

Ministry of Jal Shakti  
Department of WR, RD&GR  
National Mission for Clean Ganga

Major Dhyanchand National Stadium  
Near India Gate, New Delhi  
Date:10.05.2024

**Subject: -Report of the National Mission for Clean Ganga (NMCG) in the matter of OA O.A No.494/2022- Soban Singh Rana Vs Roshan Lal Uniyal & Ors before the Hon'ble NGT.**

Sir,

This is with reference to the above matter before the Hon'ble NGT. The report of the NMCG is attached herewith. The same may kindly be placed before the Hon'ble NGT for consideration.

2. This issues with the approval of the competent authority.

Encl: As above

Yours faithfully,



Anup Kumar Srivastava  
Executive Director (Tech)

To,

The Registrar,  
Hon'ble National Green Tribunal (PB), Copernicus Marg, New Delhi

**Copy for information to:**

- (1) PPS to the Secretary, DoWR, RD&GR, Ministry of Jal Shakti, Shram Shakti Bhawan, New Delhi.
- (2) PS to the DG, NMCG

## NATIONAL MISSION FOR CLEAN GANGA

**Report of the National Mission for Clean Ganga (NMCG) in OA No. 494/2022-  
Soban Singh Rana Vs Roshan Lal Uniyal & Ors.**

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In the aforesaid matter, the issue, inter-alia, relates to road being constructed in Saini Namak Sthal near Kachdu Devta Temple as part of Gangotri Road. It has been alleged that one Mr. Roshan Lal Uniyal S/o Kashiram Uniyal, resident of village Saini, Block Dunda, District Uttarkashi is dumping sand on land measuring about 2000 square meters at the distance of about 50 meters from river Ganga which may cause environmental pollution by obstructing the river course in future.

2. The Hon'ble NGT, vide order dated 18.07.2022, constituted a Joint Committee, comprising Principal Secretary, Public Works Department, Government of Uttarakhand, Uttarakhand State PCB and District Magistrate, Uttarkashi and directed to submit a factual report. Uttarakhand State PCB was the Nodal agency. The report of the Joint Committee was submitted before the Hon'ble NGT on 31.10.2022.

3. The Hon'ble NGT considered the report, and vide its order dated 04.01.2023, observed that the issue of the Construction and Demolition Waste Management Rules 2016, violation of Flood Plain Zone of river Ganga and unauthorized change of user of the land in question by the Project Proponent have not been appropriately looked into by the Joint Committee. The Joint Committee was accordingly directed to look into the said aspects and submit its report within further period of one month. Further, the Hon'ble NGT considered it appropriate to have response from the following who were impleaded as respondents:

- i. State of Uttarakhand, through Chief Secretary, Government of Uttarakhand;(Respondent No 1)
- ii. Uttarakhand State PCB;( Respondent No 2)
- iii. District Magistrate, Uttarkashi (Respondent No 3), and
- iv. Project proponent (Respondent No 4)

4. That subsequently the Hon'ble NGT, vide order dated 18.12.2023, sought response from National Highway Authority of India (NHAI) with respect to the aspect of dumping of debris in the land situated at a distance of 60 meters from river Ganga and National Mission for Clean Ganga (NMCG) with respect to permissibility of construction and operation of resort within 63 meters from river Ganga and dumping of debris.

5. The NHAI and NMCG were considered as necessary parties and impleaded as respondents no. 5 and 6 respectively. It was directed by the Hon'ble NGT to issue notices to respondents no. 5 and 6 directing them to file their reply/response with respect to the above mentioned aspects within two months.
6. That, it is submitted that on 29.01.2024, the NMCG vide letter dated 29.01.2024 requested the Project Director, SMCG, Uttarakhand and the District Magistrate, Uttarakashi, the Chairman of the District Ganga Council, to have the matter examined and submit detail report to the NMCG latest by 10<sup>th</sup> February, 2024. The copy of the letter dated 29.01.2024 is attached as **Annexure-I**.
7. That on 26.02.2024, the above matter was adjourned to 02.04.2024. On 02.04.2024, the learned counsel appeared for the NMCG and accepted notice on behalf of respondent no.6-NMCG and sought time to file reply in the matter. The Hon'ble NGT, while granted time to file reply by the NHAI and NMCG, imposed a cost of Rs. 10,000/- each.
8. That it is submitted that on receipt of the copy of the Hon'ble NGT's Order, through e-mail, the NMCG, vide letter dated 18.04.2024, constituted a team comprising Shri Binod Kumar, Director(Co-ord), NMCG and a representative of the State Mission for Clean Ganga Dehradun (Uttarakhand) to submit report in the matter. The District Magistrate, Uttarakashi was also duly informed.
9. That the site inspection was done by the team comprising Shri Binod Kumar, Director (Co-ord), NMCG and a representative of the SMCG, Uttarakhand on 25.04.2024 in the presence of the officials of the State Government of Uttarakhand.
10. The observations in the Inspection Report are as under:
  - a) During inspection, measurements were done from the bottom of the resort and it has been found that the resort (M/s Hill River View Resort) is 60-meter distance from the edge of the river;
  - b) During inspection, prima facie of the land on which M/s Hill River View Resort has been constructed, it has been observed that the resort has been developed by dumping of debris. As informed by the BRO and PWD representatives that no dumping of material/debris has been done by them. No NHAI representative was present during the inspection of the site;

- c) As informed by the Irrigation Division, Uttarkashi the resort is constructed beyond Red line (25 years flood frequency zone) and yellow line (100 years flood frequency Zone);
- d) As per record made available by the Revenue Officials the resort land is private land registered in the name of Shri Roshan Lal Uniyal, S/o Shri Kashiram and others as nonagricultural land;
- e) As informed by the Forest Department representative, the resort land does not come under Forest protection area and the resort is approximately 250 meter away from the forest area; &
- f) As informed by DPL Zila Panchayat Utrarkashi representative, the resort map was only approved by the Zila Panchayat

The Site Inspection Report is annexed as **Annexure-II**.

11. That as regards the permissibility of construction and operation of resort within 63 meters from river Ganga, it is submitted that para 3 (l) of River Ganga (Rejuvenation, Protection & Management) Authorities Order 2016, says that ***“flood plain” means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years.***
12. It is also mentionable that the Ministry of Environment, Forest and Climate Change has notified vide Notification No. G.S.R 445(E) dated 29.03.2016 the “Construction and Demolition Waste Management Rules, 2016. The Municipal Corporation of Uttarkashi (Uttarakhand) and the other State Government authorities including the Uttarakhand, SPCB of the State Government of Uttarakhand are mandated to ensure the compliance of the said rules.
13. That further, it is submitted that as per paragraph 55 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, the District Ganga Committee is empowered to identify activities which may be threats in the area of specified District abutting the River Ganga for protection of River Ganga and its tributaries or its River bed and making a plan for remedial action and take remedial action in respect thereof. The District Ganga Committee is also vested with the powers for taking remedial action at its own end for protection of River Ganga and its tributaries or its River bed abutting in the specified District (excluding enforcement of the provisions of this Order).

Anup Kumar Srivastava  
Executive Director(Tech)

MOST URGENT /COURT MATTER

F.No. L-25012(11)/3/2024-LME NMCG-  
National Mission for Clean Ganga  
Department of Water Resources, River Development  
& Ganga Rejuvenation  
Ministry of Jal Shakti

Major Dhyanchand National Stadium,  
Near India Gate, New Delhi-110002

Dated: 29.01.2024

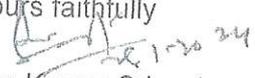
Subject: OA No 494/2022- Soban Singh Rana Vs Roshan Lal Uniyal & Ors -before the  
Hon'ble NGT  
Sir,

In the aforesaid matter the Hon'ble NGT has taken cognizance of matter regarding, dumping sand on a piece of land, at the distance of about 50 meters from river Ganga, in violation of environmental norms. The project, purported to be taken up by the National Highways Authority of India(NHAI) involving construction of a resort and in principle permission has been given for the project by the Zila Panchayat.

