

Before The National Green Tribunal sitting at Pune

OA No. 186 of 2023

Between:

Mr. Ameet Gurucharan Singh and others ... APPLICANTS

Vs

State of Maharashtra and others ... RESPONDENTS

ARGUMENTS ON BEHALF OF APPLICANTS

- 1. Argument for allowing delay-condonation application.** There was a delay of 119 days in compliance of the order dated 11/12/2023, which directed the applicants to implead Principal Secretary E&CC as respondent No. 5. Applicants complied, filed their delay-condonation application dated 05/04/2024. Then they re-filed the same in *appropriate section* in accordance with order dated 08/4/2024, and paid the fee on 19/4/2024. The timeline of this action is annexed. All the relevant documents are also annexed therewith for brevity. The newly impleaded respondent no. 5 had already filed their reply affidavit dated 24/1/2024 qua State Tree authority. Hence, no prejudice is caused to any party. In view of the above, this Hon'ble Tribunal may kindly be pleased to allow the application.

2. Argument for prayer Clause (e): For the respondent No. 1 (the State through District Collector) to issue an up-to-date version of the Tree Act.

Respondent No. 1 has not filed any reply, thus ignoring the fact that despite many amendments the print copy issued by the Law and Judiciary Department in the year 2016 has not been updated. This is causing considerable difficulties for both public and the public servants. As an example, respondent No. 3's (PMRDA's) affidavit uses the obsolete 2016 print copy rendering the reply defective. Applicants have recently made an email application on 27/9/2024 (copy annexed) through applicant No. 4 (Ms. Gangotri) to respondent No. 5 requesting to get the amended version issued through the Law and Judiciary Department. Ms. Gangotri has diligently compiled a draft for the updated version, and furnished a copy with the said email. Hon'ble Tribunal may be pleased to allow Prayer Clause (e), directing respondent Nos. 1 and 5 to get the up-to-date version of the Tree Act issued on high priority.

**ARGUMENTS ON PRAYER CLAUSE (c) SEEKING AFFIDAVITS OF
COMPLIANCE BY ALL RESPONDENTS**

3. Respondent No. 1 (State through District Collector) and Respondent No. 2 (Principal Chief Conservator of Forests) have not filed their replies. Respondent No. 3 (PMRDA) has recently filed their reply affidavit dated

16/7/2024 based on an obsolete print copy of the Tree Act. Respondent Nos. 4 (PMC) and 5 (Secretary E&CC qua State Tree Authority) have also filed their reply affidavits. Payer Clause (c) seeks affidavits of compliance from respondents.

4. Respondent No. 3 PMRDA's affidavit informs that on 20/2/2023 PMRDA has established the Tree Authority ("the TA") for the entire Pune metropolitan region including PMC and PCMC. But until the recent affidavit the TA did not disclose its existence and remained dormant for over 1.5 years. Nevertheless, institution of the TA by PMRDA under the Chairmanship of Metropolitan Magistrate, resolves (belatedly) the violation u/s 3 (1) and (2) of the Tree Act pointed out by applicants in Para 18 (b) of the OA.
5. **This said, the constitution of the TA needs clarifications.** For instance, "Town Planner" is appointed as the Tree Officer without specifying the number of Town Planners and their respective jurisdictions. PMRDA (map annexed) has about 6735 sq km area outside PMC/PCMC that can accommodate 50 to 60 new cities, each the size of Chandigarh (114 sq km). One officer clearly cannot handle requisitions and chair meetings to hear objections from the entire metropolitan region. Para 11 of the "Office Order" is vague: it does not inform who will sue for the offense with what documents. There are no templates. Furthermore, Contrary to the directive under sub-Para

(xii) of the same Para 11, Garden Superintendent cannot step into the shoes of Tree Officer (“Town Planner”) by law.

6. With the creation of the proper TA, the Tree Authorities functioning at the PMC and PCMC have become infructuous on the statutory, practical, as well as Constitutional grounds, as shown below:

a. PMC/PCMC cannot be excluded from PMRDA U/s 2 (j) of the MRTA, 2016, “the Metropolitan Region” means the Metropolitan Area as defined u/s 2 (c) the MPCA, 1999, which in turn relies on Article 243-P (c) of The Constitution of India, providing the following definition of “metropolitan area”: *“Metropolitan area” means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part.* Hence, it is clear that Constitutional law requires PMC/PCMC to remain within the PMRDA jurisdiction.

b. The Metropolitan Authority or CEO cannot delegate TA. U/s 2 (b) of the MMRDA, 2016, “Authority” or “Metropolitan Authority” is not the Metropolitan Magistrate, but a corporate body of more than eighteen members listed u/s 4(1) including Municipal Commissioners. Its

powers to delegate do not include power to delegate of statutory office of Chairman, TA.

- c. TA is PMRDA's natural responsibility. PMC shares the responsibility by taking care for the environment-related civic services deliverable under the MMCA, 1949 and crucial to urban environment including clean rivers: sanitation, sewage treatment, bicycle- and pedestrian-friendly roads, municipal hospital, sound and laser pollutions during celebrations, rejuvenation of rivers and lakes, etc.
7. Hence, Hon'ble Tribunal may be pleased to direct respondent No. 4 (PMC) to dissolve its infructuous Tree Authority, transfer all pending cases to the TA, and duly address their environment-related civic duties.
8. This also validates the grievance of the applicants under Para 18 (b) of the captioned OA. Noting that Municipal Commissioner is on the corporate body constituting, PMRA, it is evident that the concerned officials of PMRDA and PMC colluded to withhold the information of the TA from this Hon'ble Tribunal and public, while the trees of the Ganesh Khind Road were being destroyed under the PMC's Tree Authority having no legal sanction. The existence of the TA was disclosed to the public only on 04/9/2024 by a news item (copy is annexed). This Hon'ble Tribunal may be pleased to consider

directing both respondents No. 3 (PMRDA) and No. 4 (PMC) to fix responsibility for the lapse.

9. The PMRDA affidavit further informs that on 14/7/2023 it has issued an Official Note laying down its policy and a Standard Operating Procedure for the functioning of the TA (“the SOP”). The Note cites from the obsolete 2016 copy of the Tree Act and suffers from many other defects, such as:

- a. The SOP does not provide for 7-year survival of saplings stipulated in the 2021 amendment. It focuses on the procedure for felling of trees more than protection and preservation of trees.
- b. The GIS-based tree census is required under the 2021 amendment of the Tree Act u/s 7(1), after the geo-tagging was made compulsory under the 2013 HC judgment in PIL No. 93 of 2009 (Pages 66–99 of the Paper-book; Para No. 26). The same law was again reaffirmed by HC in its 17/4/2024 judgment in PIL No. 210 of 2023 at its Para 10 (a) (copy annexed).). This responsibility is not established. Instead, it appears to have been shifted to the applicant who apply for felling of trees (circled Page Nos. 913 and 910 of Annexure R-2 under the Office Note accompanying the reply affidavit).
- c. For tree-felling permission, the SOP demands the applicant to provide the *location of compensatory plantation*. This demand wrongly

assumes that the applicant–developer will have access to land for compensatory plantation. Instead, the SOP needs to provide for the land parcels where compensatory plantation can be carried out.

- d. The Office Order provides for tree-cutting permission on account of “Hoarding NOC”. There is no such provision in law. Similarly, “type of permission for tree-cutting” includes “illegal tree cutting”. There is no clear directive on legal action or for forfeiture of deposit in default.
10. Applicants acknowledge the magnitude of the work involved in tree census of the entire PMR and in making land available for compensatory plantation. Applicants address these issues as follows providing two write-ups as follows, which this Hon’ble Tribunal may kindly be pleased to recommend:
- a. Drawing upon the knowledge in public domain, applicants are filing herewith a write-up, titled “A Roadmap for PMRDA to Successfully Carry Out Tree Census”.
 - b. Further, given that even the sole draft DP of PMRDA is uncertain, it is understandable that PMRDA is not offering land for compensatory plantation (a news item dated 26/7/2024 is annexed). To address the issue of locating the land for long-term plantation, applicants are filing herewith another write-up, “Provision of Land Parcels for Compensatory Plantation to Survive for Centuries”. It argues with

possible timelines that land parcels for plantation to survive for centuries need to come from the (town-)plans of urban forests, public/private gardens, road sides/ medians, river sides, area surrounding lakes, and private forests (like “Sipna Forest” in Pune)

11. Under the present TA regime, respondent No. 2’s reply cannot be waived

off. The aforesaid urban forests cannot be planned without the tree data from respondent No. 2 impleaded by the Hon’ble Principal Bench. Typically, urban forests are created from the densely forested areas, which are and shall remain under respondent No. 2’s administration, just like various hills (*tekdi*s) in Pune. The data from respondent No. 1 is also essential for TA to build the Geographic Information System (GIS) u/s 7 of the Tree Act. Hence, this Hon’ble Tribunal kindly be pleased to direct respondent No. 2 to file their detailed reply affidavit.

12. It is clear from the above arguments that the Prayer Clause No. (c) cannot be decided at this stage. Hence, this Hon’ble Tribunal may be pleased to adjourn the hearing inter alia granting appropriate time for respondent No. 3 (PMRDA) to build an effective SOP in consultation with other respondents and the applicants, and present the same before this Hon’ble Tribunal.

13. Argument to allow Prayer Clause (f): Website of the State Tree Authority. The reply affidavit filed by respondent No. 5 qua STA has not

denied the necessity to launch its website inter alia providing for citizens to lodge online complaints for the STA's supervisory function u/s 6A of the Tree Act. Hence, this Hon'ble Tribunal may be pleased to allow the Prayer Clause (f) of the captioned OA with necessary directions to respondent No. 5.

14. To summarize, this Hon'ble Tribunal to be kindly be pleased to:

- a. Allow the Interlocutory Application for Condonation of Delay;
- b. Allow Prayer Clause (e), directing respondent Nos. 1 and 5 to get the up-to-date version of the Tree Act issued on priority;
- c. Direct respondent No. 4 (PMC) to dissolve its infructuous Tree Authority, transfer all pending cases to the TA, and duly address their environment-related civic duties;
- d. Consider directing both respondents No. 3 (PMRDA) and No. 4 (PMC) to fix responsibility for the lapse of withholding the information of TA from the public and this Hon'ble Tribunal.
- e. Recommend the two write-ups of the applicants to the respondents;
- f. Direct respondent No. 2 to file their detailed reply affidavit;
- g. Allow the Prayer Clause (f) of the captioned OA with necessary directions to respondent No. 5 to launch the STA website including provision for online filing of complaints; and

- h. Adjourn the hearing inter alia granting appropriate time for respondent No. 3 (PMRDA) to build an effective SOP in consultation with other respondents, and present the same before this Hon'ble Tribunal.

