

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.391 of 2023

IN THE MATTER OF:

JAY PRAKASH BADONI

---APPLICANT

VERSUS

UNION OF INDIA & ORS.

-----RESPONDENTS

REPLY ON BEHALF OF RESPONDENT No.2

INDEX

Sl. No.	Particular	Pages
1.	Reply on behalf of Respondent No.2 with affidavit.	1 - 22
2.	<u>ANNEXURE RA-1</u> True copy of the Notification dated 27.04.2022	23- 25
3.	<u>ANNEXURE RA-2</u> True copy of Minutes of Meeting dated 04.07.2022 of EAC	26 -30
4.	<u>ANNEXURE RA-3</u> True copy of Notification dated 09.10.2020 Government of Uttarakhand and revenue record	31- 40
5.	<u>ANNEXURE RA-4</u> True copy of the Report dated 17.06.2022 submitted by IIT Roorkee	41- 53
6.	<u>ANNEXURE RA-5</u> True copy of the Order dated 14.12.2016 issued by Government of Uttarakhand	54- 56
7.	<u>ANNEXURE RA-6</u> True copy of the Gazette Notification dated 11.05.2018 issued by the Respondent/Govt.	57- 58
8.	Vakalatnama	59
9.	Proof of Service.	60

[PAPER BOOK]

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE RESPONDENT : MR. ATUL SHARMA

1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.391 of 2023

IN THE MATTER OF:

JAY PRAKASH BADONI

---APPLICANT

VERSUS

UNION OF INDIA & ORS.

----RESPONDENTS

REPLY ON BEHALF OF RESPONDENT No.2

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS:

1. That since ages the devotees of Maa Chandi Devi visit the Chandi Devi Temple round the year from every part of the world, so as, to seek blessings and pray for their wishes. The religious sentiments of the devotees are highly attached thus, they throng to visit and have darshan round the year. Moreso, which increases manifold during the Kumbh Mela and other festival occasions.
2. That the answering Respondent being duty bound and with intent of larger public interest and welfare and with a view to provide comfortable and ample accessibility, safety, security and so as, to streamline the system for ease of darshan for the devotees, are able to have a safe and easy darshan, the answering respondents, so as, to facilitate the public at large, had proposed the implementation of the Ropeway System(hereinafter to be referred to as the Project).
3. That the Ropeway System of travel is well known and established system, which is very popular worldwide and is successfully running, worldwide, including, in various

places, in our country, including at other religious places, as well.

4. In furtherance of including, this fact and intent, the Uttarakhand Metro Rail Urban Infrastructure & Buildings Construction Corporation Limited (the respondent No.3 herein) was entrusted with the responsibility to implement amongst others the subject Ropeway Project in Haridwar, (that is from Har-Ki-Pauri- Chandi Devi and in Rishikesh from ISBT-Neelkanth Mahadev Temple.
5. That it is already in public domain that one of the holiest pilgrimages in India, "Haridwar" is located where the holy river Ganga enters the Indo-Gangetic plains. Located at the foothills of the Himalayas, Haridwar is a city of temples and ashrams and its pious ambience envelops everyone. Haridwar is one of four holy Indian cities that host the Kumbh-Mela, a pious gathering of millions of Hindu devotees every 12 years. The 'Panch Tirth' or five pilgrimages located within the periphery of Haridwar, are Gangadwara (Har Ki Pauri), Kushwart (Ghat), Kankhal, Bilwa Tirtha (Mansa Devi Temple) and Neel Parvat (Chandi Devi). Every year around more than 2 Crore pilgrims arrive in Haridwar to take a dip in Holy Ganga River, including, for worshipping at Maa Mansa Devi Temple and Maa Chandi Devi Temple.
6. In view of this position as well, the answering respondents/the Government of Uttarakhand intend to develop Aerial Ropeway System in Haridwar from Har-ki-Pauri to Chandi Devi Temple. Therefore, in pursuance, had on 08.07.2019 approval was granted so as to appoint a Consultant, to conduct the Feasibility study, with regard to the proposal of construction of the Project.

7. In pursuance of the same, the concerned authority had appointed M/s Usha Breco Consultant as the Technical Consultant, to carryout the feasibility report for the construction of the Project. The Consultant had submitted the Feasibility Study report in July 2020. It is pertinent to mention here that as per pilgrimage data given in Feasibility report, total 2.1 Crore pilgrims approx. had visited Haridwar in the Year, 2019 and the projected visitors in subsequent years is estimated to increase to 3 Crore in subsequent years & 4 Crore in the Year, 2040 by considering 3.07 % growth. The Feasibility Report further submitted that out of survey conducted of total 13679 persons, 12211 persons expressed their willingness to use the Ropeway from Har Ki Pauri to Chandi Devi. The study also submitted that the annual traffic estimation for the proposed ropeway from Har Ki Pauri to Chandi Devi is 16.5 Lakh people. Accordingly, Feasibility Report recommended the development of Project.
8. That based on the recommendation given in Feasibility Report, the answering respondent/State Government had granted approval on 04.03.2021, for construction and operation of the Project on a PPP mode.
9. That in pursuance, the Respondent no.3 herein had then appointed M/s Rites Limited (Government of India Enterprise), as a consultant to undertake the Environment Impact Assessment (hereinafter referred as "EIA") study, preparation of reports for the Project and to represent the said Authority/ Respondent No.3 before the Ministry of Environment & Forest & Climate Change

(hereinafter referred as "MoEF&CC") to deal with the process of obtaining the Environment Clearance (hereinafter referred as "EC"). Wherein, on 06.05.2021, MoEF&CC issued Terms of Reference (hereinafter referred as "ToR"). In the meanwhile, the draft EIA study report was also prepared by M/s Rites Ltd based on ToR given by Expert Appraisal Committee (hereinafter referred as "EAC") of MoEF&CC. The EIA report was also submitted to the Uttarakhand Pollution Control Board (hereinafter referred as "State PCB").

10. That under the Chairmanship of District Magistrate, Haridwar on 12.11.2021, the State PCB conducted the public hearing. Thereafter, on 21.04.2022, final EIA Report was submitted by M/s Rites Ltd. to the Respondent No. 3.
11. That in view of MoEF&CC notification dated 27.04.2022, wherein it provides that public utility ropeways being excluded from the ambit of requirement of prior EC under the provisions of EIA Notification, 2006, however, subject to certain environmental safeguards. Thus, whereupon when on dated 05.01.2022, the final EIA Report and Application form (Form-2) was submitted to EAC, the EAC, in its meeting dated 04.07.2022, recommended that the Project may be exempted from the requirement of EC. True copy of the Notification dated 27.04.2022 is annexed herewith as **ANNEXURE RA-1**. True copy of Minutes of Meeting dated 04.07.2022 of EAC is annexed herewith as **ANNEXURE RA-2**.
12. It is most respectfully submitted that the prior to the bidding process, a detailed environmental study has

been conducted through M/s Rites Ltd. Subsequent to this detailed examination of such study including Environmental Safeguards, thereafter only the Bids were invited for the Project. It is further submitted that the concerned authority and the Concessionaire therein and all concerned are bound and are duty bound to strictly follow, all environmental safeguards during the construction and the operations of the subject Project. It is pertinent to mention here that being bounded, it is mandatory for the concessionaire to comply with all the obligations as mentioned in Office Memorandum dated 27.04.2022 of the MOEF&CC. In this regard the Respondent No.3, being a government entity, intends to strictly comply with all the environmental safeguards in its true letter and spirit before commencement of construction of the subject Project.

13. It is most humbly submitted that, the lower terminal station of the Project lies on the land belonging to Irrigation Department situated at village Laljiwala, Khasra no. 7, which falls under Category 15 (2) where existing Pt. Deendayal Upadhyaya Parking is also located. The alignment of the Project starts from the place adjacent to Pt. Deendayal Upadhyaya Parking. It is crossing the River Ganga and is at a distance of 190 meters from the boundary of Rajaji National Park. The answering Respondent submit that the land for the proposed lower terminal station at Pt Deendayal Upadhyaya Parking lies in village Lalji Wala khasra no 7, Category-15 (2) and the ownership of the said land lies on the irrigation department. It is submitted that the Land at Khasra no 7, the Category-15 (2) land does not fall under the Flood

Plain Area, thus not declared as a Flood Plain Area, as per the Notification dated 09.10.2020 issued by the Irrigation and Flood Control Department, Government of Uttarakhand. Further the said land of lower terminal lies beyond 400 meters from the centre of river Ganga. True copy of Notification dated 09.10.2020 Government of Uttarakhand and revenue record is annexed herewith as **ANNEXURE RA- 3.**

14. The answering Respondent submit that total 2205 sq. mtrs. land is required for construction of lower terminal station belonging to the Uttar Pradesh Irrigation Department and the Respondent No.3 department has already given its consent as required by Uttar Pradesh Irrigation Department. The issue of Land transfer is pending with the Uttar Pradesh Irrigation Department and is likely to transfer the subject land for the subject project.
15. That the answering Respondent submit that total land admeasuring 15m x 15m (approx. 225 sq.mts) falling in reserved area is required for erection of each 08 Towers and total 1080 sq. mts. land is required for the Upper Terminal Station of the Project. In this regard the Respondent No.3 had submitted the proposal for transfer of land on Parivesh Portal of the MoEF&CC on 07.05.2021. In pursuance the Stage-I Forest clearance for diversion of 0.29 hectare, of Forest land was received on 18.11 .2021 and Stage-II Forest clearance was received on 22.09.2022. Furthermore, for Tower locations only 15m x 15 m land is required and therefore, cutting of trees will be very minimal i.e. 31 trees. It is

7

pertinent to mention here that in pursuance of cutting these trees, the Respondent No.3 shall plant 580 trees in the forest area of shyampur range, as identified by the forest department.

