

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

M.A NO. 54/2022

IN

ORIGINAL APPLICATION NO. 296/2022

IN THE MATTER OF

NAVEEN RANA

...APPLICANT

VERSUS

STATE OF UTTARAKHAND

...RESPONDENT

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DATE: 13.10.2022

PLACE: Delhi



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**REPLY AFFIDAVIT ON BEHALF OF THE PROJECT
PROPONENT- SWARG AASHRAM TRUST, NAGAR PANCHAYAT
SWARG AASHRAM IN COMPLIANCE OF THE ORDER DT.
08.08.2022**

TO,

THE HON'BLE CHAIRMAN AND HIS COMPANION MEMBERS

OF THE NATIONAL GREEN TRIBUNAL

It is humbly submitted by the Project Proponent as under:

1. That the present matter is registered after a letter petition sent by the Complainant/Applicant to this Hon'ble Tribunal alleging that the Swargashram Trust is raising illegal structure in less than 100 mts. Of

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distance from River Ganga.

2. That at the outset it is clarified that the complainant is a counsellor of the Nagar Panchayat and sent this complaint arising out of municipal level local politics without verifying the factual and legal positions and the nature of structure being raised in the vehicle parking area of the land, which belongs to the answering Deponent herein for decades.
3. It is submitted that the impugned under construction structure is two small rooms, which is temporary in nature, being built in the vehicle parking area for up to 100 vehicles situated on the land belonging to Project Proponent after request and sanction from the competent committee of the Nagar Panchayat, Swarga Ashram, Jaunk and also after a request from the Police Station of the Laxman Jhula for security purposes for installing CCTV in the parking stand.
4. That the distance of this impugned temporary structure is more than 200 mts. from the middle of the River Ganga, which is much beyond the restrictions of up to 100 Mts imposed by this Hon'ble Tribunal vide Order dt. 10.12.2015 in O.A No. 10 OF 2015 & O.A. No. 200/2014. The same facts have already been reported to this Hon'ble Tribunal by the report of the JPC dt. 15.07.2022. The complaint is ill

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conceived, motivated, and lodged with an intent to harass the answering deponent/Project Proponent, which is a major provider for the pilgrim in the Rishikesh area on the side of Swargashram and for entire route of Char Dham Yatra in Uttarakhand.

BONAFIDE OF THE PROJECT PROPONENT- SWARGASHRAM TRUST, YAMKESHWAR, RISHIKESH

5. That the Project Proponent Trust, Swargashram was established in 1906 as an Aashram. The Aashram was established by Swami Atma Prakash Ji who was a follower of Baba Kali Kamli Wale. Their aim was to set up an Ashram for religious Hindus who are willing to seek truth by living in the path of prayers, knowledge, detachment and simplicity.
6. That Kali Kambli Wale baba was a great saint who offered his life for the welfare of the poor, needy and pilgrims in the Himalayas. He walked up and down between the sacred shrines in Haridwar, Rishikesh and Badrinath providing shelters for the pilgrims. After years of travel, he realized the hardships and troubles faced by the pilgrims visiting the Himalayas during the that period. Later Kali Kambli Walla Baba travelled in India and with the help of generous donations he formed Baba Kali Kambli Walla Panchayat Temple.

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With the help of funds collected, he opened Dharmashala for travellers in Rishikesh, Haridwar, Rudraprayag, Kedarnath, Badrinath, Kurukshetra, Joshimath and Devprayag.

7. That under his guidance and leadership, the Swargashram Trust was formed in the year 1938 under the chairmanship of Shri Jugal Kishor Birla Ji. The aim of this public trust is to provide Spiritual benefit to all the Hindu religionists whether Brahmacharis, Grihastha, Vanprastha, Sanyasi or Sadhus. To fulfil the motives, the trust carries out a lot of charitable activities including preservation of environment and cleanliness of River Ganga. These activities have an impact not only on Saints, visitors, travellers but also on local population.
8. That all the activities carried out by the ashram are based on the donations received from time to time and there is no commercial activities undertaken by the Trust. Swargashram provides an abode to the Saints in the premises of the ashram for pursuing the path of religious awakening through Dhyan, Bhajan and Meditation. The ashram houses three Dharamshalas in its premises. These cater to the needs of the Yatris (pilgrims) and religious people visiting Rishikesh. The Trust manages several dwelling units (rooms/suites/flats) spread over 8 buildings such as Shiv Ganga, Akash Ganga, Ganga Niwas,

SS

Ganga Line flats, Main Gaddi, Ganga Niketan, Samadhi flats, Lakshmi Narayan Temple rooms etc. situated in the area for decades.

9. That it is primarily due to the spiritual and religious activities started by the Aashram, Rishikesh is being known today as a favourite destination for spiritual upliftment among national and international tourists and now renowned as Yoga Nagar. Rishikesh is the Yoga capital of the world. Yogis from all over the world come over to Rishikesh to hone their skills of yoga. There are various forms of Yoga conducted in the City. The ashram also has private teachers conducting Yoga classes. Yattris benefit from these activities.
10. That the Aashram is always committed for environment and helped to maintain pollution free environment in and around river Ganga. The present pollution and encroachment if any is due to recent rapid increase in commercial activities in the area, which is beyond the control of Aashram. Aashram has always tried its best to maintain the serenity and cleanliness of the area for a very long time since before independence.
11. That the ashram also has big orchards where the fruit bearing and ayurvedic plants are grown near vicinity of River Ganga in the area. The orchards provide green cover in addition to organic fruits and ayurvedic

products for the hospital. Condiments like Turmeric and some vegetables are also grown here, which are used in Annakshetra. It also helps to maintain green cover and to stop ill effect of rapid concretization of the area as rampant and visible on the other side of the River Ganga and helps ecologically in maintaining river sides of Ganga.

12. That it is further submitted that thousands of pilgrims on a daily basis visits Swargashram side of the Rishikesh, which is narrow and having very less space along side roads. During the Char-Dham Yatra and Kaanwar Yatra, devotees footfall increases further and to cater the need of good parking area for maintaining hassle free traffic and to reduce vehicular pollution in this sensitive area, Aashram on its own land is operating a Vehicle Parking Stand for all which provides for parking up to 100 vehicles for decades.

BRIEF CHRONOLOGICAL FACTS AND REPLY WITH RESPECT OF THE PRESENT CASE:

13. That the Trust is operating a parking stand on the back side of road for pilgrims visiting Swarashram area of the Rishikesh for a long period of time on its own land, recorded in the revenue record with Khata No. 61, Khesra No. 718 (Area 0.338 Hectare). This is the land which has been recorded on the name of the Trust with full land right for more than 50 years. This is the land where Parking stand exists on the back

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side of the road not facing river Ganga.

14. That the temporary tin structure for two rooms is being raised here only after the request of the Nagar Panchayat Swargashram and Local Police Station of Laxman Jhula for installing CCTV and its monitoring room for safety and security of the area as there was several reports of damage and theft of Vehicles of pilgrims visiting the area. These small two rooms are also not river facing and on the back side road of the Sawrgashram area and situated at the distance of more than 200 Mts. from the middle of the River Ganga.

A True Copy of Revenue Land Record of Khata No. 61 of Fasli Year 1425-1430 belonging to the Swarg Aashram Trust in Village-Jaunk, Yamkeshwar is annexed as ANNEXURE A/1 from Pg. No. 69 to 72

15. That this Hon'ble Tribunal in Para 58 of its judgment in O.A No. 10 OF 2015 & O.A. No. 200/2014 on 10.12.2015 divided the river Ganga in following segments to control the pollution for its restoration as under:

- Ganga Phase-I-Segment-A: Gomukh to Haridwar
- Ganga Phase-I-Segment-B: Haridwar to Kanpur
- Ganga Phase-II : Kanpur Border to Uttar Pradesh Border
- Ganga Phase-III: Uttar Pradesh Border to till Jharkhand Border
- Ganga Phase-IV: Jharkhand Border to Bay of Bengal (West

Bengal)

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Further at Page 138 issued Directions in relation to the Flood Plains.

This Hon'ble Tribunal directed that:

“B. Keeping in view the Notification of the MoEF, intent of the Act of 2012, orders passed by the Tribunal in other matters, High Courts and the Hon'ble Supreme Court in various cases, we would order and direct that as an interim measure at least 100m from middle of the river would be treated and dealt with as 'Eco sensitive and prohibited zone'. No activity whether permanent or temporary in nature will be permitted to be carried on in this zone including camping. The only exception would be the points for picking up and dropping the guests who are doing rafting in river Ganga....

...The State Government while complying with its obligations under the Act of 2012 and this judgment in this regard would keep in mind 1 in 25 years flood to be the criteria for declaring flood plain and the regulated activities which would be permitted in that area. This is the guiding factor which has complete scientific and documented studies to impose such limitations.”

True Copy of the relevant extracts of the judgment dated 10.12.2015 passed by this Hon'ble Tribunal in O.A No. 10 OF 2015 & O.A. No. 200/2014 is annexed as **ANNEXURE A/2** from **Pg. No.**

73 to 89 .

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16. That this Hon'ble Tribunal in Para 47 of its judgment in *M.C. Mehta v. Union of India*, **2017 SCC OnLine NGT 1980** followed the above said judgment and its direction and issued fresh direction in Para 331 and 414 of the judgment and increased the flood frequency up to 100 years to decide and demarcate Flood Plain of the River Area.

True Copy of the relevant extracts of the judgment dated 13.07.2017 passed by this Hon'ble Tribunal in *M.C. Mehta v. Union of India*, **2017 SCC OnLine NGT 1980** is annexed as ANNEXURE A/3 from Pg. No. 90 to 107.

17. That in compliance of the above said directions the Secretary of the Uttarakhand Govt. issued Regulation Policy and Guidelines on 05.12.2017 regarding Rishikesh near River Ganga vide notification No. 1995/V-2-2017-58(आ०)/2014. This Policy provides that up to 100 Mts. from the middle of the River and flood plain area upto 25 years frequency of hilly areas whichever is higher should be restricted area for any kind of new construction with certain exceptions.

True Copy of the Circular notification No. 1995/V-2-2017-58(आ०)/2014 dt. 05.12.2017 issued by Secretary, Uttarakhand is annexed as ANNEXURE A/4 from Pg. No. 108 to 116 .

18. That on 05.03.2022, the competent committee headed by the Chairman of the Nagar Panchayat, Swargashram, Jaunk, signed by two counsellors sent a letter to ADM, Yamkeshwar as a sanction cum consent memo for construction of temporary tin shed for security reasons in the vehicle parking area for the welfare of the public.

A True Copy of the consent/sanction Memo dt. 05.03.2022 issued by the competent committee headed by the Chairman of the Nagar Panchayat, Swargashram, Jaunk is annexed as **ANNEXURE A/5** from **Pg. No. 111 to ..**

19. That on 08.03.2022, letter petition dt. 02.03.2022 sent by Naveen Rana, Counsellor of another ward of Nagar Panchayat received at this Hon'ble Tribunal which has been registered on 09.03.2022 alleging that the structure is illegal as it is situated within 100 Mts. of River Ganga.

A True Copy of the Letter Petition registered on 09.03.2022 dt. 02.03.2022 at this Hon'ble Tribunal sent by Naveen Rana, Counselor of Nagar Panchayat, Swarg Ashram is annexed as **ANNEXURE A/6** from **Pg. No. 112 to 113 ..**

20. That on 26.03.2022, No-Objection Certificate was granted by the Executive Officer of the Nagar Panchayat, Swargashram, Jaunk

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for raising the temporary tin shed for security purposes in the vehicle parking area.

A True Copy of the No-Objection Certificate dt. 26.03.2022 issued by the Executive Officer of the Nagar Panchayat, Swargashram, Jaunk is annexed as **ANNEXURE A/7** from **Pg. No. 114 to 115** .

- 21.** That on 05.05.2022 taking cognizance of the letter petition sent by the Complainant, Naveen Rana, this Hon'ble Tribunal constituted a Joint committee and sought a factual report for verification of the allegations made in the Letter Petition.

A True Copy of the Order dt. 05.05.2022 passed by this Hon'ble Tribunal in OA No. 296/2022 is annexed as **ANNEXURE A/8** from **Pg. No. 115 to 116** .

- 22.** That on 04.06.2022, replying to the ADM, Yamkeshwar in response to the letter dt. 05.04.2022, the Assistant Engineer, Irrigation Sub-division IV, Dugadda after inspection informed that the structure is being raised at the distance of 60 Mts. from the edge of the Ganga River. However, the measurement was taken erroneously from the edge of the river, which ought to be from the middle of the river as per the directions of this Tribunal and Regulatory policy made in this regard for hilly areas.

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A True Copy of the letter dt. 04.06.2022 sent by the Assistant Engineer, Irrigation Sub-division IV, Dugadda is annexed as **ANNEXURE A/9** from **Pg. No. 17 to** .

- 23.** That on 09.06.2022, a revised letter dt. 09.06.2022 sent by the Assistant Engineer, Irrigation Sub-division IV, Dugadda regarding measurement of the distance of the temporary structure taking measurement from the middle of the river after realizing the mistake and going through the Policy dated 05.12.2017 issued by the Uttarakhand Govt. It has been reported that the under-construction structure is at the distance of more than 200 Mts. from the middle of the River Ganga and the said construction is beyond the flood plain area of 100 years of flood affected area.

A True Copy of the revised and corrected letter dt. 09.06.2022 sent by the Assistant Engineer, Irrigation Sub-division IV, Dugadda is annexed as **ANNEXURE A/10** from **Pg. No. 18 to** .

- 24.** That on 14.06.2022, the Inspector In-charge of the Laxman Jhula, Police Station sent a letter to the ADM, Yamkeshwar regarding request to raise the temporary structure for security reasons and to install CCTV in the said vehicle parking area and given NOC for

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installing CCTV in the parking area.

A True Copy of the letter dt. 14.06.2022 sent by the Inspector In-charge of the Laxman Jhula, Police Station is annexed as **ANNEXURE A/11** from **Pg. No. 119** to .

A True Copy of the NOC dt. 14.06.2022 given by the Inspector In-charge of the Laxman Jhula, Police Station for installing CCTV camera in the Vehicle Parking Area is annexed as **ANNEXURE A/12** from **Pg. No. 120** to .

25. That on 17.06.2022, the Joint Inspection Report sent to the DM, Gadhawal by ADM, Yamkeshwar on 17.06.2022 in compliance of the Order of this Tribunal dt. 05.05.2022.

A True Copy of the Joint Inspection Report sent to the DM, Gadhawal by ADM, Yamkeshwar on 17.06.2022 in compliance of the Order of this Tribunal dt. 05.05.2022 is annexed as **ANNEXURE A/13** from **Pg. No. 121** to **124**.

26. That on 15.07.2022, the Joint Inspection Report sent to this Hon'ble Tribunal by the DM, Gadhwal in compliance of the Order of this Tribunal dt. 05.05.2022, narrating the above said facts.

A True Copy of the Joint Inspection Report dt. 15.07.2022 sent to this Hon'ble Tribunal by the DM, Gadhwal in compliance of the

Order of this Tribunal dt. 05.05.2022 is annexed as **ANNEXURE A/14** from **Pg. No. ¹²⁵ to 126**.

27. That on 08.08.2022, this Hon'ble Tribunal perused the above-said JPC report and further directed for clarification in Para 5 of the Order regarding distance of the undergoing construction in view of the two-letter dated 04.06.2022 & 09.06.2022 sent by Asst. Engineer, irrigation and regarding who is the actual owner of the said land having Khesra No. 717 & 718 of Khata No. 61. A new JPC has been constituted for the said clarification and the Project Proponent was also directed to file their response/reply.

A True Copy of the Order dt. 08.08.2022 passed by this Hon'ble Tribunal in MA No. 54/2022 in OA No. 296/2022 is annexed as **ANNEXURE A/15** from **Pg. No. ¹²⁹ to 131**.

28. It is submitted that the complaint made by the complainant is motivated and with an intent to stall the installation of CCTV camera in the area for reasons unknown to the Project Proponent to check the illegal activities in the vehicle parking stand. The said two room small temporary structure is being raised after request from the concerned Police Station and Nagar Panchayat of Swargashram on the land situated of Project Proponent, where construction area is beyond 200

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Mts. from the middle of the River and outside the zone of 100 years of flood affected area.

- 29.** That the complaint is ill conceived from the very beginning and the report dt. 04.06.2022 sent by the irrigation Assistant Engineer is not in contradiction with letter dt. 09.06.2022, but a measurement taken from the edge of the river, which is 60 mts. However, as per the Policy and direction of this Hon'ble Tribunal for the segment of hilly areas of Ganga, Phase-I-Segment-A: Gomukh to Haridwar, the measurement has to be taken from the middle of the River for demarcating restricted area upto 100 Mts and in the present case the under construction area is situated beyond 200 Mts from the middle of the River.
- 30.** That the area is situated beyond the flood affected areas for last 100 years in the region and also fulfills that criterion as per the restriction Policy and guidelines issued by the Government of Uttarakhand.
- 31.** That the subject land is also under the absolute ownership of the Trust for decades and there is no illegal construction in the parking Stand. The Structure is under construction and temporary in nature and the process of approval of the Map for permeant structure is ongoing. The two small rooms are being built rather to stop illegal activities in the area by installation of CCTV, which will further help in

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identifying people polluting the river side of Swargashram side of River Ganga.

- 32.** That the present reply affidavit is being thus filed in compliance of the Order dt. 08.08.2022, as a preliminary response on the basis of proceedings and documents made available to the Project Proponent and the Project Proponent reserves their right to reply further in the light of any new findings or any new documents came into the light during the present proceedings.
- 33.** That in the light of the above said facts the present matter may be disposed of with an exemplary cost on the complainant.

अक्षय

Authorised Rep. of the Project Proponent
THROUGH

DATE: 18.10.2022

PLACE: Delhi



AYUSH ANAND & GAURAV KUMAR

(COUNSEL FOR THE APPLICANT)

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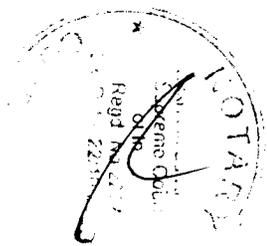
STATE OF UTTARAKHAND

...RESPONDENT

AFFIDAVIT

I, Shri Anup Kuthiyala (aged about 28 years); S/o
Roshanlal Kuthiyal;
Swatgarh + Deust Ram Ghoda Pauri Garhwal. R/o
P.S. Laxman Ghoda; Dist: Pauri Garhwal; presently
at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the authorised representative of the Project Proponent Trust in the above-mentioned matter. I am fully conversant with the facts of the case. As such, I am competent to swear this affidavit.
2. That the contents stated in the accompanying Reply from Para No. 1 to 33 have been explained to me which I understood and say that the contents stated therein are true and correct to the best of my knowledge and belief and nothing material has been concealed thereof.



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3. That the Annexures P-1 to P-15 are true copies of their respective originals.

अक्षय

DEPONENT

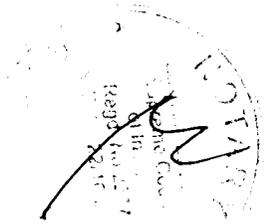
VERIFICATION:

I, the above named deponent, do hereby verify that the contents of paras 1 to 3 of the above affidavit are true and correct to the best of my knowledge and belief, no part thereof is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the 18th day of October 2022.

