

56
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

I N D E X

IN

RESPONSE AFFIDAVIT

(Divisional Forest Officer, Badrinath)

(In Compliance to the Hon'ble Tribunal's Order dated 25.08.2023)

IN

O.A. No. 520 OF 2022

Subhash Mishra & Ors

....Petitioner

Versus

State of Uttarakhand & Ors.

.....Respondents

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3.	Annexure No. CA-1- True/correct type version/copy of the NGT order dated 25.08.2023	10-14
4.	Annexure No. CA-2- True/correct type version/copy of the NGT order dated 01.12.2023	15-17
5.	Annexure No. CA-3- True/correct type version/copy of the progress and survival achievement report of 10,000 saplings.	18-21

Dated: 27/02/2026



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

RESPONSE AFFIDAVIT

(Divisional Forest Officer, Badrinath)

(In Compliance to the Hon'ble Tribunal's Order dated 25.08.2023)

IN

O.A. No. 520 OF 2022

Subhash Mishra & Ors.

...Petitioner

Versus

State of Uttarakhand & Ors.

.....Respondents

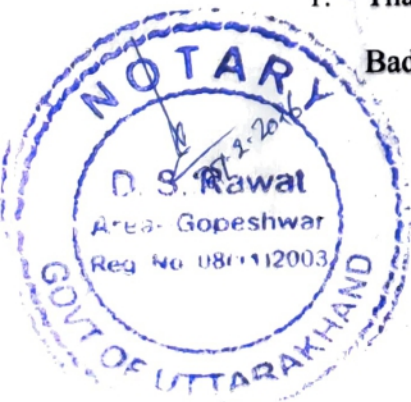


Affidavit of Sarvesh Kumar
(Male), aged about 59 years, S/o
Sh. Shiv Dutta Dubay, presently
posted as Divisional Forest
Officer, Badrinath Forest
Division, Gopeshwar.

(Deponent)

I, the above-named deponent, do hereby solemnly affirm and state
on as of:

1. That the deponent is presently posted as Divisional Forest Officer,
Badrinath Forest Division, Gopeshwar and has been file the present



Sarvesh Kumar

affidavit as such he is fully conversant with the facts of the case and competent to swear the present Affidavit.

2. The Hon'ble National Green Tribunal, while adjudicating Original Application No. 520/2022, examined the environmental impacts arising from construction activities undertaken by the Border Roads Organisation (BRO) for the development and improvement of the Simli-Gwaldam Motor Road (Km 87.00 to Km 149.00). After due consideration, the Hon'ble Tribunal observed that the said activities resulted in environmental degradation, slope instability, and increased vulnerability to landslides in the affected region. Accordingly, exercising powers under the National Green Tribunal Act, 2010, the Hon'ble Tribunal directed remedial and restorative measures in the form of tree plantation, survival monitoring, and landslide prevention works.
3. The Hon'ble Tribunal issued the following directions:
 - (i) The respondent, BRO will take appropriate steps for the plantation of at least ten thousand trees (10,000) in coordination with the concerned DFO within one month from today.
 - (ii) The DFO will monitor the survival of the plantation for three months thereafter and will furnish a report before the Registrar General of the Tribunal in respect of the tree plantation and their survival rate.
 - ii) The DFO will also ensure that at least a part of the plantation is done in such a manner which will prevent the landslide.



(iv) The concerned District Magistrate will ensure that the BRO takes appropriate steps for preventing the landslides by constructing the protective structures and will submit the report in respect of the number of incidents of landslides during the intervening period and the action taken to prevent it. True/correct type version/copy of the NGT order dated 25.08.2023 and 01.12.2023 is being filed herewith and marked as **Annexure No. CA-1&2** to this affidavit.

4. In compliance with the directives issued by the Hon'ble National Green Tribunal (NGT), the Border Roads Organization (BRO) was mandated to undertake the plantation of 10,000 saplings to treat the ecologically sensitive and landslide-prone areas along the Simli-Gwaldam motor road. Due to the unavailability of suitable land in the specified stretch of the road, the BRO requested the Badrinath Forest Division to carry out the plantation of these 10,000 saplings within the identified sensitive forest and civil areas nearby. Acceding to the BRO's request, the Badrinath Forest Division conducted an extensive on-site inspection of the proposed locations, formulated a comprehensive action plan and cost estimate, and submitted a formal demand for the required funds to the BRO. Subsequently, the BRO released the sanctioned funds to the Badrinath Forest Division in two instalments. Upon receipt of the funds, the Badrinath Forest Division duly and successfully completed the plantation of 10,000 saplings at the identified ecologically sensitive and landslide-affected sites along the Simli-



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Gwaldam motor road. This initiative has proven to be a significant and effective step toward long-term environmental security, slope stabilization, and the conservation of natural resources in the region.

