

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

Execution Application No. 32/2016

IN

O.A. No. 295/2016

M.A. No. 248/2019

Amresh Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 09.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s):

Mr. Swarn Kishore Singh, Advocate

For Respondent(s):

Mr. Saurabh Kirpal, Ms. Aanchal Mullick and Shruti Arora, Advocates for HCC

Mr. Saurabh Suman Sinha and Mr. Anirudh Singh, Advocates for Gammon

Mr. Kshitez Kaushik, Advocate for NHAI

Mr. Rajkumar, Advocate for CPCB

**ORDER**

1. This order may be read in continuation of order dated 11.07.2019. The matter involves control of pollution in the course of four lanning of National Highway from Udampur to Banihal in Jammu and Kashmir by the National Highway Authority of India (NHAI) through Gammon India Limited and the Hindustan Construction Co. Ltd.
2. This Tribunal directed inspections to be carried out to determine the question whether environmental norms were being carried out. The matter was considered by this Tribunal

vide order dated 24.08.2018 in the light of earlier order dated 29.01.2018 and reports dated 23.04.2018 and 24.04.2017 which are based on visits to the site and showed damage to the environment on account of dumping of muck without adequate precautions. The Inspecting Committee suggested measures, including proper preparation of dumping site, construction of Plane Concrete Cement (PCC) grids or anchored RCC grid, to re-assess gabion structures in vulnerable hilly eco-system, having sufficient heights of the gabion walls, construction of RCC walls instead of gabion walls in steep slopes, repair of damaged gabion walls and proper monitoring. The reports were accepted and directed to be complied. Vide order dated 12.02.2019, compensation for damage to the environment was required to be paid by the M/s Gammon India Limited and the Hindustan Construction Co. Ltd. who were executing the work.

3. The status was last reviewed on 11.07.2019 in the light of further report of inspection dated 02.05.2019 showing further default, even after 12.02.2019. This Tribunal observed :-

“1 to 6 xxx

xxx

xxx

7. *In view of above, since there is further default even after order dated 12.02.2019 whereby the said contractors were required to pay interim compensation of Rs. 1 crore each and furnish performance guarantee for improving the situation within next three months in the sum of Rs. 1 crore each, the performance guarantee if furnished will have been liable to be forfeited. Same consequence will follow if such guarantees have not been furnished as the said parties cannot take advantage of their default. In other words, M/s Gammon India Ltd. as well as M/s Hindustan Construction Company Ltd. are now required to pay a sum of Rs. 2 Crores each within one month from today. The amount be deposited with the Central Pollution*

*Control Board (CPCB) which may be spent for restoration of the environment.*

8. *Direction in the order dated 26.04.2019 is to require the Committee to visit the designated and non-designated dumping sites and report the current practice of dumping and assess the damage with reference to all the stretches involved, determining final liability of the companies executing the work as well as of the NHAI. Let the said direction be complied within one month.*

9. *Learned Counsel for the contractors as well as the NHAI made a statement that in future all precautions will be taken. In view of repeated failures and the track record of deficiencies in maintaining environmental norms, we require M/s Gammon India Ltd. as well as M/s Hindustan Construction Company Ltd. to furnish further performance guarantee in the sum of Rs. 2 Crores each to the satisfaction of the CPCB within two weeks. The NHAI may also furnish a performance guarantee in the sum of Rs. 1 Crore to the satisfaction of CPCB within two weeks. It is made clear that the amount of performance guarantees will be liable to be forfeited if there is any further default in maintaining the environmental norms henceforth.”*

10. Accordingly, a status report has been filed on 23.09.2019 recording the progress made in taking the remedial measures and further stating that there were allegations that lot of violations still existed but the said allegations could not be verified on account of the situation prevailing in the area after 02.08.2019. The applicant has filed M.A. No. 248/2019 on 18.12.2019 to the effect that muck and debris continues to be dumped into the river without any safeguards. Photographs in support of the said allegations have also been filed.

Copies of the application have been handed over to the learned counsel for the project proponents.

11. In view of the above, it is necessary to ensure that remedial action is taken and compliance status is crossed checked. Let requisite remedial steps be taken. The Committee appointed by

this Tribunal may cross check latest status and further reports be filed within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The applicant may present a copy of this application to the Committee.

List again on 20.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 09, 2020  
Execution Application No. 32/2016  
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