अक्षय

DEPONENT



Ayaz Ahmad
I identified the deponent
has sig. in my presence

ATTESTED

NOTARY

18 OCT 2022

उद्धरण खतौनी

ग्राम क्रमांक : 048841

ग्राम का नाम / परगना : जीक-उ०त०-१(गंगासलाण)

तहसील : यमकेश्वर

जनपद : पौड़ी

फसली वर्ष : 1425-1430

भाग : 1

1-क/भूमि जो सरकारी अधिकार वाले भूमिदारी के अधिकार में हो

खता खतौनी क्रम संख्या — 1 —	खातेदार का नाम / पिता पति संरक्षक का नाम/ निवास स्थान — 2 —	भूमिक अधिकार प्रारम्भ होने का वर्ष — 3 —	खाते के प्रत्येक गाटे की खसरा संख्या — 4 —	प्रत्येक गाटे का क्षेत्रफल (हे.) — 5 —	खातेदार द्वारा देय मालगुजारी या लगान — 6 —	परिचरित सम्बन्धी आज्ञा या उसका सारांश उनकी संख्या तथा दिनांक सहित और आज्ञा देने वाले अधिकारी का पद — 7-12 —	टिप्पणी — 13 —
00061	स्वर्गाथम ट्रस्ट 41035 हि०/ रजनीश मदान 6 हि०/प्रेमचन्द/नि. ग्राम वीरभान सेठी 8 हि०/रीनकराम/नि. ग्राम बे० शि० अ० पौड़ी गढ० 160 हि०/./. कुल- 41207हि०/	पू०1373 फ०	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 29 30 31 32 33 34 35 36 37 38 39 40 49 50 51	0.0090 0.0080 0.0360 0.0550 0.0230 0.0510 0.0350 0.0480 0.0350 0.0130 0.0690 0.0340 0.0390 0.0660 0.0550 0.0150 0.2790 0.0100 0.1130 0.0350 0.0840 0.0040 0.0550 0.1410 0.1010 0.0310 0.0990 0.0450 0.3590 0.1200 0.0100 0.1980 0.1060 0.0180 0.0410 0.0160	361.15	आ० ना० तह० यम० के दा० खा० सं० 58/2017-18 दि० 29-12-17 के 78.75 वर्ग मीटर भूमि विक्रता वीरभान सेठी पुत्र रीनकराम के हक से खारिज कर केता दीपक पुत्र प्रभुदयाल एवं चन्द्रमोहन खेडा पुत्र हंसराज खेडा नि० सहारनपुर के नाम श्रेणी 1 ग में दर्ज। मु० आ० तहसीलदार यमकेश्वर दि० 16-05-18 आदेश न्या० सहायक कलै० प्रथम श्रेणी कोटद्वार रा० वा० सं० 354/16-17 वादी रजनीश मदान बनाम सहखातेदार अर्न्तगत धारा 143 ज० वि० एवं भूमि सुधार अधि० आदेश - अतः मैं अति० कलै० प्र० श्रेणी/परगनाधिकारी कोटद्वार तहसीलदार यमकेश्वर की आज्ञा से सन्तुष्ट होते हुए आदेश पारित किया जाता है कि श्री रजनीश मदान पुत्र प्रेमचन्द के नाम ग्राम जीक/ त०उ० 1 के खाता सं० 58 खेत सं० 1049 मध्ये रकवा 0.009 हे० भूमि श्रेणी 1 ग में दर्ज है जिसका लगान 0.25 रु० दर्ज है० उक्त भूमि वर्तमान में कृषि प्रयोजन में नहीं लाई जा रही है तथा उपरोक्त वादी के नाम बैंक ऋण के लिए आवासीय प्रयोजन हेतु अकृषिक घोषित की जाती है ह०/ (राकेशचन्द्र तिवारी) अति० कलै० प्र० श्रेणी/परगनाधिकारी कोटद्वार दि० 02-06-17 दुरस्ती आदेश ना० तह० यम० दि० 13-09-2018 के ग्राम जीक के खतौनी खाता सं० 61 में असुद्ध प्रविष्टि खसरा सं० 517 के स्थान पर 217 व खसरा सं० 719 के स्थान पर 919 तथा खसरा सं० 621 के स्थान पर 921 शुद्ध प्रविष्टि अंकित हो। ह०/ ना० तह० यम० दिनांक 13-09-18 मु० आ० तहसीलदार यमकेश्वर दि० 30-01-2019 के न्याया० अति० कलै० प्रथम श्रेणी यमकेश्वर गढवाल रा० वा० सं० 35/2018-19 के अर्न्तगत धारा 143 ज० वि० शू० अधि० 1950 प्रार्थी राजेन्द्रसिंह पुत्र सुरेन्द्रसिंह बनाम सहखातेदार आदेश परवाना - श्री राजेन्द्र सिंह पुत्र सुरेन्द्रसिंह ग्राम जीक पट्टी उदयपुर तल्ला 1 तहसील यमकेश्वर के कब्जे काश्तकारी दावी भूमि ग्राम जीक उदयपुर तल्ला 1 की ख०खा० सं० 03 खसरा संख्या 172 173 174 175 176 177 मध्ये रकवा 0.080 हे० उक्त चौहदी की भूमि को 6.90 रु० मालगुजारी पर अकृषिक भूमि घोषित किया जाता है। ह०/ (किशनसिंह नेगी) अति० कलै० प्र० श्रेणी यमकेश्वर गढवाल। दि० 17-01-19 आ० ना० तह० यम० दा० खा० सं० 128/2017-18 दि० 29-05-2018 के 75 वर्ग मीटर भूमि विक्रेता दीपक पुत्र प्रभुदयाल एवं चन्द्रमोहन खेडा पुत्र हंसराज खेडा के हक से खारिज होकर केता सरदार मुकेशसिंह पुत्र सरदार सुरजीतसिंह चितरंजन कालरा पुत्र चेतन प्रकाश कालरा एवं शिखर अरोडा	

सहस्रील यमकेश्वर

खातेदार का नाम / पिता पति संरक्षक का नाम/ निवास स्थान 2	भूमिक अधिकार प्रारम्भ होने का वर्ष 3	खाते के प्रत्येक गाटे की खसरा संख्या 4	प्रत्येक गाटे का क्षेत्रफल (हे.) 5	खातेदार द्वारा देय मालगुजारी या सयान 6	परिवर्तन सम्बन्धी आज्ञा या उसका सारांश उनकी संख्या तथा दिनांक सहित और आज्ञा देने वाले अधिकारी का पद 7-12	टिप्पणी 13
		52	0.0440		<p>पुत्र वी० के० अरोडा नि० ऋषिकेश जिला देहरादून के नाम श्रेणी 1ग विशेष श्रेणी के भूमिधर दर्ज हो। न्याया० ना० तह० यम० दा० खा० सं० 70/2018-19 दि० 08-08-19 के 0.0075 हे० याने 75 वर्ग मीटर भूमि विक्रेता सरदार गुरुप्रीतसिंह पुत्र सरदार सुरजीतसिंह चितरंजन कालरा पुत्र चेतन प्रकाश कालरा एवं शिखर अरोडा पुत्र वीरेन्द्र कुमार अरोडा जरिये मु० आ० वीरेन्द्र कुमार अरोडा पुत्र वी० एल० अरोडा के हक से खारिज कर केता हरीश चमोली पुत्र सूर्यमणी नि० श्यामपुर ऋषिकेश के नाम श्रेणी 1ग विशेष श्रेणी के भूमिधर दर्ज।</p>	
		53	0.0180			
		54	0.0200			
		55	0.0100			
		56	0.0180			
		74	1.0640			
		75	0.1180			
		76	0.1180			
		77	0.0080			
		78	0.0290			
		79	0.0190			
		80	0.6580			
		82	0.2460			
		84	0.3780			
		166	0.7160			
		167	0.0500			
		168	1.1280			
		169	0.0930			
		170	0.0210			
		171	0.0230			
		172	0.0300			
		173	0.0150			
		174	0.0230			
		175	0.4350			
		176	0.0110			
		177	0.0290			
		178	0.0310			
		179	0.0180			
		183	0.1310			
		216	0.5230			
		517	0.2440			
		219	1.1870			
		305	0.5860			
		306	0.5710			
		307	0.0140			
		308	0.2700			

खाता खतीनी क्रम संख्या — 1 —	खातेदार का नाम / पिता प्रति संरक्षक का नाम/ निवास स्थान — 2 —	वैयक्तिक अधिकार प्रारम्भ होने का वर्ष — 3 —	खाते के प्रत्येक घाटे की संख्या — 4 —	प्रत्येक घाटे का क्षेत्रफल (हे.) — 5 —	खातेदार द्वारा देय मासपुजारी वा लगान — 6 —	परिवर्तन सम्बन्धी ज्ञान वा उसका सारांश उनकी संख्या तथा विनांक सहित और जमा देने वाले अधिकारी का पद — 7-12 —	टिप्पणी — 13 —
			632	0.1850			
			633	0.0190			
			638	1.1430			
			703	0.4590			
			704	1.0370			
			705	0.0450			
			707	0.2500			
			708	1.0690			
			709	0.6790			
			710	0.1700			
			712	0.0440			
			713	0.0880			
			714	0.1400			
			715	0.0130			
			716	0.2450			
			717	0.4960			
			718	0.3380			
			719	0.1480			
			732	0.0040			
			745	0.0410			
			746	0.0110			
			747	0.0060			
			751	0.0340			
			719	0.1250			
			920	0.1000			
			621	0.2860			
			1049	0.0190			
			1098	0.8750			
			1204	0.0130			
			1274	0.0080			
			1275	0.0080			
			1276	0.0180			
			1277	0.0180			
			1278	0.0130			
			1279	0.0130			
			1280	0.0180			

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खाता खतीनी क्रम संख्या 1	खातेदार का नाम / पिता पति संरक्षक का नाम/ विकास स्थान 2	बीयिक अधिकार प्रारम्भ होने का वर्ष 3	खाते के प्रत्येक गाटे की संख्या 4	प्रत्येक गाटे का क्षेत्रफल (हे.) 5	खातेदार द्वारा देव भालसुवारी वा सगान 6	परिवर्तन सम्बन्धी आजा वा उसका तारोम उनकी संख्या तथा दिनांक सहित और आजा देने वाले अधिकारी का पद 7-12	टिप्पणी 13
			28 573 575 706	0.0600 0.0050 0.2490 0.3030			
			256	51.0310			

कुल गाटे: दो पाँच छ: कुल क्षेत्रफल: पाँच एक दशमलव शून्य तीन एक: कुल भू-राजस्व: तीन छ: एक दशमलव एक पाँच

Data Digitally Signed by : ARJUN SINGH BISHT

सहाय अधिकारी : TEHSILDAR

तहसील : यमकेसर

जनपद : पौड़ी

यह उद्घरण खतीनी इलेक्ट्रॉनिक डिलीवरी सिस्टम द्वारा तैयार की गयी है तथा डाटा डिजिटल हस्ताक्षर द्वारा हस्ताक्षरित है।

दिनांक एवं समय : 02-09-2022 01:04:38 PM

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(TRUE COPY)

02-09-2022
सहाय अधिकारी

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

.....

**ORIGINAL APPLICATION NO. 10 OF 2015
(M.A. NO. 27 OF 2015, M.A. NO. 744 OF 2015 &
M.A. NO. 1094 OF 2015)**

IN THE MATTER OF:

Indian Council for Enviro-Legal Action
5, Anand Lok, August Kranti Marg,
New Delhi-49.

..... Applicant

Versus

1. National Ganga River Basin Authority (NGBRA)
(Through its vice Chairperson)
Union Minister of Water Resources & Ganga Rejuvenation
Shram Shakti Bhavan, Rafi Marg, New Delhi-110001
2. Chief Secretary, State of Uttarakhand,
Secretariat Compound
Subhash Road, Dehradun, 248001 (Uttarakhand)
3. Central Pollution Control Board
(Through its member Secretary)
Parivesh Bhawan CBD-cum-Office Complex,
East Arjun Nagar, New Delhi-110032
4. Ministry of Environment and Forests,
Paryavaran Bhawan,
CGO Complex Lodhi Road,
New Delhi - 110003
5. Uttarakhand Environment Protection and Pollution
Control Board.

AND

**ORIGINAL APPLICATION NO. 200 OF 2014
(C.W.P. NO. 3727 OF 1985)**

IN THE MATTER OF:

M.C. Mehta

.....Applicant

Versus

Union of India
Through the Secretary Ministry of Environment and Forests
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi - 110003 & Ors.

.....Respondent

COUNSEL FOR APPLICANT:

Mr. M.C. Mehta and Mr. Katyani, Mr. Rahul Shukla, Advs.

COUNSEL FOR RESPONDENTS:

Mr. Ardhendumauli Kumar Prasad, Mr. Jigdal G. Chankapa and
Ms. Priyanaka Swami, Advocates for Respondent No. 1.

Mr. Rahul Verma, Advocate for Respondent No. 2

Mr. Raj Kumar, Advocate with Mr. S.L. Gundli, SLO, CPCB for
Respondent No.3

Mr. Gaurav Dhingra, Advocate for Respondent No. 4

Ms. Panchajanya Batra Singh, Advocate for Respondent No.5

Mr. Mukesh Verma, Advocate and Mr. R.S. Rana, RO & Mr. Ankur

Kansal, RO. Mr. I.K. Kapila, Advocate for U.K. & U.P. Jal Nigam, Mr.

Y.K. Mishra, GM and Mr. K.K. Rastogi, PM for UK Pey Jal Nigam Mr.

Sunil Prakash Sharma, Advocate for Nagar Nigam, Haridwar Mr. B.V.

Niren, Advocate for CGWA for Respondent No.6

(IN O.A. NO. 200 OF 2014)

Ms. Panchajanya Batra Singh, Advocate for MoEF & CC for
Respondent No. 1

Mr. Pradeep Misra and Mr. Daleep Kumar Dhyani, Advocates for
UPPCB Respondent No. 2

Mr. Raj Kumar, Advocate with Mr. S.L. Gundli, SLO, CPCB Mr.
Mukesh Verma, Advocate and Mr. R.S. Rana, RO & Mr. Ankur Kansal,
RO for Respondent No. 3

Ms. Savitri Pandey, Advocate for State of U.P. with Ms. Azma Parveen,
Advs. Mr. I.K. Kapila, Advocate for U.K. & U.P. Jal Nigam, Mr. Y.K.
Mishra, GM and Mr. K.K. Rastogi, PM for UK Pey Jal Nigam Mr. B.V.
Niren, Advocate for CGWA for Respondent No. 5

Mr. Devashish Bharuka and Ms. Anu Tyagi and Ms. Arpita Bishmoi,
Advs. Mr. B.V. Niren, Advocate for CGWA Mr. Rudreshwar Singh, Mr.
Gautam Singh and Mr. Divya Singh, Advs. For State of Bihar and
BPCB Mr. Jayesh Gaurav, Advocate for JSPCB Ms. Yogmaya
Agnihotri, Advocate for CECB Mr. Ishwar Singh, Advocate for NMCG
Mr. Rajul Shrivastava and Ms. Sucheta Yadav, Advocate for
Respondent No. 18

JUDGMENT

Jg

PRESENT:

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)
Hon'ble Mr. Justice M.S. Nambiar (Judicial Member)
Hon'ble Dr. Devendra Kumar Agrawal (Expert Member)
Hon'ble Mr. Bikram Singh Sajwan (Expert Member)

Reserved on: 5th November, 2015
Pronounced on: 10th December, 2015

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR, (CHAIRPERSON)

These two cases, i.e., Original Application No. 10 of 2015 and Original Application No. 200 of 2014 are the lead cases before the Tribunal in relation to cleaning of river Ganga. The Original Application No. 10 of 2015 primarily relates to pollution being caused by throwing of waste, particularly untreated or partially treated sewage being inducted into the river Ganga. The Original Application No. 200 of 2014 relates to general cleaning of Ganga which flows nearly 2,525 Kms. in 5 different states, primarily in Uttarakhand, Uttar Pradesh, part of Jharkhand, Bihar and West Bengal. From Haridwar onwards the natural flow of river Ganga reduces from 31,000 Cusecs to about 4,000 Cusecs near Kanpur. On the one hand, there is tremendous decrease in volume of natural flow of the river, while on the other, there is simultaneous increase in pollutants being put into river Ganga, primarily including sewage and trade effluents of Seriously Polluting Industries (for short, "SPI") as well as other industries which leads to increase in pollution load tremendously. As

per the report of Central Pollution Control Board (for short, "CPCB"), the trade effluents inducted into river Ganga in the area falling in the State of Uttar Pradesh are about 555 MLD while the untreated or treated sewage induction into the river is 3811MLD. In the State of Uttarakhand alone, sewage induction into the river is 142.99 MLD whereas contribution from trade effluent from Grossly Polluting Industries (for short, "GPI") is 7 MLD and treated and/or untreated effluent from other industries is 67 MLD.

This is an indicator of the extent of pollution to which the most holy river of the country is being subjected to.

2. The Original Application No. 200 of 2014 is an Application which came before us upon transfer and was originally registered with the Hon'ble Supreme Court of India vide Civil Writ Petition No. 3727 of 1985. We may refer to the concern of the Hon'ble Supreme Court of India and pious hope that the Court expressed in relation to cleaning of river Ganga and the responsibility that it bestowed upon this Tribunal. The relevant portion of the order dated 29th October, 2014 passed by the Hon'ble Supreme Court of India reads as under:

"Statutory Authorities that are charged with the duty to prevent pollution need to monitor and take action where they find any breach of the law. Failure of the authority to do so may also have to be noted for such action as may be required under law. This may call for a closer monitoring of the performance of all concerned. Time constrains unfortunately do not allow us to do that on a continuing basis no matter we have over the past thirty years devoted enough time and energy in that direction. We are comforted by the thought that the National Green Tribunal has been established under the National Green Tribunal Act, 2010. The Tribunal, it is evident from the provisions of the Act, has the power to take stock of the situation and pass necessary orders on the subject. It has the

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legislative mandate to undertake effective and speedy adjudication and disposal of issues touching preservation of environment by prevention of pollution. It is in the above backdrop that we consider it more appropriate to refer the issue relating to enforcement of the provisions of the statutes touching environment and its preservation arising out of discharge of industrial effluents into river Ganga to the National Green Tribunal. We are confident that the Tribunal which has several experts as its members and the advantage of assistance from agencies from outside will spare no efforts to effectively address all the questions arising out of industrial effluents being discharged into the river. This will include discharge not only from the grossly polluting industries referred to in the earlier part of this order but also discharge from "highly polluting units" also.

We accordingly request the Tribunal to look into all relevant aspects and to pass appropriate directions against all those found to be violating the law. We will highly appreciate if the Tribunal submits an interim report to us every six months only to give us an idea as to the progress made and the difficulties, if any, besetting the exercise to enable us to remove such of the difficulties as can be removed within judicially manageable dimensions."

3. Thereafter, the Tribunal adopted the mechanism of "Stakeholder Consultative Process in Adjudication" in order to achieve fast and implementable resolution to this serious and challenging environmental issue facing the country. Secretaries from Government of India, Chief Secretaries of the respective States, concerned Member Secretaries of Pollution Control Boards, Uttarakhand Pey Jal Nigam, Uttar Pradesh Jal Nigam, Urban Development Secretaries from the States, representatives from various Associations of Industries (Big or Small) and even the persons having least stakes were required to participate in the consultative meetings. Various mechanism and remedial steps for preventing and controlling pollution of river Ganga were discussed at length. The purpose of these meetings was

primarily to know the intent of the executives and political will of the representative States who were required to take steps in that direction.

4. With some emphasis we must notice that river Ganga is not only a sacred river for the people of India, but it also provides life line to large number of cities which are located on its bank. On the one hand, there is tremendous decrease in natural flow of the river while on the other it is a source of irrigation and drinking water for larger section of population in cities and villages along river Ganga. The Prime Minister of the country, considering cleaning of river Ganga as a paramount national project, provided Rs. 20,000/- Crores for the coming 5 years. This being the object and aim of the Government, we see no reason why there is delay in its execution. There should not be any deficiencies or impediments resulting from any source whatsoever. India is a country of federal structure with greater role of the Central Government. The Constitution of India mandates, the Central and the State Governments, to provide both, clean and decent environment and clean drinking water for the people of India. The Hon'ble Supreme Court of India has extended the dimension of Article 21 of the Constitution of India by declaring the right to a decent and clean environment as a Fundamental Right. The framers of the Constitution even prescribed duty upon the citizens to make every effort to keep the environment clean and to protect its forests, rivers, water-bodies and to have compassion for the living creatures. That is the constitutional scheme in relation to protection of environment with particular reference to rivers and water streams.

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57. Some units were reported to be having no discharge. Two important features that are required to be noticed in the judgment are that the STPs that are proposed to be constructed now must be capable of treating Faecal Coliform Bacteria and should release the treated sewage water, which is strictly in conformity with the prescribed standards and meet the bathing standards. Every effort should be made for ensuring recycling of the treated sewage water. Such treated sewage water can safely be used for agriculture, horticulture and industrial purposes. The other is wherever necessary, cleaning of the river Ganga should be permitted to ensure removal of collected waste and sludge which may be containing industrial and other pollutant. At Roorkee a waste to energy plant is proposed, for which 10 acres of land has already been allotted. Open defecation and dumping of municipal solid waste on river bank is a very common problem prevalent in the entire Segment 'A'. Thus, even in Segment-A industrial, domestic and sewage effluents enter river Ganga. Appropriate directions in regard to all these aspects need to be passed.

58. After serious deliberations, keeping in view the extent of pollution, particularly, industrial pollution of river Ganga and the length of the river (2525 km) it was considered absolutely essential to divide the project of cleaning of river Ganga into different segments. One factor, which was commonly admitted and was quite evident from the records before Tribunal is that discharge into river Ganga is not exclusive in its nature and content. In some places the discharge is from sewage and at other places discharge is from industrial clusters but mostly the discharge consists both of sewage and industrial effluent together.

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In light of this, it was unanimously resolved that the river Ganga should be divided into different segments for its restoration and thus, the Tribunal directed as under:

Ganga Phase-I-Segment-A: Gomukh to Haridwar

Ganga Phase-I-Segment-B: Haridwar to Kanpur

Ganga Phase-II : Kanpur Border to Uttar Pradesh Border

Ganga Phase-III: Uttar Pradesh Border to till Jharkhand Border

Ganga Phase-IV: Jharkhand Border to Bay of Bengal (West Bengal)

The solutions for prevention and control of pollution as well as restoration of river Ganga to its pristine form quality have to be multi-fold i.e. have treatment of sewage as well as industrial effluent. If only one was concentrated, the pollution shall still persist and cost of the project would be very high if at all places different STPs and/or CETPs are required to be installed and made operative. We have discussed other economic factors in this judgment separately.

59. From the above discussion, it is clear that implementation of directions either by the Supreme Court or by the Tribunal is a matter of serious concern. Somehow the authorities have not been able to implement the law and more particularly the specific directions issued by the Supreme Court and the Tribunal over the years. The remedial measures that are being taken are ineffective because of ill and faulty planning and implementation. Thus, the matter requires issuance of directions of diverse dimensions and of stringent character.

60. We may notice that there are towns, cities or colonies on the bank of river Ganga and its tributaries under Segment A of Phase-I and

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they are Badrinath, Devprayag, Haridwar, Joshimath, Karnprayag, Kirti Nagar, Munsiyari, Nandaprayag, Rishikesh, Rudraprayag, Srinagar, Uttarkashi and BHEL. In most of these places the population is thin. It varies from 2000 to 20000, except in Haridwar, Rishikesh and BHEL where it is 228832, 17499 and 46945, respectively.

We may notice that except Haridwar and Rishikesh, the population of other cities / towns is small, however, what is important is to take into account the floating population which visits different places of pilgrimage along the banks of Ganga and its tributaries particularly during the summer months from May till October. Though snow melt during summer followed by monsoon provides large volumes of water flow in the river, with consequent dilution, it is important to take into account of the additional sewage load that gets generated due to inflow of vast population of tourists during summer months. Therefore, the capacity of STPs / other Sewage treatment facilities should not be decided merely on the basis of resident population in cities / towns but should include floating population and for this purpose they should first registered all authorized/ unauthorized hotels, pay guest houses, ashrams and dharamshalas in terms of their maximum capacity to arrive at the maximum load of sewage likely to be generated and it should be ensured that they are connected to the STP/ Bio-digesters. Another important consideration pertains to establishment of community toilets/ washrooms all along the pilgrimage route so as to discourage open defecation and/or disposal of untreated sewage.

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ensure that there is no human defecation on the flood plain or areas nearby.

