

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

Original Application No. 574/2024

News item titled "DDA ignores directions to remove official constructions on floodplain builds more" appearing in The Hindu dated 18.04.2024 and Other.

Date of completion of hearing and reserving of order: 16.10.2024

Date of Pronouncement of order: 21.01.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Ms. Prabhsahay Kaur & Ms. Deeksha L. Kakar, Advs. with Mr. Durga Prasad, Asst. Executive Engineer, DDA
Mr. Gigi. C. George, Adv. for R - 5 & 6
Ms. Asha Gopalan Nair & Ms. Nivedita Nair, Advs. for R - 3 (Through VC)
Mr. Mohit Singhal, Adv. for CPCB (Through VC)
Mr. Kush Sharma, Mr. Nishchaya Nigam, Ms. Vagmi Singh, Advs. for DPCC

ORDER

1. This Original Application is registered *suo motu* based on the news item titled "DDA ignores directions to remove official constructions on floodplain, builds more" and "DDA flouts NGT's guidelines, continues construction on crowded Yamuna floodplain in Delhi" published in The Hindu daily dated 18.04.2024 and 16.04.2024 respectively.

2. The news items allege that illegal constructions have come up in the floodplain of Yamuna and the Delhi Development Authority (DDA) has failed to remove them. There is also an allegation that DDA is planning to construct permanent structures on the floodplain of river Yamuna in violation of the NGT orders. In the news items, there are allegations concerning illegal constructions at:

1. Sur Ghat.
2. Qudsia Ghat.

3. Casting Yard adjoining Central Delhi's Baansera.
4. Millenium Bus Depot near Sarai Kale Khan.
5. Casting Yard at two kilometres from the Signature Bridge in North Delhi.
6. Asita East.

3. The Tribunal vide order dated 22.05.2024 had registered the OA *suo motu* and had taken note of the instances of alleged illegal construction on the floodplains of river Yamuna. It had also taken note of the examples of alleged permanent constructions on the floodplains in violation of the order of the Tribunal, especially the order dated 13.01.2015 passed in OA No. 6/2012 and OA No. 300/2013 in the matter of *Manoj Mishra vs. Union of India & Ors.*, wherein the guidelines were issued for regulating the constructions on the floodplains and the constructions on the river flood plain were prohibited barring exceptional cases.

4. By the order dated 22.05.2024, concerned authorities were impleaded as Respondents and notices were issued to them.

5. Respondent No. 1, DDA has filed the response accepting that the DDA has been entrusted with the affirmative duty to protect and restore river Yamuna, its morphology and its floodplains. It has reiterated the direction of the Tribunal for the protection of the Yamuna floodplains scrupulously and methodically and to prevent encroachment or pollution of any kind therein that can damage the ecology and the floodplain.

6. The plea of the DDA is that to fulfill the above mandate DDA has undertaken the projects with the objective to enhance the ecological character of the floodplain and to make them accessible to public. The DDA has divided the entire stretch of about 22 Km in the urban context

of Delhi from Wazirabad barrage to Okhla barrage on both banks of river Yamuna into 11 projects. It is also disclosed that the total project area being undertaken by the DDA under this restoration scheme is approximately 1600 hectares, some of which falls within the jurisdiction of UP Irrigation Department. The details of the project disclosed by the DDA in its reply affidavit dated 06.08.2024 are as follows:

“xxxxxxxxx

4. *These abovementioned Projects are being undertaken by the Respondent No.1/DDA with the following objectives and aims:*

- i. ***Firstly, by protection of floodplains*** - by demarcation of the Yamuna floodplains and repossession of the floodplains under encroachment;
- ii. ***Secondly, by restoration of the wetlands, revival of floodplain forest and grasslands*** - by deepening and enlarging the existing depressions and creation of wetlands; reviving floodplain forests and grasslands of indigenous species and creating favourable habitats for fauna and creation of green buffers along the edge of the river following principles of ecological succession.
- iii. ***Thirdly, by attempting to build a connect for the general public with the Yamuna River*** - by means of creating spaces for the public use near access route with amenities, nature trails & kaccha pathways, cycle tracks and seating areas in the Greenways, for recreation of public at large.

5. *The details of the Projects being taken by the Respondent No.1/DDA for Restoration of the Yamuna Floodplains by DDA are as follows:*

- i. ***Asita*** - Old Railway Bridge to ITO Barrage (Eastern Bank)
- ii. ***Kalindi Aviral*** - Nizamuddin Bridge to DND Flyway (Western Bank)
- iii. ***Kalindi Biodiversity Park***- DND Flyway to Kalindi Bypass (Western Bank)
- iv. ***Yamuna Vatiika***- Old Railway Bridge to ITO Barrage (Western Bank)
- v. ***Amrut Biodiversity Park*** - New Railway Line to Nizamuddin Bridge (Eastern & Western Banks)
- vi. ***Ghat Area*** - Wazirabad Barrage to Old Railway Bridge (Western Bank)
- vii. ***Yamuna Vanasthali*** - Wazirabad Barrage to ISBT Bridge (Eastern Bank)
- viii. ***Mayur Nature Park*** - Nizamuddin Bridge to DND Flyway (Eastern Bank)
- ix. ***Eco tourism area*** - Geeta colony Bridge to ITO Barrage (Western Bank)

- x. **Hindon Sarovar-** Nizamuddin Bridge to DND Flyway (Eastern Bank)
- xi. **River Front Project** - New India Garden to Nizamuddin Bridge (Western Bank) (Yet to be taken-up)

A Satellite Map showing the location of the eleven Projects undertaken by DDA is annexed herewith and marked as **Annexure A-1**.

