

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 330 OF 2022

IN THE MATTER OF:

Ganesh Chand Sharma.

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

ACTION REPORT BY WAY OF AFFIDAVIT ON BEHALF OF EXECUTIVE ENGINEER, PROVINCIAL DIVISION, PUBLIC WORKS DEPARTMENT, RANIKHET, DISTRICT ALMORA, GOVT. OF UTTARAKHAND IN COMPLIANCE OF DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL VIDE ITS ORDER DATED 25.05.2023.

P A P E R - B O O K
I N D E X

<u>Srl</u>	<u>Particulars</u>	<u>Pages</u>
1.	Action Taken Report by way of Affidavit on behalf of Executive Engineer, Provincial Division, Public Works Department, Ranikhet, District Almora Govt. of Uttarakhand in compliance of directions passed by the Hon'ble National Green Tribunal vide its order dated 25.05.2023.	
2.	<u>ANNEXURE-1</u> : A true copy of the order dated 25.05.2023 passed by this Hon'ble Tribunal	
3.	<u>ANNEXURE-2</u> : A true photo copy of letter dated 29.8.2023 alongwith proposal for amended alignment.	
4.	<u>ANNEXURE-3</u> A true photocopy of letter dated 12.9.2023	
4.	<u>ANNEXURE-4</u> . Photographs of the site	

Filed by:



[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand /
Respondent Nos. 1 to 4
137, Tower No.10, Supreme Enclave,
Mayur Vihar Phase-I, Delhi-110091
Mobile No. 9717706032
Email- advrahulverma9999@gmail.com



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IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 330 OF 2022

IN THE MATTER OF :

Ganesh Chand Sharma

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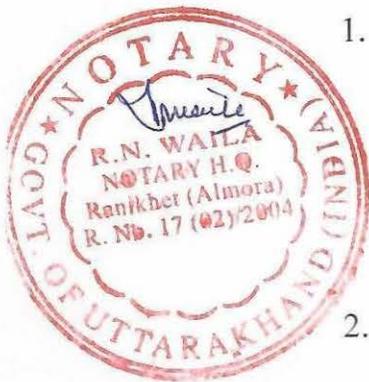
State of Uttarakhand & Ors.

.....Respondents

ACTION REPORT BY WAY OF AFFIDAVIT ON BEHALF OF EXECUTIVE ENGINEER, PROVINCIAL DIVISION, PUBLIC WORKS DEPARTMENT, RANIKHET ALMORA, GOVT. OF UTTARAKHAND IN COMPLIANCE OF DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN VIDE ITS ORDER DATED 25.05.2023

I, Onkar Pandey S/o Shri Suresh Chandra Pandey aged about 33 years, presently posted as Executive Engineer, Provincial Division, Public Works Department, Ranikhet, District Almora, Govt. of Uttarakhand, do hereby solemnly affirm on oath and state as under :

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present Action Taken Report by way of Affidavit in compliance of the directions passed by this Hon'ble Tribunal vide its order dated 25.05.2023
2. That the abovementioned matter had been filed by the applicant seeking inter alia the relief of issuance of directions to the

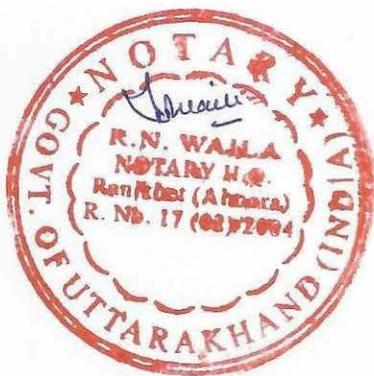


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respondents not to construct Taradi-Dhabra Shashikhal Motar Road above the Naula of Village Malla Dhadhariya, District Almora, Uttarakhand and to adopt alternate route to protect it from damage.

3. That the applicant also claimed that Naula in question is the only natural water resource and more than 100 years old, which serves the inhabitants of village Malla Dhadhariya and Soli besides Students and Teachers of the School situated nearby. The above said Naula is in danger of being completely destroyed by construction of the above said road.
4. That the matter was heard by this Hon'ble Tribunal from time to time and Reports/ Response etc. were also filed by the State of Uttarakhand in compliance of the directions passed by this Hon'ble Tribunal, and complied with all the directions passed by this Hon'ble Tribunal. In continuation of the same, the matter was heard by this Hon'ble Tribunal on 15.2.2023 and after hearing this Hon'ble Tribunal was pleased to pass a detailed order, while passing the following directions:-



"1. In compliance of order dated 19.01.2022, additional affidavit has been filed by Executive Engineer, Provincial

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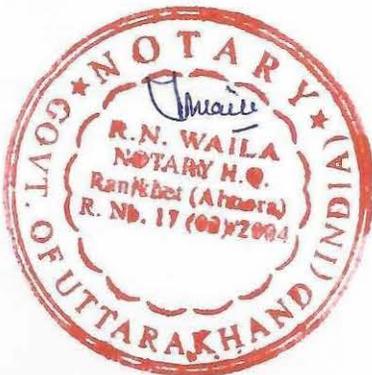
Division (PWD), Ranikhet, Government of Uttarakhand vide email dated 13.02.2023.

2. In the affidavit it has been mentioned that there is no need of environment clearance for the construction work of road in question i.e. Taradi Shashikhal Motorable Road of Salt Tehsil of District Almora, Uttarakhand as the same is not covered under the General conditions of EIA Notification 2006 dated 14.09.2006 (as amended on 01.12.2009) issued by Ministry of environment, Forest and Climate Changes, Government of India due to being outside the purview of criteria.

3. In the affidavit it has also been mentioned that public hearing was conducted wherein the villagers had given their consent vide consent letter dated 27.01.2023 in favour of construction of road in question in the presence of Assistant Engineer and Junior Engineer of the concerned Division, Public Works Department and Tehsildar, Salt Khumad, District Almora, Uttarakhand and the proposal of amended alignment is being prepared.

4. In the facts and circumstances of the case, we consider it appropriate to direct that in preparing the proposal for amended alignment some GeoHydrologist may also be consulted for assessment of impact of such proposed amended alignment on the Naula and the proposed amended alignment may be executed accordingly.

5. Additional affidavit giving details of the action taken in this regard may be filed by the Executive Engineer, Provincial



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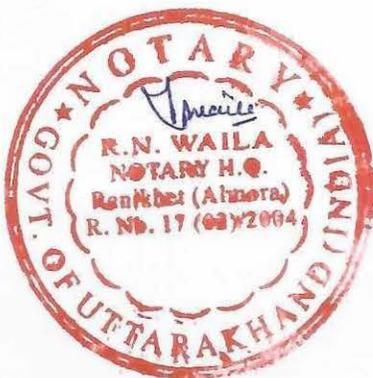
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Division (PWD), Ranikhet, Government of Uttarakhand within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

.....”

5. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal, a detailed Response by way of Additional Affidavit on behalf of State of Uttarakhand was filed and the same is part of the record of this Hon'ble Tribunal (Pages 101-119) and the opinion of Dr S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, 30/10 Mohit Nagar, GMS Road Dehradun, Uttarakhand was sought by the answering respondents, and Dr. Bartarya, investigated site in question, and after that submitted his investigation report on 24.03.2023, opinion given by Dr. Bartarya dated 24.03.2023 is also part of record of this Hon'ble Tribunal (at pages No.112-119).
6. That in continuation of the same that the matter was finally heard by this Hon'ble Tribunal and passed a detailed order, while disposing of the matter and passing the following directions:-

Order



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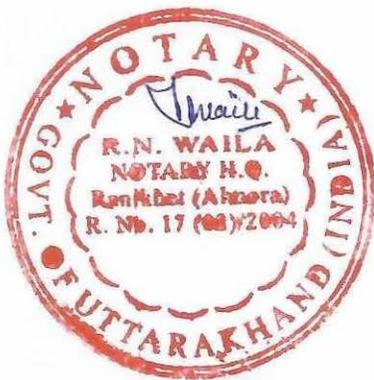
.....”

12. We have interacted with the applicant who has submitted that he has no objection to the report of Dr S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, 30/10 Mohit Nagar, GMS Road Dehradun, Uttarakhand being accepted and implemented by the PWD and the application may be disposed of accordingly.

13. In view of above the application is disposed of with the direction to the respondents to comply with the recommendation made in the Technical Report submitted by Dr S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, 30/10 Mohit Nagar, GMS Road Dehradun, Uttarakhand and execute modified proposal of road alignment accordingly within six months and the Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand is directed to file Action Taken Report in this regard on or before 30.11.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF before the Learned Registrar General of this Tribunal, who may, if so considered necessary, direct the matter to be listed before this bench for further directions in the matter.

.....”

A true copy of the order dated 25.05.2023 is 25.05.2023 is annexed hereto and marked as ANNEXURE-1.



Signature

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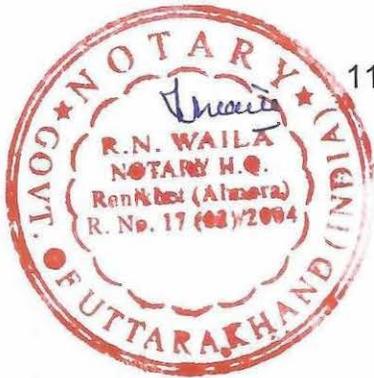
7. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal, on the basis of the recommendations given by Dr. S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, Uttarakhand and after taking the mutual consent of all the villagers/ local residents, the proposal for amended alignment was prepared and the same has been sent to the office of Superintending Engineer, 1st Circle, Public Works Department, Almora vide letter No. 3563/4C dated 29.08.2023 by the Executive Engineer, Provincial Division, Ranikhet, Public Works Department for their approval. A copy of the same is annexed hereto and marked as ANNEXURE-2.
8. That it is pertinent to mention herein that the said proposal for amended alignment has already been approved by Superintending Engineer, 1st Circle, Public Works Department, Almora vide its letter No. 3925/818 C-01/2023-24 dated 12.09.2023. A copy of the said letter dated 12.9.2023 is annexed hereto and marked as ANNEXURE-3.
9. That it is also pertinent to mention herein that the work has already been started for constructing the road in question, in view of the abovementioned approved amended alignment in

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accordance of the recommendations Dr. S.K. Bartrya, and the said road construction is likely to be completed till the end of February, 2024. Photographs of the site are also annexed hereto and marked as ANNEXURE-4.

10. That the present Action Taken Report by way of Affidavit in compliance of directions passed by this Hon'ble Tribunal vide its order dated 25.5.2023 is being filed on behalf of State of Uttarakhand for kind perusal of this Hon'ble Tribunal.



11. In view of the facts and circumstances as explained hereinabove, sincere efforts are taken by the State of Uttarakhand in compliance of the directions passed by this Hon'ble Tribunal, the same may kindly be accepted by this Hon'ble Tribunal and the deponent hereby undertakes to comply with every direction passed by this Hon'ble Tribunal.



Waila
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above Action Taken Report by way of Affidavit are true and correct to my knowledge based on record, no part of it

Waila

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is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at Ranikhet, Uttarakhand on this 28th day of November, 2023.

Aurkar

DEPONENT

Filed through:

Rahul Verma

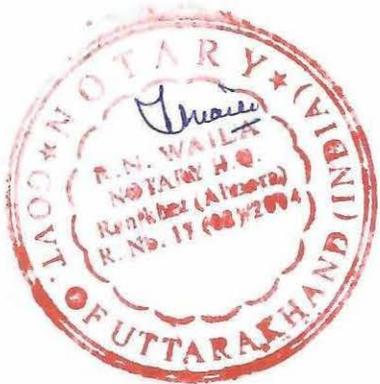
[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondents

137, Tower No.10, Supreme Enclave, Mayur Vihar Phase-I,
Delhi-110091

Mobile No. 9717706032

Email- advrahulverma9999@gmail.com



Certified that Shri/Smt. Ankur Pandey
the Dependent Identified by Sunil Singh P.WDRKT
Sworned & Verified the Content
of this Affidavit at Ranikhet
on Date 28/11/23 at 2:10 PM

Uma
R.N. WALKER
NOTARY H.O.
RANIKHET, Dist.- Almora
28/11/2023

Aurkar

Item No.02

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.330/2022

Ganesh Chand Sharma

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 25.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Ganesh Chand Sharma, Advocate in person
(through VC).

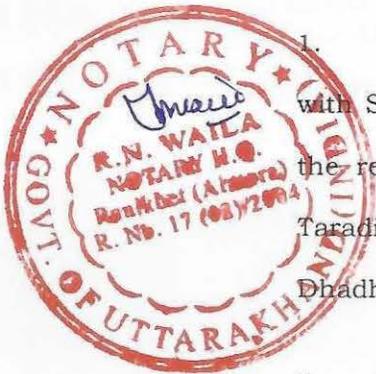
Respondents: Mr. Rahul Verma, Additional Advocate General, for
Respondents no. 1 to 4. (through VC).
Mr. Mukesh Verma, Advocate for UKPCB (through
VC).

**Application under Section 18 (1) read with Sections 14 and 15 of the
National Green Tribunal Act 2010.**

ORDER

1. The applicant has filed present application under Section 18(1) read with Sections 14 and 15 of the National Green Tribunal Act, 2010 seeking the relief of issuance of directions to the respondents not to construct Taradi-Dhabra Shashikhal Motor Marg above the Naula of Village Malla Dhadhariya and to adopt alternate route to protect it from damage.

2. The applicant has claimed that Naula in question is the only natural water resource more than 100 years old which servers the inhabitants of village Malla Dhadhariya and Soli besides Students and Teachers of the School situated nearby. The above said Naula is in danger of being



completely destroyed by construction of the above said road by respondent no.2. As per the PWD Department in order to save the Naula at demarcation point 1/23 a two number HP Band under demarcation point 0/40 below the village Soli can be done without any hindrance to save the Naula from destruction.

