

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

Original Application No. 203/2023

Tushar Goswami

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of completion of hearing and reserving of order: 12.12.2025

Date of Pronouncement of order: 08.01.2026

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

Applicant: Mr. Saurabh Tiwari, Adv. for Applicant (Through VC)

Respondents: Mr. Bhanwar Pal Singh Jadon, Ms. Gargi Chaturvedi, Ms. Anjali Sharma
& Ms. Atika Singh, Adv. for the State of UP
Mr. Rahul Pratap, Adv. for MoEF & CC (Through VC)
Mr. Pradeep Misra & Daleep Dhyani, Adv. for UPPCB
Mr. Gigi. C. George & Mr. Sunil Kumar, Adv. for NMCG
Mr. Saurabh Balwani, Adv. for CPCB (Through VC)
Mr. Amit Tiwari & Mr. Chetanya Puri, Adv. for R - 9
Ms. Tamanna Sharma, Adv. for R - 11
Mr. S. Vinay Ratnakar & Mr. Anand M., Adv. for R - 12

ORDER

1. This original application was filed by the Applicant raising a grievance against setting up of the Tent City on the riverbed of River Ganga in Varanasi. The plea of the Applicant is that the riverbed of river Ganga was handed over to two private entities for setting up the Tent City in the name of Praveg Tent City and Niraan Tent City. It was alleged that these Tent Cities were set up in river bed across Assi Ghat in Varanasi and they were polluting the riverbed and river water and causing harm to flora and fauna. Further allegation was that the sewage of the Tent City was directly discharged into the river Ganga and these Tent Cities were set up in violation of the order of the Tribunal in OA No. 65/2016, in the matter of *Manoj Misra vs. Delhi Development Authority & Ors.* and in violation of Clause 42 read with Clause 4 of the River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016. It was also alleged the Tent City

was set up at the place of “Kachhua Wildlife Sanctuary” and this sanctuary was illegally de-notified vide Notification dated 17.03.2020. It was also alleged that the Tent City was set up without requisite clearances.

2. The Tribunal by the order dated 17.03.2023, while entertaining the OA, had constituted a seven-member Joint Committee by directing as under:

“xxx xxx.....xxx
3. Before passing further order, we find it necessary to seek a factual report from a seven-member joint Committee of NMCG, MoEF&CC, CPCB, Chief Wild Life Warden, Uttar Pradesh, Irrigation and Water Resource Department, Uttar Pradesh, State PCB and District Magistrate, Varanasi. NMCG and State PCB will jointly be the nodal agency for coordination and compliance. The Committee may meet within one week. It will be open to Committee to conduct proceedings online or offline, to undertake visit to the site and interact with concerned authorities and stakeholders. The Committee may ascertain legality of the project, impact of the project on the Turtle Wildlife Sanctuary, river Ganga and integrity of the flood plain and mandate of Ganga order 2016 and any other incidental issues like liquid and solid waste management, power supply and its sources.”

3. The Joint Committee had carried out the inspection and submitted the report before the Tribunal alongwith the covering letter of the Uttar Pradesh Pollution Control Board (UPPCB) dated 24.05.2023. The Tribunal by the order dated 29.05.2023 had impleaded the two project proponents involved in the setting up of Tent City and had issued notice to the concerned respondents.

4. The replies/reports have been filed by the respondents and the Applicant has also filed the response affidavit.

5. With the consent of Counsel for the parties, the OA has been finally heard.

6. The report of the Joint Committee reveals that the Varanasi Development Authority (VDA), Varanasi had issued the e-tender dated 21.07.2022 inviting parties for developing Tent City on the bank of river Ganga at Varanasi, Uttar Pradesh. After completing the tender process, the

Letter of Intent dated 01.12.2022 was issued by the VDA to the Respondents No. 11 – M/s. Praveg Communications (India) Limited and Respondent No. 12 – M/s. Niraan the Tent City for developing the tent. The VDA had entered into an agreement with Respondents No. 11 and 12 on 01.12.2022 and 14.12.2022 for development of the Tent City for five years. The Tent City was developed opposite to Chet Singh Ghat of River Ganga located at the right bank of river Ganga. Both the Tent Cities were adjacent to each other. In the meeting convened by the Commissioner/Chairman of the VDA it was noted that the land belonged to the Revenue Department entered as “RETA” in the revenue record.