6. The above Restoration scheme for the Projects of the Yamuna Floodplains includes development of:

- **Green buffer areas:** upto 300 mts wide along the river planted with species of riverine ecology;
- **Greenways:** which is a belt of about 100-150 mts along the peripheral roads/embankments for development of public amenities with continuous trail of kaccha pathways and cycle tracks throughout its extent;
- Variety of **open spaces** for passive activities along these trails;
- **Restoration and deepening of the existing depressions/wetlands and creation of new wetlands** wherever feasible for the catchment of floodwaters;
- **Floodplain forests and grasslands** of native origin conducive to floodplain ecology, around these wetlands and trails;
- **Constructed wetland systems** for treatment of waste water out falling into Yamuna at feasible locations;
- **Creation of biodiversity parks** at various locations in the floodplains beneficial for native flora and fauna by creating a variety of habitats.

7. These Floodplains play an extremely significant role in facilitating the self- cleansing ability of rivers, providing habitat to large number of riparian plants and animals and creating wetlands including marshes that help biological cleaning of wastewater before it could enter and pollute the river. The Respondent No.1/DDA has in furtherance of its objective for restoration and rejuvenation of the flood plains, undertaken the following:

- a. cleaning of the Yamuna flood plains and constant monitoring to ensure the maintenance of cleanliness;
- b. removal of encroachment and constant monitoring for encroachment on the lands of the flood plains.

8. Till date, about **7 Lakh** native trees, more than 150 Lakh riverine grasses have been planted in these floodplains by DDA. Twenty-six wetlands have been restored covering an area of about 35 hectares with the capacity of augmenting about 13,500 lacs litres of water during the monsoons. They not only act as a natural habitat for birds, butterflies and insects, help in improving micro climate and mitigating pollution, but also have become places of attraction for the general public."

7. In the above reply affidavit, DDA has attempted to disclose the various steps taken to protect the flood plains of river Yamuna in the Delhi's stretch and for restoration of the river ecology and surrounding areas.

8. The National Mission for Clean Ganga (NMCG) has also filed its reply dated 02.08.2024 stating that a response was sought in regard to alleged constructions in the river floodplain from the DDA and comments dated 31.07.2024 have been forwarded by the DDA. NMCG is considering the same in the light of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.

9. The Central Pollution Control Board (CPCB) has filed a separate reply which discloses that in compliance with the order of the Tribunal, the CPCB officials had inspected the above six sites mentioned in the order dated 22.05.2024. The observations of the CPCB and the information provided by the DDA in this regard in respect of each of the site is mentioned in the reply of the CPCB.

10. Delhi Pollution Control Committee's (DPCC) reply dated 19.09.2024 discloses the information provided by the DDA to it in the tabulated form on each of the issues. It also discloses that the High Level Committee constituted by the Tribunal vide order dated 09.01.2013 in the OA No. 21/2023 in the matter of *Ashwani Yadav vs. Govt. of NCT Delhi* (now being dealt with in the OA No. 6/2012 in the matter of *Nizamuddin West Association vs. Union of India & Ors.*) had prepared department-wise detailed action plan for rejuvenation of river Yamuna, including action points for regulation of river Yamuna floodplain, and removal of encroachments/Dhobi ghats and that an order dated 27.01.2023 was issued by the Chief Secretary, Govt. of NCT of Delhi for implementation of

the said action plan which is being regularly reviewed by the High Level Committee.

11. The reply affidavit on behalf of the DoWR, RD&GR, Ministry of Jal Shakti and NMCG dated October 2024 has been filed stating that a team was constituted by the NMCG to inspect the site in question and submit the report and the team had found as under:

“xxxxxx.....xxx

7. That having gone through DDA's response and report of the NMCG formed Team, NMCG observes that (i) at Sur Ghat and Vasudeo Ghat, restoration works have been planned by INTACH, and aimed to revive historic/cultural/religious connect to the river Yamuna. Further, these works don't interfere with spread of flood water. Further, the proposal at Sur Ghat involves de-concretization of 50% of Ghat area which is also in sync with recommendations of NMCG formed Team; (ii) at Baansera, DDA should pursue the matter with PWD for early dismantling of cement concrete road; (iii) at Millennium Bus Depot, DDA is in process of exploring a proposal that aims to increase people river connect. This needs to be expedited by them. DDA may consider forming a Committee of domain experts to get a widely acceptable restoration plan for this areas; (iv) about casting yard near Signature bridge, DDA's intervention has already resulted in removal of large amount of malba/construction waste from the flood plain; and (v) at Asita Ghat, DDA submits that the pavers are permeable and are required to safely allow public access into this part of flood plain, and this constitutes only 0.002% of the total 90 ha of Asita. NMCG feels that this being a miniscule part of total area, it will practically have no impact on recharge function of the flood plain.”

