

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 332/2024**

**IN THE MATTER OF:**

**ATS ONE HAMLET APARTMENT OWNER ASSOCIATION**

.....APPLICANT(s)

**VERSUS**

**GOVERNMENT OF UTTAR PRADESH & OTHERS**

.....RESPONDENT(s)

**INDEX**

<b>S. No.</b>	<b>PARTICULARS</b>	<b>Page No.</b>
1.	<b>AFFIDAVIT OF RESPONDENT NO. 4 IN COMPLIANCE OF THE ORDER DT. 14.10.2024</b>	
	<b>ANNEXURES</b>	
2.	<b>COPY OF THE DEMAND DRAFT HAS BEEN ANNEXED HEREWITH AS ANNEXURE A-1</b>	
3.	<b>COPY OF THE ORDER DT. 29.11.2024 HAS BEEN ANNEXED HEREWITH AS ANNEXURE A-2</b>	

**THROUGH**



BHANWAR PAL SINGH JADON

STANDING COUNSEL FOR THE STATE OF UTTAR PRADESH

EMAIL- [bhanwar09jadon@gmail.com](mailto:bhanwar09jadon@gmail.com)

**DATE: 01.02.2025**

**PLACE: NOIDA**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 332/2024**



**IN THE MATTER OF:**

**ATS ONE HAMLET APARTMENT OWNER ASSOCIATION**

.....APPLICANT(S)

**VERSUS**

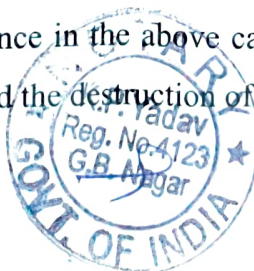
**GOVERNMENT OF UTTAR PRADESH & OTHERS**

.....RESPONDENT(S)

**AFFIDAVIT OF DIVISIONAL FOREST OFFICER, GAUTAM BUDH  
NAGAR ON BEHALF OF DISTRICT MAGISTRATE, GAUTAM BUDH  
NAGAR IN COMPLIANCE OF THE ORDER DT. 14.10.2024**

I, Pramod Kumar, aged about 59 years, S/o Padam Dhar Srivastava, R/o B-1/701, Antriksh Nature Sector-52, Noida, UP, Divisional Forest Officer, Gautam Budh Nagar, do hereby solemnly state and affirm as under:

1. That I, the Deponent in the present matter, am fully conversant with the facts of the case and competent and authorized to swear the present affidavit.
2. That the present affidavit is filed by the Divisional Forest Officer, Gautam Buddh Nagar, on behalf of District Magistrate, Noida
3. That the Applicant's grievance in the above captioned matter pertains to the illegal felling of trees and the destruction of a green belt carried out by

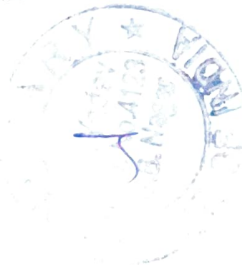


Respondent No. 6 on the plot adjoining the Applicant's Group Housing Society located in Sector 104, Noida, Gautam Budh Nagar.

4. That in compliance with the instructions of the Deponent, a site inspection was conducted on 05.07.2024 by a Joint Committee consisting of officers from the Forest Department, Gautam Budh Nagar, the State Pollution Control Board, and the Noida Authority. That pursuant to the said inspection, the Joint Committee's report stated that on a plot measuring 0.51 hectares in Sector 104, Noida, various tree species, including Subabul, Prosopis Juliflora, Siris, Neem, Bel, and Peepal, were illegally felled using a JCB machine for the purpose of road construction.
5. That furthermore an H2 case No. 08/2024-25 was registered under Sections 4/10 of the Tree Protection Act, 1976 and a compensation of Rs. 2,00,000/- (20 trees \* Rs. 10,000/-) was recovered from Respondent No. 6 as per Section 15 of the Tree Protection Act, 1976. That an additional penalty of Rs. 50,000/- under Sections 3/28 of the Uttar Pradesh Transit of Timber and Other Forest Produce Rules, 1978 was also recovered. That the total compensatory amount of Rs. 2.50,000/- was recovered through Demand Draft No. 253435 dated 04.07.2024, issued by Yes Bank, and deposited into the government treasury.

