

Affidavit in Reply about Suo Moto Order of Hon'ble NGT dated 01st November 2023.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, AT – PUNE.

Suo Moto Original Application No. 186/2023WZ.

Mr. Amit Gurucharan Singh & Others.

Applicants.

VERSUS

State of Maharashtra & Others.

Respondents.

Affidavit in Reply about Suo Moto Original Application.

I, Sunil Marale, Director, (Development Permission & Planning) and the Member of Tree Authority Committee of the PMRDA, Respondent No.2 hereby file the Affidavit in pursuance of the Order passed by this Hon'ble Tribunal dated 1st November 2023, directing the Concerned Authorities to disclose Tree Felling is being undertaken after due permission & compensatory plantation is being done by the Concerned Agencies to ensure compliance of the Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975. (Hereinafter referred to as the said Act of 1975.)

The Govt of Maharashtra, vide Notification No.TPS/1204/13/CR87/15/UD-13 dated 31/03/2015 issued in exercise of the powers confirmed by section 42A, 42E & 42F of the Maharashtra Regional & Town Planning Act, 1966, declared the Pune Metropolitan Area as a "Pune Metropolitan Development Area" under Section 42A of the Maharashtra Regional and Town Planning Act, and under section 42C thereof also constituted the Pune metropolitan Region Development Authority as "Pune metropolitan Region Development Authority".

The Govt of Maharashtra vide Govt Notification Urban Development Department No. TPS-1817/CR-173/17/UD-13 Declare the said Metropolitan Area as "Notified Area under section (1) of section 40 of the MRTTP Act appoint a "Special Planning Authority" for such notified area.

The following steps are taken by the PMRDA to ensure the protection & preservation of trees by proper implementation of the said Act of 1976:

1) The PMRDA has constituted the Tree Authority Committee as required under Section-3 of the Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975 which is in force since 20-02-2023. The copy of the Office Order of the Tree Authority Committee formation in Marathi along with the True Translation thereof into English duly countersigned by the Authorized Signatory is enclosed for ready reference & marked as an Annexure-R-1.

2) I say and submit that around 5 Meetings of the Tree Authority Committee have been conducted during the last financial year till May 2024. The decisions are taken for the protection & preservation of trees about the applications received for tree-cutting by imposing necessary conditions for transplantation, and compensatory plantation before granting development permissions in the Tree Authority Committee headed by the Metropolitan Commissioner of the PMRDA. I crave leave to refer to & rely up on the Minutes of Various Meetings of the Tree Authority Committee as & when necessary.

3) The Tree Authority Committee has laid down the Standard Operating Procedure (SOP) as per the regulations in the Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975 after taking into consideration the Rules & Regulations followed up by the PMC & PCMC. The Final SOP in Marathi along with the True Translation thereof into English duly Countersigned by the Authorized Signatory is enclosed herewith & marked as an Annexure-R-2.

4) The Tree Authority is levying a certain amount as a security deposit as per section 11 of the Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975 while granting Provisional NOC & Tree-Cutting NOC. If the compliances for Compensatory Plantation are not done, the security deposit can be forfeited as per section 13 of the said Act of 1975. The SOP specifically provides for such a provision.



5) It is submitted that no defaulters or complaints have been so far registered till date in respect to the proposals received by the PMRDA Tree Authority. The work of the Tree Authority Committee has just been started, and no complete proposals or documentation for compensatory plantation have yet been received.

I have filed this Affidavit with the limited purpose of bringing on record the steps taken by the PMRDA to adopt due procedure for grant of Provisional and Final NOCs for Tree Cutting, Transplantation & Compensatory Tree Plantation for the Preservation & Protection of Trees & Green Coverage. I crave leave to file an additional affidavit as and when necessary.

Dated this 16th July 2024 at PCMC.

For PMRDA,

(Sunil Marale)

Director, (Development Permission & Planning)

And the Member of Tree Authority Committee.

VERIFICATION

I, Sunil Marale, Director, (Development Permission & Planning) and the Member of Tree Authority Committee, do hereby state that the contents of paragraphs 1 to 5 are true & correct to the best of my knowledge & belief as well as information and record made available to me. All Annexures are True Office Copies for which I have countersigned on the last page of the Office Copies as well as True Translation of Marathi into English wherever required has been done & duly countersigned on the last page of the translation of the document by the concerned officer.

(Sunil Marale)



BEFORE ME

ANIRUDH BALBHIM KAMBLE
ADVOCATE & NOTARY
GOVT. OF INDIA
Akurdi, Pune - 411 035

NOTED AND REGISTERED
AT SERIAL NO. 11412/24
DATE 18/7/2024

ANNEXURE R I



PUNE MUNICIPALITY

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे
नवीन प्रशासकीय इमारत, आकुर्डी रेल्वेस्टेशनजवळ, आकुर्डी
पुणे-४११०४४ दुरध्वनी- ०२०-२७६५२९३४

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AD/ वृक्ष लागवड/वृक्ष प्राधिकरण समिती ०५.१८/प्र.क्र.२२०/शाखा-१ /243

दिनांक:- 20/02/2023

वाचा :- १) महाराष्ट्र शासन, विधि व न्याय विभाग, सन १९७५ चा महाराष्ट्र अधिनियम
क्रमांक ४४ - महाराष्ट्र (नागरी क्षेत्र) झाडांचे संरक्षण व जतन अधिनियम, १९७५

कार्यालयीन आदेश

Tree Authority Committee
Pune

उपरोक्त वाचा क्रमांक १ चा अधिनियम "झाडे तोडण्याचे नियमन करून राज्याच्या नागरी क्षेत्रातील
झाडांचे जतन करणेसाठी अधिक चांगली तरतूद करणेकरिता आणि त्या क्षेत्रात समुचित प्रमाणात नविन झाडे
लावण्याची तरतूद करणेकरिता निर्गमित केला आहे."

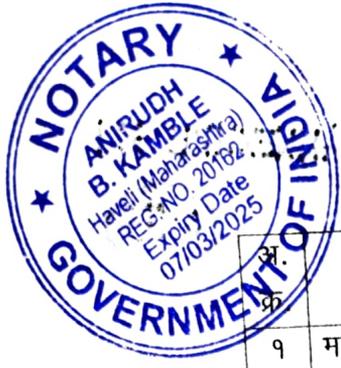
महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ च्या कलम ४० (१) अन्वये घटीत
करणेत आलेल्या विशेष नियोजन प्राधिकरणामध्ये वृक्ष प्राधिकरणाचे अध्यक्ष हे महानगर आयुक्त तथा मुख्य
कार्यकारी अधिकारी हे राहतील. संबंधित प्राधिकरण हे संदर्भाकित अधिनियमाच्या प्रयोजनासाठी एक किंवा
अधिक वृक्ष अधिकारी यांची नेमणूक करील.

