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IN

COMPLIANCE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD

(Respondent no. 13)

in

Original Application No. 147/2024

Hardeep Sharma

Applicant

Versus

Ramesh Chand Arya & Ors.

Respondents

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Dated: October, 2024

Mukesh Verma
Advocate

(Counsel for the UKPCB)

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI
COMPLIANCE AFFIDAVIT ON BEHALF OF
UTTARAKHAND POLLUTION CONTROL BOARD

(Respondent no. 13)

in

Original Application No. 147/2024

Hardeep Sharma

Applicant

Versus

Ramesh Chand Arya & Ors.

Respondents



AFFIDAVIT of Dr. Parag Madhukar Dhakate, aged about 47 years, S/o Sh. M.B. Dhakate Presently posted as Member Secretary, Uttarakhand Pollution Control Board, Dehradun.

Deponent

I, the above-named deponent do hereby solemnly affirm and state on oath as under: -

- 1) That the deponent is presently posted as the Member Secretary, Uttarakhand Pollution Control Board Uttarakhand and is competent to sign and swear the instant affidavit.



- 2) That the above noted O.A. was listed for hearing on 08.08.2024, wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:

"

2. Respondent 13 shall place on record material on record what action has been taken with regard to assessment of environment compensation against the violators for illegal cutting of trees as per Joint Committee report.

....."

- 3) That in compliance with the aforesaid direction, it is humbly stated that the Member Secretary, UKPCB vide office order bearing no. UKPCB/HO/C&M-245/2024/844 dated 29.08.2024 constituted a committee to assess the environmental compensation for illegal felling of trees as there is no mechanism for the evaluation of environmental compensation for the same. In this connection, a copy of the office order dated 29.08.2024 is being marked and filed as **Annexure No.1** to this affidavit.

- 4) That thereafter, meetings of the aforesaid committee were convened. During the last meeting dated 15.10.2024, factors for assessing the environmental compensation were proposed. Copy of minutes of the meeting dated 15.10.2024 is being marked and filed as **Annexure-2**. The factors as proposed by the committee for consideration for the imposition of environmental compensation of unlawful tree felling are as follows: -

[Handwritten signature]



“ 1. **GBH and trunk area** of the tree.

2. **Rupee factor:** Cost of sapling as per present market rates/ notified rates, if any including the cost of transportation/ fixing/ logistic is proposed to be considered as rupee factor. Cost of sampling shall be varied and the cost of fixing the plant will be fixed. The fixing cost shall be taken because it will reflect the care of tree during its growth.

3. **Species factor** shall be considered by classifying or grouping tree species in different classes and giving them weightage say ranged from 0.1 to 1.0 scale.

4. **Condition factor:** Depend on the condition of tree the index shall be made and higher value shall be assigned to the health tree. It is also agreed that a tree of a particular species has its average age in years. So, the age factor shall be incorporated. For example, such trees who have attained their average age, shall be given an additional value say ranged from 0.1 to 0.5 depend on the surplus age from the average age.

5. **Location factor:** This may include rural, urban, metro, national parks, wild life sanctuaries, tiger reserve, conservation reserve, reserve forest, protected forest and the index shall be made. It is also proposed if in any area the tree is of a religious importance/ sacred grove, then the value of location factor shall be taken as the value assigned for one step above in the index.”



[Handwritten signature]

In this connection, a copy of the Minutes of Meeting dated 16.10.2024 is being marked and filed as Annexure No. 2 to this affidavit.

5) That the deponent is a responsible Government servant having the highest regard for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.

[Signature]
Deponent

Verification: -

I, Dr. Parag Madhukar Dhakate, do hereby solemnly affirm and verify on oath that the contents of the above affidavit in paragraph nos. are true to my personal knowledge and those in paragraph no's..... are based on the perusal of records and those in paragraph no's..... are based on legal advice. Nothing material has been concealed and no part of it is untrue. So help me God.

[Signature]
Deponent

Place: Dehradun



I, *[Signature]*, Advocate, do hereby declare that the person making this affidavit and alleging himself to be *Dr. Parag Madhukar Dhakate* is the same person who is known to me from the papers produced by him before me in this case.

[Signature]

[Signature]
.....
Advocate
Enrol. No. *UP/23273/L3*

Solemnly affirmed before me on this day of October 2024 at Dehradun at about AM/PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit.

[Handwritten signature]

Notary

S.No - 6584/24

This affidavit is sworn before me by
Shri... *[Handwritten Name]* ...
who is identified by Shri... *[Handwritten Name]* ...
at Dehradun on.....

[Handwritten Signature] 10/10/24
(Rajender Singh Negi)
Advocate & Notary, Dehradun





मुख्यालय
867 उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"
46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून
E-mail : msukpcb@yahoo.com, दूरभाष: 0135-2607092

पत्रांक-यूकेपीसीबी/एचओ/सी0एण्ड0एम0-245/2024/844


दिनांक :- 29 08.2024

कार्यालय आदेश

मा0 एन0जी0टी0 में योजित मूल आवेदन सं0-147/2024 में पारित आदेश दिनांक 08.08.2024 के अनुपालन में अवैध रूप से वृक्षों के पातन की स्थिति पर्यावरणीय क्षतिपूर्ति का आंकलन कर दोषी व्यक्तियों पर पर्यावरणीय क्षतिपूर्ति आरोपित किये जाने के निर्देश निर्गत हैं।

