

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

M.A. No. 62/2023
IN
Original Application No. 670/2018
(I.A. No. 752/2023)

Atul Singh Chauhan
Versus
Applicant

Ministry of Environment, Forests and
Climate Change & Ors.
Respondent(s)

State of Uttar Pradesh
WITH
Applicant in MA

Review Application No. 31/2023
IN
Original Application No. 394/2022

Pushpendra Kumar
Versus
Applicant

Block Development Officer, Kadaura & Ors.
Respondent(s)

State of Uttar Pradesh
Review Applicant

Date of completion of hearing and reserving of order: 01.11.2023

Date of Pronouncement of order: 10.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ranjan Kumar Rai, Adv. for Original Applicant in OA 394/2022

Respondent: Ms. Garima Prasad, AAG with Ms. Priyanka Swami & Mr. Gigi. G. George,
Adv. for the State of UP
Mr. Bhanwar Pal Singh Jadon, Adv. for Animal Husbandry Deptt., State
of Uttar Pradesh

ORDER

1. Review Application No. 31/2023 has been filed by the State of Uttar Pradesh for review of the order dated 20.07.2023 passed in OA No.

394/2022 seeking limited review to wind up of the Oversight Committee and permit monitoring of the environmental compliance and issues through the State Monitoring Mechanism

2. MA No. 62/2023 is an application filed on behalf of the State of UP to consider the report dated 21.07.2023 with the plea that the State of UP has now evolved the mechanism for looking into the environmental compliance and other issues, therefore, continuance of Oversight Committee will create difficulties in the smooth functioning of the administrative hierarchy.

3. Submission of learned Counsel appearing for the applicant in Review Application and in the MA is that since State of UP has now set up its own three-tier system along with necessary Committees, therefore, continuation of Oversight Committee appointed by the Tribunal is not necessary. She has submitted that the State is incurring unnecessary financial expenditure on functioning of Oversight Committee which is not needed in view of the three-tier system set up by the State.

4. Learned Counsel for the applicant in OA has submitted that he has no objection in granting the prayer but the Oversight Committee is also performing properly.

5. The Tribunal had considered the application for constitution of the Committee to oversee the compliance of the order of the Tribunal in OA No. 670/2018, while considering the issue of illegal sand mining in the riverbed of River Yamuna in Allahabad. Accordingly, the Tribunal on 21.10.2019 in OA No. 670/2018 considering the proposal of the State of UP had constituted the Oversight Committee by directing as under:

“9. On due consideration, we are of the view that the Oversight Committee as proposed by the State needs to be constituted by this Tribunal itself as such committee is to report to the Tribunal with reference to the compliance of orders of this Tribunal as follows:

- i. Justice S.K Singh, former Judge of the Allahabad High Court, Chairman*
- ii. Dr. Anup Chandra Pandey, former Chief Secretary, Uttar Pradesh, Member.*

10. The Committee may nominate a ‘technical’ member in consultation with the Chief Secretary, Uttar Pradesh. The honorarium will be payable equal to last pay minus pension plus DA which will be payable by the State PCB out of Consent funds. UP State PCB will coordinate and provide necessary assistance to the Committee. Other logistic support to the committee will be as proposed in the application. Functions of the Committee shall not be limited to the proposal of the State Government but shall be governed by the earlier orders of this Tribunal in which such Committee was constituted and functional responsibility assigned in the said orders. The Committee may set up its own website for receiving and giving information. All authorities in the State may cooperate with the Committee. The Committee may give its periodical reports atleast once in two months to this Tribunal with a copy to the Chief Secretary, Uttar Pradesh who may furnish comments thereon expeditiously but not beyond one month. Initially, Committee will be for six months but the term may be extended as per requirement. The Committee may initially take over the functions of monitoring solid waste management, compliance of orders of rejuvenation of Hindon River and associated directions and functions of Committee constituted in Original Application No. 116/2014, Meera Shukla v. Municipal Corporation, Gorakhpur & Ors. The first report of the Committee may be furnished preferably by 31.12.2019 with a copy to the Chief Secretary, Uttar Pradesh. The comments of the Chief Secretary may be furnished by 31.01.2020. We also clarify that the Monitoring committee constituted by this Tribunal in O.A 06/2012 on 26.07.2018 for compliance of order of this Tribunal with regard to remedying the pollution of River Yamuna which covers a part of Uttar Pradesh will continue as before in coordination with the above Committee.”

6. The term of the Oversight Committee was initially fixed for six months. Thereafter, the tenure of the Oversight Committee was extended from time to time. By the order dated 18.03.2021 passed in OA No. 670/2018, the Committee was permitted to continue till further orders.

7. In the meanwhile, State of UP has developed its own three tier monitoring system for ensuring compliance of the various orders passed by the Tribunal. Under this three-tier system, the State has constituted

District Environment Committee at the District Level along with three thematic committees at the State level (i) Air Quality Monitoring Committee (ii) Waste Management Committee (iii) River Rejuvenation Committee. The Chief Secretary, UP is the monitoring authority.

8. The State has placed on record the communication dated 28.11.2022 sent by the Additional Chief Secretary, Environment, Forest & Climate Change, Govt. of Uttar Pradesh to the Tribunal which discloses the three-tier system along with thematic committees set up by the State of UP. This also discloses that the Oversight Committee appointed by the NGT and the Staff recruited by it is putting an extra financial burden on the board. The relevant extract of the communication dated 28.11.2022 is as under:

“In the mean time the State of U.P. has developed its own three tier monitoring system for ensuring the compliance of various orders passed by Hon'ble NGT by constituting the District Environment Committees at the District level under the Chairmanship of District Magistrates along with three thematic committees at the State level namely Air Quality Monitoring Committee under the Chairmanship of the Additional Chief Secretary, Environment, Forest and Climate Change, Waste Management Committee under the Chairmanship of Principal Secretary, Urban Development and River Rejuvenation Committee under the Chairmanship of Agriculture Production Commissioner. These committees have started functioning and are continuously monitoring the implementation of the order of Hon'ble Tribunal regularly along with other environmental compliances in the State. The Chief Secretary, U.P. is also regularly monitoring important environment related matters and the order passed by Hon'ble NGT. The Three Tier Monitoring Mechanism is fully established in the State and is functioning effectively.

The U.P. Pollution Control Board has informed that the expenses of the Over Sight Committee, U.P. and the staff recruited by it, is putting an extra financial burden on the Board. Now in the light of above facts and present scenario when all the important matters related to environmental compliances are being monitored by a robust three tier monitoring mechanism, further extension of the tenure of Hon'ble Over Sight Committee, U.P does not seem necessary. The State is highly appreciative of the guidance provided by Hon'ble Over Sight Committee in implementing the orders of Hon'ble Tribunal.”

9. On 30.11.2022, the Tribunal had duly considered the application filed by the State of UP through Additional Chief Secretary, Environment seeking a direction to discontinue the Oversight Committee and had passed the order dated 30.11.2022 in MA No. 91/2022 in OA 670/2018. The Tribunal had taken note of the fact that the State had evolved its own mechanism to effectively monitor the compliance of all environmental issues and that the Oversight Committee appointed by NGT cannot be in perpetuity and accordingly permitted the Chief Secretary, UP to interact with the Oversight Committee to evolve the modalities to take over the work of the Oversight Committee by a suitable mechanism. The Tribunal in this regard on 30.11.2022 in MA No. 91/2022 in OA 670/2018 had passed the following order:

“4. Tenure of the Committee was initially for six months but the same was extended from time to time and lastly vide order dated 18.03.2021, it was directed that the Committee may continue till further orders.

5. It is now stated by the State that the Committee has monitored compliance of environmental issues in the last three years but in the changed situation, the State itself is in a position to effectively monitor compliance of all environmental issues by its own mechanism.

6. While stringent monitoring of compliance of environmental norms remains a challenge, Tribunal appointed Oversight Committee cannot be in perpetuity. Thus, while placing on record our appreciation for the work of the Oversight Committee, we can have no objection to the request of the State to evolve its own mechanism.

7. Accordingly, the Chief Secretary, UP may interact with the Committee for modalities to take over its work by a suitable mechanism, giving reasonable time to the Committee for the transition.

8. We may mention that the State must keep in mind the fact that stringent continuing monitoring at highest level by a credible mechanism is inevitable in view of serious non compliances of significant issues being monitored by this Tribunal, on directions of the Hon'ble Supreme Court or otherwise, particularly those relating to solid and liquid waste management, pollution of rivers Ganga and Yamuna and some of other issues mentioned earlier.”

