

Item No. 13

Court No. 1

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

M.A. No. 65/2019

IN

Original Application No. 06/2012

Manoj Mishra

Applicant(s)

Versus

Union of India

Respondent(s)

Date of hearing: 01.03.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Ms. Pinky Anand, ASG, Mr. Hemant Arya and Ms. Kritika Shukla, Advocates

ORDER

M.A. No. 65/2019

1. This application seeks to permit construction of elevated road along the right bank (on the extreme end edge of bund km-0.0 to km 2.90) of Yamuna River for the proposed project of development of Delhi Noida Delhi Flyway Kalindi Kunj – Agra Canal Faridabad Bypass – KMP road.
2. The Applicant is the National Highway of Authority. It proposes construction of above elevated road. According to the applicant, the project will decongest and smoothen the traffic flow in the congested areas which will result in improvement of ambient air

quality without disturbing the Yamuna flood plains and also prevent encroachments.

3. The applicant approached the Principal Committee constituted in terms of order of this Tribunal dated 13.01.2015 in Original Application no. 6 of 2012 to oversee the execution of order of the Tribunal dated 13.01.2015 for control of pollution of river Yamuna, *inter-alia*, by checking the discharge of untreated effluents, dumping of garbage, encroachments and development activities in the flood plains.

4. Our attention has been drawn to the minutes of the meeting of the Principal Committee dated 14.01.2019 wherein under Agenda No. 5, the Committee noted as follows:-

“Principal Committee recommended the proposal for approval of NGT, for development of elevated road along the right bank of river Yamuna with following conditions:

- That associated construction activities should not be carried out within the river bed.*
- All the construction activities should be carried out with minimum effect on the floodplains.*
- Possibility of creation of vertical gardens on the pillars of the elevated road may also be explored.”*

5. Learned Additional Solicitor General submits that proposed development of elevated road is at the pre-existing PWD road and

does not affect the flood plain of river Yamuna and the Tribunal may approve the recommendation of the 'Principal Committee'.

6. We note that after order dated 13.01.2015, aforesaid, this Tribunal passed further order dated 26.07.2018 in the matter of execution of order dated 13.01.2015, constituting a Monitoring Committee comprising Ms. Shailja Chandra, former Chief Secretary, Delhi and Mr. B.S. Sajwan, former Expert Member of this Tribunal to prepare and oversee execution of a time bound action plan to deal with the problem. In terms of paragraph 7 (ix) of the said order, existing Committees are required to work in tandem with the Monitoring Committee. The mandate of the Committee includes monitoring the compliance of the directions of this Tribunal and to coordinate with other concerned Committees, including the aforesaid Principal Committee.

7. In view of above, we are of view that prayer of the applicant can be first considered by the above Monitoring Committee consistent with the mandate of order of this Tribunal dated 13.01.2015 and dated 26.07.2018.

The Application is disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 01, 2019
M.A. No. 65/2019 in Application No. 06/2012
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