

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
MISCELLANEOUS APPLICATION No.91/2022
IN
ORIGINAL APPLICATION No. 477/2016**

IN THE MATTER OF:

Inland Waterways Authority of India

...Applicant

Versus

Union of India & Ors.

...Respondents

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THROUGH

DATE: 25.11.2024

PLACE: NEW DELHI

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Advocate for Respondent
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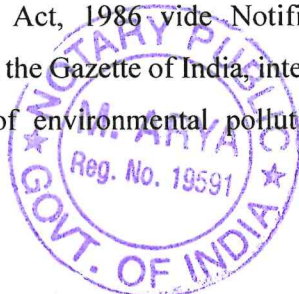
Reply on behalf of Ministry of Jal Shakti i.e. R-7 and Upper Yamuna River Board i.e.

R-5

MOST RESPECTFULLY SHEWETH:

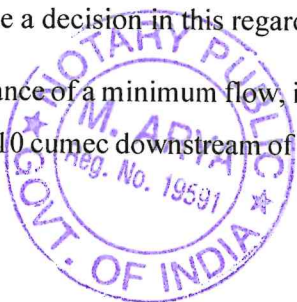
I, Anup Kumar Sirvastava, aged about 57 years, presently working as Executive Director (Technical) in the National Mission for Clean Ganga (NMCG), Ministry of Jal Shakti, Government of India, New Delhi do hereby solemnly affirm and state as under:

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. 5 and 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. 7 & respondent No. 5 in the captioned matter. I am fully conversant with the facts of the case and am thus competent to depose the present affidavit.
3. That at the outset it is submitted that the NMCG is one of the authorities constituted in accordance with the provisions of sub-section 3 74 of Section 3 of the Environmental (Protection) Act, 1986 vide Notification No. S.O. 3187 (E) dated 07.10.2016, published in the Gazette of India, inter-alia to take measure for prevention, control and abatement of environmental pollution in river Ganga and to ensure continuous



adequate flow of water so as to rejuvenate the River Ganga. NMCG is a nodal agency for the implementation of the provisions of the above notification and for effective abatement of pollution and rejuvenation, protection and management of the River Ganga and its tributaries.

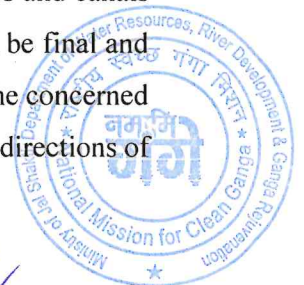
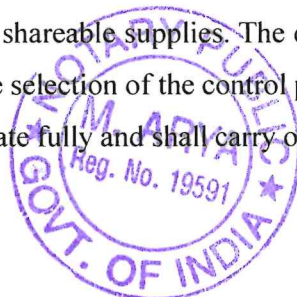
4. That amongst others, the function of NMCG as per the Notification No. S.O. 3187 (E) dated 07.10.2016, published in the Gazette of India, is to render assistance to the State Governments and Local bodies for the preparation and execution of projects for the abatement of pollution and management of the river Ganga and its tributaries. The implementation of the projects is the responsibility of the State Governments. The NMCG is supplementing the efforts of the State Governments and Local bodies under the Namami Gange Programme (NGP).
5. That it is further submitted that the Hon'ble Tribunal vide its order dated 25.09.2024, issued notice to the Yamuna River Development Authority. However, it is respectfully submitted and clarified that there is no authority as Yamuna River Development Authority and answering respondent is **Upper Yamuna River Board (UYRB) (Respondent No.5)**.
6. That it is submitted that the functions of the Upper Yamuna River Board (UYRB) as under:
 - (a) That the UYRB has function of Regulation and supply of water from all storages and barrages upto and including Okhla barrage, having regard to the agreements entered into or the arrangements made between the Governments of the Basin States in pursuance of MoU dated 12.5.94 but keeping in view the peaking requirements of the existing and run-of-the river hydro power stations. The operation and maintenance of the control structures shall remain with the respective States as per agreements in respect of each structure. Should, at any time, there be a dispute regarding regulation of flows at any of the structures, the Board shall take over the operation and control of that structure till the dispute is resolved; provided such take over shall take place with the approval of the Review Committee; provided further that if the Review Committee could not meet within 15 days, Chairman Review Committee shall take a decision in this regard.
 - (b) That to the Maintenance of a minimum flow, in proportion of completion of upstream storages going upto 10 cumec downstream of Tajewala/ Hathnikund and downstream