Pune
Uploaded on 30/9/2024
for hearing on 01/10/2024



ADVOCATE FOR APPLICANTS

Timeline of Delay Condonation Application

- 11/12/2023: Applicants directed to implead R-5.
- 05/4/2024 Order complied with delay.
- 08/4/2024: IA filed in the wrong section. Hon'ble Bench allowed two weeks to file in the appropriate section.
- 19/4/2024: IA filed in appropriate section with service affidavit. Fee paid.
- 23/4/2024 Since the NGT website did not show our uploads*, Email of compliance sent to Registrar and all five respondents

*NGT website still does not show the uploads and the remarks on the Cause List indicate some communication gap. Hence, copies of all originals uploaded to NGT website are annexed herewith for brevity.



Case Title	News item appearing in Pune Pulse dated 11.10.2023 titled "Pune Residents condemn tree felling for Urban Development Projects" Vs. Maharashtra Forest Department through its Principal Chief Conservator of Forest (HoFF)
Miscellaneous No.	2704138006052023/7
Transaction id	2700410071602024
Bank Transaction id	1904240033064
Payment Date	2024 -04 -19 00:00:00.0
Amount	120 Rs.
Status	SUCCESS

S. No.	File Name	Party Name	Location	Document Type
1	IA-Condonation of Delay.pdf	News item appearing in Pune Pulse dated 11.10.2023 titled "Pune Residents condemn tree felling for Urban Development Projects"	PUNE (WESTERN ZONE BENCH)	IA

Before The National Green Tribunal sitting at Pune

IA No.: _____ of 2024

In the matter of:

Suo-Moto OA No. 186 of 2023

Between:

Mr. Ameet Gurucharan Singh and others ... Applicants

And

State of Maharashtra and 4 others ... Respondents

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SN	DOCUMENT	PAGE NO/S.
1.	Memo of application for condonation of delay	1 to 4
2.	Common Email copy: service of soft copy of AO	5 to 6
3.	Copy of notice serving hard copy of AO	7 to 8
4.	Service affidavit	9
5.	Postal Tracking Reports: evidence of delivery	10 to 14

Total five documents filed by applicants.

Pune

19/4/2024



ADVOCATE FOR PETITIONERS

Before The National Green Tribunal sitting at Pune

IA No.: _____ of 2024

In the matter of:

OA No. 186 of 2023 (WZ)

Between:

1. Mr. Ameet Gurucharan Singh
Address: 54-B, Shivaji Nagar, Pune 411005;
Email: ameetgsingh@gmail.com
2. Ms. Hema Chari Madabhushi
Address: Belmont Park, ICS Colony, Bhosale
Nagar, Pune 411007
Email: kandalahema@gmail.com
3. Mr. Sathya Narayanan Natarajan
Address: a-14, Kumar Park Infinia, Bhekrai
Nagar, Phursungi, Pune 412308
Email: SathyaNNatarajan@outlook.com
4. Ms. Gangotri Chanda
Address: Tukaram Nagar, Kharadi, Pune
411014;
Email: chanda.gangotri@gmail.com
5. The Secular Community India Chapter through
its Chairman:
Mr. Rajendra Kmar Kale
Address: 9-A Shriram Complex, Model Colony,
Shivaji Nagar, Pune 411016
Email: info@advocaterajendra.com

... Applicants

Vs.

1. State of Maharashtra through: District Collector
Address: Finance Rd, Agarkar Nagar, Pune,
Maharashtra 411001
Email: collector.pune@maharashtra.gov.in

2. Principal Chief Conservator of Forests
(H.O.F.F)
Address: Office of the Principal Chief
Conservator of Forests
(P AND M),
1st Floor, Van Bhavan, Ramgiri Road, Civil
Lines, Nagpur 440001
Email: pccfhoffngp@mahaforest.gov.in
3. The Metropolitan Commissioner
Address: Pune Metropolitan Region
Development Authority (“the PMRDA”),
Maharaja Sayaji Gaikwad Udyog Bhavan,
Aundh Pune 411067
Email: comm@pmrda.gov.in
4. The Municipal Commissioner
Address: PMC Main Building, Near Mangla
Theater, Shivajinagar Pune 411005
Email: mco@punecorporation.org
5. The Principal Secretary, Environment and
Climate Change Department
Address: Room No. 217, Annexe Building,
Mantralaya Mumbai 400032
Email: psec.env@maharashtra.gov.in

... Respondents

APPLICATION FOR CONDONATION
OF DELAY IN COMPLIANCE

The applicants herein state and pray as under:

1. Vide Judgment dated 11/12/2023 delivered by this Hon’ble bench the applicants were required to issue a notice to implead the Principal Secretary, Environment and Climate Change Department within two weeks.

2. However, due to various reasons, including filing of an appeal in the apex Court, fresh orders issued by the Hon'ble apex Court for the Hon'ble Bombay High Court, as well as the review application filed by applicants, the notice could not be sent in time.
3. Subsequently, on 08/4/2024, this Hon'ble bench was pleased to allow two weeks for the compliance and accordingly, applicants have taken prompt action. The status compliance is as under:
 - a. The Principal Secretary, Environment and Climate Change Department has been impleaded as the fifth respondent, and the updated Memo of Parties, the affidavit of service, and proof of service have been e-filed;
 - b. All the respondents have been served the soft copy of the OA No. 186 of 2023 by email dated 10/4/2024. A copy of the email is annexed herewith;
 - c. All the respondents have been served the hard copy of the OA No. 186 of 2023 by Speed Post A/D dated 12/4/2024 vide covering letter dated 10/4/2024 and postal receipts Nos. EM353382517IN; EM353382503IN; EM353382605IN; EM353382619IN and EM353382525IN, respectively. An affidavit of service, with original postal receipts is annexed herewith. The hard copies have been delivered as is evidenced by the tracking reports being filed with this application.
4. In view of the above the need of *dasti*-service is rendered redundant. As such, the compliances of the orders passed vide Para Nos. 15 to 18

of the judgment dated 11/12/2023 and Para Nos. 2 to 5 of the order dated 08/4/2024 stand completed.

5. The necessary fee is being paid.
6. In view of the aforesaid it is prayed that:
 - a. The delay in compliance of the orders passed vide Para Nos. 15 to 18 of the judgment dated 11/12/2023 be condoned; and
 - b. Any other order as deemed necessary be passed.

Pune
19/4/2024



PETITIONER NO. 1

VERIFICATION

I, Mr. Ameet Gurucharan Singh S/o, Mr. Gurucharan Avatar Singh, age: 46 years, resident of: 54-B, Shivaji Nagar, Pune 411005 do hereby verify that the contents of paras 1 to 4 are true and correct to the best of my knowledge and belief, and that I have not suppressed any material fact. Hence, I have signed this 19th day of April 2024 at Pune.



PETITIONER NO. 1

1005

5



Rajendra Kale <info@advocaterajendra.com>

Service of copy of petition: OA No. 186 of 2023 before the Hon'ble NGT (WZ) at Pune

1 message

Rajendra Kale <info@advocaterajendra.com>

Wed, Apr 10, 2024 at 5:54 PM

To: collector.pune@maharashtra.gov.in, comm@pmrda.gov.in, "Commissioner Office (PMC)"

<mco@punecorporation.org>, psec.env@maharashtra.gov.in, pccfhoffngp@mahaforest.gov.in

Cc: ameeetgsingh@gmail.com, Adv Manasi Thakare <thakaremanasi31@gmail.com>, National Green Tribunal Pune <ngt-pune@gov.in>



Our OA No. 186-2023 filed by us on 4-12-24.pdf

Rajendra Kumar Kale

M.Sc., M.Phil., LL.B.; Advocate

Shriram Complex, Model Colony, Pune 411016Phone: +91 94225 19657; Email: info@advocaterajendra.comWebsite: <http://www.advocaterajendra.com>

Ref No.: AS/NGT/OA-186-2023/06

Date: 10/4/2024

NOTICE
BY SPEED POST A/D AND **EMAIL**

To,

1. State of Maharashtra

Through:

District Collector, Pune District

Finance Road, Agarkar Nagar

Pune 411001

Email: collector.pune@maharashtra.gov.in

2. Principal Chief Conservator of Forests (HOFF)

Office of the Principal Chief Conservator of Forests (P and M)

1st Floor, Van Bhavan, Ramgiri Road, Civil Lines

Nagpur 440001

Email: pccfhoffngp@mahaforest.gov.in

3. The Metropolitan Commissioner

Pune Metropolitan Region Development Authority (PMRDA)

Maharaja Sayaji Gaikwad Udyog Bhavan, Aundh

Pune 411067

Email: comm@pmrda.gov.in

4. The Municipal Commissioner

Pune Municipal Corporation, PMC Main Building

Near Mangala Theatre, Shivaji Nagar

Pune 411005

Email: mco@punecorporation.org

5. The Principal Secretary

Environment and Climate Change Department

1006
Room No. 217, Anand Building
Mantralaya, Mumbai 400032
Email: psec.env@maharashtra.gov.in

6

Subject: OA No. 186 OF 2023 (WZ) before the Hon'ble NGT (WZ) In Earlier OA No. 661 of 2023 (PB) In re: News Item appearing in Pune Pulse dated 11/10/2023 titled "Pune residents condemn tree felling for Urban Development Project Vs. Maharashtra Forest Dept. Through its HoFF & Ors."

1. This refers to the order dated 08/4/2024 passed by Hon'ble NGT (WZ) at Pune in the subject matter wherein the Hon'ble bench has directed the petitioners, that is, my clients, to serve you a copy of the OA filed by my clients. A brief background is given in the following paragraph.
2. The News Item referred in the subject matter is based on the information gathered and processed by my clients, Mr. Ameet Singh and others, who have appeared in the suo-moto hearing as the original petitioners, and have filed their OA, now numbered as OA 186 of 2023. You, No. (5), have subsequently been impleaded as the fifth respondent on the order passed by the Hon'ble Bench on 11/12/2023. In this regard, you, No. (5), may please refer to my last communication both by Email and Speed Post.
3. For you, Nos. (1), (2), (3) and (5), a print copy of the entire compilation of OA No. 186 of 2023 is attached herewith. For you, No. (4), print copy of the entire compilation of OA No. 186 of 2023 has already been handed over to your Ld. advocate, but the reply affidavit (except for interim application) has not been filed from your end. This fact has been recorded by the Hon'ble bench on its order dated 08/4/2024.
4. You, Nos. (1) to (5), take further notice that the matter is listed next for hearing on 22/7/2024
5. Please acknowledge receipt.

