BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(Rejoinder to the Reply of Irrigation Department, State of UP to I.A. No. 38/2025)
IN
ORIGINAL APPLICATION No. 275 of 2023

IN THE MATTER OF

MAHESH KUMAR …. APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS … RESPONDENTS

AND IN THE MATTER OF

DR AJIT KUMAR …APPLICANT / INTERVENOR

NEXT DATE - 09.12.2026

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DR AJIT KUMAR
APPLICANT / INTERVENOR

Through

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New Delhi
Dated:

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REJOINDER BY DR. AJIT KUMAR TO THE REPLY OF IRRIGATION DEPARTMENT, STATE OF UP IN IA NO. 38/2025

RESPECTFULLY SHEWETH

LOCUS STANDI OF THE APPLICANT

1. The present OA originally was with respect to grievance for unauthorized constructions over the flood plain zone of Yamuna and Hindan rivers at a specific area i.e. village Lakhnawali, Greater Noida, Gautam Budh Nagar, UP.
2. This Hon'ble tribunal, vide its order dated 20.04.2023, while issuing notice, directed the authorities to file action taken report after following

due process of law and also to serve its copy to the alleged violators for their response.

3. Vide its order dated 27.07.2023, this Hon'ble tribunal enlarged the scope of matter, thereby directing the authorities to identify and demarcate the flood plain zone of entire river Yamuna and Hindan for the District Gautam Budh Nagar and Greater Noida in reference to the Notification dated 07th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016" and Office Memorandum dated 14th February, 2022 on "Guidelines for siting industries which are in close proximity with the river".

4. That vide order dated 02.11.2023, this Hon'ble Tribunal again directed for the same and also permitted the concerned parties to file their response in the meanwhile. The word 'concerned parties' has to be read and interpreted as those who are likely to be affected by the expanded scope of the jurisdiction being exercised by this Hon'ble tribunal.

5. It is submitted that the present applicant (is one of the stake-holder, has already filed his response dated 17.10.2023 which is on record at **page no. 239 to 364**; and additional response dated 30.12.2023 which is on record at **page no. 403 to 456**. The present applicant is very much concerned with the environmental issues being dealt with by this Hon'ble tribunal, but simultaneously wants to protect his permissible individual rights; and as such the present application / objection may

not be construed as adversarial in nature, or opposing the environmental issue involved in the present case.

6. That the applicant is an Indian Citizen, qualified as MBBS, MD (Medicine) from USSR (now Russia), and registered with Medical Council of India (having a NRI status), but not in active practice now. He is residing in Gautam Budh Nagar, and is a traditional agriculturist holding agricultural land in different states, and doing agriculture in the area at Yamuna Pushta, Noida, (with one of the land bearing Khata no.7, Khet no. 40/2 m, land measuring 0.1265 hectare in village Chak Mangrolla, Pargana Dadri, Tehsil and District Gautam Budh Nagar) and is thus directly impacted by the arbitrary compliance / demarcation with respect to river Yamuna in Gautam Budh Nagar, UP. Simultaneously the applicant is also an environmentalist, having affinity towards flora and fauna; and is nature loving.

7. That the exercise of demarcation of the flood plain area has to be carried out in accordance with law following the given parameters. It cannot be a hush hush affair, as it is likely to affect a large section of people. It is for the said reason that even this Hon'ble tribunal directed for seeking response from the alleged violators, although they may not be parties to original OA.

STATUTORY PROVISIONS VIS A VIS EXERCISE OF JURISDICTION BY THE HON'BLE TRIBUNAL.

8. Section 19 of the National Green Tribunal Act, 2010 prescribes the Procedure and Powers of the tribunal. The same is reproduced herein below:

Section 19 – Procedure and powers of Tribunal

(1) The tribunal shall not be bound by the procedure laid down by the Coe of Civil Procedure, 1908 but shall be guided by the principles of natural Justice.

(2) Subject to the provisions of this Act, the tribunal shall have power to regulate its own procedure.

(3) The tribunal shall also not be bound by the rules of evidence contained in Indian Evidence Act, 1872.

Thus, the impleadment provision as contained under Order 1 Rule 10 CPC are not strictly applicable in the present proceedings; and that natural justice provisions prevail. The Judgement being relied by the opposite party i.e. (1992) 2 Supreme court cases 524 'Ramesh Hirachand Kundanmal' relates to provisions of CPC, and is of a period prior to the enactment of National Green Tribunal Act, 2010; and is thus inapplicable and distinguishable on facts and law.

9. The Hon'ble Supreme court in *'Taranjeet Kaur Saluja & Ors vs Vinay Ruthia & Ors, Civil Appeal no. 4014 of 2020, decided on 31.01.2025'*, (**Annexure 1**) has set aside directions passed by NGT for removal of

alleged encroachments because affected persons were not afforded an opportunity of hearing. The applicant is thus within his right to make submissions to aid this Hon'ble tribunal so as to examine that the respondent state has not carried out demarcation in accordance with law, and that the same is a hush – hush affair, without any scientific data and basis.

10. It is denied that by way of the present objections, the applicant / objector is attempting to supervise or re-open a technical exercise. It is submitted that the defects pointed out goes to the root of the matter and not challenging any technical or scientific aspect. It is denied that the applicant / objector is becoming dominus litus or trying to enlarge the lis. Rather the applicant / objector is the only one trying to point out the other side of the matter, which may require indulgence.

THE RESPONDENT STATE HAS NOT CARRIED OUT DEMARCATION IN ACCORDANCE WITH LAW, AND THAT THE SAME IS A HUSH – HUSH AFFAIR, WITHOUT ANY SCIENTIFIC DATA AND BASIS.

11. The District magistrate initially filed a report dated 31.10.2023 which simply stated that the area between the bund and the river is a flood plain zone which is identified and demarcated. The said report was rejected by this Hon'ble tribunal, vide order dated 02.11.2023

(**Annexure 2**), and it was directed for the demarcation to be carried out in reference to the notification dated 07.10.2026.

12. The District magistrate again reiterated about the construction of band on both sides of the river. This Hon'ble court again rejected the said plea, vide its order dated 29.01.2024 (**Annexure 3)**

13. There after the Executive Engineer, irrigation department, and not the District Magistrate, filed a demarcation report (Compliance report) dated 15.10.2024 (filed on 16.10.2024 at page 717 – 768)

i. Perusal of the report suggests that wooden pegs were installed arbitrarily by Executive Engineer first, and its GPS work was done by 'Survey of India' thereafter. This fact can be derived by the documents filed by the authority itself, i.e. a letter dated 16.08.2024 written by Executive Engineer (at page 768) addressed to 'Survey of India' thereby sending map & asking for funds required to be caried out for survey; and then another letter dated 10.09.2024 written by 'Survey of India' addressed to Executive engineer (at page 724) admitting that wooden pegs were installed first and then thereafter GPS work carried out by 'Survey of India' and coordinates (longitude and latitude figures) were sent.

ii. In the entire photographs (from page 734 to 767), only one photograph at page 740 shows the pillar related to Sector 135, Noida (for which Sector 135, that the present applicant / objector is concerned). This

pillar shows the coordinates as Latitude 28.495878, and Longitude 77.403313 fixed on 06.10.2024 (with no pillar number given thereupon). None of these coordinate figures match with any of the entries in the chart of coordinates (given at page 725 to 733). The closest Latitude figure in the given chart is pillar no. 36 (28.49585559) and Longitude figure as pillar no. 43 (77.40337251) (both at page 725)

iii. Also, that the pillar chart is without any signatures of any of the official of the authority and is incomplete without its opening or closing page.

iv. That there is no 100 years data produced therein.

v. That the Executive Engineer is not the competent authority to submit the demarcation report. This Hon'ble tribunal has clearly spelled out in its order dated 16.01.2024 (**Annexure 4**) that *"for the purposes of demarcation of flood plain zone under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, the responsibility lie at District level with District Magistrate who is in-charge of District Ganga Committee."*

vi. That the entire exercise so made is a farce; and there is nothing on record to suggest that there is any fresh Digital Elevation Model (DEM) / contour map prepared or actual inspections carried out at site, after the directions passed by this Hon'ble tribunal from time to time to demarcate the flood plain area in terms of "River Ganga

(Rejuvenation, Protection and Management) Authorities Order, 2016'.

METHODOLGY ADOPTED NOT PLACED ON RECORD INSPITE OF DIRECTIONS BY THE TRIBUNAL

vii. That this Hon'ble tribunal, vide its orders dated 26.05.2025 (**Annexure 5**) and 17.09.2025 (**Annexure 6**) directed the authorities to place on record the methodology adopted for the demarcation of flood plain. Inspite of the specific directions, no such material is placed on record.

ACTION TAKEN REPORT DATED 08.01.2024 AT PAGE 458 BY THE AUTHORITY ITSELF SUGGESTS A WRONGFUL RELIANCE ON BUND BASED DEMARCATION RATHER THAN 100 YEARS DATA

viii. The authority, in its action taken report filed at page 458 itself suggest in paragraph 5 that flood plain zone is marked and demarcated as per circular dated 15.01.2015. A perusal of the circular dated 15.01.2015 at page 614 would show that the demarcation is bund based and not on 100 years data. The action taken report further states that demarcation on the basis of 100 years data can only be possible after the survey & study by National Institute of Hydrology.