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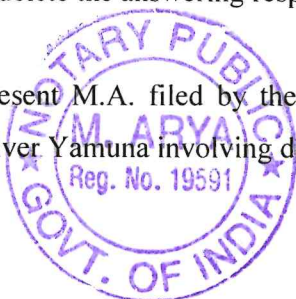
of Okhla Head Works throughout the year from ecological considerations as upstream storages are built up progressively in a phased manner

- (c) That to monitoring return flows from the water withdrawn by Delhi from Yamuna after allowing for the consumptive use for the municipal and drinking water purposes as agreed to and after providing treatment to ensure the proper quality of the effluent as per standards of Central Pollution Control Board. For this purpose, the Board shall chalk out a plan in consultation with the concerned basin States detailing the location from where the raw water will be drawn and the quantum thereof and the points on which water drawn in excess shall be returned to the system after proper treatment.
- (d) That to monitoring return flows from the waters withdrawn from Yamuna by the States of Uttar Pradesh and Haryana for the purpose of silt exclusion.
- (e) That to monitoring of flows from tail race of Khara hydel station into river Yamuna upstream of Hathnikund; provided that the design of Hathnikund Barrage should ensure optimum operation of Khara tail race channel and provision should also be made for stage II W.J.C. hydro electric project.
- (f) That to framing of rules and regulations for water accounting and determination of the shares of water for each State for every 10-day period for purpose of regulation.
- (g) That to keeping concurrent records of the flow of the Yamuna at all stations considered necessary by the Board, consideration/completion of the records and determination of the volume of water flowing in river Yamuna in a water year.
- (h) That to keeping concurrent records of data of withdrawals for irrigation, domestic, municipal and industrial or any other purpose and of water going down the river below Okhla.
- (i) That to ensuring delivery of supplies to all the concerned States in accordance with their entitlements by taking all necessary measures, inter-alia, by giving directions as regards installation of self recording gauges, taking observations without hindrance, preparing rating curves etc. The selection of the control points at which the Board requires appropriate measures to be taken as mentioned above shall include, but not be limited all points at which Yamuna discharges are being shared by more than one State and all regulation points on the concerned rivers and canals for determining the shareable supplies. The decision of the Board shall be final and binding so far as the selection of the control points are concerned. All the concerned States shall co-operate fully and shall carry out promptly the day to day directions of



the Board in regard to regulation and control of supplies, operation of gates and any other matters in their territory, for ensuring delivery of supplies as determined by the Board in accordance with their entitlements.

- (j) That to the co-ordination of activities relating to and giving of appropriate directions so as to ensure as best as possible, the following; Construction of different works keeping in view funds availability and the desirability of obtaining quick results. Integrated operation of schemes for various uses like water supply, irrigation, industries, hydro-electric power, flood control, etc. including withdrawals during construction of various works consistent with the provisions in the agreements between the basin states. Monitoring, conservation and upgrading the quality of the surface and ground waters; and Smooth implementation of inter-State projects.
- (k) That to over viewing plans for catchment area treatment, watershed management, rehabilitation of affected population and conservation of the environment of inter-State projects and projects submerging areas in other States.
- (l) That to monitoring and reviewing the progress of all projects upto and including Okhla Barrage and advising on the phasing of projects on the basis of the work plans submitted by the Basin States.
- (m) That to monitoring of, in consultation with the Central Ground Water Board, exploitation of ground water in the Upper Yamuna Catchment and formulation of such regulations as would prevent over-exploitation of the ground water detrimental to the surface flow especially for ensuring minimum flow in the river system.
- (n) That to the Submission of Annual Report of its work done during each year to the Central Government as also to the Basin States.
- (o) That to Such other function as the Central Government may, after consultation with the Government of the States of Haryana, Uttar Pradesh, Rajasthan, Himachal Pradesh and National Capital Territory of Delhi, may entrust to it.
7. Thus, in light of the functions outlined above for UYRB, it is respectfully submitted that the respondent no. 5 does not possess the mandate to address or provide the relief sought by the applicant. That the respondent no. 5 humbly submits to this Hon'ble Tribunal to delete the answering respondent from the array of the parties.
8. That the present M.A. filed by the applicant has sought permission to implement 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.

9. That the Inland Waterways Authority of India's project proposal was discussed in the 6th meeting of the re-constituted Principal Committee (constituted in the NGT Matter OA No 06 of 2012) held on 14.01.2019 under the Chairmanship of Secretary, DoWR, RD&GR, as a part of agenda 1 of it. Copy of the minutes of meeting dated 14.01.2019 is marked and attached herewith as 'Annexure – A'.

