

# Manoj Misra vs Union Of India on 31 May, 2021

**Author: Adarsh Kumar Goel**

**Bench: Adarsh Kumar Goel**

Item No. 01

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(By Video Conferencing)

Review Application No. 15/2021

IN

Original Application No. 06/2012  
(I.A. No. 101/2021)

Manoj Mishra

Review Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 31.05.2021

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

IN CHAMBER BY CIRCULATION

ORDER

1. I.A. No. 101/2021, an application to condone the delay in filing the review application is allowed.

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2. The main ground for filing the application to review and recall the order dated 27.01.2021 passed in OA No. 06/2012, Manoj Mishra v. Union of India & Ors. is the publication of news item in Hindustan Times dated 09.03.2021, after the disposal of the original application with the prayer to revive or continue the Yamuna Monitoring Committee to function as per order dated 26.07.2018 passed in OA No. 06/2012. The issue involved in the original application was restoration of river Yamuna against encroachments, dumping of building debris, solid waste in the river bed/flood plain and during the pendency of the original application after transfer from the Hon'ble Supreme Court of India, this Tribunal by interim order constituted a Committee headed by Ms. Shailja Chandra,

former Chief Secretary of NCT Delhi to submit the action plan with the remedial measures which are required to be taken for rejuvenation of river Yamuna. The Committee submitted the action report, interim report, supplementary report and final report with recommendations, and on the basis of final report and recommendations, this Tribunal disposed of the original application with the following observations:

"22. The Tribunal or Tribunal appointed Committee cannot be expected as substitute for governance and can at best set directions. This has been done by elaborate order passed on 13.1.2015, based on recommendations of the Experts with defined timelines. The order also constitutes 'Principal Committee' headed by Secretary Jalshakti to oversee compliance. Further, the Hon'ble Supreme Court vide order dated 24.4.2017 directed monitoring by Additional Chief Secretary Urban Development and Chief Secretary Delhi. The Hon'ble Supreme Court has fixed deadline of 31.3.2018 for ensuring pollution control devices, indicating sources of funding and requiring coercive measures for failure which has not happened. The satisfactory results are not visible on account of failure of enforcement and monitoring, as found by the Monitoring Committee.

23. Accordingly, we direct that in terms of directions of the Hon'ble Supreme Court and earlier orders of this Tribunal, henceforth the Chief Secretary, NCT of Delhi, in coordination with other authorities (such as, Additional Chief Secretary Urban Development, DDA, IDMC, DPCC, DJB) and the Chief Secretaries of Haryana and UP may personally monitor the progress, by evolving effective administrative mechanism to handle grim situation caused by years of neglect. Causes of failure of existing mechanism and remedial measures required be addressed in the light of reports of the Committee. This needs to be further overseen at National level by the Central Monitoring Committee, headed by Secretary Jalshakti, which also includes NMCG and CPCB, in terms of earlier orders of this Tribunal. To give effect to the orders of the Hon'ble Supreme Court, the Tribunal has already directed constitution of River Rejuvenation Committees (RRCs) in all the States/UTs by order passed in OA No. 673 of 2018 in Re: News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted : CPCB, to be headed by the Environment Secretaries of States/UTs, to prepare and execute action plans for restoration of the polluted river stretches, under the oversight of the Chief Secretaries of the States/UTs. Such action plans are already in place. The RRCs of Delhi, Haryana and UP may accordingly monitor execution of the action plans with proper inter-departmental coordination, to remedy the polluted stretches of river Yamuna in their respective jurisdiction, subject to oversight of the Chief Secretaries on quarterly basis, who may thereafter give their quarterly reports to the Central Monitoring Committee (CMC) headed by the Secretary, Jal Shakti in terms of order dated 21.09.2020 in O.A. No. 673/2018, supra."

3. The order is self-explanatory and requires no justification to justify the order. The news item published subsequent to the disposal of the case cannot be made a ground to recall or review the

order. The interim order is merged with the final order passed in original application. No justifiable ground has been made out for the maintainability of the review application. The Review Application is devoid of any merit and deserves to be dismissed.

Accordingly, the Review Application is dismissed.

Adarsh Kumar Goel, CP S.K. Singh, JM Dr. Nagin Nanda, EM May 31, 2021 Review Application No. 15/2021 IN Original Application No. 06/2012 DV