

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

Original Application No. 603/2023
(I.A. No.168/2024)

Adesh Kumar Yadav

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 12.04.2024

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

Respondent(s): Mr. Parijat Sinha & Mr. Divyam Dhyani, Advs. for HPCL (R - 4)
Ms. Ritika Singhal, Adv. for GAIL (R - 5) (Through VC)

ORDER

1. In this original application, registered on the basis of the letter petition, grievance is against the construction by Hindustan Petroleum Corporation Ltd. (HPCL) on the ground that it is on a thickly populated area and it falls within the flood plain zone of river Ram Ganga and Ganga in violation of environmental norms.

2. Tribunal by order dated 05.03.2024 had directed to get the demarcation of flood plain zone of the river in question in accordance with River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 and file the report.

3. In terms of the above direction, report has been filed by District Magistrate, Moradabad on 02.04.2024 disclosing that for demarcation of flood plain zone on both sides of river Ganga from Janpad Bijnor (starting from Kalagardh Dam to Kannauj), a sum of Rs. 112.10 lakh has

been paid to National Institute of Hydrology, Roorkee. National Institute of Hydrology, Roorkee has informed that work of determination of geo-coordinates for the purpose of demarcating the flood plain zone will be completed within 12 months and thereafter, work of demarcation of flood plain zone on both sides of river Ram Ganga will start.

4. Process of demarcation of the flood plain zone needs to be expedited in order to protect river Ram Ganga and Ganga and also to protect the flood plain zone.

5. Tribunal by order dated 30.11.2023 had formed a joint committee which had submitted the report dated 18.01.2024 stating that as per the google map, distance of plant in question is 678.50 meter from bank of river and at the end it is stated that, distance for constructing the embankment from middle of the river is 615 meter. Whether the construction of respondent/project proponent falls within the flood plain zone or not, can be ascertained and action can be taken by the authorities, if required, only after the flood plain zone is demarcated.

6. Hence, we dispose of the original application, directing the authorities to expedite the process of demarcation of flood plain zone in question and submit quarterly report before the Registrar General of the Tribunal disclosing the progress till the flood plain zone is demarcated and to take action against the respondent/project proponent, if required, after demarcation of the flood plain zone, and submit final action taken report thereafter. If found necessary, the matter will be listed before the Bench for consideration.

7. Pending IA is accordingly disposed of.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

April 12, 2024
Original Application No. 603/2023
JG.