

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

Original Application No. 06 of 2012

And

**(M.A. No.199 of 2015, M.A. No.238 of 2015, M.A. No.344 of 2015,
M.A. No. 512 of 2015, M.A. No. 513 of 2015, M.A. No.692 of 2015,
M.A. No. 310 of 2016 & M.A. No. 508 of 2016)**

In

Original Application No.300 of 2013

And

**M.A No. 646/2015, M.A No. 725/2015, M.A No. 836/2015, M.A No.
753/2016, M.A No. 1014/2016, M.A No. 1016/2016 & M.A No. 1071/2016**

In

Original Application No. 06 of 2012

IN THE MATTER OF:

Manoj Mishra Vs. Union of India & Ors.

And

Manoj Kumar Misra & Anr. Vs. Union of India & Ors.

And

Manoj Mishra Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Applicant

**Dr. Vijendra Mahndiyan, Adv., Mr.
Rahul Choudhary, Adv., Ms. Meera
Gopal, Adv.**

Respondent No. 1 :

Mr. Mukul Singh, Adv. for MoEF & CC

Respondent No. 2, 5 & 8:

Mr. Vivek Kumar Tandon, Adv.

Respondent No. 8 & 12

**Mr. Balendu Shekhar, Adv. for EDMC
Mrs. D. Bharati Reddy, Adv. for State of
Uttarakhand**

**Mr. Abhishek Yadav, Adv. for State of
Uttar Pradesh for R-6&7**

**Mr. Pinaki Mishra, Sr. Adv. with Ms.
Bhavana Duhoon, Mr. Manoj Kumar,
CGM and Mr. Biswajit Mukhopadhyay
and Mr. R.P. Singh, PD, Ms. Tavinder
Sidhu, Adv.**

Mr. Ishwer Singh, Adv. FOR NMCG

**Mr. Anurag Kumar, Adv. For Ms. Sakshi
Popli, Adv. for NDMC**

Mr. Avneesh Arputham, Adv.

**Mr. Anil Grover, AAG, Haryana, Mr.
Saurabh Sachdeva, Adv., Mr. Rahul
Khurana, Mr. Sandeep Yadav, Advs. for
State of Haryana, HUDA**

**Mr. Raj Kumar, Adv. with Mr.
Bhupender Kumar, LA, CPCB**

**Mr. Rajiv Bansal, Mr. Kush Sharma, Mr.
Anirudh and Ms. Anurag Tripathi, Advs.
for DDA**

Mr. Mahesh Dutt Tripathi, Adv. for DCB

Mr. Narender Pal Singh⁴⁵, Adv. with
 Mr. Dinesh Jindel, LO, DPPC
 Ms. Sudha Varshney, Adv.
 Mr. B.V. Niren for MOWR
 Mr. Siddhartha Nagpal, Adv., for Mr.
 Sumeet Pushkarna, Adv. For DJB with
 Mr. Ajay Gupta, (S.E.)

Date and Remarks	Orders of the Tribunal
<p>Item No. 19 to 21</p> <p>November 25, 2016 AM</p>	<p><u>M.A. No. 1071 of 2016</u></p> <p>Heard. Perused Record.</p> <p>This application has been moved to pass directions to permit the applicant- NHAI and its concessionaires/contractors and/or their officers, agents assignees, representatives for carrying out the necessary construction of the bridge adjacent to existing bridge including their approaches from 0.001km (near Nizamuddin bridge, Ring road) to 3.320 km (Akshardham flyover). When this application was moved and considered, we called for the comments of the Principle Committee appointed by us in the present original application (O.A. No. 6 of 2012: Manoj Misra vs. U.O.I) vide Judgment dated 13th January, 2015. It is submitted before us now that the Principal Committee after making observations during the site visit and analysis of data presented in Environment Assessment and Mitigation Plan- September, 2016 and considering the representation of Dr. Manoj Misra has recommended the project subject to the following conditions:</p> <p>1. <i>Environmental monitoring plan have been proposed for ambient air quality, river water quality, noise level monitoring, aquatic ecology of river, soil quality of flood plains and solid waste management. It is suggested that the frequency of monitoring shall be highest at the initiation of works at each site so that any problems can be recognized at an early stage, and remedial works</i></p>

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or procedures can be implemented before irreparable damage has occurred (The frequency of monitoring shall be once a month for first year of construction which can be reduced to seasonal monitoring in next two years).