12. Having heard learned Counsel for the parties at length and on examination of the record, we notice that regarding encroachment on the flood plain following situation emerges in respect of each of the six locations focused in the news items and noted in the order dated 22.05.2024:

Sl. No.	Sites	Allegation in the newspapers	Stand of the DDA	Observations by the CPCB
1.	Sur Ghat	Sur Ghat, expanded over an area of atleast	Ghat Project: The stretch of the Ghat project spanning from Wazirabad Barrage to Old Railway	1. Civil structures like separate bathing pools for

		<p>2,000 square metre, is located just over a 100 metre from the Wazirabad bridge in North Delhi and a mere 50 metres away from the river. The entire complex is built on the Yamuna floodplains and is enclosed by barbed-wire boundary walls, features tiled floors, four 2 concrete rooms, and a 40-metre-long pool, and is often visited by Hindu families performing the last rites of their loved ones. Large letters painted on a 12-foot-high wall proclaim the area under the jurisdiction of the Delhi Development Authority (DDA).</p>	<p>Bridge on the western bank measuring approximately 66 hectares is being taken up for restoration by DDA in phases.</p> <p>So far, DDA has reclaimed 13.62 acres of land in this 66- hectare area during last two years through persistent efforts in resolving litigation in the courts and subsequent demolitions.</p> <p>The following is submitted regarding the Sur Ghat-</p> <p>a) Sur Ghat was inaugurated on 13th April 2000 and it is most humbly submitted that it is a bathing ghat only.</p> <p>b) Out of the 66 ha., the restoration of Sur Ghat (13.66 ha.) is scheduled in Phase-2. Earlier, the tender was awarded in March 2023 for the entire area and the work had also started as per schedule, however disputes over ownership caused it to be stopped and demarcation for land ownership with L&DO is underway.</p> <p>c) However, Sur Ghat portion which is free from litigation will be taken up for restoration by DDA in Phase- 2 as per drawing.</p> <p>d) Recommendations of the Principal Committee in its Report titled, Floodplain Development, Yamuna River, NCT of Delhi, dated October 2015 (annexed herein as Annexure-1A) states that:</p> <p>"The river zone carries important mythological, historical, environmental and social values which any restoration plan needs to keep in mind with care and sensitivity." (Para 1. Page 4)</p> <p>"Sur ghat which is a concrete structure needs to be made more natural." (Page 22)</p> <p>e) Thus, the restoration strategy in the entire stretch of the Ghat area aims to rejuvenate and restore faith in its cultural heritage among the people. This involves revitalizing the historical sites, preserving the existing elements, and promoting cultural activities that reconnect people with the rich heritage of the area. By restoring the Ghat area, the goal is to inspire pride and appreciation for the cultural legacy that defines the identity of the city.</p> <p>f) DDA's restoration proposal is an attempt to achieve this goal which is also in compliance with the directions passed by the Hon'ble High Court in its</p>	<p>men and women, administrative building, separate changing rooms for men and women, generator room, local kiosks are present at Sur Ghat. A boundary wall with barbed wires is erected to separate the river and the ghat. The pathways for approaching to the ghat are laid with tiled surface. The pictures of the site are presented in Figure No.1.</p> <p>2. As per the recommendations of the Experts in their report on "Flood Plain Development Yamuna River, NCT of Delhi October, 2015, Sur Ghat needs to be made more natural. The proposal of de-concretization was prepared by DDA in consultation with INTACH and the proposal / plan is yet to be implemented.</p> <p>3. The Geo Satellite images of the Greenery at Sur Ghat for the year 2012 and for the year 2023 is presented in Figure No. 2. The images illustrate the prevalent structure of Sur Ghat was available in the year 2012 also. The green cover around the Sur Ghat in the year 2023 has increased in comparison to the green cover in the year 2012.</p>
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			<p>Order dated 08.04.2024 (annexed herewith as Annexure 1B), stating as follows:</p> <p>"24. A large number of religious devotees pray at different locations discharging solid waste in the river water, adding to an already serious problem. Recognizing this need of the residents of the State, DDA should construct select number of ghats or platforms on stilts along the riverbank, for such purposes to ensure that the devotees get space and the authorities are able to deal with the challenge of waste scientifically."</p> <p>g) The proposed plan aims to rejuvenate the current infrastructure of Sur Ghat by reducing hardscaping and increasing the amount of green spaces, aligning with recommendations of the Principal Committee. A copy of the proposal for Sur Ghat which is under progress is placed as Annexure 1C.</p> <p>h) The 40-metre-long pool as mentioned in the order is referring to the bathing tank which was part of the original scheme, inaugurated in the year 2000. The tank is used by the public during religious/auspicious days such as Amavsya, Pournima etc. It not only provides a controlled environment for such rituals giving due respect to the religious beliefs but also contributes to the conservation and cleanliness of the river.</p> <p>i) In reference to the mention of the barbed-wire boundary walls of the Sur Ghat, it is to be stated that barbed wire was erected to protect the area with fencing and to dissuade public from disposing garbage into the floodplain. However, the fencing has not been an impediment to the spread of the floodwaters as also. observed in the 2023 floods Annexure 110.</p> <p>j) In reference to the mention of the surface of the Ghat at certain sections being tiled, the areas near the bathing tanks protects the users from falling as a consequence of slipping. The current proposal involves de-concretization of at least 50% of this area into permeable surfaces.</p> <p>k) The four concrete rooms as mentioned in the order, are used as the changing rooms (male, female), a toilet and an office.</p>	
2.	Qudsia Ghat	Qudsia Ghat has been renamed as „vasudev ghat“ by DDA and instead of	<p>Ghat Project:</p> <p>The stretch of the Ghat project spanning from Wazirabad Barrage to Old Railway</p>	1. The ghat is constructed with red stone along the river length at

