

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
I.A. NO. 285-286 OF 2024  
IN  
ORIGINAL APPLICATION NO. 238/2024**

IN THE MATTER OF:

News item titled 'UP gives permission to fell 112000 trees for road along Upper Ganga Canal' appearing in Hindustan Times dated 01.02.2024

AND IN THE MATTER OF:

1. Vikrant Tongad ...Applicants/Proposed Interveners

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Proof of service

2008

Through



**AKASH VASHISHTHA**

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Dated:- 12.02.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

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**RESPONSE/OBJECTIONS ON BEHALF OF THE APPLICANTS TO THE REPORT, DATED: 17.01.2025 OF THE JOINT COMMITTEE**

The Applicants above-named

Most Respectfully Showeth:

1. That the primary issue being considered by this Hon'ble Tribunal in the present O.A. is the large-scale felling of 112000 trees for road along the Upper Ganga Canal in the Protected Forest area of three divisions – Ghaziabad, Meerut and Muzaffarnagar for construction of 111 kms Kanwar Marg from Muradnagar in Ghaziabad district to Purkaji in

Muzaffarnagar district of Uttar Pradesh near Uttarakhand border, which will adversely affect the biodiversity of the region and displace wildlife and impact the environment due to critical loss of forest and tree cover.

2. That vide Order, dated: 20.01.2025, this Hon'ble Tribunal was pleased to permit the Applicants, herein, to file objections to the Report, dated: 17.01.2025 of the Joint Committee filed by District Magistrate, Meerut.
3. That the contents of this Affidavit are in addition to the facts and issues agitated by the Applicants, herein, in I.A. Nos. 285-286/2024 and may also be read as part of the facts and issues raised in the aforementioned I.A.s.
4. That the Joint Committee Report is incomplete, incoherent and inadequate in as much as the same fails to give any clear picture of the extent of tree cutting along the Upper Ganga Canal. The Joint Committee Report is subversive of the objects for which the same was constituted by this Hon'ble Tribunal. The Joint Committee has made every attempt to cover up the illegalities and irregularities conducted before and during the felling of such large number of trees.
5. That it is the case of the Applicants that the process of the grant of the in-principle, Stage-I approval by the MOEF&CC to the Department of Environment, Forest & Climate Change, State of Uttar Pradesh has been carried out in a completely opaque and non-transparent manner in as much as the same had never been made public or uploaded on the

website of the MOEF&CC, thereby, denying any opportunity to the concerned stake-holders to object or put forward suggestions or legally challenge the same.

6. That although the Stage-I Forest Approval itself was granted by the MOEF&CC without any public participation, at several places the tree felling has been carried out much in excess of the permitted 15/20 metres. The same has also been observed by this Hon'ble Tribunal vide Order, dated: 25.11.2024, as follows:

“ ...

*5. Learned Counsel appearing for Survey of India on instructions has informed that highlighted portion in the table is starting from page 1491 depicts the area and the map number wherein the tree felling has taken place beyond 20 meters. Referring to the map no. 11, it has been pointed out that 7.5 meter was left from the toe of the dowla (dowla-provision on the side of the service road between the service road and channel) for construction of the road. It has been submitted that there is a brick road of 5 meter and, thereafter, 2.5 meter has been left and then 20 meters stretch for construction of the proposed road starts.*

...”

(Emphasis added)

7. That it is submitted that the Joint Committee chose not to take any independent expert member or persons from the civil society, farmers, and inhabitants of the villages situated in proximity to the Upper Ganga Canal, which have been affected by the construction of the 111 km Kanwar Marg,

which is completely of no use and benefit as they are already three roads connecting Ghaziabad with Muzaffarnagar.

8. That the response provided by the Joint Committee (at S. No. 6 at Page 1905 of the Report) in reply to its mandate to ascertain the extent of environmental damage on account of construction of the road, that the EIA and EMP along with Carbon Assessment has been conducted by the PWD through an Environmental Consultant to be executed during implementation of the construction work is completely misplaced and defies reasoning. The report fails to indicate the environment impacts to be witnessed post cutting of the such large number of trees on the Canal, agriculture, wildlife, biodiversity, water security, ground water levels and the climate and micro-climate impacts on the surrounding areas in Western Uttar Pradesh, which is one of the most fertile regions and the food-bowl of the country.
9. That the Joint Committee Report has only made a passing reference to the Carbon Impact Assessment report, which report is not placed on record for the examination of this Hon'ble Tribunal.
10. That the finding of the Joint Committee, relying on some study of the UPPCB that the loss to the biodiversity arising from the construction of the road and cutting of such large number of trees, is reversible and no rare plant or animal species shall be affected by the present project is de hors logic and reasoning.

11. That it is the submission of the Applicants that without periodically assessing and ascertaining the floral and faunal biodiversity along the Upper Ganga Canal and without factoring the MOEF&CC Report of 2010 (which expressly states the presence of rich floral and faunal biodiversity along the Upper Ganga Canal), the statement that no loss to biodiversity shall be caused and no rare plant or animal species exist is misconceived without any scientific or ecological basis and is tended only to mislead this Hon'ble Tribunal in the matter.
12. That it is further the submission of the Applicants that the UPPCB is a statutory body constituted under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. It is neither a statutory regulator under the Biological Diversity Act, 2002 nor an expert body to assess and comment on the presence or absence of biodiversity in a particular area/region.
13. That it is further surprising to note that the PWD has completely left out the Forest Department in conducting any Environment Impact Assessment. It is submitted that the magnitude and extent of wildlife and other biological diversity can be best ascertained by the Forest Department as well as by the Wildlife Institute of India (WII).

