

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

(By Video Conferencing)

Appeal No. 35/2021
(I.A. No. 173/2022)

Manoj Mishra & Anr.

Appellant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.09.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Rahul Choudhary, Advocate

Respondent(s): Ms. Sunita Bhardwaj, Advocate for MoEF & CC
Mr. Amit Anand Tiwari, Advocate for M/s UJVN Ltd. (R - 3)

ORDER

1. This Appeal has been preferred against Environmental Clearance (EC) granted by the Ministry of Environment, Forest & Climate Change (MoEF&CC) vide order dated 02.02.2021 for Lakhwar Multipurpose Project (300 MW) in District Tehri Garwal and Dehradun of Uttarakhand by M/s UJVN Ltd.

2. The appellant had earlier filed O.A No. 431/2015, *Manoj Misra & Anr. v. Union of India & Ors.*, against approval granted by the MoEF&CC on 03.02.1987. The Application was disposed of by the Tribunal on 10.01.2019. The Tribunal noted that the work started in 1987 and continued till 1992. Later, the project was bifurcated into two components Lakhwar Multipurpose Dam (300 MW) and Vyasi HEP (120 MW). A

separate Environmental Clearance was obtained for Vyasi HEP on 17.09.2007. Subsequently, EC was transferred to Uttarakhand Jal Vidyut Nigam (UJVNL). After 2013 tragedy, an expert body was set up by MoEF in October, 2013 on the direction of Hon'ble Supreme Court. One of the terms of reference was to assess and review extent of progress made in respect of ongoing/under construction Hydro Electric Power Projects as on the date of occurrence of the tragedy. Summary of "Assessment of Environmental Degradation and Impact of Hydro Electric Power Project during the June, 2013 Disaster in Uttarakhand" submitted to MoEF in 2014 includes observation of one of the Member of the expert body Dr. Hemant Dhyani.

3. After considering the objection of the applicant that the validity of earlier EC had expired and the project needs to be re-appraised in terms of EIA Notification 2006, the Tribunal directed such reappraisal as follows:-

"7. It has been noted by the expert Committee that as per the EIA notification dated 14.09.2006 the validity of approval EC is 10 years and that in number of cases the validity of EC is 5 years. The expert Committee have recommended that the validity should not be extended, unless fresh appraisal is done.

8. Learned Counsel for the Project Proponent submits that they have complied with all the conditions of the approvals and have also clarified the various points raised by the EAC in 2010. It is, however, not known whether the clarifications given by the project authorities were placed before the EAC.

9. After considering the pleadings and materials on record, we are of the considered opinion that the clarifications given by the Project Proponent, the report of the expert Committee and finding of various studies need to be looked into and studied by the EAC and project needs to be reappraised in terms of EIA notification, 2006.

10. We, therefore, direct the EAC to appraise the project afresh in terms of EIA notification 2006 and impose additional general and specific conditions as may be considered necessary. EAC will be free to call for any reports which it may consider necessary. EAC is further directed to complete the appraisal by 15.04.2019. Till the project is reappraised status quo shall be maintained."

4. In pursuance of above, impugned EC has been granted.

5. Vide order dated 20.01.2022, the Tribunal considered the Appeal. After noting the proceedings leading to the grant of EC and objections of the appellant that impact on biodiversity, clearing of forest land and other environmental concerns remained unaddressed, the Tribunal constituted an independent Committee of multi-disciplinary domain experts to look into the environmental viability of the project and subject to viability, to suggest mitigation measures required to be adopted. The domain expertise found relevant was for issues of seismology, protection of fisheries, flora & fauna, biodiversity, catchment area treatment, muck dumping and social issues arising out of submergence. Relevant extracts from the order dated 20.01.2022 are as follows:

“xxxxxx.....xxx

3A. As shown by the impugned order, re-appraisal was conducted. A sub-committee visited the project site in April, 2019. ToR was issued on 05.12.2019 Public hearings were held on 30th September 2020 at Lakhwar Stadium, Near Mahasu Mandir, Village Lakhwar, District Dehradun and 12th October 2020 at Government Primary School, Ranogi (Debogi), District Tehri (Garhwal, Uttarakhand. Primary Data was collected through field surveys for pre-monsoon and monsoon from May 2019 to August 2019. EIA/ EMP report for Environment Clearance was submitted to the Ministry on 20.11.2020. The proposal was considered by the Expert Appraisal Committee (EAC) on 02.12.2019, EAC deliberated on the information submitted (Form 2, EIA/EMP report Public Hearing issues kml file, etc.) and as presented in the meeting and observed that MoEF&CC vide letter F. No. 8-172/1986-FC (pt-1) dated 31.01.1014 accorded the approval for transfer of the lease in favor of UJVN Ltd. in respect of 768.1552 hectares of forest land already diverted during 1986 for construction of Lakhwar Project. Standing Committee of National Board for Wildlife, MoEF&CC in its meeting held on 17.04.2020 recommended the proposal for construction and commissioning of Lakhwar MPP and communicated the same vide letter F.No. 6-2/2020 WL dated 20.04.2020. EAC during the meeting also noted that though it is a Multipurpose Project, instant application is for only hydroelectric component. EAC after detailed deliberation on the information submitted by the Project Proponent, recommended the proposal for grant of Environmental Clearance subject of compliance of applicable Standard EC conditions with the certain additional conditions as follows:-

- “i. The Environmental Management Plan (EMP) shall be strictly adhered to as submitted in the EIA/EMP reports. The budgetary provisions (Rs. 29685.68 lakhs) for

- implementation of EMP, shall be fully utilized and not to be diverted to any other purpose. In case of revision of the project cost or due to price level change, the cost of EMP shall also be updated proportionately.*
- ii. After 5 years of the commissioning of the project, a study shall be undertaken regarding impact of the project on the environment. The study shall be undertaken by an independent agency.*
 - iii. Any other clearances from any other organization/department as applicable to the proposed project shall be obtained.*
 - iv. Solid waste generated, especially plastic waste, etc. should not be disposed of as landfill material. It should be treated with scientific approach and recycled. Use of single-use plastics may be discouraged.*
 - v. Land acquired for the project shall be suitably compensated in accordance with the law of the land with the prevailing guidelines. Private land shall be acquired as per provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*
 - vi. PP shall procure construction material only from those Organizations having all valid legal/statutory clearances/permissions or necessary permission to be obtained for quarrying construction materials for the project as per the EIA Notification, 2006 and as amended thereof.*
 - vii. An institutional mechanism to be developed to ensure the preference of jobs to PAFs and also a policy for preferential treatment for award of sundry works to the PAFs and their dependents.*
 - viii. As the proposed project falls in Yamuna River Basin and its CIA & CCS is already complete, the recommendation of CIA & CCS shall be followed while implementing the Project.*
 - ix. Beneficiary states of Lakhwar project shall take separate Environmental Clearance for irrigation as per the EIA Notification, 2006 and as amended thereof.*
 - x. The clearance is valid for period of 10 years from the date of issue of this letter for commissioning of the project*
 - xi. The EC granted is strictly under the provisions of EIA Notification, 2006 and amendments thereof. It does not amount to be approval under any other acts or rules applicable for the project, the requisite approvals of which have to be ensured by the Project Proponent.”*

4. The EAC also noted as follows:-

“6 Lakhwar Multipurpose Project is located on Yamuna River in the Dehradun and Tehri Districts of Ullarakhand State and being developed by UJVN Lid. The construction of dam and underground power house for Lakhwar Multipurpose Project (300 MW) is proposed near Lohari village in Kalsi Tehsil of Dehradun district of Uttarakhand. Proposed dam site is located at latitude 303103 N and longitude 7756'58" E. All the components of Lakhwar Multipurpose Projects are approachable from National Highway 507 (123). NH 507 is the one the busiest highway in the region from May to October,

connecting Dehradun to Yamunotri (a Hindu pilgrim) The project site is approachable from Dehradun by NH-507 up to project site at Lohari village. Kalsi is the nearest important town from the project area which is 20 km away from Project site.

