

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 28/2024

in

ORIGINAL APPLICATION NO. 128 OF 2021

IN THE MATTER OF:

Saurabh Tiwari

Applicant

Versus

Union of India &amp; Ors.

Respondents

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Filed by Advocate Rajkumar  
(on behalf of Central Pollution Control Board)

Place: Delhi

Dated:16.11.2024

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

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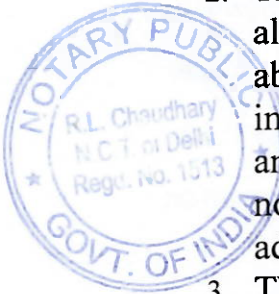
Respondents

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD**

**i.e. RESPONDENT NO. 2**

1. That, the Hon'ble NGT vide order dated 09.08.2024 has sought the reply of CPCB in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.
4. The Hon'ble NGT vide order dated 23.11.2021 in O. A. No. 128/2021 in the matter of Saurabh Tiwari Vs. Union of India & Ors while disposing the matter directed the following:

*".....7. Accordingly, the Supervisory and Execution Committees suggested in the report may take further action. In terms of suggestions of the Committee, problem of chocking at the origin point of said rivers may be remedied by taking restoration measures. The*



*execution Committee may meet atleast once in a month under the Chairmanship of District Magistrate, Varanasi and the Supervisory Committee may meet on quarterly basis under the Chairmanship of Commissioner, Varanasi Division, as suggested. The District Magistrate as well as Commissioner, Varanasi Division may have full time environmental coordinators attached to them directly for this purpose either out of the existing incumbents or by specially engaging a suitable person for the task. It will be appropriate that minutes of the meeting of the District Magistrate as well as Commissioner, Varanasi are placed on their respective websites, which may enable public information and participation. Having regard to the significance of the issue and need for prompt action for keeping the important rivers pollution free, the timelines need to be shortened which aspect may be considered by the Execution and the Supervisory Committees. We request the Oversight Committee constituted by this Tribunal headed by Justice S.V.S. Rathore, former Judge of the Allahabad High Court to oversee the steps taken in the matter, if necessary, by periodically interacting with the Execution and Supervisory Committees.*

*8. We further direct the NMCG and CPCB to monitor progress of implementation of action plan in accordance with the Namami Gange project."*

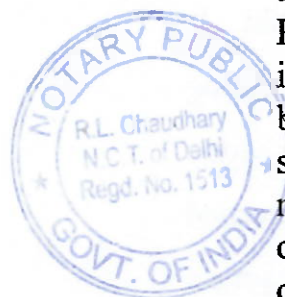
*9. The action plan may be placed on the website of CPCB and also circulated by CPCB to the River Rejuvenation Committees of all the States/UTs through respective State PCBs/PCCs, for appropriate consideration of their respective action plans to the extent found necessary.*



*10. The issue of funding of the projects proposed may be worked by the NMCG and the Chief Secretary, UP and wherever Namami Gange funds are found inadequate, it will be the responsibility of the State of UP to provide the same.....”*

## PARAWISE REPLY

5. That, no comments are offered over the averments made in Para no. 1 to 3 of the instant Execution application being matter of records.
6. That in reply to the averments made in Para no. 4 of the Execution application, it is respectfully submitted that the action plan for the Rejuvenation and Restoration of River Varuna and Assi which incorporates desilting, remediation of waste, development of floodplain, biodiversity parks, sludge management, industrial pollution management, solid waste management, removal of encroachments and monitoring mechanism was uploaded at CPCB website in compliance to Hon'ble NGT order dated 23.11.2021 in O.A. No. 128/2021. The action plan may be downloaded from the link: <https://cpcb.nic.in/NGT/Action-Plan-Rej-River-OA-No-368-2021.pdf>.
7. That, no comments are offered over the averments made in Para no. 5 to 11 of the instant Execution application being matter of records.
8. That, no comments are offered over the averments made in Para no. 12 of the Execution application as the matter of alleged encroachment pertains to local administration of Varanasi, and may be suitably replied by respective respondent.
9. That, in reply to the averments made in Para nos. 13 to 14 of the Execution application, it is respectfully submitted that following actions have been taken by this answering respondent:
  - i. That, the action plan for rejuvenation and restoration of river Varuna and Assi was forwarded to all SPCBs/PCCs vide letter dated 04.02.2022 to circulate the same to their respective River Rejuvenation Committees (RRC) for appropriate consideration of the action plan to the extent found necessary.
  - ii. That, CPCB vide letter dated 02.08.2024 requested Commissioner Varanasi Division, District Magistrates of Varanasi, Prayagraj, Bhadohi, Jaunpur & Chandauli, Member Secretary, UPPCB, Regional Officers of



Varanasi and Prayagraj, UPPCB to submit the action taken status on the progress of action plan implementation of rivers Varuna, Assi, Morwa & Basuhi.

