

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

Original Application No. 515/2023
(IA No 557/2024, IA No 556/2024,
IA No 458/2024, IA No 372/2024)

Ganga Pollution Applicant

Versus

State of UP & Ors. Respondent(s)

WITH

Original Application No. 516/2023

M/s Sundrop Colonigers Pvt. Ltd. Applicant

Versus

State of U.P. & Ors. Respondent(s)

WITH

Original Application No. 517 /2023

Gokul Chandra Sharma &Ors. Applicant(s)

Versus

State of U.P. & Ors. Respondent(s)

WITH

Original Application No. 518 /2023
(I.A. No. 06/2024)

Sri Math (Jagatguru Ramanand
Acharya Peeth) & Anr. Applicant(s)

Versus

State of UP & Anr. Respondent(s)

WITH

Original Application No. 519 /2023

Smt. Meena Mishra Applicant

Versus

State of U.P. Respondent

WITH

Original Application No. 520 /2023

Smt. Vimla Devi		Applicant
	Versus	
State of U.P.		Respondent
	WITH	
	Original Application No. 521 /2023	
Sarvamangla Adhyatma Yog Vidya Peeth		Applicant
	Versus	
Union of India & Ors.		Respondent(s)
	WITH	
	Original Application No. 522 /2023	
Shri Shri Guruji Tapasthali		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 523 /2023	
Vinod Kumar Pandey		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 524 /2023	
Ram Rekha Jaiswal		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 525 /2023	
Pt. Ram Chandra Sharma		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 526 /2023 (IA No. 288/2024)	
Ganga Sewa Abhiyan & Ors.		Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

Original Application No. 527 /2023
(IA No. 296/2024 & IA No. 297/2024)

Kautilya Society & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 12.11.2024

**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: Mr. Amit Upadhyay, Mr. Akash Singh, Mr. Rishikesh Kumar & Mr. Vaibhav Shukla, Advs. for Applicant in OA 515/2023
Mr. Hari Shankar Jain, Mr. Mani Munjal & Mr. Parth Yadav, Advs. for Applicant in OA 527/2023 (Through VC)

Respondents: Mr. Arvind Nayar, Senior Advocate (Through VC) with Mr. Sumeer Sodhi, Mr. Chaitanya Sharma & Mr. Siddharth Joshi, Advs. for R - 26 in OA 515/2023
Mr. Bhanwar Pal Singh Jadon, Adv. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Vibhav Misha, Adv. for Prayagraj Development Authority (Through VC)
Mr. Vikrant Pachnanda, Adv. for MoEF & CC (Through VC)
Mr. Gigi. C. George & Mr. Ishwer Singh, Advs. for NMCG & Harish Chandra Institute
Mr. Amit Tiwari & Mr. Chetanya Puri, Advs. for Varanasi Development Authority in OA 527/2023
Mr. Atif Suhrawardy, Adv. for CPCB in OA 515 & 526/2023 (Through VC)
Mr. Adarsh Kumar Tiwari, Advs. for R - 25 (Through VC)
Mr. Ajay Kumar Singh, Mr. Rohit A. Sthalekar, Mr. Ashish Choudhury & Mr. Abhishek Arora, Advs. for R - 6 to 8 in OA 527/2023
Mr. Akbar Siddique, Mr. Parv. K. Garg, Mr. Mohd. Osama & Mr. Mohammad Farman Ashraf, Advs in I.A No. 296-297/2024

ORDER

1. In these petitions, the pivotal issue is about defining the flood plain zone of River Ganga and its tributaries in the State of UP and the action taken by the authorities for protecting the flood plain zone.

2. On 11.07.2024, a statement was made on behalf of the State of UP that a fresh report will be filed indicating the steps taken by the State to

demarcate the flood plain of River Ganga in the State of UP following the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 as amended by the subsequent Notification dated 10.01.2024.

3. The Principal Secretary, Irrigation Department, State of UP present on that day had made a submission that the authorities would approach the Survey of India to obtain the map of the relevant stretch with 1-meter contour interval and explore the possibility of demarcation of flood plain on that basis.

