

Item No.11

Court No. 1

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

Original Application No. 603/2023

Adesh Kumar Yadav

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 05.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR.A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Parijat Sinha & Mr. Divyam Dhyani, Advs. for HPCL (R - 4)

ORDER

1. In this Original Application, registered on the basis of the letter petition, an allegation has been made that the respondent no. 4, Hindustan Petroleum Corporation Limited (HPCL) was carrying out illegal construction, in violation of the environmental norms, at Village Hridayapur, Tehsil and District Moradabad, which comes under the flood plain zone of river Ramganga and river Gagan. The Tribunal by order dated 30.11.2023 had impleaded the respondents and had issued notice to them.

2. A communication has been received by the complainant stating that the construction is not at village Hridayapur but at Village Milak Kharakpur Baaje, PS Katghar, Block Munda Pandey, Tehsil and District Moradabad. Hence, the description of the site mentioned in the earlier order accordingly stands corrected.

3. The reports on behalf of the District Magistrate, Moradabad and UPPCB has been filed which states that the pipeline is being laid by the Gas Authority of India Limited. Hence, we implead following additional respondents:-

- i. Respondent No. 5, Gas Authority of India Limited through its Chairman
- ii. Respondent No. 6, Irrigation Department of State of UP through the Secretary

4. Let Notice be served upon the above respondents.

5. Learned Counsel appearing for respondent no. 4 has sought time to obtain copies of the response already filed before the Tribunal by the District Magistrate and UPPCB and to submit the reply on behalf of respondent no. 4 within four weeks.

6. In the meanwhile, District Magistrate, Moradabad is also directed to get the demarcation of the flood plain zone of the river in question done in accordance with the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 and file the report before the Tribunal at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. List on 12.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 05, 2024
Original Application No. 603/2023
SN.