

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

Original Application No. 135/2014 (CZ)
Dr. Subhash C. Pandey & 2 Ors. Vs. State of MP & 6 Ors.

and

M.A.No. 311/2015, 312/2015 & 315/2015

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant: Dr. Subhash C.Pandey
Respondents 1, 3 & 4: Shri Sachin K. Verma, Advocate
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
BMC : Shri Neel Choudhary, Adv. for
Shri Vijay Choudhary, Adv.
Smt. Sunita Singh, OIC

Date and Remarks	Orders of the Tribunal
Item No. 12 25th May, 2015.	<p style="text-align: center;"><u>M.A.No. 311/2015</u></p> <p>This M.A. has been filed by Shri Shantanoo Saxena, Learned Counsel on behalf of M/s Shubhalay and M/s Virasha Heights for being allowed to intervene in the matter. The prayer made is allowed. The permission to intervene in the matter is granted. M.A.No. 311/2015 accordingly stands disposed of.</p> <p style="text-align: center;"><u>M.A.No. 312/2015</u></p> <p>This application has been submitted with the prayer for setting aside the order dated 30.03.2015 and for issuing directions for the enforcement of the judgement and the final order dated 20.08.2014 as expeditiously as possible. It is submitted that during the course of hearing on 30.03.2015, when the order was passed, the Tribunal was mis-led by Respondents and thereafter based upon the written assessment of the facts, the order came to be passed and as such the same needs be reviewed. He further submits that the position with regard to the river Kaliasote as on</p>

ground should be taken on the basis of the Survey of India Toposheet and he has placed for perusal of the Tribunal the Toposheet for the year 1970 as well as 2005. Therefore, based upon the same, he submits that there is a clear distinction between the course of the river as given in the Survey of India Toposheets and the documents produced by the Respondents.

We have considered the aforesaid request. As far as the course of river Kaliasote on the Survey of India Toposheet is concerned, from the side of the Respondents it is submitted that scale of the Survey of India Toposheet is much smaller than the scale on which the Respondents are relying based upon the Google imagery. At the same time, it is submitted that the course of the river has been changed from time to time and from the year 1970 to 2005 and thereafter there has been a severe change in the river course during the year 2012 when the floods were experienced in Bhopal particularly in the area of river Kaliasot where heavy floods altered the course of the river. They are relying on the Google Image of year 2014 and therefore relying on the Toposheet of 2005, as submitted by the Applicant, is not conducive in the facts and circumstances.

We, at the present juncture direct that the Applicant is free to carry out the task of superimposing the course of river on the Survey of India Toposheet based upon the imagery of the year 2014 which are comparatively more recent. However, care must be taken that the scale with regard to both of them should be identical, whichever is greater.

In the meanwhile, the Director, Town and Country Planning shall also draw up a contingent for the development of the river

front area of river Kaliasote which would take into account the green belt to be developed in the 33 meter 'no construction zone' of the either side. Walk-ways, cycle-tracks, amenities, varieties of trees to be planted in the area as well as creating reservoir for holding water in sufficient amount for any aquatic activity that may be conceived. Any other activity which the development authorities consider conducive and eco-friendly may also be taken note of, while preparing the development plant.

The final orders on the M.A.No. 312/2015 shall be passed after the aforesaid information is provided.

M.A.315/2015

This M.A. has been submitted on behalf of the BMC giving a list of the various projects which are in the process of completion or are being carried out by various developers, particularly with regard to installation of the STPs in each of such development projects. It has been prayed that the information may be ordered to be taken on record.

The application is allowed. The information contained in the application and the supporting documents is ordered to be taken on record. M.A.No. 315/2015 stands disposed of.

We find that in most of these cases, the STPs have so far not been installed. Taking in view the aforesaid facts that completion certificates shall not be issued and till such completion certificates are not issued by the competent authorities, the Electricity Board / Distribution Companies and other authorities shall not sanction the electricity connection to these projects to enable the residents to reside in the same. The compliance shall be

reported before us on the next date of hearing.

The Counsel for the State has also filed a compliance report according to which it has been submitted that demarcation work of total 24 kms on both sides of the river Kaliasote has been carried out. It has further been pointed out by the Applicant as well as the other Counsel that this demarcation work has not been started from the city end and till such time as the work of identification and demarcation of the river course and the 33 meter 'No Construction Zone' and Green Belt is not done from the city end, the entire activity with regard to construction and development cannot be carried out. We would accordingly direct that the authorities shall hence forth carry out the demarcation work of the river bank, 33 meter 'No Construction Zone' and the Green Belt from the city end and efforts should be made to complete the same within 30 days from today. Be that as it may, it would be for the authorities to complete the survey within the next 30 days.

List the matter before the Tribunal on **6th July, 2015.**

.....JM
(DALIP SINGH)

.....EM
(RANJAN CHATTERJEE)

