

Item No.04

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

(BY VIRTUAL MODE)

Original Application No.14/2023(CZ)

Jheel Sanrakhan Samiti

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 18.07.2023

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

For Applicant(s) : Mr. Rahul Choudhary, Advocate
For Respondent(s): Mr. Arvind Soni, Advocate for RSPCB
Mr. Nishant Kesharwani, Adv. for Shoeb Khan,
Advocate for R-1,2,5,6
Mr. Om Shankar Shrivastav, Advocate for R-3
Ms. Meenakshi Patidar, Advocate for R-4
Ms. Aparna Gupta, CEO, Udaipur Smart City
Limited (R-4)

ORDER

1. Learned Counsel appearing for applicant has filed objections to joint Committee report dated 17.04.2023, stating that Committee included District Collector, Udaipur who is also Vice Chancellor and Member of the Board of Udaipur Smart City Limited, therefore, being interested person, report submitted by such Committee should not be accepted. Reliance is placed on Supreme Court's judgment dated 23.01.2023 in *Civil Appeal No. 2201/2021, Bonani Kakkar vs. Oil India Limited & Ors.*

2. We are of the view that the issue of substantial question relating to environment, raised in this application, is a serious one. Act of concretization of river bed is involved. Hence, we should obtain a fresh factual report for which purpose, we constitute a joint Committee

comprising (i) Integrated Regional Office, MoEF&CC, Jaipur, (ii) a nominee of Vice Chancellor, University of Roorkee who is expert in River Hydrology, (iii) Central Pollution Control Board (hereinafter referred to as 'CPCB') and (iv) a nominee of Central Water Commission, Government of India, who is expert in the field of River Hydrology.

3. CPCB shall be the nodal agency for co-ordination and compliance of this order. Logistic and financial support shall be provided by CPCB.

4. The said Committee shall submit factual report within one month, also considering following issues raised by applicant on account of concretisation of flood plain of river belt of Ayad river between Bridge New Pulla to Sevashram Bridge located in Udaipur (State of Rajasthan):

- (i) Reduction in carrying capacity of water during peak monsoon
- (ii) Increase in the chances of flash floods in the city of Udaipur due to reduction in the carrying capacity of the river,
- (iii) The concretization will increase the run off which will cause flooding in the area,
- (iv) The concretization will not give the river to spread which is a natural phenomena for the rivers during monsoon,
- (v) Reduction in the ground water rechargeable capacity and
- (vi) Demarcation of flood plain zone keeping it free from any permanent development and non-development.

5. Committee shall visit the site, collect relevant informations and submit report within one month by e-mail at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR support PDF and not in the form of Image PDF.

6. A copy of this order be forwarded to Integrated Regional Office, MoEF&CC, Jaipur, Vice Chancellor, University of Roorkee, CPCB and Central Water Commission, Government of India.
7. List the case on 28.08.2023.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 18, 2023
Original Application No. 14/2023(CZ)
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