

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

I N D E X

IN

RESPONSE AFFIDAVIT

(On behalf of Principal Secretary, Forest & Environment, Govt. of Uttarakhand)

IN

O.A. No. 518 OF 2022

Vivek Verma

.....Applicant

Versus

State of Uttarakhand & Ors.

.....Respondents

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Dated: 14 /08/2024


 Anjali Rajput
Panel Counsel
 Government of Uttarakhand

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Affidavit of Kahkashan Naseem, aged about 43 years, D/o Late Sh. Abdul Sattar Ansari, presently posted as Additional Secretary Department of Forest, Govt. of Uttarakhand.

(Deponent)

1. That the deponent is posted as Additional Secretary, Forest, Govt. of Uttarakhand and has been arrayed as Respondent No.2 in the above captioned matter as such he is competent to swear the present affidavit.

2. That this Hon'ble Tribunal vide order dated 24-11-2022 appointed one Mr. Akash Vashishtha as Amicus Curie in Original Application No. 518/2022, Vivek Verma Vs. State of Uttarakhand & others. The operative part of order dated 24-11-2022 is being quoted as under:

"6. In view of the significant nature and impact of the environmental violations involved, we also consider it appropriate to have the assistance of some Senior Advocate as amicus curie to assist this



Tribunal in just and fair adjudication of the questions involved. Accordingly, Mr. Akash Vashishtha, Advocate is appointed as amicus curie to assist this Tribunal in just and fair adjudication of the question involved."

3. That this Hon'ble Tribunal vide order 28-11-2023 directed to file the response regarding the report submitted by Mr. Akash Vashishtha Amicus Curie.

"5. Vide order dated 28.11.2023 the respondents were also directed to file their response to the recommendations made by the amicus curie but no response has been filed."

4. That thereafter, this Hon'ble Tribunal vide order 24-04-2024 directed to respondent nos. 01 to 03 to file the reply in the matter. The operative part of order dated 24-04-2024 is being quoted as under-

"2. No reply has been filed by respondents no. 1 to 3.

3. Learned Counsel for the respondent no. 1 to 3 to seeks time for filing the same."

5. That the Hon'ble Tribunal, further vide its order 19-07-2024 directed the respondents to file reply in the matter. The operative part of order dated 19-07-2024 is being quoted as under-

"1.No reply has been filed by respondent no. 1 and 2, through, request was made on the last date i.e. 24-04-2024 through Counsel and was accepted and two months time was granted to file response".

6. That as soon the deponent came to know about the proceedings and directions passed by this Hon'ble Tribunal vide its Order dated 19.07.2024, the deponent vide his letter dated 31-07-2024 had issued a show cause notice to the Divisional Forest Officer, Nainital Forest Division for furnishing the explanation as to the dereliction towards the

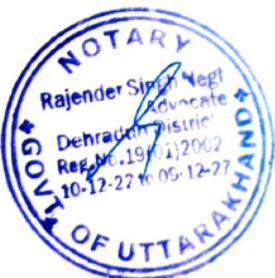


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directions passed by the Hon'ble Tribunal. Copy of the cause notice dated 31-07-2024 is being annexed and marked herewith as ANNEXURE-1.

**PARAWISE REPLY TO THE REPORT SUBMITTED BY MR.
AKASH VASHISHTHA, AMICUS CURIE**

7. That the contents of Paragraph 1 to 4 of the report filed by Amicus Curie needs no comment.
8. That the contents of Paragraph 5 of the report filed by Amicus Curie are based on the matter of records therefore, need no comments.
9. That the Amicus Curie in Paragraph No. 6 (A) submitted his report regarding Massive Tree Felling/Cutting. The Amicus Curie recommended that the claim of locals about the involvement of Hotel Aroma and Hotel Naini Retreat needs verification and an enquiry to this effect must be conducted by Forest Department. It is necessary to mention here that as per the order passed by this Hon'ble Tribunal Mr. Rahul Anand, Executive Officer, Municipal Committee, Nainital, Mallital, Nainital submitted a complaint regarding Felling of 08 Trees in Near Aroma Hotel to Police Station, Nainital. And an FIR No. 03/2024 under Section -26 of Indian Forest Act-1927 has been registered by Police Station, Nainital on 18-01-2024. The matter is under investigation. The Division Forest Officer, Nainital Forest Division, Nainital vide his letter 1372/29-3(3) dated 26-07-2024, informed the Executive Officer, Municipal Committee, Nainital and Station Incharge, Police, Mallital, to consider the recommendations made by Mr. Akash Vashishtha Amicus Curie. The Divisional Forest Officer, Nainital Forest Division has already filed his affidavit in this regard.



