

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 494 OF 2022**

IN THE MATTER OF:

SOBAN SINGH RANA

APPLICANT

VERSUS

ROSHAN LAL UNIYAL & Ors.

RESPONDENTS

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL AFFIDAVIT on behalf of Roshan Lal Uniyal Respondent No. 4	272-289
2.	<u>ANNEXURE-P/1:</u> A true copy of the Lab testing report	290-304
3.	<u>ANNEXURE-P/2:</u> A true copy of the Certificate of registration dated 23.03.2024	305-306
4.	<u>ANNEXURE-P/3:</u> A true copy of the Provisional Consent Order dated 27.10.2024	307-308
5.	<u>ANNEXURE-P/4:</u> The photographs of illegal dumping of debris generated from widening of National Highway on private lands /	309-313

	non-marked lands along with news report	
6.	<u>ANNEXURE-P/5:</u> A true copy of Judgment passed by this Hon'ble Tribunal in Naveen rana Vs. State of Uttarakhand 2022 SCC Online NGT 4328	314-322

PLACE: NEW DELHI
DATED: 28.02.2025

FILED BY:

Himanshu

Ankur

HIMANSHU TYAGI AND ANKUR YADAV

Chamber no 303, C.K.Daphtary Block
Supreme Court Of India.

EMAIL: adv.ankuryadav@gmail.com

PH: 8130360002

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 494 OF 2022**

IN THE MATTER OF:

SOBAN SINGH RANA

APPLICANT

VERSUS

ROSHAN LAL UNIYAL & Ors.

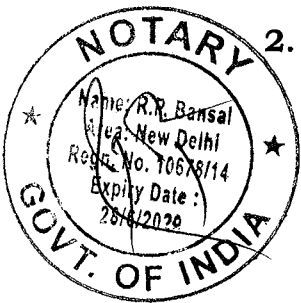
RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF ROSHAN LAL
UNIYAL, RESPONDNET NO.4**

1. That the present affidavit is being filed by Roshan Lal Uniyal, S/o shri Kashi Ram Uniyal, R/o Saini, Dunda, Uttarkashi, Uttarakhand-249151 being Respondent No.4 is competent to swear this affidavit. **PRESENTLY AT DELHI**

2. COMPLAINT FILED BY SHRI SOBAN SINGH RANA:

That the complainant has not made the present complaint bonafidely, however, in order to pressurize and settle score with the Project Proponent in Criminal Case being Complaint No.1095/2022 under section 138 of The Negotiable Instruments Act pending adjudication before the Ld. CJM, Uttarkashi maliciously send letter dated 10.05.2022 to this Hon'ble Tribunal. The complainant was aware of the fact that

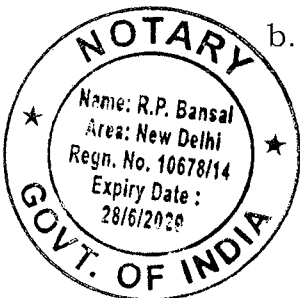


Project Proponent has taken all NOCs and has also been sanctioned loan by the bank to construct hotel over the said property. It may be mentioned here that the complainant himself is a contractor, as such, fully aware that the alleged dumping, if any, was done by BRO during widening and laying down all weather motorable road at National Highway No.34. The complainant is making enmity with the Project Proponent in regard to the aforementioned criminal case instituted by the Project Proponent against the complainant.

3. PROPERTY DESCRIPTION:

a. That the property in dispute is a banjar land adjoining Gangotri National Highway No.34 in Khasra No.718 admeasuring 0.160 hectare located at Village Singhoti, Tehsil Dunda, District Uttarkashi, Uttarakhand and falls within the jurisdiction of gram panchayat Village Singhoti Uttarkashi, Uttarakhand.

b. That as per the Joint Committee report **(page 18)** No master plan has been developed by the State for Village Singhoti and report submitted by State of Uttarakhand clearly states that the site is beyond the limits of Municipal Corporation and the same falls in Gram Panchayat,

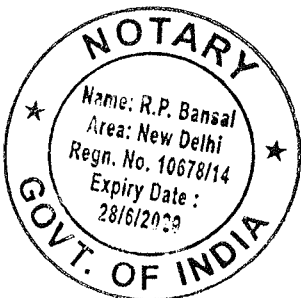


Singhoti. That in the East of the property situates two story of Maharashi Ashram building consisting several rooms and at its back side the stream of Bhagirathi River, in West situated the Gangotri National Highway 34, in North Banjar land and in South admeasuring vacant land. (**Para 2, Page 2**).

- c. That considering the geology of the property an application was made to the Assistant Collector, Dunda, Uttarkashi under section 143 of Zamindari Abolition and Land Reform Act, 1950.
- d. The Assistant Collector vide order dated 17.06.2022 declared the said land as non-agricultural. (**Annexure-4, Page No.76-77**).

4. CONSTRUCTION ON THE SUBJECT PROPERTY:

- a. That in light of guidelines issued by this Hon'ble Tribunal, the State of Uttarakhand implemented a mechanism for supervising and regulating construction in the areas situated in close vicinity of Holy River Ganga. To ensure strict compliance of the guidelines extensive measures has been made by the State to avoid any direct communication between the officials of concerned departments wherefrom,



NOCs are requested and the person wishing to raise construction in such places. The Project Proponent in compliance of the guidelines duly applied through online 'single window clearance system' and pursuant to strict scrutiny was granted the necessary certificate(s) and NOCs and other requisite permissions for commencement of construction over the said land.

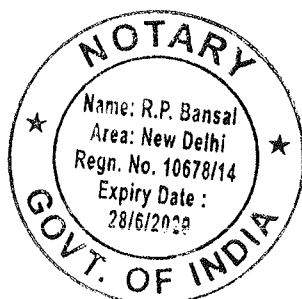
- b. As a precautionary measure and double check system, no certificate or NOC or other permission(s) is of permanent nature but of temporary nature to begin construction activity within the ambit of legitimacy under the guidelines issued by this Hon'ble Tribunal. If any violation of the guidelines is found, the permission(s) shall cease and on such violation no further permission(s), NOC or certificate will be granted in respect of such land. These permission(s) includes; In-Principal Project Approval, MSME Certificate, GST Certificate, FSSAI Certificate, NOC from Fire Department and NOC from Pollution Control Board. Thus, extension of the permission(s) is granted only if the work meets the required standards and is satisfactory and on



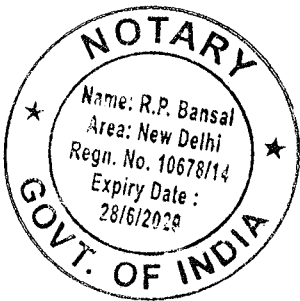
ensuring that no harm is being caused to Holy River Ganga out of such construction.

c. That the Project Proponent has taken extensive precautionary measures at the stage of commencement of construction itself. In order to ascertain stability of the construction, soil investigation was got conducted on 22.08.2022 and report no. PTLR/DDN/2023-242(26) was submitted on 29.08.2022 by Parmar Testing Lab and Research Centre. As per the report the safe bearing pressure (SBP) calculated for 50 mm permissible limit as per IS8009. It is worth to mention here that the Project Proponent was not bound to get conducted a soil investigation, however, being a vigilant owner has taken all reasonable steps to ascertain the safety and durability aspect of the construction for a long time. A true copy of the Lab testing report is annexed herein as **ANNEXURE-P/1**.

d. Thereafter, the Block Development Officer (BDO), Dunda, Uttarkashi issued certificate of Map approval for the Hill River View Resort. **(ANX. R-17 Pg 114-118)**



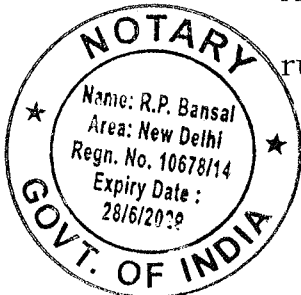
- e. That the Project Proponent was granted all the requisite approvals from all the departments for the construction:
- i. In-Principal Project Approval-17.06.2022 **(R-5 Pg 78)**
 - ii. Certificate by MSME **(Anx. 10 Pg 102)**
 - iii. Single Window Clearance for establishing Hotel **(Anx 12 Pg 104-108)**
 - iv. GST Certificate- 26.09.2022 **(Anx. 19 Pg 120)**
 - v. FSSAI Certificate-21.10.2023 **(Anx. 19 Page 123)**
 - vi. Report by Executive Engineer, Irrigation Department that the property in dispute is out of Flood zone. **(Anx.21, Pg-129)**
 - vii. Provisional Consent Order (CCA) from Uttarakhand Pollution Control Board- 27.01.2024 **(Anx 22 PG 130-131)**
 - viii. NOC From Fire Department- 20.02.2024 **(Anx 23 Pg 132-133)**
- f. It is pertinent to mention here that pursuant to all the requisite approvals and conformations to raise construction the Project Proponent applied for Loan from PNB Bank and after due verification of requisite NOCs, Permission, Map sanction, Land use, etc. the bank



sanctioned loan of Rs.1,00,00,000/- (Rupees One Crore Only) for construction of 'Hill River View Resort'. Accordingly, construction activities commenced over the said property. Throughout the construction activities till completion timely inspections were conducted and necessary approvals/extensions were granted in strict compliance of mandatory guidelines.

g. That the Project Proponent was granted certificate of registration by the Uttarakhand Tourism Development Board on 23.03.2024. A true copy of the Certificate of registration dated 23.03.2024 is annexed herein as **ANNEXURE-P/2.**

h. That the Uttarakhand Pollution Control Board, after scrutiny and verification of all the documents and site inspection granted Provisional Consent Order (CCA) dated 27.10.2024 to M/s Hill River View Resort valid up to 30.09.2029. It may be mention here that the Consolidated Consent and Authorization (CCA) is granted under Water Act, Air Act, and Authorization under Hazardous wastes rules for a period of 5 years. A true copy of the Provisional

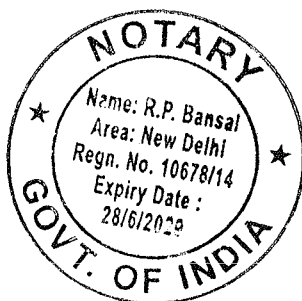


Consent Order (CCA) dated 27.10.2024 is annexed herein as **ANNEXURE-P/3.**

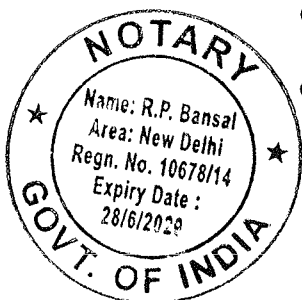
5. PROJECT OUT OF FLOOD ZONE:

- a. That the hotel has been constructed in strict compliance of mandatory guidelines and rules established for the purpose by this Hon'ble Tribunal. Besides, the land of Project Proponent is situated adjoining Gangotri National Highway 34 at a reasonable distance of 150 meters from the stream of Bhagirathi River. The state of Uttarakhand vide Notification No. 1995/V-2-2017-58(A)/2024 issued under the order of this Hon'ble Tribunal to regulate and monitor the construction activities in mountain areas directed that "*no construction shall be permitted within 100 meters from the Centre of river and also the construction site must be in the zone where no flood has occurred in the last 25 years*". **(ANX R-6 Pg 79-81).**

Undisputedly, the land is out of flood zone and is situated at a distance of 150 meters (approx.) from the Centre of River Ganga.



