

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

**Original Application No.145 of 2015  
(M.A. No. 430 of 2015)**

**IN THE MATTER OF:**

**D.K. Joshi Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. A.A. DESHPANDE, EXPERT MEMBER**

**Present:**

<b>Applicant :</b>	<b>Mr. Rahul Choudhary and Ms. Maneka Kaur, Advs.</b>
<b>Respondent No. 1 :</b>	<b>Mr. Panchajanya Batra Singh, Adv. for MoEF &amp; CC</b>
<b>Respondent No. 2, 4,5,6,8, 11,13 &amp; 14 :</b>	<b>Ms. Savitri Pandey and Ms. Azma Parveen, Advs.</b>
<b>Respondent No. 3 :</b>	<b>Mr. Pradeep Misra and Mr. Daleep Kumar Dhayani, Advs.</b>
<b>Respondent No. 7 &amp; 10 :</b>	<b>Mr. Sudhir Kulshreshtha, Adv.</b>
<b>Respondent No. 9 :</b>	<b>Mr. I.K. Kapila, Adv. for U.P. Jal Nigam</b>
<b>Respondent No. 12 :</b>	<b>Mr. R.M. Sharma, Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 12  June 08, 2015 ss</b>	<p>Report has been filed in furtherance to the order of this Tribunal dated 6.5.2015 from the report particularly the photographs filed on record it is evidently clear that these projects would be clearly covered under the Schedule-I of the Notification 2006. Furthermore, they are located in the flood plain area even if it is taken once in 25 years. Learned Counsel submits that demarcation of the flood plain area is primarily duty of the Irrigation Department. However, upon instructions from the Executive Engineer who is present before the Tribunal, Learned Counsel submits that none of these projects have obtained environmental clearance in terms of the Notification 2006.</p> <p>Let Notice be issued to all the builders specified in the report.</p> <p>In the meanwhile, we restrain any further</p>

construction, occupancy or transfer of possession of the built-up structure by the builders to any parties. They would not further create third party interest. We direct SEIAA, Agra Development Authority and the UP Pollution Control Board to conduct a joint inspection of these buildings in addition to the buildings which are otherwise located in the flood plain area and submit a report before the next date of hearing.

The order of injunction shall be communicated by the Agra Development Authority to all the builders. The Pollution Control Board shall ensure that the order is fully implemented along with Agra Development Authority.

The inspection team shall also report as to the status of installation of STPs, where the sewage is proposed to be discharged and whether the complete sewage system has been installed. It will also be brought on record if there is any common STP and if any domestic or other discharge is likely to be thrown directly into the river Yamuna in that area.

The UP Jal Nigam shall also be made party to this inspection and would inform the Tribunal on the next date of hearing as to whether the connected chambers have been covered and sewage system has been provided to the complex. In the meanwhile, Irrigation Department and the UP Jal Nigam shall together determine the flood plain and start physical demarcation by fixation of pillars.

List this matter for hearing on 28<sup>th</sup> July, 2015.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Dalip Singh)

		<p>.....,EM (Dr. D. K. Agrawal)</p> <p>.....,EM (Dr. A.A. Deshpande)</p>
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