

Item No.11

Court No. 1

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

M.A. No. 181/2019  
IN  
Original Application No. 6/2012

Manoj Mishra

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 25.07.2019

(M.A. No. 181/2019 for seeking permission for creation of shallow water bodies/reservoir in Yamuna Flood Plain)

**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):

Mr. Pinaki Mishra, Sr. Advocate with Ms. Jyoti Mehndivatta, Advocate  
Mr. Rahul Chaudhary, Advocate in O.A No. 06/2012  
Mr. Sany Antony, Advocate

**ORDER**

**M.A. No. 181/2019**

1. This application has been filed by the Irrigation and Flood Control Department of Delhi Government for creation of water bodies/reservoirs in Yamuna Flood Plain area by retaining excess flood water of the river Yamuna during the monsoon season for recharging the groundwater from Palla to Wazirabad in Delhi.

2. It is stated that the proposal has been approved by the Principal Committee constituted by this Tribunal vide order dated 13.01.2015 in O.A No. 06/2012, *Manoj Mishra v. Union of India & Ors.*, on 15.07.2019 subject to conditions as follows:

“

- i. *The proposal to be carried out as a pilot project at one location only, to study the techno-economic viability and to identify the quantum of the ground water recharged.*
- ii. *The suggestions made by CGWB, CWC, UYRB and as made above (para 3,5,6 and 7) may be incorporated.*
- iii. *Piezometers may be installed near the proposed site and downstream, prior to the study, to compute the rise in groundwater levels due to creation of the pond. Net ground water recharge may be appropriately assessed using scientific data analysis.*
- iv. *Removal of silt to be carried out in a regulated and limited manner, so as to keep the morphology of the river undisturbed. Request made by Irrigation and Flood Control Department, GNCTD for sale/auction of excavated earth etc. (paragraph 3 of the Slide No. 22 of the Annexure-II) was not considered by the Committee as it was beyond the purview of the Committee.*
- v. *The cost of the project appears to be inhibitive for one recharge pit which will provide approx 2 MGD of augmented ground water. The components of cost may be reviewed and may not be considered.*
- vi. *Sufficient safeguard needs to be built for implementation of the project to ensure that no misuse*

*takes place through unauthorized activities such as extraction of sand and other natural resources.”*

3. It is further stated that the project is not expected to disturb the main direction of this Tribunal for rejuvenation of River Yamuna and is to be executed subject to the conditions imposed by the Committee.
4. While the Tribunal can have no objection to any legitimate project which does not interfere with the rejuvenation of River Yamuna and protection of its flood plains, the Tribunal can express no opinion on merits of any particular project. Merits of such projects have to be gone into by concerned statutory authorities in accordance with the laid down procedure.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 25, 2019  
M.A. No. 181/2019  
IN Original Application No. 6/2012  
AK