- I. Uttarkashi is also to have its own site for STP. However all these steps are long term measures. For the present, the authorities should identify atleast temporary dumping sites in all the districts and major towns forming part of the Segment-A where the MSW should be dumped after segregation. The State Government, all public authorities, Nigams and Municipalities, etc. would ensure that even such temporary sites should not be within 500 meters distance from the end of the flood plain of the river Ganga or its Tributaries. The plastic or such other waste which can be used as a fuel should be sent to the proper plants.

VI. DIRECTIONS IN RELATION TO FLOOD PLAINS

- A. The State of Uttarakhand shall prepare and submit to the MoEF, Tourism-cum-Plain map, Flood Plain map and zoning of flood plain shall be in accordance with the Notification dated 18th December, 2012 issued by the Ministry and the Act of 2012 afore-referred positively within 3 months from the date of pronouncement of this judgment. Upon submission, MoEF shall approve such plans with amendments or otherwise within 1 month thereafter and then it shall be notified and brought in the public domain.
- B. Keeping in view the Notification of the MoEF, intent of the Act of 2012, orders passed by the Tribunal in other matters, High Courts and the Hon'ble Supreme Court in various cases, we

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would order and direct that as an interim measure at least 100m from middle of the river would be treated and dealt with as 'Eco sensitive and prohibited zone'. No activity whether permanent or temporary in nature will be permitted to be carried on in this zone including camping. The only exception would be the points for picking up and dropping the guests who are doing rafting in river Ganga.

The area beyond 100 meters and less than 300 meters would be treated as regulatory zone in the hilly terrain, for which the State will comply with the above directions.

The area upto 200 meters shall be the prohibited area in the plain terrain and more than 200 meters and less than 500 meters would be treated as regulatory zone.

Area/river bank/flood plain 2 kms. upstream to Rishikesh and till Border of the State of Uttarakhand towards Uttar Pradesh in river Ganges would be treated as plain terrain while upstream the above hilly terrain.

The State Government while complying with its obligations under the Act of 2012 and this judgment in this regard would keep in mind 1 in 25 years flood to be the criteria for declaring flood plain and the regulated activities which would be permitted in that area. This is the guiding factor which has complete scientific and documented studies to impose such limitations.

C. Strict supervision in that regard shall be enforced by the State agencies responsible for that purpose, primarily by the Secretary of Irrigation Department, State of Uttarakhand and

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the Chief Conservator of Forests, Uttarakhand. The policy so framed, with the restrictions as contemplated in the Notification of the MoEF and the Act of 2012 formulated by Government of Uttarakhand shall be placed before the Tribunal after expiry of the above stated period.

D. Any activity or construction in the regulated area aforementioned where the gradient is beyond 35° should be further checked and preferably no activity should be permitted, to prevent ecological damage and land sliding in that area. All precautionary steps should be taken in that behalf.

E. In this prohibited area, no public authority or State department, including the panchayat would grant permission for any activity whatsoever, including eco-tourism except to the extent of points for pick up and dropping for river rafting.

VII. DIRECTIONS IN RELATION TO MINING ON THE RIVER BED.

A. The river bed mining shall be carried on in a highly regulated manner and under strict supervision of the authorities concerned.

B. No mechanised river bed mining would be permitted. No JCBs would be permitted to operate in the river bed.

C. No suction of the minerals from the river and the river bed would be permitted by the mechanical process like suction pumps etc.

D. The regulated mining would include the seasons during which such mining is permitted and which shall be strictly adhered to.

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VIII. DIRECTIONS IN RELATION TO BIO MEDICAL WASTE

- A. In absolute terms there should be no throwing of any medical, bio medical or any other waste, into the river, on the river banks and anywhere in the areas forming part of Segment-A of Phase-I. If any present hospital is found throwing such waste anywhere on land, water bodies or other places, UKPCB and the Municipal Authorities would re-cover Rs. 20,000 per violation from that person, Hospital or authorities on account of Environmental Compensation in terms of Section 15 of the NGT Act and on the basis of Polluter Pays Principle. These amounts would be deposited with the State Government and should be utilised for the project under this judgment.
- B. The two entrepreneurs specified in para 93 of this judgment which are dealing with collection, treatment and disposal of bio medical and hazardous medical waste will obtain Environmental Clearance within 3 months from the date of pronouncement of this judgement. Such application should be filed within 2 weeks from today and dealt with by the concerned authorities expeditiously. We direct the State Government to construct and establish by itself through annuity/PP mode or any other method that is suitable in the opinion of the Central Government at least two more bio-medical waste and hazardous waste plants of such capacity that would meet the requirement of 708 hospitals in the State of Uttarakhand. These plants would be established at safe sites and away from beyond 1000 meters from the river/flood

plain of the river Ganga. These plants would be established and made operative in accordance with law.

C. All the 708 Hospitals would be served with a notice by UKPCB and the department of health of the State requiring them to ensure proper collection, segregation and disposal of such waste in accordance with the Bio Medical Waste (Management and Handling) Rules, 1998. In the event the hospitals fail to comply with the directions so issued by the authorities, UKPCB should take action against such hospitals in accordance with law.

IX. GENERAL DIRECTIONS

A. For completion of the project and compliance of these directions, the State Government, its instrumentalities, public authorities and bodies would be entitled to invoke the Principal of 'Polluter Pays' and require the industries, hotels and Dharamshalas and even households to pay environmental compensation, and/or sewage charges in all events the State and its instrumentalities would ensure efficient, and effective operation, maintenance and management of the various STPs/CETPs, and Bio-digesters, etc.

B. The Environmental Compensation payable under these directions would be directly proportionate to the discharge of the effluent from such premises. This should primarily be imposed upon industries, hotels, ashrams and dharamshalas, for instance, hotel having 10 rooms should be directed to pay a particular amount, while a hotel of 50 rooms or above should be directed to pay much higher amount on this

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account. We leave, fixation of this amount, in discretion of the State Government.

C. We also direct that the State of Uttarakhand and its various departments and public authorities to divert the balance funds provided for that purpose towards this project. Rs. 258 crores was provided out of which Rs. 78 crore has been spent thus, a balance of Rs. 180 crores is left. These funds would be utilised for carrying out the directions under this judgment. For the balance requisite amount, State Government will approach the NMCG and the Ministry of Water Resources to provide the funds from the already earmarked budget for cleaning of river Ganga.

D. If the Government proposes imposition of such environmental compensation or environmental cess then that cess shall be used only for implementation of the projects covered under this judgment till completion. Thereafter, the State could use these amounts as it considers appropriate.

E. In regard to granting sanction and release of funds for establishment of the 40 MLD plant at Jagjeetpur, Haridwar the NMCG shall release the same expeditiously and in any case not later than 1 month from today. The project, as noticed above, has already been approved. Plant should become operational in six months from today.

F. All other projects covered under this judgment shall be considered by the Ministry of Water Resources and NMCG on priority basis. It will be for them to decide as to which category of funding is to be adopted (i.e. 100 per cent funding by the

Centre or Centre and State sharing basis and/or projects funded by the other sources) and which all projects are to be controlled by the Central Government. Such projects shall be considered and approved with amendments or otherwise by these authorities expeditiously and with top priority. The projects so sanctioned shall be executed by the nominated State agency without any further delay and in accordance with the prescribed procedure.

G. All the works would be initiated, sanctioned, executed and maintained under the direct supervision of NMCG. The Executing Committee will directly supervise and be responsible for completion of the projects and report the matter to Principal Committee, which in turn, will submit its final report to the Tribunal.

H. We have already held that the State Governments are not only expected but it is their obligation to contribute and ensure effective implementation and operationalisation of these projects.

99. Accordingly, we dispose of this matter as far as Segment A of Phase 1 of Cleaning of River Ganga is concerned.

100. List this matter for consideration of Segment B of Phase 1, i.e., from Border of Haridwar to the Border of Kanpur downstream in the State of Uttar Pradesh. The Chamber meeting of the concerned officers, Chief Secretary of the State of Uttarakhand, Chief Secretary of Uttar Pradesh, Secretary Water Resources, Secretary MoEF, all heads

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of the department of the public authorities, Pey Jal Nigam, Jal Sansthan will be held on 22nd December, 2015.

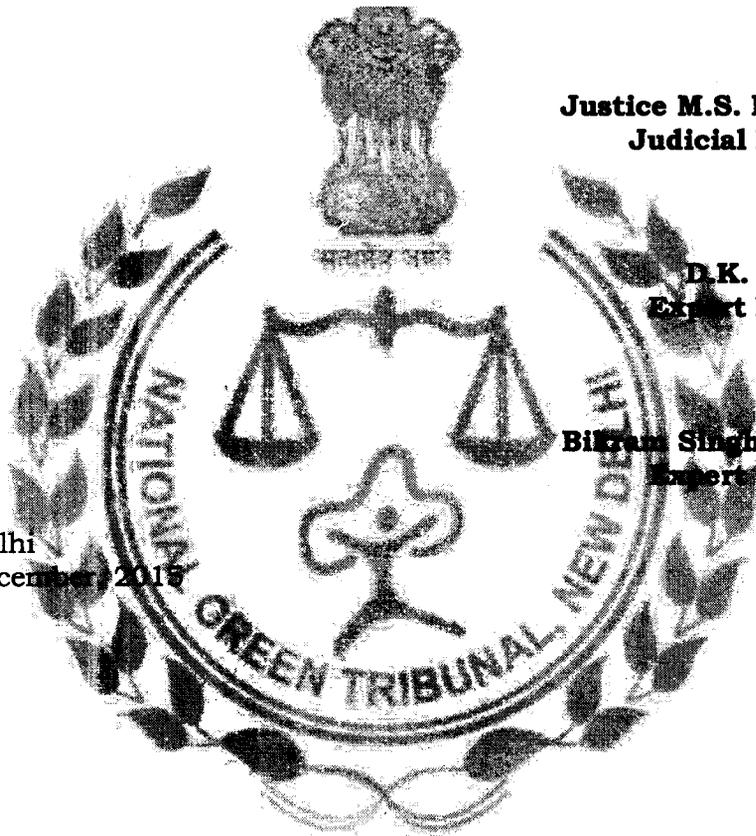
Justice Swatanter Kumar
Chairperson

Justice M.S. Nambiar
Judicial Member

D.K. Agrawal
Expert Member

Bilram Singh Sajwan
Expert Member

New Delhi
10th December, 2015



NGT

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(True Copy)

2017 SCC OnLine NGT 1980

In the National Green Tribunal[±]

(BEFORE SWATANTER KUMAR, CHAIRPERSON, JAWAD RAHIM, MEMBER (JUDICIAL), R.S. RATHORE, MEMBER (JUDICIAL), BIKRAM SINGH SAJWAN, EXPERT MEMBER, AJAY A DESHPANDE, EXPERT MEMBER AND NAGIN NANDA, EXPERT MEMBER)

Original Application No. 200 of 2014
C. Writ Petition No. 3727/1985)
M.A. No. 594/2017 & 598/2017

M.C. Mehta ... Applicant;
Versus

Union of India ... Respondents.

And

Original Application No. 501 of 2014 (M.A. No. 404 of 2015)

Anil Kumar Singhal ... Applicant;
Versus

Union of India and Others ... Respondents.

And

Original Application No. 146 of 2015

Society for Protection of Environment & Biodiversity and Another ...
Applicants;
Versus

Union of India and Others ... Respondents.

And

Appeal No. 63 of 2015

Confederation of Delhi Industries & CETP Societies (An Organisation of
CETP Societies) ... Applicant;
Versus

D.P.C.C. and Others ... Respondents.

And

Original Application No. 127 of 2017

J.K. Srivastava ... Applicant;
Versus

Central Pollution Control Board and Others ... Respondents.

And

Original Application No. 133/2017 (Writ Petition (C) No. 200/2013)

Swami Gyan Swarop Sanand ... Applicant;
Versus

Ministry of Home Affairs and Others ... Respondents.

Original Application No. 200 of 2014 (C. Writ Petition No. 3727/1985) (M.A. No. 594/2017 & 598/2017), Original Application No. 501 of 2014 (M.A. No. 404 of 2015), Original Application No. 146 of 2015, Appeal No. 63 of 2015, Original Application No. 127 of 2017 and Original Application No. 133/2017 (Writ Petition (C) No. 200/2013)

Decided on July 13, 2017 [Reserved on : 31st May, 2017]

Advocates who appeared in this case:

Mr. M.C. Mehta, Advocate in person Counsel for Applicant;
Ms. Katyani and Ms. Mehak Rastogi, Advocates

Mr. Gaurav K. Bansal, Advocate
Mr. Ritwick Dutta & Mr. Rahul Chaudhary, Advocates
Mr. S.K. Bhattacharya and Mr. N.B. Paonam, Advocates
Ms. P.B. Singh, Advocate Counsel for Respondents.
Mr. Rahul Verma, AAG with Dr. Bharti Reddy
Mr. Raj Kumar, Advocate
Mr. Abhishek Attrey, Advocate
Mr. Abhishek Yadav, Advocate
Mr. Pradeep Mishra, Advocate
Mr. Raj Panjwani, Senior Advocate
Mr. Mukesh Verma, Advocate
Mr. Kabir S. Bose, Advocate
Mr. Vijay Bahadur Singh, Senior Advocate along with Mr. Ranjit Rao,
AAG for State of U.P
Ms. Antima Bazaz, Advocate for AIDA UPSMA
Mr. Sanjeev Ralli, Advocate for GNCTD/DPCC
Mr. A.R. Takkar, Advocate
Mr. Parag Tripathi, Senior Advocate
Mr. Sanjay Upadhyay, Advocate
Mr. B.V. Niren, Advocate for CGWA
Mr. I.K. Kapila, Advocate
Mr. Devashish Bharuka, Advocate
Ms. Yogmaya Agnihotri, Advocate for CECB
Mr. Raman Yadav, Advocate for UP Jal Nigam
Mr. Jayesh Gaurav, Advocate for JSPCB
Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advocate for State of Haryana
Mr. A.K. Prasad, Advocate
Mr. Rajul Shrivastav, Advocate for MPPCB
Mr. Rajiv Nanda, Advocate
Mr. Vibhav Misra, Advocate
Ms. Shagun, Advocate for WBPCB
Ms. Priyanka Sinha Advocate for Jharkhand
Mr. Rudreshwar Singh, Advocate for BSPCB
Ms. Alpana Poddar, Advocate for CPCB
Mr. U.K. Uniyal, AG for Uttarakhand
Mr. Asheesh Jain, Mr. Ritwick Dutta & Mr. Rahul Chaudhary, Advocates
Mr. Suraj Prakash Singh, Advocate for UPSMA
Mr. Atul Batra, Advocate
Ms. Neelam Rathore, Advocate
Mr. Ajay Kumar Mishra, Senior Advocate with Mr. Kumar Anurag Singh, Advocates
Mr. Motish K. Singh, Advocate
Mr. M.Z. Choudhary, Advocate
Ms. Asha Nayyar Basu, Advocate
Mr. S. Wasim A. Qadri, Advocate
Mr. Amit Anand Tiwari, Advocate for State of UK
Mr. Rashid Saeed, Advocate for CETP
Ms. Diya Kapoor, Advocate
Anunaya Mehta, Advocate
Mr. S.A. Zaidi, Advocate

passed by the Tribunal dated 10th December, 2015. Based upon the lengthy arguments addressed, spread over a number of hearings, the view of the Principal Committee and other Committees and also that of the Expert Members including Professors from IITs, it was considered most appropriate that the Tribunal should deal with the river Ganga by dividing it into different segments. This was also recorded in different orders, some of which we have already referred. In paragraph 58 of the said judgment, the Tribunal held as follows:

"58. After serious deliberations, keeping in view the extent of pollution, particularly, industrial pollution of River Ganga and the length of the River (2525 km) it was considered absolutely essential to divide the project of cleaning of River Ganga into different segments. One factor, which was commonly admitted and was quite evident from the records before Tribunal is that discharge into River Ganga is not exclusive in its nature and content. In some places the discharge is from sewage and at other places discharge is from industrial clusters but mostly the discharge consists both of sewage and industrial effluent together. In light of this, it was unanimously resolved that the River Ganga should be divided into different segments for its restoration and thus, the Tribunal directed as under:

- Ganga Phase-I-Segment-A : Gomukh to Haridwar
- Ganga Phase-I-Segment-B : Haridwar to Kanpur
- Ganga Phase-II : Kanpur Border to Uttar Pradesh Border
- Ganga Phase-III : Uttar Pradesh Border to till Jharkhand Border
- Ganga Phase-IV : Jharkhand Border to Bay of Bengal (West Bengal)

The solutions for prevention and control of pollution as well as restoration of River Ganga to its pristine form quality have to be multi-fold i.e. have treatment of sewage as well as industrial effluent. If only one was concentrated, the pollution shall still persist and cost of the project would be very high if at all places different STPs and/or CETPs are required to be installed and made operative. We have discussed other economic factors in this judgment separately."

45. Another important feature that was noticed in this judgment was that even in Segment A of Phase-I, there was dumping of municipal solid waste and other wastes into river Ganga. Upon adding the above deficiencies, sewage and industrial effluents were the common sources of pollution in this segment and therefore, it was necessary to provide multi-faceted solutions to prevent and control the pollution of river Ganga. Besides this, there were CETP and STPs operating at Haridwar and Jagjeetpur. It was noticed that till the river reaches Haridwar, the presence of Faecal/Total Coliform was much in excess and its value were found to be 4000 to 1,60,000 MPN/100 ml. The other parameters like BOD, COD, TSS were not a matter of issue. The technology of Root Zone treatment or the Reed Bed technology was not found suitable for the hilly areas but could be tried in the foothills.

46. It was also noticed that even where the sewage was being treated through the STPs, the STPs did not have mechanism for treating coliform and the industrial effluent was being directly discharged into the river, either untreated or partially treated. The scheme of Uttarakhand authorities, which established STPs in every city or town falling under Segment-A of Phase-I even after laying down the sewer pipeline, is not only impractical but also uneconomical and would cause more damage to the eco-sensitive area of the State. Large scale digging, blasting for the purpose of laying down pipelines would expose the entire ecology to disaster, making it prone to landslides. Thus, disturbing not only the environment but also the day-to-day living of the people in the State as well. The State of Uttarakhand and its various organizations were not even able to confirm as to how many drains already exist and how many of them have already been intercepted and how many directly join river Ganga. Thus, it was considered appropriate to provide collective septic tanks or bio-digesters with a proper system for extraction of the sewage and taking it to the STPs located in the cities and towns on the foothills.

47. The State of Uttarakhand enacted the Uttarakhand Flood Plain Zoning Act, 2012 to provide for zoning of the floodplains of the river in the State. Under Section 25, any person who prevents the Flood Plain Zoning Authority in discharging its functions or any act imposed on such authority under this Act, would be deemed to have committed an offence under Section 86 of Penal Code, 1860. Despite lapse of three years, no action had been taken in

submit a report to the Tribunal for construction of MSW dumping sites and plants which would ensure that the generated waste from the entire State can be effectively collected and disposed of in accordance with MSW Rules. The report should be submitted within one month from today. Preferably the scheme should be District based and with the adequate mechanism for transportation of MSW.

- F. There shall be prohibition on throwing of any municipal waste, construction and demolition and other wastes into River Ganga and its tributaries and even on banks thereof. Any person/body, if found violating this condition, shall be liable to pay environmental compensation at the rate of Rs. 5000 per event. The authorities concerned shall bring it to the notice of all concerned, widely publicise the same and place sign boards at the relevant sites.
- G. We further direct the State Government, and its instrumentalities and all public authorities to ensure that public facilities like toilets are provided on the appropriate places in colonies abutting River Ganga all along Segment-A of Phase-I. The toilets should be connected and linked to bio-digesters or STPs constructed for that purpose alone. The State Government, public authorities, Nigam and Municipalities shall prepare an action plan in relation to providing bio-toilets in such number which is commensurate to the floating population coming to Haridwar and different parts of Uttarakhand as pilgrims or in the festive season. The bio-toilets so provided will be cleaned and the sewerage so collected shall be transported to the STPs establish for this purpose alone for treatment and removal of coliform as per prescribed standards.
- H. During the interregnum, the local authorities shall ensure proper system in place for cleaning of these toilets and bringing the sewage and other waste from these toilets to the existing STPs for treatment. This direction is necessitated to ensure that there is no human defecation on the flood plain or areas nearby.
- I. Uttarkashi is also to have its own site for STP. However all these steps are long term measures. For the present, the authorities should identify atleast temporary dumping sites in all the districts and major towns forming part of the Segment-A where the MSW should be dumped after segregation. The State Government, all public authorities, Nigams and Municipalities, etc. would ensure that even such temporary sites should not be within 500 meters distance from the end of the flood plain of the River Ganga or its Tributaries. The plastic or such other waste which can be used as a fuel should be sent to the proper plants.

V. DIRECTIONS IN RELATION TO FLOOD PLAINS

- A. The State of Uttarakhand shall prepare and submit to the MoEF&CC, Tourism-cum-Plain map, Flood Plain map and zoning of flood plain shall be in accordance with the Notification dated 18th December, 2012 issued by the Ministry and the Act of 2012 afore-referred positively within 3 months from the date of pronouncement of this judgment. Upon submission, MoEF&CC shall approve such plans with amendments or otherwise within 1 month thereafter and then it shall be notified and brought in the public domain.
- B. Keeping in view the Notification of the MoEF&CC, intent of the Act of 2012, orders passed by the Tribunal in other matters, High Courts and the Hon'ble Supreme Court in various cases, we would order and direct that as an interim measure at least 100m from middle of the River would be treated and dealt with as 'Eco sensitive and prohibited zone'. No activity whether permanent or temporary in nature will be permitted to be carried on in this zone including camping. The only exception would be the points for picking up and dropping the guests who are doing rafting in River Ganga.

The area beyond 100 meters and less than 300 meters would be treated as regulatory zone in the hilly terrain, for which the State will comply with the above directions.

The area upto 200 meters shall be the prohibited area in the plain terrain and more than 200 meters and less than 500 meters would be treated as regulatory zone.