16.It is further submitted that the EIA report states that there is no wildlife and migratory corridor of wild animals. Hence, it is anticipated that no substantial encroachment into wildlife habitat will occur due to the Project. Further, the height of the tower and the rope will be around 30 meters from the surface and hence, there would be no interference in the movement of wild animals passing through the alignment area of ropeway and the Project will not affect the Wildlife.

17.It is humbly submitted that the Respondent No.3 on dated 07.05.2021 had submitted the proposal for Wildlife clearance to MoEF&CC. The MoEF&CC on 19.09.2022 had exempted the proposed project from wildlife clearance.

18. It is humbly submitted that all the environmental, wildlife and forest clearance requirement have been duly complied with and followed by the Respondent No.3 and there is no violation of any of the statutory provisions, as alleged. Furthermore, also, on 26.04.2023, the Respondent No. 3 had after due compliance of including all the process and procedures involved and following all the legal requirements, had issued the Request for Qualification cum Request for Proposal document (hereinafter referred as "RFQ cum RFP").

8

19. It is further submitted that the Respondent No.3 on dated 01.06.2022 had appointed Indian Institute of Technology, Roorkee (hereinafter referred as "IIT Roorkee") for carrying out detailed study on Hydrological, Environmental and structural issues associated with the construction of foundations of Towers. The report is self explanatory and gives insight to the construction of the Towers as required, in the subject project. True copy of the Report dated 17.06.2022 submitted by IIT Roorkee is annexed herewith as **ANNEXURE RA-4**

20. It is humbly submitted that, as per Government of Uttarakhand order dated 14.12.2016 issued in compliance of orders passed by this Hon'ble Tribunal, the construction of bridge is permitted in prohibitory zone. Tower No.1 and 2 fall in Regulatory zone. Tower Nos. 3, 4 & 5 fall in Prohibitory Zone. The construction methodology of Ropeway towers is similar to the pillars of the bridge and therefore, ropeway towers constructions can also be permitted according the technical parameters made for the construction of the Bridges. Both are solely for the purpose, benefit and larger interest of the public welfare as well. True copy of the Order dated 14.12.2016 issued by Government of Uttarakhand is annexed herewith as **ANNEXURE RA-5**

21. It is most respectfully submitted that the answering Respondent and the concerned Corporation and authorities have acted in accordance with law and not violated including the Uttarakhand Flood Plain Zoning Act, 2012 and the orders of this Hon'ble Tribunal, as well.

9

22. It is most respectfully submitted, Without Prejudice, to the abovenoted facts and contentions of the answering respondent that the OA is not maintainable and is liable to be dismissed on account of delays and laches on the part of the Applicant. The Applicant in Para 4 of Application has challenged the Stage-I Forest clearance dated 18.11.2021 and Stage-II Forest clearance dated 22.09.2022 granted to the Project, which challenge, on the face of it, is barred by delays and laches. The Applicant cannot, legally be allowed to challenge the Forest Clearance after a lapse considerable period of time in violation of Section 14 of the NGT Act, 2010. Section 14(3) of the National Green Tribunal Act, 2010 reads as under:

"14(3) No application for adjudication of dispute

under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that

the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."

The period of Six (6) months for challenging the Stage-I Forest Clearance expired on 18.05.2022 and Stage-II Forest Clearance expired on 22.03.2023. However, the present OA was filed only on 23.05.2023. Thus, there is a delay of 370 days in

challenging the Stage-I Forest Clearance and 62 days in challenging Stage-II Forest Clearance. Further, the Applicant has not even filed any Application seeking condonation of delay in challenging the Forest Clearance granted to the Project. The O.A., therefore, is liable to be dismissed, on this ground alone.

23. Furthermore, the OA is not maintainable, being barred by delays and laches. The Applicant, under the garb of present OA has also sought to challenge the exemption dated 19.09.2022 (Pg. 214 Ann. A-3) issued by MoEF & CC, Wildlife Division, Govt. of India to the Respondent No.3. Thus, the cause of action, if any, for filing this OA arose only on 19.09.2022. The present OA therefore, ought to have been filed within a period of Six (6) Months i.e. 09.03.2023.

Whereas, the present OA has been filed before this Hon'ble Tribunal only on 23.05.2023 i.e. after a delay of 74 days from the date of expiry of cause of action, if any, in favour of the Applicant, as claimed. Thus, the present OA has been filed even beyond the period of 60 days as provided in the proviso to Section 14 (3) of the National Green Tribunal Act, 2010. Thus, the OA is liable to be dismissed on this ground alone.

Further, no Application seeking condonation of delay with detailed reasons has been filed by the Applicant along with the above Application. Therefore, delay in filing of the aforesaid Application cannot, legally be condoned, as per Law.

24. It is with utmost respect submitted that the OA is not maintainable and is liable to be dismissed, in as much as this Hon'ble Tribunal has no jurisdiction to try and adjudicate upon the issues pertaining to Wildlife Protection Act, 1972 raised by the Applicant in the aforementioned Petition. Section 14 of the National Green Tribunal Act, 2010, reads as under:

"Tribunal to settle disputes (14). (1) The Tribunal

shall have the jurisdiction over all civil cases where substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the question referred to in sub-section (1) and settle such dispute and pass order thereon."

Schedule I of the enactment lays down the enactments on which the questions relating to environment the Tribunal shall have jurisdiction. Schedule I is reproduced hereinbelow:

"Schedule I

(See Section 14(1), 15 (1), 17(1) (a), 17(2), 19(4)(j) and 34(1))

1. The Water (Prevention and Control of Pollution) Act, 1974;

2. The Water (Prevention and Control of Pollution) Cess Act, 1977;

3. The Forest (Conservation) Act, 1980;

12

4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1981;
7. The Biological Diversity Act, 2002."

In the said Schedule I, the Wild Life (Protection) Act, 1972 is not included and hence, for the issues related to Wildlife, it is submitted that this Hon'ble Tribunal has no jurisdiction to try such issues.

25. That the answering Respondent had notified Respondent No.3 in this regard and thus proposes development and implementation of ropeway system at Haridwar from Har Ki Paudi to Chandi Devi Mandir on Public Private Partnership model under Design, Built, Finance, Operate and Transfer basis.

At the outset, it is submitted that ropeway is a mode for transportation of visitors, general public, devotees etc. The ropeway would be noiseless, pollution free, efficient, time saving and a novel way of transportation of pilgrims to the holy shrine.

The proposed aerial ropeway system from Har Ki Pauri to Chandi Devi will be beneficial to the public at large and will serve a larger public purpose. The main objective of development of aerial passenger ropeway will be to provide safe and reliable transportation to people Har Ki Pauri bypassing bridge across river Ganges. In doing so, the following objectives will be served:

13

1.Reduction of vehicular traffic and siphoning off of vehicles i.e. cars, vans, buses, auto etc from the roads.

ii. Reduction in Traffic blockage/congestion on the route.

iii. Reduction in air and noise pollution.

iv. Reduction in travel time to destination.

v. Reduction in parking problems.

vi. Boost to Tourism sector.

vii. Time-saving and cost-effective mode of transport for pilgrims.

viii. Enhancing the socio-economic condition of locals.

ix. Reduction in consumption of diesel and petrol and other fuels.

26. It is pertinent to mention here that presently the distance between Har Ki Paudi to Chandi Devi Mandir is 5 kms approx. by road including distance of pathway and the same takes 1 hrs. for a commuter to travel from Har Ki Paudi to mandir on any given day, which time normally increases to 3 to 6 hrs. during Kumbh Mela and other auspicious days like Navratri, Purnima, etc. However, once the ropeway becomes operational, the said travel time is estimated to be reduced to 8 minutes.

REPLY ON MERITS:

27.That the contents of Paras 1 & 2 of the O.A. needs no Reply.

28.That the contents of Paras 3 & 4 of the O.A. as stated to the extent of proposed development of the Project are a

matter of record. However, the contents of rest of the para under reply as stated are wrong and are denied. It is submitted that Respondent No.3 has already obtained Stage-I and Stage-II forest clearance on 18.11.2021 & 22.09.2022, respectively. It is denied that construction of the Project is violative of the environmental laws or poses any grave threat to the safety of people. During the Forest Clearance process an undertaking was submitted that the aerial distance of alignment is 190m mts from the boundary of Rajaji National park and alignment passing through the buffer zone of Rajaji National park and one tower i.e. Tower No. 6 falls in Buffer Zone. An undertaking submitted to forest department mentioned that project passed through buffer zone. It is submitted that the issues pertaining to the Wildlife Protection Act, 1972 cannot legally be adjudicated by this Hon'ble Tribunal, in as much as, the same do not reflect in Schedule-I of the NGT Act, 2010. Thus, the allegation raised by the Applicant, with regard to non-compliance of provisions of Wildlife Protection, 1972 are liable to be rejected in limine. Without prejudice, it is submitted that the exemption from Wildlife Clearance has been issued on the ground that the proposed Project, is in fact, considered as an environmentally friendly Project. Admittedly, the Project, once operational, would not cause any environmental pollution and would also provide an economical mode of transport for the pilgrims.

29. That the contents of Paras 5 & 6 of OA are wrong and are denied. It is submitted that as far as the construction of the Project, in reserved forest is concerned, the

Respondent No.3 has already obtained requisite statutory approval for diversion of the forest land from the statutory authorities. It is denied that the lower terminal and Three (3) Towers of the Project are located on River Ganga. Rather, the lower terminal is located on the edge of escape channel of River Ganga. The Respondent is duty bound to comply with all the environmental safeguards to be followed while construction and operation of the Project, as per the mandate of OM dated 27.04.2022.

