

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

ORIGINAL APPLICATION NO. 611 OF 2024

IN THE MATTER OF:

BHARATIYA KISAN UNION (PURWA)

.....APPLICANT

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

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NDoH 24.07.2025

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Place: New Delhi

Filed on 21.07.2025

FILED BY:

Aditya

ADITYA SINGH

Counsel for the Applicant

Ch. No. 17, Old Building,

High Court Allahabad

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 611 OF 2024

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BHARATIYA KISAN UNION (PURWA)

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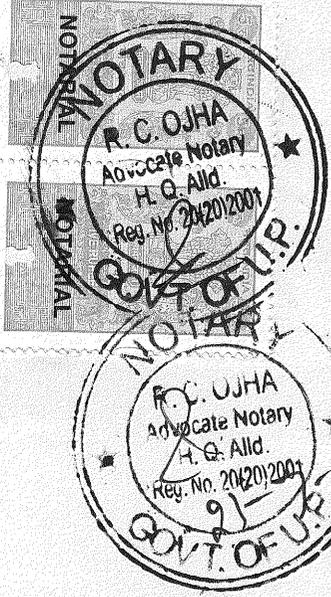
.....RESPONDENTS

OBJECTION / COUNTER AFFIDAVIT ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT FILED BY RESPONDENT NO. 2 (NATIONAL MISSION FOR CLEAN GANGA) IN COMPLIANCE OF THE HON'BLE TRIBUNAL ORDER DATED 13.11.2024, FILED ON 19.03.2025.

MOST RESPECTFULLY SHOWETH:

I, Shyam Sunder Singh (S.S. Singh), S/o Late Shri V.P. Singh, aged about 46 years, residing at B-203, Badri Awas Yojana, Teliyarganj, Prayagraj, Uttar Pradesh, presently at Prayagraj, do hereby solemnly affirm and state on oath as follows:

1. That I am the authorized representative and Secretary of Bharatiya Kisan Union (Purwa), the Applicant in the captioned matter. I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the Applicant respectfully submits this affidavit in reply to the affidavit filed by Respondent No. 2, i.e., the National Mission for Clean Ganga (NMCG), on 19.03.2025, in compliance with the



order of this Hon'ble Tribunal dated 13.11.2024. The Applicant prays that this affidavit be treated as part of the original application.

3. That the Applicant objects to the affidavit filed by Respondent No. 2, which states that vide its order dated 18.03.2025, NMCG granted prior approval under Section 42(b) of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, for the construction of a Rail bridge No. 111 located between Daraganj and Jhusi over the River Ganga at Prayagraj (hereinafter "the disputed project") and communicated the same to the project proponent (Respondent No. 8).
4. That the Applicant respectfully submits that the order dated 18.03.2025 passed by Respondent No. 2 has been issued arbitrarily, illegal and is contrary to law.

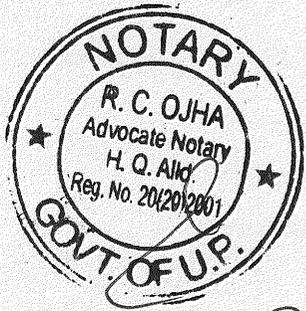


That brief facts of the case that the disputed project, a rail bridge located between Daraganj and Jhusi over the River Ganga at Prayagraj], was commenced and completed without obtaining prior approval from NMCG, in contravention of Section 42(b) of the Ganga Authorities Order, 2016, which mandates such approval before construction begins.

6. That on 01.03.2024, Respondent No. 8 submitted a proposal seeking prior approval under Section 42(b). However, NMCG, in its meeting on 30.04.2024, returned the proposal on 19.08.2024, wherein it was observed that the construction of the bridge had already been completed and therefore did not fall within the scope of prior approval as required under Section 42 of the Authority

Order, 2016. NMCG advised Respondent No. 8 to seek post facto approval under Para 6(3) of the Ganga Authorities Order, 2016. A true copy of NMCG's meeting dated 30.04.2024 is annexed as **Annexure A-1** to this affidavit.

