

**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 Colonizers 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: 19.05.2025

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

Applicant: Mr. Shrish Chandra, Adv. for Applicant in OA 526/2023 (Through VC)

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for the State of UP
Mr. Sanjay Upadhyay, Senior Advocate with Mr. Sumeer Sodhi, Ms. Eisha Krishn, Mr. Surya Gupta & Ms. Vanshika Jhamb, Advs. for R - 26 in OA 515/2023
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB
Mr. Vibhav Misha, Adv. for Prayagraj Development Authority (Through VC)
Mr. Vikrant Pachnanda, Adv. for MoEF & CC (Through VC)
Mr. Gigi. C. George, Adv. 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. Kunal Singh, Adv. for R - 11 (Through VC)
Mr. Mohd. Osama & Mr. Abdul Ahad, Advs in I.A No. 296-297/2024

ORDER

1. In these original applications, Tribunal at this stage is considering the issue of demarcation of flood plain zone of river Ganga and its tributaries.

2. Tribunal by order dated 23.04.2025 had considered the affidavit of Chief Engineer, Sone, Irrigation and Water Resource Department, State of UP dated 19.04.2025 disclosing the steps taken to demarcate the flood plain zone in reference to 1:100 years highest flood level with 01 meter contour and had found that no timebound programme in phase manner

for completion of this exercise was disclosed. Accordingly, matter was adjourned to place on record the said timebound plan.

3. Chief Engineer, Sone, Irrigation and Water Resource, State of UP has filed fresh affidavit dated 16.05.2025 disclosing as under:

“5. That the stretch of River Ganga traversing through the State of Uttar Pradesh, from the district of Unnao to the district of Ballia, covers an approximate distance of 700kilometres. The Physical demarcation of the floodplain zone along this stretch shall be carried out through the process of Pillar Fixation. It is submitted that this stretch of the river passes through a total of thirteen districts, namely: Kanpur, Unnao, Fatehpur, Raebareli, Kaushambi, Pratapgarh, Prayagraj, Mirzapur, Bhadohi, Varanasi, Chandauli, Ghazipur, and Ballia. The Pillar Fixation(7350 Pillars in words Seven Thousand Three Hundred Fifty) shall be undertaken along the entire course of River Ganga within the territorial limits of the of the State of Uttar Pradesh, in strict compliance with the directions issued by this Hon'ble Tribunal.

6. It is respectfully submitted that a time-bound programme, structured in a phased manner, has been convenience of this Hon'ble Tribunal to facilitate the GOVTO EU completion of the proposed exercise. The said timeline has been presented in a tabular format titled "Work Programme of Pillar Fixation under O.A. No. 515/2023". As per the said time-bound programme. True copy of the "Work Programme of Pillar Fixation under O.A. No.-515/2023"has been annexed herein as ANNEXURE R1.”

4. Learned Counsel for State of UP submits that he will file further affidavit in respect of steps which have been taken for demarcation of flood plain zone of tributaries of river Ganga in the State of UP. In this regard, he has prayed for six weeks' time.

IA No. 556/2024 (OA No. 515/2023)

5. IA No. 556/2024 (OA No. 515/2023):-has been filed by the applicant-Harish-Chandra Research Institute (HRI) seeking impleadment. IA is not opposed by any of the respondents, hence, allowed. Let amended memo of parties be prepared.

IA No. 458/2024 (OA No. 515/2023)

6. IA No. 458/2024 (OA No. 515/2023): has been filed by one Swami Hari Chaitnya Brahmchari to bring on record illegal construction in the prohibited zone of river Ganga. Reply to the IA on behalf of Chief Engineer, Sone, Irrigation and Water Resource Department, State of UP (page 6097) has been filed disclosing that a copy of the gazette notification has been filed but in that reply no material in respect of the action taken has been disclosed. Learned Counsel for the State of UP seeks six weeks' time to file reply to the IA of the concerned District Magistrate.

IA No. 288/2024 (OA No. 526/2023)

7. IA No. 288/2024 (OA No. 526/2023): has been filed by Sh. Kanta Maheshwari for clarification. Learned Counsel appearing for Prayagraj Development Authority submits that he has received IA only two days back and seeks four weeks' time to file the reply to the IA.

