

851
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
WRITTEN ARGUMENTS BY APPLICANT

In

ORIGINAL APPLICATION NO. 511 OF 2023

IN THE MATTER OF

Priyank Bharati

-----APPLICANT IN PERSON

Versus

State of Uttar Pradesh through its Chief Secretary and others

-----RESPONDENTS

INDEX

S.No	Particulars	Page No
1.	WRITTEN ARGUMENTS BY APPLICANT	1-6

Place : Meerut

Date : 14.10.2025



Priyank Bharati

(Applicant In Person)

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MOST RESPECTFULLY SHOWETH;

I, Priyank Bharati R/O Jagriti Vihar Meerut-250004, UP hereby solemnly affirm and declare as under:

1. Non-Supply of Complete Digital Records

That the Applicant has not been provided with the complete KML files and soft copies of the relevant data and documents, despite such information being fundamental for independent verification and effective participation in the proceedings. The non-disclosure of these materials is in violation of the principles of transparency and natural justice.

2. Flood Plain Delineation Based on Incorrect Origin Point

That the flood plain delineation exercise has commenced from an erroneous origin point of River Budhi Ganga, as evidenced from the contents at page numbers 671, 672, 673, 678, and 680 of the report. The use of an incorrect point of origin vitiates the entire modelling, mapping, and assessment process, rendering the delineation scientifically unreliable and legally untenable.

3. **Contradictory Statements Regarding River Reaches**

That there are material contradictions concerning the number of rivers reaches. At page 660, it is stated that there are four (4) reaches, whereas at page 669, it is mentioned that the river joins the Ganga at “3 to 4” locations. There is no 3-4 stretch of Budhi Ganga. Such inconsistencies create ambiguity in hydrological assessment and raise serious doubts about the accuracy and credibility of the delineation exercise.

4. **Issues Claimed as “Rectified” on Page 660 Remain Unresolved and Scientifically Inadequate**

That on page 659, point no. 7 of the Report, it is stated that the three issues earlier faced by NIH, as mentioned in the previous affidavit dated 12.03.2025 (page 627), have been rectified and are addressed on page 660. However, the Applicant submits the following objections to the purported rectifications:

(a) **Issue of DEM Not Representing Actual River Course:**

The Report states that river cross-sections at 200 m intervals provided by the Irrigation and Water Resources Department were utilized to address the defects in the DEM. However, at page 632, point no. 2, it is clearly mentioned that such cross-sections existed even before the problem was identified. Thus, it is unclear how the same pre-existing data could rectify the DEM inaccuracies. Furthermore, reliance on sparse 200 m cross-sections, combined with a DEM with known errors, is insufficient. A fresh survey using a high-resolution DEM, bathymetry, and closely spaced cross-sections is essential to ensure scientific accuracy.

(b) **Misalignment of Surveyed Cross-Sections with DEM River Course:**

The Report claims that the KML file of the river alignment, along with cross-sections, was provided and used as the centreline. However, this KML file has not been supplied to the Applicant, and no independent verification of such alignment has been conducted. Mere use of departmental KML data, without ground-truth validation or disclosure, renders the delineation questionable and legally unsustainable.

5. **Incorrect Assumption Regarding Operation of Canal During Monsoon**

(Page 677): That the Report states: *“As a conservative approach, the Runoff Coefficient of 0.9 is used as during rainy season and the canal is in operation...”*

This assumption is factually incorrect. The Madhya Ganga Canal system remains non-operational during monsoon/heavy flood conditions, as verified by the Applicant through field inspections and photographic evidence (**pg 749**). The erroneous assumption of canal operation has resulted in incorrect discharge estimation and flawed hydrological modelling.

6. **Omission of Natural Stream of Budhi Ganga in Hastinapur Region**

That there exists a natural stream originating locally from the Kaurvan region and rejoining the main Budhi Ganga channel near Dudhli Khadar/Shimla. This feature is clearly visible in the toposheet (page 682), yet it has been completely excluded from the floodplain delineation (pages 671, 672, 673, 678, 682, 685). Such omission compromises the completeness and hydrological integrity of the Report. **Relevant imagery is on page 750-751, the entire region of River bed and flood plain in Hastinapur is encroached/illegally allotted refer page 582.**

7. **Faulty Flood Frequency Analysis (Page 676)**

That the Report admits unavailability of historical discharge data and states that rainfall data was used to estimate 100-year return period flood, based on gauge stations at Bijnor, Mawana, and Hasanpur. However:

- **No map or delineation of the actual** catchment or sub-catchments of River Budhi Ganga is provided.
- The selected rain gauge stations lie several kilometres away and are not situated within the true catchment area across Muzaffarnagar, Meerut, and Hapur. Hence, the flood frequency analysis and its conclusions are unreliable and scientifically defective.