A Copy of the Demand Draft has been annexed herewith as **ANNEXURE A-1**.

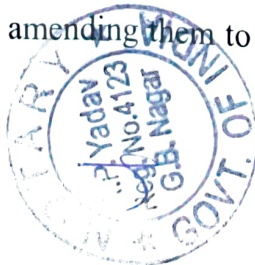
6. That the Sections 10 and 15 of the Tree Protection Act, 1976, which are relevant to the present matter, have been reproduced herein for ready reference of this Hon'ble Tribunal:



*“10. Penalty for felling or removal of trees in contravention of Section 4  
Whoever fells or causes to be felled any standing tree, or cuts, removes or  
otherwise disposes of any fallen tree, in contravention of the provisions of  
Section 4, or contravenes any condition of any permission granted under  
this Act, shall be punished with imprisonment which may extend to six  
months or with fine which may extend to one thousand rupees or with  
both.”*

*“15. Power to compound offences- (1) The State Government may by  
notification authorise any officers to accept from any person against whom  
there is reason to believe that he has committed offence under this Act in  
respect of any tree other than a tree situate in a forest, grove or public-  
premises, such sum of money not exceeding 1 [ten thousand rupees] by way  
of composition for the offence which such person is suspected to have  
committed. (2) On the payment of such sum of money to any such officer,  
the suspected person if in custody, shall be released and no further  
proceeding under this Act shall be taken against such person and  
notwithstanding anything contained in Section 14, such officer may on  
payment of such amount, not exceeding 2 [ten thousand rupees] as he may  
in the circumstances of the case think fit, release the property seized under  
this Act.”*

7. However, it is pertinent to apprise this Hon'ble Tribunal that with respect to the amendments in the aforementioned sections of the Uttar Pradesh Protection of Trees Act, 1976, the Hon'ble Supreme Court in the matter of **M.C. Mehta v. Union of India & Ors., Writ Petition (Civil) No. 13381/1984** has directed vide its order dated 29.11.2024 to the Government of Uttar Pradesh to re-examine Sections 10 and 15 of the Tree Protection Act, 1976, and to consider amending them to ensure stricter penalties for



illegal tree felling. The relevant portion of the order is reproduced below for ready reference:

*“IN RE: Uttar Pradesh Protection of Trees Act, 1976*

*8. Our attention is invited to the provisions of the Uttar Pradesh Protection of Trees Act, 1976. We find that the provisions regarding the penalty are inadequate and are not sufficient to deter persons from illegally felling trees. Even the amount on the basis of which the offense can be compounded as mentioned in Section 15 of the Act is too low.*

*9. We request the State Government to have a re-look at Sections 10 and 15 of the Act and consider amending them suitably for enhancing the penalties prescribed therein. We will consider the issue of the implementation of the said Act on 16th December, 2024.”*

A Copy of the Order dt. 29.11.2024 has been annexed herewith as **ANNEXURE A-2.**

8. That it is to be stated that the District Magistrate, Gautam Buddh Nagar in collaboration with the Forest Department has taken the necessary steps in compliance of the directions of this Hon’ble Tribunal.
9. Hence, the affidavit is being submitted for the kind perusal of this Hon’ble Tribunal. It is prayed that the same be taken on record.
10. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.



DEPONENT

ATTESTED  
K.P. YADAV  
NOTARY PUBLIC

VERIFICATION

Verified at Gautam Baddi Nagar on this 1<sup>st</sup> day of ~~January~~ <sup>February</sup>, 2025, that the contents of the above affidavit from paragraphs 1 to 10 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

✓  
DEPONENT



ATTESTED  
K.P. YADAV  
NOTARY PUBLIC

SANG DATA FORMS PVT. LTD. CTS-2514

A/C: PAYEE / Non-Resident  
**YES BANK LIMITED**  
YES BANK House, Off Western Express Highway  
Santacruz (E), Mumbai - 400055, India  
Tel No.: 022 509 19800/022 6507 9800  
Fax No.: 022 26 192866

**DEMAND DRAFT**  
VALID FOR THREE MONTHS FROM DATE OF ISSUE

Date 0 7 2 0 2 4

On Demand Pay DFO GAUTAMBUDHNAGAR 059313006314

or Order  
को या उनके आदेश पर

Rupees TWO LAKH FIFTY THOUSAND ONLY. \*\*

अदा करें  
₹ \*\*2,50,000.00\*\*

Purchaser Name: GLOBAL ESTATES

For YES BANK LTD.



