

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

MA No. 91/2024

In

ORIGINAL APPLICATION NO. 477/2016

IN THE MATTER OF:

Inland Waterways Authority of India

... Applicant

Versus

Union of India & Ors.

.... Respondents

NDOH:- 26.11.2024

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Filed by:

Dated : 19th.11.2024
Delhi

Delhi Pollution Control Committee

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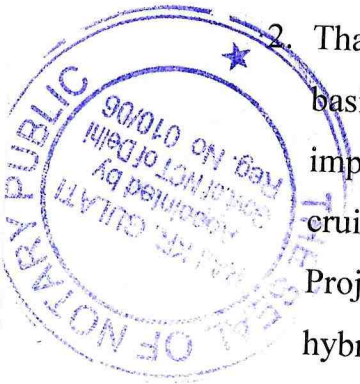
Union of India & Ors.

.... Respondents

**RESPONSE ON BEHALF OF THE DELHI POLLUTION CONTROL
COMMITTEE (DPCC)**

I, Deepak Kumar Singh, Additional Director, Delhi Pollution Control Committee, 3rd Floor, Block-B, Delhi IT Park, Shastri Park, Delhi- 110053, do hereby solemnly affirm and state as under:

1. That, I am working as Additional Director, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That, this Hon'ble Tribunal has taken up the matter on 25.09.2024 on the basis of the M.A. No. 91/2024 vide which permission has been sought to implement the project on river Yamuna involving development of river cruise/ferry services at 6 km. stretch between Sonia Vihar to Jagatpur. The Project includes HDPE Jetties with offshore facilities, solar powered/electric hybrid cruise boats and charging station for boats at Jetty location.
3. That this Hon'ble Tribunal on 25.09.2024 pleased to issue notice to UOI, I&FCD, DDA, DPCC, Yamuna River Development Authority, EDMC and Ministry of Jal Shakti.



4. That as per the Office Memorandum dated 21.12.2017 of Ministry of Environment, Forest & Climate Control (MOEF&CC), Govt. of India, regarding Non-requirement of environment clearance for maintenance dredging in rivers for the purpose of navigation & its Annexure regarding Environmental Safety Measures to be Implemented, "Consent to Establish' and 'Consent to Operate' shall be obtained from State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974" for this project. Copy of the Office Memorandum dated 21.12.2017 of MOEF&CC is at Annexure-1.
5. That in view of the above mentioned Office Memorandum dated 21.12.2017 of MOEF&CC, Delhi Pollution Control Committee vide letter dated 11.11.2024 has informed Inland Waterways Authority of India (IWAI) that IWAI is required to submit an application for "Consent to Establish" under the Air & Water Acts to DPCC. Copy of the letter dated 11.11.2024 of DPCC is at Annexure-2. However, Application for Consent to Establish under the Air and Water Acts is yet to be received from Inland Waterways Authority of India.
6. That present affidavit may kindly be taken on record.



VERIFICATION:

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

Verified at New Delhi on this 19th day of November, 2024.



ATTESTED
RK
 NOTARY PUBLIC
 GOVT. OF NCT OF DELHI
 19 NOV 2024

Raj Kr. Gulati
 DEPONENT

Raj Kr. Gulati
 DEPONENT

No. F.No.14-9/2016-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: 21st December, 2017.

OFFICE MEMORANDUM

Subject: Non-requirement of environment clearance for maintenance dredging in rivers for the purpose of navigation - regarding.

This has reference to your Office Memorandum IWT-11011/89/2016-IWT-(Vol.II) dated 7th December 2017 on the above mentioned subject.

2. The minutes of the meeting held under chairmanship of Hon'ble Minister, Road Transport & Highways, Shipping and Water Resources, River Development & Ganga Rejuvenation held on 24.10.2017 concluded that as per the extant legal position, no prior EC is required for maintenance dredging for navigational channel for inland Waterways.

3. In view of the above the Ministry of Shipping may like to go ahead with the decision taken during the meeting held under chairmanship of Hon'ble Minister, Road Transport & Highways, Shipping held on 24.10.2017 subject to the implementation of the environmental safety measures as enclosed as annexure.

4. This issues with the approval of the competent authority.

Sharath
Sharath Kumar Pallerla
Director

To

The Secretary,
Ministry of Shipping,
Parivahan Bhavan, 1, Parliament Street,
New Delhi - 110 001

Environmental safety measures to be implemented

- i. 'Consent to Establish' and 'Consent to Operate' shall be obtained from State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.
- ii. The project authority shall ensure that no rivers or tributaries are blocked due to any activities at the project site and free flow of water is maintained.
- iii. Shoreline shall not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary.
- iv. Dredging shall not be carried out during the fish/turtle breeding seasons.
- v. All vessels used in the river will be fitted with noise control and animal exclusion devices so that aquatic life is not unduly disturbed.
- vi. Spillage of fuel / engine oil and lubricants from the construction site are a source of organic pollution which impacts aquatic life, particularly benthos. This shall be prevented by suitable precautions and also by providing necessary mechanisms to trap the spillage.
- vii. Construction waste including debris shall be disposed safely in the designated areas and in no case shall be disposed in the aquatic environment.
- viii. Vessels shall not discharge oil or oily water such as oily bilge water containing more than 15 ppm of oil
- ix. The project authority shall ensure that water traffic does not impact the aquatic wildlife sanctuaries that fall along the stretch of the river.
- x. All vessels will also have to comply with 'zero discharge' standards to prevent solid or liquid waste from flowing into the river and affecting its biodiversity.
- xi. The dredging shall be carried by integrated and systematic planning by selective grid method by allowing migratory movement of Benthic fauna.
- xii. All required Noise and vibration control measures are to be adopted in Dredgers. Cutter section Dredgers should be avoided as much as possible which produces more noise and vibration. No Drilling and Blasting is to be carried out.
- xiii. Pre geo-tectonic studies has to be completed and the strata to be dredged is predetermined with complete data pertaining to hardness, compressive and tensile strengths.
- xiv. Dredger type and other strata loosening methods shall be preconceived.
- xv. Staggered dredging shall be carried based on turbidity monitoring to minimise the impact of turbidity.
- xvi. Threshold level of turbidity, which has a minimal effect on fauna, has to be predetermined and Dredging planned accordingly.
- xvii. Further silt screens needs to be used for minimising the spread of Turbidity.