30. That the contents of Para 7 of the OA needs no reply.

31. That the contents of Paras 8 & 9 of the OA as stated are a matter of record. It is submitted that the amendment in EIA Notification was carried out after consideration of the fact that ropeways are environmentally friendly projects and the same do not cause any noise or air pollution on its commissioning. The Respondent No.3 is duty bound so as to comply with the environmental safeguard provided in the OM dated 27.04.2022. It is submitted that construction of the Project is permitted by the answering Respondent/ Government of Uttarakhand vide Gazette Notification dated 11.05.2018. The said order permits construction of bridge in the prohibitory zone. It is submitted that construction methodology of ropeway towers is similar to construction methodology of a bridge and therefore, erection of ropeway towers falls within the mandate of the Notification dated 11.05.2018. Thus, there is no violation of the Uttarakhand Flood Plain Zoning Act,

2012. True copy of the Gazette Notification dated 11.05.2018 issued by the Respondent/Govt. of Uttarakhand is annexed herewith as **ANNEXURE RA-6**

32. That the contents of Para 10 of the OA as stated to extents of OM dated 27.05.2022 are a matter of record. However, the contents of rest of the para are wrong and are denied.
33. That the contents of Paras 11 & 12 of the OA as stated are a matter of record.
34. It is humbly submitted that as per the Geology report given by the Geologist and Mining unit, Directorate of industries (District Office), Haridwar, the construction of proposed ropeway appears to be suitable based on the data obtained from the geological inspection with the condition of the fulfilment of the protective conditions:
 - a. During the construction of foundations of towers, the principle of Soil mechanics shall be strictly followed and proper arrangements will have to be made for the safe drainage of rainwater and surface water to the rainy gutters on the stretch of that alignment.
 - b. The proposed (Tower No. 1 to 5) has been selected on the banks of the river Ganges, where presently the river sediments (silt, sand and gravel) have been deposited (deposited) by the Ganga and its tributaries over the years.
 - c. A Geo-investigation study from recognised Geotechnical Institutes like I.I.T., Roorkee

17

shall be carried out for Tower No. 1 to Tower No. 05 for the stability of the foundations of the towers so as to ascertain the load bearing capacity of the soil the there are sedimentary layer on river banks and self- standing rocks (sand stone / argillitic rocks visible in selected sites from Tower 6 to Tower 13).

d. Civil design and design of tower height will have to be prepared for the stability of the foundation of towers only on the basis of the data obtained from the tests of load bearing capacity of soil / in situ foundations from recognised Geotechnical institutes. IIT, Roorkee conducted a detailed study on Hydrological, Environmental and structural issues associated with the construction of foundations of towers in river bed for Project and submitted its report in June, 2022. As per this report concluding remarks are as under:

i)The recommended discharge for design of the ropeway foundations is 21700 m³/s and the recommended H.F.L.elevation=290.31 m

ii)It is concluded that the effect of construction of the foundation of the Towers-1 to 4 on morphology of the Ganga river and the escape channel shall be negligible as the obstruction to the flow due to construction of the tower foundations is insignificant. Thus there are no environmental issues in the construction of foundations of Towers 1 to 5.

iii) For the design of foundations of the Towers-3 and 4, elevation of the scour level shall be taken 273.29 m or 7.5 m below the deepest bed level of the river, whichever is lower. If possible, soil exploration has to be done to get the soil strata up to 20 m depth for the evaluation of mean particle size.

iv) It is recommended to provide protection to the right bank of the escape channel so that flowing water in the escape channel should not erode the foundation of the Towers-1 and 2. A minimum of 3.0 m scour depth below the existing ground level shall be considered for the design foundation of the Towers-1 and 2.

v) Recommendations have been made with respect to structural design of the pile foundations for the towers of the proposed ropeway.

vi) The Geo-technical investigation of the soil on the alignment of the Project has been conducted for assessing the soil strata at Lower terminal location and tower no.5 near Kali mandir on the other bank of Ganga river.

vii) Assistant Geo-Scientist of The Geological Department, Directorate of Industries, Uttarakhand State has done the study of the geology of the area and submitted the report dated 08.07.2021 and recommended few

conditions that are to be strictly followed during the construction of the Project.

viii) Regarding adverse impact of the Ropeway through the ecologically sensitive area including the buffer zone, the Environment Impact Study has been done by M/s RITES Ltd. and report for the same has been published by UKPCB.

ix) The Respondent concerned has carried out the Feasibility Study, Hydrological Study from IIT, Roorkee and Environmental Assessment Study from M/s Rites.

35. That the contents of Para 13 (A to T) grounds of the OA are wrong and are denied. It is denied that the Project is in violation of environmental laws or poses threat to ecologically sensitive area of River Ganga. The Respondent No.3 has followed the due process for getting Environmental, Wildlife and Forest Clearance from the concerned authorities and prepared the EMP Report. It is submitted that all the necessary approvals/ consents/ permissions etc required to be obtained under any other Act/ Rule/ Regulation/ Bye-laws/ Notification, etc shall be obtained and followed before, during the construction and operation period of the project and Disaster Management Plan will be prepared by the Concessionaire prior to Commercial Opening Date (COD) itself. It is submitted that Feasibility Study was duly conducted and all the required Environmental Safeguards are being followed by the Respondent No.3. It is further humbly submitted that the letters,

20

scope and intent of the orders and directions quoted in the paras are not applicable and are distinguishable, to the facts and circumstances of this case. Moreover, the answering Respondent has carried out the due compliance, of the applicability of the given orders/directions, as applicable to the present project. The para is marked as number 9 in the OA.

36. That the contents of Para 14 of the OA as stated are wrong and are denied. The contents of Para 1 & 2 of the preliminary objections may be read in reply to this para also. The Applicant, under the garb of the present Application cannot legally be allowed to challenge the decisions dated 19.09.2022 (Pg.214; Ann. A-3) passed by MoEF & CC, Wildlife Division and the Forest Clearance granted to the Project. It is submitted that issuance of an RFQ cum RFP by the Respondent No.3 in the month of April, 2023 cannot, legally, result in any cause of action in favour of the Applicant for challenging the Impugned decision dated 19.09.2022 and Forest Clearance Stage-I and Stage-II forest clearance on 18.11.2021 & 22.09.2022, respectively granted to the Project. That the para is marked number 10 in the OA.
37. That the contents of Para 15 of the OA as stated are a matter of record. That the para is marked number 11 in the OA.
38. That the contents of Para 16 & 17 of the OA as stated are wrong and are denied. It is submitted that the Applicant is not entitled to any interim reliefs and the

21

prayers, as prayed for in the paras under reply. That the paras are marked number 12 and 13 in the OA.

39. It is most respectfully submitted that the contents of the abovenoted Preliminary Objections and other vital facts submitted, be kindly read as part of this reply of the answering respondent herein, including, to the reply on merits of each paragraphs, which are not reproduced in every reply paras, for the sake of brevity.

PRAYER:

In view of the abovementioned preliminary objections, reply on merits, other facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to dismiss the present Original Application under reply, with costs.

RESPONDENT NO. 2
through Counsel

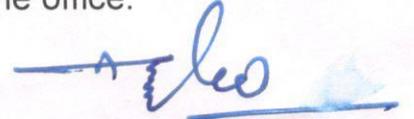
Atul
(ATUL SHARMA)
Adv.

BEFORE THE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI
 ORIGINAL APPLICATION NO. 391 of 2023
 JAY PRAKASH BADONIAPPLICANT
 VERSUS
 UNION OF INDIA & ORS.RESPONDENTS

AFFIDAVIT

I, Atar Singh Aged 58 Years, S/o, Sh. Puran Singh, working as Additional Secretary, Housing Department, Uttarakhand Secretariat, do hereby solemnly affirm and state as under:

1. I state that I am working as Additional Secretary with the Respondent 2, Housing Department, Uttarakhand Secretariat and I am familiar with the facts and circumstances leading to filing of the present OA. I state that I am competent and authorized by the Respondent to file the present Affidavit.
2. I say that I have read and understood the contents of the accompanying Reply and say that the facts stated therein are true and correct to my information as derived from the relevant records in the office.



DEPONENT (अतर सिंह)
 अपर सचिव
 आवास विभाग
 उत्तराखण्ड शासन

VERIFICATION:

Verified at Dehradun, on this 16 day of October, 2023, that the Contents of Para 1 to 2 of my above Affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.