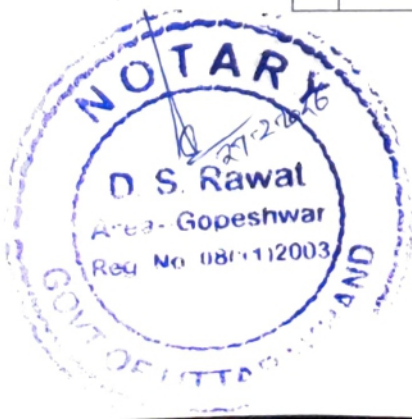
5. Badrinath forest Division carried out plantation activities in a systematic and well-planned manner on forest and civil land along the Simli–Gwaldam Road under the West Pinder Range, Narayanbagar, and the Central Pinder Range, Tharali. The GPS-based detailed information of the plantation sites is presented below. West Pinder Range, Narayanbagar, Badrinath Forest Division, Total Saplings: 5,000 | Total Area: 6.25 ha

S. No	Site Name	GPS Location	Area (ha)	Planted Species	Number of Saplings
01	Bagoli Shivala Napbhum	30°11'45.40"N , 79°18'26.43"E	0.50	Mango (50), Guava (160), Lemon (30), Orange (40), Jamun (120)	400
02	Aamsaud under Lissa Depot & Gas Godown	30°11'00.86"N , 79°19'39.31"E	0.375	Mango (30), Guava (100), Lemon (20), Orange (30), Jamun (120)	300



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03	Nalgawn near Jr. High School	30°10'20.49"N , 79°20'22.09"E	0.8125	Mango, Guava, Lemon, Orange, Jamun, Bay Leaf (Tejpat), Amla	650
04	Kodiyabagar (Naulapani Tok)	30°08'01.00"N , 79°22'51.00"E	0.5625	Mango, Guava, Lemon, Orange, Jamun, Bay Leaf, Amla	450
05	Beyond Meeng Gadhea	30°06'56.00"N , 79°24'35.00"E	1.00	Mango, Guava, Lemon, Orange, Jamun, Bay Leaf, Amla	800
06	Kaljabar Hat	30°07'08.00" N, 79°24'46.00"E	1.4375	Mango, Guava, Lemon, Orange, Jamun, Bay Leaf, Amla	1150
07	Road Side Near Maltura	30°06'08.19" N, 79°25'54.74"E	1.5625	Mango, Guava, Lemon, Orange, Jamun, Bay Leaf, Amla	1250

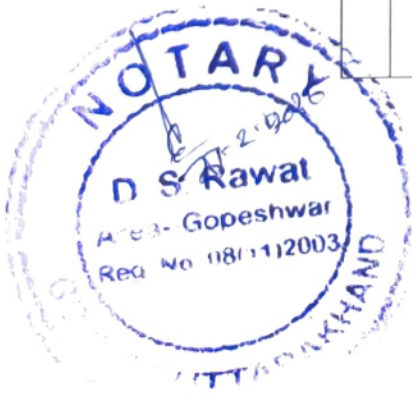


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Centre Pindar Range, Tharali, Badrinath Forest Division Total

Saplings: 5,000 | Total Area: 5.00 ha

S. No	Site Name	GPS Location	Area (ha)	Main Species Planted	Number of Saplings
08	Devrada Forest Panchayat	30.066914°N, 79.504434°E	1.00	Mango, Guava, Lemon, Orange, Jamun, Kafal, Uttis, Bay Leaf	1000
09	Lolti Forest Panchayat	30.047722°N, 79.498601°E	1.00	Mango, Guava, Jamun, Deodar, Banj Oak, Uttis	1000
10	Gwaldam Reserve Forest	30.01516°N, 79.536105°E	1.00	Mango, Guava, Jamun, Deodar, Ban Oak, Uttis	1000
11	Machhital (Badhan Garhi)	30.027752°N, 79.517372°E	1.00	Guava, Jamun, Banj Oak, Deodar, Uttis	1000
12	Kulsari Civil Land	30.086424°N, 79.471542°E	1.00	Guava, Lemon, Orange, Jamun, Timla, Khadik, Uttis,	1000



6. Status report on site-wise progress and survival achievement of 10,000 saplings planted between Km 87.00 and Km 149.00 on the Simli-Gwaldam Motor Road. True/correct type version/copy of the progress and survival achievement report of 10,000 saplings is being filed herewith and marked as **Annexure No. CA-3** to this affidavit.

