

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

O.A.NO. 353 OF 2022

IN THE MATTER OF:

Kartik SharmaApplicant

Versus

State of Uttarakhand Respondent

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New Delhi
Dated: 20.01.2024

Filed By

DR. ABHISHEK ATREY
Counsel for Uttarakhand Jal Sansthan
D-202, Additional Building Complex
Supreme Court of India, New Delhi-110001
Mobile – 9810047556
Email – abhishekatrey@gmail.com


Dr. Abhishek Atrey
Uttarakhand Jal Sansthan
MUSCOOT

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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.....Applicant

Versus

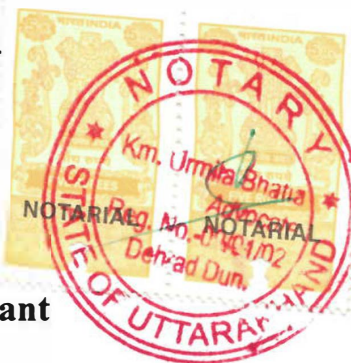
State of Uttarakhand

..... Respondent

AFFIDAVIT ON BEHALF OF UTTARAKHAND JAL
SANSTHAN IN COMPLIANCE OF ORDER DATED
7.11.2023

I, Amit Kumar, aged about 36 years, S/O Shri
Musaphir Prasad, presently posted as Executive Engineer,
Uttarakhand Jal Sansthan, Mussoorie, Dehradun, do hereby
solemnly affirm and state on oath as under:

1. That I am Executive Engineer, Uttarakhand Jal
Sansthan and present affidavit is being filed in compliance
of order dated 7.11.2023 passed by this Hon'ble Tribunal
in the aforesaid matter, by which this Hon'ble Tribunal
directed the Uttarakhand Jal Sansthan to file an affidavit
regarding actual need of water supply of all hotels of
Mussoorie.
2. That the present matter is related to drinking water supply
in Mussoorie. It is stated that with regard to water and
sewers in the State of Uttarakhand there are two
Corporations namely Uttarakhand Jal Sansthan and
Uttarakhand Peyjal Nigam. Both the departments are under
control of State Government of Uttarakhand. The work of
preparation and construction of schemes of water and




Executive Engineer
Uttarakhand Jal Sansthan
MUSSOORIE

sewer in the state of Uttarakhand is of Uttarakhand Peyjal Nigam and after completion of the work the said schemes are being transferred to the Uttarakhand Jal Sansthan for operation and maintenance (O & M).

3. That as per assessment of Uttarakhand Jal Sansthan, in the year 2024, total demand of water in Mussoorie is 14.50 MLD and the total supply by Uttarakhand Jal Sansthan is 7.67 MLD and 4 MLD is being supplied by Jal Sansthan after receiving from Uttarakhand PeyJal Nigam from Mussoorie reorganisation water supply scheme (*Yamuna River Pumping Water Scheme of Mussoorie*) which will be 6 MLD from June 2024 which will **fulfil almost total demand of Mussoorie**.
4. It is submitted that according to report dated 28.11.2022 submitted by the committee constituted by this Hon'ble Tribunal in the present matter vide order dated 02-09-2022, there are total 322 hotels. A true copy of report dated 28.11.2022 with translationis annexed herewith and marked as ANNEXURE R-1 (page .4..... To ...12.....).
5. That for requirement of drinking water in Mussoorie the Mussoorie reorganisation water supply scheme (*Yamuna River Pumping Water Scheme of Mussoorie*) was planned. The Yamuna River Pumping Water Scheme of Mussoorie is still under construction, which is being done by the Uttarakhand Peyjal Nigam. According to letter dated 01.12.2023 of Uttarakhand Peyjal Nigam, 80% construction work of this scheme is complete and remaining 20% construction work is expected to be completed in June 2024. Presently 4 MLD water is being produced from this scheme by the Uttarakhand Peyjal




 Executive Engineer
 Uttarakhand Jal Sansthan
 MUSSOORIE

Nigam and after completion of the project in June 2024 the production from this scheme will be 6 MLD water. A true copy of letter dated 8.12.2023 of Uttarakhand Peyjal Nigam with translation is annexed herewith and marked as **ANNEXURE R-2** (page .13... To .14.....).