“The project (upstream of Wazirabad Barrage) was proposed to be carried out in two phases. In Phase I, water taxis were to ply between Soniya Vihar to Tronica City, with three terminals – Soniya Vihar, Jagatpur and Tronica City. As per the feasibility and hydrography studies of IWAI, sufficient draft was available within this stretch (phase-I), hence de-silting of riverbed is required and deepening of riverbed was not proposed. In Phase-I, only prefabricated temporary floating jetties and pontoons were to be established at all terminals. Based on response to Phase I, IWAI has planned to expand the water taxi way to Phase II.

In Phase II of the proposal, water taxis were to ply between two stretches i.e. between Wazirabad to Soniya Vihar and between Tronica City to Fatehpur Jat. This phase to include de-silting/ dredging to achieve the draft of 1.5 m for navigation purposes.

That in the 6th meeting, the Principal Committee recommended Phase I of the project (where no desilting is required) for approval of NGT, subjected to following conditions:

- a. *Project proponent should regularly monitor the water quality of the river (upstream and downstream of the project location) to assess the impact on water quality and submit the report to DPCC. Monitoring works can be carried out through laboratories recognized (Third Party) by DPCC or MoEF&CC. - (Action: IWAI, DPCC).*
- b. *A Committee comprising of Prof.C.R.Babu, officials from Department of Irrigation & Flood Control, GNCTD and Delhi Jal Board, will closely monitor the implementation and will ensure that no dredging activity is being carried out. (Action: Prof. C.R. Babu, Department of I&FC Delhi, DJB).”*



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[Handwritten signature]

DEPONENT



Identify the deponent who signed before me

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 25 day of NOV 2024 2024.

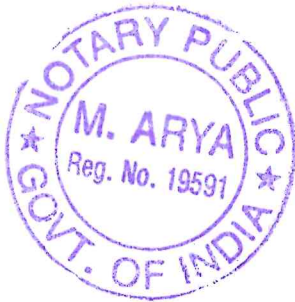
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DEPONENT



Date: 25.11.2024

Place: New Delhi



ATTESTED

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NOTARY PUBLIC

25 NOV 2024

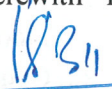
T-03/2016-17/534/NMCG/Phase II
National Mission for Clean Ganga
Ministry of Water Resources, River Development &
Ganga Rejuvenation

1st Floor,
Major Dhyan Chand National Stadium
India Gate, New Delhi-110002
Dated: 25th January, 2019

OFFICE MEMORANDUM

Subject: Minutes of the 6th Meeting of the re-constituted Principal Committee in the matter of O.A. No. 06 of 2012 – Manoj Mishra Vs Union of India & Ors

A copy of Minutes of Meeting of Principal Committee held at Conference Room, MoWR, RD&GR on 14.01.2019 at 10.30 AM under the Chairmanship of Secretary, Ministry of Water Resources, RD&GR is forwarded herewith for information/necessary action.


(D. P. Mathuria) 25.1.2019

Executive Director (Technical)
Member Secretary, Principal Committee

To:

1. Shri Shashi Shekhar, C – II/155, Satya Marg, Chanakyapuri, New Delhi – 110021
2. Additional Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi – 110032
3. Joint Secretary, Ministry of Water Resources, RD&GR Shram Shakti Bhavan, Rafi Marg, Sansad Marg Area, New Delhi, Delhi 110001
4. Chief Secretary, GNCTD, Delhi Secretariat, IP Estate, Near Indra Gandhi Indoor Stadium, Delhi - 110002
5. Secretary, Irrigation Department, Govt. of Haryana, Haryana Civil Secretariat, Sector-1, Chandigarh, Haryana
6. Secretary, Irrigation Department, Govt. of Himachal Pradesh, H.P. Secretariat, Shimla-171002
7. Secretary, (UP) Irrigation Department, Babu Bhawan Sachivalya, Government of UP, Lucknow – 226 001
8. Secretary, Irrigation Department, Govt. of Uttarakhand, 4 Subhash Road, Secretariat, Forth Floor, New Building Dehradun, Pin code-248001
9. Secretary, Department of Environment, Govt. of NCT of Delhi, 6th Floor, Delhi Secretariat, IP Estate, New Delhi
10. Secretary, Department of Irrigation & Flood Control, Varunalaya Complex (Phase-II), Karol Bagh, New Delhi-110005
11. CEO, Delhi Jal Board, Delhi Jal Board, Varunalaya Complex (Phase-II), Karol Bagh, New Delhi-110005

