

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:



GIGI.C.GEORGE

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DELHI HIGH COURT, NEW DELHI

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M-9810625315

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**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.



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 _____ Sept. 2025 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 therefrom.



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

File No.: NH-12024/03/2024/UK/North-I
Government of India
Ministry of Road Transport & Highways
(Zone -I)
Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated: /11/2024

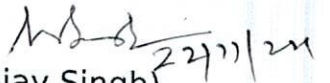
OFFICE MEMORANDUM

Subject: Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20.11.2024 in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi – reg.

Please find enclosed the Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20th November, 2024 at New Delhi on the subject matter.

It is requested to take necessary action accordingly and submit the Action Taken Report (ATR).

Encl: As above.


(Rananjay Singh)
Superintending Engineer (North I)
For DG (RD) & SS

To

1. Director General (Border Roads), BRO, New Delhi
2. Managing Director, NHIDCL, New Delhi

Copy to:

1. PSO to Secretary (RT&H)
2. PSO to DG (RD) & SS, MORTH
3. PS to ADG (North I), MORTH
4. RO, MoRTH, Dehradun

Minutes of Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20.11.2024 in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi - Reg.

At the outset Secretary (RT&H) welcomed the participants to the meeting which was held in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

List of participants is annexed.

2. Hon'ble NGT, Principal Bench, New Delhi vide its order dated 23.08.2024 in the context of Original Application No. 689/2023 (Sanjay Kumar vs Union of India) directed that the Secretary, MoRTH to hold the meeting of heads of both organizations, i.e., NHIDCL and BRO and ascertain and fix the responsibility on the one organization for construction of landslide protection gallery, slope protection work and river protection work at Barethi, Uttarkashi in Gangotri National Highway taking cognizance of contradictory stands taken by BRO & NHIDCL. The next date of hearing is on 03.12.2024.

3. The MoRT&H and NHIDCL were impleaded as Respondent no. 2 and respondent No. 3 respectively in the above mentioned Original Application; MoEF&CC is Respondent no. 1; BRO was subsequently impleaded as Respondent no. 6 in hearing dated 29.02.2024. The application pertains to Badethi/Bareti location on NH-34 in the state of Uttarakhand and was first heard on 09.11.2023.

4. Vide order dated 09.11.2023, Hon'ble NGT, Principal Bench, New Delhi also inter-alia noted that "Land subsidence and landslide activities triggered by the river's force have caused considerable damage to the highway at three major locations namely Chinyalisaur, Matli and Badethi Chungi".

5. MD (NHIDCL) apprised following: -

(i) NHIDCL had executed following standalone slope protection works including the Barethi project on NH-34: -

S. No	Project Description	NH No.	Scope of Work			Appointed Date	DLP Status	St Ent
			Type of work	Length	Location			
1	(i) Nalupani Landslide Zone (Km 123+080 to Km 123+480, Km 123+665 to Km 123+740, and Km 123+770 to Km	34	Landslide mitigation	0.675	Hillside	11.09.2017	DLP completed on 15.01.2024	

	123+970)						
	(ii) Dharashu-Gangotri Road (Km 123.080 to Km 123.970)	34	Landslide Mitigation	0.890	Valley Side	08.01.2019	DLP to be completed on 09.08.2025
2	(i) Bareti Landslide (Km 100.300 to Km 101.060) including protection gallery	34	Landslide Mitigation	0.760	Hillside	04.01.2018	DLP to be completed on 30.04.2025
	(ii) Additional Work at Bareti (Km 100.300 to Km 101.060)	34	Landslide Protection gallery	0.760	Hillside & protection on Roadside	31.08.2020	DLP to be completed on 28.05.2027

(ii) DPR for the Dharasu-Gangotri stretch from Km 0.00 to Km 124.00 on NH-34 was prepared by NHIDCL and was handed over to BRO as per the direction of MoRT&H. However, the above-mentioned slope protection works were executed by NHIDCL as standalone projects as per directions of MoRT&H.

(iii) Prior to completion of the above-mentioned works, NHIDCL initially in March 2022 requested BRO to take over these stretches for better administration and maintenance of NH-34.

(iv) In response, BRO requested that the stretch may continue to remain with NHIDCL till completion of maintenance period and thereafter, these works may be handed over to BRO.

(v) Landslides/erosions have been observed on the valley side of the Barethi location. On enquiry by Secretary (RT&H), it was clarified by NHIDCL that landslide is on valley side and the standalone projects executed by NHIDCL for landslide protection and protection gallery are on the hillside; therefore these are beyond the scope of the present contractor.

(vi) It was further apprised that landslide mitigation measures are required to be studied by specialised agency like THDC or any other agency of repute and DPR may be got prepared.

6. DG(BR) expressed concerns regarding the stability/ structural integrity of protection gallery as the landslide on the valley side has exposed foundation of some piers.

7. After detailed deliberations, following decisions were taken: -

(i) Sections of aforesaid isolated stretches of NH-34 shall be immediately handed over by NHIDCL to BRO; BRO to take over these stretches forthwith;

(ii) Tripartite Agreement shall be signed between NHIDCL, BRO and concerned Contractor engaged by NHIDCL to ensure rectification of defects under DLP and concurrent maintenance obligations of Contractors;

(iii) NHIDCL shall urgently identify defects to be rectified under DLP, give notice for implementing the same to the Contractors with copies endorsed to BRO and MoRT&H; NHIDCL to also ensure providing needful supports in rectification of the defects wherever required even after the sections are handed over to BRO;

(iv) BRO shall take up urgent necessary action for preparing DPRs for the protection works on the stretches required, finalize rectification plans and proposals for sanction by MoRT&H;

(v) MoRT&H shall provide funds for the additional protection works.

8. The meeting ended with a Vote of Thanks to the Chair.

Annexure

List of participants in the Meeting held under the Chairmanship of Secretary (RT&H) with Director General (Border Roads) and Managing Director (NHIDCL) on 20.11.2024 in compliance to NGT order dated 23.08.2024 in OA. No. 689/2023 (Sanjay Kumar v. Union of India & Ors.) before the Hon'ble National Green Tribunal, Principal Bench, New Delhi

1. Ministry of Road Transport & Highways

- i. Sh. V Umashankar, Secretary, MoRTH, New Delhi - **In Chair**
- ii. Sh. D. Sarangi, DG(RD)&SS, MoRTH, New Delhi
- iii. Sh. Sudip Chaudhury, ADG (NoRTH-I), MoRTH, New Delhi
- iv. Sh. Rananjay Singh, SE (NoRTH-I), MoRTH, New Delhi

2. Border Road Organization (BRO)

- i. Lt Gen Raghu Srinivasan, VSM, DGBR, New Delhi
- ii. Brig. Prasanna S Joshi, CE(P) Shivalik, Border Road Organization, Dehradun, Uttarakhand

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

- i. Sh. Krishan Kumar, Managing Director, NHIDCL New Delhi.
- ii. Sh. Amrendra Kumar, Director(Tech), NHIDCL, New Delhi.