DEPONENT
 (अतर सिंह)
 अपर सचिव
 आवास विभाग
 उत्तराखण्ड शासन

740558/2022/IA

ANNEXURE/RA-1

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. No. D. L.-33004/99

23



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-27042022-235392
CG-DL-E-27042022-235392

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1860]
No. 1860]

नई दिल्ली, बुधवार, अप्रैल 27, 2022/वैशाख 7, 1944
NEW DELHI, WEDNESDAY, APRIL 27, 2022/VAISAKHA 7, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 1953(अ).— भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 जिसे इसकी अनुसूची (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) के अंतर्गत आने वाली परियोजनाओं जिनमें अनुसूची की मद सं. 7(छ) के अंतर्गत आने वाले आकाशी रज्जू मार्ग भी हैं, के लिए पूर्व पर्यावरणीय अनापत्ति (ईसी) की अपेक्षा के संबंध में भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में प्रकाशित की गई थी;

और मंत्रालय को सड़क परिवहन और राजमार्ग मंत्रालय से अभ्यावेदन प्राप्त हुआ है जिसमें यह कथन किया गया है कि रज्जू मार्ग देश के परिवहन नेटवर्क का महत्वपूर्ण घटक हैं चूंकि पहाड़ी क्षेत्रों में इसका प्रयोग अन्तिम मील संयोजकता और साथ ही गतिशीलता प्रदान करने के लिए किया जा सकता है और इससे पहले इन परियोजनाओं को पर्यावरण अनापत्ति की आवश्यकता केवल वर्ष 2006 में उत्पन्न हुई थी और इससे पहले ये परियोजनाएं पर्यावरण अनापत्ति की अपेक्षा से अपवर्जित की गई थीं। इसके अतिरिक्त, मंत्रालय से अनुरोध किया गया था कि वह उक्त अधिसूचना का पुनर्विलोकन करें और पूर्व पर्यावरण अनापत्ति (ईसी) की अपेक्षा करने वाली परियोजनाओं से रज्जू मार्गों को अपवर्जित करें;

और लोक उपयोगी रज्जू मार्गों को पत्र एफ.सं. 5-2/2017-एफसी तारीख 05.08.2019 के अनुसार कतिपय शर्तों के अधीन रहते हुए वन (संरक्षण) अधिनियम, 1980 (1980 का 69) की परिधि से अपवर्जित कर दिया गया है;

और सामला, विचारविमर्श के लिए इस मंत्रालय में अवसंरचना विशेषज्ञ मूल्यांकन समिति को निर्दिष्ट किया गया था। व्यापक विचारविमर्श के पश्चात्, उक्त विशेषज्ञ समिति ने यह सिफारिश की है कि आकाशीय रज्जू मार्ग पहाड़ी क्षेत्रों में परिवहन का पर्यावरण अनुकूल पद्धति है जिसमें सड़कों या राजमार्गों की तुलना में पर्यावरण पर कम से कम समाघात हो और यह सिफारिश की थी कि आकाशीय रज्जूमार्गों परियोजनाओं को समय-समय पर अधिकथित कतिपय पर्यावरण सुरक्षोपायों के अधीन रहते हुए ईआईए अधिसूचना, 2006 की परिधि से अपवर्जित किया जाए;

और पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण समाघात निर्धारण अधिसूचना 2006 में संशोधन करने के लिए प्रारूप अधिसूचना का.आ.सं. 491 (अ) तारीख 2 फरवरी, 2022 द्वारा प्रकाशित की गई थी जिसमें ऐसे उन सभी व्यक्तियों से जिनकी उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना की राजपत्र की प्रतियां जनता को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त अधिसूचना की प्रतियां 7 फरवरी, 2022 को जनता को उपलब्ध करा दी गई थीं;

और उपरोक्त पैरा 5 में उल्लिखित प्रारूप अधिसूचना के उत्तर में प्राप्त सभी आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक रूप से विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात्:--

उक्त अधिसूचना की अनुसूची में, शीर्ष "पर्यावरण सेवाएं सहित भौतिक अवसंरचना" के अधीन मद 7(छ) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा।

[फा.सं. आईए-3-22/17/2021-आईए. III]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 में प्रकाशित की गई थी और उसमें अधिसूचना संख्या का.आ. 1886(अ), तारीख 20 अप्रैल, 2022 द्वारा अंतिम बार संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 27th April, 2022

S.O. 1953(E).—Whereas the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), regarding requirement of prior Environmental Clearance (EC) for the projects covered in its Schedule (hereinafter referred to as the said notification) including aerial ropeways which are covered under item 7(g) of the Schedule;

And whereas, the Ministry is in receipt of representation from Ministry of Road Transport and Highways stating that ropeways are an important component of the transport network of the country as it can be used to provide last mile connectivity as well as mobility in hilly areas and the requirement of environmental clearance for these projects came only in 2006 and before that these projects were excluded from the requirement of Environmental Clearance. Further, the Ministry was requested to review the said notification and to exclude ropeways from the projects requiring prior Environmental Clearance (EC);

And whereas, Public utility ropeways have been excluded from the ambit of the Forest (Conservation) Act, 1980 (69 of 1980) subject to certain conditions as per letter F. No. 5-2/2017-FC dated 05.08.2019;

740558/2022/IA

25

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

3

And whereas, the matter was referred to the Expert Appraisal Committee of Infrastructure sector in this Ministry for deliberation. After detailed deliberation, the said Expert Committee recommended that aerial ropeway is an environment friendly mode of transport in hilly areas with least impact on environment compared to Roads or Highways and recommended that aerial ropeway projects may be excluded from the ambit of EIA Notification, 2006 subject to certain environmental safeguards laid down from time to time.

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, *vide* number S.O. 491(E) dated the 2nd February 2022, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the Public;

And whereas, copies of the said notification were made available to the public on 7th February, 2022;

And whereas, all objections and suggestions received in response to the draft notification mentioned in para 5 above have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendment in the said notification, namely,-

In the Schedule to the said notification, under heading, "Physical Infrastructure including Environmental Services", Item 7(g) and the entries relating thereto shall be omitted.

[F. No. IA3-22/17/2021-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

Note: The principal notification was published in the Gazette of India, *vide*, number S.O. 1533(E), dated the 14th September, 2006 and last amended *vide* the notification number S.O. 1886(E), dated the 20th April, 2022.

MINUTES OF 92nd MEETING OF EXPERT APPRAISAL COMMITTEE (INFRASTRUCTURE-2) HELD ON 4th JULY, 2022.

VENUE: Indus Hall, Ground Floor, Jal Wing, Indira Paryavaran Bhawan, Jor Bagh, Delhi – 110 003.

DATE: 4th July, 2022

PROCEEDINGS

91.1 Opening Remarks of the Chairman: The Chairman welcomed the Members and other participants of the meeting. Thereafter, the meeting was opened to start proceeding as per the agenda adopted for this meeting.

91.2 Confirmation of Minutes of 91st Meeting of Expert Appraisal Committee (Infrastructure-2) held on 30th June, 2022

The Expert Appraisal Committee (Infrastructure-2), hereinafter called the EAC (Infra-2), was informed by Member Secretary that no representation has been received regarding projects considered in 91st meeting. Minutes of 91st meeting of EAC (Infra-2) were confirmed. The typo errors, if any noticed during processing of these cases may be corrected in the light of facts and figures provided by the respective Project Proponent.

91.3 Consideration of Proposals: The EAC (Infra-2) considered proposals as per the agenda adopted for the 92nd meeting. The details of deliberations held and decisions taken in the meeting are as under:

AGENDA ITEM NO. 92.3.1

Environmental Clearance for the Sanitary Landfill at Tehsil Joshimath, Chamoli District, Uttarakhand by M/s Nagar Palika Parishad Joshimath – Environmental Clearance

IA/UK/MIS/280447/2021; F. No. 21-60/2022-IA.III

1. The Project Proponent (M/s Nagar Palika Parishad Joshimath) along with the EIA consultant (Amaltas Enviro Industrial Consultants LLP) made a presentation on above said proposal and the EAC (Infra-2) took note of following key parameters and salient features of the project as presented during the meeting as well as the details provided in the brief and application for this project:

- i. The proposed sanitary landfill site is located in the Vishnu prayag Village of Chamoli District in Joshimath, Plot/Survey/Khasra No.5488, approximately 1 km kilometers in SW direction from Joshimath city.
- ii. The project is new.

AGENDA ITEM NO. 92.3.4**Environmental Clearance for Passenger Ropeway Facility from Har-Ki-Pauri to Chandi Devi Temple in Haridwar City, Uttarakhand by M/s Uttarakhand Metro Rail, Urban Infrastructure and Buildings Construction Corporation Limited –Reconsideration for Environmental Clearance****IA/UK/MIS/202744/2021; F. No. 21-133/2021-IA-III**

1. The EAC (Infra-2) noted the proposal has earlier appraised in its 80th meeting held during 20-21st January 2022; wherein the proposal was deferred and the project proponent was asked to revise and resubmit the EIA report with necessary checks and corrections.

2. Accordingly, the project proponent submitted the revised EIA report on 04.04.2022 and the same was considered by EAC (Infra-2) in its 86th meeting held during 19-20th April, 2022.

3. The salient features of the project as presented during the meeting as well as the details provided in the brief and application for this project is as follows:

- i. The project is located at Khasra No 7,17,18 and 22 of Laljiwala Pargana, Jwalapur Village, Haridwar Tehsil & District, Uttarakhand.
- ii. The project is new.
- iii. The proposal was issued Standard ToR vide File No. 21-32/2021-IA-III dated 05.05.2021.
- iv. The proposed project is a Passenger Ropeway Facility from Har-Ki-Pauri to Chandi Devi Temple in Haridwar City. The project is 2,305 m long ropeway, covering an area of 6,210 sqm. (2900 sqm. of Forest Land and 3310 sqm. of Government Land) for the development of ropeway station and tower. The salient features of the project are as follows:
 - Length- 2,305 m
 - Area- 0.62 Hectares (6,210 sqm.)
 - Carrying Capacity- 1800 PPH
 - ROW- 10 m
 - Project components: Construction of Lower Terminal, Upper Terminal and 13 nos. of Towers
- v. About 33 KLD of water will be required for each station which includes 11KLD fresh water and 22 KLD recycled water will be required for the purpose of flushing. Water will be supplied by Uttarakhand Jal Nigam. About 27 KLD of waste water will be generated from each station. Waste water generated will be treated in STPs of 30 KLD capacity. Treated water will be reused within the premise for flushing, cleaning etc.

