

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL  
BENCH, BHOPAL

ORIGINAL APPLICATION NO. 90 OF 2024

IN THE MATTER OF

Amit Kumar & Anr. ....Applicants

VERSUS

Union of India & Ors. ....Respondents

INDEX

| S. No. | Particulars  | Pg. No. |
|--------|--|---------|
| 1.     | Objections by the Applicant to the Factual and Action Taken Report of the Joint Committee  | 2-5     |
| 2.     | <b>Annexure A-1:</b> True copy of the Hon'ble Tribunal's order dated 10.05.2024 in the matter of <i>Amit Kumar Vs. State of Uttar Pradesh &amp; Ors.</i> O.A. No. 201/2024 | 6-9     |

Filed by:

Amit Kumar

**Dated: 08.09.2024**

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**Objections by the Applicant to the Factual and Action Taken Report of the Joint  
Committee**

MOST RESPECTFULLY SHOWETH:

1. That the above-captioned OA had been preferred before this Hon'ble Tribunal regarding the revival of Sota River and Buchara Dam in the Neem Ka Thana district of Rajasthan.
2. That the Hon'ble Tribunal vide order dated 24.04.2024 constituted a Joint Committee [herein referred to as the 'Committee'] and directed it to visit the site and submit a **factual and action-taken report**. The committee submitted its report on 29.07.2024.
3. That the Hon'ble Tribunal vide order dated 30.07.2024 allowed the applicant to file objections to the report. The applicant hereby submits objections, reserving the right to file a more detailed response if necessary.

**Incomplete and Superficial Site Inspections:**

4. That the Joint Committee's report is incomplete and ignores critical aspects of the environmental damage. Several key points raised in the original petition were either inadequately addressed or completely overlooked:
  - **Failure to Inspect the River's Origin:** The committee conducted two site visits but did not inspect the Sota River from its **origin to the Buchara Dam**. This oversight is significant, as the condition of

the river upstream is crucial to understanding its overall health and flow dynamics.

- **Failure to Address Permanent Public Road Construction:** The committee report remains silent on the **permanent construction of public roads** within the riverbed, despite this being one of the main concerns in the original petition. This road obstructs the river's natural flow and contributes significantly to its degradation.
- **School Construction in the Riverbed Ignored:** The **permanent construction of a school** within the riverbed was also ignored by the committee. This is a blatant violation of environmental laws, yet no comment or recommendation was made in this regard.

***Incorrect and Incomplete Reporting of Stone Crushers:***

5. That the number of operational stone crushers is inaccurately reported by the committee. The committee failed to identify several units currently operating within or near the riverbed, thereby **downplaying the extent of illegal activity:**

- **Missing Consent to Operate (CTO) Details:** The **CTO copies** for the listed stone crushers were not annexed with the report, leaving an incomplete record of whether these units were functioning within environmental norms.
- **Expired CTO:** **M/s Dhanlaxmi Stone Crusher** had a CTO that **expired on 31.08.2024**, yet the unit is still operating.
- **Pending CTO Applications:** **M/s Shivaye Minerals** applied for a CTO on 28.06.2024, yet the unit began operations **without obtaining the requisite CTO**. Neither the committee nor the RSPCB took action against this violation, which sets a dangerous precedent for non-compliance.

It is pertinent to notice here that the application for the CTO was filed by M/s Shivaye Minerals after the first site visit of the committee.

**Incorrect and Incomplete Reporting of Stone Crushers:**

6. That the committee, in its report, includes statement from the Assistant Mining Engineer, Kotputli, that mentions multiple cases of illegal mining in the Buchara Dam, Banedi Bandh, and Bhuri Badhaj areas. However, this is nothing more than a formality:
- **No New Actions Taken:** Despite the Hon'ble Tribunal's directive for an **action taken** report, neither the mining department nor the committee took any immediate action after the Hon'ble Tribunal order.
  - **No Deterrence for Illegal Mining:** Although the department claims to have taken action in 2113 cases from **2010 to 2024** and collected fines amounting to **₹836.24 lakhs**, illegal mining continues unabated indicating that the fines alone are insufficient to stop these illegal mining activities.
  - **No Evidence of Funds Used for River Restoration:** The report provides no details on how the fines collected were used. There is no mention of whether the funds were allocated toward **restoring the damage caused to the river** by illegal mining activities. Merely imposing fines without follow-up measures has failed to prevent ongoing environmental harm.
7. It is further submitted that the committee notes that several departments, including the **Land Revenue Department, Mining Department, and Water Resources Department**, are responsible for taking further action. However, the report provides no timeline or specific commitments from these departments. This lack of coordination and accountability is a major concern, as it allows the illegal activities to continue unchecked damaging the river.

**Recommendations by the Applicant:**

8. That, in light of the above, the applicant respectfully submits the following recommendations to this Hon'ble Tribunal:
- a. That the future **inspection of the river should include the entire River**, including its origin, and not just the limited section inspected. This

should also include a thorough assessment of the environmental health of the river from its origin to Buchara Dam.