वर्तमान में वृक्षों के पातन से होने वाली पर्यावरणीय क्षतिपूर्ति का आर्थिक मूल्यांकन का कोई Mechanism उपलब्ध न होने के कारण एतद्वारा वृक्षों के अवैध पातन से हुयी पर्यावरणीय क्षतिपूर्ति का आंकलन किये जाने हेतु निम्नानुसार एक समिति का गठन किया जाता है :-

1. महानिदेशक, भारतीय वानिकी अनुसंधान एवं शिक्षा परिषद, देहरादून के प्रतिनिधि - सदस्य
2. निदेशक, वन अनुसंधान संस्थान, देहरादून के प्रतिनिधि - सदस्य
3. निदेशक, भारतीय वन्यजीव संस्थान, देहरादून के प्रतिनिधि - सदस्य
4. सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून के प्रतिनिधि - सदस्य संयोजक


(डा0 पराग मधुकर धकाते)
सदस्य सचिव

पत्रांक-यूकेपीसीबी/एचओ/ सी0एण्ड0एम0-245 /2024 /

दिनांक :- तददिनांकित

प्रतिलिपि :- निम्नलिखित को इस अनुरोध के साथ प्रेषित कि यथाशीघ्र समिति में प्रतिनिधि नामित करने का कष्ट करें, जिससे कि समिति द्वारा प्रकरण में कार्यवाही प्रारम्भ की जा सके।

1. महानिदेशक, भारतीय वानिकी अनुसंधान एवं शिक्षा परिषद, पो.ओ.-न्यू फॉरेस्ट, देहरादून।
2. निदेशक, वन अनुसंधान संस्थान, चकराता रोड, पो.ओ.-आई.एम.ए., देहरादून।
3. निदेशक, भारतीय वन्यजीव संस्थान, पो.बो.-18, चन्द्रबदनी, देहरादून।


सदस्य सचिव

पत्रांक-यूकेपीसीबी/एचओ/ सी0एण्ड0एम0-245/2024/844

दिनांक :- तददिनांकित

प्रतिलिपि :- निम्नलिखित को सूचनार्थ प्रेषित।

1. अध्यक्ष महोदय, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।
2. कोर्ट सेल, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।
3. Compliance & Monitoring Cell, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।
4. गार्ड फाईल।


सदस्य सचिव

Minutes of the Second Meeting of the committee constituted for development of the Environmental Compensation Regime for Illegal Tree Felling.

Hon'ble NGT in the Original Application No 147/2024 Hardeep Singh Sharma Vs Ramesh Chand Arya vide order dated 08.08.2024 directed State Pollution Control Board to impose Environment Compensation on illegal tree felling. A committee of officials of 03 institutions namely 1) Wild Life Institute of India, Dehradun; 2) Indian Council for Forestry research and Education, Dehradun; 3) Forest Research Institute, Dehradun was constituted on dated 29.08.2024 which is convened by Member Secretary, SPCB.

Second meeting of the committee was held on 15.10.2024 wherein following officials participated: -

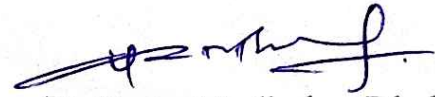
1. Dr Parag Madhukar Dhakate, Member Secretary, UKPCB
2. Dr Bhupender Singh Adhikari, Scientist-G, WII, Dehradun (through VC)
3. Dr Rajiv Pandey, Scientist-F, Head ICFRE, Dehradun (through VC)
4. Dr Vedpal Singh, Scientist, FRI, Dehradun (through VC)
5. Sh Pradeep Joshi, Environment Engineer, UKPCB
6. Dr Ankur Kansal, Environment Engineer, UKPCB
7. Sh Subhash Chand Panwar, Asst. Environment Engineer, UKPCB
8. Dr R.K. Chaturvedi, Asst. Scientific Officer, UKPCB

During the meeting discussion was held on the factors or indicators to be set for imposing environmental complementation for illegal tree felling. Broadly following factors are proposed for such consideration: -

1. **GBH and trunk area** of the tree.
2. **Rupee factor:** Cost of sapling as per present market rates/ notified rates, if any including the cost of transportation/ fixing/ logistic is proposed to be considered as rupee factor. Cost of sampling shall be varied and the cost of fixing the plant will be fixed. The fixing cost shall be taken because it will reflect the care of tree during its growth.
3. **Species factor** shall be considered by classifying or grouping tree species in different classes and giving them weightage say ranged from 0.1 to 1.0 scale.
4. **Condition factor:** Depend on the condition of tree the index shall be made and higher value shall be assigned to the health tree. It is also agreed that a tree of a particular species has its average age in years. So, age factor shall be incorporated. For example, such trees who have attained its average age, shall be given an additional value say ranged from 0.1 to 0.5 depend on the surplus age from the average age.

5. **Location factor:** This may include rural, urban, metro, national parks, wild life sanctuaries, tiger reserve, conservation reserve, reserve forest, protected forest and the index shall be made. It is also proposed if in any area the tree is of a religious importance/ sacred groove, then the value of location factor shall be taken as the value assigned for one step above in the index.

The meeting was ended with a request that the committee members may submit their reports on the indexes for above-mentioned factors in a week.



(Dr Parag Madhukar Dhakate)
Member Secretary

Ref No. UKPCB/HO/C&M-245/2024/1112

Dated 16.10.2024

Copy to: Following for information and necessary action.

1. All Committee members
2. All Participants
3. Guard File.



Member Secretary

(2/1)