7. PP informed about project components which includes (1) A 204m high concrete gravity dam with top level of the dam at El 800 m and the riverbed level at the dam site is around El 623 m. The Full Reservoir Level (FRL) and minimum draw down level (MDDL) of the reservoir are El 796 m and El 752 m, respectively, with gross storage of 587.84 MCM at FRL for diurnal peaking capabilities. The intake structure has been proposed on right abutment just upstream of dam body Submergence area at FRL of 796m has been worked out as 957 ha; which will provide a gross storage of 587.84 MCM and live storage of 330.40 MCM. Average width of submergence is 483 m and length of submergence is 23 km. Three steel lined penstocks, each of 4.30 m diameters with length of 186.5 m, 211 m and 235 m; (01) An Underground Powerhouse (size of cavern- 165 m x 20 m x 48.05 m D-Shaped (unfinished) is proposed with Vertical Francis turbines at axis level of El. 616 m. The reservoir to be created by the dam will operate between FRL 796 m & MDDL 752m with rated head of 148.0m. The installed capacity of the power house will be 300 MW.
8. PP informed that total land requirement is 927.0822 ha; out of which 158.927 Ha is private land and 768.1552 Ha is forest land. Approval of diversion of 868.08 ha forest land of combined Lakhwar-Vyasi Multipurpose Project in favour of Uttar Pradesh Irrigation Department was accorded by MoEF vide letter No -8-172/86-Fry (Cons) 31.01.2014 Dated 31.10.1986. MoEF&CC vide letter F. No. 8-172/1986-FC (pt-1) dated accorded the approval for transfer of the lease in favour of UJVN Ltd in respect construction of 768.1552 of Lakhwar hectares of forestland already diverted during 1986 for Project.
9. PP informed that the project is located within 10km aerial distance of Mussoorie Wildlife Sanctuary. Standing committee of National Board for Wildlife, MoEF&CC in its meeting held on 07.04.2020 recommended the proposal for Construction and Commissioning of Lakhwar MPP and communicated the same vide letter no.F.No.6-2/2020WL dated 20.04.2020.
10. PP informed that project benefit includes annual Generation- 572.54 MU and in addition, it will also bring irrigation and drinking water benefits to six states for overall development in the region, beneficiary states will utilize their share of water as per the agreement signed on 28.08.2018. A number of marginal activities and jobs would be available to the locals during construction phase. During construction about 2000 skilled and unskilled manpower will be engaged for various construction activities. The cost of power component as per the approved revised cost estimate was worked out

to be as Rs. 1074.16 crores (18.7% of the total cost of Rs. 5747.17 Crore).”

5. We have heard learned counsel for the appellant. **Contentions raised on behalf of the appellant are that the drinking water/irrigation component of the project has not been appraised and the EAC went beyond its mandate while conducting its meeting for granting the Environmental Clearance to the project. The EIA Report prepared for the project is highly deficient and faulty as it did not take into account the impact on biodiversity of the project and the impact of clearing a forest land of 768.15 ha. It is submitted that the disaster management plan is also highly faulty as it does not take into consideration the location of the project with respect to seismic activity. Additionally, the muck disposal sites are at close proximity to the river. The cumulative impact assessment study for Yamuna river basin is not available in public domain. The project has also adversely impacted the flow of water in Yamuna River. The appellant has also questioned the credentials of the Chairman and members of the EAC and it is submitted that the project is not viable on account of adverse impact on flora and fauna and also having regard to the location of the project. Safeguards incorporated are not adequate.**

6. We are of the view that **having regard to mandate of the Tribunal to conduct merit review, irrespective of any merit in the case of the appellant, merely looking at procedural aspects and credentials of the Chairman and Members of the EAC may not be helpful to the cause of environment. A comprehensive view on substance of the matter may be in larger public interest. This may require opinion of domain experts to facilitate informed decision of the Tribunal about the viability of the project and conditions subject to which the same can be allowed, apart from conditions already laid down.** Accordingly, we constitute an independent expert Committee comprising of multi-disciplinary authorities as follows:-