At page 545 the proposal submitted by NIH, Roorkee provides that three permanent gauge and discharge stations shall be established at strategically selected locations along the Budhi Ganga River, representing its upper, middle, and lower reaches. If NIH said this in proposal then how rain gauges are chosen far away from Budhi Ganga river stream in flood plain delineation.

8. Methodological Gaps in “Assumptions and Limitations” (refer page 686)

: That the Report itself acknowledges critical limitations:

- **River Bathymetry Below Water Spread:** It relies only on limited cross-sectional data, with no accurate bathymetric survey.
- **Neglect of Groundwater Interaction, Evaporation, and Infiltration:** Key hydrological parameters have been ignored.

Floodplain delineation without considering groundwater–surface water interaction is incomplete and environmentally unsound. Therefore, the resultant delineation cannot be treated as scientifically valid or legally sustainable. The critical aspect of groundwater interaction in the **Khadar** region has been completely disregarded, despite its undeniable significance to the hydrological functioning of the floodplain. As many research paper shows the importance of Groundwater and Surface water interaction (refer page no 752-781)

These aspects have been disregarded because the **HEC-RAS software does not address them**. Even though alternative software could have been employed, these critical parameters were still overlooked.

9. Use of Incorrect/Modified Energy Equation (Page 674)

That the energy equation cited on page 674 deviates from the standard formulation in the HEC-RAS River Analysis System, Hydraulic Reference Manual, Version 6.5 (March 2024). Any alteration in variables or sequence must be justified, which has not been done. Relevant reference pages are on **783**

10. Need for Interim Restraint on Activities on the river bed and its flood plain of Budhi Ganga :

That pending completion of a scientifically verified floodplain demarcation, all construction, land sale, and allotment activities must be halted in the floodplain stretch of River Budhi Ganga across Districts Muzaffarnagar, Meerut, and Hapur. Construction activities are presently being carried out at multiple stretches in blatant violation of environmental safeguards and floodplain zoning norms. Applicant many times file evidences of construction/other land sell or purchase in flood plain or river bed of Budhi Ganga:

Particulars	Page no
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Construction work on flood plain	Refer page no 464-466,475-476, 651-652
Complaints	Refer page no 535
Land sell/mutation (these are only the examples)	Refer page no 577-580
Entire river bed is illegally allotted/encroached in many parts of Tehsil Mawana since from starting Saifpur Firozpur till the end of the stretch.	<p>Hastinapur Kaurvan, Pandavan and Gajupura- Refer page no 582 (also refer page no710 of flood plain delineation report and page no), 583,584, 600, 602 (Hastinapur)</p> <p>Gajupura allotment on Budhi Ganga Jheel- Refer page no 593</p> <p>Refer page 608 (allotments of river bed) to 615 Alipur morna, akbarpur gadi and so on.</p> <p>List of allotment on river is too large in Mawana Tehsil.</p> <p>Refer page 613- Wetlands are allotted. At page 610, it is evident that <i>kholas</i>, <i>jheels</i> and <i>jhods</i> have been allotted, despite the fact that all such categories of land fall under the purview of Section 132 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.</p>
What Board of Revenue said about the allotment of sec 132 land of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.	refer page 478 point 1

It is respectfully submitted that no such activity ought to be permitted until a complete and scientifically verified floodplain demarcation is duly approved by this Hon'ble Tribunal.

11. **Contradictory Statements Regarding Surface Flow and Modelling Criteria (Page 687):** That the Report states there is no surface flow from Ganga to

Budhi Ganga “**in normal conditions.**” This is incorrect, as Budhi Ganga maintains year-round surface flow except in extreme summer dryness (May to June).

For all the reasons stated above the Hon'ble Tribunal may kindly be pleased to take cognizance of all these facts and to pass appropriate orders to meets the ends of Justice and equity.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS, AS IN DUTY BOUND, SHALL EVER PRAY.

Verification

Verified on this 14th day of October 2025 that the contents of the present Application are true and correct to my knowledge and belief and nothing material is concealed therefrom.



Priyank Bharati
Applicant in Person

Date : 14.10.2025
Place : Meerut