

Item No.3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.363/2022
(I.A Nos. 115/2022, 42/2023, 43/2023, 44/2023 & 45/2023)

Vikrant Tongad & Anr.

Applicants

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 28.04.2023

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

Applicant: Mr. Akash Vashishtha, Advocate.

Intervener: Mr. Milind Garg, Advocate for I.As.

Respondent: Mr. Gi.Gi.C George Advocate for respondents no. 1, 2,
6
Mr. Abdhesh Chaudhary, and Ms. Geetanjali Setia,
Advocates for respondent no. 3 and 4.
Mr. Rakesh Mahajan, Advocate for respondent no. 5.
(through VC).
None for respondents No. 7 to 11.

**Application under Section 18 (1) read with Sections 14 and 15 of the
National Green Tribunal Act, 2010.**

ORDER

1. The applicants have filed the present application inter alia seeking issuance of directions to the respondents to remove concretization of the road-sides and road-berms in Noida and Greater Noida done in excess of the limits

prescribed vide Government Order dated 23.03.2018, and restore the areas under concretization to their original positions; to plant grasses and other vegetation, including shrubs and herbs, on the road-sides and road-berms in Noida and Greater Noida, after deconcretizing them and remove concretization around trees, so as to ensure a minimum breathing space of 1 meter around trees, as directed vide order dated 23.04.2013 passed in **O.A. No. 82/2013, Aditya N. Prasad Vs Union of India and others.**

2. Vide order dated 24.05.2022, notices were ordered to be issued to the respondents. Pursuant to notice Respondent no. 3 filed counter affidavit vide email dated 29.09.2022, Respondent no. 4 filed its short reply/counter affidavit vide email dated 10.10.2022 and Respondent no. 7 filed short reply vide email dated 21.11.2022. Status Report and brief submissions were filed on behalf of applicant vide email dated 07.10.2022.

3. Mr. Rakesh Mahajan, Advocate has appeared on behalf of respondent no. 5 and seeks time to file reply on its behalf.

4. Reply/response on behalf of respondents no. 5 be filed within **two months** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. In view of the facts and circumstances of the case and also averments made in the application and replies/ response of the respondents we consider Ministry of Urban Development through Secretary to be necessary/proper party whose presence is essential for just and proper adjudication of the questions involved in the application and the same is impleaded as respondent No. 12 and amended memo of parties be filed accordingly.

6. The Registry is directed to issue notice to respondent No. 12 requiring the same to file its reply/response within two months at judicial-ngt@gov.in

ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List the matter for further consideration on 01.08.2023.

8. I.A Nos. 115/2022, 42/2023, 43/2023, 44/2023 & 45/2023 have been filed and the arguments on the same will be heard on that date.

9. In the meanwhile, respondents no. 3 and 4 are directed not to carry out any further act of concretization of the road-sides and road-berms in Noida and Greater Noida in excess of the limits prescribed vide Government order dated 23.03.2018 issued by the State of Uttar Pradesh concurred by the Ministry of Environment, Forests and Climate Change in Execution Application No. 34/2017 and guidelines dated 21.07.2000, 03.09.2013 and 23.09.2013 issued by the Ministry of Urban Development, Government of India and order dated 06.07.2016 passed by this Tribunal in **O.A No. 165/2013 titled as Akash Vashishtha Vs. Union of India and Ors.**

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 28 2023
AG