

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

INDEX

IN

RESPONSE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD

(In compliance of order dated 10.02.2023)

Original Application No. 632/2022

V. K. Tyagi

Applicant

Versus

State of Uttarakhand

Respondents

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Dated: April, 2023

Advocate
(Counsel for the respondent)

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AFFIDAVIT of Sompal Singh, aged about 50 years, S/o Shri Asha Ram Presently posted as Environment Engineer, Uttarakhand Pollution Control Board, Dehradun.


Deponent

I, the above-named deponent do hereby solemnly affirm and state on oath as under: -



That the deponent is presently posted as Environment Engineer, Uttarakhand Pollution Control Board Uttarakhand and is authorized to sign and swear the instant affidavit.

2)

That this Hon'ble Tribunal vide order dated 10.02.2023 has been pleased to direct as under: -



"4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it necessary to have response of (1) the State of Uttarakhand through Chief Secretary, Government of Uttarakhand, (2) State Program Management Group, Namami Gange, Department of Drinking Water and Sanitation, Government of Uttarakhand, (3) Department of Jal Shakti, Government of Uttarakhand, (4) Uttarakhand Space Application Center, Department of Information and Science Technology, Government of Uttarakhand, (5) State PCB and (6) the District Magistrate, Haridwar who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties with the application.

5. Reply/response by respondents no. 1 to 6 be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of image PDF."



That in compliance of the aforesaid order, instant affidavit is being filed.

- 4) That earlier, this Hon'ble Tribunal vide order dated 13.10.2022 constituted a Joint Committee and directed the same to visit the site.
- 5) That in compliance of the order dated 13.10.2022, Joint Committee conducted an inspection on dated 18.11.2022 and submitted its report on dated 09.02.2023 before this Hon'ble Tribunal.

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- 6) That point 3 and 4 of the report mentions I & D work to be conducted by State level Construction Agency i.e Uttarakhand Payjal Nigam.
- 7) That point 7 of the report mentions that Executive Engineer, Upper Division Ganga Canal, Roorkee has informed that Rampur (Roorkee upstream) to Roorkee-Haridwar highway bridge has been allotted via lease (*Patte*) to various farmers. An FIR has been registered at Kotwali Civil Lines, Roorkee against the illegal cultivators of region Rampur to Roorkee. 18 farmers were found to be practicing illegal cultivation and 05 encroachments have been removed.
- 8) That directions have been issued on 17.01.2023 to Uttarakhand Payjal Nigam, Mohini Road, Dehradun through its Managing Director informing him of the order passed by Hon'ble NGT and the Joint Inspection Report dated 24.12.2022 and requiring the Nigam to comply with the orders of Hon'ble NGT and the Joint Inspection report dated 24.12.2022 forthwith and inform UKPCB. A copy of letter dated 17.01.2023 sent to Uttarakhand Payjal Nigam is being marked and filed as **Annexure - 1** to this affidavit.
- A letter dated 17.01.2023 has been issued to the District Magistrate, Haridwar drawing his attention to the orders of the Hon'ble NGT as well as point number 7 of the report of the Joint Committee dated 24.11.2022 and requesting compliance thereof. A copy of the letter dated 17.01.2023 sent to District Magistrate, Haridwar is being marked and filed as **Annexure - 2** to this affidavit.
- 10) That the deponent is a responsible Government servant having the highest regards for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry



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out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.


Deponent

VERIFICATION:

I,..... the deponent above named do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct. Verified at Dehradun on this 13 day of April, 2023.


Deponent



Filed by

MUKESH VERMA
Chamber No. 50,
G.L. Sanghi Block,
Supreme Court of India
New Delhi-110 001
9810108098
Email:- mvermadv@gamil.com

Dated:

2023/04/13
This affidavit is sworn before me by
Shri.....
who is identified by Shri
at Dehradun on.....


