

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

Original Application No. 417/2022
(I.A. NO. 139/2025, I.A. NO. 348/2025, I.A. NO. 544/2025, I.A. NO. 545/2025,
I.A. NO. 546/2025, I.A. NO. 547/2025 & I.A. NO. 551/2025)

Niranjan Bagchi

Applicant

Versus

State of Uttarakhand & Ors.

Respondents

Date of hearing: 18.08.2025

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

Applicant: None for the applicant.

Respondents: Mr. Atmaram N. S. Nadkarni, Senior Advocate with Ms. Ruchira Gupta, DAG and Ms. Anjali Rajput, Advocates for respondents no. 1, 2, 5 and 7.

Mr. Anand Bardhan, Chief Secretary, Mr. Nitish Jha, Secretary, Urban Development Department, Mr. Gaurav Kumar Singhal, Additional Secretary Urban Development Department, Sh. Savin Bansal, District Magistrate, Dehradun, (through VC).

Mr. Kaushal Gautam and Ms. Snehpreet Kaur, Advocates for Respondent no. 3 (through VC).

Dr. Aman Rab, Advocate for R-4 Nagar Nigam, Dehradun and Irrigation Department alongwith Mrs. Namami Bansal, IAS (Municipal Commissioner, Dehradun) and Mr. Sharad Srivastav, (Superintendent, Irrigation Department).

Mr. Rahul Verma, Advocate for respondent no. 6.

Mr. Gi. Gi. C. George and Mr. Ishwer Singh, Advocates for NMCG with Mr. Rajiv Mittal, Director General, Sh. Anoop Srivastava, ED and Ms. Arpita Kumari, Legal Consultant, NMCG.

ORDER

1. In compliance of order dated 27.05.2025, report dated 01.07.2025 has been filed by UKSPCB; Report Cum Affidavit dated 08.07.2025 has been filed by Uttarakhand Pey Jal Nigam; Affidavit dated 13.08.2025 has been filed by Chief Secretary, Government of Uttarakhand; and Compliance Affidavit dated 14.08.2025 has been filed by Irrigation Department, Uttarakhand.

2. In affidavit dated 13.08.2025 filed by the Chief Secretary, Government of Uttarakhand, it has been submitted that the Commissioner, Municipal Corporation, Dehradun was authorized to file reply dated 02.05.2025 on his behalf for timely and expeditious submit of status report. However, we are constrained to observe that filing of such affidavit by a subordinate cannot be considered to be proper as the same will in the very nature of things lack proper response, due application of mind, requisite decision making and issuance of appropriate directions as expected from the Chief Secretary, Government of Uttarakhand.

3. The Chief Secretary, Government of Uttarakhand has submitted in the affidavit that out of 89 encroachments within jurisdiction of Municipal Corporation Dehradun, 20 encroachments existed before 11.03.2016 and remaining 69 encroachments were removed; out of 413 encroachments within jurisdiction of Mussoorie Dehradun Development Authority, 347 encroachments existed before 11.03.2016 and remaining 66 encroachments were removed; out of 12 encroachments within jurisdiction of Nagar Palika Parishad Mussoorie, 02 encroachments existed before 11.03.2016 and remaining 10 encroachments were removed; and out of 11 encroachments identified by the District Administration in Non-ZA Land, 06 encroachments existed before 11.03.2016 and remaining 05

encroachments have been removed. In the affidavit it has been further mentioned that for demarcation of flood plain zone of river Rispana interim notification was issued on 07.10.2024 and final notification has been issued on 05.05.2025 but Director General, NMCG has sent letter dated 07.08.2025 enclosing therewith the Guidelines issued by CWC and appropriate action will be taken to complete the exercise of demarcation of flood plain zone of river Rispana. In his affidavit Chief Secretary, Government of Uttarakhand has submitted that he will be able to submit reply on the question of permissibility of constructs on the bank of river Rispana after demarcation of flood plain zone as per CWC guidelines dated 31.07.2025. In the affidavit it has been mentioned that the Chief Secretary, Government of Uttarakhand has received letter dated 29.07.2025 from NMCG, inter alia referring to the response dated 03.05.2025 sent by the Irrigation Department, Uttarakhand in reply to NMCG's letter dated 20.04.2025 stating that the reply does not explicitly show/establish the expanse of flood plains on either side of the river at different return periods (5-yr, 25-yr, 100-yr) nor does it specify location of Structures falling within these zones. It was further stated that a Committee comprising officials from NMCG and concerned State Government departments has been formed to conduct on-ground assessment and submit a report based on their findings and the said Committee has held its first meeting and has asked the State Government agencies concerned to supply requisite information within stipulated time. It was requested that appropriate directions be issued to the concerned agencies for the expeditious compilation and submission of the required data to the Committee to finalize its report, which will help NMCG to act as per provisions of Section 6 (3) of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 and ensure timely compliance with the directions of this Tribunal. In the affidavit reference has been made to letter dated 06.08.2025 sent by the Urban Development