ISSUES:

7. This OA involves following issues:

- i) Whether Respondents No. 11 and 12 had violated environmental norms in setting up the Tent City?
- ii) What is the period of violation of environmental norms?
- iii) What action has been taken against Respondents No. 11 and 12 for violation of environmental norms?
- iv) Whether de-notification of the Turtle Sanctuary is lawful?

These issues are decided as under:

i) Violation of environmental norms, if any, in setting up the Tent City:

8. River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016 has been issued by the Govt. of India, Ministry of Water Resources, River Development, and Ganga Rejuvenation under the provisions of Environment (Protection) Act, 1986. The clauses relevant for the present controversy are as under:

“4. Principles to be followed for rejuvenation, protection and management of River Ganga. – (1) The following principles shall be

followed in taking measures for the rejuvenation, protection and management of River Ganga, namely:-

(i) The River Ganga shall be managed as a single system;

(ii) to (viii). xxx.....xxx.....xxx

(ix) The bank of River Ganga and its flood plain shall be construction free Zone to reduce pollution sources, pressures and to maintain its natural ground water recharge functions;

xxx.....xxx.....xxx

6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.- (1) *No person shall discharge, directly or indirectly, any untreated or treated sewage or sewage sludge into the River Ganga or its tributaries or its banks: Provided that where a local authority does not have, on the date of commencement of this Order, sewerage scheme or infrastructure for collection, storage, transportation and disposal of sewage or sewage sludge or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such local authority shall, within a period, specified by National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of sewage in the territorial area of the local authority.*

(2) No person shall discharge, directly or indirectly, any untreated or treated trade effluent and industrial waste, bio medical waste, or other hazardous substance into the River Ganga or its tributaries or on their banks:

Provided further that where an industry or industrial area management does not have, on the date of commencement of this Order, industrial effluent treatment scheme or infrastructure for collection, storage, transportation and disposal of trade effluents industrial waste, bio-medical waste, or other hazardous substance, etc. or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such industry or industrial area management shall, within a period so specified by the National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of trade effluent and industrial waste, bio-medical waste, or other hazardous substance in the jurisdiction of the industry or industrial area management.

(3) No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries: Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee: Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its

tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

(4) No person shall do any act or carry on any project or process or activity which, notwithstanding whether such act has been mentioned in this Order or not, has the effect of causing pollution in the River Ganga.

xxx.....xxx.....xxx

42. Giving of prior approval in certain matters.- Every person, the State Ganga Committees, District Ganga Protection Committees, local authorities and other authorities shall obtain prior approval of the National Mission for Clean Ganga, on the following matters, relating to River Ganga and any area abutting River Ganga or its tributaries, if required to implement the decisions of the National Ganga Council, namely:-

(a) engineered diversion and storage of water in River Ganga without affecting the flow of water downstream of the River Ganga;

(b) construction of bridges and associated roads and embankments over the River Ganga or at its River Bank or its flood plain area;

(c) construction of Ghats or extension of any existing Ghat;

(d) construction of jetties;

(e) construction of permanent hydraulic structures for storage or diversion or control of waters or channelisation of River Ganga or its tributaries;

(f) deforestation of hill slopes and notified forest and other eco-sensitive areas;

(g) any other activity which contravenes the principles laid out in paragraph 4 which the National Mission for Clean Ganga may specify.”

9. The provisions contained in the above clauses are required to be strictly complied with to ensure that River Ganga and its tributaries are protected.

10. The seven-member Joint Committee appointed by the Tribunal by the order dated 17.03.2023 had submitted the detailed report before the Tribunal finding the violation of environmental norms by the Respondents No. 11 and 12 in setting up the Tent City. The Joint Committee found that the Tent City was set up on the river bed and the floating temporary jetty

was established in river Ganga. It was also found that the projects were operational without CTO from the UPPCB and the project was violating the Condition No. 4 of the CTE. The Committee also found that the red brick chambers of permanent nature were constructed on the riverbed side for sewage collection. These chambers were having brick lining bottom without any impervious liner permitting downward seepage in the nature of soak pit in the riverbed and the sewage management system was not upto the mark. The Committee recorded following factual findings in respect of violations in the two projects:

“3. Observations of the committee on each tent city project:

3.1.M/s Praveg Communications (India) Limited: -

- i) *M/s Praveg Communications (India) Limited has developed tent city in 20-hectare land. It is located on the opposite side of Assi Ghat of River Ganga.*
- ii) *It is informed by the Project Proponent (PP) that demarcation of area has been carried out by VDA but at present the tent city has been developed only on 11 hectare land.*
- iii) *The agreement between VDA and tent city holder is for five years. It is informed by Project Proponent (PP) that construction of the tent city was started on 01.12.2022. It is made operational on 15.01.2023 and proposed to be closed by 31.05.2023. PP has also informed that all the tents and structures will be removed by 30.06.2023.*
- iv) *Uttar Pradesh Pollution Control Board (UPPCB) has granted conditional Consent to Establish (CTE) under provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 vide letter no. 174835/UPPCB/Varanasi (UPPCBRO)/CTE/VARANASI/2023 dated 12.01.2023 to M/s Praveg Commutations (India) Limited.(Copy of CTE is attached as **Annexure E-1**).*
- v) ***Committee observed that the project is operational without getting Consent to Operate (CTO) from UPPCB violating the condition no. 4 of the CTE which clearly states that the "industry will not start its operation, unless CTO is obtained under Water and Air act"***
- vi) ***It was observed that the tent city has been established on River Bed. At the time of inspection it was observed that The River Ganga is flowing a far approx. 60 m from the boundary of Tent City.***

- vii) Floating temporary jetty has been established by the PP in River Ganga for bathing etc.**
- viii) PP has hired 03 motor boats with capacity of 08-seater, 16-seater and 40-seater.**
- ix) Tent City is established in two phases. Patch one comprises of 58 tents and patch two comprises of 82 tents. Each tent house has been provided with separate bathroom, toilet and other basic amenities.**
- x) Committee observed few permanent construction of red brick chamber (approx. 1 X 1 meter) on river bed site, which is being used for sewage collection. These brick type sewage sumps are having brick lined bottom but without any impervious liner, which may lead downward seepage. Overall, the chamber is working as soak pit on river bed. (Photo attached as Annexure F)**
- xi) Committee observed that the system made for sewage management is not up to the mark, various issues like slope/gradient of pipe, chamber construction etc. is not proper for collection of sewage.**
- xii) The sewage is collected by a tanker from the sumps of the tent city and is transported to main sump 13 KL from where it is pumped to the 10 MLD STP at Ramnagar for treatment.**
- xiii) D.G. sets of capacity 3X250 KVA and 1X125 KVA have been installed with accoustic enclosure but the stack height is not as per prescribed norms. However, as per CTE only two DG sets of 250 KVA were allowed to be installed.**

3.2. M/s Niraan the Tent City: -

- i) M/s Niraan the Tent City has developed the tent city in 10 hectare land. It is located on opposite side of Assi Ghat of River Ganga.**
- ii) It is informed by the Project Proponent (PP) that the tent city has been developed only one 2.5 hectare land in demarcated area of VDA.**
- iii) The agreement between VDA and tent city holder is for five years. It is informed by Project Proponent (PP) that construction of the tent city was. started on 01.12.2022. It is made operational on 15.01.2023 and proposed to be closed by 31.05.2023. PP has also informed that all the tents and structures will be removed by 30.06.2023.**
- iv) Uttar Pradesh Pollution Control Board (UPPCB) has granted conditional Consent to Establish (CTE) under provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 vide letter no. 174690/UPPCB/Varanasi (UPPCBRO)/CTE/VARANASI/2023 dated 12.01.2023 to**

M/s Niraan the Tent City. (Copy of CTE is attached as AnnexureE-2).

- (v) Committee observed that the project is operational without getting Consent to Operate (CTO) from UPPCB violating the condition no. 4 of the CTE which clearly states that the "industry will not start its operation, unless CTO is obtained under Water and Air act"*
- (vi) It was observed that the tent city has been established on River Bed. At the time of inspection it was observed that The River Ganga is flowing a far approx. 60 m from the boundary of Tent City.*
- vii) It is observed that construction of tent city has been carried out on River Bed. River Ganga is flowing approx. 60 m from the boundary wall of Tent City. Tent City has also made structure for bathing as well as jetty for boating in almost main stream of river Ganga.*
- viii) PP has hired 05 boats with capacity 10-seater, 20-seater. 20-seater 30-seater and 50-seater.*
- ix) Tent city is constructed in four phases comprises 120 tents. Each phase comprises of 30tents. Tent houses were developed in each phase along with the separate bathroom and basic amenities in the tents.*
- x) Committee observed few permanent construction of red brick chamber (approx. 1.5 X 1.5 meter) on river bed site, which is being used for sewage water, these brick type sewage sumps are having brick lined bottom without any impervious liner, which may lead downward seepage. Overall, Chamber work as soak pit on river bed. (Concern photo attached as Annexure F).*
- xi) Committee observed that PP have 05 nos, of enclosed type DG sets (capacity 4X125 KVA and 1X250 KVA) on site, with improper stack height. However, CTE allow only 4 DG set with capacity of 125 KVA only."*