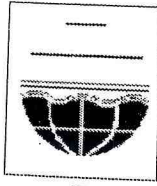
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- xviii. Disposal places of Dredged sediments needs to be predetermined, along the shore by assessment of suitability, which will not affect the shoreline (erosion) and also causing impacts during monsoon and flooding.
- xix. As much as possible, it shall not be disposed off in the river itself, and the site should be such that the dispersion is quicker by undertaking modelling studies.
- xx. Ballast water control and management measures shall be implemented.
- xxi. Waste and waste water reception facilities in Jetty shall be implemented.
- xxii. The Risk and Disaster management plan has been prepared in consonance with the manual of terminals and harbours issued by the Ministry of Environment and Forests dated 5th May 2010.
- xxiii. Standard Operating Procedures (SOP) and Emergency Response Plan (ERP) for onsite and offsite emergencies shall be prepared and implemented based on Hazard Identification and Risk Assessment to handle, process, store and transport of hazardous substances.
- xxiv. Oil spill contingency plan shall be prepared and part of DMP to tackle emergencies. The equipment and recovery of oil from a spill shall be assessed Guidelines given in MARPOL and Shipping Acts for oil spill management shall be followed.
- xxv. No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.
- xxvi. All the erosion control measures shall be taken at water front facilities.
- xxvii. Necessary Air Pollution Control measures shall be taken during loading, unloading, handling, transport of the material at the berthing and water front facilities.
- xxviii. The Vessels shall comply the emission norms prescribed from time to time.
- xxix. All safety measures are to be implemented in coordination with the respective state government departments such as State Forest Department, Public Works Department, State Pollution Control Board etc.

Sharath Kumar Pallerla
Director

(6)

By Speed Post / Email



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
3rd FLOOR, B BLOCK, DMRC BUILDING, DELHI IT PARK,
SHASTRI PARK, DELHI 110053
visit us at : <https://dpcc.delhigovt.nic.in>



F. No. DPCC/ WMC II / IWAI / 2024 / 3247

Dated: 11/11/2024

To,
Sh. A.K. Mishra,
Chief Engineer & Project Manager, JMVP
Inland Waterways Authority of India,
Ministry of Ports, Shipping and Waterways, Govt. of India,
Jalmarg Bhawan, A-13, Sector-1, Noida - 201301 (U.P.)

Subject: Development of river cruise/ ferry services in Yamuna River (NW -110) from Sonia Vihar to Jagatpur (about 6 km Stretch).

Sir,

This has reference to the Hon'ble National Green Tribunal's order dated 25.09.2024 in MA No. 91/2024 in O.A. No. 477/2016, titled as "Inland Waterways Authority of India (IWAI) Vs. Union of India & Ors.", and the Minutes of Meeting taken by the Chairman, IWAI on 15.10.2024. Additionally, the Final Detailed Project Report (Volume - I, Main Report) and the Environmental and Social Impact Assessment Report for the proposed development of a Water Taxiway in the Yamuna River (Wazirabad to Fatehpur Jat) in Delhi, received from IWAI on 24.10.2024, have also been reviewed.

According to the Office Memorandum dated 21.12.2017, issued by the Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India, and its annexure regarding Environmental Safety Measures to be implemented, it is stipulated that "Consent to Establish" and "Consent to Operate" must be obtained from the State Pollution Control Board under both the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.

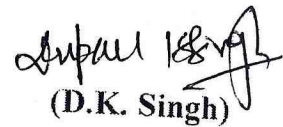
In view of the aforementioned conditions, IWAI is required to submit an application for "Consent to Establish" in the prescribed form along

with the necessary documents and Consent Fee, as per prevailing DPCC guidelines, for processing of the same.

Further, on the issue of vetting and signing the Memorandum of Understanding (MoU), it is to inform you that, DPCC is a regulatory authority for pollution control, functions strictly in an oversight capacity and is not mandated to enter into agreements or MoUs that may imply operational collaboration or partnership. DPCC's role is to enforce environmental laws and regulations without direct operational involvement or endorsement, which ensures impartiality and prevents potential conflicts of interest. Consequently, it is not within the remit of DPCC to execute or sign such documents, and its responsibility remains the issuance of consents or permissions and to oversee the compliances of the conditions imposed while issuing consents under the provisions of the Water and Air Acts strictly within the regulatory framework. DPCC is a regulating body and it would be conflict of interest if it starts doing signing the agreements or MoUs with third parties for their business interest. Therefore, it is decided that DPCC should abstain from the signing of agreements or MoUs with the third parties.

This issues with the prior approval of the Competent Authority in DPCC.

Yours Sincerely,


(D.K. Singh)
Addl. Director