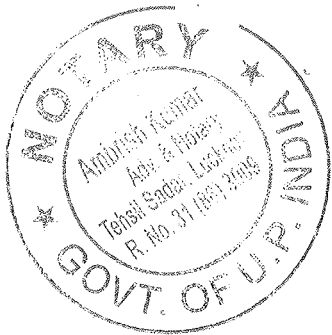


BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
O.A. NO. 813 OF 2024

IN THE MATTER OF:-

NEWS ITEM TITLED 'IRONY ON WORLD ENVIRONMENT DAY U.P.
FOREST CORPORATION TO AUCTION 400 GREEN TREES IN
LUCKNOW ON JUNE 5TH' PUBLISHED IN HINDUSTAN TIMES ON
04.06.2024.

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6



ADVOCATE FOR THE RESPONDENT NO. 6: NISHIT
AGRAWAL

A K
ANANDISH KUMAR
ADVOCATE & NOTARY
Devi Ganj, Anand
Ganj, Lucknow

14-9-25

A handwritten signature in black ink, appearing to be 'Nishit Agrawal', written over a horizontal line.

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FILED BY:



NISHIT AGRAWAL

ADVOCATE FOR THE RESPONDENT NO. 6

**BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
O.A. NO. 813 OF 2024**

IN THE MATTER OF:-

NEWS ITEM TITLED 'IRONY ON WORLD ENVIRONMENT DAY U.P. FOREST CORPORATION TO AUCTION 400 GREEN TREES IN LUCKNOW ON JUNE 5TH' PUBLISHED IN HINDUSTAN TIMES ON 04.06.2024.

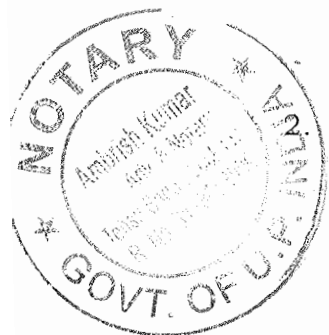
AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 6

I, Masoom Ali Sarwar, s/o Late Shri Nurul Amin, aged about 46 years, Managing Director, UPSRTC presently at do hereby solemnly affirm and state as under:

1. That I am the Managing Director of the Uttar Pradesh State Road Transport Corporation and the Respondent No. 6 in the present Original Application & I am well acquainted with the facts of the case and as such I am competent to swear this affidavit.

The captioned matter had been instituted before this Hon'ble Tribunal *suo moto* pursuant to a news report qua the felling and auctioning of trees in Lucknow, Uttar Pradesh. Thereafter, this Hon'ble Tribunal, vide order dated 13.05.2025 was pleased to issue notice to the Managing Director of the Uttar Pradesh State Road Transport Corporation to be

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ADVOCATE & NOTARY
VIII, Devi Ganj, Anaiya
Bhadohi
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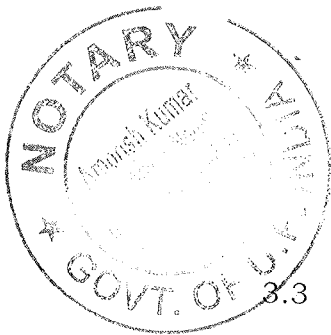
impleaded as Respondent No. 6, and pursuant to the same the Respondent No. 6 was in receipt of the notice on 10.06.2025.

3. It is humbly submitted that certain facts are necessary to be placed on record before this Hon'ble Tribunal, which are stated as under:

3.1 The Uttar Pradesh State Road Transport Corporation (hereinafter '**UPSRTC**') is a public sector passenger road transport corporation providing services in the state of Uttar Pradesh and adjoining states in North India. The UPSRTC, in order to provide efficient, well-coordinated, and economical services, is also tasked with the responsibility of developing bus terminals and workshops for the purposes of the maintenance of its buses.

3.2 It is submitted that a Bus Terminal and Commercial Complex was required to be constructed at Vibhuti Khand, Gomti Nagar, Lucknow on a parcel of land owned by the UPSRTC (hereinafter '**the site**') on the 'PPP' Model in the year 2023.

3.3 In order to commence the development of the Bus Terminal and Commercial Complex, a Letter of Intent dated 09.06.2023 read with Letter dated 26.07.2023



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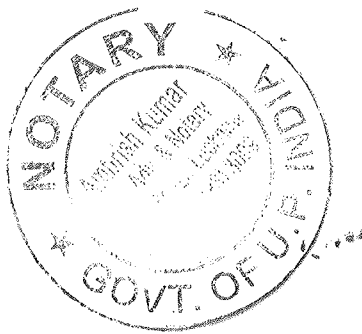
was awarded to one M/s Omaxe Be Together Lucknow Busport Private Limited.

3.4 Thereafter, vide a letter dated 21.09.2023 addressed to the Respondent No. 6, it was informed by M/s Omaxe Be Together Lucknow Busport Private Limited that shades, trees and plants existed on the site due to which the survey could not be carried out for further development of the project. Vide the said letter, it was requested that necessary steps be taken for the site to be vacated for development activities to commence.

3.5 Pursuant thereto, vide a letter dated 30.09.2023 addressed to the Divisional Forest Officer, Avadh Forest Division, Lucknow, it was requested for a survey of the trees on the site to be undertaken in order to obtain permission for the felling thereof so that construction work under the PPP model could be expedited. The Divisional Forest Officer was provided with the necessary documents pertaining to the ownership of the site - including sale deed, house tax receipts, water tax receipts, etc.

3.6 Thereafter, it was informed that a joint inspection of the site be undertaken and a joint inspection report be furnished for further steps to be taken.

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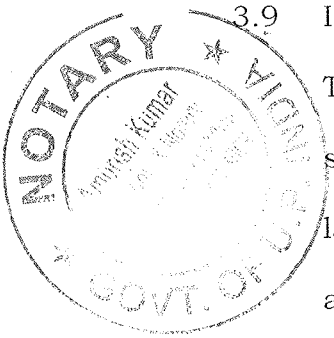


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AMBRISH KUMAR
ADVOCATE & NOTARY
Vill. Devi Ganj, Anaiya
Sagunpur, Jhansi
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3.7 Thereafter, joint inspection of the trees on the site was undertaken by the officers of the UPSRTC and the Forest Department on 06.11.2023. It was identified that the felling of 92 trees owned by the UPSRTC, along with 11 trees owned by the Forest Department (total 103 trees) was to be undertaken in order to commence development. Accordingly, vide letter dated 15.12.2023, the Divisional Forest Officer was informed about the same, and permission was sought for the felling of such trees in accordance with law.

3.8 Subsequently, the Forest Department directed for the deposit of Rs. 45,23,057/- as compensation for the felling of trees, along with a sum of Rs. 13,060/-.



3.9 It is submitted that since the development of the Bus Terminal and the Commercial Complex was a project of significant importance to the State Government in the larger public interest, vide letter dated 28.12.2023 addressed to the Divisional Forest Officer, it was requested that the compensation amount sought for the felling of the trees be waived.

3.10 In the meantime, vide Demand Draft No. 285087 dated 30.01.2024, a payment of Rs. 13,060/- was made to the Forest Department.

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AMRISH KUMAR
 ADVOCATE & NOTARY
 VIII, Devi Ganj, Lucknow
 14-9-25

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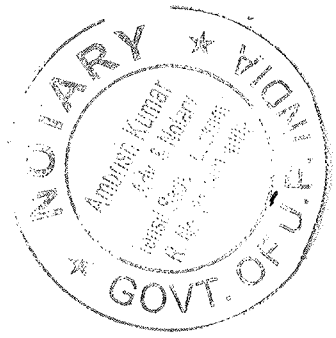
3.11 Thereafter, vide letter dated 09.02.2024 received from the Forest Department, it was informed that as per the Government Order dated 07.01.2020, it was necessary to plant 10 trees in place of each felled tree (i.e., 10 times 103 felled trees to be planted, i.e., 1030 trees). Furthermore, it was also informed that a security amount payable for each tree was at the Rate of Rs. 100/-. Accordingly, the UPSRTC was directed to provide an NSC/FDR (6 years) for an amount of Rs. 1,03,000/- to the Forest Department.

3.12 In due compliance of the letter dated 09.02.2024, the UPSRTC, vide letter dated 17.02.2024, submitted an FDR (6 years) dated 16.02.2024 for an amount of Rs. 1,03,000/- in the name of the Forest Department. Vide the said letter, it was also requested that necessary and further steps may be taken as per law for the removal of the trees.

3.13 Thereafter, in view of the payments made by the UPSRTC, the Forest Department vide letter dated 22.02.2024, permitted the UPSRTC to undertake the felling of 92 trees till 30.03.2024.

3.14 It is submitted that before the felling of trees, in the month of July, 2024, about **1200 trees** of various

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ADVOCATE & NOTARY
Vill. Daul. Bari, Anand
14-9-25

varieties received from the Forest Department in lieu of payment of the security deposit, were **planted** by the UPSRTC along the Agra Expressway.

3.15 Thereafter, a general auction for the sale of 92 trees was announced, pursuant to which one M/s S.K. Enterprises emerged as the successful purchaser, who paid a total sale price of Rs. 6,13,821/- for such trees, and vide work order dated 29.08.2024, the trees were felled in compliance of certain restrictions.

3.16 In the meantime, this Hon'ble Tribunal took cognizance of the captioned matter, thereafter issuing notice to the Respondent no. 6 herein.

3.17 It is submitted that due to adverse weather conditions, plying of vehicles at high speed on the expressway, and other biological factors, a lot of the trees planted by the UPSRTC along the Agra Expressway could not survive during the summers in the year 2025.

3.18 Upon being in receipt of the said notice, the UPSRTC wrote a letter dated 28.06.2025 to the Forest Department, stating thereunder that a requisite number of trees pursuant to the letter dated 09.02.2024 had been planted by the UPSRTC, however, most of them

could not survive due to conditions mentioned

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ADVOCATE & NOTARY
Vill. Devi Ganj, Anand
Adampur, Jhansi

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hereinabove. The Forest Department also apprised of the fact that the UPSRTC did not have space available within the premises for the plantation of the large number of trees.

3.19 Additionally, it was also informed that due to the financial constraints being faced by the UPSRTC, and in view of the request for waiver of the compensation amount vide letter dated 28.12.2023, the payment of the compensation amount of Rs. 45,23,057/- could not be processed earlier. Therefore, the Forest Department was requested to consider the reduction of the earlier amount of compensation sought.

3.20 Pursuant to the request letter, the U.P. Forest Department, vide letter dated 17.07.2025 re-assessed the compensation amount payable by the UPSRTC to be Rs. 33,58,333/- (reduced from the earlier computed amount of Rs. 45,36,117/-).

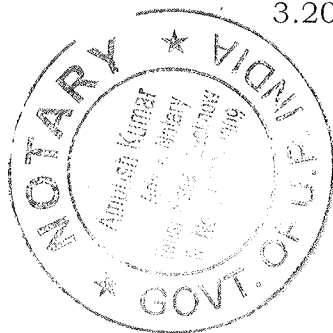
4. It is humbly submitted that pursuant to the revised calculation received from the Forest Department, a payment of Rs. 33,58,333/- has duly been made by the UPSRTC to the

Forest Department on 10.09.2025 vide Demand Draft No.

A/C
AMBRISH KUMAR
 ADVOCATE & NO738011 dated 10.09.2025.

VIII, Devi Ganj, Anand
 Dhamra, Jharkhand

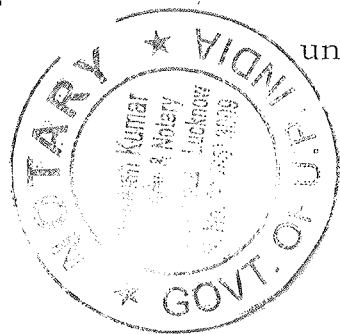
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5. It is submitted that the development of the Bus Terminal and the Commercial Complex is a project of significant public importance, and is an integral cog in the machinery of providing efficient and state-of-the-art transport services in the State of Uttar Pradesh by the UPSRTC. It is only on account of undertaking the development of this project that the felling of certain trees was necessitated.
6. It is further humbly submitted that it was only subsequent to a joint inspection undertaken in the presence of the officials of the Forest Department that only that number of trees were earmarked for felling, the removal of which was absolutely necessitated for the development of the project.
7. It is humbly submitted that the felling of trees had been undertaken by the UPSRTC only after:

- a. Obtaining necessary and appropriate approvals from the Forest Department; and
- b. Depositing the requisite security amount as directed by the Forest Department; and
- c. Planting more than 10 times the number of trees cut down.

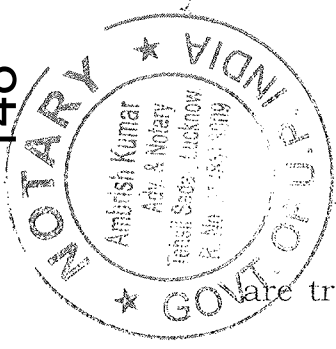
8. It is further submitted that the UPSRTC has also duly deposited the amount of compensation computed for the felling of the trees.



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ANBRISH KUMAR
 ADVOCATE & NOTARY
 VIII, Devi Gani, Anand
 Adampur, Banarasi
 14-9-25

- 9. It is humbly submitted on no occasion was it the intention of the Respondent No. 6 to fell trees without following due process and to evade any statutory provisions. It is submitted that the felling of trees, as mentioned hereinabove, was only undertaken after obtaining due approvals from the competent authorities, and in complete compliance of their directions from time to time.
- 10. It is humbly submitted that the Respondent No. 6 shall abide by any further directions deemed necessary and appropriate in the facts and circumstances of the present matter.

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VERIFICATION:

Verified that the contents of para 1-10 of this affidavit are true and correct and that nothing stated therein is false and nothing material has been concealed therefrom.

Verified at ^{NOTARY} 11.00 AM on this the ^{NOTARY} 14 day of ^{NO} September, 2025.

DEPONENT

(Signature)
 (Masoom Ali Sarwar)
 I.A.S.
 Managing Director
 U.P. State Road Transport Corporation
 Lucknow

DEPONENT

(Signature)
 (Masoom Ali Sarwar)
 I.A.S.
 Managing Director
 U.P. State Road Transport Corporation
 Lucknow

A.K.
AMBRISH KUMAR
 ADVOCATE & NOTARY
 VIII, Devi Ganj, Anaiya
 Adampur Janubi
 14-9-25

(Signature)
 P. Vadeep Kumar Shukla Adv.
 know and identify the deponent
 who has signed put T.I. E.

VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPELLATE/ORIGINAL JURISDICTION

O.A NO-813 of 2024

IN THE MATTER OF:

News item titled "Irony on world environment" APPELLANT/S
day U.P. Forest Corporation to auction PETITIONER/S PLAINTIFF/S
400 Green trees in Lucknow on June 5th published in Hindustan Times on
04.06.2024 AND RESPONDENT/S

DEFENDANT/S

I/We Managing Director, APPELLANT(S)/PETITIONER(S)/PLAINTIFF(S)
Uttar Pradesh State RESPONDENT(S)/DEFENDANT(S)
Road Transport Corporation

in the above suit/appeal/petition/reference do hereby appoint and retain Nishit Agrawal Advocate on Record of the Supreme Court of India to act and appear for me/us in the above suit/appeal/petition/reference and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings, taxation and application for Review, to file and obtain return of document, and to deposit and receive money on my/our behalf in the suit/appeal/petition/reference and in application for review, to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate in pursuance of this authority and also agree to pay the costs, charges and expenses including the fees which may be raised by the Advocate from time to time.

Dated this the 12th day of September 2024

Nishit Agrawal
Certified, Accepted and Identified
Nishit Agrawal
D-66, Third Floor,
Panchsheel Enclave,
New Delhi-110017
Email:nishit@nagrwal.in
AOR Code: 2631

Petitioner/Plaintiff/Appellant/Respondent/Defendant

Masood Ali Sarwar
I.A.S.
Managing Director
U.P. State Road Transport Corporation
Lucknow

MEMO OF APPEARANCE

To
The Registrar,
Supreme Court of India
New Delhi

Sir,

Please enter an appearance for the above named Petitioner/Appellant/Plaintiff/
Respondent / Defendant in this Appeal / Case

New Delhi

Date 15/9/25



Nishit Agrawal
Advocate on Record for the
Petitioner/Appellant/Plaintiff/
Respondent / Defendant

NISHIT AGRAWAL
Advocate-on-Record
Supreme Court of India
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