OA NO. 673/2018 (JACOB KOSI VS UNION OF INDIA & OTHERS) AND OA NO. 316/2022 (DR. SHARAD GUPTA VS STATE OF UTTAR PRADESH)

ix. OA No. 316/2022 (Dr. Sharad Gupta vs State of Uttar Pradesh) was disposed of by this Hon'ble Tribunal on 11.09.2024 (**Annexure 7**), thereby directing for the demarcation of entire River Yamuna. Now the stand taken by the authority (vide its status report dated 27.02.2025 at Page 821), is that the demarcation is carried out by Central Water Commission (CWC) thereafter in compliance, whereupon notification dated 21.12.2024 is issued by the government (at Page 827), wherein the boundaries and co-ordinates are codified on the basis of 100 years data. In this regard, it is the submission of the applicant / objector that:

a. It is strange that such a tardy exercise is completed just within a short period of 3 months by CWC (as the directions were passed by the tribunal on 11.09.2024 and notification of the demarcation is dated 21.12.2024)
b. CWC report is not placed on record.
c. On what basis coordinates are derived by CWC, is not explained. The vital documents and methodology are withheld.
d. The ground truth verification of a large belt is completed within 3-4 days. Even the procedure and method adopted for the ground truth verification is concealed from this Hon'ble tribunal.

e. The government / authority has also withheld the Annexures accompanied with notification dated 21.12.2024 (at Page 827 to 831)

x. It is reiterated by Executive Engineer vide its status report / reply at page 832 that demarcation stands carried out by CWC in other OA no. 673/2018, Jacob Kosi vs Union of India & others and OA No. 316/2022, Dr. Sharad Gupta vs State of Uttar Pradesh & others, decided on 11.09.2024.

DIFFERENT STAND TAKEN BY THE IRRIGATION DEPARTMENT IN ITS STATUS REPORT / REPLY DATED 17.12.2025 AT PAGE 859 TO 893

xi. In contrast to the above stand, the authority, vide its status report / reply dated 17.12.2025 (at page 859 to 893) has this time taken a different version stating that, it took the data from 1963 to 2023 from CWC, on the basis of which it (irrigation department) calculated MFL for Okhla Barrage, which MFL was plotted by it on the maps supplied by Survey of India, and the irrigation department then generated coordinates. The said coordinates were forwarded by irrigation department to Survey of India for ground establishment. It is then the survey of India team, in the presence of irrigation department officials, established the stated coordinates on the site and installed 254 pillars.

xii. In this regard, it is submitted that Annexure 1 at page 869 shows the letter dated 28.02.2024 by CWC to Executive Engineer, giving data from the year 1963 to 2023 (which is 60 years data and not 100 years data, as is required under the law), wherein itself HFL figure is provided as 208.66 in the year 2023. The MFL is then found to be as 200.75 at Okhla Barrage by pure mathematics in Annexure 2 at Page 871 to 873.

xiii. Contour maps allegedly supplied by Survey of India, and the exercise of plotting the MFL figure, and generation of coordinates thereupon is concealed and not produced before this Hon'ble tribunal. The alleged forwarding of those coordinates to survey of India is also not available on record. The establishment of the stated coordinates on the site by installing 254 pillars in conformity is also a missing link.

xiv. None of the photographs filed as Annexure 6, Annexure 7 and Annexure 9 depicts the installation of pillar in Sector 135, Noida.

xv. There is no survey map filed, as shown as Annexure 3 in the index of the report / reply.

xvi. There is no data of coordinates filed, as shown as Annexure 4 in the index of the report / reply.

xvii. There is no details of field survey proceedings and no details of onsite establishment of coordinates filed, as shown as Annexure 6 in the index of the report / reply.

xviii. There are no details / maps showing installation of 254 demarcation pillars, as shown as Annexure 7 in the index of the report / reply.

xix. There is no onsite verification report and modification details of demarcation pillars, as shown as Annexure 9 in the index of the report / reply.

xx. First of all, where was the necessity for the irrigation department to carryout parallel or 2nd demarcation proceedings, when it is the stand taken that CWC has already done that exercise in another OA No. 316/2022 (Dr. Sharad Gupta vs State of Uttar Pradesh), disposed of by this Hon'ble Tribunal on 11.09.2024. Simply the CWC report can be filed for perusal and examination. Moreover, it is the District Magistrate, who has to own the responsibility of demarcation, and not the Executive Engineer.

14. That there is complete absence of relevant material from this Hon'ble tribunal. The demarcation exercise has not been carried out in accordance with law. The status reports / reply are not the actual demarcation reports. The said status reports / reply cannot be taken as scientific truths or an expert or skillful act of the concerned authority. The same is rather cryptic, casual and mechanical in nature, and is thus liable to be rejected.

15. It is denied that the applicant is making an omnibus objection. The applicant / objector is concerned with regard to his portion of

demarcation in sector 135, Noida, as explained herein above and in his IA.

16. It is denied that the irrigation department is the technical agency for flood plain identification and demarcation. Any exercise, conducted by it on its own if of no legal value. In this regard, this Hon'ble tribunal has clearly spelled out in its order dated 16.01.2024 (Annexure 4) that *"for the purposes of demarcation of flood plain zone under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, the responsibility lie at District level with District Magistrate who is in-charge of District Ganga Committee."*

RESPONSE TO THE SEQUENCE OF STEPS AS STATED IN PARA 25 OF THE REPLY

17.

S. No.	Event	Reply / remarks
1	History of flood data obtained from CWC for 1963 – 2023	i. This is 60 years data and not 100 years data, as is required under the law. ii. First of all, where was the necessity for the irrigation department to carryout parallel or 2nd demarcation proceedings, when it is the stand taken that CWC has already done that exercise in another OA No. 316/2022 (Dr. Sharad Gupta vs State of Uttar Pradesh), disposed of by this Hon'ble Tribunal on 11.09.2024. Simply the CWC

		report can be filed for perusal and examination. iii. Moreover, it is the District Magistrate, who has to own the responsibility of demarcation, and not the Executive Engineer. iv. There is no Annexure P/19
2	MFL determined on 56 years data (1968-2023)	i. Why 56 years data and not 100 years data, as is required under the law. ii. Same as above iii. There is no Annexure P/20 iv. Maps and data were not available. Some measurement is done in Sector 128 and not in sector 135 again on bandh road, without showing any elevation figure.
3	Survey of India requested to supply maps	i. Maps not produced. ii. Same as above iii. There is no Annexure P/21
4	Translation of the flood level into a line on the ground	i. Contour maps allegedly supplied by Survey of India, and the exercise of plotting the MFL figure, and generation of coordinates thereupon is concealed and not produced before this Hon'ble tribunal. The alleged forwarding of those coordinates to survey of India is also not available on record. The establishment of the stated coordinates on the site by installing 254 pillars in conformity is also a missing link. ii. None of the photographs filed as Annexure 6, Annexure 7 and Annexure 9 depicts the installation of pillar in Sector 135, Noida.

		iii. There is no survey map filed, as shown as Annexure 3 in the index of the report / reply. iv. There is no data of coordinates filed, as shown as Annexure 4 in the index of the report / reply. v. There is no details of field survey proceedings and no details of onsite establishment of coordinates filed, as shown as Annexure 6 in the index of the report / reply. vi. There are no details / maps showing installation of 254 demarcation pillars, as shown as Annexure 7 in the index of the report / reply. vii. There is no Annexure P/22.
5.	Ground truthing	i. The ground truth verification of a large belt is completed within 3-4 days. Even the procedure and method adopted for the ground truth verification is concealed from this Hon'ble tribunal. ii. Same as above iii. There is no Annexure P/23 or Annexure P/24.
6.	Marking of pillars with geo coordinates	i. There is no data filed ii. Same as above iii. There is no Annexure P/25 or Annexure P/13.
7.	CWC determination	i. No document furnished ii. Same as above iii. There is no Annexure P/16.
8.	Fixing by state	i. No document / data furnished ii. Same as above iii. reply dated 14.09.2025

		iv. status report dated 27.02.2025 only says that demarcation done in another OA. v. There is no Annexure P/16.
9.	Conformity of ground marking with CWC coordinates	i. No document / data furnished ii. Same as above iii. There is no Annexure P/26.
10.	Remaining 3 km stretch	i. There is no 100 years data on record ii. The Elevation is shown as 200.8 and 201; whereas the photographs of the pillars show a different elevation i.e. 213, 194, 212, 224, 259, 217 etc iii. This is for 3 km stretch at some place other than Sector 135. iv. Progress report dated 23.05.2026 is for river hindon and not for river Yamuna.

18. That the record reveals that the methodology alleged to be adopted is different from that suggested suggested in paragraph 26 of the reply.

19. Para 27 is denied. It is denied that the interim report has become infructuous. The authority itself is taking different stands and switching from one report to the other. The fact of the matter is that the correct demarcation report is still not on record; and that available facts are incomplete.

20. In reply to para 28 it is submitted that the applicant / objector is not seeking any fresh demarcation. The applicant / objector is only seeking

a complete and actual demarcation report carried out by CWC be placed on record for its examination and appreciation, in accordance with law.

21. In reply to para 29, it is submitted that even the government order dated 21.12.2024 is also produced in an incomplete manner before this Hon'ble court. There is only one pillar shown with respect to Sector 135 on the available record. How its coordinates are taken is totally ambiguous and arbitrary.

22. It is submitted that the state is now additionally required to make demarcation of 'Active flood plain area' as well (1 in 5 years), in view of River Ganga (Rejuvenation, Protection and Management) Authorities (Second Amendment Order, 2026 (Notification dated 07.08.2026). (**Annexure 8**)

PRAYER

Under the circumstances it is respectfully prayed:

i. That the respondent / competent authority be directed to carry out demarcation in accordance with law; and the status reports interim and thereafter be not acted upon, they being arbitrary and unscientific; and / or

NOTARY V.P Chauhan Notary Advocate Reg. No.-568 G.B. Nagar GOVT OF INDIA

ii. Such other and further order which this Hon'ble tribunal deems fit and proper be also passed in the interest of justice.

AJIT KUMAR
APPLICANT / INTERVENOR

Through

M/S DEEKSHA LAW FIRM
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ADVOCATE ON RECORD
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New Delhi
Dated:

NOTARY V.P Chauhan Notary Advocate Reg. No.-568 G.B. Nagar GOVT OF INDIA

ATTESTED

V.P Chauhan
Notary Advocate
Reg. No.-568
G.B Nagar

14/11/2026

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AFFIDAVIT

I, AJIT KUMAR S/o Late Sh. Braj Kishor Singh aged about 54 years R/o C-29, GF, Eldeco Residency Greens, Sector- PI -32, Greater Noida, Kasana, Gautam Buddha Nagar, UP - 201310 presently at Delhi, do hereby solemnly affirm as under:

1. That I am the Applicant – intervenor / objector in the present application, and conversant with the facts of the case and thus competent to depose.
2. That the contents of accompanying application / objections are true and correct and read over to me.