7. That on 02.09.2024, Respondent No. 8 submitted a revised proposal seeking post facto approval under Para 6(3). Despite this, NMCG issued prior approval on 18.03.2025, which is procedurally irregular, arbitrary and illegal, as Section 42(b) does not permit prior approval for completed projects. A true copy of the order dated 18.03.2025 is annexed as **Annexure A-2** to this affidavit.
8. That this Hon'ble Tribunal, vide order its dated 26.09.2024, observed that under clause 6 (3) of the 2016 order only in certain exceptional circumstances covered by that clause, post facto approval can be granted. Therefore direct the NMCG to have due regard to the provisions stipulated therein while considering the application for post facto approval. A true copy of the order dated 26.09.2024 is annexed as **Annexure A-3** to this affidavit.
9. That thereafter, on 07.03.2025, the learned counsel appearing on behalf of Respondent No. 2 informed this Hon'ble Tribunal that NMCG's committee has examined the matter and taken a view that a postfacto approval for construction disputed in this matter cannot be granted and requested time to place the relevant decision on record. A true copy of the order dated 07.03.2025 is annexed as **Annexure A-4** to this affidavit.
10. That Respondent No. 2 granted prior approval on 18.03.2025 under Section 42(b) of the Ganga Authorities Order, 2016, in



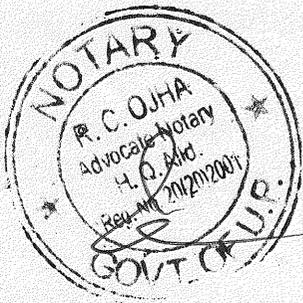
21-7-25

respect of the project in dispute. However, such approval was accorded despite the fact that Respondent No. 8 had submitted a proposal dated 02.09.2024 seeking post facto approval of the project under Para 6(3) of the Authority Order. The grant of prior approval in the face of an existing request for post facto approval is wholly illegal and arbitrary.

11. That the Applicant submits that NMCG's order dated 18.03.2025, granting prior approval, is arbitrary and illegal, as it contravenes Section 42(b) of authority order, 2016 and disregards NMCG's own findings on 30.04.2024 and 07.03.2025. Such approval undermines the regulatory framework designed to protect the River Ganga and its tributaries from unauthorized construction.

12. That Respondent No. 2 is the principal authority constituted under the provisions of the Environment (Protection) Act, 1986 and the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. It is entrusted with the responsibility of implementing the provisions of the said Order, including the effective abatement of pollution and the rejuvenation, protection, and management of the River Ganga and its tributaries. However, in the present case, Respondent No. 2 has arbitrarily granted approval to the project in question, in clear derogation of the very provisions of the said Order which it is statutorily bound to uphold.

13. That Respondent No. 2 has attempted to evade its responsibility and statutory obligation to uphold the provisions of the Authority Order, 2016, by granting approval in a case of clear violation, without initiating any strict legal action against the concerned



violators. Such conduct not only undermines the sanctity of the Ganga Authorities Order, 2016, and encouraging non-compliance.

14. That in light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to: a. Set aside the order dated 18.03.2025 issued by Respondent No. 2 granting prior approval to the disputed project; b. Direct Respondent No. 2 to initiate appropriate legal action against Respondent No. 8 for violating Section 42(b) of the Ganga Authorities Order, 2016; c. Pass any other order(s) as this Hon'ble Tribunal deems just, fit, and proper in the interest of justice.

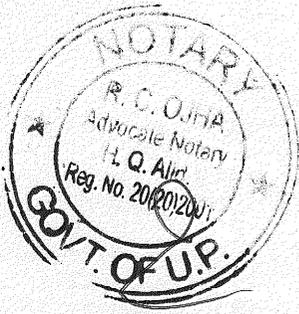
Shyam
DEPONENT

VERIFICATION

I, the above named Deponent, do hereby verify that the contents stated in Para 1 of this Affidavit are true and correct and Paras 2 to 14 are true to my knowledge and based on records and legal advice which I received and believe to be true. No part of it is false and nothing material has been concealed therefrom.

Verified at Prayagraj, on this the 21 day of July 2025.

Shyam
DEPONENT



The documents has been presented before me at Allahabad the document is identified by shri..... Advocate the Content of the Document has been explained to the Excuted which wa admit the to be Correct. and the Documents is Attested.

Ch
Kamesh Chandra Djha
Advocate Notary
Head Quarter Allah

Shyam
21-7-25

Date: 31/05/2024

Subject: Minutes of the 2nd Meeting of the Cell held on 30th April 2024 from 10:30 AM onwards at NMCG.

A copy of the minutes of the 2nd meeting of Cell held through hybrid mode on 30th April 2024 from 10:30 AM onwards under chairmanship of Executive Director (Technical), National Mission for Clean Ganga, DWR, RD & GR, Ministry of Jal Shakti is forwarded herewith for information necessary action.



Anup Kumar Srivastava
Executive Director (Technical)
& Member Secretary of Cell

Encl: As Above

To

1. Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
2. Chief Engineer, P&DO Central Water Commission, 901(S), Sewa Bhawan, RK Puram, New Delhi 110066.
3. Additional Director, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
4. Deputy Director General (DDG), National Mission for Clean Ganga, Delhi.
5. Consultant (Legal), National Mission for Clean Ganga, Delhi.

Copy to:

6. Mela Adhikari, Kumbha Mela, Prayagraj-211002.
7. Vice Chairman, Prayagraj Development Authority, 7th and 8th Floor Indira Bhawan Civil Lines Prayagraj 211001.
8. Executive Engineer, U.P. Jal Nigam (Rural), Block Office, Tulapur Water Tank, Jhusi, Prayagraj 211019, U.P.
9. Executive Engineer, Taj Barrage Construction Division Agra, Irrigation & Water Resource Department, U.P. Okhla, New Delhi-110025.
10. Chief Project Manager/Civil, UPMRC Ltd, Administrative building, Gomti Nagar, Lucknow-226010 U.P.
11. Project Director, Ganga Bridge No.111, Rail Vikas Nigam Ltd, Jhusi, Prayagraj-211019, U.P.
12. Environment Specialist, State Mission for Clean Ganga, "SPMG Group-117 Indira Nagar, Dehradun 248001, Uttarakhand".
13. Technical Advisor, State Mission for Clean Ganga-UP (SPMG-UP), Plot No-18, Sector-7, Gomti Nagar Extension, Lucknow, - 226010.

Copy for information:

14. Director General, National Mission for Clean Ganga, Delhi

included in the project tender. Additionally, Debassis, Consultant elaborated on the compensation measures between the existing and proposed bridge. Regarding the design discharge, it was clarified to represent the highest in a 50-year scenario.

- e) CE, P&D, CWC emphasized that the Waste Management plan should be part of UPMRC's construction plan.
- f) DDG, NMCG inquired about the cumulative effect of the bridge construction on river hydrology. CE, P&DO asked if any study had been conducted as mentioned by DDG, NMCG.
- g) PD, UPMRC requested conditional clearance for construction, citing ongoing tender processing, and commitment to conducting required studies and submitting findings.
- h) CE, P&DO recommended commencing construction at a location distant from the Yamuna river until all necessary studies and clearances have been obtained.

In the end, it was decided the after receiving necessary inputs from UPMRC, Cell will consider this proposal in the next Cell meeting.

Proposal-6: Daraganj-Rebuilding (Bridge No.111 on Ganga).

