

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Original Application No.132 of 2024(WZ)

News item titled "Pune :Forest Department Imposes....  
.....

... Applicant

VERSUS

Principal Chief Conservator of Forests & Ors.

... Respondents

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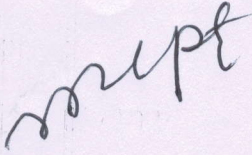
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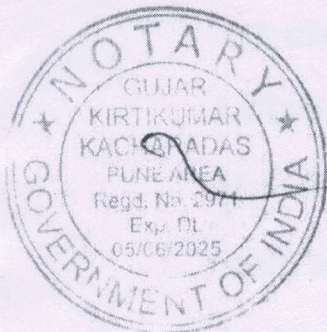
Date:-27/11/2024

D.M.Gupte

9422317884 [email-advgupte@gmail.com](mailto:email-advgupte@gmail.com)

  
Advocate for the Respondent No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**



**ORIGINAL APPLICATION NO. 556 OF 2024**

National Green Tribunal (Suo motu)

- Applicant

VERSUS

Principal Chief Conservator of Forests  
(H.O.F.F) M.S. Nagpur and Others

- Respondents

**Affidavit in Reply on behalf of Respondent Nos. 1 and 2.**


It is submitted that this matter was earlier taken by the Principal Bench of this Hon'ble Tribunal bearing OA No. 556 of 2024 on the basis of News item Titled "Pune Forest Department imposes Rs. 8 Lakh fine on Developer for unauthorized felling of 800 Trees in Mulshi" appearing in Pune Pulse dated 13/04/2024. Later on this Original Application has been transferred by the Principal Bench to Western Zone Bench, Pune which is being considered by this Hon'ble Bench for the first time on 24/09/2024.

2. It is submitted that on the above date of hearing Learned Counsel Mr. D.M.Gupte appeared from the side of Respondent No. 1 i.e. Principal Chief

Conservator of Forest (Head of Forest Force) Maharashtra and seeks four weeks time to file the reply-affidavit, which was allowed by this Hon'ble Tribunal. It is submitted that, in Para 4 of the said order dated 24/09/2024, it is mentioned that "it is the only Respondent No. 1 PCCF (HoFF) who has to file reply-affidavit on the basis of which we must take cognizance because the name of developer may be disclosed by Respondent No. 1 in the case of trees are cut by him without permission and in the light of law as to whether Compensatory Afforestation is required to be ordered in that regard.

3. On the basis of aforementioned directions this deponent is filing this Affidavit on behalf of Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State, Nagpur. I state and submit that I crave leave of this Hon'ble Tribunal to further add or amend the affidavit and / or file additional affidavit, if necessary. I say that, I have been authorized to file this affidavit in reply on behalf of the Respondent No. 1.

4. It is submitted that on 07/03/2024 the Range Forest Officer/Tree Officer, Mulshi, Forest Division Pune, (the RFO) received a Complaint Application in respect of felling of trees unauthorisedly in Survey No. 38/1 at Mauje Dattawadi (Nere), Tal. Mulshi, Dist Pune which belongs to Vasundhara Social Upliftment Tree Planting and Tree Conservation Co-operative Society. The Complaint highlighted illegal felling of



400 trees planted in 2016 as well as fully grown trees within the premises of the society

5. It is submitted that, in response to the Complaint, Forester Pradnya Bansode and Forest Guard Pandurang Kopnar of Pune Forest Division conducted on-site enquiry which revealed the damage caused by the unauthorised operation of the tree felling. The Complaint implicated multiple individuals leading to the issuance of notices for further enquiry. Subsequently, the offenders voluntarily appeared in the Forest Range Office admitting their involvement in the crime of felling of trees and showed their readiness to comply with the Government Regulations. It is further submitted that as the said land is a private Land, provisions of Maharashtra Felling of trees (Regulation) Act 1964 are attracted.

6. It is submitted that as per Section 4 of Maharashtra Felling of Trees (Regulation) Act 1964 (hereinafter referred to as 'the Act'), the Tree Officer is empowered to impose penalty on the person who fells any tree without his permission.