12. Dr. A. K. Gosain, Professor of Civil Engineering, Indian Institute of Technology
Delhi Hauz Khas, New Delhi - 110 016
13. Dr. C.R. Babu, Centre for Environmental Management of Degraded Ecosystems,
School of Environment Studies, University of Delhi-110007.
14. Dr. A. A. Kazmi, Civil Engineering Department, Indian Institute of Technology
Roorkee, Roorkee, Uttarakhand 247667
15. Shri S.V.K. Reddy, Chief Engineer-I, Inland Waterways Authority, A-13, Sector -1,
Noida, U.P.
16. HOD (PE-Civil-II), NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodhi
Road, New Delhi – 110003
17. President, Nagar Market Harsh Vihar Hari Nagar Part –III, Welfare Society (Regd.),
H.No. C-403, Harsh Vihar, Hari Nagar Extension, Part-III, Badarpur, New Delhi -
110044
18. General Secretary, Vikas Kalyan Samiti, H.No. 118, Meethapur Village, Badarpur,
New Delhi – 110044
19. Vice Chairman, Delhi Development Authority, Vice-Chairman Office B- Block, 1st
Floor Vikas Sadan, New Delhi-110023
20. Commissioner, South Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto
Road New Delhi – 100 002
21. Shri. Manoj Kumar, Chief General Manager (T), NHAI, G-5&6, sector-10, Dwarka,
New Delhi - 110075
22. Member Secretary, Delhi Pollution Control Committee, Government of N.C.T. Delhi,
4th Floor, ISBT Building, Kashmere Gate, Delhi-110006

Copy for kind information to:

1. PPS to Secretary, Ministry of Water Resources, RD&GR Shram Shakti Bhavan, Rafi
Marg, Sansad Marg Area, New Delhi, Delhi 110001
2. Director General, NMCG
3. Members, Monitoring Committee – Yamuna
4. ED (Projects), NMCG
5. PS to ED (Finance/Admin), NMCG

Minutes of 6th Meeting of the re-constituted Principal Committee held at Conference Room, MoWR, RD&GR

6th meeting of the re-constituted Principal Committee in the matter OA No. 6 of 2012 was held on 14.01.2019 at Conference Room, MoWR, RD&GR under the Chairmanship of Secretary, MoWR, RD&GR. The list of participants is at **Annexure-I**. Following discussions were held in the meeting:

Agenda 1: Inland Waterway Authority of India's Proposal for development of 'Water Taxi Project on River Yamuna in Delhi region'

- i. Member Technical, IWAI informed that the project is proposed to be carried out in two phases, upstream of Wazirabad Barrage. In Phase I, water taxis will ply between Soniya Vihar to Tronica City. There will be three terminals – Soniya Vihar, Jagatpur and Tronica City. As per the feasibility and hydrography studies, sufficient draft is available within this stretch, hence de-silting is not proposed. Only pre-fabricated temporary floating jetties and pontoons will be established at all terminals. Based on response to Phase I, IWAI will expand water taxi way to Phase II.

In Phase II water taxis will ply between two stretches i.e. between Wazirabad to Soniya Vihar and between Tronica City to Fatehpur Jat. This phase will include desilting/ dredging to achieve draft of 1.5 m for navigation purposes.

Further, MoEF&CC vide OM dated 21.12.2017 has conveyed their go ahead to Ministry of Shipping with the decision taken during the meeting dated 24.10.2017 chaired by Hon'ble Minister (Road Transport & Highways) that no Environment Clearance is required for maintenance dredging for navigation channel for inland waterways. This is subject to implementation of the specified environment safety measures (copy enclosed at **Annexure-II**).

It was informed that the proposal was discussed in the Principal Committee meeting held in May 2017, wherein it was suggested to carry out EIA studies. As per decision of Principal Committee meeting (July 2018), EIA & SIA reports were circulated to all members of Principal Committee, for discussion in the next meeting.