- a) During the session, the General Manager of RVNL (Rail Vikas Nigam Limited) was present to introduce the proposal for the Daraganj-Rebuilding project, particularly emphasizing Bridge No. 111 over the Ganga river. The objective of this initiative is to enhance ground management during events like the Kumbh Mela. He explained that the proposed bridge has already been constructed, with only the rail linking work and some miscellaneous tasks remaining to be completed.
- b) DDG clarified and highlighted that a cell has been established for prior permission under section 42. Since the construction is already complete, the submitted proposal serves as post-facto ratification. Since the work has already been completed, it does not fall under the purview of prior permission. However, it can be assessed under other clauses of the NMCG (National Mission for Clean Ganga) authority order, 2016. He suggested that the proposal could be considered under Section 6(3), which allows NMCG to review any structure already constructed and without seeking prior approval.

Recommendations- Since the construction of the bridge is completed, it does not fall under the prior-approval clause mentioned in Section 42 of the authority order. The

project can be examined under Section 6(3), which allows the NMCG to review projects constructed before 2016.

Proposal-7: NGT case Floating Hotel at Tehri Lake.

- a) In OA No. 131/2024, Hon'ble National Green Tribunal (NGT) case regarding the floating hut project at Tehri Lake, the NGT has directed the NMCG to determine if such activities align with the River Ganga (Rejuvenation, Protection and Management) Authorities (Amendment) Order 2024. NMCG was given a timeframe of two months to submit a report to the NGT about its discussion.
- b) Cell members desired further deliberation in the matter, and it was decided that a separate cell meeting would be held within the next 2-3 days to discuss the case in more detail.

Annexure-I

Members of the Cell

1. Shri Nalin Kumar Srivastava, Deputy Director General (DDG), NMCG
2. Shri D P Mathuria, Chief Engineer, PDO, CWC
3. Shri Bharat K Sharma, Member Secretary, CPCB
4. Ms. Reena satvan, Additional Director, CPCB
5. Shri AK Gupta, Technical Advisor, SMCG, UP
6. Shri Anup Kumar Srivastava, (ED(T)), NMCG
7. Shri Ishwar Singh, Consultant, Legal

Participants from Kumbh mela, Prayagraj

8. Vijay Kiran Anand, Mela Adhikari
9. Arvind Kumar Chauhan, Vice-chairman PDA
10. Himanshu Sagar, Senior Consultantant, EY

Participants from UP Jal Nigam (Rural), Prayagraj

11. Shri. Pravin Kirti, FE, UP Jal Nigam (Rural), Prayagraj

Participants from UPMRC Agra

12. Shri Susahan Butt, CE, Agra Metro Rail Project
13. Sh. Arvind Rai (PD,Agra)
14. Sh. Kunwar Sushil Bhatt (CPM-2, Agra)
15. Sh. Rahul Rai (PM-2B, Agra)
16. Sh. Rajender Singh (PM-2A, Agra)
17. Sh. Harshit Agarwal (AM/Civil)

Participants from Taj Barrage, Prayagraj

18. Shri. Saurav Tirpathi, CE, Taj Barrage, Agra

Participants from RVNL, Prayagraj

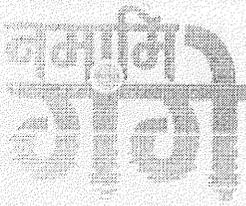
19. Shri VK Agarwal, GM, RVNL, Prayagraj

Participants from SMCG Uttarakhand

20. Shri. Akshay, Environmental Specialist, SMCG-Uttarakhand

Others

21. Ms. Anjali, Sc.C, NMCG
22. Shri. Manikandan P, PO, NMCG
23. Shri. Debasish Smrutiranjana, Vice-President, GeoSpatial
24. Prof. Arun Kumar, IIT Roorkee
25. Mr. Rajendra Chalisgoankar, Former Engineer-in-chief Uttarakhand



431 राष्ट्रीय स्वच्छ गंगा मिशन
National Mission for Clean Ganga

ANNEXURE - A2

F. No: TE-12015/3/2023-O/o ED(TECH) NMCG

Date: 18/03/2025

Prior Permission under Sec 42 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016

Subject: Post-Facto Approval for Reconstruction of Daraganj Bridge No. 111

Ref: - Letter No. RVNL/BSB/G/111/Corr/32/782 dated 01/03/2024 & 02.09.2024

With reference to the above letter regarding the post facto approval for "the reconstruction of Daraganj Bridge No. 111" under Section 42 of the NMCG Authority Order, 2016.