- b. The committee must address the **illegal construction of public roads and the school** within the riverbed. A timeline should be established for the removal of these constructions and restoration of the riverbed to its natural state.
- c. The committee must provide a **full account** of the number of stone crushers operating within and near the riverbed, including a copy of all **Consent to Operate (CTO)** documents, and take **immediate action** against units operating without valid CTOs.
- d. The respondent authorities should be directed to **submit a time-bound restoration plan** for the Sota River. This plan should include specific timelines, monitoring mechanisms, and fund allocation for the restoration of the river ecosystem. Reference is drawn to the Hon'ble Tribunal's order dated 10.05.2024 in the matter of *Amit Kumar Vs. State of Uttar Pradesh & Ors*, O.A. No. 201/2024, where a similar directive was issued to revive a degraded river. Relevant part of the order is reproduced here:

*The restoration of river and its flow is required to be done. Hence, we direct Respondent No.6- District Magistrate, Shamli and Respondent No.7- District Magistrate, Saharanpur to prepare a timebound action plan for restoration of the river and submit it before the Tribunal at least one week before the next date of hearing.*

True copy of the Hon'ble Tribunal's order dated 10.05.2024 in the matter of *Amit Kumar Vs. State of Uttar Pradesh & Ors*, O.A. No. 201/2024 is annexed as **[Annexure A-1]**

- e. The fines collected by the mining department should be allocated toward a **time-bound restoration project** for the Sota River.

Filed by:



Amit Kumar

**Dated: 08.09.2024**

## Annexure A-1

Item No.15

Court No. 1

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

Original Application No. 201/2024

Amit Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 10.05.2024

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

Applicant: Mr. Amit Kumar, Applicant in Person (Through VC)

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)

### ORDER

1. In this original application, applicant has raised the issue of pollution and degradation of Khokhari River, a rain-fed tributary of River Yamuna, in Shamli and Saharanpur district of Uttar Pradesh.

2. Allegation is that due to unchecked construction, illegal encroachment and untreated discharge, health of the river has deteriorated drastically resulting in diminishing the flow of river.

3. Tribunal by order dated 01.03.2024 had directed the Department of water Resources, River Development and Ganga Rejuvenation, District Magistrate, Shamli and District Magistrate, Saharanpur and also Uttar Pradesh Pollution Control Board(UPPCB) to ascertain the truthfulness of the allegation, collect water sample from river from different points, get it analysed and also find out the cause of pollution in the river and take remedial action and submit the report.

4. UPPCB has filed the report dated 29.04.2024 disclosing as under:-

- “2. During the inspection, it is observed that the course of the river bed is dried up, with no continuous water flow (discharge & water current) present either in its upper segment in Saharanpur or in its lower segment in Shamli. However, there is very limited site-specific water logging in the dried-up river bed at some places (in Saharanpur segment near Sakerpur, & Laknohti, and Shamli segment near Chausana and Kertu) due to wastewater discharge in a very small quantity from nearby rural inhabitations. Water comes from nearby rural dwellings and finds its way into the dried-up river-bed near Sakerpur. As there is an under-construction bridge at this site, the water seems to be used for the construction activity. No concerned person is, however, available to confirm this.
3. Site-specific macrophytic growth (predominated by Eichhornia sp.) in the river-bed near Laknohti, Sakerpur, Chausana and Kertu is the result of limited water / wastewater inflow from nearby human habitations.
4. In the water body, an illegal activity of site-specific solid waste dumping from drains in a nearby rural area is spotted near Laknohti, Saharanpur. Except for this, no unusual solidwaste dumping specific to the entire dried riverbed is being observed in either of the segments in Saharanpur or Shamli.
5. The water body seems to have remained without continuous water discharge for a long time, as indicated by encroachment of river-bed for agricultural activities (along its dried- up river-bed course) as well as residential purpose at certain places both in Saharanpur as well as Shamli. However, the dried-up water body normally has retained its river-bed demarcation line on either side of the banks along its course.
6. As concluded from the interactions with local people for information gathering, the tributary used to flow perennially around 15 years ago to meet the basic rural domestic and agricultural freshwater needs. Previously, monsoon feeding contributed to the augmentation of the river discharge. However, its continue water flow was maintained by the River Yamuna, from which it is supposed to have been originated.

7. *From the above observations, it is clear that the river doesn't meet the basic hydrological, ecological and environmental requirements of continuous natural discharge of water in its already dried-up riverbed course, except in the monsoon months when there is water flow in the water body due to floods in River Yamuna as well as because of rainfall; therefore, asserting the facts without water sampling about the claim of river water quality deterioration due to pollution is not technically possible.*
  8. *Under the dried-up riverbed conditions, ascertaining the facts of the claim about the quantitative degradation of the river without continuous water discharge observed in it, is also not technically feasible.”*
6. In the said report following recommendations has been made:-
- “1 *For restoration of water quality and control & prevention of the potential rise in pollution for avoiding the further deterioration as well as meeting freshwater quality requirements of human use and ecological cum environmental health, the dried-up river needs continuous water flow. This can be possible by addressing the river-centric challenges with a holistic, sustainable, and basin wide approach consistent with maintaining a natural balance among interacting liminological conditions across the critical intersection areas of hydrological, geological, meteorological, geographic, and morphological.”*
7. Photographs enclosed with the report clearly depict the site specific water logging in the river near Laknohti, discharge from nearby rural locality in the river near Laknohti, solid waste dumping near Laknohti, encroachment of agricultural land on river near Sakerpur, Saharanpur, encroachment of residential houses on the river Chausana and Shamli, encroachment of agricultural land on dried-up portion of the river near Kemalpur, Shamli as also dry river-bed with macrophytic vegetation near Kertu, Shamli.

8. Report clearly states that river used to flow perennially around 15 years ago to meet the basic rural domestic and agricultural freshwater needs but on inspection it was found that water body is now without water discharge. This river is tributary of river Yamuna which ultimately meets river Ganga. The restoration of river and its flow is required to be done. Hence, we direct Respondent No.6- District Magistrate, Shamli and Respondent No.7- District Magistrate, Saharanpur to prepare a time-bound action plan for restoration of the river and submit it before the Tribunal at least one week before the next date of hearing.

9. Applicant present in person has also sought four weeks time to file objection to the report which is granted.

10. List on 27.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 10, 2024  
Original Application No. 201/2024  
JG.