

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

I.A. No. 372 OF 2024

IN

O.A. No. 515 OF 2023

IN THE MATTER OF:

Ganga Pollution

...Applicant

Versus

State of UP & Ors.

...Respondent(s)

**REPLY OF THE PRAYAGRAJ DEVELOPMENT AUTHORITY
TO THE I.A. NO. 372 OF 2024 IN O.A. NO. 515 OF 2023, FILED BY
RESPONDENT NO. 26 i.e. OMAXE PANCHAM REALCON PVT.
LTD.**

MOST RESPECTFULLY SHOWETH:

1. The present matter was listed on 19.09.2024 before this Hon'ble Tribunal and a period of 4 weeks were granted to parties to file reply to the Interlocutory Application No. 372 of 2024 filed by M/s Omaxe Pancham Realcon Pvt. Ltd. (**OMAXE**) and the matter is listed on 12.11.2024.
2. In compliance of the directions passed by this Hon'ble Tribunal, Prayagraj Development Authority (Deponent Authority) is filing the

instant reply.

3. In year 2007, OMAXE applied for development of Hi-Tech Township which was notified on 16.08.2007 by a policy notified by Government of Uttar Pradesh. OMAXE was selected for the development of Hi-Tech Township for an area of 1535.12 acres in Prayagraj which was notified to Deponent Authority by the Government of Uttar Pradesh.
4. That the brief history of the policy under which the Hi-Tech Township Project was being developed is as under:
 - i. On 29.07.1998, a National Housing and Habitat Policy was formulated by Ministry of Urban Development and Poverty Alleviation, Govt. of India. In the preamble of the policy, it was observed there is the housing shortage in the country which was estimated to be 13.66 million units, out of which 7.57 million units would be urban areas. More than 90% of this shortage is for the poor and low income category. It was estimated that an investment of Rs.151000 Crore would be required to bridge this deficit, but not more than 25 % of this will flow from banks, financial institution, Central and State Government. It was further estimated that Rs.2,50,000 Crore

shall be required for urban infrastructure during the 9th plan, but not more than 10% would be available from the Government resources. Therefore, no significant head way can be achieved without massive participation of the private sector. This called for the creation of enabling environment by way of legal and regulatory reform and fiscal concessions to encourage non- government sector to take up land assembly, housing construction and investment in infrastructure services. The copy of the National Housing and Habitat Policy, 1998 is annexed herewith and marked as **ANNEXURE A- 1.**

- ii. That the Uttar Pradesh Urban Planning and Development Act, 1973 was enacted to provide for the development of certain areas of Uttar Pradesh according to plan and for the matters ancillary thereto. One of the reason for the enactment was that relating to the problem of town planning and urban development, which needed to be tackled resolutely and therefore, the act was enacted. In pursuance of the above, Prayagraj Development Authority (formerly known as Allahabad Development Authority) was

constituted to promote and secure the development of the development area according to the plan and generally to do anything necessary or expedient for purposes of such development for the purpose incidental thereto.

iii. That in pursuance of the National Housing and Habitat Policy, 1998, the Government of Uttar Pradesh issued a policy dated 22.11.2003 in tune with the National Housing and Habitat Policy, 1998. The copy of the policy dated 22.11.2003 is annexed herewith and marked as **ANNEXURE A-2.**

iv. That in meantime the Government of Uttar Pradesh vide G.O. dated 23.09.1998 and 16.11.1988 in compliance of the direction issued in the WPIL No.2155/97 titled Rakesh Kumar Jaiswal Vs State of U.P. directed that no construction within 200 mtr from the edge of the river would be allowed and accordingly the map should be passed. Further the GO directed that it must be ensured that no flow of sewer or drainage to end up in river ganga without treatment of the same. This was reiterated vide GO dated 05.02.2000 and

31.07.2000, issued by Go UP. The copy of the GO dated 05.02.2000 & 31.07.2000 are annexed herewith and marked as **ANNEXUREA-3.**

- v. In Board Meeting dated 27.12.2004, the Deponent Authority vide Resolution No. 1318 resolved that it would adopt G.O. dated 31.07.2000 and it was also resolved that from future no construction activity would be permitted *within 200 meters from the highest flood level* of the river Ganges and the same would be implemented in the Master Plan 2021 which is enforceable. The copy of the Resolution No. 1318 is annexed herewith and marked as **ANNEXURE A-4.**
- vi. The Deponent Authority in its 83rd Board Meeting dated 03.04.2005 deliberated upon the Resolution No. 1318 dated 27.12.2004 and finally decided/ resolved, vide it's Resolution no. 1337 that the criteria regarding prohibition from construction activity would be the same as was notified by G.O. dated 31.07.2000. Therefore, in the said 83rd Board Meeting, the Deponent Authority had categorically and finally adopted the *G.O. dated 31.07.2000 in respect to the*

subject of construction activity within 200 meters from the river bank with conditional exemption given to certain maths, temples and ashrams. That the aforesaid Resolution dated 03.04.2005 was adopted and implemented in the Master Plan for 2021 at Page 125 at Paragraph V of the said Master Plan. The development activity under the Master Plan 2021 therefore, has to be in accordance with the criteria laid down under the G.O. dated 31.07.2000 which categorically prohibits construction activity within 200 meters from the river bank. The copy of the Resolution No. 1337 dated 03.04.2005 is annexed herewith and marked as **ANNEXURE A-5.**

- vii.** That vide notification dated 17.09.2007, Hi-Tech Township Policy, 2007 for the development of Hi-Tech Township through private investment in Uttar Pradesh was promulgated and the same was communicated to the Housing Commissioner of Uttar Pradesh. Housing and Development Board, U.P. and all the Vice Chairman for all development authorities across State of Uttar Pradesh. The copy of the Hi-Tech Township Policy, 2007 is annexed

herewith and marked as **ANNEXURE A-6.**

- viii.** That on 03.07.2009, in view of the proposals submitted by the developers, Government of Uttar Pradesh informed the Lucknow Development Authority, the Deponent Authority (i.e. Prayagraj Development Authority) and Bulandshahar Development Authority that following developers were selected under the 2007 Policy:

S.No.	Name of Company	District of Proposed Township	Proposed Township Area (in acres)
1.	<i>GarvBuildtechPrivate Limited</i>	<i>Lucknow</i>	<i>2700</i>
2.	<i>PanchamRealcon Pvt Limited</i>	<i>Allahabad</i>	<i>1535.12</i>
3.	<i>RiwaazInfratech Pvt Limited</i>	<i>Bulandshahar</i>	<i>3601.19</i>

- ix.** That in view of the aforesaid proposal thereby communicating that OMAXE has been selected for developing Hi-Tech Township in the District Prayagraj (erstwhile 'Allahabad'), the Memorandum of Understanding (MOU) dated 05.09.2009 was signed between the Deponent

Authority and OMAXE for 1535.12 acres of land. The copy of the Memorandum of Understanding (MOU) dated 05.09.2009 signed between the Deponent Authority and OMAXE for 1535.12 acres of land is annexed herewith and marked as **ANNEXURE A-7.**

- x. That in pursuance of the MOU as above, the Detailed Project Report of the project was prepared by OMAXE and was sent to the Deponent Authority for approval, which was approved by the Deponent Authority on 24.10.2009 in terms of the prevalent rules and regulations, i.e. in accordance with the GO of the State of U.P. thereby prohibiting the construction within 200 mtr from the edge of the river ganga and also in accordance with the newly enacted Building by Laws, 2008, in which under clause 3.1.10 it was provided that except in accordance with the consultation with INTACH, for repair and renovation and for heritage buildings, no activity will be allowed within 200 mtrs from the bank of river ganga. The copy of the C Approved DPR dated 24.10.2009 is annexed herewith and marked as **ANNEXURE A-8.**

- xi.** That the development authority sanctioned the DPR of the OMAXE in accordance with the above rules which were prevalent at the relevant period of time. Also the FAR was accordingly proposed and the land uses were sanctioned.
- xii.** This project was to be developed in three phases, supra, the details of which are as under:

S. No.	Phases	Area(Inacres)
1	Phase-I	726.60
2	Phase-II	477.18
3	Phase-III	333.34
Total		1535.12

- xiii.** The Development Agreement between the parties i.e., OMAXE and Deponent Authority was signed on 03.12.2009 for 726.60 acres for land DA-1. The copy of the development agreement dated 03.12.2009 is annexed herewith and marked as **ANNEXURE A-9.**

- xiv. That OMAXE applied for the completion certificate for Sector -1 (part of Hi-Tech Township) comprising in approx 96 acres of land under section 15A of the U.P. Urban Planning and Development Act, 1973 on 31.03.2011. The copy of the request letter dated 31.03.2011 by OMAXE for the issuance of Completion Certificate is annexed herewith and marked as **ANNEXURE A-10**.
- xv. That in the meantime when the request letter for issuance of completion certificate under section 15A of the Act of 1973 was under consideration by the Deponent Authority, the Hon'ble High Court of judicature at Allahabad in Writ Petition No. 4003/2006 titled In RE: Ganga Pollution vs State of U.P. and Ors. passed the order dated 22.04.2011 whereby the Hon'ble High Court directed as under:
- “... *Ganges plain in the northern India has been always treated to be most fertile area. Due to increase of population enormous and unregulated and unplanned constructions have begun on both sides of river Ganges, which is continuous and unabated process. It has been noticed that in highest flood of 1978, large number of villages on the bank of river Ganges had submerged. Learned Amicus Curiae has*

brought on the record a booklet issued by the District Administration Allahabad 'Badh Prabandh Yojna 2011-2012' in which flood affected villages have been mentioned and the villages Jahangirabad and Mavaiya, where the sewage farm land is situate have been included in the villages which are affected by Ganga flood.

Unabated and enormous construction on the river bank is also one of the source of increasing pollution in river water and a source for throwing untreated sewage dirt in the river with no mechanism to check. As noticed above, Allahabad Development Authority while rejecting the application of Sahara Commercial Corporation for permitting the change of land use as residential in villages mentioned therein, recorded that within 200 meters from highest flood level, construction is wholly prohibited and within next 300 meters permission be granted only in special circumstances. Restriction in making construction of housing colony within 500 meters of highest flood level of river is necessary and mandatory to check the further pollution which may be caused by such housing colonies. We have noticed that in spite of repeated directions, neither the Nagar Nigam nor the State of U.P. has been able to come with any measure to check release of untreated sewage in river Ganges. 134 MLD untreated sewage, according to own case of Nagar Nigam is being discharged in river Ganges daily and according to the respondent new sewage treatment plant of

the capacity 60 MLD shall be commissioned by 2013. New sewage treatment plant which has been mentioned and proposed has yet not started and we have reasonable doubt as to whether it will be able to function by 2013. Stopping construction up to 500 meters from highest flood level on the banks of both the rivers Ganges and also on the part of river Yamuna adjoining Sangam has to be directed in the city of Allahabad. The earlier order dated 28.3.2011 however requires modification.

We thus direct that no construction shall be undertaken by the Allahabad Development authority or by any private builders within 500 meters of highest flood level of river Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Allahabad Development Authority and the district administration shall ensure that no construction be made in the aforesaid area. We however, give liberty to any aggrieved person to make appropriate application in this petition with regard to above restrictions, if he feels so aggrieved.”

The copy order dated 22.04.2011 passed by the Hon’ble High Court of Judicature at Allahabad is annexed herewith and marked as **ANNEXURE A-11.**

- xvi.** That interim order dated 22.04.2011 keeps continuing till date and continuation of this order, the process of

identification, demarcation and delineation of HFL was carried out. Nevertheless, after the promulgation of River Ganga (Rejuvenation, Protection & Management) Authorities Order, 2016, the task for identification of Flood Plain Zone (FPZ) is in progress.

xvii. That out of the total 1535.12 acres of land, owing to reduction in area, revised DPR/ Layout for 232.50 acres of land was submitted by the OMAXE with the Deponent Authority on 25.04.2022, which was approved on 09.06.2022. The copy of the revised DPR is annexed herewith and marked as **ANNEXURE A-12.**

xviii. That due to above-mentioned major changes/ modification in the project, a newly submitted DPR pertaining to 232.50 acres land was submitted by OMAXE with the Deponent Authority revising the earlier Layout Plan of the project on 26.07.2022. Since Phase-1 over the approx. 96 acres of land of the project was already completed (as CC was applied by OMAXE u/s 15A of the Act which is pending consideration by the Deponent Authority) and the allotments have already

been made OMAXE, however due to interim direction passed by this Hon'ble Court, the Deponent Authority has not issued Completion Certificate under section 15A of the Act of 1973 for sector-1 project to OMAXE.

- xix.** That no decision by the deponent authority has been taken on the correspondence by the M/s Pancham Realcon Pvt. Ltd. made to the deponent authority vide letter dated 31.03.2011 for the grant of completion certificate under section 15A of the Act, 1973 for Sector-1 project in letter and spirit compliance of the orders dated 22.04.2011 passed by the Hon'ble High Court of Judicature at Allahabad. The order dated 22.04.2011 of the Hon'ble High Court, which was communicated to M/s Pancham Realcon Pvt. Ltd. vide letter dated 03.05.2011 inter- alia calling upon M/s Pancham Realcon Pvt. Ltd. to stop works, if any and become party to the litigation before the Hon'ble High Court of Judicature at Allahabad by filing appropriate application/ Counter Affidavit to present their cause in the *lis*.
- xx.** That the completion certificate has yet not been issued to the

applicant OMAXE and is pending with the deponent Authority in compliance of the order dated 22.04.2011 of the Hon'ble High Court whereby the Hon'ble Court directed that no construction shall be undertaken by the Allahabad Development authority or by any private builders within 500 meters of highest flood level of river Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Allahabad Development Authority and the district administration shall ensure that no construction be made in the aforesaid area.

- xxi.** It is submitted that OMAXE/ applicant was developing the township in terms of the guidelines & rules relating to exclusion of constructions near river, as was made applicable by the Govt. of UP and prevalent at the relevant point of time.
- 5.** That the Town And Country Planning Organisation, Ministry of Housing and Urban Affairs, Government of India issued River Centric Urban Planning Guidelines, 2021, whereby it has been circulated that RRZ draft policy defines

the area for protection from further encroachments as the “active flood plain”, which will be marked by the high flood line. This, in entrenched stretches will be the available space in the valley. In embanked stretches, this would be the area between two embankments or roads along a river acting as an embankment. In other stretches of the river, the active flood plain will be the 100-year flood line, the land which gets flooded during a 100- year storm. The idea was to establish a no-development zone not less (in area) than the active flood plain. Under the head of Lateral zonation of river banks “Active Flood Plain” is defined as High Flood Line (HFL) which in entrenched / embanked stretches of a river stretch shall be the available space (including the river channel/s) in the valley of entrenched stretch or between two embankments or between existing roads on either side along a river acting as an embankment. In other stretches of the river, HFL/ active flood plain shall be the 100- year flood line. The true copy of the River Centric Urban Planning Guidelines, 2021 issued by the Town and Country Planning Organisation, Ministry of Housing and Urban Affairs,

Government of India is annexed herewith and marked as **ANNEXURE A-13.**

6. That it is most respectfully submitted that the HFL demarcation has already been done for the District of Prayagraj. However, the Flood- plain zone demarcation in compliance of the River Ganga Rejuvenation Order of 2016 is in progress and being done by the competent authorities.
7. That the answering deponent, on 11.05.2011, filed the Counter- Affidavit vis-à-vis an Application for the Vacation of Stay order dated 22.04.2011 passed by the Hon'ble High Court of Judicature at Allahabad, which is available on record of the Hon'ble Tribunal on Page No. 3732, which was numbered as: IA/26/2006 (148387/2011). Prior to it, the answering deponent filed an application for the vacation of stay on 22.04.2011, which was numbered as IA/3/2006 (125684/2011), which was also not decided for vacating the stay order dated 28.03.2011.
8. That to get the vacation of stay, the Deponent Authority went to the Hon'ble Supreme Court vide SLP (C) No.

22780-2011 titled Allahabad Development Authority Tr. Vice Chairman Vs. RE. Ganga Pollution H.B. Ji Maharaj, which was disposed-off as withdrawn with the liberty that the Authority would like to move an application before the High Court for vacation of the orders impugned in these petitions. Accordingly, the Special Leave Petitions were dismissed as not pressed. The Hon'ble Supreme Court further clarified that they have not expressed any opinion on the merits of the contentions raised in these petitions as also on the application proposed to be filed before the High Court. The copy of the order dated 08.08.2011 passed by the Hon'ble Supreme Court in SLP (C) No. 22780-2011 titled Allahabad Devt. Auth. Tr. Vice Chairman Vs. Re. Ganga Pollution H.B. Ji Maharaj is annexed herewith and marked as **ANNEXURE A-14.**

9. That in addition to the project of the applicant, several important projects, i.e. part constructions in the Harish Chandra Research Institute (Deptt. of Atomic Energy, Govt. of India), housing projects of the deponent authority for all segments of the people under New Prayagam Scheme.

10. That it is worth mentioning that the issue of 500 Mtr comes from the confusion, which, most humbly being submitted was the mis-reading by the Ld. Amicus on a report presented before the Hon'ble High Court. It is most respectfully submitted that at the relevant point of time, Master Plan-2021 was being drafted. Sahara India applied for the change of land-usage as commercial in Mauja Mavaiya and Mavaiya Devrakh Uperhar, Tehsil- Karchana, Allahabad for the total land area 133 acres. This proposal was brought before the Board of Allahabad Development Authority, whereby resolution Item No. 45 was deliberated. Now the Hon'ble High Court proceeded on the erroneous pretext of complete bar of 500 Mts from river tat/ river edge by the ADA. That the answering respondent Authority submits that Item no. 45 appearing at page no. 200 of the Master Plan document is a part of the objections and suggestions tendered by the committee constituted to discuss the draft Master Plan 2021. A perusal of page 170 of the Master Plan itself to reveal that while column no. 1 relates to name and address of the person, column no. 3 relates to the objections

and suggestion of the person concerned upon which in the next column contains the departmental note and lastly the recommendations of the committee have been contained. A conjoint reading of page 170, 200 and 201 would therefore, leave no room of doubt that serial no. 45 was actually a suggestion submitted by Mr. S. Faizal, Manager, Sahara India Commercial Company Ltd., Lucknow wherein in the next column the false suggestion of Mr. S. Faizal has been mentioned. In the next column thereafter is contained the departmental note and in the last column the recommendations of the committee to examine the suggestions and objections has been mentioned.

- 11.** That suggestions/objections of Mr. S. Faizal contained at serial no. 45 came to be considered in the 83rd meeting of the Authority itself dt. 3.4.2005. The agenda note placed before the Authority in the meeting dt. 3.4.2005 as well as the resolution no. 1337 resolved by the Authority in the said meeting are clearly mentioned at page 168 of the Master Plan document.

12. That perusal of page 168 would show that the recommendation made by the committee while dealing with the suggestions and objections of Mr. S. Faizal at serial No. 45 recommending restrictions in the raising of the construction upto level of 500 Mtr from the highest flood level was not accepted by the Authority and consequently the recommendation made by the committee was neither accepted nor it could be treated to be a decision by the competent authority for the said premises.
13. That the decision contained at page 168 is based upon the Government Order issued on 31.7.2000 of the State Government which has been annexed, at page 166 of the Master Plan document.
14. That from perusal of the above decision it is clear that the ultimate decision taken by the Authority on the issue relating to imposing of restrictions for raising constructions within a specified distance from the river itself was confined only to the extent of 200 meters from the bank (Nadi Tat) of the river itself.

15. That the Authority therefore, had no point of time ever to any decision to restrict raising of construction upto level of 500 meters from the highest flood level in the final text Master Plan 2021 which is enforced and operative as on date. The contrary suggestion made by the learned Amicus Curiae was based on a complete misreading and misconstruction of the Master Plan document itself and therefore such stand is liable to be discarded. A true copy of the Master Plan-2021 is annexed herewith and marked as **ANNEXURE A-15.**

16. That the deponent Authority has already allotted plots to nearly 1000 plots holders in the New Prayagam Scheme and the development of High-Tec Township has also been permitted by the Authority as per law which specifically compliance with the provisions of Master Plan and also ensures that the holy river Ganga and Yamuna are not polluted by any means on account of development of the aforesaid two colonies. It is again reiterated that in the project of the New Prayagam Scheme no untreated water

beyond the permissible limit is to be discharged in the river and in the project of the High-Tech City no discharge whatsoever is to take place in river Ganga or Yamuna from the High-Tec City and the entire discharge of waste water would be treated and are cycled in the project area itself and consequently there would be no threat or damage to the sanctity and purity of the river itself.

17. That nothing material is concealed therefrom.



Prayagraj Development Authority

मु०नगर नियोजक/प्र०अधि० (त०स०)

प्रयागराज विकास प्राधिकरण

प्रयागराज

Through Counsel

(VIBHAV MISHRA)

Advocate-on-Record

Counsel for Prayagraj Development Authority

Place: New Delhi

Date:07.11.2024

Ministry of Urban Development and Poverty Alleviation
Department of Urban Employment and Poverty Alleviation

NATIONAL HOUSING AND HABITAT POLICY, 1998

By 1997 the total housing shortages in the country was estimated to be 13.66 million units, out of which 7.57 million units would be in the urban areas. More than 90% of this shortage is for the poor and the low income category. It was estimated that an investment of Rs. 1,51,000/- crores would be required to bridge this deficit, but not more than 25% of this will flow from banks, financial institutions, Central and State Governments. It was further estimated that Rs. 2,50,000 crores shall be required for urban infrastructure during the Ninth Plan, but not more than 10% would be available from Government sources. Therefore no significant headway can be achieved without massive participation of the private sector. This called for creation of enabling environment by way of legal and regulatory reforms and fiscal concessions to encourage non-government sector to take up land assembly, housing construction and investment in infrastructure services.

The Government through a National Agenda declared HOUSING FOR ALL as a priority area and has set a target of construction of 2 million houses every year with emphasis on the poor and deprived, out of which 0.7 million houses shall be constructed in the urban areas.

With this background, the New National Housing and Habitat Policy (NHHP) was formulated in 1998. The Policy was laid before the Parliament on 29.07.1998.

Objectives

The Housing and Habitat Policy 1998 aims at:

- 1 Creation of surpluses in housing stock either on rental or ownership basis
- 2 Providing quality and cost effective shelter options, especially to the vulnerable groups and the poor
- 3 Ensuring that housing, along with the supporting services, is treated as a priority and at par with infrastructure sector
- 4 Removing legal, financial and administrative barriers for facilitating access to land, finance and technology
- 5 Forging strong partnership between private, public and cooperative sectors to enhance the capacity of the construction industry to participate in every sphere of housing and habitat
- 6 Using technology for modernising the housing sector to increase efficiency, productivity, energy efficiency and quality
- 7 Empowering the Panchayat Raj institutions and village cooperatives to mobilise credit for adding to the housing stock

Role of all the Stake Holders

The NHHP 1998 lays down the role of all the stakeholders for achieving the goal of providing shelter to all.

The Central Government would

- 1 take steps to bring in legal reforms including formulation of effective foreclosure laws.

www.urbanpolls.nic.in

Ministry of Urban Development and Poverty Alleviation
Department of Urban Employment and Poverty Alleviation

- 1 devise macro economic policies to enable flow of resources to the housing and infrastructure sector,
- 1 develop a debt market for housing and infrastructure fully integrated with the financial markets in the country
- 1 set up a National Shelter Fund to meet the requirement of low cost funds for the housing needs of the poor
- 1 promote research and development and transfer of technology for construction of houses
- 1 evolve parameters for optimal use of available resources to promote development and growth in a sustained manner
- 1 provide fiscal concessions for housing, infrastructure, innovative and energy saving construction materials and methods and also set up a regulatory mechanism to ensure that the concessions are correctly targeted and utilised.
- 1 develop and enforce appropriate ecological standards to protect the environment and provide a better quality of life in human settlements;
- 1 promote the creation of a secondary mortgage market.

The State Governments would

- 1 liberalise the legal and regulatory regime to give a boost to housing and supporting infrastructure
- 1 promote private sector and cooperatives in undertaking housing construction for all segments in urban and rural areas.
- 1 undertake appropriate reforms for easy access to land
- 1 facilitate training of construction workers by converging other development programmes through Building Centres and other agencies
- 1 promote decentralised production and availability of building material
- 1 empower the local bodies to discharge their responsibilities in regulatory and development functions.

The Local Authorities would

- 1 identify specific housing shortages and prepare District Housing Action Plans for rural areas
- 1 devise programmes to meet housing shortages and augment supply of land for housing, particularly for the vulnerable group
- 1 plan expansion of both urban and rural infrastructure services
- 1 enforce effectively regulatory measures for planned development.

The Public/Private Housing Finance Companies would

- 1 refine their role and move away from their traditional approach to housing finance.
- 1 develop and expand their reach to meet the needs of people
- 1 devise schemes to lend at affordable rates to those who are in dire need of housing finance support.
- 1 mobilise resources from provident funds, insurance funds, mutual funds etc. for house building activities.
- 1 develop innovative instruments to mobilise domestic savings

Housing Boards/Corporations/Development Authorities and other public agencies would

- 1 revamp their method of working and redefine their role for facilitating land assembly and development of infrastructure

Ministry of Urban Development and Poverty Alleviation
Department of Urban Infrastructure and Poverty Alleviation

- move away from construction activity
- forge partnership with private sector and cooperatives for housing construction in a flexible manner
- devise flexible strategies to meet the user's requirement

By 1997 the total housing shortage in the country was estimated to be 13.66 million units, out of which 7.57 million units would be in the urban areas. More than 90% of this shortage is for the poor and the low income category. It was estimated that an investment of Rs. 1,51,000/- crores would be required to bridge this deficit, but not more than 25% of this will flow from banks, financial institutions, Central and State Governments. It was further estimated that Rs. 2,50,000 crores shall be required for urban infrastructure during the Ninth Plan, but not more than 10% would be available from Government sources. Therefore no significant headway can be achieved without massive participation of the private sector. This called for creation of enabling environment by way of legal and regulatory reforms and fiscal concessions to encourage non-government sector to take up land assembly, housing construction and investment in infrastructure services.