- i. Additional Secretary, MoWR (will Chair the Committee)
- ii. Director Cold Water Fisheries, Nainital
- iii. Geological Survey of India (GSI)
- iv. IIT Roorkee
- v. Ministry of Social Justice and Empowerment
- vi. Wildlife Institute of India, Dehradun
- vii. Institute of Seismological Research, Gandhinagar

The Secretary, Department of Energy, Govt of Uttarakhand will act as the Member Secretary of the Committee for coordination and compliance.

7. The Committee has been constituted **having regard to domain expertise to deal with the issues of seismology, protection of fisheries, flora & fauna, biodiversity, catchment area treatment and other environmental issues including, muck dumping and social issues arising out of submergence.** The domain experts will look into their respective fields, to be collated collectively by the Committee. The meeting of the Committee may be called within one month. Further study may be completed within two months in the light of available data or such other data as may be required to be collected. The Committee may record its observations

about the viability of the project, mitigating the adverse impact on environment, flora and fauna and further conditions which may be required to be laid down including the mechanism for monitoring during the setting up and execution of the project and also for resettlement and rehabilitation of inhabitants who may be displaced. The Committee may complete its proceedings as far as possible within four months and file its report before this Tribunal on or before June 30, 2022 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. The report may also be uploaded on the website of the Uttarakhand Government and Ministry of Power, so as to be accessed by any stakeholder/party. Any objection, suggestion, observation for the report may be filed before this Tribunal within one month thereafter i.e. by July 31, 2022.”

6. Accordingly, report has been filed by the joint Committee on 12.08.2022. Domain experts in the Committee are as follows:

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Sl. No.	Name	Designation & Organization	Role in Committee
1	Ms. Debashree Mukherjee	Additional Secretary, MoWR, GoI, New Delhi.	Chairperson
2	Ms .Ranjana Rajguru	Additional Secretary, Department of Energy, GoU.	Member Secretary
3	Dr .Debajit Sarnia	Principal Scientist, Directorate of Cold Water Fisheries Research, Bhimtal, Nainital.	Member
4	Dr.Timир Baran Ghoshal	Director, GSI, Eastern Region, Kolkata.	Member
5	Prof. Deepak Khare	Indian Institute of Technology, Roorkee.	Member
6	Dr. Gopi G.V	Scientist-E, Wildlife Institute of India, Dehradun.	Member
7	Dr. Sumer Chopra	Director, Institute of Seismological Research, Gandhinagar.	Member
8	Mr.M. K. Ujjainia	Dy. Director General, Statistics Division, Ministry of Social Justice and Empowerment, New Delhi.	Member

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7. The Committee held its first meeting and assigned specified role to each domain expert. Thereafter, due evaluation was done by respective domain experts and unanimous conclusion was arrived at that the project was in the national interest and compliant with all the norms. However, recommendations have been made for further safeguards and measures. Summary of the report is as follows:

“Table – I Summary of the Reports

S. No.	Agency	Allocated field (Term of references)	Concluding remark and Key outcome (Recommendation)	Assessment/ recommendation report place at Annexure
1.	Cold water Fisheries, Nainital	Protection of fisheries	Provisions made in the EIA/EMP report are satisfactory to mitigate the impacts. However, following points are recommended to strengthen the EMP:- • Construction of Mahaseer hatchery and farm in two identified villages is necessary, for conservation and rehabilitation of mahaseer in large scale in due course of time i.e. prior to filling of reservoir • After construction of Dam, for rehabilitation of endemic fishes in the reservoir a proper strategy is essential. Therefore, management of reservoir with stocking right kind of fishes should be properly implemented for its rehabilitation at the right time. • To encourage construction of fish farms by the local farmers /people of the area and PAFs in their own land, the technical training and inputs are to be provided free of cost to improve the livelihood security of the rural people by forming self-help groups and societies. • For conservation of snow trout and other indigenous group of fishes a detail quantitative study on “Habitat Ecology and Ichthyofaunal diversity of upper stretches of Yamuna and its adjoining tributaries” of the proposed project site is recommended simultaneously with project implementation. For this purpose, a specific budget may be included in the EMP.	Annexure –XIV