- ii. Member Convener of the Committee informed that NMCG vide letter dated 14th August 2018 had shared the copies of the reports with all members of Principal Committee by email. But no comments have been received from members.
- iii. Prof. A.A.Kazmi opined that financial viability of the project needs to be considered.
- iv. CEO DJB cum Secretary I&F, GNTDC highlighted that the Wazirabad reservoir is drinking water reservoir and draft (water levels) available undergoes significant variation. This may affect not only the feasibility of the project but also the drinking water concerns of Delhi on account of possibility of spillages of fuels, engine oils/ lubricants and other dumpings into the river.
- v. Prof. C.R.Babu raised concern over proposed dredging and was of the opinion that dredging will be required even for Phase I. He highlighted the impact on ecosystem of the river (fishes and benthic biota) due to dredging.
- vi. Prof A.K.Gosain raised concern over the feasibility of the project and suggested that it may not be a need of the society. He was of the view that the project may have adverse impact on the health of the river. Even if it is carried out in any particular stretch of the river/ floodplain, various factors such as fuel used, dredging etc. will have effect on the downstream water quality of the river, which also caters as drinking water for the city.
- vii. Chairman, Principal Committee suggested that financial and technical viability needs to be taken care of by project proponent (IWAI) and is beyond the scope of the Committee. It may therefore be left on the project proponent. As Phase I does not require any dredging activity and concerns raised by the experts may be applicable to Phase II of the project, therefore Committee may consider giving its go-ahead to the proposal only for Phase-I, with close supervision of the proposed activities.

Principal Committee recommended Phase I of the project for approval of NGT, subjected to following conditions:

- Project proponent should regularly monitor the water quality of the river (upstream and downstream of the project location) to assess the impact on water quality and submit the report to DPCC. Monitoring works can be carried out through laboratories recognized (Third Party) by DPCC or MoEF&CC.

(Action: IWAI, DPCC)

- A Committee comprising of Prof.C.R.Babu, officials from Department of Irrigation & Flood Control, GNCTD and Delhi Jal Board, will closely monitor the implementation and will ensure that no dredging activity is being carried out.

(Action: Prof. C.R.Babu, Department of I&FC Delhi, DJB)

Agenda 2: NTPC Limited's proposal for development of Eco-park at ash disposal area of Badarpur Thermal Power Station

- i. General Manager, NTPC through a presentation (placed at **Annexure – III**) briefed about the proposal. It was informed that the Thermal Power Station at Badarpur has closed down its operations with effect from 15thOctober 2018. As closure plan for ash dyke has been approved by DPCC, it is proposed to develop the ash dyke having an area of 884.6 acres into an Eco-park. This will help in creating biodiversity and ensure prevention of adverse impact on receiving air and water environment. The proposal includes activities which will not interrupt the natural flow of the river such as creation of boundary wall, development of forest cover, planting of different types of plants, etc. The project is estimated to be completed within 2 years.
- ii. Member Convener- Principal Committee informed that the site is located along the Agra canal with Jaitpur drain running on one side and falls under 'O-zone' of the DDA's Master plan for Delhi, but as per the report of the Expert Committee dated 13th October 2014 submitted to Hon'ble NGT, the site did not cause any impact on the river water quality or flow of the river, therefore was allowed as an exception and was treated as Special Zone wherein regulatory regime was to be followed.
- iii. CEO DJB cum Secretary I&F, GNTDC informed that the closure plan of ash dyke has been approved by DPCC subject to condition of soil and grass growing area. It was also informed that the special zone (regulatory) exception was allowed for operational status of the existing Thermal Power Station.

CEO DJB raised concern that the proposal also includes construction of walkways, cycling tracks, plaza, amphitheater, fitness area etc. Such construction activities needs to be closely monitored to avoid any adverse impact on the environment.
- iv. Prof. C.R.Babu suggested that fly ash can be used in constructions activities and should be scientifically disposed/ covered to prevent any type of pollution.

- v. General Manager NTPC informed that the ash dyke is 12-14m high and the site falls outside marginal bund. He also informed that the proposed constructions will not have any impact on the floodplain as the proposed site is more than 10m above the floodplain.
- vi. Chairman, Principal Committee suggested that a Committee constituting of experts in the field from various domain areas may be constituted for providing proper guidance and to monitor the implementation of the activities.

Principal Committee highlighted that closure of the ash dyke is an important activity and recommends the proposal subjected to following conditions:

- The project proponent should ensure that there is no mismanagement/ spillage/ runoff/ breach of ash dyke from the ash pond to the receiving water bodies in the vicinity.

(Action: NTPC)

- For prevention, abatement or control of any such wash-off, appropriate Tier-II protective measures such as abatement wall, garland drains shall be constructed based on the topography and risk potential.

(Action: NTPC)

- Regular groundwater monitoring may be carried out by CGWB and the report may be submitted to DPCC.

(Action: CGWB)

- The closure plan should be scientifically carried out as per the regulations of MoEF&CC and in compliance to the conditions imposed by DPCC.

(Action:NTPC)

- A Committee constituting of Prof.C.R.Babu, official(s)not below the rank of Directors from MoEF&CC (IA division-Power Plant), Department of Environment & Forest, GNCTD (Wildlife), DPCC may be constituted to have close monitoring and ensure that adverse impact during construction phase is avoided. All logistic support to be extended by NTPC.