प्रत्येक वृक्ष अधिकारी वेळोवेळी निश्चित करील अशा संपूर्ण नागरी क्षेत्रावर किंवा त्याच्या
अधिकारीतेचा वापर करील. प्राधिकरणास वेळोवेळी त्याला आवश्यक वाटेल त्याप्रमाणे, वृक्ष अधिकाऱ्यास
दुय्यम अशा इतर अधिकाऱ्यांची व कर्मचाऱ्यांची नेमणूक करता येईल.

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे कार्यालयाचे कार्यक्षेत्र फार मोठ्या प्रमाणात विस्तारलेले
आहे. प्राधिकरणाच्या क्षेत्रातील शहरीकरण आणि औद्योगिकीकरणाच्या वाढत्या वेगाने प्राधिकरण क्षेत्रात
मोठ्या संख्येने वृक्ष तोडीच्या घटना घडत आहेत. तसेच त्यानुषंगाने प्राधिकरण कार्यालयाकडे विधानसभा
तारांकित/अतारांकित प्रश्न प्राप्त होत आहेत. त्यावर तात्काळ कार्यवाही करणे अपेक्षित आहे.

सबब, प्राधिकरणाच्या कार्यक्षेत्रात वृक्षांच्या संरक्षणासाठी व संरक्षणासाठी अधिक चांगली तरतूद
करणे, त्या ठिकाणी वृक्षतोडीचे नियमन करून त्या भागात पुरेशा प्रमाणात नवीन झाडे लावण्याची तरतूद
करणे व त्यायोगे जोडलेल्या बाबींची पूर्तता करणे आवश्यक आहे. त्यासाठी पुणे महानगर प्रदेश विकास
प्राधिकरण, पुणे कार्यालयाच्या कार्यक्षेत्रातील झाडांचे संरक्षण व जतन करणेसाठी प्राधिकरण कार्यालयासाठी
नवीन प्रशासकीय विभागाचे अधिनस्त वृक्ष प्राधिकरण समिती स्थापन करणेत येत आहे.



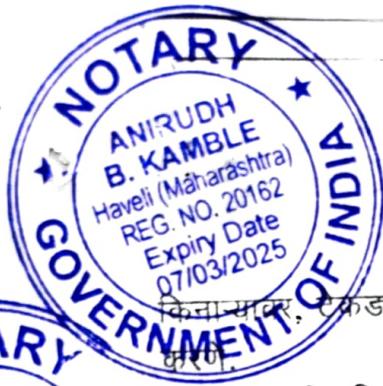


वृक्ष प्राधिकरण समिती

अ. क्र.	अधिकारी पदनाम	वृक्ष प्राधिकरणातील पदनाम
१	महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी	अध्यक्ष
२	महानगर नियोजनकार, विकास परवानगी विभाग	सदस्य
३	नगर रचनाकार	वृक्ष अधिकारी
४	मुख्य अग्निशमन अधिकारी	सदस्य
५	तालुकानिहाय सर्व अधीक्षक अभियंता	सदस्य
६	तालुकानिहाय सर्व सहायक नगर रचनाकार	सदस्य
७	पर्यावरण नियोजक (environment planner)	सदस्य
८	डॉ. विनायक चव्हाण (MSc.Ph.D)	बिनसरकारी सदस्य
९	डॉ. वर्षा विलासराव निंबाळकर Botnical expert (MSc.Ph.D)	बिनसरकारी सदस्य
१०	सहायक नगर रचनाकार (वृक्ष अधिकारी नेमून देतील ते अधिकारी)	सदस्य सचिव

वृक्ष प्राधिकरणाची कर्तव्ये

- प्राधिकरणाच्या अधिकारीतेतील सर्व जमिनीवरील सर्व झाडांचे संरक्षण व जतन करणे.
- प्रत्येक पाच वर्षांतून एकदा आणि त्यानंतर प्रत्येक पाच वर्षांतून एकदा प्राधिकरण अधिकारितेतील सर्व जमिनीवरील विद्यमान झाडांची गणना करणे.
- प्रत्येक भूखंडात जी असतील व लावण्यात येतील अशा झाडांची संख्या व प्रकार विनिर्दिष्ट कर मानके विहित करणे.
- नवीन झाडे लावू इच्छिणाऱ्या किंवा वृक्ष अधिकाऱ्याच्या पूर्वपरवानगीने तोडण्यात किंवा अनैच्छीत उपाटण्यात आलेल्या झाडांऐवजी नवीन झाडे लावू इच्छिणाऱ्या व्यक्तींना बिया, रोपटी व झाडे पुरवठा करण्यासाठी रोपमळ्यांचा विकास व परिक्षण करणे.
- नवीन रस्ते बांधण्यासाठी किंवा अस्तित्वात असलेले रस्ते रुंद करण्यासाठी किंवा जावि मालमत्ता यांना असलेल्या धोक्यापासून संरक्षण करण्यासाठी दुसऱ्या जागी लावणे आद झालेल्या झाडांचे प्रतीरोपण करणे.
- फुले, फळे, भाज्या, झाडे किंवा रोपे यांची प्रदर्शने (वर्षांतून किमान एकदा) आयोजित कर अशी प्रदर्शने आयोजित करण्यासाठी खाजगी व सार्वजनिक संस्थांना सहाय्य करणे आणि वनस्पती यांचे मानवी जीवनात जे महत्वाचे स्थान आहे त्याबद्दल लोकमत तयार करणे.
- झाडे लावणे, त्यांचे संरक्षण व जतन यांचेशी संबंधित कोणत्याही बाबीत ज्याला सल्ला वा सहा असेल अशा कोणत्याही व्यक्तीला सल्ला वा तांत्रिक सहाय्य देणे.
- प्राधिकरणास विहित मानकानुसार त्यास आवश्यक वाटत असतील तितकी झाडे रस्त्याच्या सार्वजनिक उपवनात आणि उद्यानात आणि नदीच्या किंवा तलावाच्या काठावर किंवा



किना याकर, एकड्यांवर, मोकळ्या जागांवर किंवा सार्वजनिक ठिकाणी लावणे व त्यांचे परिरक्षण करणे.

९. अधिनियमाची उद्दिष्ट्ये साध्य करण्यासाठी इतर कोणत्याही योजना किंवा उपाययोजना हाती घेणे.

उपरोक्त वाचा क्रमांक १ मध्ये नमूद केलेप्रमाणे पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे कार्यालयासाठी वृक्ष प्राधिकरण समिती स्थापन करणेत येत आहे. तसेच वृक्ष प्राधिकरणाची कर्तव्ये, झाडे लावण्यावरील निर्बंध आणि झाडे लावण्याचे व त्याचे जतन करण्याचे दायित्व तसेच वित्तव्यवस्था, अर्थसंकल्प आणि लेखे यावरील कामकाज यांवरील कार्यवाही प्राधिकरण कार्यालयास उक्त अधिनियमातील तरतुदीनुसार लागू करणेत येत आहेत.

