

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

**Original Application No. 163/2014
(M.A. No. 556/2014)**

Kuldeep Nagar & Anr. Vs. Jaiprakash Associates Ltd. & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant	:Mr. Rahul Choudhary, Ms. Maneka Kaur, Adv.
Respondent No. 1	:Mr. K. Venugopal, Sr. Adv. with Mr. Pawan Upadhyay, Mr. Nishant Kumar, Adv.
Respondent No. 2	:Mr. Vivek Chib, Mr. Ankit Prakash, Mr. Rishabh Kapur, Adv.
Respondent No. 5	:Ms. Savitri Pandey, Ms. Azma Parveen, Adv.
Respondent No. 6	:Mr. Ravindra Kumar, Adv.
CGWA	:Mr. B.V. Niren, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 42 July 24, 2015	<p>Heard. Perused.</p> <p>This application arises out of the alleged failure of the Respondent No.1 - Jaiprakash Associates limited, the Project Proponent who had undertaken the work of construction of Yamuna Expressway running over 165 kilometers between Greater Noida and Agra, to install rain water harvesting systems all along the stretch of this Expressway in compliance with the Environment Clearance conditions stipulated in the Environment Clearance dated 11.04.2007 granted therefor.</p> <p>According to the Project Proponent, the Respondent No. 1 herein, the Rain Water Harvesting system as stipulated in the Environment Clearance conditions could not be constructed completely all along the Express Highway for the reason that there are places where the water table is high and construction of rain water harvesting system would create water logging at such places.</p> <p>However, he submitted that the respondent No. 1</p>

is prepared to go by the advice of MoEF and CGWA as regards the construction of rain water harvesting system at the places indicated by them and shall complete such construction within two months of such advice being received.

We see prospect of doing good to the environment in near future than to continue with long drawn litigation. Learned Counsel appearing for the Applicant also sees a reason in the proposal put forth by the Project Proponent. He, therefore, submits that such construction of rain water harvesting system should be done in time bound manner and a joint survey of the entire stretch of Express Highway shall be undertaken by the MoEF and CGWA to come to certain conclusions as regards the places where the Rain Water Harvesting system for recharging the underground water needs to be constructed along the Express Highway.

We, therefore, dispose of this application with the following directions:

1. The respondent No. 2-MoEF and the Respondent No. 4-CGWA shall conduct a survey of the area under the control of the Respondent No. 1 Jaiprakash Associated Limited along the stretch of Yamuna express highway keeping in view surface covered by the Expressway, water table and corresponding need to recharge the underground water for finding out the place/s where the Rain Water Harvesting system needs to be constructed for facilitating the recharge of the underground water, and such survey

shall be completed within a period of one month and thereupon advice as to the places identified for construction of rain water harvesting systems along the express highway shall be rendered to the Project Proponent – Jaiprakash Associates Limited immediately. The Respondent No. 4 - CGWA shall along with that advice provide appropriate design of the Rain Water Harvesting system to the Respondent No. 1 - Jaiprakash Associates Limited. The entire cost of the survey and guidance concerning design shall be borne by the Respondent No. 1 Jaiprakash Associates Limited.

2. The respondent No 1 - Jaiprakash Associates Limited shall upon receiving such advice, undertake construction of Rain Water Harvesting systems at the places indicated in the joint inspection survey in accordance with the design provided by the CGWA and shall complete such construction within next 60 days.

3. The report of compliance shall be placed before the Tribunal by the Respondent No. 1 Jaiprakash Associates Ltd.

With these directions, Original Application No. 163 of 2014 stands disposed off.

M.A. No. 556/2014

This application does not survive for consideration as the main application itself has been disposed of. Accordingly, M.A. No. 556/2014 also

stands disposed of.

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

.....,EM
(Ranjan Chatterjee)

