

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

Original Application No. 305/2022
(I.A. Nos. 854/2023, 751/2023,
215/2022, 149/2022 and 164/2024)

Vipin Nayyar

Applicant

Versus

Union of India

Respondent

Date of hearing: 25.07.2024

**CORAM: HON’BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): Applicant in Person (through VC)

Respondent: Mr. Thakur Sumit, Advocate for MoEF & CC (through VC)
Ms. Anjali Rajput, Advocate for State of Uttarakhand
Mr. Mukesh Verma, Ms. Vatsala Tripathi and Mr. Yatinder Chaudhary,
Advocates for UKPCB (through VC)
Mr. R. Kumar, Advocate for Respondent No. 8 (through VC)
Mr. Balendu Shekhar and Ms. Tanisha Samanta, Advocates for Survey of
India
Mr. Ruchir Mishra and Mr. Ramneek Mishra, Advocates for ASI

ORDER

1. Respondent 8 approached Supreme Court challenging interim order dated 22.02.2024 passed by Tribunal. Appeal was dismissed by Supreme Court by order dated 21.05.2024 but with an observation that appellant, for expeditious disposal of appeal or variation of the order, may approach Tribunal.

2. Respondent 8 moved an application for vacation of order which was declined by this Tribunal vide order dated 31.05.2024 but we accepted

the request for final hearing at an early date and fixed the matter on 19.07.2024 for final hearing.

3. On 19.07.2024, applicant Vipin Nayyar sought adjournment to prepare matter for final hearing which was accepted.

4. Today respondent 8 is seeking adjournment though it is respondent 8 in whose matter, Supreme Court made observation for early hearing of the matter and Tribunal is proceeding to hear matter finally since the matter has matured for the purpose.

5. Learned Counsel appearing for respondent 8 stated that he is not well and seeking accommodation on his personal ground.

6. We are accommodating respondent 8 subject to payment of cost of Rs. 5000/- which shall be paid with the Registrar General of this Tribunal atleast before the next date.

I.A No. 215 of 2022:

7. This is an application filed by applicant Vipin Nayyar making following prayers:

“1. To order the State of Uttarakhand/the District Magistrate, Dehradun to cancel the allotment of the flood plain forest land given to respondent no.8 in the Riverbed of River Ganga.

2. And to return the 1:25 year flood plain zone land allotted to respondent no.8 to the forest department in consonance with the Hon’ble Tribunal’s order dated 13.08.2020 in O.A. No.200 of 2014 M.C. Mehta Vs. Union of India & Ors. item No. 1

3. And to impose a substantial amount of environmental compensation on respondent no.8 for damaging the ctive flood plain zone of River Ganga by constructing a resort with 22 rooms in the riverbed by encroaching the forest land.

4. And/ or, any other order that this Hon’ble Tribunal may be pleased to pass in the interest of justice.”

8. We find that prayers made in this application are virtually the final reliefs sought in Original Application and, therefore, by means of IA, these prayers cannot be entrained.

9. I.A. No.215/2022 stands disposed of. Applicant has liberty to press Original Application in support of prayers made therein.

I.A No. 149 of 2022

10. This application has been filed by applicant Vipin Nayyar with a prayer to admit certain documents on record. Documents are already on record. Therefore, I.A. No.149 of 2022 has rendered infructuous and disposed of accordingly.

I.A No. 751 of 2023

11. By means of this application, applicant Vipin Nayyar has sought a declaration that provisional notification dated 07.10.2022 issued by State of Uttarakhand under Uttarakhand Flood Plain Zoning Act, 2012 be taken as final notification regarding identification and demarcations of flood plain zones of River Ganga in Tehsil District Dehradun. Applicant states that since final notification has already been issued therefore, this I.A. has become infructuous. It is, accordingly, dismissed as infructuous.

I.A. No. 854 of 2023

12. By means of this I.A. No.854 of 2023, exemption from personal appearance of the applicant pursuant to Tribunal's order dated 29.09.2023 has been availed. This I.A has also rendered infructuous and disposed of accordingly.

I.A No. 164 of 2024

13. This application has been filed under Order XXXIX Rule 4 by respondent 8 for vacation of order dated 20.02.2024. This Tribunal by order dated 31.05.2024, has already declined to vacate the interim order, therefore, this I.A. also stands disposed of.

14. List the matter on 08.08.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 25, 2024
Original Application No.305/2022
M