- 6. That presently 4 MLD water is being supplied by Uttarakhand Peyjal Nigam to Uttarakhand Jal Sansthan through rising main to Radha Bhawan Reservoir which is being supplied by Uttarakhand Jal Sansthan to Mussoorie by existing distribution system and after completion of the said project 6 MLD water will be produced by Mussoorie by Uttrakhand Jal Nigam.

VERIFICATION

Verified at Dehradun today on this 19 day of January, 2024 that the contents of the above affidavit from para 1 to 6 are true and correct to the best of my knowledge as per record. Nothing is wrong therein and nothing material has been concealed there from.

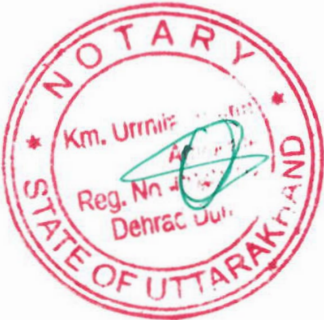
Sanjay Kumar
Uttarakhand Jal
Sansthan
Dehradun
(Legal Cell)
Identified by

DEPONENT
Executive Engineer
Uttarakhand Jal Sansthan
MUSSOORIE

DEPONENT
Executive Engineer
Through Uttarakhand Jal Sansthan
MUSSOORIE

(DR. ABHISHEK ATREY)
ADVOCATE

D-202, Additional Building Complex
Supreme Court of India, New Delhi – 110001
Email – abhishekatrey@gmail.com
Mobile - 9810047556



This affidavit is sworn before me by
Sri. Sanjay Kumar
who is identified by
at Dehradun on 18/1/2024
KM. URMILABHATIA
Advocate & NOTARY, Dehradun

Factual and Action Taken Report

ANNEXURE R-1

In the matter of

Original Application No. 353 of 2022

In the Matter of:

Kartik Sharma

.....Applicant

Versus

State of Uttarakhand

.....Respondent

I. BACK GROUND

1. THAT, THE Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of O.A. No. 353 of 2022, Kartik Sharma Versus State of Uttarakhand issued inter alia following directions on 18-05-2022:

"XXX.....XXX.....
.....XXX

2. Accordingly, we direct a joint Committee of CPCB, State PCB, District Magistrate, Dehradun and State Wetland Authority with State PCB being the nodal agency to ascertain facts and take remedial action in 2 coordination with concerned authorities, The factual and action taken report may be filed with the Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of image PDF.

"XXX.....XXX.....
.....XXX

In compliance of order proceed by the Hon'ble National green Tribunal the joint committee report submitted on dated 20 August 2022.

In above matter Hon'ble National green Tribunal, Principal Bench, New Delhi given following direction on 02-09-2022.

"XXX.....XXX.....
.....XXX

3. Accordingly, we direct a five member joint committee to be headed by Chairman, Uttarakhand Pay Jal Sansthan with nominees of National Wetland Authority, State Wetland Authority, State PCB and District Magistrate, Dehradun to ensure that drawal of water from the cathment area of the Lake is duly regulated. State PCB



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needs to regulate consents only to the extent of availability of water with a commercial establishment from water harvesting of recycled waste water or water supplied by the Jal Sansthan. No Hotel be allowed to draw water from springs flowing into the Lake without strict regulation, considering the extent of availability and priority for availability of water for drinking purposes for the inhabitants. The State PCB will be the Nodal Agency for coordination and compliance. The committee may ascertain the extent of capacity of the Jal Sansthan to supply water for domestic and commercial purposes separately. The committee may also suggest regulatory measures to ensure that no unregulated drawal of water takes place for commercial purposes from the catchment areas of the Lake. A report about compliance status as per above directions as on 31-10- 2022 be furnished by 15.11.2022 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of image PDF.

Joint Inspection/Enquiry Report of the Committee constituted in compliance of the Order dated 2 September, 2022 passed by the Hon'ble National Green Tribunal in OA No. 353 of 2022 titled Kartik Sharma Vs. State of Uttarakhand.