2. The Hon'ble NGT has inter-alia sought response from the NMCG besides the NHAI. The matter will be listed on 26.02.2024 before the Hon'ble NGT.
3. Therefore, in view of the urgency involved, the matter may be arranged to be got examined and detail report made available to the NMCG at the earliest latest by 10<sup>th</sup> February, 2024.
4. This issues with the approval of the competent authority.

Encl: As above

Yours faithfully

  
Anup Kumar Srivastava  
Executive Director(Tech)

To

- 1.The Project Director, SPMG Uttrakhand (Dehradun)
  - 2.District Magistrate, Uttrakashi (Uttrakhand)
- [District Ganga Council Uttrakashi ]

**Copy for information to:**

- (i) PPS to the Secretary, DoWR, RD&GR, Ministry of Jal Shakti, Shram Shakti Bhawan, New Delhi
- (ii) PS to the DG, NMCG,
- (iii) Director (Coordination) NMCG

## BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 494/2022

Soban Singh Rana Vs. Roshan Lal Uniyal &amp; Ors.

To,

1. **National Highway Authority of India**  
G 5&6, Sector-10, Dwarka, New Delhi-110075  
Email: [chairman@nhai.org](mailto:chairman@nhai.org) .....Respondent No. 5
2. **National Mission for Clean Ganga**  
1st Floor, Major Dhyan Chand National Stadium  
India Gate New Delhi - 110002  
Email: [admn.nmeg@nic.in](mailto:admn.nmeg@nic.in) .....Respondent No. 6

**NOTICE**

Whereas the above titled OA No. 494/2022 was listed before the Hon'ble Tribunal on 18.12.2023 (a copy of order as well as petition is enclosed), when the Hon'ble Tribunal inter-alia passed the following order:-

*"5. In view of the factual position emerging from the record we consider it appropriate to seek to response from NHAI with respect to the aspect of dumping of debris in the land situated at a distance of 60 meters from river Ganga and response of NMCG with respect to permissibility of construction and operation of resort within 63 meters from river Ganga and dumping of debris.*

*6. Accordingly, NHAI and NMCG being necessary parties are impleaded as respondents no. 5 and 6.*

*7. The Registry is directed to amend the memo of parties and issue notices to respondents no. 5 and 6 requiring them to file their reply/response with respect to the above mentioned aspects within two months through e-filing portal (not through email) in the form of searchable PDF/OCR Supported PDF (not in the form of Image PDF).*

*8. List for further consideration on 26.02.2024."*

2. Now, Take notice that the above matter will be listed on 26<sup>th</sup> February, 2024 for further consideration, before the Hon'ble Tribunal at Faridkot House, Copernicus Marg, New Delhi- 110001 through Physical Hearing (With Hybrid Option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed and file their reply/response, as per directions of the Hon'ble Tribunal vide order dated 18.12.2023.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

Given under my hand and the seal of this Tribunal, on this 28<sup>th</sup> December, 2023.

Note: (For Orders, Cause Lists & other information, please visit our website [www.greentribunal.gov.in](http://www.greentribunal.gov.in))

Encl.: As above



*[Signature]*  
28/12/2023  
Consultant (Judicial)  
National Green Tribunal (PB)