Section 4 of the Act runs as under-

*Any person who, [without permission being granted or deemed to have been granted] to fell any tree, fells any such tree or causes it to be felled, shall be liable to such penalty not exceeding one thousand rupees as the [Tree Officer] empowered under Section 3 may, after holding an enquiry and giving. Such person an opportunity of being*

*heard, deem fit to impose; and the [Tree Officer] may further order that any such tree to felled (which is not the property of Government) shall be forfeited to the State Government [along with the tools, boats, vehicles or other conveyances used in felling and removing, any such tree]*

7. It is submitted that as per Section 3A of the Act the Tree Officer is empowered to order planting of trees in addition to the imposition of penalty as provided in Section 4 of the Act. Section 3A of the Act runs as under-

*If in the opinion of the Tree Officer the number of trees in any land (other than the land falling in any permanent drought-prone are identified by the State Government) is not adequate according to the standards prescribed by rule made under Section 15, the Tree Officer may, by order, after giving a reasonable opportunity to the owner or occupier of the land of being heard, require him to plant such trees or additional trees, as the case may be, at such places in the land as may be specified in the order, and the owner or occupier of the land shall comply with the order by planting such trees or additional trees in the ensuring planting season.*

*[provided that, nothing in sub-section (i) shall apply to an artificial plantation]*



8. It is submitted that the Tree Officer, Paud imposed penalty of Rs. 8,00,000/- (Rupees Eight Lakhs) on Shri. Atul Ramesh Sathe and Shri. Babasaheb Bhagoji Buchade r/o. Nere Dattawadi, Tal. Mulshi, Dist. Pune as per Section 3 of the Act and also ordered them to plant three times the trees which were felled by them. I state that the Tree Officer has taken action against the abovementioned offenders as per the provisions of the Act. **Hereto annexed as Annexure R-1 is a copy of the Order Dt. 28/03/2024 passed by the Tree Officer, Paud.** I further state that the Offenders have deposited the amount of penalty of Rs. 8,00,000/- (Rupees Eight Lakhs) in the name of the Range Forest Officer, Paud in the Axis Bank. **Hereto annexed as Annexure R-2 is a copy of the Receipt.**

9. It is submitted that as per the Order Dt.28/03/2024 developer Shri. Atul Ramesh Sathe and Shri. Babasaheb Bhagoji Buchade had been directed to plant 2400 trees in their area in the rainy season. I further state that they have purchased 2400 plants on 09/07/2024 in the name of A.B. Reality from the Forest Department. Hereto annexed as Annexure R-3 is a copy of the Receipt for purchase of plants. I further state that in case they do not take further steps for implementation of the Order regarding planting of trees then necessary action as provided in Section 3A of Maharashtra Felling of ~~Trees~~ (Regulation) Act 1964 will be taken by the RFO. I



further state that the authorities have taken necessary action for levying penalty on the Offenders and in respect of compensatory plantation as provided in the Act. In view of above submissions, It is humbly requested to kindly dispose the petition.

*[Handwritten Signature]*  
29/11/24  
**DEPONENT**



**VERIFICATION**

I, Shri. Mangesh Madhukar Tate, age 34 years, working as Assistant Conservator of Forests (Statistics), Pune Forest Division, Pune hereby solemnly affirm on behalf of the State of Maharashtra Forest Department do hereby solemnly declares that what is stated in aforesaid paragraphs is true and correct to my knowledge and I believe the same to be true and correct.

Solemnly declared at Pune

This 27<sup>th</sup> day of 2024

27-11-24

*[Handwritten signatures]*

*[Handwritten signature]*  
**(Mangesh M. Tate)**

Assistant Conservator of Forests (S),  
Pune Forest Division, Pune (Addl. Charge)

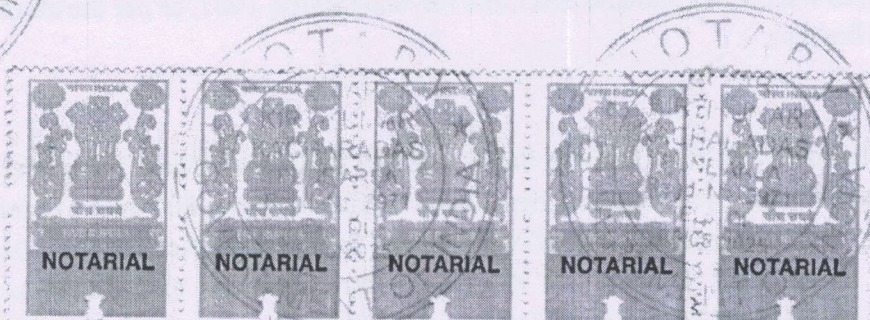
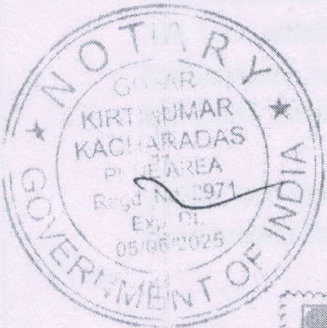
Settled by,