2. Arrangements such as plant dust suppression such as water sprinkling, wheel washing or construction entrance/exit cleaners, or similar, for ensuring that mud is not deposited onto public highways will be regularly inspected.
3. All bank and in-stream river works are to be carried out behind cofferdams to prevent disturbance to watercourse flows and adverse effects on water quality. Silt bearing water pumped from the cofferdam should be diverted through an effective silt trap prior to discharge into the watercourse.
4. Temporary works shall include suitable drainage measures and silt so as to minimize the quantity of material eroded during construction which then enters water bodies.
5. The cost of monitoring during construction phase and implementation of EMP should be increased to 1% of Bridge Cost i.e. Rs. 2.5 Cr.
6. The Project proponent should save as many as trees as possible. Those trees, which can be easily transplanted, should be transplanted.
7. No wetland/marshy area in the floodplain should be disturbed during construction and operation phases.
8. To prevent the public throwing solid waste into the river, strong iron meshes of 8'high should be erected along the new bridge.
9. The floodplains around the bridge should be restored and preserve as per the Committee's recommendations accepted by National Green Tribunal Act, 2010.
10. The NHAI shall appoint independent Engineering agency for monitoring and supervision of EMP implementation during construction stage. The independent agency for monitoring and/or supervision of EMP implementation. The agency shall also ensure the compliance of suggestions and implementation of future projects on Yamuna.
11. Afflux needs to be minimized to reduce the risk and magnitude of flooding as well as to protect the floodplain. In view of the limitations of physical modeling due to assumptions made with regard to scale, material etc. mathematic modeling of the project shall be carried out to verify the afflux caused due to proposed bridge and also to finalize various alternatives so as to minimize afflux.

Learned Counsel appearing on behalf of the applicant submits that the applicants are ready and willing to abide by the said conditions recommended by the Principle

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Committee and will appoint IIT Roorkee or Delhi to carry out execution of the Condition Nos. 10 and 11 stipulated herein above.

Learned Counsel appearing on behalf of the applicant- project proponents submit that the project in question is expansion of the existing Highway (less than 100 kms and not involving land acquisition greater than 40 meters) and as such does not require any EC as can be seen if one refers to the relevant provision of Entry 7(f) in Column III in EC Regulations, 2006. He further submits that the extension of the existing project as suggested will ease the traffic and reduce the air pollution, which is very much needed in metropolis like Delhi.

In the reply to this application the original applicant Mr. Manoj Misra admits that the Principle Committee has approved and recommended the project in question. However, he has expressed certain reservations regarding the Principle Committee not considering the Environmental Assessment and Mitigation Plan- 2016 from the point of view of 'no project' or 'project' scenario and did not consider the alternative option suggested by the applicant to the expansion of the existing bridge.

The reply has been suitably rejoined by also placing before us the Environmental Assessment and Mitigation Plan. Perusal of the Environmental Assessment and Mitigation Plan does reveal a study carried out from the view point of 'with' or 'without project' scenario and consideration of alternatives to the project in question. This plan was also considered by the Principle Committee and the Principle Committee recommended the said

project mainly on the ground that the project will aid the environment rather than harming it subject to prescribed conditions recommended being complied with.

We, therefore do not see any impediment in granting permission as solicited. We, therefore, permit the applicant and their concessionaire/contractors and other officers, agents and representatives from carrying out necessary construction for expansion of the existing Nizamuddin bridge, Ring road in terms of the proposed project. Subject to strict compliance of the conditions recommended by the Principle Committee.

M.A. No. 1071 of 2016 stands disposed of accordingly.

Original Application No. 06 of 2012 & 300 of 2013

List these case on 16th December, 2016.

.....,JM
(U.D. Salvi)

.....,JM
(R.S. Rathore)

.....,EM
(Bikram Singh Sajwan)

.....,EM
(Ranjan Chatterjee)