1. Orders were issued to the Chairman, Uttarakhand Jal Sansthan Mussoorie, Chairman, National Wetland

Authority, State Wetland Authority, State Pollution Control Board and the District Magistrate, Dehradun to form a joint committee for conducting a spot inspection and submitting the report. Subsequently, the following members were nominated for joint inspection by the above departments:

SN	Name of Department	Nominated Member	
		Name	Designation
1.	Uttarakhand Jal Sansthan	Sri Laxmi Chand Ramola	Executive Engineer, Jal Sansthan, Massoorie
2.	National Wetland Authority	Dr. Rajeev Sinha	Professor, IIT Kanpur
3.	State Wetland Authority	Sri P.K. Joshi	Joint Director, Environment Directorate, Uttarakhand
4.	State Pollution Control Board	Dr. R.K. Chaturvedi	Regional Officer, Dehradun
5.	District Magistrate, Dehradu	Sri Dinesh Chandra Dobhal	Naib Tehsildar, Massoorie

In addition to the above nominated members, the nominated/invited representatives of the following departments also participated in the joint inspection:

1.	Sri Vedprakash Badhani	Assistant Engineer, Municipal Board, Massoorie
2.	Sri Vinod Raturi, Assistant Engineer,	Uttarakhand Peyjal Nigam, Massoorie.

On 28 November 2022, the joint committee conducted on-site inspection of the sources located at Dhobighat, Mussoorie Lake and Bhatta Fall and after assessing the information compiled by the departments, presented the report as follows:

1. Dhobhi Ghat source is a natural spring that comes from upstream of Dhobhi Ghat Basti. There is about 950 LPM of water in spring and summer and about 1500 LPM of water is available from July to December. Dhobi Ghat Pumping Payjal Scheme has been installed by Jal Sansthan Mussoorie in the year 2003-04 by tapping 350 LPM water from this water source, through which water is supplied in Mussoorie city area. The residual water is about 600 LPM in summer season and about 1150 LPM in other months.
2. This water flows from Mussoorie Dhobi Ghat and falls into Mussoorie Lake, after which it overflows into the lake and then flows in Bhatta Fall drain.
3. Mussoorie Lake is an artificial lake made of cement/concrete in which ground water is not recharged in any way. 200 LPM of water is taken from Dhobhi Ghat drain into the lake through gate method, which overflows and flows back into the drain. The remaining water flows continuously from

the bypass gate of the lake into the Bhatta Fall drain. This is an artificial lake which is used for an amusement park. No aquatic microphyte was found in the lake.

4. There are 50 to 60 families of washermen living at Dhobi Ghat whose occupation is washing clothes. The effluent generated from the above washing affects the natural water quality for which the effluent generated from washing should not be discharged into the Dhobighat drain without its treatment.
5. According to the data of Pollution Control Board, about 322 hotels are registered in Mussoorie city. According to the registered data, the total water demand is around 2.5 MLD. The data of distribution of commercial water is being assessed by Uttarakhand Jal Sansthan, after compilation of which it should be immediately made available to the State Pollution Control Board so that necessary amendments can be made in the water-air consent issued by them.
6. A total of 7.5 MLD water is supplied to Mussoorie by Uttarakhand Jal Sansthan, out of which about 3.5 MLD water is being supplied for commercial use in Mussoorie. Due to increase in floating population in summer season, demand for water increases due to which water is supplied from Dhobhi Ghat source by local vendors through tankers for purposes other than

drinking water (like building construction, gardening, toilets etc.).

7. At present, the work of Mussoorie Drinking Water Restructuring Scheme is in progress from Yamuna River for Mussoorie city area by Uttarakhand Peyjal Nigam. In this regard, it was informed by the concerned department that about 70% of the drinking water work has been completed. With the completion of this scheme, the demand for water will be met by the year 2052. (Annexure-1)

SN	Year	2022 Base Year	2037 Mid Year	2052 Design Year
	Total demand for drinking water (in MLD)	12.62	15.58	19.17
1.	Volume of available water	7.10	6.04	4.17
2.	Volume of residual water	5.52	9.54	15.00

3.	Water wastage	1.10	1.84	3.00
4.	demand for residual water	6.62	11.42	18.00

(The figures in the above table are based on the data provided by Uttarakhand Payjal Nigam. Corporation)

8. The water being collected from Dhobhi Ghat currently falls in “Category D” which cannot be used for drinking water without treatment.