10. The State of UP in compliance of the order of the Tribunal dated 30.11.2022 had filed the compliance report dated 21.07.2023 before the Tribunal. In the said compliance report, the three-tier monitoring system evolved by the State of UP was disclosed as under:

“2. That State of U.P. has already developed and fully functionalized a comprehensive three tier Monitoring Mechanism with well-defined monitoring protocol, in which regular monitoring is being done at District level and at State level. The monitoring at State is being undertaken at the level of dedicated monitoring committees under the chairmanship of Agriculture Production Commissioner/Principal Secretaries and subsequently by the Chief Secretary, Government of Uttar Pradesh. The structure of Monitoring Mechanism is as detailed below:

A- At State Level:

The State has developed monitoring mechanism taking into consideration the requirement of statutes and various directions passed by Hon'ble NGT. The details of various Monitoring Committees constituted by State of Uttar Pradesh is as follows:

Sl. No.	Name of Committee	Chairperson	Work area
1	State Level Waste Management Monitoring Committee (WMC) O.M. No. 17/2019/NGT261/55-Parya-2-2019-44(Writ)/2016 dated 14-06-2019	Additional Chief Secretary/ Principal Secretary Urban Development	Compliance of Waste Management Rules
2	Air Quality Monitoring Committee (AQMC) (Reconstitution of AQMC constituted earlier by Hon'ble NGT O.A. No. 681/2018, order dated 08-10-2018) O.M. No. 16/2019/NGT- 260/55-Parya-2-2019-44(Writ)/2016 dated 14-06-2019	Additional Chief Secretary/ Principal Secretary Environment, Forest & Climate Change	Effective Air Pollution Control in the State and maintenance of Ambient Air Quality
3	River Rejuvenation Committee (RRC) (Reconstitution of RRC constituted earlier by Hon'ble NGT O.A. No. 673/2018, order dated 20-09-2018) O.M. No. 14/2019/NGT258/55-Parya-2-2019-44(Writ)/2016 dated 14-06-2019	Agriculture Production Commissioner	Monitoring of various pollution sources and Conservation of all rivers in the State other than river Ganga

The Government Orders related to Monitoring Mechanism and Constitution of Committees at the State level are enclosed herewith and marked as Annexure-1,2& 3.

B. District and Commissioner Level:

(i) A District Level Committee under the Chairmanship of respective District Magistrates has been constituted by O.M. No. 13/2019/NGT-257/55-Parya-2-2019-4(Writ)/2016 dated 14-06-2019 for monthly monitoring of all the Environmental issues and compliance of Environmental Laws. The Government Order related to Constitution of District Environmental Committee is enclosed herewith and marked as Annexure-4.

(ii) The District Level Committee has 28 Officers of all the concerned District Level Departments.

(iii) District Forest Officer is the convener of the Committee.”

11. In this regard, Counsel for the State of UP has also placed reliance upon the order dated 14.06.2019 issued by Govt. of UP.

12. In the report dated 21.07.2023, the State of UP had also disclosed modalities of transition of work of the Oversight Committee to the monitoring mechanism developed by the State as under:

“8. In compliance with the Hon'ble NGT order dated 30.11.2022, a meeting was held by Chief Secretary, Govt. of U.P. in his chamber with the Chairman and Member of Oversight Committee on 29.06.2023 for chalking out the modalities of transition of the work of the Committee to the Monitoring Mechanism developed by the State. After discussing about the reasonable time for transition, it was firmed up during the meeting that 45 days are adequate for the smooth transition. It will give adequate time to the Committee to wind up its activities and handover all heads to the Department of Environment, Forest & Climate Change. It will also give opportunity to State Pollution Control Board to lay off the outsource personnel and get hold of all the official assets. It was informed to the Committee during the meeting that in compliance of the direction of Hon'ble Tribunal dated 30.11.2022, and in view of the three tier Monitoring Mechanism was effectively working in the State, the State's Monitoring Mechanism will completely take over and look after all the work of Oversight Committee with effect from 01.09.2023. Chief Secretary directed the Department of Environment, Forest and Climate Change, Government of Uttar Pradesh to receive official records along with office equipments, furniture's and building space etc. from the Committee within this time. Uttar Pradesh Pollution Control Board was directed to serve appropriate notice to office staff of the Committee, if necessary, for discontinuing their services from 01.09.2023. The minutes of meeting dated 29.06.2023 are enclosed herewith and marked as Annexure-9.”

13. Thus, the Chief Secretary, Govt. of UP in consultation with the Members of Oversight Committee had finalized to the modalities for smooth transition and taking over of work of the Oversight Committee by State mechanism from 01.09.2023. Thus, the State Monitoring Mechanism was to completely takeover and look after all the work of the Oversight Committee w.e.f. 01.09.2023.