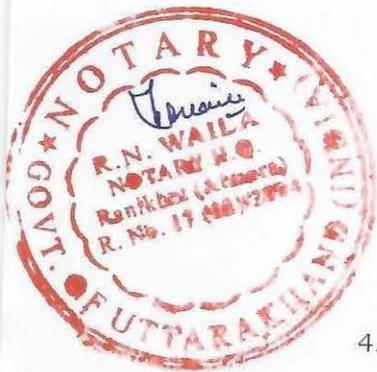
3. Vide order dated 11.05.2022, notices were ordered to be issued to respondents and a Joint Committee comprising of State PCB, Executive Engineer, Public Works Department and District Magistrate, Almora was constituted with direction to consider the alternative suggested by the applicant in Para no. 5. 10 of the application for saving the Naula from destruction in consultation with some local expert in the field of Himalayan Geo-hydrology, if so required and to submit Factual and Action Taken Report.

"4. In view of the grievances raised in the letter petition, the factual position also needs to be verified and remedial action is required to be taken on the basis thereof. We accordingly constitute Joint Committee of State PCB, Executive Engineer, PWD Department and District Magistrate, Almora and direct the same to verify the factual position, look into the grievances of the applicant and in particular consider the alternative suggested by the applicant in para 5.10 of the application for saving the Naula from destruction in consultation with some local expert in the field of Himalayan Geo-hydrology, if so required. State PCB will be the nodal agency for co-ordination and compliance. Report may be furnished on or before 26.05.2022 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."

4. In compliance thereof, Report of the Joint Committee was filed vide e-mail dated 02.06.2022. The relevant part of the report is reproduced below:-

"2. Pursuant to the compliance of order passed by the Hon'ble NGT, inspection of the site was carried out on 21.05.2022 by the Joint Committee. Following officials were part of the Joint Committee:

- i) Shri Jaivardhan Sharma, Sub-District Magistrate, Salt Khumad (Almora)
- ii) Dr. Lalit Mohan Tiwari, Tehsildar, Salt Khumad (Almora).
- iii) Er. L.D. Ma thela, Executive Engineer, Construction Division, Public Works Department, Ranikhet (Almora).



iv) Dr. D.K. Joshi, Regional Officer, Uttarakhand Pollution Control Board, Haldwani (Nainital).

v) Shri Mukesh Kumar, Assistant Engineer, Uttarakhand Peyjal Nigam, Bhikiyasain (Almora).

IL FACTUAL REPORT:

The observations and recommendation made by the Joint Committee are as follows:

1. The Joint Committee visited the Naula/ Water Source located at village Malla Dhadharia, Tehsil Salt Khumad, District Almora. The Petitioner was also present at the time of inspection.

2. The total length of proposed motor road is 21 Km, out of which 2.225 Km. motor road is under construction.

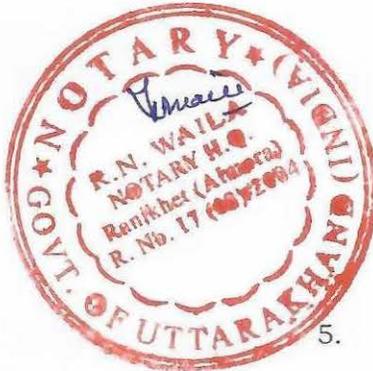
3. The present alignment of proposed road is about 20 meter above the said Naula/ Water Source located at village Malla Dhadharia. As per finding of the Joint Committee, there is possibility of damage to said Nula/water source due to construction of said motor road. However, during inspection the said Naula/water source was found undisturbed.

4. After field inspection and discussion with the villagers of Malla Dhadharia and Talli Dhadharia, the Joint Committee found that the Naula/ water source may be conserved if the alignment of the proposed road is changed.

Copy of inspection report of Joint Committee is enclosed herewith as Annexure-1.

III. ACTION TAKEN BY UKPCB

Uttarakhand Pollution Control Board has requested the Head of the Department/Engineer-in-Chief, Public Works Department, Uttarakhand vide letter dated 24.05.2022 to take necessary action as per recommendation of the Joint Committee and inform to the Hon'ble NGT about the action taken by the Department. Copy of the letter was also forwarded to the Principal Secretary, Public Works Department, Govt. of Uttarakhand for information."



5. Respondents no. 1 and 2 also filed Action Taken Report by way of Affidavit dated 08.08.2022 through E-mail dated 09.08.2022. The relevant part of the report is reproduced below:-

"ACTION TAKEN REPORT BY WAY OF AFFIDAVIT (On behalf of Respondent No. 1 and 2)

X X X X X

4. That based on the recommendations of the above Joint Inspection Committee Report dated 21.05.2022, the State Pollution Control Board, the Nodal Agency, vide its letter dated 24.05.2022 directed Head of the Department and Engineer-in-Chief, PWD, Uttarakhand, to take approval with regard to change in alignment and increase in the length of road to the extent of 200 Mtrs. (Approx.) from the competent authority and further to intimate the said proceedings to this Hon'ble Tribunal. Copy of letter dated 24.05.2022 issued by the State Pollution Control Board to the Head of the Department and Engineer-in-

Chief, PWD is being filed and placed as ANNEXURE-2 to this affidavit.

5. That on receipt of the aforesaid letter dated 24.05.2022 from the State Pollution Control Board, the Office of the Engineer-in-Chief and Head of the Department, PWD, Dehradun vide letter dated 30.05.2022 directed the Executive Engineer (Provincial vision), PWD, Ranikhet to take action in accordance with the directions given by the State Pollution Control Board. Copy of letter dated 30.05.2022 issued by the Office of the Engineer-in-Chief and Head of the Department, PWD, Dehradun is being filed and placed as ANNEXURE-3 to this affidavit.

6. That subsequent thereto a survey is being got conducted by the Executive Engineer (Provincial Division), PWD, Ranikhet and further consent is in process of being taken from the people of the concerned villages for acquisition of their land. Once the requisite consent is given by the villagers, then the approval for alignment of the road in accordance to the survey conducted will be taken from the competent authority of PWD alignment of the road in accordance to the survey conducted will be taken from the competent authority of PWD.”

6. Vide order dated 10.08.2022 respondents no 1 to 4 were allowed to file additional affidavit.

7. In compliance thereof additional affidavit was filed on behalf of respondents no. 1 to 4 vide email dated 27.08.2022. The relevant part of the additional affidavit is reproduced below:-

**“ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENTS
(STATE OF UTTARAKHAND) IN COMPLIANCE OF
DIRECTIONS PASSED BY THE HONBLE NATIONAL GREEN
TRIBUNAL VIDE ITS ORDER DATED 10.08.2022.**

12. That in compliance of abovementioned order dated 10.08.2022 passed by this Hon'ble Tribunal, the present Report of Additional Affidavit is being on behalf of State of Uttarakhand are follows:-



I. That in compliance of the order dated 10.08.2022, the District Magistrate, Almora directed to take opinion of the concerned specialist of the Govind Ballabh Pant National Institute of Himalayan Environment (for short NIHE), Kosi Katarmal, District Almora, Uttarakhand, in view of the above, the officials of district administration contacted the abovesaid NIHE, and it was informed by the abovesaid Institute, that atleast one week time will be required to have the complete inspection of the concerned site done by the said institute.