DEPONENT

VERIFICATION

Verified at New Delhi on this ___ day of November, 2026 that the contents of the above affidavit are true & correct and nothing has been concealed there from.

DEPONENT

NOTARY V.P Chauhan Notary Advocate Reg. No.-568 G.B. Nagar GOVT OF INDIA

ATTESTED

V.P Chauhan
Notary Advocate
Reg. No.-568
G.B Nagar

14/11/2026

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 4014 OF 2020

TARANJEET KAUR SALUJA & ORS. … APPELLANTS

Versus

VINAY RUTHIA & ORS. … RESPONDENTS

O R D E R

1. Respondent No.1 filed O.A.No. 16/2019 (CZ) before the National Green Tribunal, Central Zonal Bench, Bhopal (for short, `the Tribunal'), *inter alia*, seeking direction for demarcation and earmarking of the buffer zone of river Seevan; for removal of encroachments from the catchment area of the river; for implementation of the master plan and carrying out extensive plantation after removing the encroachments; for imposing a heavy penalty under the principle of 'polluter pays' on the encroachers for causing loss to the environment and obstructing the free flow of river; for restitution of the environmental degradation casued by the encroachers; and for preparation of a Detailed Project Report chalking out steps towards protection of river Seevan and further implementation of such Project Report.

2. The Tribunal (hearing the matter through its Principal Bench at New Delhi due to COVID-19 Pandemic), vide the impugned order dated 09.09.2020, has issued comprehensive directions, which

read as follows:

> **“53. 1. The application is allowed and respondents are directed to demarcate the area in question and earmark the buffer zone of river Seevan within the territory of the district.**
>
> **2. The Respondent nos. 1 and 2 are directed to remove the encroachment as shown by the Collector in the report on the basis of measurement and demarcation of the land, over khasra nos. 474 and 482 which are the tributaries of river Seevan.**
>
> **3. The measurement and demarcation report submitted by the Collector on the basis of report of Superintendent of Land Records is confirmed and the authorities may proceed in accordance with the law.**
>
> **4. The respondents are directed to implement the Master Plan and carry out extensive plantation within 30 mtrs. from the area after removal of existing encroachment within a time frame and this exercise be done throughout the territory of the District.**
>
> **5. The Collector is directed to constitute a Committee to monitor and observe any encroachment over the public land either on river, ponds or forest land and in case it is found that there is encroachment immediate necessary action with removal of encroachment and legal action may be initiated.**
>
> **6. On the bank of river bodies which has already been decided by the Municipal Corporation at around 30 mtrs. buffer zone, no construction zone or no development zone be initiated and in this region there should a deep forestation to demarcate the land so that there should not be any future encroachment. The buffer zone, no construction zone and no development zone as decided by the Municipal Corporation in the Master Plan as mentioned above will be subject to decision of Principal Bench of this Tribunal (since the matter is pending) which should be applicable PAN India.”**

3. The appellants and several other persons have been affected, especially by direction No.2, reproduced above, which pertains to removal of encroachments as were shown in the reports submitted by the Collector before the Tribunal.

4. It is pertinent to mention that the appellants or other alleged encroachers were not made party respondents before the Tribunal, and none of them had any opportunity either to submit objections against the report of the Collector or to justify their possession over the subject land, especially comprising khasra nos. 474 and 482. In fact, the petitioners had applied for their impleadment, but their applications were never decided except for being disposed of along with the impugned judgment.

5. When the instant appeal came up for hearing on 08.12.2020, this Court stayed the operation of the impugned order of the Tribunal. Thereafter, on 15.12.2022, the following order was passed:

> **“The principal bone of contention of the appellants is the legality of direction No.2 of paragraph 53 of the impugned order passed by the National Green Tribunal (NGT) in Original Application No.16/2019 (CZ) in I.A. No.93/2020 dated 09.09.2020. Direction No.2 read as follows:**
>
> > **"2. The Respondent Nos.1 and 2 are directed to remove the encroachment as shown by the Collector in the report on the basis of measurement and demarcation of the land, over khasra Nos.474 and 482 which are the tributaries of river Seevan."**
>
> **Under the said direction, respondent Nos. 1 and 2 have been directed to remove the encroachment as shown by the Collector in the report on the basis of measurement and demarcation of the land, over Khasra No.474 and 482 which are stated to tributaries of river Seevan. The appellants were not a party to the proceedings before the NGT. The appellants also have a case that the appellants were not involved when the measurement was carried out. The case of the respondent-State appears to be that the location of the appellants' property is in river bed covered by the khasra Nos.474 and 482. We do find merit in the statement made by the learned counsel for the respondent-State that actually the appellants were the intervenors before the Tribunal but then there again it is pointed out by the appellants that this does not detract from their**

contentions that measurement was carried out in their absence.

We would think that the interest of justice would require in view of the fact that an order of stay has been granted by this Court that a further measurement must be carried out with notice to the appellants also .

We direct that the shall carry out District Collector survey/measurement of Sehore, and Madhya ascertain the correct facts with the assistance of such number of other Officers as may be required. The appellants will be present at the site on 10th January, 2023. The Officers will carry out the survey/measurement as directed from 11:00 a.m. onwards.

It will be also open to the Respondent No.1 also to be present at the time of survey/measurement as we have ordered.

This order is being passed without prejudice the contentions of the parties.

The case of the appellants is that the properties which they own are located in Khasra Nos.481, 486/2, 490/1/3 and 490/103 and 490/1/4/8 situated Halka No.37, Near Cant, Sehore, Ward No.4, Pultan area, District Sehore, Madhya Pradesh into that of the river Seevan which is situated on Khasra Nos.474 & 482.

We also in the same breath must notice that the impugned order limits the directions in paragraph 53 to Khasra Nos. 474, 482 and 484.

The Report shall be made available to the Court by the next date of hearing.

List the case for further directions on 03.02.2023."

6. In deference to the above-stated order, the Sub-Divisional Officer (Revenue), Sehore, Madhya Pradesh has filed a compliance affidavit along with a demarcation report. As per the said report, there are in all 44 encroachers, including appellant No.2. Appellant Nos.1 and 3 are not included in this list.

7. Since the Tribunal has passed the impugned order without affording an opportunity of being heard to the appellants and other alleged encroachers, we are satisfied that direction Nos. 2 and 3, issued by the Tribunal, cannot sustain, and the same are, accordingly, set aside. However, the other directions issued by the Tribunal regarding restoration of the catchment area/buffer zone as

well as identification and removal of encroachments are required to be implemented by the parties. While upholding this part of the Tribunal’s order, it is directed that the Collector, Sehore shall give an opportunity of being heard to appellant No.2 and other alleged encroachers and, thereafter, pass appropriate orders in accordance with law.

8. It is clarified that we have not expressed any opinion in respect of the allegations made against the alleged encroachers or the plea that may be taken on their behalf. All these issues shall be decided by the Collector, Sehore within a period of four months.

9. The appeal stands allowed to the extent indicated above.

10. As a result, the pending interlocutory application also stands disposed of.

.....……....J.
(SURYA KANT)

.....……..……..J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
JANUARY 31, 2025.

ITEM NO.27 COURT NO.3 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).4014/2020

TARANJEET KAUR SALUJA & ORS. Appellant(s)

VERSUS

VINAY RUTHIA & ORS. Respondent(s)

(IA No.127095/2020-EX-PARTE STAY)

Date : 31-01-2025 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) Mr. Vikramaditya Singh, AOR
Mr. Sajal Singhai, Adv.
Ms. Yashika Gupta, Adv.

For Respondent(s) Mr. Pulkit Agarwal, AOR
Mr. Sudhanshu Kaushesh, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Anubhav Lamba, Adv.
Mr. Alok Abhinav, Adv.

Mr. Abhimanyu Singh, A.A.G.
Mr. Sarad Kumar Singhania, AOR
Mr. Deepak Raj, Adv.
Mr. Anshuman Shrivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal stands allowed to the extent indicated in the signed order.

As a result, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV) **(PREETHI T.C.)**
ADDITIONAL REGISTRAR **ASSISTANT REGISTRAR**
(Signed order is placed on the file)

Item Nos. 12&13 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 275/2023

Mahesh Kumar Applicant(s)

Versus

State of Uttar Pradesh & Ors. Respondent(s)

WITH

Original Application No.569/2023
(I.A. No. 719/2023)

Alok Kumar Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 02.11.2023

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)
Mr. Prashant Kanha & Mr. Anand Mishra, Advs. for Applicant in OA 569/2023

Respondent: Mr. Ravindra Kumar, Senior Advocate with Mr. Binay Kumar, Adv. for Greater NOIDA
Ms. Priyanka Swami, Adv. for the State of UP
Mr. Abdhesh Chaudhary & Mr. Nishi Kant Singh, Advs. for NOIDA Authority
Ms. Amrita Sarkar & Ms. Deepa Sharma, Advs. for CPCB (Through VC)
Mr. Rajesh Aggarwal, Adv.

ORDER

1. The issue involved in the Original Application is in respect of unauthorized constructions over the flood plain zone of Yamuna and Hindon river in Village Lakhnawali, Greater Noida, Gautam Budh Nagar Uttar Pradesh.

2. The Tribunal after considering the respective position placed on record by order dated 27.07.2023 had directed as under:-

> *"11. The District Magistrate, Greater Noida/ Gautam Budha Nagar is directed to ensure the identification and demarcation of flood plain zone of River Yamuna and Hindan which shall be done by referring Notification dated 07th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016" and Office Memorandum dated 14th February, 2022 on "Guidelines for siting industries which are in close proximity with the river" and submit a report within two months 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."*

3. In terms of the said direction, the concerned District Magistrate was required to carry out the exercise and submit the report before the Tribunal.

