

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

**Original Application No.145 of 2015
(M.A. No. 1140 of 2015, M.A. No. 53 of 2016, M.A. No. 459 of 2016 &
M.A. No. 1259 of 2016)**

IN THE MATTER OF:

**Uma Shankar Patwa & Anr. Vs. Union of India & Ors.
(Earlier titled as D.K. Joshi Vs. Union of India & Ors.)**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

| | |
|--|--|
| Applicant : | Mr. Rahul Choudhary and Ms. Meera Gopal, Advs. |
| Respondent No. 1 : | Mr. Balendu Shekhar, Adv. for MoEF |
| Respondent No. 3 : | Mr. Pradeep Misra and Mr. Daleep Kumar Dhayani, Advs. |
| Respondent No.2, 4 to 6: 8, 11, 13 & 14 | Mr. Abhishek Yadav, Advs. |
| Respondent No. 7 & 10: | Ms. Rachana Joshi Issar, Adv. ADA Mr. I.K. Kapila, Adv. for U.P. Jal Nigam Mr. Rajkumar, Adv. and Mr. Bhupender Kr., LA for CPCB Mr. Rajendra Prasad Saxena, Adv. for Noticee no. 10 Mr. A.D.N. Rao, Mr. Nitesh Jain, Adv. Vaibhav Vatika, Arjun pant and Manglam Estate Ms. Shantanu Bansal, Adv. for Aparna Builders, Kalyani Heights and Ganpati Builders. Mr. B.V. Niren, Adv. for CWC Mr. Sameer Singh, Adv. and Mr. JM Sharma, Sr. Adv. Mr. Piyush Singh and Mr. Aditya Parolia, Adv. Dr. Rajeev Sharma, Adv. |

| Date and Remarks | Orders of the Tribunal |
|--|--|
| Item No. 13 January 23, 2017 Sn | <p>The Scientist, Officers from the National Institute of Hydrology from Roorkee and Patna are present. The Officers from the Irrigation and Central Water Commission are also present. We may refer to the previous Orders of the Tribunal where the Learned Counsel appearing for the State of Uttar Pradesh had submitted that the State Government has taken an administrative decision to the delineation of the flood plain all over again as there were serious controversies and doubts in relation to the flood plain line demarcation done earlier particularly in view of the Report of the Registrar General of this Tribunal.</p> |

| | | |
|--|---|---|
| | <p>Item No. 13</p> <p>January 23, 2017</p> <p>sn</p> | <p>Thus, we direct the persons before the Tribunal to complete the entire exercise within three weeks from today as prayed.</p> <p>They shall <i>inter alia</i> but definitely do the following:</p> <ol style="list-style-type: none"> 1. Flood plain delineation will be with reference to 2010 floods of River Yamuna at Agra. 2. All the pillars would be physically examined and the pillars which had been fixed after raising the height on the river bank or by dumping waste should be re-fixed after removing the waste/material used for increasing the height of the flood plain. 3. They shall physically measure the area of the builders that falls within the flood plain not only from the pillar but even from the straight line joining the two pillars. <p>The Officers have been made to understand that the measurement from the flood plain of the constructed area should be with complete exactitude and not on proximity or angular basis. They are at liberty to mention separately the distance from the pillar if there is angular distance as well as shortest distance from the flood plain.</p> <p>List this matter for final arguments on 21st February, 2017.</p> <p style="text-align: right;">.....,CP (Swatanter Kumar)</p> <p style="text-align: right;">.....,EM (Bikram Singh Sajwan)</p> |
|--|---|---|