

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

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

Abhist Kusum Gupta

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 19.01.2026

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sunil J. Mathews, Ms. Jyoti Chib & Ms. Achint Priya, Advs. for Applicant

Respondents: Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saxena, Advs. for R - 9
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Bhanwar Pal Singh Jadon, Ms. Anjali Sharma & Ms. Gargi Chaturvedi, Advs. for DFO, Gautam Buddha Nagar
Ms. Priyanka Swami, Adv. for the State of UP
Mr. Gigi. C. George, Adv. for R - 8
Mr. Abhay Kumar Tayal, Adv. for R - 5
Mr. Amar Gupta & Mr. Mohit Sharma, Advs. for R - 10

ORDER

1. In this Original Application (OA), the Tribunal is considering the grievance relating to destruction and damage of wetland/waterbodies in District Gautam Budh Nagar and the steps which have been taken by the Authorities for their rejuvenation/restoration and improvement.
2. The Greater Noida Development Authority-Respondent No. 9 has filed the status report dated 16.01.2026 disclosing that 281 ponds fall within its jurisdiction and the status concerning the details of the action taken and completed for restoration of these ponds is disclosed R-9/1 to the report as under:-

“Status of Details of Ponds

		STATUS AS ON DATE 15-07-2025	STATUS AS ON DATE 13.01.2026
Sr. No.	DESCRIPTION	NO. OF PONDS	NO. OF PONDS
A	FIRST PHASE		
1	WORKS COMPLETED BY GNIDA	147	150
2	PONDS DEVELOPED BY NGO & Others	44	44
3	POND DEVELOPMENT WORKS IN PROGRESS (Physical progress near about 80% and expected to be completed by the end of Feb 2026)	6*	3*
	TOTAL (A)	197	197
B	SECOND PHASE		
1	WORKS IN E-TENDERING PROCESS	0**	0**
2	LOW LYING AREA OF SHAMSHAN BHOOMI IN VILLAGE RAIPUR BANGAR, which was incorrectly mentioned as village-Ghori Bacheda in the earlier status report.	1	1
3	POND DEVELOPMENT WORKS IN PROGRESS PHASE-2 BY GNIDA	16***	12***
4	POND DEVELOPMENT WORKS COMPLETED PHASE-2 BY GNIDA	6****	10****
	TOTAL (B)	23	23
C			
1	PUBLIC DEVELOPMENT WORK (PWD ROADS & RAILWAY TRACKS ETC.)	9	9
2	ASSETS ALLOCATION	2	2
	TOTAL (C)	11	11
D	OLD DENSE POPULATION/ENCROACHMENT (Action to be taken by District Administration)	50	50
	TOTAL (D)	50	50
	TOTAL (A+B+C+D)	281	281

NOTE

*Numbers in A3 reduced from 06 to 03 because Development work of 03 numbers of Pond's has been completed. Completed Work is reflected in Row No-A1.
**Figures in B1 Numbers reduced from 6 to 0 because E-tendering process was completed for these number of ponds. The Development of work is in progress & this is reflected in Row B3
***Figures in B3 Numbers reduced from 16 to 12 because Development of 04 Nos Pond in Phase-2 has been completed. Completed work is reflected in B4.
**** Figures is increased from 6 to 10 because Development work of 10 Nos. pond has been completed. Completed work is reflected in Row -B4.”

3. Learned senior counsel appearing for the Respondent No. 9 has pointed out that so far as 11 water bodies covered in clause C of the above table, the action is required to be taken by the Public Works Department of the State of UP.
4. Learned counsel appearing for the State of UP seeks four weeks’ time to verify and file the affidavit of the concerned officer of the PWD not below the rank of Superintending Engineer.
5. It has also been pointed out that there are as many as 50 ponds covered by the clause ‘d’ where encroachment exists. Learned Senior Counsel for Greater Noida Development Authority has pointed out the list of these 50 ponds (page 1618) which is as under:-

