works.
- e. Initiation of Stabilization Activities post-DPR Approval: Targeted one year after approval/ sanction of DPR of LST work due to weather & contractor availability & sensitive work.
- f. Utilization of General Maintenance Fund: No General maintenance fund available. On receipt of sanction expenses will be carried out for maintenance construction based on Mile stone.
- g. Submission of Requests for Additional Funds: Initiated from 05.10.2025 as required.
- h. Mechanism for Handling Post-Handover Disputes: Internal legal teams briefed on protocol.
- i. Expeditious Action at Ground Level: Ongoing deployment of engineering staff for detailed site assessments and preparatory works.
- j. Internal Progress Review Meetings: Conducted bi-weekly to ensure adherence to the plan.

16. That Respondent No. 6, as a premier infrastructure development agency operating in some of the most challenging and environmentally sensitive regions of India, is deeply committed to upholding the highest standards of environmental protection and public safety. The measures undertaken and planned are not merely in compliance with judicial directives but are integral to Respondent No. 6's core mandate of constructing and

(Jitendra Singh)  
EE(CIV)  
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maintaining resilient and sustainable road networks. Respondent No. 6's expertise in high-altitude and geologically complex areas positions it uniquely to address the intricate challenges of landslide and river protection, ensuring minimal ecological footprint while maximising infrastructure longevity.

In light of the foregoing submissions, the Respondent No. 6 respectfully prays that this Hon'ble Tribunal may be pleased to take on record the present reply and the comprehensive actions undertaken by Respondent No. 6 in compliance with the Hon'ble Tribunal's orders

And/Or

To Acknowledge the proactive steps taken by BRO in assuming responsibility and initiating critical protection and maintenance works

And/Or

to Pass such other and further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENTS SHALL EVER PRAY.

(Jitendra  
EE(CIV)  
Respondent No. 6  
1442 BCC (GRE)

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Item No. 11

Court No. 1

**BEFORE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 689/2023  
(I.A. No. 99/2024)

Sanjay Kumar

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 18.09.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal & Ms. Chandrika  
Upadhyaya, Advs. for Applicant

Respondents: Mr. Rohan Gupta, Adv. for R-1, MoEF & CC (Through VC)  
Mr. Avneesh Garg, Ms. Pavitra Singh & Ms. Iptisha, Advs. for R-3,  
NHIDCL  
Ms. Snehpreet Kaur, proxy counsel for Mr. Kaushal Gautam, AAG for R -  
4 & 5 (Through VC)  
Mr. Gigi. C. George, Adv. for R - 2 & 6

**ORDER**

1. In this Original Application (OA), Tribunal is considering the grievance of the applicant that respondent-National Highways and Infrastructure Development corporation Ltd. (NHIDCL) has failed to take action for construction of Landslide Protection Gallery, Slope Protection Work and River Protection Work at Gangotri National Highway, District Uttarkashi for protection of rivers and Himalayas in the State of Uttarakhand.

2. Tribunal in the proceedings dated 07.08.2025 had taken note of the dispute between BRO and NHIDCL in respect of the agency responsible to carryout the work in question and also non-compliance of the decision taken in the joint meeting by the concerned agency.

  
**(Jitendra Singh)**  
**EE(CIV)**  
**Officer Commanding**  
**1442 BCC (GREEN)**

3. In that background, Tribunal had directed respondent no.2 to again hold a joint meeting of high officials of BRO and NHIDCL and fix the responsibility and ensure that requisite protection work is done.

4. Learned Counsel appearing for respondent no.2-Ministry of Road Transport and Highways has submitted that joint meeting under the Chairmanship of the Secretary (RT&H) was held on 01.09.2025 whereby responsibility has now again been fixed upon BRO and consensus has been arrived at in respect of the dispute concerning contract agreement, and issue of fund requirement by BRO has also been considered. He has produced a copy of the minutes of the meeting dated 01.09.2025. The relevant extract of the minutes of the meeting dated 01.09.2025 are as under:-

*"2. Director (T), NHIDCL apprised that consequent to the last meeting chaired by Secretary RTH, the tripartite agreement for novation of existing contracts had been delayed. He informed that DLP of 3 projects out of total 4 projects of NH-34 executed by NHIDCL has been completed recently and these projects can be handed over to BRO immediately as there is no requirement of signing of Tripartite Agreement for these. The details of these projects are as under-*

- i. *Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the state of Uttarakhand, Length: 760m (DLP Completed on 30.04.2025).*
- ii. *Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km. 123+970) section of NH-34, Length: 675m (DLP Completed on 15.01.2024).*
- iii. *Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilization of dumping zone in the State of Uttarakhand, Length: 890m (DLP Completed on 09.08.2025).*

*It was directed that BRO shall take over above mentioned stretches immediately from NHIDCL and maintenance of these stretches will be done by BRO.*

*2.1 Further, with respect to the remaining one project of NH-34, i.e., the Landslide Protection Gallery work at Barethi, NHIDCL informed that due to the EPC contractor's non-fulfilment of maintenance*

(Jitendra Singh)  
EE(CIV)  
Officer Commanding  
1442 BCC (GRFF)

obligations during the DLP, NHIDCL has issued intention to terminate notice to the EPC Contractor Once final decision in this regard is taken, NHIDCL shall hand over this project stretch to BRO.

It was directed by the Chair that NHIDCL shall take necessary action to resolve the contractual issue by 30:09:2025 and BRO shall takeover this stretch thereafter.

2.2 BRO intimated that DPR for Protection work at Barethi has already been submitted for approval. ADG(North) was directed to examine the proposal for decision on priority so that stabilization activities can commence at the earliest.

