

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 696/2022

In the matter of :

Sanjay Yadav

.....Applicant

Vs

Govt. of NCT of Delhi

.....Respondents

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Filed by:

(Delhi Pollution Control Committee)

Respondent

Place: New Delhi

Dated 1st.12.2022

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Versus

Govt. of NCT of Delhi

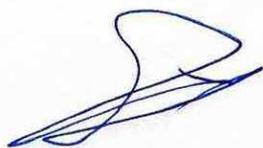
...Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTON
CONTROL COMMITTEE IN COMPLAINE TO THE ORDER
DATED 01.11.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 01.11.2022 and was pleased to constitute a joint committee of DPCC and PCCF (HoD) Government of NCT of Delhi to verify the facts regarding illegal cutting and uprooting of trees from vacant plot bearing no. D-88, Gali No. 1, Swaroop Nagar, Delhi.
2. That a joint inspection of the site was carried out on 28.11.2022 by the officials of DPCC and forest Department. During the inspection four number of tree were found in the vacant plot. No such plantation has been observed during inspection as directed by Dy. Conservator Forest on 12.09.2022. Copy of the joint inspection report dated 28.11.2022 is enclosed herewith as **Annexure-1**.
3. It was reported by Sh. Mohit (Forest Beat officer) that Sh. Sanjay Yadav filed a complaint in Department of Forest and Wildlife regarding illegal cutting of trees at D-88, Gali No. 1, Swaroop Nagar, Delhi on 05.07.2022. Copy of the complaint filed by Sh. Sanjay Yadav addressed to Forest Department dated 05.07.2022 is enclosed herewith as **Annexure-2**.

4. Department of Forest on basis of above mentioned complaint conducted the inspection on 15.07.2022 and found that Five to Six trees were missing and illegally cut from the plot violating the section 8 of The Delhi Preservation Of Trees Act, 1994 (Delhi Act 11 of 1994). Copy of the inspection report dated 15.07.2022 is enclosed herewith as **Annexure-3**.
5. Sh. Sanjay Yadav, again filed a complaint through telephonic conversation with Department of Forest that activity of illegal cutting of trees and branches of trees were still going on. Based on this telephonic complaint Department of Forest conducted a re-inspection of the site on 27.07.2022 and found that branches were illegally cut and lying in the vacant plot. Copy of the inspection report dated 27.07.2022 is enclosed herewith as **Annexure-4**.
6. Department of Forest issued hearing notice and Restraintment Order on 01.08.2022 in the name of Sh. Kailash Chander Garg and Sh. Dinesh Singh for illegally cutting of trees without permission. After hearing Sh. Kailash Chander Garg and Sh. Dinesh Singh as it was established that Five (05) no. of trees have been illegally cut and one (01) no. of tree has been illegally head back, in violation of DPTA, 1994, therefore, fine of Rs.5,20,000/- (Five Lakh Twenty Thousand only) was imposed and further it was also directed to plant Ten (10) No. of trees sapling having height of not less than 6 feet in the same locality and maintain it for at least 5 years. Copy of the order dated 12.09.2022 is enclosed herewith as **Annexure-5**. Imposed fine was deposited through demand draft dated 07.11.2022 in favour of Dy. Conservator of Forest (North).
7. That, the issue of cutting and pruning of trees is covered under the Delhi Preservation of Trees Act, 1994. As per the Act, if a person desires to cut, dispose or fell a tree then the person has to make an application to the concerned Tree officer for permission and after inspection, the Tree Officer may either grant permission in whole or in part, for the reasons recorded in writing.
8. That, the answering respondent per se does not have jurisdiction under "THE DELHI PRESERVATION OF TREES ACT, 1994". The Forest Department, Government of NCT Delhi is the appropriate authority under



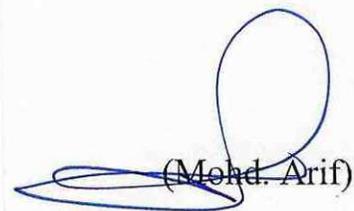
this Act therefor is the appropriate department to look and take action in the matter.