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

8. IA No. 296/2024 & IA No.297/2024 (OA No. 527/2023): IA No. 296/2024 has been filed by some of the applicants seeking impleadment and IA No.297/2024 has also been filed by them seeking modification of the order dated 27.07.2012. Learned Counsel appearing for Varanasi Development Authority seeks six weeks' time to file reply to the IA.

IA No 372/2024 in OA No. 515/2023

9. This IA has been filed by the applicant seeking a direction to allow the applicant to continue the construction of the project being developed in compliance with the approvals granted by the competent authorities and further a direction to the Prayagraj Development Authority (PDA) to

decide the pending application no. 313/2011 for issuance of the completion certificate of Sector-1 project.

10. Applicant in this IA is a real estate developer. The housing schemes were being developed under Hi-Tech Townships to meet the housing requirements of the urban population in Allahabad.

11. The plea of the applicant is that in terms of the amended Hi-Tech Township Policy for the development of Hi-Tech Township through private investment in Uttar Pradesh, private developers were invited and after the proposals following were selected as the developers:-

“

S. No.	Name of Company	District of Proposed Township	Proposed Township Area (in acres)
1	Garv Buildtech Private Limited	Lucknow	2700
2	Pancham Realcon Pvt Limited (Applicant)	Allahabad	1535.12
3	Riwaaz Infratech Pvt Limited	Bulandshahar	3601.19

”

12. The Memorandum of Understanding (MoU) dated 05.09.2009 was executed between the applicant and Prayagraj Development Authority (PDA), and in compliance with the MoU, the applicant had submitted Detailed Project Report (DPR) pertaining to 1535.12 acres for providing residence to 2,06,773 people of Prayagraj. The DPR was approved by the competent authority on 24.10.2009, and the development agreement was executed between the applicant and the PDA on 03.12.2009. The applicant had obtained the Environmental Clearance (EC) dated 10.02.2010 by State Environment Impact Assessment Authority (SEIAA), UP and No Objection Certificate (NOC) dated 05.05.2010 by Uttar Pradesh Pollution Control Board (UPPCB). The Hi-Tech Township project was being developed by the applicant under the aegis of PDA and in compliance with the requisite environmental norms.

13. The applicant completed the Sector-1 project on 48.36 acres of land. The plea of the applicant is that he had set up a solid waste management system with door-to-door connectivity from the source, a comprehensive sewage system, and installed a Sewage Treatment Plant (STP) based on the zero-discharge principle by employing modern best practices and latest government-approved technologies. The applicant has disclosed the following steps which were taken in this regard:-

- “(i) *The Applicant had already setup a Solid Waste Management system in terms of which solid wastes is being collected from door to door and from the source i.e., multistoried complex, shops and commercial establishments and group housing units by the dedicated maintenance agency after segregating the waste into decomposable and non-decomposable categories.*
- (ii) **Sewage System:** *Applicant has provided for comprehensive effluent standards of the Minister of Environment and Forests under the Environment (Protection) Rules, 1986.*
- (iii) *STP has been installed which is based on a zero-discharge principle which means that no discharge from the project would be discharged into any drainage system, municipal sewage line or into the river.*
- (iv) *Zero discharge of the project is being achieved by employing the modern best practices and latest government approved technologies. The broad steps which have been undertaken for the ongoing project are as under:*

STEP-1	<i>Identifying Total Sewage Generation.</i>
STEP-2	<i>Sewage Collection.</i>
STEP-3	Primary Sewage Treatment: <i>Its Objective is to remove settleable organic and inorganic solid by sedimentation and removal of materials.</i>
STEP-4	Secondary Sewage Treatment: <i>Its Objective is with respect to treatment of effluent from primary treatment to remove the residual organics and suspended solids.</i>
STEP-5	<i>Treated Sewage Discharge.</i>

- (v) *For dealing with the scale of abovementioned sewage, DPR prepared by Applicant provides for internal sewage plant of the Hi-Tech Township.”*

14. The applicant has also raised the plea that it had installed 150 KLD Plant at project site and had applied to PDA for issuing completion certificate regarding Phase-1 of the project on 31.03.2011.

15. The grievance of the applicant is that when the applicant had completed the Phase-1 of the project and had already applied for the completion certificate, at that stage the Hon'ble High Court of Allahabad had passed the interim order dated 22.04.2011 restraining any construction within 500 meters of Highest Flood Level of river Ganges in the city of Allahabad as well as part of river Yamuna adjoining the river Ganges. The PDA had issued notice to the applicant restraining construction activities in view of the interim order of the High Court.