4. The report dated 31.10.2023 by the District Magistrate, Gautam Budh Nagar has been filed but after perusal of the said report and the enclosure, we find that the exercise for demarcation of flood plain zone of rivers Yamuna and Hindon in reference to the Notification dated 07.10.2016 has not been carried out. The report simply states that the area between the bund and the river is flood plain zone which is identified and demarcated. No such demarcation report in terms of the order of 2016 is on record.

5. Hence, District Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad are required to place on record the demarcation report relating to the demarcation of the flood plain zone of river Yamuna and Hindon flowing within the limits of their district in reference to the Notification dated 07.10.2016.

6. Learned Counsel appearing for State of Uttar Pradesh has submitted that aforesaid exercise of demarcation of the flood plain zone in the concerned Districts will be positively completed within a period of two months. Hence, accepting such statement, we grant time to District

Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad to complete the exercise in terms of the directions of the Tribunal issued earlier within a period of two months and file the report on or before 10.01.2024by 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, failing which the defaulting District Magistrate will appear personally before the Tribunal through virtual mode on the next date of hearing.

7. It will be open to the Counsel for the concerned parties to file their response in the meanwhile.

8. Let Notice be also issued to all the unrepresented respondents. Applicant is directed to serve them.

9. List this matter on 16.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

November 02, 2023
Original Application No. 275/2023&
Original Application No.569/2023
(I.A. No. 719/2023)
SN



Item Nos.11 &12 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 275/2023
(I.A. No. 869/2023)

Mahesh Kumar Applicant

Versus

State of Uttar Pradesh through Chief Secretary Respondent

With
Original Application No. 569/2023
(I.A. No. 719/2023)

Alok Kumar Applicant

Versus

Union of India Ministry of Environment Forest
& Climate Change Respondent

Date of hearing: 29.01.2024

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)
Mr. Anand Mishra, Mr. Prashant Kanha & Ms. Nisha Rai, Advs. for Applicant in OA 569/2023

Respondent: Ms. Garima Prashad, AAG & Ms. Priyanka Swami, Adv. with Mr. Manish Kumar Tiwari, DM, Gautam Budh Nagar and Mr. Rakesh Kumar Singh, DM, Ghaziabad
Mr. Ravindra Kumar, Senior Advocate (Through VC), Mr. Binay Das, Mr. Vipin Kumar Saxena & Mr. Shivam Saksena, Advs. for Greater Noida
Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Abdhesh Chaudhary & Mr. Nishi Kant Singh, Advs. for Noida Authority
Mr. Yagyawalkya Singh & Ms. Divya Swamy, Advs. for Ghaziabad Development Authority
Mr. Rajesh Aggarwal, Adv. for Intervenor

ORDER

1. At this stage, Tribunal is considering the issue of demarcation of flood plain zone of River Yamuna and River Hindon, though, original

applications involve the larger issues in respect of unauthorized construction over the flood plain zone of these rivers in Village Lakhnawali, Greater Noida, Gautam Budh Nagar and Ghaziabad, Uttar Pradesh.

2. Other issues will be considered once the flood plain zones are defined. It is not undisputed that flood plain zone is to be defined in terms of "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016", now called "the River Ganga (Rejuvenation, Protection and Management) Authorities (Amendment) Order, 2024". Tribunal had considered the issue in the previous proceedings dated 16.01.2024 and had observed as under:-

> "*4. The report dated 31.10.2023 by District Magistrate, Gautam Budh Nagar has been filed but after perusal of the said report and the enclosure, Tribunal found that exercise for demarcation of flood plain zone of rivers Yamuna and Hindon in reference to the Notification dated 07.10.2016 has not been carried out. The report simply states that area between bund and river is flood plain zone which is identified and demarcated. No such demarcation report in terms of the order of 2016 was on record.*
>
> *5. Hence, District Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad were required to place on record the demarcation report relating to demarcation of the flood plain zone of river Yamuna and Hindon flowing within the limits of their district in reference to Notification dated 07.10.2016.*
>
> *6. The matter was taken up on 02.11.2023 when Counsel for State of UP submitted that exercise of demarcation of flood plain zone for concerned districts will be positively completed within a period of two months and accepting such statement, this Tribunal granted two months' time to District Magistrates, Gautam Budh Nagar and Ghaziabad to complete the exercise and submit report.*
>
> *7. A status report vide letter dated 09.01.2024 has been filed by District Magistrate, Gautam Budh Nagar stating that National Institute of Hydrology, Roorkee was contacted and to determine submergence area of Hindon River and Yamuna River and they have informed that for carrying out a study for Yamuna River in Gautam Budh Nagar, six months' time will be required and for study in Hindon River, it will require nine months' time.*

8. *We find that for the purpose of demarcation of flood plain zone under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, responsibility lie at District level with District Magistrate who is In-charge of District Ganga Committee and relying on earlier statement given by learned Counsel for State of UP where it was shown that demarcation will be completed within two months', the time was granted. But today, a totally unjust request has been made. No report has been filed by District Magistrate, Ghaziabad.*

9. *In these circumstances, we direct District Magistrates of Gautam Budh Nagar and Ghaziabad, both, to appear in person before Tribunal on the next date of hearing."*

3. In terms of the pervious directions, District Magistrates of Gautam Budh Nagar and Ghaziabad are present but they have again reiterated about construction of bandh both sides of River Ganga whereas it was already rejected by the Tribunal in the previous proceedings by observing about demarcation of flood plain zone in terms of 2016 and 2024 Notifications.

4. A report in compliance of order of the Tribunal has been filed on behalf of District Magistrate, Ghaziabad stating that the process of demarcation of flood plain zone is on and for this purpose, assistance of National Institute of Hydrology, Jal Vigyan Bhawan, Roorkee has been taken. Stand of District Magistrate, Ghaziabad in this regard in the report filed on 27.01.2024 is as under:-

"3. *That according to the notification issued on 07.10.2016 by the Ministry of Water Resources, River Development, and Ganga Rejuvenation in compliance with the order dated 02.11.2023 passed by the Honorable Tribunal, the submerged area on both sides of Yamuna River and Hindon River in the districts Ghaziabad and Gautam Buddha Nagar in relation to the last 100 years. The National Institute of Hydrology, Roorkee was contacted by the Irrigation Department for demarcation and marking. So that the submerged area can be determined logically and the work marking/demarcation can be done as per the order of the Honorable Tribunal. This in this regard, Dr. Surjit Singh, scientist of the National of Institute of Hydrology, Jal Vigyan Bhawan, Roorkee, informed through e-mail on 02.12.2023 that it will take about 06 months to determine the submergence area of Yamuna*

River and about 06 months to determine the submergence area of Hindon River. It is likely to take approximately 9 months, to complete both the rivers. The submerged area will be determined only after a survey and floodplain zoning study by the National Institute of Hydrology, Jal Vigyan Bhawan, Domarcation can be done only after determining the submergence area."

5. Learned Counsel for the State in consultation with the district magistrates who are present in person before the Tribunal has submitted that the process of demarcation of flood plain zone can be expedited and can be completed within a period of one month. Hence, we grant one month time to demarcate the flood plain zones in question and submit a fresh report atleast one week before the next date of hearing.

6. List on 12.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 29, 2024
Original Application No. 275/2023
(I.A. No. 869/2023) with
Original Application No. 569/2023
(I.A. No. 719/2023)
JG.

Item Nos. 07 & 08 Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 275/2023
(IA No. 869/2023)

Mahesh Kumar Applicant

Versus

State of Uttar Pradesh through Chief Secretary Respondent

WITH

Original Application No. 569/2023
(IA No. 719/2023)

Alok Kumar Applicant

Versus

Union of India Ministry of Environment
Forest & Climate Change Respondent

Date of hearing: 16.01.2024

CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)

Respondent: Mr. Ravindra Kumar, Senior Advocate with Mr. Vipin Kumar Saxena, Adv. for Greater Noida
Mr. Sumit Arora, Adv. for MoEF & CC
Ms. Priyanka Swami, Adv. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Abdhesh Chaudhary, Mr. Nishi Kant Singh & Ms. Geetanjali Setia, Advs. for Noida Authority
Mr. Yagyawalkya Singh, Ms. Divya Swamy & Mr. Shubham Mishra, Advs. for Ghaziabad Development Authority
Mr. Kamal Kumar Pandey, Adv. for Applicant in I.A No. 869/2023
Mr. Rajesh Aggarwal, Adv. (Through VC)

ORDER

1. The issue involved in Original Application is in respect of unauthorized constructions over the flood plain zone of Yamuna and Hindon river in Village Lakhnawali, Greater Noida, Gautam Budh Nagar Uttar Pradesh.

2. Tribunal after considering the respective position placed on record by order dated 27.07.2023 had directed as under:-

> *"11. The District Magistrate, Greater Noida/Gautam Budha Nagar is directed to ensure the identification and demarcation of flood plain zone of River Yamuna and Hindan which shall be done by referring Notification dated 07th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016" and Office Memorandum dated 14th February, 2022 on "Guidelines for siting industries which are in close proximity with the river" and submit a report within two months 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."*

3. In terms of the said direction, concerned District Magistrate was required to carry out the exercise and submit report before Tribunal.

4. The report dated 31.10.2023 by District Magistrate, Gautam Budh Nagar has been filed but after perusal of the said report and the enclosure, Tribunal found that exercise for demarcation of flood plain zone of rivers Yamuna and Hindon in reference to the Notification dated 07.10.2016 has not been carried out. The report simply states that area between bund and river is flood plain zone which is identified and demarcated. No such demarcation report in terms of the order of 2016 was on record.

5. Hence, District Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad were required to place on record the demarcation report relating to demarcation of the flood plain zone of river Yamuna and Hindon flowing within the limits of their district in reference to Notification dated 07.10.2016.

6. The matter was taken up on 02.11.2023 when Counsel for State of UP submitted that exercise of demarcation of flood plain zone for concerned districts will be positively completed within a period of two months and accepting such statement, this Tribunal granted two months' time to

District Magistrates, Gautam Budh Nagar and Ghaziabad to complete the exercise and submit report.