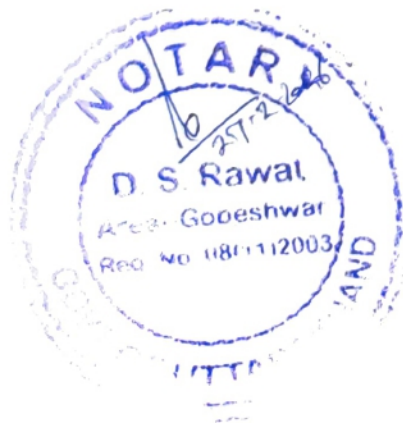
I, the above named deponent, do hereby verify that the contents of Para nos. 1 of this affidavit are true to my personal knowledge, those of Para nos. 2 to 6 of this affidavit are based on records, those of Para nos. 6 of this affidavit are as per the legal advice received and those of Para nos. 2 to 6 of this affidavit are as per the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

So help me God

[Signature]
DEPONENT

I, Jugal Kishor, SDO, Badrinath Forest Division Forest Division, Uttarakhand, do hereby identify the deponent who has produced the records of the case before me and I am satisfied that he is the same person as alleged.

[Signature]
IDENTIFIER



[Signature]

Solemnly affirmed before me today, the 27th day of February, 2026 at 11 am/pm by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.

OATH COMMISSIONER/NOTARY

[Signature]



certified that Shri/Smt. Suresh Kumar
the deponent is the son of Jagan Kishor
born & verified the contents of the 1980
Affidavit at Gopeshwar Chamel (U.K.)

D. S. Rawat
Advocate 27-2-2026
Gopeshwar Chamel
Reg. No. 08/11/2003

Item No. 02

Court No. 1

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

Original Application No. 520/2022

Subhash Mishra & Ors.

Applicant(s)

Versus

State of Uttarakhand

Respondent

Date of hearing: 25.08.2023

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Gigi. C. George, Adv. for BRO (R - 4)
Mr. Mukesh Verma, Adv. for UKPCB

ORDER

1. This Original Application was registered on the basis of the letter petition of Mr. Subhash Mishra received by post making a complaint that the Contractor and the Boarder Roads Organization (BRO) had violated the environmental norms while constructing the road from Simli to Gwaldam in a strategically sensitive and ecologically fragile area. Allegation of illegal cutting of trees and dumping of muck by them at several places and damage to the environment leading to drying up of water resources was made. It was further alleged that muck disposal in river had narrowed down the width of river and blasting in the hills carried out by the contractor was in violation of the norms resulting into landslides.

2. The Tribunal by order dated 01.09.2022 had constituted joint Committee by issuing the following direction:-



"3. *Prima facie, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of MoEF & CC, Border Roads Organization, State PCB, DFO and District Magistrate, Chamoli and direct the same to meet within three weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due process of law and submit its Factual and Action Taken Report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance."*

3. The joint Committee has submitted the report disclosing that two proposals were submitted by the User Agency, i.e., BRO with respect to Gwaldam to Simli road. The report discloses the details of the sanctions accorded under the Forest (Conservation) Act, 1980 to Gwaldam (87 km) to Bagoli (140 km) road and Bagoli (140 km) to Simli (140 km) road. As per the report, seventeen instances of landslides were found which have been tabulated in the chart form. The general observations regarding the landslide in the report are as under:-

"3.4 General observations regarding the landslides:

- i) *At most of the places where landslides were detected the rock strata was found to be loose consisting mainly of loose soil mixed with rocks. Heavy rainfall events and further loosening of the soil due to loss of vegetative cover and slope cutting might have triggered these landslides.*
- ii) *Uprooted and damaged trees were observed at few locations. At all the other locations the information related to the total number of trees damaged due to the landslide was not readily available. It is essential to develop a joint mechanism between the user agency and the forest department to immediately take note of the landslides, record the damage incurred to vegetation and carry out necessary works for stabilization of the landslides.*
- iii) *At the location of landslides mentioned at the Sr. no 5, 6, 7, 9, 10, 12, 14, 15 & 16 protective structures*