11. The Joint Committee had also found that the VDA had not obtained any prior permission from NMCG for setting up the Tent City on the bed of river Ganga. The Joint Committee in this regard found as under:

"4. Legal aspect of the projects:

4.1. Legality of the projects: -

- i) Both the projects obtained licence from Electrical safety and Nagar Nigam, Varanasi. (Copy of letter is attached as Annexure)*
- ii) Uttar Pradesh Pollution Control Board (UPPCB) has granted Consent to Establish (CTE) under water act, 1974 and Air*

Act, 1981 vide letter no. 174835/UPPCB/Varanasi (UPPCBRO)/CTE/VARANASI/2023 dated 12.01.2023 to M/s Praveg Commutations (India) Limited and vide letter no. 174690/UPPCB/Varanasi (UPPCBRO)/CTE/VARANASI/2023 dated 12.01.2023 to M/s Niraan the Tent City respectively.

- iii) Both the project operated their project without obtaining CTO under water act, 1974 and air act, 1981 from UPPCB.
- iv) Section 6 (3) of The River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016, clearly states that **"No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries: Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee". (Copy of notification is annexed as Annexure -G)**
- v) VDA had not obtained prior permission from NMCG for setting of tent city on river Ganga bed opposite to Assi Ghat in district Varanasi. Varanasi Development Authority (VDA) filed application on 27.04.2023 before NMCG with application number NMCG202342718929 (**Annexed as annexure H-1, H-2**). NMCG has made certain observation and sought clarification on the application in the matter (**Annexed as annexure H-3**)."

12. The Joint Committee took note of effect of the setting up of the project on the flood plain as under:

“4.3. River Ganga and Integrity of Flood Plain

- i) **The materials used for establishment of Tent City/temporary structures are wooden planks, ply boards fixed to iron channel, frames and canvas placed over the sandy river bed.**
- ii) **For the development of the Tent City and levelling of the sand light earth moving machines might have been used. For placing sewage collection tanks /conveyance pipeline etc, minor excavation for about 23 m has been undertaken.**
- iii) **In addition to it few tanks/sumps have also been constructed using red brick and cement mortar for intermediate collection and conveyance of sewage. These brick type sewage sumps are having brick lined bottom but without any impervious liner.**

- iv) *The PPs have put in place the mechanism to collect the sewage/solid waste and its conveyance to existing sewage treatment plant (STP)/municipal solid waste (MSW) processing facility with no discharges/disposal either into river or on the river bed. The site was observed by the joint committee to be largely free from indiscriminate littering of municipal solid waste or sewage on the Tent City premises and adjoining river/river bed.*
- v) ***In order to provide electricity connection for the Tent City, the UPPCL has erected poles in the river bed with brick-cement foundation.***
- vi) *The Tent City does not obstruct the flow of the river.*
- vii) *High Flood Level (HFL) of River Ganga in Varanasi is 73.901 m (Year-1978). It indicates that both projects are lie within HFL. (Google satellite image is attached).*
- iii) *Google image of tent city is annexed as Annexure-J”*

13. The Joint Committee also took note of the fact that the solid waste was not segregated at the site by the project proponent and the Nagar Nigam was lifting the solid waste on alternate day. By setting up the Tent City, the order of the Tribunal passed in OA No. 65/2016 in the matter of *Manoj Misra vs. Delhi Development Authority & Ors.* was violated. Alongwith that, the clauses 4, 6 and 42 of River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016 were also violated.

14. Thus, it is apparent that the Respondents No. 11 and 12 had set up the Tent City in violation of the environmental norms.

ii) Period of violation of environmental norms:

15. The Respondent No. 5 - Varanasi Development Authority in its reply dated 20.09.2023 had disclosed that the Tent Cities were made operational on 15.01.2023 and were closed down on 31.05.2023 before the arrival of the monsoon and the temporary structures were removed.