“Encroachments

S. No.	Village Name	Khasra No.	Encroachment Status	Rejuvenation Measures Taken	Timeline of Date Start Date of Completion	Cost	Executing agent/Name of Firm	% of Work	Monitoring Mechanism	Remarks
xxx				xxx					xxx	
232	Roja Jalalpur	564	Densely populated old abadi area	-	-	-	-	-	-	-
233	Girdharpur Sunarashi	64	Densely populated old abadi area	-	-	-	-	-	-	-
234	Dhoom Manipur	726	Densely populated old abadi area	-	-	-	-	-	-	-
235	Dhoom Manipur	846	Densely populated old abadi area	-	-	-	-	-	-	-
236	Dhoom Manipur	883	Densely populated old abadi area	-	-	-	-	-	-	-
237	Dhoom Manipur	1113	Densely populated old abadi area	-	-	-	-	-	-	-
238	Dhoom Manipur	1114	Densely populated old abadi area	-	-	-	-	-	-	-
239	Dhoom Manipur	1115	Densely populated old abadi area	-	-	-	-	-	-	-
240	Dhoom Manipur	1119	Densely populated old abadi area	-	-	-	-	-	-	-
241	Dhoom Manipur	1136	Densely populated old abadi area	-	-	-	-	-	-	-
242	Dhoom Manipur	2277	Densely populated old abadi area	-	-	-	-	-	-	-
243	Dhoom Manipur	2644	Densely populated old abadi area	-	-	-	-	-	-	-
244	Dhoom Manipur	2651	Densely populated old abadi area	-	-	-	-	-	-	-

245	Dhoom Manipur	2778	Densely populated old abadi area	-	-	-	-	-	-	-
246	Dhoom Manipur	2969	Densely populated old abadi area	-	-	-	-	-	-	-
247	Dhoom Manipur	2971	Densely populated old abadi area	-	-	-	-	-	-	-
248	Kheri	344	Densely populated old abadi area	-	-	-	-	-	-	-
249	Bhanota	192	Densely populated old abadi area	-	-	-	-	-	-	-
250	Kailashpur	119	Densely populated old abadi area	-	-	-	-	-	-	-
251	Roopwas	128	Densely populated old abadi area	-	-	-	-	-	-	-
252	Jaun Samana	168	Densely populated old abadi area	-	-	-	-	-	-	-
253	Khodna Khurd	84	Densely populated old abadi area	-	-	-	-	-	-	-
254	Khodna Khurd	204	Densely populated old abadi area	-	-	-	-	-	-	-
255	Khodna Khurd	424	Densely populated old abadi area	-	-	-	-	-	-	-
256	Khodna Khurd	446	Densely populated old abadi area	-	-	-	-	-	-	-
257	Khodna Khurd	525	Densely populated old abadi area	-	-	-	-	-	-	-
258	Khodna Khurd	697	Densely populated old abadi area	-	-	-	-	-	-	-
259	Surajpur	199	Densely populated old abadi area	-	-	-	-	-	-	-
260	Surajpur	202	Densely populated old abadi area	-	-	-	-	-	-	-
261	Surajpur	337kh	Densely populated old abadi area	-	-	-	-	-	-	-
262	Bodaki	356	Paved road is built	-	-	-	-	-	-	-
263	Ghori Bachera	342	Old population 60%	-	-	-	-	-	-	-
264	Raipur Bangar	103	Paved road is built	-	-	-	-	-	-	-
265	Raipur Bangar	143	Graveyard is build	-	-	-	-	-	-	-
266	Raipur Bangar	219	Dense population	-	-	-	-	-	-	-
267	Chirsi	121	Railway Line	-	-	-	-	-	-	-
268	Dadha	339	Encroachment by villagers	-	-	-	-	-	-	-
269	Ladpura	364	Dense population	-	-	-	-	-	-	-
270	Ladpura	566	Dense population	-	-	-	-	-	-	-
271	Roni	18	Farming by villagers	-	-	-	-	-	-	-
272	Roni	207kh	Dense population	-	-	-	-	-	-	-
273	Luksar	233	Dense population	-	-	-	-	-	-	-
274	Chachula	89ga	Farming by villagers	-	-	-	-	-	-	-
275	Chachula	91	Farming by villagers	-	-	-	-	-	-	-
276	Chachula	90	Farming by villagers	-	-	-	-	-	-	-
277	Chachula	104Ka	Farming by villagers	-	-	-	-	-	-	-
278	Chachula	89kh	Farming by villagers	-	-	-	-	-	-	-
279	Chirsi	218	Dense population	-	-	-	-	-	-	-
280	Devta	123	Farming by villagers	-	-	-	-	-	-	-
281	Gharbara	419	Dense Population (under Administration Section -67 proceeding)	-	-	-	-	-	-	-

6. Counsel for the State of UP is directed to file affidavit of competent Officer disclosing the area of these 50 ponds as per the original records and the extent of area which has been encroached upon and the name of encroachers within four weeks.

