

Item No. 08

Court No. 1

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

Original Application No. 477/2022

Rajender Gangsari

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 20.11.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal, Ms. Chandrika Upadhyaya & Ms. Komal Sharma, Advs. for Applicant

Mr. Gaurav Agarwal & Mr. Sarthak Kalra, Advs. (Amicus Curiae)

Respondents: Ms. Anjali Rajput, Adv. for R - 1, 3 & 7 with Mr. Jaipal Singh, HOD, Mr. Sanjay Raj, S.E, Irrigation Department
Mr. Manish Kumar, Mr. Rohit Dhiman, Mr. Piyush Kaushik & Ms. Aparajita Jha, Advs. with Mr. Gaurav Kumar, Municipal Commissioner, Nagar Nigam Dehradun
Ms. Vatsala Tripathi, Adv. for Mr. Mukesh Verma, Adv. for UKPCB (Through VC)

ORDER

1. A letter has been circulated by the Counsel for the Uttarakhand Pollution Control Board seeking adjournment on the personal ground. A prayer for short adjournment has also been made by the Counsel for the Applicant.
2. Learned Counsel appearing for Respondents No. 1, 3 and 7 has submitted that a draft notification has been issued by the Irrigation Department, State of Uttarakhand under section 8 of Uttarakhand Barh Maidan Parikshetran Adhiniam, 2012 for demarcation/regulation of the flood plains of River Asan from Bhatta Fall to Asan Barrage (about 53 kilometers length). She is directed to file a copy of the notification with a

supporting affidavit disclosing the full details of the area covered by the said notification along with the methodology that has been adopted for demarcation of the flood plain and also disclosing if the river Asan is covered by the Ganga Rejuvenation Order 2016 and if yes, if the demarcation is in terms of the said notification. Let the affidavit to this effect be placed on record within 10 days.

3. Learned Counsel for Respondent No. 4 has pointed out that in terms of the previous direction, the affidavit dated 14.11.2024 has been filed.

4. It will be open to the Applicant and all the concerned parties to file response/objection to the said affidavit within 10 days.

5. Learned Counsel for Respondent No. 4 has submitted that the legacy waste (estimated to be 4.2 lakh MT) will be cleared/remediated within 20 months and this timeline has already been disclosed in the affidavit dated 14.11.2024. He has also submitted that the contract in this regard has already been awarded and work will commence after the mobilization of resources within one month.

6. In view of the above statement, further personal appearance of the Commissioner, Municipal Corporation, Dehradun is exempted.

7. Respondents No. 1, 3 and 7 will also clarify in the affidavit if the waste processing plant under consideration falls within the flood plain of river Asan and also if it falls within the Ramsar Site of Asan Wetland Conservation Reserve in Dehradun, Uttarakhand.

8. Respondent No. 4 is directed to file a further affidavit disclosing the details of the manner of remediation of the legacy waste and disposal of inert etc. and the current level of waste generation and gap in processing.

9. List on 07.03.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 20, 2024
Original Application No. 477/2022
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