(Rajender Singh Negi)
Advocate & Notary, Dehradun



मुख्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"



46बी, आई.टी. पार्क, सहस्त्रधारा रोड, देहरादून-248001
कार्यालय दूरभाष सं०:-2976157, 2976158, 2607092

पत्रांक: यूकेपीसीबी/एच.ओ./सा.-183-631/2023/16116,
ई-मेल/स्पीड पोस्ट

दिनांक - 17/01.2023

एन0जी0टी0 मेटर

सेवा में,

प्रबन्ध निदेशक,
उत्तराखण्ड पेयजल निगम,
मोहनी रोड, देहरादून।

विषय:- मा0 नेशनल ग्रीन ट्रिब्यूनल में योजित वाद सं०-632/2022 श्री वी0के0 त्यागी बनाम उत्तराखण्ड राज्य के सम्बन्ध में पारित आदेश दिनांक 13.10.2022 के अनुक्रम में गठित संयुक्त जांच कमेटी की जांच आख्या के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा0 नेशनल ग्रीन ट्रिब्यूनल, नई दिल्ली के आदेश दिनांक 13.10.2022 के Para 4 में निम्न निर्देश दिये गए हैं:-

4. In case the Joint Committee observe any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The concerned persons to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) the concerned Authorities including **State PCB and Deputy Commissioner, Haridwar** to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned persons who are found to have made the encroachments and following due process of law and they shall submit their action taken reports separately, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

मा0 एन0जी0टी0 द्वारा गठित संयुक्त जांच कमेटी की जांच आख्या इस कार्यालय को दिनांक 24.12.2022 को प्राप्त हुई है। जिसके बिन्दु संख्या 3 एवं 4 में वर्णित आई0 एण्ड डी0 कार्य राज्य स्तरीय निर्माण संस्था, उत्तराखण्ड पेयजल निगम द्वारा किये जाने हैं।

अतः इस सम्बन्ध में संयुक्त जांच कमेटी की आख्या संलग्न कर इस आशय से प्रेषित की जा रही है कि मा0 एन0जी0टी0 के आदेशों का अनुपालन करते हुए कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक:-यथोपरि।

भवदीय


(एस0के0 पटनायक)
सदस्य सचिव





मुख्यालय

ANNEXURE- 2

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उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

'गौरा देवी पर्यावरण भवन'

46बी, आई.टी. पार्क, सहस्त्रधारा रोड, देहरादून-248001

कार्यालय दूरभाष सं०:-2976157, 2976158, 2607092



पत्रांक: यूकेपीसीबी/एच.ओ./सा.-183-631/2023/1644,
ई-मेल/स्पीड पोस्ट

दिनांक - 17.01.2023

एन0जी0टी0 मैटर

सेवा में,

जिलाधिकारी,
जिला कलेक्टर, रोशनाबाद,
जिला हरिद्वार।

विषय:- मा0 नेशनल ग्रीन ट्रिब्यूनल में योजित वाद सं0-632/2022 श्री वी0के0 त्यागी बनाम उत्तराखण्ड राज्य के सम्बन्ध में पारित आदेश दिनांक 13.10.2022 के अनुक्रम में गठित संयुक्त जांच कमेटी की जांच आख्या के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा0 नेशनल ग्रीन ट्रिब्यूनल, नई दिल्ली के आदेश दिनांक 13.10.2022 के Para 4 में निम्न निर्देश दिये गए हैं:-

4. In case the Joint Committee observe any violation of consent conditions/ environmental norms, then it shall forward a copy of its report to:-

i) The concerned persons to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

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मा0 एन0जी0टी0 द्वारा गठित संयुक्त जांच कमेटी की जांच आख्या इस कार्यालय को दिनांक 24.12.2022 को प्राप्त हुई है। जिसके बिन्दु संख्या 7 में कार्यालय अधिशासी अभियन्ता, उपरी खण्ड गंगा नहर, रुड़की द्वारा अवगत कराया गया कि रामपुर (रुड़की के अपस्ट्रीम) से रुड़की-हरिद्वार राजमार्ग पुल तक कृषकों को कृषि कार्य हेतु पट्टे आवंटित किये गये हैं। रामपुर से रुड़की में सोनाली नदी के मध्य अवैध रूप से कास्तकारी कर रहे व्यक्तियों के विरुद्ध कोतवाली सिविल लाईन, रुड़की में एफ0आई0आर0 दर्ज की गई है। यद्यपि वर्तमान में 18 अवैध रूप से कास्तकारी कर रहे 05 व्यक्तियों द्वारा अतिक्रमण हटा दिया गया है।

अतः इस सम्बन्ध में संयुक्त जांच कमेटी की आख्या संलग्न कर इस आशय से प्रेषित की जा रही है कि मा० एन०जी०टी० के आदेशों का अनुपालन करते हुए कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक:-यथोपरि।

भवदीय


(एस०के० पटनायक)
सदस्य सचिव

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. नगर आयुक्त, रुड़की।
2. अधिशासी अभियन्ता, उपरी खण्ड गंगा नहर, रुड़की।


सदस्य सचिव