14. Upto this point, there was no hurdle in winding up the Oversight Committee and taking up of the responsibility by the State Monitoring Mechanism but, in the meanwhile, in OA No. 394/2022 in the matter of *Pushpendra Kumar vs. Block Development Officer, Kadaura & Ors.*, while considering the issue of compliance of guidelines for environmental management on Gaushalas/dairy farms, a request was made for entrusting the responsibility to the Oversight Committee to monitor compliance of directions. The Tribunal by order dated 20.07.2023 passed in OA 394/2022 authorised and permitted the Oversight Committee to monitor the compliance by directing as under:

“12. In the relief clause (F), it has been prayed that the matter of compliance of CPCB guidelines, prevention of Cruelty to Animals, transport of animal’s rules, prevention of cruelty to animals (slaughterhouse) rules, etc should be given to this Committee and the Committee will obtain and examine the report submitted by the authorities concerned and will submit the report to the Tribunal for consideration. Accordingly, the Committee headed by (presently Justice SVS Rathore), Oversight Committee, Lucknow is authorized and directed to examine and monitor the compliance of the order in coordination with the PCB and department concerned and to submit the report independently within three months. Committee to continue till further order.”

15. It appears that when the Tribunal passed order dated 20.07.2023 in OA No. 394/2022, the full facts relating to setting up of its own monitoring mechanism by the State of UP as also the orders passed by the Tribunal earlier on that issue were not brought to the notice of

Hon'ble Members of the Tribunal who were considering OA No. 394/2022 on 20.07.2023.

16. Meanwhile, the issue relating to relaxation of mandatory time lines for setting up of Common Effluent Treatment Plants (CETPs) and Sewage Treatment Plants (STPs) fixed by the Hon'ble Supreme Court in the matter of *Paryavaran Suraksha Samiti vs. Union of India & Ors.* reported in (2017) 5 SCC 326 again came up before the Hon'ble Supreme Court in MA No. 356/2023 filed in Writ Petition (Civil) No. 375/2012 at the instance of State of UP. Hon'ble Supreme Court by order dated 20.03.2023 took note of the issue of operation, maintenance, upgradation, etc. of CETPs and STPs and emphasised the need for entrusting it to an authority which would be accountable for due performance of CETPs by directing as under:

“10. While this Court had in its judgment laid down time lines for the construction of STPs and CETPs, of equal importance is the need to ensure that:

- (i) The CETPs with the requisite technology and capacity are duly commissioned;*
- (ii) After the commissioning of the CETPs/STPs, they continue to remain operational;*
- (iii) The CETPs/STPs are duly maintained and upgraded as the need may arise;*
- (iv) There is due monitoring at the administrative level on a real time basis of the performance of the CETPs, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and*
- (v) Entrustment to an authority which would be accountable for the due performance of the CETPs.”*

17. The Hon'ble Supreme Court in the above order dated 20.03.2023 had also directed the NGT to ensure that an accountable mechanism is set up in the State of UP by directing as under:

“13. The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have

been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPs, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.”

18. Hence, in terms of the above direction the Tribunal has to ensure that an accountable mechanism is set up in the State of UP for compliance of the above direction of the Hon’ble Supreme Court.

19. The above order of the Hon’ble Supreme Court came up for consideration before the Tribunal in OA No. 593/2017 with MA No. 62/2023 in OA 670/2018, when the Tribunal on 17.08.2023 had directed as under:

“6. Now, the Hon’ble Supreme Court of India has directed this Tribunal to ensure that an accountable mechanism is set up in the State of Uttar Pradesh to monitor the compliances with regard to violation of Water (Prevention and Control of Pollution) Act, 1974. Since the State has constituted the Committee mentioned above, thus, the report and suggestions for better mechanisms is required for improvement of the existing Committee or to reconstitute by way of any addition of technical/administrative member. Further, the views of the Committee are also required to be sought.

7. Accordingly, the State of UP/Secretary, Environment/State PCB are directed to submit the report with regard to any reform required in the monitoring mechanism in the Committee or induction of any new technical/administrative member or change of members and till the decision is taken by this Tribunal, the Monitoring Committee as quoted above headed by Justice S.V.S. Rathore will continue to work in accordance with the order quoted above. The State may recommend the manner and method of mechanism to take the stock of performance of the STPs in the State of UP. In the meantime, the present Committee headed by Justice S.V.S. Rathore is directed to submit the compliance report in the light of order of the Hon’ble Supreme Court of India dated 20.03.2023 and to continue to function till further orders.”