		<p>getting reclaimed as per NGT orders, more permanent structures have been constructed there, including large sitting areas and 10-foot-high elephant statues affixed to concrete bases. The DDA has also entered into an MoU with a registered society which will conduct a „Yamuna Aarti“ at the ghat regularly.</p>	<p>Bridge on the western bank measuring approximately 66 hectares is being taken up for restoration by DDA in phases.</p> <p>The following is submitted regarding the <u>Vasudev Ghat</u>-</p> <p>a) In Phase 1, out of the 66 ha, about 16 hectares was taken up for restoration by DDA as Vasudev Ghat', earlier known as 'Qudsia Ghat.'</p> <p>b) Recommendations of the Principal Committee in its Report titled, Floodplain Development, Yamuna River, NCT of Delhi, dated October 2015 states:</p> <p>"The river zone carries important mythological, historical, environmental and social values which any restoration plan needs to keep in mind with care and sensitivity." (Para 1. Page 4)</p> <p>"Qudsia Ghat needs careful restoration to its original and traditional state." (Para a Page 23)</p> <p>"The area around Nigambodh Ghat between the River and the Ring Road needs to be redeveloped keeping in mind the social, religious and mythological significance of the site. Institutions like INTACH, Aga Khan Foundation etc. could be involved." (Para 'b' Page 23)</p> <p>c) As recommended, INTACH has prepared the restoration scheme and is executing it.</p> <p>d) This being one of the historic stretches of the Yamuna floodplains, the proposal aimed to revive the lost historic/ cultural/ religious connect to the river.</p> <p>e) The ruins of Old Ghats have been found and DDA is in the process to conserve it and make it accessible in continuity with the renovated Ghat. This conservation work is also being undertaken by INTACH based on the available evidence with them (annexed as <u>Annexure 2A</u>),</p> <p>f) This entire area was earlier massively encroached by illegal encroachers, and the river edge was previously inaccessible due to a steep slope, piles of construction debris, garbage, and religious offerings.</p> <p>g) DDA has successfully reclaimed approx. 1 ha. land within the 16 ha. and restored the entire site transforming it into an ecological zone</p>	<p>Vasudev Ghat. The pathways are also constructed with red stone. The chhatris and elephant statues have their bases resting on concrete structures. Greenery have been developed along the pathways at site. The pictures of the site are presented in Figure No. 3.</p> <p>2. The Geo Satellite images of the site for the year 2013 and for the year 2023 is presented in Figure No. 4. The images illustrate that the floodplain with some structures in the year 2013 is now free from those structures in the year 2023.</p>
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			<p>with space for rituals and amenities for the general public. (Pictures of Before and after of restoration works is placed as <u>Annexure 2B</u>).</p> <p>h) Another approximately 5 hectares out of the total 16 hectares have been designed and developed as a narrow strip of ghat of 145 meters length along the riverbank.</p> <p>i) The area around the Ghat has been designed with small patches of grass & pathways. These pathways amount to only 1.25% of the total project area. The remaining approximately 10 hectares portion has been developed as an eco-development zone. Approximately 1700 native trees along with 400,000 saplings of riverine grasses are planned in this entire 16 ha of project, adhering to the principles of ecological restoration.</p> <p>j) None of this restoration work has been an impediment to the spread of the floodwaters as also observed in the last years' historic floods. (Annexure-2C)</p> <p>k) To ensure that the Yamuna River is no longer neglected and that the general public takes ownership and feels responsible, provisions have been made for rituals that aim to reconnect people in a responsible manner. These rituals can include ceremonies that highlight the cultural and spiritual significance of the river, such as arti ceremonies, water purification rituals, and educational programs that raise awareness about the importance of river conservation.</p> <p>l) By integrating these rituals into the community's practices, it fosters a sense of reverence and responsibility towards the Yamuna. It encourages people to actively participate in its preservation and ensures that cultural traditions are respected while promoting sustainable practices that benefit the river ecosystem. This approach not only aims to revive the lost connection to the Yamuna but also empowers the public to become stewards of its health and well-being for future generations.</p> <p>m) The same has also been mandated by the Hon'ble High Court in its order dated 08.04.2024:</p> <p>"A large number of religious devotees pray at different locations discharging solid waste in the river water, adding to an already serious problem. Recognising this need of the residents of the State, DDA should construct</p>	
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			<p>select number of ghats or platforms on stilts along the riverbank, for such purposes to ensure that the devotees get space and the authorities are able to deal with the challenge of waste scientifically." (Para 2)</p> <p>n) To be able to fulfil this mandate, facilities for sitting and public attraction like Chhatris and elephant statues have been strategically placed. The overall design of this area draws its vocabulary from Qudsia Bagh, an extensive garden layout featuring ornate structures amidst lush greenery, laid by the Qudsia Begum in the 18th century on the banks of the river, which now lies across the ring road on the western side. Chhatris, crafted in red sandstone in traditional style, act as seating spaces. These form only 0.6% of the total project area of 16 ha.</p> <p>o) Additionally, to be able to use the ghats for the purposes as explained in paras k & 1 above, a MoU has been established to conduct evening Aarti twice a week. aiming to revive cultural ties and community engagement with the river. This evening Aarti similar to the one carried out on the banks of river Ganges. The agreement includes strict measures to prevent littering and water pollution during this time.</p>	
3.	Casting Yard adjoining Central Delhi's Baansera	At another casting yard adjoining central Delhi's Baansera, advertised by the DDA as an "eco-friendly" bamboo park, a 12-foot wide concrete road has been built. Construction and demolition waste was found dumped in the floodplain, and the premises of a ready-mix concrete plant were also found concretized	<p>a) The 12-feet- wide concrete road in question was built by PWD as a temporary measure in the stretch to accommodate the ancillary activities related to the works of State government's Barapullah elevated Phase-III Corridor are ongoing. The road was built to avoid spreading of dust to prevent air pollution that may be caused from the movement of heavy machinery. However, a Letter has been written by DDA to PWD to promptly dismantle the cement concrete road and the casting yard at the earliest constructed in this area and to identify and establish an alternative route if required. (Annexure 3A)</p> <p>b) DDA had urged PWD to remove the C&D waste dumped near the guide bund and in the area abutting ring road, which was partially removed. The process of removal is still underway.</p> <p>c) Baansera is only 4.5% of the 'Kalindi Aviral' project of DDA's floodplain restoration project.</p> <p>d) The site, once a C&D waste dump filled with jhuggis and illegally used as a parking lot for construction vehicles</p>	<p>Baansera, advertised by DDA as an eco-friendly bamboo park</p> <p>1. The casting yard and concrete approach road alleged in the news item exists at the site. The images are presented in Figure No. 5. The Geo Satellite images in Figure No. 06 also show the PWD casting yard and the approach road in Baansera. DDA has asked PWD to vacate the land, de-concretize the area and handover back the land to DDA vide letter dated 16.07.2024. Copy of the same is attached as Annexure- I.</p> <p>2. The Geo Satellite images of the</p>