१. मा. महानगर नियोजनकार, विकास परवानगी विभाग यांनी आपले स्तरावरून विकास परवानगी विभागातील १ नगर रचनाकार यांची वृक्ष अधिकारी म्हणून नेमणूक करणेत यावी
 २. उपरोक्त वृक्ष प्राधिकरण समितीतील वृक्ष अधिकारी यांनी आपले स्तरावरून विकास परवानगी विभागातील १ सहायक नगर रचनाकार यांची सदस्य सचिव म्हणून नेमणूक करणेत यावी.
 ३. तसेच तालुकानिहाय सहायक नगर रचनाकार यांची सदस्य म्हणून नेमणूक करावी.
 ४. मुख्य अभियंता, अभियांत्रिकी विभाग क्रमांक १ व मुख्य अभियंता, अभियांत्रिकी विभाग क्रमांक- २ यांनी त्यांचे स्तरावरून तालुकानिहाय अधीक्षक अभियंता यांचे वृक्ष प्राधिकरण समितीसाठी सदस्य म्हणून नेमणूक करावी.
- उपरोक्त नमूद केलेप्रमाणे संबंधित विभागप्रमुख यांनी अधिकारी यांची नेमणूक करून प्रशासन विभागास कळवावे.
- सदर आदेशाची अंमलबजावणी तात्काळ करणेत यावी.

(मा. महानगर आयुक्त यांचे मान्यतेने)

सह आयुक्त, प्रशासन
पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

प्रति,

१. महानगर नियोजनकार, विकास परवानगी विभाग, पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.
२. मुख्य अभियंता, अभियांत्रिकी विभाग क्रमांक १, पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.

३. मुख्य अभियंता, अभियांत्रिकी विभाग क्रमांक २, पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.
४. सर्व नगररचनाकार, विकास परवानगी विभाग, विकास परवानगी विभाग, पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.
५. मुख्य अग्निशमन अधिकारी, पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.
६. सर्व सहायक नगररचनाकार, विकास परवानगी विभाग, पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.
७. पर्यावरण नियोजक (environment planner) पुमप्रविप्रा, पुणे यांचेकडे माहिती व पुढील कार्यवाहीसाठी.
८. डॉ. विनायक चव्हाण (MSc.Ph.D), बिनसरकारी सदस्य .
९. डॉ. वर्षा विलासराव निंबाळकर Botnical expert (MSc.Ph.D), बिनसरकारी सदस्य.

प्रत : १) सर्व विभागप्रमुख, पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडे माहितीसाठी.

२) मा. महानगर आयुक्त यांचे स्वीय सहाय्यक, पुमप्रविप्रा, पुणे यांचेकडे माहितीसाठी.



Read :- 1) Government of Maharashtra, LAW AND JUDICIARY DEPARTMENT, Maharashtra Act No. XLIV OF 1975 - Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975

ORDER

Act No. 1 stated above "is enacted to make better provision for trees in urban areas in the State by regulating felling of trees and providing for planting of adequate number of new trees in those areas."

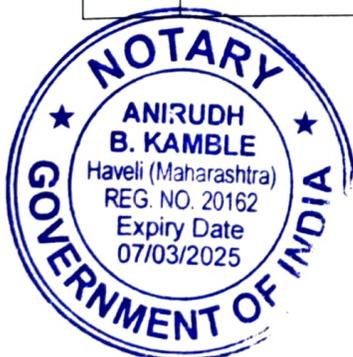
Special Planning Authority constituted under section 40(1)(a) of the Maharashtra Regional and Town Planning Act, 1966. , the Chairman of the Tree Authority shall be the Metropolitan Commissioner and the Chief Executive Officer. The concerned authority appoint one or more of its officers as Tree Officers for the purposes of this Act.

Each Tree Officer shall exercise his jurisdiction over the entire urban area or such area as he may determine from time to time. The Authority may, from time to time, appoint, such other officers and servants subordinate to the Tree Officer, as it considers necessary.

The jurisdiction of the Pune Metropolitan Region Development Authority, Pune office has expanded to a great extent. With the increasing pace of urbanization and industrialization in the authority area, a large number of tree felling incidents are taking place in the authority area. Also accordingly the authority office is receiving letters regarding the Tree Authority from the Assembly. Immediate action is expected over the respective topic.

The reason being, it is necessary to make better provision for the conservation and protection of trees within the jurisdiction of the Authority, to regulate felling of trees and to provide for adequate planting of new trees in the area and to fulfill the matters connected therewith. For this, a Tree Authority Committee under the Development Permission Department is being established for the authority office to protect and preserve the trees within the jurisdiction of the Pune Metropolitan Region Development Authority, Pune office.

Sr. No.	Name of Officer	Designation
1	Metropolitan Commissioner and Chief Executive Officer	Chairman
2	Metropolitan Planner, Development Permission Department	Member
3	Town Planner	Tree Officer
4	Chief Fire Officer	Member
5	All Superintending Engineers Taluka wise	Member
6	All Assistant Town Planners Taluka wise	Member
7	Environmental Experts/Planner	Member
8	Dr. Vinayak Chavan (MSc.Ph.D)	Non-Government Member
9	Dr. Varsha Vilasrao Nimbalkar Botanical expert (MSc.Ph.D)	Non-Government Member
10	Assistant Town Planner (Any Officer to be appointed by Tree Officer)	Member Secretary



Duties of Tree Authority -

Notwithstanding anything contained in the relevant Act or in any other law for the time being in force, and subject to any special or general directions given by the State Government, the Tree Authority shall be responsible for-

- (a) [Protection and preservation] of all trees in all lands within its jurisdiction;
- (b) [Carrying out a census of the existing trees in all lands within its jurisdiction. [Once before December 1996 and thereafter once in every five years];
- (c) Prescribing standards specifying the number and types of trees which each plot of land shall have and which shall be planted therein;
- (d) development and maintenance of nurseries for the supply of seeds, saplings and trees to persons who desire to plant new trees or to replace trees which have been felled with the previous permission of the Tree Officer [or involuntarily uprooted];
- (e) Transplanting of trees necessitated by construction of new roads or widening or existing roads or for safeguarding danger to life or property;
- (f) [organization of flower, fruit, vegetable, tree or plant shows [at least once a year] and assisting private and public institutions in organizing such shows, and creation of consciousness of importance of trees and vegetation to the human welfare:
- (g) Grant of advice and technical assistance to any person seeking such advice or assistance in any matter connected with "[planting, protection and preservation] of trees;
- (h) Planting and maintaining such number of trees as it considers necessary. According to the prescribed standards, "[along the roads in public parks and gardens and on banks of rivers] or takes or "[sea shores, on hills, open spaces or public places];
- (i) Undertaking any other schemes or measures for achieving the objects of this Act.

