

Item No.04

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(Through Physical Hearing with Hybrid VC Option)
Original Application No.417/2022

Niranjan Bagchi

...Applicant

Versus

State of Uttarakhand

...Respondents

Date of hearing: 20.03.2023

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

Applicant: None.

Respondents: Mr. Rahul Verma, Addl. Advocate General for respondents no. 1, 2, 4 and 5.
Mr. Mukesh Verma, Advocate for respondents no. 3 (through VC).
Ms. Sonika, District Magistrate, Dehradun and Mr. Manju Goyal, Commissioner, Municipal Corporation, Dehradun (through VC).

Application is registered based on a letter Petition received by Post.

ORDER

1. The grievance in the present application is regarding unauthorized raising of jhuggis on the dry river bed of river Rispana in Dehradun and discharge of untreated domestic sewage, dairy waste and industrial effluent in the rivers.

2. Vide order dated 12.07.2022, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report. In compliance thereof report of the Joint Committee was filed vide email dated 03.11.2022.

3. Vide order dated 10.11.2022, notices were ordered to be served on the respondents and personal appearance of the Commissioner, Municipal

Corporation, Dehradun and the District Magistrate, Dehradun through VC was ordered.

4. Pursuant to notice, response has been filed by respondent no. 3-UKSPCB vide email dated 16.03.2023.

5. In compliance of order dated 10.11.2022, Ms. Sonika, District Magistrate, Dehradun and Mr. Manju Goyal, Commissioner, Municipal Corporation, Dehradun have appeared through VC and we have interacted with them and it has been impressed upon them that the aspects of demarcation of the Flood Plain Zone of the River, survey for identifying encroachments, taking of appropriate action for removal of the encroachments and tapping discharge of untreated sewage in the river may be looked into.

6. In view of the facts and circumstances of the case, we also consider presence of the Uttarakhand Payjal Nigam, Dehradun and Uttarakhand Jal Sansthan, Dehradun to be essential for just and proper adjudication of the questions involved in the present case. Accordingly, they are ordered to be impleaded as respondents no. 6 and 7. The Registry is directed to make appropriate amendments in the Memo of Parties.

7. Notices be issued to the newly impleaded respondents no. 6 and 7 requiring them to file their replies.

8. Mr. Rahul Verma, learned Additional Advocate General, Uttarakhand, who is representing the State and other official respondents, has accepted notice on behalf of newly impleaded respondents no. 6 and 7 and he seeks adjournment for filing of their reply/response.

9. Reply/response by respondents no. 1, 2, 4, 5, 6 and 7 be filed **within three months** by email at judicial-ngt@gov.in preferably in the form of

searchable PDF/OCR Supported PDF and not in the form of Image
PDF/Word file.

10. List the matter for further consideration on 25.07.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 20 2023
AG