The Government through a National Agenda declared HOUSING FOR ALL as a priority area and has set a target of construction of 2 million houses every year with emphasis on the poor and deprived, out of which 0.7 million houses shall be constructed in the urban areas.

With this background, the New National Housing and Habitat Policy (NHHP) was formulated in 1998. The Policy was laid before the Parliament on 29.03.1998.

Objectives

The Housing and Habitat Policy 1998 aims at:

- Creation of surpluses in housing stock either on rental or ownership basis
- Providing quality and cost effective shelter options, especially to the vulnerable groups and the poor
- Ensuring that housing, along with the supporting services, is treated as a priority and at par with infrastructure sector
- Removing legal, financial and administrative barriers for facilitating access to land, finance and technology
- Forging strong partnership between private, public and cooperative sectors to enhance the capacity of the construction industry to participate in every sphere of housing and habitat
- Using technology for modernising the housing sector to increase efficiency, productivity, energy efficiency and quality
- Empowering the Panchayat Raj Institutions and village cooperatives to mobilize credit for adding to the housing stock

Role of all the Stake Holders

The NHHP 1998 lays down the role of all the stakeholders for achieving the goal of providing shelter to all.

The Central Government would

- take steps to bring in legal reforms including formulation of effective foreclosure laws.

actions without continuity in

Ministry of Urban Development and Poverty Alleviation
Department of Urban Employment and Poverty Alleviation

- 7 devise macro economic policies to enable flow of resources to the housing and infrastructure sector.
- 7 develop a debt market for housing and infrastructure fully integrated with the financial markets in the country
- 7 set up a National Shelter Fund to meet the requirement of low cost funds for the housing needs of the poor
- 7 promote research and development and transfer of technology for construction of houses
- 7 devise parameters for optimal use of available resources to promote development and growth in a sustained manner
- 7 provide fiscal concessions for housing, infrastructure, innovative and energy saving construction materials and methods and also set up a regulatory mechanism to ensure that the concessions are correctly targeted and utilised.
- 7 develop and enforce appropriate ecological standards to protect the environment and provide a better quality of life in human settlements;
- 7 promote the creation of a secondary mortgage market.

The State Governments would

- 7 liberalise the legal and regulatory regime to give a boost to housing and supporting infrastructure
- 7 promote private sector and cooperatives in undertaking housing construction for all segments in urban and rural areas.
- 7 undertake appropriate reforms for easy access to land
- 7 facilitate training of construction workers by converging other development programmes through Building Centres and other agencies
- 7 promote decentralised production and availability of building material
- 7 empower the local bodies to discharge their responsibilities in regulatory and development functions.

The Local Authorities would

- 7 identify specific housing shortages and prepare District Housing Action Plans for rural areas
- 7 devise programmes to meet housing shortages and augment supply of land for housing, particularly for the vulnerable group
- 7 plan expansion of both urban and rural infrastructure services
- 7 enforce effectively regulatory measures for planned development.

The Public/Private Housing Finance Companies would

- 7 redefine their role and move away from their traditional approach to housing finance.
- 7 develop and expand their reach to meet the needs of people
- 7 devise schemes to lend at affordable rates to those who are in dire need of housing finance support
- 7 mobilise resources from provident funds, insurance funds, mutual funds etc. for house building activities.
- 7 develop innovative instruments to mobilise domestic savings

Housing Boards/Corporations/Development Authorities and other public agencies would

- 7 revamp their method of working and redefine their role for facilitating land assembly and development of infrastructure

**Ministry of Urban Development and Poverty Alleviation
Department of Urban Employment and Poverty Alleviation**

- 1 move away from direct construction activity
- 1 forge partnerships with the private sector and cooperatives for housing construction in an efficient manner
- 1 devise flexible schemes to meet the user's requirement

This Corporate, Private and Cooperative Sectors would

- 1 take the lead role in land assembly, construction of houses and development of amenities
- 1 forge partnership with State Governments and local authorities for construction of houses
- 1 collaborate with the State Governments to work out schemes for slum reconstruction on a cross-subsidization basis

Research, and Technology Transfer Organisations would

- 1 direct research efforts to locally available raw materials
- 1 reduce the use of scarce natural resources and replace them with renewable resources
- 1 standardise the new technology for easy adoption by various public and private construction agencies
- 1 promote energy efficiency in building materials and construction methods
- 1 promote use of renewable energy sources for the housing sector particularly solar, bio-mass and waste based energy
- 1 promote disaster mitigation techniques for new constructions as well as strengthening of existing houses to prevent continuing loss of housing stock and human lives from natural hazards like earthquakes, cyclones and floods
- 1 disseminate information about new technologies and provide training to construction workers in the use of new technologies.

संख्या: 6007/0-आ-1-2009-318/03

श्रीमद,

जे.एस. गिरी,
साथिय,
उत्तर प्रदेश शासन।

सेवा में

1. जायसूक्त,
आवास एवं विकास परिषद,
उत्तर प्रदेश।
2. सप्तरी उपआयुक्त,
विद्यार्थ प्राधिकरण,
उत्तर प्रदेश।

आवास एवं शहरी नियोजन अनुभाग-1

लखनऊ दिनांक 22 नवम्बर, 2009

विषय: उत्तर प्रदेश में हाई-टेक एजिनशिप विकसित करने के लिए निजी मूजी निवेश को प्रोत्साहन हेतु नीति निर्धारित किए जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय पर मुझे यह ज्ञान कि निदेश हुआ है कि किसी राज्य के सामूहिक विकास के लिए शहरी विकास का ऐसा स्वरूप होना आवश्यक है जिसमें राज्य गुणवत्ता की जीवन पद्धति उपलब्ध हो। उत्तर प्रदेश सरकार द्वारा समुदाय के विकास को आर्थिक प्रगति का एक मुख्य सेक्टर माना गया है, अतः प्रदेश में निवेशकों को आकर्षित करने के लिए जीवन की गुणवत्ता एक मुनिमादी आवश्यकता है। इस हेतु प्रदेश के तीव्र गति से बढ़ रहे महानगरों में आधुनिक सुविधाओं युक्त एजिनशिप में बड़े पैमाने पर निजी मूजी निवेश को प्राथमिकता के आधार पर प्रोत्साहित किया जाना आवश्यक है। जनगणना, 2001 के अनुसार प्रदेश की 28 प्रतिशत आबादी 10 जर्बर से अधिक जनसंख्या वाले 19 महानगरों तथा- कानपुर, लखनऊ, आगरा, वाराणसी, मेरठ व इलाहाबाद में केंद्रित है तथा वर्ष 1991-2001 के दशक में इन महानगरों की जनसंख्या वृद्धि दर सामूहिक (48.10 प्रतिशत) रही है।

2. शहरी जनसंख्या में हो रही वृद्धि एवं तीव्र भूमि संभरण के परिणाम में महानगरों में अवस्थापना सुविधाओं एवं आवासों की आवश्यकताएं समीर होती जा रही हैं। निवेश प्राधिकरणों तथा अन्य शासकीय अगिऊरणों के पास वित्तीय संसाधनों का अभाव एवं अन्य दैनिकियों होने के कारण बड़े पैमाने पर मूजी निवेशकों को आकर्षित करने के लिए निजी मूजी निवेश को प्राथमिकता के आधार पर प्रोत्साहित किया जाना आवश्यक है। ऐसी स्थिति में समीर क्षेत्र में निजी निवेश से आधुनिक सुविधाओं के प्राविधान हेतु निजी मूजी निवेश को प्रोत्साहित किया जाना एक मात्र विकल्प प्रतीत होता है।

3. राज्य आवास नीति के अनुसार आवास सेक्टर में निजी मूजी निवेश को प्रोत्साहन पर विशेष धन दिया गया है, परन्तु प्रदेश के समीर क्षेत्र में मूजी समुचित मात्रा में उपलब्ध न होने के कारण निजी क्षेत्र द्वारा अभी तक अधिकांश जनसंख्या पर इस से लाभ न हो पा रहा है।

जानकि निजी क्षेत्र में अत्यधिक प्रतिगतिता, कार्यसाध्यता, गतिशीलता, प्रयत्न एवं वि. प्रो. संसाधन जुटाने की असीम क्षमता उपलब्ध है, जिससे उपयुक्त नतीजे सज्ज हो सकते हैं। वर्तमान आर्थिक उदारीकरण एवं निजीकरण की नीति के परिणाम में आवांशिकी के क्षेत्र में सरकार की भूमिका 'दाता' के स्थान पर 'सुनिहायदायक' के रूप में निर्धारित की गई है। अतः इस उद्देश्य की पूर्ति हेतु सरकार द्वारा एक सुविधापूर्णा एवं गन्तुपूर्ण पर्यावरण का सृजन किया जाना आवश्यक है। उपर्युक्त उद्देश्य की पूर्ति हेतु सरकार द्वारा भू-जोड़, जैसी लखनऊ, कानपुर, गाजियाबाद, आगरा, गुरुदासपुर, मुजफ्फरपुर तथा अन्य 'प्रोब फोरेन्सिगल' वाले नगरों में अन्तर्राष्ट्रीय मानकों के अनुकूल 'सर्च-देव' टाउनशिप, का विकास प्राविधिकता के अधार पर प्रोत्साहित किया जाना आवश्यक है। ऐसे नगरों में निवेश, पर्यटन एवं सूचना प्रौद्योगिकी के प्रोत्साहनों हेतु उच्च स्तरीय शिक्षणशी पर्यावरण उपलब्ध होना आवश्यक है।

ग. प्रयत्न प्रकरण के समय में उपर्युक्त वर्णित स्थिति को दृष्टिगत रखते हुए पर राज्य के विधानमंडल का यह निर्णय लिया गया है कि निजी क्षेत्र से ऐसे 'सर्च-देव' टाउनशिप का विकास अथवा निर्माण के लिए 750 करोड़ का निवेश और लगभग 1500-2000 मूल्य का विकास 5 मप की सहायता से पूर्ण किए जाने का प्रस्ताव हो, निम्नानुसार निर्दिष्ट क्षेत्रों देकर निजी निवेशकों को प्रोत्साहित किया जाए:-

- (1) टाउनशिप के विकास हेतु खेती प्राप्ति एवं अनुपवी विकासकर्ता कंपनियों (जोपनी अधिनियम की धारा-2 में परिभाषित) से प्रस्ताव आमन्त्रित किए जाएंगे। विकासकर्ता कंपनी का ध्यान आर्थिक क्षमता, तकनीकी योग्यता एवं अनुभव तथा कानून-सुसंज्ञ, 'प्री-फिलीविलिटी रिपोर्ट' के अधार पर किया जाएगा। विकासकर्ता कंपनी का विपक्षित क्षेत्रों में स्थापना आर्थिक दर्जा और ऊ. 100 करोड़ होना आवश्यक है।
- (2) विकासकर्ता कंपनियों के गठन हेतु राष्ट्रीय स्तर के समन्वय पत्रों में प्रकटित विकास के माध्यम से प्राप्त प्रस्तावों पर मुख्य सचिव की अध्यक्षता में गठित उच्च स्तरीय समिति द्वारा प्राप्ति प्रस्तावों पर विचार किया जाएगा।
- (3) टाउनशिप के विकास के लिए विकास प्राविधिकता तथा उ. प्र. आगरा एवं गिर्वाण परिषद, अथवा अन्य प्राविधिकता के द्वारा भूमि अधिग्रहण अधिनियम, 1980 अथवा उ. प्र. आगरा एवं गिर्वाण परिषद अधिनियम, 1980 के अधीन भूमि का अर्जन राज्य सरकार के पास से किया जाएगा और प्रतिफल का निर्धारण ग्यारहवां भू-स्वामी से समझौते के अधार पर उत्तर विधायक की प्राविधिकता के अन्तर्गत किया जाएगा। निर्धारित/समझौते में निजी विकासकर्ता को भी सामंजस्य दिया जाएगा। विकासकर्ता कंपनी द्वारा स्वयं भी सीधे भूमि का भी आवांशिकी प्रदान प्रकरणों में समझौते के अधार पर प्रतिफल निर्धारण नहीं हो सकेगा अन्तर्गत भूमि अधिग्रहण अधिनियम, 1980 के प्राविधिकता के अन्तर्गत विस्वाधिकारी द्वारा नियमानुसार प्रतिफल की दर निर्धारित की जाएगी। भविष्य में भू-अर्जन की दर में किसी ग्यागलिय द्वारा भूमि लिए जाने आगम अर्जन संपत्ती गिरी विचार के परम्परागत उत्पन्न गिरी भी देयता का प्राविधिकता विकासकर्ता कंपनी का होगा।
- (4) विकासकर्ता कंपनी द्वारा भू-अर्जन की समस्त समस्त लागत की जाएगी परन्तु इस दायता हेतु विस्वाधिकारी द्वारा निर्धारित 10 प्रतिशत अर्जन शुल्क में विकासकर्ता कंपनी को छूट देया होगी।

- (5) विकासकर्ता कम्पनी को भूमि को कम अथवा हस्तांतरण, जो 90 वर्ष की सीमा पर होगा, हेतु स्टैम्प ड्यूटी से मुक्त होगी, परन्तु भूमि विभागा के उपरोक्त विधायक की जाने वाली सम्पत्तियों पर स्टैम्प ड्यूटी एवं फी-डोल्ड परिवर्तन शुल्क एवं भूमि मूल्य का 12 प्रतिशत अनुवर्ती विकस/फीहोल्ड परिवर्तन के समय विकासकर्ता कम्पनी द्वारा अर्जनकर्ता आगकरण को देय होगा।
- (6) प्रस्तावित टाउनशिप का लैंड यूज रूल्बुक जिसमें आवासीय, व्यावसायिक, संस्थागत, ग्रीन क्षेत्र तथा सामुदायिक सुविधाओं आदि हेतु प्राविधान शामिल होने प्रचलित महायोजना माइड लाईन्स तथा गिल्डिंग मार्गलाइन के आधार पर किया जाएगा। प्रस्तावित टाउनशिप पर्यावरणीय दृष्टिकोण से "सस्टेनेबल" होगा।
- (7) विकासकर्ता कम्पनी द्वारा तयन के उपरोक्त टाउनशिप-का डिटेल्ड प्रोजेक्ट रिपोर्ट (डी.पी.आर.) 180 दिन के अन्दर तैयार कर प्रस्तुत की जाएगी जिसमें प्रस्तावित टाउनशिप का ले-आउट प्लान, लैंड यूज प्लान, इन्फ्रास्ट्रक्चर एवं सर्वेक्षण प्लान, मानक एवं विशिष्टियाँ, इम्प्लीमेंटेशन शिड्यूल, रिजोर्स गोविलेजेशन, सम्पत्ति प्रबंधन तथा आवेशन एण्ड गेन्टीनेन्स आदि के प्रस्ताव शामिल होंगे।
- (8) तयित प्राविधानों द्वारा डी.पी.आर. पर 30 दिन के अन्दर अनुमोदन प्रदा किया जाएगा। विकासकर्ता कम्पनी को टाउनशिप के लैंड यूज में आवासीय परिवर्तन की सुविधा इस शर्त सहित अनुमत्त होगी कि निम्नी भी अनुमत्त हेतु आवसित भूमि परियोजना प्रारम्भ होने के समय प्रचलित मानकों एवं माइड लाइन्स के अन्तर्गत हो। प्रोजेक्ट रिपोर्ट का अनुमोदन ही टाउनशिप प्लान का अनुमोदन होगा जिसके अनुमोदन हेतु अलग से प्रक्रिया-निर्धारित की जाएगी।
- (9) विकासकर्ता कम्पनी द्वारा निम्नी अवशिष्ट शुल्क का अनुमत्त किए टाउनशिप में उन्मत्त समरस आन्तरिक, वाह्य विकास वर्क डिटेल्ड प्रोजेक्ट रिपोर्ट में निर्धारित मानकों एवं विशिष्टियों के अनुसार निर्माचित किए जा सकेंगे। प्रस्तावित टाउनशिप में कतिपय सुविधाएं जैसे-रोड कनेक्शन, जल निवारी, जलपूर्ति, ड्रेनेज, सीवरेंज आदि की व्यवस्था हेतु विकासकर्ता कम्पनी द्वारा आन्तरिक अभिकरण को नदतनिव्य व्यय देय होगा। परन्तु प्रस्तावित टाउनशिप के निवारियों द्वारा विद्यमान गैर-वकी सामान्य सुविधाओं के उपयोग के लिए निम्नी प्रकार का वाह्य विकास शुल्क देय नहीं होगा।
- (10) विकासकर्ता कम्पनी द्वारा सामुदायिक सुविधाओं म्था-पुलिस स्टेशन, पावर स्टेशन, प्रोस्ट आफिस, टेलीफोन एक्सचेंज, आदि के लिए भूमि निःशुल्क उपलब्ध कराई जाएगी। प्रस्तावित टाउनशिप के अन्तर्गत राज्य सरकार द्वारा उपर्युक्त सुविधाओं की समवन्त स्थापना में सहायता दी जाएगी तथा पुलिस स्टेशन हेतु आवसित भूमि पर पुलिस स्टेशन निःशुल्क स्थापित किया जाएगा।
- (11) उपयोग नियोजन एवं निर्माण कर्तव्यों में देवी आपदासोप प्राविधान हेतु शासन द्वारा निर्धारित नीतियों तथा सी.आई.एस. एवं आई.एस. के सुरंगत कोड का अनुमत्त-अनुपालन सुनिश्चित किया जाएगा।
- (12) परियोजना का किर्माणन डी.पी.आर. के अनुमत्त एवं तमों निर्धारित मानकों-सारिणी के अनुसार पूर्ण करने तथा आवासीय एवं वाह्य विकास वर्कों की अनुमत्त सुनिश्चित करने के लिए शासन द्वारा विकास प्रातिकरण अंशदा प्र

आवास एवं विकास परिषद या किसी अन्य एजेंसी को, नामित किया जाएगा जो
परियोजना विभाजन के कार्यों को निरीक्षण हेतु विकसयकर्ता कंपनी को संपूर्ण
अनुबंध प्रिदादित करेगी।

(13) प्रोजेक्ट का क्रियान्वयन डी.पी.आर. के प्राविधानों के अनुरूप पूर्ण करने हेतु
सरकार द्वारा नामित अधिकरण द्वारा परियोजना की 25 प्रतिशत पर्यटन भूमि के
हस्तांतरण का अधिकार अपने पास रखा जाएगा जिससे विकसयकर्ता कंपनी द्वारा
यदि कोई कार्य अधूरा छोड़ा जाता है तो उसे पूर्ण करवाया जा सके।

(14) स्थानीय निगम की सेवाओं का हस्तांतरण होने तक उनका रखा रखा
विकसयकर्ता कंपनी द्वारा स्वयं किया जाएगा जिसके लिए विकसयकर्ता कंपनी को
रखा-रखाव शुल्क बरतू करने का अधिकार होगा। टाउनशिप का जब तक
स्थानीय निगम को हस्तांतरण नहीं हो जाता है, तब तक स्थानीय निगम के
ट्रांसमिशन के अंतर्गत गृहकार, जलकर, रीवरेंज, वार, आदि की बरतूनी नहीं की
जाएगी।

5. अतः अनुसूध है कि कृपया उपरोक्त यवस्थानुसार कार्यवाही सुनिश्चित करा
सथा वृत्त कार्यवाही से शासन को अधगत बनाने का कष्ट-करें।

गजपीठ

४ /

जे एस. निश

सांघ

संख्या: 6007(1)/१-आ-1-2001-34वि/03 तददिनांक

1. प्रतिनिधि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. सम्बन्धित गण्डनायुक्त, उत्तर प्रदेश।
3. सम्बन्धित जिलाधिकारी, उत्तर प्रदेश।
4. सम्बन्धित गृहि अध्यापि अधिकारी।
5. सम्बन्धित अध्याप/जिलाधिकारी, विशेष क्षेत्र विकास प्राधिकरण।
6. आवास वन्दु।
7. गार्ड फाइल।

आज्ञा से,

४ /

अमितान शिवाजी

अनुसंधि

संख्या-4503/9-आ-1-1998

प्रेषक,

श्री अतुल कुमार गुप्ता,
सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. आवास आयुक्त,
उ.प्र. आवास एवं विकास प्राधिकरण, लखनऊ।
2. उपाध्यक्ष,
समस्त विकास प्राधिकरण, उत्तर प्रदेश।
3. मुख्य नगर एवं ग्राम नियोजक
नगर एवं ग्राम नियोजन विभाग, उ.प्र. लखनऊ।

आवास अनुभाग-1 लखनऊ : दिनांक : 16 नवम्बर, 1998

विषय : जनहित याचिका संख्या 2155/97 राकेश कुमार जैसवाल बनाम राज्य सरकार।

महोदय,

उपरोक्त विषय पर सम्यक विचारोपरांत शासन द्वारा निर्णय लिया गया है कि :-

1. गंगा नदी पर किंगारे वसे नगरीय क्षेत्र में विकसित होने वाली कालोनियों के तलपट मानचित्रों के अनुमोदन से पूर्व यह सुनिश्चित होना आवश्यक है कि कालोनी के सीवर तथा ड्रेनेज से नदी प्रदूषित न हो तथा ट्रीटमेन्ट के पश्चात ही से नदी में छोड़ा जाय।
2. ऐसे नगरों में नदी से 200 मीटर क्षेत्र में किसी भी प्रकार की कोई गतिविधि अनुमत्त न की जाए।
3. उक्त निर्णय निजी निर्माताओं के साथ-साथ आवास विकास परिषद तथा प्राधिकरणों पर भी शासन रूप से लागू होगा। अतः मुझे यह कहने का निर्देश हुआ है कि शासन के उक्त निर्णय का अनुपालन कड़ाई से सुनिश्चित किया जाये।

यह आदेश तत्काल प्रभावी होगा।

भवदीय,

अतुल कुमार गुप्ता
सचिव

कुमर गुप्ता,
सहायक सचिव।

उज्जैन,
संस्कृत विद्यालय प्राधिकरण,
महाराष्ट्र प्रदेश।
भाषात आधुनिक,
भाषात एवं विद्यालय परिषद,
सचनज।

गुप्त नगर एवं ग्राम नियोजक,
नगर एवं ग्राम नियोजन विभाग,
पंजाब प्रदेश, सचनज।

सचनज-3

सचनज : दिनांक : 31 जुलाई, 2000

श्री गंगा नदी तट पर बसे नगरों में किनारे से 200 मीटर तक किसी भी प्रकार की गतिविधियाँ अनुमत्त न किये जाने के
कारण को सिद्ध किये जाने के सम्बन्ध में।

श्री गंगा नदी तट पर बसे नगरों में किनारे से 200 मीटर तक किसी भी प्रकार की गतिविधियाँ अनुमत्त न किये जाने के
कारण को सिद्ध किये जाने के सम्बन्ध में।

श्री गंगा नदी तट पर बसे नगरों में किनारे से 200 मीटर तक किसी भी प्रकार की गतिविधियाँ अनुमत्त न किये जाने के
कारण को सिद्ध किये जाने के सम्बन्ध में।

श्री गंगा नदी तट पर बसे नगरों में किनारे से 200 मीटर तक किसी भी प्रकार की गतिविधियाँ अनुमत्त न किये जाने के
कारण को सिद्ध किये जाने के सम्बन्ध में।

श्री गंगा नदी तट पर बसे नगरों में किनारे से 200 मीटर तक किसी भी प्रकार की गतिविधियाँ अनुमत्त न किये जाने के
कारण को सिद्ध किये जाने के सम्बन्ध में।

2. ड्रेनेज सीधे गंगा नदी में नहीं अवमुक्त किया जायेगा वरन् अन्य नालों आदि में ले जाने की व्यवस्था की जानी होगी।

3. यदि क्षेत्र में सीवेज व्यवस्था नहीं है तो निवास स्थान/धर्मशाला आदि इन प्रयोजनों में अनुमन्य नहीं की जायेगी ताकि गंगा नदी में मल न जाने पाये।

उपर्युक्त वर्णित शासनादेश दिनांक 23-9-88 एवं दिनांक 16-11-88 को इस सीमा तक संशोधित समझा जाय।

भवदीय,

अतुल कुमार गुप्ता
सचिव।

संख्या-320/9-आ-3-2000-127 काम्य/99 तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. मुख्य अभियन्ता (गंगा) एवं नोडल अधिकारी, उत्तर प्रदेश जल निगम, लखनऊ।
2. सचिव, उत्तर प्रदेश शासन, नगर विकास विभाग।
3. उपाध्यक्ष, संमस्त विशेष क्षेत्र विकास प्राधिकरण, उत्तर प्रदेश।

आज्ञा से
जावेद एहतराम
उप सचिव।

संकल्प संख्या - 1165

दिनांक - 29.09.2000

विचारोपचान्त सर्वसम्मति प्रस्तुत प्रस्ताव की स्वीकृति प्रदान करते हुए गंगा, यमुना एवं संगम क्षेत्र में भवन निर्माण की गतिविधि को प्रतिबंधित किए जाने का निर्णय लिया गया। यह भी निर्णय लिया गया कि उपरोक्त नदियां के दोनों तरफ उच्चतम जल स्तर को किनारा मानते हुए संससे 200 मीटर की दूरी तक दोनों तरफ कोई निर्माण अनुमत्य नहीं होगा तथा उसके आगे 300 मीटर तक निर्माण प्राधिकरण बोर्ड की अनुमति से विशेष परियोजनाओं हेतु ही अनुमत्य किया जायेगा। यह परियोजनाएँ धार्मिक, सांस्कृतिक, पर्यटन से संबंधित शोध केन्द्र क्रीडा आदि को ही अनुमत्य होगी तथा इसमें ग्राउण्ड कवरेज 10 प्रतिशत से अधिक नहीं होगी तथा निर्माण भी विशेष परिस्थितियों में प्राधिकरण बोर्ड के अनुमोदन के पर्यत ही किया जायेगा। यह भी निर्णय लिया गया है कि वर्तमान निर्माण को चिन्हित करने के लिये सर्वेक्षण कराया जाय तथा सम्पूर्ण क्षेत्र की वीडियोग्राफी, फोटोग्राफी करा ली जाये ताकि आज के निर्माण का स्तर भली प्रकार चिन्हित किया जा सके।