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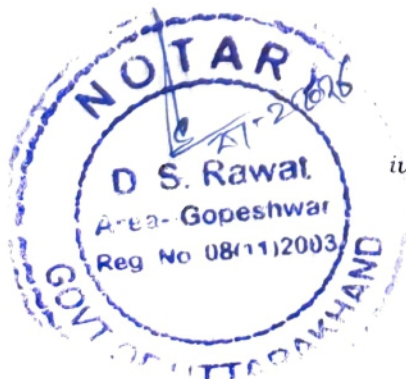
were found to be constructed. These structures were also damaged in the landslides.

- iv) At the location of landslides mentioned at the Sr. no 13, 15 & 16 the debris has fallen in the stream / river banks downhill.
- v) At one location mentioned at the Sr. no 13 the landslide has occurred due to the construction of another road above the existing road constructed by BRO.
- vi) Proper engineering structures and vegetative measures are required to be adopted immediately at all the locations of the landslides."

4. In respect of the tree felling, the reports finds that as against 4047 number of trees permitted to be felled in the forest area, number of trees actually felled in the forest area were 3814 and number of trees actually felled in the revenue/private area were 435. No clear details of the number of tree plantation done have been disclosed in the report. Following conclusions have been made by the joint Committee in the report:-

"4.0 Conclusion:

- i) As per the data provided by the forest department, excess/illegal tree felling has not been carried out during the construction of the road.
- ii) Muck disposal has been carried out as per the approved muck disposal plan. Proper structures to prevent roll down of muck have been constructed. Rolling down of muck beyond the sausage walls constructed at the bottom of the muck dumping yards was not observed. Muck was not found to be disposed in the river bank at any of the locations of the muck dumping yards.
- iii) 17 events of landslides / washouts were observed along the entire stretch from Gwaldam to Simli. Heavy rains during the monsoon and the loosening of soil due to removal of vegetation and slope cutting could have triggered the events of landslide / washout. At 9 locations protective structures were already constructed and were found to be damaged due to landslide / washout. At 3 locations debris was found to have reached the river banks.
- iv) The landslide / washout locations are required to be urgently treated with appropriate engineering and vegetative measures. Also, a joint mechanism between the forest department and BRO to monitor



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the landslide / washout events, assess the damage to the vegetation and treat the sites with appropriate measures need to be developed."

5. The findings contained in the report have not been disputed. In view of the above report, we are of the opinion that the compensatory trees plantation is required to be done by the BRO as against the number of trees which have been fallen in the construction of the road and appropriate measures are also required to be taken to prevent the landslides/washouts which have been occurred in the relevant stretch. Learned counsel appearing for the Respondent, BRO has assured that the necessary tree plantation as may be directed by this Tribunal will be carried out through the proper agency.

6. Hence, we dispose off the present OA by issuing following directions:-

- i) The respondent, BRO will take appropriate steps for the plantation of at least ten thousand trees (10,000) in coordination with the concerned DFO within one month from today.
- ii) The DFO will monitor the survival of the plantation for three months thereafter and will furnish a report before the Registrar General of the Tribunal in respect of the tree plantation and their survival rate.
- iii) The DFO will also ensure that at least a part of the plantation is done in such a manner which will prevent the landslide.
- iv) The concerned District Magistrate will ensure that the BRO takes appropriate steps for preventing the landslides by constructing the protective structures and will submit the report in respect of number of incidents of landslides during the intervening period and the action taken to prevent it.



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7. Let the above reports by DFO and District Magistrate be submitted before the Registrar General of the Tribunal by 31.03.2024 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.
8. OA is accordingly disposed off.

Prakash Shrivastava, CP

Sheo Kumar Singh, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 25, 2023
Original Application No. 520/2022
AVT

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Item No. 02

Court No. 1

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

M.A. No. 117/2023

IN

Original Application No. 520/2022

Subhash Mishra & Ors.

Versus

Applicant(s)

State of Uttarakhand

Respondent

Date of hearing: 01.12.2023

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. Gigi. C. George, Adv. for Applicant (Border Road Organization) in M.A.
No. 117/2023

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand

ORDER

1. This Miscellaneous Application has been filed by the Border Road Organization (BRO) seeking extension of time till 30.09.2024 to comply with the direction of this Tribunal contained in the order dated 25.08.2023 in OA No. 520/2022. In the said OA, a complaint was raised that the BRO had violated the environmental norms while constructing the road from Simli to Gwaldam in a strategically sensitive and ecologically fragile area.

