

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

**M.A. No. 982 of 2013
In
Original Application No. 322 of 2013**

Vimal Bhai Vs. Japee Associates & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant:	Mr. Ritwick Dutta and Mr. Preeta Dhar, Advocates
Respondent No. 1 :	Mr. Arun Bhardwaj, Sr. Adv., Mr. Pawan Upadhaya and Mr. Karan Yadav, Advocates
Respondent No. 2 :	Mr. Vivek Chib and Ms. Ruchika Goel, Advocates
Respondent No. 3:	Dr. Abhishek Atrey, Mr. Atif Suhrawardy, Mr. Avital Saxena and Mr. Sumit Rajora, Advocates
Respondent No. 4 :	Mr. Ravinder Agarwal, BRO

	Date and Remarks	Orders of the Tribunal
	Item No. 12 December 5, 2014 A	<p style="text-align: center;">Original Application No. 322 of 2013</p> <p>We have heard the Learned Counsel appearing for the parties.</p> <p>The only prayer in this Application is to issue directions to the Respondent/Project Proponent to stop dumping of muck or debris and to remove the muck already deposited in the river bed or any other site which is not a designated site for dumping. Further the Respondent to prepare a plan for that purpose.</p> <p>The common stand taken by the Respondents including the Project Proponent is that there was no muck dumped or deposited by them in the river bed and it was as a result of flash flood that occurred in the month of June, 2013 and as a result thereof some muck had got collected on the riverbanks. They further state that they have removed the muck and deposited the same at the site, which have been fully identified by the State Authority and the Committee</p>

constituted. It is contended that the Project Proponent has got Environmental Clearance for the original project and has dumped muck after removing, at the site duly identified by the State Government.

It is commonly undertaken by the State and the Project Proponent that if any muck is dumped on the river bed near the site of the Project Proponent it shall be removed by the Project Proponent within one month from today and the same shall be dumped or deposited only at an approved site as may be declared by the State Government in consultation with MoEF.

We make it clear that no dumping site shall be provided on the river bank and every effort will be made to prevent the pollution of the river water, resulting from the muck as well as narrowing of the flowing area of the river. After one month the site shall be inspected by the representatives of the CPCB, MoEF and Uttarakhand Pollution Control Board. The inspection date shall be informed to the Applicant who shall be at liberty to be present at the time of inspection. They shall submit a report to the Tribunal. The above undertaking shall be fulfilled and the directions issued by the Tribunal are to be fully complied with.

If the above directions are not carried out, we grant liberty to the Applicant to revive this Application or file a fresh Application as the case may be.

With the above directions, the Original Application No. 322 of 2013 is finally disposed of without any order as to costs.

M. A. No.982 of 2013

This Application does not survive for consideration as the main Application itself stands disposed of.

Consequently, M. A. NO. 982 of 2013 stands disposed of.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