इलाहाबाद नगर के पौराणिक एवं सांस्कृतिक पहचान को सुरक्षित रखने के उद्देश्य से यह भी निर्णय लिया गया कि कुम्भ मेलों के सम्पूर्ण क्षेत्र को भली प्रकार परिभाषित कर महायोजना में इसका सही अंकन कर दिया जाये तथा प्रत्येक वर्ष में दो बार उपरोक्त क्षेत्र में होने वाले अवैध निर्माण को चिन्हित कर व्यापक ध्वस्तीकरण अभियान चलाया जाये।

(सत्य प्रतिलिपि)

मद संख्या:-5 अवैध भू-विभाजन तथा कालोनियों के विनियमितीकरण के अन्तर्गत भवन मानचित्रों की स्वीकृति में ओपेन स्पेस/उप विभाजन शुल्प निर्धारण हेतु सर्किल रेट के सम्बन्ध में ।

संकल्प संख्या:-1317

दिनांक: 27.12.2004

सर्व सम्मति से प्रस्तुत प्रस्ताव की स्वीकृति प्रदान की गयी और यह भी निर्णय लिया गया कि ऐसे भवनों के मानचित्र की स्वीकृति के समय सम्बन्धित निर्माणकर्ता से इस आशय का शपथ पत्र अवश्य ले लिया जाये कि उसके द्वारा प्रस्तायित भवन का निर्माण स्वीकृत मानचित्र के अनुरूप ही किया जायेगा । ऐसे प्रकरणों में कम से 10 प्रतिशत की जाँच अवश्य करा लिया जाये ।

मद संख्या:-6 गंगा नदी से 200 मी० दूरी तक किसी भी प्रकार के निर्माण की गतिविधियाँ अनुमत्त न किये जाने के सम्बन्ध में ।

संकल्प संख्या:-1318

दिनांक: 27.12.2004

इस सम्बन्ध में निर्णय लिया गया कि भविष्य में गंगा नदी के बाढ़ तट के उच्चतम स्तर से 200 मी० तक भवन निर्माण की अनुमति नहीं प्रदान की जायेगी ।

मद संख्या:-7 निरूपमा आवास योजना के अन्तर्गत मा० राज्यमंत्री, उच्च शिक्षा श्री राम आसरे विश्वकर्मा को आवंटित भवन संख्या-36, सपना-॥ का ब्याज माफ करने एवं पुनर्मूल्यांकन कराये जाने के सम्बन्ध में ।

संकल्प संख्या:-1319

दिनांक: 27.12.2004

सर्व सम्मति से प्रस्तुत प्रस्ताव की स्वीकृति प्रदान की गयी और यह भी निर्णय लिया गया कि पक्ष द्वारा पुनर्मूल्यांकन के अनुसार बकाया धनराशि एक माह के अन्दर जमा करा लिया जाये।

मद संख्या:-8 कसारी-मसारी-प्रथम कौशाब्दीकुंज आवास योजना के भवन संख्या-के०के०-1, एच० आई० जी० के मद में आवंटी श्री राम प्रकाश के द्वारा जमा धनराशि की वापसी के सम्बन्ध में ।

संकल्प संख्या:-1320

दिनांक: 27.12.2004

विचारोपरान्त सर्व सम्मति से निर्णय लिया गया कि आवंटी द्वारा जमा मूल धनराशि तत्काल वापस कर दिया जाये । एक वर्ष से कम अवधि तक जमा धनराशि को ब्याज सहित मुगताम किये जाने का कोई औचित्य नहीं है ।

सौ0एम0-9-3-2000-127काम/99

दिनांक 31.07.2000 के अनुसार निर्माण अनुमत्य किये जाने के सम्बन्ध में।

गंगा नदी तट पर बसे गाँवों से 200 मी० तक किसी भी प्रकार की गतिविधियों अनुमत्य न किये जाने के अतिरिक्त को शिपिल किये जाने के सम्बन्ध में शासनद्वारा सं० 124/सौ0एम0-9-3-2000-127काम/99 दिनांक 31.07.2000 द्वारा गंगा नदी के किनारे से ऐसे स्थानों को जो धार्मिक मान्यताओं से जुड़े हैं, वहाँ का स्वरूप प्रयुक्त तोड़ है, वहाँ पर मठ, आश्रम, मन्दिर का निर्माण कतिपय शर्तों के अधीन अनुमत्य किये जाने के विरुद्ध श्राव्य हुये थे।

प्राधिकरण को पूर्व तैरक दिनांक 29.09.2000 के मर संख्या-17 संकल्प संख्या- 1116 द्वारा गंगा/यमुना नदी के किनारे से 200मी० की दूरी तक कड़े निर्माण अनुमत्य न करने का तथा उसके आगे 300मी० तक की दूरी तक निर्माण प्राधिकरण को अनुमति में विशेष परिश्रमों से हत अनुमत्य किये जाने का निर्णय लिया गया, जिसने धार्मिक, सांस्कृतिक, पर्यटन से संबंधित राध केंद्र एवं बौद्ध केंद्र को ही अनुमति दिव्य 414 का उल्लेख है। इसके अलावा कर्तव्य 10 प्रतिशत से अधिक नहीं होगी।

प्राधिकरण से उपरोक्त निर्णय के अनुपालन में व्यावहारिक कठिनाईयों को देखते हुए प्राधिकरण को मर संकल्प दिनांक 27.12.2004 को मर संख्या-6 में प्रकरण में पुनर्विचार करते हुए शासनद्वारा सं० 124/सौ0एम0-9-3-2000-127काम/99 दिनांक 31.07.2000 में प्रावधानों के अंतर्गत गंगा/यमुना नदी के किनारे से 200 मी० तक मठ, आश्रम, केंद्र आदि निर्माणों को कतिपय शर्तों के अंतर्गत निर्माण की अनुमति तथा स्वरूप चलाने करते हुए तदनुसार महायोजना प्रारूप 2001 में भी प्रावधान करने का प्रस्ताव रखा गया था। प्राधिकरण को संकल्प संख्या- 1378 द्वारा निर्णय लिया गया कि पवित्र में गंगा नदी के बाद तट के उच्चतम स्तर से 200 मी० तक मठ निर्माण की अनुमति नहीं प्रदान की जायेगी।

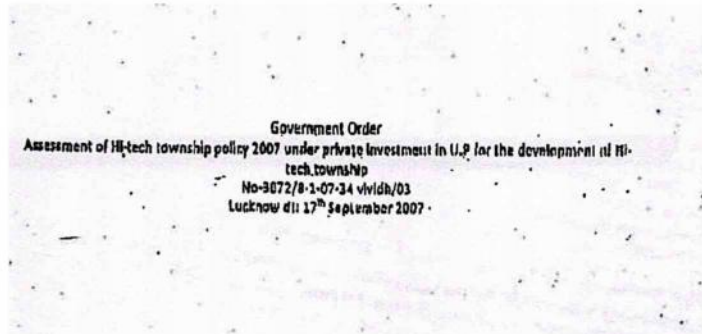
प्राधिकरण के उपरोक्त निर्णय से नदी तट से 200 मी० तक को उपरोक्त सीमा तक किसी भी प्रकार का निर्माण अनुमत्य नहीं होगा, जबकि उपरोक्त शासनद्वारा दिनांक 31.07.2000 द्वारा धार्मिक मान्यताओं से जुड़े भवनों को कतिपय शर्तों के अंतर्गत अनुमत्य किया गया है।

अतः शासनद्वारा सं० 124/सौ0एम0-9-3-2000-127काम/99 दिनांक 31.07.2000 के अनुसार जो गंगा नदी के तट से 200 मी० तक के क्षेत्र में अतिरिक्त धार्मिक मान्यताओं से जुड़े भवनों को उन्नी शर्तों के अधीन अनुमत्य किये जाने एवं तदनुसार महायोजना प्रारूप 2001 में भी प्रावधान किये जाने का प्रस्ताव प्राधिकरण के समक्ष विचारार्थ एवं अनुमोदनार्थ प्रस्तुत है।

संकल्प संख्या- 1337

दिनांक : 03.04.2005

शासनद्वारा सं० 124/सौ0एम0-9-3-2000-127काम/99 दिनांक 31.07.2000 से अनुसार को कार्यवाही किये जाने को स्वीकृति प्रदान की गयी।



FRX NO. :

Aug-25 2009 02:41PM PI

Page-1 of 12

No.: 3872/Aath-1-07-34Vidh/03

From,

Shri Mohinder Singh,
Principal Secretary,
Government of Uttar Pradesh.

To,

1. Housing Commissioner,
U.P. Housing and Development Board,
Uttar Pradesh.
2. Vice Chairmen,
All Development Authorities,
Uttar Pradesh.

Housing and Urban Planning Section-1, Lucknow: Dated : 17th September, 2007

Sub.: Hi-tech Township Policy-2007 for the development of Hi-tech Townships through private investment in Uttar Pradesh.

Sir,

Hi-tech Township Policy-2007 issued vide G.O. No. 3109/ Aath-1-07-34Vidh/03, dated 16th August, 2007 for the development of Hi-tech Townships through private investment in Uttar Pradesh is hereby superseded in the public interest and the amended Hi-tech Township Policy-2007 is laid down as follows:-

- (i) A High Level Committee shall be constituted under the Chairmanship of Chief Secretary, Government of Uttar Pradesh to ensure effective implementation of Hi-tech Township Policy-2007. The scope of work of this High Level Committee shall be as follows:-
- (I) To specify and approve the formats for 'Consortium MoU', 'Financing Plan', 'Document for Submission of Applications/Proposals', 'MoU', 'Revised MoU' and 'Development Agreement' to be executed between the Developer Company/Consortium and the Government Agency as per the provisions of Hi-tech Township Policy-2007.
 - (II) To take decision regarding invitation of proposals, etc. from private sector Developer Companies/Consortium for the development of Hi-tech Townships.
 - (III) To take decision regarding selection of Developer Companies/Consortium on the basis of evaluation of proposals received for the development of Hi-tech Townships in accordance with the procedure laid down in the Document for Submission of Applications/Proposals.

Aug. 25 2008 02:51PM

Page 2 of 12

- (IV) To grant approval on the proposals submitted by the Developer Companies/Consortium for extension of Township area in case of new or already approved Hi-tech Townships.
- (V) To grant approval on the proposals submitted by the Developer Companies/Consortium for exemption to purchase land in excess of 12.5 acres as per the provisions of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.
- (VI) To grant approval for extension of project period (5 years) specified for completion of development works of the Hi-tech Township.
- (VII) To grant approval for cost recovery of city-level new infrastructure facilities from the Developer Company/Consortium.
- (VIII) To take other necessary action for effective implementation of Hi-tech Township Policy-2007 and provide Single Window solution to the problems arising in its implementation.
- (IX) To take action against Developer Companies/Consortium in case of violation of Hi-tech Township Policy/take decision on cancellation of selection.
- (X) To ensure remaining necessary action on issues mentioned in Para-(I) to (IX) above relating to proposals approved under the Hi-tech Township Policy-2007.
- (XI) To provide guidance/take decision on other matters related to the subjects mentioned above.
- (2) A Technical Evaluation Committee shall also be constituted under the chairmanship of Executive Director, Awaz Dandhu, Housing and Urban Planning Department. The scope of work of this committee shall be as follows:-
- (I) To open, examine and evaluate the proposals received from the Developer Companies/Consortium and submit its report/recommendations for the decision of High Level Committee.
 - (II) To provide necessary assistance to the High Level Committee in discharging its other responsibilities.
- (3) The Developer Company/Consortium may submit proposals for the development of Hi-tech Township in any city/area of Uttar Pradesh excluding the notified areas of NOIDA and Greater NOIDA.
- (4) The proposals (Expression of Interest) shall be invited from reputed and experienced Developer Companies/Consortium from time to time by publishing advertisement in the national dailies with the approval of the High Level Committee.
- (5) The Developer Company/Consortium shall fulfill the following qualifications for submission of proposals:-

- (I) The Developer Company should be registered under the Companies Act, 1956. 'Company' means company as defined under section-2 of the said Act.
 - (II) The Developer Company/Consortium should have an annual net worth of minimum Rs. 100 crore in the last three financial years and it should not have a declining trend. Moreover, the net profit in the last three years should also be positive.
 - (III) The proposal for the development of Hi-tech Township may be submitted by a Developer Company individually or through the Consortium. In case the Developer Companies form a Consortium, they should execute an MoU on the prescribed format which should be registered in the office of the Sub-Registrar. The minimum share capital of all the members of the Developer Company promoted by the Consortium shall be 51 per cent. As per the provisions of the MoU, partnership between/among all the Consortium members shall be mandatory till the completion of the project and any modification/change in the terms and conditions of the MoU can be made only with the prior approval of the Government. The format for Consortium MoU shall be issued separately.
- (6) The minimum area of the Hi-tech Township shall be 1500 acres. Keeping in view the development potential and requirement of a particular city/location, there shall be no restriction on the maximum area of the township.
- (7) The minimum investment for the development of a Hi-tech Township of 1500 acres shall be Rs. 500 crore. However, the minimum investment shall be proportionately more if area of the township exceeds 1500 acres. The Developer Company/Consortium shall have to submit a reasonable Financing Plan on the prescribed format to illustrate as to how the financial requirements of the project shall be accomplished i.e. how much money would be mobilized each from self-resources, from debentures, loan from banks/financial institutions, etc. The Financing Plan shall include such components as Cash-inflow, Cash-outflow, Debt-Service Ratio, Break-Even-Point, Annual Profit and Loss during the project period, Balance-sheet, Annual Net worth, Internal Rate of Return (I.R.R.), etc. The prescribed format for Financing Plan shall be issued separately. The Financing Plan submitted by the Developer Company/Consortium with the proposal, shall be examined by the Technical Evaluation Committee so as to ensure that the minimum required investment is actually being made by the Developer Company/Consortium from its own sources.
- (8) The Developer Company/Consortium shall submit the proposal for development of new Hi-tech Township or extension of already approved Hi-tech Township area in accordance with the procedure laid down by the

Document for Submission of Applications/Proposals. The format for this document shall be issued separately.

- (9) The High Level Committee shall carry out the selection of the Developer Company/Consortium for the development of Hi-tech Township on the basis of evaluation of its financial and technical capability, experience in real estate development, conceptual plan and vision and pre-feasibility report of the proposed township. The criteria for evaluation shall be as follows:-

S.No.	Evaluation Criteria	Maximum Marks
1.	Financial Capability (Based on networth of Developer Companies/Consortium)	25
2.	Company Profile and Technical Resource	15
3.	Real Estate Experience in last 10 years: (Evaluation of experience shall be carried out as given below):-	
	(a) Township Development.	10
	(b) Disposal of Properties (Floor space constructed/No. of plots and units)	10
	(c) Cost of projects implemented	10
	(d) System for Operation and Maintenance of the projects completed.	05
4.	Conceptual Plan and Vision for the township	10
5.	Pre-feasibility report of the proposed township.	15
	Total:	100

The Developer Company/Consortium shall have to secure minimum 40 per cent marks under each criterion and 50 per cent aggregate marks for selection on the basis of above criteria.

- (10) The Technical Evaluation Committee will assist the High Level Committee in evaluation of proposals received from the Developer Companies/Consortium in accordance with the criteria laid down in para (9) above. The High Level Committee shall complete the selection process within maximum 90 days from the date of receipt of proposals and the respective Developer Company/Consortium shall be informed accordingly.
- (11) In one city/location, maximum of two Hi-tech Townships shall be permitted, i.e. maximum of two Hi-tech Townships shall be permissible within a Development Area/ Notified Area and area adjoining it up to a distance of 10 kilometers.
- (12) There shall be no limit on the number of Hi-tech Townships permissible to a Developer Company/Consortium throughout the State; however,

one township up to 3000 acres shall be permissible to a Developer Company either individually or as a Consortium for every Rs. 100 crore average annual networth of last three years. Similarly, calculation of total permissible area above 3000 acres to a Developer Company/ Consortium either in one Hi-tech Township or more than one Hi-tech Townships shall be made proportionately on the basis of total average networth of last three years.

- (13) Extension of township area shall be permissible to the Developer Companies/Consortium selected under the Hi-tech Township Policy-2003 as well as Hi-tech Township Policy-2007. The proposal for extension of township area shall be submitted in accordance with the Document for Submission of Applications/Proposal and approval for extension shall be granted by the High Level Committee. However, in such cities/ locations where only one Hi-tech Township proposal has been approved and new township proposal is received for the land adjoining its site, then first priority to extension shall be given to the Developer Company/ Consortium who has already been selected. Extension in the township area shall be permissible subject to compliance of the following terms and conditions:-
- (i) The land proposed for extension should be contiguous to the site already approved as well as compact in shape so that an integrated lay-out plan could be ensured for the township as a whole.
 - (ii) The Developer Company/Consortium shall submit certificates as a proof of proportionate annual net worth keeping in view extension of Hi-tech Township area, and reasonable "Financing Plan" on the prescribed format to substantiate the minimum investment against the proposed extension.
 - (iii) The Developer Company/Consortium shall deposit proportionately higher processing fee and earnest money for the proposed extension.
 - (iv) The Developer Company/Consortium shall submit the revised Conceptual Plan and Detailed Project Report (DPR) for the township including the land proposed for extension.
 - (v) The Developer Company/Consortium shall complete all the development works of the township including the proposed extension within the prescribed project period.
- (14) The Developer Company/Consortium shall execute an MoU on the prescribed format with the respective Government Agency within 30 days from the date of selection. The Developer Company/Consortium shall also execute revised MoU with the respective Government Agency in case extension of township area is permissible. If the Developer Company/Consortium fails to sign the MoU within 30 days of selection, the High Level Committee may cancel the selection without giving any notice. Similarly, during the implementation of MoU/Revised MoU of the project, if any such facts come to the notice which warrant action

against the Developer Company/Consortium, then necessary action shall be taken with the approval of the High Level Committee including cancellation of selection of the Developer Company/Consortium. The formats for MoU and Revised MoU shall be issued separately.

- (15) As far as possible, land for the development of the Hi-tech Township shall be acquired through negotiation with the land owners. For this purpose, the entire land proposed for the Hi-tech Township shall be notified under section-4 of the Land Acquisition Act, 1894 or section-28 of Uttar Pradesh Housing and Development Board Act, 1965. The Developer Company/Consortium may purchase the land through direct negotiation with the land owners and the concerned Government Agency shall provide necessary cooperation to the Developer Company/Consortium for acquiring land under the provisions of "Karar Niyamawali". Acquisition of land under the Land Acquisition Act, 1894 or the Uttar Pradesh Housing and Development Board Act, 1965 shall be carried out in special circumstances only for such remaining pockets, which are necessary for the integrated development of the Hi-tech Township and fall within the land purchased through direct negotiation and land acquired under the "Karar Niyamawali". Provided that the land acquired under the Land Acquisition Act, 1894 or the Uttar Pradesh Housing and Development Board Act, 1965 shall not exceed 25 per cent of the total area of the Hi-tech Township. The land acquired under the provisions of "Karar Niyamawali" or the Land Acquisition Act, 1894 or the Uttar Pradesh Housing and Development Board Act, 1965 shall be made available to the Developer Company/Consortium on 90 years lease by the concerned Government Agency.

Initially, the Developer Company/Consortium shall deposit 30 per cent of the estimated acquisition cost of the total land to be notified under section-4 of Land Acquisition Act, 1894 and requisite acquisition charges in excess of first 1500 acres of land. However, the Developer Company/Consortium shall not pay the acquisition charges on the land to be purchased through direct negotiation but pay 100 per cent value of land directly to the land owners. Thus, the excess charges deposited by the Developer Company/Consortium against the land purchased directly from the landowners, shall be adjusted towards the land acquired under the "Karar Niyamawali" or the Land Acquisition Act, 1894 or the Uttar Pradesh Housing and Development Board Act, 1965, as the case may be. In case of any dispute relating to land acquisition or increase of compensation by any Court in future, all financial liabilities shall rest with the Developer Company/Consortium.

Exemption from Stamp Duty shall remain permissible to the Developer Companies/Consortium selected under the Hi-tech Township Policy-2003. In accordance with the provisions of notification No.: Ka.NI.-5-915/11-2004-500 (87)-2001, dated 09.07.04 and revised notification no. Ka.NI.-5-3497/11-2005-500 (83)-2005, dated 09.09.05 of Kar Evam Nibandhan Anubhag-5 for maximum 1500 acres of entire

FAX NO. :

Aug. 25 2008 02:47PM Pd

area of the Hi-tech Township. Exemption from stamp duty shall not be permissible to the new townships to be approved under the Hi-tech Township Policy-2007.

- (16) The land acquired by the Government Agencies or under the process of acquisition or notified for acquisition by the Government Agencies under section-4 of Land Acquisition Act, 1894 or under section-28 of Uttar Pradesh Housing and Development Board Act, 1965 for their own schemes, shall not be denotified/left in favour of the Developer Company/Consortium for the development of Hi-tech Township.
- (17) To enable integrated development of the proposed Hi-tech Township, land which presently vests with the Gram Sabha or belongs to the Scheduled Caste; Scheduled Tribes/Backward Classes may be purchased/resumed/acquired in accordance with the prevailing rules with prior approval from the competent level.
- (18) The notification to purchase land in excess of 12.5 acres for the development of the Hi-tech Township as per provisions of section-154 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, shall be issued separately for each township with the approval of the High Level Committee. This exemption shall be permissible subject to the condition that all development works are completed by the Developer Company/Consortium within the prescribed project period.
- (19) After the development of land, the Developer Company/Consortium shall pay the stamp duty as per the rules applicable at the time of sale of properties and freehold conversion charges at the prevailing rate to the land acquiring agency.
- (20) Land measuring 1500 acres or more required for the development of Hi-tech Township will generally be available. In the agriculture land use outside the urbanizable area of the Master Plan for which land use conversion shall be permissible in accordance with law. If the site selected falls outside the limits of the Development Area/other Notified Area, it shall be brought under the statutory limits of the respective Development Area/ other Notified Area by following the due process of law. However, conversion of use of land reserved for infrastructure viz. roads, water-works, S.T.P., electric sub-station, garbage disposal sites, other community facilities, parks and open spaces/green belt, etc. proposed in the Regional Plan/Master Plan/ Zonal Development Plan, shall not be permissible and these facilities would be developed and constructed in accordance with the proposals of the above Plans. In case conversion of land use is permissible, the Developer Company/ Consortium shall pay conversion charges to the respective Government Agency.
- (21) The proposals received for the development of Hi-tech Township in Uttar Pradesh sub-region of National Capital Region (NCR) shall be approved provided they are in conformity with the prevailing N.C.R. Plan.

- (22) The Hi-tech Township shall be planned in accordance with the land use planning norms prescribed in the MoU/Revised MoU to be executed between the Developer Company/Consortium and the Government Agency. Land for Residential, Commercial, Industrial (non-polluting), Public and Semi-Public Facilities, Traffic and Transportation, Parks and Open Spaces, Green Cover and Recreation, etc. land uses shall be earmarked in the township layout plan. Besides, necessary provisions shall be made with regard to world-class infrastructure facilities e.g. Roads, Water Supply, Drainage, Sewerage, Electric supply, Traffic and Transportation System, Integrated Solid Waste Management, Modern Communication System, etc.
- (23) Developer Company/Consortium shall strictly adhere to the Government policies and the relevant codes of B.I.S./I.S. relating to disaster management in the land use planning, provision of important infrastructure facilities and development and construction works of the proposed Hi-tech Township.
- (24) The Developer Company/Consortium shall prepare and submit a Detailed Project Report (DPR) of the proposed Hi-tech Township to the Government Agency within 180 days from the date of signing of the MoU. A committee constituted under the chairmanship of Housing Commissioner/Mr. Chairman of the respective Development Authority shall examine the DPR and submit its recommendations to the Board for approval. The Board of the respective Government Agency shall take decision regarding approval of the DPR within 30 days from the receipt of the recommendations of the above committee. However, keeping in view the difficulties in one-time availability of 3,500 acres or more land, the DPR shall be approved as a Conceptual Plan. The DPR shall comprise of layout plan, land use plan, infrastructure and services development plan, standards and specifications, resource mobilisation, property management, and operation and maintenance details, etc. Besides, the DPR shall contain phasing of development of the proposed township indicating time-schedule for commencement and completion of each phase.
- (25) The Developer Company/Consortium shall neither be entitled to any legal right for the implementation of the project merely on the basis of approval of the conceptual DPR nor shall have the right to allot, sale or lease plots/buildings/flats/other properties or accept advance money. Launching, booking, etc. under the project shall be permissible to the Developer Company/Consortium only after availability of land and approval of the detailed lay out plan. However, the Developer Company/Consortium shall be free to accept public deposits and utilize the same in accordance with relevant regulations of the Reserve Bank of India. In case any Developer Company/Consortium selected under the provisions of Hi-tech Township Policy-2003, has received pre-launch booking money, the same shall be returned with appropriate interest if demanded by the investors in writing.