सेवा में,

राष्ट्रीय हरित अधिकरण,  
नई दिल्ली।

विषय: अवैध डम्पिंग करवाने के सम्बन्ध में।

महोदय,

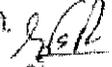
निवेदन करना है कि गंगोत्री मार्ग में सैणी नामक स्थल (निकट कछड़ू देवता मन्दिर) के पास सड़क निर्माण कार्य गतिमान है, और श्री रोशन लाल पुत्र श्री काशीराम उनियाल निवासी ग्राम सैणी विकास खण्ड बुण्डा जनपद-उत्तरकाशी के द्वारा गंगा के किनारे की जमीन लगभग दो हजार वर्ग मी० (2000.00) पर मिट्टी डलवाकर अवैध डम्पिंग की जा रही है जो कि नदी से लगभग 50 मी० की दूरी पर स्थित है जिससे भविष्य में नदी का अवरोध होगा।

और महोदय यह भी संज्ञान में लाना है कि नदी के निकट डम्पिंग करना या करवाना अवैध एवं कानूनी अपराध की श्रेणी में आता है।

अतः महोदय से निवेदन है कि उपरोक्त विषय को अगल में ला कर कार्यवाही करने की कृपा करेंगे जिससे नदी का संरक्षण हो सके और भविष्य में होने वाले पर्यावरण के नुकसान से बचा जा सके।

दिनांक-01/05/2022

प्राथी,

  
सोमन सिंह राणा,  
भैरवचौक, बाडाहाट,  
उत्तरकाशी।

Item No. 7

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.494/2022

Soban Singh Rana ...Applicant

Versus

Roshan Lal Uniyal &amp; Ors. ...Respondents

Date of hearing: 18.12.2023

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

Applicant: None for the Applicant.

Respondents: Mr. Rahul Verma, Additional Advocate General for the  
State of Uttarakhand. (Through VC)  
Mr. Mukesh Verma, Advocate for UKPCB. (Through VC)  
Mr. Himanshu Tyagi, Mr. Ankur Yadav, Mr. Shashak  
Shekhar and Mr. Nitin Singh Advocates for  
Respondent No. 4.**Application under provisions of the National Green Tribunal Act, 2010.****ORDER**

1. The grievances in the present application is regarding dumping sand on land measuring about 2000 square meters at the distance of about 50 meters from river Ganga in violation of environmental norms.
2. The Joint Committee constituted by this Tribunal vide order dated 18.07.2022 on verification of the factual position found that debris having vertical height of 17 meters were dumped in land meant for non-agricultural use located 63 meters away from river Ganga.
3. Learned Counsel for respondent no. 4 has submitted that respondent no. 4 had given NOC to NHAI for dumping of debris in the land in question and submitted that a penalty of Rs. 3,38,897/- was imposed on respondent no. 4 vide order dated 15.09.2022 by Additional District Magistrate, Uttarkashi. The learned Counsel for respondent no. 4

-2-

has further submitted that respondent no.4 was granted permission by Zila Panchayat, Uttarkashi and on 27.07.2022 for construction of a resort which has been constructed in accordance with the same and has become fully operational.

4. The report of the Joint Committee was filed on 31.10.2022. In its report the Joint Committee had mentioned that Zila Panchayat, Uttarkashi had granted in principle approval for construction of resort.

5. In view of the factual position emerging from the record we consider it appropriate to seek to response from NHAI with respect to the aspect of dumping of debris in the land situated at a distance of 60 meters from river Ganga and response of NMCG with respect to permissibility of construction and operation of resort within 63 meters from river Ganga and dumping of debris.

6. Accordingly, NHAI and NMCG being necessary parties are impleaded as respondents no. 5 and 6.

7. The Registry is directed to amend the memo of parties and issue notices to respondents no. 5 and 6 requiring them to file their reply/response with respect to the above mentioned aspects within two months through e-filing portal (not through email) in the form of searchable PDF/OCR Supported PDF (not in the form of Image PDF).