7. A status report vide letter dated 09.01.2024 has been filed by District Magistrate, Gautam Budh Nagar stating that National Institute of Hydrology, Roorkee was contacted and to determine submergence area of Hindon River and Yamuna River and they have informed that for carrying out a study for Yamuna River in Gautam Budh Nagar, six months' time will be required and for study in Hindon River, it will require nine months' time.

8. We find that for the purpose of demarcation of flood plain zone under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, responsibility lie at District level with District Magistrate who is In-charge of District Ganga Committee and relying on earlier statement given by learned Counsel for State of UP where it was shown that demarcation will be completed within two months', the time was granted. But today, a totally unjust request has been made. No report has been filed by District Magistrate, Ghaziabad.

9. In these circumstances, we direct District Magistrates of Gautam Budh Nagar and Ghaziabad, both, to appear in person before Tribunal on the next date of hearing.

10. List on 29.01.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 16, 2024
Original Application No. 275/2023
(IA No. 869/2023) with
Original Application No. 569/2023
(IA No. 719/2023)
DV

Item Nos. 08 & 09 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.275/2023
(I.A. Nos. 869/2023, 688/2024 & 38/2025)

Mahesh Kumar Applicant

Versus

State of Uttar Pradesh & Ors. Respondent(s)

With

Original Application No.569/2023
(I.A. Nos. 719/2023, 240/2024,397/2025 & 158/2025)

Alok Kumar Applicant

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 26.05.2025

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)

Respondents: Ms. Garima Prasadh, AAG with Ms. Priyanka Swami, Adv. for the State of UP
Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saksena, Advs. for GNIDA
Mr. Bhanwar Pal Singh Jadon, Ms. Hemlata Singh, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for UPPCB in OA 569/2023
Mr. Gigi. C. George, Adv. for Survey of India in OA 569/2023
Mr. Ravindra Kumar, Senior Advocate with Mr. Nishi Kant Singh & Mr. Shivam Saksena, Advs. for Noida
Mr. Yagyawalkya Singh, Adv. for GDA (Through VC)
Mr. Sumit Arora, Adv. for R - 1 in OA 569/2023 (Through VC)
Ms. Deepa Sharma, Adv. for CPCB in OA 569/2023 (Through VC)
Mr. Rajesh Aggarwal & Ms. Deeksha Aggarwal, Advs. in I.A No. 38/2025
Mr. Panshul Chandra, Adv. in I.A No. 688/2024

ORDER

1. I.A. No. 397/2025 has been filed by the State of U.P. seeking extension of time for completing the survey and marking the flood plain zone of Hindon River in compliance with the earlier direction of the Tribunal. AAG appearing for the State of U.P. has referred to the communication dated 14.05.2025, sent by the Technical Officer, Survey of India, seeking additional time to complete the exercise using drone survey. The Respondent, Survey of India, is directed to disclose in detail why the same methodology was not adopted for River Hindon, which was adopted for River Ganga, and how the floodplain zone with a 1:100-year Highest Flood Level, with a one-meter contour, will be ascertained using drone Survey.

2. For the reasons disclosed in the I.A. the prayer for extension of time is granted. Let the affidavit in terms of the above observation be filed by the Survey of India within four weeks.

3. In O.A. No. 275/2023, in addition to the demarcation of flood plain of River Hindon the issue of demarcation of flood plain of river Yamuna is also involved.

4. Learned AAG appearing for the State has submitted that the demarcation of flood plain zone of river Yamuna for the entire stretch is complete except for 3 km, which is to be done along with the demarcation of river Hindon.

5. In this regard, she has referred to the Status Report dated 27.02.2025 page 821 wherein annexure A-1 a communication by Special Secretary, State of UP page 827 dated 21.12.2024 is enclosed, stating that the demarcation of the flood plain zone with 1:100 years Highest Flood

Level from Asgarpur to Etawah and Shahpur to Prayagraj covering 17 District is complete and the notification is to be issued.

6. Learned AAG submits that the process of issuing the final notification is in progress. Hence, the State of U.P is directed to file further status report disclosing the issuance of the final notification.

7. The communication dated 21.12.2024 does not mention that the demarcation taken into account is one meter contour.

8. Applicant in I.A. No. 38/2025 has submitted that the detailed methodology adopted for demarcation of the flood plain of river Yamuna has not been placed on record. Learned AAG is directed to place the same on record along with the next affidavit.

9. Learned Counsel for the applicant in pending I.As are directed to supply a copy of the I.A. to counsel for all the parties if not already supplied. Counsel for the parties to the O.A. will have the opportunity to file reply to the I.A. within four weeks.

10. List on 17.09.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 26, 2025
O.A. No.275/2023 and
O.A. No.569/2023
HB..

Item Nos. 08&09 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 275/2023
(IA Nos. 38/2025, 688/2024 & 869/2023)

Mahesh Kumar Applicant

Versus

State of UP & Ors. Respondent(s)

With

Original Application No. 569/2023
(I.A. Nos. 158/2025, 240/2024 & 719/2023)

Alok Kumar Applicant

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 17.09.2025

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicants: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)
Mr. Anand Mishra, Adv. for Applicant in OA 569/2023 (Through VC)

Respondents: Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saksena, Advs. for GNIDA
Mr. Bhanwar Pal Singh Jadon, Ms. Hemlata Singh, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for UPPCB in OA 569/2023
Ms. Priyanka Swami, Adv. for Irrigation Department, State of UP
Mr. Gigi. C. George, Adv. for Survey of India in OA 569/2023
Mr. Ravindra Kumar, Senior Advocate with Mr. Abdhesh Chaudhary, Mr. Nishi Kant Singh & Mr. Shivam Saksena, Advs. for Noida Authority
Mr. Yagyawalkya Singh, Adv. for GDA
Mr. Sumit Arora, Adv. for R - 1 in OA 569/2023 (Through VC)
Ms. Suman Arora, Adv. for CPCB in OA 569/2023
Mr. Rajesh Aggarwal & Ms. Deeksha Aggarwal, Advs. in I.A No. 38/2025
Mr. Panshul Chandra, Adv. in I.A No. 688/2024

ORDER

1. I.A. No.688 of 2024 in O.A. No. 275 of 2023 for impleadment has been filed but neither in the heading nor at the end of the application the details of the applicant, who is seeking impleadment, has been

mentioned. It is only in the body of the application at one place the person who has filed the application has been disclosed.

2. The application for impleadment is required to be properly filed by mentioning the name of the applicant at the appropriate place. The application is not as per the norms, therefore, it is rejected. However, with the liberty to the applicant to file a proper application.

3. The Tribunal by order dated 26.05.2025 had directed the Learned AAG for State of UP to place the details of methodology adopted for demarcation of the flood plain of river Yamuna on record by way of an affidavit.

4. Learned Counsel for State of UP seeks further 04 weeks' time to place the same on record. She has also referred to Para-1 of the affidavit of the Irrigation Department dated 14.09.2025 and has submitted that the determination of the floodplain of remaining 03 km stretch of River Yamuna upstream of Okhla Barrage is likely to be completed within 03 months and in this background prayer for adjournment has been made.

5. The State of UP is directed to file further progress report at least 01 week before the next date of hearing.

6. List on 18.12.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

September 17, 2025
Original Application No. 275/2023
I.A. Nos. 38/2025, 688/2024, 869/2023 &
Original Application No. 569/2023
I.A. Nos. 158/2025, 240/2024, 719/2023
AM

Item No.06 Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.316/2022
(IA No. 434/2024, IA No.352/2024)

Dr. Sharad Gupta Applicant

Versus

State of Uttar Pradesh & Ors. Respondents

Date of hearing: 11.09.2024

CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant(s): None

Respondent(s): Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB

ORDER

1. On a letter petition dated 10.03.2022 sent by Dr. Sharad Gupta resident of 24, Heera Gagh Colony, Dayal Bagh, Agra this Original Application was registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') in exercise of *suo-moto* jurisdiction in view of law laid by Supreme Court in ***Municipal Corporation of Greater Mumbai Versus Ankita Singha and others, (2022)13 SCC 401.***

2. Grievance raised in this letter petition was that, as per a news article published in Times of India dated 06.03.2022, ravines are being destroyed by large-scale mining in vicinity of Taj Mahal and restricted floodplain zone of river Yamuna. Destruction of forest ravines, which

serve as natural habitats for over 1,000 species of animals and plants, will lead to devastation of ecological chain and harm Taj Mahal. It would also affect original landscape and contour in vicinity of Taj Mahal and restrict floodplain zone of river Yamuna in Agra (State of Uttar Pradesh).

3. Tribunal found it appropriate to obtain a factual report in the light of above complaint and thus constituted a Joint Committee comprising representatives of Ministry of Jal Shakti, Government of India; Regional Office of MoEF&CC, Lucknow; Taj Trapzium Zone Authority; Uttar Pradesh Pollution Control Board; and District Magistrate, Agra, and directed said Committee to verify factual position particularly with regard to notification and demarcation of floodplain zone where alleged large-scale mining is being done, looking into grievance of applicant.