1. Vide letter dated 02/09/2024, RVNL submitted a proposal to the NMCG seeking post-facto approval for Bridge No. 111, as per Paragraph 6(3) of the Authority Order;
2. The proposal for post-facto approval was presented at the 5th Cell Meeting on 28/10/2024. The cell examined the various aspects of the proposal in details including its importance during Kumbha mela. The Cell observed that since the project commenced after 2016 and was nearing completion, it noted that under Section 6(3) of the NMCG Authority Order, 2016, prior approval can only be granted for construction complete before 2016. Therefore, appropriate decision in the matter may be taken in the light of provisions embedded in Authorities Notification, 2016;
3. From the submissions made by RVNL, it is gathered that-
 - a) The aforementioned work was initially sanctioned by the Railway Board as part of the rebuilding of IZZAT Bridge No. 111 in 2003-04 Pink Book of Indian Railway. The work was subsequently re-sanctioned in the year 2015-2016 under Pink Book item no 49 due to the bridge's inability to support higher axle loads.
 - b) RVNL received a letter of objection (NOC) for the construction of this bridge from the Mela Adhikari vide letter 2712 / पन्द्रह-कुम्भे (2018-19) dated 25 October 2018.
 - c) The contract for the project was awarded to ITDC-BBJ (JV), Kolkata, by RVNL on October 6, 2020.
 - d) ITD Cementation India Ltd intimated via letter dated 17/11/2023, that the work of bridge.111 has been completed.
 - e) RVNL submitted an online application seeking prior approval from NMCG on 17/01/ 2024, and again on 01/03/2024.
 - f) Construction of Rail bridge between Daraganj and Jhusi was to improve connectivity across Ganga in the region. The Project was already initiated and construction worth Rs.480cr has already been completed. That the works of railway bridge are of national importance under Railway act 1883 and also specifically in context of relieving traffic during Khumbh and thus needed to be taken up in priority.

4. Section 6 (3) and Section 42 of the Authorities Notification, 2016 provides for according prior approval in certain cases;
5. Having examined and considered various aspects of this matter as highlighted in preceding paras, and the provisions in the Authorities Notification, 2016, the Competent Authority hereby decides to grant approval of the project under Section 42 of Authorities Notification, 2016 subject to following conditions-
 - a) The project proponent will, in all future cases, strictly adhere to the provisions of the Notification failing which it will invite appropriate action under EP Act, 1986;
 - b) It is incumbent upon project proponent to bring to the notice of all concerned to the provisions of Notification, 2016 for their compliance in deserving cases;
 - c) UP, SMCG is directed to issue fresh instructions to all concerned for strict compliances of the Notification, and also direct District Ganga Committees to act promptly in such cases to rule out non-compliances in similar Matters.
6. This issues with approval of the competent authority.



(Anup Kumar Srivastava)
Executive Director (Technical)

To,

1. Project Director, Ganga Bridge.111 (Jhusi-Daraganj), Jhusi, Prayagraj, RVNL (Rail Vikas Nigam Limited) U.P 211019
2. Project Director, SMCG-UP, Plot No. 18, Sector 07, Gomti Nagar Extension, Lucknow, Uttar Pradesh - 226010

Copy to:

1. District Magistrate, District Magistrate Office, Collectorate, Prayagraj, Uttar Pradesh - 211002

Copy for kind information to:

1. PPS to secretary, DoWR, RD & GR, Ministry of Jal Shakti
2. PPS to Chairman, CPCB
3. PS to DG, NMCG .

Item No.15

Court No. 1

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

Original Application No. 611/2024

Bharatiya Kisan Union (PURWA)