16. When the matter was taken by the Tribunal on 06.02.2024, the Counsel for the Respondents had informed that no decision was taken to

set up the Tent City in the subsequent year 2023-24 which was recorded in the proceedings dated 06.02.2024 as under:

*“xxx.....xxx.....xxx
7. So far as setting up of the Tent City for the year 2023-2024 is concerned, Learned Counsel for the respondents have informed that this year no decision has been taken to set up the Tent City.”*

17. The Secretary, Environment, Forest and Climate Change, State of UP in its status report dated 24.05.2025 has disclosed the decision not to raise the Tent City by mentioning as under:

*“xxx xxx.....xxx
10. That vide letter dated 29.02.2024 the Executive Director (TECH), National Mission for Clean Ganga, Department of WR, RD&GR, Ministry of Jal Shakti, New Delhi vide its letter no. F No L-25012(11)/11/2023-LMENMCG submitted a report regarding proposal of the Tent city project at Varanasi and clearly stated and decided not to raise the tent city in the matter of OA 203/2023 "Tushar Goswami vs Union of India & Ors. Pending before the National Green Tribunal, New Delhi.”*

18. Subsequently, no Tent City has been set up in the area concerned. Therefore, the period of violation is confined to the year 2022-23 as noted above.

iii) Action taken for violation of environmental norms.

19. The Additional Chief Secretary, Forest, Environment & Climate Change, Department of UP had filed the reply dated 17.11.2023 disclosing that the UPPCB had issued show cause notice dated 06.11.2023 to the Respondents No. 11 and 12 for imposition of environmental compensation @ Rs. 12,500/- per day as per CPCB guidelines for the period of violation from 15.01.2023 to 31.05.2023 for operating the Tent City without CTO and also disclosing the methodology for calculation of environmental compensation as under:

*“xxx xxx.....xxx
3. That in pursuance to the Joint Committee Report dated 24.05.2023, a show cause notice dated 06.11.2023 has been issued by UPPCB against the responsible Project Proponents i.e. M/s Preveg Communication (India) Limited and M/s Lalloo Ji & Sons in question for imposition of Environmental Compensation of Rs. 12500/- per*

day in accordance with the Guideline prepared by CPCB titled as "Report of the CPCB In- House Committee on Methodology for Assessing Environmental Compensation and Action Plan to utilize the Fund" for a period of 15.01.2023 to 31.05.2023 for operation of the Tent City at Varanasi by them without obtaining prior consent to operate under The Water (Prevention and Control of Pollution) Act, 1974 & The Air (Prevention and Control of Pollution) Act, 1981. The copy of the Show Cause Notices dated 06.11.2023 are being annexed herewith as Annexure-1 82 to this reply.

4. That in the present case the following methodology has been adopted to calculate the amount of Environmental Compensation on the basis of CPCB guideline mentioned above-

The Environmental Compensation per Day is calculated as:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in Rupees.

PI= Pollution Index i.e. 50 Average PI for Orange Category.

N= Number of Days i.e. 01.

R= A factor in Rupees for EC i.e. 250.

S= Factor for scale of operation i.e. 0.5

LF= Location Factor i.e. 2.0 for Population 10 million and above.

Hence, the Environmental Compensation per Day comes as:

$$EC = 50 \times 1 \times 250 \times 0.5 \times 2$$

$$EC = 12500/-$$

5. That UPPCB has been directed to take action in accordance with law against the violation found by the Joint Committee Report dated 24.05.2023.”

20. The UPPCB has filed the report dated 03.08.2024 disclosing that by the order dated 23.11.2023 environmental compensation of Rs. 17,12,500/- each against both the Respondents No. 11 and 12 has been imposed for the violation period from 15.01.2023 to 31.05.2023. We have examined the calculation of EC and found that the EC has rightly been levied and it is required to be recovered. The report discloses that the UPPCB has sent the communications dated 15.01.2024 and 22.05.2024 to the District Collector, Varanasi for recovering the environmental compensation and the subsequent development in this regard. However, no environmental compensation has been recovered.

