

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

**Original Application No. 145 of 2015  
(M.A. No. 1140/2015, 53/2016, 459/2016, 1259/2016, 1166/2017,  
1170/2017 & 1194/2017)**

**Umashankar Patwa & Anr. Vs. Union of India & Ors.  
(Earlier Titled as D.K. Joshi Vs. Union of India & Ors)**

**CORAM : HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present:**

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| <b>Applicant</b>                  | : Mr. Rahul Choudhary, Ms. Meera Gopal, Advs  |
| <b>Agra Development Authority</b> | : Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Mr. Charanjeet Singh Adv.<br>: Mr. Balendu Shekhar, Mr. Sriansh Prakash, Mr. Ravi Gopal and Mr. Raj Kumar Maurya, Adv.<br>: Mr. Narender Pal Singh, Ms. Aditi Singh, Adv. and Mr. Dinesh Jindal, LO for DPCC   |
| <b>Respondent No. 3</b>           | : Mr. I.K. Kapila, Adv. for UP Jal Nigam<br>: Mr. Pradeep Misra and Mr. Daleep Dhayani, Adv.<br>: Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CWC<br>: Mr. Raj Kumar, Adv. and Mr. Bhupender Kumar, LA for CPCB<br>: Mr. A. D. N. Rao and Mr. Sudipto Sircar and Mr. Nitesh Jain, Adv.<br>: Mr. Sanjay Upadhyay, Ms. Upama Bhattacharjee, Mr. Gautam Singh and Mr. Abhindra Maheshwari, Adv. for Pushpanjali Heights and Rajshree Gardens<br>: Mr. Deep Shikha Bharati, Adv. |

| <b>Date and Remarks</b>                               | <b>Orders of the Tribunal</b>   |
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| <b>Item No.<br/>15<br/><br/>December<br/>21, 2017</b> | <p><b><u>M.A. No. 1194 of 2017</u></b></p> <p>The Resident Welfare Association of Rajshree Garden Colony situated in Dayal Bagh Area at Agra has moved this Application for modification of the order dated 29<sup>th</sup> August, 2017 requiring demolition of the structures falling within the high flood line.</p> <p>The Learned Counsel appearing on behalf of the Association submits that the report dated 25<sup>th</sup> July, 2016 of the Irrigation Department of the State of Uttar Pradesh and the report of the Local Commissioner reveal that the construction/structures of the Association falls out of the flood plain line. He submits that only the boundary wall of the colony is abutting the pillar earmarking the flood plain</p> |

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|  | <p><b>Item No.<br/>15</b></p> <p><b>December<br/>21, 2017</b></p> | <p>line as per the photographs annexed to the Application(Pg 747 and 748).</p> <p>We have also before us the report dated 10<sup>th</sup> August, 2017 filed by the State of Uttar Pradesh which suggests that the construction of Rajshree Garden Colony Association is out of the flood plain line. Report of the Registry dated 26<sup>th</sup> August, 2017 points out that the structure is touching the flood plain line and the pillar abutting the project boundary is Pillar No. RU-33.</p> <p>The Learned Counsel appearing on behalf of the Association submits that the boundary wall abutting the said pillar has been demolished.</p> <p>The Learned Counsel appearing for the State of Uttar Pradesh and Uttar Pradesh Pollution Control Board submit that they have no clear instructions in regard to the demolition of the said structure. The State of Uttar Pradesh and UPPPCB to confirm whether the wall has been demolished.</p> <p>List this matter on 02<sup>nd</sup> January, 2018, the date already fixed.</p> <p><b><u>M.A. No. 53 of 2016, 459 of 2016, 1259 of 2016,1166 of 2017, 1170 of 2017 &amp; 1194 of 2017</u></b></p> <p>Issue Notice to the non-Applicants.</p> <p>The service of Notice is waived by the non-applicants. Copies of the Application shall be supplied by the respective Applicants to the non-Applicants, if not already supplied. Copies be supplied within three days from today. Replies be filed to all these Applications within one week thereafter.</p> <p>List this matter on 02<sup>nd</sup> January, 2018, the date already fixed.</p> |
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|  | <p><b>Item No.</b><br/><b>15</b></p> <p><b>December</b><br/><b>21, 2017</b></p> | <p><b><u>Main matter</u></b></p> <p>List this matter on 02<sup>nd</sup> January, 2018, the date already fixed.</p> <p>.....,JM<br/>(U.D. Salvi)</p> <p>.....,EM<br/>(Dr. Nagin Nanda)</p> |
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