- (25) The Developer Company/Consortium shall submit the detailed layout plan to the Government Agency for approval only after purchase/acquisition of 60 percent land in every phase, subject to minimum of 300 acres, because it will be possible to develop a self-contained neighborhood/sector with all facilities for about 25,000 population on 300 acres of land. However, it will be necessary to purchase/acquire more than 300 acres of land for approval of detailed layout plan in every subsequent phase so as to ensure completion of all the development works of 1500 acres of township in maximum three phases. In case township area exceeds 1500 acres, the procedure for approval of detailed layout plan will be the same; however, development of the township may be completed in four phases if the township area is more than 1500 acres but up to 3000 acres, and maximum five phases if the township area is more than 3000 acres.
- (27) The Developer Company/Consortium shall enter into a 'Development Agreement' with the Government Agency at the time of approval of the detailed layout plan. The Government Agency shall sanction the detailed lay out plans of subsequent phases only after remaining land has been purchased/assembled by the Developer Company/Consortium and separate Development Agreement shall be executed for each phase. The format for 'Development Agreement' shall be issued separately.
- (28) The Project period of 05 years shall be reckoned from the date of signing of the first 'Development Agreement'. If there is unavoidable delay in completion of development works, extension in the project period shall be permissible on case-to-case basis with the approval of the High Level Committee. In case the development works of the township are not completed within five years or the extended project period and if the Developer Company/Consortium is responsible for this delay, then the Developer Company/Consortium shall be penalized in accordance with the provisions of the Development Agreement.
- (29) It will be compulsory for the Developer Company/Consortium to ensure registration of transfer deeds of developed properties within three months from the date of handing over of the possession to the allottees, failing which the money equivalent to the stamp duty and registration fees amount shall be recovered by the Government Agency through forfeiture of the Bank Guarantee or sale of mortgaged land after giving notice to the Developer Company/Consortium.
- To ensure timely completion of the project as per the provisions of the approved DPR and registration of transfer deeds of developed properties within three months from the date of handing over of possession to the allottees, the Developer Company/Consortium shall submit legal undertaking to mortgage 25 percent of the total saleable land in favour of the Government Agency. The mortgaged land shall be released in proportion according to the successful completion of various services to the functional stage and registration of transfer deeds of developed properties in favour of allottees. If the Developer Company/

Consortium leaves any development work incomplete, the same shall be completed by the Government Agency through sale of the land so mortgaged.

- (30) The Developer Company/Consortium shall carry out the internal and external development works at its own expense as per the standards and specifications laid down in the approved DPR. However, connectivity to trunk services such as road, drainage and sewage disposal, water supply, electricity, solid waste management or any such other community facilities may be extended to the Developer Company/Consortium by the respective Government Agency on payment of actual cost plus 15 per cent supervision charges thereon. If any major infrastructure such as embankment, ring road, flyover, metro, etc. is provided by the Government Agency during the project period consequent to which the proposed township would be directly benefited, the Developer Company/Consortium shall pay proportionate cost of such infrastructure to the Government Agency for which prior approval of the High Level Committee would be necessary.
- (31) Since infrastructure services of the main city will also be used by the population of the proposed Hi-tech Township, which would increase pressure on the existing services; therefore, Developer Company/Consortium shall pay City Development Charge for augmentation/strengthening of existing infrastructure at the rate of Rupees one lac fifty thousand per acre in municipal corporation towns and Rupees fifty thousand per acre in other towns. The money realized through City Development Charge shall be deposited in the Infrastructure Development Fund of concerned Government Agency and shall be utilized for development of city level infrastructure only.
- (32) The Government Agency shall have the right to supervise the implementation of the project in accordance with and as per time schedule prescribed in the approved DPR and to inspect the quality of external and internal development works of the Hi-tech Township to ensure that they are as per the provisions of approved DPR for which the Developer Company/Consortium shall pay the prescribed inspection charges to the Government Agency as per the relevant Government Orders.
- (33) The Developer Company/Consortium shall provide land for community facilities such as electric sub-station, police station, fire station, post-office, telephone exchange, etc. and construct these facilities as per the norms and make them available to the respective departments free of cost through the Government Agency.
- (34) The Developer Company/Consortium shall construct 10 per cent of the total houses/plots for the Economically Weaker Section and another 10 per cent houses/plots for the Lower Income Group families as per the norms and cost ceiling prescribed by the Government Agency. Allotment of houses/plots for these categories shall be made by a committee

- constituted by the Housing and Urban Planning Department, Government of Uttar Pradesh under the chairmanship of the Housing Commissioner/Vice-Chairman of the respective Government Agency.
- (35) The Developer Company/Consortium shall provide basic infrastructure such as roads, drainage, water supply, sanitation and electricity, etc. free-of-cost to the village abadies falling within the proposed Hi-tech Township area. The beneficiaries will pay user charges to the concerned service providing agency/Developer Company/Consortium. If the Developer Company/Consortium undertakes distribution of electricity, it will have to secure license from the Uttar Pradesh Electricity Regulatory Commission for this purpose.
- (36) The proposed Hi-tech Township shall be environmentally sustainable, i.e. the Developer Company/Consortium shall make appropriate provisions for conservation of water and power, pollution control and maintenance of green cover in the land use planning, development/construction works and operation and maintenance of the proposed Hi-tech Township. The Developer Company/Consortium shall obtain necessary environmental clearance as per law for the proposed Hi-tech Township project from the Ministry of Environment and Forest, Government of India.
- (37) The permission for generation of power for the proposed Hi-tech Township, if required, shall be permissible in accordance with the prevailing Energy Policy of the Government of Uttar Pradesh read with Electricity Act, 2003 and Uttar Pradesh Electricity Regulatory Commission Rules.
- (38) The Developer Company/Consortium shall maintain the various services of the Hi-tech Township for which it shall have the right to collect maintenance expenditure from the allottees till it is handed over to the Local Body. The Developer Company/Consortium shall declare the annual/one-time maintenance expenditure at the time of booking/allotment of properties along with details of services for which maintenance expenditure is being charged and the DPR will contain explicit provision regarding the same. The Local Body shall not collect house tax, water tax and sewerage tax, etc. from the residents or users of the Hi-tech Township till the township is handed over to it.
- (39) The Developer Companies/Consortium who have already signed the MoU under Hi-tech Township Policy-2003, shall in continuation to this MoU have to sign an "Amendment to MoU dated.....", in which it will be clearly mentioned that the procedure for land assembly laid down under the Hi-tech Township Policy-2007 will also be applicable to 1500 acres of land covered under the Hi-tech Township Policy-2003. Any Developer Company/Consortium selected under the Hi-tech Township Policy-2003 who intends to extend the township area beyond 1500 acres, shall have to submit an application as per para-13 of Hi-tech Township Policy-2007 and sign a new comprehensive Revised MoU for the total area incorporating original MoU signed under the

Hi-tech Township Policy-2003 and "Amendment to MOU dated....." which shall be based on the provisions of Hi-tech Township Policy-2007. The Developer Companies/Consortium, who had applied for the development of new Hi-tech Townships under the Hi-tech Township Policy-2006, will have to submit fresh applications as per the provisions of Hi-tech Township Policy-2007.

2. In the context of aforementioned policy, I am directed to say that further necessary action may be taken to implement the Hi-tech Township Policy-2007 for the development of Hi-tech Townships through private investment in Uttar Pradesh in accordance with the procedures and directions prescribed above.

Sd/

(Mohinder Singh)
Principal Secretary

No...../Anth-1-06-45Vivdh/06, dated as above.

Copy for information and necessary action to the following:-

1. Cabinet Secretary, Government of Uttar Pradesh.
2. Chief Secretary, Government of Uttar Pradesh.
3. Industrial Development Commissioner, Uttar Pradesh.
4. Principal Secretary, Tax & Registration, Government of Uttar Pradesh.
5. Principal Secretary, Law, Government of Uttar Pradesh.
6. Principal Secretary, Finance, Government of Uttar Pradesh.
7. Principal Secretary, Revenue, Government of Uttar Pradesh.
8. Principal Secretary, Urban Development, Government of Uttar Pradesh.
9. All Principal Secretaries/Secretaries, Government of Uttar Pradesh.
10. Commissioner and Secretary, Board of Revenue, Uttar Pradesh.
11. I.G., Registration and Stamp, Uttar Pradesh.
12. Managing Director, Awas Sangh, Uttar Pradesh.
13. All Commissioners, Uttar Pradesh.
14. All District Magistrates, Uttar Pradesh.
15. Chairmen, all Special Area Development Authorities, Uttar Pradesh.
16. Chairmen, Controlling Authorities, All Regulated Areas, Uttar Pradesh.
17. All Land Acquisition Officers, Uttar Pradesh.
18. Chief Town and Country Planner, Uttar Pradesh.
19. Executive Director, Awas Bandhu, Uttar Pradesh.
20. All Sections, Housing and Urban Planning Department.
21. Guard File.

By Order,
Sd/

(R. K. Singh)
Special Secretary

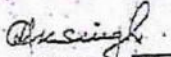


MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT OF
HI-TECH TOWNSHIP IN UTTAR PRADESH

This Memorandum of Understanding is made on this Friday of September Two Thousand Nine between Allahabad Development Authority Constituted under the provisions Uttar Pradesh Urban Planning and Development Act, 1973 through Shri ANIL KUMAR SINGH its Commissioner/Vice Chairman (hereinafter referred to as the "First Party", which expression shall unless the context does not so admit, include its successor) of the One Part,

AND

M/s Omaze Ltd. a Company registered under Companies Act, 1956 having registered office at 7, L.S.C, Kalkaji, New Delhi - 110019 and M/s Shamba Developers Private Limited a Company registered under Companies Act, 1956 having registered office at 10, L.S.C, Kalkaji, New Delhi - 110019 and M/s Panchi Developers Private Limited a Company registered under Companies Act, 1956 having registered office at 10, L.S.C, Kalkaji, New Delhi - 110019, forming CONSORTIUM under MoU dated 19/02/2009, registered in the office of sub-registrar in Additional Book Number 4 Vol. No. 1388 Page No 176 to 180 at Serial No. 113 on dated 19/02/2009 through M/s Pancham Realcon Pvt. Ltd. a SPV Company registered under Companies Act, 1956 having Registered Office at 10 L.S.C, Kalkaji, New Delhi - 110019 through Shri Sunil Malhotra (Chief Operating Officer) S/O Sh. Baldev Prakash Malhotra R/o 307, Bharat Enclave, Paschim Vihar, Delhi - 67 (hereinafter referred to as "Second Party") of the other part.


(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad.

For Pancham Realcon Pvt Ltd.

Chief Operating Officer.

WHEREAS on-going population growth and increasing urbanization are creating major development problems relating to provision of urban services and planned housing in urban areas of the State of Uttar Pradesh hereinafter referred to as "State".

AND WHEREAS resource constraints of the public sector agencies has made it imperative to promote private investment in the provision of urban housing and infrastructure, therefore, keeping in view the mandates of the National and State Housing Policies, the Government of Uttar Pradesh (hereinafter referred to as "GoUP") announced the Hi-tech Township Policy 2007 to promote and facilitate private sector participation in the development of Hi-tech Townships in Uttar Pradesh having world-class infrastructure vide Government Order No. 3189/Elght-1-07-34/Vivdh/03, dated 16th August, 2007 which was superseded by Government Order No. 3572/Elght-1-07-34/Vivdh/03, dated 17th September, 2007 read with Govt. Order No. 4910/Elght-1-07-34/Vivdh/03 dated 27 August, 2008, 5397/0-3-001-34/Vivdh/03 dated 2nd December, 2008 and G.O. 1/0-3-2008-34/Vivdh/2008 dated 3rd January, 2009 hereinafter collectively referred to as Hi-tech Township Policy-2007 to fulfill the following objectives:-

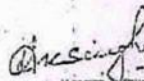
- (i) to provide competitive Hi-tech marketable estates with an attractive environment for high-quality living, working and recreation;
- (ii) to encourage high technology and knowledge-based industries, tourism and provide facilities for business organizations engaged in modern technologies;
- (iii) to facilitate and create an enabling environment for attracting maximum private investment in housing and infrastructure development;
- (iv) to support and enable private investment in other sectors of the State economy;

AND WHEREAS as a follow up of the Hi-tech Township Policy-2007, the High Level Committee (hereinafter referred to as "HLC"), constituted by the GoUP after evaluation of the proposal has selected the Second Party for the development of Hi-tech Township at Allahabad on land measuring 1535.12 acres (hereinafter referred to as "Hi-tech Township");

AND WHEREAS the Second Party, i.e. M/s. Pancham Ransoni Pvt. Ltd. is required to sign a Memorandum of Understanding (hereinafter referred to as "MoU") with the First Party to undertake further action for the development of Hi-tech Township.

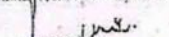
NOW THIS DEED WITNESSES AS FOLLOWS:

1. That the Second Party shall select the site for the development of Hi-tech Township in consultation with the First Party.

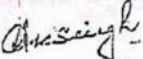


(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad

For Pancham Ransoni Pvt. Ltd.


Chief Operating Officer

2. That the Second Party shall submit the proposal for purchase/assembly of land along with key plan, site plan and Saira plan with definition of the site identified for the proposed Hi-tech Township to the First Party, within 45 days after signing of this MoU.
3. That the Second Party shall purchase 75% of the total land through direct negotiations with the land owners and the First Party shall act as a facilitator in the purchase/ assembly of land not exceeding 25% of the total area of Hi-tech Township.
4. That to enable integrated development of the proposed Hi-tech Township, the land which presently vests with the Gram Sabha or belongs to the Scheduled Castes, Scheduled Tribes/Backward Classes, will be resumed/purchased/ acquired in accordance with the Applicable Law. However an equal amount of land belonging to the people from Scheduled Castes/ Scheduled Tribes purchased by the Second Party situated within the Hi-tech Township area shall be purchased by the Second Party in the surrounding nearby areas and handed over to such Scheduled Castes/ Scheduled Tribes people.
5. That the "Second Party" may be Authorised by GoUP to purchase land in excess of 12.50 acres for the development of the Hi-tech Township as per provisions of section -154 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act 1950. It is made clear that the GoUP shall give above permissions to "Second Party" on the condition that all the development works shall be completed by the Second Party within the prescribed project period. For this purpose, the Second Party shall furnish necessary information in the prescribed format to the concerned District Magistrate through the "First Party". The GoUP shall grant required approval on the recommendation of District Magistrate. This process shall be completed within 60 days from the date of submission of proposal by the Second Party to "First Party".
6. That the stamp duty chargeable on the instrument relating to Hi-tech Township executed by the "Second Party" shall be borne by the "Second Party" or transferees of "Second Party", as the case may be.
7. The free hold conversion charges shall be payable by the "Second Party" to the First Party as per the prevailing policy of the GoUP.
8. That if the site selected by the Second Party falls within the Development Area /Scheme Area/ Special Development Area/ Regulated Area or any other Area notified by the GoUP under any law and needs conversion of land use for the purposes of Hi-tech Township, the same shall be permitted by the State Government/Competent Authority in accordance with law. Similarly, if the site selected by the Second Party falls outside the limits of the Development Area/Scheme Area/Special Development Area/Regulated Area or any other Area notified by the GoUP under any law, it shall be brought under the statutory limits of the respective Development Area/Scheme Area/Special Development Area/Regulated Area or any other Area notified by the GoUP under any law by following the due process of law. Conversion of land use for the proposed site shall be completed according to law for which land use conversion charges as prescribed by the GoUP vide G.O.No. 3712/B-A-3-2000-26LUC/01 dated 21.08.2001 shall be payable by the Second Party to the First Party. However, conversion of use of land reserved for infrastructure, viz. roads, waterworks, S.T.P., electric sub-station, solid waste disposal sites, other community facilities, parks and open


(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad

For Parshant Rastogi

Chief Operating Officer

apart/green belt, etc. etc. proposed in the Regional Plan/Master Plan/ Zonal Development Plan, shall not be permissible and these would be developed and constructed in accordance with the proposals of the above Plans.

That the Second Party shall comply with the land use planning norms and regulations in the preparation of Conceptual Plan and Detailed Project Report (DPR) of the proposed Hi-Tech Township as prescribed by the GoUP vide G.O.No.5297/8-3-08-034 vvdh/03 dated 02-12-08. Besides, provisions shall also be made for world-class infrastructural facilities, viz. roads, water supply, drainage, sewerage, electricity, traffic and transportation system integrated solid waste management, modern communication system etc. etc.

10. That the Government policies and the relevant codes of B.I.S.I.S. relating to disaster management shall be strictly adhered to by the Second Party in the land use planning, provision of important infrastructure facilities and development and construction works of the proposed Hi-Tech Township.
11. That the Second Party shall prepare and submit a Conceptual DPR of the proposed Hi-Tech Township to the First Party within 100 days from the date of signing of this MoU. The DPR shall comprise of broad layout plan, land use plan, infrastructure services, development plan, standards and specifications, resource mobilization, property management and operation and maintenance details, etc. etc. Besides the DPR shall contain phasing of development of the proposed township including time-schedule for commencement and completion of each phase. A committee constituted under the chairmanship of Housing Commissioner/Vice Chairman of concerned Government Agency shall examine the DPR and submit its recommendations to the Board of concerned Government Agency for approval. The Board of the respective Government Agency shall take decision regarding approval of the DPR within 30 days from the receipt of the recommendations of the above committee. For the purpose of this clause "Government Agency" means Uttar Pradesh Avam Evam Vikas Parishad or concerned Development Authority, as the case may be.
12. That the DPR shall be approved as a Conceptual Plan and the Second Party shall neither be entitled to any legal right for the implementation of the project merely on the basis of approval of the conceptual DPR nor shall have the right to allot, sale or lease plots/buildings/fats/other properties or accept advance money. Launching, booking, etc. etc. under the project shall be permissible to the Second Party only after availability of land and approval of the detailed layout plan. However, the Second Party shall be free to accept public deposits and utilize the same in accordance with relevant regulations of the Reserve Bank of India.
13. That the Second Party shall submit the detailed layout plan to the First Party for approval only after purchase/assembly of 60 percent land in every phase, subject to minimum of 300 acres in a compact form. However if the "Second Party" has purchased/ assembled 300 acres of land in the first phase for approval of detailed layout plan in the form of compact piece of land and the proposed land use of the detailed lay-out plan can also be approved alongwith the conceptual DPR. It will be necessary to purchase more than 300 acres of land for approval of detailed layout plan in every subsequent phase so as to ensure completion of all the development works of 1500 acres of township in maximum three phases. In case township area exceeds 1500 acres, the procedure for approval of detailed layout

Anil Kumar Singh
(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad

For Pancham Realcon Pvt. Ltd.

[Signature]
Chief Operating Officer

plan will be the same; however, development of the township may be completed in four phases if the township area is more than 1500 acres but up to 3000 acres, and maximum five phase if the township area is more than 3000 acres.

14. That in case the Second Party has got a minimum of 300 acres of land in its possession in a compact form and the land use of the same as per Master Plan is also residential or has been converted to residential the detailed lay-out could also be approved simultaneously with the conceptual DPR.
15. That the Second Party shall enter into a 'Development Agreement' with the First Party at the time of approval of the detailed layout plan. The First Party shall sanction the detailed lay out plans of subsequent phases only after the required land for the concerned phase has been purchased/assembled by the Second Party, and separate Development Agreement shall be executed for each phase.
16. That the Second Party shall complete the project within a period of five years from the date of signing of the first 'Development Agreement'. If there is delay in completing the project due to unavoidable reason, extension in the project period shall be permissible with the approval of HLC on case to case basis. In case the development works of the township are not completed within five years or the extended project period and if the Second Party is held responsible for this delay, then the Second Party shall have to pay specified sum to the First Party for above said delay in accordance with the provisions of the Development Agreement.
17. That it will be compulsory for the Second Party to ensure registration of transfer deeds of developed properties before handing over of the possession to the allottees, failing which the money equivalent to the stamp duty and registration fees amount shall be recovered by the First Party through invocation of the Bank Guarantee or sale of mortgaged land after giving notice to the Second Party. Before handing over of properties to allottees, the Second Party shall mortgage 25 percent of the total saleable land in favour of the First Party in accordance with the applicable rules/facts. For this purpose a mortgage deed shall be executed in accordance with the provision of prevailing rules/facts and the mortgage deed shall be registered. Twenty percent of such mortgaged land shall be released after the successful completion of various services to the functional stage compliance of all conditions as per the provisions of the approved DPR especially with regard to the ground water recharging system ensuring 120 percent water recharging against total amount of ground water drawn and registration of transfer deeds of developed properties in favour of allottees. If the Second Party leaves any development work incomplete, the same shall be completed by the First Party through sale of the land so mortgaged. Remaining five percent of the mortgaged land shall be kept retained as performance guarantee to ensure the maintenance of services.
18. That the Second Party shall carry out the internal and external development works at its own expense as per the standards and specifications laid down in the approved DPR. However, connectivity to trunk services such as road connection, drainage and sewage disposal, water supply, electricity supply, solid waste management or any such other community facilities may be extended to the Second Party by the respective Government Agency on payment of actual cost plus 15 percent supervision charges thereon. If any major infrastructure, such as embankment, ring road, flyover, metro, etc., is provided by the First Party during the project period consequent to which the proposed township would be directly benefited, the Second Party shall pay proportionate cost of such infrastructure to the First Party for which prior approval of the HLC would be necessary.

[Signature]
 Director
 HLC

For Chairman, Raateon P&E Ltd.
[Signature]
 Chief Operating Officer

19. That since infrastructure services of the main city will also be used by the population of the proposed Hi-Tech Township, which would increase pressure on the existing services; therefore, Second Party shall pay City Development Charge for augmentation/strengthening of existing infrastructure at the rate of Rs. 1,50,000/- per acre, 25% of City Development Charges shall be paid by "Second Party" at the time of approval of detailed lay-out plan of Hi-Tech Township and remaining amount of City Development Charges shall be payable in six monthly instalments together with interest at the rate 12% per annum. Delay in payment of instalment will attract penal interest at the rate of 18% per annum.
20. That the First Party shall have the right to supervise the implementation of the project in accordance with and as per time-schedule prescribed in the approved DPR and to inspect the quality of external and internal development works of the Hi-Tech Township to ensure that they are as per the provisions of approved DPR. The Second Party shall pay the prescribed inspection charges to the First Party as per the prevailing policy/Government Order of the GoUP.
21. That the Second Party shall provide land for community facilities such as electric sub-station, police-station, fire station, post-office, telephone exchange, etc. and construct these facilities as per the norms and make them available to the respective departments free-of-cost through the first party.
22. That the second party shall construct 10 per cent of the total houses/plots for the Economically Weaker Section and another 10 percent houses/plots for the Lower Income Group families as per the norms and cost ceiling prescribed by the First Party. Allotment of houses/plots for these categories shall be made by a committee constituted by the Housing and Urban Planning Department, GoUP under the Chairmanship of the Housing Commissioner/Vice-Chairman of the respective Government Agency. The Second Party shall sell the houses/plots to the persons to whom houses/plots have been allotted by above said committee. For the purpose of this clause the word "Government Agency" mean Uttar Pradesh Avam Evam Vides Parishad or concerned Development Authority as the case may be.
23. That the Second Party shall provide basic infrastructure such as road, drainage, water supply, sanitation and electricity, etc. free-of-cost to the village abettles falling within proposed Hi-Tech Township area. The beneficiaries will pay user charges to the service provider/Second Party. If the Second Party undertakes distribution of electricity, it will have to secure licence from the Uttar Pradesh Electricity Regulatory Commission for this purpose.
24. That the proposed Hi-Tech Township shall be environmentally sustainable, i.e. the Second Party shall make appropriate provisions for conservation of water and power, pollution control and maintenance of green cover in the land use planning, development/construction works and operation and maintenance of the proposed Hi-Tech Township. The Second Party shall obtain necessary environmental clearance for the proposed Hi-Tech Township project from the Ministry of Environment and Forest, Government of India.
25. That the Second Party shall obtain all legal, statutory and other no objection certificates required under the rules for the proposed Hi-Tech Township from the respective Competent Authorities of the GoUP and the Government of India.

Anil Kumar Singh
(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad

For Pantheon Resilcon Pvt. Ltd.
[Signature]
Chief Operating Officer

26. That if required the permission for generation of power for the proposed Hi-Tech Township, shall be permissible in accordance with the prevailing Energy Policy of the GoIP read with Electricity Act, 2003 and Uttar Pradesh Electricity Regulatory Commission Rules.
27. That the Second Party shall adhere to the concept and features of Hi-Tech Township as outlined in the original proposal submitted by it to AWRA, Lucknow Uttar Pradesh at the time of selection.
28. That a 'Joint Venture' agreement shall be executed between the parties for proper and regular maintenance of the developed township/project. One time maintenance charges and annual user charges collected from allottee shall be deposited in an "Escrow Account". The Second Party shall carry out the maintenance works whereas Joint Venture shall supervise such works and ensure that the amount collected for maintenance is being utilized for the same purpose.
29. That any issue which is not covered under this MoU, shall be remedied as per the provision of the Hi-Tech Township Policy-2007 as amended from time to time and the prevailing laws of the land.
30. That the First Party reserves the right to make such amendments, additions and alterations or modifications in the terms and conditions of this MoU as may be considered just and expedient in the public interest.
31. Force Majeure
 (a) If at any time during the continuance of this MoU, the performance in whole or in part by either Party, of any obligation under this MoU shall be prevented or delayed by reason of any war, or riot or natural calamities, the Second Party within 7 days of occurrence and cessation of each Force Majeure conditions shall intimate the first party by a registered letter, the beginning and end of the above causes of delay.
 (b) The second party shall not claim extension of time mentioned in the preceding paragraphs beyond the period affected by the Force Majeure.
32. That in the event of any dispute with regard to terms and conditions of the MoU, the same shall be referred to the decision of sole arbitrator, to be appointed in writing by the parties, or if they can not agree upon a Sole arbitrator to the decision of three persons as arbitrators, one to be appointed by each party and they shall appoint the third arbitrator who shall act as the presiding arbitrator under the provisions of the Arbitration and Conciliation Act, 1996. Place of arbitration shall be Lucknow
33. That any notice, letter or communication to be given by one party to the other shall be in writing in Hindi or English language through registered post with due acknowledgement. In addition, such communication shall also be transmitted by fax.

Vor Pancharam/Rancom Pvt.Ltd.