Area/River bank/flood plain 2 kilometres. upstream to Rishikesh and till Border of the

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State of Uttarakhand towards Uttar Pradesh in River Gangaes would be treated as plain terrain while upstream the above hilly terrain.

The State Government while complying with its obligations under the Act of 2012 and this judgment in this regard would keep in mind 1 in 25 years flood to be the criteria for declaring flood plain and the regulated activities which would be permitted in that area. This is the guiding factor which has complete scientific and documented studies to impose such limitations.

- C. Strict supervision in that regard shall be enforced by the State agencies responsible for that purpose, primarily by the Secretary of Irrigation Department, State of Uttarakhand and the Chief Conservator of Forests, Uttarakhand. The policy so framed, with the restrictions as contemplated in the Notification of the MoEF&CC and the Act of 2012 formulated by Government of Uttarakhand shall be placed before the Tribunal after expiry of the above stated period.
- D. Any activity or construction in the regulated area afore-referred where the gradient is beyond 350 should be further checked and preferably no activity should be permitted, to prevent ecological damage and land sliding in that area. All precautionary steps should be taken in that behalf.
- E. In this prohibited area, no public authority or State department, including the panchayat would grant permission for any activity whatsoever, including eco-tourism except to the extent of points for pick up and dropping for River rafting.

VI. DIRECTIONS IN RELATION TO MINING ON THE RIVER BED.

- A. The Riverbed mining shall be carried on in a highly regulated manner and under strict supervision of the authorities concerned.
- B. No mechanised Riverbed mining would be permitted. No JCBs would be permitted to operate in the Riverbed.
- C. No suction of the minerals from the River and the Riverbed would be permitted by the mechanical process like suction pumps etc.
- D. The regulated mining would include the seasons during which such mining is permitted and which shall be strictly adhered to.

VII. DIRECTIONS IN RELATION TO BIO MEDICAL WASTE

- A. In absolute terms there should be no throwing of any medical, bio medical or any other waste, into the River, on the River banks and anywhere in the areas forming part of Segment-A of Phase-I. If any present hospital is found throwing such waste anywhere on land, water bodies or other places, UKPCB and the Municipal Authorities would re-cover Rs. 20,000 per violation from that person, Hospital or authorities on account of Environmental Compensation in terms of Section 15 of the NGT Act and on the basis of Polluter Pays Principle. These amounts would be deposited with the State Government and should be utilised for the project under this judgment.
- B. The two entrepreneurs specified in **para 93** of this judgment which are dealing with collection, treatment and disposal of bio medical and hazardous medical waste will obtain Environmental Clearance within 3 months from the date of pronouncement of this judgment. Such application should be filed within 2 weeks from today and dealt with by the concerned authorities expeditiously. We direct the State Government to construct and establish by itself through annuity/PP mode or any other method that is suitable in the opinion of the Central Government at least two more bio-medical waste and hazardous waste plants of such capacity that would meet the requirement of 708 hospitals in the State of Uttarakhand. These plants would be established at safe sites and away from beyond 1000 meters from the River/flood plain of the River Ganga. These plants would be established and made operative in accordance with law.
- C. All the 708 Hospitals would be served with a notice by UKPCB and the department of health of the State requiring them to ensure proper collection, segregation and disposal of such waste in accordance with the Bio Medical Waste (Management and Handling) Rules, 1998. In the event the hospitals fail to comply with the directions so issued by the authorities, UKPCB should take action against such hospitals in

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accordance with law.

IX. GENERAL DIRECTIONS

- A. For completion of the project and compliance of these directions, the State Government, its instrumentalities, public authorities and bodies would be entitled to invoke the Principal of 'Polluter Pays' and require the industries, hotels and Dharamshalas and even households to pay environmental compensation, and/or sewage charges in all events the State and its instrumentalities would ensure efficient, and effective operation, maintenance and management of the various STPs/CETPs, and Bio-digesters, etc.
- B. The Environmental Compensation payable under these directions would be directly proportionate to the discharge of the effluent from such premises. This should primarily be imposed upon industries, hotels, ashrams and dharamshalas, for instance, hotel having 10 rooms should be directed to pay a particular amount, while a hotel of 50 rooms or above should be directed to pay much higher amount on this account. We leave, fixation of this amount, in discretion of the State Government.
- C. We also direct that the State of Uttarakhand and its various departments and public authorities to divert the balance funds provided for that purpose towards this project. Rs. 258 crores was provided out of which Rs. 78 crore has been spent thus, a balance of Rs. 180 crores is left. These funds would be utilised for carrying out the directions under this judgment. For the balance requisite amount, State Government will approach the NMCG and the Ministry of Water Resources to provide the funds from the already earmarked budget for cleaning of River Ganga.
- D. If the Government proposes imposition of such environmental compensation or environmental cess then that cess shall be used only for implementation of the projects covered under this judgment till completion. Thereafter, the State could use these amounts as it considers appropriate.
- E. In regard to granting sanction and release of funds for establishment of the 40 MLD plant at Jagjeetpur, Haridwar the NMCG shall release the same expeditiously and in any case not later than 1 month from today. The project, as noticed above, has already been approved. Plant should become operational in six months from today.
- F. All other projects covered under this judgment shall be considered by the Ministry of Water Resources and NMCG on priority basis. It will be for them to decide as to which category of funding is to be adopted (i.e. 100 per cent funding by the Centre or Centre and State sharing basis and/or projects funded by the other sources) and which all projects are to be controlled by the Central Government. Such projects shall be considered and approved with amendments or otherwise by these authorities expeditiously and with top priority. The projects so sanctioned shall be executed by the nominated State agency without any further delay and in accordance with the prescribed procedure.
- G. All the works would be initiated, sanctioned, executed and maintained under the direct supervision of NMCG. The Executing Committee will directly supervise and be responsible for completion of the projects and report the matter to Principal Committee, which in turn, will submit its final report to the Tribunal.
- H. We have already held that the State Governments are not only expected but it is their obligation to contribute and ensure effective implementation and operationalization of these projects."

48. After pronouncement of the above judgment on 4th January, 2016, the Tribunal decided to continue with the consultative process of the stakeholders in relation to Segment B of Phase -I. The meeting of the Chief Secretaries of the concerned States, Senior Officers from different stakeholders including the executing authorities and the CPCB and UPPCB was earlier held on earlier 23rd December, 2015. During the meeting, serious issues were raised with regard to Zero Liquid Discharge and installation of online monitoring system to be adopted by the industries across the board and the stakeholders were required to make their submissions. On 5th January, 2016, learned Advocate General appearing for the State of Uttarakhand had made a statement that the Government and all other stakeholders had decided to implement the

same, is causing depletion of groundwater levels constantly. Thus, we have to pass specific directions in regard to environmental flow of the river, extraction of groundwater and the diversion of water of river Ganga into canals, etc.

1. On the cumulative analysis of the submissions made and as an interim measure, we direct that while diverting the water from Haridwar to the Ganga canal, the minimum E-flow in the main stream does not deplete below 20% of its natural stated flow, which will be referable to the status of the river at Haridwar pre-diversion. Also, the extent of diversion of water of river shall be adequately reduced and/or adjusted, in the event the flow falls below 20%. We have already noticed that the water of river canal is being wasted indiscriminately which ultimately joins various drains in Segment-B which as already directed should be prevented.
2. We direct the CGWA, Irrigation Department of State of UP, UPPCB to carry out study as to the requirement for minimum environmental flow of river Ganga, that is essential to maintain the health of the river, its aquatic life and biodiversity. This Committee should submit the report to the Tribunal within six months from the date of passing of this judgment.
3. We direct that no person shall be permitted to extract groundwater for industrial and commercial purposes unless it has obtained permission from CGWA. The CGWA should also regulate extraction of groundwater for agriculture and other purposes as per State policy. The permission shall be granted subject to such terms and conditions as may be necessary for the purpose of preventing and controlling the pollution on the one hand and ensuring maintenance of depletion in the groundwater projects as well as ensuring measures for recharging of the groundwater levels.
4. We direct the CGWA to carry out the study and notify the areas in Segment-B of Phase-1 which are Over Exploited, Critical, Semi-critical and Safe zone. There shall be complete prohibition on extraction of groundwater in the critical areas. Further, in relation to other two areas, the CGWA shall also publicize the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof and if necessary would require people to fix the flow meters who are using the borewell or tube-well for extraction of the groundwater.

DEMARCATIION OF FLOOD PLAINS, DUMPING OF MUNICIPAL SOLID WASTE, BIO-MEDICAL WASTE AND E-WASTE

331. Being an integral part of the river, floodplain of the river requires protection. Floodplains play significant role in maintaining the bio-diversity and aquatic life of the river. It's significance cannot be overlooked, in terms of environment and ecology. There are numerous dimensions involved while identifying the floodplains. It is required to categorize it into different zones, namely, No Development Zone, Regulated Zone and a Free Zone for development. The principle of Sustainable Development itself justifies the classification of floodplains into such zones for protecting the river. This Tribunal in the case of *Manoj Misra* (supra) had the occasion to deal with the concept of floodplain, its zoning and management. The Tribunal held as under:

"79. Development and regulation of floodplain of Rivers falls within the purview of the State. Floodplain is an integral part of River system even though it is used only occasionally to pass down flood flows. When floodplain is not occupied by water it forms part of the land system providing possibilities of carrying on some restricted activity. It is not possible to provide uniformity in the extent of floodplains with respect to different Rivers as well as its various reaches.

80. Floodplain zoning has been accepted as an important nonstructural strategy for flood management. The basic concept of floodplain zoning is to regulate land use of floodplains to restrict damage caused due to floods. The floodplain zoning, therefore, aims at determination of locations so that flood damages are reduced to minimum. A very restrictive activity can be allowed in that area. It is not only to protect the areas from damage resulting from floods and failure of water protective measures, but is also useful in reducing the damage caused due to drainage congestion, particularly in urban areas. The Commission claims to have prepared a model bill relating to floodplain zoning. This model bill provides

for different categories based of priorities in floodplain. Following are the recommended priorities:

1. "Defense installations, industries, public utilities like hospitals, electricity, installations, water supply, telephone exchanges, aerodromes, railway stations, commercial centres, etc buildings should be located in such a fashion that they are above the levels corresponding to a 100 years frequency or the maximum observed flood levels. Similarly, they should also be above the levels corresponding to a 50 years rainfall and the likely submersion due to drainage congestion.
2. Public institutions, government offices, universities, public libraries and residential areas. Buildings should be above a level corresponding to a 25 year flood or a 10 year rainfall with stipulation that all buildings in vulnerable zones should be constructed on columns or stills as indicated above.
3. Parks and playgrounds. Infrastructure such as playgrounds and parks can be located in areas vulnerable to frequent floods. Since every city needs some open areas and gardens, by restricting building activity in vulnerable areas, it will be possible to develop parks and play grounds, which would provide a proper environment for the growth of the city."

81. According to this affidavit, the National Water Policy - 2012 provides that conservation of Rivers, River corridor, water bodies and infrastructure should be undertaken in a scientifically planned manner through community participation. Encroachments and diversion of water bodies must not be allowed and wherever it has taken place, it should be restored to the extent feasible and maintained properly. Despite declaration of floodplains, demarcation has all along been a matter of concern.

82. The floodplain must be demarcated, kept free from any permanent developments and wherever it is possible, it should be restored to its original position."

332. During the course of proceedings before the Tribunal, the stakeholders also deliberated in favour of demarcation of floodplain of river Ganga, for ensuring protection and maintenance of the health of the river. The above stated precedent of the Tribunal also has its definite reference in the Notification dated 7th October, 2016 issued by the MoWR. In sub-clause (ix) of clause 4(v) of the Notification which relates to Principles to be followed for rejuvenation, protection and management of river Ganga, states that the bank of river Ganga and its floodplains shall be a construction free zone to reduce sources of pollution, pressure on floodplains and to maintain its natural groundwater recharging properties. This clearly demonstrates that fixation of the floodplain and its demarcation is one of the principal projects for cleaning and rejuvenation of river Ganga, amongst all the stakeholders. As already stated, the project at priority is to clean river Ganga and not to diversify financial resources to the subsidiary function of cleaning innumerable drains in the city. There are innumerable factors consequential to pollution of floodplains of the river. Indiscriminate and unplanned constructions or developments, carrying on of unauthorized and impermissible activities, dumping of municipal solid waste, bio-medical waste and E-waste in and around the floodplains, are some of the main contributors of pollution in river Ganga. Referring to the proceedings of the Tribunal dated 3rd May, 2017, where it was brought to the notice of the Tribunal that huge quantity of hazardous waste generated from E-waste processing, in powder form, is being dumped indiscriminately on the banks of river Ramganga at Moradabad. It was also fairly conceded that such hazardous waste is highly polluting and would introduce heavy metals into the river, which will be injurious to both human health and environment. It was further noticed that all the concerned authorities were eluding from their responsibility, in regard to removal of waste and its disposal in accordance with the Hazardous Waste Management Rules. The Tribunal thereupon passed the following directions:

"We are of the considered view that it is the responsibility of the UPPCB, Uttar Pradesh Jal Nigam, Government of Uttar Pradesh, Irrigation Department in particular and all the Local authorities responsible including Local Police. It is not an issue on which the State and its various instrumentalities should be at variance or to take recourse to the blame game and they should collectively operate to ensure protection of environment and public health. It is such a serious pollutant that it cannot be permitted to be staged on the River bank

whatever be the cost, whatever be the procedure adopted. Resultantly, we hereby constitute a Committee headed by the District Magistrate, Muradabad, where a senior nominee of the Member Secretary of Uttar Pradesh Pollution Control Board, Government of Uttar Pradesh, Irrigation Department, Uttar Pradesh Jal Nigam, Muradabad Municipal Corporation and Muradabad Nagar Nigam and DSP of the concerned area would be the Members of the Committee. This Committee will ensure removal of such hazardous waste from the bank of River Ramganga within one week from today.

The hazardous waste should be transported and disposed of strictly in accordance with the Hazardous Waste Rules. It should be ensured that during the course of removal no part of this waste is permitted to go in the water of River Ramganga. The work shall be executed within the time afore-stated. Each officer including the Chairman of the Committee would be personally responsible for the compliance of this Order. The Compliance Report shall be filed within two weeks from today.

All the industries concerned there and the places where the electronic waste is being handled/processed shall be informed that any person throwing such a waste on the River bank shall be liable to pay environmental compensation of Rs. 50,000/- to Rs. 1 lakh, depending on the quantum of the waste being thrown. This cost will be recovered by the SDM of the concerned area as an arrear of land revenue, in the event of default. The Committee or any of its officer would bring to the notice of the Tribunal, if any person failed to deposit and pay the environmental compensation in the event of the default of compliance.

The cost incurred for disposal of the hazardous waste by the Government and the Pollution Control Board will be recovered from all the persons who are involved in the illegal activity of handling and processing the electronic waste in the city of Muradabad. However, the environmental compensation would be released at the subsequent stage, but in the first instance, it would be incurred by the State of Uttar Pradesh and UPPCB."

333. The Committee had also reported that the soil samples collected in the vicinity of river Ramganga exceeded the limits in relation to heavy metals like Zinc, Chromium, Arsenic, Cadmium, Mercury etc. This shows the extent of pollution resulting from indiscriminate dumping of E-waste.

334. Similarly, there are documents and reports on record to show that MSW is being directly dumped into the river and/or on its floodplain. In fact, there are few waste dumping sites which are closely located to the floodplain of river Ganga and its tributaries.

335. The apparent disadvantage of dumping sites being close to the floodplain is that, during high tides, the waste is carried by the water which pollutes the river. There is documentation on record of the Tribunal to show that there is a huge disparity between the total bio-medical waste generated in the State of UP, particularly, in segment B of phase-I and the optimal capacity of the Biomedical Treatment Plant in the area which makes it evident that large quantity of bio-medical waste is being dumped and/or is thrown into the rivers, resulting into pollution of the river which cannot be permitted to be continued. Furthermore, the authorities concerned including the UPPCB have not discharged their duties appropriately in relation to collection, segregation and appropriate disposal of these wastes in accordance with the relevant rules. All these aspects need unambiguous directions to ensure control and prevention of pollution of river Ganga.

- a) We direct and constitute a Special Committee consisting of representatives from MoWR, Senior Officer from Department of Irrigation, State of Uttar Pradesh, Revenue Department of Uttar Pradesh and Central Water Commission which shall identify and demarcate the floodplains of river Ganga in Segment B of Phase-I on one in twenty five years cycle.
- b) Till the said identification and demarcation of floodplain is completed, we direct that 100 meters from the edge of the river would be designated as no development/construction zone in Segment B of Phase-I i.e. Haridwar to Unnao, Kanpur.
- c) The Special Committee would also identify no development/construction zone, regulatory zone and the activities that can be/cannot be carried on in the regulatory zone of the floodplain.
- d) There shall be a complete prohibition on disposing of MSW, E-waste or bio-medical waste

411. The Polluter Pays Principle is universally accepted as a sound principle and is applied for determining the question of liability of the polluter for causing pollution as well as the cost of the remedial measures. The liability of the polluter is absolute for the harm done to the environment, which extends not only to compensate the victims of pollution but is also aimed to meet the cost of restoring environment and also to remove the sludge and other pollutants as held by the Hon'ble Supreme Court of India in the case of *Indian Council for Enviro-Legal Action v. Union of India*' (1996) 3 SCC 212.

412. The industries that have caused pollution spread over such a long time must be held liable and, therefore, directed to ensure cost of precautionary and restorative measures. The State *ex-facie* has not been able to protect the natural resources despite its duty to do so. The Principle of Intergenerational Equity, Precautionary Principle and the Sustainable Development applied to the facts of the present case demands application of balanced approach and issuance of appropriate directions.

413. Thus, the directions are widespread and would deal with various aspects while ensuring that no pollutants are permitted to enter river Ganga and its tributaries from any of the drains falling in Segment 'B' of Phase I, that is Haridwar to Unnao, Kanpur. Once the projects in terms of this judgment are completed, preventive, precautionary and remedial steps, as directed, are taken, stretch of 500 kilometres of river Ganga besides its tributaries shall be cleaned and rejuvenated. The stretch of 450 kilometres in the State of Uttarakhand is covered by the judgment of this Tribunal dated 10th December, 2015 in Original Application No. 10 of 2015, while the 500 kilometres stretch falling in Segment-B, Haridwar to Unnao, UP is covered by the present judgment. As already noticed, the total length of river Ganga is 2525 kilometres and total discharge flow is 11374.28 MLD. The discharge flow in Segment A of Phase I is 216.99 MLD and discharge flow in Segment B of Phase I is 2775.19 MLD. In other words, 2992.18 MLD discharge flow of river Ganga in Phase I (Segment A and B) would be remedied by implementation of this judgment. It can be stated that projects completed under this judgment would clean the entire stretch of river Ganga and its tributaries falling in Segment A and B of Phase-I, i.e., Gaumukh to Unnao, UP. This would reduce pollution load by 27% of the entire stretch of river Ganga from Gaumukh to Bay of Bengal that would be the impact of compliance of cleaning and rejuvenating of river Ganga and its tributaries. Besides cleaning and rejuvenation of river Yamuna in terms of the judgment of the Tribunal dated 13th January, 2015, which is under implementation. It is the constituent of the pollution that gains greater relevancy as opposed to the quantum of the discharge. The discharge in Segment B of Phase I is highly contaminated. The industrial or sewage discharge in this Segment, besides containing metals, pesticides and being acidic also carries effluents, sewage, i.e., highly violative of the prescribed norms, therefore, effluent in each drain must be treated before it meets river Ganga and its tributaries. The Central Government, the State Government and local authorities of the State of UP have spent approximately a sum of Rs. 7304.64 crores upto March 2017 without any effective improvement in the water quality of river Ganga or its tributaries. It is after due deliberations and advice of the experts that the Tribunal has preferred by and large end of pipeline treatment in the peculiar facts and circumstances of the case. The projects directed under the judgment not only bring within its ambit the proposed projects of the stakeholders and the Government with some variations but has even evolved scheme of the projects which is environmentally sound, technically acceptable, economically viable and practical to be implemented. The directions to be issued by the Tribunal can be divided into two different but interlinked segments, first would relate to directions which are generic in their character and implementation, while the other would be project or plant centric. Hence, the following directions and order:—

GENERAL DIRECTIONS:

414. The general directions contained under this head shall apply *mutatis mutandis* to the directions specified under the respective heads of the judgment (*supra*). In order to provide clarity and for better understanding, we have referred to most of the directions in the operative part of this judgment, to that extent, the directions stated in the body of the judgment and the operative part, may be overlapping or repetitive. Thus, it is necessary that the directions must be read and given effect to conjunctively.

1. We hold and direct that ZLD (Zero Liquid Discharge) and online monitoring system would not be applied by any of the official respondents in the present application to the industrial units across the board. The directions in that behalf shall be on case to case basis particularly with reference to the load of effluent being discharged, quality of effluents, the antipollution devices that have been installed or directed to be installed and the resultant pollution caused by such industrial units and the environmental risk associated with such pollution. This should have reference to the financial viability as well.
2. The State Government, its instrumentalities, Departments and concerned public authorities shall ensure that all the 86 drains specified in the judgment as well as other major drains and sewerage line connecting thereto shall be dredged, cleaned of sludge and waste removed therefrom within a period of six weeks from the date of pronouncement of the judgment. Similarly, the sludge from the plants i.e. Chromium Recovery Plant and CETP etc. should also be properly collected and transported to the identified site.

The sludge containing the hazardous waste and the waste which even may contain hazardous waste should be collected on regular basis transported and dealt with, to a duly identified site in accordance with Hazardous Waste Management Rules, 2016.

Presently, there is Ramky Hazardous Waste Treatment plant located in Kanpur and it has a area of 18 acres of land out of which 5 acres is being used for dumping of waste/hazardous waste and 13 acres is kept for green belt.

Additional land of 6.88 acres has also been purchased. The landfill site has been approved and consent granted by the UPPCB. The site has also been inspected by CPCB and has been found to be operated and maintained appropriately. Thus, we direct that the site in question should be expanded beyond 5 acres should be constructed, maintained and operated strictly in accordance with rules afore-stated. Around the site, green belt should be maintained.