- vi. Total solid waste generation during operation will be 435 Kg per day. Segregated waste near the project site will be given to Municipal Corporation for treatment and disposal.
- vii. Power requirement will be 15KW for Upper Terminal and 425KW for Lower Terminal. Power will be supplied by the Uttarakhand Power Corporation Ltd. During power failure 02 Number of DG sets of Capacity 625 KVA for Lower Terminal and 25 KVA for Upper Terminal will be provided.
- viii. Grid connected roof top solar PV of 135 KW at LTP and 15 KW at UTP has been proposed. Total power generated from the proposed SPV will be 1,84,254 KWH i.e. 10% of the total annual power requirement for operation of the ropeway.
- ix. Pt. Deen Dayal Upadhyay parking has two levels of parking floor which will be extended to 4 levels in due course, increasing the current parking capacity of 1,000 to around 2,000 cars. Traffic will be coming to Pt. Deen Dayal Upadhyay Marg from national highway and from interior roads of Haridwar which will be easy to manage due to huge parking lot at Har Ki Pauri.
- x. Public Hearing for the proposed Ropeway project was organized on 12.11.2021, at C.C.R Bhawan (Mela Prashashan) Rodibelabala, Haridwar by the Uttarakhand State Pollution Control Board (UKSPCB).
- xi. Total area of forest land involved in this project is 0.29 hectare and approval for diversion of Forest land for use of non-forest purposes is under process. Stage-I Forest clearance has been received on 18.11.2021 from MoEF&CC Integrated Regional Office Dehradun.
- xii. Raja Ji National Park, is located at 190 m from the project site. A letter dated 04.10.2021 has been received from Chief Wildlife Warden stating that the proposed project does not impact the section 29 and section 35 (6) of the Wildlife protection act 1972.
- xiii. Irrigation/NMCG/District Level Approval is under process with the irrigation department for construction in Ganga River Basin.
- xiv. 38 Trees will be felled. Compensatory Afforestation will be done on 0.58 hectare of degraded forest land.
- xv. The project is not located in Critically Polluted area.
- xvi. No court case is pending against the project.
- xvii. CRZ Clearance is not required.
- xviii. Expected timeline for completion of the project: 24 months
- xix. Investment/Cost of the project is ₹149.70 Crores.
- xx. Employment potential: 15 Number of staff will be directly employed during Operation.
- xxi. Benefits of the project - Since the ropeway is at Har Ki Pauri to Chandi Devi Mandir itself, so it will connect more people to reach at Maa Chandi Devi temple directly for the pilgrims reaching Haridwar and coming at Har ki Pauri. This will reduce the time and effort of the people in reaching Maa Chandi Devi Temple. It will generate local employment opportunities during construction and operation of the said project. Due to Har Ki Pauri to Chandi Devi ropeway project, there will be increase in tourism in State of Uttarakhand due to better connectivity.

4. The EAC (Infra-2), based on the information submitted and clarifications provided by the Project Proponent and detailed discussions held on all the issues, decided to defer the proposal in its 86th meeting and asked the project proponent to provide the following additional information:

- i. The EAC noted that 4 towers are located in the river bed as per the proposed alignment. Accordingly, a study should be carried out through a reputed institution such as IIT Roorkee and Central Water and Power Research Station (CWPRS), Pune on the environmental, hydrological as well as structural issues that may be associated with the proposed construction on the river bed.
- ii. Explain the water treatment process (Advance Eco Reactor Technology) as proposed. The STP design should also take into consideration the location of the project in earthquake and flooding prone area.
- iii. Impact of construction noise on fauna in Rajaji National Park should be clarified.

5. Accordingly PP submitted following replies to above queries on 01.07.2022 and same was considered by EAC (Infra-2) by its 92nd meeting held on 04.07.2022.

- i. Submitted the hydrological study carried out by IIT Roorkee and it is concluded by the study that the effect of construction of the foundation of the Towers-1 to 4 on morphology of the Ganga river and the escape channel shall be negligible as the obstruction to the flow due to construction of the tower foundations is insignificant. Thus there are no environmental issues in the construction of foundations of Towers 1 to 5.
- iv. Submitted the details of Sewage Treatment by Advance Eco Reactor Technology with reference to location of the project in earthquake and flooding prone area.
- ii. Following noise mitigation measures are proposed to minimize the noise impact on the fauna of Rajaji Ji National Park by the proposed project.
 - Construction will be carried out during daytime only.
 - During construction phase, to reduce noise, air bubble curtain/ Cofferdam/ Noise barrier will be used.
 - Noise monitoring will be carried out during construction, if noise level is exceeding the limits, then Environment Management Cell will review the measures and new measures will be implemented.

6. The EAC (Infra-2) noted that the project/activity is covered under item 7(g) 'Aerial Ropeways' of the Schedule to the EIA Notification, 2006. However, item 7(g) 'Aerial Ropeways' has subsequently been omitted from the EIA Notification, 2006 vide amendment notification S.O. 1953(E) dated

27.04.2022. Accordingly, the EAC (Infra-2) **recommended** that the proposal may be exempted from the requirement of Environmental Clearance subject to the environmental safeguards prescribed vide the Ministry's OM [F. No. 22- 17/2021-IA.III(Pt.)] dated 27.04.2022.

7. Further, EAC (Infra-2) directed the PP to get approval from CPCB for the proposed Advance Eco Reactor (AER) Technology for the use of sewage treatment.

AGENDA ITEM NO: 92.4.1

Environmental Clearance for construction of Group Housing at 1,3 Cavalry Lane & 4 Chhatra Marg Near Vishwavidyalaya Metro Station, New Delhi by M/s Young Builders Pvt. Ltd. – Consideration in light of NGT Order dated 31.05.2022

1. The appeal No. 17 of 2021 has been filed by University of Delhi under section 16(h) of National Green Tribunal Act, 2010 against the EC granted by MoEF&CC to M/s Young Builder Private Limited for Construction of group housing project with built-up area of 1,37,879.64 sq. m at 1,3 Cavary Lane and 1 Chhatra Marg, Near Vishwavidhyalaya Metro station, New Delhi.

2. It has alleged that the EC has been granted without considering the carrying capacity of such massive project in that area and without addressing the issue of ground water, increased air pollution, non-adherence to the provision of EIA Notification for issuance of terms of Reference for preparation of EIA and EMP Reports, concealment of facts and data, incorrect traffic analysis, non-consideration of the area as silence zone, close proximity of Northern Ridge from the site in question not considered, impact on hydrograph beyond carrying capacity, socio-economic impact, project is in close vicinity of Najafgarh Drain which is a critically polluted area among others.

3. Issues dealt in the Appeal by the NGT are as follows:

Issue I: Whether appeal as a whole in respect to all the issues or some of the issues is barred by the principle of res-judicata as contented on behalf of PP?

Issue II: Whether PP has failed to disclose full, correct and complete information in Form I, Conceptual Plan or has withheld some information or disclosed wrong or incorrect information and is liable to face consequences as per provision of EIA 2006?

Issue III: Whether EAC/MoEF&CC have failed to consider relevant aspects/factors and failed to appraise project/activity of PP before grant of prior EC and it is vitiated on the ground of non-application of mind?

//True Copy\\

Government of Uttarakhand

Irrigation and Flood Control Department - 2

31

11(2)/2020-06(65)/2016

Dehradun- Dated 09 October, 2020

Notification

Whereas the State Government intends to declare the flood plain area mentioned in schedule one and two on the right bank of river Ganga from Haripur Kala to Chandi Pul under Tehsil Haridwar of District Haridwar and to prohibit or restrict the use of land;

AND WHEREAS the State Government has the power to declare by notification its intention to declare such areas to be flood plain areas on the basis of the report of the flood zoning authority or otherwise, to prohibit or restrict the use of land therein;

Therefore, now, by exercising the powers conferred in section 8 of the Uttarakhand Flood Plain Zoning Act, 2012, by marking the flood plain area mentioned in schedule one and two attached to this notification, prohibited or restricted areas for land use. With the announcement of prohibited or restricted areas, we are pleased to approve that the following works can be done in these areas:-

S. No.	Area	Description of Permissible Work
1.	Prohibited area	Construction work related to embankment / flood management, mining, tree plantation, agriculture, bathing ghat construction, river bank development, irrigation, drinking water scheme, water sports, water transport,

		bridge, irrigation / diversion of hydroelectric projects etc.
2.	Restricted area	Activities like parks, playgrounds, fisheries, agriculture etc., temporary constructions for religious fairs to be held from time to time will be permitted with the restriction that ensuring proper management of sewage and solid waste generated by the said activities. The above will be tested by the Uttarakhand Drinking Water Corporation, in this area, the existing land cover of the pre-existing constructions, which are in dilapidated condition, is 35 percent, the floor area ratio is 1.5 and the maximum height of the building is 7.50 meters or the limit of two floors. Reconstruction will be permitted with the condition that sewerage system is available in the area. In case the construction is permissible, the minimum Plinth Level of the building will be 1.00 meters from the High Flood Level and along with ensuring proper management of the sewerage system of the area, it will be necessary to take test/no objection certificate from Uttarakhand Drinking Water Corporation.

The Governor also directs that the State Government shall within 60 days from the date of publication of the said notification in the newspaper submit the objections and suggestions from the interested persons in writing to the office of the District Magistrate/Flood Zoning Authority, Haridwar on any working day. After going through and due consideration of them, may issue the final notification announcing the prohibition or restriction.

Note- The details of prohibited or restricted areas are available for inspection of interested persons on the website of NIC Haridwar and Chief Engineer, Irrigation Department, Uttarakhand Dehradun as well as in the office of District Magistrate, Haridwar.

(Nitesh Kumar Jha)
Secretary.

No. 2039/11/(2)2020-06(65)/2016, dt.

