

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 632 OF 2022

IN THE MATTER OF:

V.K. Tyagi.

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

AFFIDAVIT ON BEHALF OF DEPARTMENT OF IRRIGATION,
GOVT. OF UTTARAKHAND IN COMPLIANCE OF DIRECTIONS
PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL VIDE
ITS ORDER DATED 29.01.2024 (UPLOADED ON 6.2.2024)

P A P E R - B O O K
I N D E X

<u>Srl</u>	<u>Particulars</u>	<u>Pages</u>
1.	Affidavit on behalf of Department of Irrigation, Uttarakhand in compliance of directions passed by the Hon'ble National Green Tribunal vide its order dated 29.01.2024 (Uploaded on 6.2.2024).	
2.	<u>ANNEXURE A-1</u> : A true copy of the order dated 29.01.2024 passed by this Hon'ble Tribunal	

Filed by:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand /
/Respondents

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ORIGINAL APPLICATION NO. 632 OF 2022IN THE MATTER OF:

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**AFFIDAVIT ON BEHALF OF DEPARTMENT OF IRRIGATION,
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PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL VIDE
ITS ORDER DATED 29.01.2024 (UPLOADED ON 6.2.2024)**

I, Prem Singh Panwar S/o Late Shri C.S. Panwar aged about 60 years, presently posted as Engineer-in-Chief, Department of Irrigation, Govt. of Uttarakhand, Dehradun, do hereby solemnly affirm on oath and state as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present Affidavit on behalf of Department of Irrigation, Uttarakhand in compliance of directions passed by the Hon'ble National Green Tribunal vide its order dated 29.01.2024.
2. That the abovementioned matter in compliance of the earlier directions passed by this Hon'ble Tribunal pleased to constitute a joint committee with direction to submit factual and action taken report within one month.



3. That in compliance of the abovementioned order dated 13.10.2022 passed by this Hon'ble Tribunal, the report of the Joint Committee was submitted in this Hon'ble Tribunal.
4. That the matter was again listed on 10.02.2023 before this Hon'ble Tribunal, after hearing, the Hon'ble Tribunal was pleased to pass the following directions:-

"

.....

4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it necessary to have response of (1) the State of Uttarakhand through Chief Secretary, Government of Uttarakhand, (2) State Program Management Group, Namami Gange, Department of Drinking Water and Sanitation, Government of Uttarakhand, (3) Department of Jal Shakti, Government of Uttarakhand, (4) Uttarakhand Space Application Center, Department of Information and Science Technology, Government of Uttarakhand, (5) State PCB and (6) the District Magistrate, Haridwar who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties with the application.

5. Reply/response by respondents no. 1 to 6 be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

6. In their reply/response, the concerned respondents shall specifically mention in detail the steps taken for notification of the Flood Plain Zone of river Sonali, removal of illegal encroachment on the land of river Sonali and steps taken for tapping of drains for ensuring that untreated sewage is not discharged in river Sonali.



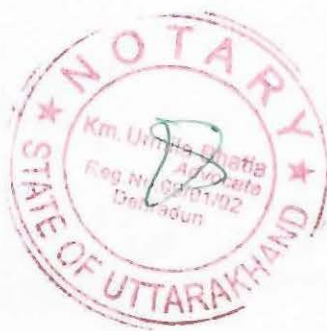
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5. That, thereafter matter was listed on several times and again the matter was listed on 5.7.2023 before this Hon'ble Tribunal and this Hon'ble Tribunal was pleased to pass following directions:

"1. In compliance of order dated 18.05.2023, additional replies have been filed by Irrigation Department vide email dated 31.05.2023 and 30.06.2023 and District Magistrate, Haridwar 30.06.2023, 01.07.2023 and 04.07.2023.

2. Mr. Dhiraj Singh Garbyal, District Magistrate, Haridwar, Uttarakhand and Mr. Prem Singh Panwar, Chief Engineer, Irrigation Department, Uttarakhand have also appeared before this Tribunal physically and we have interacted with them and both of them have apprised about the steps which have been taken for compliance with the orders passed by this Tribunal.

3. Sonali River is an Inter-State River involving the States of Uttarakhand and Uttar Pradesh. The identification/demarcation of area of Sonali River and restoration/management of its catchment area and removal of encroachments if any is also urgent need of the hour. The States of Uttarakhand and Uttar Pradesh and their instrumentalities have to take requisite remedial measures for restoration/rejuvenation of Sonali River. It is, therefore, essential that all concerned Departments of both the States coordinate and cooperate for taking remedial measures for restoration/rejuvenation of Sonali River so that catchment area of river is harnessed and minimum e-flow is maintained in the River to restore its ecology and aquatic life.



