

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 611/2024

IN THE MATTER OF:

BHARATIYA KISAN UNION (PURWA)

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT

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THROUGH

DATE: 19.03.2024

PLACE: NEW DELHI

Gigi.C.George, Advocate  
Advocate for Respondent Ch  
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High Court, New Delhi

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AFFIDAVIT IN COMPLIANCE OF ORDER DATED 13.11.2024 ON BEHALF OF  
NATIONAL MISSION FOR CLEAN GANGA i.e. R -2

MOST RESPECTFULLY SHEWETH:

I, Anup Kumar Sirvastava, aged about 57 years, presently working as Executive Director (Technical) in the National Mission for Clean Ganga (NMCG), Ministry of Jal Shakti, Government of India, New Delhi do hereby solemnly affirm and state as under:

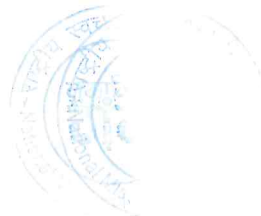
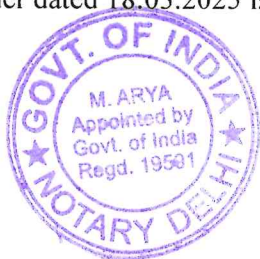
1. That I am working as Executive Director (Technical) in the National Mission for Clean Ganga (NMCG), Ministry of Jal Shakti, Government of India, New Delhi. I am duly authorized for and on behalf of the Respondent No. 7 to swear to the present affidavit. I am fully conversant with the facts and circumstances of the present case from the records.
2. That I am the Authorized Representative of the Respondent No. 2 in the captioned matter. I am fully conversant with the facts of the case and am thus competent to depose the present affidavit.
3. The issue raised in the matter relates to ongoing construction of Rail Bridge between Daraganj and Jhansi on the river Ganga. It has been alleged that the project is being executed without the permission of the NMCG as contemplated in Paragraph 42 of the Ganga Authority Order, 2016. Thereby, the reply is made in succeeding paragraphs;



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4. That, NMCG is one of the authorities constituted under The Environment (Protection) Act, 1986 and River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016(hereinafter referred to as the Authorities Order, 2016);
5. That vide letter dated 02.09.2024, the Respondent no. 8 has submitted a proposal to NMCG for post facto approval for the project, Bridge No. 111 as per Para 6 (3) of Authority order.
6. That the Hon'ble Tribunal vide order dated 26.09.2024 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."*
7. That in compliance with the directions of the Hon'ble Tribunal, NMCG, in its status report dated 11.11.2024, submitted that a Cell was constituted comprising representatives from NMCG, the Central Water Commission (CWC), the Central Pollution Control Board (CPCB), the State of Uttar Pradesh, and the State Mission for Clean Ganga (SMCG). A meeting of the said Cell was held on 28.10.2024 to deliberate on the matter. The final decision on the application was stated to be under consideration.
8. That after a thorough examination of all aspects related to the matter, the National Mission for Clean Ganga (NMCG), vide its Order dated 18.03.2025, has decided to grant approval to the project. The same has been duly communicated to the project proponent. In accordance with the provisions of the Authorities Notification, 2016, the Competent Authority has approved the project under Section 42 of the said Notification, subject to the following conditions:
  - a) *"The project proponent will, in all future cases, strictly adhere to the provisions of the Notification failing which it will invite appropriate action under EP Act, 1986;*
  - b) *It is incumbent upon project proponent to bring to the notice of all concerned to the provisions of Notification, 2016 for their compliance in deserving cases;*
  - c) *UP, SMCG is directed to issue fresh instructions to all concerned for strict compliances of the Notification, and also direct District Ganga Committees to act promptly in such cases to rule out non-compliances in similar Matters."*

Copy of the order dated 18.03.2025 is attached herewith as 'Annexure – A'.



- 9. That, the answering respondent herein craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.
- 10. In light of the above submission, it is respectfully submitted that this Answering Respondent no. 2 i.e. NMCG, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant Application.

DEPONENT



**VERIFICATION**

I, the deponent above named do hereby verify that the contents of the aforesaid affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom. Verified at New Delhi on this \_\_\_ day of 21 MAR 2025 2024.

*Identify the deponent who signed before me.*

DEPONENT



Date: 19.03.2024

Place: New Delhi



**ATTESTED**  
  
**NOTARY PUBLIC**

**21 MAR 2025**

F. No: TE-12015/3/2023-O/o ED(TECH) NMCG

Date: 18/03/2025

**Prior Permission under Sec 42 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016**

**Subject: Post-Facto Approval for Reconstruction of Daraganj Bridge No. 111**

**Ref: - Letter No. RVNL/BSB/G/111/Corr/32/782 dated 01/03/2024 & 02.09.2024**

With reference to the above letter regarding the post facto approval for “the reconstruction of Daraganj Bridge No. 111” under Section 42 of the NMCG Authority Order, 2016.

1. Vide letter dated 02/09/2024, RVNL submitted a proposal to the NMCG seeking post-facto approval for Bridge No. 111, as per Paragraph 6(3) of the Authority Order;
2. The proposal for post-facto approval was presented at the 5<sup>th</sup> Cell Meeting on 28/10/2024. The cell examined the various aspects of the proposal in details including its importance during Kumbha mela. The Cell observed that since the project commenced after 2016 and was nearing completion, it noted that under Section 6(3) of the NMCG Authority Order, 2016, prior approval can only be granted for construction complete before 2016. Therefore, appropriate decision in the matter may be taken in the light of provisions embedded in Authorities Notification, 2016;
3. From the submissions made by RVNL, it is gathered that-
  - a) The aforementioned work was initially sanctioned by the Railway Board as part of the rebuilding of IZZAT Bridge No. 111 in 2003-04 Pink Book of Indian Railway. The work was subsequently re-sanctioned in the year 2015-2016 under Pink Book item no 49 due to the bridge's inability to support higher axle loads.
  - b) RVNL received a letter of objection (NOC) for the construction of this bridge from the Mela Adhikari vide letter 2712 / पन्द्रह-कुंमे0 (2018-19) dated 25 October 2018.
  - c) The contract for the project was awarded to ITDC-BBJ (JV), Kolkata, by RVNL on October 6, 2020.
  - d) ITD Cementation India Ltd intimated via letter dated 17/11/2023, that the work of bridge.111 has been completed.
  - e) RVNL submitted an online application seeking prior approval from NMCG on 17/01/ 2024, and again on 01/03/2024.
  - f) Construction of Rail bridge between Daraganj and Jhusi was to improve connectivity across Ganga in the region. The Project was already initiated and construction worth Rs.480cr has already been completed. That the works of railway bridge are of national importance under Railway act 1883 and also specifically in context of relieving traffic during Khumbh and thus needed to be taken up in priority.

4. Section 6 (3) and Section 42 of the Authorities Notification, 2016 provides for according prior approval in certain cases;
5. Having examined and considered various aspects of this matter as highlighted in preceding paras, and the provisions in the Authorities Notification, 2016, the Competent Authority hereby decides to grant approval of the project under Section 42 of Authorities Notification, 2016 subject to following conditions-
  - a) The project proponent will, in all future cases, strictly adhere to the provisions of the Notification failing which it will invite appropriate action under EP Act, 1986;
  - b) It is incumbent upon project proponent to bring to the notice of all concerned to the provisions of Notification, 2016 for their compliance in deserving cases;
  - c) UP, SMCG is directed to issue fresh instructions to all concerned for strict compliances of the Notification, and also direct District Ganga Committees to act promptly in such cases to rule out non-compliances in similar Matters.
6. This issues with approval of the competent authority.



**(Anup Kumar Srivastava)**  
Executive Director (Technical)

To,

1. Project Director, Ganga Bridge.111 (Jhusi-Daraganj), Jhusi, Prayagraj, RVNL (Rail Vikas Nigam Limited) U.P 211019
2. Project Director, SMCG-UP, Plot No. 18, Sector 07, Gomti Nagar Extension, Lucknow, Uttar Pradesh - 226010

Copy to:

1. District Magistrate, District Magistrate Office, Collectorate, Prayagraj, Uttar Pradesh - 211002

Copy for kind Information to:

1. PPS to secretary, DoWR, RD & GR, Ministry of Jal Shakti
2. PPS to Chairman, CPCB
3. PS to DG, NMCG