- b. That the satellite image annexed at page no 119 **(Annexure R-18)** clearly shows that the distance of the project from center of River Ganga is 152 meters.
- c. Sub Inspector, Revenue Department, Tehsil Dunda, Uttarkashi in his letter dated 19.08.2022 **(Annexure R-20 Pg 128)** categorically stated that the distance of the project from Centre of River Ganga is more than 100 meters.
- d. Executive Engineer, Irrigation Department, Uttarkashi vide report dated 23.01.2024 clearly states that property in Dispute is out of flood Zone (Yellow and Red Line). **(Annexure 21 page 129)**.
- e. Admittedly, as per the report dated 04.02.2023 **(page 18)** of the Joint Committee-II and as per report submitted by the State of Uttarakhand **(page 35)** the project is out of 25 years flood zone and only 450 sq. meters area out of 1600 sq. meters comes under 100-year flood zone. So far as the other aspect of distance from River Ganga is concerned, as per the guidelines and orders of this Hon'ble Tribunal no construction activities are permissible within 100 meters distance measured from the center of the river. However, out of extraneous reasons the Joint Committee-II

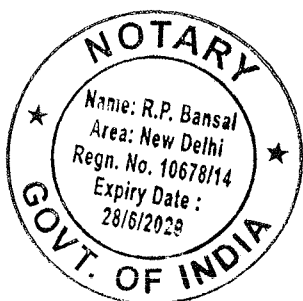


measured the distance of the project from edge of River Ganga which is approximately 63 meters, whereas, from the center the distance is approximately 150 meters. Thus, such improper measurement is putting forth wrong impression that the project is situated in 'No Construction Zone' as per the guidelines of this Hon'ble Tribunal.

- f. Moreover, the Report of National Mission for Clean Ganga **(Page 138)** also stated that resort is constructed beyond 25 years and 100 years flood zone.

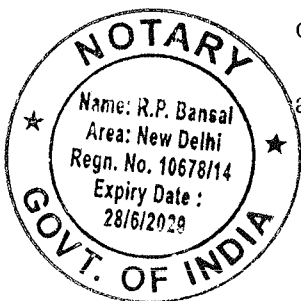
6. ALLEGED DUMPING AND PENALTY IMPOSED ON PROJECT PROPONENT:

- a. At the cost of repetition, it is humbly submitted that the property of the Project Proponent is situated at Gangotri National Highway No. 34.
- b. That in the said area BRO is working on widening of Gangotri National Highway no.34 under Char Dham Highway Project and constructing all weather motorable road. The officers of the BRO approached the Project Proponent for dumping of debris on his land as his land was adjoining the National Highway. In general welfare, the Project Proponent gave NOC to BRO for dumping the



debris on the said land. **(ANX. R-2; Pg. 69-71)**. The said NOC was given on standard format form provided by the Officers of BRO. The Project Proponent was not aware whether BRO has taken requisite permission(s) from concerned department for dumping the debris on the land. The Project Proponent became aware of the fact vide order dated 15.09.2022 passed by the SDM, Uttarkashi imposing penalty for alleged illegal dumping.

- c. It is respectfully submitted that the Project Proponent has already been imposed penalty of Rs.3,38,879/- by the SDM, Dunda, Uttarkashi. Against which the Project Proponent has filed Appeal before the competent authority which is still subjudice.
- d. That the Project Proponent vide his reply dated 05.12.2022 addressed to the Tehsildar, Dunda specifically stated that the dumping at the site was done by BRO and relied upon the affidavit/NOC taken from the Project Proponent by BRO for the said purpose and, therefore, no liability may be casted upon the Project Proponent for alleged dumping of debris. The Tehsildar vide report dated 13.12.2022 acknowledged the grievance of Project Proponent and

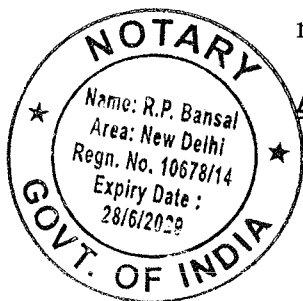


submitted his report to the SDM, Dunda, Uttarkashi.

(Annexure R-14, Page 111).

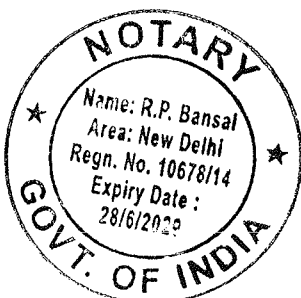
- e. It is significant to mention here that the Joint Committee-II in its report **(page 17)** had specifically stated that the dumping is done from the debris generated from cutting of hills for the purpose of widening of National Highway.
- f. It is relevant to state here that the State of Uttarakhand in its reply specifically stated in para 10(I) at page 35 that “the debris generated from the widening of National Highway is dumped. At the time of inspection of the said debris, it is found that the said debris is not generated from any civil construction”.
- g. It is respectfully submitted that this Hon’ble Tribunal may appoint a committee and verify the fact whether BRO is dumping on the sites marked for the purpose as alleged in their reply or the dumping is done illegally by BRO on the private lands situated adjacent to the National Highway. The photographs of illegal dumping of debris generated from widening of National Highway on private lands / non-marked lands along with news report is annexed herein as

ANNEXURE-P/4.



7. NO POLLUTION CASUED TO HOLY RIVER GANGA BY**PROJECT PROPONENT:**

- a. That it is undisputed that the natives of Uttarakhand are very devoted to the nature, safeguard of the forest and Holy River Ganga. As a matter of fact, it has never been propounded that the natives of Uttarakhand are polluting their natural resources including holy river Ganga. In Hills areas of Uttarakhand, the streams of Bhagirathi are pure and pollution less which is out of the aforesaid basic tendency of Uttarakhand natives and the extensive measures initiated by the Government of Uttarakhand at the behest of this Hon'ble Tribunal. In the aforesaid scenario the Project Proponent has made all plausible efforts to utilize his property within the best possible matter without there being any deliberate breach of primary intent to preserve Holy River Ganga.
- b. That the first Factual Action Taken Report of the Joint Committee specifically stated that during inspection no discharge from the Project Proponent property into the River Ganga.



पर्यावरण विशेषज्ञ :-

सैणी नामक टोक निकट कचडू देवता मंदिर (गंगोत्री राष्ट्रीय राजमार्ग) के किनारे श्री रोशन लाल उनियाल पुत्र श्री काशीराम उनियाल ग्राम सैणी विकासखण्ड डुण्डा जनपद उत्तरकाशी द्वारा 2000 वर्ग मीटर पर जो डम्पिंग किया जा रहा है वह गंगा नदी के लगभग 63 मीटर दूर है तथा उनके द्वारा नदी में किसी भी प्रकार का मलबा/मिट्टी प्रवाहित नहीं किया जा रहा है तथा ना ही नदी के पर्यावरण को कोई क्षति पहुंच रही है। श्री उनियाल द्वारा उक्त डम्पिंग क्षेत्र में नदी की तरफ से सुरक्षा दीवार का कार्य भी निर्माणाधीन है। अतः शिकायतकर्ता द्वारा नदी में पर्यावरण प्रदूषण व नदी को रोके जाने की जो शिकायत की गई है वह जांच में सही नहीं पाई गई है।

- c. Moreover, even the report of National Mission for Clean Ganga does not allege that the Project Proponent is causing any Harm to River Ganga or discharging/creating pollution in the said vicinity.

8. DICTUM OF THIS HON'BLE TRIBUNAL ON THE ASPECT OF CONSTRUCTION NEAR RIVER GANGA:

That this Hon'ble Tribunal in '*Naveen rana Vs. State of Uttarakhand 2022 SCC Online NGT 4328*' has held as under:

12. *It is evident from the report of the District Magistrate, Pauri, Garhwal that land comprised in khasra no. 718, which is owned by the Project Proponent- Swargashram Trust, is situated at the distance of 205 meters from the centre/ middle of river Ganga and 60 to 65 meters from the edge of river Ganga and does not fall within Flood Plain Zone of river Ganga notified vide notification dated 03.01.2022.*

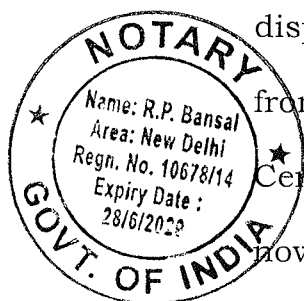


The construction, which was being raised by the Project Proponent without any map, was stopped by issuance of show cause notices to the Project Proponent and the Project Proponent has now submitted an application for approval of its map of construction which is under process with the concerned Authority.

13. In view of the above referred duly verified, facts and circumstances of the case, no question relating to environment arising out of the implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010 and violation of environmental norms is shown to exist and, therefore, no intervention by this Tribunal, in exercise of its power under the National Green Tribunal Act, 2010, is warranted on the present application which is disposed of accordingly.

