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UPON hearing the counsel the Court made the following
O R D E R

IA NOS. 163898 AND 163904/2019 (APPLNS FOR IMPLEADMENT AND
PERMISSION ON BEHALF OF LUCKNOW METRO RAIL CORPORATION)

These applications are filed by M/s. Lucknow Metro Rail Corporation Ltd., Lucknow, which is jointly owned by the Government of Uttar Pradesh and Government of India. As stated in one of the applications, the said Corporation is incorporated in the year 2013 and has been successfully running Lucknow Metro System since 2017. In these applications, the applicant-Corporation seeks impleadment and also permission to proceed with the implementation of the Agra Metro Rail Project, in the city of Agra.

It is the case of the applicant that in order to address the transport related problems in the Agra city, a Comprehensive

Mobility Plan (hereinafter referred to as 'CMP') was prepared in the year 2017 by Urban Mass Transit Company Limited, appointed by the Agra Development Authority. It is further stated that as per the proposals contained in the CMP, an Alternative Analysis was also carried out by M/s. RITES appointed by Agra Development Authority to find out the most viable mass transit system. It is stated that the said Authority has recommended that the Metro Rail System be introduced in the city of Agra on the two most viable identified corridors. Thereafter the State of Uttar Pradesh has decided to take up the Agra Metro Rail Project and engaged M/s. RITES Ltd. to prepare a Detailed Project Report (DPR) for Metro Rail System in Agra. M/s. RITES Ltd., vide letter dated 30.12.2017, submitted DPR to the Agra Development Authority by covering all components of the study as per the Metro Policy 2017 issued by Government of India. It is stated that thereafter the CMP, Alternative Analysis Report (AAR) and DPR were duly approved by the Government of Uttar Pradesh and also sent to Government of India for approval. Thereafter the suggestions and directions of the Government of India were duly complied by the State of Uttar Pradesh by incorporating them in

the DPR. It is stated that an estimated completion cost of Rs.8263 crores was mentioned in the DPR and salient features of such corridors are also mentioned in a tabular form in I.A.No.163904 of 2019. It is also further stated that delay in the implementation of the project will result in huge escalation of the cost.

On 22.03.2018 this Court passed the following order in the writ petition which reads as under :

“It is stated by learned counsel for the State of Uttar Pradesh that a vision document is likely to be prepared in consultation with the School of Planning and Architecture.

A Project Committee has also been constituted for this purpose. The details of the constitution of the Project Committee should be informed to Mr. M.C. Mehta, who is the petitioner in person, along with the terms of reference, etc. Mr. Mehta may give his suggestions to learned counsel for the State of Uttar Pradesh in case any modifications or suggestions need to be made.

It is stated by learned counsel for the State of Uttar Pradesh that the first draft of the vision document will take about four months. Until then, there will be a *status quo* in the Taj Trapezium Zone (TTZ).”

After filing of these applications, this Court, by order dated

04.12.2019, called for a report from the Central Empowered Committee (CEC) for considering its impact on the environment. The CEC has prepared Report No.12 of 2020. The Committee, by considering the relevant material on record, recommended to consider the application for permitting the Project, as sought by the applicant-Corporation, subject to certain conditions. The operative portion of the Report and the conditions which are required to be complied by the applicant-Corporation, as recommended by the CEC, read as under :

“It is recommended for consideration of this Hon’ble Court that the permission for implementation of the Agra Metro Rail project in the city of Agra along the proposed Corridor I and Corridor II and felling of 1823 trees is granted subject to the following conditions :

- a) for non-forest use of the 4.183 ha of forest land formal approval of MoEF&CC under the Forest (Conservation) Act, 1980 will be obtained;**
- b) the Net Present Value (NPV) for the forest land diverted will be deposited in the Compensatory Afforestation Fund;**
- c) for felling of trees on non-forest Government land and non-forest private land the requisite permission of the competent authority under the Uttar Pradesh Protection of Trees Act, 1976 will be obtained;**
- d) the felling of trees identified on the Right of Way shall be limited to the bare minimum number of trees and which is absolutely essential for**

implementation of the proposed project;

- e) **the Regional Director, Social Forestry, Agra will undertake compensatory afforestation by planting 18230 plants of indigenous species (ten times the number of trees to be felled) on 21.0 ha of non-forest land in GAT No.10 of Mauja Mutaval of Tehsil Fatehabad at the cost of the user agency, Lucknow Metro Rail Corporation and the 21.0 ha of compensatory afforestation land shall be notified as protected forest;**
- f) **the boundary of compensatory afforestation planting site shall be chain-link fenced at the cost of the Applicant on a 2 feet high footwall to protect the plants from being browsed by cattle and other animals and the land shall be handed over to the State Forest Department for raising compensatory afforestation;**
- g) **provision of watering of plants during summer months specially in the first three years of planting and maintenance are included in the estimate to achieve better success rate;**
- h) **the funds required for raising the compensatory planting including cost of fencing, as estimated by the State Forest Department shall be deposited by the Applicant with the Regional Director, Social Forestry Agra in a separate bank account to be opened for the purpose in a nationalised bank before permission is issued for felling of trees by the Forest Department;**
- i) **the Regional office of the Ministry of Environment, Forest and Climate Change will monitor the implementation of the compensatory afforestation programme; and**
- j) **the permission of the Central Government under Section 20 A(3) of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 in respect of the project area falling within the Prohibited Zone and of the National Monuments Authority constituted under**

Section 20 F of the Act in respect of Regulated Zone will be obtained before commencement of the project; and

- k) the Applicant undertakes to utilise the harvested rain water in the depots and the metro stations and provide sufficient vehicle parking area in metro station complexes specifically to accommodate tourist buses and cars arriving from outstations by suitably modifying the Detailed Project Report.”**

Heard the matter through video conferencing.

After hearing learned counsel appearing for the applicant-Corporation and also all the parties concerned, having regard to averments made in the petitions by the applicant-Corporation which is a Government owned company which is taking up the Metro Rail Project to ease out the traffic problem in the city of Agra and also after considering the Report of the CEC, we deem it appropriate that it is a fit case to permit the applicant to come on record and to permit the applicant-Corporation to proceed with the implementation of Agra Metro Rail Project in the city of Agra as proposed.

Ordered accordingly.

The order of this Court dated 22.03.2018 passed in I.A.No.57183/2017 in W.P.(C)No.13381 of 1984 stands modified

to that effect. It is made clear that the applicant-Corporation shall comply with all the conditions mentioned in the report of the CEC.

The applications stand disposed of accordingly.

IA NOS. 183912, 183918 183919/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF DR. SHARAD GUPTA)

List after three weeks.

[CHARANJEET KAUR]
ASSTT.REGISTRAR-CUM-PS

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR