

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

**Original Application No. 417/2022**

Niranchan Bagchi

... Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

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**Through**

Date: .05.2025

Place: New Delhi

**ADVOCATE FOR THE RESPONDENT:**

Gigi.C.George, Advocate  
Standing Counsel (UOI)  
Ch No. 457, Lawyers Block-I  
Delhi High Court, New Delhi  
Email- gigicgoerge.adv42@yahoo.in  
Mob-9810625315

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**Reply Affidavit on behalf of the National Mission for Clean Ganga in compliance of the order dated 13.02.2025**

I, Anup Kumar Srivastava, S/o Late P. L. Srivastava, aged 58 years presently posted as the Executive Director, Technical in the National Mission for Clean Ganga (NMCG), D/o WR, RD & GR, Ministry of Jal Shakti, New Delhi and am duly authorized and hereby solemnly affirm and state as under:

1. That I am duly authorized for and on behalf of the Respondent No. 9 to swear to the present affidavit. I am fully conversant with the facts and circumstances of the present case from the records.
2. That I have been authorized to swear this affidavit on behalf of NMCG by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
3. That at the outset it is submitted that NMCG is one of the authorities constituted in accordance with the provisions of sub-section 3 of Section 3 of the Environment (Protection) Act, 1986 vide notification no. S.O. No. 3187(E) dated 07.10.2016, published in the gazette of India. NMCG has been mandated with for the implementation of programs for protection, prevention and rejuvenation of river Ganga and its tributaries christened as the Namami Gange Programme (NGP) of the Central Government.

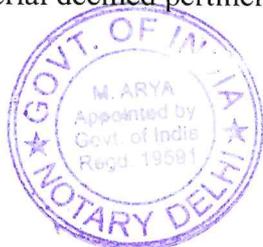


5/6

4. That the applicant, in this original application, has raised concerns regarding unauthorized raising of jhuggis on the dry river bed of river Rispana in Dehradun and discharge of untreated domestic sewage, dairy waste and industrial effluent in the rivers. The applicant has submitted that river Rispana is one of the four main rivers in Dehradun. The quality of water in all the four rivers has deteriorated because of domestic sewage, dairy waste and untreated industrial effluent being discharged into them. These rivers in turn discharge their pollution load in river Ganga at Haridwar. The number of jhuggis increase each year specially since municipal facilities are now available to them. Natural calamity in which overflowing river Rispana created havoc and washed away several habitations with loss of lives have occurred in Dehradun since 2013. Despite these happenings, persons are allowed to build jhuggis in the sensitive area of river bed knowing fully well that a catastrophe may be lurking.
5. That in view of the grievances raised by the applicant in the present application, the Hon'ble Tribunal was pleased to implead the NMCG as one of the respondents and directed filing of an affidavit in response to the issues raised by the applicant.
6. That in compliance with the directions of the Hon'ble Tribunal, the NMCG, vide its letter dated 30.04.2025, addressed to the Secretary, Uttarakhand Irrigation Department, referred to the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, particularly Section 6(3), which inter alia provides:

*“Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.”*

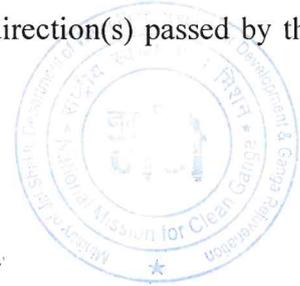
That in view of the above, the State Government was requested to submit a comprehensive report for examination by NMCG, including details of flood plain zoning along the banks of River Rispana, copies of any relevant State Government orders or notifications defining protected or regulated zones and the criteria adopted therein, as well as any other information or material deemed pertinent to the matter.



Handwritten signature or mark.

Copy of the NMCG letter dated 30.04.2025 is attached herewith as 'Annexure I'.

- 7. That in response, the Irrigation Department Uttarakhand, vide its letter dated 03.05.2025, referred to NMCG's communication dated 30.04.2025 (Letter No. L-25012(11)/7/2025-0/0 ED(TECH) NMCG) and submitted that a final notification pertaining to the Flood Plain Zoning for a 27 Km stretch along River Rispana is expected shortly. Copy of the letter dated 03.05.2025 is marked and attached herewith as 'Annexure II'.
- 8. That, the answering respondent herein craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.
- 9. In light of the above submission, it is respectfully submitted that this Answering Respondent NMCG, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in this Application.



*[Handwritten signature]*

**Deponent**

**VERIFICATION:**

05 MAY 2025

Verified at Delhi on this the day of ..... May, 2025 the averments and facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



*[Handwritten signature]*

**Deponent**

Date: .05.2025

Place: New Delhi

*Identify the deponent who signed before me*



**ATTESTED**  
*[Handwritten signature]*  
**NOTARY PUBLIC**  
 05 MAY 2025

File No.: L-25012(11)/7/2025-O/o ED(TECH) NMCG

Dated: 30<sup>th</sup> April, 2025

**Subject: Subject: Submission of Status Report in O.A. No. 417/2022 before Hon'ble NGT  
-Regarding Illegal Encroachments on the Banks of Rispana River**

**Ref: Hon'ble NGT order dated 13<sup>th</sup> February, 2025 in the matter of Niranchan Bagchi vs. State of Uttarakhand & Ors. OA no. 417 of 2022**

Kind attention is drawn towards above referred proceedings before the Hon'ble National Green Tribunal (NGT) in Original Application No. 417/2022 titled Niranchan Bagchi vs. State of Uttarakhand & Ors. The matter was listed before the Hon'ble Tribunal on 13.02.2025.

- a. The grievance in the present application is regarding unauthorized raising of jhuggis on the dry river bed of river Rispana in Dehradun and discharge of untreated domestic sewage, dairy waste and industrial effluent in the rivers.
- b. As per para 2 of the order dated 17.03.2025 of Hon'ble Tribunal:

*"out of 89 illegal encroachments 20 illegal encroachments are supported by valid proof of construction/residency prior to the cut-off date of 11.03.2016 and remaining 69 encroachments were removed. In para no. 8 of the abovesaid application the applicant has mentioned that out of 413 encroachments in villages Kathbangla, Veer Gabbar Singh Basti, Tarla Nangal, Chidowali, Kandoli, Dhakpatti and Happy Enclave on the banks of the Rispana River, 350 were found to have existed/have been completed prior to 11.03.2016 and remaining 66 constructions have been removed. However, copies of reports regarding 89 illegal encroachments submitted to the Commissioner Municipal Corporation, Dehradun and 413 encroachments submitted to the Vice-Chairman, Mussoorie Dehradun Development Authority have not been enclosed with the application."*

A copy of the Hon'ble Tribunal's order dated 13.02.2025 and 17.03.2025 is enclosed herewith for your ready reference.

2. Vide aforementioned order, the Hon'ble Tribunal has impleaded NMCG as respondent no. 9 in the present application.
3. As per River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, particularly Section 6(3), *inter alia*, states that:

*"Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them."*

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एन.एम.सी.जी., (जल संसाधन, नदी विकास एवं गंगा संरक्षण मंत्रालय, भारत सरकार के अन्तर्गत निबंधित सोसायटी)  
प्रथम तल, मेजर ध्यानचंद नेशनल स्टेडियम, इंडिया गेट, नई दिल्ली - 110002

NMCG, (A Registered Society under Ministry of Water Resources, River Development & Ganga Rejuvenation, Govt. of India)  
First Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi-110002

Ph : 011-23072900, 23072901

4. In view of above, State Government is requested to:
- Submit a detailed report in the matter for examination by the NMCG;
  - Flood Plain Zoning carried out in the stretch along the banks of river Rispana;
  - State Government order / notification, if any defining the protected / regulated zone in the flood plain zoning and criteria adopted for the same; and
  - Any other material state government assumes relevant for the present matter.

An early response, preferably by Friday next, i.e. 02.05.2025 is solicited.

**Encl.:** As above



**(Anup Kumar Srivastava)**  
Executive Director –Technical

**To,**

- The Secretary, Uttarakhand Government, Email: [secretaryhealthuk@gmail.com](mailto:secretaryhealthuk@gmail.com)
- The District Magistrate, Chairperson, District Ganga Committee, Uttarakhand. Email: [dm-deh-ua@nic.in](mailto:dm-deh-ua@nic.in)

**Copy for kind information to:**

- PS to DG, NMCG
- PS to CS, Uttarakhand, Email: [cs-uttaranchal@nic.in](mailto:cs-uttaranchal@nic.in)

From

Engineer-in-Chief  
Irrigation Department, Uttarakhand  
Dehradun.

To.

Executive Director-Technical  
National Mission for clean Ganga  
First Floor, Major Dhyan Chand National Stadium  
India Gate, New Delhi-110002.

Letter no. 2592 /E-in-c/Irrigation Dept./Planning Section/ NGT/ Dated: 03.05.2025  
Subject- Submission of Status Report in O.A. No.417/2022 before Hon'ble NGT-  
Regarding Illegal Encroachments on th Banks of Rispana River.

Sir,

Please Refer to your letter bearing letter No. L-25012(11)/7/2025-O/o ED(TECH) NMCG, dated-30<sup>th</sup> April, 2025, which is addressd to Secretary, Govt of Uttarakhand and District Magistrate, Dehradun. The issue related to Irrigation Department Uttarakhand has been replied as under: -

**1. Flood Plain Zoning carried out in the stretch along the banks of river Rispana.**

**Response-** Final notification of Flood Plain Zoning pertaining to river Rispana in 27 km. of stretch of river had been approved by the Hon'ble State Cabinet and notification in this regard is likely to be published shortly.

**2. State Government order/notification, if any defining the protected/ regulated zone in the flood plain zoning and criteria adopted for the same; and**

**Response-** Since final notification of Flood plain zoning of river Rispana has been approved by the Hon'ble State Cabinet and notification in this regard is to be published shortly. After publication of Flood plain zoning notification, prohibited and regulated zone shall be demarcated by the irrigation department. The criteria for Flood plain zone has been adopted from the provisions contained under para-6.1.4 of National Disaster management Authority (NDMA), GoI, guidelines-2008.

  
(Subhash Chandra)  
Engineer-in-Chief,  
Irrigation Department, Uttarakhand  
Dehradun

**Letter no. 2592/E-in-c/Irrigation Dept./Planning Section/ NGT/ Date-03.05.2025**

Copy to Secretary, Irrigation Department, Government of Uttarakhand Dehradun for kind information.

  
Engineer-in-Chief,  
Irrigation Department, Uttarakhand  
Dehradun