BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 390/2016 (Earlier OA No. 315 of 2015)

IN THE MATTER OF :

Rajiv Savara Vs. Darrameks Hotel & Developers Pvt. Ltd. & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Rahul Choudhary and Ms. Meera Gopal, Advs. Respondent No. 1: Mr. V. Lakshmi Kumaran, Dr. Jayant Dasgupta, Respondent No. 8: Mr. B.V. Niren, Adv.

> Mr. Nikhil Singhal, Mr. Kunal Kishore & Mr. Rudro Chatterjee, Advs. Mrs. D. Bharathi Reddy, Adv. for State of Uttarakhand

Date and	Orders of the Tribunal
Remarks	
Item No. 02	We have heard the Learned counsel appearing for
September 01, 2016	the parties and have perused the report of the Committee.
A & ss	We may notice that the Committee has filed a detailed
Q I	map to day in consonance with our order, showing the
115	constructions that are existing within the 300 meter from the middle of the river Ganga at the site in question.
	Learned counsel appearing for the Project Proponent
	submits that they would abide by the terms and
	conditions and the recommendations stated by the
	Committee, without delay and default. He further states
	that they would put in extra efforts to ensure that no
	waste of any kind is thrown into the river Ganga and on
	the contrary they would clean up the section of the river
	Ganga of 1 Km. down and upstream, on their own costs as part of their corporate social responsibility. He further
	states that they also ensure that no sewage is discharged
	into the river Ganga and the entire treated water from the

sewage is recycled for use of different purposes within their premises itself. They have a STP. They also undertake that no solid waste would be generated and thrown anywhere, in and around the river and around the premises. There shall be complete collection and transportation of municipal solid waste in accordance with Rules of 2016. The Hotel shall use solar panel for generation of power.

Item No.

02

September 01, 2016

Α

We therefore dispose of this Application with liberty to the Project Proponent to continue with his project, however, strictly subject to compliance of the undertaking given by it and afore-noticed and, which are accepted by the Tribunal. Furthermore, we direct that as per maps submitted today, the SPA constructed at point 'C' and cottage constructed at point 'A' which portion admitted fall within the 100 meters of the river Ganga shall be demolished immediately.

Learned counsel appearing for the Applicant vehemently argues that the construction falling within 100 to 300 meters from the middle of the river are subject to regulatory regime in terms of the judgment dated 10th December, 2016 passed in Indian Council for Enviro-Legal Action Vs. National Ganga River Basin Authority & Ors. in Original Application No.10 of 2015.

We direct that the permission to carry on with the project is strictly subject to the said regulatory regime and as and when the said regulatory regime comes into force the Project Proponent shall be duty bound to abide by the same. No arguments in equity of law would be available to them that the project has been completed under the