14. That it is submitted that all the trees that have been axed cannot be compensated in any manner, much less compensatory afforestation or fresh plantations.
15. That the purpose of the trees and the vegetation along the Left Bank of the canals was to protect the banks from erosion, starting with rills and gullies (that create breaches in the canal) and prevent evaporation of the water from the canal. The canal bank plantation serves as shelter belts to the fields adjoining the canal. The plantations further provide greenery and cover to the wild animals along the canal. The plantations also further provide timber and firewood for the rural population living along the canals.
16. That over last several decades, the trees and the forest stretches along the Upper Ganga Canal have continued to serve the aforesaid purpose.
17. That one of the essential hydrological feature of any flowing water body, such as a canal, stream or river is the lateral, longitudinal and vertical hydrological linkages and both surface and sub-surface connections which maintain its flow and ecological integrity.
18. That the aforesaid hydrological feature of a flowing water body, such as a canal, stream or river is also laid down as an important principle for rejuvenation, protection and Management of Ganga, in the River Ganga (Rejuvenation,

Protection and Management) Authorities Order, 2016 under the Environment (Protection) Act, 1986.

Clause 4 of the said Notification reads as follows:

***“4. Principles to be followed for rejuvenation, protection and management of River Ganga. – (1) The following principles shall be followed in taking measures for the rejuvenation, protection and management of River Ganga, namely:-***

- (i) the River Ganga shall be managed as a single system;*
- (ii) the restoration and maintenance of the chemical, physical, and biological quality of the waters of River Ganga shall be achieved in a time bound manner;*
- (iii) the River Ganga shall be managed in an ecologically sustainable manner;*
- (iv) the continuity of flow in the River Ganga shall be maintained without altering the natural seasonal variations;*
- (v) the longitudinal, lateral and vertical dimensions (connectivities) of River Ganga shall be incorporated into river management processes and practices;*
- (vi) the integral relationship between the surface flow and sub-surface water (ground water) shall be restored and maintained;*
- (vii) the lost natural vegetation in catchment area shall be regenerated and maintained;*
- (viii) the aquatic and riparian biodiversity in River Ganga Basin shall be regenerated and conserved;*

*(ix) the bank of River Ganga and its flood plain shall be construction free Zone to reduce pollution sources, pressures and to maintain its natural ground water recharge functions;*

*(x) the public participation in rejuvenation, protection and management, revision and enforcement of any regulation, standard, effluent limitation plan, or programme for rejuvenation, protection and management shall be encouraged and made an integral part of processes and practices of River Ganga rejuvenation, protection and management.*

*...”*

(Emphasis added)

19. That the cutting/felling of trees and the conversion of the forest into non-forest land or construction of the road along the Upper Ganga Canal would, inevitably, lead to an irreversible ecological hazard and consequently, complete drying up of the Upper Ganga Canal, which would critically affect the already-stressed agriculture in the Western Uttar Pradesh region and deprive a vast population living in these areas of drinking and domestic water. The same is evident from the fact that the Murad Nagar area in Ghaziabad through which the Upper Ganga Canal passes has turned from Safe into a Semi-critical Block for groundwater extraction and is now on the verge of becoming a Critical Block, soon.

**PRAYER**

In light of the facts and circumstances as stated hereinabove, it is most respectfully, prayed that this Hon'ble Tribunal may be pleased to grant the reliefs, as prayed for, by the Applicants, herein, in I.A. No. 285/2024 and I.A. No. 286/2024 in the aforementioned Original Application and/or Pass any such other or further Order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



**APPLICANTS**

Through



**AKASH VASHISHTHA**

(Advocate for the Applicants/Proposed Intervenors)

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PLACE: DELHI

DATED: 12.02.2025

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**AND IN THE MATTER OF:**

**Vikrant Tongad & Ors.**

**...Applicants**

**AFFIDAVIT**

I, Vikrant Tongad, S/o. Lt. Sh. Baljeet Singh, aged about 34 years, R/o 84, Bhanauta, Greater Noida, Uttar Pradesh - 201311, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 1 in the above-mentioned Application and am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the Response to the Report dated 17.01.2025 has been drafted by my counsel on my instructions. The



contents of the same have been read over and explained to me in my language and the same are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.



**DEPONENT**

**VERIFICATION:**

I, the deponent above-named do hereby verify that the contents of this Affidavit from Para 1 to 19 are true to my knowledge nothing material has been concealed therefrom.

VERIFIED at New Delhi on this 12<sup>th</sup> day of February, 2025.



**DEPONENT**

**ATTESTED**  
  
**NOTARY PUBLIC**



2008

Om Prakash &lt;omprakash.life@gmail.com&gt;

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**Fwd: Advance copy of Objections in O.A. 238/2024**

1 message

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**AKASH VASHISHTHA** <akashvashishtha.official@gmail.com>  
To: Om Prakash <omprakash.life@gmail.com>

Wed, Feb 12, 2025 at 4:14 PM

----- Forwarded message -----

From: **AKASH VASHISHTHA** <akashvashishtha.official@gmail.com>

Date: Wed, Feb 12, 2025 at 4:12 PM

Subject: Advance copy of Objections in O.A. 238/2024

To: bhanwar jadon &lt;bhanwar09jadon@gmail.com&gt;, &lt;bhanwar09@gmail.com&gt;, &lt;gigicgeorge.adv42@yahoo.in&gt;

Dear Sir/Madam

Please find an advance copy of the Objections attached in O.A. 238/2024.

Yours Faithfully,

Akash Vashishtha  
(Advocate)

Ph.: 9717006866

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 **Response to JC Report 17.01.2025.pdf**  
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