Chief Operating Officer

(Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

34. Memorandum of Understanding signed earlier on 9th July 2009 superseded by this Memorandum of Understanding dated 25.2.2009

IN WITNESS WHEREOF the parties hereto have set their hands on the day and in the year herein first above written.

In the presence of
(1) Witness.....
Address.....

Anil Kumar Singh
FOR AND ON BEHALF OF FIRST PARTY
(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad

(2) Witness.....
Address.....
S.O. 111
Civil Lines
Allahabad

FOR AND ON BEHALF OF SECOND PARTY

For Pancham Raficon Pvt. Ltd
Pancham Raficon
Chief Operating Officer

इलाहाबाद विकास प्राधिकरण, इलाहाबाद।

प्रेषक,

नगर नियोजक,
इलाहाबाद विकास प्राधिकरण,
इलाहाबाद।

सेवा में,

मेसर्स पंचम रियलकॉन प्रा०लि०
निवासी-10, लोकल शॉपिंग सेंटर (एल०एस०सी०)
पोस्ट आफिस कालकाजी,
नई दिल्ली-110019

पत्रांक ^{598/} हाईटेक टाउनशिप/नगर नियोजक/वि०प्रा०/2009 दिनांक 24/10/09

विषय: जनपद इलाहाबाद के अन्तर्गत ग्राम देवरख उपरहार, देवरख कांठ, चक विश्वनाथ, चकतेज्ज दीक्षित, भवैया उपरहार, मदनवा उपरहार तथा लवायन का प्रगना अरेल तहसील-करछना, में हाईटेक टाउनशिप के विकास हेतु मेसर्स पंचम रियलकॉन प्रा०लि० द्वारा प्रस्तुत संशोधित कन्सेप्टुअल डी०पी०आर के अनुमोदन के संबंध में।

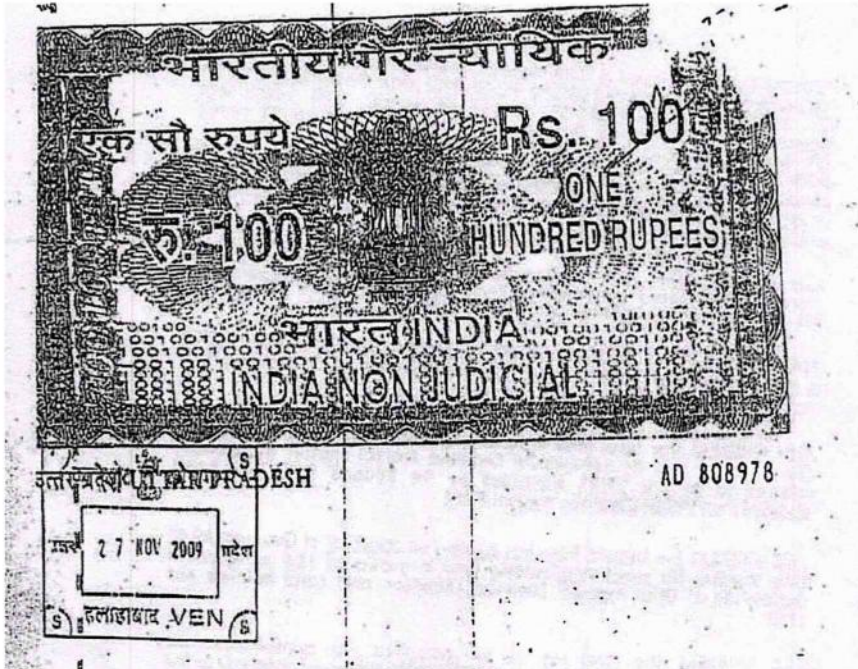
महोदय,

कृपया उपरोक्त विषय के संबंध में मुझे यह कहने का निर्देश हुआ है कि आसन द्वारा गठित डी०पी०आर० समिति की बैठक दिनांक 11.09.2009 में समिति द्वारा उठे गये विन्दुओं के परिप्रेक्ष्य में आप द्वारा उपलब्ध करायी गयी प्रस्तरवार आख्या का परीक्षण स्थानीय स्तर पर कराते हुए कमियां/सुझावों का एक तुलनात्मक विवरण के साथ हाईटेक टाउनशिप के विकास हेतु आप द्वारा प्रस्तुत संशोधित कन्सेप्टुअल डी०पी०आर के अनुमोदन के संबंध में प्रस्ताव विकास प्राधिकरण बैठक दिनांक 08.10.2009 के मद संख्या-8 के अन्तर्गत विचारार्थ एवं स्वीकृतार्थ प्रस्तुत किया गया था, जिसमें प्राधिकरण बैठक के संकल्प संख्या-1516 के अन्तर्गत यह निर्णय लिया गया कि प्रस्तुत डी०पी०आर० की स्वीकृति सर्वसम्मति से सशर्त की गयी, जिसके अनुसार समिति द्वारा दिये गये सुझावों के अनुक्रम में अवशेष शर्तों को निर्माण/विकास एग्रीमेंट के समय मेसर्स पंचम रियलकॉन प्रा०लि० द्वारा आवश्यक रूप से पूर्ण किया जाये। जो शर्तें निर्धारित की गयी हैं वह विन्दु क्रम संख्या 1.3, 2.2, 2.3, 2.4, 4.1, 4.2, 4.3, 5.1, 6.1, 6.5, 6.8, 6.9, 6.11, 6.12, 7.3, 7.5, 10.3 तथा 11.0 में कार्यवाही अपेक्षित है।

अतः उपरोक्त शर्तों के अधीन आप द्वारा संशोधित कन्सेप्टुअल डी०पी०आर० की अनुमोदित प्रति इस पत्र के साथ संलग्न कर प्रेषित की जा रही है।

संलग्नक: यथोपरि।

भवदीय
S. [Signature]
24.10.09
(स्वराज गांगुली)
नगर नियोजक



Development Agreement

(For Developer Companies/Consortium selected under the Hi-Tech Township Policy-2003 and Hi-Tech Township Policy-2007 as amended from time to time)

This Agreement is made on this 23 day of DECEMBER two thousand nine between Allahabad Development Authority constituted under the provisions of Uttar Pradesh Urban Planning and Development Act 1973 through Sh. A.K. Singh its Vice Chairman (hereinafter referred to as the "First Party", which expression shall unless the context does not so admit, include its successor) of the One Part,

AND

M/s Pancham Realcon Pvt. Ltd. a company registered under Companies Act, 1956 Consortium registered on having its registered office at 10 Local Shopping Center (LSC), Post Office Kalkaji, New delhi-110019 through its Authorized Signatory Shri. Dinesh Singala (Hereinafter referred to as the "Second Party", which expression shall, unless repugnant to the meaning or context thereof include its successor of the OTHER PART,

(Signature)
 उपाध्यक्ष
 एन.ए.डी.ए.

Page 1 of 16

For Pancham Realcon Pvt. Ltd.
(Signature)
 Auth. Signatory

WHEREAS the Government of Uttar Pradesh hereinafter referred to as "GoUP" has announced the Hi-tech Township Policy-2007 vide Government Order No. 3189/Eight-1-07-34Vivdh/03, dated 16th August, 2007 which was superseded by Government Order No. 3872/ Eight-1-07-34Vivdh/03, dated 17th September, 2007 and read with Gov. order Nos. 4916/Eight-1-07-34Vivdh/03, Dated: 27th August, 2008, 5397/8-3-08-34Vivdh/03 dated: 2nd December, 2008 and 8481/8-3-2008-24Vivdh/2008 dated: 3rd January, 2009 to promote and facilitate private sector participation in the development of Hi-tech Townships with world-class infrastructure;

AND WHEREAS the High Level Committee (HLC) constituted by the Government of Uttar Pradesh has selected M/s Pancham Realcon Pvt Ltd for the development of Hi-tech Township at Allahabad;

AND WHEREAS the Second Party i.e. M/s Pancham Realcon Pvt Ltd has signed a Memorandum of Understanding on 5th of September 2009 with the First Party for the development of Hi-tech Township at Allahabad;

AND WHEREAS the total land area of the proposed Hi-tech Township is 1535.12 acres and its conceptual Detailed Project Report (hereinafter referred to as the "DPR") submitted by the Second Party has been approved on 24th of 2009 by the First Party;

AND WHEREAS the Second Party has applied for approval of Government of Uttar Pradesh for purchasing/holding land in excess of 12.5 acres under section-154 of Uttar Pradesh Zamindari Abolition and Land Reforms Act 1950;

AND WHEREAS the land use of the proposed site conforms to the development of Hi-tech Township as per the Master Plan of Allahabad or the land use has been converted by the Government of Uttar Pradesh for the purposes of Hi-tech Township;


AND WHEREAS the land use of the proposed site has not been decided by the GoUP due to which the layout plan has not been approved, this Development Agreement shall be effective only after the layout plan of the Township has been approved;

AND WHEREAS the Detailed Layout Plan of the First phase of the proposed Hi-tech Township on 726.8 acres has been submitted by the Second Party to the First Party for approval;

AND WHEREAS the Second Party is required to sign a Development Agreement with the First Party at the time of approval of Detailed Layout Plan as provided in the MoU;


(Anil Kumar Singh)
Vice Chairman
Allahabad Development Authority
Allahabad

Page 2 of 11

FOR PANCHAM REALCON PVT. LTD.

Vice Chairman

NOW THIS AGREEMENT WITNESSES AS FOLLOWS:

1. Definitions	Unless the context otherwise requires the following terms shall have the meanings assigned herein when used in this Agreement:-
(a)	"Agreement" means this Development Agreement executed between M/s Pancham Realcon Pvt Ltd and Allahabad Development Authority.
(b)	"Act" means Uttar Pradesh Urban Planning and Development Act, 1973 or the Uttar Pradesh Housing and Development Board Act, 1965.
(c)	"First Party" means Development Authority constituted under Uttar Pradesh Urban Planning and Development Act, 1973 or the Uttar Pradesh Housing and Development Board constituted under Uttar Pradesh Housing and Development Board Act, 1965, as the case may be.
(d)	"Second Party" means M/s Pancham Realcon Pvt Ltd a company registered under Companies Act, 1956/ Consortium registered on 13th June 2008 having its registered office at 10 Local Shopping Center (LSC), Post Office Kalkaji, New Delhi-110019.
(e)	"DPR" means the Conceptual Detailed Project Report of the proposed Hi-Tech Township at Allahabad.
(f)	"Layout Plan" means the detailed plan showing the arrangement in which different uses of buildings, roads and open spaces are placed in relation to each other in accordance with prevailing Zoning Regulations and Building By-laws.
(g)	GoUP means Government of Uttar Pradesh.
(h)	Mou means Memorandum of Understanding between First Party and Second Party on 5th September 2009.
(i)	"HLC" means High Level Committee constituted by Government of Uttar Pradesh for the purposes of Hi-Tech Township Policy-2007.


 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

Page 3 of 11

For Pancham Realcon Pvt Ltd.

 Auth. Signatory

2.	Project Execution	The Second Party shall adhere to the following provisions for planned and time-bound execution of the HI-tech Township project:-
(i)	Commencement	This agreement shall come into force immediately after the Second Party (A) obtains and produces before the First Party the statutory environmental clearance from the Ministry of Environment and Forest Government of India/U.P. (B) The deposits of the balance amount of city development charges amounting to Rs. 2,72,02,500.00 and (C) The deposits of Rs. 5,01,31,101.00 towards the price of ceiling land situated in village Mdwalya as communicated by the D.M. of Allahabad vide his letter No. 801/7.1.11./4.1. /00 dated 07 September 2009.
(ii)	Start of Work	The Second Party shall commence the development and construction works immediately after this agreement comes into force.
(iii)	Implementation Schedule	<p>The Second Party shall adhere to the 'Implementation Schedule' of internal and external development works as given in the DPR and shall complete all the development works in respect of the proposed HI-tech Township within a period of five years or extended period to the maximum total period of ten years as mentioned in the clause 16 of MoU from the date of signing of this agreement.</p> <p>or</p> <p>The Second party shall adhere to the 'Implementation Schedule' of internal and external development works as given in the DPR and shall complete all the development works in respect of the proposed HI-tech Township within a period of five years subject to maximum ten years as mentioned in the clause 14 of the revised MoU from the date of signing of this agreement.</p> <p>If the Second Party fails to complete the development works within the above said period, it shall be liable to pay fine at the rate of one percent of the remaining cost of development works for every month.</p>
(iii)	Specifications and Standards	The development and construction works shall be in accordance with the standards and specifications provided in the approved DPR and the Layout Plan.



 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

Page 4 of 11

For Pentham Road Pvt. Ltd.

 Anil Kumar Singh

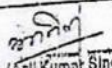
(iv) Disaster Management	(i)	The Second Party shall adhere to the Government Policies and the relevant BIS/IS codes, guidelines and practices relating to disaster management in the development and construction works of the proposed Hi-tech Township.
	(ii)	The Second Party shall submit a certificate to the First Party regarding earthquake resistant execution of development and construction works duly signed by the Structural Engineer, Supervisory Site Engineer and Licensed Architect having prescribed qualification and experience as per the prevailing Government Orders.
(v) Development and Quality Control		The Second Party shall carry out the internal and external development and construction works in accordance with the standards and specifications laid down in the approved DPR and the Layout Plan. The execution, completion and certification of each development work at the project shall be carried out by a mutually agreed licensed Architect and authorized Engineer.
(vi) Connectivity Charges	(i)	Connectivity to trunk services such as road connection, drainage and sewage disposal, water supply, electricity, solid waste management or any such other community facility if required, shall be extended to the Second Party by the respective Government Agency on payment of actual cost plus 15% supervision charges thereon.
	(ii)	If any major infrastructure such as embankment, ring road, flyover, metro, et-cetera, is provided by the First Party during the project period consequent to which the proposed township would be directly benefited, the Second Party shall pay proportionate cost of such infrastructure to the First Party, with prior approval of the High Level Committee constituted by GoUP.



 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

For Pancham Rajivrai Pvt. Ltd.

 Anil Rajivrai

(vii) City Development Charges C. P. H. 1.	Second Party shall pay City Development Charges for augmentation/ strengthening of existing infrastructure at the rate of Rs 3.0 Lakhs per acre; 25% of the City development charges shall be paid by Second Party at the time of approval of Detailed Layout Plan of Hi-Tech Township and remaining amount of City Development Charges shall be payable in six monthly instalment together with interest of the rate 12% per annum. The delay in payment of instalment will attract penal interest of the rate of 15% per annum.
3. Supervision of Development and Construction Works	The First Party shall supervise the implementation of project in accordance with and as per the time-schedule prescribed in the approved DPR and inspect the quality of external and internal development and construction works to ensure that they are as per the provisions of approved DPR and Layout Plan. The Second Party shall pay the inspection charges to the First Party as per the prevailing G.O.P Policy/government orders.
4. Extension of Project Period	The Second Party shall complete the Hi-Tech Township project within a period mentioned in clause-2 (ii) of this Development Agreement. Extension in the project period shall be permissible with the approval of HLC as per provision of (clause-16 of MoU)/(Clause-14 of Revised MoU) on case to case basis.
5. Provision of EWS and LIG Plots/Houses	(i) The Second Party shall construct 10 per cent of the total houses/plots for Economically Weaker Section (EWS) and another 10 per cent houses/plots for the Lower Income Group (LIG) families as per the norms and cost ceiling laid down by the First Party.
	(ii) Allotment of houses/plots for the above categories shall be made through a committee constituted by the Housing and Urban Planning Department, Government of Uttar Pradesh under the chairmanship of Housing Commissioner/Vice-Chairman of the respective Government Agency. The Second Party shall sell the houses/plots to the allottees.
	(iii) The Second Party shall sell the houses/plots to the persons to whom houses/plots have been allotted by above committee.


 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad


For 
 Director, Allahabad Development Authority

6. Extension of Services to Village Abadies	The Second Party shall provide basic infrastructure such as road, drainage, water supply, sanitation and electricity, et-cetera free-of-cost to the village abadies falling within the Hi-tech Township area. The beneficiaries will play user charges to the service provider/ Second Party.
7. Electricity Distribution	In case the Second Party undertakes distribution of electricity, it shall have to secure licence from Uttar Pradesh Electricity Regulatory Commission for this purpose.
8. Provision of Community Facilities	Second Party shall provide land for community facilities such as electric sub-station, police station, fire station, post-office, telephone exchange, et-cetera and construct these facilities as per the norms and make them available to the respective department free-of-cost through the First Party.
9. Performance Guarantee	<p>To ensure timely completion of the project as per the provisions of the approved DPR and registration of transfer deeds of developed properties before handing over of properties to allottees, the Second Party shall mortgage 25 per cent of the total saleable land in favour of the First Party in accordance with the applicable rules/Acts. The mortgage deed shall be 'registered' and stamp duty as per the rules shall be payable on Mortgage Deed.</p> <p>Twenty percent of the mortgaged land shall be released after the successful completion of various services to the functional stage, compliance of all conditions as per the provisions of the approved DPR especially with regard to the ground water recharging system ensuring 120 percent water recharging against total amount of ground water drawn and registration of transfer deeds of developed properties in favour of allottees. If the Second Party leaves any development work incomplete, the same shall be completed by the First Party through sale of the land so mortgaged. Remaining five percent of the mortgaged land shall be kept retained as performance guarantee to ensure the maintenance of services.</p>

Anil Kumar Singh
 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

For Parichay Construction Pvt. Ltd.
[Signature]
 Rishi Kishore

10. Completion Certificate	<p>(i) The Second Party shall complete the development works within approved project period. It shall be compulsory for the Second Party to obtain a completion certificate regarding internal and external development works from the First Party in accordance with the procedure laid down in the Building Bye-laws applicable in the respective Development Area/Scheme Area/Special Development Area/Regulated Area, etcetera.</p> <p>(ii) The Second Party shall obtain a certificate regarding satisfactory completion of electric works from the Chief Electrical Inspector, Government of Uttar Pradesh and furnish the same to the First Party at his own expense.</p>
11. Registration of transfer deeds of properties	The Second Party shall ensure registration of transfer deeds of developed properties before handing over of the possession to the allottees, tolling which the money equivalent to the stamp duty and registration fees amount shall be recovered by the First Party through invocation of the Bank Guarantee or sale of mortgaged land after giving notice to the Second Party.
12. Stamp Duty and Freshhold Conversion Charges	The stamp duty chargeable on the instrument relating to Hi-Tech Township executed by the Second Party shall be borne by the Second Party or transferee of Second Party, as the case may be and freshhold conversion charges shall be payable to the First Party as per the prevailing policy of the State Government.
13. Maintenance of Services	That a 'Joint Venture' agreement shall be executed between the parties for proper and regular maintenance of the developed township/project. One time maintenance charges and annual user charges collected from the allottee shall be deposited in an 'Escrow Amount'. The Second Party shall carry out the maintenance works whereas Joint Venture shall supervise such works and ensure that the amount collected for maintenance is being utilized for the same purpose. The joint venture shall operate till the township is handed over to the local body.
14. Restriction on Sub-letting	The Second Party shall not assign/transfer the said development permission or any permission or other benefit of this Agreement to any other person.



 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

Page 8 of 11



 Anil Kumar Singh


15. Regulations and Directions Under the Act	Without prejudice to anything contained in this Agreement, all the mandatory provisions of the Zoning Regulations, Building Bye-laws and other Regulations and Directions for the time being in force, shall be binding on the Second Party.
16. Compliance with Labour and other Relevant Laws	(I) During continuance of this Agreement, the Second Party shall abide at all times by all existing labour enactments and rules made there under, regulations, notifications and bye-laws of the State or Central Government or Local Authority and any other Labour Law (including rules), regulations, Bye-laws that may be passed or notified or that may be issued under any Labour Law in future either by the State or Central Government or by the Local Authority. (II) During continuance of this Agreement, the Second Party shall abide at all times by all laws relating to development and other construction works.
17. Conciliation and Arbitration	In the event of any dispute with regard to terms and conditions of this Agreement, the same shall be referred to the decision of an Arbitrator, to be appointed in writing by the Parties, or if they cannot agree upon a sole Arbitrator, to the decision of three persons as Arbitrators, one to be appointed by each party and they shall appoint the third Arbitrator who shall act as the presiding Arbitrator under the provisions of Arbitration and Conciliation Act, 1996. Place of arbitration shall be Lucknow.
18. Litigation	In case of any litigation pertaining to the acquisition, maintenance, or the rights of the any individual or individual allottee, the First Party will not be liable and therefore, shall not be arraigned as a party. In other words, any cause of action emanating from any transaction between an individual or group of individuals and the Second Party in the said land, will lie in the area of responsibility of the Second Party. First Party shall not be liable to any individual or group of individuals with regard to properly acquired or developed by the Second Party.
19. Indemnity	The Second Party shall indemnify the First Party against all loss, damages and liability that may arise or cause to First Party by any act, deed or omission of Second Party or any officer or employee or agent of the Second Party.


 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

For Panchayat

 Panch. Secretary

20.	Force Majeure	(i) If at any time during the continuance of this Agreement, the performance in whole or in part by either party of any obligation under this Agreement shall be prevented or delayed by reason of any war or riot or natural calamities, the Second Party within 7 days of occurrence and cessation of each Force Majeure conditions shall intimate the First Party by a registered letter, the beginning and end of the above causes of delay.
		(ii) The Second Party shall not claim extension of time mentioned in the preceding paragraphs beyond the period affected by the Force Majeure.
21.	Communication	Any notice, letter or communication to be given by one party to the other shall be in writing in Hindi or English language through registered post with due acknowledgement. In addition, such communication shall also be transmitted by fax.
22.	Jurisdiction	For deciding all the matters concerning the work in question, jurisdiction would be exclusively to the local Courts or Allahabad / Lucknow High Court.


 (Anil Kumar Singh)
 Vice Chairman
 Allahabad Development Authority
 Allahabad

For Panchayat Panchayat Panchayat

 Panch. Secretary

IN WITNESS WHEREOF, SHRI A.K. Singh for and on behalf of the First Party and Shri ~~Prakash Singh~~ and on behalf of the Second Party, have signed this agreement on the day and year mentioned above. This Agreement consists of ~~two~~ pages.

Signature of Authorized Signatory

[Handwritten Signature]
3.12.2009

on behalf of Allahabad Development Authority
~~Prakash Singh~~
Vice Chairman
Allahabad Development Authority
Allahabad

Signature of Authorized Signatory

For Pancham Realcon Pvt. Ltd.

[Handwritten Signature]
Auth. Signatory

on behalf of M/s Pancham Realcon Pvt Ltd

WITNESSES:

1. *[Handwritten Signature]*
Prakash Singh
2. *[Handwritten Signature]*
A.K. Mahapatra

WITNESSES:

1. *[Handwritten Signature]*
2. *[Handwritten Signature]*

OMAXE
dreams into reality

पत्र संख्या : आर0इ0पी0एल0 / इला0 / हाई-टेक टा0 / 554

WATER, KONT
OMAXE Hi-Tech City, Allahabad

दिनांक : 31.03.2011

सेवा में,



विषय- इलाहाबाद हाईटेक टाउनशिप के प्रथम चरण की कम्प्लीशन सर्टिफिकेट निर्गत किये जाने के संबंध में।

महोदय,

उपरोक्त विषयक आपसे अनुरोध करना है कि मेसर्स पंचम रियल कॉन् प्रालि0 द्वारा हाईटेक टाउनशिप इलाहाबाद के सेक्टर-1 के सभी विकास कार्य पूर्ण कर लिये गये हैं जो निर्धारित पत्र पर सूचनायें भत्कर आपके उम्मीद मानचित्रों के साथ प्रेषित की जा रही है। कृपया कम्प्लीशन सर्टिफिकेट जारी करने का कृपया क्रम

1. ले-आउट मानचित्र (तीन प्रति) +।
2. इन्टरनेल ड्रेनेज नेटवर्क मानचित्र (तीन प्रति) +।
3. इन्टरनेल ड्रेनेज नेटवर्क मानचित्र (तीन प्रति) +।
4. 300एच0टी0, टी0डब्ल्यू0, यू0जे0टी0 मानचित्र (तीन प्रति) +।
5. 9मी0 वाइड रोड सेवरान मानचित्र (तीन प्रति) +।
6. 12मी0 वाइड रोड सेवरान मानचित्र (तीन प्रति) +।
7. 18मी0 वाइड रोड सेवरान मानचित्र (ए दू बी सी दू डी) (तीन प्रति) +।
8. सेन थाटर हायरेस्ट्रु डिटेल मानचित्र (तीन प्रति) +।
9. लोडिंग नेटवर्क मानचित्र (तीन प्रति) +।
10. लोडिंग नेटवर्क मानचित्र (तीन प्रति) +।
11. स्ट्रीट लैंडिंग मानचित्र (तीन प्रति) +।
12. वाटर सप्लाई मानचित्र (तीन प्रति)

भयवीर
(अजय मिश्र)
अधि0 इलाहाबाद
मेसर्स पंचम रियल कॉन् प्रालि0

PANCHAM REAECON PVT. LTD.
(A SPV of OMAXE LTD.)

Regional Office: N/A/2, 2nd Floor, Civil Station, Allahabad - 211001
Tel No.: 0532-6597882, 6597883, Fax: 0532-2263453
Regd. Office: 10, L.S.C., Kalkaji, New Delhi Tel.: 011-41896776 / 6680 / 6634 / 3100
E-mail: info@omaxepvt.com, uahalla@omaxepvt.com

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re: Ganga Pollution

Respondent :- State Of U.P. And Others

Petitioner Counsel :- Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Anil Tiwari, Arun Kumar, Arvind Agarwal, Baij Nath Yadav, Baleshwar Chaturvedi, D.B. Mishra, D.S. Mishra, Jagdish Tewari, K.C. Pandey, P.N. Mishra, S.K. Srivastava, Shallesh Singh, Sharad Kr. Srivastava, Sunita Sharma, V.B. Singh, V.C. Mishra, Vivek Mishra

Respondent Counsel :- C.S.C., A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, Hem Pratap Singh, Iqbal Ahmad, M.C. Chaturvedi, N. Misra, P.S. Baghel, R.B. Shukla, Rajiv Lochan Shukla, S.A. Lari, S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, T.M. Khan, Vivek Birla, Vivek Verma, W.A. Hashmi

Hon'ble Ashok Bhushan, J.Hon'ble Arun Tandon, J.

