

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

ORIGINAL APPLICATION NO. 689/2023

SANJAY KUMAR

.... APPLICANT

VERSUS

UNION OF INDIA & ORS.

..... RESPONDENTS

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FILED BY:


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DELHI HIGH COURT, NEW DELHI

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M-9810625315

NEW DELHI

DATE: 28-11-2025

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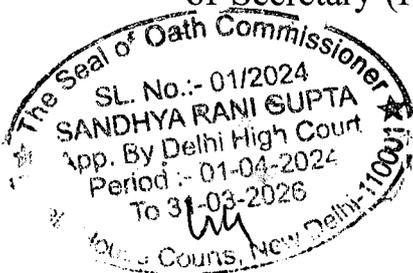
..... RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.2 IN
COMPLIANCE OF ORDER DT. 07.08.2025**

I, Rananjay Singh, S/o- Sh. Rameshwar Singh, Aged 54 Years working as Superintending Engineer, office at Transport Bhawan, New Delhi do hereby solemnly affirm and declare as under: -

1. That I have been authorized by the competent authority to file the present reply affidavit and well aware about the facts and circumstance of the issue involved in the Original Application.
2. That in the present original application, the grievance raised by the applicant is that NHIDCL has failed to take action for the construction of Landslide Protection Gallery, Slope Protection Work and River Protection Work at Gangotri National Highway, District Uttarkashi, Uttarakhand.
3. That this Hon'ble Tribunal vide order dated 07.08.2025 directed the Respondent No. 2 to hold a meeting with high officials of BRO and NHIDCL to ascertain and fix the responsibility, and ensure that the requisite protection work is done.
4. That on the directions of this Hon'ble Tribunal, under the Chairmanship of Secretary (RT&H), Ministry of Road Transport and Highways, Govt.





of India, a meeting was held on 01.09.2025 with the Director General (Boarder Road Organisation) and Managing Director (NHIDCL).

A copy of the Minutes of the Meeting dated 09.09.2025 is annexed as Annexure-A.

5. That after the detailed deliberations and discussion in the meeting, the following decisions were taken:

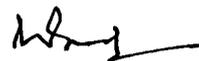
a. That NHIDCL informed that the Defect Liability Period (DLP) of three projects executed on NH-34 has been completed, namely:

(a) Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the State of Uttarakhand, Length: 760m (DLP Completed on 30.04.2025).

(b) Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km 123+970) section of NH-34, Length: 675m (DLP Completed on 15.01.2024).

(c) Construction of valley side slope stabilisation treatment, including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilisation of dumping zone in the State of Uttarakhand, Length: 890m (DLP Completed on 09.08.2025).

That it was accordingly directed that these stretches be handed over immediately to BRO for maintenance, and there is no requirement for a Tripartite agreement for these.




- b. That as regards the fourth project, namely the Landslide Protection Gallery work at Barethi, NHIDCL apprised that due to non-fulfilment of maintenance obligations by the EPC Contractor, a termination process has been initiated. The Hon'ble Chair directed NHIDCL to resolve the contractual issue by 30.09.2025, after which the said stretch will be handed over to BRO.
 - c. That BRO has already submitted a Detailed Project Report (DPR) for protection work at Barethi, and the Additional Director General (North), MoRTH, has been directed to examine the same on priority so that stabilisation works can commence at the earliest.
 - d. That BRO raised concern regarding funds for short-term maintenance of handed-over stretches. It was directed that BRO prepare and submit an estimate, while urgent needs be met from existing general maintenance funds.
 - e. That it was further clarified that in case of litigation or contractual disputes concerning works executed by NHIDCL, the responsibility will rest with NHIDCL if the cause of the dispute arose prior to handover, and with BRO if such cause arises after the date of handover.
6. That the Respondent No.2 has directed both the respective Organisation i.e. Boarder Road Organisation and NHIDCL to abide by the decision taken in the Joint meeting held on 01.09.2025.



