

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

**Original Application No. 108 of 2016  
(M.A. No. 316/2016, M.A. No. 364/2016 & M.A. No. 775/2016)**

**IN THE MATTER OF:**

**1. Ojasvi Party**

C-36, Gali No. 1  
Khajuri Khas Colony,  
Delhi-110094

**2. Mukesh Jain**

C-36, Gali No. 1  
Khajuri Khas Colony,  
Delhi-110094

..... Applicant(s)

*Versus*

**1. Ministry of Environment & Forest**

Ministry of Environment Forest  
Indira Paryavaran Bhawan,  
Jor Bagh,  
New Delhi-110003

.....Respondent

**COUNSEL FOR APPLICANT:**

Swami Om Ji with Mr. Mukesh Jain applicant in person

**COUNSEL FOR RESPONDENTS:**

Mr. Krishna Kumar Singh, Adv. for MoEF

Mr. B. V. Niren, Adv.

Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr.  
Charan Jeet Singh Adv. for Advs.

## **JUDGEMENT**

### **PRESENT:**

**Hon'ble Mr. Justice Swatanter Kumar (Chairperson)**  
**Hon'ble Mr. Justice Raghuvendra S. Rathore (Judicial Member)**  
**Hon'ble Mr. Bikram Singh Sajwan (Expert Member)**  
**Hon'ble Dr. Ajay A. Deshpande (Expert Member)**

**Reserved on: 09<sup>th</sup> May, 2017**  
**Pronounced on: 11<sup>th</sup> July, 2017**

- 1. Whether the judgment is allowed to be published on the net?**
- 2. Whether the judgment is allowed to be published in the NGT Reporter?**

### **RAGHUVENDRA S. RATHORE (JUDICIAL MEMBER) J**

1. This Original Application has been filed in the name of one Ojasvi Party through Swami Om ji and Sh. Mukesh Jain under Section 14,15,16,17 and 18 of the National Green Tribunal Act, 2010. In the application following prayers have been made:

(1) “इस याचिका में सुनवायी करते हुए आपसे अनुरोध है कि आप पूर्व वादे हम मूलधारियों का हनन नहीं करेंगे। सभी धर्मों के प्रति समान नजरिया रखते हैं, को सज्जनता पूर्वक निभाकर भारत के संविधान के प्रति अपने द्वारा ली गयी शपथ का पालन करते हुए पूज्य श्री श्री रविशंकर जी महाराज के कार्यक्रम में किसी भी प्रकार की बाधा न डालें।

(2) भारत के संविधान के अनुच्छेद 25 में हमें धर्म को अबाध रूप से मानने उसका आचरण और प्रचार करने की धार्मिक स्वतंत्रता का मूलाधिकार दिया गया है। जिसका हनन करने का अधिकार आपके द्वारा दिए गए किसी भी आदेश को नहीं है। संविधान के अनुच्छेद 13 के अनुसार मूलाधिकार का हनन करने वाला कोई भी आदेश हनन की मात्रा तक शून्य माना जाता है। यदि आपके द्वारा मूलाधिकार का हनन करने की कोई गलती की गई है तो उसे आप ठीक उसी प्रकार से ठीक करने की कृपा करें जैसे आपने हिन्दी में याचिका स्वीकार न करने के अपने असंवैधानिक आदेश को बदलकर अपनी गलती मानी।

(3) संविधान के अनुच्छेद 26 ख के अंतर्गत हमें अपने धार्मिक कार्यों के प्रबंधन की स्वतंत्रता के अंतर्गत अपने धार्मिक कार्यों को बिना किसी हस्ताक्षेप के प्रबंध करने का मूलाधिकार प्राप्त है। हम 35 लाख लोगों के बीच प्रवचन कर रहे हैं या 35 हम धार्मिक आयोजन प्रयाग या हरिद्वार में गंगा किनारे या इंद्रप्रस्थ में यमुना किनारे यह हमारा धार्मिक मामला है। जिन धार्मिक मामलों में हस्ताक्षेप करने से अंग्रेज भी घबराते थे उनमें किसी भी न्यायधिकरण को हस्ताक्षेप करने का अधिकार संविधान में नहीं दिया है और खासतौर पर जब कि कार्यपालिका श्री श्री रविशंकर जी के कार्यक्रम को अपनी स्वीकृति दे चुकी है ऐसे में संविधान कार्यपालिका के मामलों में टांग अडाने की इजाजत भी नहीं देता।