YES BANK LTD  
DRAWEE SHIKHAR BRANCHIDA

ISSUED FOR THE BRANCH

*[Signature]*  
AUTHORISED SIGNATORY (R)

⑈ 253435⑈ 000532000⑈

15



ITEM NO.58

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE (1) IA NOS. 237739 AND 237765/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAM AUTAR) (2) IA D.NOS. 262456 AND 262458/2024 (APPLNS. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARAD GUPTA) (3) IA NOS. 259776 AND 270196/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE) "ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED. "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, MR. AJIT SHARMA, MR. ANSHUL GUPTA, MR. KAMLENDRA MISHRA, ADVOCATES)

Date : 29-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mr. A.D.N.Rao, Sr. Adv. (Amicus Curiae)

For the parties:

Mrs. Aishwarya Bhati, A.S.G.  
Mrs. Ruchi Kohli, Sr. Adv.  
Mr. Mukesh Kumar Maroria, AOR  
Ms. Shivika Mehra, Adv.  
Ms. Astha Singh, Adv.  
Ms. Rajeshwari Shankar, Adv.  
Mr. Sarthak Karol, Adv.  
Mr. Jagdish Chandra Solanki, Adv.  
Mr. Aaditya Dixit, Adv.  
Mr. Kartikeya Asthana, Adv.  
Mr. Gaurang Bhushan, Adv.  
Dr. N. Visakamurthy, AORMs. Aishwarya Bhati, A.S.G.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Siddharth Krishna Dwivedi, Adv.  
Mr. Kamleendra Mishra, AOR

Ms. Aishwarya Bhati, A.S.G.  
Mr. Shreekant Neelappa Terdal, AOR  
Ms. Ruchi Kohli, Adv.  
Ms. Shivika Mehra, Adv.  
Ms. Aastha Singh, Adv.  
Ms. Rajeshwari Shankar, Adv.  
Mr. Sarthak Karol, Adv.

Mr. Ajit Sharma, AOR  
Mr. Kanchan Kumar, Adv.

Mr. Kishan Chand Jain, Adv.  
Mr. Rajesh Kumar, Adv.  
Mr. Siddhant Sahay, Adv.  
Mr. Ashwini Kumar, Adv.  
Mr. E. C. Agrawala, AOR

Petitioner-in-person

Applicant-in-person

Mr. Atishi Dipankar, AOR

Mr. Ankur Prakash, AOR

Mr. Gurmeet Singh Makker, AOR

Ms. Garima Prashad, Sr. A.A.G.  
Mr. Sudeep Kumar, AOR

Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.

Mr. Rakesh K.Mudgal, AAG  
Mr. Akshay Amritanshu, AOR  
Ms. Swati Mishra, Adv.  
Ms. Pragya Upadhyay, Adv.  
Ms. Drishti Saraf, Adv.

Mr. P. Parmeswaran, AOR

Mr. P. Narasimhan, AOR

M/S. Manoj Swarup And Co., AOR

Dr. Sumant Bharadwaj, Adv.  
Mr. Vedant Bharadwaj, Adv.  
Ms. Mridula Ray Bharadwaj, AOR  
Dr. Manoj Kumar, Adv.

Mr. Badri Prasad Singh, AOR

Mr. Lakshmi Raman Singh, AOR

M/S. Lawyer S Knit & Co, AOR

Mrs. Rachana Joshi Issar, AOR

Mr. Svarit Uniyal Mishra, Adv.

Ms. Nandani Gupta, Adv.