COMMITTEE'S SUGGESTION

1. The temporary arrangement made by the tanker operators themselves for filling tankers with contaminated water at Dhobi Ghat should be abolished. Apart from this, currently water for other uses (building construction, gardening, toilets etc.) is supplied from upstream to the water head of the spring (where the Jal Sansthan has currently tapped the source for pumping) through tankers from 10:00 pm to 6:00 am during summer season. Arrangements for additional water supply should be made by the local body/district administration/Peyjal department. While making this arrangement, the water volume should not exceed 70% of the total available volume of water at the source and 30 percent water should flow freely into the Dhobhi Ghat drain. This arrangement should be made as a temporary

arrangement till the construction of Mussoorie Reorganization Drinking Water Scheme being made by Uttarakhand Payjal Nigam.

- 2. Sewer connection of all the families living in Dhobhi Ghat should be ensured so that the quality of water flowing in Dhobhi Ghat drain is maintained.
- 3. To improve the quality of Dhobighat drain (upstream/downstream), the effluent from washing clothes should be discharged into the drain only after treatment. For this, an action plan will have to be prepared by the local body and Uttarakhand Drinking Water Corporation.

Sd/- illegible
Assistant Engineer
Jal Sansthan, Massoorie

Sd/- illegible
Executive Engineer
(Representative –
Municipal Board, Massoorie

Sd/-illegible
S.D.M./
Representative Massoorie

Sd/- illegible
Professor
IIT Kanpur
Natinal Wetland Authority

Sd/- illegible

Regional Officer
Uttarakhand Pollution Control Board
Dehradun.

Sd/- illegible

Joint Director

Environment Directorate, Uttarakhand

Sd/- illegible

Executive Engineer/Representative
Uttarakhand Peyjal Nigam, Dehradun

Sd/- illegible

Executive Engineer

Uttarakhand Jal Sansthan, Massoorie



//TRUE TRANSLATED COPY//

OFFICE OF EXECUTIVE ENGINEER,
CONSTRUCTION BRANCH
UTTARAKHAND PEYJAL NIGAM, MASSOORIE
Kutumb Vihar, Village and P.O. Sinola, Dehradun.
No.: 3375/181/37 Date: 8.12.2023

To,
Executive Engineer,
Uttarakhand Jal Sansthan,
Massoorie.

Subject: For immediate compliance of direction passed
by Hon'ble National Green Tribunal, Bench
New Delhi vide its order dated 7.11.2023.

Sir,
The information sought regarding the Mussoorie
Reorganization Pumping Drinking Water Scheme vide
your office letter 1260/M.Pu.Pe.Yo./2023-24 dated 8
December 2023 on the above subject is as follows:

1. Presently 4 MLD water is being produced from
Mussoorie Restructuring Pumping Drinking Water
Scheme, which will be increased to 6 MLD after
completion of UPCL work in the coming month.
2. Under the said drinking water scheme, only 20% of
the work is left to be done on the distribution system,
which is likely to be completed by June 2024.

Sincerely
(Sandeep Kashyap)
Executive Engineer

No.: 3375/181/37 of date.

Copy to Superintending Engineer, Construction Board,
Uttarakhand Drinking Water Corporation, Dehradun for
information.

Executive Engineer



//TRUE TRANSLATED COPY//

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

O.A. No. 352 OF 2022

In the matter of:
Kartik SharmaApplicant
Versus
State of Uttarakhand.
.....Respondents

VAKALATNAMA

I, undersigned (Uttarakhand Jal Sansthan) in the above application do hereby appoint and retain: Shri Abhishek Atrey, Advocate, Supreme Court of India, New Delhi to act and appear for me/ us in the above Petition and on our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same of any decree order passed there in including proceeding in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on our behalf in the said application and in applications of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority. I/We agree to pay all the fees etc. as per law.
Dated this 20th day of January.....of 2024

Certified,
Satisfied & Accepted



[Dr. Abhishek Atrey]
Advocate,
D-202, Additional Building
Complex
Supreme Court of India
New Delhi-110001
Mobile-9810047556
Email-abhishekatrey@gmail.com


(AMIT KUMAR)
Signatures of Clients
Executive Engineer
Uttarakhand Jal Sansthan
MUSSOORIE

For & On behalf of
UTTARAKHAND JAL SANSTHAN
RESPONDENT NO.....⁴.....

MEMO OF APPEARANCE

TO,
THE REGISTRAR,
National Green Tribunal,
Principal Bench,
New Delhi.

Sir,

Kindly enter my appearance on behalf of the abovementioned
Respondent No.4 in the above matter.



Yours faithfully,



[Dr. Abhishek Atrey]