II. That, thereafter, on 24.08.2022, the officials of Public Works Department and Revenue Department again had an inspection of the site in question and found that the alignment of the abovesaid motor road is passing 1.00

kilometer in village Soli and is passing in 2.00 kilometer village Malla Dhadaria and is passing 4.00 kilometer via Syahiland and is passing 6.00 kilometer to village Talla Dadharia.

- III. That as per recommendation of the joint committee the Naap land is affected. As the Naapland of the villagers are affected with regard to abovesaid alignment, therefore, the local villagers are raising objections.
- IV. That after considering the suggestions of the applicant, it is found that alignment suggest by the applicant is connected to the village Talla Dadharia via road of earlier approved alignment after passing about 4.00 kilometer below side of the Naula in question. It is also relevant to mention herein that in this alignment also the Naap land is affected.
- V. That in this alternative alignment, the length of road in question will be 4.00 kilometer as compared to 6.00 kilometer upto village Talla Dadharia.
- VI. It is relevant to mention herein that the villagers of village Syahiland are raising objections from beginning with regard to construction of the road regarding approved alignment..."

8. In view of reply that decision would be taken after public hearing, this Tribunal vide order dated 19.10.2022 directed filing of additional affidavit in this regard and the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 was also ordered to be considered by the concerned authorities. The relevant part of the order reads as under:

".....5. Vide order dated 10.08.2022, respondents no 1 to 4 were allowed to file additional affidavit and personal appearance of DFO and District Magistrate, Almora was ordered.

6. In compliance thereof, Additional Affidavit on behalf of State of Uttarakhand has been filed through email dated 27.08.2022. Ms. Vandana Singh, District Magistrate and Mr. Mahatim Yadav, DFO, Almora are present before this Tribunal through VC and we have interacted with them.

7. In the additional Affidavit filed on behalf of State of Uttarakhand, it has been mentioned that decision would be taken after public hearing.

8. In the facts and circumstances of the case, the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 also needs to be considered by the concerned authorities

9. Learned Additional Advocate General for respondents no. 1 to 4 seeks time to file additional affidavit.

10. Additional Affidavit on behalf of the respondents no. 1 to 4 may be filed within two months at judicial-ngt@gov.in



preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. List for further consideration on 15.02.2023."

9. In compliance of order dated 19.10.2022, additional affidavit was filed by Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand vide email dated 13.02.2023. The relevant part of the additional affidavit filed by Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand is reproduced below:-

"ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENTS (STATE OF UTTARAKHAND) IN COMPLIANCE OF DIRECTIONS PASSED BY THE HONBLE NATIONAL GREEN TRIBUNAL VIDE ITS ORDER DATED 19.10.2022.

X X X X X

7. It is respectfully submitted that directions passed by this Hon'ble Tribunal with regard to public hearing, the said public hearing is conducting and the villagers has given their consent vide consent letter dated 27.01.2023, in favour of construction of road in question, in presence of Assistant Engineer, Junior Engineer of the concerned Division, Public Works Department and Tehsildar, Salt Khumad, District Almora, Uttarakhand (Copy of the same is annexed hereto and marked as ANNEXURE R-2) and accordingly the proposal for amended alignment is being prepared.

8. That in compliance of the directions - "8. In the facts and circumstances of the case, the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 also needs to be considered by the concerned authorities." - It is respectfully submitted that in continuation of Environmental Impact Assessment Guidance Manual for Highway of the Ministry of Environment & Climate Changes, Government of India:

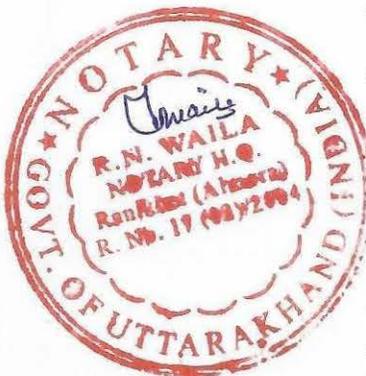
According to Chapter -1:

"The Ministry of Environment & Forest has made prior environmental clearance (EC for certain developmental projects mandatory through its notification issued on 11th September 2006 and as amended on 1st December, 2009.

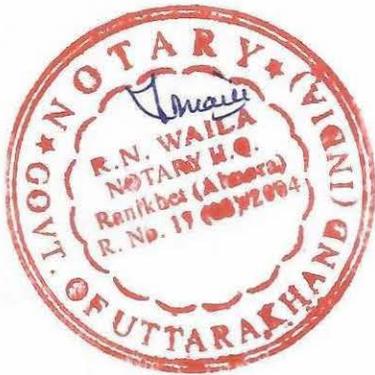
According to Chapter-1.2

"As per the EIA notification dated 14th September, 2006 and its amendment dated 1st December, 2009, highway projects are decided into two categories as mentioned below:-

Project Activity	A Category	B Category	General Condition
Highways (includes express ways)	New National Highway & Expansion of National Highway	All State highway projects State highway	Any project or activity Specified in category B will be treated as Category A, if located in whole or in part



	greater than 30 km. involving additional right of way greater than 20 m involving land acquisition and passing through more than one state	expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas	within 10 km from the boundary of: (i) Projected areas under the wildlife notified (Protection) Act, 1972 (ii) Critically Polluted areas as identified by The Central Pollution Board from time to time. (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Matheran, Pachmarhi, Dahanu, Doon Valley and (iv) inter state boundaries and international boundaries Provided that The requirement regarding distance of 10 km of the inter-state boundaries Can be reduced or Completely done away with by an agreement between the respective states or UTs sharing the common boundary in the case the activity does not fall within 10 kilometers of the areas mentioned at Item (i), (ii), and (iii) above.
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9. It is respectfully submitted that there is no need of Environment Clearance for the construction work of road in question (i.e. Taradi Shashikhal Motorable Road of Salt Tehsil of District Almora, Uttarakhand) as the same is not covered under the general conditions of EIA Notification 2006 dated 14.9.2006 (as amended on 1.12.2009) issued by Ministry of Environment, Forest & Climate Changes, Government of India for obtaining environment clearance, being outside the purview of criteria. True photocopy of Environmental Impact Assessment Guidance Manual for Highways is annexed hereto and marked as ANNEXURE R-3....."

10. Vide order dated 15.02.2023 this Tribunal directed that in preparing the proposal for amended alignment some Geo-Hydrologist may also be consulted for assessment of impact of such proposed amended alignment on the Naula and the proposed amended alignment may be executed

accordingly and Additional affidavit giving details of the action taken in this regard may be filed by the Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand within one month. The relevant part of the order reads as under:-

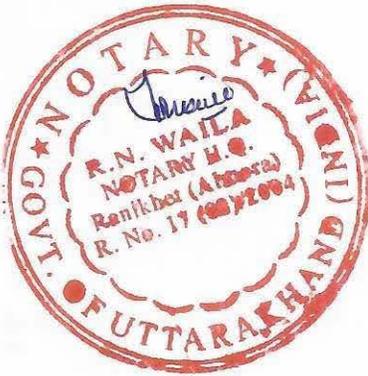
"1. In compliance of order dated 19.01.2022, additional affidavit has been filed by Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand vide email dated 13.02.2023.