3. All the directions contained in this judgment and more, particularly, in this part shall be carried out and implemented within the time frame specified under those directions. Wherever the directions relate to submissions of plan of the project/DPR the same shall be submitted to the Tribunal within six weeks from the date of the pronouncement of this judgment. The works identified and directed in this judgment must commence within four months of the order of the Tribunal and construction of STP/CETP or installation of any other anti-pollution devices, laying of pipeline should be completed positively within two years from the date of pronouncement of this judgment. Every authority, i.e., State Government, NMCG and all other departments of the Government and local authorities shall ensure compliance of this direction without delay and default. In the event any extension of time is required, they shall file an application before the Tribunal for that purpose well in advance.
4. That the Tribunal is of the considered view and hold that the dilution (by way of mixing with sewage) process of CETP should be preferred to the ZLD technology for tannery cluster in the present case. The ZLD technology would generate huge quantity of salt which is required to be treated to convert it into a marketable product. Its storage has already been discussed as a serious issue. There is uncertainty in economic as well as technical field. Opposed to this, the dilution process by sewage would provide a consistent source for reuse and recycle of the treated sewage effluent for agriculture, horticulture, industries and for cooling and other purposes. Thus, it would provide not only a useable benefit but would also have a direct impact on reduction in extraction of groundwater. This, however, we do not state as a rule but as an approach to the present case, in view of the peculiar facts and circumstances and projects on record and reasons afore recorded.
5. Any Government Agency, Public Authority, Industry or person who violates any of the directions contained in this judgment and more particularly in relation to storage, transportation of spent chrome liquor, dumping of any kind of waste in river Ganga and its tributaries or on the banks of the same and discharges effluents from outlet, including

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the STP/CETP in violation to the prescribed norms or is found to be discharging spent chrome liquor or any effluent containing chrome or otherwise, shall be liable to pay environmental compensation of Rs. 50,000/- for each breach or default. Besides above, where offence is related to chrome, in case of industry which is processing 30 or less hides per day, they would be liable to pay environmental compensation of Rs. 25,000/- per breach; industry entitled to process more than 30 but less than 100 hides per day, would be liable to pay environmental compensation of Rs. 50,000/- per breach and the industry processing more than 100 hides per day, Rs. 1,00,000/- per breach. The environmental compensation shall be recovered by the UPPCB on the basis of the violations detected by the Board, any of the inspecting agency or the inspection teams appointed by this Tribunal. In the event of default of payment of the environmental compensation, the industry shall be ordered to be closed.

6. We hereby constitute the following committees to perform the functions directed hereinafter and for reporting the progress to the Tribunal:

(I). Supervisory Committee : following will be the Chairman and Members of this Committee:

- A. Secretary, Ministry of Water Resources, Chairman
- B. Additional Secretary, MoEF&CC
- C. Additional Secretary, Urban Development, State of Uttar Pradesh
- D. Chief Secretary, State of Uttar Pradesh
- E. Chairman of the Central Pollution Control Board
- F. Professor A.K. Gosain, IIT Delhi
- G. Professor Vinod Tare, IIT Kanpur
- H. Concerned Executive Director of NMCG shall be the Nodal Officer.
- I. Dr. A.B. Akolkar, presently Member Secretary, CPCB

This Committee shall oversee and supervise proper and effective implementation of all the projects under this judgment and will ensure providing of funds expeditiously and finally submit the implementation-cum-progress report to the Tribunal every three months. This Committee shall hold its first meeting within two weeks from the date of pronouncement of this judgment to examine the outline of the action plan. Meeting shall be held alongwith the Members of the Implementation Committee. The Committee will hold its subsequent meetings on regular intervals.

(II). Implementation Committee : following will be the Chairman and Members of this Committee:

- A. Secretary, Environment, State of UP, Chairman
- B. Secretary, Urban Development, State of UP
- C. Concerned Executive Director of NMCG
- D. Mr. Sundeep, Director (T-II), NMCG
- E. Dr. A.B. Akolkar, presently Member Secretary, CPCB
- F. Member Secretary, UPPCB
- G. Managing Director, UP Jal Nigam
- H. Sr. Most Officer of Kanpur Nagar Nigam
- I. Concerned Professors or his Nominees from IIT Roorkee
- J. Concerned Director of NMCG shall be the Nodal Officer.
- K. Chief Engineer, Department of Irrigation, State of UP

This Committee shall submit to the Tribunal action plan reports for giving details of the projects, the manner and methodology in which those projects should be implemented, including the technology but strictly in consonance with this judgment for commencement and completion of the projects at site and their effective execution.

7. Till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government of this judgment, we direct that 100 meters from the edge of the river would be treated as no development/construction zone

- in Segment-B of Phase-I (Haridwar to Unnao, Kanpur).
8. There shall be a complete prohibition on disposing of MSW, E-waste or bio-medical waste on the floodplain or into river Ganga or its tributaries falling in Segment B of Phase-I.
 9. On the cumulative analysis of the submissions made and as an interim measure, we direct that while diverting the water from Haridwar to the Ganga canal or even otherwise, the minimum E-flow in the main stem does not fall below 20% of the average monthly lean season flow, which will be referable to the status of the river at Haridwar pre-diversion. Also, the extent of diversion of water of river shall be adequately reduced and/or adjusted, in the event the flow falls below 20%. We have already noticed that the water of river canal is being wasted indiscriminately which ultimately joins various drains in Segment-B which as already directed should be prevented.
 10. From the above discussion, on advantages and disadvantages of the ZLD, it is evident that ZLD cannot be adopted across the board. It must have rationality as its sole criteria, should be unit centric and industries specific. The Sugar or Distillery Industries may be of a huge capacity say discharging 100 KL per day. They could be a Sugar Industry or Distillery Unit with 10 KLD discharge and thus a very small-scale unit. To apply the same yardstick to all would not be feasible and result oriented. They should be assessed on their own performance and function, however, ensuring in all the situations that the effluents permitted to be discharged on land/drain, etc. should be strictly adhering to the prescribed norms.
 11. Keeping in view the directions of the Supreme Court and the judgment of the Allahabad High Court as referred above, we direct that the State of UP, Implementation Committee under this judgment including the representatives of the Industries Association shall submit the project action plan as afore-directed within six weeks from the date of passing of this judgment, failing which, the State Government shall be duty bound to close the tannery industry and shift the same from the present location of tannery industrial complex at Jajmau to the identified site at Banthar, Unnao Extension or any other developed site or identified site to be developed in accordance with the Rules by the State, after the expiry of the said period of six weeks.
- A direction is issued to the State of UP, UPJN, Kanpur Nagar Nigam and UPSIDC with due consultation with Director NMCG and CPCB to submit a complete project report in furtherance to these directions giving time bound programme for completion of the project in terms of these directions within a period of six weeks from today. The report shall be submitted within six weeks and the work in furtherance to such project report and in consonance with this judgment should start within four months from the date of pronouncement of this judgment and the projects completed and made operational in all respects without exception within two years from the date of pronouncement of this judgment.
12. There shall be no dumping or landfill sites for any kind of waste irrespective of any technology for waste processing, within 500 meters from the edge of the river Ganga and/or its tributaries.
 13. All the action plans under various directions of the Tribunal should be submitted by the Implementation Committee including representative of Industries Association, in relation to different industrial clusters, local authorities and bodies and the State Government, within a period of six weeks from the date of pronouncement of this judgment. The action plan should deal with all sources of pollution of river Ganga, i.e., sewage, industries effluent, municipal solid waste, hazardous waste, bio-medical waste, diversion of water, extraction of groundwater and all other relevant fields.
 14. It will be appropriate that while carrying out precautionary dredging of the river, no instream mechanical mining is permitted and even the mining on the flood plain should be semi-mechanical and preferably more manual. Such mining should be permitted only after a detailed and comprehensive assessment of the annual replenishment of sand and gravel in the river bed and ensuring that the longitudinal and lateral connectivity of the river is not disturbed and that only quantity less or equal to the annual replenishment is permitted to be removed from the river bed or its banks. This is absolutely essential for

the health of the river, maintaining of aquifers, ground water flow and protecting the flood plains.

15. All the industrial units falling on the basin/catchment area of river Ganga and its tributaries should not be permitted to indiscriminately extract ground water. Extraction of groundwater should be subject to the CGWA granting permission for such extraction, and that too, only after ensuring that such permission is granted after rigorous water use assessment by the industry, water reuse and recycling methodologies adopted by the industry and also subject to the rain water harvesting measures adopted by the industry and monitored by the CGWA.

The flow meters must be installed prior to the grant of such permissions. Every industry should be directed to pay for extraction of such water, that too, subject to the conditions stated in the order permitting such extraction.

16. The State Government, its instrumentalities, Departments and concerned public authorities shall ensure that there are no encroachments, unauthorized illegal constructions on the banks/flood plain of the major drains, river Ganga and its tributaries. Preferably, these areas should be utilized for creation of a Green Belt and biodiversity park, etc. (natural fringes of effluent and sewage).
17. As directed, all the projects under this judgment shall be finalized by NMCG and wherever necessary contribution shall be invited from the State Government. Primarily it would be the responsibility of MoWR and NMCG to finalize these projects out of funds available, as these projects relates to the cleaning of river Ganga. The finances shall be provided in terms of this Notification. The industry shall contribute finances not exceeding 25% of the total cost in relation to the construction, up gradation of STP, CETP and providing common infrastructure in terms of this judgment. Till the works on the projects in accordance with the judgment are commenced, the NMCG and/or any other funding Ministry would not incur any expenditure on any projects in the States of Uttarakhand and Uttar Pradesh relating to cleaning and rejuvenation of river Ganga and its tributaries falling in Segment A and B of Phase-I, i.e., Gaumukh to Unnao, Kanpur.
18. All the stakeholders through the committees constituted under these directions shall submit periodical progress reports in relation to the projects under this judgment to the Tribunal. The compliance report should be submitted every three months.
19. The CPCB and the respective SPCBs, particularly, concerned with river Ganga shall issue consent orders which must contain stipulations/conditions with regard to reuse of the treated sewage for industrial and other purposes. This condition should also be incorporated by an amendment in the orders already issued by the Boards to the industries, however, they may be provided time frame for compliance of this direction. The Board can implement this direction in stages, giving preferences first in the urban areas and later in rural areas.
20. All the existing STPs as well as the STPs to be designed and constructed should satisfy the existing standards. The new STPs should be designed and constructed in a manner in which they should be able to achieve more stringent norms, if prescribed in future.
21. The STPs should not be constructed close to the riverbed, preferably there should be a distance of 500 meter plus from the edge of the river.
22. The Association running the CETP shall be responsible for proper O&M of the CETP. Every industry located in that area whose effluents are being sent to the CETP shall be member of the CETP association and would be liable to pay such monthly amount as may be determined by the State of UP in consultation with the Association of the CETP.
23. The charges for collection and transportation of spent chrome liquor from each unit shall be determined and notified by the concerned authority that is UPJN and the State of UP within four weeks from the date of pronouncement of the judgment. The monthly charges payable in advance would be determined with reference to number of hides, the unit is entitled to process as per consent order and it will be fixed charges.
24. It is brought to the notice of the Tribunal that chromium sulphate dumps have been created in open in the area of Jajmau and other locations like Rakhi Mandi and Khanpur

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village. This is a hazardous waste, therefore, we direct that this entire chromium sulphate dumps shall be remediated by UPPCB, UPJN and Kanpur Nagar Nigam within four weeks. This shall be disposed appropriately and in accordance with the Rules of 2016 at the site being maintained by the State of UP and being run by Ramkay Plant or at a secured landfill site identified by the State Government.

25. The sewer line carrying sewage and effluent of Jajmau which is presently 70% non-functional should be cleaned, dredged and silt waste removed from the drain within four weeks from the date of pronouncement of the judgment. The said sewer line leading to Jajmau and all connected drains should be cleaned.
26. We direct the CGWA to carry out the study and notify the areas in Segment-B of Phase-1 which are Over exploited, Critical, Semi-critical and Safe zone. There shall be complete prohibition on extraction of groundwater in the critical areas. Further, in relation to other two areas, the CGWA shall also publicize the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof and, if necessary, would require people to fix the flow meters who are using the bore well or tube-well for extraction of the groundwater.
27. As directed in our order dated 11th April, 2017, for each default, the defaulter would be liable to pay Environmental Compensation of **Rs. 50,000/-** per default for such dumping and/or throwing the waste of any kind into the river.
28. It is commonly and without exception agreed that as of present there is a dedicated pipeline network in existence that takes the industrial effluent to the existing CETP at Jajmau. It is also agreed that there is a dedicated sewerage network in operation that takes the sewage of the industrial clusters as well as surrounding areas to the STPs located at Jajmau itself.

It is on record that the CETP suffers from technical deficiencies and as of present is non-performing. As already stated, the CETP is even discharging 60% of the effluent directly into river Ganga which is completely untreated. Thus, we direct that the CETP at Jajmau shall be upgraded in terms of the capacity and quality. The CETP should have physio-chemical treatment before primary treatment, biological treatment and tertiary treatment (R.O. System). All these three stages of treatment should be installed to upgrade the CETP at the earliest. The treated effluents being discharged from the CETP should be subjected to further dilution by the treated sewage received from the STPs in Jajmau itself. Such diluted effluent discharged from the CETP should be recycled, reused for industrial units at Jajmau, agriculture or horticulture activity in that area or nearby areas and for cooling purpose of the power plants located in close vicinity. The remnant treated effluent should be released into the river but not in excess of 25% of the total discharge.

29. The tannery industries should be encouraged to adopt the methodology for processing of hides as per the Central Leather Research Institute, Chennai. The pinpoints are as follows:

- *Alternative methods of preservation of hides/skins and processing of green hides.*
- *Desalting of hides and skins and collection of salt for disposal or reuse.*
- *Use of enzymes in soaking process.*
- *Soaking in drums instead of pits*
- *Green fleshings of hides.*
- *Cleaner liming options.*
- *Ammonia-free delimiting process.*
- *Alternative pickling & chrome tanning process.*
- *High exhaust tanning process.*
- *Pickle less Chrome tanning process*
- *Pickle-Basification Free Chrome Tanning.*
- *Salt Free Chrome Tanning.*
- *Direct Chrome Liquor Recycling (DCLR).*

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- *Chrome Recovery and Reuse.*
 - *Cleaner technologies in post tanning and finishing.*
30. We order and direct that the State Government, its instrumentalities, Departments and concerned public authorities shall ensure, wherever possible, adjacent to and on the floodplain of river Ganga and its tributaries, it shall create the Green Belt by plantation of the endemic species and protect the Green Belt areas from any encroachment and illegal and/or unauthorised construction.
 31. It will be appropriate that while carrying out precautionary dredging of the river, no instream mechanical mining is permitted and even the mining on the floodplain should be semi-mechanical and preferably more manual. Such mining should be permitted only after a detailed and comprehensive assessment of the annual replenishment of sand and gravel in the river bed and ensuring that the longitudinal and lateral connectivity of the river is not disturbed and only that quantity which less or equal to the annual replenishment is permitted to be removed from the riverbed or its banks. This is absolutely essential for the health of the river, maintaining of aquifers, groundwater flow and protecting the floodplains.
 32. The State Government, its instrumentalities/Departments and concerned Public Authorities should incentivise farmers to adopt agricultural/irrigation technologies for more efficient use of surface and groundwater including adoption of drip irrigation wherever feasible besides promoting crop diversification to promote less water intensive crops in the Ganga river basin. Technologies developed by Research Institutions to promote water use efficiency in irrigation even in the existing crops like sugarcane and paddy, which are high water consuming crops, grown in river basin should be encouraged through demonstration, extension, incentivization and adoption of new technologies.
 33. The State Government, its instrumentalities, Departments and concerned public authorities shall formulate guidelines and notify the same by putting it in the public domain in relation to strictly regulating the activities, religious or otherwise, which could be permitted on the Ghats and or near the floodplains of river Ganga and its tributaries in accordance with law. The prime object of these guidelines should be to prevent and control pollution of river Ganga and its tributaries.
 34. The State of UP, UPPCB, UPJN and the body/association running and maintaining the CETP/CRP shall ensure proper regulatory and supervisory regime to be implemented, enforced and in default shut down the respective erring units.
 35. Wherever the industry is discharging its effluents, particularly, in case of Distillery and Sugar Mills, by method of composting, in such event, the compost material should meet the prescribed standards for such purpose as per the Notification issued by the Ministry. If the industry is found to be in default, it shall be treated a statutory violation and action should be taken accordingly by the State Board.
 36. The State Boards are hereby directed to identify the Water Quality Monitoring Network (including groundwater), scientifically based and analysis the data collected and upload it on their respective website.
 37. Similarly, the Online Monitoring System or Continuous Emission Monitoring System should also be applied on case-to-case basis with reference to the facts and circumstances of the given unit. They must be feasible, for instance, if there is a tannery unit which has consent for processing of say 10 hides a day, it cannot be expected to become ZLD or to install Online Monitoring System or Continuous Emission Monitoring System would be opposed to any accepted principles of technology and safeguards of economic advancement. They would be compelled to operate and discharge their effluents only and strictly as per the prescribed norms in default. They would be liable to be shutdown.
 38. No industry should be permitted to start its operation in the catchment area of the drain till the time it either becomes a ZLD unit or recycles its entire treated discharge for agriculture, horticulture and its own industrial purposes. The recycling or use of same water for agriculture, horticulture purposes should be permitted only when the effluent is within the parameters which are permissible for discharge on land etc. The UPPCB and

CPCB shall enforce this direction.

39. Any STP/CETP discharging effluent in violation of the prescribed norms and/or in the event the plant is not operating effectively in accordance with the prescribed norms, shall also be liable to pay environmental compensation of Rs. 50,000/- per breach. This shall be the responsibility of the person in-charge and responsible for running of the plant.
40. The six drains, namely, Ranighat Drain, Police Line Drain, Jail Drain, Adil Nagar-2 Drain, Behind Shanidev Mandir Drain and Neem Nallah and such other drains which are not carrying any effluent or sewage as a result of interception or otherwise and are dry may be fixed with screen traps at the end of drain to ensure that no municipal or other waste enters the river through these drains. It should be ensured that these drains do not carry any trade effluent or sewage.
41. All the industries which have an effluent generation of 100 KLD or above per day and are located in the catchment area of river Ganga and its tributaries would be subjected to an inspection by the Joint Inspection Team of UPPCB and CPCB, if not already inspected. Appropriate directions for compliance to ensure prevention and control of pollution of discharge of trade effluent directly as per prescribed parameters shall be issued within six weeks from today.
42. As UPJN, Kanpur Nagar Nigam and the Jal Sansthan are the authorities responsible for constructing, operating and maintaining the plants, sewer line etc. Thus, we direct that all these public authorities must be provided with additional infrastructure, manpower and training. All these authorities must act and execute the work in coordination and cooperation with the State Government, NMCG and the Central Government.
43. We also grant liberty and in fact, it shall be desirable for every local authority to recover environmental conservation charges from the public at large or in any case a class of persons responsible for generating higher sewage. Appropriate decisions in this regard shall be taken by the local authorities in accordance with law and should be duly publicized within the municipal limits of the authority.

SPECIFIC DIRECTIONS RELATING TO A PROJECT, PLANT AND DRAIN AND THE 86 DRAINS JOINING RIVER GANGA AND ITS TRIBUTARIES.

DIRECTIONS WITH REGARD TO ENVIRONMENTAL FLOW:

415. Thus, we have to pass specific directions in regard to environmental flow of the river, extraction of groundwater and the diversion of water of river Ganga into canals, etc.

1. On the cumulative analysis of the submissions made and as an interim measure, we direct that while diverting the water from Haridwar to the Ganga canal or even otherwise, the minimum E-flow in the main stem does not fall below 20% of the average monthly lean season flow, which will be referable to the status of the river at Haridwar pre-diversion. Also, the extent of diversion of water of river shall be adequately reduced and/or adjusted, in the event the flow falls below 20%. We have already noticed that the water of river canal is being wasted indiscriminately which ultimately joins various drains in Segment-B which as already directed should be prevented.
2. We direct the CGWA, Irrigation Department of State of UP, UPPCB to carry out study as to the requirement for minimum environmental flow of river Ganga, that is essential to maintain the health of the river, its aquatic life and biodiversity. This Committee should submit the report to the Tribunal within six months from the date of passing of this judgment.
3. We direct that no person shall be permitted to extract groundwater for industrial and commercial purposes unless it has obtained permission from CGWA. The CGWA should also regulate extraction of groundwater for agriculture and other purposes as per State policy. The permission shall be granted subject to such terms and conditions as may be necessary for the purpose of preventing and controlling the pollution on the one hand and ensuring maintenance of depletion in the groundwater projects as well as ensuring measures for recharging of the groundwater levels.
4. We direct the CGWA to carry out the study and notify the areas in Segment-B of Phase-1 which are Overexploited, Critical, Semi-critical and Safe zone. There shall be complete

prohibition on extraction of groundwater in the critical areas. Further, in relation to other two areas, the CGWA shall also publicize the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof and if necessary would require people to fix the flow meters who are using the borewell or tube-well for extraction of the groundwater.