Department to Irrigation Department, submission of detailed report by Urban Development Department to NMCG in compliance to the directions given in Meeting held on 17.07.2025 and letter dated 01.08.2025 sent by Urban Development Department to the District Magistrate, Dehradun, Vice Chairman, MDA, the Forest, Housing, Drinking Water and Sanitation, Irrigation Departments, Uttarakhand Jal Nigam, Municipal Corporation, Dehradun and UKPCB to ensure compliance of the directions given in meeting dated 03.05.2025 held by the Chief Secretary, Government of Uttarakhand with all the stake holders.

4. In the compliance affidavit dated 14.08.2025 filed by Secretary, Irrigation Department, Government of Uttarakhand no reference to letters dated 01.08.2025 and 06.08.2025, mentioned in the affidavit of Chief Secretary, Government of Uttarakhand to have been sent to the Irrigation Department, has been made and there is no mention of action taken in compliance to the same.

5. **I.A. No. 544/2025** has been filed by respondent no. 1-Chief Secretary, Government of Uttarakhand seeking exemption from personal appearance and permission to appear through VC before this Tribunal on 18.08.2025. In view of the reasons mentioned the same is **allowed**.

6. **I.A. No. 545/2025** has been filed by respondent no. 1-Chief Secretary, Government of Uttarakhand seeking exemption from filing clear copies of annexures filed with his affidavit. In view of the reasons mentioned the same is **allowed** subject to the condition that legible copies of the annexures/documents be filed in due course of time.

7. **I.A. No. 546/2025** has been filed seeking exemption from personal appearance on behalf of Vice Chairman, Mussoorie Dehradun Development Authority on 18.08.2025. In view of the reasons mentioned the same is **allowed**.

8. **I.A. No. 547/2025** has been filed by respondent no. 5-District Magistrate, Dehradun, Uttarakhand seeking exemption from personal appearance and permission to appear through VC before this Tribunal on 18.08.2025. In view of the reasons mentioned the same is **allowed**.

9. **I.A. No. 551/2025** has been filed seeking exemption of the Secretary, Irrigation Department, from personal appearance and permission to appear through VC before this Tribunal on 18.08.2025. In view of the reasons mentioned the same is **allowed**

10. In compliance of order dated 27.05.2025 Mr. Anand Bardhan, Chief Secretary, Government of Uttarakhand, Mr. Nitish Jha, Secretary, Urban Development Department, Mr. Gaurav Kumar Singhal, Additional Secretary, Urban Development Department and Shri. Savin Bansal, District Magistrate, Dehradun, have appeared before this Tribunal through VC and Mrs. Namami Bansal, IAS, Municipal Commissioner, Dehradun, Mr. Sharad Srivastav, Superintendent, Department of Irrigation, Mr. Rajiv Mittal, Director General, NMCG, Shri. Anoop Srivastava, Executive Director, NMCG and Ms. Arpita Kumari, Legal Consultant, NMCG have appeared before this Tribunal physically.

11. **The question of permissibility of constructions raised on the river bed of river Rispana has to be determined by ascertaining the facts as to whether the same have been raised on public land or private land and whether the same have been raised after obtaining requisite permission from the concerned authorities in accordance with relevant statutory provisions and also whether such construction causes damage to ecology of river Rispana or obstructions to flow of water in the same.**

12. **The State of Uttarakhand and its instrumentalities including official respondents impleaded as respondents no. 1 to 8 are directed to provide the requisite information to NMCG within three months and Director General, NMCG is directed to take action as per provision of the Section 6(3) of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 within six months.**

13. **Further Action Taken Reports may be filed by respondents no. 1 to 8 within two weeks next to three months and by respondents no. 9 to 12 within two weeks next to six months.**

14. List on 22.12.2025 for further hearing.

15. In the meanwhile, order dated 16.12.2024 passed by this Tribunal shall remain in abeyance and the question of modification/recalling of the same will be considered on the date of hearing fixed.

16. A copy of this order may be sent to the Chief Secretary, Government of Uttarakhand, Principal Secretary, Urban Development Department, Government of Uttarakhand, the Director General, NMCG, Member Secretary, UKPCB, Managing Directors, Uttarakhand Pay Jal Nigam and Uttarakhand Jal Sansthan, the District Magistrate, Dehradun, the Commissioner, Municipal Corporation, Dehradun and the Vice-Chairman Mussoorie Dehradun Development Authority by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 18th, 2025
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IA NO 544/2025, IA NO 545/2025,
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