7. The Respondent No. 10-YEIDA has also filed 7th action taken report dated 16.01.2026 disclosing that the number of ponds under its territorial jurisdiction in Sadar Tehsil are 69 and in Jewar Tehsil are 200. The details so disclosed in the report are as under:-

“Information regarding ponds in Tehsil -Sadar

<i>(a)</i>	<i>Total No. of Ponds in Tehsil Sadar</i>	<i>245</i>
Status of ponds which falls in jurisdiction of YEIDA		
<i>(b)</i>	<i>Total No. Ponds</i>	<i>69 (Khasra wise)</i>

Information regarding ponds in Tehsil – Jewar

<i>(a)</i>	<i>Total No. of Ponds in Tehsil Jewar</i>	<i>306</i>
Status of ponds which falls in jurisdiction of YEIDA		
<i>(b)</i>	<i>Total No. Ponds</i>	<i>200 (Khasra wise)</i>

8. The report further reveals that some of the pond acquired for Noida International Airport alternate water bodies/ponds have been created. The details of which are as under:-

“23. With regards to the substitution of 08 ponds admeasuring 2.1880 hectares acquired for Noida International Airport, YEIDA has excavated 08 artificial ponds admeasuring 6.4115 hectares (293% larger), more than three times the area of the 08 ponds acquired for development purposes, which is far in excess of the area prescribed by the aforesaid government order. The details of the acquired ponds and the substitution process is given below:-

Details of ponds acquired for Noida International Airport				Details of alternate water bodies/ ponds					
S. No.	Village	Gata No.	Area (In Hectares)	S.No.	Village	Khata No.	Gata No.	Area (in Hectares)	Status quo of excavation
1.	Rohi	398	0.0630	1.	Akalpur	239	297	1.3590	1.1730
2.	Rohi	542Kha	0.1900	2.	Falaida Bangar	647	746kha	2.5630	2.2695
3.	Rohi	598	0.1900	3.	Taquipur Bangar	338	236M	0.0760	0.0760
4.	Rohi	650	0.2400	4.	Taquipur Bangar	336	236M	0.0410	0.0410
5.	Rohi	969	0.0890	5.	Taquipur Bangar	338	237M	0.0250	0.0250
6.	Rohi	652	0.2530	6.	Taquipur Bangar	336	242	1.0120	1.0120
7.	Rohi	837	0.4550	7.	Taquipur Bangar	338	246	1.0050	1.0050
8.	Dushyant Pur	1454	0.7080	8.	Taquipur Bangar	338	277M	0.2020	-
				9.	Taquipur Bangar	336	277M	0.0540	-
				10.	In front of section	-	208/3,212	-	0.8100

					19 Mirzapur				
		Total area	2.1880 (Hect.)				Total area	6.3370 (hect.)	6.4115 (Hect.)

9. Referring to the paragraph 22 of the report it has been submitted that the ponds have been utilized and creation of alternate water body in place thereof has been permitted in terms of the Government order dated 03.06.2016 issued by the Uttar Pradesh Government.

10. The Counsel for the YEIDA as well as well counsel for the State of UP are directed to place on record a copy of the order dated 03.06.2016 as also the statutory provision which empowers the State Government to issue such an order. Let the same be filed within four weeks.

11. The Hon’ble Supreme Court in the matter Jitendra Singh v. MoEF&CC reported in (2020) 20 SCC 581 has considered the validity of the order dated 03.06.2016 and has held as under:-

“23. Hence, it is clear that schemes which extinguish local water bodies albeit with alternatives, as provided in 2016 Government order by the State of UP, are violative of constitutional principles and are liable to struck down.”

12. In paragraph 12 of the report, the YEIDA has disclosed the work which has been undertaken/done in respect of 73 ponds but a comparative position in respect of the progress of the work has not been disclosed. Learned counsel for the YEIDA submits that the same will be disclosed in the next affidavit within four weeks.

13. The Tribunal by order dated 17.10.2025 had directed the NOIDA to file a fresh report. Though some documents along with index dated 17.01.2026 have been filed and the index states ‘progress report on behalf of the Respondent No. 5-Noida Authority’, but we do not find any progress report enclosed along with said index. Hence, a cost of Rs. 10,000/- is imposed upon the Noida Authority to be deposited with the Registrar

General of the Tribunal within ten days for non-compliance of the order of the Tribunal dated 17.10.2025 and for casually filing the index without enclosing the progress report. Learned counsel for the Noida Authority submits that the report in terms of the previous order along with the affidavit of the competent Authority will be filed within two weeks.

14. List on 15.04.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 19, 2026
Original Application No. 177/2022
(I.A. No. 263/2022)
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