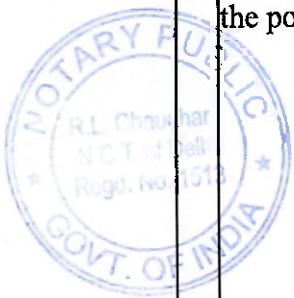
- iii. That, CPCB has also, vide its letter dated 04.10.2024 requested Commissioner Varanasi Division, District Magistrates of Varanasi, Bhadohi, Jaunpur & Chandauli, Member Secretary, UPPCB and Regional Officer, Varanasi, UPPCB to provide the action taken status/implementation of the action plan.
- iv. That, it is submitted that as per Minutes of Meeting of Execution Committee dated 25.07.2024, 18.09.2024, 19.09.2024, 23.10.2024, & 24.10.2024 and Supervisory Committee dated 02.08.2024 and meeting dated 28.10.2024 organised by CPCB alongwith NMCG through video conferencing and with Commissioner Varanasi Division, concerned District Administrations and UPPCB, the pointwise progress of action taken status is given below:

### 1. Desilting Initiatives

This section outlines the desilting efforts for both rivers and their tributaries.

S. No	Work Plan	Timeline	Implementing Agency	Present Status	Remarks
1.	Desilting of wetlands to bed level and developing embankments with inlets from the catchment. <b>Locations:</b> i) Mailhan, Phulpur, Prayagraj (Varuna) ii) Near bridge at Durgaganj on the border of Bhadohi and Prayagraj (25.497886N, 82.329903E)	10-12 Months (by 16.11.2022)	UP Irrigation and Water Resource Department	No details provided	-

2.	Desilting of channels <b>Locations:</b>  i. Upardaha Taal, Handia (Morwa) and ii. Kaitihawa (Basuhi)	6 Months (by 16.05.2022)	Desilting completed for Upardaha and Kaithawa Taal drains.	Work Completed
3.	Desilting of the river and strengthening embankments using desilted material. <b>Locations:</b> Varuna and Assi	1-2 Years (by 16.11.2023)	No details provided	-
4.	Desilting of catchment wetlands and use of desilted material for making embankments <b>Location:</b> Kandwa wetland at Varanasi point of origin (25.273258 N, 82.962083 E) and other wetland located in the downstream from the point of origin	06 months (by 16.05.2022)	<ul style="list-style-type: none"> <li>• DPR (CWS &amp; Biodiversity Park) has been prepared by CEMDE with budget of <b>Rs. 137.90 crore.</b></li> <li>• Letter sent dated 20.11.2023 to NMCG for further necessary action.</li> <li>• Reminder letter dated 21.02.2024 to SMCG for the approval of the DPR</li> </ul>	<ul style="list-style-type: none"> <li>• DPR not approved yet</li> <li>• Desilting work still pending</li> </ul>
5.	Desilting of drains to bed level. <b>Locations:</b> Dhoraira, Durga, Basti/Naya Bazar of R. Varuna and	1 Year (by 16.11.2022)	Desilting completed for all specified drains.	Work Completed



Barbaspur, Chauri drain of R. Morwa				
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## 2. Constructed Wetland Systems (CWS) and Biodiversity Parks

This section focuses on the establishment of CWS for wastewater remediation and the development of biodiversity parks.