Assistant Government Pleader,  
A.S. (Writ Cell)

**BEFORE ME**

*[Handwritten signature]*  
27-11-24  
K. K. GUJAR  
NOTARY, GOVT. OF INDIA

NOTED AND REGISTERED AT  
SERIAL NUMBER *57/24*



Annexure R-1



Government of Maharashtra

## Office of the Tree Officer and Range Forest Officer, Paud

At. Post- Bhare, Tal-Mulashi, Dist- Pune 412108

E-mail - rfopaud@gmail.com

O.No. Offence/1513/2023-24

Dt. 28/03/2024

Sub :- Regarding illegal felling of trees in Privet Gut No. 38/1 at Mauje- Nere  
Dattawadi, Tal-Mulshi, Dist. - Pune

Ref :- 1) Letter No. 175 dated 28/03/2024 from Round Officer, Ghotavade.

Maharashtra Felling of Tree (Regulation) Act, 1964, Sections 2 and 3, Maharashtra Land Revenue Rules, 1966, and Maharashtra Land Revenue Rules, 1967, as per the Maharashtra Government Revenue and Forest Department Notification No. MIS/10/0417/CR-243/KH dated 01/08/2017.

### Fact of the matter:

As per the report submitted by Round Officer, Ghotavade, it has been noted that in Plot Number 38/1, Mouje Nere Dattawadi, Taluka Mulshi, District Pune, a total of 800 trees were illegally felled without the necessary permissions. A proper Panchanama and inspection were conducted, confirming the illegal tree felling in the area without obtaining the required permits.

Individuals Involved: Mr. Atul Ramesh Sathe and Mr. Babasaheb Bhagoji Buchade, residents of Nere Dattawadi, Taluka Mulshi, District Pune. did not properly take permission from the Forest Department. This is clear Violation of Maharashtra Felling of Tree (Regulation) Act, 1964, Sections 2 and 3, Maharashtra Land Revenue Rules, 1966, and Maharashtra Land Revenue Rules, 1967 and Maharashtra Government Revenue and Forest Department Notification No. MIS/10/0417/CR-243/KH dated 01/08/2017. In this regard Mr. Atul Ramesh Sathe, and Mr. Babasaheb Bhagoji Buchde, Residents of Nere Dattawadi, Ta- Mulshi, District Pune, has admitted felling of trees in their statement dated 07/03/2024 before the Range Forest Officer, Poud and Round Officer Ghotavade.

This is a clear violation of the Maharashtra Felling of Trees (Regulation) Act, 1964, Sections 2 and 3, as well as the Maharashtra Land Revenue Rules, 1967, as per the aforementioned government notification.

### Conclusion:

In the said case Shri. Atul Ramesh Sathe, and Mr. Babasaheb Bhagoji Buchde, Res. Nere Dattawadi, Ta- Mulshi, District - Pune has been found to have cut down 800 trees of a total species.

Also they violated Section 2 & 3 of Maharashtra Tree Cutting Act 1964 and Maharashtra Land Revenue Rules 1967 Government of Maharashtra Revenue and Forest Department, Notification No. MIS/10/0417/C.R.243/KH dated 1/08/2017. The crime has been admitted. They have not taken proper permission from the forest department to cut the trees. Even though the tree felling occurred due to negligence in your work, under the law, negligence cannot be considered as a reason for exemption from the offense

Annexure R-1

Therefore, as the said offense has occurred, you are liable for the penalty. In this matter, after conducting the necessary inquiry, the following orders are being issued in the capacity of the Tree Officer.

**Order**

Mr. Atul Ramesh Sathe and Mr. Babasaheb Bhagoji Buchade, residents of Nere Dattawadi, Taluka Mulshi, District Pune, have been found guilty of cutting down 800 trees. They have violated Section 2 and 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964, and the Maharashtra Land Revenue Rules, 1967, and Maharashtra Government Revenue and Forest Department notification number MIS/10/0417/CR.243/KH dated 01/08/2017. Accordingly, a penalty of ₹1,000 per tree, amounting to ₹8,00,000 (Eight Lakh Rupees only), has been imposed.

Additionally, during the ongoing monsoon, they are required to plant three times the number of felled trees, i.e., 2,400 trees, in their area. If it is found that this is not done, they will be required to deposit the expenditure incurred for planting three times the number of felled trees with the government, as per Section 2 and 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964.