(4) इसी के साथ आपसे अनुरोध है कि आप 11, 12, 13 मार्च को हम लाखों भक्तों को दिल्ली में यमुना का निर्मल स्नान करने योग्य स्वच्छ जल उपलब्ध करायें और इस व्यवस्था को कराने के अपने कर्तव्य का निर्वाहन करायें कि उसमें किसी भी सीवर से जुड़े गंदे नाले का पानी का विसर्जन न हो। जिसकी जिम्मेदारी भारत सरकार ने आपको दी है और जिसके प्रति आप कोई भी जिम्मेदारी नहीं समझ रहे हैं। आपकी लापरवाही और फोर्ड फाउन्डेशन के एजेन्टों की साजिश के कारण हमारी यमुना मैय्या एक गंदा नाला बनकर रह गई है। जिसकी चिंता न आपको और न ही उन फोर्ड फाउन्डेशन के एजेंटों को है जिसकी याचिका पर आप ऐसे त्वरित कार्यवाही करते हैं जैसे उसकी फाइलों में पहिये लग गये हों।

(5) इसी साथ आप दिल्ली सरकार को अदेश दें कि वजीराबाद में रोके जा रहे यमुना के जल को किसी प्रकार से न रोका जाए। खासतौर से 11, 12 और 13 मार्च को। ताकि देश विदेश के मेहमान यमुना मैय्या में डुबकी लगाकर अपने द्वारा नदी को प्रदूशन मुक्त करने की प्रशंसा कर सकें। जिसकी नैतिक जिम्मेदारी आपकी बनती है।

हम इस याचिका द्वारा आपसे केवल और केवल पंच परमेशवर के सत्यनिष्ठ न्याय की उम्मीद करते हैं। इसी के साथ हम आपको याद दिला रहे हैं कि पर्यावरण मंत्रालय ने हरित अधिकरण के नियम बनाते हुए आपको ताम-झाम से दूर रख कर प्रकृतिक न्याय देने का आदेश दिया है। जिसको मानने में आपका हति अधिकरण सदैव विफल रहा है। इसका जीता जागता सबूत आपके श्री यू डी साल्वी और रंजन चटर्जी द्वारा खारिज की गई हमारी याचिका संख्या 466/2015, 485/2015 और 25/2016 है। हम आशा करते हैं कि आप स्वतः संज्ञान लेकर हमारी उक्त याचिकाओं पर भी पुनः सुनवायी शुरू करेंगे। जिसको खारिज करके हमारे साथ अन्याय हुआ है।

(6) इसी के साथ हम आपके आभारी होंगे यदि आप यमुना की बाढ को रोकने के लिए उसके रेत के स्तर को कम करने के लिए उचित कदम उठाने की कृपा करेंगे। ताकि स्थानीय जाट और गुर्जर समुदाय पर छाया रोजी रोटी का संकट भी दूर हो सके।

(7) इसी के साथ आपसे अनुरोध है कि आप भूखों मर रही यमुना की मछलियों और कछुओं के लिए खाद्य सामग्री की भी व्यवस्था कराये जो कि हमारा अनुच्छेद 51 क छ के अन्तर्गत मूल कर्तव्य भी है।”