Copy forwarded to the following for information and necessary action:-

1. Divisional Commissioner, Garhwal.
2. Dispatched to the District Magistrate / Flood plain Zoning Authority, Haridwar with the intention that by publishing the said notification in one regional and one national newspaper, try to take further action as above.
3. Chief Engineer, Irrigation Department, Dehradun. 4. Chief Engineer, Irrigation Department (Garhwal).
5. Concerned Superintending Engineer, Irrigation Department. 6. Sent to the Executive Engineer / Nodal Officer, Irrigation Division, Haridwar with the intention that please contact the District Magistrate Haridwar to forward the said notification to the District Haridwar's N.I. c. Please try to upload it on the website.
7. A soft copy of the notification has been sent to the Director, NIC, Secretariat Complex, Dehradun, with the intention that they may try to

upload it on the website of NIC Haridwar. 8. Sent to the Joint Director, Government Press, Roorkee, with the intention that while publishing the notification in the ordinary gazette, try to provide 200 copies to the government.

9. Guard File.

(Ajit Singh)
Deputy Secretary.

Notification number:- 2038/II/ (02)/2020-06(65)/2016, dated October 9, under the Uttarakhand Flood Plain Zone Zoning Act-2012, details of all the assets falling within the limit of 25-year flood frequency

Villages coming under Tehsil Haridwar of District Haridwar

Schedule of Prohibited Areas-01

S. No.	Name of Village	Khata/ Khatauni no.	Khasra/ Gaata No.	The measurement / area of the land located in the flood plain area	Nature of land	Category of land	Comment
1	2	3	4	5	6	7	8
1	Village Haripur Khurd	26	1/23m, 1/24m	0.2360	Population	transitory landowner	
		29	1/23m	0.0390	Population	transitory landowner	
		05	1/25m	0.0620	Population	Class-9 (NZA)	
		07	1/26m	0.0300	Population	Class-9 (NZA)	
		09	1/27m	0.0700	Population	Class-9 (NZA)	
		04	1/28m	0.0300	Population	Class 15(4) (NZA)	
		23	2m, 3m	0.7750	Dam	Class 15(4) (NZA)	
		22	4, 5	0.6850	Gangaji	Class-15(1) (NZA)	
		25	1/1m	0.2500	Population, Gangaji	transitory landowner	
		10	1/1m	1.2600	Population, Mango farm, Gangaji	transitory landowner	
		03	1/1m	0.2700	Population, Gangaji	transitory landowner	

		06	1/1m	1243	0600	Population	transitory landowner
			Haripur Khurd		3.6770		
2.	Village Laljiwala	7	3m		0.0800	Canal	Class-15(4) (NZA)
		6	4, 6m		0.6970	Drain	Class-15(4) (NZA)
		8	5		0.1740	Pathroad	Class-15(4) (NZA)
		9	17m, 19m		1.0420	stone drain	Class-15(4) (NZA)
		4	18m, 20		2.7920	Canal	(NZA)
		5	21		0.9120	Population	(NZA)
		3	22m		3.8490	Gangaji	(NZA)
		1	22m		15.9310	Population	(NZA)
		2	22m		0.6850	Gangaji	(NZA)
				Laljiwala		26.162	
			Prohibited		29.839		

(Nitesh Kumar Jha)

Secretary

Notification number:- 2038/II/ (02)/2020-06(65)/2016, dated October 9, under the Uttarakhand Flood Plain Zone Zoning Act-2012, details of all the assets falling within the limit of 25-year flood frequency

Villages coming under Tehsil Haridwar of District Haridwar

Schedule of Restricted Areas-02

S. No	Name of Village	Khata/ Khatauni no	Khasra/ Gaata No	The measurement / area of the land located in the flood plain area	Nature of land	Category of land	Comment
1	2	3	4	5	6	7	8
1	Village Haripur Khurd	26	1/23m, 1/24m	0.2470	Population	transitory landowner	
		29	1/23m	0.0200	Population	transitory landowner	
		05	1/25m	0.2050	Population	Class-9 (NZA)	
		07	1/26m	0.1750	Population	Class-9 (NZA)	
		09	1/27m	0.0540	Population	Class-9 (NZA)	
		04	1/28m	0.1750	Population	Class-9 (NZA)	
		08	1/29m	0.1780	Population	Class-9 (NZA)	
		06	1/30	0.6840	Population and farming	Class-9 (NZA)	
		21	1/22m, 1/31	0.2010	Dam	Class15(4) (NZA)	
		01	1/32, 1/33	1.2170	Population	Class-8 (NZA)	
		15	1/33m	0.0640	Population	Class10(k) (NZA)	
		16	1/33m	0.0330	Population	Class10(k) (NZA)	
		23	2m, 3m	0.7830	Dam	Class15(4) (NZA)	

		25	1/1m	0.2500	Population	transitory landowner
		10	1/1m	0.9050	Mango Farm	transitory landowner
		03	1/1m	0.4000	Population	transitory landowner
		06	1/1m	0.0330	Population	transitory landowner
			Haripur Khurd	5.6240		
2.	Village Laljiwala	7	3m	0.0700	Canal	Class-15(4) (NZA)
		6	6m	0.0900	Drain, Canal	Class-15(4) (NZA)
		9	17m, 19m	0.1000	stone drain	Class-15(4) (NZA)
		4	18m	0.2050	Canal	Class-15(1) (NZA)
		3	22m	0.6000	Gangaji	Class-15(1) (NZA)
		1	22m	0.2000	Land donation committee Gangaji	Class-15(1) (NZA)
			Laljiwala	1.2650		
			Restricted	6.889		
			Total (Restricted + Prohibited)	36.728		

(Nitesh Kumar Jha)
Secretary

Project name: - Proposal for transfer of 0.29 hectare reserved forest land for the development of Ropeway system from Har Ki Pauri to Chandi Devi Temple in district Haridwar by Uttarakhand Metro Rail, Urban Infrastructure and Building Construction Corporation Limited.

FORM 11.1

LAND SCHEDULE

For the land schedule of Civil land (Revenue Department)/prescribed form by the District Magistrate

District	Tehsil	Maya/ Mauja	Khasra No.	Total Area (ha)	Length (m)	Width (m)	Area requested (ha)
Haridwar	Haridwar	Laljiw ala (NZA)	7	12.408	87	25.2	0.2192
			17	1.834	15	15	0.0225
			18	2.653	15	15	0.0225
			22	29.665	15	15	0.0225
					15	15	0.0225
					15	15	0.0225
			Gross Total				0.3317 Ha

District Magistrate

Sub Catagory (2)-Site, Road, Railway, Building & such other land which is used for emergency purposes.				9	Track Drain	17	1.834
						19	1.192
						2	3.032
Population	1	6.607					
	2	6.259			Total Sub Catagory (4)	6	7.778
	7	12.408					
	8	0.113					
	9	0.061			Total Catagory (15)	22	55.971
	10	0.051					
	11	0.522					
	12	0.082			Total sum Khewat No. (2)	22	55.571
	13	0.256					
	14	0.041					
	15	0.205					
	16	0.143			Total sum first part	27	75.587
	21	0.912			1425Crops		
	13	23.660					
Total Sub Catagory (2)	13	23.660					

**STUDY ON HYDROLOGICAL, ENVIRONMENTAL AND
STRUCTURAL ISSUES ASSOCIATED WITH CONSTRUCTION OF
FOUNDATION OF TOWERS IN RIVER BED FOR THE
PROPOSED HAR KI PAURI- CHANDI DEVI ROPEWAY PROJECT
IN HARIDWAR CITY.**

By

Prof. Zulfequar Ahmad

Prof. Bhupinder Singh

Prof. V A Sawant



**Department of Civil Engineering
Indian Institute of Technology Roorkee**

Roorkee 247 667

June 2022

Zulfequar Ahmad
Digitally signed
by Zulfequar
Ahmad
Date: 2022.06.17
15:49:44 +05'30'

42

1. Preamble

Uttarakhand Metro Rail, Urban Infrastructure and Buildings Construction Corporation Limited (UMRUI&BCCL) is planning to construct a ropeway connecting Har-Ki-Pauri- to Chandi Devi temple. The Ropeway is having 4-Towers located near and on the bed of the escape channel and on the Ganga river downstream of the Bhimgoda barrage. One tower, (tower number 5) is located very close to the left bank of the Ganga river atop a cliff.

Vide letter No. 61/UM-228/2022-23 dated 10/5/2022, Shri R. S. Dubey, General Manager (Civil) UMRUI&BCCL, Dehradun-248121 requested the Head of the Department of Civil Engineering I.I.T. Roorkee for a review of the hydrological, environmental and structural issues which may have a bearing on construction of the 4 Towers located either on the bed of the escape channel or on the bed of the river Ganga so that required mitigative measures can be taken during planning, design and construction of the proposed ropeway.

Subsequently, a meeting was held in the office of Prof. Bhupinder Singh on 11th May 2022 following which a visit to the site of the proposed ropeway was undertaken by Prof. Z Ahmad, Prof. Bhupinder Singh and Prof. V A Sawant on 19th May 2022 along with officials of UMRUI&BCCL, Dehradun.

2. Observations

The Har Ki Pauri-Chandi Devi Ropeway is aligned across the escape channel of the Upper Ganga Canal and Ganga river downstream of Bhimgoda barrage. On the day of the site visit, the river was flowing towards the left side of its flood plain and there was a large deposition of the gravel-pebbles-boulders towards the right side at its confluence with the escape channel. The right bank of the escape channel was unprotected near the proposed ropeway alignment adjacent to the Pandit Deen Dayal Upadhyaya parking as shown in Fig. 1, while downstream of the Towers-1 and 2, the right bank was noted to be protected with a ghat being developed there. Since the right bank of the escape channel is unprotected as can be seen in Fig. 1, suitable protection of the right bank is

recommended so that flowing water in the channel does not erode the foundation of the Towers-1 and 2 proposed to be located on the right bank of the escape channel. It is also recommended that in spite of provision of suitable protection to the right bank, the foundations of both the Towers-1 and 2 should be designed for a nominal scour depth of 3 m below the existing ground level.