Mr. Krishna Kumar, Adv.

Dr. Mrs. Vipin Gupta, AOR

Mr. Prashant Kumar, AOR

Mr. Rajiv Tyagi, AOR

Mr. Ajay K. Agrawal, AOR

Mr. Shiv Prakash Pandey, AOR

Mr. Sudhir Kulshreshtha, AOR

Mr. P. K. Manohar, AOR

M/S. Meharia & Company, AOR

Mr. Ankit Goel, AOR

Mr. Abhinav Agrawal, AOR

Mr. Rajeev Kumar Dubey, Adv.

Ms. Saroj Tripathi, AOR

Mr. Manoj K. Mishra, AOR

Mr. A. Baskar, Adv.

Mr. Umesh Dubey, Adv.

Ms. Madhulika, Adv.

Ms. Vuzmal Nehru, Adv.

Ms. Mayuri Raghuvanshi, AOR

Mr. Syed Abdul Haseeb, AOR

Mr. Anshul Gupta, AOR

Mr. Rishabh Darira, Adv.

Mr. Aditya Tainguriya, Adv.

Mr. Abhinav Shrivastava, AOR

Mr. N. L. Ganapathi, AOR

Mr. Abhishek Chaudhary, AOR

Mr. Anurag Kishore, AOR

Mr. Rachit Mittal, AOR

Mr. Nishit Agrawal, AOR

Mr. Zoheb Hossain, AOR

Mr. Shishir Deshpande, AOR

Mr. Nischal Kumar Neeraj, AOR

Mr. Shalen Bhardwaj, Adv.

Mr. Virender Kumar, Adv.

Ms. Garima Kumar, Adv.

Ms. Lakshmi, Adv.

Ms. Banisha Verma, Adv.

Mr. Ashok Kumar Panigrahi, Adv.

Mr. Deepender Kumar Pathak, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Arvind Gupta, AOR

Mr. Shantanu Bansal, AOR

Mr. Jogy Scaria, AOR

Mr. Guntur Pramod Kumar, AOR

Mr. Amrish Kumar, AOR

Mr. Sunny Choudhary, AOR

Mr. Ashutosh Dubey, AOR

Mr. Ashutosh Dubey, Adv.

Mrs. Rajshri Dubey, Adv.

Mr. Abhishek Chauhan, Adv.

Mr. H.b. Dubey, Adv.

Mr. Amit P. Shahi, Adv.

Mr. Amit Kumar, Adv.

Mr. Rahul Sethi, Adv.

Mr. Shashi Bhushan Nagar, Adv.

Mr. Manish Dhingra, Adv.

Mrs. Sona Khan, Adv.

Mr. Sumant Akram Khan, Adv.

Mr. Rajendra Anbhule, Adv.

Mr. Adarsh Tripathi , AOR

Mr. Chitranshul A. Sinha, AOR

Mr. Saurabh Mishra, AOR

Mr. Shrimay Mishra, Adv.

Mr. Rakesh Chander, Adv.

Mr. Ankur Prakash, AOR

Ms. Rupali Panwar, Adv.

Mr. U M Tripathi, Adv.

Mr. Vivek Kumar Singh, Adv.

Mr. Vishal Arun Mishra, AOR

Mr. Vivek Narayan Sharma, AOR

Mr. Gaurav Goel, AOR

M/S. Gsl Chambers, AOR

M/S. M. V. Kini & Associates, AOR

Ms. Aparna Bhat, AOR

Mr. Gaurav Goel, AOR

Ms. Rajkumari Banju, AOR

Mr. Gaurav Agrawal, AOR

Mr. Saksham Maheshwari, AOR

Mr. Pushkar Sharma, AOR

Ms. Nagma Bee, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. Sanjeev Kumar Choudhary, Adv.

Mrs. Shradha Choudhary, Adv.

Mr. Seshatalpa Sai Bandaru, AOR

Mr. Gaurav Dhingra, AOR

Mr. Shashank Singh, Adv.

Mr. Surendra Gautam, Adv.

Mr. Raghvendra Shukla, Adv.