**2.** It is averred in the application that:

1. *“The petition of militants helpful Ford Foundation agent petitioner by Manoj Mishra Art of Living Sri Sri Ravi Shankar’s organization is teaching that he is being accused of the Yamuna flood debris in the field exerts. Jnkad columns cut is damaging wildlife. The Expert Committee which was released by Sri Sri Ravi Shankar on the institution penalty of Rs. 120 crore is recommended and being wrong with what we Hindus believe discrimination.*
2. *In the case of the Ford Foundation helped terrorists agent petitioner Manoj Mishra Nigam Bodh Ghat and the Yamuna and Wazirabad bridge between the new bridge and a new bridge between the Yamuna flood in Yamuna has been made in the name of the Signature Bridge sustainable concrete construction at the macro level are the 2015 National Green Tribunal ignoring disregarding orders only in Hindu religious ceremonies are being disrupted.*
3. *Sir, your Petition No. 485/2015, we had warned in the National Green Tribunal that Mr. Manoj Mishra of Yamuna Jiye Abhiyan large gang of traitors and terrorists is oly one part of the Ford Foundation helpful. Whose religious beliefs of Hindus only conspired to block the water from the polluted Yamuna Maiyya Mahamario morsel of death is to spread millions of Indians. Anrtgt these traitors of the first phase of the Yamuna help the flowers and statues in Maiyya, Maiyya Yamuna immersion by denying millions of hungry fish and turtles have been killed. Expert membrs of the county except for*

*you and your child that the child knows it is impossible to keep clean water without fish and turtles. While the Central Pollution Control Board, Ministry of Environment and Forest is not anywhere flowers contamination did not. Then you and your experts do not know how polluting flowers and under the orders of the Indian government which is supposed to be?*

4. *Second, you and your expert probably unaware that thousands of tonnes of sand along the river Yamuna induces shedding debris. The sand-shaped debris and Jat brother Favde our Gurjar run-run eco-grained Buggies Frenkli Athc the removal of labor. Jat and Gujjar Athc our toil and sweat by his brothers, from 1978 until then, unless you have saved from floods Delhi Yamuna Maiyya prohibits extracting sasnd and did not block the water. We are bringing to your notice that since you restricted remove sand from the river Yamuna Maiyya Yamuna floods come every year was the same thing. Due to the restrictions imposed on you extract sand sandy debris at the level of the Yamuna has increased compared to the amount of debris in the river Yamuna dropped by humans is negligible. Ad if some debris in the river dropped by humans is also flowing to Agra is transformed into sand. Adopted by the Indian government as a part of the recycling system is transformed into building materials.*
5. *Expert Committee constituted for Sri Sri Ravi Shankar's organization alleges that the wildlife is very damaging. We are bringing to your notice that the restrictions imposed by you on extracting sand from the river was flooding all*

*the creatures of the Yamuna River due to the order in which you remove the sand was not killed by the floods, including Neil cows, killed the same way as the fish of the river and their diet flower food grains applied to the emersion stop you have to kill the hungry. You might not know the infamous Ford Foundation agent Manoj Mishra Kanan sand ban was therefore drew the Hindu holy river floods brought neel cows to be eliminated from the edges of the river. Imposed ban on removing sand the edges of the river to the wild beasts which have eliminated ruthlessly killing their Sajisn. Conspiracy to hide the members of the expert committee set up by your compassion for all beings who and having received the original constitution 51 duty to believe in and to the enrichment of all organisms with compassion towards animals, a vegetarian Hindu ascetic Sri Sri Ravi Shankar of the Ford Foundation is part of a conspiracy alleged false. The Ford Foundation's infamous Indira Jai Singh and Prashant Bhushan Agent could be operationalized conspired for her by her given millions of dollars to attack Hinduism used to manage the start-up.*

6. *As you know, we at the Great Feast of the Holy Jnkhad columns from Hindu Holi Holika Dahan are made. Jnkhad scrub and trees suited to this unnecessary barrier Fulnen been reached and the vegetation of reed leaves ptjd we do Holika Dahan. Recently Ptjd leaves you put on hold due to combustion and spread it in Delhi, which flies the AC car as soon as you open the glass, you will be seen immediately. Once you come to Jantar Mantar foot detour. Ptjd leaves of these*

