

Item No.1

(Court No. 2)

**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: 19.03.2024

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

Applicant: Applicant in Person (Through VC).

Respondents: Ms. Priyanka Swami and Ms. Simran Sehgal Advocates for respondents no. 1 and 6.
Mr. Chetan Jadon Advocate for DFO (through VC)
Mr. Abdesb Chaudhary and Mr. Nishi Kant Singh Advocates for respondents no. 5 and 9.
With Mr, Vijay Kr. Rawal, DGM and Mr. Nardev Singh, Law Officer, NOIDA.
Mr. Pradeep Misra and Mr. Daleep Dhyani Advocates for respondent no. 7 (through VC)
Mr. Ravindra Kumar, Senior Advocate with Mr. Binay Kumar Das, Mr. Vipin Kumar Saxena and Mr. Shivam Saxena Advocates for respondent no. 9-GNIDA.
Mr. Zain Maqbool Advocate (through VC), Mr. Amar Gupta, Mr. Divyam Agarwal, Mr. Pranav Tanwar and Mr. Abhay Pratap Singh Advocates for respondent no. 10-YEIDA
Mr. Rajender Singh Bhati, DGM, YEIDA and Mr. Shubham Pundeer, Manager, YEIDA.

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

ORDER

1. The matter was last heard on 18.01.2024 and relevant part of order dated 18.01.2024 passed by this Tribunal reads as under:-

“ 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.”

2. In compliance thereof report has been filed by YEIDA vide email dated 12.03.2024. Reply has been filed by DFO, Gautam Budh Nagar vide email dated 14.03.2024. Reply has been filed by DM, Gautam Budh Nagar vide email dated 16.03.2024. Report has also been filed by NOIDA vide email dated 16.03.2024.

3. In view of the serious nature and magnitude of the environmental questions involved in the present case, we consider it appropriate to have the assistance of some Advocate as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved. Accordingly, Mr. Gaurav Agarwal, Advocate (Enrollment No. UP/B03872/2009) is appointed as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved. The Uttar Pradesh Pollution Control Board (UPPCB) shall pay honorarium of Rs. 50,000/- to the amicus curie within one month and also bear incidental expenses related to the transportation/ documentation/ photography/ videography etc. to be incurred by the amicus curie within one month of the submission of the bill out of the amount of environmental compensation lying deposited with it.

4. Amicus curie may visit the relevant sites, seek the information/document from the concerned authorities and verify the factual position regarding the remedial measures taken and suggest further remedial measures required. Report be submitted by the Amicus curie at least one week before the date of hearing fixed 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. The YEIDA, NOIDA and GNIDA are also directed to submit action plan in tabular format with all relevant particulars indicating the name of the pond/wet land, status regarding encroachment, rejuvenation/rehabilitation measures taken/to be undertaken, timeline for the activities to be carried out with budgetary estimates, the executing agency and the monitoring mechanism. The action plan be filed latest by 15.05.2024 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.

6. It is clarified that this order be duly complied with as measures required to be taken for remediation of environmental damage are not/cannot be barred by Model Code of Conduct applicable in view of the Election Schedule for Election in the State of Uttar Pradesh.

7. List for further consideration on 23.07.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 19th, 2024
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