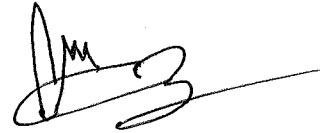
A true copy of Judgment passed by this Hon'ble Tribunal in Naveen rana Vs. State of Uttarakhand 2022 SCC Online NGT 4328 is annexed herein as **ANNEXURE-P/5**.

In respect to the above dictum laid down by this Hon'ble Tribunal it is respectfully submitted that the property in dispute is out of 25 years flood zone and is 63 meters away from edge of River Ganga and more than 150 meters from Centre of River Ganga. No construction is being carried out now in the said property. The Project Proponent has constructed his resort after obtaining all the permissions and



after sanctioning of the Map. No pollution is being discharged in the Holy River Ganga and wall is constructed to prevent any discharge from resort. The resort is surrounded 3 side by old Construction.

9. Therefore, in light of the above stated facts the Project Proponent humbly requests this Hon'ble Court to dismiss the present complaint.



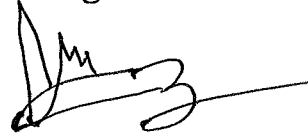
**ROSHAN LAL UNIYAL
DEPONENT**

VERIFICATION:

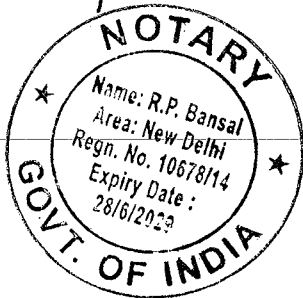
Verified that the contents of the affidavit are true and correct to the best of knowledge and belief and nothing material has been concealed therefrom.



IDENTIFIED BY



**ROSHAN LAL UNIYAL
DEPONENT**



ATTESTED
Notary Public, Delhi
(As Presented)

27/02/2025

**GEOTECHNICAL INVESTIGATION REPORT****A PROJECT REPORT ON SOIL INVESTIGATION****Client Name**

Hill River View Resort
Hotel & Restaurant

Period of Testing

22-29 August 2022

Date of Report: 29 August 2022

Report No.: PTLR/DDN/2022/342(26)

Testing Done By

Parmar Testing Lab & Research Centre, Dehradun (UK)

Reviewed & Authorized By

Mr. Arpit Kumar Singh
Technical Manager



(ISO Certified & NABL Accredited Lab)

Doon University Road, Near Shiv Vihar, Mothorowala, Dehradun (UK), 248001
Mobile.: +91 9068697634,635,636 | Email.: parmartestinglabddn@gmail.com

www.parmarlabs.com

**REPORT ON
GEOTECHNICAL INVESTIGATION FOR**

S. No.	Chapter
1.	Preamble
2.	Site Condition
3.	Nature of Investigation
4.	Laboratory Tests
5.	Design Procedures
6.	Summary of Analysis
7.	Note
8.	Conclusion & Recommendations
9.	Annexure-Test Procedures
10.	References
11.	Log of Boreholes
12.	Result Sheet



1.0 PREAMBLE

Parmar Testing Lab And Research Centre have carried out the Geo technical Investigation. The scope of work is field sampling, field tests, necessary laboratory tests and analyzing the sub soil characteristics and safe Bearing Capacity of the soil of the proposed site.

The objective of the geotechnical investigation was to explore the sub soil profile up to predetermined depth and to work out the bearing capacity of the soil beneath at a required foundation depth for the proposed type of foundation. Following pages represents the conceptual investigation and analysis based on the geotechnical investigation and study and presenting the same as a detailed report.

The detailed scope of work was as per the details given by the Engineer in-charge of the project. A complete geotechnical investigation work was undertaken to obtain the required subsurface information to study and define the nature and properties of soil, under the proposed structures. Such details are derived through following steps:

- By making borehole and collecting disturbed and undisturbed soil samples.
- Performing required in situ tests (SPT Test).
- Conducting laboratory tests to classify and to determine the engineering properties of soil.

An analysis was made to derive the allowable bearing capacity, taking into considerations the anticipated settlements and the present soil conditions with future possibilities. Based on such analysis of the soil properties, the conclusions are made regarding the precautions and protective measures to be taken, if found necessary. This report has been prepared after a careful study of the field testing and laboratory test results. The type and depth of foundation are suggested.



GROUND WATER TABLE: Ground Water table was not encountered during the exploration work.

NATURE OF INVESTIGATION:

BOREHOLES:

Depth of investigation, No. of borholes & the locations were suggested by engineer incharge of project. Two borehole was made by manual boring of 3 m depth below existing Ground Level. Boring was carried out in accordance with IS: 1892 and the undisturbed soil samples were collected in thin walled tube sampler as per IS: 2132 – 1986 were sealed packed and brought to our laboratory for further investigations.

SAMPLING:

During the advancement of the boring Disturbed and Undisturbed samples are collected at every 1.5 m interval or at the change of strata whichever occurs earlier. Along with the samplings, field Standard Penetration Tests is conducted to correlate the strata denseness & stiffness.

Field observation of the soil profile in all the borehole is given in following table as mention below.

SUB SOIL PROFILE:

BH No.	Strata	Th. of Layer in m	Description
BH-1	0.00 to 3	3.00	Sandy Soil+ Gravel

BH No.	Strata	Th. of Layer in m	Description
BH-2	0.00 to 3	3.00	Sandy Soil+ Gravel



4.0 LABORATORY TESTS:

Following laboratory tests were conducted on the soil samples to determine the physical and engineering properties of undisturbed and disturbed soil samples. Detail procedures are explained in Annexure.

- | | |
|--|----------------------|
| (A) Field Dry Density & Field Moisture Content | (D) Specific Gravity |
| (B) Atterberg's Limit | (E) Shear Parameters |
| (C) Particle Size Distribution | |

DESIGN:

Calculations for both Safe Bearing Capacity (SBC) and Safe Bearing Pressure (SBP) are carried out considering shear parameters and consolidation characteristics of the sub strata. Values of SBC & SBP are mentioned below:

SBC BASED ON SHEAR: The ultimate net bearing capacity is evaluated after taking into consideration of shape factor and depth factor of the foundation in accordance with IS: 6403-1981. The net bearing capacity worked out using the following equation.

$$Q = C N_c S_c d_c + q (N_q - 1) S_q d_q + 0.5 B \gamma N_r S_r d_r$$

Where,

C	= Cohesion
q	= Overburden Pressure
γ	= Density
B	= Width of the Footing
N_c, N_q, N_r	= Bearing capacity Factor
S_c, S_q, S_r	= Shape Factor
d_c, d_q, d_r	= Depth Factor



SAFE BEARING PRESSURE: (IS: 8009 Part I) The Settlement calculation involves many simplifying assumptions.

Settlement may be the result of one or combinations of the following causes:

- Static Loading
 - Deterioration of Foundation;
 - Mining Subsidence; and
 - Shrinkage of soil, vibration, subsidence due to underground erosion and other causes.
- Catastrophic settlement may occur, if the static load is excessive. When the load is not excessive, the resulting settlement may consist of the following components:

- Elastic Deformation or immediate settlement of foundation soil;
- Primary consolidation of foundation soil resulting from the expulsion of pore water,
- Secondary Compression of foundation soil; and
- Creep of the foundation soil.

The total settlement is computed as summation of immediate and secondary settlement.

$$S_t = S_i + S_c$$

Where, S_i is Immediate Settlement

$$S_i = p B \frac{(1 - \mu^2) I}{E}$$

Where, p = Foundation Pressure, kg/cm² =

Width of Footing, m

μ = Poisson's Ratio I = Influence Factor

E = Modulus of Elasticity, kg/cm²

S_c is Secondary Settlement

$$S_c = \frac{H_t}{1 + e_0} C_c \log_{10} \left(\frac{p_0 + \delta p}{p_0} \right)$$

Where, H_t = Thickness of Soil Layer, m C_c = Compression Index

e_0 = Initial Void Ratio

p_0 = Initial Effective Pressure

δp = Increase in effective pressure

However, in this report the soil settlement and shear parameters are considered based on field and laboratory testing and reported, in static load conditions only.



6.0 SUMMARY OF ANALYSIS: On reviewing Based on the field and laboratory test data allowable bearing capacity is derived for isolated footing foundation.

Table No.1 : TABLE of SAFE BEARING CAPACITY

Type of Footing	Bore No	Location	Depth in m. from the G.L.	Size in m	Safe Bearing Capacity in T/m ²
Isolated Footing (Square)	1	Sample-1	1.00	2 x 2	5.8
			1.50		8.2
			2.00		10.8
			1.00	3 x 3	6.3
			1.50		8.7
			2.00		11.1
Isolated Footing (Square)	2	Sample-2	1.00	2 x 2	6.3
			1.50		9.0
			2.00		11.9
			1.00	3 x 3	7.0
			1.50		9.5
			2.00		12.2

7.0 NOTE: 1) Least value among the SBC values shall be considered in design of foundations.



8.0 CONCLUSION & RECOMMENDATION:

The present report covers the Geo-technical investigation carried out for Two borehole.

Based on proposed type of project, borelog data, laboratory test results RCC Isolated Footing is considered for structure with safe bearing capacity considering factor of safety 2.5 as shown in table no.1.

- 1) Safe bearing pressure calculated for 50 mm permissible limit as per IS 8009 (Part-I). The calculation SBP is based on assumption there is no change in soil strata below the depth of investigation i.e 3 mtr.
- 2) Suitability of soil for back-filling the top layer of soil is Filled up soil which is suitable for backfilling.
- 3) The above report is based on strata encountered up to the depth of investigation i.e. 3.00 mtr
- 4) The above recommendations are based on the collected field data, laboratory test results conducted on the soil samples recovered from the test locations. However during excavation of foundations, if the actual sub-soil condition vary from what it has been represented in this report, the client/agency may be referred to us for further suggestion/Modifications.
- 5) You are also requested to make necessary arrangement so that water is not accumulated near foundation (Side slope or drain to be provided).
- 6) SBC is given for the particular location where field work is carried out.



ANNEXURE:**SAMPLING:**

Disturbed Soil Samples: Disturbed samples were collected during the boring and also from the split spoon sampler. The samples recovered were logged, labeled and placed in polythene bags and sent to laboratory for testing. The samples collected at every 1.50 m depth.