2. The Tribunal after considering the entire circumstances of the case by order dated 25.08.2023 had disposed of the OA No. 520/2022 by issuing the following directions:

"6. Hence, we dispose off the present OA by issuing following directions:-



- i) The respondent, BRO will take appropriate steps for the plantation of at least ten thousand trees (10,000) in coordination with the concerned DFO within one month from today.
- ii) The DFO will monitor the survival of the plantation for three months thereafter and will furnish a report before the Registrar General of the Tribunal in respect of the tree plantation and their survival rate.
- iii) The DFO will also ensure that at least a part of the plantation is done in such a manner which will prevent the landslide.
- iv) The concerned District Magistrate will ensure that the BRO takes appropriate steps for preventing the landslides by constructing the protective structures and will submit the report in respect of number of incidents of landslides during the intervening period and the action taken to prevent it."

3. The present MA has been filed seeking extension of time to complete the plantation of 10,000 trees as directed by the Tribunal. Submission of Counsel for the Applicant is that earlier also an application for extension of time was filed in which relevant particulars were not disclosed, therefore, it was dismissed by order dated 18.10.2023 with liberty to file a fresh application with full particulars. Hence, the present MA has been filed.

4. He has further submitted that after the Tribunal order dated 25.08.2023 and after taking the legal opinion on 02.09.2023, a request was made to the DFO, Forest Department, State of Uttarakhand to give details of the activities carried out by the Forest Department with the money given by the Applicant. Thereafter, the request was made to give the estimate for plantation of 10,000 trees vide letter dated 05.09.2023 and the Forest Department had given the estimate on 06.09.2023. He has submitted that the Forest Department has given the estimate of around Rs. 13,80,000/- to complete the plantation of 10,000 trees. He submits that thereafter, the legal opinion was sought and the Forest Department vide letter dated 18.09.2023 had opined that it would be better to plant the trees in the month of July and August being the



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monsoon season when the survival rate will be high, therefore, extension of time for plantation has been prayed.

5. In view of the above submission and the disclosure made in the MA, we are of the view that a case for extension of time to complete the plantation is made out. However, in the meanwhile, the preparatory steps must be taken such as, identification of land for plantation, ascertaining the type of trees which are to be planted.

6. Counsel for the State of Uttarakhand is directed to file the report of the competent authority of the State before the Registrar General of the Tribunal disclosing the land identified for carrying out the plantation and the type of trees which are to be planted with the clear averment that the plantation site will not be far away from the affected area.

7. Hence, we dispose of the present MA extending the time till 30.09.2024 to comply with the direction of the Tribunal contained in the order dated 25.08.2023 and also complete the plantation of 10,000 trees in terms of the said order. Consequently, the report by the DFO in terms of direction Para 6(ii) will be submitted within three months from 30.09.2024.

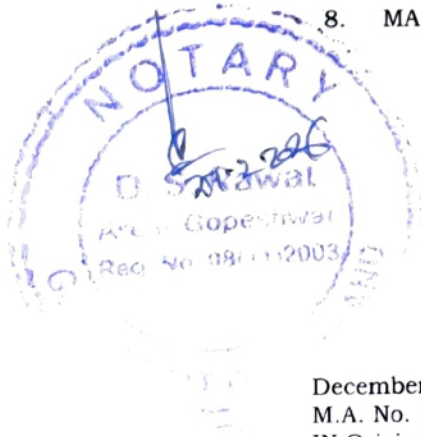
8. MA is accordingly disposed of.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

December 01, 2023
M.A. No. 117/2023
IN Original Application No. 520/2022
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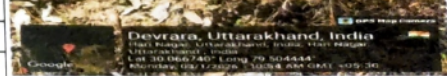
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Site wise progress information and success Percentage of plantation work of 10000 saplings between Km 87.00 to Km 149.00 on Simli-Gwaldam Road -