2. In the affidavit it has been mentioned that there is no need of environment clearance for the construction work of road in question i.e. Taradi Shashikhal Motorable Road of Salt Tehsil of District Almora, Uttarakhand as the same is not covered under the General conditions of EIA Notification 2006 dated 14.09.2006 (as amended on 01.12.2009) issued by Ministry of environment, Forest and Climate Changes, Government of India due to being outside the purview of criteria.

3. In the affidavit it has also been mentioned that public hearing was conducted wherein the villagers had given their consent vide consent letter dated 27.01.2023 in favour of construction of road in question in the presence of Assistant Engineer and Junior Engineer of the concerned Division, Public Works Department and Tehsildar, Salt Khumad, District Almora, Uttarakhand and the proposal of amended alignment is being prepared.

4. In the facts and circumstances of the case, we consider it appropriate to direct that in preparing the proposal for amended alignment some GeoHydrologist may also be consulted for assessment of impact of such proposed amended alignment on the Naula and the proposed amended alignment may be executed accordingly.

5. Additional affidavit giving details of the action taken in this regard may be filed by the Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."



11. In compliance thereof response of State of Uttarakhand has been filed vide email dated 12.04.2023. The relevant part of the response of State of Uttarakhand is reproduced below:-

"RESPONSE BY WAY OF ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENTS (STATE OF UTTARAKHAND) IN COMPLIANCE OF DIRECTIONS PASSED BY THE HONBLE NATIONAL GREEN TRIBUNAL VIDE ITS ORDER DATED 15.02.2023.

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Outlaw

9. In respect of abovementioned directions passed by this Hon'ble Tribunal, it is respectfully submitted that the opinion of Dr S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, 30/10 Mohit Nagar, GMS Road Dehradun, Uttarakhand was sought by the answering respondents, and Dr. Bartarya, investigated site in question, and after that submitted his investigation report on 24.03.2023, Dr. Bartarya reached on the following conclusion and also suggests the following recommendations:

"Inference

Based on the field observations, geohydrology of the area around Naula, position of the Naula (spring) with respect to modified proposed road alignment, the proposed road is unlikely to adversely affects the hydrogeology of the Naula in reference of Soli- Dadariya village subject to the condition that a culvert / bridge, without altering the natural subsurface flow and flow of stream water, should be constructed over stream to avoid any major digging inside the hill slope. This will change the aspect of the slope and disposition of bedding and fracture with respect to slope. Thus unlikely to adversely affect the groundwater flow. Further few suggestions are given in following section as recommendations which needs to be followed for the conservation of water resources particularly by the community and stakeholders.

Recommendations

1. A culvert or bridge should be constructed to avoid any digging in the downslope of the present Naula and preserve the natural flow of spring and stream water.
2. Cutting the road by the manual labour than blast or uncontrolled mechanized method below the spring zone (approx 50m) in order to preserve the sub-surface flow of water to the spring.
3. Capture the seeps and spring water if encountered while digging/cutting the road and guiding them with proper systems including underneath road drainage systems and finally converting them into productive water sources.
4. Though not in the purview of PWD work, recharge of spring may be further ensured through soil and water conservation measures such as Contour or staggered trenches, plantation and couple of check dam/walls along stream in the upslope of the Naula and stream by the local community and other stakeholders."

A copy of abovementioned Technical Report on the Geohydrological Investigation of Naula (spring) and surrounding area on Taradi --Dabhra- Shashikhal Motor Marg in Tehsil Salt, District Almora, Uttarakhand dated 24.03.2023 is annexed hereto for kind perusal and reference of this Hon'ble Tribunal and marked as ANNEXURE R-2."



Outlay

18

-10-

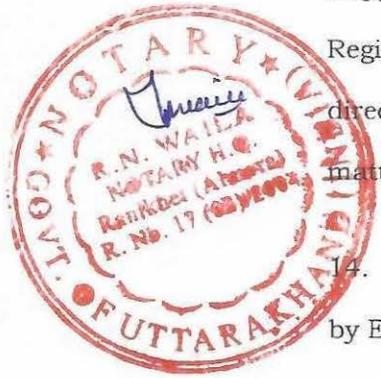
12. We have interacted with the applicant who has submitted that he has no objection to the report of Dr S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, 30/10 Mohit Nagar, GMS Road Dehradun, Uttarakhand being accepted and implemented by the PWD and the application may be disposed of accordingly.

13. In view of above the application is disposed of with the direction to the respondents to comply with the recommendation made in the Technical Report submitted by Dr S.K. Bartarya, Retired Senior Scientist (Hydrogeologist), Wadia Institute of Himalayan Geology, 30/10 Mohit Nagar, GMS Road Dehradun, Uttarakhand and execute modified proposal of road alignment accordingly within six months and the Executive Engineer, Provincial Division (PWD), Ranikhet, Government of Uttarakhand is directed to file Action Taken Report in this regard on or before 30.11.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF before the Learned Registrar General of this Tribunal, who may, if so considered necessary, direct the matter to be listed before this bench for further directions in the matter.

14. A copy of this order be forwarded to the applicant and the respondents by E-mail for information/compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 25, 2023
AG1/ TRUE COPY 1/
Arun



पत्रांक / दिनांक रानीखेत, अगरत 29, 2023

सेवा में,

अधीक्षण अभियन्ता,
प्रथम वृत्त, लो0नि0वि0,
अल्मोड़ा।

विषय :- समरेखण प्रस्ताव अनुमोदन हेतु प्रेषित करने के सम्बन्ध में।

महोदय,

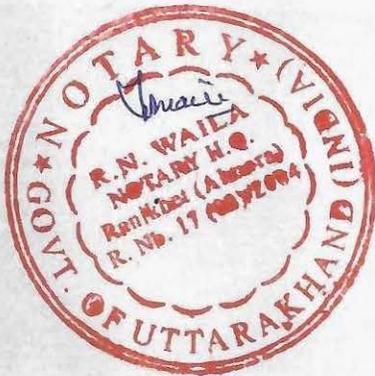
उपरोक्त विषयक राज्य योजना के अन्तर्गत जनपद अल्मोड़ा में विधानसभा क्षेत्र सल्ट में तराड़ी डभरा शशिखाल मोटर मार्ग के नव निर्माण का पुनरीक्षित समरेखण प्रस्ताव अनुमोदन हेतु सादर प्रेषित किया जा रहा है।

संलग्न :- समरेखण प्रस्ताव-2 प्रतियों में।

(इं. ओंकार पाण्डेय)
अधिशासी अभियन्ता
प्रान्तीय खण्ड, लोक निर्माण विभाग,
रानीखेत।

पत्रांक 3563 / 4HI तददिनांकित।

प्रतिलिपि सहायक अभियन्ता(चतुर्थ), प्रान्तीय खण्ड, लोक निर्माण विभाग, रानीखेत को उनके द्वारा उपलब्ध कराये गये प्रस्ताव के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
प्रतिलिपि अपर सहायक अभियन्ता(प्रा0), प्रान्तीय खण्ड, लोक निर्माण विभाग, रानीखेत को सूचनार्थ प्रेषित।