Undisturbed Soil Samples: Undisturbed soil samples were collected in 75mm diameter Shelby tubes at every 1.5m depth at the site location. The sampler used for the sampling had smooth surface and appropriate area ratio and cutting edge angle thereby minimizing disturbance of soil during sampling. The samples were sealed with wax, labeled and transported to our laboratory at Dehradun for testing. Sampler was coupled together with a sampler head to form a sampling assembly. The sampler head provide a non- flexible connection between the sampling tube and the drill rods. Vent holes are provided in the sampler head to allow escape of water from the top of sampler tube during penetration. Coating of oil is applied on both sides to obtain the undisturbed samples in best possible manner. The sampler was then lowered inside the borehole on a string of drill rods and was driven to pre-determined level. On completion of driving the sampler was first rotated within the borehole to shear the soil sample at bottom and then pulled out. The disturbed material in the upper end of the tube, if any, is completely removed before applying wax for sealing. The soil at the lower end of the tube is trimmed to about 10 to 15 mm. After trimming, both ends are sealed with wax applied in such a way that will prevent the soil from giving up from its sample. The polythene bags cover both the ends. The identification mark was then made on each sample.

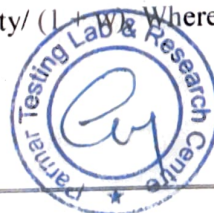
Standard Penetration Test: SPT is conducted in accordance with IS: 2131-1981 in bores holes at every change of strata or at an interval of 1.50 m depth in uniform strata. The test gives N-value; the blow counts of last 30cm of penetration of the split spoon sampler with 65kg. Hammer falling freely from 75cm height. The rods to which the sampler is attached for driving are straight, tightly coupled and straight in alignment. There after the split spoon sampler is further driven by 30cm. The number blows required to drive each 15cm penetration is recorded. The first 15cm penetration is termed as a seating value. The last 30 cm penetration termed as 'N' Value. Respective tables and bore logs in the report shows the detail of N value.

LABORATORY TEST PROCEDURES:

Field Dry Density & Field Moisture Content: Field dry density and Field moisture content were carried out in accordance with I.S. 2720 (Part-2 – 1983). The field density is found out by following equation.

Field Density (bulk) = Weight of soil mass / Volume of soil mass

And Field Dry Density = Bulk Density / (1 + w) Where w is field moisture content.



Atterberg's Limit (IS 2720 Part-5): Liquid limit and Plastic limits are carried out for the determination of different characteristic of soil. The tests performed in accordance with I.S.2720 P-5-1985 by using con penetrometer. Liquid limit and plastic limit of soils are both depend up on the amount and type of clay in a soil and form the basis for the soil classification system for cohesive soils based on the Plasticity index. The liquid limit of the soil with corresponds to the moisture content of a paste which would give 20 mm penetration of the cone is determined by using following formula.

$$WL = W_x / (0.65 + 0.0175 * X)$$

Where, X = Penetration of cone in the sample

W_x = Moisture Content of the soil sample at the respective penetration

For Plastic Limit, a soil sample weighing at least 20 gm of the soil sample passing 425 micron IS sieve is thoroughly mixed with water such that it can be easily molded with fingers. A ball is formed with about 8 to 10 gm of this soil and is rolled between the fingers and the glass plate with just sufficient pressure to roll the mass into a thread of uniform diameter of 3mm throughout its length. The soil is kneaded to a uniform mass and rolled again. The process is continued until the thread crumbles. The pieces of crumbled soil thread are collected for moisture content determination and reported as plastic limit. Values of LL, PL & PI are shown in summary 1.

Particle Size Distribution (IS 2720 Part-4): The sieve analysis is carried out in accordance with IS. The results are shown in the summary-1.

Specific Gravity (IS 2720 Part-3): In order to determine specific gravity of soil particles these tests were conducted on Selected samples in 50 ml volumetric density bottle using procedure described in IS.

Direct Shear Test (IS 2720 Part-13): Direct shear test is carried out using shear box with the specimens (60mm x 60mm). Specimen with plain grid plate at the bottom of the specimen and plain grid plate at the top of the specimen is fitted into position in the shear box housing and assembly placed on the load frame. The serrations of the grid plates are kept at the right angle to the direction of shear. Loading pad is placed on top grid plate. The required normal stress is applied and the rate of longitudinal displacement / shear stress application so adjusted that no drainage can occur in the sample during the test (1.25 mm/min). The upper part of the shear box is raised such that a gap of about 1mm is left between the two parts of the box. Test is conducted by applying horizontal shear load to failure or to 20 percent longitudinal displacement whichever occurs first. Test is repeated on identical specimens. The shear parameters obtained form the shear stress Vs normal stress plot. Direct Shear Test is conducted on remolded samples at FDD & FMC.



Free Swell Test (IS 2720 Part-40): In order to determine the swelling characteristics of the soil, differential free swell test is carried out. An oven dried soil sample, 10 gm passing through 425 micron is poured in two 100 ml graduated cylinder. One cylinder was filled with distilled water and in kerosene up to 100 ml mark. After the removal of entrapped air, sample was allowed sufficient time to attain equilibrium state of volume. The final volume of soil in each cylinder was recorded.

Sp = Free Swell

$$Sp = \frac{\text{Soil volume in water} - \text{Soil volume in kerosene}}{\text{Soil volume in kerosene}}$$



REFERENCE:

- 1) Geotechnical Engineering – P Purushothama Raj.
- 2) Physical and Geotechnical Properties of Soil – Joseph E. Bowles
- 3) Engineering Soil Testing – P.K. Jain
- 4) Design Aids in Soil Mechanics and Foundation Engineering – Shenbaga R. Kaniraj
- 5) Foundation Analysis and Design, J.E. Bowles, McGraw Hill Publication, 5th Edition, 1996.
- 6) Principles of Soil Mechanics and Foundation Engineering – V.N.S. Murthy
- 7) Soil Testing for Engineers – T William Lambe
- 8) IS: 2720 (Part I, II, III, IV, V, VI, X, XI, XIII, XV, XXI, XXII, XXIII & XXXX)
- 9) IS: 2720 (Part XVII, XXXVI, XII)
- 10) IS: 6403 – 1981, 1892 – 1979, 1498 – 1970, and 2131 - 1981
- 11) IS: 8009 (Part –I) – 1976, (Part – II) 1980.
- 12) IS: 1904 – 1986.
- 13) Foundation Design Manual, N. V. Nayak, 5th Edition, 1996
- 14) Pile Design, Poulos and Davis
- 15) Soil Mechanics and Foundation Engineering, K.R. Arora, Standard Publishers Distributors, Fourth Edition, 1997.



BORE LOG-1

Type of Boring : Manual Drilling
 Water Table : Not observed
 Location : Sample-1

Borehole No. : 1
 Diameter of Boring : 100 mm
 Depth of Boring : 3 m

Depth in m	Description of Strata	Classification	Stratum Thickness in m	Sampling		SPT Value 'N'	SPT Curve
				Type	Depth in m		
0.00	Sandy Soil+ Gravel	GM	3.00	SPT	0.00	20	<p>SPT Value</p> <p>Depth, m</p>
0.50							
1.00							
1.50					34		
2.00							
2.50							
3.00					45		

Abbreviation

DS- Disturb Samp

UDS- Undisturb Sample

SPT- Standard Penetration Test

** End of Borelog **



BORE LOG-2

Type of Boring : Manual Drilling
 Water Table : Not observed
 Location : Sample-2

Borehole No. : 2
 Diameter of Boring : 100 mm
 Depth of Boring : 3 m

Depth in m	Description of Strata	Classification	Stratum Thickness in m	Sampling		SPT Value 'N'	SPT Curve
				Type	Depth in m		
0.00	Sandy Soil+ Gravel	GM	3.00	SPT	0.00	24	<p>SPT Value</p> <p>Depth, m</p>
0.50							
1.00							
1.50					38		
2.00							
2.50							
3.00					45		

Abbreviation

DS- Disturb Sample

UDS- Undisturb Sample

SPT- Standard Penetration Test

** End of Borelog **



TEST RESULTS OF SOIL SAMPLES

Material Received		: Soil Samples	Borehole No.	: 1 & 2
Type of Sample		: DS/ UDS/ SPT	Date of Starting	: 23/08/2022
			Date of Completion	: 29/08/2022

BH. No.	Depth in mt.	Grain Size Analysis %				Atterberg Limits %			I.S. Classifications	MDD gm/cc	OMC %	Specific Gravity	Swelling Index %	Shrinkage Limit %	Shear Parameter			Consolidation		
		Gravel	Sand	Silt	Clay	L.L.	P.L.	P.I.							Type	C' kg/cm ²	o Deg.	Cc	Pc	SCL
1	0.0 - 3	42	34	24		NP	NP	NP	GM	1.75 4	14.2 5	2.60	--	--	SS	0.00	18	--	--	--
2	0.0 - 3	49	30	21		NP	NP	NP	GM	1.70 5	13.9 8	2.61	--	--	SS	0.00	19	--	--	--
Test Method Specification		IS 2720 Part-4 1985, RA 2020				IS 2720 Part-5 1985, RA 2020			IS 1498 :197 0, RA 2021	IS 2720 Part-29 1975, RA 2020	IS 2720 Part- 3,19 80 RA2 021	IS 2720 Part- 40 197 7,R A 202 1	IS 2720 Part- 6 197 2, RA 202 1	IS 2720 Part-11: 1993, RA 2021 & 13:1986: RA 2021	IS 2720 Part-15 1965 RA 2021					

** End of Result Sheet **



John
True Copy



Uttarakhand

Simply Heaven!

