

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

Original Application No. 6 of 2012

Manoj Mishra Vs. Union of India &Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE B.S. REDDY, JUDICIAL MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant: Mr. Rahul Choudhary, Advocate

Respondent No. 1: Ms. Neelam Rathore, Advocate along with Ms. Syed Amber and Mr. Vikramjeet, Advocates

Respondent No. 2&5: Mr. Vivek Kumar Tandon, Advocate

Respondent No. 3: Mr. Sangram Patnaik Advocate, Mr. Deepak Kumar, Advocate, Mr. S.N. Paul, SE, Mr. S.A. Jamali, EE Mr. D P Singh, Chief Engineer.

Respondent No. 6: Mr. Gaurav Bhatia, Add. AG, UP and Mr. Raman Yadav, Advocae

Respondent No. 8: Mr. Balendu Shekhar, Advocate for East, North and South

Respondent No. 12: Mrs. P.L. Gautam, Advocate
Mr. Jintendra Kumar, for M. Dutta, Advocate for Central Ground Water Authority
Mr. Tarun Johr, Advocate for DMRC
Mr. Pinky Anand, Sr. Advocate and Balendu Shekhar for SDMC

Local Commissioners: Mr. Aniruddha Deshmukh, Advocate, Mr. Salim Mushtaq, Advocate and Abhimanue Shrestha, Advocates

Date and Remarks	Orders of the Tribunal
Item No. 15 September 24, 2013	<p>Learned Local Commissioners appointed by the Tribunal are present. They have filed their respective Reports. Let copies of the said Reports be furnished to all the Learned counsel appearing for all the parties.</p> <p>From the reports and even otherwise, it is conceded before us that substantial work of removal of debris from the river bed of Yamuna has been carried out by various Authorities. We record our appreciation for the work done by the respective public Authorities in removing of debris. However, learned Local Commissioners have pointed out that at two places-one in Geeta Colony and other near Yamuna Bank Metro Station debris are still found lying which have not been removed. It is also reported that near Geeta Colony river bed the debris are intended to be pushed into the water body rather than being removed.</p> <p>We direct all the concerned Authorities more particularly DDA, UP Irrigation Department, Delhi Irrigation Department as well as all the concerned Departments to</p>

ensure that these debris be removed positively before the next date of hearing. To this effect compliance report clearly stating that entire debris stand removed from the river bed of Yamuna, shall be filed by all the Heads of Departments of each of these Authorities.

In terms of our previous Order, the Report has also been filed on behalf of the Ministry of Environment and Forests (MoEF), where it is stated that the Committee has been constituted and the Committee so constituted met on 21st September, 2013. Let the Committee expedite the filing of the Report in relation to restoration, preservation and beautification of the entire river banks of Yamuna falling in NCT of Delhi before the Tribunal. We are informed that said Committee had asked for certain details and information from the various public Authorities. Let all those public Authorities fully cooperate and furnish the required information to the Committee so as to enable its Report being prepared with utmost expeditiousness. The Report shall not only suggest the methodology and process required to be followed for restoration, preservation and beautification of the river beds but even state as to who should execute the work and the manner in which such work should be executed. Let the Report atleast interim Report of the Committee be submitted on the next date of hearing.

The Committee has to keep in mind that even if it chooses to inspect the entire Yamuna and find out whether the debris have been completely removed or not, it has to state with certainty the plan for restoration, preservation and beautification which is to be carried out within a time frame to be prescribed by the Tribunal.

Liberty is granted to DDA to file Reply in terms of our previous Orders within one week from today.

Applicant is permitted to participate in the proceeding before the Committee.

The Order of the Tribunal prohibiting dumping of any kind of waste including construction material waste shall continue and any person who is found dumping any waste on the river bed of Yamuna shall be liable to pay Rs. 5 lakh as compensation already imposed in our previous Order.

Learned Local Commissioners have also pointed out that Police and Guards were not found to be on duty guarding the entries and there are number of breaches in protective walls.

It is also pointed that there is dumping in Jamia Nagar, Jaitpur, Batla House and Khijrabad during night hours.

The Director General of Police of Uttar Pradesh and the Commissioner of Police of Delhi are hereby directed to ensure the adequate staff for deployment in order to ensure that there is no dumping of any waste on the river bed of Yamuna. It shall also be the obligation of the respective Irrigation Department of Uttar Pradesh, NCT of Delhi and DDA or other local bodies and agencies to ensure the deployment of staff for compliance of these directions.

Personal appearance of Chief Engineer is exempted till further Orders.

List on 28th October, 2013.

.....,CP
(Swatanter Kumar)

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

.....,JM
(B. S. Reddy)

.....,EM
(Prof) P.C. Mishra)

.....,EM
(Dr. R.C. Trivedi)