It is also necessary to mention here that the Division Forest Officer, Nainital Forest Division, Nainital vide letter 1373/29-3(3) dated 26-07-2024 directed to conduct an inquiry regarding the involvement of Hotel Aroma and Hotel Naini Retreat, Nainital regarding illegal cutting of trees in Nainital near Hotel Aroma and the said enquiry is under progress.

10. That the Amicus Curie in Paragraph No. 6 (B) submitted his report regarding construction and installation of heavy iron sheets and girders on steep slopes in Mallital. The Amicus Curie recommended that in light of the claims and statements made by the Applicant and other locals, a thorough inquiry is essential to reveal the details of the project proponent, the permissions in place, if any, and the sanctioning authorities and officials. The said constructions permission has been granted by the Secretary, Lake Development Authority, Nainital and the deponent has requested the Secretary, Lake Development Authority, Nainital to furnish his comments on the recommendations of the Amicus Curie.
11. That the Amicus Curie in Paragraph No. 6 (C) submitted his report regarding untreated discharge of sewage/waste water into storm water drains; untreated discharge into Naini Lake. The Amicus Curie recommended that assessment of water quality and other channels/drains flowing into it is needed to be conducted by an independent reputed testing laboratory, in addition to any testing and analysis by the Uttarakhand Jal Sansthan or the Uttarakhand Pollution Control Board, to avoid any manipulations and suppressions of the actual results. The Amicus Curie also recommended that the protocol needs to be developed on an urgent basis so as to ensure prevention, control and abatement of pollution in the waters of Nainital and surrounding lakes



i.e. Khurpatal, Sattal, Bhimtal and Naukuchiyatal etc. In this connection, it is submitted here that following actions have been taken by the Pollution Control Board:

- i. Water quality monitoring of Nainital Lake, Nakuchiyatal, Bheemtal and sattal is being carried out by the UKPCB on monthly basis. Analysis data is being uploaded on the website of the Board at: [//ueppcb.uk.gov.in/pages/display/96-waterquality-data](http://ueppcb.uk.gov.in/pages/display/96-waterquality-data).
- ii. That the UKPCB has also engaged the third party laboratory for sampling and analysis of Nainital Lake, Nakuchiyatal, Bheemtal and sattal in the month of December 2023 and April 2024. Analysis reports shown BOD values 2.0 or < 2.0 mg/L dissolved oxygen ranged between 3.8 mg/L to 8.8 mg/L while Fecal coliform were absent in all samples analysed. Copies of analysis reports have already been filed with the Affidavit filed by the UKPCB.
- iii. That it is to mention that inspection of drains was carried out with Amicus Curie on 30.12.2023. During the inspection it was observed that most of the drains are non-perennial and water flows in these drain during rains only. No waste water /sewage discharge was found in drains leading to Nainital Lake. It is to state that drain No.23 carries natural spring water from China Peak to Nainital Lake. Water sample analysis of drain indicates BOD values ranged <2.0 mg/L to 3.2 mg/L, dissolved oxygen ranged between 5.6 mg/L to 7.4 mg/L, while fecal coliform were absent in all samples analyzed. Analysis reports indicated that no sewage is being discharged into Nainital Lake through drain. Copy of the analysis report has already been filed with the Affidavit filed by the UKPCB.