4. Committee was required to submit its report within one month.

5. Joint Committee Report was submitted through Regional Officer, Uttar Pradesh Pollution Control Board, Agra (hereinafter referred to as 'UPPCB') vide email dated 19.09.2022. Report shows that Joint Committee members visited area on 26.07.2022 and observations are made in respect of large-scale mining in vicinity of Taj Mahal and restriction of floodplain zone of river Yamuna. Joint Committee Report said as under:

> ***"Observations on aspect of large scale mining in the ravines in the vicinity of Taj Mahal and restriction of the flood zone of river Yamuna***:
>
> *On the day of site visit, Committee observed that Taj Forest Block is a rugged forest area which comes under Agra Forest division ANNEXURE-1. On the day of site visit, construction of some check dams were found by the Committee members During inspection of the said area and according to the discussion with Divisional Forest Officer, Agra, it was informed that no large-scale mining has been done in the Taj Forest block in the vicinity ofTaj Mahal and ravines have not been destroyed. DFO, Agra vide letter no-560/22-20 dated*

02.08.2022 informed that Taj Forest block is a rugged forest area under Agra Forest division in which forest department have constructed only check dams to prevent soil erosion to maintain soil moisture at locations where gully-drains have formed due to soil erosion by heavy flow of water during rains ***ANNEXURE-2****. The construction of check-dams has been carried out by using local soil for which as per work plan of Social Forestry Division, Agra. DFO, Agra informed that work plan has also been approved by Ministry of Environment Forest & Climate Change, Government of lndia* ***ANNEXURE-2/1.***

As per the information submitted above work rate has been approved by Conservator forest, Agra circle, Agra vide letter no. 274/5-9-2 dated 15.07.2020 for regarding forest work ***ANNEXURE-2/2****.*

In Taj Forest block 43 check dams have been constructed, in which 8439 cubic meter soil have been scraped from the up-stream site. Attested photocopy of measurement book is annexed as ***ANNEXURE-2/3****.*

B. Observations on aspect of restriction ofthe flood zone of river Yamuna*:*

At the time of visit Executive Engineer, Lower Khand, Agra Canal, Department of Irrigation informed that demarcation of flood plain zone behind Taj Mahal has not been carried out yet. Information has been sought from Executive Engineer, Lower Khand, Agra Canal, Department of Irrigation, U.P vide letter no.487/OG-679/2022I dated 26.07.2022 to provide flood-plain zone demarcation behind Taj Mahal ***ANNEXURE-3****. Executive Engineer, Lower Khand has informed vide letter no. 2230/ 3r/ dated 27.07.2022 that no document regarding demarcation of flood plain zone behind Taj Mahal is available in official documents. Hence no information can be provided in this respect (****ANNEXURE-4****).*

Letter has been sent on dt.08.08.2022 to Forest Department-Agra, District Mine Officer-Agra and Executive Engineer, Lower Khand Agra Canal, Department of irrigation, U.P to provide the information as below (placed at ***ANNEXURE-5****):*

I. ***Department of Forests***

(i) GIS Boundary of the Forest Area where the digging activity is being undertaken.
(ii) Annual plan of operation for such activity and guidelines, if any, for carrying out such activity including permission taken.

(iii) Geo-coordinate of trenches at the site with measurements.

(iv) Biodiversity data loss to ascertain the scenario-base line & current scenario.

II. Department of Irrigation
Demarcation of the Flood Plain Zone in GIS format including the geo-coordinates or locations of marking pillars.

III. Other concerned departments of the State Government (District Administration, Mines Departments) Details of any other activities outside forest land, as complainant; such as earth cutting resulting in soil erosion/changing land use pattern.

*C**. Observations on aspect of Mining in the flood zone of river Yamuna**:*

Senior Mine officer informed vide letter no. 524/4fG /2022-23 dated 10.08.2022 that as per the provisions of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 or as per the instruction of the Government, mining operation permission outside forest area is given by District Magistrate as per Rules (placed at ANNEXURE-6).

***D**. **Observations on the aspect of destruction of the forest ravines, which are natural habitat for over 1000 species of animals and plants, will lead to devastation of the ecological chain as well as harm the Taj Mahal**:*

*Past & present record of biodiversity status is not available including aspects of natural habitats of wildlife in the ravines with the Forest Department. Field observation report of Biodiversity expert, NMCG related to impact on biodiversity is enclosed at **ANNEXURE-7** and key excerpts are as under:*

Background

Ravines are the most degraded form ofland formed due to natural erosion, the main type of erosion that occurs in these lands is sheet and gully erosion. These lands are majorly converted to agricultural lands using heavy machinery. However, attempt to restore these lands for biodiversity conservation have been practiced rarely in the past.

Ravines can be restored through methods to retain soil moisture and augmentation of vegetation cover that holds and binds soil particles to reduce the runoff during rain. The most commonly practiced methods are earthen check dams, gully plugs, bench terracing, trenching, and other measures such as controlled grazing, breaking the length of slopes into smaller units and plantations.

In a similar attempt to restore ravines for biodiversity conservation in the TTZ area, earthen check dams were built to reduce the runoff in the area. Hence, a sign survey was conducted to assess the loss of biodiversity, if any, due to the use of machinery and digging of soil nearby to build the earthen check dams.

***Survey findings**:*

During the survey, undisturbed burrows likely to be used by small mammals and reptiles were observed in the area. No destruction of burrows has been observed due to construction of earthen check dams as shown below.

The presence of Nilgai (Boselaphus tragocamelus), and Jackal (Canis aureus) were confirmed through direct sighting, while indirect signs of Indian hare (Lepus nigrico//is), wild boar (Sus scrofa) were recorded in the area as shown below.

Bird species such as Egyptian vulture (Neophron percnopterus), rose-ringed parakite (Psittacula krameri), babbler (Argya striata), baya weaver (Ploceus philippinus), Asian koel (Eudynamys scolopaceus) and red-vented bulbul (Pycnonotus cafer) were sighted during the survey.

It has been suggested in the report that the TTZ's ravine restoration is among the best examples of ravine restoration for biodiversity protection. This restored land is being used by various mammals, birds, and butterfly species. Although no reptile species were observed during the survey, except burrows which may potentially indicate the presence of reptiles. These species are cryptic and elusive hence specialized surveys are required to detect these species in any area. In a similar attempt to restore ravines for biodiversity conservation in the TTZ area, earthen check dams were built to reduce the runoff in the area and the construction of earthen check-dams has created a negligible disturbance to the wildlife of the area.

Further, owing to non-submission of data by various agencies (ANNEXURE-5) required to prepare the Joint Committee report, a meeting was organized at NMCG under Chairmanship of Executive Director (Technical), NMCG, Ministry of Jal Shakti on dated 17.08.2022 to review the status in the aforesaid O.A No. 316/2022. Minutes of the meeting is being enclosed as ANNEXURE-8. In the meeting Forest Department official, Shri Kunj Mohan Verma, SDO, Forest Department, Agra Forest Division informed that check dams being constructed are not for mining activity but for water restoration which was also confirmed by Senior Mines Officer, Agra present in the meeting. SDO, Forest informed that these are small structure with limited storage capacity temporarily meant to arrest the

flow of water and are part of annual programme of Forest Department. Approx. 300 to 400 such structures have been constructed in Agra district. Further, Executive Engineer, State Irrigation informed that Irrigation Department has not identified flood plain zone of River Yamuna behind the Taj Mahal which is downstream end of Yamuna River in the city of Agra. The site in question is located approx. 500 meters from Yamuna River bank. SDO-Forest; Executive Engineer-Sate Irrigation; Senior Mines Officer and Nodal Officer were requested to provide the following details:

A. Forest Department will provide details of APO activity to all members. (Information Required from DFO office)

B. In absence of demarcated floodplains by Irrigation Department, no development/regulation zone as per NGT orders may be followed as an interim measure till identification of flood plain zones. Accordingly, State Irrigation Department will verify whether the site in question is located in flood plain zone or not and provide the data to the members.

C. Nodal Officer and ***Forest Department to verify the activities carried out by Forest Department through TTZ authority also. (Information Required from DFO office)***

*D. Other pending details as communicated vide letter from NMCG to Hon'ble NGT (PB) dated 02.08.2022 and letter from Nodal Officer, RO (SPCB) Agra to all concerned dated 08.08.2022 (**ANNEXURE-5**).*

*In continuation of the meeting, Executive Engineer, Lower Khand, Agra Canal communicated vide letter dated 27.08.2022 **ANNEXURE-9** informed that in the O.A no. 200/2014 (M.C Mehta V/s Union of India and others) Hon'ble National Green Tribunal was pleased to passed an order dated 13.07.2017, the relevant part Of the order is as below:*

"Till the demarcation of the flood plains and identification of permissible and non-permissible activities by the state government of this judgment, we direct that 100
Meters from the edge of the river would be treated as no development/construction zone in segment-B of Phase-I"

State Irrigation Department conveyed that till the demarcation of flood plain zone of the said area, 100 meters from the edge of the river would be treated as no development/ construction zone. It was also informed that the estimate is being prepared for survey and after fund allocation, the demarcation work of flood plain zone is proposed by State Irrigation Department.

*Thematic Maps have been generated by NMCG using geospatial technology for the part of Agra District, from the available data sources (National Remote Sensing Center, Survey of India, & ESRI) of NMCG, field data (Ground Control Points), and check dam data of Forest Department Agra. As per the information available from the thematic maps, check-dam's locations are far from 100 meters from the edge of the river (**ANNEXURE-10**). This was also accepted by all Committee members.*

*Further, Senior Mine Officer informed vide letter dt.08.09.2022 that no ordinary sand mining lease has been approved in Yamuna River area in the vicinity of Taj Mahal (ANNEXURE-**11**). DFO, Agra informed vide letter dt. 12.09.2022 that as per his knowledge there is no restriction for forestry work (Water and Soil Conservation) in Taj Trapezium Zone (**ANNEXURE-12**).*

***4**. **Observations/ Recommendations**:*

The site was visited by the members of Joint Committee in the presence of the applicant Dr. Sharad Gupta in the OA No. 316/2022 on 26-7-2022.

11. Flood plain zone has not been demarcated by State Irrigation Department and has also not been notified by State Irrigation Department behind the Taj Mahal which is downstream end of Yamuna River in the city of Agra. Accordingly, Irrigation department has been requested to complete it immediately. However, as an interim measure, NGT directions relating to extent of flood-plain demarcation (both through identification of geo-coordinates and fixing of pillars) may be completed which mandates that l 00 meters from the edge of the river would be treated as no development/ construction zone as an interim measure.

111. State Irrigation Department was required to verify whether the site in question is located in flood plain zone or not and provide the data to the members.

*Accordingly, Executive Engineer, Lower Khand, Agra Canal informed citing Hon'ble National Green Tribunal order in the O.A no. 200/ 2014 (M.C Mehta V/ s Union of lndia and others) (vide letter dated 27.08.2022 at **ANNEXURE-9**) that 100 meters from the edge of the river would be treated as no development/ construction zone.*

*iv. Thematic maps (**ANNEXURE-IO**) have been generated using geospatial technology by NMCG for the concerned site of Agra District, from the available data sources. As per the observation based on prepared thematic maps, check dam's locations are far from 100 meters from the edge of the river.*

As per assessment of Irrigation Department official, the site in question is located approx. 500 meters from Yamuna River bank.