Uttarakhand Tourism Development Board

Department of Tourism, Government Of Uttarakhand

Certificate of Registration

This is to certify that

M/s. Hotel Hill River View Resort

Owner/Partner Name Roshan Lal Uniyal

Total Registered Room(s) 33

Address Near Maharehi Aashram, Singoli, Dunda, Uttarkashi - Uttarakhand, Uttarkashi

Has been registered as per **Uttarakhand Tourism and Travel Trade Registration Rules-2014 (amendment 2016)** under the category

Hotel,Motel/ Road Side Facilities, Resort, Guest/Tourist Rest House

Certificate No. **UTTR/UT/ RKASH/01-2024/006817**



Generated On 23-03-2024

Printed On 23-03-2024


District Tourism Development Officer
 Uttarakhand Tourism Development Board
 जिला पर्यटन विकास अधिकारी
 उत्तराखण्ड

The Authenticity of the certificate may be verified on www.uttarakhandtourism.gov.in

Pt Deendayal Upadhaya Paryatan Bhawan Near ONGC Helipad, Garhi Cantt
 Dohradun-248001(Uttarakhand)

उत्तराखण्ड पर्यटन एवं यात्रा व्यवसाय पंजीकरण नियमावली 2016 (संशोधन-2016) योजना के अन्तर्गत पंजीकरण प्रमाण पत्र
प0प0सं0-4047 / उ0प0या0व्य0पं0 / पर्य0दे0 / 2023-24 उत्तरकाशी दिनांक:- 23 मार्च 2024

एतद्वारा शासनादेश/अधिसूचना संख्या-161/VI/2014-01(07)/2013 दिनांक 24 जनवरी, 2014 एवं संशोधित शासनादेश संख्या-160/VI/2016-01(07)/2013(418) दिनांक 16 फरवरी, 2016 के द्वारा उत्तराखण्ड पर्यटन एवं यात्रा व्यवसाय पंजीकरण नियमावली 2014 (संशोधन-2016) के अन्तर्गत निहित शर्तों व नियम के अधीन नीचे दिये गये विवरणानुसार आवासीय इकाई Hotel Hill River View Resort, पता नियर महर्षि आश्रम, सिंगोटि, डुण्डा, उत्तरकाशी को यात्रियों/पर्यटकों को आवासीय सुविधा उपलब्ध कराने हेतु निम्नलिखित शर्तों के अधीन पंजीकरण प्रमाण निर्गत किया जाता है :-

- 1) आवासीय इकाई का नाम - Hotel Hill River View Resort
 - 2) पंजीयन संख्या व दिनांक - UTTR/UTTARKASHI/01-2024/006817 दि0:-23-03-2024
 - 3) होटल स्वामी/पार्टनर/निदेशक का नाम - श्री रोशन लाल उनियाल।
 - 4) मो0नं0 - 8979241692
- पंजीकृत कक्षों की संख्या - 33 कक्ष, 50 शैय्या

नियम व शर्तें:-

- I उपरोक्त विवरणानुसार पंजीकृत किये गये कक्षों के अतिरिक्त किसी अन्य कक्ष/सुईट्स में यात्रियों/पर्यटकों को नहीं ठहराया जायेगा।
- II पर्यटकों के आवागमन के सम्बन्ध में एक आगन्तुक पंजिका का रख-रखाव किया जायेगा एवं होटल में ठहरने वाले प्रत्येक यात्री से फोटो पहचान पत्र (आई0डी0) लिया जायेगा, बिना फोटो पहचान पत्र के होटल में किसी यात्री को नहीं ठहराया जायेगा, जिसका निरीक्षण किसी भी समय जिला प्रशासन/पर्यटन कार्यालय के किसी भी अधिकारी द्वारा किया जा सकता है।
- III आवासीय इकाई में ठहरने वाले पर्यटकों की सूचना प्रति माह पर्यटन कार्यालय को उपलब्ध करानी होगी।
- IV पंजीकृत इकाई में विदेशी पर्यटकों के ठहरने पर उनके पासपोर्ट/वीजा इत्यादि का का विवरण सम्बन्धित अनुरक्षित पंजिका में किया जायेगा तथा फार्म सी0 में विवरण स्थानीय अभिसूचना इकाई/पर्यटन विभाग को समयान्तर्गत उपलब्ध करवाया जायेगा।
- V पंजीकृत इकाई के संचालन से सम्बन्धित सभी सम्बन्धित विभागों/सरकार द्वारा समय-समय पर जारी निर्देशों का अनुपालन सुनिश्चित किया जायेगा।
- VI पंजीकृत इकाई के क्रियान्वयन/संचालन में पर्यावरण की सुरक्षा/स्वच्छता एवं प्रदूषण नियन्त्रण का विशेष ध्यान रखा जायेगा।
- VII पंजीकृत इकाई के संचालन के सम्बन्ध में योजनान्तर्गत प्राविधानित सभी विद्यमान एवं समय-समय पर जारी होने वाली शर्तें व नियमों का पूर्ण रूप से पालन किया जायेगा।
- VIII पंजीकृत इकाई में ठहरने वाले यात्रियों/पर्यटकों को उच्चतम सुरक्षा मानकों के अनुरूप सुरक्षा प्रदान की जानी होगी।
- IX पंजीकृत इकाई के संचालन हेतु मा0 न्यायालय/नेशनल ग्रीन ट्रिब्यूनल/सक्षम प्राधिकरण के नियमों-शर्तों के उल्लंघन/परिपूर्ण न करने की दशा में यह पंजीकरण स्वतः ही निरस्त समझा जायेगा। जिस पर आपका कोई दावा स्वीकार नहीं किया जायेगा।
- X उत्तराखण्ड पर्यटन एवं यात्रा व्यवसाय पंजीकरण नियमावली-2014 (संशोधन-2016) के अन्तर्गत पंजीकृत किये जाने के फलस्वरूप निर्गत किये जा रहे इस प्रमाण पत्र को किसी भी वैधानिक दस्तावेज के रूप में किसी भी न्यायालय आदि में अपने किसी भी स्वामित्व/लीज डीड/मानचित्र स्वीकृति आदि के दावे के सत्यापन हेतु आधार नहीं बनाया जायेगा।
- XI पर्यटन विभाग द्वारा प्रमाणित आवासीय दरें स्वागत कक्ष में प्रदर्शित की जानी होंगी।
- XII यह पंजीकरण मात्र पर्यटकों/यात्रियों को आवासीय सुविधा उपलब्ध कराये जाने के उद्देश्य से प्रदान किया जा रहा है। आवासीय इकाई के नियमानुसार संचालनार्थ मा0 न्यायालय/नेशनल ग्रीन ट्रिब्यूनल/वन्य जीव अधिनियम/जल संचय-जल संरक्षण/उत्तरकाशी विकास प्राधिकरण/अग्नि शमन विभाग/राष्ट्रीय राजमार्ग प्राधिकरण/खाद्य सुरक्षा/प्रदूषण नियंत्रण बोर्ड/रोड साईड कन्ट्रोल एक्ट/अन्य सम्बन्धित प्राधिकरण आदि के नियमों-शर्तों के उल्लंघन/परिपूर्ण न करने की दशा में यह पंजीकरण प्रमाण पत्र स्वतः ही निरस्त समझा जायेगा।
- XIII यह पंजीकरण उक्त इकाई को पूर्व में जारी सराय एक्ट पंजीकरण एवं सराय एक्ट पंजीकरण में उल्लिखित शर्तों/नियमों के पूर्णतः अनुपालन के आधार पर निर्गत किया जा रहा है।
- XIV पंजीकृत इकाई के प्रबन्धक द्वारा अपनी इकाई में कार्यरत कार्मिकों का सम्पूर्ण विवरण कार्यालय में उपलब्ध कराना अति आवश्यक होगा।

संलग्नक:- पंजीकरण प्रमाण पत्र।

प0प0सं0- (1)/2024 समदिनांकित।

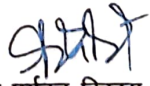
प्रतिलिपि:- निम्नलिखित को सूचनार्थ प्रेषित।

01:- जिलाधिकारी, उत्तरकाशी।

02:- उप जिलाधिकारी, डुण्डा।

03:- प्रभारी, स्थानीय अभिसूचना इकाई, उत्तरकाशी।


True Copy


जिला पर्यटन विकास अधिकारी
उत्तरकाशी।

जिला पर्यटन विकास अधिकारी
उत्तरकाशी।



307

ANNEXURE-P/3

Uttarakhand Pollution Control Board

Regional Office Dehradun,

E-115 Nehru Colony, Dehradun, Uttarakhand 248001

Provisional Consent Order (CCA)

Application No-4887289 Dated: 27/10/2024

Ref No-19796/UEPPCB/Dehradun RO/Uttarkashi/CTO/4887289

Valid upto: 30/09/2029

Besides streamlining and simplifying of regulatory regime, Uttarakhand Pollution Control Board has taken initiative in from of introduction of Consolidated Consent and Authorization (CC&A) which provides for a one shot application and clearance of the consents under Water Act, Air Act and Authorization under Hazardous Wastes Rules for a period of 5 years. Consolidated Consent and Authorisation Board issues consolidated consent and Authorization to an industrial unit for operation of plant/carrying out industrial activity specifying following conditions.

Consolidated Consent and Authorisation

In exercise of the power conferred under section-25 of the Water (Prevention and Control of Pollution) Act-1974, under section-21 of the Air (Prevention and Control of Pollution) Act-1981

and Authorization under rule 3(c) & 5(5) of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 framed under the E(P) Act-1986.

And whereas Board has received consolidated Application No. (CtO:CCA-Renew) 4887289 and Dated 21/09/2024 for the consolidated consent and authorization (CC&A) of this Board under the provisions / rules of the aforesaid Acts Consent & Authorization is hereby granted as under.

CONSENT AND AUTHORISATION : (under the provisions / rules of the aforesaid environmental acts)

To

M/s HILL RIVER VIEW RESORT

NEAR MAHARSHI AASRAM , SINGOTI , DUNDA , UTTARKASHI

Tehsil: Dunda

District: Uttarkashi

Phone No: 8979241692

Consent Order No:

4887289 Renew

Valid upto: 30/09/2029

All Conditions under the AIR ACT-1981 WATER ACT-1974 HAZARDOUS ACT-2008 shall be Applicable to you as mentioned in the detailed Consent Order ***

GENERAL CONDITIONS :-

- This order is provisional order and detailed order is considered as final.
- All the conditions & provisions under the Water Act 1974, the Air Act 1981 and the Environment (Protection) Act 1986 and the rules made there under shall be complied with
- All the conditions & provisions under the Hazardous Waste (Management, Handling and Trans boundary Movement) Rules 2008 as amended shall be complied
- The applicant shall provide portholes, ladder, platform etc at chimney(s) for monitoring the air emissions and the same shall be open for inspection to/and for use of Board's staff. The chimney(s) vents attached to various sources of emission shall be designed by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75dB(A) during day time and 70dB(A) during night time. Daytime is reckoned in between 6 a.m. and 10 p.m. and nighttime is reckoned between 10 p.m. and 6 a.m.

