

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

Original Application No. 613/2023

Om Prakash Gupta

Versus

Applicant

Gorakhpur Development Authority & Ors.

Respondent(s)

Date of hearing: 11.10.2023

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

Applicant: Mr. Himanshu Gupta & Mr. Aman Banka, Advs.

ORDER

1. In this Original Application, the grievance raised by the applicant is in respect of construction of petrol pump by respondent no. 7 in flood line area near Rapti river in Rajghat, Gorakhpur, Uttar Pradesh. The stand of the applicant is that the area on which petrol pump is constructed is adjacent to the Rapti river and during the major flood, the area in question comes in submergence. The submission of learned Counsel for the applicant is that setting up of a petrol pump is in contravention of the guidelines issued by the Central Pollution Control Board contained in the memorandum dated 07.01.2020. It is further the stand of the applicant that the flood plain area of river Rapti is extremely sensitive in nature and such an illegal construction would encourage other illegal activity in the area and will have adverse effect on the environment and on the integrity of the rivers.

2. Having regard to the issue raised in the application, we deem it proper to constitute a joint Committee comprising of the representative of the Member Secretary of Uttar Pradesh State Pollution Control Board, the representative of Secretary of Jal Shakti and District Magistrate,

Gorakhpur. The District Magistrate, Gorakhpur will act as nodal agency. The joint Committee will carry out the spot inspection and prepare a report. In case if any violation of norms in the setting up of the petrol pump by respondent no. 7 is found, then the copy of the report will be sent to respondent no. 6, Bharat Petroleum Corporation Limited, who on receipt of the report will take an appropriate decision in accordance with law by following the principles of 'Natural Justice'.

3. A copy of the report will also be submitted by the Committee before the Registrar General of the Tribunal and if found necessary, the matter will be listed for consideration before the Court.

4. The application is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 11, 2023
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SN