(Action: Committee/ NTPC)

Agenda 3: A request by the representatives of Resident Welfare Association (RWA) of colonies in Hari Nagar and Meethapur areas of Badarpur

- i. Member Convener- Principal Committee informed that a request has been received from the Resident Welfare Associations of Hari Nagar and Meethapur colonies for granting permission for availing basic amenities such as sewage and water connections and for construction or repair of dwelling facilities in these areas.

It was informed that these colonies fall under the "O" zone of DDA's masterplan of Delhi, 2021 notified on 07.02.2007. DDA issued a public notification dated 28.09.2013, wherein certain residential colonies were excluded from Zone 'O' and were placed in Zone 'F', including residential/built up areas of Meethapur and Hari Nagar area of Badarpur amongst others. This notification was stayed by Hon'ble NGT vide its order dated 28.10.2013. Thereafter, Hon'ble NGT while disposing the matter vide judgement dated 13.01.2015 in the matter OA No. 06 of 2012 constituted Principal Committee and directed DDA to identify floodplains (corresponding to 25 years flood frequency) and to physically demarcate the same.

Further, RWAs of the two colonies filed a MA in NGT in the matter OA No.06 of 2012. During the hearing of the case, DDA informed Hon'ble NGT that physical demarcation has been undertaken and a report has been submitted to Principal Committee. Therefore NGT disposed off the application vide its order dated 19.05.17, directing the associations to approach Principal Committee.

Member Convener- Principal Committee informed that the physical demarcation reports are not available with the present Committee and DDA was requested to provide the report and status of physical demarcation along with maps, and eligibility criteria for regularization of colonies. No information in this regard has been received from DDA to the Committee to date.

- ii. General Secretary, RWA of Meethapur colony informed that the two colonies are about 6 kms away from the river. The residents are facing problems such as not being able to repair existing structures and are deprived of basic civic facilities such as hospital, water supply and sewage facility in the area.
- iii. CEO DJB cum Secretary I&F, GNTDC highlighted the pollution impact arising from the areas due to unmanaged drainage and sewerage system and that the runoff from

- these areas will reach river Yamuna directly. It was requested that the Committee may consider for extending such basic amenities to prevent pollution load to Yamuna.
- iv. Director General NMCG along with other members, considering the objectives of the Committee, concurred to the idea of extending such basic facilities (sewerage and water facilities) so that no untreated discharge goes to Yamuna.
 - v. President RWA Hari Nagar colony requested that a copy of the physical demarcation and floodplain demarcation report submitted to NGT/ Principal Committee by DDA may be provided to them.
 - vi. Additional Commissioner (landscape) DDA informed that the report regarding 1 in 25 year floodplain was submitted to Hon'ble NGT while the physical demarcation report is under-preparation. It was also informed that 'O-zone' has not been demarcated.

After detailed discussion, following was recommended by Principal Committee:

- Basic civic amenities such as water and sanitation facilities may be extended within the approved demarcated area in order to prevent, control and abate pollution to R. Yamuna.
(Action: DJB)
- DDA to submit the progress of demarcation report (1 in 25 year floodplain) to Principal Committee.
(Action: DDA)
- The demarcation reports will be deliberated in the next meeting of the Principal Committee.

Agenda 4: South Delhi Municipal Corporation's application for seeking permission for completion of remnant work of covering of Subhash Nagar Drain from Najafgarh Road to Najafgarh drain

- i. Representatives from SDMC informed that the covering of the drain was to be carried out in two phases. In first phase, a length of 1.7 km (Subhas Nagar Block – 11 to Najafgarh road) was completed in 2013. In second phase, a length 2.9km (Najafgarhroad to Najafgarh drain) was proposed to be completed by August 2015. Till first week of January 2015, out of 2.9 km, 2.1 km was completed and the balance work of 800 m was remaining.

Meanwhile, Hon'ble Tribunal vide judgement dated 13.01.2015 directed that there shall be no construction and/or coverage of any of the drains in Delhi by any Authority or Municipal Corporation. All the drains shall be kept obstruction free by the concerned Corporation. Where substantial work (more than 85%) has been completed, such work is permitted to be completed by the Corporation after obtaining specific orders from the Tribunal in that regard. Rest of the work, where construction has just begun, the construction, including iron material, shall be removed.