Figure 1: Unprotected right bank of the Upper Ganga canal escape channel

2.1 Hydrological study

2.1.1 Location of tower foundations

Location of the Towers -1 to 5 are shown in the Google Earth image in **Fig.2**, while **Fig. 3** shows a close-up view of the Towers-1 to 3.

EA 44



Figure 2: Google Earth image as on 9/11/2022

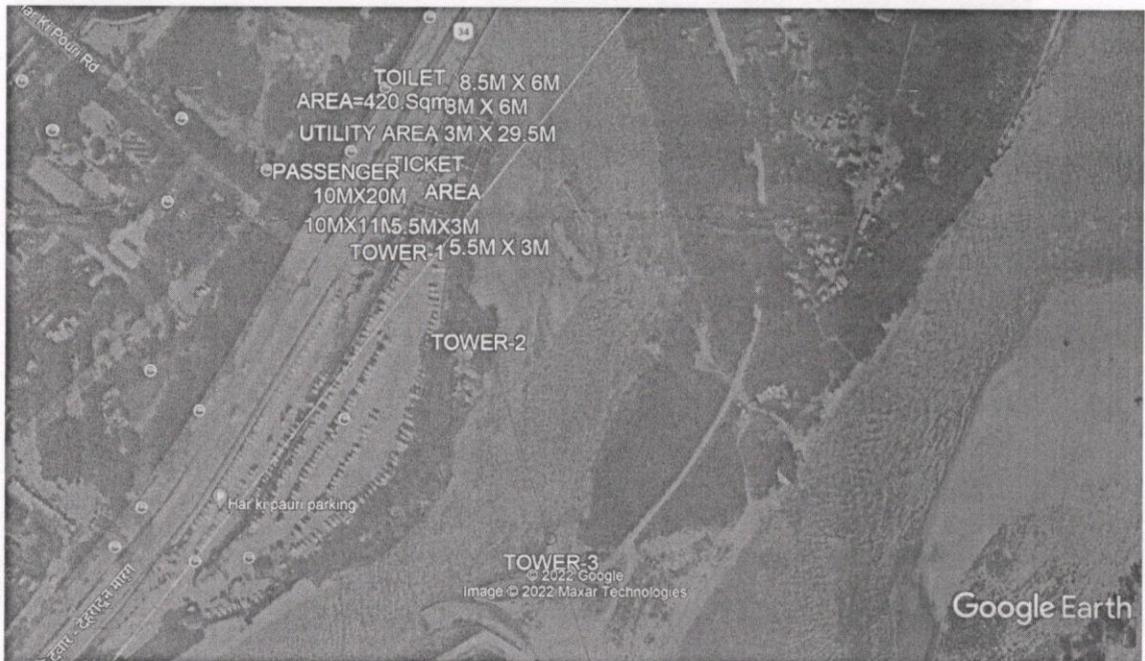


Figure 3: Close-up view of Google Earth image as on 9/11/2021

46



Figure 5: Google Earth image as on 6/11/2018

2.1.2 Design discharge and H.F.L.

Design discharge and Highest Flood Level (H.F.L.), required for the design of the foundation of the towers of the Ropeway are estimated in this section. Available hydraulic data at two stations close to the location of the proposed rope-way is summarised below:

Bhimgoda Barrage

Design discharge = 21700 m³/s

Pond level = 293.70 m

Lowest pond level = 290.2 m

Upstream HFL = 293.26 m

Downstream HFL = 292.0 m

Ganga Bridge, Haridwar

Design discharge = 19725 m³/s

HFL = 288.621 m

Silt factor = 4.5 (average)

LWL = 278.558 m

Ground level = 276.813 m

Scour level = 261.813 m

Founding level = 252.358

The under-construction Ganga Bridge is about 2.0 km downstream of the Bhimgoda barrage and the Har Ki Pauri- Chandi Devi Ropeway is crossing the Ganga river at about 1.0 km downstream of the Bhimgoda barrage. Since the H.F.L. downstream of the Bhimgoda barrage is 292.0 m and H.F.L. adopted for the Ganga bridge is 288.621, a linear interpolation between these two values gives the following H.F.L. at the Ropeway:

$$\text{H.F.L.} = (292 + 288.621) / 2 = 290.31 \text{ m}$$

Design discharge of the Bhimgoda barrage is 21700 m³/s. Annual maximum discharge at the Bhimgoda barrage from the year 1989 to the year 2018 are given in Table 1. It may be noted that maximum discharge of 14868.67 m³/s was recorded in the year 2013.

Frequency analysis of the annual maximum discharge data over the period 1989 to 2018 at the Bhimgoda barrage yields a discharge of 17917 m³/s for a 100-year return period (Hydrology report of the under-construction Ganga Bridge). However, since the design discharge of the Bhimgoda is 21700 m³/s, it is recommended that this discharge should be adopted as the design discharge for foundation design of the ropeway towers. **Therefore, design discharge for the ropeway towers shall be 21700 m³/s and H.F.L. elevation shall be 290.31 m.**

Table 1: Annual maximum discharge at the Bhimgoda barrage, Haridwar

CA = 23000 sq.km.		
Sl No.	Year	Discharge (Cumec)
1	1989	7755.45
2	1990	9482.03
3	1991	4953.3
4	1992	6651.57
5	1993	8915.94
6	1994	7923.41
7	1995	12303.31
8	1996	5003.85
9	1997	11112.91
10	1998	8926.29
11	1999	5158.25
12	2000	6189.02
13	2001	4796.63
14	2002	5735.69
15	2003	5199.86
16	2004	5305.12
17	2005	6692.05
18	2006	3329.92
19	2007	8208.32
20	2008	4420.58
21	2009	3768.95
22	2010	13446.87
23	2011	9314.1
24	2012	6045.77
25	2013	14868.67
26	2014	8843.14
27	2015	5913.53
28	2016	5845.97
29	2017	5093.66
30	2018	5263.86

2.1.3 Fixing the scour level of tower foundations

Based on the Lacey-Ingilis method, both the IRC: 5 (2015) and the IRC: 78 (2014) give methods for estimation of normal scour depth in natural channels.

The normal scour depth (D_L) below the H.F.L. may be estimated from Lacey's formula as indicated below.

$$D_L = 0.473 \left(\frac{Q}{f} \right)^{1/3} \quad (1)$$

Where D_L is the normal scour depth in m, Q is in m^3/s and ' f ' is Lacey's silt factor for representative sample of bed material obtained from the scour zone.

The maximum scour level near a bridge pier below the H.F.L. as per IRC:5-2015 and IRC:78-2014 is:

$$D_{sm} = 2D_L \quad (2)$$

Minimum depth of founding level below H.F.L. shall be taken as:

$$= 1.33 \times \text{maximum scour level below H.F.L.} = 1.33 D_{sm} \quad (3)$$

To provide for a margin of safety, the foundation shall be designed for a larger discharge over the design discharge as recommended by IRC: 78-2014 with the increase in discharge being given in Table 2.

Table 2: Percentage increase in discharge for scour computation

Catchment area in km^2	Increase over design discharge in percent
0-3000	30%
3000-10000	30-20%
10000-40000	20-10%
Above 40000	10%

Since the catchment area of the Ganga River at Bhimgoda barrage is $23000 km^2$, therefore, 15.67% increase in design discharge may be adopted. Hence,

$$Q = 1.1567 \times 21700 = 25100.4 \text{ m}^3/\text{s}$$

$$D_L = 0.473 \left(\frac{25100.4}{4.5} \right)^{1/3} = 8.51 \text{ m}$$

The maximum scour level near the tower foundation below the H.F.L. as per IRC:5-2015 and IRC:78-2014 is:

$$D_{sm} = 2 \times 8.51 = 17.02 \text{ m}$$

$$\text{Scour level} = 290.31 - 17.02 = 273.29 \text{ m}$$

It has been noted from literature that maximum scour below the river bed is about 2.5 times the obstruction width of the foundation. In the present case, if we consider obstruction width of the pile cap in the foundation to be 3.0 m, the scour depth below the river bed will be 7.5 m. Thus, it is recommended that for the design of foundation of the tower, scour level shall be taken as elevation 273.29 m or 7.5 m below the deepest bed level of the river, whichever is lower.

2.1.4 Afflux Computation

Molesworth formula as per IRC-5:2015 for the computation of afflux can be written as

$$\Delta y = \left[\frac{V^2}{17.88} + 0.01524 \right] \times \left[\left(\frac{A}{a} \right)^2 - 1 \right] \quad (4)$$

Δy = Afflux (m); V = Velocity in un-obstructed stream (m/s); A = Un-obstructed area (m²); and a = Flow area after obstruction (m²).

Since the Towers-3 and 4 lie on the flood plain of the Ganga river, thus total obstructed width = $2 \times 3 = 6 \text{ m}$

Width of the Ganga river at Ropeway alignment = 600 m

$$A/a = 600 / (600 - 6) = 1.01$$

Velocity $V = 3.11 \text{ m/s}$ (same as the velocity at the under-construction bridge)

From Eq. (4)

$$\Delta y = \left[\frac{3.11^2}{17.88} + 0.01524 \right] \times [(1.01)^2 - 1] = 0.011 \text{ m (1.1 cm)}$$

Computed afflux by Molesworth formula is insignificant and hence obstruction to the flow due to construction of the foundation of Towers-3 and 4 in the Ganga river is negligible.