16. The applicant thereafter had moved an application seeking impleadment in the pending Writ Petition before the High Court. It is the further plea of the applicant that the applicant was impleaded in the Writ Petition as Respondent No. 26. The High Court by order dated 21.07.2023 took the view that the issue relating to conserving and maintaining the Floodplain Zone of river Ganges and Yamuna in various districts of Uttar Pradesh fall within the subject matter of pending OA 200/2014 before the National Green Tribunal, therefore, the above writ petition along with the connected petitions were transferred to the Tribunal. While transferring the writ petition, it was left open to the applicant to move an appropriate application for early disposal of the miscellaneous recall application filed by him.

17. In the above background applicant has filed the present application being IA No. 372/2024 before the Tribunal.

18. The submission of learned Counsel for the applicant is that the High Court itself had granted liberty to the applicant to seek the

appropriate relief from the Tribunal and that under the building bye-laws there is prohibition of construction only up to 200 meters from the river bank and that as per the RTI information provided to the applicant, the active flood plain area is 100 meters from the edge of the river till the demarcation of flood plain by the respective State Government. Further submission of the learned counsel for the applicant is that the distance of the applicant's project is 800 meters from the river Ganges, therefore, the interim order passed by the High Court restraining construction up to 500 meters is not applicable to the applicant. Learned Counsel for the applicant has also submitted that subsequently even the construction plan has been revised and revised DPR/Layout Plan for 232.50 acres of land was submitted by the applicant with the development authority on 25.04.2022 which was approved on 09.06.2022 and in any case since the Phase-I of the project is already completed, therefore, the applicant is entitled to the completion certificate for Phase-I.

19. Ld. counsel for the applicant further submitted that the applicant should be allowed to complete the construction at its own risk because the stakes of third parties who have made the payment are also involved and despite Ganga Rejuvenation order 2016, the floodplain of river Ganges has not been demarcated till now and the applicant is continuously suffering for last so many years, and the completion certificate has been sought by the applicant from the PDA for the construction which is already complete. Further submission of the learned counsel for the applicant is that the applicant has all the consents, clearances and approvals which are not in dispute and the applicant wants to complete the construction in accordance with law.

20. Learned Counsel for the State of UP has stated that clause 4 (ix) of the Ganges Rejuvenation order dated 2016 is applicable, which prohibits

construction on the floodplain zone of the river Ganges. He has further submitted that SLP was filed by the Allahabad Development Authority against the interim order of the High Court but it was withdrawn on 08.08.2011. He submits that the distance of 800 meters mentioned in the response of the UPPCB dated 04.02.2025 is from the mainstream of the river.

21. Learned Counsel for the UPPCB has submitted that the floodplain is required to be demarcated and uploaded on the website of NMCG so that the correct picture comes on record.

22. The submission of the learned Counsel for the PDA is that the revised layout plan was submitted by the applicant in 2022, which has been approved, and the application for completion certificate is pending for Phase-I of the project, which is complete. He submits that before issuing the completion certificate, PDA wants to ascertain if the construction is complete.

23. Learned Counsel appearing for the NMCG has raised a plea that if the applicant submits an application for approval, then the NMCG will duly consider the said application in accordance with law and will examine the issue.

24. We have heard the learned Counsel for the parties and perused the records.

25. The High Court of Allahabad in Public Interest Litigation (PIL) No. 4003/2006 was considering the issue of discharge of untreated water, change in its colour and deteriorating water quality in the river Ganges, and inaction on the part of the regulatory body, such as, UPPCB. In the interim order dated 22.04.2011 the High Court had taken note of the

government order dated 31.07.2000 by which the state government had imposed restrictions on constructions within 200 meters from the riverbank with the object of saving river Ganges from pollution and decision of Allahabad Development Authority to restrict construction up to 200 meter and permit construction only in special circumstances for next 300 meters. The High Court of Allahabad had noted following circumstances for passing the interim order:

“xxxxxx.....xxx

Unabated and enormous construction on the river bank is also one of the source of increasing pollution in river water and a source for throwing untreated sewage dirt in the river with no mechanism to check. As noticed above, Allahabad Development Authority while rejecting the application of Sahara Commercial Corporation for permitting the change of land use as residential in villages mentioned therein, recorded that within 200 meters from highest flood level, construction is wholly prohibited and within next 300 meters permission be granted only in special circumstances. Restriction in making construction of housing colony within 500 meters of highest flood level of river is necessary and mandatory to check the further pollution which may be caused by such housing colonies. We have noticed that in spite of repeated directions, neither the Nagar Nigam nor the State of U.P. has been able to come with any measure to check release of untreated sewage in river Ganges. 134 MLD untreated sewage, according to own case of Nagar Nigam is being discharged in river Ganges daily and according to the respondent new sewage treatment plant of the capacity 60 MLD shall be commissioned by 2013. New sewage treatment plant which has been mentioned and proposed has yet not started and we have reasonable doubt as to whether it will be able to function by 2013. Stopping construction up to 500 meters from highest flood level on the banks of both the rivers Ganges and also on the part of river Yamuna adjoining Sangam has to be directed in the city of Allahabad. The earlier order dated 28.3.2011 however requires modification.”

26. In the above circumstances, the High Court of Allahabad on 22.04.2011 had issued the following interim direction:-

“We thus direct that no construction shall be undertaken by the Allahabad Development authority or by any private builders within 500 meters of highest flood level of river Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Allahabad Development Authority and the district administration shall ensure that no construction be made in the aforesaid area. We however, give liberty to any aggrieved

person to make appropriate application in this petition with regard to above restrictions, if he feels so aggrieved.”

27. By the above order, High Court of Allahabad has restricted construction within 500 meters of highest flood level of river Ganges in Allahabad.

28. When the above direction was issued in the year 2011, there was no statutory provision regulating the floodplain zone or the construction in the flood plain zone of river Ganges or its tributary.

29. Subsequently, the Central Government exercising the powers conferred under sections 1, 3, 4, 5, 9, 10, 11, 19, 20 and 23 of the Environmental (Protection) Act, 1986 has issued the river Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (for short, “Ganga Rejuvenation Order”) by publishing it in the notification dated 07.10.2016. This order has statutory force and it has been issued to ensure measures for prevention, control and abatement of environmental pollution and adequate e-flow in the river Ganges and its tributaries. The floodplain has been defined in clause 3 (1) (l) of the Ganga Rejuvenation Order as under:-

“3. Definitions.- (1). xxxxxx.....xxx

(l). “flood plain” means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;”

30. By this order, the State Ganga Committee, District Ganga Committee and NMCG authorities have been constituted at District, State and Central level for achieving the object of the order. The clause 6 of the order provides for the prevention, control and abatement of environmental pollution in the river Ganges and its tributaries. Sub-

clause 3 of clause 6 of the order provides for restrictions on the construction activities in the river Ganges, bank of river Ganges or the floodplain area of the river Ganges or its tributaries.

31. The powers of NMCG have been elaborated in clause 41 of Ganga Rejuvenation Order. Though clause 6(3) of the rejuvenation order restricts construction on the “active flood plain” area of river Ganges or its tributaries but the Order does not define the active floodplain area. The 2016 Order in clause 3(1)(l) only defines floodplain. The active floodplain area is yet to be defined by the Central Government.

32. It has been pointed out that at the time of passing of the interim order by the High Court of Allahabad on 22.04.2011, the project of the applicant with all requisite permissions was in progress. The applicant was not heard before being restrained from continuing with the construction. The applicant was subsequently impleaded as Respondent No. 26 in the PIL and he had filed application before the Allahabad High Court, for recall of the order and during the pendency of the said application, the High Court had transferred the proceedings before the Tribunal. The High Court, while transferring the proceedings, took note of the case of the applicant and observed as follows:

“xxxxxx.....xxx
28. We, therefore, do not see any prejudice going to be caused to the respondent no. 26 in the event matter is transferred to the National Green Tribunal, New Delhi. It will remain open for the respondent no. 26 to move appropriate application before the National Green Tribunal for early disposal of miscellaneous recall application, if so advised.

29. In view of above, the transfer application moved by the State of Uttar Pradesh stands granted. The Public Interest Litigation No. 4003 of 2006 and other connected pending petitions and PIL petitions are transferred to National Green Tribunal, New Delhi.”

33. In the present case, the uncontroverted plea of the applicant is that he is one of the real estate developers selected under the amended Hi-Tech Township Policy notified by the Government of Uttar Pradesh to develop the housing scheme for fulfilling the housing requirement in Prayagraj and it has entered into an MoU dated 05.09.2009 with the PDA for this purpose. It is also not in dispute that the applicant had obtained the EC from SEIAA, UP on 10.02.2010 and NOC from the UPPCB on 05.05.2010. He had also completed the construction of the Sector-1 project of 48.36 acres of land and applied for completion certificate for phase-1 of the project on 31.03.2011, prior to the passing of the interim order by the High Court of Allahabad on 22.04.2011.

34. The PDA in its reply has disclosed that area of the project has been subsequently reduced. The plea of the PDA in this regard is as under:-

“xxx.....xxx.....xxx

xvii. *That out of the total 1535.12 acres of land, owing to reduction in area, revised DPR/ Layout for 232.50 acres of land was submitted by the OMAXE with the Deponent Authority on 25.04.2022, which was approved on 09.06.2022. The copy of the revised DPR is annexed herewith and marked as **ANNEXURE A-12.***

xviii. *That due to above-mentioned major changes/ modification in the project, a newly submitted DPR pertaining to 232.50 acres land was submitted by OMAXE with the Deponent Authority revising the earlier Layout Plan of the project on 26.07.2022. Since Phase-1 over the approx. 96 acres of land of the project was already completed (as CC was applied by OMAXE u/s 15A of the Act which is pending consideration by the Deponent Authority) and the allotments have already been made OMAXE, however due to interim direction passed by this Hon'ble Court, the Deponent Authority has not issued Completion Certificate under section 15A of the Act of 1973 for sector-1 project to OMAXE.”*

35. The specific plea of the applicant is that he intends to carry out the further construction within the reduced area.

36. The reliance of learned Counsel for the applicant is also upon the spot inspection report of the RO, UPPCB dated 28.01.2025 which is filed as Annexure A along with the reply of the UPPCB dated 04.02.2025 (page 5568-5572) wherein the Assistant Environment Engineer, UPPCB on spot inspection had found that the boundary wall of the project of the applicant is 800 meters away from the mainstream of river Ganges. The relevant extract of this spot inspection report is as under:

“xxxxxx.....xxx
 15. मेसर्स पंचम रियलकॉन प्रा०लि०, प्रयागराज परिसर के पूरब-उत्तर दिशा में सटे लिंक रोड तत्पश्चात् गंगा नदी का किनारा स्थित है। निरीक्षण के समय मेसर्स पंचम रियलकॉन प्रा०लि०, प्रयागराज परिसर के बाउण्ड्रीवाल से गंगा नदी की मुख्य जलधारा लगभग 800 मी० की दूरी पर प्रवाहित हो रही थी। गंगा नदी के फ्लड प्लेन जोन के डिमार्केशन के सम्बन्ध में सूचना इस कार्यालय के पत्र संख्या जी 01412/एन०जी०टी० ओ०ए० नं० 515/2023/2025, दिनांक 01.02. 2025 के द्वारा अधिशासी अभियन्ता, बाढ़ कार्य खण्ड, सिंचाई विभाग, प्रयागराज से मांगी गयी है (संलग्नक-14)। उक्त सूचना सिंचाई विभाग से अपेक्षित है।”

37. The applicant has also relied upon the building bye-law no. 30.1.10 (page 5042) of Allahabad Development Authority भवन निर्माण एवं विकास उपविधि 2008 (यथा संशोधित 2011, 2016 एवं 2018) as amended which restrict the construction up to 200 meters from the bank of river Ganges. The said bye-law is extracted below as under:-

“3.1.10. गंगा नदी के किनारे 200 मीटर क्षेत्र में निर्माण अनुज्ञा:

- (I) गंगा नदी के किनारे बसे नगरों में नदी तट से 200 मीटर क्षेत्र में केवल विद्यमान भवनों की मरम्मत एवं जीर्णोद्धार तथा हेरिटेज भवनों के सम्बन्ध में इंटैक (INTACH) के परामर्श से संरक्षण कार्य अनुमन्य होंगे, शेष गतिविधियां निषिद्ध होंगी।
- (II) गंगा नदी के किनारे स्थित प्रमुख तीर्थ स्थलों पर नदी तट से 200 मीटर के क्षेत्र के अन्तर्गत मठ, आश्रम तथा मंदिर का निर्माण निम्नलिखित शर्तों के अधीन अनुमन्य होगा:

(क) भू-आच्छादन 35 प्रतिशत तथा एफ.ए.आर. 1.5 अनुमन्य होगा।

(ख) प्रस्तावित निर्माण के साथ एक योजना प्रस्तुत की जाएगी जिसमें यह सुनिश्चित हो कि नदी में प्रदूषण नहीं होगा। योजना जल निगम / जल संस्थान अथवा विकास प्राधिकरण द्वारा स्वीकार पाये जाने पर नियमानुसार मानचित्र स्वीकृत किया जाएगा।

(ग) ड्रेनेज सीधे नदी में अवमुक्त नहीं किया जाएगा, बल्कि अन्य नालों, आदि में ले जाने की व्यवस्था की जाएगी।

(घ) यदि क्षेत्र में सीवरेज व्यवस्था नहीं है, तो निवास स्थान/धर्मशाला, आदि अनुमन्य नहीं होंगी।

टिप्पणी:- नदी तट का आशय सम्बन्धित विभाग (राजस्व / सिंचाई) के अभिलेखों में अंकित तट से है।”

38. The applicant along with its reply has placed on record the response/reply of the NMCG in response to the RTI application, whereby the active floodplain area is disclosed as follows:-

“However, active flood plain area' of River Ganga or its tributaries where construction of any structure, whether permanent or temporary, for residential or commercial or industrial or any other purpose is prohibited, has to be identified and demarcated by the respective State Government(s), based on one in twenty-five years cycle of Highest Flood Level (HFL). Till the said identification is completed 100 meters from the edge of the river would be designated as 'no development/construction Zone'.”

39. No other report by any of the competent authorities in respect of the distance of the applicant's project from the bank of the river Ganges or any report showing that the applicant is covered by the interim order of the High Court has been placed on record. The exercise of demarcation of the floodplain zone of river Ganges is going on and is likely to take time.

40. There is no authentic material on record to show what exactly the active floodplain area is. There is also no inspection report by any

competent authority on record to show that the project of the applicant is within the 500 meter of highest flood level of river Ganges. On the contrary, the plea of the applicant is that the boundary wall of the project is 800 meters away from the mid-stream of river Ganges. Thus, in the absence of any such positive material or report that the applicant is covered by the interim order of the High Court dated 22.04.2011 the PDA was not justified in preventing the applicant in proceeding with the construction.

41. In the IA the applicant has also disclosed that the units of the project were already allotted prior to passing of the interim order by the Allahabad High Court and public at large had made the deposits which is suffering because of the prohibition imposed by the PDA. The uncontroverted plea of the applicant in the IA in this regard is as under:-

“xxxxxx.....xxx
35. *In view of the units forming part of the aforesaid projects and the units allotted prior to the passing the Interim Order, it is evident that Interim Order has affected the rights of the public at large which have deposited their savings and hard-earned money with Applicant in order to seek allotment of unit in the Project being constructed by Applicant for their families and are being deprived the possession of their units as the Applicant has been restrained from completing the Project.*

36. *As a consequence of the Interim Order passed by Hon'ble High Court, PDA by way of its letter dated 03.05.2011 intimated the Applicant of the Interim Order passed by Hon'ble High Court completely halted the construction activities on the project site, thus, the Projects which were to be completed by the Applicant within a period of 5 years as per the 2007 Policy could not be proceeded further and which directly affected the right of residence of the consumers who have booked their units in the Project.*

37. *Therefore, considering the large-scale impact of the Interim Order on the Applicant and the allottees of the Project, it is imperative that in the event the Applicant is not allowed to complete the Projects and provide timely possession of units to the consumer at large then the consumers/allottees of the various projects developed/being developed at Allahabad would be deprived of the units which they have booked for the habitat of their family and would be constrained to continue to pay interest rate to the financial institutions.*

38. Thus, in the event, the Applicant is not allowed to complete the construction of its on-going projects then it will not safeguard the interest of the public and will take away their right of adequate housing for which they have been availed home loans from financial institutions.”

42. The reply of the NMCG dated 08.11.2024 also does not state that the project of the applicant is covered by the interim order of the High Court or it is within the 500 meters from the highest flood level of river Ganges in the city of Allahabad.