Heard Dr. Ashok Nigam, learned Additional Solicitor General of India, assisted by Sri Ajay Bhanot for Union of India, Sri U.N. Sharma, learned Senior Advocate, special counsel for the State of U.P., Sri S.G. Husnain, learned Additional Advocate General assisted by Sri S.P. Kesharwani, learned Additional Chief Standing Counsel for the State, Dr. H.N. Tripathi, learned counsel for U.P. Pollution Control Board, Sri S.D. Kautilya, learned counsel for Municipal Corporation, Allahabad, Sri Rajeev Lochan Shukla, learned counsel for the Tanneries and Sri A.K. Gupta, learned amicus curiae as well as Sri Ashwanil Kumar Misra, learned counsel appearing for newly impleaded respondent, Allahabad Development Authority.

Learned amicus curiae has filed an application for impleadment of the State Level Environment Impact Assessment authority, Uttar Pradesh; through its Member Secretary, Pickup Bhawan, Gomti, Nagar, Lucknow and Allahabad Development Authority through its Vice Chairman, Indra Bhawan, Civil Lines, Allahabad as respondents No. 18 and 19. The impleadment application is allowed.

An application for impleadment has also been filed on behalf of Allahabad Development Authority through Sri Ashwani Kumar Misra Advocate along with application for vacating the order dated 28.3.2011 supported by a detailed affidavit. The application and affidavit are taken on record. The impleadment of Allahabad Development Authority has already been allowed.

Learned Additional Solicitor General with regard to transfer of a Defence land area 1123.80 square meters at Mori Gate Fort, Cantt. Allahabad for the purpose of establishing the sewage pumping station, has submitted that the letter dated 28.1.2011 has been issued by the Government of India; Ministry of Defence Informing the Principal Secretary, Government of U.P. that in principle approval for permitting State Government of Uttar Pradesh/Ganga Pollution Control Unit for construction of a sewage pumping station on the aforesaid land has been granted. The consent of the State Government as per current Standard Table of Rents (STR) and not as per the circle rate of the State Government has been sought. No appropriate reply has been given by the learned counsel appearing for the State as to why the aforesaid concurrence has not been yet been communicated to the Ministry of Defence, whereas establishing a sewage pumping station at Mori Gate is urgently required. However, in the affidavit dated 28.3.2011 sworn by Sri Anil Kumar Srivastava, Managing Director, U.P. Jal Nigam, Lucknow, a copy of the Government order dated 19.2.2011 has been filed as Annexure-6 by which order, the State Government has communicated the Commissioner, Allahabad Division and District Magistrate, Allahabad and Nagar Ayukt, Nagar Nigam, Allahabad to take appropriate action as per the letter of the Central Government dated 28.1.2011. The said letter clearly thus conveys the State Government's concurrence to the letter dated 28.1.2011

and the authorities aforesaid were directed to take appropriate action. Another letter dated 25.2.2011 written by Lt. Col. A.S. Dabholkar has been annexed by which the General Manager Ganga Pollution Control Unit was requested to work out the cost of the Defence Land as per current (effective) Standard Table of Rent (STR) and forward the same to DG, DE New Delhi. From the aforesaid correspondences, which have been brought on record along with the aforesaid affidavit, it is clear that although the Central Government has communicated its concurrence for transfer of the Defence land as per current (effective) Standard Table of Rent but due to not taking effective compliance by the authority concerned, the working permission for construction of sewage pumping station could not be issued by Ministry of Defence.

Sri S.G. Hasnain, learned Additional Advocate General sought to contend that the State Government has given its permission to transfer the land on circle rate which arguments has no leg to stand when the Ministry of Defence has already communicated their concurrence for transfer of the land on current Standard Table of Rent (STR) and the land belong to the Ministry of Defence, it is not open for the Additional Advocate General to contend that the cost of the land is to be made by circle rate. The above argument itself suggests that the State Government is not effectively taking consequentia steps, which is failing the transfer of Defence land. We direct the State authorities including the District Magistrate, Allahabad to immediately communicate their approval for the transfer of land on the valuation as per Standard Table of Rents. All effective steps in this context be taken within two weeks and the Ministry of Defence shall accordingly issue working permission for construction of sewage pumping station within four weeks thereafter so that the construction of sewage pumping station be started.

Sri Ajay Bhanot, learned counsel appearing for the Union of India has also submitted that the issue of minimum flow of water in river is being considered by a sub committee constituted on October 4, 2010 the report of which is awaited. He has referred to affidavit of Sri Sudhir Garg, filed on behalf of Ministry of Water Resources, Government of India, New Delhi dated 27.3.2011. From the aforesaid counter affidavit, it is clear that Water Quality Assessment Authority, New Delhi was constituted by the Government of India in the year 2001. A decision was taken on 14.5.2003 by the said Authority to constitute a working group with the terms of reference which also included studies towards deciding minimum flows in the river and other related issues. The report is said to be submitted in July, 2007, recommending that legal and institutional implications of the report may be examined by a committee under the Chairmanship of Chief Engineer, CWC. A report in this regard has been submitted on October 27, 2009 which was discussed on 11.10.2010 by Water Quality Assessment Authority when it was agreed that a sub-committee be constituted. As noticed in earlier orders of this Court two of the issues which need to be considered are as follows:

(a) Can the State draw unlimited quantity of water from a river even to the extent of rendering its main stream a dry zone?

(b) Can the State because of drawl of water from upper portion of the river Ganges render its quantity or quality of water completely unfit for human use even for abthling purposes?

The aforesaid facts indicate that the issue of minimum flow of

water in a river is engaging attention of various authorities and Committees of Ministry of Government of India for long about a decade but no final recommendation in this regard could be made. Sri Ajay Bhanot appearing for the Union has submitted that a report in this regard shall be shortly submitted and brought before the Court. We notice that large number of issues are being considered by Water Quality Assessment Authority but for the purpose of this case, recommendation/ report is required on following two issues:

- (i) Standards regarding quality of water in river Ganges which is fit for drinking and bathing purposes.
- (ii) Issues '(a)' and '(b)' as quoted above with regard to minimum flow of water in river Ganges.

In view of the aforesaid, we direct the Ministry of Water Resources as well as Ministry of Environment and Forest to take immediate steps in this regard so as the appropriate recommendation/report in that regard be submitted and brought before the Court within a period of three weeks from today.

Along with counter affidavit of Sri S.K. Sarcar filed on behalf of Ministry of Urban Development Government of India, New Delhi dated 25.1.2011, the Government of India has brought on record the inspection report of the expert committee which was constituted in pursuance of the order of this Court dated 6.12.2010 passed in this petition. The Committee was directed to inspect the laying down of the sewer line and if necessary by digging the sewer line to find out whether the sewer line work done, was in accordance with the approved DPR. U.P. Jal Nigam was also directed to take necessary steps in that regard. The expert committee constituted by the Ministry of Urban Development Government of India visited the

city of Allahabad on 29th and 30th December, 2010 and inspected the works and submitted its report which has been filed as Annexure-C.A- 1. The report brought on record indicates that there has been variation in actual work undertaken regarding laying down of the sewer line in accordance with the approved DPR. Several shortcomings and violations of D.P.R. have been pointed out in the inspection report.

An affidavit on behalf of U.P. Jal Nigam has been filed in this regard. The affidavit filed by U.P. Jal Nigam is sketchy and does not refer to any action taken by the U.P. Jal Nigam, which is the implementing agency for laying down sewer line in reference to the inspection report of the expert committee. Sri Ravi Kant, learned Senior Advocate appearing for U.P. Jal Nigam has prayed for time to take effective steps and file a proper affidavit in this regard. As prayed three weeks' time is allowed. The appropriate direction in this context shall be issued after filing of the affidavit by U.P. Jal Nigam.

This Court vide order dated 19.1.2011 had issued following directions:

"It was pointed out by learned Amicus Curiae that the colour and quality of the water at Sangam and several other places has deteriorated and the colour has become red and brown which clearly suggests that the quality of the water has deteriorated due to unabated pollution of river water including the pollution at Kanpur Nagar and other cities.

Dr. H.N. Tripathi, who is present for the U.P.

Pollution Control Board, has filed affidavit bringing the report regarding analysis of the water which confirms that water quality has deteriorated. We fail to understand that the river water is continuously being polluted and the quality is going bad to worse but no appropriate action by the State Government and the Authorities of the U.P. Pollution Control Board is being taken in this regard who are statutorily obliged to check the pollution. We provide that by the next date all appropriate action shall be taken in this regard. Action taken be brought on record before the Court by means of an affidavit."

It has also been noticed in the earlier order that Chief Secretary of the State, who was present before the Court in earlier proceedings, have assured the Court that appropriate action in this regard be taken and brought on the record. As noticed above due to unabated pollution and discharge of untreated water in river Ganges, the colour and quality of the water is deteriorating which become visible at Sangam. No satisfactory compliance in this regard has been brought on record by the State of U.P. The State of U.P. who is to oversee that bodies and persons polluting the water to such great extent which has changed the colour of water be identified and action be taken, has failed to do any substantial work in this regard. An affidavit has been filed by Dr. H.N. Tripathi, learned Counsel appearing for the U.P. Pollution Control Board dated 22.4.2011 sworn by Dr. Rajeev Upadhyay, Chief Environmental Officer, annexing therewith the letters written by Dr. C.S. Bhatt, Member Secretary dated 13.4.2011 to the Director Indian Institute of Toxicological Research, M.G. Marg, Lucknow to carry on indepth study of the causes of occurrence of colour and

water quality. Another letter dated 18.4.2011 of Indian Institute of Toxicology Research has been brought on record indicating concurrence of the institute to carry on desired study. The letter written by the Member Secretary Dr. C.S. Bhatt according to us, is nothing but an act of the U.P. Pollution Control Board abdicating its main function to find out the polluters and take action against them. The U.P. Pollution Control Board, whose main function is to prevent water pollution and take appropriate action against the polluters, instead of taking appropriate action itself, which is a body of experts, is asking the other institution to know the causes of occurrence of colour and water quality. The U.P. Pollution Control Board which has been constituted to check the pollution is not taking any action itself rather it is asking from another institute to know the cause of pollution, whereas the water of river Ganges is decolouring due to unabated pollution, which is continuing from year after year. We are constrained to observe that U.P. Pollution Control Board is not performing its duties as entrusted by statutory provisions. We direct the Chairman of the U.P. Pollution Control Board to file his personal affidavit on the next date and be present in the Court to explain as to what action he has taken in this regard and in compliance of various directions issued by this Court in this petition.

In our order dated 28.3.2011, we have noticed that the State had acquired land for sewage farm in the year 1915 to the extent of 277 acres out of which 45 hectares land had been transferred to Allahabad Development Authority for the purpose of construction of housing colony on the river bank. The proceedings of public Interest Litigation (being PIL No. 54654 of 2009 Re: Sewage Farm) as well as Public Interest Litigation No. 1408 of 2011 were also noticed. This Court has noticed the acute problem of discharge of untreated sewage of Allahabad district directly in river Ganges, which is still

continuing. It was noticed that total capacity of sewage treatment plant functioning at Allahabad is only 93 MLD, whereas sewage generated is 232 MLD hence, 119 MLD untreated sewage is directly thrown in the river Ganges. It was also noticed that the land acquired for the sewage farm had been diverted for the other purpose, which stands admitted in the affidavit of Nagar Nigam, Allahabad. The Chief Secretary, State of U.P. who was present during the earlier proceedings before the Court, had assured the Court that the State shall review the entire issue at its level, with regard to the use of the land which was earlier acquired for the purpose of sewage farm. Today an affidavit of Surya Prakash Misra, Special Secretary, Urban Development sworn on 21.4.2011, has been brought on record annexing the report of the proceedings of the meeting dated 15.4.2011 in the aforesaid regard.

Sri Arun Kumar Gupta, learned amicus curiae has filed an affidavit giving details pertaining to the land of sewage farm which was acquired in 1915 and the diversion of the land for other purposes including transfer of 45 hectares of land by Nagar Nigam, Allahabad for construction of housing colony. Learned Amicus Curiae has also brought on record the Government order dated 31.7.2000 by which the State Government has imposed restriction on constructions within 200 meters from the river bank with the object of saving river Ganges from pollution. Decision was however, taken that relaxation can be granted to Math, Ashram and temple in certain condition. The decision of the Board meeting of the Allahabad Development Authority dated 3.4.2005 has also been brought on record in which a decision was taken that no permission shall be granted for any construction of house within 200 meters of highest flood level of river Ganges. The relaxation for Math etc. was continued. Learned Amicus Curiae has also brought on record the decision of the Committee of Allahabad Development Authority

deciding the objection on master plan 2021 specially the decision of the committee on item No. 45. From decision taken by the Committee at item No. 45, it appears that application was made by the Manager, Sahara India Commercial praying for land use as commercial in Mauja Mavaiya and Mavaiya Devrakh Uperhar Tahsil Karchana on total 133 acres of land. In the decision it has been resolved that upto 200 meters from the river bank, no construction of any kind would be permissible and for next 300 meters constructions can be permitted only in special circumstances. The Board refused permission to change the land use as residential. It is useful to quote the decision of the Committee:

"प्राधिकरण बोर्ड के पूर्व बैठक के निर्णय के अनुसार हाइवेस्ट फर्ल्ड लेवल को देखते हुए बंधा रोड का एलाइमेंट होगा। महायोजना में जो बंधा रोड का एलाइमेंट दिखाया गया है वो उसकी पुष्टि भी एरीगेशन विभाग से कर लिया जाये तथा शासन के आदेश के अनुसार बंधा रोड के साथ जा नदी तटीय विकास के लिए 200 मी० तक कोई निर्माण नहीं होगा तथा अगले 300 मी० में कोई विशेष भू-उपयोग अनुमन्य किए कये हैं। इसके अतिरिक्त पूर्व महायोजना सीवेज फार्म, ग्रीन बेल्ट एवं फर्ल्ड इफक्टेड एरिया प्रदर्शित था तथा शासनादेश के अनुसार यहां ग्रीन बेल्ट यथावत नदी तटीय विकास के अन्तर्गत रखा गया है उनका अधिकतर स्थल इस क्षेत्र में आता है। उपरोक्त शासनादेशों के आधार पर इस क्षेत्र को आवासीय करना उपयुक्त नहीं होगा। प्राधिकरण बोर्ड इस पर विचार करना चाहे।"

Sri Ashwani Kumar Misra, learned Counsel appearing for the Allahabad Development Authority referring to affidavit filed in support of his application, has submitted that 45 hectares of land was got transferred by the Nagar Nigam, Allahabad in favour of

Allahabad Development Authority on 25.5.2005 for consideration of Rs. 11 crores. He submits that In Public Interest Litigation being writ petition No. 54654 of 2009 in Re: Sewage Farm, a Division Bench of this Court dismissed the Public Interest Litigation with the observation that the land acquired by one public purpose can be very well utilised for another public purpose. He further submits that another writ petition No. (PIL) 1408 of 2011 has been filed restraining the Allahabad Development Authority from constructing New Prayag Avas Yojna as well as the private company which is making construction near the banks of river Ganges, which Public Interest Litigation is pending and counter affidavit has been called. Learned counsel for the Allahabad Development Authority submits that sufficient land is available for construction of sewage treatment plant and transfer of land was rightly made in favour of Allahabad Development Authority. The judgment and order dated 26.5.2010 in writ petition No. 54654 of 2009 has been referred to and relied.

Learned Counsel for the Allahabad Development Authority has prayed that the order dated 28.3.2011 imposing restriction on construction within 500 meters from mid stream of the river be withdrawn and Allahabad Development Authority be permitted to proceed with its project of constructing a housing colony on the river bank of Yamuna near Sangam in city of Allahabad.

The pollution in the river water of Ganges has arisen to an alarming situation. The apex Court in M.C. Mehta case reported in (1987) 4 Supreme Court Cases 463 had taken very serious note of the pollution in river Ganges. Following observations were made by the apex Court.

"It is the popular belief that the river Ganga is the purifier of all but we are now led to the situation

that action has to be taken to prevent the pollution of the water of the river Ganga since we have reached a stage that any further pollution of the river water is likely to lead to a catastrophe. There are today large towns inhabited by millions of people on the banks of the river Ganga. There are also large industries on its banks. Sewage of the towns and cities on the banks of the river and the trade effluents of the factories and other industries are continuously being discharged into the river. It is the complaint of the petitioner that neither the government nor the people are giving adequate attention to stop the pollution of the river Ganga. Steps have, therefore, to be taken for the purpose of protecting the cleanliness of the stream in the river Ganga, which is in fact the life sustainer of a large part of the northern India."

In the affidavit filed by Allahabad Development Authority dated 21.4.2011, the Allahabad Development Authority itself has brought on record the affidavit of Nagar Nigam, Allahabad which gives the fact regarding the situation of river pollution in river Ganges. The affidavit of Nagar Nigam sworn by Shiv Lakhan Yadav, Legal Advisor, Nagar Nigam Allahabad filed in PIL No. 54654 of 2009 notices that there are 57 Nalas open drain which are discharging untreated water in river Ganges and Yamuna. It has also noticed that total capacity of treatment plant in Allahabad is only 89 MLD and total untreated discharge is 228 MLD. According to admission of Nagar Nigam itself 120 MLD untreated is being discharged in river Ganges and 108 MLD untreated is discharged in river Yamuna. Following was stated in paragraphs 6,7 and 8:

" 6. That as per detail Number of Nalas are 57 (44 are discharging in Ganga river and 13 are discharging in Yamuna river), total discharge of Untreated water is 228 MLD (120 MLD in Ganga river and 108 MLD in Yamuna river) and capacity of treatment plants is 89 MLD (60 MLD Naini and 29 MLD Salory).

7. That at present out of 228 MLD of untreated discharge water only 89 MLD is being treated as stated above. However schemes of 5 treatment plant has been sanctioned amounting to 355.98 Crores which will treat 60 MLD of untreated water. Under JAICA aided scheme Numayadahi capacity 50 MLD, Kodra capacity 25 MLD, Pongat capacity 10 MLD and Naini capacity 20 MLD amounting 336.07 Crores had been submitted to State Government for submission to Government of India.

8. That as it has ben demonstrated that the total untreated sewage discharge will be covered by different treatment plants to be commissioned at different places by 2013, the land transferred to Allahabad Development Authority is not required for sewage farming, as was previously done before 1985."

The said figures have been given on the basis of the report of the year 2009. No further sewage treatment plant or any other mechanism has been generated. Untreated water is constantly and regularly discharged in river Ganges and Yamuna. The apex Court

in **M.C. Mehta Vs. Union of India**, reported in (1988) 1 Supreme Court Cases 471 held that all municipal Boards which have jurisdiction over the areas through which the river Ganga flows have to take effective steps for undertaking different works in sewerage system. It is useful to quote the directions issued in the aforesaid case in paragraphs 17 and 26.

" 17. It is no doubt true that the construction of certain works has been undertaken under the Ganga Action Plan at Kanpur in order to improve the sewerage system and to prevent pollution of the water in the river Ganga. But as we see from the affidavit filed on behalf of the authorities concerned in this case the works are going on at a snail's pace. We find from the affidavits filed on behalf of the Kanpur Nagar Mahapalika that certain target dates have been fixed for the completion of the works already undertaken. We expect the authorities concerned to complete those works within the target dates mentioned in the counter-affidavit and not to delay the completion of the works beyond those dates. It is, however, noticed that the Kanpur Nagar Mahapalika has not yet submitted its proposals for Sewage treatment works to the State Board constituted under the Water Act. The Kanpur Nagar Mahapalika should submit its proposals to the State Board within six months from today.

26. What we have stated above applies mutatis mutandis to all other Mahapalikas and Municipalities which have jurisdiction over the

areas through which the river Ganga flows. Copies of this judgment shall be sent to all such Nagar Mahapalikas and Municipalities."

277 acres of land was acquired in the year 1915 and 1941 for sewage farm. Nagar Nigam, Allahabad, which was under obligation to utilise the land for the purpose of treating the untreated water have failed to perform its duty. Nagar Nigam has very conveniently in 2005 transferred 45 hectares of land to Allahabad Development Authority and Allahabad Development Authority has decided to construct a housing colony on 45 hectares of land situated on the river bank of Yamuna near Sangam (Where Ganga and Yamuna meet). As noticed above in the PIL writ petition No. 54654 of 2009, this Court has passed the order dated 26.5.2010. In the aforesaid writ petition, the Division Bench noticed the issue involved to the following effect:

"The only question involved in this case is as to whether the land, which has been acquired for one public purpose, can be converted for another public purpose or not."

The Division Bench noticed that out of the total land only 45 hectares of land has been given for the purpose of housing colony, whereas the entire land was originally acquired for the purpose of sledge farm. The Division Bench made following observations:

"Factually, learned counsel for the Allahabad Development Authority has come forward with a case that out of the total land, only 45 hectare land has been given for the purpose of housing colony though the entire land was originally

acquired for the purpose of sledge farm. According to him, the mechanism between such period and the present period has changed. The modern equipments do not require so much land for the purpose, for which the same was acquired and, accordingly, the land in excess of 45 hectares can be utilised for the same. We do not find any logic standing in the way of process of public purpose if no hindrance is being caused to the original public purpose, particularly when we find that all the governmental authorities, being Allahabad Development Authority, Nagar Nigam, Jal Nigam and Environment Department are present before us and nobody is standing in the way but the Court suo motu has taken cognizance in the matter on the earlier occasion. The issue raised in the form of public interest litigation, on which suo motu cognizance has been taken, stands resolved."

From the above judgment of the Division Bench, it appears that Division Bench in the said judgment held that the land in excess of 45 hectares can be utilised for the purpose for which it was acquired. It was not brought before the Division Bench that prior to transfer of 45 hectares of land, the large portion of the area was already transferred for other purposes which has been detailed in the affidavit of Nagar Nigam. The Division Bench passed the order on the premise that rest of the land except 45 hectares, is still available for sewage farm. We however, in this petition cannot take any decision contrary to that which was taken by the Division Bench on 26.5.2010 nor in this writ petition we can entertain any issue regarding transfer of 45 hectares of land to the Allahabad Development Authority by Nagar Nigam. But the question as to

what measures should be taken for checking the pollution in river Ganges is the main subject of present writ petition. In that regard we can proceed to examine and take appropriate measures so that river Ganges may not be further polluted. It is also relevant to refer to the decision of the State Government taken in the meeting dated 15.4.2011 as referred above. From the aforesaid proceedings dated 15.4.2011, it appears that 13.88 hectares of land which was given for fish farm be asked to be returned from Fisheries Department. It was also observed that for extension capacity of sewage treatment plant, land is available.

Learned amicus curiae has also pointed out that another decision has been taken by administration to construct the housing colony in the locality Ganga Nagar on the bank of river Ganga.

Ganges plain in the northern India has been always treated to be most fertile area. Due to increase of population enormous and unregulated and unplanned constructions have begun on both sides of river Ganges, which is continuous and unabated process. It has been noticed that in highest flood of 1978, large number of villages on the bank of river Ganges had submerged. Learned Amicus Curiae has brought on the record a booklet issued by the District Administration Allahabad 'Badh Prabandh Yojna 2011-2012' in which flood affected villages have been mentioned and the villages Jahangirabad and Mavaiya, where the sewage farm land is situated have been included in the villages which are affected by Ganga flood.

Unabated and enormous construction on the river bank is also one of the source of increasing pollution in river water and a source for throwing untreated sewage dirt in the river with no mechanism to check. As noticed above, Allahabad Development Authority while rejecting the application of Sahara Commercial Corporation for permitting the change of land use as residential in

villages mentioned therein, recorded that within 200 meters from highest flood level, construction is wholly prohibited and within next 300 meters permission be granted only in special circumstances. Restriction in making construction of housing colony within 500 meters of highest flood level of river is necessary and mandatory to check the further pollution which may be caused by such housing colonies. We have noticed that in spite of repeated directions, neither the Nagar Nigam nor the State of U.P. has been able to come with any measure to check release of untreated sewage in river Ganges. 134 MLD untreated sewage, according to own case of Nagar Nigam is being discharged in river Ganges daily and according to the respondent new sewage treatment plant of the capacity 60 MLD shall be commissioned by 2013. New sewage treatment plant which has been mentioned and proposed has yet not started and we have reasonable doubt as to whether it will be able to function by 2013. Stopping construction up to 500 meters from highest flood level on the banks of both the rivers Ganges and also on the part of river Yamuna adjoining Sangam has to be directed in the city of Allahabad. The earlier order dated 28.3.2011 however requires modification.

We thus direct that no construction shall be undertaken by the Allahabad Development Authority or by any private builders within 500 meters of highest flood level of river Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Allahabad Development Authority and the district administration shall ensure that no construction be made in the aforesaid area. We however, give liberty to any aggrieved person to make appropriate application in this petition with regard to above restrictions, if he feels so aggrieved.

Sri Rajeev Lochan Shukla, learned counsel appearing for the tanneries has submitted that a date be also fixed for considering

the tanneries matter. We fix 20.5.2011 for consideration of tanneries matter.

As agreed by learned counsel for the parties, next date. In the present case is fixed as 13.5.2011 at 2 p.m.

Learned Special Counsel appearing for the State as well as learned Additional Advocate General referring to the affidavit has submitted that detail timetable is being given for repair of the roads which were dug during the laying down of the sewer line. Learned Amicus Curiae as well as other counsels have submitted that there is no proper repairing of the roads and pits are lying on the road unattended by the authorities. Although in earlier affidavit, it was stated that repairing of the road shall be completed by February, 2011 but according to the own case of the respondents, the repairing of the road has not yet been started. We are of the view that authorities of U.P. Jal Nigam, who is executing agency for laying down the sewer, and the P.W.D. are slack and are not making proper supervision which they are expected with regard to repairing of the road. We direct all the authorities including the authorities of U.P. Jal Nigam and P.W.D. to take appropriate steps regarding restoration of the roads in city of Allahabad, which were got dug during the laying of the sewer line. Appropriate affidavit in this regard be filed by U.P. Jal Nigam, P.W.D. as well as State of U.P. by the next date.