20. The Tribunal had observed about the better mechanism for improvement of the existing Committees or to reconstitute by way of any additional/technical administrative Member and further directed that till

the decision is taken by the Tribunal in this regard, the Oversight Committee constituted earlier will continue.

21. The State of UP after considering the order of Hon'ble Supreme Court dated 20.03.2023 and the order of the Tribunal dated 17.08.2023 passed in OA No. 593/2017 and MA No. 62/2023 in OA 670/2018 has formed the Accountability Assessment Committees by order dated 08.09.2023. The English translation of relevant part of the order dated 08.09.2023 is as under:

4. Sewage treatment plants in the state in compliance with the order dated 20.03.2023 of the Hon'ble Supreme Court and the order dated 17.08.2023 of the National Green Tribunal, in order to ensure accountability for the establishment, upgradation and operation of Common Effluent Treatment Plants and Solid Waste Management facilities as per the standards, under the above monitoring system, accountability assessment committees are formed at the level of the concerned departments/agencies. The points of action to be taken by it are determined below.

(a) Sewage Treatment Plants / Common Effluent Treatment Plants Responsibility Determination Committee

i)	<i>Additional Chief Secretary/ Principal Secretary Namami Gange and Rural Water Supply Department Uttar Pradesh Government- Member</i>	-	<i>Member</i>
ii)	<i>Additional Chief Secretary/ Principal Secretary, Urban Development Department, Government of Uttar Pradesh</i>	-	<i>Member</i>
iii)	<i>Additional Chief Secretary/ Principal Secretary Housing and Urban Planning / Settlement and Industrial Development Department, Secretary nominated by the Government of Uttar Pradesh or officers not below the rank of Special Secretary</i>	-	<i>Member</i>
iv)	<i>Managing Director, Uttar Pradesh Jal Nigam (Rural)</i>	-	<i>Convening Member</i>
v)	<i>Managing Director, Uttar Pradesh Water Corporation (Urban)</i>	-	<i>Member</i>

vi)	Member Secretary, Uttar Pradesh Pollution Control Board, Lucknow	-	Member
vii)	Nominated by Additional Chief Secretary/ Principal Secretary, Namami Gange and Rural Water Supply Department, Uttar Pradesh Government, Technical Expert related to STP/ CETP		

The responsibilities of the said committee will be as follows

- i) *The committee will be headed by the senior most officer (member) of Namami Gange and Rural Water Supply Department / Urban Development Department, Uttar Pradesh Government.*
- ii) *The committee will examine the timelines filed by the respective departments of the STP/CETP projects under construction in the state and the proposed projects for 100% purification of sewage and industrial effluents and will set intermediate milestones as per the prescribed timeline.*
- iii) *The committee will review the progress of implementation of the projects on the basis of the above intermediate milestones every quarter and in case of violation of the timeline of the projects, after determining the responsibility, it will give its recommendations to the concerned departments and the River Rejuvenation Committee to its nodal officer such as Member Secretary, Uttar Pradesh Pollution Control Board*
- iv) *The committee will review every quarter for the operation as per the standards of all the STPs/CETP established in the state and in case of violation, after determining the responsibility, it will give its recommendations to the concerned departments and the River Rejuvenation Committee to its nodal officer such as Member Secretary, Uttar Pradesh Pollution Control Board.*
- V. *The Secretariat of the Committee shall be Uttar Pradesh Water Corporation (Rural).*

b) Solid Waste Management Facility Responsibility Determination Committee

i)	Additional Chief Secretary/ Principal Secretary, Urban Development Department, Government of Uttar Pradesh	-	Chairman
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ii)	Officer not interior to Special Secretary nominated by Additional Chief Secretary / Principal Secretary Housing Planning/ Infrastructure and Industrial Development Department, Uttar Pradesh Government	-	Member
iii)	Joint Managing Director nominated by Managing Director, U.P. Jal Nigam (Rural)	-	Member
iv)	Joint Managing Director nominated by Managing Director, U.P. Jal Nigam (Urban)	-	Member
v)	Chief Environment Officer nominated by Member Secretary, UP Pollution Control Board, Lucknow.	-	Member
vi)	Director, C&DS Officer nominated by UP Jal Nigam (Urban)	-	Member
vii)	Officer nominated by the Mission Director, Swachh Bharat Mission (Rural).	-	Member
viii)	Officer nominated by the Mission Director, Swachh Bharat Mission (Urban).	-	Member
ix)	Solid Waste Management Specialist nominated by Additional Chief Secretary/ Principal Secretary Urban Development Department, Uttar Pradesh Government	-	Member
x)	Director, Local Body, Uttar Pradesh Lucknow.	-	Convening Member