			<p>and private buses, now draws hundreds of visitors daily from all corners of the city to enjoy the majestic views of the Yamuna. This restoration is a prime example of transforming a wasteland into a thriving green oasis that now serves as a vital link between people and their river. DDA's cleared about 3000 jhuggies and unauthorized cultivation from the area, reclaiming more than 95% of the site's total area in this stretch to date. (Before and after photographs of the sites is placed as <u>'Annexure -3B)</u></p> <p>e) Due to the prolonged use of this site for ancillary activities related to infrastructure projects in the past, a substantial amount of Construction and Demolition (C&D) waste was deposited before DDA initiated the restoration efforts on this site in 2022.</p> <p>f) Huge amount of C&D waste was dumped by DMRC which was practically unmanageable to transfer with the existing capacity of the conversion plants in Delhi. This resulted in massive dump yards of construction waste on this portion of the floodplains.</p> <p>g) DDA has removed 42,795 tonnes of this waste till date, and transformed the area into green.</p> <p>h) Recommendations of the Principal Committee in its Report titled, Floodplain Development, Yamuna River, NCT of Delhi, dated October 2015 state that:</p> <p>"Zone O (river zone) must become a place of attraction and active indulgence by the city dwellers as well as visitors within natural limits and without compromising the river's ecological and social functions." (Page 5).</p> <p>"The Committee in its report has also suggested promotion of river friendly recreational activities to restore people-river links. (Page-38)</p> <p>i) The elevated portions created as a consequence of construction dumps are 6mtrs above the HFL and have been planted with bamboo which has the capability to grow in degraded land. More than 22000 trees of native varieties and more than 1.8 lakhs of riverine grasses of native origin have been planted in Baansera alone in the buffer area along the edge of the river.</p> <p>The remaining area has been developed</p>	<p>Baansera for the year 2013 and for the year 2023 is presented in Figure No. 6. The images illustrate the floodplain with some structures and concretization in the year 2013 and the sites were free from those structures in the year 2023. However, the construction /activity, as mentioned at point 1, above exist.</p>
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			through the restoration of existing depressions, creation of kachha trails, establishment of green spaces, and planting species native to riverine ecosystems.	
4.	Defunct Millenium Bus Depot near Sarai Kale Khan	The now-defunct Millenium Bus Depot near Sarai Kale Khan, which was built atop a large portion of the floodplain ahead of the Commonwealth Games in 2010, still remains in its concretized form, despite directions for it to be recovered.	<p>a) DTC previously held possession of the inactive Millennium Bus Depot before transferring it to DDA in the year 2022. The concretized form of the site is due to its prolonged use as Bus Depot built during CWG, 2010. Previously this site was being used as a fly ash dump. Various superstructures that were a part of the Bus Depot have already been removed from the floodplains.</p> <p>b) Currently, DDA is exploring various approaches for restoring this site.</p> <p>c) The site is situated outside the 1 in 25 years floodplains, separated from the active floodplains of the river by a bund which is at a level of 208.3mts. There is a 22KV high tension line running along its length.</p> <p>d) Also, Hon'ble Delhi High Court in its order dated 08.04.2024, stated that,</p> <p>"DDA shall explore green horticultural development of river fronts and recreational zones with public amenities to increase public participation and awareness about rejuvenation of River Yamuna in accordance with extant guidelines."</p> <p>DDA is in the process of exploring a proposal that aims to foster a connection between the community and the river, aligning with the directives of this Hon'ble Tribunal and Hon'ble High Court.</p>	<p>1. The roads which were utilized for the movement of buses in the Millennium depot exists at the site. The images are presented in Figure No.7.</p> <p>2. The Geo Satellite images of site for the year 2021 and for the year 2022 is presented in Figure No. 8. The images illustrate the floodplain structures in the year 2021 and free from those structures in the year 2022.</p>
5.	Casting Yard - Signature Bridge	About two kilometers from the Signature Bridge in north Delhi, a casting yard (confined areas where all concrete structures are typically cast) can be found on the right side of a road which cuts through the eastern bank of the Yamuna's floodplain. Its boundary walls enclose a concrete space almost as big as a football field.	<p>a) The site under question is the eastern bank of the floodplain in between Wazirabad barrage and the Signature bridge. This area was under misuse by DMRC.</p> <p>b) However, it is submitted that, DDA has made numerous correspondence regarding removal of C&D waste from various areas of the floodplains by the different infrastructure agencies. Placed at Annexure 44 are copies of letters sent by DDA since last year to this effect.</p> <p>c) Now, recently, regarding C&D waste, the Hon'ble Delhi High Court order dated 08.04.2024 states that:</p> <p>"DDA, being the designated owner of the Yamuna Flood plains, is also hereby directed to ensure removal of construction waste / debris from the Yamuna river accumulated during constructions of bridges, rail lines,</p>	<p>1. The physical infrastructure of the casting yard by DMRC is in existence at the location mentioned in Hon'ble NGT Order. The images of the site are represented in Figure No.9.</p> <p>2. The Geo Satellite images of the site for the year 2012, 2015, 2018 and 2023 is presented in Figure No. 10. The images illustrate the existence of the activity since 2012.</p> <p>3. The geo satellite</p>