As mentioned in the above ref., a Tree Authority Committee is being constituted for the Pune Metropolitan Region Development Authority, Pune office. Also the duties of Tree Authority, restrictions on felling of trees and obligation to plant and preserve trees as well as operations on finance, budget and accounts are being applied to the authority office as per the provisions of the said Act.

1. Hon. Metropolitan Planner, Development Permission Department should appoint 1 Town Planner from Development Permission Department as Tree Officer.
2. The Tree officer on his level in the above tree authority committee should appoint 1 Assistant Town Planner in Permission Department as Member Secretary.
3. Also Taluka wise assistant Town Planners should be appointed as a member.
4. Chief Engineer, Engineering Division No. 1 and Chief Engineer, Engineering Division No. 2 should nominate Taluka wise Superintending Engineers from their level as members for Tree Authority Committee.

As mentioned above, the concerned head of the department should appoint the officer and report to the administration department.

The said order should be implemented immediately.

(With approval of Hon'ble Metropolitan Commissioner)



-sd-

Joint Commissioner, Administration
Pune Metropolitan Region Development
Authority, Pune



To,

1. For information and further action to the Metropolitan Planner, Development Permission Department, PMRDA, Pune.
2. Chief Engineer, Engineering Department No.1, PMRDA, Pune for information and further action.
3. Chief Engineer, Engineering Department No. 2, PMRDA, Pune for information and further action.
4. All Town Planners, Development Permission Department, Development Permission Department, PMRDA, Pune for information and further action.
5. Chief Fire Officer, PMRDA, Pune for information and further action.
6. All Assistant Town Planners, Development Permission Department, PMRDA, Pune for information and further action.
7. For information and further action to Environment Expert/Planner, PMRDA, Pune.
8. Dr. Vinayak Chavan (MSc. Ph.D), Environment Expert Non-Government Member.
9. Dr. Varsha Vilasrao Nimbalkar Botanical expert (MSc. Ph.D, Non-Government Member.

Copy :

- 1) For information to all Heads of Departments, Pune Metropolitan Region Development Authority, Pune.
- 2) Hon. For information to Personal Assistant to Municipal Commissioner, PMRDA, Pune.

True Translation Copy.

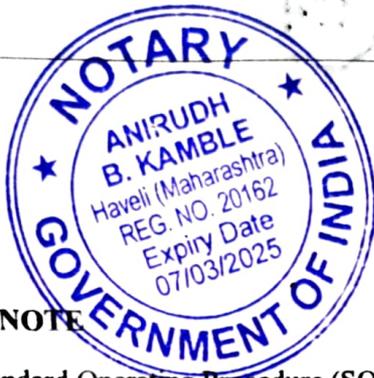
K. Desai
Joint Metropolitan Planner
(Pune Metropolitan Region Development
Authority Pune)

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OFFICIAL NOTE

Subject: Standard Operating Procedure (SOP) for the Functioning of the Tree Authority in Pune Metropolitan Region Development Authority PMRDA under the Maharashtra (Urban Areas) Trees Protection and Preservation Act, 1975.

Reference:

- 1) Maharashtra (Urban areas) Protection and Preservation of Trees Act, 1975.
- 2) The Maharashtra Felling of Trees (Regulation) Act, 1964.
- 3) PMRDA Office Order regarding formation of Tree Authority Committee dated 20.02.2023

In 2018, the Government had notified the planning area under **Pune Metropolitan Region Development Authority (PMRDA) as a Special Planning Authority** (referred to as The Said Authority) under the section 40 (1a) of Maharashtra Regional and Town Planning Act, 1966 vide Maharashtra Government Resolution No. TPS-1817/CR-173/17/ UD-13, Dated 18/01/2018 and conferred rights to PMRDA to act as a Special Planning Authority under that provision.

The **Pune Metropolitan Region Development Authority (PMRDA)** region covers an area of 6,914.26 sq.km. It consists of parts of talukas namely Haveli, Maval, Mulshi, Khed, Shirur, Daund, Purandar, Bhor and Velhe and having around 822 villages under its jurisdiction.

With the growing pace of urbanization and industrialization there has been indiscriminate felling of large number of trees in the urban area of state of Maharashtra. **Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975** was enacted on 16th September 1975 to make better provisions for trees in urban areas in the state by regulating felling of trees and providing for planting of adequate number of new trees in those areas which extends to whole of Maharashtra.

Under **section 3** of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (Hereinafter refer to as 'The Said Act') the said authority, **Pune Metropolitan Region Development Authority (PMRDA) can constitute a Tree Authority** for giving permissions for tree cutting and for protection and preservation of trees in jurisdiction of its area.

01. According to the office order dated 20/02/2023 under **Pune Metropolitan Region Development Authority (PMRDA) has constituted a Tree Authority** in accordance with the provisions of the said act i.e. **the Tree Authority Committee has been established under the Environmental cell of the Building Permission Department** for protection and preservation of trees and for granting permissions expeditiously within the Jurisdiction of the Special Planning Authority.



02. As per section 3 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 act, the Tree Authority Committee of PMRDA comprises of the following members:-

Sl. No.	Designation of Officer	Designation of Tree Authority
1.	Metropolitan Commissioner and Chief Executive Officer	Chairman / Head of Tree Authority
2.	Metropolitan Planner Development Permission Department	Member
3.	Town Planner	Tree officer
4.	Chief Fire officer	Member
5.	Taluka wise superintendent Engineer	Member
6.	Taluka wise Assistant Town Planner	Member
7.	Environmental Expert & Planner	Member
8.	Dr. Vinayak Chavan (MSc Ph.D)	Non-Govt. Member
9.	Dr. Varsha Vilasrao Nimbalkar (Botanical Expert MSc Ph.D)	Non-Govt. Member
10.	Assistant Town Planner (Appointed by tree officer)	Member Secretary



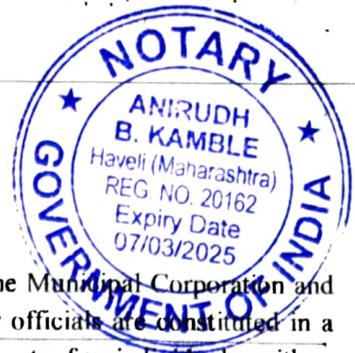
03. The Duties of Tree Authority according to the Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975 is given below:-