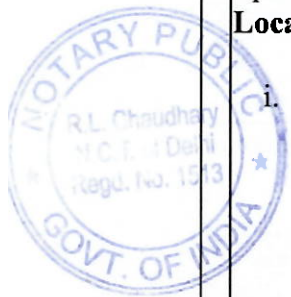
S. No	Work Plan	Timeline	Implementing Agency	Present Status (as above)	Remarks	
1.	Remediation using Constructed Wetland Systems at the confluence of drains. <b>Locations:</b> Dhoraira, Basti/Naya Bazar, Durga, Burbuspur, Chauri	1-2 Years (by 16.11.2023)	Irrigation and Water Resource Department	<ul style="list-style-type: none"> <li>DPR (CWS &amp; Biodiversity Park) has been prepared by CEMDE with budget of Rs. <b>137.90 crore.</b></li> <li>Letter sent dated 20.11.2023 to NMCG for further necessary action.</li> </ul>	<ul style="list-style-type: none"> <li>DPR not approved yet</li> <li>No CWS /Bio-diversity has been setup till date</li> </ul>	
2.	Establish CWS at mouth of sewage inlet before confluence point of river Assi.	1 Year (by 16.11.2022)			<ul style="list-style-type: none"> <li>Reminder letter dated 21.02.2024 to SMCG for the approval of the DPR</li> </ul>	
3.	Establishing CWS at four locations at maximum width of Assi River.	2 Years (by 16.11.2023)			<ul style="list-style-type: none"> <li>No CWS /Bio-diversity has been setup till date</li> </ul>	
4.	Development of Floodplain Biodiversity Parks. <b>Locations:</b> Assi Ghat and Adikeshav Ghat (R. Varuna joins R. Ganga)	5 Years (by 16.11.2026)				

## 3. Biotic community & Vegetation Development

This section addresses the restoration of vegetation along the rivers and their tributaries.

S. No	Work Plan	Timeline	Implementing Agency	Present Status (as above)	Remarks
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<p>1. Biotic community development at given locations and other sites including embankments</p> <p><b>Locations:</b> i) Mailhan, Phulpur, Prayagraj (Varuna) ii) Near bridge at Durgaganj on the border of Bhadohi and Prayagraj (25.497886N, 82.329903E)</p>	<p>2-3 Years (by 16.11.2024 - 16.11.2025)</p>		<ul style="list-style-type: none"> <li>DPR (CWS &amp; Biodiversity Park) has been prepared by CEMDE with budget of <b>Rs. 137.90 crore.</b></li> <li>Letter sent dated 20.11.2023 to NMCG for further necessary action.</li> </ul>	<ul style="list-style-type: none"> <li>DPR not approved yet</li> <li>Biotic community and vegetation development still pending</li> </ul>
<p>2. Vegetation development along embankments of wetlands &amp; restoration riparian zone</p> <p><b>Locations:</b> i. Upardaha Tal, Handia (Morwa) and ii. Kaitihawa (Basuhi)</p>	<p>2 Years (by 16.05.2024)</p>	<p>UP Forest Department/Irrigation Department</p>	<ul style="list-style-type: none"> <li>Reminder letter dated 21.02.2024 to SMC G for the approval of the DPR</li> </ul>	
<p>3. Vegetation development on the embankment and development of aquatic communities</p> <p><b>Locations:</b> Kandwa wetland and other wetland located in the downstream from the p</p>	<p>2-3 Years (by 16.11.2023 - 16.11.2024)</p>			



	Point of origin (Assi River)			
4.	Vegetation development on embankments of restored drains. <b>Locations:</b> Chauri, Dhorair, Burbuspur, Durga, Basti/ Naya Bazar drains	2-3 Years (by 16.11.2023 - 16.11.2024)		• Total of 29,100 saplings planted. Work Completed (photographic evidence provided via email)
5.	Vegetation development on river embankments. <b>Locations:</b> Varuna and Assi	Varuna: 5 Years (by 16.11.2026) Assi: 2-3 Years (by 16.11.2023 - 16.11.2024)		• 30,500 saplings planted on embankments. • Future plan to plant 11,950 saplings along Varuna. Ongoing

#### 4. Monitoring Water Quality

This section focuses on the monitoring of water quality to ensure ecosystem health.

S. No	Work Plan	Timeline	Implementing Agency	Present Status (as above)	Remarks
1.	Monitoring water quality as per CPCB norms before, during and after restoration. <b>Locations:</b> R. Varuna and Assi	5 Years (by 16.11.2026)	UPPCB	Complying with monitoring requirements.	Work ongoing