			<p>metro lines, regional rail network, etc. and for this purpose the DDA may call upon the concerned agencies like DMRC, PWD, NCRTC, MCD, etc. to remove such debris by 30th June, 2024 failing which DDA shall take up works for cleaning of such construction waste / debris at the cost of defaulters.</p> <p>d) In compliance of the above order of the Hon'ble High Court, all the concerned agencies including DMRC (whose casting yard near Signature Bridge is in scrutiny) are being mobilized by DDA to promptly remove debris from the floodplains.</p> <p>Three meetings have been held in the Chairmanship of Vice Chairman, DDA in this regard on 24.04.2024, 31.05.2024, 08.07.2024. Copies of Minutes of the meetings held have been placed as Annexure- B.</p> <p>f) Multiple letters have been issued to the agencies urging them to adhere to the deadline of 30th June given in the above mentioned court order. Copies of letters sent by DDA have been placed as Annexure-C.</p> <p>g) Following DDA's intervention. NCRTC. DTTDC, DMRC DJB and other agencies have already removed large amounts of malba/ construction waste from their areas of operation on the floodplains.</p> <p>h) In the 3rd meeting held on 8th July, the representatives of most agencies assured that they have cleared the floodplains in most respects and the compliance reports have been shared by 12th July followed by a joint inspection on 13th July. (Compliance reports from the agencies and Joint Inspection Report are placed as Annexure-D.</p>	<p>images also illustrate the area around the site which was previously under agriculture has been modified into forest cover (under compensatory forest scheme).</p>
6.	Asita East	Asita East, a project designed to “rejuvenate the ecology of the Yamuna floodplain” also features concrete pathways over 10 feet wide, affixed to the ground with cement at many places.	<p>a) Site for Project Asita was used for cultivation initially and was encroached upon by unauthorized jhuggis, fostering anti-social activities.</p> <p>b) After continuous efforts by DDA towards its restoration, the encroachments have been totally removed and the site is now restored.</p> <p>c) The restoration scheme included multitier plantation of native origin conducive to floodplain ecology. 31,770 no's trees and lakhs of grasses have been planted leading to the restoration of the ecosystems. A large natural depression has been restored in to a wetland of 2.5 ha in size. Planted with multitier ecological plantation it has become a home to 181 nos of resident</p>	<p>1. The 300 m pathways in the site are covered with paver blocks and rest pathways are of natural earth (kachha surfaces). The images are enclosed in Figure No.11.</p> <p>2. The grasses along with plantations are observed in Asita East.</p> <p>3. The natural depressions are being converted</p>