Order Date :- 22.4.2011

LA/-

प्रयागराज विकास प्राधिकरण, प्रयागराज

प्रेषक,

नगर नियोजक/प्र0अ0(त0स0)
प्रयागराज विकास प्राधिकरण,
प्रयागराज।

सेवा में,

मेसर्स पंचम रियलकॉन प्रा0लि0
पंजीकृत कार्यालय-56ए/56बी आदर्श स्ववायर
सरदार पटेल मार्ग, सिविल लाइन्स
जनपद प्रयागराज।

पत्रांक : 262/प्र0अ0(त0स0)/जोन-4/Revi/हा0टे0/2022 दिनांक 09 जून, 2022

विषय :जनपद प्रयागराज के अन्तर्गत ग्राम देवरख उपरहार, देवरख कछार, मवैया उपरहार परगना अरैल, तहसील-करछना, जनपद प्रयागराज में हाईटेक टाउनशिप के विकास हेतु मेसर्स पंचम रियलकॉन प्रा0लि0 द्वारा प्रस्तुत संशोधित कन्सेप्चुअल डी0पी0आर0 के अनुमोदन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषय के सम्बन्ध में अपने आवेदन पत्र दिनांक 28.09.2021 एवं 03.01.2022 का सन्दर्भ लेने का कष्ट करे, जिसके माध्यम से प्रयागराज विकास क्षेत्र के अन्तर्गत गतिमान हाईटेक टाउनशिप नीति के तहत संचालित परियोजना का क्षेत्रफल 1535.60 एकड़ के क्षेत्रफल को सीमित करते हुए 232.50 एकड़ तक किये जाने हेतु अनुरोध किया गया है।

उक्त के क्रम में गतिमान हाईटेक परियोजना के सम्बन्ध में उ0प्र0 शासन द्वारा गठित उच्च स्तरीय समिति की बैठक दिनांक 06.01.2022, 07.01.2022 एवं 08.01.2022 के दृष्टिगत प्रयागराज विकास क्षेत्र के अन्तर्गत परगना अरैल, तहसील-करछना प्रयागराज में विकसित की जा रही हाईटेक परियोजना प्रयागराज का क्षेत्रफल 232.50 एकड़ की प्रदत्त स्वीकृति के क्रम में आप द्वारा 232.50 एकड़ क्षेत्रफल पर प्रस्तुत संशोधित डी0पी0आर0 प्राधिकरण बोर्ड बैठक दिनांक 25.04.2022 के संकल्प सं0-1916 के द्वारा प्रदान किया गया है। उपरोक्त के क्रम में उपाध्यक्ष, प्र0वि0प्रा0 के अनुमोदनादेश दिनांक 04.06.2022 के दृष्टिगत संशोधित कन्सेप्चुअल डी0पी0आर0 की अनुमोदित प्रति इस पत्र के साथ संलग्न कर प्रेषित की जा रही है। तदनुसार आपको संशोधित ले-आउट प्लान प्र0वि0प्रा0 से अनुमोदित कराना आवश्यक होगा।

उपरोक्त स्वीकृति मा0 उच्च न्यायालय इलाहाबाद में योजित रिट याचिका संख्या-4003/2006 रिवर गंगा पालूशन बनाम उ0प्र0 राज्य व अन्य में पारित होने वाले अन्तिम आदेश के अधीन होगी।

संलग्नक : यथोपरि।

भवदीय

(टी0पी0 सिंह)

नगर नियोजक/
प्रभारी अधिकारी(त0स0)

5327



Ministry of Housing and Urban Affairs
Government of India



ANNEXURE A-13



RIVER CENTRIC URBAN PLANNING GUIDELINES

TOWN AND COUNTRY
PLANNING ORGANISATION

MINISTRY OF HOUSING AND URBAN AFFAIRS
GOVERNMENT OF INDIA

दुर्गा शंकर मिश्र

सचिव

Durga Shanker Mishra
Secretary



सत्यमेव जयते



भारत सरकार
आवासन और शहरी कार्य मंत्रालय
निर्माण भवन, नई दिल्ली-110011
Government of India
Ministry of Housing and Urban Affairs
Nirman Bhawan, New Delhi-110011

FOREWORD

The Indian subcontinent is blessed with numerous rivers and water bodies and these provide livelihood opportunities to millions of people across the country. The Government vision for 2030 envisages clean rivers, with safe drinking water for all Indians, sustaining and nourishing life and efficient use of water in irrigation using micro-irrigation techniques.

2. These River Centric Urban Planning Guidelines are prepared an Advisory for States/ UTs, especially their Town and Country Planning Department, Urban Development Authorities and Urban Local Bodies to ensure sustainability of rivers passing through cities and towns and to regulate the development along the river banks and flood plains. These guidelines suggest model River Zone Regulations, which can be adopted by States/ UTs in accordance with the riverine topography and local conditions.

3. I hope that these Guidelines will go a long way in preserving and conserving our rivers and States/ UTs will make an extensive use of these Guidelines for formulating their own river centric urban planning guidelines.

4. I complement the officers of Town and Country Planning Organisation, New Delhi who have contributed in preparing this Advisory diligently.

(Durga Shanker Mishra)

New Delhi

18 May, 2021

डी० तारा, आई.ए.स.
संयुक्त सचिव
D. Thara, I.A.S.
Joint Secretary



भारत सरकार
आवासन और शहरी कार्य मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF HOUSING AND URBAN AFFAIRS



PREFACE

Rivers are lifelines of cities and towns. Since the ancient times, several civilizations grew around rivers. Civilization of Harappa and Mohenjo-Daro came up along the Indus, Sutlej and ancient Saraswati. In southern part of the country also, civilization developed around the Krishna, Kaveri and Godavari rivers. Rivers have been revered as mothers for sustaining life of the population living alongside its banks. The Ganga Basin traversing a distance of 2525 km from its source houses almost 40% population of India.

In the present times, Indian cities are growing at unprecedented pace, sometimes causing harmful impact on the health of the rivers. Several programs for cleaning the rivers are being implemented by the government with focus on their rejuvenation and ecological conservation and, health and wellbeing of people dependent on these rivers. Ministry of Housing and Urban Affairs has prepared these guidelines as per the decision taken in the First Ganga Council Meeting held under the chairmanship of Hon'ble Prime Minister at Kanpur on 14 December, 2019.

I am hopeful that these guidelines will assist Urban Local Bodies, Urban Development Authorities and Municipal Corporations and State Town and Country Planning Departments for taking action to conserve and preserve their rivers, water bodies and flood plains.

I congratulate the team of Metropolitan and Union Territories Division of Town and Country Planning Organization for bringing out this advisory and hope that States and UTs will make full use of it and draw up action plans for protecting the rivers and their flood plains. The contribution of interns from Schools of Planning and Architecture, Delhi and Bhopal is also duly acknowledged.

(D. Thara)

May, 2021

CONTENTS

1.	Introduction	9
2.	Need for urban river water conservation and mainstreaming it with urban planning	10
3.	Objectives of the guidelines	12
4.	Factors responsible for degradation of floodplains in urban areas	13
5.	River regulations	15
6.	Strategies for urban river conservation	18
7.	Objectives and framework for the river zonal development plan	20
8.	Conservation of the river as a natural entity.	21
9.	Restoration of natural zones along the river	22
10.	Maintaining environmental flow and carrying capacity	23
11.	Decentralized approach to river rejuvenation	24
12.	Restoration for utility and aesthetic value	25
13.	Urban river zoning regulations	26
14.	Regulations for eco-sensitive zones and water bodies	28
15.	Way forward	30
	References	31
	Illustrations	32

1. Introduction

1. Rivers passing through the urban areas are their lifelines. However, due to unprecedented urbanization and manufacturing activities in the areas along the rivers, many of these have become polluted and in some cases, unfit even for bathing. Flood plains of the rivers in urban areas have witnessed the construction activities including the unauthorized residential development, a phenomenon which has severely degraded the overall natural environment and river ecology.

2. The pollution load in rivers has been increasing over the years due to disposal of human and industrial waste in the rivers. The situation is likely to be further aggravated due to impact of climate change on the water resources, including rivers. Central Pollution Control Board (CPCB) monitors the water quality of water bodies, including rivers across the country. According to the CPCB reports of the year 2009 and 2015, considering the Bio-Chemical Oxygen Demand (BOD), numbers of polluted river stretches have increased from 150 in year 2009 to 302 in year 2015.

3. As per another CPCB Report of 2009-10, the estimated sewage generation from Class-I & Class-II towns in the country was around 38,255 MLD (Million Litres per Day), against which sewage treatment capacity of only 11,787 MLD i.e 30% of the sewage generated was available. In the latest CPCB report of 2014-15, these figures changed to 61,948 MLD and 23,277 MLD (37% of the sewage generated). Thus, it can be seen that although installed treatment capacity has nearly doubled over the last 5 years, the gap between sewage generated and installed capacity has only slightly reduced because of increased urbanization and increase in urban population. Water crisis is particularly severe in highly populated urban areas and the condition is going to be further aggravated with increased urbanization. Due to the increased demand of the cities, water is being brought from distant points. Higher amount of waste water, mainly in the form of sewage and industrial effluents, is being generated resulting in additional challenge for urban planning.

2. Need for Urban River Water Conservation and Mainstreaming it with Urban Planning

4. Flow is the major driver of biodiversity in rivers. River flow regime, ranging from low flows to high flows, significantly affects the river ecosystem. For various water demands, water is stored and diverted through various structures built on rivers that changes the flow regime and reduces the flow in the downstream reaches, resulting in degradation of the services that society gets from rivers.

5. By definition an urban river is a stretch or section of a water resource located within a catchment that contains a town or a city, where the structure and function of that water resource is altered from its natural state. These river systems are not only used for irrigation, drainage and supply of potable water but they also have a close relationship with the social fabric.

6. Due to the pressure of urbanization and population growth, riverfront areas are getting degraded with poor water quality, limited access, formation of slums etc. and are often found functioning as open sewers or dumping grounds. Such problems are not confined to a particular geographic region of the world, but are common to all places subject to the level of urbanization, and India is no exception. One can see many examples across the world, where city authorities have made successful efforts to reconnect people to the rivers by reshaping their riverfronts

such as in Portland, Boston, Seattle, San Francisco, and Tokyo. Major development projects in India such as Ganga action plan, Yamuna action plan and Sabarmati riverfront development have been initiated to improve the river environment.

7. Waterfronts have long been used for different purposes and are now being developed for thriving and layered public use. Waterfronts can be developed for different functions and activities such as parklands, recreational public spaces, retail or tourist centre. However, studies suggest that mixed use development along the waterfront is beneficial for the community and city authorities as it provides wide public access to the riverfront and contribute in the economic development of the city.

8. Realizing the significance of river water conservation as well as river front development, Ministry of Housing and Urban Affairs has been directed to prepare the guidelines on the same in the First Ganga Council Meeting held under the chairmanship of Hon'ble Prime Minister on 14 December, 2020. The relevant para of the minutes is reproduced:

“There is need for new thinking for ‘river cities’. There is need for the residents of those cities to ask, ‘What can we do for the rivers’ Learning from experience of Namami Gange, there is need for a new



Figure 1: Two views of the same part of the River Don, fifty years apart. (a) The river as a drain behind industrial buildings. (b) The river as an attractive location in front of residential developments which have replaced the industrial buildings. (Source: David N Lerner*, Alison Holt)

river centric thinking in planning for cities on the banks of rivers, the city master plan, at present, does not adequately address this. The river health needs to be mainstreamed into urban planning process by development of Urban River Management Plans. Cities should be responsible for rejuvenating their rivers. It has to be done not just with the regulatory mindset but also with development and facilitatory outlook.”

3. Objectives of the Guidelines

9. The broad objectives of the guidelines are:

- Highlight the need for river centric master planning, and urban river management and planning, and provide guidance to cities and towns.
- Prepare a framework for river water conservation and development of river water front
- Devise development regulations /zoning

for river front development.

- Recommend suitable planning strategies for river water management and river front development as a part of sustainable urban planning and development. Riverfront to be transformed as a place to live, work and use for recreational activities by means of improvements in public access, development of green spaces along river edges etc.



Figure 2: The number of polluted rivers stretches in India have increased in the last few years. (Photo by Abhishek727 /Wikimedia Commons)

4. Factors Responsible for Degradation of Floodplains in Urban Areas

10. In urban areas, rivers continued to be channelized to accommodate for development and flood prevention. As urban areas expanded, rivers at urban centers have come under more pressure and lost the ability to function naturally. Construction activities on the flood plains damage their natural setting. Damage to floodplains harms the riverine ecosystem, lessens groundwater recharge capacity and poses threats of flash floods. Unplanned construction and encroachment on riverbeds reduces the capacity of rivers to carry flood waters and may lead to floods.

11. Floodplains in Indian cities are very much exposed to unauthorized construction which has taken place without preparation and approval of layout plans. Built up paved areas on the flood plains are also responsible for reducing the absorption of water into the ground and increasing runoff. Reduced flow along the embankments has led to utilization of urban river plains for residential, commercial and recreational purpose thereby interfering with the ecological functions of the river. Flood plains are encroached upon by various means and are also used as landfill sites, leading to degradation of overall river ecology.

12. River Channelization is the practice of dredging and realigning the river to increase its flow rate and carrying capacity. Traditionally, channelization

of the rivers flowing through the cities is done to check the flooding. However, channelization, through the elimination of riverine habitat and the creation of excessive flows, may not be desirable for "well-being" of streams and rivers. Rivers, which have undamaged floodplain, are considered to be in good health.

13. Water quality degradation, which happens due to indiscriminate discharge of waste water without any treatment through open drains, is also one of the important concerns. Industrial discharge further deteriorates the quality of water. Disposal of untreated waste causes severe pollution in urban and peri urban areas. During 2015, approximately 61,754 Million Litres per Day (MLD) sewage was generated in the country against the available sewage treatment capacity of 22,963 MLD. Because of the deficit in sewage treatment capacity, about 38,791 MLD of untreated sewage (62% of total sewage) is discharged directly into nearby water bodies (CPCB, 2016).

14. Use of such wastewater loaded surface water for irrigation has resulted in the significant built up of heavy metals in agricultural land near several cities and towns of India. In the cities around river Ganga, although untreated sewage is being used by farmers to grow crops on urban peripheral lands due to its high nutrient contents, its use for longer periods is a matter of great concern. Urban sewage carries high amounts of

heavy metals (Ni, Cr, Pb, Cd, and Zn) and salts, causing salinity and alkalinity hazards. It is projected that wastewater generation across the country will reach 1,22,000 MLD by the year 2050. The country generates ~50 million tonnes (Mt) of municipal solid wastes/year from its urban areas (CPCB, 2000). About 9%-10% of these wastes find its way into agricultural land in the form of compost, contaminating soil with heavy metals.

15. Reduction of vegetative coverage also adversely impacts the urban river flood plain. The increase of human population will further lead to degradation of riparian areas, intensification of the hydrological cycle and increase in the discharge of pollutants, leading to proliferation of species. This will disturb the river biodiversity and bio production river flood plains are indeed habitat for more species of plants and animals compared to any other landscape unit in most regions of the world. Since cities are hubs of global transportation networks, urban rivers are also vulnerable to invasion of non-native species which may outcompete the native species and degrade the natural environment.

16. Increased frequency of flood and reduced flow due to over-exploitation and increased surface run-off in urban areas reduces the flows within a river but increases the frequency of flood in case of heavy rainfall. Continuous encroachment over the floodplains of the country's rivers has resulted into the constriction of the most suitable recharge zone. The water level in the rivers prior to onset of monsoon remains usually low resulting in longer recharge period for the groundwater aquifers compared to the high pumping (discharge) rate.

5. River regulations

17. Efforts for regulating the development on floodplains can be traced to the River Conservancy Act of 1884 that directed for conducting surveys and defined limits for the river which was termed "river-bed"; any construction or plantation within the river-bed for the area covering the present States of Tamil Nadu and Andhra Pradesh was to be permitted by Conservators of Rivers.

18. The Central Water Commission (CWC), a part of the Ministry of Water Resources (MoWR) circulated a model bill in 1975 for flood plain zoning which proposed delineating the areas that are subject to flooding including classification of land with reference to relative risk of flood.

19. The National Water Policy, 2012 includes a section on conservation of rivers and 4 river corridors. It also mentions that encroachments and diversion of water bodies must not be allowed and restoration must be promoted to the extent feasible.

State Government Efforts

20. In 1989, Tamil Nadu Pollution Control Board passed an order stating that no industry causing serious water pollution will be permitted within 1 km of reservoirs, rivers and public drinking water sources. Maharashtra Pollution Control Board also framed a River Regulation Zone policy for the State in 2000 (revised in 2009) based on the designated best use as per water quality for rivers, high flood line

and categorizing industry based on their pollution levels. However, this was later withdrawn based on a resolution passed by the state government dated 3 February, 2015. With floodplains, it is also important to look at relevant land use legislations which come under the ambit of States. State Town and Country Planning Acts were enacted by the States based on Model Town and Country Planning Laws in 1962 (later revised in 1985).

21. Ministry of Environment Forests and Climate Change (MoEFCC) released a "River Regulation Zone" (RRZ) notification draft under the Environment Protection Act (EPA), 1986.

22. Draft RRZ notification intended to regulate developmental and industrial activities upto 5 kms from the banks of the river stretches having floodplains and an equivalent area for mountain/ hill stretches under three River Conservation Zones (RCZ) demarcated with reference to the Highest Flood Level (HFL) with a 100 year return period. The Prohibited Activity Zone (RCZ-PA) in the immediate vicinity of the river is offered the highest protection since existing activities and constructions within the zone should adhere to the notification. Attention has been paid to regulating new developments within three zones.

23. The RRZ draft policy also defined the area for protection from further encroachments as the "active flood plain", which will be marked by the high

flood line. This, in entrenched stretches will be the available space in the valley. In embanked stretches, this would be the area between two embankments or roads along a river acting as an embankment. In other stretches of the river, the active flood plain will be the 100-year flood line, the land which gets flooded during a 100-year storm. The idea was to establish a no-development zone not less (in area) than the active floodplain.

24. In February 2016, Ministry of Environment, Forests and Climate Change (MOEF & CC) had come out with a draft notification for River Regulation Zones wherein it proposed to prohibit or regulate the developmental activities on riverfronts and floodplains. The draft notification has been circulated to all the States and UTs.

Key proposals in the draft notification:

- The proposed River Regulation Zones (RRZs) are to be set up on the lines of Coastal Regulation Zones (CRZ) and would fall under the Environment Protection Act, 1986.
- The key objective of River Regulation Zones is to prevent encroachments along the rivers and floodplains. The notification proposes to declare river stretches and floodplain zones as River Conservation Zones and to regulate or prohibit developmental activities in these zones.
- There would be a National River Conservation Authority to be headed by the Secretary of the Ministry of Environment, Forests and Climate Change at the Central level, and a

State River Conservation Authority headed either by the Chief Secretary or Additional Chief Secretary at the State level.

Under the proposal, the river stretches and their tributaries were classified into three categories namely floodplain rivers, seasonal rivers and mountain rivers/ hill streams. Also, the river regulation zones have been divided into three, depending upon the permission granted to carry out developmental activities:

- Prohibited activities zones: up to 500 meters from the highest flood level in past 50 years
- Restricted activities zone: Outer limit of prohibited zone to 1 kilometer
- Regulated activities zone: Outer limit of restricted zone to 3 kilometers

Prohibited activities zone:

This zone extends from the river bank to the outer edge of the floodplain and beyond. The limit will be extended up to 500 meters from the highest flood level in the past 50 years. These zones are the area which are subjected to frequent flooding and are most vulnerable to adverse impacts of human activities.

In case of the presence of embankments in the floodplain area, then this zone will extend from the river bank to the present outermost embankment and further a 100 m buffer is provided outside that embankment.

Alternatively, if the flood plain is marked by the presence of ecologically sensitive and fragile watersheds, heritage sites, areas

with outstanding beauty, areas which are genetically diverse and important for rare and endangered species, national parks, biosphere reserves, wildlife sanctuaries etc., then the whole area will be included under this zone irrespective of the above criteria.

Restricted activities zones:

Restricted activities zone includes the floodplain areas which are less frequently affected by the floods and lie farther from the river. It will have limits extended from the outer limits of the prohibited zone and up to 1 KM.

Regulated activities zone:

This zone extends up to 3 km from the outer limits of the restricted activities zone. Certain activities will be permitted in this zone.

Activities which are permitted
Traditional grazing by domestic animals, traditional capture fishing and organic farming, discharge of treated domestic waste waters, withdrawal of ground water using hand pump, recreational activities which will not require boat jetties etc.

Activities which are not permitted
Bunding, dumping of solid waste, construction of new embankment, land reclamation, storage of inflammable and toxic materials, and withdrawing water for commercial purposes other than hydro power and irrigation projects are prohibited.

Urban and Regional Plan Formulation and Implementation Guidelines (URDPFI), 2014

25. The URDPFI Guidelines, 2014 identify river flood plain as natural hazard zones. Buffer zones are areas created around the conservation area, often peripheral to it, inside or outside to enhance its protection. Buffer zones are identified on the basis of activities. Flood plain zoning is done to regulate the land use in the flood plains to restrict the damage caused by floods. Flood plain can be identified based on last 50 or 100 year flooded area of water bodies or river. There can be different considerations for regulations. For example, the area likely to be affected by floods up to a 10 year frequency should be kept reserved only for gardens, parks, playgrounds, etc. Residential or public buildings, or any commercial buildings, industries, and public utilities should be prohibited in this zone.

In area liable to flooding in a 25-year frequency flood, residential buildings could be permitted with certain stipulation of construction on stilts (columns), minimum plinth levels, prohibition for construction of basements and minimum levels of approach roads, etc. In urban areas there should be double storied buildings. Ground floors could be utilized for schools and other nonresidential purposes.

6. Strategies for Urban River Conservation

Planning and development of river bed

26. Three alternative approaches for planned development of cities and towns with objective of conserving the flood plains of the rivers passing through them are suggested.

A) River ecology conservation plan

This is purely an environmental approach to the river bed development and comprises of the following components.

a) Augmenting water recharge potential – through extended storage of water in the form of retention and detention ponds.

b) Reducing pollution of river water
(i) installation of sewerage treatment plants with detention facilities at the outfall points and (ii) effluent management of adjoining peripheral areas of cities.

c) Conservation of natural areas – through natural swamps, marshes and special aggregation of flora and fauna, with proper mechanism to inhibit misuse through protective barriers and sound management.

d) Hierarchy of green areas – to be developed depending on existing accessibility and viability of development of areas with varying use intensities such as remnant forests, landscaped parks, bio diversity parks and zoological gardens

with significant emphasis on pollution control.

e) Recreation – to be limited to ecotourism as in development of near passive greens and water sports facilities where environmentally viable.

f) Continuation and renewal of existing areas be envisaged with special emphasis on improvement in the built environment. Agriculture and allied activities such as horticulture and floriculture are also proposed to be promoted in limited manner wherever the possibilities exist.

B) Integrated Development Scenario

27. With proper use and integration of the river into the urban fabric, development is to be achieved through appropriate consideration of the local and transient requirements of facilities of adjoining areas and also through inclusion of such uses that would give citizens desirable proximity to the river. The various features of this scenario are:

a) Retention of essential features of the eco-based scenario such as augmentation of ground water recharge, pollution control and conservation of natural areas.

b) Assignment of uses, according to demand and suitability, mainly incorporating those uses which are either presently under consideration or are

derived to facilitate improvement of the perceived quality of life of other areas.

c) Modification of certain existing/ongoing uses to improve their respective environmental qualities.

d) Integrated tourism development, through development of appropriate infrastructure networks and facilities.

e) Higher level of recreational activities is also proposed under the scenario. These will include, water sports and other recreational uses which are presently wanted in the city.

f) Inland water transportation is also envisaged for development, subject to feasibility.

g) Management of higher order is also identified as an essential requirement to ensure economic viability and sustenance of integrated development

C) Post channelization development scenario

28. It is essentially an extension of the integrated development scenario with partial/ limited channelization as a precondition. This scenario also requires:

a) Reduction of peak flood water release, as flow volumes are likely to increase on channelization.

b) Pumping regulation to prevent backflow of existing drains and consequent flooding in other areas of the city

c) Limited assignment of religious and other water bound facilities as channelization will restrict the stream width, will not permit stream bifurcation and will permit limited in stream uses.

Outline a Development Strategy

29. The Strategy that involves a substantial degree of alternative models of public - private partnerships, and proposes a stronger land management system with a project-based approach in development or master plan. Channelization, considering the enormous investments/resource requirements, adverse impacts on the areas upstream and downstream and, major implementation constraints, may not yield any justifiable benefit. It may therefore be more appropriate to adopt the integrated development model, which foresees only partial channelization.

7. Objectives and Framework for the River Zonal Development Plan

30. Zonal development plan for river flowing through the city may be prepared to address the following objectives: -

- a) Water supply augmentation
- b) Pollution abatement
- c) Land utilization/ management
- d) Eco-friendly development.

Critical concerns for the development of the river areas are: -

- a) Involvement of multiple agencies
 - b) High resource requirement
 - c) Special significance of the area and its linkage with the other States- upstream and downstream, development/re-development of the existing areas.
- Development should not increase the pollution within the river area, rather it should regenerate a healthy environment.

