

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPLE BENCH, NEW

DELHI

ORIGINAL APPLICATION NO.611/2024

BHARATIYA KISAN UNION(PURWA) --- APPLICANT

VERSUS

UNION OF INDIA & ORS. --- RESPONDENTS

**INDEX**

SL.NO.	PARTICULARS	PAGE NO.
1.	STATUS REPORT ON BEHALF OF NMCG	2
2.	ANNEXURE-I COPY OF THE ORDER DT.03.07.24 OF THIS HON'BLE TRIBUNAL	3-5
3.	ANNEXURE-II COPY OF THE ORDER DT.26.09.24 OF THIS HON'BLE TRIBUNAL	6-8

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BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI  
(PRINCIPAL BENCH)

Original Application No. 611/2024

THE MATTER OF:

BHARATIYA KISAN UNION (PURWA) VERSUS UNION OF INDIA & ORS.

STATUS REPORT ON BEHALF OF RESPONDENT NO. 2 i.e. NATIONAL MISSION  
FOR CLEAN GANGA (NMCG)

- a) As per Hon'ble NGT order vide dated 03/07/2024, the Applicant has filed I.A. No. 261/2024 seeking early hearing of the OA. The matter in said OA relates to ongoing construction of railway bridge between Daraganj and Jhunsi which is stated to be on the floodplain of river Ganga and across the river Ganga.
- b) Hon'ble NGT directed vide order dated 03/07/2024 (copy of Hon'ble NGT order, dated 03/07/2024 is given at **Annexure-I**) and relevant order is reproduced as below:  
*"Issue notice to the respondents and directed to file the reply/response"*
- c) In view of above, on the directions of Hon'ble NGT, NMCG (Respondent No. 2 herein) filed the short reply on 24.09.2024.
- d) Hon'ble Tribunal vide order dated 26.09.2024 (**Annexure-II**) was pleased to direct that"  
*We find that under Clause 6 (3) of the 2016 Order only in certain exceptional circumstances covered by that Clause, post facto approval can be granted. Therefore, we expect the NMCG to have due regard to the provisions stipulated therein while considering the application for post facto approval."*
- e) Cell constituted in NMCG with members from the NMCG, Central Water Commission (CWC), Central Pollution Control Board (CPCB), UP, SMCG held a meeting on 28.10.2024. A final decision in the matter in accordance with the Hon'ble NGT order dated 26.09.2024 is under consideration.



Anup Kumar Srivastava

Executive Dir. Tech (NMCG)

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**I.A No. 261/2024 in  
Original Application No. 611/2024

Bharatiya Kisan Union (Purwa)

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 03.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Aditya Singh, Adv.

**ORDER**

1. This original application was listed on 27.05.2024. Since no one had appeared on that date for the applicant, therefore the case was adjourned to 13.09.2024.

2. Applicant has filed I.A. No. 261/2024 seeking early hearing of the OA. Submission of counsel for the applicant is that due to inadvertence he could not see the cause list and could not appear in the matter.

3. On due consideration I.A. No. 261/2024 is allowed and OA is taken up today for hearing on admission.

4. In this original application, the applicant has raised a grievance against the ongoing construction of Rail Bridge between Daraganj and Jhunsi which is stated to be on the floodplain. Further grievance of the

applicant is that the bridge is being constructed in violation of the provisions of River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. Learned counsel for the applicant has placed reliance upon clause 42 of the said order which reads as under:-

“ (42) कतिपय मामलों में पूर्व अनुमोदन देना- प्रत्येक व्यक्ति राज्य गंगा समितियां, जिला गंगा संरक्षण समितियां और स्थानीय प्राधिकरण तथा अन्य प्राधिकारी गंगा नदी से संबंधित तथा गंगा नदी या इसकी सहायक नदियों के दायरे में आने वाले क्षेत्र से संबंधित निम्नलिखित मामलों पर, यदि राष्ट्रीय गंगा नदी के निर्णयों को कार्यान्वित करना अपेक्षित है, तो राष्ट्रीय स्वच्छ गंगा मिशन का पूर्व अनुमोदन प्राप्त करना होगा। नामतः-

(क) गंगा नदी के डाउन स्ट्रीम जल के प्रवाह को प्रभावित किए बिना गंगा नदी में जल के भण्डारण के डाइवर्जन की प्रणाली;