8. List for further consideration on 26.02.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 18, 2023

N

146

Annexure-II

Government of India  
Ministry of Jal Shakti  
Department of Water Resources, River  
Development & Ganga Rejuvenation  
(National Mission for Clean Ganga)

1<sup>st</sup> Floor, Major  
Dhayan Chand National  
Stadium, India Gate,  
New Delhi-110001  
Dated: 1<sup>st</sup> May, 2024

**Sub:** Site Inspection Report in the matter of OA No. 494/2022, Soban Singh Rana Vs Roshan Lal Uniyal & Ors. – before the Hon'ble NGT– Regarding.

Sir,

Vide Letter No. L-25012(11)/3/2024-LME NMCG dated 18.04.2024 undersigned, in presence of other government officials of the state government including DM Uttarkashi, Uttarakhand office representatives, conducted the site inspection on the subject matter on 25.04.2024. The site inspection report is enclosed along with the photographs.

Encl.: as above.

  
(Binod Kumar)  
Director, NMCG

To,  
ED (Technical), NMCG

**Site Inspection report in the matter of OA No. 494/2022, Soban Singh Rana Vs  
Roshan Lal Uniyal & Ors.- before the Hon'ble NGT**

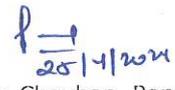
On 25.04.2024, a inspection of the area in question at village Saini, block Dunda, District Uttarkashi conducted. During the inspection the following officials were present: -

1. Shri Binod Kumar, Director (Coord), National Mission for Clean Ganga, New Delhi.
2. Shri Piyush Kumar Singh, River Basin & River Front Specialist, State Mission for Clean Ganga, Uttarakhand.
3. Shri K S Chauhan, Executive Engineer, Irrigation Division Uttarkashi
4. Shri Ravindra Kumar, Asst. Engineer(Civil), 36 BRTF, BRO
5. Shri M S Bisht, Tehsildaar – Chinyalisaur(I/c Dunda), Revenue Department
6. Shri C P Suyal, DPL, Zila Panchayat Uttarkashi
7. Shri G D Prasad, Dy. Director/Geologist, Geology & Mining Department, Uttarkashi
8. Smt Pooja Chauhan, Range Officer, Dunda, Forest Department Uttarakhand
9. Sh Pradeep Matura, JE, PWD Uttarkashi

The observations after the site inspection are as follows: -

1. During inspection, measurements were done from bottom of the resort and it has been found that the resort (M/s Hill River View Resort) is 60 meters distance from edge of the river(Photographs Annex-I).
2. During inspection, prima facie of the land on which M/s Hill River View Resort has been constructed, it has been observed that the resort has been developed by dumping of debris. As informed by BRO and PWD representatives that no dumping of material/debris has been done by them. No NHAI representative was present during the inspection of site.
3. As informed by Irrigation Division Uttarkashi, the resort is constructed beyond Red line (25 years flood frequency zone) and yellow line(100 years flood frequency zone).
4. As per records made available by the Revenue Officials, the resort land is private land and registered in the name of Shri Roshan Lal Uniyal S/o Shri Kashiram and others as non-agricultural land(Annex-II).
5. As informed by Forest Department representative, the resort land does not come under Forest protected area and the resort is approximately 250 meter away from the forest area.
6. As informed by DPL Zila Panchayat Uttarkashi representative, the resort map was only approved by the Zila Panchayat.

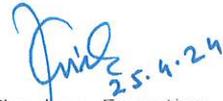
  
Pradeep Matura, JE, PWD Uttarkashi

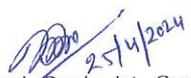
  
Pooja Chauhan, Range Officer,  
Dunda, Forest Department  
Uttarakhand

  
C P Suyal, DPL, Zila Panchayat  
Uttarkashi

  
M S Bisht, Tehsildaar  
Chinyalisaur(I/c Dunda), Revenue  
Department

  
Shri Ravindra Kumar, Asst.  
Engineer(Civil), 36 BRTF, BRO

  
Shri K S Chauhan, Executive  
Engineer, Irrigation Division  
Uttarkashi

  
G D Prasad, Geologist, Geology &  
Mining Department, Uttarkashi

  
Piyush Kumar Singh, RBM Specialist,  
SMCG Uttarakhand

  
Binod Kumar, Director (Coord)  
NMCG, New Delhi

**Copy to: -**

1. Executive Director(Tech), National Mission for Clean Ganga, New Delhi
2. Program Director, State Mission for Clean Ganga, Dehradun, Uttarakhand.
3. District Magistrate, Uttarkashi, Uttarakhand