9. That, the under the prevailing environmental legislations, DPCC has no power to take action under "THE DELHI PRESERVATION OF TREES ACT, 1994 or to recommend any action under the provision of the said Act.
10. In view of the above, it is most respectfully submitted that, DPCC may be deleted from the array of respondent.

The present status report may kindly be taken on record.

Delhi

Date:- 07th, 12-2022



Sr. Environmental Engineer

Dated: 28.11.2022

As per direction of Hon'ble NGT a joint inspection was carried out by the officials of DPCC (Delhi Pollution Control Committee) and PCCF (Principal Chief Conservator of forest) Department of Forest and Wildlife Govt. of NCT of Delhi of site D-88, Gali No. 1 Swaroop Nagar Delhi 110042 on 28.11.2022. During the inspection it was informed/reported by Sh. Mohit (Forest beat Officer) that "Sh. Sanjay Yadav filed a complaint (copies of complaint attached) in Department of Forest and Wildlife regarding illegal cutting of trees at D-88, Gali No. 1 Swaroop Nagar Delhi 110042 on 05.07.2022." Department of Forest and Wildlife Official on basis of above complaint conducted the inspection on 15.07.2022 (Copies of inspection report attached) and found that Five to Six trees were missing and illegally cut from the plot violating the section 8 DPTA 1994. Complainant (Sh. Sanjay Yadav) again filed a complaint through telephonic conversation with Department of Forest and Wildlife Officials that activity of illegal cutting of trees and branches of trees were still going on. Based on this complaint Department of Forest and Wildlife Official conducted a re-inspection of the site (D-88, Gali No. 1 Swaroop Nagar Delhi 110042) on 27.07.2022 and found that branches were illegally cut and lying in the vacant plot (photographs of sites and inspection report attached) again violating the Section 8 DPTA 1994.

Department of Forest and Wildlife issued hearing notice under DPTA 1994 and Restraintment Order on 01.08.2022 in the name of Sh. Kailash Chander Garg and Sh. Dinesh Singh for illegally cut of trees without permission, which is violation of Delhi Preservation of Tree Act, 1994. Hearing was conducted in the court of hearing Tree officer/Dy. Conservator of forest, North Forest Division, New Delhi on 04.08.2022 and it was decided that as per the enquiry done by the I/o and the inspection report submitted in this case, Five (05) no. of trees have been illegally cut and one (01) no. of tree has been illegally head back, is a violation of DPTA,1994, therefore, fine of Rs.5,20,000/- (Five Lakh Twenty Thousand only) is hereby imposed on Sh. Kailash Chander Garg and Sh. Dinesh Singh and further, also directed Sh. Kailash Chander Garg and Sh. Dinesh Singh to plant Ten (10) No. of trees sapling having height of not less than 6 feet in the same locality and maintain it for at least 5 years.

Sh. Kailash Chander Garg and Sh. Dinesh Singh deposited the fine of Rs.5,20,000/- (Five Lakh Twenty Thousand only) through demand draft dated 07.11.2022 in favour of **Dy. Conservator of Forest (North)** on same date.

Joint inspection comprising DPCC Officials and PCCF (Principal Chief Conservator of forest) Department of Forest and Wildlife Govt. of NCT of Delhi of site D-88, Gali No. 1 Swaroop Nagar Delhi 110042 conducted on 28.11.2022 and following were the observations:

1. Four (04) No. of trees are there in the vacant plot.
2. As per order from the Office of the deputy conservator of forests north forest division, MGICCC, Bakoli, Alipur, New Delhi - 110036 vide file No. 102/DCF(N)/Tree Offence/2022-23/2084-86 dated: 12.09.2022, "...Sh. Kailash Chander Garg and Sh. Dinesh Singh are directed to plant Ten (10) No. of trees sapling having height of not less than 6 feet in the same locality and maintain it for at least 5 years..." but no such plantation has been observed during inspection.

Encl: File of the Case under DPTA, 1994 in Court of Tree Officer (North).

