

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL

Original Application No. 21/2013 (CZ)  
Dr. Alankrita Mehra Vs. Union of India & 09 & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE Dr. DEVENDRA KUMAR AGRAWAL, EXPERT MEMBER

PRESENT : Applicant : Shri Vivek Choudhary  
State /BMC/ EPCO Shri Sachin K. Verma, Adv.  
MPTDC/State Wetland Auth. : Shri R.K.Chawla, Asst. Eng, PHED  
Shri S.K.Chaturvedi, EE, CPA  
Shri Sanjay Kumar, Addl. Comm.  
Shri Santosh Gupta, EE, BMC  
Respondent No. 6: Ms. Parul Bhadoria, Adv.  
Shri Purushaindra Kaurav, Adv.  
Interveners: Shri Rohit Sharma, Adv. for  
Shri Deepesh Joshi, Adv.  
Shri Pulkit Godha

Date and Remarks	Orders of the Tribunal
<p>Item No. 6 17<sup>th</sup> December, 2015</p>	<p>Learned Counsel for the State had submitted the report of the CEPT before the Tribunal in sealed cover. We had occasion to go through the same. Learned Counsel Shri Sachin K.Verma also submitted that after the appraisal of the report by the empowered committee, certain issues have been referred again to CEPT for the re-examination / clarification. He further submits that the matter at present is in the domain of CEPT.</p> <p>We direct that the Learned Counsel for the State shall place before us in a sealed cover the deliberations and minutes of the empowered committee and what has been referred by the empowered committee to CEPT.</p> <p>In the meanwhile, the directions issued by this Tribunal in the Judgement of <i>Association of Socio Environmental Assistance &amp; Action V/s Union of India O.A. No. 15/2013</i> for placing restriction on construction activity as well as development activity within 50 meters of the FTL shall remain in force and so</p>

also the restrictions along the river front as directed by this Tribunal in the judgement of *Subhash C. Pandey V/s State of M.P. O.A. No. 135/2014* in the matter of the Kaliasote River shall also remain in force apart from any other direction in other cases. These directions shall remain in force in the entire catchment area of the upper lake for which the CEPT has been directed to submit the report and the area under consideration in the said report.

Since this Application has been pending since 2013 and it has been approximately the same time that the matter was referred to CEPT, the city of Bhopal and the catchment area of upper lake, constructions have been growing at a rapid pace and in the absence of a final decision in the matter by the Government, lot of construction and other development activities, are taking place in the catchment area of the upper lake including the city of Bhopal. We would accordingly therefore, direct that with a view to take precautionary measure lest it be too late, to save the lake, all the development permissions that may be taken henceforth shall not be implemented without referring the same to this Tribunal.

In addition to the above, all land use change permissions henceforth shall also be referred to this Tribunal and no activity on the same shall be permitted without referring the matter to the Tribunal. All such cases which may have been approved in the catchment area and in the city of Bhopal after 01.12.2015, shall be brought to the notice of the Tribunal. We further direct that the State Government shall issue reminder to CEPT with the request to expedite the matter.

The Respondents submitted that a DPR for construction of

STPs of the nallah coming into the Upper Lake has been prepared. It was directed that the Respondents would direct the consultant to look into the feasibility of having smaller STPs along the course of the nallah rather than pumping the sewage in a different catchment area. It was felt that this would adversely affect the quantum of water in the Upper Lake itself as its level is being recharged at present through the nallah entering in the lake. It was further suggested that the consultant would also work out with the above keeping in mind the treatment upto the tertiary level so that the water which at present is also being provided for drinking purpose from the lake is not polluted and at the same time, the inlet water is of drinking water quality. The consultant were further directed to prepare a revised plan excluding the cost of sewage network in the area where sewage network is not possible or would entail heavy expenditure and time. This would not only reduce the cost but also expedite and shorten the time plan of the project. As such, the revised time frame may also be examined in this light.

Put up on 21<sup>st</sup> December, 2015.

.....,JM  
(DALIP SINGH)

.....EM  
(Dr. D.K.AGRAWAL)