			<p>and migratory bird species. It has become a popular site for birding within the city. Asita is the example of a successful restoration of the floodplain ecology.</p> <p>d) Apart from the wetland, it has Kaccha trails surrounding the floodplain forests and grasslands, adorned with interactive signages that educate visitors about the restoration efforts, types of trees, and grasses reintroduced to revive the native riverine ecology of the floodplains. Pictures of restored floodplains are placed at <u>Annexure A</u>.</p> <p>e) A part of Asita Project (107ha.) is under the jurisdiction of UP I & FC Dept. As per the directions of Yamuna Monitoring Committee formulated by Hon'ble NGT, DDA was asked to prepare a comprehensive scheme for the entire project and undertake its implementation too. The funds for the same are being provided by the UP Govt. periodically. Recently, an inspection of works by DDA in the UP and DDA portions was undertaken by the Chief Secretary & senior officers. UP Govt. The restoration works taken up so far by DDA were highly appreciated. (<u>Annexure B</u>)</p> <p>f) The floodplain in this stretch are about 5-6 mts below the abutting road, thus approximately 300 meters of pathway with interlocking pavers that are permeable as a universally accessible approach for public to the 'Greenway area had to be created. These pavers are permeable that allow water to seep in the sub-surface for groundwater recharge. This was an essential requirement to safely allow public access into this section of the floodplains. However, This forms only 0.002% of the total 90 hectares of Asita. The rest of the pathways across the site are of natural earth (<i>kaccha</i>).</p> <p>g) During the floods last year, when the floodplains reached their maximum water capacity, the restored Asita successfully contained the floodwaters as intended. Subsequently, the restored floodplains at Asita absorbed the floodwaters, thereby enhancing the capacity of the aquifers. (<u>Annexure C</u>)</p>	<p>into water body. The geo satellite images are enclosed in Figure No.12.</p>
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13. Considering the explanation that has been furnished by the DDA in respect of all six locations and reading them along with the observation of the CPCB, we find that some of the offending constructions have been removed and green cover has increased, however, some action is yet to be

taken in terms of the report of CPCB and the DDA is required to exercise its jurisdiction for the removal of the such construction/structure from the flood plains.

14. The Central Government in exercise of the powers conferred under the Environment (Protection) Act, 1986 has issued the Notification dated 07.10.2016 notifying the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. Under this Notification, National Mission for Clean Ganga (NMCG) Authority has been constituted. River Yamuna being a tributary of river Ganga is covered by Clause 3(u) of this Order. In terms of the Clause 4(i) of 2016 Order, river Ganga is managed as a single system. Clause-6(3) of the Order prohibits construction of any structure whether permanent or temporary for residential, commercial or industrial or any other purpose in river Ganga, bank of river Ganga or its tributaries or active flood plain area of river Ganga or its tributary. The *proviso* thereto stipulates that if such construction is completed, the NMCG will review it as per the given parameters. Powers of the NMCG are contained in Clause-41 of the 2016 Order.

15. The above scheme of the 2016 Order reveals that NMCG has been entrusted with the responsibility to protect the flood plains of river Ganga and its tributaries, including river Yamuna, and it has to ensure that no illegal construction comes up in said flood plains.

16. The common reply affidavit of Ministry of Jal Shakti and NMCG dated 15.10.2024 discloses that the NMCG had constituted a team for inspection of the sites in question which had submitted the report and the team had observed as under and has suggested the following remedial action:

“

<i>Sl. No.</i>	<i>Directions of Hon'ble NGT in Order dated 22.05.2024 in the matter of OA 574/2024</i>	<i>Remedial actions suggested by the Team formed by NMCG vide its Order dated 30.08.2024</i>
<i>a</i>	<i>b</i>	<i>c</i>
1	Para 3.1: Sur Ghat , expanded over an area of at least 2,000 square metre, is located just over a 100 metre from the Wazirabad bridge in North Delhi and a mere 50 metres away from the river. The entire complex is built on the Yamuna floodplains and is enclosed by barbed-wire boundary walls, features tiled floors, four concrete rooms, and a 40-metre-long pool, and is often visited by Hindu families performing the last rites of their loved ones. Large letters painted on a 12-foot-high wall proclaim the area under the jurisdiction of the Delhi Development Authority (DDA)	DDA may consider to de-concretise the area as directed by Hon'ble NGT and Principle committee with an optics of river-people connect and social aspects with inclusion of permeable pavements (made up of porous asphalt and concrete, gravel, and pavers) that allows water to seep in the ground.
2	Para 3.2.: Qudsia Ghat/Vasudeo Ghat has been renamed as "Vasudev Ghat" by DDA and instead of getting reclaimed as per NGT orders, more permanent structures have been constructed there, including large sitting areas and 10-foot-high elephant statues affixed to concrete bases. The DDA has also entered into an MoU with a registered society which will conduct a "Yamuna Aarti" at the ghat regularly.	i) Directions of Hon'ble NGT, Principle committee and recommendations of 'Expert committee of Flood Plain Department Yamuna River', NCT of Delhi October, 2015 of making Ghat more Natural must be complied with an optics of river-people connect, ecological considerations and social aspects. ii) Pathways may be constructed using permeable pavements (made up of porous asphalt and concrete, gravel, and pavers) to allows rain/water to seep in the ground. iii) Concrete surface and structure may be minimized. iv) Any C&D waste must be scientifically treated and disposed off.
3	Para 3.3. Baansera: At another casting yard adjoining central Delhi's Baansera, advertised by the DDA as an "eco- friendly" bamboo park, a 12-foot-wide concrete road has been built. Construction and demolition waste was found dumped in the floodplain, and the premises of a ready-mix concrete plant were also found concretized.	i) Directions of Hon'ble NGT and Principle committee. must be complied with an optics of river-people connect and social aspects ii) DDA should re-approach PWD to vacate the land and deconcretise the area for restoration.