CHAPTER IV

DUTIES OF TREE AUTHORITIES

Duties of Tree Authority

7. Notwithstanding anything contained in the relevant Act or in any other law for the time being in force, and subject to any special or general directions given by the State Government, the Tree Authority shall be responsible for—
- (a) [protection and preservation] of all trees in all lands within its jurisdiction;
 - (b) [carrying out a census of the existing trees in all lands within its jurisdiction, [once before December 1996 and thereafter once in every five years].
 - (c) prescribing standards specifying the number and types of trees which each plot of land shall have and which shall be planted therein;
 - (d) development and maintenance of nurseries for the supply of seeds, saplings and trees to persons who desire to plant new trees or to replace trees which have been felled with the previous permission of the Tree Officer [or involuntarily uprooted].
 - (e) transplanting of trees necessitated by construction of new roads or widening of existing roads or for safeguarding danger to life or property;
 - (f) organisation of flower, fruit, vegetable, tree or plant shows [at least once a year] and assisting private and public institutions in organising such shows, and creation of consciousness of importance of trees and vegetation to the human welfare].
 - (g) grant of advice and technical assistance to any person seeking such advice or assistance in any matter connected with [planting, protection and preservation] of trees,
 - (h) planting and maintaining such number of trees as it considers necessary, according to the prescribed standards, [along the roads,] in public parks and gardens and on banks of rivers or lakes or [sea shores, on hills, open spaces or public places].
 - (i) undertaking any other schemes or measures for achieving the objects of this Act



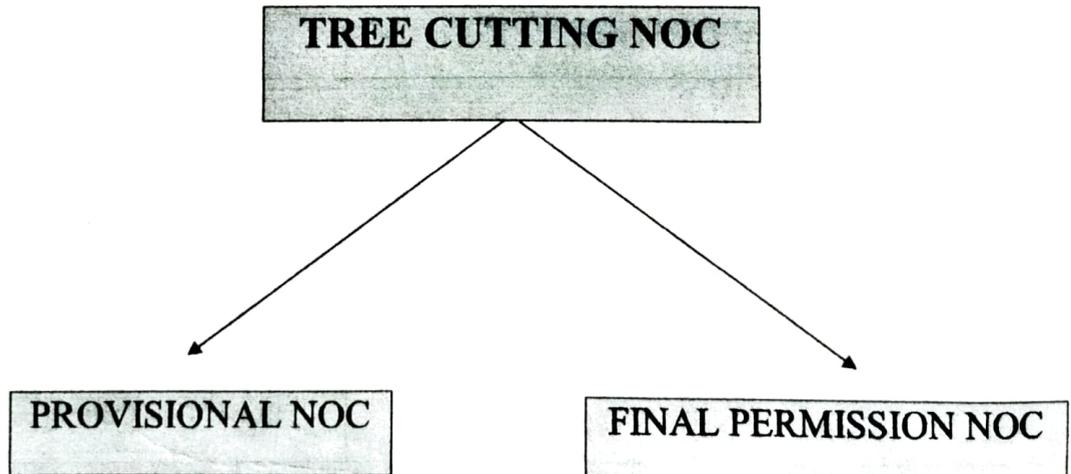
04. Designated posts for working of Tree Authority:-

As per discussion held and data collected from the Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation, the Tree Authority officials are constituted in a separate Garden department where they have designated posts for individuals with a background in BSc/ MSc/Diploma in Agriculture on the Tree Authority Committee to ensure accurate tree information like common name, scientific name, species, age, height & girth of the tree as per the Maharashtra (Urban areas) Protection and Preservation of Trees Act, 1975. The named designated posts are Horticulture Mistri, Horticulture supervisor, Tree inspector, Assistant & Chief Garden Superintendent, Committee experts in Botany or Environment and the Tree Officer.

A Tree Officer has to be appointed in exercise of the powers conferred by section 5 (1). PMRDA can appoint one or more officers as its tree officers as per work distribution in the various talukas.

The Maharashtra (Urban areas) Protection and Preservation of Trees Act 1975, places significant importance on understanding the botanical aspects of trees and conducting on-site visits to assess their health, maintenance and preservation requirements. As custodians of our natural environment, it is vital that our Tree Committee of Pune Metropolitan Region Development Authority, comprises members who possess the appropriate knowledge and expertise to effectively fulfil their responsibilities which would help us navigate complex legal frameworks and ensure compliance with environmental regulations.