Ajay Malik
28/11/2022

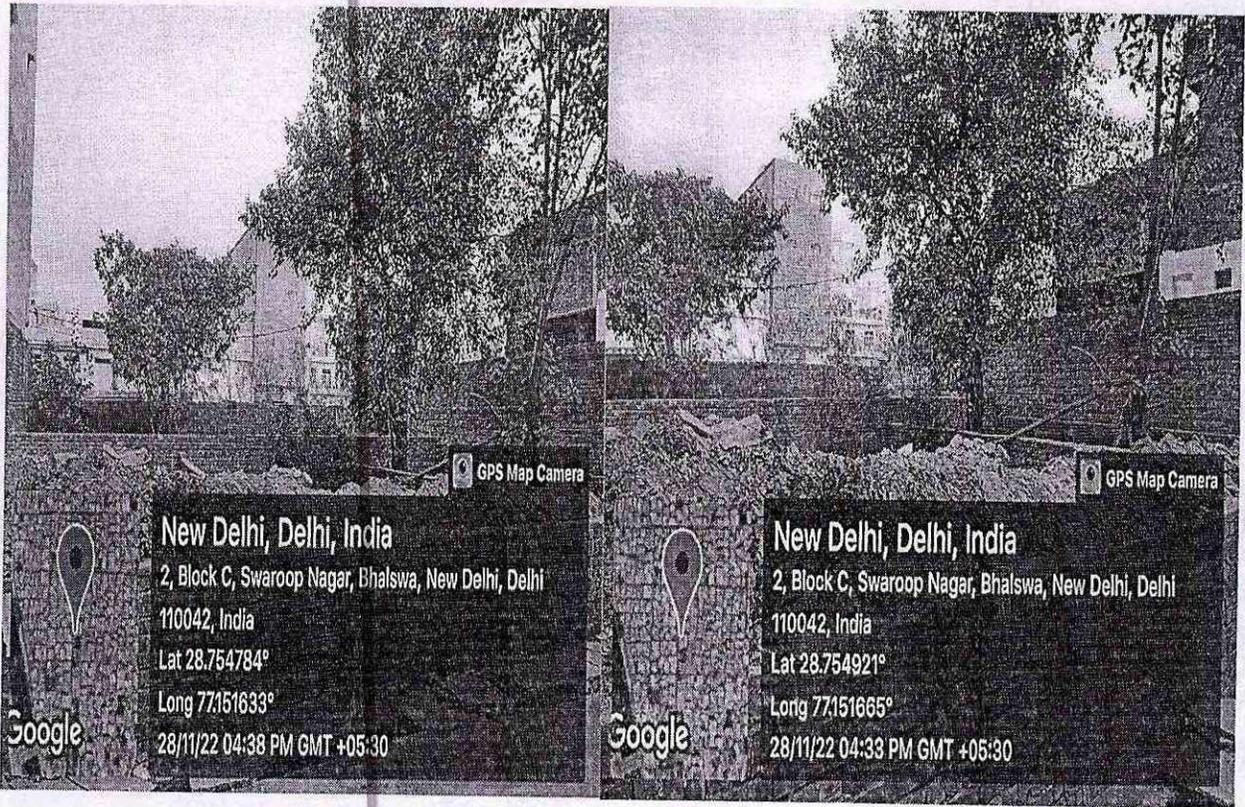
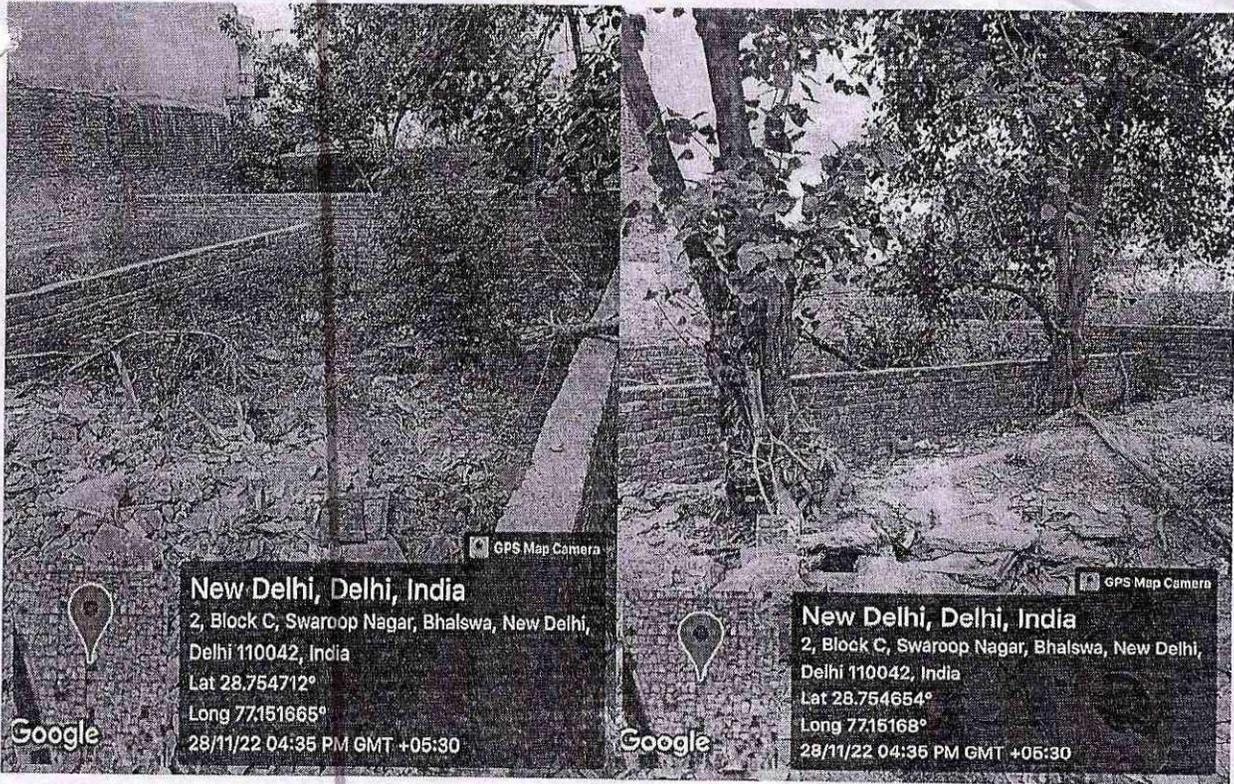
AJAY MALIK
JEE, DPCC