(S. G. Chavhan)

Range Forests officer, Paud  
(Tree Officer, Paud)

To,

Mr. Atul Ramesh Sathe, and  
Mr. Babasaheb Bhagoji Buchde,  
Res. Nere Dattawadi, Tam- Mulash Pune

1. Copy to Assistant Conservator of Forests, (Statistics) Pune for information.
2. Copy to Round Officer, Ghotawade for information and necessary action.

Annexure R-2

वे. का. मु. - २००० पु. (१५० पानी) - १०-२०१७-पीएफ-(ई) १७६  
 C. R. R. D. No. 5377 of 2-6-11. |



वन विभाग, महाराष्ट्र राज्य

भरलेल्या रकमेची पावती

पुस्तक क्र.

पावती क्र. र 0016426

खालील तपशीलानुसार श्री. अतुल साहेब व श्री. बाबसाहेब यांच्याकडून  
 रु. ८,००,०००/- (अक्षरी) आठ लाख रुपये फक्त साभार पोहोचले.  
 मा. व. व. अ. पौड पत्र. क्र. १५१३ दि. २४/०१/२०२४

तपशील :-	रु.	पैसे
मोजे नरे, ता. मुकशी जि. पुणे मालकी गट नं ३८/१ मधील क्षेत्रातील विमा परवाना वृक्ष तोडी बदलून दंड वसूल केला.	८,००,०००	
एकूण ...	८,००,०००	

टिकाण : नरे

सही : *Hinwade*  
 (वनपाल घांटावडे)

दिनांक : १०/०४/२०२४

कोषागारात भरणा केला.

चलन क्रमांक

दिनांक

पहा.

वनक्षेत्रपाल यांच्या रोजकीर्दीत समायोजन करण्यात आले.

पहा-खर्चाची बाब क्र.

दिनांक

\*वन उत्पादनाचे परिमाण, आकारलेला दर किंवा गुन्हा प्रकरण क्रमांक, भरपाई रक्कम, स्वामित्वधन वगैरे किंवा यथास्थिती परवाना क्रमांक किंवा ज्यानुसार वसुली करण्यात आली ते प्राधिकारपत्र इत्यादींचा संपूर्ण तपशील नमूद करणे आवश्यक आहे.

†रक्कम घेणाऱ्या अधिकाऱ्याने पहिल्या व दुसऱ्या भागातील माहिती भरावी.

‡वनक्षेत्र लिपिकाने ही माहिती भरावी.

ये. का. मु. - 2000 पु. (१५० पानी) - १०-२०१७-पीएच-ई) १७६  
G. R., R. D., No. 5377 of 2-6-11.



वन विभाग, महाराष्ट्र राज्य

भरलेल्या रकमेची पावती

पुस्तक क्र.

पावती क्र. र

0018013

खालील तपशीलानुसार ए. वी. रिजळटी यांच्याकडून

रु. 127200/- (अक्षरी) एक लाख सत्तर हजार भार पोहोचले.  
दिनांक ०८/०८/२०२४

		रक्कम
		रु.
* तपशील :- <u>रोपे विक्री</u>		
<u>रोपे वं</u>	<u>रु</u>	<u>रक्कम</u>
<u>2400</u>	<u>53</u>	<u>127200/-</u>
एकूण ...		<u>127200/-</u>

टिकाण : अरे

दिनांक : ०८/०८/२०२४

सही एन. आर. सेलार  
वन विभाग अधिकारी  
पंड

कोषागारात भरणा केंला.

चलन क्रमांक

दिनांक

पहा.

वनक्षेत्रपाल यांच्या रोजकीर्दीत समायोजन करण्यात आले.

पहा-खर्चाची बाब क्र.

दिनांक

\* वन उत्पादनाचे परिमाण, आकारलेला दर किंवा गुन्हा प्रकरण क्रमांक, भरपाई रक्कम, स्वामित्वधन वर्ग, किंवा यथास्थिती परवाना क्रमांक किंवा ज्यानुसार वसुली करण्यात आली ते प्राधिकारपत्र इत्यादींचा संपूर्ण तपशील नमूद करणे आवश्यक आहे.

† रक्कम घेणाऱ्या अधिकाऱ्याने पहिल्या व दुसऱ्या भागातील माहिती भरावी.

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BEFORE THE NATIONAL GREEN  
TRIBUNAL, WESTERN ZONE, PUNE

Original Application No.132 of 2024

In the matter of :

News item titled "Pune :Forest

Department imposes..... Applicant

Versus

Principle Chief Conservator of Forests.

& others

Respondents

**Reply Affidavit of Respondent No.1**

DATED 27<sup>th</sup> November, 2024

D.M.GUPTA

ADVOCATE FOR  
RESPONDENT NO.1

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