This is computer generated order. Signature is not required.

In case of change of ownership/management the name and address of the new owners/ partners/ directors/ proprietor or equipment or working conditions as mentioned in the consents form / order should immediately be intimated to the Board.

g) Industry shall have to display data outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emissions and solid hazardous wastes generated within the factory premises.

h) The CCA shall be produced for inspection at the request of an officer authorized by the Uttarakhand Pollution Control Board.

i) Any unauthorized change in personnel, equipment or working conditions as mentioned in the CCA order by CCA holder shall constitute a breach of this CCA.

j) Adequate plantation shall be carried out all along the periphery of the industrial premises in such a way that the density of plantation is atleast 1000 trees per acre of land and a green belt of 5 meters width is developed.

K) The applicant shall have to submit the returns in prescribed form regarding water consumption and shall have to make payment of water cess to the Board under the Water Cess Act- 1977.

***** Note : ACT-Specific, Industry-specific, Area-specific Conditions alongwith Product,Waste water effluent details shall be precisely mentioned in the DETAILED Consent Order.**

***** Note :This is only provisional communication. The final Consent/Authorization in hard copy with duly signed by competent authority shall the final and valid Consent/Authorization.**

**For and on behalf of
Uttarakhand Pollution Control Board**



**RO Dehradun
Amit Pokhriyal
Mobile no-9837156720**


True Copy



उत्तरकाशी //विवेक सिंह सजवाण

डुंडा के सैणी के पास ग्राम सभा बरसाली के कास्तकारो की कब्जा कास्त की भूमि है। जिस पर उन कास्तकारो के द्वारा फलदार पेड पैधे लगाये गये।

22/02/2025

सेवा में

28/1/14
R.S. नौलखंडा

उपजिलाधिकारी दुंडा
उत्तराखण्ड

उपमंडल के जॉब कर
निर्माणा को कर
महोदय

निवेदन इस प्रकार है बरसाली ग्राम सभा के
 ग्राम सभा के सौती नामक लोक में राष्ट्रीय राजमार्ग
 के बीच उद्योग विभाग की भूमि है, और उसी भूमि से ग्राम सभा
 के कर्मचारियों की मिलनी आवेश भूमि / उत्तराखण्ड सरकार की भूमि
 कास्त रद्द है, जिस पर ग्राम सभा बरसाली के भूमि खते / कास्तकारों का कब्जा
 है, उक्त लोक में वर्तमान में उद्योग विभाग द्वारा अनुबंध की
 प्रती भूमि की आड में पेटा लोक अवेध रूप से मिलनी भूमि
 पर जिस पर बरसाली के भूमि खते का कास्त कब्जा है पर मस्तबा
 / अवेध रूप से डाफिया जोन किया जा रहा है साथ ही उक्त भूमि
 पर पूर्व से वर्तमान तक महर्षि वेद विज्ञान द्वारा अवेध रूप से
 मस्तबा का डाफिया किया जा रहा है, जिसे रद्द करना आवश्यक है
 अतः महोदय से निवेदन है, उक्त लोक / क्षेत्र में किये
 जा रहे अवेध डाफिया एवं अतिक्रमण को बरसाली लोगों द्वारा शीघ्र
 रोक जाने की आदेश पारित किये जायें.

प्रतिकोप - बरसालीवाड़ दुंडा
 (बरसालीवाड़ दुंडा)
 Anand Prakash
 आनन्द प्रकाश दुंडा

प्रवीण
 सभसत ग्राम सभा बरसाली

वही कास्तकारों के मिलन पर ही उत्तराखण्ड सरकार की भूमि भी है। व्यापार मंडल अध्यक्ष अनकपाल सिंह बिष्ट ने बताया की उक्त भूमि के बगल में ही उद्योग विभाग के द्वारा रोजगार उपलब्ध करवा जाने हेतू

बेरोजगार यूवाओ को उधोग लगाने हेतू भूमि उपलब्ध करवाई गई। इस भूमि के आड मे उनके द्वारा ग्रामीणो की भूमि पर अवैध रूप से मलबा डंपिंग किया जा रहा है।



साथ जहा पर बजार का कबाड़ डाल जा रहा है उक्त के द्वारा निज हित के कारण उसका भी विरोध किया जा रहा है। जबकि वह भूमि उत्तराखंड सरकार की है। वही महर्षि आश्रम के द्वारा भी कास्तकारो की कब्जाकस्त की भूमि पर भी अवैध डंपिंग कि गयी थी। जिसका विरोध भी किया गया। लेकिन कुछ नही हुआ। जिसके लेकर ग्रामीण व व्यपारीयो ने उपजिलाधिकारी को ज्ञापन दिया। जिस पर तहसीलदार डुंडा के द्वारा पटवारी डुंडा को जांच करने के आदेश दिये। सभी ग्रामीणे ने कहा की जल्दी ही अतिक्रमण व डंपिंग को बाहरी लोगो के शीघ्र रोके जाने की बात कही।



Uttarkashi, Uttarakhand, India

Uttarkashi Gangotri Road, Dunda, Uttarkashi,
Uttarakhand 249193, India
Lat 30.718269, Long 78.353823
02/28/2025 12:29 PM GMT+05:30
Note : Captured by GPS Map Camera



Uttarkashi, Uttarakhand, India

Uttarkashi Gangotri Road, Dunda, Uttarkashi,
Uttarakhand 249193, India
Lat 30.718269, Long 78.353824
02/28/2025 12:28 PM GMT+05:30
Note : Captured by GPS Map Camera



Uttarkashi, Uttarakhand, India

Uttarkashi Gangotri Road, Dunda, Uttarkashi,
Uttarakhand 249193, India
Lat 30.718269, Long 78.353823
02/28/2025 12:29 PM GMT+05:30
Note : Captured by GPS Map Camera

313



[Handwritten signature]
True copy

2022 SCC OnLine NGT 4328

In the National Green Tribunal[±]
(By Video Conferencing)

(BEFORE ARUN KUMAR TYAGI, MEMBER (JUDICIAL) AND AFROZ AHMAD, MEMBER
(EXPERT))

Naveen Rana ... Applicant;

Versus

State of Uttarakhand ... Respondent.

M.A No. 54/2022 in Original Application No. 296/2022

Decided on November 2, 2022

Advocates who appeared in this case :

Applicant: None.

Respondents: Mr. Rahul Verma, AAG for State of Uttarakhand.

Mr. Mukesh Verma, Advocate for State PCB.

Mr. Sanjay Upadhyay, Mr. Ayush Anand, Mr. Shubhendu Anand, Mr. Gaurav Kumar and Mr. Saumitra Jaiswal, Advocates for the Project Proponent.

Application is registered based on a complaint received by Post.

ORDER

1. The grievances in this present Letter Petition sent by Mr. Navin Rana, Sabhasad (Member), Nagar Panchayat, Swarg Aashram (Gharwal) are that Swarg Aashram trust is constructing shops within the distance of 100 meters from river Ganga in violation of the orders of Hon'ble Uttarakhand High Court and this Tribunal without getting any construction plan sanctioned from the concerned authorities. Complaint for prohibition and demolition of unauthorized construction was made to the concerned authorities but no action has been taken.

2. Vide order dated 05.05.2022, this Tribunal constituted a Joint Committee comprising of the State PCB and District Magistrate, Pauri Garhwal and directed the same to submit factual and action taken report within two months.

3. In compliance thereof, the District Magistrate, Pauri Garhwal, Uttarakhand sent report of the Joint Committee vide letter dated 15.07.2022.

4. On due consideration of the report of the Joint Committee, this Tribunal passed the following order:—

"5. We have gone through the report and we find that initially Assistant Engineer (Irrigation) vide letter dated 04.06.2022 had

mentioned that the construction in question was situated at the distance of 60 meters from the edge of the river but subsequently vide letter dated 09.06.2022 he mentioned that the construction in question was situated outside 200 meters from the centre of the river and outside one in hundred years flood area. In the report it has also been mentioned that as per the revenue record the land where unauthorised construction of two rooms has been raised falls in field no. 717 and 718 of Khata No. 61 but in the report it has not been mentioned as to who is the owner of the above said land. It has also been mentioned in the report that as per orders of 'UP Jila Adhikari' (Sub-Divisional Magistrate) Yamkeshwar further construction was stopped. Copy of notice issued by the Joint Secretary/Sub-Divisional Magistrate, Regional Office, Yamkeshwar, District Development Authority, Pauri has issued show cause notice to Shri Manjushree Khaitan, Chairman, Swarg Aashram Trust, Nagar Panchayat Swarg Aashram, Police Station Lakshman Jhula, Tehsil Yamkeshwar, District Pauri Garhwal.

6. In view of the facts and circumstances of the case we constitute a Joint Committee comprising representative of Central Pollution Control Board, Central Water Commission, State Pollution Control Board and National Mission for Clean Ganga and direct them to meet and undertake visit to the site within one month, verify the factual position with respect to the demarcation of Flood Plain Zone of River Ganga and submit report as to whether Flood Plain Zone of River Ganga has been demarcated in compliance with order passed by this Tribunal in O.A No. 200/2014 titled as M.C Mehta v. Union of India and whether the construction in question falls in Flood Plain Zone of River Ganga within two months by e-mail at judicial-nat@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. State PCB will be the nodal agency for coordination and compliance.

7. In case the Joint Committee finds that the construction falls within Flood Plain Zone of River Ganga, a copy of the report be supplied to the Project Proponent to enable it to file its response before this tribunal on the date of hearing fixed 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.

8. Notices alongwith the application and the report of the Joint Committee be also issued to the Project Proponent- Shri Manjushree Khaitan, Chairman, Swarg Aa.sh.ram Trust, Nagar Panchayat Swarg Aashram, Police Station Lakshman Jhula, Tehsil Yamkeshwar, District Pauri Garhwal and the District Magistrate, Pauri Garhwal requiring them to file their response/ reply to the allegations made in the application as well as observations made in the report of Joint

Committee. In its reply/response the District Magistrate, Pauri Garhwal shall also mention as to who is the owner of the land on which the construction has been raised and what action has been taken pursuant to show cause notice issued to Shri Manjushree Khaitan, as referred to above. Reply/response by the Project Proponent and the District Magistrate, Pauri Garhwal 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..."