अधिशासी अभियन्ता
प्रान्तीय खण्ड, लोक निर्माण विभाग,
रानीखेत।

1/1 TRUE COPY
Alok

संयुक्त निरीक्षण आख्या

आज दिनांक 29-05-2023 को जसदी-डभरा-बाथीखवाला
 गाँव नाम के समूहबन अन्तगत जलहीन (नीला) आने के कारण
 0/31 से 2/35 तक कुल 1950 मीटर संसोधित समूहबन का संयुक्त
 निरीक्षण उपजिलाधिकारी महोदय सख्त (खुसाड़) के कार्यालय
 पत्रांक 711/खस0टी0/2022-23 दिनांक 25-05-2023 के क्रम में
 राज्य विभाग के प्रतिनिधि श्री इल्फ़राज राज्य उपनिरीक्षक
 लक्ष्मी सख्त लक्ष्मी वन विभाग के प्रतिनिधि श्री संजय सिंह
 भण्डारी वन वीर अधिकारी जामिना 1 व प्रस्तावक विभाग
 विभाग के प्रतिनिधि श्री मनोज कुमार कर्मिक अमितता व
 गोविन्द सिंह कनवाल जमीन द्वारा संयुक्त निरीक्षण में प्रतिभाग
 किया संसोधित समूहबन 1950 मीटर अन्तगत कुल 1.755 है नाफ
 वृत्ति प्रभावित होती है।

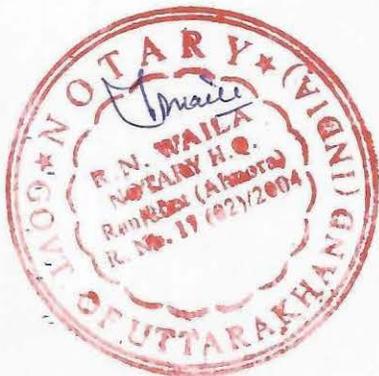
गोविन्द सिंह कनवाल
 अमितता खोलो निवि
 प्रान्तीय रकड निवि
 रानीखेत

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रसजय सिंह
 पं. 316
 गाँव

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27

प्रमाण-पत्र

कार्य का नाम :- जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में राज्य योजना के अर्न्तगत तराडी डभरा शशिखल मोटर मार्ग का नव निर्माण का कार्य का वैकल्पिक संरेखण प्रस्ताव।

प्रमाणित किया जाता है कि प्रस्तावित संरेखणों को कार्यस्थल पर मेरे द्वारा नीचे दर्शायी गयी तिथि को निरीक्षण के समय देख लिया गया है तथा प्रस्तावित संरेखण तकनीकी दृष्टि से उचित है।

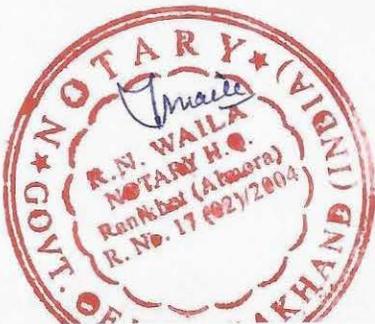
अपर सहायक अभियन्ता द्वारा निरीक्षण तिथि :- 27/01/2023 व 29/05/2023

सहायक अभियन्ता द्वारा निरीक्षण तिथि :- 27/1/23

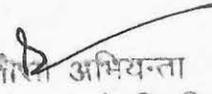
अधिशाली अभियन्ता द्वारा निरीक्षण तिथि :- 27/9/23


अपर सहायक अभियन्ता
प्रान्तीय खण्ड, लोक निर्माण विभाग,
रानीखेत


सहायक अभियन्ता
प्रान्तीय खण्ड, लोक निर्माण विभाग
रानीखेत






अधिशाली अभियन्ता
प्रान्तीय खण्ड लो0नि0वि0
रानीखेत

22
SPECIFICATIONS

कार्य का नाम :-

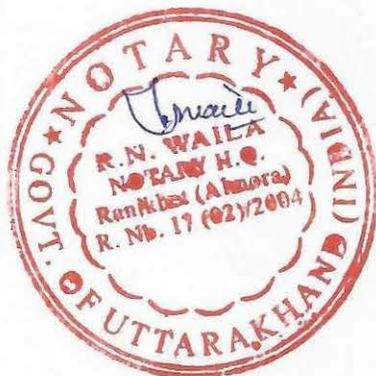
राज्य योजना के अन्तर्गत जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में तराडी डभरा शशिखाल मोटर मार्ग के नव निर्माण का पुनरीक्षित संरेखण प्रस्ताव।

All the works shall be carried out as per the detailed specifications of Public Works Department Uttarakhand, And as per the specifications amended time to time ,And as per the Circulars issued by Chief Engineer level (I) & Engineer in Chief Dehradoun.


Adl. Assistant Engineer
Provincial Division , P.W.D.,
Ranikhet (Almora)


Assistant Engineer
Provincial Division , P.W.D.,
Ranikhet (Almora)


Executive Engineer
Provincial Division , P.W.D.,
Ranikhet (Almora)



Outlet



29

ANNEXURE-3

कार्यालय अधीक्षण अभियन्ता,
प्रथम वृत्त, लोक निर्माण विभाग, अल्मोड़ा



E-mail : sepwdalm@rediffmail.com

P.N.: - 05962-230295

पत्रांक:- 3926/818 सी0-01/2023-24,

दिनांक:- 12/09/2023

सेवा में,

अधिसासी अभियन्ता,
ग्रामीण खण्ड, लो0नि0वि0,
रानीखेत।

विषय:- राज्य योजना के अन्तर्गत जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में तराड़ी डमरा शशिखाल मोटर मार्ग के नव निर्माण कार्य का पुनरीक्षित समरेखण प्रस्ताव के सम्बन्ध में।

सन्दर्भ:- आपका पत्रांक संख्या 3563/4 सी0, दिनांक 29.08.2023।

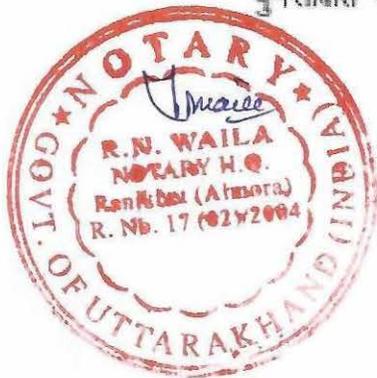
उपरोक्त विषयक सन्दर्भित पत्र के माध्यम से प्रेषित राज्य योजना के अन्तर्गत जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में तराड़ी डमरा शशिखाल मोटर मार्ग के नव निर्माण कार्य का पुनरीक्षित समरेखण प्रस्ताव में समरेखण सं0 1, जो लाल रंग से प्रदर्शित किया गया है, का आपके द्वारा दी गयी आख्या/संस्तुति के आधार पर अनुमोदन प्रदान किया जाता है। मार्ग का निर्माण लो0नि0वि0 के मानकों के अनुसार किया जाय।

क्र0 सं0	कार्य का नाम	स्वीकृत लम्बाई (किमी0)	अनुमोदित पुनरीक्षित समरेखण की लम्बाई (किमी0)
1	2	3	4
1.	राज्य योजना के अन्तर्गत जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में तराड़ी डमरा शशिखाल मोटर मार्ग के नव निर्माण कार्य।	40.000	19.175