DEMARICATION OF FLOOD PLAINS AND CONNECTED DIRECTIONS

416. We pass the following directions for compliance:

- i) We direct and constitute a Special Committee consisting of representatives from MoWR, Senior Officer from Department of Irrigation, State of Uttar Pradesh, Revenue Department of Uttar Pradesh and Central Water Commission which shall identify and demarcate the floodplains of river Ganga in Segment B of Phase-I on one in twenty five years cycle.
- ii) Till the said identification and demarcation of floodplain is completed, we direct that 100 meters from the edge of the river would be designated as no development/construction zone in Segment B of Phase-I i.e. Haridwar to Unnao, Kanpur.
- iii) The Special Committee would also identify no development/construction zone, regulatory zone and the activities that can be/cannot be carried on in the regulatory zone of the floodplain.
- iv) There shall be a complete prohibition on disposing of MSW, E-waste or bio-medical waste on the floodplain or in river Ganga or its tributaries falling in Segment B of Phase-I.
- v) As directed in our order dated 11th April, 2017, for each default, the defaulter would be liable to pay Environmental Compensation of Rs. 50,000/- per default for such dumping and/or throwing the waste of any kind into the river.
- vi) All the concerned authorities including the UPPCB, UPJN and State of UP shall be responsible for carrying out these directions as well as the directions contained in our order dated 11th April, 2017 (supra).
- vii) There shall be no dumping or landfill sites for any kind of waste irrespective of any technology for waste processing, within 500 meters from the edge of the river Ganga and/or its tributaries.

417. DIRECTIONS WITH REGARD TO ZERO LIQUID DISCHARGE, CONTINUOUS EMISSION MONITORING SYSTEM (CEMS) AND ONLINE MONITORING SYSTEM

1. From the above discussion, on advantages and dis-advantages of the ZLD, it is evident that ZLD cannot be adopted across the board. It must have rationality as its sole criteria, should be unit centric and industries specific. The Sugar or Distillery Industries may be of a huge capacity say discharging 100 KL per day. They could be a Sugar Industry or Distillery Unit with 10 KLD discharge and thus a very small-scale unit. To apply same yardstick to all would not be feasible and result oriented. They should be assessed on their own performance and function, however, ensuring in all the situations that the effluents permitted to be discharged on land/drain, etc. should be strictly adhering to the prescribed norms.
2. The Board in its advisory capacity may be able to suggest or guide as to the appropriate technology, which may be feasible for the industries for attaining the prescribed norms. To impose ZLD on such industries would neither be fair nor just. In fact, it will not be in consonance with the requirement of law under relevant Acts.
3. An industry should be permitted to operate, subject to grant of Consent to Operate, by the concerned Board. The CPCB has the competency under law to issue directions under Section 18 of the Water Act. The purpose of empowering Boards with certain powers is to restrict and control pollution. It is not expected from the Boards to stop the natural growth or restrict industries from operating but compliance to the environmental laws is fundamental to exercise of their powers.
4. The Board must take into consideration of the aspects including technology, financial viability, limitations of the unit, process adopted by the industries but in all events ensuring that the discharge of effluents from the unit has to be strictly in compliance with the prescribed standards.
5. No industries, big or small can be permitted to pollute the groundwater, drains, water

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प्रेषक,

अमित सिंह नेगी,
सचिव,
उत्तराखण्ड शासन।

Dy. No. 6500
Date 05/12/17

सेवा में,

- | | |
|--|---|
| 1- मुख्य प्रशासक,
उत्तराखण्ड आवास एवं
नगर विकास प्राधिकरण, देहरादून। | 2- उपाध्यक्ष,
हरिद्वार रुडकी विकास प्राधिकरण,
हरिद्वार। |
| 3- उपाध्यक्ष/जिलाधिकारी,
जिला स्तरीय विकास प्राधिकरण,
पौड़ी/टिहरी। | |

आवास अनुभाग-2

देहरादून, दिनांक 29 नवम्बर, 2017

विषय: मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल द्वारा पारित आदेशों के क्रम में पर्वतीय क्षेत्र हेतु यथा ऋषिकेश से गंगा नदी के किनारे अपेक्षित रेग्यूलेशन पोलिसी, निर्माण कार्य हेतु गाईडलाईन्स एवं बाईलॉज निर्गत किये जाने विषयक।

महोदय,

उपर्युक्त विषयक प्रकरण के संबंध में सम्यक विचारोपरान्त लिये गये निर्णयानुसार मुझे यह कहने का निदेश हुआ है कि मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल द्वारा पारित आदेशों के क्रम में पर्वतीय क्षेत्र यथा ऋषिकेश से गंगा नदी के किनारे विकास/निर्माण निम्नलिखित प्रतिबन्धों के अधीन अनुमन्य किये जाने की सहर्ष स्वीकृति प्रदान की जाती है:-

पर्वतीय क्षेत्र

(क) प्रतिबन्धित जोन: -

ट्रिब्यूनल द्वारा गंगा नदी के मध्य से 100 मीटर तक के क्षेत्र को प्रतिबन्धित जोन निर्धारित किया गया है। पर्वतीय भू-भाग की स्थलाकृति एवं नदी प्रवाह के दृष्टिगत इस क्षेत्र के प्रतिबन्धित क्षेत्र का निर्धारण निम्नानुसार निर्धारित किया जाता है :-

1- नदी के मध्य से 100 मीटर अथवा पच्चीस साल के अन्तराल के आधार पर (floods upto 25 year frequency) बाढ़ प्रभावित क्षेत्र में से जो अधिक हो, के अनुसार प्रतिबन्धित जोन का निर्धारण किया जायेगा।

2- प्रतिबन्धित क्षेत्र में किसी भी प्रकार का नवनिर्माण अनुमन्य नहीं होगा एवं उक्त क्षेत्र में वृक्षारोपण/ तटबन्ध/नदी तटीय विकास/स्नानघाट निर्माण/बाढ़ प्रबन्धन कार्य/मार्ग/सेतु निर्माण व अन्य अवस्थापना सुविधाओं के विकास कार्य एवं तत्सम्बन्धी निर्माण आदि अनुमन्य होंगे। इस क्षेत्र में बाढ़, भूस्खलन, नदी कटान आदि आपदाओं की दृष्टि से स्थल के सुरक्षित होने की स्थिति में विद्यमान निर्माण की मरम्मत एवं जीर्णोद्धार नियमानुसार अनुमन्य होंगे तथा ऐसे निर्माणों का विस्तार अथवा किसी प्रकार का नव निर्माण अनुमन्य नहीं होगा। यदि इन

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निर्माणों / परिसरों में समुचित ठोस अपशिष्ट निस्तारण व सीवेज ट्रीटमेंट व्यवस्था अनुपलब्ध हो तो यह व्यवस्था सुनिश्चित कराई जानी आवश्यक होगी।

3- इस क्षेत्र में Dump Sites/ Landfill Sites निषिद्ध होंगे।

नोट- उक्तानुसार परिभाषित प्रतिबन्धित जोन का निर्धारण उत्तराखण्ड बाढ़ मैदानी परिक्षेत्रण अधिनियम, 2012 के अधीन सिंचाई विभाग द्वारा किया जायेगा।

(ख) रेग्युलेटरी जोन: -

उक्त प्रतिबन्धित क्षेत्र के पश्चात् अग्रेत्तर 200 मीटर तक का क्षेत्र रेग्युलेटरी जोन अन्तर्गत परिभाषित होगा।

(1) इस क्षेत्र में समय-समय पर आहुत होने वाले धार्मिक मेलों हेतु अस्थायी निर्माण इस प्रतिबन्ध के साथ अनुमन्य होंगे कि उक्त गतिविधियों द्वारा उत्सर्जित होने वाला सीवेज व ठोस अपशिष्ट का समुचित प्रबन्धन होगा, जिसका परीक्षण उत्तराखण्ड पेयजल निगम से कराया जाना होगा।

(2) उक्त के अतिरिक्त जहाँ स्थल की ढाल 30 डिग्री से अनाधिक है, में संबंधित तकनीकी विभाग/भू-वैज्ञानिक की site stability report के आधार पर निर्माण/पुनर्निर्माण निर्धारित प्रतिबन्धों की सीमा तक अनुमन्य होंगे।

(i) मठ, आश्रम एवं मन्दिर का निर्माण निम्न प्रतिबन्धों के साथ अनुमन्य होगा :-

(अ) भू-आच्छादन- 35 प्रतिशत,

(ब) तल क्षेत्र अनुपात (एफ0ए0आर0)- 0.70,

(स) भवन की अधिकतम ऊँचाई 6.5 मीटर अथवा दो मंजिल,

(द) प्रकरण में सीवेज निस्तारण की व्यवस्था उपलब्ध हो तथा इसको नदी एवं इसकी मुख्य धाराओं में अवमुक्त न किया जाये।

(ii) इस क्षेत्र में भवनों का निर्माण राज्य में प्रभावी भवन उपविधि के प्राविधानों के अनुसार अधिकतम 6.50 मीटर ऊँचाई व ढालदार छत के रूप में इस प्रतिबन्ध के साथ अनुमन्य होगा कि ऐसे निर्माणों हेतु सीवेज निस्तारण की व्यवस्था अनिवार्य होगी तथा इसको नदी एवं इसकी मुख्य धारायें अवमुक्त नहीं किया जायेगा।

(iii) अवस्थापना एवं नदी तटीय विकास सम्बन्धी आवश्यक निर्माण एवं विकास कार्य अनुमन्य होंगे।

(iv) इस क्षेत्र में Dump Sites निषिद्ध होंगे। / Solid Waste Management Rules-2016 के अनुसार Landfill Sites नदी तट से 100 मीटर तथा Flood Plain अन्तर्गत निषिद्ध होंगे।

नोट-उक्तानुसार परिभाषित रेग्युलेटरी जोन का निर्धारण उत्तराखण्ड बाढ़ मैदानी परिक्षेत्रण अधिनियम, 2012 के अधीन सिंचाई विभाग द्वारा किया जायेगा।

- 3- निर्माण अनुमत्य होने की स्थिति में High Flood Level से भवन का न्यूनतम प्लिन्थ लेवल 1.00 मीटर होगा।
- 4- क्षेत्र की सीवरेज ट्रीटमेंट/निस्तारण व्यवस्था के सम्बन्ध में उत्तराखण्ड पेयजल निगम से परीक्षण कर अनापत्ति प्राप्त की जानी आवश्यक होगी।
- 5- भवन निर्माण के अन्य प्राविधान राज्य में प्रभावी भवन निर्माण एवं विकास उपविधि/विनियम के अनुसार मान्य होंगे।
- 2- गंगा नदी के किनारे निर्माण/प्रतिबन्ध से संबंधित पूर्व के समस्त शासनादेशों को भी तत्काल प्रभाव से अधिक्रमित किया जाता है।

भवदीय,

(अमित सिंह नेगी)
सचिव

संख्या 1995/V-2-2017-58(आ10)/2014-तददिनांक ।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- अपर मुख्य सचिव, वन एवं पर्यावरण विभाग, उत्तराखण्ड शासन।
- 2- प्रमुख सचिव, सिंचाई विभाग, उत्तराखण्ड शासन।
- 3- आयुक्त, गढ़वाल/कुमायूं मण्डल, पौड़ी/नैनीताल।
- 4- जिलाधिकारी, हरिद्वार/देहरादून।
- 5- मुख्य अभियन्ता, सिंचाई विभाग, यमुना कालोनी, देहरादून।
- 6- महाप्रबन्धक, उत्तराखण्ड पेयजल निगम, देहरादून।
- ✓ 7- सदस्य सचिव, उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड, देहरादून।
- 8- गार्ड फाईल।

Handwritten notes:
1995/V-2-2017-58(आ10)/2014
7.12.17

आज्ञा से,

(प्रेम सिंह राणा)
अनु सचिव

Handwritten signature:
A
CTR...

Annexure A-5

॥ कार्यालय-नगर पंचायत, स्वर्गाश्रम-जौक, पौड़ी गढ़वाल ॥

पंचायत भवन, लक्ष्मणझूला-पौड़ी गढ़वाल, उत्तराखण्ड-249302

Email-coujjonk@gmail.com Phone no. 0135-2440444

111

संख्या:- पी.जी. / विविध / 2022-23

लक्ष्मणझूला, दिनांक : 05 मार्च, 2022

सेवा में,

उप जिलाधिकारी महोदय,
यमकेश्वर, गढ़वाल।

विषय:- थाना-लक्ष्मणझूला के निकट निर्मित पार्किंग के सम्बन्ध में।

महोदय,

उपरोक्त विषयक अवगत कराना है कि पूर्व में नगर पंचायत, स्वर्गाश्रम-जौक क्षेत्रान्तर्गत पर्यटक वाहनों के लिए कोई पार्किंग नहीं थी। वर्तमान समय में स्वर्गाश्रम ट्रस्ट द्वारा थाना-लक्ष्मणझूला के निकट पर्यटक वाहनों हेतु अपनी भूमि पर जनहित में पार्किंग की व्यवस्था कर दी गई है, जिसमें वर्तमान समय में लगभग 100 वाहन पार्क होते हैं। इससे सड़कों पर वाहनों के अनियमित रूप से खड़े होने तथा यातायात में होने वाले व्यवधान का स्थाई समाधान हो गया है। उक्त पार्किंग में खड़े वाहनों की सुरक्षा तथा चोरी इत्यादि की घटनाओं को रोकने हेतु स्वर्गाश्रम ट्रस्ट द्वारा नगर पंचायत, स्वर्गाश्रम-जौक की अनुमति से अस्थाई टिन शेड बनाकर उसमें सी0सी0टी0वी कैमरे लगा दिये गये हैं। इससे भविष्य में अप्रिय घटनाओं पर रोक में सहायता मिलेगी। इस प्रकार उक्त स्थल पर स्वर्गाश्रम ट्रस्ट द्वारा कोई व्यवसायिक भवन इत्यादि नहीं बनाया गया है, अपितु जनहित में सी0सी0टी0वी कैमरे लगाये जाने हेतु अस्थाई टिन शेड बनाया गया है। पार्किंग से होने वाली आय से भवष्य में नगर पंचायत, स्वर्गाश्रम-जौक के जनहित सम्बन्धी विभिन्न निर्माण कार्य जैसे-सी0सी0 मार्ग, नाली निर्माण इत्यादि हेतु भी स्वर्गाश्रम ट्रस्ट द्वारा सहयोग किया जायेगा। इसलिए उक्त कार्य नगर पंचायत, स्वर्गाश्रम-जौक के सहयोग से सम्पादित हुआ है।

अतः उक्त सूचना सहयोग की अपेक्षा के साथ सेवा में सादर प्रेषित है।

पिंकी शर्मा

सरोज देवी

सरोज देवी
सभासद, वार्ड-02
नगर पंचायत-स्वर्गाश्रम जौक
पौड़ी गढ़वाल

MADE JYON

(माधव अग्रवाल)
नगर पंचायत स्वर्गाश्रम-जौक
अध्यक्ष
पौड़ी गढ़वाल
नगर पंचायत, स्वर्गाश्रम-जौक।

संख्या:- पी.जी. / विविध / 2022-23
नगर पंचायत-स्वर्गाश्रम जौक
पौड़ी गढ़वाल

सेवा में,
श्रीमान जिला अधिकारी,
जिला पौड़ी गढ़वाल (उत्तराखंड)

396/LP/2022
29/03/22

दिनांक: 02.03.2022

112

विषय: नगर पंचायत स्वर्गाश्रम क्षेत्र अंतर्गत थाना लक्ष्मणझूला के निकट स्वर्ग आश्रम ट्रस्ट के द्वारा गंगा नदी के किनारे अवैध निर्माण।

महोदय,

आपको अवगत कराना है कि नगर पंचायत स्वर्गाश्रम तथा थाना लक्ष्मण झूला क्षेत्र अंतर्गत थाना लक्ष्मणझूलाके निकट स्वर्गआश्रम ट्रस्ट के द्वारा माननीय उच्च न्यायालय उत्तराखंड तथा माननीय हरित प्राधिकरण भारत सरकार के आदेशों की अवमानना करते हुए बिना किसी सक्षम प्राधिकरण से मानचित्र स्वीकृत कराए, गंगा नदी से मात्र 100 मीटर से भी कम दूरी पर स्वर्गाश्रम ट्रस्ट के द्वारा दुकानों का निर्माण आचार संहिता का फायदा उठाते हुए घड़ल्ले से किया जा रहा है। जिसके छायाचित्र संलग्न है।

आप से अनुरोध है कि सक्षम अधिकारी को आदेशित कर इस अवैध निर्माण को अति शीघ्र ध्वस्त कराने तथा स्वर्गआश्रम ट्रस्ट की अध्यक्ष मंजूश्री खेतान के विरुद्ध माननीय उच्च न्यायालय तथा माननीय हरित प्राधिकरण भारत की अवमानना का वाद दायर कराने की कृपा करें। साथ ही साथ इस अवैध निर्माण में संलग्न अधिकारियों के विरुद्ध भी विभागीय कार्यवाही करने की कृपा करें।

सादर सूचनार्थ :-पूर्व में भी मुझ सभासद नवीन राणा द्वारा स्वर्गाश्रम ट्रस्ट के द्वारा किए जा रहे तमाम अवैध निर्माणों की शिकायत शपथ पत्र पर की जा चुकी है, जिस पर भी आपके द्वारा कोई कार्यवाही अद्यतन नहीं की गई है।

प्रार्थी,

नवीन राणा,
सभासद नगर पंचायत, स्वर्गआश्रम (गढ़वाल)

02/03/22
888
2

प्रतिलिपि संज्ञानार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

1. रजिस्ट्रार, माननीय हरित प्राधिकरण भारत नई दिल्ली।
2. रजिस्ट्रार, माननीय उच्च न्यायालय उत्तराखंड।
3. अध्यक्ष उपाध्यक्ष जिला विकास प्राधिकरण पौड़ी गढ़वाल
4. उपाध्यक्ष हरिद्वार रुड़की विकास प्राधिकरण हरिद्वार
5. उप जिला अधिकारी यमकेश्वर, गढ़वाल
6. अधिशासी अधिकारी नगर पंचायत स्वर्गआश्रम जौक
7. संवाददाता दैनिक जागरण
8. संवाददाता, अमर उजाला
9. संवाददाता हिंदुस्तान
10. अन्य समस्त प्रमुख समाचार पत्र तथा इलेक्ट्रॉनिक मीडिया।

Ad. R. G.
08-03-2022
LP

113



#A
(TROR COPY)

114
Annexure A-7

॥ कार्यालय-नगर पंचायत, स्वर्गाश्रम-जौक, पौड़ी गढ़वाल ॥

पंचायत भवन, लक्ष्मणझूला-पौड़ी गढ़वाल, उत्तराखण्ड-240302
Email-conpjonk@gmail.com Phone no. 0135-2440444

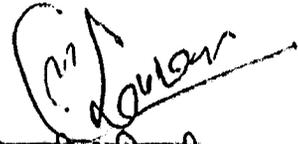
संख्या:- 11/प्र० पत्र/2022-23

लक्ष्मणझूला, दिनांक : 26 मार्च, 2022

अनापत्ति प्रमाण-पत्र

पूर्व में नगर पंचायत, स्वर्गाश्रम-जौक क्षेत्रान्तर्गत पर्यटक वाहनों के लिए कोई पार्किंग नहीं थी। वर्तमान समय में स्वर्गाश्रम ट्रस्ट द्वारा धाना-लक्ष्मणझूला के निकट पर्यटक/यात्री वाहनों को पार्क करने हेतु अपनी भूमि पर पार्किंग की व्यवस्था कर दी गई है, जिसमें वर्तमान समय में लगभग 100 वाहन पार्क होते हैं। उक्त पार्किंग में खड़े वाहनों की सुरक्षा तथा चोरी इत्यादि की घटनाओं को रोके जाने हेतु स्वर्गाश्रम ट्रस्ट अरथाई टिन शेड बनाकर उसमें सी0सी0टी0वी कैमरे लगाये जाने में नगर पंचायत, स्वर्गाश्रम-जौक को कोई आपत्ति नहीं है।




अधिसासी अधिकारी,
नगर पंचायत, स्वर्गाश्रम-जौक,
पौड़ी गढ़वाल

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(Signature)

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Annexure A-8

Item No. 7

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 296/2022

Naveen Rana

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 05.05.2022

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

Application is registered based on a complaint received by Post

ORDER

1. The grievances in this present Letter Petition sent by Mr. Navin Rana, Sabhasad (Member), Nagar Panchayat, Swarg Aashram (Gharwal) are that Swarg Aashram trust is constructing shops within the distance of 100 meters from river Ganga in violation of the orders of Hon'ble Uttarakhand High Court and this Tribunal without getting any construction plan sanctioned from the concerned authorities. Complaint for prohibition and demolition of unauthorized construction was made to the concerned authorities but no action has been taken.

2. In view of the grievance made in the letter petition, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof. We accordingly constitute Joint Committee of State PCB and District Magistrate, Pauri Garhwal and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law after

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following due process within one month from the date of receipt of a copy of this order.

3. Factual and action taken report may be furnished within two 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, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions.

