

Item No. 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.477/2022

Rajender Gangsari

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 19.03.2024

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

Applicant: Mr. Gaurav Kumar Bansal Advocate for Applicant.

Respondents: Mr. Kaushal Gautam, AAG, Ms. Snehpreet Kaur and
Ms. Vanshika Singh Advocates for Respondents No. 1,
2, 3, 5 & 7.
Mr. Mukesh Verma Advocate for respondent no. 6.
Dr. Aman Rab, Advocate for respondent no. 4.
Mr. Gaurav Kumar, Municipal Commissioner,
Dehradun.

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

ORDER

1. Vide order dated 18.01.2024 the Commissioner, Municipal Corporation, Dehradun was directed to submit Action Taken Report by the Municipal Corporation, Dehradun indicating the steps taken at the ground level by the Municipal Corporation, Dehradun in last six months to remediate the situation and the extent of success which has been achieved in that direction indicating the time bound plan to remediate the legacy waste and to ensure that the waste generated daily is treated the same day and also indicating the capacity needed/available for 100 % treatment of daily generated waste and leachate within four weeks.

2. In compliance thereof affidavit has been filed by respondent no. 4- Commissioner, Municipal Corporation, Dehradun vide email dated 23.02.2024.

3. In view of the serious nature and magnitude of the environmental questions involved in the present case, we consider it appropriate to have the assistance of some Advocate as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved. Accordingly, Mr. Gaurav Agarwal, Advocate (Enrollment No. UP/B03872/2009) is appointed as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved. The Uttarakhand Pollution Control Board (UKPCB) shall pay honorarium of Rs. 50,000/- to the amicus curie within one month and also bear incidental expenses related to the transportation/ documentation/ photography/ videography etc. to be incurred by the amicus curie within one month of the submission of the bill out of the amount of environmental compensation lying deposited with it.

4. In view of the facts and circumstances of the case respondent no. 1 is directed to take requisite steps for notifying Flood Plain Zone of all the rivers in the State of Uttarakhand Flood Plain Zone of which has not been notified so far including Aasan River and file action taken report 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

5. List for further consideration on 24.07.2024.

6. In view of the facts and circumstance of the case, we consider personal appearance of the officers duly authorised by Chief Secretary,

-3-

Government of Uttarakhand, Principal Secretary, Environment and Forests, Government of Uttarakhand and Principal Secretary, Urban Development, Government of Uttarakhand and Commissioner, Municipal Corporation, Dehradun **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.

7. A copy of this order be forwarded to Chief Secretary, Government of Uttarakhand, Principal Secretary, Environment and Forests, Government of Uttarakhand and Principal Secretary, Urban Development, Government of Uttarakhand, Commissioner, Municipal Corporation, Dehradun and Mr. Gaurav Agarwal, Advocate (Enrollment No. UP/B03872/2009) by email requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

March 19th, 2024
AG