*No mining activity is being carried out in the site as confirmed by Mining department. Further, no ordinary sand mining lease has been approved in Yamuna River area in the vicinity of Taj Mahal (**ANNEXURE-11**).*

*Check dams that are being constructed in Forest area are not for mining activity but for retaining soil moisture (which was also confirmed in the report of Biodiversity expert at **ANNEXURE-7**).*

*Past & present record of biodiversity status is not available with Forest Department including aspects of natural habitats of wildlife in the ravines. Thereby field observation using sign survey was conducted by Biodiversity expert, NMCG and vide his report at **ANNEXURE-7**, it was suggested that the TT's ravine restoration is among the best examples of ravine restoration for biodiversity protection. This restored land is being used by various mammals, birds, and butterfly species. Although any reptile species were not observed during the survey, except burrows which may potentially indicate the presence of reptiles. These species are cryptic and elusive hence specialized surveys are required to detect these species in any area. ln a similar attempt to restore ravines for biodiversity conservation in the TTZ area, earthen check dams were built to reduce the runoff in the area and the construction of earthen check dams it seems has created a negligible disturbance to the wildlife of the area.*

6. In view of the report received from Joint Committee, Tribunal vide order dated 20.09.2022 impleaded following as respondents:

(I) Ministry of Jal Shakti, Government of India (II) State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh, (III) Director, Mining and Geology, State of Uttar Pradesh (IV) District Magistrate, Agra (V) Commissioner, Municipal Corporation, Agra (VII) State Pollution Control Board (VIII) Regional Office of Ministry of Environment, Forest and Climate Change, Lucknow (IX) Chairman of Taj Trapezium Zone.

7. Notices were issued to respondents, giving time to file reply.

8. Separate replies were filed by District Magistrate, Agra, Chairman Taj Trapezium Zone, UPPCB, and National Mission for Clean Ganga (hereinafter referred to as 'NMCG') on behalf of Ministry of Jal Shakti.

9. In response dated 07.01.2023 submitted by District Magistrate, Agra, it is said that report of Joint Committee was reviewed and it was observed that forest block is a rugged forest area under Agra Forest division in which forest department has only constructed earthen check dams to prevent soil erosion and to maintain soil moisture. Construction of earthen check dams has been made using local soil of area for which work plan has been approved by Ministry of Environment Forest & Climate Change, Government of India (hereinafter referred to as 'MoEF&CC'). This information was conveyed by Divisional Forest Officer, Agra, vide letter dated 02.08.2022. Conservator Forest, Agra Circle, Agra, vide letter dated 15.07.2022, approved work rate for forest work. Though Joint Committee has observed that Taj Trapezium Zone ravine restoration is among best examples of ravine restoration for biodiversity protection which is being used by various mammals, birds, and butterfly species, no reptile species were observed during survey, except burrows which may potentially indicate presence of reptiles. Earthen check dams were built to reduce runoff in area and construction of earthen check dams has created negligible disturbance to wildlife of area.

10. Tribunal issued order on 20.11.2022 in O.A. 316/ 2022 pursuant whereto, videography and photography were conducted by UPPCB on 15.11.2022, but no mining activity was observed in the vicinity of Taj Mahal. It is said that Mining activities can be permitted only in accordance with UP Minor Mineral (Concession) Rules, 2021 by concerned District Magistrate, but that would be outside forest area.

11. Reply dated 07.01.2023 of Chairman, Taj Trapezium Zone is also virtually in the same terms as given by District Magistrate, Agra.

12. UPPCB in its reply submitted vide email dated 08.01.2023 has also reiterated and taken same stand as taken by District Magistrate, Agra

13. In reply dated 09.01.2023 filed by NMCG on behalf of Ministry of Jal Shakti, it is stated that flood plain zone behind Taj Mahal, which is downstream end of river Yamuna in city of Agra, has not been demarcated and notified by UP State Irrigation Department. Irrigation Department has been requested to complete it immediately. As an interim measure, directions of this Tribunal mandate that 100 meters from edge of river be considered as flood plain zone and hence treated as "no development construction zone", which has been implemented by Irrigation Department, UP. Thematic maps have been generated using geo-special technology by NMCG for consent site of Agra district from available data sources. It is stated that steps for demarcation of flood plain zone are being taken on priority basis. The relevant extract of reply submitted by NMCG is reproduced as under:

"The para-wise inputs towards the response of the National Mission for Clean Ganga, Department of Water Resources, River Development, Ganga Rejuvenation, Ministry of Jal Shakti on the Joint Committee Report in the matter of OA no 316/2022- Dr Sharad Gupta vs State of U.P. are as under:

The site was visited by the members of Joint Committee in the presence of the applicant Dr. Sharad Gupta in the OA No. 316/2022 on 26.07.2022.

II. Flood plain zone behind the Taj Mahal (which is downstream end of Yamuna River in the city of Agra) has not been demarcated and notified by UP State Irrigation Department.

Accordingly, Irrigation department has been requested to complete it. Immediately. However, an interim measure, NGT directions which mandates that 100 ,.70Vvtrs from the edge of the river to be considered as flood-and hence treated as no development/construction zone has been implemented by Irrigation Department (Uttar Pradesh). (Uttar Pradesh. Thematic maps have been generated using geospatial technology by the NMC for the concerned site of Agra District, from the available data sources. As per the observation based on prepared thematic maps, check dams; locations were far from 100 meters

from the edge of the river and this was accepted by committee members as per assessment of Irrigation Department official, the site in question is located approx. 500 meters from Yamuna River bank.

IV. Check dams that are being constructed in Forest area are not for mining activity but for retaining soil moisture.

V. Past and present record of biodiversity status is not available with Forest Department including aspects of natural habitats of wildlife in the ravines.

VI. Thereby field observation using sign survey was conducted by Biodiversity expert of NMCG. It was suggested that the ravine restoration is among the best examples of ravine restoration for biodiversity protection. This restored land is being used by various mammals, birds, and butterfly species. Although no reptile species were observed during the survey, except burrows which may potentially indicate the presence
of reptiles. These species are cryptic and elusive hence specialized surveys are required to detect these species in any area.

VII. In a similar attempt to restore ravines for biodiversity conservation in the TTZ area, earthen check dams were built to reduce the runoff in the area and the construction of earthen
check dams it seems has created a negligible disturbance to the wildlife other area.

VIII. A Meeting was held under chairmanship of Executive Director (Technical), NMCG Ministry of Jal Shakti on dated 17.08.2022 to review the status in the aforesaid 0.A No. 316/2022. Based on discussion in the meeting it was conveyed to UP Irrigation Department that the exercise of flood plain zone demarcation should be finished on priority.

IX. Key components that are still pending from departments are as under:

a. GIS boundary of forest area from Forest Department;

b. Biodiversity data loss to ascertain the scenario-base line from Forest Department;

c. Demarcation of the flood plain zone in GIS format including the geo-coordinates or locations of marking pillars from Irrigation Department
d. Any other activities outside forest land, as per complaint such as earth cutting
resulting in soil erosion/changing land use pattern etc. from other concerned
departments of the State Government.

X. TTZ Authority, constituted by MoEF&CC should do periodical surveillance and monitoring for comply with the orders of NGT and ensure follow up with the departments concerned."

14. Applicant has filed an objection to Joint Committee report under title 'Counter Affidavit dated 06.12.2022' stating that huge soil excavation using heavy machines like JCB has been done and report otherwise is not correct. It is also said that within 500 meters from peripheral walls of Taj Mahal no activity can be carried out in view of Supreme Court's order dated 24.03.1998 passed in **Writ Petition (No. 13381 of 1994), *M C Mehta Versus Union of India & Anr.***

15. Above responses were considered by Tribunal on 10.01.2023 and after hearing parties, Tribunal initially reserved order. However, later by order dated 10.04.2023, it was directed to be listed for hearing again after informing parties.

16. In the meantime, District Magistrate, Agra submitted reply dated 11.08.2023. In response to question as to how much time demarcation flood plain zone will be taken in respect of river Yamuna in district Agra' it is said that Executive Engineer, Lower Division, Agra Canal, Agra has informed vide letter dated 11.08.2023 that survey work has been completed for demarcation of flood plain zone of river Yamuna in district Agra on 15.07.2023, but due to flood situation, fixing of pillars could not be completed and it will be done in the month of August 2023.

17. Another reply/updated report was filed by District Magistrate, Agra vide email dated 17.11.2023 stating that for demarcation, 1,020 pillars have been installed after total station survey with the help of Differential Global Positioning System (hereinafter referred to as '**DGPS**'). It is further said that Central Water Commission (hereinafter referred to as '**CWC**')

vide office memorandum dated 05.09.2023 has constituted a 'Committee for Flood Plain Zoning of river Yamuna' for the stretches:

(i) From Asgerpur to Itawah

(ii) From Shahpur to Prayagraj.

18. Said Committee has further formed a technical core Committee for data collection and flood plain delineation as per written period analysis and any other technical requirements required by study. Further demarcation of flood plain zone on ground will be done by State Government. Said Committee is required to complete work within a period of four months. Since now, high level Committee constituted by Central Water Commission has been entrusted with job, same has to be performed accordingly.

19. On 17.05.2024, response of District Magistrate was considered by Tribunal. It found that since CWC has already constituted High Powered Committee for identification/demarcation of flood plain zone of river Yamuna, therefore, now response has to be obtained from CWC which was impleaded as respondent 9 vide order dated 17.05.2023. Notice was issued to enable it to submit its reply. No response was filed by next date i.e., 11.07.2024. Therefore, Tribunal took matter seriously, imposed cost upon respondents 2 and 9 on whose behalf further time was sought to file reply, and time was accordingly granted..

