

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

M.A. No. 253/2019
In
Original Application No. 487/2015
With
(I.A. No. 284/2020)

Bharat Jhunjhunwala & Ors

Applicant(s)

Versus

Inland Waterways Authority & Ors.

Respondent(s)

Date of hearing: 16.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Meera Gopal, Advocate in MA 253/2019

Respondent: Mr. Sanjay Upadhyay, Advocate for Inland Waterways Authority

ORDER

1. The issue for consideration is whether EIA is necessary for navigation infrastructure in the River Ganga in the stretch from Allahabad to Haldia also known as the National Waterway 1 (NW1) undertaken by Inland Waterways Authority of India. The project envisages developmental activities such as river terminal, jetties and locks and barrages and 4 multimodal river water terminals along with necessary dredging operations. It is estimated to cost Rs. 4,200 crores and is likely to take 6 years to be completed.

2. The matter was dealt with by a detailed order dated 10.01.2020 as follows:

“20. Having considered the above material, while for the project in question on a ‘precautionary’ principle, environment impact assessment is claimed to have been done which has also been considered in the process of World Bank funding, following questions survive for consideration:

- i. Whether the general issue of requirement of EIA raised in the order dated 14.09.2017 by this Tribunal and reiterated in further orders dated 30.05.2018 and 01.11.2018 has been gone into.
- ii. Whether in view of order of the High Court and EIA which is said to have been conducted on ‘precautionary’ principle in respect of the project in question for the present project no further EIA remains necessary.

21. Let the MoEF&CC constitute an expert committee in terms of the order of this Tribunal dated 14.09.2017 to go into the above issues including the ones discussed in Para 16, 17 and 18 above and give a further report to this Tribunal after looking into the entire matter. It will be open to the parties to file their respective viewpoint for consideration by the committee through the Secretary, MoEF&CC for being forwarded to the Committee. Ecological, aquatic and floral experts may be part of the Committee. The report of the Committee may be furnished within three months by email at judicial-ngt@gov.in.”

3. The report of the MoEF&CC has still not been filed even though almost one year has lapsed.

4. Accordingly, we direct the MoEF&CC to furnish its report in terms of order dated 10.01.2020 before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

In view of above order, IA No. 284/2020 will also stand disposed of.

A copy of this order be forwarded to the MoEF&CC by e-mail for compliance.

List for further consideration on 16.04.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

December 16, 2020
M.A. No. 253/2019
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(I.A. No. 284/2020)
DV