The application is disposed of with the above said directions.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB and District Magistrate, Pauri Garhwal by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 05, 2022
Original Application No. 296/2022
AG

A
(True copy)

कार्यालय
सहायक अभियन्ता
सिंचाई उपखण्ड चतुर्थ, हुगड़डा

हुगड़डा/हुगड़डा

दिनांक 4/6/2022

स्वर्गाश्रम ट्रस्ट नगर पंचायत स्वर्गाश्रम, तहसील यमकेश्वर जनपद पौड़ी
हुगड़डा स्थाना लखनासूरा के किनारे नौव निर्माण, कॉलम व बीम निर्माण के

हुगड़डा/जिणविकासि यमकेश्वर दिनांक 05 अप्रैल 2022

सहायक जिलाधिकारी क्षेत्रीय कार्यालय यमकेश्वर जिला विकास प्राधिकरण पौड़ी।

सहायक जिलाधिकारी के सम्मुख में अवगत करना है कि प्रबन्धन स्वर्गाश्रम
हुगड़डा स्थाना लखनासूरा तहसील यमकेश्वर जनपद पौड़ी सहवाल द्वारा स्थान थाना
हुगड़डा नगर पंचायत स्वर्गाश्रम जिला तहसील यमकेश्वर जिला
हुगड़डा स्थाना लखनासूरा नौव निर्माण नौव के किनारे से 80 मीटर की


सहायक अभियन्ता
सिंचाई उपखण्ड चतुर्थ
हुगड़डा

Annexure A-1a

वेल्फेयर (२५)

कार्यालय
सहायक अभियन्ता
सिंचाई उपखण्ड चतुर्थ, दुगडडा

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पत्रांक- 99 / स03014 / दुगडडा

दिनांक 9/6/2022

विषय- प्रबन्धन स्वर्गाश्रम ट्रस्ट नगर पंचायत स्वर्गाश्रम, तहसील यमकेश्वर जनपद पौड़ी गढ़वाल द्वारा थाना लक्ष्मणशूला के निकट नींद निर्माण, कॉलम व बीम निर्माण के सम्बन्ध में।

सन्दर्भ- आपका पत्रांक 51 / जि0वि0प्राधि0 यमकेश्वर दिनांक 05 अप्रैल 2022

संबन्धित अधिकारी / उपजिलाधिकारी क्षेत्रीय कार्यालय यमकेश्वर जिला विकास प्राधिकरण पौड़ी।

महोदय,

उपरोक्त सन्दर्भित विषयक के सम्बन्ध में अवगत कशना है कि प्रबन्धन स्वर्गाश्रम ट्रस्ट नगर पंचायत स्वर्गाश्रम, तहसील यमकेश्वर जनपद पौड़ी गढ़वाल द्वारा स्थान थाना लक्ष्मणशूला के निकट, टैक्सी स्टैंड नगर पंचायत स्वर्गाश्रम जौक तहसील यमकेश्वर जिला पौड़ी गढ़वाल का अपर सहायक अभियन्ता द्वारा स्थलीय निरक्षण किया गया तथा निर्माणोपरान्त उक्त निर्माण गंगा नदी के मध्य से लगभग 200 मी० से अधिक ऊँची हुई पाया गया है। साथ ही अवगतनीय है कि उक्त निर्माण 100 वर्ष बाढ़ आवृत्ति से बाहर है।


सहायक अभियन्ता
सिंचाई उपखण्ड चतुर्थ
दुगडडा।


(TRUPR 2022)

सेवा मे,

श्रीमान उपजिलाधिकारी महोदय

तहसील यमकेश्वर, जनपद पौड़ी गढ़वाल।

विषय:- थाना लक्ष्मणझूला के निकट निर्मित पार्किंग मे सीसीटीवी व टीन सैड स्थापित किये जाने के सम्बन्ध मे।

महोदय,

कृपया सादर अवगत कराना है कि पूर्व मे नगर पंचायत स्वर्गाश्रम -जौंक क्षेत्रान्तर्गत पर्यटन वाहनों के लिए कोई पार्किंग नही थी। वर्तमान समय मे स्वर्गाश्रम ट्रस्ट द्वारा थाना लक्ष्मणझूला के निकट पर्यटन वाहनों हेतु अपनी भूम पर जनहित मे पार्किंग की व्यवस्था कर दी गयी है जिसमे वर्तमान समय मे लगभग 100 वाहन पार्क होते हैं इससे सडकों पर वाहनों के अनियमित रूप से खडे होने तथा यातायात मे होने वाले व्यवधान का स्थाई समाधन हो गया है। उक्त पार्किंग मे खडे वाहनों की सुरक्षा तथा चोरी इत्यादि की घटनाओं को रोके जाने हेतु उक्त पार्किंग तथा टीन सैड बनाकर सीसीटीवी कैमरे स्थापित किया जाना नितांत आवश्यक है।

अतः महोदय से निवेदन है कि आगामी कावंड मेले को दृष्टिगत रखते हुये उक्त पार्किंग पर टीन सैड व सीसीटीवी स्थापित किये जाने हेतु सम्बन्धित स्वर्गाश्रम ट्रस्ट को आदेशित करने का कष्ट करें।

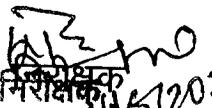
प्रभारी निरीक्षक
प्रभारी निरीक्षक
थाना लक्ष्मणझूला
जनपद पौड़ी गढ़वाल
14/6/2022

(True copy)

120
Annexure A-12

कार्यालय प्रभारी निरीक्षक थाना लक्ष्मणझूला जनपद पौडी गढवाल

प्रमाणित किया जाता है कि थाना लक्ष्मणझूला के पास व्यवस्थापित हो रही वाहन पार्किंग जिसे स्वार्गाश्रम ट्रस्ट द्वारा संचालित किया जा रहा है तथा पार्किंग में वाहनो सुरक्षा की दृष्टिगत सीसीटीवी कैमरे लगाये जाने आवश्यक है। वाहन पार्किंग में सीसीटीवी कैमरे लगाये जाने में स्थानीय पुलिस थाना को कोई आपत्ति नहीं है।


प्रभारी निरीक्षक
थाना लक्ष्मणझूला
जनपद पौडी गढवाल
11/6/2022

A
(11/6/2022)

प्रेषक,

उपजिलाधिकारी,
यमकेश्वर।

सेवामें

जिलाधिकारी,
गढ़वाल।

संख्या- 122 / पी0ए0-22 (एन0जी0टी0-जांच) दिनांक, यमकेश्वर, जून- 17, 2022

विषय- श्री नवीन राणा, सभासद, नगर पंचायत स्वर्गाश्रम के प्रार्थना पत्र पर मा0 एन0जी0टी0 के द्वारा दिए गये निर्णय/आदेश दिनांक-05.05.2022 के अनुपालन के संबंध में।

महोदय,

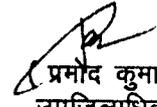
उपरोक्त विषयक महोदय के कार्यालय पत्र संख्या-915/डी.डी.ए.-2020-21/पार्किंग/पौड़ी, गढ़वाल दिनांक-21.05.2022, जो सदस्य सचिव, राज्य उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, गौरा देवी भवन, 45-बी0, आई0टी0पार्क0 सहस्त्रधारा रोड़, देहरादून को संबोधित है तथा प्रतिलिपि अधोहस्ताक्षरी को उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड से सम्पर्क करते हुए वर्णित शिकायती स्थल की संयुक्त रूप से नियमानुसार मौका जांच कर संयुक्त जांच/कार्यवाही की आख्या उपलब्ध कराने के निर्देश दिए गए हैं।

उक्त के अनुपालन में दिनांक-28.05.2022 को अधोहस्ताक्षरी, श्री आर0के चतुर्वेदी, आर0ओ0, पी0सी0बी0, देहरादून, कर्नल (रिटा0) श्री वी0के0के0 श्रीवास्तव, प्रबन्धक, स्वर्गाश्रम ट्रस्ट एवं श्री अनूप कोटियाल प्रतिनिधि स्वर्गाश्रम ट्रस्ट तथा श्री मनमोहन सेमवाल, अवर अभियंता, नगर पंचायत, लक्ष्मणझूला आदि की उपस्थिति में प्रकरण में संयुक्त रूप से स्थलीय निरीक्षण/जांच की गयी।

अतः संयुक्त हस्ताक्षरित स्थलीय निरीक्षण/जांच आख्या मूल में मय फोटोग्राफ सहित महोदय की सेवामें सादर प्रेषित।

संतुष्ट-यथोपरि।

भवदीय


(प्रमोद कुमार)
उपजिलाधिकारी,
यमकेश्वर।

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पाया गया और यह भी अंजामित करवाया गया कि उर्वर निर्माण 100 वर्ष बाद आर्गलिस से बाहर है।
 के द्वारा अंजामित करवाया गया है कि गंगा नदी के मध्य से लगभग 200 मी0 आधिक की दूरी पर
 सिंचाई विभाग द्वारा अपने पत्र सं0 99/स0310/दृगड्डा दिनांक 09/06/2022
 दिनांक से दूरी के सम्बन्ध में विभाग को पत्राचार किया गया। इस संबंध में सहायक अभियन्ता,
 उर्वर निर्माण स्थल की गंगा नदी के किनारे से दूरी 60 मी0 बताई गई है। पुनः स्थल के मध्य
 विभाग द्वारा अपने पत्र सं0 99/स0310/दृगड्डा दिनांक 04/06/2022 के द्वारा
 की गंगा नदी से दूरी के सम्बन्ध में पत्र प्रेषित किया गया था। सहायक अभियन्ता, सिंचाई
 05 अप्रैल 2022 के द्वारा सहायक अभियन्ता, सिंचाई विभाग द्वारा उर्वर निर्माण स्थल

5-- इसी सम्बन्ध में उपविभागाधिकारी कार्यालय के पत्र संख्या-51/वि0वि0प्र10 समकक्षर दिनांक
 संबंध में विधिवत इसका नक्शा उपलब्ध कराने हेतु निर्देशित किया गया है।
 के आधार पर वर्तमान में कंस संयुक्त सचिव कार्यालय में विद्यमान है। संबंधित ट्रेस्ट को इस
 पक्षी गढ़वाल की नोटिस प्रेषित किया गया है। नोटिस की छायाप्रति संलग्न है एवं इस नोटिस
 प्रत्येक स्वर्गाश्रम ट्रेस्ट गार पत्राचार स्वर्गाश्रम, शाना लक्ष्मणगढ़, तहसील समकक्षर, जगद
 नियोजन तथा विकास अधिनियम 1973 की धारा 27(1) के अधीन श्री मजुशी खेतान, अख्य
 स्वीय विकास प्राधिकरण के द्वारा दिनांक 06 मार्च 2022 को उत्तराखण्ड गार एवं ग्राम
 4-- श्री नवीन राणा के शिकायती पत्र संवेना पर तत्समय क्षेत्रीय कार्यालय, समकक्षर जिला
 रह सकती है।

जाना प्रतीत हो रहा है। इस टैक्सी स्टैंड में वर्तमान में लगभग 100 टैक्सीया एक बार में खड़ी
 किया जा रहा था। इसका उपयोग टैक्सी स्टैंड में टैक्सीया के देख-रेख हेतु निर्मित किया
 3-- माक पर भवन को देखने से ऐसा प्रतीत होता है इस भवन का उपयोग दुकान के लिये नहीं
 स्टैंड की ओर है।
 कृषियां रखी गई है। इस भवन का द्वार मुख्य मोटर मार्ग की ओर नहीं है। इसका द्वार टैक्सी
 2-- इस भवन के एक कक्ष में स्टैंड के ऊपर सं01010टी0वी0 का मॉनीटर एवं दूसरे कक्ष में गार
 निरसक फोटोग्राफस सजाए हैं। कार्य वर्तमान में संचालित नहीं है।

कक्षा है। इसके कक्ष में दरवाजे भी नहीं लगे हैं। इसके ऊपर एक टिन खंड लगाया गया है,
 x 6 मी0 का भवन निर्मित किया गया है। इस भवन की दीवारों पर प्लास्टर नहीं है तथा यह
 1-- स्वर्गाश्रम ट्रेस्ट द्वारा संचालित निजी टैक्सी स्टैंड में एक 02 कमरा का अस्थाई 8.35 मी0

निरीक्षण किया गया, निरसक आख्या निम्नवत है-
 एवं अन्य व्यक्तियों/कार्मिकों, जिनकी उपस्थिति पत्र के साथ संलग्न है, के साथ स्थलीय
 1000000 श्रीवारदा, प्रत्येक स्वर्गाश्रम ट्रेस्ट एवं श्री अरुण कोटियाल प्रतिनिधि स्वर्गाश्रम ट्रेस्ट
 विकास प्राधिकरण एवं श्री आर0के0 बगुर्वदी, आर0आ0पी0सी0बी0 देहरादून एवं कर्नाल(रि010)
 श्री प्रमोद कुमार, उपविभागाधिकारी समकक्षर/संयुक्त सचिव, क्षेत्रीय कार्यालय समकक्षर, जिला
 के द्वारा विद्य गत निर्णय/अदेश दिनांक 05.05.2022 के अनुपालन में दिनांक 28.05.2022 को
 श्री नवीन राणा स्वर्गाश्रम गार पत्राचार स्वर्गाश्रम के प्राशन पत्र पर सं0 ए-नवी0टी0

संयुक्त निरीक्षण रिपोर्ट

122
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6- इस स्थल के भूमे संबंधी अभिलेखों का परीक्षण किया गया। राजस्व उप निरीक्षक उदयपुर मल्ला के द्वारा अवगत कराया गया है कि यह भूमि राजस्व अभिलेखों में जमीन विनाश खतौनी के श्रेणी 1(क) के खाता सं० 61 के खेत सं० 717,718 में वर्तमान में टैक्सी स्टैण्ड संचालित है। इस खाते के खेत सं० 718 मध्ये एक 02 कमरों का अस्थाई 8.35 मी० x 6 मी० का भवन निर्मित किया गया है। यह भवन अभी निर्माणाधीन है। जिसमें कार्य वर्तमान में रूका हुआ है। इसकी खतौनी नकल संलग्न है।

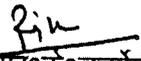
7- कर्नल(रिटा०) वी०के०के० श्रीवास्तव, प्रबन्धक स्वर्गाश्रम ट्रस्ट एवं श्री अनूप कोठियाल प्रतिनिधि स्वर्गाश्रम ट्रस्ट के द्वारा अवगत कराया गया कि इस टैक्सी स्टैण्ड में कुछ शरारती तत्वों के द्वारा विगत कुछ समय से गाड़ियों को नुकसान पहुँचाया जा रहा था जिस कारण उनके द्वारा सुरक्षा के दृष्टिकोण से दो कक्षों का निर्माण किया जा रहा था जिसे उपजिलाधिकारी यमकेश्वर के निर्देश पर रोक दिया गया था। वर्तमान में निर्माण कार्य रूका हुआ है।

अतः संयुक्त निरीक्षण रिपोर्ट सेवा में सादर प्रेषित है।


एस०एस०चौहान
ए०एस०ओ०,
पी०सी०बी०

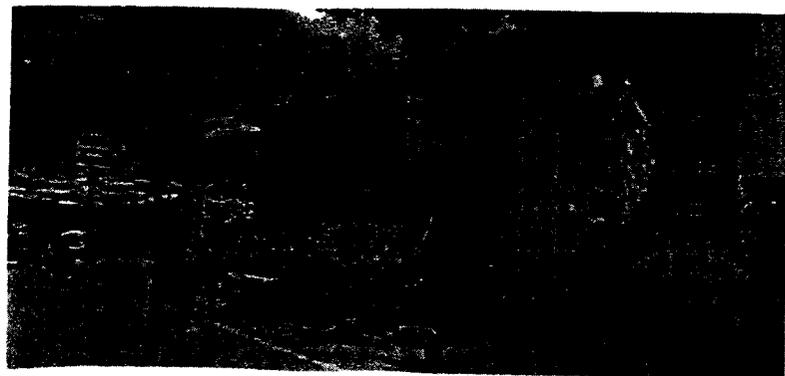
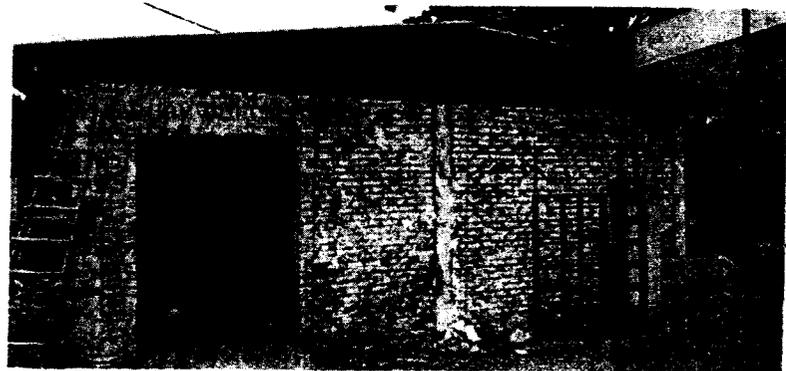

बृजमूषण बमराणा
राज०उप निरी०
उदयपुर तल्ला


मनमोहन सेमवाल
अवर अभियंता
नगर पंचायत लक्ष्मण झूला।


डा० आर०के०चतुर्वेदी
आर०ओ० पी०सी०बी०।


प्रमोद कुमार
उपजिलाधिकारी यमकेश्वर।

124



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प्रेषक,

जिलाधिकारी,
गढ़वाल।

सेवा में,

सलाहकार (न्यायिक),
प्रधान पीठ
मा0 राष्ट्रीय हरित अधिकरण,
नई दिल्ली।

संख्या:- 939/सि.डी.ए. /2022 दिनांक पौडी जुलाई 15, 2022

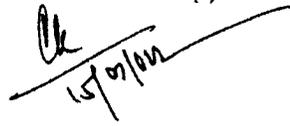
विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-296/2022 नवीन राणा बनाम उत्तराखण्ड राज्य में पारित आदेश दिनांक 05.05.2022 के अनुपालन के संबंध में।

महोदय,

माननीय राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या-296/2022 नवीन राणा बनाम उत्तराखण्ड राज्य में पारित आदेश दिनांक 05.05.2022 का सन्दर्भ ग्रहण करने का कष्ट करें। मा0 एन0जी0टी0 द्वारा विषयगत प्रकरण में वादी श्री नवीन राणा की वर्णित शिकायत "नगर पंचायत स्वर्गाश्रम तथा थाना लक्ष्मणझूला क्षेत्रान्तर्गत थाना लक्ष्मणझूला के निकट स्वर्गाश्रम ट्रस्ट के द्वारा सक्षम प्राधिकरण से बिना मानचित्र स्वीकृति के गंगा नदी से 100 मी0 से कम दूरी पर दुकानों का निर्माण किये जाने पर शिकायती स्थल का मौका निरीक्षण करते हुये वस्तुस्थिति की जाँच हेतु उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड एवं जिलाधिकारी पौडी गढ़वाल की एक संयुक्त कमेटी का गठन कर, आदेश के प्राप्ति दिनांक से एक माह के अन्दर कार्यवाही करते हुये 02 माह में जाँच एवं कार्यवाही आख्या मा0 एन0जी0टी0 में दाखिल की जानी है।

मा0 एन0जी0टी0 के उक्त आदेश दिनांक 05.05.2022 के अनुपालन में उत्तराखण्ड प्रदूषण बोर्ड की ओर से डा0 राजकुमार चतुर्वेदी, क्षेत्रीय अधिकारी(प्र0) क्षेत्रीय कार्यालय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड देहरादून एवं अधोहस्ताक्षर के प्रतिनिधि श्री प्रमोद कुमार, उपजिलाधिकारी, यमकेश्वर, श्री मनमोहन सेमवाल, अवर अभियंता नगर पंचायत लक्ष्मणझूला एवं श्री अनूप कोटियाल प्रतिनिधि स्वर्गाश्रम ट्रस्ट व अन्य की उपस्थित में दिनांक 28.05.2022 को शिकायती स्थल का संयुक्त रूप से मौका स्थलीय निरीक्षण एवं जाँच की गयी। स्थलीय संयुक्त निरीक्षण/जाँच आख्या निम्नवत है:-

- 1:- स्वर्गाश्रम ट्रस्ट द्वारा संचालित निजी टैक्सी स्टैण्ड में एक 02 कमरों का अस्थाई 8.35 मी0 x 06 मी0 का भवन निर्मित किया गया है। इस भवन की दीवारों पर प्लास्टर नहीं है तथा यह कच्चा है, इसके कक्ष में दरवाजे भी नहीं लगे हुये हैं। इसके उपर एक टीन सेड लगाया गया है, वर्तमान में कार्य संचालित नहीं है। फोटोग्राफ संलग्न हैं। (संलग्नक -02)
2. इस भवन का एक कक्ष में स्टूल के उपर सी0सी0टी0वी0 का मॉनीटर एवं दूसरे कक्ष में चार कुर्सियाँ रखी हुई हैं। इस भवन का द्वार मुख्य मोटर मार्ग की ओर नहीं है, इसका द्वार टैक्सी स्टैण्ड की ओर है।
3. मौके पर भवन को देखने से ऐसा प्रतीत होता है इस भवन का उपयोग दुकान के लिये नहीं किया जा रहा है। इसका उपयोग टैक्सी स्टैण्ड में टैक्सियों के देख-रेख हेतु निर्मित किया जाना प्रतीत हो रहा है। इस टैक्सी स्टैण्ड में वर्तमान में लगभग 100 टैक्सियाँ एक बार में खड़ी रह सकती है।
4. श्री नवीन राणा के शिकायती पत्र सूचना पर तत्समय क्षेत्रीय कार्यालय, जिला स्तरीय विकास प्राधिकरण यमकेश्वर के द्वारा दिनांक 06 मार्च 2022 को उत्तराखण्ड नगर एवं ग्राम नियोजन तथा विकास अधिनियम 1973 की धारा 27(1) के अधीन श्री मंजूश्री खेतान, अध्यक्ष प्रबन्धक स्वर्गाश्रम


15/7/22

ट्रस्ट, नगर पंचायत स्वर्गाश्रम तहसल यमकेश्वर जनपद पौडी को नोटिस जारी किया गया तथा वाद पंजीकृत किया गया, जिसका वाद मा0 न्यायालय संयुक्त सचिव, क्षेत्रीय कार्यालय जिला स्तरीय विकास प्राधिकरण यमकेश्वर के न्यायालय में विचाराधीन है। (संलग्नक-03) संबन्धित ट्रस्ट को इस संबन्धमें उक्त निर्माण का विधिवत मानचित्र उपलब्ध कराने हेतु निर्देशित किया गया है।

5. सहायक अभियन्ता, सिंचाई विभाग दुगड़डा के द्वारा अपने पत्र संख्या-99/स0अ0/दुगड़डा दिनांक 04.06.2022 के द्वारा उक्त निर्माण स्थल की गंगा नदी के किनारे से दूरी 60 मी0 बताई गई है। पुनः स्थल के मध्य बिन्दु से दूरी के संबंध में सिंचाई विभाग से पत्राचार किया गया, जिस पर सहायक अभियन्ता सिंचाई विभाग दुगड़डा के द्वारा अपने पत्र सं0- 99/स0अ0/दुगड़डा दिनांक 09.06.2022 के द्वारा अवगत कराया गया कि उक्त निर्माण गंगा नदी के मध्य बिन्दु से लगभग 200 मी0 अधिक की दूरी पर पया गया, साथ उक्त निर्माण 100 वर्ष बाढ आवृत्ति से बाहर है। (संलग्नक-04)

6. इस स्थल के भूमि संबंधी अभिलेखों का भी परीक्षण किया गया, यह भूमि राजस्व अभिलेखों में जमींदारी विनाश खौतानी के श्रेणी 1(क) के खाता सं0 61 के खेत संख्या 717, 718 में वर्तमान में टैक्सी स्टैण्ड संचालित है। खेत सं0 718 मध्ये एक 02 कमरों का अस्थाई 8.35 मी0 x 06 मी0 का भवन निर्मित किया गया है। यह भवन अभी निर्माणाधीन है, जिसमें वर्तमान में कार्य रोक गया है। कार्य बन्द है।

7. प्रबन्धक स्वर्गाश्रम ट्रस्ट के द्वारा अवगत करया गया है कि इस टैक्सी स्टैण्ड में कुछ शरारती तत्वों के द्वारा विगत कुछ समय से गाडियों को नुकसान पहुँचाया जा रहा था, जिस कारण उनके द्वारा सुरक्षा के दृष्टिकोण से दो कक्षाओं का निर्माण किया जा रहा था, जिसे उपजिलाधिकारी यमकेश्वर के निर्देश पर रोक दिया गया है। वर्तमान में निर्माण कार्य बन्द है। संयुक्त निरीक्षण आख्या की प्रति मूल में संलग्न है। (संलग्नक-01)

अतः मा0 एन0जी0टी0 के उक्त आदेश दिनांक 05.05.2022 के अनुपालन में उक्तानुसार आख्या संलग्नकों सहित सेवा में सादर प्रेषित की जा रही है।

संलग्न:- यथोपरि।

भवदीय

OK

15/07/22

(विजय कुमार जोगदण्डे)
जिलाधिकारी, गढवाल।

A
(True Copy)

Annexure A-15

Item No.02

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

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(By Video Conferencing)

M.A No. 54/2022
in
Original Application No. 296/2022

Naveen Rana

...Applicant

Versus

State of Uttarakhand

...Respondent

Date of hearing: 08.08.2022

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

Application is registered based on a complaint received by Post.