#### 5. Sewage Management

##### Road map for execution of proposed action Plan for restoration of Varuna & Assi river

Sl. No.	Sewerage District/region	Existing Sewage Treatment	Proposed Action/remedial measure	Final Timeline as per Action Plan	Implementation Agency	Present Status	Remarks
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		Facility					
1	District 1	80 MLD STP Dinapur	Decommissioning of existing STP and construction of new STP of higher capacity	16.12.2024	UP Jal Nigam / Other government organization/ NMCG	The DPR for capacity enhancement of the existing 80 MLD STP Dinapur to 220 MLD STP was prepared with a budget of Rs. 1182.00 crore and sent to the Head Office, U.P. Jal Nigam, Lucknow, on 10.07.2024.	DPR prepared, submission to NMCG is still pending
2	District 2 A	140 MLD STP Dinapur	Upgradation of STP	16.06.24	UP Jal Nigam/ Other government organization/ NMCG	The DPR for the project worth Rs. 84.40 crore has been prepared and sent to the U.P. Jal Nigam (Urban), Lucknow for further action.	Approval & Tendering at NMCG is still pending
			Design of interceptor plan needs to be checked by expert	23.04.2022	UP Irrigation Department/ NMCG /Other institutes	-	
			I&D work of Shahi Nala	16.01.2022	UP Jal Nigam	Tapping and diversion of Shahi nala to 140 MLD STP is completed	Work completed
			I&D work of drains (06) in cis Varuna region	16.01.2022	UP irrigation department	I&D work of drains is completed and all 6 drains have been tapped	Work completed
3	District 2B	120 MLD STP Goitaha	I&D work of drains (07) in trans Varuna region	16.01.2022	UP irrigation department	I&D work of drains is completed and all 7 drains have been tapped	Work completed
4	District 2C	50 MLD STP Ramana,	Development of new comprehensive sewage management plan for trans Varuna	16.12.2024	UP Jal Nigam/ NMCG/ Other government organization	<ul style="list-style-type: none"> <li>Letter of Award has been issued to M/s Enviro Enfra Engineer Limited MTS JV, Delhi, for the co</li> </ul>	Construction is ongoing



						<p>nstruction of a 55 MLD STP at Bhagwanpur, Varanasi.</p> <ul style="list-style-type: none"> <li>• STP construction started on 07.03.2024 and is expected to be completed by 06.12.2025, including a 3-month trial and run.</li> </ul>	
			Assessment of excess discharge of Assi River	16.03.2022	UP Jal Nigam	Detailed assessment of excess discharge of Assi River in dry weather is still pending	Work is still pending
5.	District 3	8 MLD STP Bhagwanpur	<ul style="list-style-type: none"> <li>• Decommission of 8 MLD Bhagwanpur STP and Design, Construction &amp; commission of new STP</li> <li>• Design, construction &amp; commissioning of new tapping arrangement</li> <li>• MPS, rising main</li> </ul>	16.12.2024	UP Jal Nigam/NMCG / Other government organization	<ul style="list-style-type: none"> <li>• DPR for the upgradation of the 9.8 MLD STP was prepared and submitted to SMCG</li> <li>• SMCG raised some queries and amended DPR not yet submitted to SMCG</li> </ul>	Amended DPR not yet submitted to SMCG
6	District 4	Not available	Design & construction of new STP of requisite capacity as per new norms & flow data.	16.10.2024	UP Jal Nigam/ NMCG/Other government organization	Proposal for a 55 MLD STP at Durga Drain was prepared and sent to NMCG for approval	Approval of DPR is still pending by NMCG
10.	Banaras Lokom	12 MLD	BLW STP shall be upgraded/ new STP to be inst	16.09.2024	BLW Engineering Department,	<b>Work Incomplete</b>	-

otive Wor k (B LW)	alled to meet nor ms prescribed by NGT including f or coliform count		UP Jal Nig am, NMC G		
	Water audit of w ater usage and di scharge from BL W campus may b e done	16.01.2 022	BLW Engi neering De partment, UP Jal Nig am, Uttar P radesh Poll ution Contr ol Board	<b>Work Incomplete</b>	-
	Identification of sources of waste and freshwater Preparation of ac tion plan for sepa ration of freshwa ter channels/stor m water and wast e water	16.06.2 022	BLW Engi neering De partment, I rrigation D epartment, Urban Dev elopment Departmen t, UP Jal N igam, Uttar Pradesh Po llution Con trol Board	<b>Work Incomplete</b>	-

10. That in reply to the averments made in Para 15 to 20 of the instant Execution application, the submission made by the answering respondent herein at Para No. 9 of this reply is re-iterated and is not repeated herein for the sake of brevity.

11. That, no comments are offered over the averments made in para 21 being Limitation clause for filing instant execution application.

12. That, in reply to the averments made in Para no. A to F under heading Grounds of the Execution application, it is respectfully submitted that, the submissions made in preceding paragraphs are re-iterated and are not repeated herein for the sake of brevity.

13. That, in view of the submissions made in preceding paragraphs, the answering respondent i.e. CPCB shall abide by the orders/directions passed by the Hon'ble Tribunal in the instant matter.