*flies is made the basis of his Prajnan and eggs. The thing is to make compost from leaves and flowers of you order? Your contempt of the order is the same way as the monkey from your order then was sent to the Bhatti Mines but bananas and offerings given by pilgrims to reach an arrangement khan bhatti never saw the fruition of your order Bandar thousands were starving. Sri Sri Ravi Shankar's organization to clean up the filed from which the columns are Ukade Jnkad a giant Hindu Holi we are going to make. Ford Foundation broker Manoj Mishra and his objection to the fact that only a Hindu saint, why is such a big event? 35 million people under the banner of Hindutva why are you coming? Prime Minister of India and the President should be prevented from going into such a big event?"*  
 (Translation provided by the applicants)

**3.** A perusal of Original Application goes to show that it has not taken for translation paras 1 & 2 which reads as under:

(1) “हाल ही में भारत सरकार ने कुख्यात अमेरीकी आतंकवादी एन जी ओ फोर्ड फाउन्डे इन की फन्डिंग पर रोक लगाकर इसे निगरानी सूची में डाला है। भारत सरकार ने कुख्यात फोर्ड फाउन्डे इन को आतंकवादियों और द्रोहियों की फंडिंग करने में लिप्त पाकर ही इसकी फंडिंग पर रोक लगायी है। यही कुख्यात फोर्ड फाउन्डे इन दे 1 के न्यायाधी ों को मेनेज करके उनके द्वारा उल्टे सीधे आदे 1 पारित करवाके सरकार और भारत के नागरिकों में ग्रह युद्ध करवाने की बडी साजि 1 में लिप्त हैं।”

*“New Delhi, May 10, 2015: Not many days ago, Modi government launched crackdown on foreign funding to NGOs and turned the scres on Ford Foundation of US and Greenpeace India. k Home Ministry put the Ford foundation on its “watch list”, ordered RBI to intimate the*

*Ministry about all the funds coming from it, as the money routed through it have raised “national security concerns.*

*(2) - Gujarat government sought action against the Ford Foundation, alleging that the organization was interfering with country’s judicial system and abetting communal disharmony through two NGOs run by social activists Teesta Setalvad.”*

- 4.** A reply affidavit, on behalf of respondent, Ministry of Water Resources, River Development of Ganga Rejuvenation, has been filed. The said Ministry was impleaded as respondent vide order dated 09.12.2016. It is submitted by the respondent that the application served to the answering respondent is in Hindi. Although the applicant was directed to file English translation to the application vide Tribunal’s order dated 08.08.2016, the answering respondent had not been provided with English translation of the application.
- 5.** According to the respondents, the applicant has in this case interalia alleged that Manoj Mishra and his fellow colleagues have filed several petitions in the guise of protection of environment and have adversely affected the environmental religious rights of the Hindu citizens by restraining them from immersing idols and other materials into the river Yamuna and declaring cracking of fire crackers and crimation of dead bodies by Hindus as polluting to the environment. The Petitioner has also raised issues, amongst others, the pollution of river Yamuna



caused by the discharge of municipal/sewage/solid waste into the river Yamuna and interruption in the flow of the river due to construction of Signature bridge in the flood plain of the river Yamuna as well as due to increased deposit of sand in the river bed because of prohibition on the sand mining.

**6.** It has further been submitted by the respondent that the matter relating to pollution of river Yamuna caused by discharge of sewage and industrial effluents into river Yamuna is already seized before this Tribunal in O.A NO. 06/2012, *Manoj Mishra Vs. U.O.I & Ors.* It has also been submitted that the matter related to the destruction of ecology of Yamuna flood plain by the cultural organization of “Art of Living organization” of Sri Sri Ravi Shankar is also seized before the Tribunal in O.A No. 65/2016, *Manoj Mishra Vs. Delhi Development Authority & Ors.*

**7.** The respondents have submitted that as regards, the contention against prohibition of sand mining alleging causing interruption in the environmental flow of the river, the Ministry of Environment and Forest and Climate Change has issued guidelines titled as “Sustainable Sand Mining Management Guidelines, 2016” which interalia relates a methodology for sustainable river ecology. Respondent have also constituted a committee for preparation of guidelines for works of de-siltation from Bhimgauda, Uttarakhand to Farrakka, West Bengal, under

the Chairmanship of Dr. M. Chitale, an Expert Member, NGBRA, Secretary MoEF, RD&GR and Secretary MoEF.