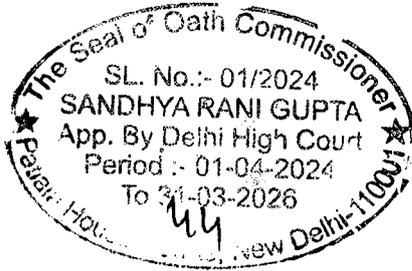
M.S.S.
 DEPONENT
 RESPONDENT NO.2

रणजय सिंह/Rananjay Singh
 अधीक्षण अभियंता/Superintending Engineer
 सड़क परिवहन एवं राजमार्ग मंत्रालय
 Ministry of Road Transport & Highways
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi-110001

Verification

Verified at New Delhi on ~~28 NOV 2025~~ 25 that the content of the above reply affidavit is true and correct to the best of my knowledge and belief and nothing material has been ~~concealed~~ concealed therefrom.

Identified The Deponent when signed & thumb in my presence.



[Signature]
DEPONENT
RESPONDENT NO.2

रणजय सिंह/Rananjay Singh
अधीक्षण अभियंता/Superintending Engineer
सड़क परिवहन एवं राजमार्ग मंत्रालय
Ministry of Road Transport & Highways
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi-110001

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. *Rananjay Singh*
S/o W/o D/o. *S. Engineer*
R/o.
Identified by *W. George*
has solemnly sworn before me at
Delhi on *28/11/25* No. *44/25*
that the contents of the affidavit which have
been read & explained to him are true and
28 NOV 2025
Sm
Oath Commissioner, Delhi

File no. NH-12024/03/2024/UK/North-I (Com. No. 245593)

Government of India
Ministry of Road Transport & Highways
(North Zone)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: .09.2025

OFFICE MEMORANDUM

Subject: Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Director-T (NHIDCL) on 01.09.2025 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi - regarding.

Please find enclosed Minutes of Meeting held on 01.09.2025, at Transport Bhawan, New Delhi, under the Chairmanship of Secretary (RT&H) in compliance to NGT order dated 07.08.2025 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench.

2. It is requested to take necessary action at the earliest.

Digitally signed by
MANISH KUMAR
Date: 09-09-2025
11:14:15

(Manish Kumar)
Executive Engineer (North)

for' Director General (RD) & Special Secretary

To:

- i. Director General Border Roads, Seema Sadak Bhawan, New Delhi
- ii. Managing Director, NHIDCL, New Delhi

Copy for kind information to:

- i. Adv. Gigi. C. George, Standing Counsel (UOI) – with request to inform the Hon'ble NGT, Principal Bench about the action taken report in the OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.).
- ii. RO, MoRT&H Dehradun for necessary action
- iii. PSO to Secretary (RT&H)
- iv. PSO to ADG (N), MoRTH
- v. PS to CE, Planning Zone, MoRTH

Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Director-T (NHIDCL) on 01.09.2025 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi-Reg.

The meeting was convened in compliance to order dated 07.08.2025 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. Hon'ble NGT in the hearing dated 07.08.2025 directed MoRT&H to again hold a joint meeting of higher officials of BRO and NHIDCL promptly and fix the responsibility of one agency and ensure that requisite protection work is done.

List of participants is annexed.

2. Director (T), NHIDCL apprised that consequent to the last meeting chaired by Secretary RTH, the tripartite agreement for novation of existing contracts had been delayed. He informed that DLP of 3 projects out of total 4 projects of NH-34 executed by NHIDCL has been completed recently and these projects can be handed over to BRO immediately as there is no requirement of signing of Tripartite Agreement for these. The details of these projects are as under -

- i. Construction of Road, Bridge & Slope protection work of landslides at Barethi (Existing Km 100.300 to Km 101.060) in the state of Uttarakhand, Length: 760m (DLP Completed on 30.04.2025).
- ii. Protection works at Nalupani Landslide Zone (Ex. Km 123+080 to Km 123+480, Km 123+665 to Km 123+740 and Km 123+770 to Km. 123+970) section of NH-34, Length: 675m (DLP Completed on 15.01.2024).
- iii. Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu-Gangotri at Nalupani road from Km. 123.080 to Km. 123.970 on NH-34 and stabilization of dumping zone in the State of Uttarakhand, Length: 890m (DLP Completed on 09.08.2025).

