

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

ORIGINAL APPLICATION NO. 175 OF 2022

IN THE MATTER OF:

Vijay Kishor Goswami

...Applicant

Versus

State Government of Uttar Pradesh & Ors.

... Respondents

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NEW DELHI
FILED ON: 15.11.2022

Filed by:



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

ORIGINAL APPLICATION NO. 175 OF 2022

IN THE MATTER OF:

Vijay Kishor Goswami

...Applicant

Versus

State Government of Uttar Pradesh & Ors.

... Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 3 TO THE
ORIGINAL APPLICATION FILED BY THE APPLICANT UNDER
SECTION 14 AND 15 OF THE NATIONAL GREEN TRIBUNAL
ACT, 2010**

MOST RESPECTFULLY SHOWETH:

Preliminary Objections:

1. At the outset the Respondent deny, refute and traverse *in extenso* and *in extremity* each and every averment, contention, statement made and contained in the Original Application under reply herein same being frivolous and untenable both in fact and in law. Nothing contained in the aforesaid Original Application should be presumed to have been admitted on account of express or implied non-denial or non-traversal.
2. The present Original Application deserves an outright dismissal with exemplary costs for being vexatious, ill motivated and bereft of any merit whatsoever. The present Original Application filed by the Applicant is devoid of any merits, false, frivolous, vexatious. The Respondents craves the liberty to reply upon the

अधिशाली अभियन्ता
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मथुरा



contents of the Application during the course of arguments and that the same may be treated as a part and parcels of the present reply, as the same is not being repeated herein for the sake of brevity. That the present Original Application is filed with an oblique and ulterior motive to harass and arm twist the Respondent.

3. Before adverting to the para-wise reply to the contents of the present Original Application, the Respondent seeks the liberty of this Hon'ble Tribunal to elucidate a veracious narration of correct factual matrix and background surrounding the present issue.
4. That the present Original Application has filed by the Applicant under section 14 and 15 of the National Green Tribunal Act, 2010 (hereinafter referred as "NGT Act") seeking following directions:
 - i. *Direct Respondent No. 2,3,4 and 5 to remove concretization on roads in excess of what has been prescribed by the G.O. and restore the areas under concretization in the city of Vrindavan to its original position.*
 - ii. *Direct respondent no. 2,3,4 and 5 to remove concretization around the trees happening in violation of the order of this Hon'ble Tribunal in O.A. No. 82 of 2013 in city of Vrindavan and restore the areas of its original position*

- iii. *Impose fine on the respondents no. 2,3,4 and 5 for violation of the G.O. of the state of Uttar Pradesh and the order of this Hon'ble Tribunal in O.A. No. 165 of 2013.*
- iv. *Pass any other order as this Hon'ble Tribunal may deem fit and circumstances of the present case.*
5. It is pertinent to note that the Mathura and Vrindavan Development Authority (hereinafter referred as "MVDA") has constructed only road in Kailash Nagar in 2014 – 15 from Dauji ki Bagiji to Sabji mandi, which is 2 km long and 10 to 12.5 mtrs. wide. Along with the Road, the carriage way and the footpath were also constructed with interlocking tiles.
6. That the government issued G.O. dated 23.03.2018 in pursuant to order dated 06.07.2016 in O.A. No. 165 of 2013. As per the G.O. the maximum width on the both side of the road is 0.50 mtr. and the maximum width of the footpath can be 1.50 meters only.
7. That this Hon'ble Tribunal vide order dated 07.03.2022, constituted a joint committee consisting State PCB, DFO, and District Magistrate – Mathura (Uttar Pradesh) for factual status of the grievances of the Applicant and submit status report. The relevant paras of the order dated 07.03.2022 reproduced herein below for the sake of brevity:
- "2. Having regard to the allegations of the applicant, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, DFO and District*

Magistrate-Mathura (Uttar Pradesh). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant..."