4. The progress report dated 09.11.2024 has been filed by the Principal Secretary, Irrigation Department, State of UP in compliance with the order dated 19.09.2024. The report discloses that the State had entered into an agreement with the National Institute of Hydrology (NIH) and Superintending Engineer, Flood Management Information Centre System on 22.12.2023 for the demarcation of flood plain zone as per the 2016 Order. In the report, it is further revealed that the NIH had completed the task and sent the draft of the final report to the concerned authorities on 16.10.2024 and that in the review meeting, as many as 12 issues, as mentioned in paragraph 7 of the latest report were taken note of and the 13th issue mentioned therein relates to the outer boundary of 100 years delineation without the embankment, as in the draft report, the delineation was done with the embankment. In the said background, the plea taken by the Irrigation Department of State of UP in the present report is as follows:

“xxxxxx.....xxx
10. It is submitted that, in response to the above letter, NIH sent an Email to the Superintending Engineer on 04.11.2024 stating that NIH has submitted the draft report on 16 October 2024 having delineated flood plain corresponding to 100 year return period flood based on the Survey of India DEM. Both shape file & KML files along with coordinates in tabular form (Excel file) are

also submitted for review by the Irrigation Department, UP. In response (dated 21 October 2024) has provided comments to NIH on the draft report, During online meetings and telephonic discussions with the officers of Irrigation Dept, it was requested to include another scenario of floodplain delineation without consideration of embankments.

The modelling exercises for this additional scenario is being carried out. Since this requires necessary modification of SOI DEM (removal of embankment) and subsequently HEC-RAS simulation and GIS processing of results, this will take some time. It is expected that the modified draft report addressing all observations of the Irrigation Department (dated 21 October 2024) will be submitted by 29 November 2024, It is also requested to provide the results (shape files) and report of Phase-I for comparison as mentioned at observation no7.

*True copy of mail dated 04.11.2024 is attached herein as **ANNEXURE R4.***

5. As per the above stand, the modified draft report addressing the issues found in the review meeting will be submitted by the NIH by 29.11.2024.

6. Learned Counsel for the State of UP has informed that simultaneously the exercise of ground truthing verification is in progress and after receipt of the final report, the said exercise will be completed by 15.12.2024. He has submitted that the delineation work of the stretch of 700 km of River Ganga in State of UP in Phase-II will be completed by 31st of December, 2024 and, thereafter, within four weeks the final notification will be issued.

7. Hence, the State of UP is directed to file further progress report by way of an affidavit atleast one week before the next date of hearing.

8. **IA No. 372/2024** has been filed by Respondent No. 26 seeking a direction permitting it to continue the construction of the project. The reply to the said IA has been filed by the CSIR-NEERI, CPCB, the Prayagraj Development Authority and NMCG. Learned Counsel for the UPPCB submits that he will file the reply to the IA within two weeks

positively. It will be open to all other respondents to file reply to the IA within the same period and the Applicant may file the rejoinder, if require, within two weeks thereafter.

9. **IA No. 556/2024 and IA No. 557/2024** have been filed by Harish-Chandra Research Institute, the application for impleadment as respondent and application seeking direction respectively. Issue notice on the IA. Counsel for the Applicant in the IAs is directed to serve copies of the IAs to all the concerned respondents, who will have an opportunity to file the reply to the IAs within four weeks and Rejoinder thereto can be filed within two weeks thereafter.

10. **IA No. 458/2024** has been filed by the original applicant in the OA to bring on record illegal constructions in the prohibited zone of river Ganga at Prayagraj. Issue notice on the IA. Counsel for the Applicant in the IA is directed to serve a copy of the IA to all the concerned respondents, who will have an opportunity to file response to the IA within four weeks. Rejoinder, if any, can be filed within two weeks thereafter.

11. **IA No. 296/2024 and IA No. 297/2024** have been filed by certain applicants seeking impleadment and also seeking modification of the order dated 27.07.2012. Counsel for the applicant is permitted to complete the service and file affidavit of service. Respondents are granted four weeks' time to file reply to the IAs and rejoinder thereto can be filed within two weeks.

12. List on 11.02.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 12, 2024
Original Application No. 515/2023
(IA No 557/2024, IA No 556/2024,
IA No 458/2024, IA No 372/2024)
and connected matters
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