Mohit Solanki
28/11/22

MOHIT SOLANKI

CE BEAT BEAT OFFICER

5



Photographs - D-88 Gali No. 1 Swaroop Nagar Delhi 110042

Date-28/11/2022

संवा म

Annexure-II

6

श्री मान S. D. M साहन

अली पुर आदिस

दिल्ली 36

दिनांक 05/07/2022

दोरे बड़े पैडा का कारने तथा रोकने पर
जान से मारने की धमकी देने के लिए
शिकायत

Sub Divisional Magistrate
185 SDM (Ap.)
Delhi 05/07/22

दिनांक

निवेदन है कि मेरे घर के सामने एक खुली कुआ
जा कि 600 गज है उसमें पीपल के 2 पेड जिसकी
ऊंचाई 60 से 70 फुट है जिस कारने सी आज दिनांक
04/07/2022 को काशी की गाड़ इससे पहले भी करीब
11 पेड जिसकी ऊंचाई 20 से 40 फीट कार दिये गए
इसी व्यक्तियों के द्वारा और ये व्यक्ति अपने आप के
शाकिशाली समझते है तो इसलिये इनके खिलाफ कोई
शिकायत नहीं करेगा पेड कारने वाले के नाम 1) विष्णु
भास्कर धामशाला राड नि 0लाक स्वरूप नगर 2) शहूल
जनरल स्टोर वाला शिव मन्दिर राड स्वरूप नगर तथा
अन्य शायी केलाशान्द्र