अनुमोदित पुनरीक्षित समरेखण प्रस्ताव की एक प्रति आवश्यक कार्यवाही हेतु संलग्न की जा रही है।

संलग्न- उपरोक्तानुसार।

पुनरीक्षित समरेखण प्रस्ताव 1 नं0।



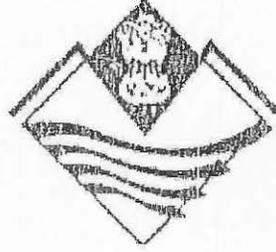
(इ0 डी0एस0 हयांकी)
अधीक्षण अभियन्ता
12/09/23

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24

उत्तराखण्ड लोक निर्माण विभाग



उत्तराखण्ड शासन
मुख्य अभियन्ता - कुमायूं क्षेत्र

पुनरीक्षित संरेखण प्रस्ताव

वृत्त का नाम	:— प्रथम वृत्त लोक निर्माण विभाग, अल्मोड़ा
जनपद का नाम	:— अल्मोड़ा
खण्ड का नाम	:— प्रान्तीय खण्ड, लोक निर्माण विभाग, रानीखेत
संसद क्षेत्र	:— अल्मोड़ा/पिथौरागढ़
विधान सभा क्षेत्र	:— सल्ट
कार्य का नाम	:— राज्य योजना के अन्तर्गत जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में तराडी डभरा शशिखाल मोटर मार्ग के नव निर्माण का पुनरीक्षित संरेखण प्रस्ताव।
मार्ग की लम्बाई	:— 18.050 — किमी०



Aukon

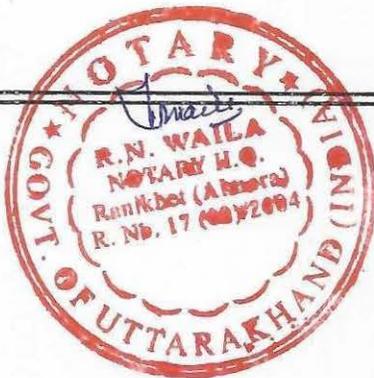
उत्तराखण्ड लोक निर्माण विभाग



उत्तराखण्ड शासन
कुमायूँ क्षेत्र - अल्मोडा
संरेखण प्रस्ताव।

- वृत्त का नाम - प्रथम वृत्त, लो० नि० वि०, अल्मोड़ा
खण्ड का नाम - प्रान्तीय खण्ड, लो.नि.वि., रानीखेत
कार्य का नाम - राज्य योजना के अन्तर्गत जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में तराडी डभरा शशिखाल मोटर मार्ग के नव निर्माण का पुनरीक्षित संरेखण प्रस्ताव।

क्र. सं.	अधिकारी का पद	अधिकारी का नाम	हस्ताक्षर
1	अपर सहायक अभियन्ता	इ० मनोज कुमार	
2	सहायक अभियन्ता	इ० सतनाम सिंह	
3	अपर सहायक अभियन्ता (प्रा०)	इ० हरि मोहन जोशी	
4	अधिशाली अभियन्ता	इ० ओकार पाण्डेय	
5	कनिष्ठ अभियन्ता (प्रा०)(सि)	इ० सुरेश कोठारी	
6	अधीक्षण अभियन्ता	इ० मुकेश परमार	

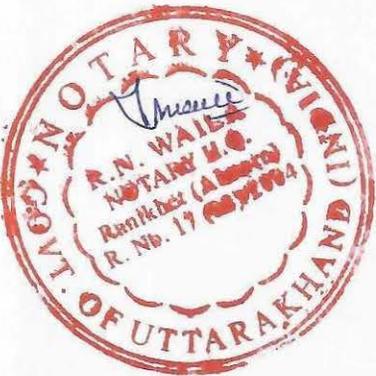


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कार्य का नाम :- जनपद अल्मोड़ा के विधानसभा क्षेत्र सल्ट में राज्य योजना के अर्न्तगत तराडी डभरा शशीखाल मोटर मार्ग का नव निर्माण का कार्य का वैकल्पिक संरेखण प्रस्ताव।

स्वीकृत लम्बाई :- 40.000 km, पुनर्निर्दिष्ट समरेखण की लम्बाई :- 19.175 km

जनपद अल्मोड़ा के विधान सभा क्षेत्र सल्ट में राज्य योजना के अर्न्तगत तराडी डभरा शशिखल मोटर मार्ग का नव निर्माण हेतु शासनादेश संख्या 2404 लो0नि0-2/03-2(मु0म0घो0)/03 दिनांक 15.12.2003 द्वारा 40.00 किमी लम्बाई हेतु 744.20 लाख की स्वीकृति प्राप्त है। जिसका समरेखण अधीक्षण अभियन्ता प्रथम वृत्त लो0नि0वि0 अल्मोड़ा के पत्रांक 3876 सी0 /818 सी0-03/06 दिनांक 19.05.2006 द्वारा 39.100 किमी लम्बाई हेतु स्वीकृत है। इस मार्ग के समरेखण का प्रारम्भ भाग 6.775 किमी निर्माणाधीन मोटर मार्ग पीपना मन्हैत डंगूला में किया गया है वर्तमान में मार्ग निर्माण हेतु इस मार्ग का प्रारम्भ बिन्दु निर्माणाधीन मोटर मार्ग पीपना मन्हैत डंगूला के किमी0 18 से लिया गया है एवं इस समरेखण के अर्न्तगत पी0एम0जी0एस0वाई0 खण्ड सल्ट द्वारा मार्ग के अन्तिम भाग में 10.525 किमी लम्बाई में तराडी से तया तक मार्ग का निर्माण किया जा चुका है। इस प्रकार मार्ग के निर्माण हेतु अवशेष 21.800 किमी लम्बाई शेष है जिसका वनभूमि हस्तान्तरण की सैद्धान्तिक स्वीकृति पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय देहरादून के पत्र संख्या -08 बी. /यू.सी.पी. /06/132/2016 /एफ.सी./1527 दिनांक 30.12.2016 द्वारा प्राप्त है। मार्ग के निर्माण हेतु प्रस्तावित वनभूमि के बदले क्षतिपूरक वृक्षारोपण हेतु भूमि उपलब्ध न होने के कारण मार्ग निर्माण में देरी हो रही थी जिस कारण क्षेत्रिय जनता के अनुरोध पर मार्ग के प्रारम्भिक भाग जहाँ वन भूमि प्रभावित नहीं होती है वहां 2.250 किमी0 लम्बाई में प्राविधिक स्वीकृति प्राप्त कर कार्य प्रारम्भ कराया गया। इस समरेखण में मार्ग के किमी0 2 (पूर्वानुसार किमी0 9) में स्थित ग्राम सौली में एक नौला आ जाने के कारण स्थानीय निवासी श्री गणेश चन्द्र शर्मा द्वारा मा0 राष्ट्रीय हरित अभिकरण न्यायालय दिल्ली में नौले को बचाने हेतु वाद दायर किया गया था जिसमें मा0 न्यायालय के दिनांक 11.05.22 को पारित निर्देशानुसार एक संयुक्त कमेटी गठित कर नौले को बचाने हेतु आवश्यक कार्यवाही के निर्देश दिये गये थे, जिस क्रम में संयुक्त कमेटी द्वारा ग्रामीणों की उपस्थिति में स्थल निरीक्षण कर नौले को बचाने हेतु वैकल्पिक/दूसरे समरेखण पर मार्ग निर्माण का सुझाव दिया गया था। जिस पर पुनः मा0 न्यायालय द्वारा हाइड्रोलोजिस्ट द्वारा निरीक्षण करने के निर्देश दिये गये, हाइड्रोलोजिस्ट द्वारा वैकल्पिक समरेखण को उचित बताया गया, जिस क्रम में मा0 न्यायालय द्वारा दिनांक 25.05.2023 को वैकल्पिक समरेखण पर मार्ग निर्माण के निर्देश दिये गये हैं। जिस क्रम में यह संशोधित समरेखण प्रस्ताव गठित किया गया है।