2.2 Structural recommendations

- a) Pile foundations consisting of bored cast-in-situ R.C.C. piles shall be adopted for all the towers of the proposed ropeway.
- b) Pile diameter shall be selected in the range of 600 mm – 900 mm.
- c) In the first instance, thickness of the pile cap shall be taken as $= 1.50 \times$ pile diameter. Subsequently, if required from considerations of strength, pile cap thickness may be increased but it shall not be less than the value recommended above.
- d) Centre-to-centre spacing of the piles shall be kept as $3 \times$ pile diameter.
- e) Top of the pile cap shall be kept above the H.F.L. with a minimum clearance of 300 mm so that the tower foundation resting on the pile cap is always available for inspection.
- f) For deciding concrete grade, cement content and clear cover to any reinforcement in the tower foundation, the exposure condition to be adopted shall be "SEVERE".
- g) Cutoff level of any pile in the pile cap shall be taken as 75 mm above soffit of the pile cap.
- h) All pile cap longitudinal reinforcement shall be provided with full end-anchorage $= L_d$ within the depth of the pile cap.
- i) All pile caps shall be provided with bursting reinforcement consisting of horizontally oriented 12 mm dia. 2-legged closed ties spaced 150 mm C/C over the entire thickness of the pile cap.
- j) Consideration may be given to the use of a 10 mm thick MS plate lining on each pile over a length of 2 m below the soffit of the pile cap. This lining will serve to stabilise the pile bore hole during construction and after

construction will serve to shield the pile from the impact of boulders and other floating debris in the river, especially during peak flows.

- k) For the piles to be installed in river bed (Tower-4), piles must be checked for lateral thrust and capacity.
- l) The design of pile foundations will accommodate the effect of earthquakes as well as liquefaction, if any.

2.3 Towers 1 and are located on the right bank of the escape channel, thus as such there is no river life at these locations. Further, water flow in the escape canal is hardly for two months in rainy season, so there is a limited river life there also. On the day of the visit, the location of the Towers 3 and 4 were dry. However, these locations are under submerged condition during flood time. Since the construction of foundation of Towers shall be carried out during non-flood time, thus such construction will not affect the river life.

The construction of tower will not disrupt the bed of Ganga River as such during pile foundations works, so there is neither any effect the river bed nor on river life as explained above due to construction of Towers 1 to Tower 4, and so there are no environmental issues.

2.4 Concluding remarks

- a) The recommended discharge for design of the ropeway foundations is $21700 \text{ m}^3/\text{s}$ and the recommended H.F.L. elevation = 290.31 m
- b) It is concluded that the effect of construction of the foundation of the Towers-1 to 4 on morphology of the Ganga river and the escape channel shall be negligible as the obstruction to the flow due to construction of the tower foundations is insignificant. Thus there are no environmental issues in the construction of foundations of Towers 1 to 5.
- c) For the design of foundations of the Towers-3 and 4, elevation of the scour level shall be taken 273.29 m or 7.5 m below the deepest bed level of the river, whichever is lower. If possible, soil exploration has to be done to get the soil strata up to 20 m depth for the evaluation of mean particle size.

- d) It is recommended to provide protection to the right bank of the escape channel so that flowing water in the escape channel should not erode the foundation of the Towers-1 and 2. A minimum of 3.0 m scour depth below the existing ground level shall be considered for the design of foundation of the Towers-1 and 2.
- e) Recommendations have been made with respect to structural design of the pile foundations for the towers of the proposed ropeway.

From,

R. Meenakshi Sundaram,
Secretary,
Government of Uttarakhand

ANNEXURE/RA-5

54

To,

1- Chief Administrator
Uttarakhand Housing and Urban
Development Authority
Dehradun.

2- Vice President
Haridwar Roorkee Development Authority,
Haridwar.

3- Chief Town & Country Planner,
Town and Country Planning
Department,
Dehradun.

Housing Section-2

Dehradun, Dated: 14th December, 2016

Subject- Regarding issuance of regulation policy, guidelines and bylaws for the purpose of construction work on the banks of Ganga and its tributaries in the plains area in compliance of the orders passed by the Hon'ble National Green Tribunal.

Sir,

As per the decision taken after due consideration in relation to the above subject matter, I am directed to say that in accordance with the orders passed by the Hon'ble National Green Tribunal, approval is given for the development / construction along the banks of Ganga and its tributaries in the plains area subject to the following restrictions-

Plain Area:-

(A)- Prohibitory Zone- The area up to 200 meters from the middle of river Ganga and its tributaries has been designated as Prohibitory Zone by the Hon'ble National Green Tribunal. Under special circumstances, embankment/flood management, tree plantation, ghat construction and river bank development/construction work will be allowed in the said area.

Note- The Prohibitory Zone defined as above will be determined by the Irrigation Department.

(B) - Regulatory Zone- The area from 200 meters to 300 meters from the middle of river Ganga and its tributaries has been designated as Regulatory Zone by the Hon'ble National Green Tribunal.

- (1) The area up to 30.0-30.0 meters from the bank of the river or the area which is affected by flood in last twenty five years (Flood upto 25 year frequency), whichever is more, any kind of construction will not be permitted. The Regulatory Zone will be reserved

for tree plantation/park/ground/agriculture etc related activities. Apart from this, temporary constructions will be allowed for religious fairs to be held on time to time , with the restriction that proper management of water-sewage and solid waste generated from the said activities will be managed as per the direction given by the Hon'ble National Green Tribunal and the test of the above will be done by the Uttarakhand Payjal Nigam. 55

(2) In addition to the above, the following construction/reconstruction will be permitted in the residual Regulatory area to the extent of prescribed restrictions:-

(i) The construction of Math, Ashram and Temple will be permissible with the following restrictions:-

- (a) Land cover- 35 percent,
- (b) Floor Area Ratio (F.A.R)- 1.5,
- (c) The maximum height of the building will be 7.5 meters or two floor,
- (d) The proposed construction will be allowed only after arrangement of sewerage system as per the directions of Hon'ble National Green Tribunal

(ii) Reconstruction of pre-existing construction in this area, which is in dilapidated condition is allowed to the extent of the existing land cover and FAR, but to the maximum height of 7.50 meters, will be permitted with the restriction that sewerage system in the area is functional.

Note:-

- In case the construction is permitted, the minimum height level of the building will be 1.00 meters from the plinth level.
- Regarding the sewerage system of the area, no objection certificate will be issued by Uttarakhand Payjal Nigam, as per the provision of the Hon'ble National Green Tribunal.

(C) Escape Channel- The portion of water which flows from Sarvanand Ghat to Shamshan Ghat Khadkhadi and Har Ki Pauri to Damkothi and after Damkothi Satighat Kankhal to Daksh Mandir is to be considered as Escape Channel. Due to controlled water flow in the said area, there is no possibility of any flood impact. Therefore, in order to control river pollution only, permission for construction in this area will be given after ensuring proper arrangement of sewerage at the Authority level.

2. All previous mandates related to construction/prohibition on the banks of river Ganga are repealed with immediate effect.

Sincerely,

(R. Meenakshi Sundaram)
Secretary

- 1- Additional Chief Secretary, Forest and Environment Department, Government of Uttarakhand.
- 2- Principal Secretary, Irrigation Department, Government of Uttarakhand.
- 2- Commissioner, Garhwal Division, Pauri Garhwal.
- 3- District Magistrate, Haridwar / Dehradun.
- 4- Chief Engineer, Irrigation Department, Yamuna Colony, Dehradun.
- 5- General Manager, Uttarakhand Payjal Nigam, Dehradun.
- 6- Member Secretary, Uttarakhand Pollution Control Board, Dehradun.
- 7- Guard file.

(Surendra Singh Rawat)
Deputy Secretary

**Notification
Miscellaneous**

Governor, by exercising the powers conferred by sub-section (1) of section 12 of the Uttarakhand Flood Plain Zoning Act, 2012 (Uttarakhand Act No. 07 of 2013), pleased to approve the following works in area mentioned in schedule 01 and 02 in earlier notification no. 381/11-2017-06(85)/2018, dated 28.02.2017 issued for River Ganga, Haridwar to Lashkar 50 Km reach in Haridwar District. That is:-

Sr. No.	Area	Description of permissible works
1	Prohibited area	Construction work related embankment/flood management, mining, tree plantation, agricultural, bathing ghat construction, river bank development, irrigation, drinking water scheme, water sports for water transport, bridge etc.
2	Restricted areas	Activities like, parks, playgrounds, fisheries, agriculture etc., temporary construction for religious fairs to be held from time to time will be permitted with the restriction that ensuring proper management of sewage and solid waste generated by the said activities. The above will be tested by the Uttarkhand Payjal Nigam, in this area, the existing land cover of the pre-existing constructions, which are in dilapidated condition, is 35 percent, the floor area ration is 1.5 and the maximum height of the building is 7.50 meters or the limits of two floors. Reconstruction will be permitted with the condition that sewerage system is available in the area. In case the construction is permissible, the minimum Plinth Level of the building will be 1.00 meters from the High Flood Level and along with ensuring proper management of the sewerage system of the area, it will be necessary to take test/no objection certificate from the Uttarkhand Payjal Nigam.

Sd/-
(Anand Vardhan)
Principal Secretary

Number:- 828/11121-2018-06/65)/2016, dated.

Copy forwarded to the following for information and necessary action:-

1. Principal Secretary / Secretary, Revenue / Housing Department, Government of Uttarakhand.
2. Divisional Commissioner, Garhwal.

3. District Magistrate/Flood Plain Zoning Authority, Haridwar.
4. Engineer in Chief, Irrigation Department, Dehradun.
5. Chief Engineer, Irrigation Department (Garhwal).
6. Superintending Engineer / Executive Engineer, Irrigation Department Haridwar.
7. Director, NIC, Secretariat Complex, Dehradun, with the intention that will upload it on the website of NIC Haridwar.
8. Joint Director, Government Press, Roorkee, with the intention for publishing the notification in the ordinary gazette and to provide 200 copies to the Government.
9. Guard File.

58

With Permission

Sd/-
(Devendra Paliwal)
Additional Secretary.