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- iv. That the UKPCB has issued necessary directions to Executive Officer, Nagar Palika Parishad, Nainital for ensuring the compliance of Rule-20 of the Solid Waste Management Rules, 2016 as amended vide letters dated 08.01.2024 and 04.04.2024. Necessary instructions were also issued to Executive Engineer, Irrigation Deptt., Nainital. Copies of the letters have already been annexed with affidavit filed by the UKPCB.
12. That the Amicus Curie in Paragraph No. 6 (D) submitted his report regarding illegal Covering of Storm Water Drain. The Amicus Curie recommended that the entire project details of the covering of the said storm water drain is urged to be called upon by this Hon'ble Tribunal, as to how the said construction was carried out in disregard of this observation, Orders and directions of this Hon'ble Tribunal in various cases. The Covering of Storm Water Drains has been done by various construction agencies like Uttarakhand Public Works Department, Municipal Committee Nainital and Irrigation Department. The deponent has apprised and requested the concerned Secretaries to furnish their comments on this recommendation.
13. That the Amicus Curie in Paragraph No. 6 (E) submitted in his report regarding Reckless Dumping of Solid Wastes. The Amicus Curie recommended that strict compliance of Rule-20 read with Rule 15 of the Solid Waste Management Rules-2016 under the Environment (Protection) Act, 1986 should be made by Government. The Amicus Curie further recommended to make compliance of order dated 31-08-2018 passed by National Green Tribunal, New Delhi in the matter of Original Application No. 606/2018, In compliance of Municipal Solid Waste Management Rules, 2016, and directions of the Hon'ble High Court of Uttarakhand, Nainital in the matter of Writ Petition (PIL) No.



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93/2022, Jitendra Yadav Vs. Union of India and others. The UKPCB has issued the directions to Executive Officer, Nagar Palika Parishad, Nainital to strictly comply with the provisions of Solid Waste Management Rules, 2016.

14. That the Amicus Curie in Paragraph No. 6 (F) submitted in his report regarding Defunct, Ineffective, Improperly constituted Tree Felling Committee. The Amicus Curie recommended that the Tree Felling (Permission) Committee ought to be revised/reconstituted, with more environmentalists, expert members or at least persons qualified in Forestry, Horticulture/Botany/Environmental Science/ Agriculture etc. The Amicus Curie further recommended that the said committee be made to operate outside the boundaries of Municipal Committee, Nainital. It is necessary to mention here that the Tree Felling Committee, Nainital was constituted as per the provisions of Municipal Act-1916 and Municipal Committee Bye-laws-1917. The Respondent Forest Department has already reconstituted the Tree Felling Committee, Nainital. The Divisional forest Officer, Nainital has also included Dr. Lalit Tiwari, Professor (Botany), Kumoan University, Nainital as the member of Tree Felling Committee, Nainital. It is pertinent to mention that the matter of tree felling in any area is dealt as per the provisions of Tree Protection Act, 1976 which is the applicable throughout the State of Uttarakhand except the notified Forest Areas. The Act has statutory provisions for application, identification and felling process for various species of trees. The Act also encompasses provisions for violation and penalty. This Act empowers the DFO and Conservator of Forests for enforcing the various provisions of the Act and take due process in case of violations.



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15. That the Amicus Curie in Paragraph No. 6 (G) submitted his report regarding Trees Made to Dry UP, Suffocated After Being Compacted with Concrete; Meagre Fines Encouraging Offenders. The Amicus Curie recommended that before levying penalty for cutting or felling damaging a tree in any manner, without permission, regard must be held to the present value, intrinsic and instrumental value of trees, ecosystem services rendered by the tree, carbon sequestration benefits, heritage value. It is necessary to mention here that the trees mentioned in instant paragraph are outside the Reserve or Protected Forest. The said trees are located under different landholders of the private land. The provisions of Uttar Pradesh Tree Protection Act 1976 are applicable in the present case. The provisions related to compounding of offences are mentioned under section 15 of said Act. The Divisional Forest Officer is empowered and bound to take due legal action under the provisions of the said Act.
16. That the Amicus Curie in Paragraph No. 6 (H) submitted his report regarding Improper Incoherent Records of Hotels /Resorts etc. In this connection, it is submitted here that an exercise to furnish all the record of the Hotels etc. in the area is being carried out by the UKPCB with the assistance from other department like Tourism Department etc. The same shall be furnished by way of supplementary Response Affidavit.
17. That the Amicus Curie in Paragraph No. 7 (A) submitted his report regarding Reckless, Unscientific Vertical Hill Cutting causing massive slope Exposure and exposure of Roots of Trees. It is necessary to mention here that due permission from MoEF & CC under the provisions of Forest Conservation Act 1980 is taken for any non forestry activity to be under taken on any forest land. The road construction for Pangot was carried out about 50-60 years ago. Since, the area in



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question is highly prone to landslide, heavy rain and natural sliding of soil also causes this type of root exposure. Now the said area is under Naina Devi Birds Conservation Reserve, notified under section 36A of Wildlife Protection Act 1972. As per recommendations of Amicus Curie, in undertaking any activity in this said area User Agencies are directed to work in accordance with the terms and conditions stipulated in the statutory approvals given by the Govt. of India and other concerned authorities before the commencement of the work.