05. Tree – Cutting permissions:-

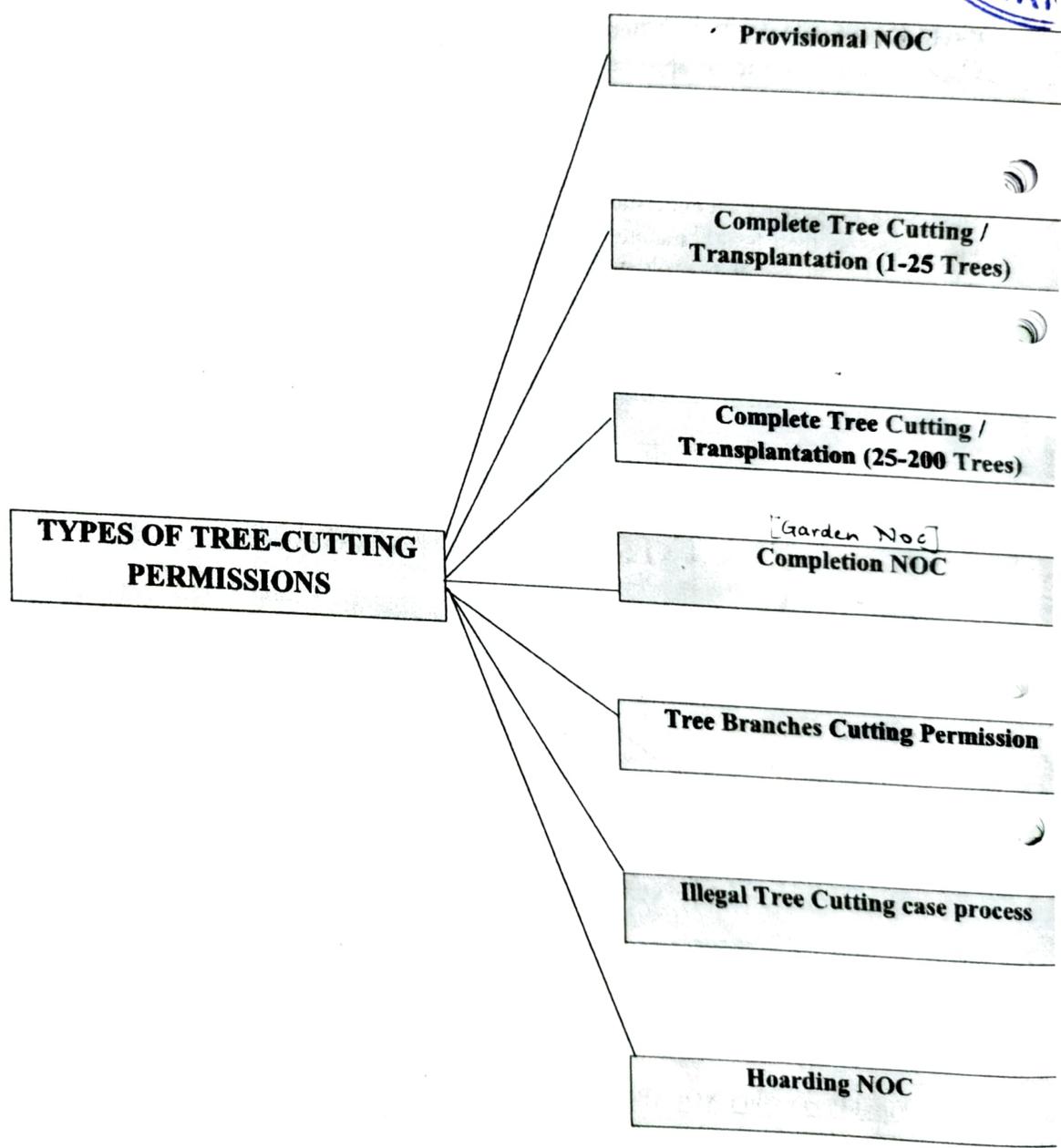


- I. **Provisional NOC** (Taken before Building Permission is sanctioned to get actual count of trees on site).
- II. **Final Permission NOC** (Permission for complete tree-cutting /Transplantation is given on the basis of sanctioned Building Commencement Certificate).



❖ Types of permissions for Tree-Cutting:

- (a) Provisional NOC
- (b) Complete Tree Cutting / Transplantation (1-25 Trees)
- (c) Complete Tree Cutting / Transplantation (25-200 Trees)
- (d) Completion NOC
- (e) Tree Branches Cutting Permission
- (f) Illegal Tree Cutting case process
- (g) Hoarding NOC



TYPES OF TREE-CUTTING PERMISSIONS

Provisional NOC

Complete Tree Cutting / Transplantation (1-25 Trees)

Complete Tree Cutting / Transplantation (25-200 Trees)

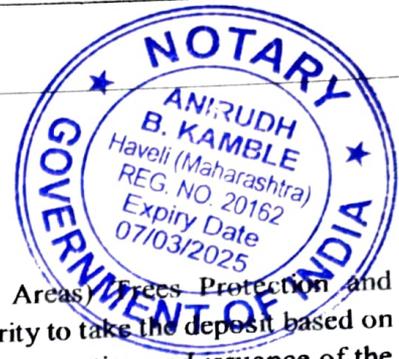
[Garden Noc] Completion NOC

Tree Branches Cutting Permission

Illegal Tree Cutting case process

Hoarding NOC

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06. Deposit and Scrutiny Fees for Tree – Cutting:-

As per section no. 11 in the Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975, there is a provision for the Tree Authority to take the deposit based on the total number of trees felled prior to the initiation of new construction and issuance of the tree cutting permission NOC. A deposit challan of Rs.10,000 /- per tree should be levied and entire amount will be 100% refundable only after the survival of compensatory plantation which would be further verified with the submission of site-visit report and thorough inspection by the Tree Inspector/ Horticulture Mistri/ Environmental Expert of PMRDA.

Scrutiny fees of Rs. _____/- should be charged to the concerned applicant per tree – cutting proposal depending on the area being lesser then or more than 20,000 sq.m BUA.

Responsibility for preservation of trees (and power to take deposit for proper compliance):

11. [(1)] Where an order is made * * * under sections 8, 9 or 10 subject to the provisions of section 12, it shall be the duty of the owner or occupier of the land who is directed to plant a tree to see that the tree grows properly [and is well preserved and shall give a report to the Tree Officer once in six months about the conditions of such tree or trees for a period of three years]. It shall also be the duty of such owner or occupier to preserve all other trees existing on the land on the date of coming into force of this Act in the urban area in which the land is situated.

[(2)] Where an order is made under sections 8, 9 or 10, the Tree Officer may require the owner or, as the case may be, the occupier, of the land to deposit with him such sum as he may specify in this behalf, as security for ensuring proper compliance with the order made [under sections 8, 9 or 10]. The sum to be deposited shall not exceed such amount as may be prescribed.]

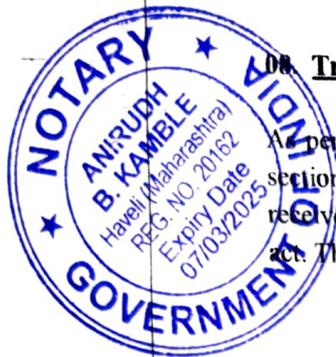
07. Forfeiture of Deposit:-

As per Section no. 13 in the Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975, if the concerned applicant does not follow the tree conservation procedure and rules (failure of compliance), the said deposited amount will be confiscated (forfeiture of deposit). This deposit amount will further be added to the tree authority fund for tree plantation, conservation and preservation purposes as per the above act. Similarly, due to non – compliance, necessary legal action should be taken against the concerned applicant by tree authority of PMRDA as per the above act.

Forfeiture of deposit and recovery of expenditure on failure to comply with orders for planting trees:

13. Where the owner or occupier of any land fails to comply with any order made [under sections 8, 9 or 10, the Tree Authority or the Tree Officers, as the case may be, may.] after giving a reasonable opportunity to such owner or occupier of being heard [forfeit the deposit, in full or in part to the Tree Authority] and without prejudice to any other action which may be taken against the defaulter under this Act, take the necessary action * * * and recover the expenditure incurred therefor from the owner or the occupier, as the case may be. [For the purpose of recovery of the amount of such expenditure, the Tree Authority [or the Tree Officer] shall have the same powers as are available to the urban local authority for the purpose of recovery of arrears of a property tax or where such tax is not levied, for the purpose of recovery of arrears of betterment charges or other dues levied by the urban local authority under the relevant Act.]





08. Tree Authority Fund:-

As per section 15 of the act, it is mandatory to create a separate head under the accounts section of PMRDA for the Tree Authority Fund. The money for the Tree Authority Fund is received via taxes, levy of a cess, donations or any other money received under the said act. The given are a few major purposes:

1. **Deposit Challan of Rs.10,000/- per tree to be levied for Tree cutting which is entirely refundable after 3 years, only after meeting the criteria and conditions required for tree survival after proper verification from Tree Authority Committee. If not, the entire deposit levied is forfeited and added to the fund for administrative purposes.**
2. **Fund for administrative purposes – Around 1% of house property tax levied from citizens under PMRDA region, goes directly to the Tree Authority Fund for purposes mentioned in the point 3 of the note i.e. Tree census, organization of plantation and tree shows, protection and preservation, transplantation and maintenance of trees in public parks, gardens and banks of lakes and rivers, etc.**

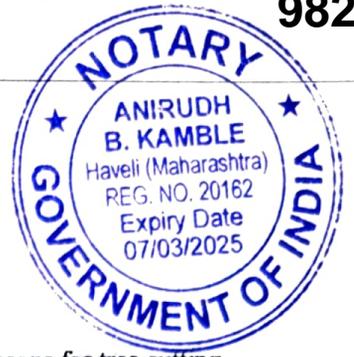


15. Notwithstanding anything contained in the relevant law or any other law for the time being in force, the urban local authority shall create a separate fund to be called the Tree Authority Fund, to which shall be credited all moneys received by the Tree Authority including

- [(a) a contribution by the urban local authority from its income from such taxes as may be prescribed or when such taxes are not levied by the Authority, from its income from the betterment charges, if any, levied by it under the relevant Act or from the income derived by it from the sale of plots made by it under the relevant Act. The rates of the contribution shall be such as may be specified by the State Government, from time to time, by a general or special order.]
- (b) all moneys raised by levy of a cess under Chapter VII;
- (c) any grants made by the State Government to the Tree Authority;
- (d) any moneys received by the Tree Authority as donations from any individuals, or corporate bodies or institutions;
- [(e) any other money received under the Act .

Provided that, if the total receipts of the Tree Authority from all the sources specified above are less than one half per cent. of the total receipts of the urban local authority, then, the urban local authority shall credit the deficit to the Tree Authority Fund at the end of each financial year.]

Fund of Tree Authority



09. Documents required for Tree-Cutting procedure:-

I. Provisional NOC

- Application with address and relevant reasons for tree cutting.
- Land Ownership Documents.
- Location Map of the proposed site with google co-ordinates duly signed by the developer and Architect.
- Location and total number of trees on the site plan duly signed by the external Environmental consultant / expert.
- Detailed site-visit/tree survey report prepared and signed by the Tree Inspector / Horticulture Mistri Environmental Expert of Pune Metropolitan Region Development Authority, Pune.
 - i. Total number of trees present on site.
 - ii. Trees proposed for complete cutting (red colour), transplanting (blue colour) and retaining (green colour).
 - iii. Common and scientific name of the tree species.
 - iv. Photos of the trees with numbering order.
 - v. Age of the tree.
 - vi. Height of the tree.
 - vii. Girth of the stem of the tree.
 - viii. Type – native / exotic species

(Note: All the above listed details to be submitted in the form of Power point presentation by the client).

Proposed X Undertaking for felling of trees based on the site plan and survival of ~~Compensatory~~ Plantation as per section 8 of the tree act.

- Undertaking for submission of deposit fees per tree and challan receipt for tree - cutting.
- Undertaking for geo-tagging of the trees.

II. Final Permission NOC

- Application with address and relevant reasons for tree-cutting.
- Land Ownership Documents.
- Location Map with google co-ordinates of the proposed site/project duly signed by the developer and Architect.
- Location and total number of trees on the site plan duly signed by the external Environmental consultant / expert.
- Building Commencement Certificate, Sanctioned building plan, Master layout and Landscape plan.
- Previous tree permissions if any.

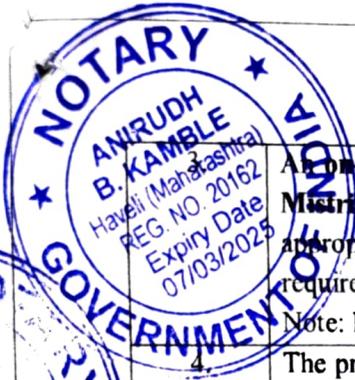




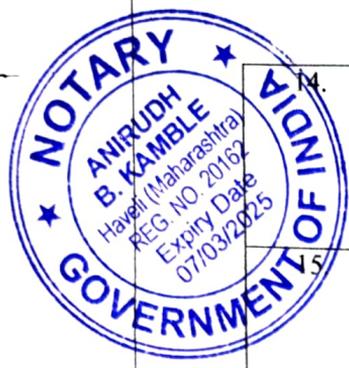
- List and number of trees cut before application.
- Environmental Clearance permission (Projects having BUA \geq 20,000 sq.m)
- Detailed site-visit/tree survey report prepared and signed by the Tree Inspector / Horticulture Mistri / Environmental Expert of Pune Metropolitan Region Development Authority, Pune.
 - i. Total number of trees present on site.
 - ii. Trees proposed for complete cutting (red colour), transplanting (blue colour) and retaining (green colour).
 - iii. Common and scientific name of the tree species.
 - iv. Photos of the trees with numbering order.
 - v. Age of the tree.
 - vi. Height of the tree.
 - vii. Girth of the stem of the tree.
 - viii. Type – Native / exotic species.
 - ix. Total number of trees required for compensatory plantation as per the age rule.
 - x. Location and proposal evidence of compensatory plantation suggested. (Note: All the above listed details to be submitted in the form of Power point presentation by the client).
- Undertaking for felling of trees based on the sanctioned site plan and survival of Compensatory Plantation.
- Copy of Undertaking for submission of deposit fees per tree and challan receipt for tree - cutting.
- Copy of Undertaking for geo-tagging of the trees.

10. Standard operating procedure for felling of trees set under the standards of Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975:-

Sr. No.	Process Details
1.	As per sub-section 2 of section 8 , an application with relevant reasons for Tree-cutting in the prescribed format with all the required documents . Applications should be verified and the entries should be logged in worksheet/excel sheet.
2.	Planning of Site-visit by the Horticulture Mistri/ Tree Inspector/ Environmental Expert only if the application fulfils the requirements.



	<p>4. Site visit & Tree-survey report to be submitted by the Horticulture Ministry/ Tree Inspector, authorized by the Environmental Expert with appropriate remarks on current conditions of the trees and if they meeting the requirements of the tree-cutting proposal. (Attach a google image too). Note: Numbering should be done on trees with paint prior to the visit.</p>
	<p>The proposal and site-visit report is further verified and checked thoroughly by the Taluka wise ATP (member secretary) and further sent to the Tree officer for authorization.</p>
5.	<p>A detailed check of the Tree-cutting proposal and signature to be taken of the Tree officer for the concerned taluka.</p>
6.	<p>Paper Notice to be published of the Tree-cutting proposal in Local Marathi Newspaper as per The Maharashtra (Urban Areas) Protection And Preservation Of Trees Act, 1975 regulations and eventually the same notice is to be affixed on a conspicuous part of the tree that is to be felled.</p>
7.	<p>An online docket should be prepared and uploaded on the site regarding all the important details of the tree-cutting proposal. (Applicant name and address, location of the site, number of trees to be cut/transplanted and number of trees required for compensatory plantation)</p>
8.	<p>A period of 8-10 working days is given for suggestions or objections from local people on the paper notice.</p>
9.	<p>Meeting to be held by the Tree Authority of PMRDA for detailed scrutiny of the proposal and discussion for objections raised/received by the public. A Detailed Presentation of the Tree-cutting proposals needs to be put by the applicant.</p>
10.	<p>The report and documents should be checked and discussed thoroughly by Environmental or Botanical experts during the meeting and a final decision is to be taken by the Tree officer.</p>
11.	<p>If the proposal is NOT Approved by Tree Authority of PMRDA – Revised presentation/documents need to be submitted by the applicant to the Tree Officer (Including suggestions/ objections/ changes discussed in the previous meeting) – second presentation meeting to be held by Tree Authority of PMRDA.</p>
12.	<p>If the proposal is Approved by Tree Authority of PMRDA – MOM will be authorized and Tree Cutting NOC will be granted by the Tree Authority of PMRDA; provided the conditions stated by the Tree Authority are followed and Charged deposit amount for compensatory plantation is levied.</p>
13.	<p>No tree is to be felled until 15 days elapse after the permission is given.</p>



M.	Permission for branches cutting or immediate tree-cutting/removal due to potential harm caused as mentioned in Section no. 10 of the Tree act, can be directly given by the Tree officer after a report submission from the Horticulture Mistri/ Tree Inspector/Environmental Expert of PMRDA.
5	A detailed application and report of compensatory new plantation and tree survival of all trees present on site should be submitted to the Tree Authority of PMRDA every 6 months up to 3 years to aid in the process of deposit refund.

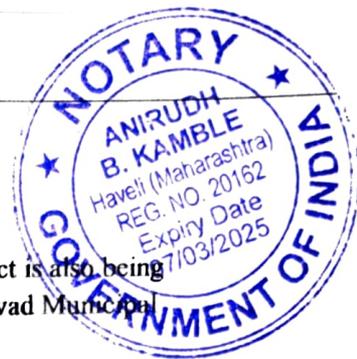
11. Fine and punishment for Illegal Tree-cutting:-

As per section 21 of the Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975, whoever fells any tree or causes any tree to be felled illegally or without obtaining prior permissions will be charged with a fine of amount Rs. _____/- per tree and will further be taken legal action against in the court of law.

21. [(1)] Whoever fells any tree or causes any tree to be felled in contravention of the provisions [of the Act] or without reasonable excuse fails to comply with any order issued or condition imposed [by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority or the Tree Officer or any officers and servants subordinate to him in the discharge of their functions under this Act. shall, on conviction, be punished with the fine of not less than one thousand rupees which may extend upto five thousand rupees for every offence and also with imprisonment for a term of not less than one week, which may extend upto one year : [Offence and penalty]

Provided that, nothing in this section shall apply to the felling of trees on or along the public roads undertaken by the Public Works Department of the State or Central Government.]

[(2) The felling or causing of felling of each tree without the permission of the Tree Authority shall constitute a separate offence.]



❖ **Important points and sections to be noted :-**

- i. The above given procedure for tree-cutting in accordance to the act is also being followed by the Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation.
- ii. By the process of geo-tagging (additional geographical identification meta-data to various media such as geo-tag photograph or media) the latitude and longitude of every tree in an urban agglomeration can be verified, documented and preserved which is important to maintain a record of existing and newly planted trees in the PMRDA region.
- iii. The Tree Authority is vested with the discretion to give permission with or without conditions or to refuse permission within a period of 60 days from the date of receipt of the given application or else the application is deemed to have been granted.
- iv. In exercise of powers conferred by clause (1a) of section 2 of the Maharashtra (Urban Areas) Trees Protection and Preservation Act 1975, the Government has notified that- A tree shall be of any species and of estimated age of 50 years or more is to be categorized as a "heritage tree".
- v. Proposal for tree-cutting constituting of more than 200 trees and estimated age being 50 years or more is to be directly forwarded to the State Department.
- vi. Sub-section 1 under section 4 stipulates that the Tree Authority shall meet at least once every month at such place and time as the Chairman may decide but, forty-five days shall not intervene between its two consecutive meetings.
- vii. Section 7(b) stipulates that one of the duties of the Tree Authority is to carry out a census of the existing trees in all the lands situated within its jurisdiction every 5 years.
- viii. Section 9 empowers the Tree Officer to require the owner/ occupier of the land concerned to plant adequate number of trees, as prescribed under Section 7(c) of the Act.
- ix. Similarly, under Section 10 the Tree Officer has authority of planting a tree in place of a tree which has fallen or has been destroyed.
- x. Section 11 stipulates that where any order is made under Sections 8, 9 or 10, it shall be the duty of the owner or the occupier of the land who is directed to plant a tree, to see that the tree grows properly and is well preserved and shall give a report to the Tree Officer once in six months about the conditions of such tree or trees for a period of three years.
- xi. Section 12 allows the Tree Officer to permit an individual, body corporate or an institution to adopt any tree for a specified period.
- xii. Section 19 of the Act which is a non-obstante provision, makes it clear that permission for the development of land shall not be given except with the approval of and subject to the conditions imposed by the Tree Officer or the Garden Superintendent in regard to the preservation or plantation of trees on such lands. The provision also stipulates that no completion certificate in respect of a building shall be issued unless the authority competent to issue such a certificate is satisfied that the conditions subject to which permission for development was given have been complied with. In view of these mandatory provisions, the Building or Development

Permission Department of the PMRDA must not issue either a completion or occupation certificate in respect of any building constructed in pursuance of permission for development without the previous approval and sanction of the Tree Officer.

Note: Attached the formats for applications, undertaking forms, site visit report and other related documents.

सुद्धा अ. 4 चे इमारतीचा बांधणी प्रकल्प अ. 6 व 11
सहानि (Scrutiny fees & fine) विषयी नोंद घ्या
महानगरपालिका मुख्यालय, निसर्गवन नगरपालिका शाखा
(Rahul Danane)
Member Secretary and Asst. Town Planner
Tree Authority PMRDA

Shivani
6/7/2023
(Shivani Mohite)
Environmental Expert
Member of Tree Authority PMRDA

(Sonali Aher)
Tree Officer and Town Planner
Tree Authority PMRDA

(Dr. Vinayak Chavan)
Member of Tree Authority PMRDA

(Varsha Nimbalkar)
Member of Tree Authority PMRDA

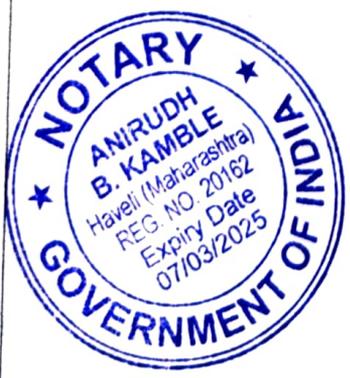
(Vijay Kandgave)
Superintendent Engineer
Member of Tree Authority PMRDA
यंत्रणा संचालित मान्यतेस कारख.

(Devendra Potphode)
Chief Fire Officer
Member of Tree Authority PMRDA

(Sanjay Barai)
Asst. Director of Town Planning
and Jt. Metropolitan Planner

(Sunil Marale)
Metropolitan Planner
Member of Tree Authority PMRDA

(Rahul Mahiwal)
Metropolitan Commissioner
Head of Tree Authority PMRDA



(Scherwan)
Joint Metropolitan Planner
(Pune Metropolitan Region Development
Authority Pune)

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