

Item No.6

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 621/2023

Dr. Sanjay Kulshreshtha

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 02.05.2024

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

Applicant: Applicant in Person (through VC).
Respondent: Ms. Priyanka Swami, Advocate for Agra Nagar Nigam
(through VC).
Mr. Arvind Kumar Advocate for UPPCB (through VC)
None for State of U.P.

ORDER

1. In compliance of the order dated 02.01.2024 report has been filed by the Joint Committee vide email dated 21.02.2024.
2. Respondents impleaded vide order dated 02.01.2024 have not filed their responses to the application and also to the report of the Joint Committee.
3. None has appeared on behalf of State of Uttar Pradesh, Principal Secretary, Ground Water Department, Government of Uttar Pradesh and District Magistrate, Agra.
4. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the concerned defendants may opt out to remain absent and suffer *ex-parte* proceedings. On the other hand, the State and its instrumentalities are under constitutional and statutory obligations to

ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure submission of their replies/response with relevant details and also their representation through duly authorised representatives/Counsel before this Tribunal. Since, State of Uttar Pradesh and some of its instrumentalities are still not appearing before this Tribunal and filing their replies/response in response to the notices served on them in some cases, we consider it appropriate that the matter be again brought to the notice of the Chief Secretary, Government of Uttar Pradesh and learned Advocate General, Uttar Pradesh for issuance of appropriate instructions for compliance with notices issued by this Tribunal and submission of reply/response and ensuring representation through their authorized representative/counsel before this Tribunal, as may be required.

5. Ms. Priyanka Swami, learned counsel for Uttar Pradesh Jal Nigam, seeks time to file its reply.

6. Replies/responses by State of Uttar Pradesh, Principal Secretary, Ground Water Department, Government of Uttar Pradesh, District Magistrate, Agra and Uttar Pradesh Jal Nigam be filed within two months through e-filing portal preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List this matter on 09.08.2024

8. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorised by Chairman, U.P. Jal Nigam and Commissioner, Municipal Corporation, Agra physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.

9. A copy of this order be sent to Chairman, U.P. Jal Nigam and Commissioner, Municipal Corporation, Agra by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 02nd 2024
AG