2.	Geological Survey of India (GSI)	Issues of seismology-Disaster management plan is also highly faulty as it does not take into consideration the location of the project with respect to seismic activity.	GSI is involved for all the Geological investigations works for the Lakhwar Project since its inspection i.e 1970-71. Presently there is no issue pertaining to GSI and they have nothing to add for any suggestions on the issue. GSI, State Unit, Uttarakhand is associated with project implementation and if any issue arises during project implementation the same shall be suitably dealt. Opinion on the issues of seismology and seismic activities of the project area will be separately given by the expert of ISR, Gandhinagar.	Annexure –XV
3.	Indian Institute of Technology (IIT), Roorkee	1. Drinking water irrigation component of the project has not been appraised. 2. The Project has adversely impacted the flow of water in Yamuna river.	- At present there is no new irrigation project planned or associated for Lakhwar Project. - Beneficiary states (i.e. Haryana, UP, Uttarakhand, Rajasthan, H.P., Delhi) will use their existing system/ structure for irrigation and drinking purpose. Therefore irrigation component need not to be appraised at this stage. - If any of the six beneficiary states plan new or expansion of existing irrigation projects, then there will be a separate appraisal of those projects by the respective state. - The Lakhwar project is a storage project, which will store in the rainy season and release in the lean period resulting in enhancing the availability of water in the Yamuna river. - There is no dry stretch in the u/s and d/s of the Lakhwar project. - The distance between the Lakhwar and Vyasi Dam is around 5.0 km, therefore adverse impact in Yamuna river is not anticipated, as the reservoir of	Annexure –XVI

		3. Catchment area treatment & other environmental issues including muck dumping.	<i>Vyasi project (d/s of Lakhwar) is extending upto Lakhwar Dam i.e. Toe/energy dissipation system. Therefore, flow in the Yamuna River, shall be governed by releases of the Vyasi Project.</i> 4. <i>Since Lakhwar project is storage project there will be impact of flows in the river in the d/s, side but E-flow shall be released as per the guidelines of the Uttarakhand Government (Ref: Uttarakhand Government Order Regarding Release Of Minimum E-flow VideLetter.708/1/2018-05/24/(Writ)/2018/ Dated 05 June,2018). As the E-flow would be released as per guidelines, adverse impact of flow on Yamuna River is not anticipated.</i> <i>It is to suggest that, Discharge Gauging site on both u/s and d/s of the Lakhwar project be established with real time monitoring so as to have regular monitoring during construction and after commissioning of the project.</i> <i>Catchment Area Treatment Plan (2013) (Ref: Catchment Area treatment Plan (CAT-Plan) For Lakhwar Multipurpose Project (300 MW), Prepared By Mussoorie Forest Division, Department Of Forest, Uttarakhand (2013) has considered the followings:</i> <i>• Soil and Water Conservation measures are planned</i>	
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			• <i>Watershed Management plan would help in increasing recharge/infiltration, particularly in springs.</i> • <i>CAT Plan would reduce the soil erosions as well.</i> • <i>Plantation Works proposed to seem adequate</i> • <i>Drainage line Treatment proposal seems OK</i> • <i>Treatment of Gullies and construction of Gabions/Check Dams would help in increasing infiltration</i> • <i>Micro Irrigation and Rainwater Harvesting are taken up separately, these works seem adequate</i> • <i>Livelihood activities are also part of the CAT plan</i>	
4.	<i>Ministry of Social Justice and Empowerment (MoSJ&E), New Delhi</i>	<i>Social issue arising out of submergence. Resettlement and rehabilitation of inhabitants.</i>	<i>Clarification was submitted by UJVN Ltd. towards observations from MoSJ&E providing reference to the relevant provisions mentioned in EIA/EMP report and seems to be satisfactory. However following is recommended:-</i> <i>Remaining private land (53.505ha.) should be acquired in accordance to the provisions of The Right to Fair Compensation and in Land Acquisition, Rehabilitation and Resettlement Act, 2013".</i>	<i>Annexure –XVII</i>