5. In compliance of order dated 18.08.2022, copies of letter dated 17.10.2022 of District Magistrate, Garhwal and report of the Joint Committee have been filed by Officer In Charge, Collectorate Pauri vide email dated 17.10.2022.

6. The relevant part of the letter of the District Magistrate, Garhwal reads as under:—

“माननीय राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-296/2022 नवीन राणा बनाम उत्तराखण्ड राज्य में पारित आदेश दिनांक 18.08.2022 को सन्दर्भ ग्रहण करने का कष्ट करें। माओ एनओजीओटीओ द्वारा विषयगत प्रकरण में वादी श्री नवीन राणा की वर्णित शिकायत “नगर पंचायत स्वर्गाभ्रम तथा थाना लक्ष्मणझूला क्षेत्रान्तर्गत थाना लक्ष्मणझूला के निकट स्वर्गाभ्रम ट्रस्ट के द्वारा सख्त प्राधिकरण से बिना मानचित्र स्वीकृति के गंगा नदी से 100 मी० से कम दूरी पर दुकानों का निर्माण” किये जाने पर शिकायती पर सुनवाई करते हुये दिनांक 18.08.2022 को पारित आदेश में विन्दु संख्या-08 में विष्की स्वर्गाभ्रम ट्रस्ट के द्वारा जिस भूमि पर निर्माण कार्य किया है वह भूमि कसके स्वामित्व की है और विपक्षी श्री मंजुश्री खेतान को कारण बताओ जारी नोटिस के अनुसार की गयी कार्यवाही आख्या सहित रिपोर्ट 02 माह में ई-मेल से माओ एनओजीओटीओ में दाखिल किये जाने के आदेश है। विन्दु संख्या-06 में माओ एनओजीओटीओ के द्वारा उक्त प्रकरण में केंद्रीय प्रदूषण बोर्ड, केंद्रीय जल आयोग, राज्य प्रदूषण नियंत्रण बोर्ड और स्वच्छ गंगा राष्ट्रीय मिशन के प्रतिनिधि की एक संयुक्त समिति गठित कर, समिति स्थलीय निरीक्षण कर, गंगा नदी के बाढ़ मैदानी क्षेत्र सीमांकन के संबंध में तथ्यात्मक स्थिति की रिपोर्ट प्रस्तुत करेगी।

माओ एनओजीओटीओ के उक्त आदेश दिनांक 18.08.2022 के अनुपालन में उपजिलाधिकारी यमकेरवर/संयुक्त सचिव, जिला स्तरीय विकास

प्राधिकरण क्षेत्र यमकोर पर से आख्या प्राप्त की गयी। प्राप्त आख्या के अनुसार स्वर्गाश्रम ट्रस्ट द्वारा जिस प्ररनगत भूमि पर पार्किंग के साथ-साथ निर्माणाधीन गार्ड रूम का निर्माण किया जा रहा था, यह भूमि ग्राम जौक (वर्तमान नगर पंचायत जौक), पट्टी उदयपुर तल्ला-01, तहसील यमकोर पर जनपद पौड़ी गढ़वाल के खतौनी खाता संख्या-61 खसरा संख्या-718 रकबा 0.338 हैक्टेयर जो कि श्रेणी-1 क (संक्रमणीय अधिकार वाली भूमि) के रूप में स्वर्गाश्रम ट्रस्ट आदि के नाम दर्ज अभिलेख है, जो उनकी निजी भूमि है। यह भूमि सरकारी भूमि नहीं है। (खतौनी के नकल प्रति संलग्न-02)

चूंकि विपक्षी स्वर्गाश्रम ट्रस्ट के द्वारा अपने उक्त नाप भूमि पर बिना मानचित्र स्वीकृति के निर्माण कार्य किया जा रहा था, जिस पर जॉधोउपराम्त श्री मंजूश्री खेतान, प्रबन्धन स्वर्गाश्रम ट्रस्ट धाना लक्ष्मणभूला को संयुक्त सचिव, जिला स्तरीय विकास प्राधिकरण क्षेत्रीय कार्यालय यमकोर पर के द्वारा उत्तराखण्ड नगर एवं ग्राम नियोजन तथा विकास अधिनियम 1973 की धारा-27(1) के अधीन प्राधिकरण क्षेत्रांतर्गत बिना मानचित्र स्वीकृत के निर्माण कार्य किये जाने पर नोटिस जारी किया गया तथा निर्माण कार्य रूकवा दिया गया। जिस पर विपक्षी स्वर्गाश्रम ट्रस्ट द्वारा तत्काल निर्माण कार्य रोक दिया गया जो कि वर्तमान तक बन्द है। नोटिस की सुनवाई हेतु नियत तिथि को स्वर्गाश्रम ट्रस्ट की ओर से उनके प्रतिनिधि श्री अनुप कोठियाल उपस्थित हुये उनके द्वारा अवगत कराया गया कि उन्हें निर्माण कार्य हेतु विकास प्राधिकरण से मानचित्र स्वीकृत कराये जाने के संबंध में जानकारी नहीं थी, जिस कारण उनके द्वारा निर्माण कार्य प्रारम्भ किया गया किन्तु प्राधिकरण के आदेशानुसार तत्काल निर्माण रोक दिया गया है तथा मानचित्र बनाने एवं स्वीकृत कराये जाने हेतु विकास प्राधिकरण से समय की मांग की गई, जो प्याय डिट में स्वीकार की गयी। जिसके परिपालन में स्वर्गाश्रम के द्वारा मानचित्र स्वीकृति हेतु जिला विकास प्राधिकरण में ऑनलाईन मानचित्र स्वीकृत हेतु आवेदन (पत्रायली संख्या-PG/NR/0148/22-23) किया गया है जिस पर वर्तमान में मानचित्र स्वीकृति की कार्यवाही गतिमान है। (उपजिलाधिकारी यमकोर पर की आख्या संलग्न-01 एवं मानचित्र पत्रायली की छाया प्रति संलग्न-3 है)

बिन्दु संख्या-06 के अनुपालन में केंद्रीय प्रदूषण बोर्ड, केंद्रीय जल आयोग, राज्य प्रदूषण नियंत्रण बोर्ड और स्वच्छ गंगा राष्ट्रीय मिशन के प्रतिनिधि की संयुक्त समिति समिति के द्वारा दिनांक 07.10.2022 को स्थलीय निरीक्षण किया गया। संयुक्त समिति की स्थलीय निरीक्षण आख्या की छाया प्रति संलग्न है। (संलग्नक-04) "

7. The relevant part of the report of the Joint Committee reads as under:—

"उपरोक्त विषयक मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-296/2022 मयीन राणा बनाम उत्तराखण्ड राज्य में पारित आदेशों के अनुक्रम में निम्न विभागों की संयुक्त समिति का गठन किया गया।

1. केन्द्रीय प्रदूषण नियंत्रण बोर्ड, दिल्ली
2. राष्ट्रीय स्वच्छ गंगा मिशन, दिल्ली
3. केन्द्रीय जल आयोग, देहरादून।
4. उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।

तत्काल में उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, बोर्ड मुख्यालय के पत्रांक संख्या यू0के0पी0सी0पी0/स0-183-565/2022/816 दिनांक 23.08.2022 के अनुक्रम में उपरोक्त विभागों द्वारा निम्न सदस्यों को नामित किया गया, जिसके अनुक्रम में स्वर्गाश्रम ट्रस्ट द्वारा बनाये गये निर्माणाधीन दुकान का संयुक्त निरीक्षण समिति द्वारा दिनांक 07.10.2022 को किया गया।

1. श्री राजेश कुमार, अवीक्षण अभियंता, केन्द्रीय जल आयोग, देहरादून।
2. श्रीमति सीमा सतावन (पैमानिक जी), केन्द्रीय प्रदूषण नियंत्रण बोर्ड, दिल्ली।
3. श्री कैंजउल्लाह खान, प्रवर्तन समन्वयक, राष्ट्रीय स्वच्छ गंगा मिशन, दिल्ली।
4. श्री एस0एस0 चौहान, सहायक वैज्ञानिक अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।

निरीक्षण में पाया गया कि स्वर्गाश्रम ट्रस्ट द्वारा निर्माण स्थल पर निजी स्टेपड का संचालन किया जा रहा है जिसमें लगभग 100 टैक्सी/गाड़िया पार्क की जा सकती है इसके अतिरिक्त टैक्सी स्टेपड पर 2 कमरों का अस्थाई भवन भी निर्मित किया गया है। कमर पर दरवाजे नहीं लगे हैं एवं कमरों के ऊपर टिन रोड लगाया गया है। भवन के एक कमर में सी0सी0टी0पी0 मॉनिटर/कैमरे लगाये गये हैं जिसका उपयोग टैक्सी स्टेपड में टैक्सियों की देखरेख एवं आगारा पशुओं को टैक्सी स्टेपड में रोके जाने हेतु किया जाता है। इस टैक्सी स्टेपड के बगल में एक गली है एवं उसके बगल में सक्मण जूला पुलिस चौकी है। गंगा नदी के किनारे की दूरी निर्माणाधीन स्थल की शाहरदीयारी (जिसका अक्षांश एवं देशांतर क्रमशः 30° 07' 21" एवं 78° 19' 39" है) से गंगा नदी के बायें किनारे से दूरी 40 मीटर मापी गयी है, जिसे गूगल मैप से सत्यापित भी किया गया है। पूर्व में सहायक अभियंता, सिंचाई उपखंड चतुर्थ, सिंचाई विभाग, उत्तराखण्ड सरकार, दुगडडा के पत्र संख्या 99/स0अ0 IV/दुगडडा दिनांक 04.08.2022 के माध्यम से उक्त स्थल की दूरी गंगा नदी के किनारे से 60 मीटर दर्शायी गयी है। (संलग्नक-1) Flood Plain Zone के निर्धारण के संबंध में अवगत कराना है कि माननीय राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या 200/2014 M.C. Mehta Vs. Union of India में पारित आदेश के अनुपालन में Flood Plain Zone के निर्धारण के सम्बन्ध में राज्य सरकार उत्तराखण्ड शासन, सिंचाई एवं बाढ़ नियंत्रण अनुभाग-2 संख्या 05/11(2)/2021-06(17)/2020 देहरादून दिनांक 03 जनवरी, 2022 के माध्यम से अधिसूचना निर्गत की गयी है (संलग्नक-2) एवं जिसमें गंगा नदी पर ब्यास घाट (बैवप्रयाग) बायें पार्श्व से भीमगंडा बैराज बायें पार्श्व तक के क्षेत्र को बाढ़ मैदान क्षेत्र (Floor Plain Zoning) घोषित किया गया है। राज्य सरकार द्वारा अधिसूचित 100 वर्ष बाढ़ आयुक्ति लाइन से इस पार्किंग स्थल की दूरी 25 मीटर एवं गंगा नदी के बाएं किनारे से दूरी 40 मीटर मापी गयी है। माननीय राष्ट्रीय हरित अधिकरण के आवेदन संख्या 200/2014 में दिये गये निर्णय दिनांक 15.12.2015 के तहत उक्त क्षेत्र 100 मीटर के अन्दर आता है, जो एक निषिद्ध क्षेत्र है। उक्त स्थल राज्य सरकार द्वारा घोषित अधिसूचित 100 वर्ष बाढ़ आयुक्ति के बाहर है जबकि माननीय राष्ट्रीय हरित अधिकरण के निर्णय जिससे दिनांक 15.12.2015 के तहत 100 मीटर के अन्दर निषिद्ध क्षेत्र है। निरीक्षण के समय Google Map से लिये गये मानचित्र की प्रति संलग्न है। (संलग्नक-3)।