(ख) गंगा नदी या नदी के तट पर या इसके बाढ़ योजना क्षेत्रों पर पुलों और सहायक सड़कों तथा तटों का निर्माण;

(ग) घाटों का निर्माण अथवा किसी भी मौजूदा घाट का विस्तार;

(घ) घाटों का निर्माण;

(ङ.) जल के संग्रह अथवा डाइवर्जन या नियंत्रण के लिए स्थायी जलीय संरचनाओं का निर्माण अथवा गंगा नदी अथवा इसकी सहायक नदियों का चैनलीकरण;

(च) पहाड़ी ढलानों और अधिसूचित वन तथा अन्य पर्याकृष्णीय दृष्टि से संवेदी क्षेत्रों का वन कटाव;

(छ) कोई अन्य कार्यकलाप जो कि पैराग्राफ 4 में सिद्धांतों के विपरीत निर्धारित किए गए हैं उन्हें राष्ट्रीय स्वच्छ गंगा मिशन द्वारा विनिर्दिष्ट किया जाए। “

5. Referring to the said clause he has submitted that for the construction of the bridge over the River Ganga or its river bank or its flood plain area the approval of the NMCG is required which has not been obtained in the matter. In support of his submission he has also placed reliance upon the communication dated 06.11.2023 (Page 84) sent by the NMCG to the District Magistrate, Prayagraj raising objection to the construction of the said bridge. Further submission of counsel for the applicant is that in the course of construction of the bridge the soil is being dumped in the river bed disturbing the ecology of the river.

6. The OA raises substantial issue relating to compliance of environmental norms.

7. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

8. List on 26.09.2024

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 3, 2024  
I.A No. 261/2024 in  
Original Application No. 611/2024  
AS

Item No.15

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 611/2024

Bharatiya Kisan Union (PURWA)

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 26.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Aditya Singh, Adv. for Applicant

Respondent: Mr. Ankit Verma, Adv. for the State of UP  
Ms. Sthavi Asthana, Adv. for UPPCB  
Mr. Gigi. C. George, Adv. for NMCG (Through VC)  
Mr. Jitendra Kumar Singh, Ms. Shivpriya, Ms. Harshita Singh & Ms. Ritu Kumari, Advs. for R - 8 (RVNL)  
Dr. Swaroop George, Mr. Abhinandan Jain & Mr. Tanmay Cheema, Advs. for R - 9

**ORDER**

1. In this original application, applicant has raised the grievance against ongoing construction of railway bridge between Daraganj and Jhunsi which is stated to be on the floodplain of river Ganga and across the river Ganga.

2. Plea of the applicant is that respondent Railways has not obtained the prior approval of National Mission for Clean Ganga (NMCG) in terms of Sub-Clause (b) of Clause 42 of River Ganga (Rejuvenation, Protection And Management) Authorities Order 2016.

3. Replies on behalf of the Uttar Pradesh Pollution Control Board (UPPCB), National Mission for Clean Ganga (NMCG) and District Magistrate, Prayagraj have been filed.

4. NMCG in its reply has taken the stand that the applicant had filed an application before NMCG on 04.04.2023 making a complaint about the construction of the railway bridge in question by respondents nos. 8 and 9. Therefore, NMCG had sent the letter dated 01.05.2023 to the District Magistrate/ Chairman of the District Ganga Committee. Thereafter, a reminder was sent and after field inquiry, the report was submitted by UPPCB and on 06.11.2023, NMCG wrote to the District Magistrate-respondent no.6 to put on hold the ongoing construction of the railway bridge project and obtain approval /No Objection Certificate (NOC) from the NMCG. Respondent no.-8-General Manager, Rail Vikas Nigam Limited, thereafter, had submitted the application on 01.03.2024 seeking permission in terms of paragraph no. 14 of the 2016 Order from the NMCG.

5. Plea of the NMCG in the reply is that on 02.09.2024, respondent no.8 had applied for post-facto approval which is under consideration before NMCG.

6. We find that under Clause 6 (3) of the 2016 Order only in certain exceptional circumstances covered by that Clause, post facto approval can be granted. Therefore, we expect the NMCG to have due regard to the provisions stipulated therein while considering the application for post-facto approval.

7. Learned Counsel for NMCG has informed that the meeting of the Committee for considering the application for post facto approval is in the next month and has prayed for adjournment in this background.

8. List on 13.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 26, 2024  
Original Application No. 611/2024  
JG..