20. Accordingly, respondent 2 and 9 submitted report vide email dated 02.08.2024 stating State Government vide letters dated 20.12.2022 and 13.02.2023 requested CWC for determination/demarcation flood plain zones respectively for the following two stretches on river Yamuna:

(i) Asgerpur to Itawah

(ii) Shahpur to Prayagraj

21. Accordingly, vide office memorandum dated 05.09.2023, CWC constituted a Committee comprising representatives of National Remote Sensing Centre; National Institute of Hydrology; Ganga Flood Control Commission; NMCG; Government of UP, Department of Water Resources; and officials of CWC. Before first meeting of Committee, pre-requisites for taking studies were completed by carrying out 2-D inundation mathematical model setup, ascertaining data requirements, and also carrying out preliminary run of 2-D inundation model with available data sets comprising 30-meter SRTM Digital Elevation Model, discharge data of eight CWC discharge stations, and cross sections of 24 CWC sites. Outcome of preliminary run of 2-D inundation model in the form of district-wise inundation in affected districts by river Yamuna was examined. First meeting of Committee thereafter was held on 11.12.2023, and Committee finalized following data requirements along with resources of its availability as below:

Data	Source	Specifications
High Resolution DEM	CWC	LiDAR data
Water level, discharge, cross-section	NWC, UP Irrigation Department, CWC	Along study stretch, all historical data, CWC/State sites
Embankment & structure details	U.P Irrigation Dept.	Design details & shape files/ locations
Inundation layers for data-wise events	NRSC, U.P. Irrigation Deptt.	Inundatin layers or Raster satellite images of past events
Demarcation of Flood Plains	U.P. Irrigation Dept.	Any earlier details (preferably in shape file)
Bathymetry/section survey cross	CWC, NIH, Roorkee, State Govt.	Close interval cross-sections of Yamuna

22. Committee also constituted its Core Committee for development of model and coordinating with various agencies involved. Committee was

mandated to evaluate both types of satellite images (resolution of 5.8 M as well as those finer than 5.8 M) before deciding on suitability of resolution.

23. Details of further steps taken by Committee are also given, which we for the time being, omitting.

24. Tribunal on 06.08.2024 considered matter and found steps taken by Committee to be not satisfactory when initially CWC required Committee to complete task within four months, but more than seven months have passed and task was not completed. Recording its dissatisfaction on such laxity, Tribunal required Chairman CWC and Chairman of Committee to appear before Tribunal on next date.

25. Today, Shri A.S Goel, Member River Management, CWC and Chairman of Committee constituted by CWC vide order dated 05.09.2023 is present.

26. Chairman CWC is not present and has filed IA No. 352/2024 stating that in a pre-notified programme he has to attend certain proceedings at Vienna on 11.09.2024, thus, his personal appearance may be exempted. Request has also been made to set aside cost of Rs. 50,000 upon respondents 2 and 9.

27. Cause shown for non-appearance of Chairman CWC is satisfactory; hence, we exempt personal appearance for today.

28. So far as issue of cost is concerned, same was already negated by order dated 06.08.2024, and similar request cannot be accepted again by means of this IA.

29. On behalf of CWC, an additional reply vide email dated 28.08.2024 has been filed in which substantial facts stated earlier have been reiterated. In initial part, constitution and functions of CWC have been

narrated, and thereafter steps taken for demarcation/identification of Flood Plain Zone have also been detailed. However, in para 19(G), it has been stated that study will be completed by 08.12.2024 i.e., in next four months; However, efforts will be made to present results within three months.

30. Shri A.S Goel, Chairman of Committee is present in Tribunal physically. During course of arguments he made a statement that by 30.11.2024 report of Committee identifying and demarcating flood plain zone for two stretches noted above shall be submitted to State Government, and thereafter it is the function of State of UP to notify the same in accordance with law.

31. Shri Bhawar Pal Singh Jadon, Advocate appearing for State of UP, after receiving instructions from Shri A.K. Sachan, HOD, Irrigation Water Resources in Department of Irrigation, State of UP, made a statement that within two weeks from the date of receipt of report regarding identification/demarcation of flood plain zone from Committee constituted by CWC or from CWC, Irrigation Department shall issue necessary notification within three weeks.

32. It means that in case report is submitted by 30.11.2024, requisite notification by State of UP shall be issued by 21.12.2024.

33. Accepting above statement made at the bar we find it appropriate to dispose of this Original Application by directing above authorities to act upon in terms of above statement and do needful as per timelines mentioned above in this order.

34. Compliance report shall be submitted by CWC by 10.12.2024 and State of UP by 06.01.2025 with Registrar General of this Tribunal. If any further order is required, Registrar General shall place the matter before the Bench concerned.

35. With above directions, this Original Application is disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September11, 2024
Original Application No.316/2022
M

भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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जल शक्ति मंत्रालय

(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)

अधिसूचना

नई दिल्ली, 7 अगस्त, 2026

का.आ. 4427(अ).— पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधाराओं (2) एवं (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा गंगा नदी (संरक्षण, सुरक्षा एवं प्रबंधन) प्राधिकरण आदेश, 2016 में और संशोधन करने के लिए निम्नलिखित आदेश करती है, अर्थात्:—

1. (1) इस आदेश का संक्षिप्त नाम गंगा नदी (संरक्षण, सुरक्षा एवं प्रबंधन) प्राधिकरण (द्वितीय संशोधन) आदेश, 2026 होगा।

(2) यह सरकारी राजपत्र में प्रकाशन की तारीख से लागू होगा।

2. गंगा नदी (संरक्षण, सुरक्षा एवं प्रबंधन) प्राधिकरण आदेश, 2016 में—

(1) अनुच्छेद 3 के उप-अनुच्छेद (1) में—

(i) खंड (ए) के पश्चात निम्नलिखित खंड डाला जाएगा, अर्थात्:—

"(एए) 'सक्रिय बाढ़ मैदान' से अभिप्राय गंगा नदी अथवा उसकी उपनदियों का वह क्षेत्र है जो पाँच वर्षीय पुनरावृत्ति अवधि के अनुरूप आने वाली बाढ़ के कारण जलमग्न हो जाता है।"

(ii) खंड (एल) के स्थान पर निम्नलिखित खंड प्रतिस्थापित किया जाएगा, अर्थात्:—

"(एल) "बाढ़ मैदान" का अर्थ गंगा नदी अथवा इसकी उपनदियों के ऐसे क्षेत्र से है जो इसके अधिकतम प्रवाह अथवा 100 वर्ष में एक बार आने वाली बाढ़ के समान बाढ़ के कारण दोनों ओर जल के अंदर आ जाता है तथा इसमें सक्रिय बाढ़ मैदान, विनियामक क्षेत्र [अर्थात पाँच वर्षीय पुनरावृत्ति अवधि और पच्चीस वर्षीय पुनरावृत्ति अवधि के बीच आने वाली बाढ़ से आच्छादित बाढ़ मैदान का क्षेत्र] तथा चेतावनी क्षेत्र [अर्थात पच्चीस वर्षीय पुनरावृत्ति अवधि और सौ वर्षीय पुनरावृत्ति अवधि के बीच आने वाली बाढ़ से आच्छादित क्षेत्र] सम्मिलित होंगे।"

(2) अनुच्छेद 4 में, खंड (ix) के स्थान पर निम्नलिखित खंड प्रतिस्थापित किया जाएगा, अर्थात्:—

"(ix) नदी गंगा अथवा उसकी उपनदियों के तटों तथा उनके बाढ़ मैदानों का रख-रखाव इस प्रकार किया जाएगा कि प्रदूषण के स्रोतों एवं दबावों में कमी लाई जा सके तथा आवश्यक उपायों के माध्यम से उनके प्राकृतिक भू-जल पुनर्भरण के कार्यों का संरक्षण किया जा सके।"

[फा. सं. L-25012(11)/22/2024-LME NMCG]

राशि शर्मा, कार्यकारी निदेशक (प्रशासन)

टिप्पणी: मूल आदेश भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना संख्या का.आ. 3187(अ), दिनांक 7 अक्टूबर, 2016 द्वारा प्रकाशित किया गया था तथा उसमें अंतिम संशोधन अधिसूचना संख्या का.आ. 2337(अ), दिनांक 7 मई, 2026 द्वारा किया गया था।

MINISTRY OF JAL SHAKTI

(Department of Water Resources, River Development and Ganga Rejuvenation)

NOTIFICATION

New Delhi, the 7th August, 2026

S.O. 4427(E).— In exercise of the powers conferred by sub-sections (2) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following order further to amend the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, namely: -

1. (1) This Order may be called the River Ganga (Rejuvenation, Protection and Management) Authorities (Second Amendment) Order, 2026.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016-

(1) in paragraph 3, in sub-paragraph (1), -

(i) after clause (a), the following clause shall be inserted, namely -

*"(aa) **"active flood plain" means such area of River Ganga or its tributaries which comes under water due to floods corresponding to a one in five-year return period;";***

(ii) for clause (l), the following clause shall be substituted, namely: -

" (l) '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 and includes active flood plain, regulatory zone (area of flood plain covered by floods between one in five-year

return period and one in twenty five-year return period) and warning zone (area covered by floods between the one in twenty five-year return period and one in one hundred-year return period),";

(2) in paragraph 4, for clause (ix), the following clause shall be substituted, namely: -

"(ix) the bank of River Ganga or its tributaries and their flood plains shall be maintained to reduce pollution sources, pressures and to preserve their natural ground water recharge functions through necessary measures;"

[F. No. L-25012(11)/22/2024-LME NMCG]

RASHI SHARMA, Executive Director (Administration)

Note- The principal order was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide notification number S.O. 3187(E), dated the 7th October, 2016, and last amended vide notification number S.O. 2337 (E), dated the 7th May, 2026.

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Rejoinder in IA 38/2025 in 'OA no. 275/2023 - Mahesh Kumar vs state of UP and others'

1 message

Deeksha Law Firm <deekshalawfirm2017@gmail.com> Sun, Nov 15, 2026 at 1:31 PM
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Pls accept the advance service

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THANKS AND REGARDS!

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Rejoinder by Dr Ajit Kumar.pdf
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