21. The updated report dated 24.05.2025 filed by the Secretary, Environment, Forest & Climate Change, Department of UP discloses the status of levy and steps taken for recovery of environmental compensation as follows:

“xxx xxx.....xxx

4. *That vide EC imposition letter dated 23.11.2023 UPPCB, Varanasi has imposed the Environmental Compensation of Rs. 17,12,500/-each, against both the Project Proponents i.e. M/s Preveg Communication (India) Limited and M/s Lalloo Ji & Sons for a period from 15.01.2023 to 31.05.2023 for operation of the Tent City at Varanasi, without obtaining prior consent to operate.*

*True copy of letter dated 23.11.2023 is annexed herein as **ANNEXURE 1.***

5. *That vide letter dated 15.02.2024 and 22.05.2024 UPPCB requested the Deponent for the recovery of Environmental Compensation which were not recovered from both the project proponents.*

*True copy of letter dated 15.01.2024 and 22.05.2024 are annexed herein as **ANNEXURE 2.***

6. *That the Officer In-charge (Collection), Collectorate, Varanasi, Uttar Pradesh vide letter dated 10.06.2024 informed that the tent city in question was situated at Mauja-Katesar, District-Chandauli and that the owners/directors of the said tent city reside in District-Ahmedabad, State of Gujarat, hence further action for recovery of environmental compensation should be made by authority concerns of the aforesaid Districts.*

*True Copy of letter dated 10.06.2024 is annexed herein as **ANNEXURE 3.***

7. *That in pursuant to the above letter dated 10.06.2024, UPPCB, Varanasi vide its letter dated 26.07.2024 has requested to the District Collector, Chandauli for the recovery of the Environmental Compensation of Rs. 17,12,500/- each against both the project proponent.*

*True copy of the letter dated 26.07.2024 is annexed herein as **ANNEXURE 4.***

8. *It is pertinent to mention here that the UPPCB vide its letter dated 01.08.2024 has also requested to the Department of Environment, Forest & Climate Change, Govt. of Uttar Pradesh for the issuance of the letter to the Gujarat Government regarding issuance of appropriate directions to the District Collector, Ahmedabad, Gujarat for the recovery of Environmental Compensation of Rs, 17,12,500/-each against both the responsible project proponents.*

*True copy of letter dated 01.08.2024 is annexed herein as **ANNEXURE 5.***

9. *It is submitted that Additional Chief Secretary, Department of Environment, Forest & Climate Change vide its letter dated 13.08.2024 issued to the Gujarat Government regarding direction to District Collector, Ahmedabad, State of Gujarat for the recovery of Environmental Compensation of Rs. 17,12,500/- each against both the responsible Project Proponents.*

*True copy of letter dated 13.08.2024 is annexed herein as **ANNEXURE 6.***

10. *xxx xxx.....xxx*
11. *That the Principal Secretary, Environment, Forest and Climate Change, State of U.P. vide letter dated 22.05.2025 has requested personal attention of the Principal Secretary, Environment, Forest and Climate Change, State of Gujarat. It is requested by the Principal Secretary, State of U.P. that DM, Ahmedabad be directed to deposit the EC of Rs. 17,12,500/-, imposed upon them, to the UPPCB. Furthermore, information of the same may be duly furnished to the Environment, Forest and Climate Change Department, Section-7, Government of Uttar Pradesh and to the Uttar Pradesh Pollution Control Board, Lucknow.*

*A copy of letter dated 22.05.2025 is annexed herewith and marked as **ANNEXURE 8.***

22. Thus, the record reflects that though the environmental compensation has been levied upon the Respondents No. 11 and 12 for setting up and operating the Tent City in violation of the environmental norms, but the environmental compensation has not been recovered till now. Therefore, the Respondent No. 2 - UPPCB and Respondent No. 6 – Environment, Forest and Climate Change Department, Govt. of UP will ensure that the environmental compensation is recovered from the Respondents No. 11 and 12 within a period of three months.

iv) De-notification of the Turtle Sanctuary.

23. The report of the Joint Committee reveals that the *Kachhua* Wildlife Sanctuary was notified on 21.05.2009 and Tent City was allowed to be established on the *Kachhua* (Turtle) Wildlife Sanctuary. It further discloses that the *Kachhua* Wildlife Sanctuary was de-notified vide Notification dated 17.03.2020 and this notification contains the footnote that the same will be subject to the final decision of the Hon'ble Supreme Court in IA No.

117425/2019 and IA No. 117429/2019 in Writ Petition (C) No. 337/1995.