ORDER

1. The grievances in this present Letter Petition sent by Mr. Navin Rana, Sabhasad (Member), Nagar Panchayat, Swarg Aashram (Gharwal) are that Swarg Aashram trust is constructing shops within the distance of 100 meters from river Ganga in violation of the orders of Hon'ble Uttarakhand High Court and this Tribunal without getting any construction plan sanctioned from the concerned authorities. Complaint for prohibition and demolition of unauthorized construction was made to the concerned authorities but no action has been taken.
2. Vide order dated 05.05.2022, this Tribunal constituted a Joint Committee comprising of the State PCB and District Magistrate, Pauri Garhwal and directed the same to submit factual and action taken report within two months. The relevant part of the order reads as under:-

"X X X X X X
In view of the grievance made in the letter petition, we are of the view that the factual position needs to be verified and remedial action is required to be taken on the basis thereof. We accordingly

constitute Joint Committee of State PCB and District Magistrate, Pauri Garhwal and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law after following due process within one month from the date of receipt of a copy of this order following due process within one month from the date of receipt of a copy of this order.

3. Factual and action taken report may be furnished within two 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, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions.

The application is disposed of with the above said directions.

X X X X X X"

4. In compliance thereof, the District Magistrate, Pauri Garhwal has sent report of the Joint Committee vide letter dated 15.07.2022. The relevant part of the order is reproduced hereunder:

संयुक्त निरीक्षण रिपोर्ट

श्री नवीन राणा सभासद नगर पंचायत स्वर्गाश्रम के प्रार्थना पत्र पर मा० एन०जी०टी० के द्वारा दिये गये निर्णय/आदेश दिनांक 05.05.2022 के अनुपालन में दिनांक 28.05.2022 को श्री प्रमोद कुमार, उपजिलाधिकारी यमकेश्वर/संयुक्त सचिव, क्षेत्रीय कार्यालय यमकेश्वर, जिला विकास प्राधिकरण एवं श्री आर०के० चतुर्वेदी, आर०ओ०पी०सी०बी० देहरादून एवं कर्नल (रिटा०) वी०के०के० श्रीवास्तव, प्रबन्धक स्वर्गाश्रम ट्रस्ट एवं श्री अनूप कोठियाल प्रतिनिधि स्वर्गाश्रम ट्रस्ट एवं अन्य व्यक्तियों/कार्मिकों, जिनकी उपस्थिति पत्र के साथ संलग्न है, के साथ स्थलीय निरीक्षण किया गया, जिसकी आख्या निम्नवत् है—

1. स्वर्गाश्रम ट्रस्ट द्वारा संचालित निजी टैक्सी स्टैण्ड में एक 02 कमरों का अस्थाई 8.35 मी० x 6 मी० का भवन निर्मित किया गया है। इस भवन की दीवारों पर प्लास्टर नहीं है तथा यह कच्चा है। इसके कक्ष में दरवाजे भी नहीं लगे हैं। इसके ऊपर एक टीन सेड लगाया गया है जिसके फोटोग्राफ्स संलग्न हैं। कार्य वर्तमान में संचालित नहीं है।

2. इस भवन के एक कक्ष में स्टूल के ऊपर सी०सी०टी०वी० का मॉनीटर एवं दूसरे कक्ष में चार कुर्सियां रखी गई हैं। इस भवन के द्वार मुख्य मोटर मार्ग की ओर नहीं है। इसका द्वार टैक्सी स्टैण्ड की ओर है।

3. मौके पर भवन को देखने से ऐसा प्रतीत होता है इस भवन का उपयोग दुकान के लिये नहीं किया जा रहा था। इसका उपरोक्त टैक्सी स्टैण्ड में टैक्सीयों के देख-रेख हेतु निर्मित किया जाना प्रतीत

हो रहा है। इस टैक्सी स्टैण्ड में वर्तमान में लगभग 100 टैक्सीयां एक बार में खड़ी रह सकती हैं।

4. श्री नवीन राणा के शिकायती पत्र सूचना पर तत्समय क्षेत्रीय कार्यालय, यमकेश्वर जिला स्तरीय विकास प्राधिकरण के द्वारा दिनांक 06 मार्च 2022 को उत्तराखण्ड नगर एवं ग्राम नियोजन तथा विकास अधिनियम, 1973 की धारा 27(1) के अधीन श्री मंजूश्री खेतान, अध्यक्ष प्रबन्धक स्वर्गाश्रम ट्रस्ट नगर पंचायत स्वर्गाश्रम, थाना लक्ष्मणझूला, तहसील यमकेश्वर, जनपद पौड़ी गढ़वाल को नोटिस प्रेषित किया गया है। नोटिस की छायाप्रति संलग्न है एवं इस नोटिस के आधर पर वर्तमान में केस संयुक्त सचिव कार्यालय में विचाराधीन है। संबंधित ट्रस्ट को इस संबंध में विधिवत इसका नक्शा उपलब्ध कराने हेतु निर्देशित किया गया है।

5. इसी सम्बन्ध में उपजिलाधिकारी कार्यालय के पत्र संख्या-51/जि0वि0प्रा0 यमकेश्वर दिनांक 05 अप्रैल 2022 के द्वारा सहायक अभियन्ता, सिंचाई विभाग दुगड़डा को उक्त निर्माणाधीन स्थान की गंगा नदी से दूरी के सम्बन्ध में पत्र प्रेषित किया गया है। सहायक अभियन्ता, सिंचाई विभाग दुगड़डा के द्वारा अपने पत्र सं0 99/स0अ0/दुगड़डा दिनांक 04/06/2022 के द्वारा उक्त निर्माण स्थल की गंगा नदी के किनारे से दूरी 60 मी0 बताई गई है। पुनः स्थल के मध्य बिन्दु से दूरी के सम्बन्ध में विभाग को पत्रालेख किया गया। इस संबंध में सहायक अभियन्ता, सिंचाई विभाग दुगड़डा के द्वारा अपने पत्र सं0 99/स0अ0/दुगड़डा दिनांक 09/06/2022 के द्वारा अवगत कराया गया है कि गंगा नदी के मध्य से लगभग 200 मी0 अधिक की दूरी पर पाया गया और यह भी अवगत कराया गया कि उक्त निर्माण 100 वर्ष बाढ़ आवृत्ति से बाहर है।

6. इस स्थल के भूमि संबंधी अभिलेखों का परीक्षण किया गया। राजस्व उप निरीक्षक उदयपुर मल्ला के द्वारा अवगत कराया गया है कि यह भूमि राजस्व अभिलेखों में जमी0विनाश खतौनी के श्रेणी 1(क) के खाता सं0 61 के खेत सं0 717.718 में वर्तमान में टैक्सी स्टैण्ड संचालित है। इस खाते के खेत सं0 718 मध्ये एक 02 कमरों का अस्थाई 8.35 मी0 x 6 मी0 का भवन निर्मित किया गया है। यह भवन अभी निर्माणाधीन है। जिसमें कार्य वर्तमान में रुका हुआ है। इसकी खतौनी नकल संलग्न है।

7. कर्नल (रिटा0) वी0के0के0 श्रीवास्तव, प्रबन्धक स्वर्गाश्रम ट्रस्ट एवं श्री अनूप कोठियाल प्रतिनिधि स्वर्गाश्रम ट्रस्ट के द्वारा अवगत कराया गया कि इस टैक्सी स्टैण्ड में कुछ शरारती तत्वों के द्वारा विगत कुछ समय से गाड़ियों को नुकसान पहुंचाया जा रहा था जिस कारण उनके द्वारा सुरक्षा के दृष्टिकोण से दो कक्षाओं का निर्माण किया जा रहा था जिसे उपजिलाधिकारी यमकेश्वर के निर्देश पर रोक दिया गया था। वर्तमान में निर्माण कार्य रुका हुआ है।

अतः संयुक्त निरीक्षण रिपोर्ट सेवा में सादर प्रेषित है।

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5. We have gone through the report and we find that initially Assistant Engineer (Irrigation) vide letter dated 04.06.2022 had mentioned that the construction in question was situated at the distance of 60 meters from the edge of the river but subsequently vide letter dated 09.06.2022 he mentioned that the construction in question was situated outside 200 meters from the centre of the river and outside one in hundred years flood area. In the report it has also been mentioned that as per the revenue record the land where unauthorised construction of two rooms has been raised falls in field no. 717 and 718 of Khata No.61 but in the report it has not been mentioned as to who is the owner of the above said land. It has also been mentioned in the report that as per orders of 'UP Jila Adhikari' (Sub-Divisional Magistrate) Yamkeshwar further construction was stopped. Copy of notice issued by the Joint Secretary/Sub-Divisional Magistrate, Regional Office, Yamkeshwar, District Development Authority, Pauri has issued show cause notice to Shri Manjushree Khaitan, Chairman, Swarg Aashram Trust, Nagar Panchyat Swarg Aashram, Police Station Lakshman Jhula, Tehsil Yamkeshwar, District Pauri Garhwal.

6. In view of the facts and circumstances of the case we constitute a Joint Committee comprising representative of Central Pollution Control Board, Central Water Commission, State Pollution Control Board and National Mission for Clean Ganga and direct them to meet and undertake visit to the site within one month, verify the factual position with respect to the demarcation of Flood Plain Zone of River Ganga and submit report as to whether Flood Plain Zone of River Ganga has been demarcated in compliance with order passed by this Tribunal in O.A No. 200/2014 titled as M.C Mehta Vs. Union of India and others and whether the construction in question falls in Flood Plain Zone of River Ganga within two 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. State PCB will be the nodal agency for coordination and compliance.

7. In case the Joint Committee finds that the construction falls within Flood Plain Zone of River Ganga, a copy of the report be supplied to the Project Proponent to enable it to file its response before this tribunal on the date of hearing fixed by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. Notices alongwith the application and the report of the Joint Committee be also issued to the Project Proponent- Shri Manjushree Khaitan, Chairman, Swarg Aashram Trust, Nagar Panchayat Swarg Aashram, Police Station Lakshman Jhula, Tehsil Yamkeshwar, District Pauri Garhwal and the District Magistrate, Pauri Garhwal requiring them to file their response/ reply to the allegations made in the application as well as observations made in the report of Joint Committee. In its reply/response the District Magistrate, Pauri Garhwal shall also mention as to who is the owner of the land on which the construction has been raised and what action has been taken pursuant to show cause notice issued to Shri Manjushree Khaitan, as referred to above. Reply/response by the Project Proponent and the District Magistrate, Pauri Garhwal be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. List for further consideration on 19.10.2022.

10. A copy of this order along with copies of the application and report of the Joint Committee be also forwarded to the Central Pollution Control Board, Central Water Commission, State Pollution Control Board and National Mission for Clean Ganga by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 08, 2022
AG


Arun Kumar Tyagi

0041703

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VAKALATNAMA

M.A NO. 54/2022

IN

ORIGINAL APPLICATION NO. 296/2022

IN THE MATTER OF
NAVEEN RANA

...APPLICANT

VERSUS

STATE OF UTTARAKHAND

...RESPONDENT

KNOW ALL to whom these present shall come that I/We ANUP KOTHIYAL, Authorised Representative of Swargashram Trust, Rishikesh do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

(Sanjay Upadhyay , Ayush Anand, Shubhendu Anand, Gaurav Kumar)

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 11th day of October 2022.

Accepted subject to the terms of fees.

Advocate

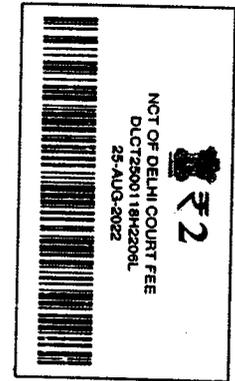
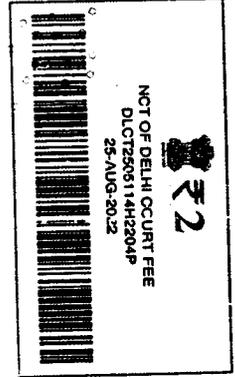
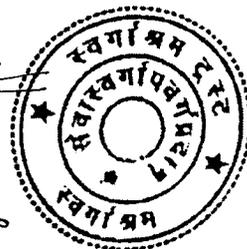
Client

Client

(Signature of Sanjay Upadhyay)

(Mr. Sanjay Upadhyay)
Advocate
D/78/1995

(Signature of Ayush Anand)
(Ayush Anand)
Advocate
D/1346/2016



(Signature)
D/2120/2017

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133 **Founder:**
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Shri Mamraj Ram Bhagat Ji Dalmia

Patron:
Punayashlok : Jugal kishore Ji Birla

Date 11/10/2022

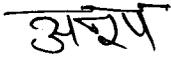
To
NGT
Principal Bench,
New Delhi

AUTHORIZATION LETTER

I Col Vinay Krishna Kant Shrivastava, Veteran Manager Swargashram Trust, on behalf of Swargashram Trust- Project Proponent in Case MA no. 54/2022 pending before the Hon'ble NGT. Principal Bench, hereby authorize Shri Anup Kothiyal (DOB: 08.09.1994) s/o shri Roshan Lal Kothiyal, Jonk, Pauri Garhwal, Uttarakhand to represent the Trust in the ongoing matter by filing Vakalatnama in the matter with respect of the above said case.

Thanking you


Col VKK Shrivastava, Veteran
Manager



Signature
Anup Kothiyal


Attested

सेवा कार्य: 1. साधु सेवा 2. अन्नक्षेत्र 3. आयुर्वेदिक औषधालय 4. कथा प्रवचन 5. गौसेवा 6. वृक्षारोपण 7. उद्यान
8. प्याऊ 9. मार्ग चत्वर एवं घाट 10. संस्कृत विद्यालय 11. उच्चतर माध्यमिक विद्यालय 12. अतिथि गृह

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Patron:
Punayashlok : Jugal kishore Ji Birla

To,
The Trustee(s) of
Swargashram Trust
Swargashram - 249304
Via - Rishikesh, Pauri Garhwal
Uttarakhand

Re: Resolution by Circulation

Resolution No. 1: Appointment of Smt. Shobhana Bhartia as Trustee

Smt. Shobhana Bhartia has consented to become Trustee of Swargashram Trust vide her letter dated 6th August 2019.

"RESOLVED THAT Smt. Shobhana Bhartia be and is hereby appointed as Trustee of Swargashram Trust with effect from 31st January 2020."

Other operational resolutions

Col. V.K.K. Srivastava has been appointed as Manager of Swargashram Trust and for enabling him to handle various matters for smooth operations of the activities of the Trust following resolutions are being circulated for consent and approval.

Resolution No. 2: Operation of Bank Accounts

"RESOLVED THAT superseding all the previous resolutions passed by the Trustees, the following bank accounts maintained under the name and style of "Swargashram Trust" as detailed herein below, be and are hereby authorized to be operated now onwards jointly by any two of the following persons namely Mr. Dinesh Singh Negi, Mr. V.K.K. Srivastava or singly by Mrs. Manjushree Khaitan, Trustee of the Trust, and Mr. Jayant Sogani, Secretary of the Trust:

<u>Sl. No.</u>	<u>Name of Bank</u>
1.	State Bank of India, Swargashram
2.	Punjab National Bank, Sankracharya Nagar
3.	Uttaranchal Gramin Bank, Laxman Jhula
4.	Axis Bank Ltd., Rishikesh
5.	State Bank of India, Sanskrit Vidyalaya, Swargashram

and the said Banks be and is hereby authorised to honour cheques, promissory notes and bills of exchange drawn, accepted or made on behalf of the Trust and to act on any instructions so given relating to the account or relating the transactions of the Trust whether the account has been overdrawn or not."

The Secretary be and is hereby authorised to take necessary steps in the matter.

सेवा कार्य: 1. साधु सेवा 2. अन्नक्षेत्र 3. आयुर्वेदिक औषधालय 4. कथा प्रवचन 5. गौसेवा 6. वृक्षारोपण 7. उद्यान
8. प्याऊ 9. मार्ग चत्वर एवं घाट 10. संस्कृत विद्यालय 11. उच्चतर माध्यमिक विद्यालय 12. अतिथि गृह

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1385 **Founder:**
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Shri Mamraj Ram Bhagat Ji Dalmia
Patron:
Punayashlok : Jugal kishore Ji Birla

Resolution No. 3: Investment in Mutual Funds

"RESOLVED THAT superseding all the previous resolutions passed by the Trustees, the investments or redemptions in the various plans/ schemes of various mutual funds be made singly by Mrs. Manjushree Khaitan, Trustee of the Trust, and Mr. Jayant Sogani, Secretary of the Trust.

The Secretary be and is hereby authorised to take necessary steps in the matter.

Resolution No. 4: Legal matters

"RESOLVED THAT superseding all the previous resolutions passed by the Trustees, the following persons namely Mr. Dinesh Singh Negi, Mr. V.K.K. Srivastava and Mr. Jayesh K. Jha be and are hereby severally authorised to appoint advocates to represent and/or to defend the cases related to the Trust in Semi-Government Agency/ Courts from time to time on behalf of the Trust. The aforesaid persons are hereby authorised to sign necessary papers/ documents/ vakalatnamas in connection with the legal cases."

The Secretary be and is hereby authorised to take necessary steps in the matter.

Resolution No. 5: Other Matters

"RESOLVED THAT superseding all the previous resolutions passed by the Trustees, the following persons namely Mr. Dinesh Singh Negi, Mr. V.K.K. Srivastava and Mr. Jayesh K. Jha be and are hereby severally authorised for making compliances with all the Government Regulations from time to time, which are applicable to the Trust directly or indirectly. These persons shall be responsible for keeping the control and records of all the expenditures made on behalf of the Trust on various activities of the Trust and in accordance with the approved budget of the Trust. These persons are also authorized for making payments of Wages, Provident Fund or any other amount due as per applicable regulations/guidelines/rules.

Besides above, these persons are hereby authorised to sign papers in the following Government Department/ Non Govt. Department:

1. Employees Provident Fund Organisation (EPFO)
2. Uttarakhand Power Corp. Ltd. (For electricity connection and other)
3. Jal Nigam/ Garhwal Jal Sansthan
4. Income Tax
5. GST
6. And all other Government Departments.

and also any other document which are required to signed on behalf of the Trust."

The Secretary be and is hereby authorised to take necessary steps in the matter.

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For Swargashram Trust

J. Sogani

(Jayant Sogani)

Dated 31st January 2020
Secretary

Consent Form
(Resolution by Circulation dated 31st January 2020)

Sl. No.	Name of Trustee	Resolution No.	I/ We assent to the Resolution (FOR)	I/ We dissent to the Resolution (Against)
1	Smt. Manjushree Khaitan	1	✓	
		2	✓	
		3	✓	
		4	✓	
		5	✓	
Signature:		<i>Manjushree Khaitan</i>		
2	Shri R. P. Pansari	1	✓	
		2	✓	
		3	✓	
		4	✓	
		5	✓	
Signature:		<i>R.P.P.</i>		
3	Shri Ashok Sen Jindal	1	✓	
		2	✓	
		3	✓	
		4	✓	
		5	✓	
Signature:		<i>Ashok</i>		

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13A

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Shri Mamraj Ram Bhagat Ji Dalmia

Patron:

Punayashlok : Jugal kishore Ji Birla

4	Shri M. K. Jaju	1	✓	
		2	✓	
		3	✓	
		4	✓	
		5	✓	
Signature:		<i>M. K. Jaju</i>		
5	Shri Sri Gopal Baijnath Dalmia	1		
		2		
		3		
		4		
		5		
Signature:				
6	Shri Kunal Dalmia	1	✓	
		2	✓	
		3	✓	
		4	✓	
		5	✓	
Signature:		<i>Kunal Dalmia</i>		
7	Shri Suresh Kumar Dalmia	1	✓	
		2	✓	
		3	✓	
		4	✓	
		5	✓	
Signature:		<i>Suresh Kumar Dalmia</i>		

सेवा कार्य: 1. साधु सेवा 2. अन्नक्षेत्र 3. आयुर्वेदिक औषधालय 4. कथा प्रवचन 5. गौसेवा 6. वृक्षारोपण 7. उद्यान
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