*Ajit Kumar Vidyarthi*

(A.K. Vidyarthi)

Scientist 'F'  
Central Pollution Control Board

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

**EXECUTION APPLICATION NO. 28/2024  
in  
ORIGINAL APPLICATION NO. 128 OF 2021**

**IN THE MATTER OF:**

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**AFFIDAVIT**

I, **A K Vidyarthi** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 02 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the

basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



**VERIFICATION:**

Verified at Delhi on this day of \_\_\_\_\_ 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or misstated.

*Ajit Kumar Vidyarthi*

**DEPONENT**

ए. के. विद्यार्थी / A. K. Vidyarthi  
वैज्ञानिक 'एफ' / Scientist 'F'  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
M/o Env. Forest & Climate Change, Govt. of India  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

*Ajit Kumar Vidyarthi*

**DEPONENT**

ए. के. विद्यार्थी / A. K. Vidyarthi  
वैज्ञानिक 'एफ' / Scientist 'F'  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
M/o Env. Forest & Climate Change, Govt. of India  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

**ATTESTED**

*[Signature]*  
NOTARY PUBLIC  
GOVT. OF INDIA

16 NOV 2024

Item No. 01

Court No. 1

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

Execution Application No. 28/2024  
In  
Original Application No. 128/2021

Saurabh Tiwari

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 09.08.2024

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

Applicant: Mr. Saurabh Tiwari, in Person

**ORDER**

1. By this execution application, applicant is seeking execution of the order of the Tribunal dated 23.11.2021 passed in Original Application No. 128/2021. In the Original Application, Applicant had raised the issue in respect of pollution of rivers Varuna and Assi in Varanasi by discharge of untreated sewage and unauthorized constructions. The Tribunal had constituted a committee and had called for a report and had disposed of the OA by directing as under:-

“

5. *The report shows that there are serious issues adversely affecting rivers Varuna and Assi calling for remedial action in the form of desilting, remediation of waste water, development of constructed wetland systems and bio-diversity parks, apart from management of sewage, industrial pollution and solid waste which requires concerted and continuing steps and monitoring.*

6. *Since the issues and remedial steps have been identified by the joint Committee and exhaustive recommendations for remedial action made, there is need for execution of the action plan at the ground level in the light of above report. This requires coordination among the concerned departments including the Local Bodies, District Administration and State Government.*

7. Accordingly, the Supervisory and Execution Committees suggested in the report may take further action. In terms of suggestions of the Committee, problem of choking at the origin point of said rivers may be remedied by taking restoration measures. The execution Committee may meet atleast once in a month under the Chairmanship of District Magistrate, Varanasi and the Supervisory Committee may meet on quarterly basis under the Chairmanship of Commissioner, Varanasi Division, as suggested. The District Magistrate as well as Commissioner, Varanasi Division may have full time environmental coordinators attached to them directly for this purpose either out of the existing incumbents or by specially engaging a suitable person for the task. It will be appropriate that minutes of the meeting of the District Magistrate as well as Commissioner, Varanasi are placed on their respective websites, which may enable public information and participation. Having regard to the significance of the issue and need for prompt action for keeping the important rivers pollution free, the timelines need to be shortened which aspect may be considered by the Execution and the Supervisory Committees. We request the Oversight Committee constituted by this Tribunal headed by Justice S.V.S. Rathore, former Judge of the Allahabad High Court to oversee the steps taken in the matter, if necessary, by periodically interacting with the Execution and Supervisory Committees.

8. We further direct the NMCG and CPCB to monitor progress of implementation of action plan in accordance with the Namami Gange project.

9. The action plan may be placed on the website of CPCB and also circulated by CPCB to the River Rejuvenation Committees of all the States/UTs through respective State PCBs/PCCs, for appropriate consideration of their respective action plans to the extent found necessary.

10. The issue of funding of the projects proposed may be worked by the NMCG and the Chief Secretary, UP and wherever Namami Gange funds are found inadequate, it will be the responsibility of the State of UP to provide the same. ”

2. Submission of the counsel for the applicant is that the above directions of the Tribunal have not been complied with and the rivers Varuna and Assi at Varanasi are still polluted and no improvement has taken place.

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

4. The Tribunal is examining the issue of encroachment, pollution and demarcation of flood plain zone of rivers Varuna and Assi in OA No. 483/2022.

5. List along with OA No. 483/2022 on 18.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 09, 2024  
Execution Application No. 28/2024 in  
Original Application No. 128/2021  
AS.