The report of the Joint Committee in this regard is as under:

“4.2. Impact of the project on the Turtle Wildlife Sanctuary

- i) *The tent city was allowed to be established on the Kachhua (Turtle) Wildlife Sanctuary, Varanasi which was notified vide letter no. 1485/14-4-2008-823/2008, dated 21.05.2009 which was rescind vide notification no. 336/81-4-2020-823/2008 TC Lucknow, dated 17.03.2020 with foot note that the notification shall be subject to the final decision of the Supreme Court in I.A. No. 117425/2019 and 117429/2019 in Writ Petition Civil No. 337/1995. **(Copy of Turtle sanctuary is annexed as Annexure-I-1)***
- ii) *Further, Govt of Uttar Pradesh vide notification no. 346/81-4-2020-823/2008TC dated 17/03/2020 notified its intention to constitute the area along both sides of 30 km stretch of river Ganga falling in the districts of Bhadohi, Prayagraj and Mirzapur. **(Copy of de-notified the turtle sanctuary is annexed as Annexure -1-2).***

24. The Respondent No. 6 - Secretary, Environment, Forest and Climate Change, State of UP in its status report dated 07.10.2025 has disclosed that the issue of de-notification of Turtle Sanctuary is pending before the Hon'ble Supreme Court. The disclosure so made by the Respondent No. 6 is as under:

“xxx xxx.....xxx

18. *That in compliance of Para 2 of the order dt. 26.05.2025 of this Hon'ble Tribunal, it is most respectfully submitted that the I.A. No. 117425 of 2019, filed for Intervention, and I.A. No. 117429 of 2019, filed for Directions, wherein the issue of de notification of the Turtle Sanctuary is intrinsically involved, are currently pending for consideration before the Hon'ble Supreme Court of India. That the prayer in the I.A. No. 117429 of 2019 reads as under:*

"PRAYER

In view of the above facts and circumstances it is respectfully prayed that this Hon'ble Court be pleased to:

- i) *Set aside the recommendation made by the Standing Committee of the National Board for Wild Life to proceed with the denotification of the Kachhua Wildlife Sanctuary, and declare the same to be illegal and contrary to the provisions of the Wildlife (Protection) Act, 1972.*

- (ii) *Declare that a proposal to denotify an existing wildlife sanctuary is not permissible under the Wildlife (Protection) Act, 1972.*
- (iii) *Direct that status quo will be maintained regarding the Kacchua Wildlife Sanctuary, and thus no action will be taken in furtherance of the denotification of the sanctuary until the disposal of this present Application.*
- (iv) *Pass such order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case."*

19. *It is pertinent to note that the Hon'ble Supreme Court, upon taking cognizance of the said Interlocutory Applications, has issued notice vide its order dated 28.01.2020. True copies of the said Interlocutory Applications, along with the order dated 28.01.2020, are already on record before the Hon'ble Supreme Court. (Refer @ Pg 878 and Pg 1048 of the Judicial Record).*

20. *That under the above circumstances, it is most humbly submitted that, as the Hon'ble Supreme Court is currently considering the same issue in the aforesaid proceedings, any adjudication of the present case by this Hon'ble Tribunal may inevitably traverse substantially the same issues which are already under consideration before the Apex Court. Such a situation, could potentially result in overlapping subject matter. In view of the above, the Deponent respectfully places these facts before this Hon'ble Tribunal for its kind consideration, with the earnest request that due weight may be accorded to the pendency of the parallel proceedings before the Hon'ble Supreme Court while taking any further steps in the present matter."*

25. A copy of the IA No. 117429/2019 in Writ Petition (C) No. 337/1995 has been placed on record and a copy of the order of the Hon'ble Supreme Court dated 28.01.2020 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 337/1995 has also been placed on record.

26. Thus, we are of the view that since the issue of de-notification of Turtle Sanctuary is pending before the Hon'ble Supreme Court, therefore, in view of the judgment of the Hon'ble Supreme Court dated 24.07.2025 in Criminal Appeal No. 268 of 2017 in the matter of *Rimjhim Ispat Limited and Ors. vs. Union of India & Anr.*, reported in **2025 SCC OnLine SC 1517**, we do not deem it proper to go into this issue.

27. Thus, we find that the Tent City by the Respondents No. 11 and 12 was set up and operated in violation of the environmental norms and the

provisions of the River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016 for which the environmental compensation has been levied, but not recovered. Therefore, the same is required to be recovered by the Respondents No. 2 and 6 expeditiously. The respondents will ensure that in future violating the provisions of River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016 and the applicable environmental norms, no such Tent City is allowed to be set up on the bank of river Ganga or its tributaries.

28. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 08, 2026
Original Application No. 203/2023
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