

No. 22/05/2024-SBM-II (E – 9169761)  
Government of India  
Ministry of Housing and Urban Affairs  
(SBM-II Division)

Nirman Bhawan, New Delhi  
Dated 20<sup>th</sup> February, 2024

To

Consultant (Judicial)  
Principal Branch  
National Green Tribunal  
Faridkot House, Copernicus Marg,  
New Delhi-110001  
Email : judicial-ngt@gov.in  
Tel : 011-23043544

Sub:- Order passed in Original Application No. 363/2022 - reg

Sir,

I am directed to refer to an email dated 09.11.2023 enclosing copy of NGT's order dated 03/11/2023 passed in Original Application No. 363/2022 (I.A.Nos.115/2022, 42/2023,43/2023,44/2023 & 45/2023) filed by Mr Vikrant Tongad & Anr. Applicant against State of Uttar Pradesh & Ors.

2. It is submitted that matter raised in the Original Application No. 363/2022 is related to alleged unlawful concretization of the roadsides and road beams in Noida and Greater Noida in excess of prescribed limits and seeking issuance of directions to the respondents to remove concretization of the road-sides and road-berms in Noida and Gr. Noida and restoring the area under concretization to their original positions, to plant grasses and other vegetation etc.

3. It is to inform that Swachh Bharat Mission-Urban (SBM-U), MoHUA, has a facilitating role to play through the mission by framing of Policy, guidelines and providing central financial assistance for strengthening the sanitation infrastructure and waste processing in the urban areas of the country. It is also inform that under Swachh Bharat Mission-Urban (SBM-U), the Central financial assistance as Central Share (CS) funds are allocated to the States/UTs for the entire Mission period. CS funds are sanctioned/ released on the basis of demand made by the State/UT in the form of complete proposals duly approved by State Committee. CS funds are sanctioned by Central Government to the State as a whole and released to the State and the State Government further release to Urban Local Bodies (ULBs) as per the State Action Plan. Hence, it is the responsibility of the State Government/UTs/ULBs to implement the projects. It is also the responsibilities of the State Government/UTs and their ULBs who have to implement the projects and action plans on ground through sustained efforts and day to day monitoring of status in their respective urban areas of jurisdiction.

4. It is also submitted that Sanitation, Public order, Public health and local Government are the State subjects under the 7<sup>th</sup> schedule of the Constitution of India. It is the responsibility of the State Government to take action on the complaint. Moreover, subject matter appears to be administrative in nature which falls into the domain of the concerned State Government.

5. In view of the above, it is requested that the above facts may kindly be apprised to the Hon'ble NGT. It is also requested that since subject matter does not pertain to SBM-U, MoHUA,

the Hon'ble NGT may be requested to remove/ exempt the Ministry of Housing & Urban Affairs (MoHUA), GOI, from the list of respondents.

Yours faithfully,



(Binod Kumar Yadav) 20.2.24

Under Secretary to the Govt. of India

Tel. No : 011-23062565