Rajendra Kumar Kale
ADVOCATE

Encl.: as above.
NOO: A soft copy of the OA is attached.

Sincerely
Rajendra Kumar Kale, Advocate
Shriram Complex, Model Colony
Pune 411 016 India
Mobile No.: +91 94225 19657
Email: info@advocaterajendra.com

Disclaimer: This email and any files transmitted with it are confidential and directed solely for the use of the intended addressee/s and may contain information that is legally privileged, confidential, and exempt from disclosure. If you have received this email in error, please notify the sender by telephone or return email and immediately delete this email and any files transmitted along with it. Unintended recipients are not authorized to disclose, disseminate, distribute, copy or take any action in reliance on information contained in this email and/or any files attached thereto, in any manner other than to notify the sender. Any unauthorized use is subject to legal prosecution.

**Rajendra Kumar Kale**

M.Sc., M.Phil., LL.B.; Advocate

Shriram Complex, Model Colony, Pune 411016

Phone: +91 94225 19657; Email: info@advocaterajendra.com

Website: http://www.advocaterajendra.com

7

Ref No.: AS/NGT/OA-186-2023/06

Date: 10/4/2024

NOTICE

BY SPEED POST A/D AND EMAIL

To,

1. State of Maharashtra
Through:
District Collector, Pune District
Finance Road, Agarkar Nagar
Pune 411001
Email: collector.pune@maharashtra.gov.in
2. Principal Chief Conservator of Forests (HOFF)
Office of the Principal Chief Conservator of Forests (P and M)
1st Floor, Van Bhavan, Ramgiri Road, Civil Lines
Nagpur 440001
Email: pccfhoffngp@mahaforest.gov.in
3. The Metropolitan Commissioner
Pune Metropolitan Region Development Authority (PMRDA)
Maharaja Sayaji Gaikwad Udyog Bhavan, Aundh
Pune 411067
Email: comm@pmrda.gov.in
4. The Municipal Commissioner
Pune Municipal Corporation, PMC Main Building
Near Mangala Theatre, Shivaji Nagar
Pune 411005
Email: mco@punecorporation.org
5. The Principal Secretary
Environment and Climate Change Department
Room No. 217, Annexe Building
Mantralaya, Mumbai 400032
Email: psec.env@maharashtra.gov.in

Subject: OA No. 186 OF 2023 (WZ) before the Hon'ble NGT (WZ) In Earlier OA No. 661 of 2023 (PB) In re: News Item appearing in Pune Pulse dated 11/10/2023 titled "Pune residents condemn tree felling for Urban Development Project Vs. Maharashtra Forest Dept. Through its HoFF & Ors."

1. This refers to the order dated 08/4/2024 passed by Hon'ble NGT (WZ) at Pune in the subject matter wherein the Hon'ble bench has directed the petitioners, that is, my clients, to serve you a copy of the OA filed by my clients. A brief background is given in the following paragraph.
2. The News Item referred in the subject matter is based on the information gathered and processed by my clients, Mr. Ameet Singh and others, who have appeared in the suo-moto hearing as the original petitioners, and have filed their OA, now numbered as OA 186 of 2023. You, No. (5), have subsequently been impleaded as the fifth respondent on the order passed by the Hon'ble Bench on 11/12/2023. In this regard, you, No. (5), may please refer to my last communication both by Email and Speed Post.
3. For you, Nos. (1), (2), (3) and (5), a print copy of the entire compilation of OA No. 186 of 2023 is attached herewith. For you, No. (4), print copy of the entire compilation of OA No. 186 of 2023 has already been handed over to your Ld. advocate, but the reply affidavit (except for interim application) has not been filed from your end. This fact has been recorded by the Hon'ble bench on its order dated 08/4/2024.
4. You, Nos. (1) to (5), take further notice that the matter is listed next for hearing on 22/7/2024
5. Please acknowledge receipt.

Rajendra Kumar Kale
ADVOCATE

Encl.: as above.

1009

Before The National Green Tribunal sitting at Pune

MEMORANDUM OF APPLICTION

In the matter of:

9

Suo-Moto OA No. 186 of 2023

Between:

Mr. Ameet Gurucharan Singh and others

... Applicants

And

State of Maharashtra and others

... Respondents

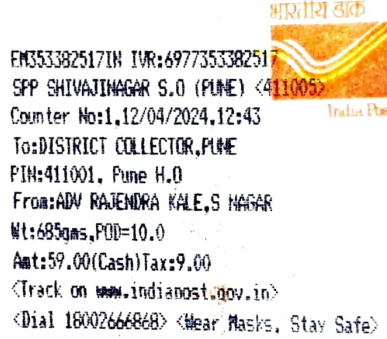
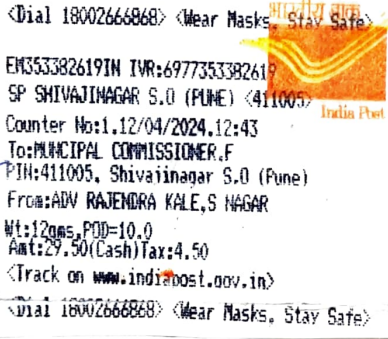
AFFIDAVIT

I, Mr. Ameet Gurucharan Singh S/o, Mr. Gurucharan Avatar Singh, age: 46 years, resident of: 54-B, Shivaji Nagar, Pune 411005, being applicant No. 1 in the captioned matter do hereby state on solemn affirmation as follows:

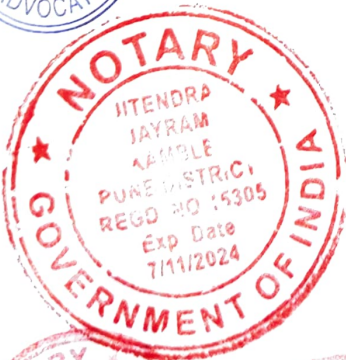
I say that in compliance of the order passed by this Hon'ble bench in the captioned matter I have served copy of the OA No. 186 of 2023 the applicants to each of the five respondents by (1) Post A/D and (2) Email dated 10/4/2024. As proof of the said compliance, I have pasted the original postal receipts on this sheet, and copied the Email notice to Hon'ble Registrar.

The contents of the said application are true and correct to the best of my knowledge and belief and I have not withheld any material information in this regard. Hence, I have signed this 13th day of April 2024, at Pune.

Signed before me. ADVOCATE



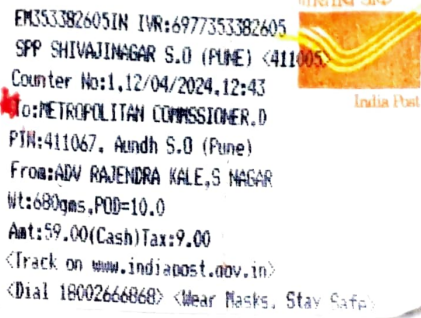
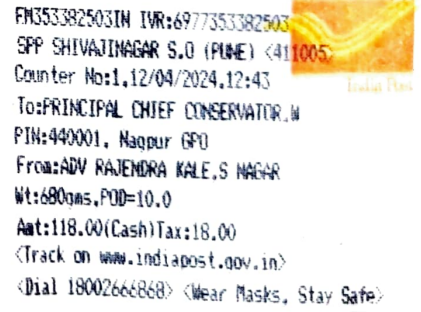
Affiant signature and name.



BEFORE ME

JITENDRA J. KAMBLE ADVOCATE & NOTARY GOVT OF INDIA

13 APR 2024



Vertical text on the right margin containing tracking information and a QR code.



1010

Sign In

Register

10



हिन्दी



You are here Home>> Track Consignment

**Track Consignment**

Quick help

* Indicates a required field.

* Consignment Number

EM353382517IN

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Shivajinagar S.O (Pune)	12/04/2024 12:43:05	411001	59.00	Speed Post Parcel Domestic	Pune H.O	13/04/2024 14:22:23

Event Details For : EM353382517IN**Current Status : Item Delivered(Addressee)**

Date	Time	Office	Event
13/04/2024	14:22:23	Pune H.O	Item Delivered(Addressee)
13/04/2024	13:31:20	Pune H.O (Beat Number:42)	Item Delivered [To: . (Addressee)]
13/04/2024	10:42:13	Pune H.O	Out for Delivery
13/04/2024	10:13:44	Pune H.O	Item Received
13/04/2024	06:21:07	Pune TSO TMO	Item Dispatched
13/04/2024	05:28:07	Pune TSO TMO	Item Received
13/04/2024	04:21:39	Pune PH	Item Dispatched
13/04/2024	03:01:46	Pune PH	Item Bagged
12/04/2024	20:39:49	Pune PH	Item Received
12/04/2024	17:48:18	Shivajinagar S.O (Pune)	Item Dispatched
12/04/2024	17:37:33	Shivajinagar S.O (Pune)	Item Bagged
12/04/2024	12:43:05	Shivajinagar S.O (Pune)	Item Booked

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* Consignment Number

EM353382503IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Shivajinagar S.O (Pune)	12/04/2024 12:43:05	440001	118.00	Speed Post Parcel Domestic	Nagpur GPO

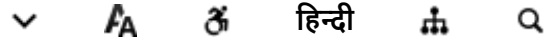
Event Details For : EM353382503IN**Current Status : Item Delivered [To: VANRAKSHAK (Addressee)]**

Date	Time	Office	Event
15/04/2024	13:16:31	Nagpur GPO (Beat Number:1)	Item Delivered [To: VANRAKSHAK (Addressee)]
15/04/2024	11:33:18	Nagpur GPO	Out for Delivery
15/04/2024	07:45:50	Nagpur GPO	Item Received
15/04/2024	03:04:54	Nagpur PH	Item Dispatched
14/04/2024	19:09:25	Nagpur PH	Item Bagged
14/04/2024	18:48:11	Nagpur PH	Item Received
14/04/2024	09:34:45	Nagpur Rs TMO	Item Dispatched
14/04/2024	09:27:17	Nagpur Rs TMO	Item Received
13/04/2024	05:12:54	Pune PH	Item Dispatched
13/04/2024	01:49:43	Pune PH	Item Bagged
13/04/2024	00:02:15	Pune PH	Item Received
12/04/2024	17:48:18	Shivajinagar S.O (Pune)	Item Dispatched
12/04/2024	17:34:46	Shivajinagar S.O (Pune)	Item Bagged
12/04/2024	12:43:05	Shivajinagar S.O (Pune)	Item Booked

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EM353382605IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Shivajinagar S.O (Pune)	12/04/2024 12:43:05	411067	59.00	Speed Post Parcel Domestic	Aundh S.O (Pune)	15/04/2024 20:28:53

Event Details For : EM353382605IN**Current Status : Item Delivered(Addressee)**

Date	Time	Office	Event
15/04/2024	20:28:53	Ganeshkhind S.O	Item Delivered(Addressee)
15/04/2024	09:19:32	Ganeshkhind S.O	Out for Delivery
15/04/2024	07:39:51	Ganeshkhind S.O	Item Received
14/04/2024	07:03:12	Pune TSO TMO	Item Dispatched
14/04/2024	06:59:01	Pune TSO TMO	Item Received
14/04/2024	04:11:53	Pune PH	Item Dispatched
14/04/2024	02:39:45	Pune PH	Item Bagged
13/04/2024	23:59:53	Pune PH	Item Received
13/04/2024	12:29:11	Chinchwad East S.O	Item Dispatched
13/04/2024	11:10:32	Chinchwad East S.O	Item Bagged
13/04/2024	09:39:54	Chinchwad East S.O	Item Redirected to Aundh S.O (Pune) Insufficient Address
13/04/2024	08:52:58	Chinchwad East S.O	Item Received
13/04/2024	06:23:18	Pune TSO TMO	Item Dispatched
13/04/2024	05:28:24	Pune TSO TMO	Item Received
13/04/2024	04:21:39	Pune PH	Item Dispatched
12/04/2024	23:58:04	Pune PH	Item Bagged
12/04/2024	20:39:49	Pune PH	Item Received
12/04/2024	17:48:18	Shivajinagar S.O (Pune)	Item Dispatched
12/04/2024	17:37:33	Shivajinagar S.O (Pune)	Item Bagged



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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location
Shivajinagar S.O (Pune)	12/04/2024 12:43:05	411005	29.50	Inland Speed Post	Shivajinagar S.O (Pune)

Event Details For : EM353382619IN**Current Status : Item Delivered [To: pmc (Addressee)]**

Date	Time	Office	Event
15/04/2024	12:38:37	Shivajinagar S.O (Pune) (Beat Number:7)	Item Delivered [To: pmc (Addressee)]
13/04/2024	15:45:15	Shivajinagar S.O (Pune)	Item Onhold Local Holiday
13/04/2024	10:46:45	Shivajinagar S.O (Pune)	Out for Delivery
13/04/2024	09:36:14	Shivajinagar S.O (Pune)	Item Received
12/04/2024	18:19:32	Shivajinagar S.O (Pune)	Item Bagged
12/04/2024	12:43:05	Shivajinagar S.O (Pune)	Item Booked

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Shivajinagar S.O (Pune)	12/04/2024 12:43:05	400032	153.40	Speed Post Parcel Domestic	Mantralaya SO Mumbai	15/04/2024 17:09:31

Event Details For : EM353382525IN**Current Status : Item Delivered(Addressee)**

Date	Time	Office	Event
15/04/2024	17:09:31	Mumbai GPO	Item Delivered(Addressee)
15/04/2024	10:22:29	Mumbai GPO	Out for Delivery
15/04/2024	07:59:54	Mumbai GPO	Item Received
14/04/2024	00:42:28	Mumbai PH	Item Dispatched
13/04/2024	11:50:18	Mumbai PH	Item Bagged
13/04/2024	11:23:25	Mumbai PH	Item Received
13/04/2024	04:06:21	Pune PH	Item Dispatched
13/04/2024	02:44:07	Pune PH	Item Bagged
12/04/2024	20:48:23	Pune PH	Item Received
12/04/2024	17:48:18	Shivajinagar S.O (Pune)	Item Dispatched
12/04/2024	17:36:00	Shivajinagar S.O (Pune)	Item Bagged
12/04/2024	12:43:05	Shivajinagar S.O (Pune)	Item Booked

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Petitioners have uploaded an IA in OA No. 186 of 2023 (WZ) before the Hon'ble NGT (WZ) at Pune**Rajendra Kale** <info@advocaterajendra.com>

Tue, Apr 23, 2024 at 1:46 PM

To: collector.pune@maharashtra.gov.in, comm@pmrda.gov.in, "Commissioner Office (PMC)" <mco@punecorporation.org>, psec.env@maharashtra.gov.in, pccfhoffngp@mahaforest.gov.in, National Green Tribunal Pune <ngt-pune@gov.in>
Cc: ametsingh@gmail.com, Adv Manasi Thakare <thakaremanasi31@gmail.com>

To,
Hon'ble Registrar, NGT (WZ)

Sir,

On behalf of the petitioners we have uploaded to the NGT (WZ) website on 19/4/2024 the petitioners' IA in compliance with the orders passed by the Hon'ble bench in the OA No. 186 of 2023. We have also paid the requisite fees.

Annexed please find copies of (a) the entire IA compilation and (b) the receipt of payment of the fee.

This email is also addressed to all the five respondents delivering to them the copy of the IA, for them to file their say, if any.

Unfortunately, we are unable to view the uploaded IA on the NGT (WZ) website under the OA. I request you kindly to grant necessary permissions in the online system allowing the petitioners to access all the documents uploaded under the OA No. 186 of 2023 (WZ),

Sincerely
Rajendra Kumar Kale, Advocate
Shriram Complex, Model Colony
Pune 411 016 India
Mobile No.: +91 94225 19657
Email: info@advocaterajendra.com

Disclaimer: This email and any files transmitted with it are confidential and directed solely for the use of the intended addressee/s and may contain information that is legally privileged, confidential, and exempt from disclosure. If you have received this email in error, please notify the sender by telephone or return email and immediately delete this email and any files transmitted along with it. Unintended recipients are not authorized to disclose, disseminate, distribute, copy or take any action in reliance on information contained in this email and/or any files attached thereto, in any manner other than to notify the sender. Any unauthorized use is subject to legal prosecution.

On Wed, Apr 10, 2024 at 5:54 PM Rajendra Kale <info@advocaterajendra.com> wrote:

 Our OA No. 186-2023 filed by us on 4-12-24.pdf

Rajendra Kumar Kale

M.Sc., M.Phil., LL.B.; Advocate

Shriram Complex, Model Colony, Pune 411016Phone: +91 94225 19657; Email: info@advocaterajendra.comWebsite: <http://www.advocaterajendra.com>

Ref No.: AS/NGT/OA-186-2023/06

Date: 10/4/2024

NOTICE
BY SPEED POST A/D AND **EMAIL**

To,

1. State of Maharashtra
Through:
District Collector, Pune District
[Finance Road, Agarkar Nagar](#)
[Pune 411001](#)

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2. Principal Chief Conservator of Forests (HOFF)
Office of the Principal Chief Conservator of Forests (P and M)
1st Floor, Van Bhavan, Ramgiri Road, Civil Lines
Nagpur 440001
Email: pccfhoffngp@mahaforest.gov.in

3. The Metropolitan Commissioner
Pune Metropolitan Region Development Authority (PMRDA)
Maharaja Sayaji Gaikwad Udyog Bhavan, Aundh
Pune 411067
Email: comm@pmrda.gov.in

4. The Municipal Commissioner
Pune Municipal Corporation, PMC Main Building
Near Mangala Theatre, Shivaji Nagar
Pune 411005
Email: mco@punecorporation.org

5. The Principal Secretary
Environment and Climate Change Department
Room No. 217, Annexe Building
Mantralaya, Mumbai 400032
Email: psec.env@maharashtra.gov.in

Subject: OA No. 186 OF 2023 (WZ) before the Hon'ble NGT (WZ) In Earlier OA No. 661 of 2023 (PB) In re: News Item appearing in Pune Pulse dated 11/10/2023 titled "Pune residents condemn tree felling for Urban Development Project Vs. Maharashtra Forest Dept. Through its HoFF & Ors."

1. This refers to the order dated 08/4/2024 passed by Hon'ble NGT (WZ) at Pune in the subject matter wherein the Hon'ble bench has directed the petitioners, that is, my clients, to serve you a copy of the OA filed by my clients. A brief background is given in the following paragraph.
2. The News Item referred in the subject matter is based on the information gathered and processed by my clients, Mr. Ameet Singh and others, who have appeared in the suo-moto hearing as the original petitioners, and have filed their OA, now numbered as OA 186 of 2023. You, No. (5), have subsequently been impleaded as the fifth respondent on the order passed by the Hon'ble Bench on 11/12/2023. In this regard, you, No. (5), may please refer to my last communication both by Email and Speed Post.
3. For you, Nos. (1), (2), (3) and (5), a print copy of the entire compilation of OA No. 186 of 2023 is attached herewith. For you, No. (4), print copy of the entire compilation of OA No. 186 of 2023 has already been handed over to your Ld. advocate, but the reply affidavit (except for interim application) has not been filed from your end. This fact has been recorded by the Hon'ble bench on its order dated 08/4/2024.
4. You, Nos. (1) to (5), take further notice that the matter is listed next for hearing on 22/7/2024
5. Please acknowledge receipt.

Rajendra Kumar Kale
ADVOCATE

Encl.: as above.

Sincerely

Rajendra Kumar Kale, Advocate

Shriram Complex, Model Colony

Pune 411 016 India

Mobile No.: +91 94225 19657

Email: info@advocaterajendra.com

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2 attachments



IA E-filed Reciept.pdf

64K



IA Compilation.pdf

3416K

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Gangotri Chanda <chanda.gangotri@gmail.com>

Request to reprint the Tree Act with all the amendments

Gangotri Chanda <chanda.gangotri@gmail.com>

Fri, Sep 27, 2024 at 5:52 PM

To: pscenv@maharashtra.gov.in

Cc: info@advocaterajendra.com, Maitreya Ghorpade <maitreya.ghorpade@gmail.com>

From
Gangotri Chanda
Chandan Nagar, Kharadi, Pune 411014
chanda.gangotri@gmail.com
(+91) 9130624588

To
The Principal Secretary (Environment and Climate Change)
Government of Maharashtra
Room no. 217, Mantralaya Annex
Mumbai 400022

R/Sir

1. I am the applicant No. 4 in the OA No. 186 of 2023, which is being heard at NGT (WZ) at Pune and wherein your office is listed as respondent No. 5.
2. As you are aware, the bare Act "Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975" was last printed in the year 2016 by the Department of Law and Judiciary at Government Press. Thereafter the law has been extensively amended but the amended Act was never printed. This is causing a lot of inconvenience for the concerned citizens as also the public servants.
3. Therefore, our prayer clause [e] seeks the State to re-print the said bare Act with all the amendments to date. However, no such action has been taken by any of the respondents.
4. To facilitate our own work I have personally prepared a draft consolidating all the amendments. I am herewith sharing the same with you, hoping that it might help the concerned department to reprint the Act with all the amendments.
5. Knowing that your office is in the lead to resolve all the Environment issues, I, on behalf of all the applicants, kindly request you to arrange to print the up-to-date bare Act on priority, and oblige.
6. We shall file a copy of this email (without the enclosure) to NGT (WZ).