It was also informed that about 82.6% of the total physical work is complete, screen channels are provided in the covered areas at regular interval, vent for release of gas is provided. While the uncovered 800m, located in densely populated area, has become a site for open dumping of solid waste by the residents. SDMC is carrying out regular cleaning of the drain, even then the situation remains the same due to rise of unauthorized colonies and slum areas in the vicinity, which makes regulation and operation of the drains difficult. It was also informed that de-silting of the drains is carried once every year in pre-monsoon period.

Therefore, SDMC requests Principal Committee to allow completion of remnant work of covering of Subhash Nagar Drain.

- ii. Prof. A.K.Gosain informed that covering or concertizing natural storm water drains are not conducive for sustenance of proper drainage management. This may also lead to flash flooding. It was also informed that concertizing drains are short term measures and suggested long term measures needs to be ensured in order to have discharge of only storm water in the natural drains.
- iii. Prof. C.R.Babu suggested that beautification of the area such as plantation on either side of the drain can be adopted for prevention of open dumping and bad odour arising from the drain.
- iv. Director General NMCG highlighted that it is the responsibility of the Municipal Corporations and RWAs of the resident colonies, to ensure proper collection and transportation of municipal solid waste so that no solid waste is being dumped into the drain. In a way, the problem of solid waste dumping in the drain is largely due to residents and RWA needs to be sensitive to keep the drain clean and trash free.

- v. Additional Commissioner (landscape) DDA informed that these abrupt openings are threat to life and suggested that the uncovered areas may be partially covered by installing mesh or climbers to prevent loss of life as well as blockage of the drain.
- vi. Director Technical-II, NMCG suggested that small opening of 55m and 60m at two locations may be considered by the Committee for coverage in view of bigger safety issues arising due to partial completion of the work. Coverage of such small openings will not have any significant impact, as either side of such openings are covered. Further, solid waste will find its way into the drain through these abrupt small openings.
- vii. Chairman, Principal Committee suggested that cleaning of drains is not a one-time process and SDMC may take up cleaning of drains on regular basis. It was also highlighted that SDMC should ensure MSW Rules 2016 are followed and should perform its mandated duties.

Following recommendations were made by Principal Committee:

- The uncovered area of the drain having length of 460 and 250 m may be provided with adequate measures to prevent dumping of garbage and other materials, and to ensure safety. If needs the drain can be covered by provision of wire mesh arrangements instead of concrete slabs.

(Action: SDMC)

- Possibilities of beautification and alternate method to discourage people from dumping may be explored for these stretch.

(Action: SDMC)

- SDMC to clean the drain within a month and to submit its report to the Committee. Regular cleaning of drains may also be carried out.

(Action: SDMC)

- DPCC to ensure that the sludge/ waste obtained after cleaning of the drain are disposed off properly and submit its report to the Committee.

(Action: DPCC)

- The uncovered area of the drain having 55m (KeshopurMandi culvert) and 60 m length (Chaukandi culvert) may be covered with the condition that the addition of such coverage will not be considered for the NGT clause of more than 85% completion work.

(Action: SDMC)

Agenda 5: NHAI's Proposal for development of elevated road along the right bank (on the extreme end edge of floodplains) of river Yamuna

- i. Chief General Manager Technical NHAI gave a brief presentation (placed at **Annexure-IV**) wherein it was informed that for providing congestion free connectivity to traffic origination from Delhi and Noida/ Faridabad, NHAI has proposed construction of DND Flyway-Kalindi Kunj-Old and New Agra Canal-Faridabad Bypass-Project. Total length of the road is 60 km and is proposed to be constructed in packages. Package 1 having 14 km of length starts from DND flyway. Initial 2.9 km of this 14 km is aligned along right bank, on the extreme end edge of floodplains of river Yamuna and is proposed to be elevated road to eliminate the impact on ecology of the river and to have minimum impact of the flow. The elevated road is proposed to follow the river bank alignment and will not cross the river.
- ii. Prof. C.R.Babu informed that the proposed area is already elevated and the pillars proposed are to be established outside the bunds.

Principal Committee recommended the proposal for approval of NGT, for development of elevated road along the right bank of river Yamuna with following conditions:

- That associated construction activities should not be carried out within the river bed.
- All the construction activities should be carried out with minimum effect on the floodplains
- Possibility of creation of vertical gardens on the pillars of the elevated road may also be explored.

(Action: NHAI)

Agenda – 6: Representation by Shri Manoj Mishra received by email (with permission of Chair)

Member Convener- Principal Committee informed that vide email dated 11.01.2019 Shri Manoj Mishra, the petitioner in the OA No 6 of 2012 at the NGT, had requested following

- i. That he should be informed about the agenda of the Principal Committee meetings
- ii. That he should be informed about the Minutes of the Principal Committee meetings
- iii. That he should be called for attending the Principal Committee meetings

- iv. He also informed his views on certain issues pertaining to the river floodplains and drainage masterplan may be considered by the Committee.

