

Item No. 21

(Court No. 1)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 177 /2022
(I.A. No. 263/2022)

Abhist Kusum Gupta

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 18.01.2024

**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. AFROZ AHMAD EXPERT MEMBER**

Applicant: Applicant in Person.

Respondent: Ms. Garima Prashad, Senior Advocate, AAG with Ms. Priyanka Swami, Advocate for Respondents No. 1 and 6. With Mr Atul Kumar, ADM (Finance & Revenue) and Mr. Alok Kumar Gupta SDM Dadri.
Mr. Bhanwar Pal Singh Jadon and Mr. Chetan Jadon, Advocates for Respondent No. 3.
Mr. Abdhesh Chaudhary, Mr. Nishi Kant Singh, Advocates for Respondents No. 5 NOIDA
With Mr. Vijay Singh Rawat, DGM, Mr. Vishwas Kr. Tyagi Sr. Manager and Mr. Nardev Singh Law Officer, NOIDA.
Mrs. Pradeep Misra, Advocate for Respondent no. 7 (through VC).
Mr. Ravindra Kr. Senior Advocate with Mr. Vipib Kumar Saxena Advocate for Respondent No. 9 Greater Noida.
With Mr. Ashutosh, ACEO and Mr. Ravindra LO, Greater Noida.
Mr. Amar Gupta, Mr. Pranav Tanwar and Mr. Abhay Pratap Singh Advocates for Respondent No. 10. YEIDA.
With Mr. Shivam Pundeer, Manager (Project).

**Application under Section 18(1) readwith Section 14 and15 of the
National Green Tribunal Act, 2010.**

ORDER

1. The issue raised in this original application is in respect of preservation, rejuvenation and maintenance of ponds, wetlands and other water bodies in District Gautam Budh Nagar, Uttar Pradesh.

2. The Tribunal in the previous order dated 12.10.2023 had considered the circumstances of the case and directed the personal appearance of the officers duly authorized by Member Secretary, UPPCB, CEOs of NOIDA, GNIDA and YEIDA respectively and District Magistrate, Gautam Budh Nagar physically and also production of essential record for assisting the Tribunal for proper adjudication of the issue.

3. Action taken reports/compliance affidavits filed on behalf of respondent no. 5, report by District Magistrate, Gautam Budh Nagar, reply by DFO, Gautam Budh Nagar, have not come on record as the same were filed in violation of the circular of the Tribunal dated 26.09.2020 and 02.08.2023 requiring filing of the reports, documents etc., by 12 noon of the previous working day of the Tribunal.

4. Learned Additional Advocate General appearing for the State submits that she will collect all the relevant information from the different authorities, compile the same and place it before the Tribunal showing current status of ponds, wetlands and other water bodies etc., in District Gautam Budh Nagar at least one week before the next date of hearing. All the authorities are directed to provide the relevant information to the Learned Additional Advocate General appearing for the State. She has also submitted that 109 cases against the removal of encroachments are pending before the Revenue Courts and the action will be taken by the State for expeditious disposal of those cases. Let the latest status of the cases be also reflected in the next report. The concerned authorities are directed to file updated reports at least one week before the next date of hearing. The reports which have been filed belatedly, as noted above, will be placed on record for consideration on the next date of hearing.

5. List on 19.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 18th, 2024
AG.