4	Para 3.4.: The now-defunct Millennium Bus Depot near Sarai Kale Khan, which was built atop a large portion of the floodplain ahead of the Commonwealth Games in 2010, still remains in its concretized form, despite directions for it to be recovered.	<p>iii) A test on fly-ash availability and material on site may be carried out to reach to any conclusion before dismantling this parking tracks.</p> <p>iv) Based on the outcome of this test DDA may submit. an action plan, in addition to 'Ecosystem restoration and Rejuvenation Plan for the site for handling this demolition waste under supervision of a competent regulatory authority(ies).</p> <p>v) Action Plan may include the de-concretization of the area with a view that ecology of the river should not be disturbed owing to generation of sound, vibrations, radiations, wastes etc. during the execution of any action plans.</p> <p>vi) Final Outcome of the 'Ecosystem restoration and Rejuvenation Plan' should be validated, to ensure that the site is adequately restored, by the team comprised of NMCG and prestigious technical Institutes of India.</p> <p>vii) Necessary precautions, considering high tension wires, shall be taken during implementing any action plans on site.</p>
5	Para 3.5. Casting Yard 2 Km from Signature Bridge: About two kilometers from the Signature Bridge in north Delhi, a casting yard (confined areas where all concrete structures are typically cast) can be found on the right side of a road which cuts through the eastern bank of the Yamuna's floodplain. Its boundary walls enclose a concrete space almost as big as a football field.	<p>i) Directions of Hon'ble NGT and Principle committee. must be complied with an optics of river-people connect and social aspects</p> <p>ii) DDA must follow-up with the DMRC Cast Yard officials for compliance of its notices.</p> <p>iii) Any C&D waste must be scientifically treated and disposed off.</p>
6	Para 3.6.: Asita East, a project designed to "rejuvenate the ecology of the Yamuna floodplain" also features concrete pathways over 10 feet wide, affixed to the ground with cement at many places.	<p>i) Directions of Hon'ble NGT and Principle committee must be complied with an optics of river-people connect and social aspects</p> <p>ii) The DDA should rework to reduce, using the landscaping knowledge</p>

		<p><i>within the Authority, on the paved area.</i></p> <p><i>iii) Awareness may be spread to schools and interested stakeholders to disseminate the awareness on the positive outcome of the restoration and rejuvenation activities of the project.</i></p> <p><i>iv) Only manual run By-cycles/battery cars etc. may be allowed to enter in the limited regions of the restored area.</i></p>	<p><i>”</i></p>
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17. These observations have been summarized in the reply affidavit of NMCG dated 15.10.2024 as under:

“xxxxxx.....xxx

7. That having gone through DDA's response and report of the NMCG formed Team, NMCG observes that (i) at Sur Ghat and Vasudeo Ghat, restoration works have been planned by INTACH, and aimed to revive historic/cultural/religious connect to the river Yamuna. Further, these works don't interfere with spread of flood water. Further, the proposal at Sur Ghat involves de-concretization of 50% of Ghat area which is also in sync with recommendations of NMCG formed Team; (ii) at Baansera, DDA should pursue the matter with PWD for early dismantling of cement concrete road; (iii) at Millennium Bus Depot, DDA is in process of exploring a proposal that aims to increase people river connect. This needs to be expedited by them. DDA may consider forming a Committee of domain experts to get a widely acceptable restoration plan for this areas; (iv) about casting yard near Signature bridge, DDA's intervention has already resulted in removal of large amount of malba/construction waste from the flood plain; and (v) at Asita Ghat, DDA submits that the pavers are permeable and are required to safely allow public access into this part of flood plain, and this constitutes only 0.002% of the total 90 ha of Asita. NMCG feels that this being a miniscule part of total area, it will practically have no impact on recharge function of the flood plain.”

18. The NMCG, which is the competent authority under the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, has already examined the issue, and the team constituted by the NMCG has suggested the remedial action which is required to be complied with by the DDA.

19. Hence, we dispose of the OA directing the DDA to comply with the remedial action suggested by the team constituted by the NMCG and observations contained in the report of CPCB as expeditiously as possible without causing any unnecessary delay.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

January 21, 2025
Original Application No. 574/2024
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