8. In the course of hearing the observations made by the Joint Committee were challenged to be erroneous with reference to order dated 10.12.2015 passed by this Tribunal in O.A No. 200/2014 titled as *M.C Mehta v. Union of India* the relevant part of which is reproduced as under:—

“VI. DIRECTIONS IN RELATION TO FLOOD PLAINS

- A. The State of Uttarakhand shall prepare and submit to the MoEF, Tourism-cum-Plain map, Flood Plain map and zoning of flood plain shall be in accordance with the Notification dated 18th December, 2012 issued by the Ministry and the Act of 2012 afore-referred

positively within 3 months from the date of pronouncement of this judgment. Upon submission, MoEF shall approve such plans with amendments or otherwise within 1 month thereafter and then it shall be notified and brought in the public domain.

- B. Keeping in view the Notification of the MoEF, intent of the Act of 2012, orders passed by the Tribunal in other matters, High Courts and the Hon'ble Supreme Court in various cases, we would order and direct that as an interim measure at least 100m from middle of the river would be treated and dealt with as 'Eco sensitive and prohibited zone'. No activity whether permanent or temporary in nature will be permitted to be carried on in this zone including camping.*

The only exception would be the points for picking up and dropping the guests who are doing rafting in river Ganga.

The area beyond 100 meters and less than 300 meters would be treated as regulatory zone in the hilly terrain, for which the State will comply with the above directions.

The area upto 200 meters shall be the prohibited area in the plain terrain and more than 200 meters and less than 500 meters would be treated as regulatory zone.

Area/river bank/flood plain 2 kms. upstream to Rishikesh and till Border of the State of Uttarakhand towards Uttar Pradesh in river Ganges would be treated as plain terrain while upstream the above hilly terrain.

The State Government while complying with its obligations under the Act of 2012 and this judgment in this regard would keep in mind 1 in 25 years flood to be the criteria for declaring flood plain and the regulated activities which would be permitted in that area. This is the guiding factor which has complete scientific and documented studies to impose such limitations.

- C. Strict supervision in that regard shall be enforced by the State agencies responsible for that purpose, primarily by the Secretary of Irrigation Department, State of Uttarakhand and the Chief Conservator of Forests, Uttarakhand. The policy so framed, with the restrictions as contemplated in the Notification of the MoEF and the Act of 2012 formulated by Government of Uttarakhand shall be placed before the Tribunal after expiry of the above stated period.*
- D. Any activity or construction in the regulated area aforesaid where the gradient is beyond 350 should be further checked and preferably no activity should be permitted, to prevent ecological damage and land sliding in that area. All precautionary steps should be taken in that behalf.*

*E. In this prohibited area, no public authority or State department, including the panchayat would grant permission for any activity whatsoever, including eco-tourism except to the extent of points for pick up and dropping for river rafting.”
(Emphasis supplied)*

9. On 19.10.2022, learned Additional Advocate General for the State of Uttarakhand sought time to file reply/response on behalf of the State of Uttarakhand and The District Magistrate, Pauri, Garhwal.

10. Report by way of affidavit has been filed on behalf of the District Magistrate, Pauri, Garhwal. The relevant part of the report reads as under:—

“X X X X X X

4. That it is pertinent to mention herein that, as per inspection done regarding distance parameters of land in question, where the aforesaid construction in question was raised, the distance from centre/ middle of river Ganga is 205 meters from the disputed land in question, and the distance from the edge of river Ganga is approx. 60 to 65 meters from the dispute site in question.

5. That it is respectfully submitted that in compliance of the directions passed by this Hon'ble Tribunal the following facts and relevant material for kind consideration of this Hon'ble Tribunal are as follows;

I. That it is most respectfully submitted that the applicant herein has raised complaint about the construction by Project Proponent - Swargashram, it is most respectfully submitted that upon the land in question the construction is being done by the Project Proponent - Swargasharm, the said land is related to Swargashram Trust who has the ownership of the said land.

II. That it is further submitted that in compliance of the directions passed by this Hon'ble Tribunal vide its order dated 8.8.2022, a report from the Joint Committee consisting of Sub Divisional Magistrate, Yamkeshwar, Joint Secretary and District Level Development Authority, Yamkeshwar was received, according to the abovementioned report, the land in question, upon which the construction of Parking as well as Guard Room was going on, the said land i.e. area measuring 0.338 HeCtare, Khatauni Khata No. 61, Khasra No. 718, the said land is related to Village Jonk (presently in Nagar Panchayat), Patti Udaipur Talla-01, Tehsil Yamkeshwar, District Pauri Garhwal, Uttarakhand, the said land is category-1 Ka (transferrable right land holder) and is recorded in the revenue record in the name of Swargashram Trust. The Copy of the Report of Sub Divisional

Magistrate, Yamkeshwar, District Pauri Garhwal, Uttarakhand and copy of Khatauni (Revenue Record) is annexed hereto and marked as ANNEXURES R-3 & R-4.

- III. It is respectfully submitted that because the construction upon the abovementioned Naap was being done by the Swargasharam Trust, without any map, therefore, after having inspection of the site, a Notige under Section 27 (1) Uttarakhand Nagar Evam Gram Niyojan Tatha Vikas Adhiniyam was issued by the Joint Secretary, District Level Development Authority, Regional Office, Yamkeshwar and construction was stopped because the same was being done without any sanctioned map. Thereafter, the construction work was stopped by the project proponent Swaragashram Trust and the same is presently stopped.*
- IV. That in view of the Notice, the representative of the Trust appeared and apprised that the trust have no knowledge about the fact of obtaining approval of map, from the concerned authority for the construction, therefore, the construction in question was started, but upon the order of the authority, the construction was stopped immediately.*
- V. It is respectfully submitted that the time was sought by the project proponent from the development authority for approval of the map; the same was accepted in the interest of justice. Thereafter, the Swargasharam Trust approached the Development Authority by way of online application being (File No. PG/NR/0148/22-23) for approval of the map, the same is under process.*
- VI. That it is also relevant to mention herein that in compliance of the directions passed by this Hon'ble Tribunal, the committee constituted by this Hon'ble Tribunal consisting of representatives of Central Pollution Control Board, Central Water Commission, Uttarakhand Pollution Control Board and National Mission for Clean Ganga, inspected the site in question with regard to compliance of the directions passed by this Hon'ble Tribunal in O.A. No. 200 of 2014 - M.C. Mehta v. Union of India regarding the 100 Mtrs. Distance from the river, the inspection is have alrea.dy done on 07.10.2022.*
- VII. That as per the joint committee report, it was found after inspection that land in question is found to be 40 meters from the edge of the river, and the same is crossed checked by the google map also.*
- VIII. That In compliance of the directions passed by this Hon'ble Tribunal in O.A. No. 200 of 2014 M.C. Mehta v. Union of India regarding compliance of flood plain zoning, the Government of*

Uttarakhand vide dt. 3.1.2022 had issued the notification, and the area from Vyas Ghat, Dev Praya,g on Ganga river upto Bhimgowda Barrage is declared flood plain zone.

IX. That it is pertinent to mention herein that, as per inspection done regarding distance parameters of land in question, where the aforesaid construction in question was raised, the distance from centre/ middle of river Ganga is 205 meters from the disputed land in question, and the distance from the edge of river Ganga is approx. 60 to 65 meters from the dispute site in question. The photocopy of the report is being annexed hereto and marked as ANNEXURE R-5."

11. None has appeared on behalf of the applicant today and the correctness of the report filed by District Magistrate, Pauri, Garhwal is not disputed.

12. It is evident from the report of the District Magistrate, Pauri, Garhwal that land comprised in khasra no. 718, which is owned by the Project Proponent- Swargashram Trust, is situated at the distance of 205 meters from the centre/ middle of river Ganga and 60 to 65 meters from the edge of river Ganga and does not fall within Flood Plain Zone of river Ganga notified vide notification dated 03.01.2022. The construction, which was being raised by the Project Proponent without any map, was stopped by issuance of show cause notices to the Project Proponent and the Project Proponent has now submitted an application for approval of its map of construction which is under process with the concerned Authority.

13. In view of the above referred duly verified facts and circumstances of the case, no question relating to environment arising out of the implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010 and violation of environmental norms is shown to exist and, therefore, no intervention by this Tribunal, in exercise of its power under the National Green Tribunal Act, 2010, is warranted on the present application which is disposed of accordingly.

† Principal Bench

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.



TRUE COPY