It was directed that BRO shall take over above mentioned stretches immediately from NHIDCL and maintenance of these stretches will be done by BRO.

2.1 Further, with respect to the remaining one project of NH-34, i.e., the Landslide Protection Gallery work at Barethi, NHIDCL informed that due to the EPC contractor's non-fulfilment of maintenance obligations during the DLP, NHIDCL has issued intention to terminate notice to the EPC Contractor. Once final decision in this regard is taken, NHIDCL shall hand over this project stretch to BRO.

It was directed by the Chair that NHIDCL shall take necessary action to resolve the contractual issue by 30.09.2025 and BRO shall takeover this stretch thereafter.

2.2 BRO intimated that DPR for Protection work at Barethi has already been submitted for approval. ADG(North) was directed to examine the proposal for decision on priority so that stabilization activities can commence at the earliest.

2.3 BRO raised the concern of fund requirement for maintenance of the handed over stretches, it was directed that an estimate for short term maintenance till the final sanction of original protection works may be prepared by BRO and be submitted for sanction to MoRT&H for this purpose.

3. Director (T) also apprised that DLP of this project (comprises of 3 small stretches

i.e. Helang, Govindghat-II & Govindghat-III) has been also completed in January 2024. However, BRO is not willing to take over these stretches citing the reason that it was handed over to NHIDCL through notification and same procedure may be followed for handover to BRO. It was deliberated that in general there is no such procedure of notification limited to landslide protection works to entrust any work for execution to any agency. Notifications are issued only where the entire section of the NH is to be entrusted to an implementation agency.

It was directed that if BRO has such notification with them, they shall submit it for perusal of MoRT&H. In the absence of such notification, BRO shall take over standalone stretches of NH-07 immediately from NHIDCL in accordance with the general entrustment notification. ADG(North) and CE(Planning) MoRT&H were directed to resolve this issue within one week and inform Secretary RTH.

4. In case of any litigation/legal matter related to existing Contract Agreements of all the works done by NHIDCL, Secretary, RT&H directed that NHIDCL would deal the same if the cause of dispute is prior to the date of handover of the stretches to BRO and BRO would deal the same if the cause of dispute is after to the date of handover of the stretches. This principle shall be generally followed for assignment and apportionment of responsibility in case of any contractual dispute.

5. DG(BR) requested for fund requirement for immediate requirements of maintenance of stretches till maintenance works in these stretches are sanctioned/awarded as per normal procedure. Secretary, RT&H directed that immediate requirement, if any, may be met out of the general maintenance fund provided to BRO for maintenance of NHs and additional requirement, if any, for maintenance of these sections may be sent to Planning Zone, MoRT&H under M&R head.

Annexure

List of Participant-

1. Ministry of Road Transport & Highways (MoRT&H)

- i. Sh. V. Umashankar, Secretary, MoRTH, New Delhi- In Chair
- ii. Sh. Sudip Chaudhury, ADG (North Zone), MoRT&H, New Delhi
- iii. Sh. Rananjay Singh, SE (North Zone), MoRT&H, New Delhi
- iv. Sh. Pankaj Singh, Regional Officer, MoRT&H, Dehradun

2. Border Roads Organization (BRO)

- i. Lt Gen Raghu Srinivasan, VSM, DGBR, New Delhi
- ii. Brig. Prasanna S Joshi, DDG, BRO, New Delhi

**3. National Highways & Infrastructure Development Corporation Limited
(NHIDCL)**

- i. Sh. Amarendra Kumar, Director (T), NHIDCL, New Delhi.
- ii. Sh. Raj Kishor Singh, GM(P), NHIDCL, RO-Dehradun.
- iii. Md. Khalid, GM(T), HQ, NHIDCL, New Delhi.