4. In view of these facts and circumstances of the case, we consider the presence of the State of Uttar Pradesh through Chief Secretary Government of Uttar Pradesh, the Ministry of Jal Shakti and the Central Water Commission to be essential for just and proper adjudication of the questions involved and they are impleaded as respondents no. 7 to 9. The Registry is directed to amend the memo of parties to the application. Notices be issued to newly impleaded respondents no. 7 to 9 requiring them to file their reply/response within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Learned Counsel for the State of Uttarakhand seeks time to file additional reply giving details of further action taken.

.....”

6. That in compliance of the abovementioned orders dated 05.07.2023 and 10.10.2023 passed by this Hon'ble Tribunal, an Additional Reply by way of Affidavit on behalf of District Magistrate, Haridwar, Uttarakhand was filed and the same is part of the record of this Hon'ble Tribunal (at page Nos. 184 to 240).

7. That thereafter, the matter was listed on 29.01.2024, after hearing, this Hon'ble Tribunal was pleased to pass the following directions:-

“1. The issue involved in this Original Application relates to encroachment for cultivation on the land of river Solani, a tributary of river Ganga, which is obstructing its flow. further



grievance is about discharge of untreated sewage in river Solani which is creating health hazards and converting the river into a drain.

2. Additional reply by way of affidavit on behalf of District Magistrate, Haridwar, Uttarakhand, in compliance of orders of the NGT dated 05.07.2023 and 10.10.2023, has been filed which reveals that there are eight nallahs in Jagjeetpur which are untapped and discharging untreated sewage in the river. As per the report, one STP of 20 MLD capacity near Machhi Mohalla and another STP of 2 MLD capacity near Adarsh Nagar has been proposed and some process has been initiated for that but in the report no concrete plan for starting or completing the construction of the STPs has been disclosed. The report further states that the work of survey of flood plain zone on the river Solani has been done and the workshop is proposed to be done in the first week of the month and after that demarcation work of flood frequency for different periodic of 5 years, 10 years, 25 years, 50 years, 100 years will be done and all these work will be completed till March, 2024.

3. Learned Counsel for the State of Uttarakhand has submitted that within a month, the work of demarcation of flood plain zone of river Solani within the State of Uttarakhand will be completed.

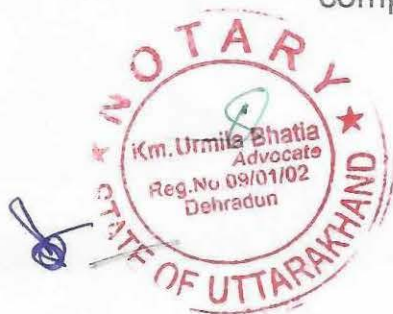
4. Hence, we direct Engineer-in-Chief of Irrigation Department of State of Uttarakhand to file an affidavit within one week by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF clearly stating that the work of the completion of demarcation of flood plain zone will be completed by 31.03.2024.



A copy of the order dated 29.01.2024 is annexed hereto and marked as ANNEXURE A-1.

8. That in compliance of the directions passed by this Hon'ble Tribunal, it is most respectfully submitted that Vide Report No.2778/Mu.A.Ha./S.V./N.G.T. dated 20.09.2023 by Chief Engineer, Level-II, Department of Irrigation, Uttarakhand Haridwar, Uttarakhand, it is informed that the work of Data Collection, Cross Section, Flood Frequency, Analysis and DEM etc. work for survey of flood plain zone on the river Solani has been done and workshop is proposed to be done. After the demarcation work of flood frequency for different periodic of 05 years, 10 years, 25 years, 50 years, 100 years is done, thereafter, all the abovesaid work will be completed till March, 2024, and this fact is already part of record at page nos. 194-195.

9. That by way of present Affidavit in compliance of the directions passed by this Hon'ble Tribunal vide its order dated 29.1.2024, it is respectfully submitted that the above mentioned work of flood plain zoning upon Solani river will put up his best efforts to comply within the till date 31-03-2024.



Vide Report No.2778/Mu.A.Ha./S.V./N.G.T. dated 20.09.2023 of Chief Engineer, Level-II, Department of Irrigation, Uttarakhand Haridwar, Uttarakhand it is informed that the work of Data Collection, Cross Section, Flood Frequency, Analysis and DEM etc. work for survey of flood plain zone on the river Solani has been done and workshop is proposed to be done shortly. After that the demarcation work of flood frequency for different periodic of 05 years, 10 years, 25 years, 50 years, 100 years will be done, all the abovesaid work will be completed till March, 2024.

That the present Affidavit in compliance of directions passed by this Hon'ble Tribunal is being filed on behalf of Department of Irrigation, Govt. of Uttarakhand for kind perusal of this Hon'ble Tribunal.

In view of the facts and circumstances as explained hereinabove sincere efforts are taken by the State of Uttarakhand in compliance of the directions passed by this Hon'ble Tribunal, the same may kindly be accepted by this Hon'ble Tribunal and the deponent hereby undertakes to comply with every direction passed by this Hon'ble Tribunal, and the present Original Application be kindly disposed off as all the directions issued by this Hon'ble Tribunal are now complied with.