8. The applicants have filed a rejoinder to the reply filed by the respondent Ministry, wherein they have not only reiterated the averments made in the application but have also incorporated many other facts and raised additional grievances. The said rejoinder is much more lengthy even than the Original Application. The arguments in this case were heard on 09.05.2017, the judgement was reserved.
9. We have carefully looked into the case of the applicants and perused the material on record. As the applicants have filed this application inter alia under Section 14 of the NGT Act, 2010 it would be appropriate to have a look to the relevant provisions of the Act, 2010. Chapter III of the Act provides jurisdiction, powers and proceedings of the Tribunal. Section 14 speaks about the Tribunal to settle disputes. The said provision reads as under:

**“14. Tribunal to settle disputes.—**(1) *The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

*(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.*

*(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal*

*unless it is made within a period of six months from the date on which the cause of action for such dispute first arose: Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”*

**10.** It is important to note here that jurisdiction of the Tribunal is over a case where substantial question relating to environment is involved. Secondly, such question arises out of an implementation of the enactments specified in Schedule I. Thirdly, the Tribunal is only to hear the disputes arising from the questions referred to the aforesaid provisions and settle such disputes and pass orders thereon. Fourthly, and more importantly is that, no application for adjudication of dispute under the said provision can be entertained by the Tribunal within six months from the date on which the cause of action for such dispute first arose. Therefore, it is important for an applicant who approaches the Tribunal for redressal to categorically disclose the date on which the cause of action for such dispute first arose. In this application, such material fact is wanting. It is obvious that consequential to this is the question of limitation, as aforesaid, for filing of the Original Application. Interestingly, the applicants have specifically stated in para 7 of the application that there is no limitation for the present application. Consequently, the

date on which cause of action first arose is very vital in an application filed under Section 14 of the NGT Act, 2010 and absence of which is fatal to a proceeding under the said provisions of law.

**11.** The aforesaid view finds support from the principle laid down by a larger Bench of this Tribunal in the case of **Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors**, 2015 ALL (I) NGT Reporter (2) (Delhi) 81. In the said case it was observed as under:

*“Furthermore, the 'cause of action' has to be complete. For a dispute to culminate into a cause of action, actionable under Section 14 of the NGT Act, 2010, it has to be a 'composite cause of action' meaning that, it must combine all the ingredients spelled out under Section 14(1) and (2) of the NGT Act, 2010. It must satisfy all the legal requirements i.e. there must be a dispute. There should be a substantial question relating to environment or enforcement of any legal right relating to environment and such question should arise out of the implementation of the enactments specified in Schedule I. Action before the Tribunal must be taken within the prescribed period of limitation triggering from the date when all such ingredients are satisfied along with other legal requirements. Accrual of 'cause of action' as aforesaid would have to be considered as to when it first arose.”*

**12.** As we have seen in the earlier paras of this order that the applicants have prayed for number of reliefs such as that no obstacle should be created in the function of Sri Sri Ravi

Shankar; any infringement of Fundamental Right has been caused then the same be rectified; as the executive has already given permission for the function of Sri Sri Ravi Shankar then in such a situation, the Constitution does not allow any interference in matters of execution; to make available clean water for bathing of lakhs of people on 11th, 12<sup>th</sup> and 13<sup>th</sup> March; to give orders to Delhi Government that the water of Yamuna should not stopped at Wazirabad particularly on 11th, 12<sup>th</sup> and 13<sup>th</sup> March; Petition No. 466/2015, 485/2015 and 25/2016 which has been dismissed by the Tribunal should be *suo-moto* taken up again and rehear them because by rejection of those petitions injustice has been done to the appellants; in order to prevent floods, appropriate orders be passed to reduce the sand level and arrangements may be made under Article 51A of the Constitution to provide food to the fishes and turtles who are dying of hunger in river Yamuna.