			<i>An independent monitoring agency should be put in place for proper implementation of R&R as well as Local Area Development (LAD) Plan.</i> <i>Implementation reports of R&R and LAD measures should be shared with department of Social Justice & Empowerment New Delhi.</i> <i>Grievance Redressal Mechanism (GRM) to be established for the project and GRM records should be maintained for periodic review.</i>	
5.	<i>Wildlife Institute of India (WII), Dehradun</i>	<i>Protection of biodiversity -EIA Report prepared for the project is highly deficient and faulty as it did not take into account the impact on biodiversity of the Project.</i> <i>2. Impact of clearing a forest land of 768.15ha.</i> <i>3. Protection & fauna - The project is of Flora not viable on account of adverse impact of flora and fauna.</i>	<i>The user agency had provided satisfactory and convincing responses and on the elaborated comments which were provided to strengthen the EIA/EMP report. However, following is recommended:-</i> <i>Efforts should be enhanced by implementing the EMP in true spirit.</i> <i>Present budget of Rs. 208 Lakhs for Biodiversity Conservation and Management Plan (BCWMP) is inadequate, therefore the same should be increased.</i> <i>Allocated time of 6 years to be increased to 10 years to document during construction and post-commissioning monitoring of the plan.</i> <i>Biodiversity Management Plan (BMP) monitoring committee should have experts from WII, FRI and ICFRE to timely monitor the effective implementation of plan.</i>	<i>Annexure –XVIII</i>

6	Institute of Seismological Research (ISR), Gandhinagar	Issues of seismology Disaster management plan is also highly faulty as it does not take into consideration the location of the project with respect to seismic activity.	The project site is located in Zone IV as per seismic zoning map of India where earthquakes up to M7 can be expected and zone factor prescribed by BIS is 0.24g. The probable intensity of earthquake in zone IV Corresponds to earthquake of intensity VIII on MSK64 scale. The seismic hazard assessment at the Lakhwar dam-site has been carried out by Department of Earthquake Engineering, Indian Institute of Technology, Roorkee to obtain site-specific earthquake parameters. Both probabilistic and deterministic approaches were followed for the seismic hazard assessment as per the guidelines prescribed by National Committee on Seismic Design Parameters (NCSDP). The study recommended site-specific design earthquake parameters of 0.47g and 0.27g for horizontal ground motions for maximum credible earthquake (MCE) and design basis earthquake (DBE), respectively. For vertical ground motions, the parameters are 0.31g for MCE and 0.18g for DBE. IIT, Roorkee also carried out micro earthquake investigation in and around the Lakhwar project site as per the recommendations of NCSDP. The study found very low-level seismic activity within 40 km of dam-site and seismicity is scattered in the range 40-80 km. NCSDP cleared/ approved the parameters and report in 2018. The site-specific earthquake design parameters considered are found to be reasonable and as per the seismicity in and around the dam-site. The dam-site was also visited on April 4, 2022. As per data obtained from historical records, local network that worked for around a year and seismic networks working in Garhwal region and as per latest research papers related to seismicity in this area not much seismicity is noticed in and	Annexure –XIX
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			around the dam-site in the last 150 years. Therefore there is nothing to support the claim that the project does not take into consideration the location of the project with respect to seismic activity. However on the safer side, following are the recommendations: • Project may be monitored closely with a permanent network of at least 5 seismological observatories installed in and around the project site. • One set of Broadband Seismographs and Strong Motion Accelerographs each may be installed in each of the observatory. This will help in monitoring micro-seismicity in the vicinity of the dam and identification of active faults	
7	UJVNL	The Cumulative impact assessment study for Yamuna river basin is not available in public domain.	UJVN Limited as a nodal agency of GoU entrusted the Cumulative Impact Study of Hydro Power Projects on River Yamuna and Tons & its tributaries, in Uttarakhand to a consortium of Expert Institutions like Indian Council of Forestry Research & Education (ICFRE), Dehradun (Lead organisation), Alternate Hydro Energy Centre (AHEC), Indian Institute of Technology, Roorkee, Directorate of Coldwater Fisheries Research (DCFR), Bhimtal, Nainital, Uttarakhand and Salim Ali Centre for Ornithology & Natural History (SACON),	Annexure –XX

