

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.305/2022
(I.A NO. 149/2022 & I.A No. 215/2022)

Vipin Nayyar

...Applicant

Versus

Union of India & Ors.

...Respondent

Date of hearing: 08.09.2022

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

Applicant: Mr. Vipin Nayyar, applicant in person.
Respondent: Mr. Thakur Sumit and Mr. Narender Yadav, Advocates for
respondent no. 1.
Ms. Ruchir Mishra, Advocate for respondent no. 3
Mr. Mukesh Verma, Advocate for respondent no. 7.
Mr. Rajesh Kumar, Advocate for respondent no. 8.

**Application under Section 18 read with Sections 14 and 15 of the
National Green Tribunal Act, 2010**
ORDER

1. The applicant has filed present application under Section 14 read with Section 18 of the National Green Tribunal Act, 2010 *inter alia* seeking issuance of directions to the concerned regulatory authorities/respondents to demolish and remove the illegal construction of the Moga Resort in 1:25 years Flood Plain Zone of river Ganga/the Forest Land in Rishikesh and also to impose environmental compensation for restoration of the environmental damage caused.

2. Vide order dated 06.05.2022, notices were ordered to be issued to respondents and a Joint Committee was also constituted to verify the factual position and submit its Factual and Action Taken Report. As per office

report notices have been duly served on the respondents by E-mail. None has appeared on behalf of respondents no. 2, 4, 5 and 6.

2. Copy of inspection report of the Joint Committee dated 20.06.2022 and compliance report on behalf of the UEPPCB have been filed vide email dated 24.08.2022.

3. Reply has also been filed by respondent no.8 vide email dated 28.07.2022.

4. I.A No. 149/2022 has been filed by the applicant for placing additional documents including the affidavit of service.

5. In view of the attending facts and circumstances, the application is allowed and the additional documents including the affidavit of service are allowed to be brought on record and I.A No. 149/2022 is disposed of accordingly.

6. I.A No. 215/2022 has been filed by the applicant for allowing him to submit additional documents for subsequent events and objections to the reply filed by respondent no 8.

7. In view of the attending facts and circumstances, the application is allowed and additional documents are allowed to be placed on record. I.A No. 215/2022 is disposed of accordingly.

8. We have gone through the reply filed by respondents no. 1 to 3 and we find that in their reply respondent no. 1 to 3 have not given any specific reply regarding existence of old reservoir (water body) and have pleaded the same concerns the Department of Jal Shakti.

9. Learned Counsel appearing for respondent no. 3 seeks time for filing of reply and vakalatnama on behalf of respondent no. 3.

10. Four weeks times is granted for filing of reply and vakalatnama by respondent no. 3 and the same be filed by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

List for further consideration on 22.11.2022.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 08, 2022
AG