

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

Original Application No. 201/2024

Amit Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 01.04.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

Applicant: Mr. Amit Kumar, Applicant in Person (Through VC)

Respondents: Ms. Priyanka Swami, Adv. with Mr. Manish Kumar Bansal (Through VC),
DM, Saharanpur & Mr. Arvind Kumar Chauhan (Through VC), DM, Shamli
Mr. Daleep Dhyani, Adv. for R - 4, 9 & 10 (UPPCB)
Mr. Bhupendra Pratap Singh, Mr. Ashish Singh & Mr. Anurag Kumar,
Adv. for UPPCB
Mr. Gigi. C. George, Adv. for NMCG

ORDER

1. In this original application, the Tribunal is considering the issue of preservation and rejuvenation of Khokhari river, a rain - fed tributary of river Yamuna at Shamli and Saharanpur Districts of Uttar Pradesh. There is also an allegation of encroachment and pollution in the river.

2. On 01.03.2024, notices were issued to the respondents. When the matter was listed on 10.05.2024, a direction was issued to Respondent No. 6, District Magistrate, Shamli and Respondent No. 7, District Magistrate, Saharanpur to prepare a time bound action plan for restoration of the river and submit it before the Tribunal.

3. When the matter was taken up on the next date on 27.08.2024, it was found that Respondents No. 6 and 7, i.e., District Magistrate, Shamli and District Magistrate, Saharanpur had not filed the response. Accordingly, they were directed to appear virtually on the next date of hearing.

4. On 06.12.2024, it was noticed that neither the District Magistrate, Shamli had appeared virtually nor had filed the proper report. The report filed on behalf of District Magistrate, Shamli was unsigned and was vague and did not give the complete particulars mentioned in the order. Accordingly, the Tribunal had directed the District Magistrate, Shamli and District Magistrate, Saharanpur to file additional reports by way of their own affidavit giving all the requisite details. The Direction of the Tribunal dated 06.12.2024 was as under:

*“xxxxxx.....xxx
11. The District Magistrate, Saharanpur and the District Magistrate, Shamli are directed to file additional reports by way of their own affidavit giving all requisite details as referred to in the orders passed by this Tribunal and also in the report of UPPCB at least one week before the next date of hearing and to remain virtual present before this Tribunal on the next date of hearing.”*

5. Again, a default has been committed by the District Magistrate, Shamli and no report on his behalf supported by his own affidavit giving the requisite details has been filed. One report has been placed on record, on behalf of the Chief Development Officer, Shamli, but this is not a report on behalf of the District Magistrate, Shamli nor it is supported by the affidavit of the District Magistrate, Shamli. Thus, we find that the District Magistrate, Shamli has repeatedly ignored the order of the Tribunal and has committed repeated default in submitting the proper report as a result of which this matter is being delayed and time of the Tribunal is unnecessarily wasted.

6. Hence, we impose a cost of Rs. 10,000/- upon the District Magistrate, Shamli which is to be deposited with the Registrar General of the Tribunal within two weeks for non-compliance of the earlier orders of the Tribunal. We grant four weeks' time to District Magistrate, Shamli to file the reply keeping in view the observations made in the previous orders.

7. The Applicant present in person also seeks time to file rejoinder to the reply of the District Magistrate, Saharanpur and reply of NMCG. Prayer is allowed

8. List on 01.08.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Satyagopal Korlapati, EM

April 01, 2025
Original Application No. 201/2024
dv..