			Coimbatore, Tamil Nadu. The said report was also discussed and deliberated at length in the 22nd meeting of the EAC (Central level) held on 27.02.2019 at New Delhi. EAC given certain suggestions and comments with emphasis that the river basin study should not be limited to a particular State, it has to consider the complete basin or sub-basin. Thus, the hydro electric projects located in the state of Himanchal Pradesh in the Yamuna river basin should be included in the CIA & CC study. Hence, all the hydro electric projects in Yamuna river basin up to Paonta Sahib in Sirmour district of Himanchal Pradesh should be included in the study. To that end, a proposal detailing revised scope of work, terms of Reference, time frame, cost estimates, deliverables is required to be invited for completing the study in Yamuna river basin as above. The total number of hydroelectric projects (operational, under construction and proposed) to be considered in the River Basin Study (RBS) shall be finalized and frozen in consultation with both the State governments. No other HEP's shall be considered once the RBS has been finalized. In this regard, ICFRE, Dehradun has submitted a detailed proposal to the MoEF & CC. After finalization of the CLA study by MoEF&CC, study report of Yamuna river basin shall be uploaded in the public domain and UJVN Limited shall abide by the directions and recommendations.	
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8	All Expert members	The muck disposal sites are at close proximity to the river	As per decision of the committee in second meeting held on 05.04.2022, a detailed muck disposal plan was presented before the committee and it was informed by UJVN Limited that all new proposed muck dumping sites are 30 meter away from the HFL of river, as per requirement of MoEF & CC guidelines. In reference to Old muck dumping sites it was informed that most of these sites are in stabilized condition and no scattering of material has been observed. The overall condition of already dumped site is quite sound as they were supported with the help of crate walls and compacted also wherever necessary (Ref. CAT plan 2013 for Lakhwar MPP prepared by Mussoorie, forest Division). However any further measures as required during project execution shall be undertaken as per MoEF&CC guidelines. The Committee members discussed the issue at length and was of the view that the proposal seems to be satisfactory. However, proper compliance need to be ensured during implementation for which monitoring team may visit the site at regular interval.	
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8. We have heard learned Counsel for the parties. No objection has been filed against the report. We also see no reason not to accept the same. Accordingly, we accept the same and direct compliance of all the recommendations therein. In view of independent and thorough appraisal of all relevant environmental issues, we are satisfied that the project is in national interest and viable, subject to suggested safeguards. Thus, we see no reason to interfere with the EC except for directing adoption of safeguards and measures in terms of the report.

9. Learned Counsel for the PP fairly stated that it will abide by all the recommendations of the Committee which include steps for development of fisheries, taking steps on the issues of seismology and seismic activities of the project area, monitoring of the project with a permanent network of at least 5 seismological observatories installed in and around the project site, one set of Broadband Seismographs and Strong Motion Accelerographs being installed in each of the observatory.

10. Accordingly, we uphold the impugned EC subject to compliance of all the EC conditions and recommendations of the Committee constituted by this Tribunal. Additional financial allocation may be made accordingly.

The appeal is disposed of accordingly.

I.A. No. 173/2022 also stands disposed of.

If any further grievance survives, it will be open to the aggrieved party to take remedy as per law.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

September 19, 2022
Appeal No. 35/2021
(I.A. No. 173/2022)
DV

Prof. A. Senthil Vel, EM