

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

**M.A. NO. 489/2013, 491/2013, 565/2013, 609/2013,
15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014,
211/2014, 304/2014 & 305/2014**

IN

Original Application No. 89 of 2013

Akash Vashishtha & Anr. Vs. Union of India &Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:

Applicant:	Mr. Amit Khemka Advocate, Ms. Sanorita D. Bharali, And Advocate with the Applicant in person.
M.A. No. 489 of 2013:	Mr. Dinesh Dwivedi and Mr. Amit Seth, Adv.
M.A. No. 609 of 2013:	Mr. Kailash Pandey, Adv.
Respondent No1:	Mr. Vivek Chib and Mr. Asif Ahmed, Adv.
Respondent No.2to4:	Mr. Gaurav Bhatia, AAG UP, Mr. Raman Yadav and Ms. Savitri Pandey, Advocates
Respondent No.5:	Mr. D. Rajeshwar Rao and Mr. Vikrant Kaushi, Advocates
Respondent No. 6:	Mr. Manjit Singh, AAG, Ms. Nupur Choudhary and Mr. Tarjit Singh, Adv.
Respondent No.7:	Mr. Dinesh Dwivedi, Sr. Adv. Mr. Ruchir Mishra, Mr. Sanjeev Saxena and Mr. R. Mishra, Advocates
Respondent No.8:	Mr. Gaurav Bhatia, AAG and Mr. Aman Mishra, Adv.
Respondent No.9&12:	Ms. Reena Singh, AAG, UP with Ms. Bhakti Pasriya Sethi and Mr. Devesh Kumar, Adv.
Respondent No.10:	Ms. Sushma Singh, Advocates
Respondent No.11:	Mr. M. P. Shorawale and Ms Jyoti Saxena, Advocates
Respondent No.14:	Mr. Ravi P. Mehlotra and Mr. Abhinav Kr. Malik, Advocates
Respondent No.15:	Mr. Balendu Shekhar, Adv.
Respondent No. 16:	Mr. Harish Pandey, Mr. Mayank Upadhayay, Adv.
Respondent Nos. 19 to 21:	Mr. G.S. Raghav, Adv. and Mr. Pankaj Kr. Adv.
Respondent Nos. 24, 29, 33 & 35:	Mr. Aagney Sail, Advocate
	Mr. G.S. Raghav, Adv. in M.A. Nos. 54 to 57 of 2014 and 63 and 64 of 2014
	Mr. B.P. Aggarwal, Adv. Applicant in M.A. No. 91 of 2014
	Mr. Kailash Pandey, Advocate, Applicant in M.A. No. 609 of 2013

Date and Remarks	Orders of the Tribunal
Item No. 12 July 9, 2014	Having heard the Learned Counsel appearing for the parties at some length we direct that arguments in the present case would be heard in the following manner: 1. Firstly, the parties would address the Tribunal on the question whether or not the river bank areas particularly in NCR, Delhi have been declared as flood

plain area or not under any law in force or not?

2. Even if any such declaration is made in the above terms would it be possible for the Applicant to contemplate that flood plain area would still exist and they cannot be permitted to raise any construction in that area.
3. Wider spectrum of the case and in continuance of our previous Order the Learned Counsel appearing for the parties would address us on the question whether the flood plain areas/river front development areas and any other regulations are made by the MoEF in regard to the flood plain area.
4. The Appellant who have filed the Appeal against the Order of the demolition would also argue on the question of maintainability and merits of the Appeal.

The MoEF was directed to take a clear stand on the issue vide our Order dated 2nd December, 2013. The Learned Counsel appearing for MoEF submits that he has filed the Affidavit. However, a Committee has been constituted for framing a national policy in relation to river regulation zone and the same is likely to take some time before a final view can be placed before the Tribunal.

We direct the Additional Secretary, MoEF to file a personal Affidavit stating what steps have been taken in the last seven months when this case is being adjourned in that behalf. The time target programme should be stated in that Affidavit. Needless to mention here that this stand of MoEF of formulation of such regulation would have a direct bearing on the matter in controversy in all these cases. Thus, we direct that Affidavit would be filed within two weeks from today. List this matter arguments on 19th and 20th August, 2014 at the end of the Board.

We also direct the National Disaster Management Authority and the Ministry of Water Resources to take their respective stand on record within two weeks from today

with advance copy to the Learned counsel appearing in this case.

.....,CP
(Swatanter Kumar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Dr. R.C. Trivedi)

.....,EM
(Ranjan Chatterjee)