A handwritten signature in blue ink, consisting of a stylized 'D' followed by a flourish.

DEPONENT

VERIFICATION

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I, the deponent above named do hereby verify and say that the contents of my above Response by way of Affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at Dehra Dun, Uttarakhand on this 09 day of February, 2024.


DEPONENT

Filed through:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondents

137, Tower No.10, Supreme Enclave,
Mayur Vihar Phase-I,
Delhi-110091

Mobile No. 9717706032

Email- advrahulverma9999@gmail.com



This affidavit is sworn before me by

Shri. Ram Singh Pathak

who is identified by Shri. Rab Chatterjee, Delv

at Dehradun on. 09/02/2024

KM. URMILA BHATIA
Advocate & NOTARY, Dehradun

Item No. 15

Court No. 1

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

Original Application No. 632/2022

V K Tyagi

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 29.01.2024

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

Applicant: None

Respondent: Mr. Rahul Verma, Additional Advocate General for Respondent no. 1 to 4 and 6 with Mr. P.L. Shah, ADM Haridwar.
Mr. Ankit Verma, Advocate for Respondent no. 7- State of U.P.
With Mr. Vikas Tyagi, Executive Engineer, NDGC.
G.G. George, Advocate for Respondents no. 8 and 9.
Mr. Mukesh Verma, Advocate for UKPCB (through VC).

ORDER

1. The issue involved in this Original Application relates to encroachment for cultivation on the land of river Solani, a tributary of river Ganga, which is obstructing its flow. further grievance is about discharge of untreated sewage in river Solani which is creating health hazards and converting the river into a drain.

2. Additional reply, by way of affidavit on behalf of District Magistrate, Haridwar, Uttarakhand, in compliance of orders of the NGT dated 05.07.2023 and 10.10.2023, has been filed which reveals that there are eight nallahs in Jagjeetpur which are untapped and discharging untreated sewage in the river. As per the report, one STP of 20 MLD capacity near Machhi Mohalla and another STP of 2 MLD capacity near Adarsh Nagar has been proposed and some process has been initiated for that but in the report no concrete plan for starting or completing the

construction of the STPs has been disclosed. The report further states that the work of survey of flood plain zone on the river Solani has been done and the workshop is proposed to be done in the first week of the month and after that demarcation work of flood frequency for different periodic of 5 years, 10 years, 25 years, 50 years, 100 years will be done and all these work will be completed till March, 2024.

3. Learned Counsel for the State of Uttarakhand has submitted that within a month, the work of demarcation of flood plain zone of river Solani within the State of Uttarakhand will be completed.

4. Hence, we direct Engineer-in-Chief of Irrigation Department of State of Uttarakhand to file an affidavit within one week 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 clearly stating that the work of the completion of demarcation of flood plain zone will be completed by 31.03.2024.

5. It is undisputed that the untreated sewage of eight drains in Jagjeetpur is directly discharged in river Solani. The State of Uttarakhand in its reply will also indicate the proposed plan to tap these drains expeditiously within a time bound manner.

6. Mr. Vikas Tyagi, Executive Engineer, Irrigation Department has appeared online by submitting that he is appearing for Respondent No. 7. Respondent no. 7 is the Chief Secretary of the State of Uttar Pradesh. On the previous date on 10.10.2023, the Counsel for Respondent Nos. 7 to 9 had sought time to file response. No response has been filed on behalf of respondent no. 7. Page 241 of the paper-book has been referred by the Executive Engineer as also Counsel for the State submitting that it is response of the respondent no. 7 but on perusal thereto, we do not find it

to be the response as Page 241 appears to be some unsigned, undated note and page 242 and 243 are some internal correspondences. Hence, the previous order of the Tribunal has not been complied with. Learned Counsel for State of UP submits that he is representing respondent no. 7. The Tribunal does not appreciate the practice of any Officer appearing at the instance of any other Officer and making the submission without Tribunal's direction though the concerned impleaded Officer is already represented though the Counsel. Learned Counsel for respondent no. 7 submits that response on behalf of respondent no. 7 will be filed within one week.

7. The response of NMCG has been filed stating the following:-

"5. That the concerned activities along the Sonali river falls under the administrative control and maintained by the Irrigation department of the State of U.P. However, over a period of time, the direction of river flow has moved towards agricultural land belonging to the private individual person.

6. That the State Government may take necessary steps for Interception & Diversion (I&D) of the above mentioned drains to the existing STP as the existing STP in Roorkee is hardly getting 20% of its design capacity flows at present.

7. That as regards the floodplain zonation, the necessary steps may also be taken by the State Government."

8. It will be open to the State Authorities to duly consider the response of the NMCG and take appropriate remedial action and also to file their proposed action/action taken report in pursuance to the response of the NMCG.

9. List this matter, on 10.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

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January 29, 2024
Original Application No. 632/2022
SN.

Dr. A. Senthil Vel, EM

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