- Any kind of development should be safe from flood damage even at peak flood level.
- The resource requirement is partially recovered with the development of land in the river bed area without compromising the quality of the environment.
- Stretches which need to be developed on priority, do not require large financial resources or are prone to encroachments, should be identified.
- Mitigate the constraints of allotment of land for public and semi- public uses in the adjoining areas of river, more so on banks of the river.



Figure 3: Two views of the same part of the River Cheonggyecheon, S. Korea (a) 1949 (b) 2018
(Source: https://www.reddit.com/r/korea/comments/8jua0q/cheonggyecheon_in_1950s_vs_2018/)

8. Conservation of the River as a Natural Entity

31. As the river is a vibrant ecosystem which bestows numerous ecological functions such as recharge and discharge, erosion and deposition, storm water drainage etc. It is of critical importance to retain these natural functions and processes. This necessitates that the ecological value must be prioritized over the economic utility arising from the river. The proposed interventions must respond to this natural context sensitively, and not cause any major deviations to these functions.

32. Priority needs to be given for the restoration of the natural course of the river over a human-centric built designs. This would not only make the river conservation unique but also contribute to the ecological value accrued by the city.

9. Restoration of Natural Zones along the River

33. Ecological restoration is the process of returning an ecosystem as closely as possible to pre-disturbance conditions and functions. The restoration process includes rejuvenation of the structure, function and self-sustaining behavior of the ecosystem. Following restoration strategies may be applied in stages and considering the ecological status of each zone.

1. Substantial intervention for managed recovery
2. Partial intervention for assisted recovery
3. Non-intervention and undisturbed recovery

10. Maintaining Environmental Flow and Carrying Capacity

34. For a natural state and to protect the habitats, it is essential to maintain the minimum and maximum levels. Environmental flow is a system for managing the quantity, timing, and quality of water flows from a dam, with the goal of sustaining freshwater and estuarine ecosystems and the human livelihoods that depend on them. The most ecologically important aspects of a river's flow are extreme low flows, low flows, high flow pulses, small floods, and large floods. Environmental flows can be designed to restore any of these, with the goal of improving water quality, restoring sediment deposition, addressing the life-cycle needs of fish and wildlife, and restoring the livelihoods of river-based communities.

35. Pollution abatement measures through infrastructure development may be made effective for improving the health of the rivers if survival need of the river system is made an integral factor of our river planning. Thus, it is of prime importance to maintain the minimum requirement of environmental flow for sustenance of the river ecosystem along with its functions and services. In case of non-perennial rivers, the flow may be erratic and environmental flow is many times absent, causing the loss of habitat and biodiversity.

12. Restoration for Utility and Aesthetic Value

37. Restoration of the river ecosystem will not only contribute to the ecological utility of the river, but also complement the beautification of the riverfront. Maintaining water quality is important for enhancing visual appeal of the riverfront. This will help the river to host macro and micro habitats for a wide biodiversity. Hence, there is an immense potential for research and scientific activities such as bird-watching, insect trails, herpetology studies along the river banks. Conservation of ghats, historical monuments and gardens is essential, and their design should be sustainable.

13. Urban River Zoning Regulations

38. United Nations has on 26 July, 2010 resolved unanimously to declare “right to safe and clean drinking water and sanitation as a human right”. Healthy rivers are essential for realization of the said obligation by India as a Party to the UN. Further, statutory mandate from Section 3, 5 and 6 of the Environment (Protection) Act, 1986 seeks to regulate such activities that are found to be incompatible with maintaining the health of the river systems as dynamic and life sustaining entities. It is thus proposed to frame rules to regulate harmful activities in and around the rivers.

Categorization of urban river stretches

Category I Urbanized stretch shall include stretches of rivers (including their tributaries), with or without embankments, in designated urban areas where infrastructure facilities in the form of roads, buildings (residential, commercial, recreational), temples, ghats etc exist.

Category II Peri urban stretch shall include stretches of rivers (including their tributaries) in suburban and rural areas, with or without embankments, where infrastructure development if any is moderate and the land is primarily under natural vegetation, forestry, agriculture and grazing.

Lateral zonation of river banks

“Active Flood Plain” is defined as High

Flood Line (HFL) which in entrenched / embanked stretches of a river stretch shall be the available space (including the river channel/s) in the valley of entrenched stretch or between two embankments or between existing roads on either side along a river acting as an embankment. In other stretches of the river, HFL/ active flood plain shall be the 100-year flood line.

No Development and Construction Zone (NDCZ): The competent authority shall determine a NDCZ on either bank for each river which shall not be less than the “Active Flood Plain” of the river.

High & medium impact zones: The competent authority shall identify and designate suitable distance/s from the NDCZ on either bank keeping local topographical conditions in mind, to be called as high impact and medium impact zones. In plains, where river topography is relatively flat, these distances shall not be less than 1 and 3 Km respectively from the NDCZ depending on the width of the urban river.

Following public facilities shall not be permitted in active flood plain/ NDCZ:

- Hospitals, nursing homes, and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood,
- Police stations, fire stations, vehicle

and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after the flood,

- Structures or facilities that produce, use, or store highly volatile, inflammable, explosive, toxic, and/or water-reactive materials,
- Public semi-public facilities like sewage and water treatment plants (STP/ WTP); power plants and stations; bus depot; metro stations/ depot etc which form the life line infrastructures for any city,
- Commercial extraction of ground water by non-government / private agencies shall not be permitted within NDCZ in any category of the river.

The Urban Local Body/ Urban Development Authority shall act as per the directions of Ministry of Environment and Forests to designate the State Environment Impact Assessment Agency (SEIAA) or the State Pollution Control Board (SPCB) to act as the Competent Authority for implementation of these regulations for environmental conservation and preservation, including water bodies, forests and drains, parks, playgrounds, burial and crematoria.

Uses/Activities permitted

Parks/Gardens, playgrounds, sports facilities including stadium, swimming pools, burial cemeteries and crematoria may be permitted under this category. The Parking for these facilities shall be provided as per the provisions of the Master Plan and up to 2% of the total land

area with FAR of 0.50 and G+1 structure may be permitted for ancillary uses required to support the main activity such as eating joints/ restaurants, stalls, sheds for storage etc.

Uses/Activities permissible under special circumstance by the Competent Authority

- i. Open air theatres, indoor recreational uses, dwelling for watch and ward, sports clubs, water front tourism development projects, libraries, milk booths, Horticultural Producers' Cooperative Marketing and Processing Society (HOPCOMS), public toilets.
- ii. The ground coverage for such use shall not exceed 5% of the total area with required parking facility and shall not be more than G+1 floor in any case.

14. Regulations for Eco-sensitive Zones and Water Bodies

i. Restrictions imposed by the competent authorities are to be maintained as buffers for various eco sensitive zones such as reserve forests/ protected forests etc. Permissions in sensitive areas earmarked on the land use plan shall be considered only by the planning authority.

ii. The buffer for water bodies such as lakes/ streams/ drains shall be governed as per the NGT Orders. In case of water bodies, a 75 meter buffer of No Development and Construction Zone is to be maintained around the lake as per the revenue record with exception of activities associated with lakes. This buffer may be taken into account for reservation of park while sanctioning plans.

iii. Similarly storm water drains that get discharged into the river may be categorized into 3 types namely Primary, Secondary and Tertiary. These drains may have a buffer of 50, 35 and 25 m (measured from the edge of the drains) respectively on either side. In case the buffer has not been marked due to cartographical error for any of the above types of drains, then based on the revenue records buffer and the existing ground situation may be considered by the Authority in all such cases without referring the land use plan while according approval for building/ development/ layout plan.

iv. In addition, any other notifications or directions and applicable buffers which may be issued by the Competent

Authority from time to time for such eco-sensitive areas shall become applicable.

v. In case of any amendment in the existing regulations of the Competent Authority resulting in reduction of the extent of buffer, the land use of the adjoining parcel of land will be the land use for such exempted land parcels.

vi. Within the demarcated buffers for the valley systems excluding the requirements of buffer as per NGT judgment, the following uses are allowed:

(a) Sewerage treatment plants and water treatment plants

(b) Roads, pathways, formation of drains, culverts, bridges etc which will not obstruct the water course, run offs, channels.

vii. If the river portion is a part of the layout/ development plan, then that part of the river zone could be taken into account for reservation of parks and open spaces both in development plan and in sub-division regulations, as the case may be.

viii. Any land falling within the river zone for which permission was accorded by the Authority or Government prior to the date of notification, and then such permission shall be valid irrespective of the land use classification in the Development Plan or Master Plan of the city concerned.

39. While preparing/ revising the master plans, it would be appropriate to categorize the zones as per the environment sensitivity as given below.

Passive recreational zone: These zones are established to provide recreational and leisure facilities and activities in selected areas that have unique features (including visual corridors, environmentally sensitive areas, buffer areas, or are along significant routes). These parks can include recreational commercial or public facilities at the neighborhood, community, and regional level.

Active recreational zone: Are those zones established to provide parks that offer active recreational and sporting activities. While structures within the parks are allowed, the general character of the Active Recreational Zone should remain as green and recreational.

Protected area: These zones are established to conserve and protect the environmentally sensitive areas such as steep slopes and rivers which are rich in nature and biodiversity. These areas are non-developable for other strategic purposes. In the case of highly sensitive areas such as forests and rivers, the zoning for the protected areas shall supersede.

15. Way Forward

40. Co-operation between cities which share a common river is necessary not only to meet the evolving ambitions of the States in the shared basin, but also to face common challenges that might be stopping the States from achieving their maximum potential. It is high-time to prioritize our water resources sustainability and think for the environmental security; else our future might face a serious crisis on water. Life is important, but survival in 21st century should be equal for all, people should not suffer because of lack of basic amenity like water- whether it is for drinking, irrigation, industry, hygiene, recreation or even religious. Sustainable urban planning and development has to take into consideration that river

flowing through the urban centers require prioritized attention to ensure that the rivers are clean, free of any untreated discharge of waste water and the flood plains are not only protected from the construction activities but also become the hub of recreational activities without compromising the overall natural environment.

41. State governments and UT administrations while preparing or revising the master plans/development plans need to ensure that protection of river flood plains get utmost attention and the entire river zone is designated as special zone.

References

1. Aude Zingraff-Hamed (2017): “Urban River Restoration: a socio-ecological approach”, Univerisite de Tours.
2. Central Pollution Control Board: Status of water quality in India - reports by Central Pollution Control Board for 2007, 2008 and 2009
3. Geoffrey E. Petts(1989) “Alternatives in regulated river management”, CRC Press
4. Henning Bjorland (2004): The Integrated Natural Resource Management Group for the South Australian Murray Darling Basin, “Integrated Natural Resource Management Plan for the South Australian Murray-Darling Basin
5. Ministry of Environment, Forests and Climate Change, “Draft river conservation zone (regulation of harmful activities) rules, 2012.
6. Mihir Shah (2014), “Urban Water Systems in India: A Way Forward, Indian Council for Research on International Economic Relations (ICRIER)”.
7. S. Barve & S. Sen Riverside restoration (2011), “City planner’s viewpoint: Case of Mutha riverfront, Pune, India WIT Transactions on Ecology and the Environment, Vol 145”, WIT Press.
8. Sharma, A, Gardner,T& Begbie, D(2019): Approaches to water sensitive urban design, Amsterdam: Elsevier

Illustrations

(Source: Robert Milhouset et al(2012): Modelling Environmental flow need for riparian vegetation)

River Morphology and Ecology: Components of River

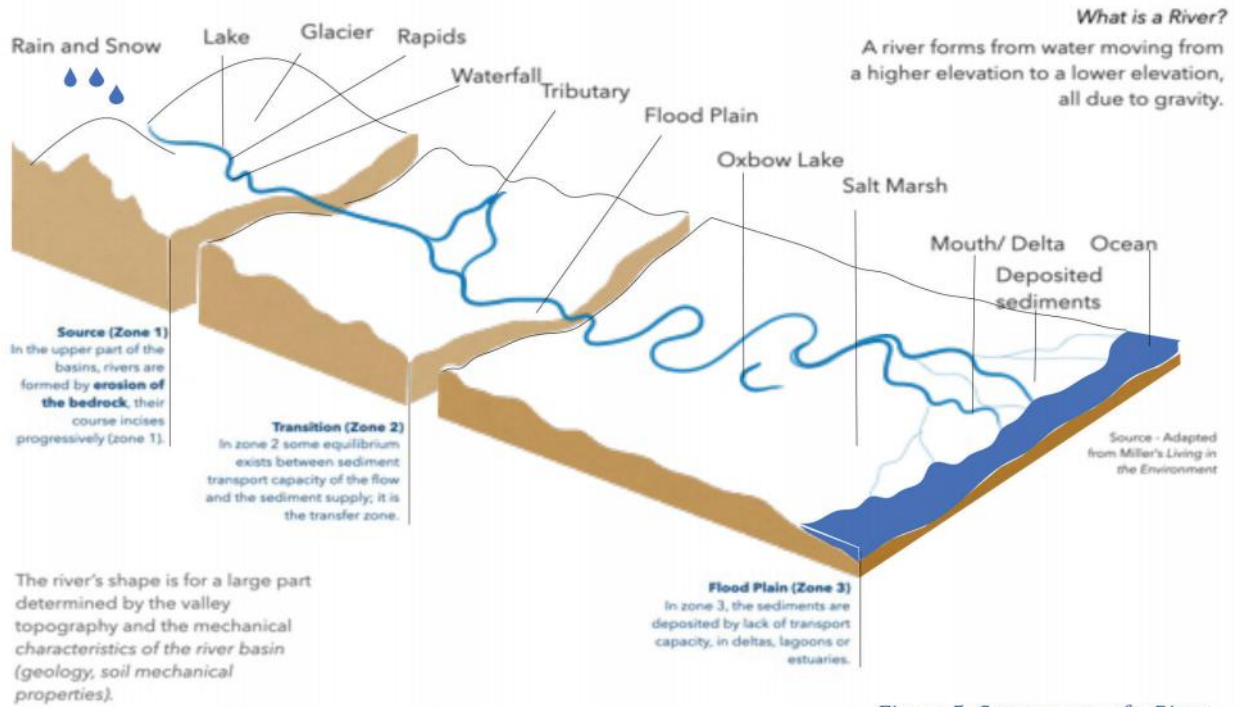
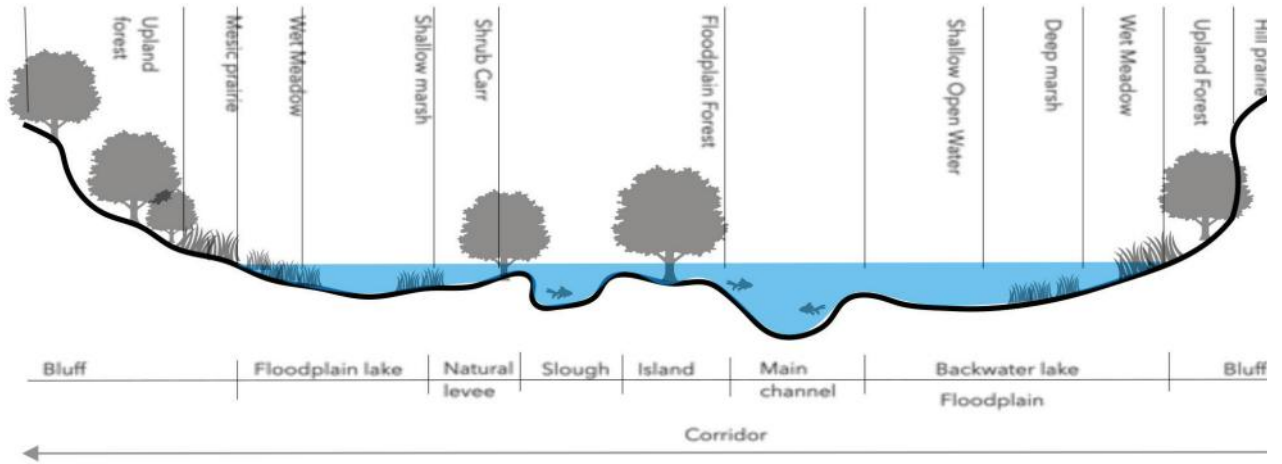


Figure 5: Components of a River

Figure 1

Figure 2: River cross-section
(Source: Robert T Milhouse, et al, 2012) Figure 3: Components of a River

River Cross Section



5361

5362

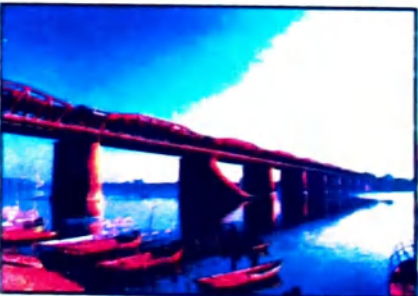


Ministry of Housing and Urban Affairs
Government of India

5364

ANNEXURE A-14

इलाहाबाद महायोजना 2021



इलाहाबाद सभागीय नियोजन खण्ड
नगर एवं ग्राम नियोजन विभाग उत्तर प्रदेश
इलाहाबाद

5365

इलाहाबाद महायोजना

2021

निर्माता

इलाहाबाद सम्भागीय नियोजन खण्ड,
नगर एवं ग्राम नियोजन विभाग, उत्तर प्रदेश,
इलाहाबाद



प्रकाशक

इलाहाबाद विकास प्राधिकरण
इलाहाबाद

₹ 500/-
A handwritten signature in blue ink.

गणेश कुमार पाल
द्वितीय श्रे० लि०

इलाहाबाद महायोजना प्रारूप वर्ष-२०२१ आपत्ति-सुझाव एवं गठित समिति की संस्तुति का विवरण

क्र० सं०	नाम व पता	आपत्ति एवं सुझाव	विभागीय टिप्पणी	समिति की संस्तुति
१.	(क) शारदा देवी २२३/ए ए लुकरगंज, इलाहाबाद। (ख) श्री देवदास श्रीवास्तव, २२३ ए लुकरगंज, इलाहाबाद।	करबला चौहराहे के पास से खुशरूबाग रोड तक जी०टी० रोड की चौड़ाई २४ मी० रखने के सम्बन्ध में।	पूर्व महायोजना में इस मार्ग की चौड़ाई ३० मीटर है। नयी महायोजना में प्रश्नगत मार्ग की चौड़ाई ३० मीटर रखी गयी है जिसका मुख्य कारण पुराने नगर को समुचित यातायात व्यवस्था को ध्यान में रखते हुए रखी गयी है। इसका मुख्य कारण इन मार्गों से महायोजना के अन्तर्गत प्रस्तावित बस स्टेशन, जो खुशरूबाग के सन्निकट है और रेलवे स्टेशन एवं पुरानी जी०टी० रोड, जो नगर के मध्य से होकर गुजरती है, में आने वाले वाहनों के भावी ट्रैफिक वैल्यूम के बढ़ जाने की दृष्टिकोण से इस मार्ग की चौड़ाई प्रस्तावित की गयी है, जिसे कम करना उचित नहीं है और सर्वेक्षण के दौरान यह भी पाया गया है कि इस मार्ग की चौड़ाई ३० मी० हो सकती है। स्थल खाली है और किसी भी प्रकार का निर्माण नहीं हुआ है।	प्राचीं सुनवाई के समय उपस्थित नहीं था। ३० मी० रोड को २४ मी० रखने को कोई औचित्य प्रस्तुत नहीं हुआ। पूर्व महायोजना में रोड की ३० मी० चौड़ाई थी जिसे क्षेत्रीय आवश्यकता, जो विभागीय टिप्पणी में उल्लिखित है, को देखते हुए ३० मी० रहेगी। अतः यह आपत्ति निरस्त किये जाने की संस्तुति की जाती है।
२.	श्री संजय कुमार एवं अन्य	स्टैनली रोड से राजपुर ऊँचवागढ़ी को जोड़ने वाले सार्वजनिक मुख्य सम्पर्क मार्ग पर हुये अवैध अतिक्रमण को रोकने के सम्बन्ध में।	यह आपत्ति महायोजना से सम्बन्धित नहीं है। अवैध अतिक्रमण से सम्बन्धित है। अतः यह विकास प्राधिकरण का कार्य है।	यह आपत्ति महायोजना से सम्बन्धित नहीं है। इसलिये यह आपत्ति निरस्त किये जाने की संस्तुति की जाती है।
३.	श्री आलोक एवं अन्य	-तदैव-	-तदैव-	यह आपत्ति महायोजना से सम्बन्धित नहीं है। इसलिये यह आपत्ति निरस्त किये जाने की संस्तुति की जाती है।

(बो०पी०एन०सिंह)

उपाध्यक्ष
इलाहाबाद विकास प्राधिकरण
इलाहाबाद।

(महावीर यादव)

जिलाधिकारी
इलाहाबाद।

(गया प्रसाद)

नगर आयुक्त
नगर निगम, इलाहाबाद।

(एस०बी०दफतरदार)

वरिष्ठ नियोजक
नगर एवं ग्राम नियोजन विभाग, उ०प्र०,
इलाहाबाद।

मुख्य नगर नियोजक
इलाहाबाद विकास प्राधिकरण
इलाहाबाद।

एडीए द्वारा स्वीकृत कर दिया गया है। यदि यह तथ्य सही है तो उस क्षेत्र को आवासीय किये जाने पर विचार किया जा सकता है।

४५. श्री एस० फैजल,
मैनेजर
सहारा इन्डिया
कामर्शियल का०लि०
लखनऊ।

सहारा सिटी होम्स के लिए भू-प्रयोग परिवर्तन के सम्बन्ध में। मौजा मवेइया और मौजा देवरख उपरहार तहसील करछना में क्रमशः ७६ एकड़ एवं ५७ एकड़ लगभग कुल १३३ एकड़ भूमि का भू-प्रयोग आवासीय रखने हेतु।

प्रश्नगत स्थल का अधिकांश भाग रीवर फ्रंट डेवलपमेन्ट के अन्तर्गत निर्धारित हरित पट्टिका में आता है जिसमें किसी प्रकार का कोई भी परिवर्तन/ परिवर्धन शासनादेश एवं विकास प्राधिकरण के निर्णयों के विपरीत होगा क्योंकि विकास प्राधिकरण एवं शासन के नियमों के अनुक्रम में। गंगा-यमुना के तट से २०० मी० तक किसी प्रकार का निर्माण अनुमन्य नहीं है तथा अगले ३०० मी० तक मात्र विशेष निर्माण ही अनुमन्य है। जो महायोजना के अन्तर्गत भी सुनिश्चित किये गये हैं। प्रश्नगत प्रस्ताव का १/२ भाग ग्रीन बेल्ट में है जिसे परिवर्तित करना उचित नहीं है और शासन एवं ए०डी०ए० के निर्णय के विपरीत होगा।

प्राधिकरण बोर्ड के पूर्व बैठक के निर्णय के अनुसार हाइवेस्ट फ्लड लेवल को देखते हुए बंधा रोड का एलाइमेन्ट होगा। महायोजना में जो बंधा रोड का एलाइमेन्ट दिखाया गया है वो उसकी पुष्टि भी ऐरिगेशन विभाग से कर लिया जाये तथा शासन के आदेश के अनुसार बंधा रोड के साथ जो नदी तटीय विकास के लिये २०० मी० तक कोई निर्माण नहीं होगा तथा अगले ३०० मी० में कोई विशेष भू-उपयोग अनुमन्य किये गये हैं। इसके अतिरिक्त पूर्व महायोजना के अनुसार इस क्षेत्र का उपयोग सीवेज फार्म, ग्रीन वेल्ड एवं फ्लड इफक्टेड एरिया प्रदर्शित था तथा शासनादेश के अनुसार यहाँ ग्रीन वेल्ड यथावत नदी तटीय विकास के अन्तर्गत रखा गया है उनका अधिकतर स्थल इस क्षेत्र में आता है। उपरोक्त शासनादेशों के आधार पर इस क्षेत्र को आवासीय करना उपयुक्त नहीं होगा। प्राधिकरण बोर्ड इस पर विचार करना चाहे।

४६. श्री संदीप कनौडिया,
संचालक
न्यूजस पेपर लिमिटेड,
पोस्ट बाक्स नं० २५
लीडर बिल्डिंग ३,
लीडर रोड, इला०।

भूखण्ड सं० १११ स्थित मौजा भावापुर मुस्तखाजा परगना तहसील चायल के बस अड्डे के प्रस्ताव को हटाकर आवासीय किया जाये।

वर्तमान महायोजना २००१ में विकसित क्षेत्र (मुख्य नगर) के अन्तर्गत तीन वर्तमान बस अड्डों के अतिरिक्त प्रस्तावित किये गये थे जो गोल गड्डा (कानपुर रोड), जवाहर लाल नेहरू मार्ग (जी०टी०रोड) तथा के०पी०कालेज के सन्निकट प्रस्तावित है। उल्लेखनीय है कि तीनों प्रस्तावित बस अड्डों के भू-प्रयोगों के विपरीत उन स्थलों पर निर्माण किया जा चुका है। गोल गड्डा में आवासीय

आपत्तिकर्ता उपस्थित हुआ तथा उन्होंने प्रश्नगत स्थल से बस अड्डा के प्रस्ताव को हटाकर आवासीय प्रस्ताव रखने के लिए आपत्ति दर्ज की। आपत्तिकर्ता ने यह भी अवगत कराया कि प्रश्नगत स्थल सरकारी भूमि है जिसे कई वर्ष पूर्व न्यूज पेपर लि० को लीज पर दिया गया है। जिसके एक भूखण्ड में उनका कुछ निर्माण है तथा शेष

(डॉ०पी०एन०सिंह)

उपाध्यक्ष
इलाहाबाद विकास प्राधिकरण
इलाहाबाद।

(महावीर यादव)

जिलाधिकारी
इलाहाबाद।

(गया प्रसाद)

नगर आयुक्त
नगर निगम, इलाहाबाद।

(एस०बी०दफतरदार)

वरिष्ठ नियोजक
नगर एवं ग्राम नियोजन विभाग, उ०प्र०,
इलाहाबाद।

मुख्य नगर नियोजक
इलाहाबाद विकास प्राधिकरण
इलाहाबाद।