सौमिक अधिकार प्रारम्भ होने का वर्ष	3
साते के प्रत्येक साते की ससरा संख्या	4
प्रत्येक साते का क्षेत्रफल (हे)	5
सातेदार खादरा देय भासगुनारीया तमान	6

530	0.4210	अभिनिर्णय दिनांक 01/12/2017 के अनुसार बाते में अंकित भूमि ससरा संख्या 345म रकबा 15 वर्ग मीटर 346म रकबा 45 वर्ग मीटर एवं 459म रकबा 16 वर्ग मीटर भूमि प्रदीप सिंह पुत्र प्रह्लाद सिंह के नाम व अंश से पूयक कर महामहिम राष्ट्रपति द्वारा सडक परिवहन और राबमार्ग मंत्रालय भारत सरकार के नाम दर्ज करने के आदेश है दर्ज किया हुआ है 0 दिनांक 12/02/2021
532	0.0510	मुआवजा 0 अंश 0 कल 0 इण्डा के बाद संख्या 292/2021-22 अन्तगत धारा 143 उ.क.वि.अ. 1950 के नियम दिनांक 17/06/2022 के अनुसार ससरा संख्या 718म रकबा 0.140 हे 0 शर्ती भूमि जो वावरीगण रामचन्द्र उनियाल पुत्र अंकर इल्ल राशन उनियाल पुत्र काशीराम उनियाल निवासी ग्राम सैणी (इण्डा) मडडी बरसाली के नाम महोबादेवार के रूप में वतौर भूमिपती दर्ज है का माल अभिलेखों में गैर कृषि प्रयोजन हेतु अंशित/अवासाय दर्ज करने के आदेश है दर्ज किया हुआ है 0 दिनांक 02/07/2022
533	0.0300	मुआवजा 0 अंश 0 कल 0 इण्डा के बाद संख्या 293/2021-22 अन्तगत धारा 143 उ.क.वि.अ. 1950 के नियम दिनांक 17/06/2022 के अनुसार ससरा संख्या 718म रकबा 0.020 हे 0 शर्ती भूमि जो वावरी, प्रकाश उनियाल पुत्र नरथी राम उनियाल निवासी ग्राम सैणी (इण्डा) मडडी बरसाली के नाम महोबादेवार के रूप में वतौर भूमिपती दर्ज है का माल अभिलेखों में गैर कृषि प्रयोजन हेतु अंशित/अवासाय दर्ज करने के आदेश है दर्ज किया हुआ है 0 दिनांक 02/07/2022
534	0.0090	मुआवजा 0 अंश 0 कल 0 इण्डा के बाद संख्या 327/2021-22 अन्तगत धारा 143 उ.क.वि.अ. 1950 के नियम दिनांक 15/07/2022 के अनुसार ससरा संख्या 460 म 0.0150 हे 0 शर्ती भूमि जो बादिनी शर्मनी मीना मडडी यक्षी विनेन्द्र मडडी निवासी ग्राम नेताला मडडी डाडाहाट उन नेहासील जोडियाडा हाल ग्राम सिंगी मडडी बरसाली के नाम महोबादेवार के रूप में वतौर भूमिपती दर्ज है का माल अभिलेखों में गैर कृषि प्रयोजन हेतु
610	0.0180	
611	0.0150	
612	0.0140	
626	0.0210	
627	0.0300	
628	0.0340	
629	0.1450	
718	0.1600	
340	0.0360	
460 मि.	0.0690	
474 मि.	0.1490	