Mr. Shantanu Krishna, AOR

Mr. Ankit Mishra, Adv.

Mr. Abhijit Banerjee, AOR  
Mr. Shanto Mukherjee, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

IA NOS. 237739 AND 237765/2024 (APPLNS. FOR IMPLEADMENT  
AND DIRECTIONS ON B/O RAM AUTAR)

1. We have perused Report No.29 of 2024 of the Central Empowered Committee (CEC). The report discloses a shocking state of affairs. It records that 454 trees were illegally felled in the night of 18 and 19<sup>th</sup> September, 2024. Out of these 454 trees, 422 trees which were on the private land known as Dalmia Farm situated at Vrindavan Chatikara Road, Tehsil Sadar, District Mathura, Uttar Pradesh. The remaining 32 trees were on the roadside strip adjoining this private land which is a protected forest. The details of the trees have been also mentioned in the Report. From the Report, it appears that this blatantly illegal action of felling as many as of 454 trees have been taken by the persons mentioned in paragraph 8 of the Report in violation of the orders of this Court dated 8<sup>th</sup> May, 2015 in IA 527 of 2014 as well as the order dated 8<sup>th</sup> December, 2021 passed in this petition.

2. *Prima facie*, we are of the view that the persons mentioned in paragraph 8 of the Report are guilty of a civil contempt. Hence, we issue notice to the following:

(i) Mr. Giriraj Agarwal  
s/o Sri Raj Kumar Agarwal,  
r/o Anand Krishan Van, Sunrakh Road,  
Madhuvan Colony, Vrindavan Bangar,  
Mathura, Uttar Pradesh; and

(ii) Sri Ashish Kaushik  
s/o Sri Ramesh Chandra Kaushilk  
r/o 16C, Bank Colony, Arthara Krishna Nagar,  
Mathura, Uttar Pradesh

The notice is made returnable on 16<sup>th</sup> December, 2024 calling upon them to show cause as to why action under the Contempt of Courts Act, 1971 should not be initiated against them.

3. In the meanwhile, we direct the persons to whom the notice is issued not to carry on any construction or any work whatsoever on Dalmia Farm including the work of felling trees and maintain *status quo* in all respects in respect of the property of Dalmia Farm situated at Vrindavan Chatikara Road, Tehsil Sadar, District Mathura, Uttar Pradesh.

4. The Registry to forward the notices for effecting service to the Superintendent of Police, District Mathura. The Superintendent of Police, District Mathura will direct the Station House Officer of the local police station to visit the site of Dalmia Farm with a view to ensure that no further construction or felling of trees is carried out.

5. Needless to add that all further actions including confiscation of timber etc. in accordance with law shall be taken.

6. We make it clear that whenever the permissions are granted by this Court for felling of the trees, the activity of felling of trees shall not be carried out after 6.00 p.m. till 8.00 a.m. of the immediately next day.

IA D.NOS. 262456 AND 262458/2024 (APPLNS. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARAD GUPTA)

7. We request the CEC to examine the allegations made in IA D.No.262456 of 2024 and submit a report on or before 15<sup>th</sup> December, 2024 which will be considered on 16<sup>th</sup> December, 2024.

IN RE:Uttar Pradesh Protection of Trees Act, 1976

8. Our attention is invited to the provisions of the Uttar Pradesh Protection of Trees Act, 1976 (for short, "the Act"). We find that the provisions regarding the penalty are inadequate and are not sufficient to deter the persons from illegally felling trees. Even the amount on the basis of which the offence can be compounded as mentioned in Section 15 of the Act is too low.

9. We request the State Government to have a re-look at the Sections 10 and 15 of the Act and consider of amending the same suitably for enhancing the amounts mentioned therein. We will consider the issue of the implementation of the said Act on 16<sup>th</sup> December, 2024 at the end of the cause list.

IA NOS. 259776 AND 270196/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE)

10. We request the CEC to examine the prayers made in IA No.259776 of 2024 and report at the earliest.

11. These applications to be considered on 16<sup>th</sup> December, 2024 at the end of the cause list.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER