

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

**IN  
ORIGINAL APPLICATION No. 1038/2024**

**IN THE MATTER OF :**

Hardeep Sharma

-----Applicant

**Versus**

State of Uttarakhand & Ors.

-----Respondent(s)

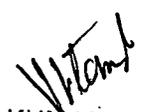
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**(RESPONDENT NO. 3)**

**NEW DELHI:**

**DATED:** 3/4/2025

  
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**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT  
NO. 3, REGIONAL OFFICE, MINISTRY OF  
ENVIRONMENT, FOREST AND CLIMATE CHANGE,  
25, SUBHASH ROAD, DEHRADUN- 248001**

**MOST RESPECTFULLY SHOWETH:**

I, Neelima Shah (Female) aged about 36 years D/o Shri M. L. Shah, presently working as Assistant Inspector General of Forests (AIGF) in the Regional Office, Ministry of Environment, Forest and Climate Change, 25, Subhash Road, Dehradun do hereby solemnly affirm and state on oath as under;



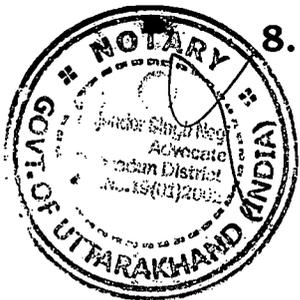
1. That I am duly authorized and competent to swear this affidavit and as such conversant with the facts of the present case.

*Neelima Shah*



legal boundaries thereof are determined and maintained by the concerned State Government. That, inter-alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to Gazette Notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.

6. That prior approval of the Central Government under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (Earlier known as Forest (Conservation) Act, 1980)) is required for carrying of any non-forestry activity on forest land.
7. That vide order dated 07.11.2024, this Hon'ble Tribunal had constituted a Joint Committee comprising District Magistrate, Udham Singh Nagar, Integrated Regional Office, MoEF&CC, Dehradun and Uttarakhand Pollution Control Board with the directions to submit factual report within one month. In compliance thereof, report dated 27.01.2025 of the Joint Committee was submitted by answering respondent to this Tribunal.
8. That as per the Site Inspection Report dated 27.01.2025, a total 264 trees were felled without permission in the nap (niji) land. The Forest Department has recovered compensation of Rs. 4,44,000/- from the violators for felling of 88 trees



lll

under the Protection of Trees Act, 1976. In addition, <sup>4</sup> for felling of remaining 176 trees, a case No. 3/kashi0/2024-25 has been registered by the DFO, Tarai West Ramnagar under the Protection of Trees Act, 1976 against Shri Sudhir Gupta and Shri Nakul Kumar Gupta resident of village Chandpur, Tehsil Kashipur, Udham Singh Nagar and a fine of Rs 67,26,375/- has also been imposed by the Uttarakhand Pollution Control Board upon the violators as an environmental compensation. A copy of Site Inspection Report dated 27.01.2025 is annexed herewith as **ANNEXURE No-1.**

9. That as per the Site Inspection Report dated 27.01.2025 submitted by the Joint Committee, the trees were felled in the nap (niji) land, therefore the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is not attract in the matter.
10. That in view of the foregoing submissions, this Hon'ble Tribunal may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.



*Neelima*  
**DEPONENT**  
 नीलिमा शाह / Neelima Shah  
 सहायक महानिरीक्षक वन / AIGF (C)  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / MoEF&CC  
 क्षेत्रीय कार्यालय / Regional Office  
 भारत सरकार / Government of India  
 25, सुभाष रोड, देहरादून / 25, Subhash Road, Dehradun

*Neelima*

**VERIFICATION:**

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Verified at Dehradun on this 13 day of 03, 2025  
that the contents of the above affidavit are true and  
correct to my knowledge and are based on official  
records, no part of it is false and nothing material is  
concealed there from.

**DEPONENT**

ML  
नीलिमा शाह / Neelima Shah  
सहायक महानिरीक्षक वन / AIGF (C)  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / MoEF&CC  
क्षेत्रीय कार्यालय / Regional Office  
भारत सरकार / Government of India  
25, सुभाष रोड, देहरादून / 25, Subhash Road, Dehradun

Sr. No. 1242/2025

This affidavit is sworn before me by

Shri/smt. Neelima Shah

who is identified by Shri Rajender Singh Negi (Adv.)

at Dehradun on 13/03/2025

Reg. No. UK527/2014

(Rajender Singh Negi)  
Advocate & Notary, Dehradun



ML

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Report of Joint Committee in compliance of the Order dated 07.11.2024 & 11.12.2024 passed by the Hon'ble National Green Tribunal (Principal Bench), New Delhi in Original Application No. 1038/2024, titled Hardeep Sharma versus State of Uttarakhand & Ors.

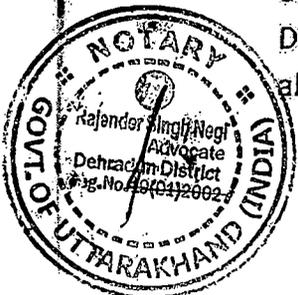
**A. THE BRIEF BACKGROUND OF THE MATTER IS AS FOLLOWS:**

The complain of the complainant is that in Village Chandpur, Pratapur of District Udham Singh Nagar a colony is being developed for plotting purposes wherein 1100 green and matured trees were standing and permission for cutting of 150 trees was granted but more than 600 trees have already been cut. Forest Department however has imposed penalty for only 88 trees and closed the matter. Complainant has also said that District Magistrate constituted a team for inspection led by incharge Horticulture Mobile Unit who submitted report that trees more than permission have been cut still no effective action has been taken. In the report submitted by inspection team on 24.05.2023 it is clear that 579 trees have been cut.

**B. DIRECTIONS OF THE HON'BLE NGT**

The Hon'ble NGT vide order dated 07.11.2024 in the OA No. 1038/2024 in the matter of Hardeep Sharma vs. State of Uttarakhand & Ors. had constituted a Joint Committee comprising District Magistrate, Udham Singh Nagar, Integrated Regional Office, MoEF&CC, Dehradun and Uttarakhand Pollution Control Board and directed to visit the site, collect relevant information and submit a Factual Report with Tribunal within one month. The Integrated Regional Office, MoEF&CC, Dehradun has been made the Nodal Agency for co-ordination and compliance of the order.

Later, on the request of Regional Office, MoEF&CC, Dehradun, the Tribunal vide order dated 11.12.2024 has granted further time to the Joint Committee to file the report with the directions to obtain copies of all relevant documents/records and also reports of enquiries conducted by the concerned Departments/Authorities and incorporate reference thereof in its report and also enclose copies thereof with the same.



*As*      *ML*

*ML*

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**C. COLLECTION OF REPORTS OF ENQUIRIES CONDUCTED BY THE CONCERNED DEPARTMENT/AUTHORITIES**

**1. REPORT BY DFO, RAMNAGAR**

To ascertain the truthfulness of the complaint and as directed by the NGT, the Regional Office, MoEF&CC, Dehradun vide letter dated 02.12.2024 had requested DM, Udham Singh Nagar and DFO, Tarai West Forest Division, Ramnagar to provide their respective reports in the matter (Annexure-I).

In response of the above, the DFO, Ramnagar vide his letter dated 10.01.2025 had submitted a report to the RO, MoEF&CC, Dehradun.

The report was perused in which it has mentioned that the Chief Horticulture Officer, Udham Singh Nagar vide its letter dated 19.01.2023 and subsequent letter dated 06.02.2023 had granted permission for felling of total 150 trees to Shri Manish Gupta, Shri Naresh Gupta resident of Chandpur, Tehsil Kashipur. However, additional 88 trees were felled without permission for which the Forest Department has recovered an amount of 4,40,000/- as a compensation under the Protection of Trees Act, 1976(Annexure-II).

**2. REPORT OF JOINT COMMITTEE DATED 18.05.2024 IN O.A. NO. 147/2024**

It has informed that in OA No. 147/2024 a Joint Committee was constituted by the NGT comprising of CPCB, DFO, Udham Singh Nagar, State PCB and DM, Udham Singh Nagar with the directions to submit its factual and action taken report.

The report of above committee reveals that a total number of 176 additional trees were found missing for which the Joint Committee had recommended that the concerned department may take action in the matter as per law (Annexure-III). In view of that a forest offence No. 03/kashi0/2024-2025 has been registered by the DFO, Tarai West Forest Division, Ramnagar against Shri Sudhir Gupta and Nakul Kumar Gupta (Annexure-IV).

It has further informed by the Regional Officer, UKPCB, Kashipur that as per the directions of Hon'ble NGT's order dated 15.02.2024 & 25.09.2025



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passed in OA. No. 147/2024, the Uttarakhand Pollution Control Board vide its letter-cum-office order dated 14.11.2024, fine of Rs 67,26,375/- has been imposed upon the violators for felling of 176 trees as an environmental compensation (Annexure-V).

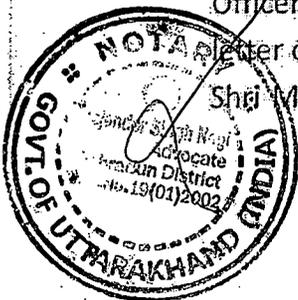
#### D. SITE INSPECTION

That in the present matter, the Hon'ble NGT had constituted a Joint Committee comprising District Magistrate, Udham Singh Nagar, Integrated Regional Office, MoEF&CC, Dehradun and Uttarakhand Pollution Control Board. A letter and e-mail dated 16.01.2025 was issued by Regional Office, MoEF&CC, Dehradun intimating site visit to the Member of the Joint Committee (Annexure-VI). However, Shri Pankaj Chandola, Tehsildar, Kashipur was present during the site visit on behalf of DM, Udham Singh Nagar. The field inspection was carried out on 17.01.2025 at 01:00 PM onwards where following officials were present:-

#### Officials

1. Smt. Neelima Shah, Assistant Inspector General of Forests (AIGF), Regional Office, MoEF&CC, Dehradun
2. Shri Prakash Chandra Arya, DFO, Tarai West Forest Division, Ramnagar.
3. Shri Naresh Goswami, Regional Officer, Uttarakhand Pollution Control Board, Regional Office, Kashipur.
4. Shri Shankar Lal Kohli, Senior Horticulture Inspector.
5. Shri Pankaj Chandola, Tehsildar, Kashipur.
6. Shri Arun Kumar, Patwari.
7. Shri Deven Singh Rajwar, Range Officer, Kashipur Range.
8. Shri Om Prakash, Forester.

At the outset, the matter was discussed in detail with the above-mentioned officials during the site visit. It was informed that the Chief Horticulture Officer, Udham Singh Nagar vide its letter dated 19.01.2023 and subsequent letter dated 06.02.2023 had granted permission for felling of total 150 trees to Shri Manish Gupta, Shri Naresh Gupta resident of Chandpur, Tehsil Kashipur.



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However, additional 88 trees were felled without permission for which the Forest Department has recovered an amount of 4,40,000/- as a compensation under the Protection of Trees Act, 1976.

Later, on the directions of NGT's order passed in OA No. 147/2024, a Joint Committee comprising of CPCB, DFO, Udham Singh Nagar, State PCB and DM, Udham Singh Nagar had visited the site in question on 16.04.2024, 08.05.2024 and 10.05.2024. The Joint Committee's report reveals that a total number of 176 additional trees were found missing for which the Joint Committee had recommended that the concerned department may take action in the matter as per law. In view of that a case No. 03/kashi0/2024-2025 has been registered by the DFO, Tarai West Forest Division, Ramnagar against Shri Sudhir Gupta and Nakul Kumar Gupta resident of village Chandpur, Tehsil Kashipur, Udham Singh Nagar.

During the site visit, it was informed by the Regional Officer, UKPCB, Kashipur that as per the directions of Hon'ble NGT's order dated 15.02.2024 & 25.09.2025 passed in OA. No. 147/2024, the Uttarakhand Pollution Control Board vide its letter-cum-office order dated 14.11.2024, fine of Rs 67,26,375/- has been imposed upon the violators for felling of 176 trees as an environmental compensation.

Thus, a total (88+176) 264 number of trees were felled without permission in site in question. Out of them compensation of an amount of Rs. 4,44,000/- was recovered by the Forest Department for felling of 88 trees under the Protection of Trees Act, 1976. For felling of remaining 176 trees, a case No. 3/kashi0/2024-25 has been registered by the DFO, Tarai West Ramnagar under the Protection of Trees Act, 1976 against Shri Sudhir Gupta and Shri Nakul Kumar Gupta resident of village Chandpur, Tehsil Kashipur, Udham Singh Nagar. In addition, fine of Rs 67,26,375/- has also been imposed by the Uttarakhand Pollution Control Board upon the violators as an environmental compensation.

No fresh complaint has been reported by the DFO, Tarai West Forest Division, Ramnagar and concerned Range Officer about the said area.



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**E. CONCLUSION AND RECOMMENDATION OF THE JOINT COMMITTEE:**

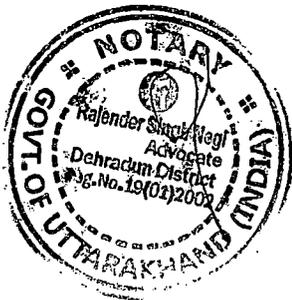
After perusal of the reports and as per the site visit, the member of Joint Committee is of the view that a total number of 264 (88+176) trees were felled without permission in the nap (niji) land. The Forest Department has already recovered an amount of Rs. 4,44,000/- from the violators for felling of 88 trees as a compensation under the Protection of Trees Act, 1976. In addition, a case No. 3/kashi0/2024-25 has also been registered by the DFO, Tarai West Ramnagar under the Protection of Trees Act, 1976 for felling of 176 trees and Uttarakhand Pollution Control Board has also imposed fine of Rs 67,26,375/- upon the violators as an environmental compensation.

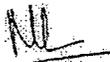
Therefore, the member of Joint Committee are of the opinion that fine may be recovered from the violators under the Protection of Trees Act, 1976 for illegally felling of 176 trees and fine imposed by the UKPCB of Rs 67,26,375/- may also be recovered as an environmental compensation.

(District Magistrate)  
Udham Singh Nagar

  
(Naresh Goswami)  
Regional Officer

Uttarakhand Pollution Control Board,  
Regional Office, Kashipur



  
(Neelima Shah)

Assistant Inspector General of Forests (C),  
Regional Office, MoEF&CC, Dehradun

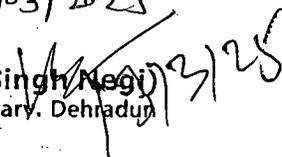
This affidavit is sworn before me by

Shri/smt. Neelima Shah

who is identified by Shri. Ram Singh Rawat

at Dehradun on.....

13/03/2025

  
(Rajender Singh Negi)  
Advocate & Notary, Dehradun



Vivek Kumar Tandon &lt;vivekkumartandon@gmail.com&gt;

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**Affidavit - Hadeep Sharma vs State of Uttrakhand**

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**Vivek Kumar Tandon** <vivekkumartandon@gmail.com>

4 April 2025 at 15:11

To: "chiefsecyuk@gmail.com" &lt;chiefsecyuk@gmail.com&gt;, dm-usn-ua@nic.in, moef.ddn@gov.in, "pccfuk@gmail.com" &lt;pccfuk@gmail.com&gt;, msukpcb@yahoo.com

Enclosed please find the attachment

Regards

**Vivek Kumar Tandon****Founder & Advocate, Chambers of Vivek Kumar Tandon**

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