The matter was discussed among the Principal Committee member and following decisions were made:

- The agenda, Minutes of the meeting held so far and in future may be put in public domain through website of NMCG. Possibility of uploading the same on Monitoring Committee website may also be explored and pursued by Member Convener – Principal Committee.
- Decisions taken by the Principal Committee so far, especially with regard to approval granted may also be communicated to Monitoring Committee, for their information and onward submission to NGT.
- The request made by the Petitioner for allowing him to attend the Committee meetings could not be considered as he is not member of the Committee. The Committee felt that Hon'ble NGT must have taken a considered view while forming the composition of the Committee. This practice may have an impact wherein many other enlightened citizens any also request their participation by quoting common cause. However Mr. Mishra may continue to contribute his observations, if any in respect of agenda items, which can be discussed and appropriately considered during the meetings of the Committee.
- The observations highlighted in the mail are perceptive view as the Committee considers the proposals comprehensively, within the very set objectives of the judgement.

The meeting ended with vote of thanks to the Chair.

List of participants:**Annexure-I**

1. Shri. U.P. Singh, Secretary, MoWR, RD&GR – *in Chair-*
2. Shri. Rajiv Ranjan Mishra, Director General, NMCG
3. Shri. Anil Kumar Singh, CEO, Delhi Jal Board & Secretary, I&FC, Delhi
4. Prof. A. K. Gosain, IIT Delhi, Expert Member
5. Prof. C. R. Babu, DU, Expert Member
6. Prof. A. A. Kazmi, IITRoorkee, Expert Member
7. Shri. D.P.Mathuria, Executive Director – Technical, NMCG(Member Convener-PC)
8. Shri. Akhil Kumar, Executive Director – Projects, NMCG
9. Shri Sundeep, Director Technical – II, NMCG
10. Dr. Pravin Kumar, Director T-III, NMCG
11. Shri SMALLI, Member Secretary, DPCC and Special Secretary (E&F), GNCTD
12. Shri NisheethSaxena, Department of E&F, GNCTD
13. Mrs. Poonam Dewan, DDA Additional Commissioner landscape
14. Shri M K Joshi, Planning Assistant, Zone O, DDA
15. Ms. Kawaljeet Kaur, Assistant Director (Planning)
16. Shri S.V.K.Reddy, Chief Engineer, IWAI
17. Shri S K Gangwar, Member Technical, IWAI
18. Shri Anil Kumar, CE, UP Irrigation
19. Shri. G. P. Srivastava, SE, Irrigation Department, UP
20. Shri. Y.P.Singh, Scientist D, MoEF&CC
21. Shri Joginder Chauhan, SE, IPH, Himachal Pradesh
22. Shri Manoj Kumar, CGM, NHAI
23. Shri Mohammad Safi. GM, NHAI, Faridabad
24. Shri Devendra Thakur, EE, Headworks, Okhla,
25. Shri Rohin Kr. Gupta, GM(T), NHAI
26. Shri M. S. Zoha, Director, Casta
27. Shri Satish Upadhyay, GM, NTPC
28. Shri. J.S.Saini, AGM (Infrastructure), NTPC
29. Shri. Amit Agarwal, Associate Director, Studio Symbiosis
30. Shri Akshay Kodoori, Associate Director, Studio Symbiosis
31. Shri Pallav Chaudhary, Architect, Studio Symbiosis
32. Shri Anil Tyagi, SE, SDMC
33. Shri K Karren, EE, SDMC
34. Shri Satish Katari, EE, SDMC
35. Shri Shiv Kumar, EE, IF&C, GNCTD
36. Shri Sanjay Shukla, NHAI Consultant
37. Shri Dushyant Kumar, President, RWA, Hari Nagar Colony
38. Shri Anil Sharma, General Secretary, Meethapur Colony
39. Shri D K Singh, SEE, DPCC
40. Shri Sanjay Saxena, CE, I&FC, GNCTD
41. Shri O P Shrivastav CE, I&FC, GNCTD
42. Shri Y K Sharma, SE, I&FC, GNCTD
43. Shri Dheeraj Singhal, Deputy Director, NMCG
44. Shri Kumar Ajitabh, Project Officer (Legal), NMCG
45. Mrs. Ruby Raju, Project Engineer, NMCG