**13.** In view of the above, it is clear that multiple reliefs have been sought by the applicants in this application. The prayers made in the application are not only of different in nature but relates to various remedies under the relevant laws. The present application primarily relates to Section 14 and the enactments which are enumerated in Schedule I which has been appended to it. It has been specifically given under the Rules of Practice and Procedure of this Tribunal that no multiple reliefs can be sought. The

relevant rule of the National Green Tribunal (Practices and Procedure) Rules, 2011 is as follows:

**“14. Plural remedies-** *An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.”*

The only exception is when the relief is consequential to the other.

**14.** In this regard, we may refer to the case of Vikas K. Tripathi Mumbai v. The Secretary, MoEF, Manu/GT/0124/2014(01.10.2014) and the relevant extract reads as under:

*“21..... We shall deal with his contention in order to set right issue once for all, in as much as it is likely to be raised in many such cases on similar ground. Rule 14 of the NGT (Practices and Procedure) Rules, 2011 reads as follows:*

*"Rule 14. Plural remedies.--An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.*

*22. Perusal of Rule 14, without any prejudicial notions in the mind, will make it amply clear that any Application or Appeal, as the opening words imply are distinct remedies under which the particular relief may be sought on single cause of action. Thus, if properly read the rule provide as follows:*

i) There may be either single Application or Appeal. In other words, it cannot be a comprehensive or hybrid type of pleadings like Appeal-cum-Application, as captioned by the Appellant-cum-Applicant (Vikas Tripathy) as in the present Application/Appeals.

ii) The Appeal or Application, whatsoever it may be must be filed on single cause of action. Thus, it cannot be filed on several causes of action. In other words, an Appeal cannot be filed with combined causes challenging different ECs or orders, nor an Application can be filed challenging different orders or different violations under the different laws.

iii) Still, however, choice given to the Appellant/Applicant is to ask for grant of more than one relief in case such reliefs are of consequential character. In other words, if a relief depends upon grant of another relief, then grant of more than one relief is permissible.

23. We cannot overlook and brush aside main provisions of the NGT Act, which do not provide for any kind of permission to allow filing of two Appeals, one against the time barred EC, coupled with another EC for revised construction plan along with an Application under Sections 14, 15 and 18 of the NGT Act, 2010. In case, Vikas Tripathi is genuinely interested in the cause of environment and feels that the project in question has caused violations of EC conditions/deterioration of the environment, then he is at liberty to file a separate Application under Section 14(1)(2) read with Sections 15 and 18 of the NGT Act, 2010 if so advised and if it is permissible under law. He cannot, however,

*club all such Appeals and Applications together and explore to examine whether one cap fits on another".*

**15.** Therefore, the instant application does not deserve consideration by the Tribunal, also for the reasons that plural remedies have been sought by the applicants which are different in nature, relates to different causes of action and they are to be taken up before different authorities/forums.

Besides, the primary relief sought by the applicants is with regard to holding of World Cultural Function on March 11-13, 2016 by Shri Shri Ravi Shankar and the said function has already taken place. Thus the grievance of the applicant no more survives for redressal. Moreover, the main party i.e., Shri Shri Ravi Shankar is himself pursuing the case before the Tribunal. Therefore, in no manner any cause remains for applicants so as to pursue the present application.

**16.** In view of the aforesaid facts and circumstances, we have no hesitation in concluding that this application cannot be entertained as being contrary to law and rules. Apart from it, it may be taken note of that not only because of lack of any cause for the applicant to file this application but a perusal of the same clearly reveals that even the language used herein, is a sheer abuse of process of law.

**17.** Consequently, this Original Application is dismissed with no order as to cost.



**18.** Miscellaneous Applications filed in the Original Application do not survive for consideration as the Original Application itself has been dismissed today. Therefore, Miscellaneous Application Nos. 316/2016, 364/2016 & 775/2016 are dismissed with no order as to cost.



.....  
Justice Swatanter Kumar  
(Chairperson)

.....  
Justice Raghuvendra S. Rathore  
(Judicial Member)

.....  
Bikram Singh Sajwan  
(Expert Member)

.....  
Dr. Ajay A. Deshpande  
(Expert Member)

**New Delhi.**

**Dated:, 11<sup>th</sup> July, 2017**

**NGT**