Thanks and Regards
Sincerely,
Gangotri



Draft Mh Urban Tree Act 1975 with amendments till 2023 watermarked.pdf
277K



8.210.23-pil.docx

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.210 OF 2023

Parisar Sanrakshan Sanwardhan
Sanstha & Ors.

..... Petitioners

Vs.

The Pune Municipal Corporation & Ors.

..... Respondents

Ms. Ronita Bhattacharya for the Petitioners
Shri Abhijit P. Kulkarni a/w. Shri Krushna Jaybhay, Shri Gaurav
Shahane and Ms. Sweta shah for Respondent No.1 - PMC
Shri P. P. Kakade, Government Pleader with Shri O. A.
Chandurkar, Additiional Government Pleader and Mrs. G. R.
Raghuwanshi, AGP for Respondent No.5 - State
Shri Rohit Sakhadeo for Respondent No.4 - PMRDA
Ms. Nisha Chavan, Chief Law Officer
Shri Aniruddha Pawaskar, Chief Engineer (Road)
Shri Amar Shinde, Superintending Engineer
Shri Yogesh Kulkarni, Superintending Engineer, Engineering Div.2
- PMRDA

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : APRIL 17, 2024

P.C.

1. In deference to our order dated 21st December 2023, learned Counsel representing the Pune Municipal Corporation files an affidavit which contains the report of the Expert Committee appointed by the Court. The affidavit is taken on record. Learned Counsel for the Petitioners files an affidavit-in-rejoinder which is also taken on record.

2. The Court, having regard to the issue raised in the petition which is of seminal importance, had appointed a Committee comprising of not only the experts from Central Road Research Institute (a CSIR Institute), New Delhi, Indian Institute of Technology (IIT), Mumbai, National Environmental Engineering Research Institute (NEERI), Nagpur but also the Municipal administrators of the Pune Municipal Corporation. We have perused the report submitted by the experts. Contributors to the said report are Dr. S. Velmurugan, Chief Scientist and Head, Traffic Engineering and Safety (TES), Division, CSIR (CRRI), New Delhi, Dr. Shalini Dhyani, Principal Scientist, Environmental Impact Assessment, Audit & Planning, CSIR - (NEERI), Nagpur, Prof. (Dr). Himanshu Burte, CUSE, IIT Bombay, Mumbai and Prof. (Dr.) Shyam R. Asolekar, ESED, IIT Bombay, Mumbai.

3. The experts held deliberations involving all stake-holders including the Petitioners and prepared the report as per the mandate of the Court contained in its order dated 21st December 2023. The Committee considered the issue of widening of Ganesh Khind Road stretch. While describing the perspective in which such study has been conducted, the Expert Committee observed that the matter was considered as a *fait accompli* for

the reason that such study was conducted at a fairly advanced stage of the Project'. The report also makes observations regarding the apathy shown by the authorities of Pune Municipal Corporation (PMC) / Pune Metropolitan Regional Development Authority (PMRDA) towards their commitment to developing and implementing a comprehensive strategy for "sustainable transport facility". The report further observes that the issues relating to the Ganesh Khind Road traffic is being addressed by the PMC/PMRDA apparently through "supply management strategies" by widening of roads, providing fly-overs and underpasses etc. Though the Expert Committee was inclined, instead, to favour "demand management strategies". The aforesaid observations made by the Expert Committee in its report, in our considered opinion, act as an eye opener for the authorities of the PMC/PMRDA for all future projects which should aim at sustainable development.

4. The Expert Committee, though considered the alternate design of right of way and also considered the issue relating to the road widening vis-a-vis tree cutting, however, the Committee did not find the suggestions made for alternate design as tenable. At this juncture itself, we may observe that the reason for not agreeing with realignment of the road to save the trees,

which can be culled out from the report submitted by the experts, is that the study in this regard was conducted at a very very late stage and hence it has to be accepted as a *fait accompli*.

5. After considering the matter in detail with the inputs from the PMC as also from the Petitioners, the Committee has made its recommendations in clause 4 of the report which is extracted hereunder:

“4.0 Recommendations

The Experts in this Committee deliberated extensively on the different challenges, considerations presented by the petitioner (Parisar group) as well as PMC/PMRDA, related to the said ongoing project. In the context of this project, the question of tree cutting came up in the first place because widening of the said Road was considered as a key to providing relief from traffic congestion. The Expert members felt that the project of Ganeshkhind Road widening can be understood as being part of an unsustainable transport infrastructure strategy that focuses on supplying more road space without addressing the need to reduce demand for the same through affordable public transport, like bus.

*As discussed above, the Committee has been presented the issue of widening of a stretch of Ganeshkhind Road (PIL No. 210/2024) as a *fait accompli* in the form of a fairly advanced stage of the impugned project. As a result, the Technical Experts serving the Committee have accepted to study the matter thoroughly in the shortest possible time and furnish their recommendations to the Convenor of the Committee without any prejudice to the other stages of this project or other transportation infrastructure upgradation projects in Pune or elsewhere in the future.*

The Technical Experts in the Committee constituted by the Honorable Bombay High Court have examined the issues highlighted by the Honorable High Court and also the arguments put forth by the petitioners and PMC/PMRDA.

In the light of the advanced stage of the said road widening and metro rail project, and keeping in view its urgency, the following are the specific recommendations of the Experts serving the Committee:

- a) After considering the detailed presentation on the alternative plan for minimizing tree cutting from the Parisar Group, in the context of the advanced stage of the project implementation, the authors of this Report see no possibility of practically implementing those ideas at this point of time.*
- b) Out of 403 trees, until today, the fate of 318 trees is sealed already (before this Committee was constituted). In the current Phase, the fate of 71 trees is to be decided. As per the proposal of PMC/PMRDA, 19 trees need to be cut now during Phase-2 and 52 trees have to be transplanted.*
- c) In the present circumstances, without any prejudice to the other stages of this project or other projects in Pune or elsewhere in the future, the Experts in this Committee recommend transplantation of 71 trees instead of cutting of 19 trees and transplantation of 52 trees as per the proposal of PMC/PMRDA. As part of the above, PMC will also carry out compensatory afforestation by planting a minimum of 5,000 trees in the vicinity of the Project Corridor. If and when the transplanted trees do successfully survive, those trees will be in excess of the agreed compensatory afforestation target.*
- d) The committee is of the considered opinion that the compensatory afforestation proposed by the PMC in the context of the widening of the said Road is the bare minimum as per the regulations/guidelines in force at present. In the context of the alarming deterioration of urban ecosystems in India, an aggressive approach by PMC will be appreciated by the Committee.*

- e) *It is the considered opinion of the Technical Expert Members in the Committee that the survival rate of the newly planted trees, in response to compensatory afforestation, shall be upward of 95% and it should be guaranteed by the PMC that the survival will be ascertained for ten consecutive years. The statistical facts about the said compensatory afforestation shall be established and communicated to the Hon. Bombay High Court as well as published on the PMC Webpage every quarter by the PMC. In the situations where some trees do not hold roots, fresh trees shall be planted in replacement and the survival (upward of 95%) of the replaced trees shall also be tracked for ten consecutive years after planting them.*
- f) *PMC should also guarantee that the trees planted for compensation shall not be cut or transplanted for any another developmental activity in the near future.*
- g) *The PMC shall give their commitment in writing through an 'Affidavit' and categorically implement the recommendations listed in clause c), d) and e). If any affidavit with the above conditions, expressed in clauses c), d) and e), is already in force, an additional affidavit is not required.*
- h) *The PMC shall prepare a detailed plan for implementation of tree plantation on footpaths of the Ganeshkhind Road and get it approved from a biodiversity and ecology expert in Pune University or Botanical Survey of India, Pune Circle office, or any other suitable expert. The Expert could specify the species of trees to be planted on footpaths on both sides of the Road. Such plantation shall be done at the edge of the footpath so as to minimize obstruction to the pedestrians on the entire corridor at every 10 m interval. This can ensure long-term benefits in the form of shaded area to the users of footpaths as well as boulevard of trees or greenery on both sides of the project corridor matching with the urban areas following the best international practices."*

6. The affidavit filed today on behalf of the PMC states that as per the opinion of the experts, the PMC undertakes to comply

with all the recommendations. Paragraph 4 of the said affidavit is extracted hereinbelow:

“4. I say that, as per the recommendations in the said report, the Pune Municipal Corporation undertakes to comply with all the recommendations of the Expert Committee with respect to present Ganeshkhind project. More specifically so as to deal with clauses c), d) & e) of the said report the Corporation is bound to follow the said recommendations as the corporation is committed to provide a sustainable development to its citizens.”

7. Though in paragraph 4 of the affidavit as extracted above, it has been stated that the PMC shall comply with the recommendations of the Expert Committee report, more specifically to deal with clauses (c), (d) and (e) of the said report, however, we direct that the entire recommendations contained in clause 4 of the report as extracted hereinabove, shall be complied with by the PMC and other authorities concerned while executing the project in question in its entirety.

8. One of the recommendations made by the Expert Committee in its report relates to fresh plantation to be undertaken by the PMC and for ensuring survival of such plants. An effective mechanism for the said purpose has also been recommended which, it is directed, shall be strictly followed by the PMC.

9. Ms. Ronita Bhattacharya, learned Counsel representing the Petitioners has stated that the project in question has fallen upon the residents of the Pune City to be accepted as *fait accompli*, the reasons for which are amply clear and to prevent any such situation in future, certain directions in respect of effective implementation of Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (hereinafter referred to as the **Act of 1975**), may also be issued.

10. The scheme of the said Act of 1975 has already been discussed in detail in an earlier judgment dated 20th September 2023 rendered by a coordinate bench of this Court in **PIL No.93 of 2009 (Deepak Balkrishna Vahikar and Anr. Vs. The State of Maharashtra & Ors.)**, wherein various directions have been issued to ensure effective implementation of the said Act of 1975. However, during the course of several hearings of this petition, we have noticed certain lacunae/deficiencies in discharge of duties by the authorities which call upon us to issue the following directions:

(a) Because of incomplete GIS based mapping of trees, the trees have been found to be cut mistakenly or wrongly and as such, we direct that in terms of section 7(b) of the Act of 1975, the authority concerned shall carry out the

census of the trees once in every five years with GIS based mapping.

(b) We also direct that census data to be published on the website shall be made available in public domain which can be accessed by members of general public.

(c) Section 7(e) of the Act of 1975 casts a duty on the Tree Authority for transplanting of trees necessitated by construction of new roads or widening of roads and for safeguarding the life of the trees. It has been brought to our notice that no records of transplantation are being maintained from the year 2022. Accordingly, we direct that the Tree Authority shall not only appropriately discharge its duties as mandated under Section 7(e) of the Act of 1975 but shall also keep a record of such transplantation and conduct regular monitoring to ensure that the trees planted survive as well.

(d) The Committee of experts constituted by this Court while making its recommendations, has observed that the retention of maximum number of trees is essential on one hand and minimization of obstruction to traffic is also important on the other. Thus, we also direct that in case of compensatory afforestation of trees, it shall be ensured by the Tree Authority and other authorities of the Municipal Corporations and all other agencies, that the fresh trees planted as compensatory afforestation survive. For the said purpose, it shall be obligatory on the part of the Tree Authority/Corporation and all other responsible officers and

agencies to conduct regular monitoring of the growth of such freshly transplanted trees. In this regard we may refer to the provisions contained in Section 8(5)(a) of the Act of 1975, which gives certain directions for plantation of trees. The said mandate contained in Section 8(5)(a) of the Act of 1975 shall, thus, be strictly followed.

(e) The time period as provided in Section 8(5)(a) of the Act of 1975 or any other reasonable minimum time period shall be observed while effecting afforestation of trees.

(f) We have been informed that the information uploaded on the website of the Pune Municipal Corporation does not include the details of applications moved for cutting of the trees along with alternate design if a substantial number of trees are proposed to be cut, details of affected trees including their geo-tag location in terms of the judgment of this Court in the case of **Deepak Vahikar (supra)**, recommendation of the Expert Committee, minutes of the meeting where public hearing takes place, report of the Tree Officer submitted to the Tree Authority, extract of the permission granted including the site of compensatory plantation and subsequent reports on the survival of the trees upto 7 years in terms of the requirement of Section 8(5)(a) of the Tree Act of 1975.

We, thus, direct the Pune Municipal Corporation and all other authorities to upload all the aforesaid information on their website.

(g) In our earlier order dated 21st December 2023, we had already noticed that the guidelines issued by the Indian Road Congress are to be statutorily followed while constructing or widening a road, in terms of the provisions of Section 198(A) of the Central Motor Vehicles Act, 1988 and Rule 166 of the Central Motor Vehicles Rules 1999. Thus, we direct that while constructing or widening a road, the guidelines framed by the Indian Road Congress shall also be taken into account/consideration.

(h) Section 41 of the Rights of Persons with Disabilities Act, 2016 mandates that suitable measures shall be taken to provide access to all modes of transport for the persons with disabilities and also to provide accessible roads to address the issue of mobility necessary for persons with disabilities. Accordingly, we direct that while constructing/widening a road or a footpath, the rights enshrined under Section 41 of the Rights of the Persons with Disabilities Act, 2016 for providing necessary mobility to persons with disabilities, shall also be protected/ensured.

11. We may remind the officials of the PMC/PMRDA and other agencies involved in the planning of the subject project that had they been cautious and followed the statutory provisions, the situation in which the residents of Pune city have fallen to face their *fait accompli*, would not have arisen at all. We, thus, expect that the report submitted by the Expert Committee will act as a guide and beacon for them and in all future planning

relating to such projects, the authorities shall be more vigilant and shall ensure all statutory compliances in terms of the applicable law.

12. Before parting, we express our deep sense of appreciation for the members of the Expert Committee who took-up the task entrusted to them by the Court and completed the same with all expertise at their command, for our assistance.

13. We also put on record our appreciation for Ms.Ronita Bhattacharya, learned Counsel representing Petitioners for the able assistance provided to the Court in this matter.

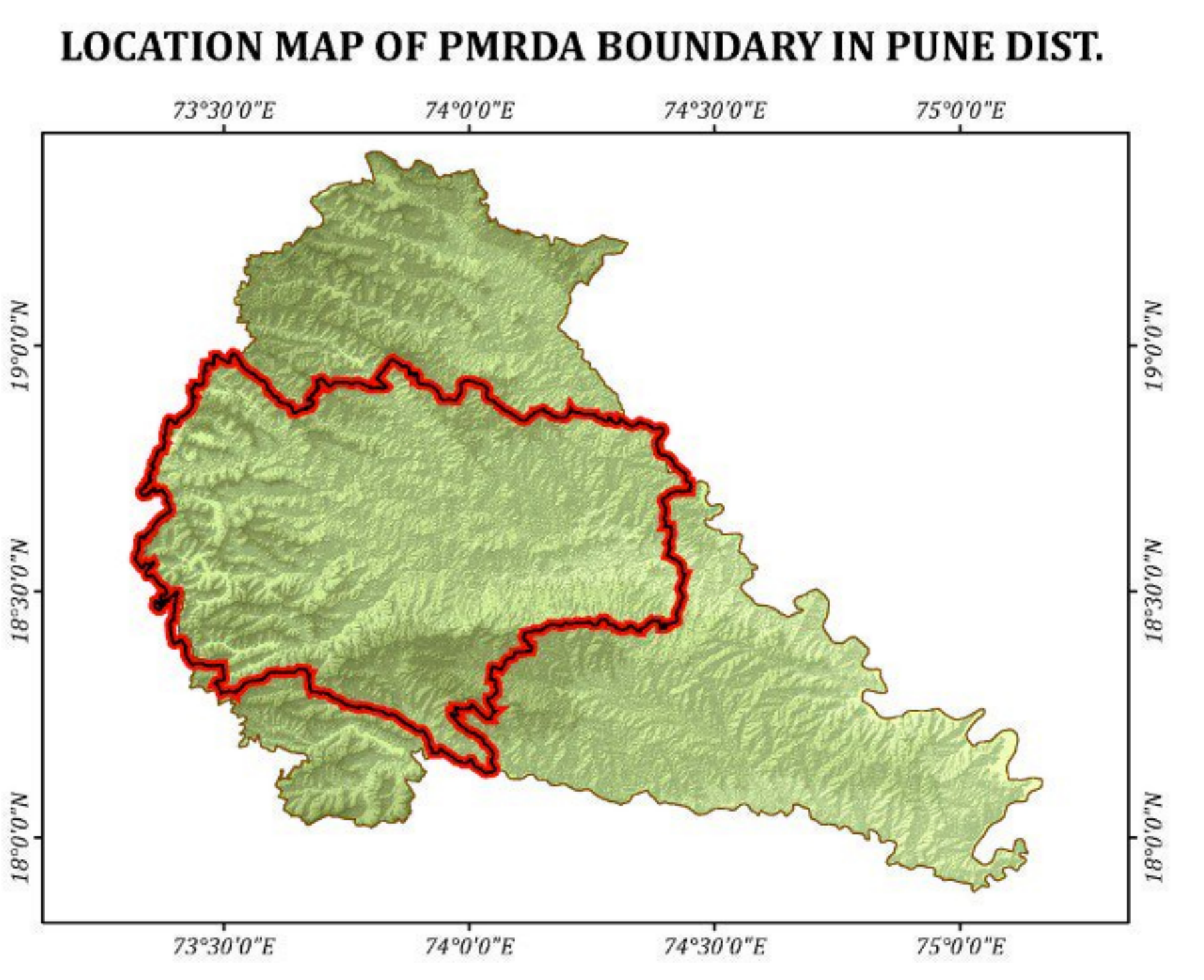
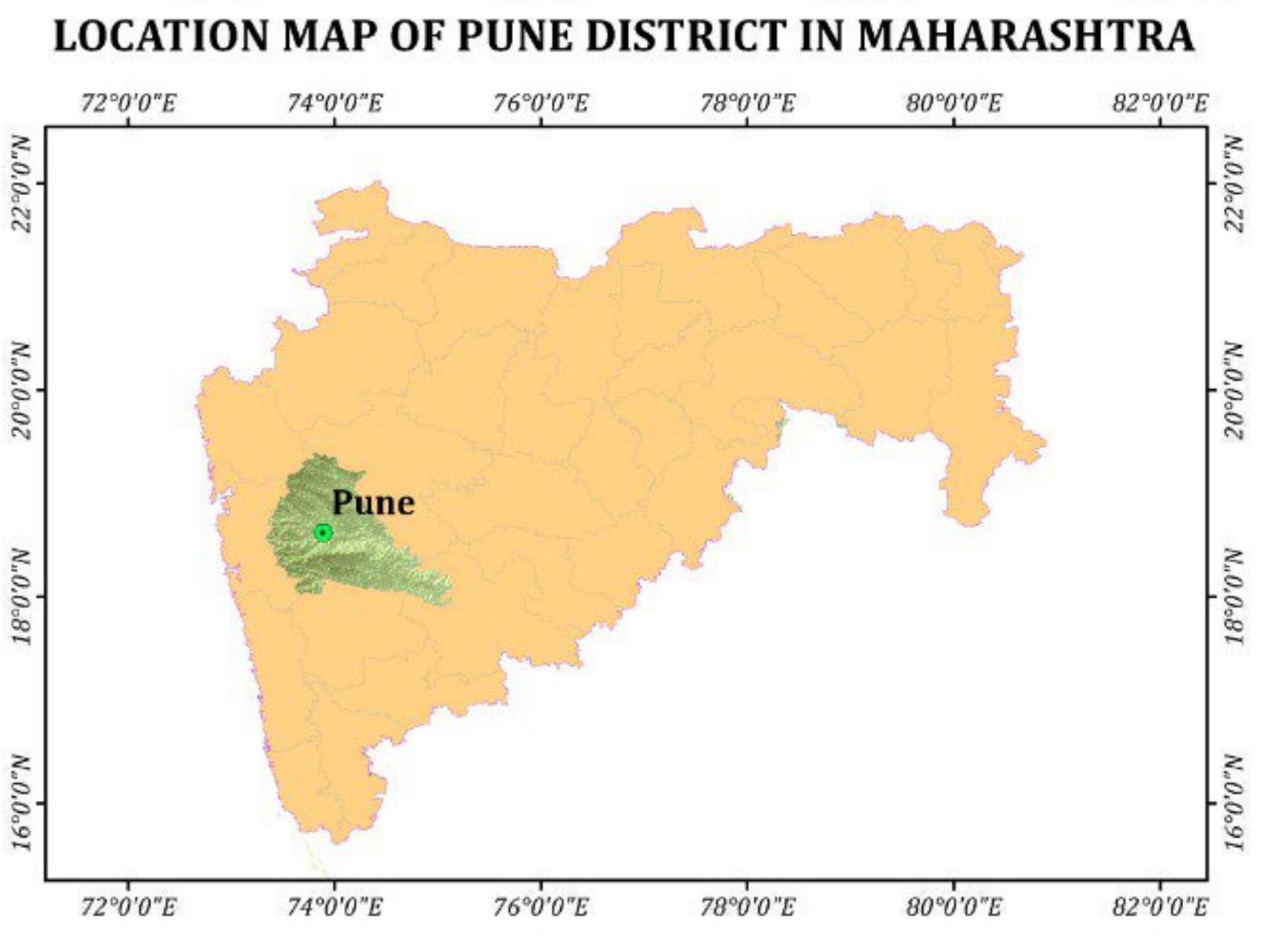
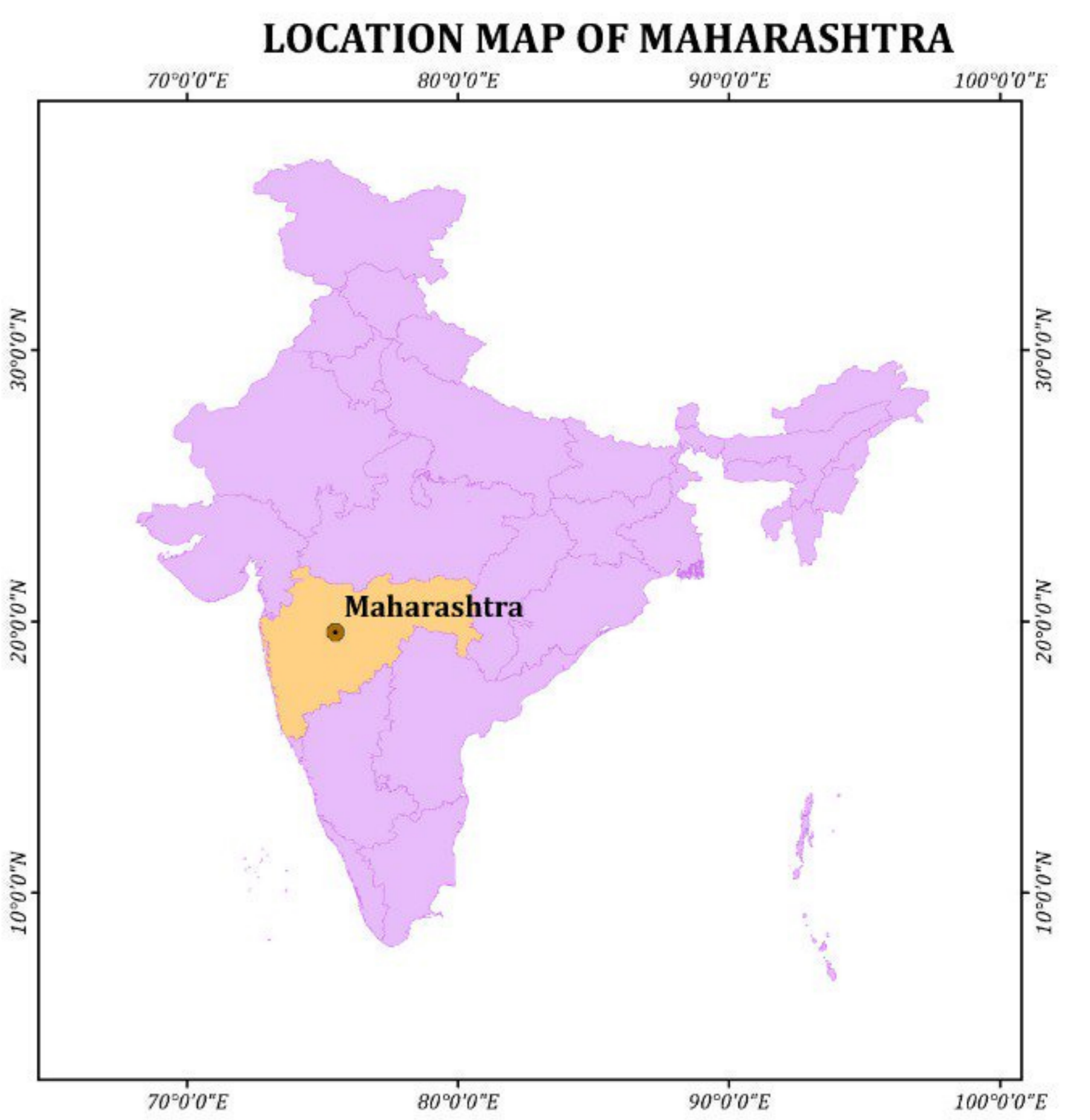
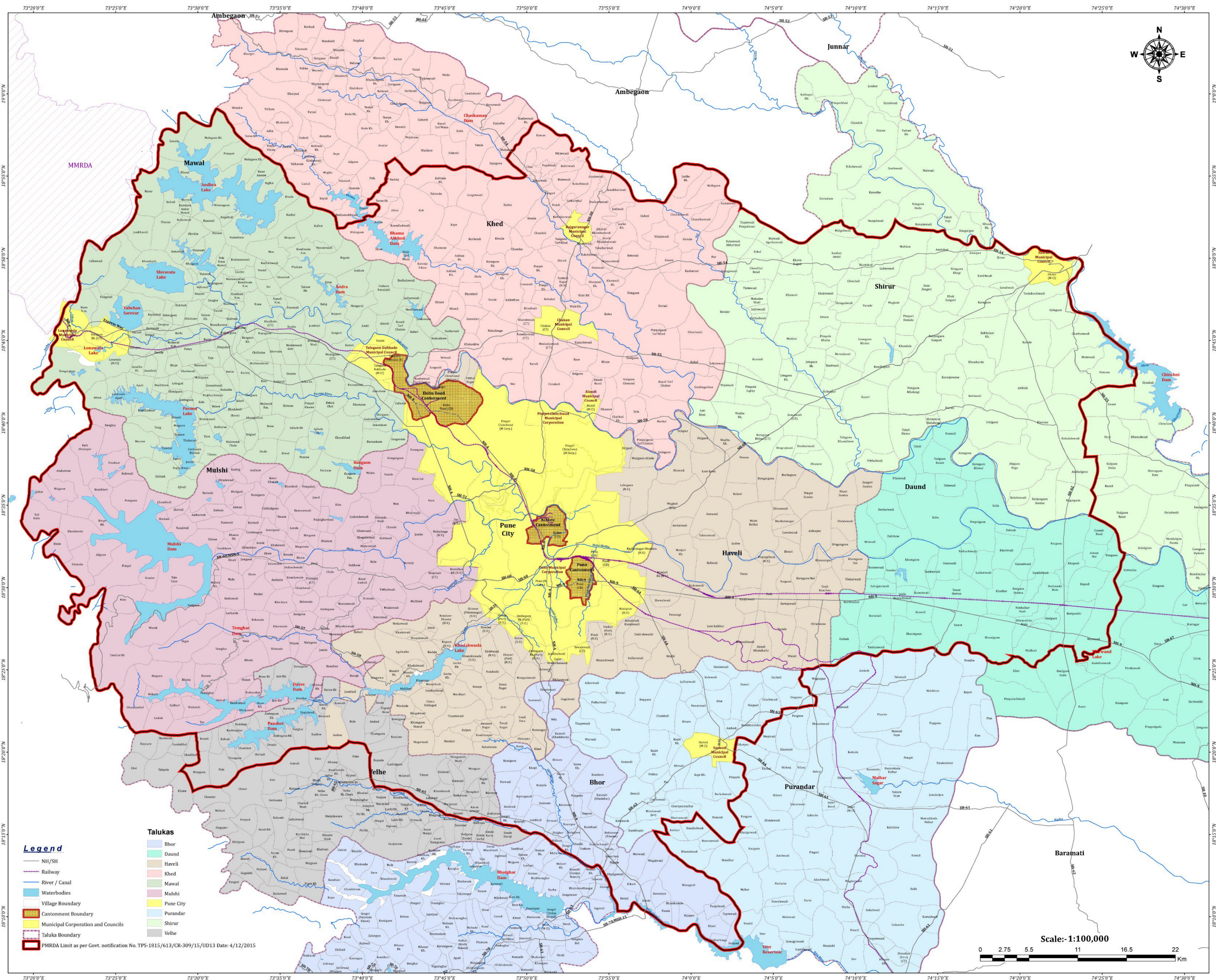
14. The PIL petition stands disposed of in the aforesaid terms.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)

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Source link : www.twitter.com/OfficialPMRDA/status/8615134279098368

Tree Committee's nod must for constn in PMRDA limits

PMRDA Chief Yogesh Mhase makes the announcement

Pune Mirror Bureau
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TWEET @ThePuneMirror

The Pune Metropolitan Region Development Authority (PMRDA) has mandated that all construction projects within its jurisdiction must obtain permission from the Tree Authority Committee before proceeding. The decision, aimed at enhancing tree conservation efforts, was announced during a recent meeting chaired by Metropolitan Commissioner Dr. Yogesh Mhase.

In a move to streamline the construction process, the PMRDA had previously reduced the number of required permission documents. However, the inclusion of Tree Authority Committee's approval as a mandatory requirement underscores the authority's commitment to environmental preservation. The commissioner clarified that no construction completion certificate will be issued without this approval.

A dedicated department has been established to handle the Tree Authority Committee's responsibilities, and a separate officer has been

appointed to oversee this process. Developers and builders are now required to submit their applications to this department to secure the necessary permissions. This new regulation is expected to significantly bolster tree conservation efforts in the region.

A Tree Authority Committee has been established under the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975. Hence, obtaining a certificate of completion of construction from the Tree Authority will be mandatory before acquiring a no-objection certificate and final occupancy letter, in line with tree conservation guidelines. The areas for development projects under the authority are extensive and located in rural

regions. Therefore, it has been decided to reduce the deposit amount previously set for tree conservation.

Under the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975, in case of non-compliance with the terms and conditions regarding tree planting, a deposit amount per tree must be paid. After planting the trees as per the criteria, a final no-objection certificate from the Tree Authority will be issued. The deposit amount paid at the time of obtaining final occupancy permission will be refunded according to the conditions at that time after inspecting the trees, as decided by PMRDA Commissioner and Chairman of the Tree Authority Committee, Dr Yogesh Mhase.