18. That the Amicus Curie in Paragraph No. 7 (B) submitted his report regarding Unregulated Construction of Multi storey Hotels and Resorts in Pangot. It is necessary to mention here that the Hotel and Resorts were constructed by landowners in their private land. Naina Devi Himalayan Birds Conservation Reserve was notified in year 2015 under section 36A of Wildlife Protection Act 1972 as amended. It is a protected area under section 2(24A) of Wildlife Protection Act 1972. As per section 36A(2) of Wildlife Protection Act 1972 as amended, the provisions of sub section (2) of section 18, sub sections (2)(3) and (4) of section 27, section 30, section 32 and clause (b) and (c) of section 33 are applicable in the matter of Conservation Reserve. Granting any permit under section 28 of Wildlife Protection Act 1972 is under jurisdiction of Chief Wildlife Warden, Uttarakhand for a Wildlife Sanctuary notified under 26 of this Act but section 28 is not applicable in the matter of Conservation Reserve notified under section 36A of said Act. As per provisions of clause (a) of section 33 Wildlife Wildlife Protection Act 1972 Hotel, Resorts etc. cannot be constructed inside a Wildlife Sanctuary without the prior approval of National Board for Wildlife but clause (a) of section 33 Wildlife Wildlife Protection Act 1972 is not applicable in the matter of Conservation Reserve notified under section 36A of said Act. Hence, the Divisional Forest Officer, Nainital cannot



regulate construction of Hotels and Resorts on private land as clause (a) of section 33 Wildlife Protection Act 1972 is not applicable in the matter of Naina Devi Himalayan Birds Conservation Reserve. It is also important to mention that these areas do not come under definition of Forest Areas and hence the provisions of Forest Conservation Act, 1980 are not applicable in such areas.

19. That the Amicus Curie in Paragraph No. 8 submitted his report regarding order dated 25.03.2021 passed by Hon'ble Apex Court in SLP (Civil) No. 25047/2018 Association for protection of Democratic Rights and Another Vs. The State of West Bengal and Ors. In the said matter the Hon'ble Apex Court Constituted a Committee to develop a set of scientific and policy guidelines to govern decision making with respect to cutting of trees for development projects. It is necessary to mention here that in all developmental projects needing forest areas for any non forestry purposes, forest clearance under section 2 of Forest Conservation Act 1980, is required when Forest land is diverted. The terms and conditions for diversion of Forest land for non forestry purpose are issued by Union and State Government. The department and user agencies are bound with the terms and conditions of In-Principal and Final approval granted by Government under section 2 of Forest Conservation Act, 1980.
20. That the contents of Paragraph No. 9 of the report submitted by Amicus Curie is matter of records hence need no comments.
21. That the contents of Paragraph No. 10 of the report submitted by Amicus Curie is matter of records hence need no comments.
22. That in reply to contents of Paragraph No. 11 of the report submitted by Amicus Curie, it is necessary to mention here the facts regarding



Heritage Trees in Nainital are mentioned in the Affidavit filed by Divisional Forest Officer, Nainital on 17 Febraury 2024 and it is on records of this Hon`ble Tribunal.

23. That in reply to contents of Paragraph No. 12 (A) of recommendations submitted by Amicus Curie before this Hon`ble Tribunal it is necessary to mention here that the Divisional Forest Officer has already constituted a quick response team of Forest Department in Nainital. In this connection compliance affidavit has already been filed on 16.8.2023 by Divisional Forest Officer, Nainital. In Paragraph 11 of the said affidavit dated 16.8.2023, it was mentioned that 8 members Quick Response Team (QRT) of Forest Department has been constituted in Nainital. The Principal Chief Conservator of Forest (HoFF) Uttarakhand vide his order Kha-847/26-1 dated 8.2.2024 issued directions regarding establishment of State Level Greivances Cell in compliance of this Hon'ble Tribunal's order dated 28.11.2023 in Instant matter. In this connection compliance affidavit has been filed on 17.2.2024 by Divisional Forest Officer, Nainital.

