

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

Original Application No.463/2022
(I.A. No. 157/2022)

(By Video Conferencing)

Vipin Nayyar

Applicant

Versus

Union of India & Ors

Respondents

Date of hearing: 05.07.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in person.

ORDER

1. The applicant has filed present application under Section 14 read with Section 18 of the National Green Tribunal Act 2010 with the prayer for issuance of directions to the concerned regulatory authorities/respondents for demolition and removal of Hotel Ganga Forest View and Restaurant Hide Out Cafe respectively illegally constructed in the flood plain zone of river Ganga in Rishikesh and to remedy the environmental damage caused.

2. The applicant has averred that Respondents no. 6 and 7 have illegally constructed Hotel Ganga Forest View and Restaurant Hide Out Cafe respectively at a distance of about 12 meters from the edge of the River Ganga. Constructions thereof have been raised without any sewer line connection or STP. Hotel Ganga Forest has been constructed right

over the filter trench of the catchment area of the Dam and is discharging human waste into the filter trench. Dam area has also been encroached by erecting columns, beams and RCC roof over the Afflux bund/Catchment area. The above said hotel has also made illegal borewell at Gali No. 6 and is extracting ground water for commercial purpose. The applicant has further averred that constructions raised by Respondents no. 6 and 7 are in blatant contravention of Section 6(3) of the Notification dated 07.10.2016 issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation, New Delhi,; Section 12 (3) of the Uttarakhand Flood Plain Zoning Act 2012 and Government of Uttarakhand G.O. No. 1743/V-2/58 (आ०) 14/2016 dated 14.12.2016.

3. In view of the serious allegations made in the present application, it would be appropriate to have a factual and action taken report in the matter. Accordingly, we constitute a Committee comprising of representative of National Mission for Clean Ganga, SEIAA, Uttarakhand, Uttarakhand Environment Protection and Pollution Control Board, Central Ground Water Authority, Managing Director, Uttarakhand Jal Vidyut Nigam Limited and District Magistrate, Dehradun. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant and take remedial action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance. Factual and action taken report may be furnished within two months 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.

List the matter for further consideration on 26.09.2022.

A copy of this order, along with a copy of the application, be forwarded to the National Mission for Clean Ganga, SEIAA, Uttarakhand, Uttarakhand Environment Protection and Pollution Control Board, Central Ground Water Authority, Managing Director, Uttarakhand Jal Vidyut Nigam Limited and District Magistrate, Dehradun by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

July 5, 2022
O.A. No. 463/2022
AG