श्री मान जी आज दिनांक 04/07/2022 करीब 3:30 मिनट पर
तीन लोग गमी वने तीन पेडा के पास खुदाई कर रहे थे जिसपर
मेने स्टेशन उठाया और इन्होंने मेरे घर पर आकर चुप रहने
सलाह दी वरना अनजाम मुगाने के लिए तैयार रहे उसी
वक्त मेने 6:11 मिनट पर पी सी आर कॉल की और कार
दूर 11 पेडा की पड़ साहेब बड़े पेडा मे से एक के चारों तरफ
कारने के लिए सी गाड़ खुदाई और कमिकाल

की मैंने बीडिंग बनाई और जायेगी सीची
थी जो मैंने अपने जॉन I O ASD साहब तथा
कोर-टैबल रजिस्ट्रार जी के जॉन पर मंजूरी और
इ-दान घटना र-थल को माफ़ारना भी किया
और कटे हुए 11 फंड दिखे और बड़े फंड पीफे
और बड पीपल के फंड के चारा और फुंड के
कारन के लिए गटडा भी देखा और इ-दान केमि
ना नमूना भी लिया

भी मान जी इसके बाद से ही माइलगां न मुझे धमकी
और कदा भी अनुजाम भगतन के लिए तैयार रहे
तः श्री मान जी से निवेदन है कि दोषी पपान्त के खिला
तानुजी करवाइ की जारु और मेरी व मेरे परिवार की प
व माल की रक्षा करे मे कटे हुए और फंड की जायेगी
लगा रहा है 14 फि.स जाये लगा रहा है

S. H. O साहब, शवरूप नगर १११ की जाये गापी भी
लगा रहा है दिल्ली 110042
D. D. साहब वाली उत्तरी पश्चिमी दिल्ली यागा समय पुरवादर्ल
बिहड़ दिल्ली 110042 की जाये गापी लगा रहा है
माइलगां 05/07/2022 को फिर फंड कर रहा
फि.स गल 9:12 मिनट पर

दिल्ली
दिनांक 05/07/2022 श्रीलिपि
आयुक्त, दिल्ली पुलिस
जय सिंह रजिस्ट्रार दिल्ली
आयुक्त दिल्ली पुलिस
आइडर नय, जलवा यागा समय गापी
दिल्ली 110042
यागा शवरूप नगर S. H. O
S. D. M अफसर अली पुर
दिल्ली
प्रिंसिपल चीफ क्लर्क
वन विभाग दिल्ली, सरकार

शिवायत कर्त
संजय यादव
संजय यादव 30^{late} हरि
भा 9891145706
D-36 शवरूप नगर
गली नं. 1 दिल्ली 11004

सेवा में

निरीक्षण रिपोर्ट

Annexure-III

8

डेप वन संरक्षक (कै)
MCA 1111, बकौली,
अलीपुर, दिल्ली-110036

18/7

TV

विषय:- प्लॉट सं 0-88, स्वरूप नगर, के अन्दर वृक्ष अपराध के संबंध में
प्रहरीद्वारा

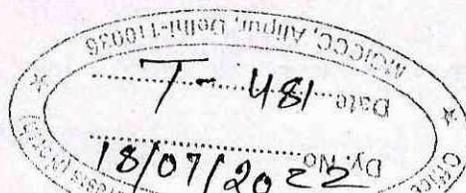
उपरोक्त विषय में आपको अवगत कराना है की यह शिकायत श्री
संजय यादव द्वारा 'अलीपुर वन प्रभाग' में दिनांक 05/7/22 को प्राप्त
हुई थी। जिस पश्चात् दिनांक 15/7/22 को मौके निरीक्षण किया गया है, जहाँ
पाया उपरोक्त स्थान पर 05 पीपल पुराने के वृक्ष हरे व स्वस्थ खड़े हैं।
जिनकी फोटोग्राफ रिपोर्ट के साथ संलग्न है। शिकायतकर्ता के अनुसार
मौके से 11 वृक्षों को काटा गया है, परन्तु मौके की 'Google Earth' Location
जाँची तो पाया की मौके लगभग 5 से 8 वृक्ष गायब मिले हैं। मौके पर DPTA
1994 की धारा-8 के तहत वृक्ष अपराध किया गया है।