A True Copy of the Order dated 07.03.2022 passed by Hon'ble National Green Tribunal is annexed hereto and marked as **Annexure A-1**

8. In pursuant to the order dated 07.03.2022 the joint committee has conducted site of the areas in question and issued notice to the Respondent No. 3.
9. The Respondent No. 3, vide letter dated 28.06.2022, has informed the joint committee that in Kailash Nagar the road length approx. 2km whose width varies from 10 meters to 12.5 meters from dauji bageechee to sabji madi is made with interlocking tiles in the year 2014-15. It was also informed to the joint committee that no road has been constructed by the Respondent No. 2 after issuance of the G.O. dated 23.03.2018 and further assured to the joint committee that the direction issued under the G.O. shall be followed in future work. A true copy of the letter dated 28.06.2022 issued by the Respondent No. 3 is annexed hereto and marked as **Annexure A-2**
10. The Joint Committee after inspection submitted its factual and action taken report before this Hon'ble Tribunal wherein, the joint committee has made specific observation against the Respondent No. 3 that in Kailash Nagar the road of approx. 2km

from dauji bageechee to sabji mandi was found to have been made with interlocking tiles. A true copy of the factual and action taken report submitted to this Hon'ble Tribunal is annexed hereto and marked as **Annexure A-3**.

11. That the Hon'ble Tribunal vide order dated 13.07.2022 considered the report of the joint committee and issued notice to all the respondents to the Original Application. A true copy of the order dated 13.07.2022 is annexed hereto and marked as **Annexure A-4**.

Para-wise Reply

12. The contents of para I to VI of the Original Application are matter of fact and hence need no reply. However, it is submitted that the Respondent No. 3 constructed a 2 km road in the Kailash Nagar in the year 2014-15 and at that time there was no G.O. by the government of Uttar Pradesh issuing guidelines for construction of footpath and carriage way.
13. The contents of para 1 to 2 of the Original Application are matter of fact and hence need no reply.
14. The contents of para 3 of the Original Application is denied being false, frivolous and misleading save and accept what is matter of record. It is denied that Respondent No. 2 has violated the provisions of G.O. dated 23.03.2018. It is pertinent to note that the G.O. issued by the Government of Uttar Pradesh is prospective in nature and the for the sake of repetition it is

stated that the Respondent No. 2 constructed the only road in 2014 – 15 which is, three years before the aforesaid G.O.

15. The contents of para 4 to 8 of the Original Application are matter of fact and hence need no reply.
16. The contents of para 9 to 11 of the Original Application are the part of the G.O. dated 23.03.2018 and hence need no reply.
17. The contents of para 12 to 15 of the Original Application are denied being false, frivolous and repetitive in nature save and accept what is matter of record. The contents of present paras under reply are repetitive in nature, which has been dealt in detail herein above and are not being repeated for the sake of brevity.
18. The contents of para 16 to 19 of the Original Application are denied being false, frivolous and misleading save and accept what is matter of record. It is denied that in the region of Kailash Nagar, tiles have been used to concretize the entire area without leaving any porous soil which facilitates absorption of water. It is submitted that the Respondent No. 3 has constructed approx. 2 km road having width of 10 meters to 12.5 meters from Dauji ki Bagichi to Sabji Mandi with interlocking tiles in the year 2014 – 15 and at the time G.S.B. and interlocking tiles have been used for carriage way and footpath. It is pivotal to note that the G.O. which made provisions regarding footpath and carriage way has come in the year 2018 and has no retrospective effect. However, at present, the Respondent No. 2 is following the

aforesaid G.O. and undertakes to follow the aforesaid G.O. in future also. It is also important to note that in the Vrindavan area, the answering Respondent is undertaking construction of the roads by leaving the kaccha area on the sides or the roads are being constructed by using porous material or interlocking tiles, by which rain water goes under the ground level through joints of interlocking tiles.