2.3 BRO raised the concern of fund requirement for maintenance of the handed over stretches, it was directed that an estimate for short term maintenance till the final sanction of original protection works may be prepared by BRO and be submitted for sanction to MoRT&H for this purpose.

3. Director (T) also apprised that DLP of this project (comprises of 3 small stretches i.e. Helang, Govindghat-I & Govindghat-II) has been also completed in January 2024. However, BRO is not willing to take over these stretches citing the reason that it was handed over to NHIDCL through notification and same procedure may be followed for handover to BRO. It was deliberated that in general there is no such procedure of notification limited to landslide protection works to entrust any work for execution to any agency. Notifications are issued only where the entire section of the NH is to be entrusted to an implementation agency.

It was directed that if BRO has such notification with them, they shall submit it for perusal of MoRT&H. In the absence of such notification, BRO shall take over standalone stretches of NH-07 immediately from NHIDCL in accordance with the general entrustment notification. ADG(North) and CE(Planning) MoRT&H were directed to resolve this issue within one week and inform Secretary RTH.

4. In case of any litigation/legal matter related to existing Contract Agreements of all the works done by NHIDCL, Secretary, RT&H directed that NHIDCL would deal the same if the cause of dispute is prior to the date of handover of the stretches to BRO and BRO would deal the same if the cause of dispute is after to the date of handover of the stretches. This principle shall be generally followed for assignment and apportionment of responsibility In case of any contractual dispute.

5. DG(BR) requested for fund requirement for immediate requirements of maintenance of stretches till maintenance works in these stretches are sanctioned/awarded as per normal procedure. Secretary, RT&H directed that immediate requirement, if any, may be met out of the general maintenance fund provided to BRO for maintenance of NHs and additional requirement, if any, for maintenance of these sections may be sent to Planning Zone, MoRT&H under M&R.head."

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Officer Commanding  
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5. Learned Counsel for respondent no.2 is directed to place on record the above minutes of the meeting dated 01.09.2025 by way of a proper affidavit.

6. Learned Counsel appearing for respondent no.6-Border Road Organization is directed to place on record time-bound plan for remediating the problem within four weeks. The BRO is also directed to take expeditious action at the ground level.

7. List on 02.12.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

September 18, 2025  
Original Application No. 689/2023  
I.A. No. 99/2024  
JG.

(Jitendra Singh)  
EE(CIV)  
Officer Commanding  
1442 BCC (GREF)

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1442 BCC (GREF)  
C/O 58 APC  
Pin 931442

200/CC/ Sanjay Kumar 58/NEPC Cell

Sh. G. C. George  
AOCC, (UOI)  
National Green Tribunal  
Email: gkgg@ngt.nic.in

26 Nov 2025

ORIGINAL APPLICATION NO 000/2023 TITLED SANJAY KUMAR VS UOI & ORS  
PENDING BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH NEW DELHI

1. Reply for Court hearing of dated 18 Sep 2025 of AOR 30 BRTF is as under

Para-1:- No Comments.Para-2:- As per directions in court hearing of 07 Aug 2025 BRO taken over following projects on dated 18 Sep 2025 from NHIDCL.

- (i) Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the state of Uttarakhand, Length: 760m (DLP Completed on 30.04.2025).
- (ii) Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km. 123+970) section of NH-34, Length: 675m (DLP Completed on 15.01.2024).
- (iii) Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilization of dumping zone in the State of Uttarakhand, Length: 890m (DLP Completed on 09.08.2025)

Para-3:- Now After takeover there is responsibility is of BRO for protection wok.Para-4:- After takeover on 17 Sep 2025 BRO look over the responsibility of protection work. Work is in progress.

On dated 17 Sep 2025 following works already taken over and maintenance will be carried out by BRO.

- (i) Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the state of Uttarakhand, Length: 760m (DLP Completed on 30.04.2025).
- (ii) Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km. 123+970) section of NH-34, Length: 675m (DLP Completed on 15.01.2024).
- (iii) Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilization of dumping zone in the State of Uttarakhand, Length: 890m (DLP Completed on 09.08.2025).

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EE(CIV)  
Officer Commanding  
1442 BCC (GREF)

Contd-P/2

Para- 4.2.1: As per NHIDCL letter No NHIDCL/RO-DDN/NH-34/Entrustment/2023-24/6879 dated 30 Oct 2025. NHIDCL terminated the contract with M/s Sai GR (Copy enclosed). Handing –Taking over of balance tunnel is under progress.

Para- 4.2.2:- DPR for Landslide treatment works for slope protection at Barethi has already been submitted for approval of Ministry (MoRT&H). The same has been examined in the Ministry and IFD has concurred the proposal Amounting to Rs 213.42 Cr for 06 No of LST locations in which Barethi LST Location & Matli LST work are already included in this proposed work (Copy enclosed). On receipt of sanction from Ministry MoRT&H the work will be taken up through tendering action as soon as possible.

Para- 4.2.3 The submission of estimate regarding maintenance of the handed over stretches for short term maintenance is in process by BRO.

Para-4.3:- Pertains to 21 BRTF.

Para- 4.4 No Comments

Para-4.5:- Estimate for requirement of funds for maintenance is in process.

Para-4.5:- No Comments

Para- 4.6:- BRO has submitted the DPR in the Ministry for approval related to Landslide protection on priority which is under sanction in the Ministry. On receipt of sanction within one year work will be completed.

  
(Jitendra Singh)  
EE (Civ)  
Officer Commanding  
1442 BCC

Encls : \_\_\_ Sheets

Copy To:-

O/o RO-MoRT&H, :- For info please  
Dehradun

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Pin 931718

HQ 36 BRTF  
C/o 56 APO :- For info please.  
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EE(CIV)  
Officer Commanding  
1442 BCC (GREF)