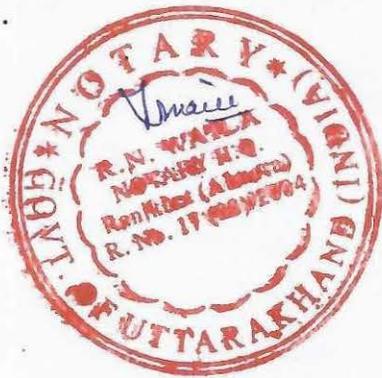


समरेखण 1 :- यह समरेखण पूर्व निर्मित पीपना मन्डैत डंगूला मो० मा० के किमी० 18 से प्रारम्भ होकर किमी० 1 में ग्राम सौली में एच०पी० बैण्ड देकर पूर्व स्वीकृत समरेखण के किमी 6 में मिल जाता है। उक्त समरेखण परिवर्तन पूर्णतः नाप भूमि में है। (संयुक्त निरीक्षण आख्या संलग्न-ब) इस समरेखण परिवर्तन से मार्ग की लम्बाई भी लगभग 2.75 किमी० कम हो जायेगी एवं पूर्व में प्रस्तावित ग्राम स्याही लैण इस मार्ग से नहीं जुड़ेगा। ग्राम स्याही लैण वर्तमान में पी०एम०जी०एस०वाई द्वारा निर्मित शशीखाल स्याही लैण मार्ग से जुड़ा हुआ है, एवं ग्राम स्याही लैण के ग्रामीणों द्वारा वर्तमान में गांव में एक और मार्ग लाने का विरोध किया जा रहा है (आपत्ति संलग्न-ब)। अतः उक्त समरेखण परिवर्तन से ग्राम स्याही लैण के ग्रामीणों का विरोध भी शान्त हो जायेगा। उक्त मार्ग का प्रारम्भ बिन्दु का कोर्डिनेट N 29 38 37.568 E 79 13 32.533 तथा अन्तिम बिन्दु का कोर्डिनेट N 29 39 26.596 E 79 10 57.229

अतः उक्त परिस्थितियों में एवं मृ० न्यायालय के निर्देशों के क्रम में स्याहीलैण के ग्रामीणों द्वारा आपत्ति किये जाने के कारण समरेखण परिवर्तन प्रस्तावित किया जा रहा है।

सहायक अभियन्ता
प्रान्तीय खण्ड, लोक निर्माण विभाग,
रानीखेत

अधिशारी अभियन्ता
प्रान्तीय खण्ड, लोक निर्माण विभाग,
रानीखेत



Arkar

(26)

28

818सी/43/06

कार्यालय अधीक्षण अभियन्ता,
43वाँ वृत्त, लो०नि०वि० अल्मोड़ा।

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पत्र संख्या 3876सी/818सी-43/06

दिनांक 19-5 2006।

सेवा में,

अधिशारी अभियन्ता,
प्रान्तीय खण्ड, लो०नि०वि०,
रानीखेत।

विषय:- जनपद अल्मोड़ा में तराड़ी-डभरा-शशिखाल मोटर मार्ग का समरेखन।

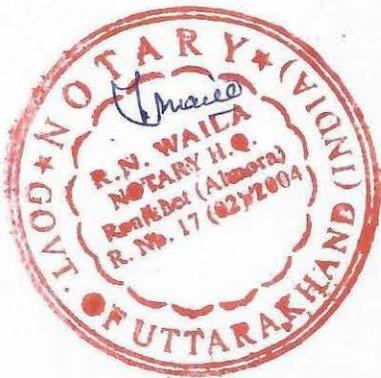
संदर्भ:- आपका पत्र संख्या 1517/85सी दिनांक 6.5.06।

उपर्युक्त सन्दर्भित पत्र के माध्यम से प्राप्त विषयवर्णित मोटर मार्ग के समरेखन प्रस्ताव में अंकित समरेखन नं०-1 जो मानचित्र में लाल (नारंगी) रंग से प्रदर्शित किया गया है, पर आपके द्वारा प्रदत्त संस्तुति/टिप्पणी के आधार पर अनुमोदन प्रदान किया जाता है।

अनुमोदित समरेखन एक प्रति में अग्रिम आवश्यक कार्यवाही हेतु आपको लौटाया जाता है।

संलग्न:- समरेखन प्रस्ताव एक प्रति में।

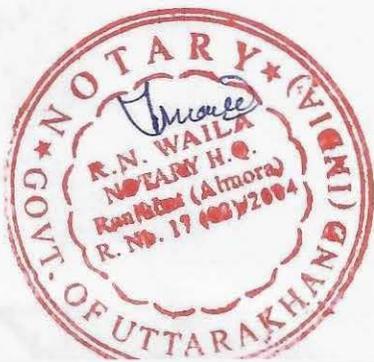

अधीक्षण अभियन्ता,
43वाँ वृत्त, लो०नि०वि०,
अल्मोड़ा।
17-5



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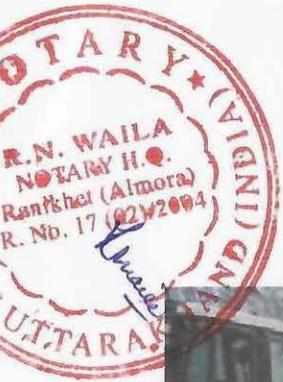


M52P+5V, सखौला, उत्तराखंड 263676, भारत
 Latitude Longitude
 29.652200° 79.186759°
 LOCAL 11:11:38 SATURDAY 11.18.2023
 GMT 05:41:38 ALTITUDE 925 METER



Author

30



Handwritten note: 13/12/2022 copy



M52P+5V, सर्खोला, उत्तराखंड 263676, भारत
 Latitude 29.652431° Longitude 79.185260°
 LOCAL 14:38:14 GMT 09:08:14 FRIDAY 11.17.2023 ALTITUDE 907 METER

151

31



Original
RUB-COPY



M52P-5V, सर्खोला, उत्तराखंड 263676, भारत

Latitude 29.651871° Longitude 79.186814°

LOCAL 11:10:23 GMT 05:40:23 SATURDAY 11.18.2023 ALTITUDE 913 METER