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 26.09.2024

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

Applicant: Mr. Aditya Singh, Adv. for Applicant

Respondent: Mr. Ankit Verma, Adv. for the State of UP
Ms. Sthavi Asthana, Adv. for UPPCB
Mr. Gigi. C. George, Adv. for NMCG (Through VC)
Mr. Jitendra Kumar Singh, Ms. Shivpriya, Ms. Harshita Singh & Ms. Ritu Kumari, Advs. for R - 8 (RVNL)
Dr. Swaroop George, Mr. Abhinandan Jain & Mr. Tanmay Cheema, Advs. for R - 9**ORDER**

1. In this original application, applicant has raised the grievance against ongoing construction of railway bridge between Daraganj and Jhunsi which is stated to be on the floodplain of river Ganga and across the river Ganga.

2. Plea of the applicant is that respondent Railways has not obtained the prior approval of National Mission for Clean Ganga (NMCG) in terms of Sub-Clause (b) of Clause 42 of River Ganga (Rejuvenation, Protection And Management) Authorities Order 2016.

3. Replies on behalf of the Uttar Pradesh Pollution Control Board (UPPCB), National Mission for Clean Ganga (NMCG) and District Magistrate, Prayagraj have been filed.

4. NMCG in its reply has taken the stand that the applicant had filed an application before NMCG on 04.04.2023 making a complaint about the construction of the railway bridge in question by respondents nos. 8 and 9. Therefore, NMCG had sent the letter dated 01.05.2023 to the District Magistrate/ Chairman of the District Ganga Committee. Thereafter, a reminder was sent and after field inquiry, the report was submitted by UPPCB and on 06.11.2023, NMCG wrote to the District Magistrate-respondent no.6 to put on hold the ongoing construction of the railway bridge project and obtain approval /No Objection Certificate (NOC) from the NMCG. Respondent no.-8-General Manager, Rail Vikas Nigam Limited, thereafter, had submitted the application on 01.03.2024 seeking permission in terms of paragraph no. 14 of the 2016 Order from the NMCG.

5. Plea of the NMCG in the reply is that on 02.09.2024, respondent no.8 had applied for post-facto approval which is under consideration before NMCG.

6. We find that under Clause 6 (3) of the 2016 Order only in certain exceptional circumstances covered by that Clause, post facto approval can be granted. Therefore, we expect the NMCG to have due regard to the provisions stipulated therein while considering the application for post-facto approval.

7. Learned Counsel for NMCG has informed that the meeting of the Committee for considering the application for post facto approval is in the next month and has prayed for adjournment in this background.

8. List on 13.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 26, 2024
Original Application No. 611/2024
JG..

Annexure - A4

Item No. 12

Court No. 1

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

Original Application No. 611/2024

Bharatiya Kisan Union Purwa
through its Secretary

Applicant

Versus

Union of India Ministry of Jal Shakti
(Government of India) & Ors.

Respondent(s)

Date of hearing: 07.03.2025

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Aditya Singh, Adv. (Through VC)
Respondents: Mr. Ankit Verma, Adv. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Amit Shukla & Mr. Atul Mishra, Adv. for UPPCB
Mr. Gigi. C. George, Adv. for NMCG
Mr. Jitendra Kumar Singh, Ms. Shivpriya, Ms. Harshita Singh & Ms.
Ritu Kumari, Adv. for R - 8 (RVNL)
Dr. Swaroop George, Mr. Abhinandan Jain & Mr. Tanmay Cheema, Adv.
for R - 9

ORDER

1. Learned Counsel appearing for the Respondent – NMCG stated that the committee has examined the matter and taken a view that a *post-facto* approval for construction disputed in this matter cannot be granted. However, to place on record the above decision and requisite documents he has prayed for and allowed two weeks' time to file its affidavit.

2. List on 25.03.2025

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 07, 2025
HB