43. Thus, in view of the above analysis and stand of the applicant that before passing of the interim order dated 22.04.2011 by the High Court of Allahabad in the PIL, the applicant had already completed the construction of the phase-1 project with all the requisite permissions and complying with all the norms and its application for issuance of completion certificate is pending before the PDA and the PDA only wants to examine, if the construction was complete, we direct the PDA to take an appropriate decision on the application dated 31.03.2011 submitted by the applicant for the issuance of the completion certificate of the Sector-1 project in accordance with law as expeditiously as possible, preferably within eight weeks.

44. In respect of the prayer for further construction, we have noted that applicant has all the requisite permissions and the money has been received from the public in advance and after the interim order of the High Court area of the project has been reduced and there is no material on record to reach to the conclusion that the project is covered by the interim order of the High Court of Allahabad. In such circumstances if applicant wants to proceed with construction at its own risk, it can do so subject to compliance of requisite norms. Needless to say such

construction would be subject to the provisions of Rejuvenation Order 2016 including demarcation thereunder.

45. IA 372/2024 is accordingly disposed of.

IA No. 557/2024 in OA No. 515/2023

46. This IA is filed by the applicant, Harish Chandra Research Institute, seeking a direction to permit the applicant to continue the construction of the campus and complete the unfinished construction of the hostel building and the extension of establishment of the library building and computer centre. The prayer made in the IA is as under:-

“In view of the facts as mentioned in the instant Application, it is prayed that this Hon'ble Tribunal may please to:

- a. Allow the present Application and allow the Applicant i.e. Harish-Chandra Research Institute (HRI) to continue the construction of the Campus as per the Master Plan approved by the Authorities and being developed in compliance of the approvals granted by competent authorities including PDA and complete the unfinished construction the Hostel Building and the extension of the Library Building and Computer Center and/or;*
- b. Allow the applicant to complete A Lecture Hall Complex and Conference Centre consisting of lecture halls and an auditorium for courses and conferences, An extension of the Institute's Guest House to house a larger number of academic visitors, especially long term visitors as per the approved Master Plan and approvals of authorities including PDA and/or;*
- c. Pass any such further order (s) as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.”*

47. In this IA, the applicant has disclosed in para 51 that in compliance of the order dated 21.03.2013 passed by the Allahabad High Court in the PIL, Amicus Curiae had submitted the report dated 05.07.2013 (Annexure L to the IA) stating that the entire construction/premises of the institute's campus is within 500 meters of

the Highest Flood Level of the river Ganges in Chhatnag Side of Jhansi.

The pleading of the applicant in the IA in this regard is as under:-

“51. That it is necessary to point out that in compliance with the order dated 21.03.2013 passed by the Hon'ble High Court of Allahabad in the PIL., an Amicus Curiae, Shri Arun Kumar Gupta, Advocate, has submitted a Report dated 05.07.2013 before this Hon'ble High Court, after inspecting the campus of the Institute, wherein under Paragraph 7 of the report it is mentioned that the entire campus area is developed in an eco-friendly manner and covered by green trees, under Paragraph Nos. 8 & 9 it is mentioned that the discharge from the Institute's campus into the Ganga is zero, under Paragraph No. 11 it is mentioned that the learned Amicus Curiae has seen the half-built structures of the buildings and further in Paragraph No. 10 & 12, it has is mentioned that the entire construction/premises of the Institute's campus is within 500 meters of the Highest Flood Level of the River Ganga at Chhatnag Side of Jhansi. A true copy of Objection/Report dated 05.07.2013 submitted by the learned Amicus Curiae before the Hon'ble Allahabad High Court, is annexed as Annexure L.”

48. The Allahabad High Court by order dated 22.04.2011 has restricted construction by Allahabad Development Authority or by any private builder within 500 meters of the highest flood level of river Ganges in the city of Allahabad as well as part of the river Yamuna adjoining the river Ganges, i.e., Sangam. There is no prayer in the IA for seeking vacation of the interim order passed by the division bench of the High Court of Allahabad.

49. In view of the admitted position in the IA that the proposed construction is within 500 meters of the Highest Flood Line, Counsel for the applicant is required to clarify how the prayer made in the IA can be granted.

50. Hence, the IA be listed for further hearing on the next date.

51. List all OAs and pending IAs for consideration on 24.09.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 19, 2025
Original Application No. 515/2023
& other connected matters
JG+AVT