19. The contents of para 20 and 21 of the Original Application are matter of fact and hence need no reply. However, it is submitted that the Respondent No. 3 has not concretised any tree in the city and sufficient area is being left out for growth of the trees.
20. The contents of para 22 to 26 of the Original Application are denied being false, frivolous and misleading save and accept what is matter of record. It is denied that Respondent No. 3 have allowed reckless concretization to continue happen in the city of Vrindavan which has led to adverse consequences on the environment of that area and the health of the people living in that region. It is submitted that the Respondent No. 3 is following all the rules, regulations, G.Os. and the guidelines issued by the Central Government, State Government and the Hon'ble Courts from time to time. It is further submitted that the Respondent No. 3 is not creating any negligence and not violating any of the above laws. It is also important to note that the roads connecting Kailash Nagar Housing Scheme are narrow and therefore, the roads are constructed by using porous material or interlocking tiles, by which rain water goes under the ground level through joints of interlocking tiles.
21. The contents of para 27 to 33 of the Original Application are denied as they do not pertain to the Respondent No. 2.

22. The contents of para 34 to 35 of the Original Application are denied being false, frivolous and misleading save and accept what is matter of record.
23. The contents of para 36, grounds of the Original Application are denied being false, frivolous and misleading save and accept what is matter of record. It is submitted that there is no ground to file the present Original Application against the Respondent No. 3. For the sake of repetition, it is submitted that the Respondent No. 3 is complying all the rules, regulations, G.Os. and the guidelines issued by the Central Government, State Government and the Hon'ble Courts time to time.
24. The prayer(s) against the Respondent No. 3 of the Original Application are wrong and fallacious and hence denied. All the averments made therein are specifically denied.

The subject of Original Application is nothing but a brazen abuse of process of law and this Hon'ble Tribunal may be pleased to dismiss the Original Application while imposing exemplary cost on the Applicant for filing such false and frivolous Original Application.

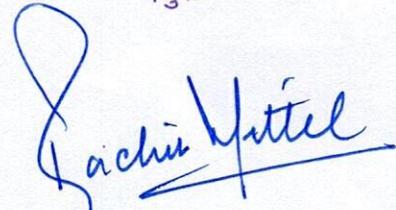
New Delhi
Date: 15.11.2022



RESPONDENT NO. 03-
MATHURA-VRINDAVAN
DEVELOPMENT AUTHORITY

अधिकासी अभियन्ता
मथुरा-वृन्दावन विकास प्राधिकरण
मथुरा

THROUGH



(RACHIT MITTAL)
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 175 OF 2022

IN THE MATTER OF:

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AFFIDAVIT

I, Kaushlendra Chaudhary S/o Shri Bhupendra Singh aged about 56 years
posted as Executive Engineer, Mathura Vrindavan
Development Authority, 32, Civil Lines, Mathura, Uttar Pradesh
presently at Noida do hereby solemnly affirm and declare as under:

1. That I am working as Executive Engineer in the office of
the Respondent No. 03 in the above-mentioned Original
Application having been authorized and well acquainted with
the facts and circumstances of the present case and hence
competent to swear this affidavit.
2. I say that the statements made in accompanying reply are true
to my knowledge derived from official record and the last para
is prayer to this Hon'ble Tribunal. The contents of the
accompanying reply are not being repeated here for the sake of
brevity and to avoid prolixity. The contents of the same may be
read as a part of this Affidavit and no part of this affidavit is
false and nothing material has been concealed therefrom.



अधिरासी अभियन्ता
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DEPONENT

अधिशाली अभियन्ता

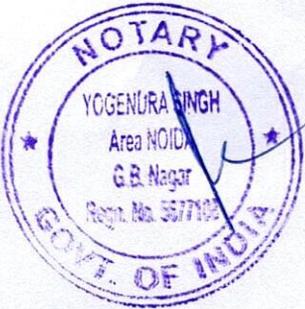
मथुरा-वृन्दावन विकास प्राधिकरण
मथुरा**VERIFICATION**

I, the deponent hereinabove, do hereby verify and state that the contents of the paras 1 to 2 of the Affidavit are true and correct to the best of my knowledge and belief derived from the official record and no part of it is false and nothing material has been concealed therefrom.

Verified and signed at Noida on this the 15th day of November, 2022.


DEPONENT

अधिशाली अभियन्ता

मथुरा-वृन्दावन विकास प्राधिकरण
मथुरा**ATTESTED**


YOGENDRA SINGH
NOTARY NOIDA
G.B. Nagar (U.P.) INDIA

15 NOV 2022

ANNEXURE-A-1

Item No.4

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(By Video Conferencing)

Original Application No. 175/2022

Vijay Kishor Goswami

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 07.03.2022

**CORAM: HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Saurabh Sharma, Advocate.

Respondent(s):

ORDER

1. Grievance of the applicant Mr. Vijay Kishor Goswami is against reckless and excessive concretization in the areas of Banke Bihar Colony, Ramanreti, Kailash Nagar, Chaitanya Vihar and along with Yamuna Parikarma Marg in the city of Vrindavan, Uttar Pradesh in violation of the Orders of this Tribunal in OA No. 165/2013, titled "Akash Vishishtha vs. Union of India and the G.O. dated 23.03.2018 issued by the State of Uttar Pradesh.

2. Having regard to the allegations of the applicant, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, DFO and District Magistrate-Mathura (Uttar Pradesh). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and

undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for consideration on 13/07/2022.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB, DFO and District Magistrate-Mathura (Uttar Pradesh) by e-mail for compliance.

Brijesh Sethi, JM

Dr. Afroz Ahmad, EM

March 07, 2022
Original Application No. 175/2022

कार्यालय :-

मथुरा-वृन्दावन विकास प्राधिकरण



पत्र संख्या :

76

दिनांक : 28-06-2022

फोन नं. : 0565-2471090, फैक्स : 2471577 13

वेबसाइट : www.mvda.in

ई-मेल - vcnvda2014@gmail.com / vcnvda@rediffmail.com

प्रेषक,

मुख्य अभियन्ता,
मथुरा-वृन्दावन विकास प्राधिकरण,
मथुरा।

सेवामें,

क्षेत्रीय अधिकारी,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
भवन सं०-65ए, बल्देवपुरी महोली रोड़,
मथुरा।

विषय:- मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा योजित ओ०ए० सं०-175/2022 विजय कुमार गोस्वामी बनाम् स्टेट ऑफ यू.पी. एंव अन्य में पारित आदेश दिनांक 07.03.2022 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र सं०-305/0-85/2022 दिनांक 24.05.2022 व पत्र सं०-457/0-85/2022 दिनांक 22.06.2022 का सन्दर्भ ग्रहण करने का कष्ट करें। पत्र में उल्लिखित है कैलाश नगर में किये गये इण्टर लाकिंग टाइल्स लगाकर फुटपाथ को पक्का कर दिये जाने पर मा० एन.जी.टी. के ओ०ए० सं०-165/2019 आकाश वशिष्ठ बनाम् यूनियन ऑफ इण्डिया में पारित आदेश दिनांक 05.07.2016 एवं उक्त के अनुक्रम में जारी नगर विकास अनुभाग-5, उ०प्र० शासन के शासनादेश दिनांक 23.08.2018 में दिये गये निर्देशों का उल्लंघन परिलक्षित होता है। उक्त कार्य को किये जाने पर सन्दर्भित आदेश एवं शासनादेश के अनुपालन में अपना पक्ष प्रेषित करने की अपेक्षा की गयी है।

तदक्रम में अवगत कराना है कि समिति द्वारा निरीक्षण आख्या दिनांक 18.05.2022 में उल्लिखित 05 सड़कों में से मात्र 01 सड़क "कैलाश नगर में दाऊजी की बगीची से सब्जी मण्डी तक लगभग 02 किमी० रास्ते को इण्टरलाकिंग टाइल्स बिछाकर पक्का किया है, जिसकी चौड़ाई लगभग 10 से 12.5 मी०के मध्य है " मथुरा-वृन्दावन विकास प्राधिकरण, मथुरा द्वारा वर्ष 2014-15 में प्रश्नगत सड़क निर्मित की गयी थी। सड़क पर जी.एस.बी. के ऊपर इण्टरलाकिंग टाइल्स का ही उपयोग कैरिज-वे व फुटपाथ के निर्माण में किया गया है, अवगत कराना है कि उपरोक्त सड़क का निर्माण कार्य नगर विकास अनुभाग-5 के शासनादेश दिनांक 23.03.2018 से पूर्व 2014-15 में निर्माण कार्य कराया गया है। भविष्य में उपरोक्त शासनादेश का अनुपालन किया जायेगा।

(आर.पी.सिंह)

मुख्य अभियन्ता।

Factual and Action Taken Report regarding Hon'ble NGT order dated 07/03/2022 in the matter of O.A. No. 175/2022, Vijay Kishore Goswami Vs State of Uttar Pradesh & Ors.

1. Background

Hon'ble National Green Tribunal (NGT) in the matter of Original Application No. 175 of 2022, dated 07/03/2022, Vijay Kishore Goswami Vs State of Uttar Pradesh & Ors. directed as below:

1. *Grievance of the applicant Mr. Vijay Kishore Goswami is against reckless and excessive concretization in the areas of Banke Bihar Colony, Ramanreti, Kailash Nagar, Chaitanya Vihar and along with Yamuna Parikrama Marg in the city of Vrindawan, Uttar Pradesh in the violation of the orders of this Tribunal in O.A. No, 165/2013, titled "Akash Vasihstha vs Union of India and the G.O. dated 23.03.2018 issued by the state of Uttar Pradesh.*
2. *Having regard to the allegations of the applicant, it appears necessary to ascertain the factual position in the matter through a joint committee of the State PCB, DFO and District Magistrate-Mathura. The State PCB will be the nodal agency for coordination and compliance. The joint committee may meet within four weeks and undertake site visit and look into the grievances of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

2. Proceedings

- a. In compliance of the above order, Member Secretary, U P Pollution Control Board, Lucknow vide letter dated 16.03.22 (Annexure-1) has nominated Sri D. K. Gupta, Regional Officer In-charge, Mathura as representative of State Board.
- b. District Magistrate, Mathura issued directions vide order dated 28.04.2022(Annexure-2) for ensuring site visit and to check the grievance of applicant in context of violation of Hon'ble NGT O.A. No, 165/2013, titled

"Akash Vasihstha vs Union of India and the G.O. dated 23.03.2018 issued by the state of Uttar Pradesh and submit the latest report before 13.07.2022.

- c. Site inspection was conducted by the joint committee on date 18.05.2022.
- d. Meetings of the committee were conducted on dates 09.05.22, 25.05.22, 08.06.22, 15.06.22, 22.06.22, 28.06.22 to follow up the matter under the chairmanship of DM/ADM with concerned authorities and as per minutes of the meeting, compliance chart has been annexed (Annexure-3).

3. Factual Status Report

Site inspection was conducted by the joint committee ON 18.05.2022 (Annexure-4) in the presence of applicant, Shri Vijay Kishore Goswami (The petitioner). Major findings of Site inspection of the inspection committee are as follows-

- In Chaitanya Vihar, from Bhagwat niwas building to jagat guru kripalu parishad sansthan the road length is about 600 meters. whose width varies from 10 meters to 11 meters. It was found to have been concretized. (photographs annexed)
- In Ramanreti, the road length of about 1.0 km having width as 11 meters from Thakur ji ashram to radha krishna Pathak bageechee was found to have been concretized. (photograph annexed)
- In Ramanreti-Banke Bihari Colony, road length of about 1.0 km having width as 11 meters. from nagar nigam park to banke bihari colony was found to have been concretized. (photographs annexed)
- In Kailash nagar, the road length of approx. 2.0 km having width from 10 meters to 12.5 meters from dauji bageechee to sabji mandi was found to have been made with interlocking tiles completely. (photographs annexed)
- Yamuna parikrama marg is about 5.0 km in length is a Damar road (Coal Tar) and footpath has been made with interlocking tiles. (photographs annexed).



The inspection committee recommended that:-

On the basis of site inspection report, it was observed prima facie that Chaitanya vihar, ramanreti and banke bihari colony roads have been concretized completely. Kailash nagar road is made with interlocking tiles and parikrma marg footpath has been made with interlocking tiles. Hence in context of violation of directions of Hon'ble NGT OA No. 165/2013 Akash vasistha Vs Union of India order dated 05.07.2016 and further Nagar vikas anubhag-5, U P govt. G.O. dated 23.03.2018, notices should be issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam, Mathura-Vrindawan Development Authority, Public works department and UP Rural Engineering Services, Mathura to get their replies.

4. Action Taken Report

1) On the basis of the report of site inspection committee dated 18.05.2022 , notices were issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam, Mathura-Vrindawan Development Authority, Public works department and UP Rural Engineering Services, Mathura to get their replies dated 24.05.2022 through designated nodal agency viz. SPCB officer. (Annexure 5)

2) Replies were received from concerned agencies as follows:

- i) Executive Engineer, Rural engineering services, Mathura vide letter dated 16.06.22 (Annexure-5) informed that department has not conducted any work on the above mentioned locations.
- ii) Chief Engineer, Mathura-Vrindawan Nagar Nigam vide letter dated 23.06.22 (Annexure-6) informed that Chaitanya vihar & Kailash Nagar colony/areas have been developed by Mathura-Vrindawan development authority, CC and interlocking tiles work was done and was handed over to Nagar Nigam in year 2021. In Banke Bihari colony, road is constructed prior to propagation of G.O., only maintenance of CC roads are being done.
- iii) Chief Engineer, Mathura-Vrindawan development authority vide letter dated 28.06.2022 and 01.07.2022 (Annexure-7) has informed that In Kailash nagar, the road length approx. 2.0 km whose width varies from 10 meters to 12.5 meters from dauji bageechee to sabji mandi is made

with interlocking tiles completely in year 2014-15. G.S.B. and interlocking tiles have been used for carriage way and footpath. This activity is done prior to the G.O. dated 23.03.2018 and directions will be complied with in future work.

- iv) Executive Engineer, Provincial division, Public Works Department, Mathura vide letter dated 28.06.2022 and 30.06.2022 (Annexure-8) has informed that In chaitany vihar and ramanreti, old road is maintained with 15 cm CC work by the department and area around plantation has been kept earthen. On Yamuna parikrama marg, After 2018 no interlocking work is performed on footpath while earthen footpath is developed by braj teerth vikas parishad in place of interlocking tiles. No violation of G.O. is being done on the above two roads.

A summary of the positions communicated has been annexed with as annexure-9.



(D K Gupta)

Assist. Env. Engineer

U P Pollution Control Board

Mathura

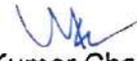


(P. K. Pandey)

Sub-divisional Officer

Social Forestry Department

Mathura



(Manoj Kumar Chaurasia)

Regional Officer (I/c)

U P Pollution Control Board

Mathura



(Yoganand Pandey)

A.D.M.(F/R)

Mathura



(Rajanikant Mittal)

Divisional Director

Social Forestry Division

Mathura



(Navneet Singh Chahal)

District Magistrate

Mathura

ANNEXURE-A-4

Item No.02

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 175/2022

Vijay Kishor Goswami

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 13.07.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Advocate

Respondents: Mr. Pradeep Mishra and Mr. Daleep Dhyani, Advocates for
UPPCB**ORDER**

1. Grievance of the applicant Mr. Vijay Kishor Goswami is against reckless and excessive concretization in the areas of Banke Bihar Colony, Ramanreti, Kailash Nagar, Chaitanya Vihar and along with Yamuna Parikarma Marg in the city of Vrindavan, Uttar Pradesh in violation of the Orders of this Tribunal in OA No. 165/2013, titled Akash Vishishtha vs. Union of India and the G.O. dated 23.03.2018 issued by the State of Uttar Pradesh.

2. Vide order dated 07.03.2022, this Tribunal constituted the Joint Committee comprising of State PCB, DFO and District Magistrate-Mathura (Uttar Pradesh) and directed the same to submit factual and action taken report within two months. The relevant part of the order is reproduced hereunder:-

“Having regard to the allegations of the applicant, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, DFO and District Magistrate-Mathura (Uttar Pradesh). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and furnished within three months by e-mail at

undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF...”

3. In compliance thereof, the Joint Committee inspected the area on 18.05.2022 and has submitted report vide email dated 08.07.2022. The relevant part of the report is reproduced here under:-

“ 3. Factual Status Report

Site inspection was conducted by the joint committee ON 18.05.2022 (Annexure-4) in the presence of applicant, Shri Vijay Kishore Goswami (The petitioner). Major findings of Site inspection of the inspection committee are as follows:-

- *In Chaitanya Vihar, from Bhagwat niwas building to jagat guru kripalu parishad sansthan the road length is about 600 meters. whose width varies from 10 meters to 11 meters. It was found to have been concretized. (photographs annexed).*
- *In Ramanreti, the road length of about 1.0 km having width as 11 meters from Thakur ji ashram to radha krishna Pathak bageechee was found to have been concretized. (photograph annexed).*
- *In Ramanreti-Banke Bihari Colony, road length of about 1.0 km having width as 11 meters from nagar nigam park to banke bihari colony was found to have been concretized. (photographs annexed).*
- *In Kailash nagar, the road length of approx. 2.0 km having width from 10 meters to 12.5 meters from dauji bageechee to sabji mandi was found to have been made with interlocking tiles completely. (photographs annexed).*
- *Yamuna parikrama marg is about 5.0 km in length is a Darner road (Coal Tar) and footpath has been made with interlocking tiles.*

The inspection committee recommended that:-

On the basis of site inspection report, it was observed prima facie that Chaitanya vihar, ramanreti and banke bihari colony roads have been concretized completely. Kailash nagar road is made with interlocking tiles and parikrma marg footpath has been made with interlocking tiles. Hence in context of violation of directions of Hon'ble NGT OA No. 165/2013 Akash vasistha Vs Union of India order dated 05.07.2016 and further Nagar vikas anubhag-5, U P govt. G.O. dated 23.03.2018, notices should be issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam,

O. A. No. 175/2022 Vijay Kishor Goswami V.s State of Uttar Pradesh & Ors.**-3-**

Mathura-Vrindawan Development Authority, Public works department and UP Rural Engineering Services, Mathura to get their replies.

Action Taken Report

1) *On the basis of the report of site inspection committee dated 18.05.2022 , notices were issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam, Mathura-Vrindawan Development Authority, Public works department and UP Rural Engineering Services, Mathura to get their replies dated 24.05.2022 through designated nodal agency viz. SPCB officer. (Annexure 5).*

2) *Replies were received from concerned agencies as follows:*

i) *Executive Engineer, Rural engineering services, Mathura vide letter dated 16.06.22 (Annexure-5) informed that department has not conducted any work on the above mentioned locations.*

ii) *Chief Engineer, Mathura-Vrindawan Nagar Nigam vide letter dated 23.06.22 (Annexure-6) informed that Chaitanya vihar & Kailash Nagar colony/areas have been developed by Mathura-Vrindawan development authority, CC and interlocking tiles work was done and was handed over to Nagar Nigam in year 2021. In Banke Bihari colony, road is constructed prior to propagation of G.O., only maintenance of CC roads are being done.*

iii) *Chief Engineer, Mathura-Vrindawan development authority vide letter dated 28.06.2022 and 01.07.2022 (Annexure-7) has informed that In Kailash nagar, the road length approx, 2.0 km whose width varies from 10 meters to 12.5 meters from dauji bageechee to sabji mandi is made with interlocking tiles completely in year 2014-15. G.S.B. and interlocking tiles have been used for carriage way and footpath. This activity is done prior to the G.O. dated 23.03.2018 and directions will be complied with in future work.*

iv) *Executive Engineer, Provincial division, Public Works Department, Mathura vide letter dated 28.06.2022 and 30.06.2022 (Annexure-8) has informed that In chaitany vihar and ramanreti, old road is maintained with 15 cm CC work by the department and area around plantation has been kept earthen. On Yamuna parikrama marg, After 2018 no interlocking work is performed on footpath while earthen footpath is developed by braj teerth vikas parishad in place of interlocking tiles. No violation of G.O. is being done on the above two roads.”*

4. Notice be issued to the respondents requiring them to file replies specifically responding to all material averments made in the application and observations made in the report of the Joint Committee within two months.

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-4-

5. The applicant is directed to take requisite steps for service of notices on the respondents and file affidavit regarding the same by email at judicial-ngt@gov.in within seven days.

6. List the matter for further consideration on 16.09.2022.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 13, 2022
AG