The responsibilities of the said committee will be as follows:

- i. The committee will examine the timelines filed by the concerned departments of the projects of solid waste management facilities under construction in the state and the projects proposed for 100% management of solid waste in the National Green Tribunal and will set intermediate milestones as per the prescribed timeline.
- ii. The committee will review the progress of implementation of the projects on the basis of the above intermediate milestones every quarter and in case of violation of the timeline of the projects, after determining the responsibility, it will give its

- recommendations to the concerned departments and the State Level Waste Management Monitoring Committee and its coordinator like Secretary, City Development*
- iii. *The committee will review the progress of implementation of the projects on the basis of the all Waste Management facilities and in case of violation, after determining the responsibility, it will give its recommendations to the concerned departments and the State Level Waste Management Monitoring Committee and its coordinator like Secretary, City Development*
 - v) *The Secretariat of Committee will be the Directorate of Local Bodies, Uttar Pradesh, Lucknow.*

5. *According to the recommendations made by the said committees regarding determination of responsibility, the concerned departments will ensure prompt appropriate punitive action like disciplinary action, recovery of environmental compensation etc. against the responsible personnel/firm/contractor/vendor etc. so that to ensure compliance with the orders of the Hon'ble Supreme Court and Hon'ble National Green Tribunal in letter and spirit. Details of the actions taken by the concerned departments in relation to determination of responsibility will be presented before the Hon'ble National Green Tribunal by the concerned departments through the compliance notices filed from time to time."*

22. Thus, we find that State of UP has now set up three tier systems and accountability assessment committees for implementation of projects and compliance of directions.

23. We find that the Oversight Committee constituted by the order of the Tribunal cannot be made effectively accountable for the compliance of the directions but, it would be more appropriate to entrust the responsibility to the three tier Committees and the mechanism set up by the State.

24. It has been pointed out by learned Counsel for the State of UP that the Committees so constituted by the State of UP and three tier monitoring mechanism set up by the State have now become functional. The minutes of one of the meetings of the Accountability Committee have also been placed on record.

25. The above sequence of events clearly reveal that Oversight Committee was constituted by the Tribunal on the request of the State of UP. Now, the State has set up its own three tier monitoring mechanism by constituting the committees at different level and has also constituted the Accountability Committees, therefore, the proper monitoring mechanism at the instance of the State of UP has come into existence. The Oversight Committee constituted by the Tribunal cannot operate in perpetuity especially when as per the stand of UP the expenses of the Oversight Committee, UP and the Staff recruited by it, is putting an extra financial burden on the Board.

26. Hence, in the changed circumstances, it would not be proper to continue the Oversight Committee appointed by the Tribunal, whereas it would be more appropriate to entrust the responsibility of monitoring the directions issued by the Courts and the Tribunal to three-tier monitoring mechanism and accountability Committee set up by the State of UP.

27. On perusal of the material placed on record in respect of the three-tier mechanism, we find that no timeline has been specified for submitting the report by the District Level Committees to the State Level Committee and by the State Level Committees to the Chief Secretary, Government of UP who under the mechanism set up by the State, will be the final monitoring authority. Hence, it is directed that the District Level Committees will submit their monthly report by the last date of each month to the concerned State Level Committee and the State Level Committee will submit quarterly monitoring/compliance report to the Chief Secretary. The Chief Secretary will analyze and compile the reports within one month of their receipt in his office and will take requisite action to ensure full compliance. The Chief Secretary shall file the action taken report every six month before the Registrar General of the Tribunal.

28. The time limit of 01.09.2023 fixed for smooth transition of work of the Oversight Committee to the three-tier mechanism set up by the State of UP in the meeting of the Chief Secretary with the Chairman and Members of the Oversight Committee on 29.06.2023 is already over. Hence, we direct that henceforth, the three-tier mechanism, the Committees set up therein as also the Accountability Committee set up by the State of UP will be responsible for compliance of various directions of the Tribunal and the Courts and implementation of projects, unless otherwise directed in any particular matter. If any report is pending before the Oversight Committee, the same may be submitted to the concerned Courts/Tribunal by the Committee on or before 30.11.2023. Accordingly, the Oversight Committee is wound up and the Oversight Committee will transfer all the immovable and movables received by it from the State of UP/Board for its functioning to the State of UP/Board by 30.11.2023.

29. The earlier orders are accordingly reviewed/modified and Review Application No. 31/2023 and MA No. 62/2023 are accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 10, 2023
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