

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

O.A NO. 201 OF 2024

IN THE MATTER OF:

AMIT KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

....RESPONDENTS

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Dated: 26.08.2024

On behalf of the Applicant:



Amit Kumar
Dated: 26.08.2024

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OBJECTIONS BY APPLICANT TO UPPCB REPORT/COMPLIANCE REPORT

MOST RESPECTFULLY SHOWETH:

1. That the above-captioned Application had been preferred before this Hon'ble Tribunal regarding the revival of Khokhari/Saindali river in the Saharanpur and Shamli districts of Uttar Pradesh.
2. That the Hon'ble Tribunal vide order dated 10.05.2024 directed Respondent No. 6 [District Magistrate, Shamli] and Respondent No. 7 [District Magistrate, Saharanpur] to prepare a "**time-bound**" **action plan for the restoration of the river** and submit it before the Tribunal.
3. That pursuant to the direction given by this Hon'ble Tribunal in its order dated 10.05.2024, UPPCB [Respondent No. 9] submitted a compliance report dated 21.08.2024 before this Hon'ble Tribunal. The applicant received a copy of the said report on 24.08.2024 from the website of this Hon'ble Tribunal.
4. That the applicant, at this stage, is filing a brief objection to the report, while reserving the liberty to file a more detailed response in the future, should it become necessary.

Objections/Submissions by the Applicant

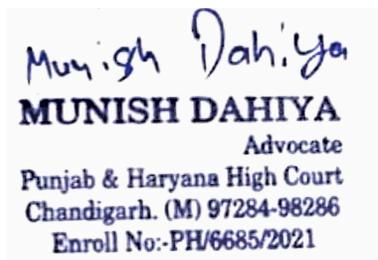
5. That the contents of the Objections by the applicant dated 11.07.2024, along with the annexures, may be read as part and parcel of this objection and are not repeated here for the sake of brevity and to avoid repetition.
6. That the entire stretch of the river has again not been taken into consideration in the report, with no mention of Behat Tehsil of Saharanpur, where the river originates. The work done by Respondent No. 7 [District Magistrate, Saharanpur] is incomplete, and consequently, the restoration plan submitted on behalf of Respondent No. 7 is also incomplete. This omission is an attempt to mislead this Hon'ble Tribunal by hiding the origin of the river and submitting the incomplete information as well as the restoration plan.
7. That the data submitted on behalf of Respondent No. 6 as well as Respondent No. 7 does not include the significant issue of illegal encroachments by farmers, who have filled the riverbed with soil, completely blocking the river's natural flow and leveling it with adjacent farmlands. This critical aspect has also been entirely ignored in the restoration plan.
8. That there is no mention in the report of the permanent constructions carried out by the respondent authorities, which include the public roads, without constructing necessary bridges over the river. Submissions made in this context in the objection dated 11.07.2024 may be read as part and parcel here and are not repeated here for the sake of brevity and to avoid repetition.
9. That the restoration plan submitted on behalf of Respondent No. 6 [District Magistrate, Shamli] is not only unrealistic but appears to be a mere formality intended to satisfy procedural requirements without genuine commitment to environmental protection. The plan lacks a precise, time-bound schedule and instead vaguely mentions the expected time to be taken as 'T,' without clarifying when specific tasks will be completed. This ambiguity reflects Respondent No. 6's lack of seriousness and disregard for the critical need to restore the river, thereby demonstrating a negligent attitude towards his statutory duties and responsibilities concerning environmental protection in the Shamli district.

Recommendations

10. In light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Direct Respondent No. 6 and Respondent No. 7 to immediately undertake a comprehensive and detailed inspection of the entire stretch of the Khokhari/Saindali River, including its origin in Behat Tehsil, Saharanpur, and to submit a **revised and accurate restoration plan that addresses all aspects.**
- b. Mandate the inclusion of specific, **time-bound actions in the restoration plan,** with clear deadlines for each task, ensuring that all restoration activities are completed in a timely manner. This should include a detailed timeline with fixed dates rather than vague references such as 'T,' to prevent any further delay or ambiguity in the execution of the restoration plan.
- c. Grant any other relief that this Hon'ble Tribunal deems fit and proper in the interest of justice and environmental protection.

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