It is also to important to mention that the State has 24 x 7 CM Helpline 1905 which inter- alia entertains all types of compliants regarding tree felling and forest offences and has IT enabled receiving and addressing, monitoring of all complaints and grievance redressal mechanism is regularly monitored at various levels.

24. That the contents of Paragraph No. 12 (B) of recommendations are beyond the control and jurisdiction of the deponent and thus, the deponent has requested the appropriate authorities who approve such projects located in Nap (Private) Lands.

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25. That in reply to the contents of Paragraph No. 12 (C) and 12 (D) which is related to water quality analysis of Naini Lake, Along With Naukuchiyatal, Saattal, Bhimtal And Khurpatal Lakes by Uttarakhand Jal Sansthan or Uttarakhand Pollution Control Board. The detailed reply has already been narrated in Para 10 of the present Affidavit and the same has not been repeated for the sake of brevity.
26. That the reply to contents Paragraphs No. 12 (E) & (F) of recommendations, the relevant comments have already been placed in the proceeding paragraphs and the same have not been repeated for sake of brevity.
27. That in reply to the contents of Paragraph No. 12 (G) of recommendations, it is necessary to mention here that the Tree Felling Committee, Nainital was constituted as per the provisions of Municipal Act-1916 and Municipal Committee Bye-laws-1917. The Respondent Forest Department has already reconstituted the Tree Felling Committee, Nainital in year 2023. The Divisional forest Officer, Nainital has also included Dr. Lalit Tiwari, Professor (Botany), Kumoan University, Nainital as the member of Tree Felling Committee, Nainital.

It is necessary to mention here that the trees mentioned in instant paragraph are outside the Reserve or Protected Forest. The said trees are located under different landholders of the private land. The provisions of Uttar Pradesh Tree Protection Act 1976 are applicable in the present case. The provisions related to compounding of offences are mentioned under section 15 of said Act. The Divisional Forest Officer is empowered and bound to take due legal action under the provisions of the said Act.



28. That in reply to contents of Paragraph No. 12 (H) of recommendations, it is stated that the matter of tree felling in any area is dealt as per the provisions of Tree Protection Act, 1976 which is the applicable throughout the State of Uttarakhand except the notified Forest Areas. The Act has statutory provisions for application, identification and felling process for various species of trees. The Act also encompasses provisions for violation and penalty. This Act empowers the DFO and Conservator of Forests for enforcing the various provisions of the Act and take due process in case of violations. .
29. That in reply to contents of Paragraph No. 12 (I) of recommendations, it is necessary to mention here that the said matter is not under control of Nainital Forest Division, Nainital. It is necessary to mention here that outside the Reserve and Protected Forest the provisions of Uttar Pradesh Tree Protection Act, 1976 are applicable. In compliance of the order dated 28.11.2023 passed by this Hon'ble Tribunal, the Principal Chief Conservator of Forest (HoFF) Uttarakhand vide order Kha-846/29-3(3) dated 8.2.2024 issued order regarding compounding of cases under various Acts. The order order Kha-846/29-3(3) dated 8.2.2024 of Principal Chief Conservator of Forest (HoFF) Uttarakhand is also mentioned in the affidavit filed by Divisional Forest Officer, Nainital Forest Division, Nainital dated 17.2.2024 in instant Original Application. The compounding of any case and realization of compounding amount is done as per the provisions of Tree Protection Act, 1976 and Municipal Act-1916 and Municipal Committee Bye-laws-1917.
30. That in reply to the contents of Paragraph No. 12 (J) of recommendations, it is necessary to mention here that due permission from MoEF & CC under the provisions of Forest Conservation Act 1980 is taken for any non forestry activity to be under taken on any forest



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land. The road construction for Pangot was carried out about 50-60 years ago. Since, the area in question is highly prone to landslide, heavy rain and natural sliding of soil also causes this type of root exposure. Now the said area is under Naina Devi Birds Conservation Reserve, notified under section 36A of Wildlife Protection Act 1972. As per recommendations of Amicus Curie, in undertaking any activity in this said area User Agencies are directed to work in accordance with the terms and conditions stipulated in the statutory approvals given by the Govt. of India and other concerned authorities before the commencement of the work.

31. That in reply to contents of Paragraph No. 12 (K) of recommendations, it is necessary to mention here that the Hotel and Resorts have been constructed by Landowners in their private land. Naina Devi Himalayan Birds Conservation Reserve was notified in year 2015 under section 36A of Wildlife Protection Act 1972 as amended. It is a protected area under section 2(24A) of Wildlife Protection Act, 1972. As per section 36A(2) of Wildlife Protection Act, 1972 as amended the provisions of sub section (2) of section 18, sub sections (2)(3) and (4) of section 27, section 30, section 32 and clause (b) and (c) of section 33 are applicable in the matter of Conservation Reserve. Granting any permit under section 28 of Wildlife Wildlife Protection Act 1972 is under jurisdiction of Chief Wildlife Warden Uttarakhand for a Wildlife Sanctuary notified under 26 of this Act but section 28 is not applicable in the matter of Conservation Reserve notified under section 36A of said Act. As per provisions of clause (a) of section 33 Wildlife Wildlife Protection Act 1972 Hotel, Resorts etc cannot be constructed inside a Wildlife Sanctuary without the prior approval of National Board for Wildlife, but clause (a) of section 33 of Wildlife Protection Act 1972 is not applicable



in the matter of Conservation Reserve notified under section 36A of said Act.

32. That the contents of Paragraphs No. 12 (L) of recommendations are beyond the control and jurisdiction of the deponent and thus, the deponent has requested the appropriate authorities to furnish their comments on the recommendation. The same shall be placed on record by way of supplementary Response Affidavit.
33. That in reply to contents of Paragraph No. 12 (M), the State Government is committed to implement the orders of Hon'ble Supreme Court following due process of law.
34. That in reply to contents of Paragraph No. 12 (N) of recommendations, it is necessary to mention here that the Principal Chief Conservator of Forest (HoFF) Uttarakhand vide order Kha-846/29-3(3) dated 8.2.2024 has issued detailed order regarding compounding and trial of cases under various Acts. The said order has also been mentioned in the affidavit filed by Divisional Forest Officer, Nainital Forest Division, Nainital on 17.2.2024 in instant Original Application.
35. That in reply to contents of Paragraph No. 12 (O) of recommendations, it is necessary to mention here that the said provisions are already in existence in section 16 of Uttar Pradesh Tree Protection Act-1976.
36. That in reply to contents of Paragraph No. 12 (P) of recommendations, necessary steps will be taken to promote Tree Tourism in the Nainital division and Heritage lanes/ walks will be created in the Eco-tourism Zones.
37. That in reply to the contents of Paragraph No. 12 (Q) of recommendations, it is stated here that the said recommendations are



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beyond the control and jurisdiction of the deponent and thus, the deponent has apprised and requested the concerned Secretaries, Urban Development to furnish their comments on this recommendation.

38. That in reply to the contents of Paragraphs No. 12 (R) of recommendations, it is stated that the deponent has directed to the UKPCB to carry out an exercise for determining the carrying capacity in Nainital and the same shall be furnished before this Hon'ble Tribunal by way of supplementary Affidavit.
39. That in reply to contents of Paragraph No. 12 (S) of recommendations, it is necessary to mention here that Biodiversity Management Committees are already in existence in Nainital under said act. In Nainital Forest Division 105 Biodiversity management committees are already formed.
40. That in reply to contents of Paragraph No. 12 (T) of recommendations, it is necessary to mention here that various plantation activities in the State are designed under the National Forest Policy of the country and Plantation Policy of the State which duly take care of the concerns raised in the paragraph. Apart from this, 'Theme Based plantation' and 'Harela Plantation' are done considering the suitability of the plant in the ecosystem. In Compensatory afforestation soil and moisture conservation activities are also carried in the plantation area for conserving the soil and water which are important abiotic factor of the ecosystem.
41. That the deponent is a responsible Government servant having the highest regard for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders



passed by this Hon`ble Tribunal in its letter and spirit and shall continue to do so in the future.

Deponent

VERIFICATION: -

I, Kalikaashon Narsen do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos. 1-5, 7-41 are true to my personal knowledge and those in paragraph nos. 6 are based on the perusal of records and those in paragraph nos. are based on legal advice. Nothing material has been concealed and no part of it is untrue. So help me God.

Deponent

Place: Dehradun

I, Dharmendra Singh, Section Officer, Forest Section 3 Government of Uttarakhand do hereby declare that the person making this affidavit and alleging himself to be Deponent is the same person who is known to me from her Aadhar No. 682960131688 produced by her before me in this case.

Identifier

Solemnly affirmed before me on this day of August, 2024 at Dehradun at about 7:00 AM/PM by the deponent who has been identified by the aforesaid person. I have satisfied myself by examining the deponent who understood the contents of this affidavit. The person has signed in my presence on the affidavit.



S No. 4248/24
This affidavit is sworn before me by
NOTARY/OATH COMMISSIONER
Shri. Kalikaashon Narsen
who is identified by Shri. Dharmendra Singh
at Dehradun on 13/8/24

(Rajender Singh Negi)
Advocate & Notary, Dehradun

ई0 पत्रावली सं0- 71769

उत्तराखण्ड शासन

वन अनुभाग-03

संख्या: 1274/X-3-24/4(07)2023

देहरादून: दिनांक: 31 जुलाई, 2024

कारण बताओ नोटिस

श्री चन्द्र शेखर जोशी,
प्रभागीय वनाधिकारी,
जनपद-नैनीताल।

मा0 राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित मूल प्रार्थना पत्र संख्या-518/2022 विवेक वर्मा बनाम राज्य व अन्य में अधिवक्ता, श्रीमती अंजली राजपूत के पत्र दिनांक-09.07.2024 का संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से मा0 हरित न्यायाधिकरण, नई दिल्ली में योजित याचिका संख्या- 518/2022 विवेक वर्मा बनाम राज्य में मा0 न्यायाधिकरण द्वारा प्रकरण में नामित एमाईकश क्यूरी की संस्तुति पर जवाब दाखिल किये जाने का अनुरोध किया गया है।

उल्लेखनीय है कि प्रश्नगत प्रार्थना-पत्र पर दिनांक-19.07.2024 को मा0 न्यायाधिकरण द्वारा सुनवाई करते हुये टिप्पणी की गई कि मा0 न्यायाधिकरण के आदेशों के बाद भी विभागीय अधिकारी न तो मा0 न्यायाधिकरण के समक्ष उपस्थित हुए और न ही अभी तक विभाग द्वारा एमाईकश क्यूरी की संस्तुति पर जवाब दाखिल किया गया। विभागीय उदासीनता के कारण मा0 न्यायाधिकरण द्वारा आगामी तिथि 16.08.2024 को अधोहस्ताक्षरी को व्यक्तिगत रूप से मा0 न्यायाधिकरण के समक्ष उपस्थित होने के निर्देश दिये गये हैं।

2- प्रश्नगत प्रकरण में आपके द्वारा मा0 हरित न्यायाधिकरण के आदेशों के अनुपालन न करने तथा उक्त के संबध में वन विभाग एवं शासन के स्तर पर क्या कार्यवाही की जानी है? के संबध में समय से हॉफ एवं शासन को भी अवगत नहीं कराया गया है।

अतः प्रश्नगत प्रकरण में लापरवाही/उदासीनता के संबध में अपना स्पष्टीकरण प्रमुख वन संरक्षक (हॉफ) उत्तराखंड के माध्यम से इस कारण बताओ नोटिस की प्राप्ति की तिथि से विलंबतम 15 दिवसों के अंतर्गत शासन को उपलब्ध

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कराने का कष्ट करें। यदि आपके द्वारा निर्धारित अवधि में स्पष्टीकरण उपलब्ध नहीं कराया जाता, तो यह समझा जायेगा कि आप उक्त तथ्यों के संबंध में प्रतिउत्तर नहीं देना चाहते हैं एवं तदनुसार प्रकरण में गुणावगुण के आधार पर विचार कर आपके विरुद्ध नियमानुसार यथोचित कार्यवाही प्रारंभ की जायेगी।

Signed by Ramesh Kumar
Sudhanshu
Date: 30-07-2024 17:30:35

(रमेश कुमार सुधांशु)

प्रमुख सचिव।

संख्या:- 1294/X-3-24/04(07)/2023, तददिनांकित।

प्रतिलिपि: प्रमुख वन संरक्षक (हॉफ), उत्तराखंड को इस आशय के साथ प्रेषित कि संबंधित अधिकारी को उक्त पत्र की तामीली सुनिश्चित कराते हुये तामीली की सूचना से शासन को अवगत कराने का कष्ट करें।

आज्ञा से,
Signed by Satya Prakash
Singh
Date: 31-07-2024 16:40:37
(सत्यप्रकाश सिंह)
उपसचिव।