Permit stuck, construction business in trouble

Applications for building permits within PMRDA's limits are pending approval from the Tree Authority Committee. However, many of these applications are stuck due to lack of permission from the committee, creating difficulties in filing new applications. The woman officer from the concerned tree authority department has stated that she has not been given an official charge. As a result, it appears that the commissioner's order is being disregarded by this department.

PMRDA's draft DP faces uncertainty

Hearing scheduled in the Bombay High Court doesn't take place

Pune Mirror Bureau
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TWEET @ThePuneMirror

The finalisation of Pune Metropolitan Region Development Authority's (PMRDA) draft development plan (DP) remains uncertain. The matter, currently pending, was scheduled for a hearing in the Bombay High Court on Thursday but it did not take place.

The High Court's order keeps the situation 'status quo', and the DP has become the subject of increasing contention. Local citizens and entrepreneurs have approached the court with more petitions against the plan.

Vasant Bhase, Deepali Hulawale, and Sukhdev Tapkir have raised objections to various aspects of PMRDA's draft DP. They have petitioned the Bombay High Court, which had previously directed them to seek the court's approval before finalising the plan. Multiple hearings have been held, but no significant progress has been made. The situation remains unchanged, with the finalisation of the draft DP hinging on the court's decision.

Planning committee members have taken legal action, highlighting various issues with the DP, which is based on farmers' concerns and has



several errors. Despite multiple dates, the state government has not taken a decision, leaving the plan's future uncertain.

The pace of urbanisation in Pune and Pimpri-Chinchwad has increased, prompting PMRDA to publish the draft DP on July 30. Citizens had submitted 69,200 objections and notices. The expert committee began hearings on March 2, 2022 and completed them in December 2022.

Planning committee members are

now demanding the cancellation of the current DP and the preparation of a new one. They remain firm in their stance.

Opposition to the plan intensifies

Following the planning committee members' petition, several entrepreneurs and citizens from PMRDA area have also filed petitions. The number of petitions has surpassed 10, revealing significant flaws in the plan.

A Roadmap for PMRDA to Successfully Carry Out Tree Census

Filed by applicants in OA No. 186 of 2023 for Hering on 01/10/2024

Introduction

Trees are critical for maintaining ecological balance, reducing urban pollution, and providing essential environmental services. The Pune Metropolitan Region Development Authority (PMRDA) has the responsibility of managing and conserving the green cover in its jurisdiction. Conducting a comprehensive tree census is a necessary step for PMRDA to ensure the preservation of its tree resources, comply with legal mandates, and foster transparency in urban governance. This write-up proposes a practical roadmap for PMRDA to conduct a tree census effectively. The roadmap utilizes the existing legal and administrative framework, the revenue department's hierarchy, collaboration with non-governmental organizations (NGOs), and successful models from other Indian states.

1. Legal Framework and PMRDA's Responsibilities

The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 mandates the State to conduct a periodic tree census to preserve existing trees and enhance tree cover. Other environmental regulations require accurate data on urban greenery to ensure compliance with environmental norms and sustainable urban development practices. PMRDA's Tree Authority is required to initiate and oversee the tree census, ensuring the legal framework is followed in the census planning, execution, and transparent reporting. In addition, PMRDA is empowered to take planned measures for afforestation, tree planting, and data collection in urban and semi-urban areas.

2. Leveraging the Municipal, Administrative and Revenue Hierarchy

Mumbai's tree census relied heavily on the municipal staff. PMRDA has full access to the municipal staff of PMC and PMRDA for tree census in these and adjoining areas. Maharashtra's administrative and revenue hierarchy, although it is under the administrative control of the District Collector, provides for an additional structured approach to tree census activities through collaboration between the offices of PMRDA and District Collector. With the administrative instructions emanating from the office of the District Collector, the following key players can be engaged to provide the support the PMRDA officials at various levels after the preliminary training. **At the village level:** Talathis and Gram Sevaks are well-positioned to help document tree cover in rural or semi-urban areas under PMRDA's jurisdiction. These officers can record the number of trees, species types, and land ownership data. **At the tehsil level:** Circle Officers and Tehsildars can help supervise the data collection process, ensuring its accuracy and integrity. Tehsildars can help coordinate between village-level officers and district-level authorities. In a time-bound project mode, the District Collector's office could oversee the overall execution of the census, ensuring that PMRDA's officials and the Tree Authority have access to resources and support from the revenue department. Forest Department officials can assist in identifying protected tree species and aligning the tree census with ongoing conservation programs. This hierarchy will ensure smooth data collection from every part of the Pune Metropolitan Region (PMR).

3. Role of NGOs and Community Participation

Collaboration with environmental NGOs and activists will greatly enhance the efficiency of the tree census. NGOs can mobilize volunteers and environmentalists to help identify and document trees. Tree protection groups can assist with tree identification, monitoring, and public outreach

efforts. Encouraging citizens to participate in the tree census via mobile apps, local campaigns, and workshops can increase awareness and data accuracy. Schools, colleges, and universities can contribute by involving students in tree documentation as part of environmental awareness programs.

4. Technological Solutions for Efficient Tree Census

To handle the large scale of the PMRDA region, technology must be incorporated into the tree census process. As per the High Court orders, each tree needs to be geo-tagged using GPS, allowing its location and details to be recorded accurately. Mobile apps can be used by volunteers and officials to log tree species, health status, and other data in real-time. Drones and satellite imagery tools can be utilized for larger, inaccessible areas to ensure comprehensive coverage. Integrating the tree census data with GIS mapping will enable the visualization of tree cover and allow authorities to monitor changes over time. It is important to ensure data validation by trained personnel, as reliance on non-experts can result in inaccurate data collection.

5. Drawing from Successful Models in Other States

Several Indian states have implemented successful tree census programs that PMRDA can replicate, although the experiences of these States may vary and they may have faced many roadblocks. Here are some examples in the public domain:

- a. The 2017 Mumbai Tree Census used geo-tagging and public participation to document over 2.9 million trees. Citizens participated actively using mobile applications, which allowed for broader coverage and engagement.

- b. In Bangalore, the Bruhat Bengaluru Mahanagara Palike (BBMP) conducted a tree census using mobile apps and drones. They also collaborated with NGOs and citizens to map trees in the city's public spaces.
- c. Kerala's tree census, which involved collaboration with academic institutions, allowed for the scientific identification and categorization of tree species.

PMRDA can adapt these models to suit the specific geographic and demographic characteristics of the Pune Metropolitan Region. While doing so, the PMRDA can learn from the challenges faced by these States and avoid the pitfalls of technical issues and data inaccuracies.

6. Practical Recommendations for PMRDA

A project approach is necessary. Given that a project has finite life, engaging the administrative and municipal hierarchy is possible. PMRDA through the PMC/PCMC and with a collaborative arrangement with the District may involve revenue officers such as Talathis and Circle Officers for on-the-ground tree documentation, ensuring coordination with district authorities for proper execution. Utilizing the expertise of NGOs and mobilizing citizens through various programmes will attract volunteers to participate in the tree census. Public participation will increase the accuracy and reach of the census. Apps for geo-tagging and mobile apps for tree documentation can be recommended by the States who have successfully used them. Appropriate authorities can be approached for drones for surveying inaccessible areas and use of satellite imagery for comprehensive monitoring. Learning from successful models is necessary. Best practices from Mumbai, Bangalore, and Kerala's tree census initiatives can be replicated and adapting for the Pune Metropolitan Region's needs.

Conclusion

A well-planned tree census will enable PMRDA to protect its urban greenery, comply with legal requirements, and promote sustainable urban development. By leveraging its administrative hierarchy, collaborating with NGOs, and incorporating modern technological solutions, PMRDA can ensure that the tree census is comprehensive, accurate, and transparent. Successful models from other states offer valuable insights and approaches that can be tailored to the Pune region's specific context.

Provision of Land Parcels for Compensatory Plantation to Survive for Centuries

A write-up filed by applicants in OA No. 186 of 2023 for Hering on
01/10/2024

The State needs to identify, catalog and make available the land parcels for applicants seeking tree-cutting permission to choose the location of compensatory plantation nearest to their property. It is understandable that suitable land parcels are not available for compensatory plantation in the city of Pune.

It may be noted that the twin cities of “Pune–PCMC” (340.45 + 181 = 521.45 sq km) constitute only 7.19% of the 7256.46 sq km of the Pune metropolitan area. Thus, PMRDA has 6735.01 sq km of village areas for town planning. This area can accommodate 50 to 60 model cities like Chandigarh (114 sq km area).

It is noteworthy that Chandigarh’s plans were finalized in two years and the city was completed in about 10 years. The State’s new town plans for Pune metropolitan region are not known. According to the news dated 26/7/2024 of Pune Mirror (copy annexed), the sole draft DP is not finalized. In the absence of plans for the new cities, compensatory plantation cannot be guaranteed to survive for centuries. Hence, it is necessary for the State to have several development plans (DPs) in place.

While infrastructure of a mid-size city may take five to ten years to be fully realized, “Plantation of Trees” falls at the third* of the five broad stages in building a new city: Master Planning; Zoning & Land Use Allocation; **Environmental Planning*; Infrastructure Development; and

Implementation. Permanent plantation is necessary after the first two stages of town planning, that is, typically, after 1.5 to 3.0 years from start.

However, since the TA is required to continuously entertain and allow tree felling requisitions, land parcels can be immediately made available in the following manner:

- Land of urban forests, gardens, riverside, that around lakes, etc. (if not roads) can be immediately identified. The State can immediately start releasing land parcels for compensatory plantation by marking out and reserving these areas on top priority. Plans for the remaining parts of the town can follow.
- Urban forests are typically planned at the existing forests and around rivers and water bodies. Town planners in consultation with the Principal Chief Conservator of Forests and the Revenue offices under Collector down to the *Talati* can help promptly mark out those land parcels for compensatory plantation, and they can be safely excluded from zoning and land-use allocations to follow in the plan.
- As these areas are identified across the metropolitan region, town-wise, the TA will gradually have enough land for systematic compensatory plantation where trees can be nurtured for seven years u/s 8(5A) of the Tree Act, without the need to relocate/ fell them for centuries to come.



ADVOCATE

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Before The National Green Tribunal sitting at Pune

In the matter of:

Suo-Moto OA No. 186 of 2023

Between:

Mr. Ameet Gurucharan Singh and others ... Applicants

And

State of Maharashtra and 4 others ... Respondents

AUTHORITY

Advocate Manasi Thakare is hereby authorized to appear before this Hon'ble Tribunal in the captioned matter, in my absence.

Pune
13/5/2024

ADVOCATE FOR PETITIONERS