मौके पर काम कर रहे मजदूरों ने बताया की यह प्लॉट श्री Kailash Chand
गुजरु, मोबा. 9213645775 व श्री Dinesh Singh (Bitto Master) मोबा. 8882508302
दोनों का है। मौके पर श्री Dinesh Singh के ऑफिस पर जाकर पुष्टता की।
तो श्री Dinesh Singh ने अपना स्थायी पता बताया। मौके पर शेष 05 वृक्षों को
काटा जा सकता है। मौके पर 'Restrainment' order जारी कर वृक्षों को
बचाया जा सकता है।

अतः इस संदर्भ में श्री Dinesh Singh (Bitto Master), A-25, Swaroop Nagar,
Delhi-110042, मोबा. 8882508302 व श्री Dinesh Singh (Bitto Master), Masterji
Properties, A-73, Swaroop Nagar, Delhi-110042 को नोटिस जारी किया जा
सकता है।

संलग्न :-

1) प्राप्त शिकायत पत्र पैस (12)



प्रवाह
Mehit Slankri
18/7/22

पुनः नि. ७१

Annexure-IV

(9)

सेवा में,

उप वन संरक्षक (3)
MGA/CC, बकौली,
अलीपुर, दिल्ली-1100

17/7

विषय:- प्लॉट सं 88, D-Block Swa
वृक्ष अपराध के संबंध

ar, Rel 110042

महोदय,

उपरोक्त शिकायत आज नाँ
द्वारा प्राप्त हुई। जिस पश्चात् आज
किशोर के साथ मिलकर केच इश
की निरीक्षण रिपोर्ट जमा करवाइ हुई
जोके पर 05 पीपल पुराने के वृक्ष इडे
Dinsh Singh (Bitho Master) हाँ 02
वचे 03 वृक्षों की भी कच्ची भी 0
की धारा-8 के तहत वृक्ष अपराध हु डी

22 को कायत
का शीका
- दिनां 18/7/2
शिकायी लिखित
आज गेट माँ
वृक्षों का काट
हुँ। म पर Di

अतः इस संदर्भ में श्री Dinsh Singh
Relhi-110042, मो.नं 88825083 व
D-36, Coli no. 1, Near Ban गी
Relhi-110042, मो.नं 9891145 06
प्लॉट सं D-88, Swaroop Nagar - R
जारी किया जा सकता है।

Swaroop Nagar A 5 Swa
Yada शीका
1, Swa op No
जारी ग जारी
12 को train

रिपोर्ट प्रस्तुत है।

संलग्न :-



Value of Fore
-539
7/2022
Relhi-11003

शिकायी
Relhi-11003
27/7

1) वृक्ष अपराध स्थल के फोटोग्राफ प्रस्तुत हैं।



Annexure-I

10

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
NORTH FOREST DIVISION, MGICCC, BAKOLI, ALIPUR, NEW DELHI-110036

F. No. 102/DCF (N)/Tree offence/2022-23/ 2084-86

Date: 12/09/2022

IN THE COURT OF TREE OFFICER/DY. CONSERVATOR OF FOREST,
NORTH FOREST DIVISION, NEW DELHI

ORDER

Whereas, this office was in receipt of a tree offence complaint from Sh. Sanjay Yadav S/o Sh. Hari Ram regarding violation of Delhi Preservation of Tree Act, 1994 by illegal cutting/felling of trees located in plot no. D-88, Swaroop Nagar, Delhi-110042.

Whereas, as per the complaint received, officials of North Forest Division, Department of Forest & Wildlife were directed to inspect the offence site and report the said offence. Based on the complaint, an offence case was registered against the alleged offender, Sh. Kailash Chander Garg and Sh. Dinesh Singh (Bittoo Master), for illegally cutting/felling of the said trees located in plot no. D-88, Swaroop Nagar, Delhi-110042.

Whereas, a notice under DPTA, 1994 was issued to the alleged offender, Sh. Kailash Chander Garg and Sh. Dinesh Singh along with the complainant Sh. Sanjay Yadav. In response of the notice, Sh. Kailash Chander Garg, Sh. Dinesh Singh and Sh. Sanjay Yadav, have appeared before this court on the hearing dated 04.08.2022. In the hearing held in the chamber of Tree Officer, North Forest Division, it has been found that the trees were illegal cut/felled without taking permission from the Department of Forest & Wildlife, GNCTD under Delhi Preservation of Trees, Act, 1994. In the hearing held, Sh. Kailash Chander Garg has accepted that the trees situated in plot no. D-88, Swaroop Nagar, have been illegally cut/felled by them and stated that they are ready to compound the said offence and agreed to submit the compounding affidavit. Whereas Sh. Kailash Chander Garg has been directed to submit the compounding affidavit, accepting the offence for damaging of the trees as mentioned above and the same has not been submitted by Sh. Kailash Chander Garg till now. As per the inspection report (Kalandra) submitted by Police Station Swaroop Nagar in this case, the said plot no. D-88 belongs to Sh. Kailash Chander Garg and Sh. Dinesh Singh both.

Whereas, as per the report along with photographs submitted by I/O, it has been reported that all these trees were of Pipal (*Ficus religiosa*) species. Further, it is mentioned that the trees are local species and having high ecological value in a city like Delhi which has high pollution level. Trees maintain the micro climate of the area where it is growing, helping birds, insects, microbes, etc. to balance various food chains in an environment. Moreover, as per the order of Hon'ble High Court of Delhi dated 28.04.2022, trees are the essential part of the people's lives which works as carbon-sump-cum-fresh oxygen generator-cum-shade provider. In this capital city with its ever-burgeoning populating, the ever-increasing motor-vehicular traffic and the choking air-pollution, trees hold out as welcome and assuring living entities of hope, sanity, environmental redemption and even companionship. Therefore, illegal felling of trees like this should be viewed seriously and a suitable fine/penalty would be imposed on defaulters.

11

Whereas, keeping all the facts in mind and submission submitted by Sh. Kailash Chander Garg and Sh. Dinesh Singh, it has been found that the said trees have been illegally cut/felled by Sh. Kailash Chander Garg himself along with Sh. Dinesh Singh and they have failed in their legal duty to take necessary permission from the Department of Forest & Wildlife under DPTA, 1994. As per the enquiry done by I/o and the inspection report submitted in this case, five (05) no. of trees have been illegally cut and one (01) no. of tree has been illegally head back, is a violation of DPTA, 1994, therefore, fine of Rs. 5, 20,000/- (Five lakh Twenty Thousand only) is hereby imposed on Sh. Kailash Chander Garg and Sh. Dinesh Singh.

Therefore, Sh. Kailash Chander Garg and Sh. Dinesh Singh, are hereby directed to deposit Rs. 5,20,000/- (Five lakh Twenty Thousand only), through DD in favour of **Dy. Conservator of Forest (North)**, being the composition fees within 30 days of receipt of this order. In case of failure to deposit the same within prescribed period of 30 days, action shall be initiated to prosecute him in the court of Law, under the provisions of Delhi Preservation of Tree Act, 1994.

Further, Sh. Kailash Chander Garg and Sh. Dinesh Singh are also directed to plant ten (10) no. of tree sapling having height of not less than 6 feet in the same locality and maintain it for at least 5 years. The compliance report of planted sapling along with photographs shall be submitted in this office within 30 days of receipt of this order.


Tree Officer & DCF
(North Forest Division)

To,

1. Sh. Kailash Chander Garg S/o Late Sh. R D Garg, D-1, Bhagat Singh Road, Adarsh Nagar, Delhi-110033.
2. Sh. Dinesh Singh (Blitoo Master) S/o Sh. Ram Ujagar Singh, A-25, Dharmshala road, Swaroop Nagar, Delhi-110042.
3. Sh. Sanjay Yadav S/o Sh. Hari Ram, B-36, Gall No. 01, Swaroop Nagar, Delhi-110042.


Tree Officer & DCF
(North Forest Division)