S. No.	Range Name	Site Name	GPS Location	Area (ha)	Planted Species	Number of Saplings	Photographs	success percentage
1	2	3	4	5	6	7	8	9
1		Bagoli Shivala Napbhum	30° 11' 45.40"N 79° 18' 26.43"E	0.500	Mango,	50		90%
					Guava,	160		
					Lemon,	30		
					Orange,	40		
					Jamun,	120		
					SUM	400		
2		Aamsaud under Lissa Depot & Gas Godown	30° 11' 00.86"N 79° 19' 39.31"E	0.375	Mango,	30		88%
					Guava,	100		
					Lemon,	20		
					Orange,	30		
					Jamun,	120		
					SUM-	300		
3		Nalgawn near Jr. High School	30° 10' 20.49"N 79° 20' 22.09"E	0.8125	Mango,	95		85%
					Guava,	230		
					Lemon,	30		
					Orange,	30		
					Jamun	210		
					Bay Leaf	25		
4	West Pindar Range, Narayanbagar,	Kodiyabagar (Naulapani Tok)	30° 08' 01.00"N 79° 22' 51.00"E	0.5625	Amla	30		86%
					SUM-	650		
					Mango,	20		
					Guava,	200		
					Lemon,	30		
					Orange,	30		
					Jamun	130		
					Bay Leaf	30		
					Amla	10		
					SUM-	450		



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S. No.	Range Name	Site Name	GPS Location	Area (ha)	Planted Species	Number of Saplings	Photographs	success percentage
1	2	3	4	5	6	7	8	9
5		Beyond Meeng Gadhea	30° 06' 56.00"N 79° 24' 35.00"E	1.000	Mango,	100		87%
					Guava,	375		
					Lemon,	30		
					Orange,	30		
					Jamun	220		
					Bay Leaf	25		
					Amla	20		
6		Kaljabar Hat	30° 07' 08.00"N 79° 24' 46.00"E	1.4375	SUM-	800		85%
					Mango,	150		
					Guava,	430		
					Lemon,	30		
					Orange,	20		
					Jamun	345		
					Bay Leaf	130		
		Road Side Near Malturas	30° 06' 08.19"N 79° 25' 54.74"E	1.5625	Amla	45		86.5
					SUM-	1150		
					Mango,	155		
					Guava,	505		
					Lemon,	30		
					Orange,	20		
					Jamun	355		
8		Devrada Forest Panchayat	30.066914°N 79.504434°E	1	Bay Leaf	140		85%
					Amla	45		
					SUM-	1250		
					Mango,	40		
					Guava,	250		
					Lemon,	50		
					Orange,	50		
					Jamun	110		
					Bay Berry	80		
					Nepalese Alder	250		
					Bay Leaf	170		
					SUM-	1000		



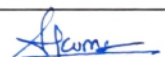
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S. No.	Range Name	Site Name	GPS Location	Area (ha)	Planted Species	Number of Saplings	Photographs	success percentage
1	2	3	4	5	6	7	8	9
9		Lolti Forest Panchayat	30.047722°N 79.498601°E	1	Mango,	30		85%
					Guava,	250		
					Lemon,	10		
					Orange,	20		
					Jamun	190		
					Deodara	200		
					Nepalese Alder	50		
					Oak	250		
10	Centre Pindar Range, Tharali,	Gwaldam Reserve Forest	30.01516°N 79.536105°E	1	SUM-	1000		80%
					Mango,	20		
					Guava,	200		
					Lemon,	20		
					Orange,	20		
					Jamun	240		
					Bay Berry	20		
					Deodara	200		
11		Machhital (Badhan Garhi)	30.027752°N 79.517372°E	1	Nepalese Alder	80		85%
					Oak	200		
					SUM-	1000		
					Mango,	10		
					Guava,	150		
					Lemon,	20		
					Orange,	10		
					Jamun	310		
					Oak	200		
					Deodara	200		
					Nepalese Alder	100		
					SUM-	1000		



Signature

S. No.	Range Name	Site Name	GPS Location	Area (ha)	Planted Species	Number of Saplings	Photographs	success percentage
1	2	3	4	5	6	7	8	9
12		Kulsari Civil Land	30.086424°N 79.471542°E	1	Guava,	150		80%
					Lemon,	100		
					Orange,	100		
					Jamun	150		
					Roxburgh fig	50		
					Khadik	50		
					Nepalese Alder	200		
					Bay Leaf	200		
					SUM-	1000		
			Total sum-	11.25		10000		


(Sarvesh Kumar)
 Divisional Forest Officer,
 Badrinath Forest Division, Gopeshwar.



